



**CITY COUNCIL AGENDA  
February 1, 2021**

**Members**

Nikuyah Walker, Mayor  
Sena Magill, Vice Mayor  
Heather D. Hill  
Michael K. Payne  
J. Lloyd Snook, III

**5:30 p.m. Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code  
(Boards and Commissions)**

Virtual/electronic meeting

**6:30 p.m. Regular Meeting**

Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). Virtual/electronic meeting in accordance with the local ordinance approved July 27, 2020 and subsequently re-affirmed to ensure continuity of government and prevent the spread of disease.  
NOTE: Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

**CALL TO ORDER**

**MOMENT OF SILENCE**

**ROLL CALL**

**AGENDA APPROVAL**

**ANNOUNCEMENTS**

**RECOGNITIONS/PROCLAMATIONS**

**BOARD/COMMISSION APPOINTMENTS**

**CONSENT AGENDA\***

1. Minutes: December 21, 2020 closed and regular meetings, January 14, 2021 special/emergency meeting
2. Ordinance: Human Rights Commission Ordinance Recommended Amendments (2nd reading)
3. Appropriation: Substantial Action Plan CDBG-CV3 Budget (2nd reading)
4. Appropriation: Approval and Appropriation of CDBG and HOME Budget Allocations for FY2021-2022
  - a. Appropriation: CDBG 2021-2022 budget allocations (2nd reading)
  - b. Appropriation: HOME 2021-2022 budget allocations (2nd reading)
5. Appropriation: Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) Grant Award - \$20,000 (1st of 2 readings)
6. Appropriation: 2020 Local Emergency Management Performance Grant – Supplemental (EMPG-S) - \$99,608 (1st of 2 readings)
7. Resolution: Financial Resolution Supporting Friendship Court Phase 2 (1 reading)
8. Resolution\*: Reallocation of State of Good Repair Bridge Funds to the Melbourne Road Bridge over the Norfolk Southern Railway - \$220,930 (1 reading)

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)**

**COMMUNITY MATTERS**

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for up to 8 spaces; preregistered speakers announced by Noon the day of the meeting. Additional public comment period at end of meeting. Public comment will be conducted through electronic participation as City Hall is closed to the public. Participants can register in advance at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom).

**ACTION ITEMS**

9. Resolution\*: 1000 Monticello Road Special Use Permit request for additional residential density (1 reading)
10. Public Hearing/Res.: Union Station Partnership - Reconveyance of TMP 300002A00 and Associated Easements (1 reading)

**GENERAL BUSINESS**

11. Report: West Main Value Engineering Study

**OTHER BUSINESS****MATTERS BY THE PUBLIC**

\*Action Needed

**CITY COUNCIL MEETING**  
**December 21, 2020**  
**Virtual/electronic meeting**

**5:30 PM CLOSED MEETING**

The Charlottesville City Council met in an electronic meeting on Monday, December 21, 2020, in accordance with a local ordinance approved July 27, 2020 and subsequently re-affirmed to ensure continuity of government and prevent the spread of disease. Vice Mayor Sena Magill called the meeting to order at 5:30 p.m. with the following members present: Vice Mayor Sena Magill and Councilors Heather Hill, Michael Payne and Lloyd Snook. Mayor Nikuyah Walker gave notice of her absence in advance.

On motion by Councilor Hill, seconded by Councilor Payne, Council voted 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none; Absent: Walker) to meet in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1), for discussion and consideration of appointments to boards and commissions and the performance of the acting city manager,
- Section 2.2-3711(A)(29) for discussion of the award of a public contract to conduct the search for a new city manager, and discussion of the terms or scope of the contract, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, and
- Section 2.2-3711(A)(8), for consultation with legal counsel to obtain legal advice regarding either or both of the specific closed meeting discussions referenced in this motion.

On motion by Councilor Hill, seconded by Councilor Payne, Council certified by the following vote: 4-0 (Ayes: Hill, Magill, Payne, Snook; 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.

The meeting adjourned at 6:34 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**6:30 PM REGULAR MEETING**

The Charlottesville City Council met in an electronic meeting on Monday, December 21, 2020, in accordance with a local ordinance approved July 27, 2020 and subsequently re-affirmed

to ensure continuity of government and prevent the spread of disease. Vice Mayor Sena Magill called the meeting to order at 6:34 p.m. with the following members present: Vice Mayor Sena Magill and Councilors Heather Hill, Michael Payne and Lloyd Snook. Mayor Nikuyah Walker gave notice of her absence in advance.

City Council observed a moment of silence.

On motion by Councilor Snook, seconded by Councilor Hill, Council unanimously adopted the meeting agenda.

#### **ANNOUNCEMENTS**

Councilor Hill announced a vacancy on the Police Civilian Review Board.

Vice Mayor Magill advised that other vacancies would be upcoming. She also announced a program for local utility assistance.

#### **RECOGNITIONS/PROCLAMATIONS**

Councilor Hill acknowledged recognitions made during the 4:00 p.m. meeting.

#### **BOARD/COMMISSION APPOINTMENTS**

On motion by Councilor Hill, seconded by Councilor Snook, Council by a vote of 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none) APPOINTED the following members to City boards and commissions:

- **Board of Architectural Review:** Breck Gastinger
- **Charlottesville Albemarle Convention and Visitors Bureau Executive Board:** Jennifer Mayo
- **Historic Resources Committee:** Kay Slaughter
- **Personnel Appeals Board:** Philip d'Oronzio
- **Rivanna River Basin Commission:** Jason Halbert
- **Rivanna Solid Waste Authority and Rivanna Water and Sewer Authority:** Mike Gaffney
- **Social Services Advisory Board:** Cherry Stewart
- **Towing Advisory Board:** Ashley Cullop and Bridgett Hipes

#### **CONSENT AGENDA\***

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

1. MINUTES: October 28 joint City/County/UVA meeting, November 2 closed and regular meetings

2. ORDINANCE: 817 Nassau Street rezoning (2nd reading)

**ORDINANCE TO APPROVE A REZONING TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF 817 NASSAU STREET, FROM R-1(S) (SINGLE FAMILY RESIDENTIAL, SMALL LOT) TO R-2 (TWO FAMILY)**

3. APPROPRIATION: Fire Truck Insurance Reimbursement - \$21,214.18 (2nd reading)

**APPROPRIATION**

**Truck Company 9 Insurance Reimbursement \$21,214.18**

**WHEREAS**, Retail Business Services Claims Management is reimbursing the City of Charlottesville for vehicle damage associated with an accident involving vehicle #3312;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$21,214.18 be appropriated in the following manner:

**Revenues - \$21,214.18**

\$21,214.18 Fund: 105 Cost Center: 3201006000 G/L Account: 530271

**Expenditures - \$21,214.18**

\$21,214.18 Fund: 105 Cost Center: 3201006000 G/L Account: 530271

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of funds from Retail Business Services Claims Management.

4. APPROPRIATION: Virginia Department of Social Services One-Time Funding for Benefits Programs - \$16,877.19 (carried)
5. APPROPRIATION: Staffing for Adequate Fire and Emergency Response (SAFER) Grant - \$3,498,300.00 (carried)
6. APPROPRIATION: COVID-19 Municipal Utility Relief Program to Assist Customers - \$182,801.59 (carried)
7. RESOLUTION: Refund of Transient Occupancy Tax to a lodging entity - \$29,865.60

**RESOLUTION**  
**AUTHORIZING REFUND TO TAXPAYING ENTITY OF TRANSIENT**  
**OCCUPANCY TAXES PAID IN ERROR FOR 2020**

**WHEREAS**, the Commissioner of the Revenue has determined that a local lodging entity incorrectly collected and paid a portion of July 2020 and all of August 2020 transient occupancy tax on lodging receipts that were not subject to the Charlottesville transient occupancy tax ordinance; and

**WHEREAS**, the July 2020 and August 2020 transient occupancy tax were remitted to the City by the local lodging entity on time; and

**WHEREAS**, the Commissioner of the Revenue has certified that a refund of taxes paid by an entity that entered into a contract with the lodging entity for lodging not subject to the transient occupancy tax is due in the amount of \$29,865.60; and

**WHEREAS**, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$29,865.60, payable to the local lodging entity for the purpose of providing reimbursement to the entity to which it incorrectly charged the transient occupancy tax.

8. RESOLUTION: Reallocation of Highway Safety Improvement Program Funds - \$246,946.54

**RESOLUTION**  
**Reallocation of Highway Safety Improvement Program Funds**  
**\$246,946.54**

**WHEREAS**, a total of \$246,946.54 in federal and state funds for the Highway Safety Improvement Program requires transfer; and

**NOW, THEREFORE BE IT FURTHER RESOLVED** by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

**Transfer From**

**\$ 246,946.54**      Fund: 427      WBS: P-00694      G/L Account: 561425

**Transfer To**

Revenue

<b>\$ 80,000</b>	Fund: 426	WBS: P-01052	G/L Account: 430120
<b>\$ 20,000</b>	Fund: 426	WBS: P-01052	G/L Account: 430080
<b>\$ 117,557.23</b>	Fund: 426	WBS: P-01007	G/L Account: 430120
<b>\$ 29,389.31</b>	Fund: 426	WBS: P-01007	G/L Account: 430080

Expense

<b>\$ 100,000</b>	Fund: 426	WBS: P-01052	G/L Account: 599999
<b>\$ 146,946.54</b>	Fund: 426	WBS: P-01007	G/L Account: 599999

9. RESOLUTION: Capital Funding Transfer for the remaining Pen Park Tennis Court Renovations (P-00942) funding - \$86,105.00

**RESOLUTION**  
**Capital Funding Transfer for the Pen Park Tennis court project**  
**\$86,105.00**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has \$86,105.00 leftover in the Pen Park Tennis Court Renovations CIP fund; and

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, requires additional funding for the Restructuring of the covered patio;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$86,105.00 is hereby appropriated in the following manner:

**Expenditures**

**Transfer From:**

\$86,105.00	Fund: 426	WBS: P-00942	G/L Account: 599999
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**Transfer to:**

\$86,105.00	Fund: 426	WBS: P-00834	G/L Account: 599999
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10. RESOLUTION: Capital Funding Transfer for the Market Street Retaining Wall project - \$223,450

**RESOLUTION**

**Capital Funding Transfer for the Maplewood Cemetery Project \$223,450**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has \$223,450 leftover in the Market Street Park Retaining Wall CIP fund; and

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, requires additional funding for the City Cemetery Restoration CIP fund for Maplewood Cemetery;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$223,450 is hereby appropriated in the following manner:

**Expenditures**

**Transfer From:**

\$223,450                      Fund: 426                      WBS: P-00768                      G/L Account: 599999

**Transfer to:**

\$223,450                      Fund: 426                      WBS: P-00718                      G/L Account: 599999

11. RESOLUTION: Adoption of the 2021 City Council regular meeting schedule

**RESOLUTION**

**Approval of City Council Regular Meeting Schedule for 2021**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following dates are approved for regularly scheduled Council meetings for 2021:

January 4 – <b>no meeting</b>	<i>Tuesday, July 6 – no meeting</i>
<i>Tuesday, January 19</i>	July 19
February 1	August 2
<i>Tuesday, February 16</i>	August 16
March 1	<i>Tuesday, September 7</i>
March 15	September 20
April 5	October 4
April 19	October 18
May 3	November 1
May 17	November 15
June 7	December 6
June 21	December 20



*Italics* indicate an adjusted date due to a holiday.

**BE IT FURTHER RESOLVED** that these dates will be published on the City's calendar at [www.charlottesville.gov](http://www.charlottesville.gov) and posted at the Clerk of Council's office; and

**BE IT FURTHER RESOLVED** that should Council have a compelling reason to amend the schedule during the year, they may do so with a majority vote; should such a change occur, it will be publicized with a City press release, updated on the City's calendar, and posted at the Clerk of Council's office.

Vice Mayor Magill opened the floor for comments from the public on the Consent Agenda. No speakers came forward.

On motion by Councilor Snook, seconded by Councilor Payne, Council by a vote of 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none) APPROVED the Consent Agenda.

#### **CITY MANAGER RESPONSE TO COMMUNITY MATTERS**

Acting City Manager John Blair shared an update on the following community matters:

1. Regarding the Police Civilian Review Board vacancy, he announced the applications deadline of January 22.
2. He shared additional information about the Consent Agenda item on utilities relief.
3. He introduced new Fire Chief Dr. Hezedeane Smith, who shared remarks.

#### **COMMUNITY MATTERS**

The following members of the public spoke:

Jojo Robertson, city resident, asked residents to reach out to check on others during the holiday.

Walt Heinecke, city resident, thanked city staff for work during the year. He spoke about efforts made toward affordable housing.

Sean Tubbs, city resident, thanked Council and staff for adapting throughout the year.

Tanesha Hudson spoke about the recent press conference held by the Chief of Police and about accountability.

Don Gathers, city resident, asked Council to consider bringing back Dr. Tarron Richardson as City Manager. He suggested using surplus funds to help the homeless population.

Robin Hoffman, city resident, congratulated the Communications Department for adapting during the Covid-19 pandemic. She spoke of gentrification and the impact on the service industry. She advised of free classes being offered by UVA, CATEC and PVCC as a result of CARES funding. She also spoke about new strains of the coronavirus.

Matthew Gillikin, city resident, spoke about the Police Department budget and the process he went through to receive a line item budget.

Brian Campbell spoke about the recent press conference held by the Chief of Police and asked that City Council respond.

Abby Guskind spoke about what she perceives to be a toxic environment with City Council, Mayor Walker, and the Chief of Police. She spoke in support of Council bringing Dr. Tarron Richardson back as City Manager. She spoke against building a new parking garage and encouraged Council to work better together.

Lakeshia Washington, city resident, asked Council to address affordable housing and to direct surplus funds to affordable housing and the homeless population.

Katrina Turner, city resident, spoke about comments made by Police Chief Brackney during a recent press conference. She spoke about accountability for the police chief and the mayor.

## **ACTION ITEMS**

### **ORDINANCE: Dominion Energy Underground Easement – Sugar Hollow**

Lauren Hildebrand, Director of Utilities, presented the request.

Vice Mayor Magill opened the public hearing. With no speakers coming forward, the public hearing was closed.

On motion by Councilor Snook, seconded by Councilor Payne, Council by a vote of 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none) APPROVED the ordinance on one reading.

### **AN ORDINANCE GRANTING AN UNDERGROUND UTILITY EASEMENT TO DOMINION ENERGY FOR INSTALLATION OF ELECTRIC POWER LINES AT SUGAR HOLLOW RESERVOIR**

**PUBLIC HEARING/ORDINANCE: Eagle franchise agreement renewal (carried)**

John Blair, Acting City Manager, presented the agreement renewal request.

Vice Mayor Magill opened the public hearing. With no speakers coming forward, the public hearing was closed. Council unanimously agreed to move the item forward for a second reading on the January 19, 2021, consent agenda.

**PUBLIC HEARING/RESOLUTION: Standard Form Lease Agreement for Commercial Space**

Chris Engel, Director of Economic Development, presented the request.

Vice Mayor Magill opened the public hearing. With no speakers coming forward, the public hearing was closed.

Councilor Hill asked a question for clarification. At the request of Councilor Snook, staff agreed to provide annually to Council a list of leased City spaces.

On motion by Councilor Snook, seconded by Councilor Hill, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none).

**RESOLUTION  
Approving Standard Form Lease Agreement**

**BE IT RESOLVED** by the Charlottesville City Council **THAT**:

1. The City’s Director of Economic Development, who is managed and supervised by the Office of the City Manager, is hereby authorized by this Council to act as the agent of the City of Charlottesville, for purposes of negotiating and entering into any lease agreement under which the City of Charlottesville (as “lessor”) may lease commercial space within a City-owned building or structure to a tenant (as “Tenant”).
2. The authorization granted in the preceding paragraph shall be exercised as follows:
  - a. The lease must contain covenants, terms and conditions substantially conforming to those set forth following below within this Resolution (“Standard Form Lease Agreement for Commercial Space within a City-Owned Building or Structure), provided that:
    - i. Annual Rent shall be negotiated with a specific Tenant and shall be established upon financial or other terms favorable to the City, taking into account economic and any other public benefits to be derived from the Tenant’s use and occupancy of the demised premises;

- ii. The Security Deposit will be an amount no less than 1/12 (one-twelfth) of the Annual Rent;
- iii. Retrofits subsidized by the City may be included within the Lease, if the subsidy is in the form of: increased Rent for a specified period of time; reduction or forgiveness of Rent for a specified period of time; or in-kind contributions of the City (i.e., work performed by City forces);
- iv. The Lease Term, inclusive of all possible Renewal Terms, shall not exceed five (5) years;
- v. Insurance provisions may be modified at the recommendation of the City's Risk Manager;
- vi. Indemnification provisions may be modified with the concurrence of the Office of the City Attorney; however, under no circumstances shall any such modification impose any financial liability or obligation upon the City which could be construed as a waiver of any sovereign or governmental immunity, or which would require the City to waive any substantive legal rights or claims it might have with respect to the negligence of the Tenant or any other person; and
- vii. Other covenants, terms and conditions may be modified, subject to concurrence of the Office of the City Attorney that adequate consideration for such modification will be received by the City, and the lease document, as modified, will result in public benefits at least as favorable as those set forth within the standard Lease form approved by this Resolution.

b. The City's Director of Economic Development is hereby authorized to sign, as agent for the City of Charlottesville, any lease agreement which satisfies the criteria set forth within Paragraphs 2.a.i. through 2.a.vii., above.

3. Nothing in this Resolution shall preclude the City from entering into a Lease of commercial space for a term in excess of five (5) years; however, any such Lease shall first be presented to City Council for review and approval.
4. City Council conducted a public hearing on December 21, 2020 with respect to the covenants, terms and conditions set forth within the Standard Form Lease Agreement which follows below, and hereby approves the use of the form, subject to modifications authorized within this Resolution, without the requirement for any additional public hearing(s) for each individual lease of space:

**STANDARD FORM LEASE AGREEMENT  
FOR COMMERCIAL SPACE WITHIN A CITY-OWNED BUILDING OR STRUCTURE**

**PUBLIC HEARING/APPROPRIATION: Fiscal Year 2020 Year-end Adjustments (2nd reading)**

Chris Cullinan, Director of Finance, presented the report and staff recommendation. Councilors made clarifying remarks.

Vice Mayor Magill opened the public hearing. With no speakers coming forward, the public hearing was closed.

On motion by Councilor Snook, seconded by Councilor Hill, Council by a vote of 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none) APPROVED the appropriation.

**APPROPRIATION  
FY 2020 Year End Appropriation**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the actions hereinafter set forth are herein authorized with respect to the accounts of the City listed herein, for the fiscal year ended June 30, 2020. The memo to Council dated December 21, 2020 is hereby made part of this appropriation.

**General Fund (105).**

(a) Departmental Appropriations.

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:

2000141.	Citizen's Review Board.	\$53,814.
2000147.	Unity Days.	\$18,625.
2000151.	Minority Business Fund.	\$19,621.
2000152.	BAMA Work Fire Safety.	\$3,500.
2000155.	Skate Park Lighting.	\$100.
2000156.	Landfill Diversion.	\$169,296.
2000158	EMS COVID 19	\$39,254.
1621004000	Home to Hope.	\$63,369.
1601001000	Participatory Budgeting.	\$115,000.
Total Section 1 (a).		<u>\$482,579.</u>

(b) Additional Transfers and Appropriations.

9803030000. Transfer to Capital Projects Contingency Fund. \$3,909,846.

Total Section 1 (b). \$3,909,846.

**Facilities Repair Fund (107).**

- Courthouse Maintenance (P-00099) - \$10,326 - 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) - \$13,573 – 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 2. \$23,899.

**Grants Fund (209).**

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

- \$2,405 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

Total Section 3. \$2,405.

**PUBLIC HEARING/APPROPRIATION: Charlottesville City Schools Budget Amendment – Grant Funding - \$2,787,563 (carried)**

Kim Powell, Assistant School Superintendent, presented the report and recommendation.

Vice Mayor Magill opened the public hearing. With no speakers coming forward, the public hearing was closed. Council unanimously agreed to move the item to the January 19, 2021, consent agenda for a second reading.

**RESOLUTION/APPROPRIATION: Close Out of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds and Appropriation of Interest Income**

Chris Cullinan, Director of Finance, presented an update since the introduction of the item at the December 7, 2020, City Council meeting, and advised of the staff recommendation. Council discussion followed.

**a. RESOLUTION: CARES Act Allocation of Unspent Funds**

On motion by Councilor Hill, seconded by Councilor Payne, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none).

**RESOLUTION**

**Coronavirus Aid, Relief, and Economic Act (CARES) Funds –  
Allocation of Unspent Funds**

**WHEREAS**, the Charlottesville City Council appropriated \$8,246,752 of Coronavirus Aid, Relief, and Economic Act (CARES) funds to be spent on a number of initiatives to mitigate the impacts of COVID 19 on the community; and

**WHEREAS**, CARES funds are required to be incurred by December 30, 2020 or be returned to the Commonwealth; and

**WHEREAS**, the City will have unspent CARES funds it desires to fully incur by the December 30, 2020 deadline; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the balance of unspent CARES funds as of December 30, 2020 be allocated to public safety payroll expenses related to COVID-19 mitigation efforts incurred by the City since July 1, 2020 (an eligible use under the CARES Act).

**b. APPROPRIATION: Interest Accrual on CARES Act Funds - \$7,000.00 (carried)**

Council unanimously agreed to move the item to the January 19, 2021, consent agenda for a second reading.

The meeting recessed at 7:58 p.m. and reconvened at 8:15 p.m.

**RESOLUTION/APPROPRIATION: Appropriation of Community Development Block Grant (CDBG)/HOME Investment Partnerships Program (HOME) Budget Allocations for FY 2020-2021 and Minor Amendment for Action Plan 2020-2021**

Erin Atak, Grants Coordinator, presented the report.

**a. APPROPRIATION: Appropriation of funds for the 2020-2021 Community Development Block Grant - \$419,303.00 (carried)**

Council unanimously agreed to move the item to the January 19, 2021, consent agenda for a second reading.

**b. APPROPRIATION: Appropriation of funds for the 2020-2021 HOME funds - \$121,186.97 (carried)**

Council unanimously agreed to move the item to the January 19, 2021, consent agenda for a second reading.

**c. RESOLUTION: Approval of FY 2020-2021 Minor Annual Action Plan Amendment (1 reading)**

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none).

**RESOLUTION**

**Approval of FY 2020-2021 Minor Annual Action Plan Amendment**

**BE IT RESOLVED**, that the Charlottesville City Council hereby approves the FY 2020 - 2021 Minor Action Plan Amendment of the 2018-2022 Consolidated Plan. The corrected CDBG and HOME budget will be added into the 2020-2021 Annual Action Plan.

**RESOLUTION/APPROPRIATION: Community Development Block Grant (CDBG)/HOME Investment Partnerships Program (HOME) Minor Action Plan Amendment FY 2020-2021 and Appropriation of CDBG 10th and Page Priority Neighborhood funds**

Erin Atak, Grants Coordinator, presented the report.

**a. APPROPRIATION: Appropriation of funds for the 2020-2021 CDBG 10th and Page Priority Neighborhood (carried)**

Council unanimously agreed to move the item to the January 19, 2021, consent agenda



for a second reading.

**b. RESOLUTION: CDBG Ridge Street Priority Neighborhood 2022-2023 funds transfer - \$116,053.17**

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none).

**RESOLUTION  
THE CITY OF CHARLOTTESVILLE'S 2022-2023  
CDBG RIDGE STREET PRIORITY NEIGHBORHOOD**

**WHEREAS**, the City of Charlottesville is an U.S Department of Housing and Urban Development entitlement community and is provided Community Development Block Grant (CDBG) formula based grants each year to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons;

**WHEREAS**, City Council on December 21, 2020, approved for a minor budgetary modification to the 2020-2021 Ridge Street Priority Neighborhood Budget to remain within HUD 24 CFR 570.902(a) timeliness compliance rule and to allow for final completion work at the 10<sup>th</sup> and Page neighborhood park;

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that a portion of the 2022-2023 CDBG sums totaling \$116,053.17, hereinafter set forth are appropriated to supplant the budget transfer from the 2020-2021 Ridge Street Priority Neighborhood budget; provided, however, that the City Manager is hereby authorized to transfer funds between among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

**c. RESOLUTION: FY 2020-2021 Minor Annual Action Plan Amendment**

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none).

**RESOLUTION  
Approval of FY 2020-2021 Minor Annual Action Plan Amendment**

**BE IT RESOLVED**, that the Charlottesville City Council hereby approves the FY 2020 - 2021 Minor Action Plan Amendment of the 2018-2022 Consolidated Plan. The corrected CDBG budget will be added into the 2020-2021 Annual Action Plan. No changes to the HOME budget will be made at this time.

## **GENERAL BUSINESS**

### **RESOLUTION: Land Use and Environmental Planning Committee 2020 report**

Lauren Hildebrand, Director of Utilities presented the report and request.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none).

### **RESOLUTION TO SUPPORT POSTPONING EVALUATING THE OBJECTIVES FOR THE LAND USE AND ENVIRONMENTAL PLANNING COMMITTEE**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the Council hereby supports postponing evaluating the stated objectives for the Land Use and Environmental Planning Committee until the end of 2021.

## **OTHER BUSINESS**

There were no other business items to address.

## **MATTERS BY THE PUBLIC**

Robin Hoffman shared that the McIntire Botanical Garden changed its name to Botanical Garden of the Piedmont. She advised that the Land Use and Environmental Planning Committee (LUEPC) should include the voice of the community in future efforts.

Walt Heinecke, city resident, spoke about affordable housing. He asked Council to become more assertive with the University of Virginia for their contribution to affordable housing. He asked for an update from Mr. Blair on major leadership position searches and asked Councilors to weigh in with their opinion of the Police Chief press conference.

Gloria Beard, city resident, followed up on a request for help for the elderly.

Don Gathers, city resident, asked budget questions.

Valerie Washington, city resident, spoke about the recent press conference held by the Police Chief and asked about the original incident that prompted the interaction with police.

Abby Guskind, city resident, spoke about the City budget and expressed frustration about the decision to not spend certain funds at this time.

The regular meeting adjourned at 9:17 pm. And Councilor Hill read a motion to convene in closed session.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**9:17 PM CLOSED MEETING**

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(8), for consultation with legal counsel to obtain legal advice on Council business matters requiring the provision of legal advice; and
- Section 2.2-3711(A)(29) for discussion of the award of a public contract to conduct the search for a new city manager, and discussion of the terms or scope of the contract, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 4-0 (Ayes: Hill, Magill, Payne, Snook; 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.

The closed meeting adjourned at 10:32 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL**

**January 14, 2021**

**EMERGENCY MEETING**

**Virtual/electronic meeting**

**2:00 P.M. EMERGENCY MEETING**

Pursuant to Charlottesville City Code Section 2-42(a), the Charlottesville City Council met on Thursday, January 14, 2021, at 2:00 p.m. for an emergency meeting. Notice was given to all members of City Council and to the public within guidelines of the Virginia Freedom of Information Act. The meeting was held electronically over the Zoom platform pursuant to local ordinance #O-20-156 to ensure the continuity of government and prevent the spread of disease during the coronavirus pandemic. The meeting was conducted in the form of a press conference.

Mayor Walker called the meeting to order at 2:00 p.m. and Clerk of Council Kyna Thomas recorded the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne, and Lloyd Snook.

Mayor Walker announced the intent for City Council to appoint Chip Boyles as the City Manager.

Councilor Michael Payne read a joint statement on behalf of City Council. The announcement acknowledged a notice of resignation from Acting City Manager John Blair effective February 12, 2021, and the appointment of Mr. Boyles with a start date of February 15, 2021. The statement advised that there would be a full public search for a City Manager sometime in 2022, expressing that Council would need to address its role in the current state of the city. Councilors made statements in support of the joint letter.

Mr. Boyles shared remarks about serving in the city manager role and about his experience, with his most recent role as Executive Director for the Thomas Jefferson Planning District Commission.

Credentialed media representatives were allowed two opportunities to ask questions. The following members of the media participated:

- Riley Wyant, NBC29
- Nolan Stout, The Daily Progress
- Sean Tubbs, independent journalist
- Charlotte Woods, Charlottesville Tomorrow
- Carly Haynes, CBS19

- Joe Thomas, WCHV talk radio host
- Brielle Entzminger, Cville Weekly

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council APPROVED by a vote of 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none), the following resolution:

### **RESOLUTION**

**WHEREAS**, the Charlottesville City Council desires to elect and appoint Charles P. Boyles, II, as Charlottesville City Manager, pursuant to the Charlottesville City Charter (1946) as amended; and

**WHEREAS**, Mr. Boyles has agreed to accept election and appointment as City Manager, upon certain terms and conditions set forth in writing and accepted by Mr. Boyles on January 13, 2021.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the offer of employment given by City Council to Charles B. Boyles, II, on January 12, 2021 (“Offer”), which Offer was accepted by Mr. Boyles on January 13, 2021, is hereby ratified and approved, and City Council hereby appoints, elects and employs Mr. Boyles as City Manager upon the terms and conditions set forth in the Offer. Mr. Boyles will make arrangements to qualify for office in accordance with the City Charter.

BY Order of Mayor Nikuyah Walker

BY Kyna Thomas, Clerk of Council

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	Tuesday, January 19, 2021
<b>Action Required:</b>	Review the recommended amendments to the Human Rights Ordinance Adopted by the Human Rights Commission and approve the amendments or provide feedback for further revision.
<b>Presenter:</b>	Mary Bauer, Chair Charlottesville Human Rights Commission
<b>Staff Contacts:</b>	Todd Niemeier Community Outreach and Investigation Specialist Interim Director, Human Rights Commission Interim Manager, Office of Human Rights
<b>Title:</b>	<b>Human Rights Ordinance Recommended Amendments</b>

**Background:**

City Council approved the current Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville) on May 20, 2013. The Charlottesville Human Rights Commission (HRC) proposes several amendments to the Human Rights Ordinance (hereafter the Ordinance) for consideration and approval by City Council. The attached amendments mirror recent changes in state statutes, provide clarification regarding the investigation and issuance of findings pertaining to individual complaints of discrimination, and ensure that the Ordinance is better aligned with City Council's Vision and Strategic Plan.

**Discussion:**

During publicly noticed meetings in 2019 and 2020, the HRC considered public feedback regarding the effectiveness of the HRC and the Office of Human Rights (OHR). Specifically, there is concern about addressing individual complaints of discrimination and systemic issues of discrimination. At the regular meeting on July 16, 2020, the HRC Chair recommended the formation of an ad hoc committee to work with the City Attorney's Office and OHR staff to draft amendments to the Ordinance aimed at addressing some of the publicly raised concerns and recent changes in state law.

The ad hoc committee met with the City Attorney's Office and OHR staff on August 4, September 8, and October 6, 2020, to discuss and draft revised Ordinance language for presentation to the full HRC. The City Attorney's Office reviewed all draft Ordinance language for legality and alignment with state law, prior to presentation to the HRC for discussion. The ad hoc committee presented the draft Ordinance amendments to the HRC during the publicly noticed regular meetings on September 17, and October 15, 2020. During these meetings, the HRC discussed, and voted to adopt, the proposed amendments included in the attached copy of the Ordinance. OHR staff submitted the attached copy of the Ordinance, containing the amendments adopted by the HRC, for final review by

the City Attorney on October 30, 2020. If City Council approves the recommended revisions to the Ordinance, the HRC and OHR will develop a public outreach plan to raise awareness of the changes and how they might impact the local population.

**Alignment with City Council’s Vision and Strategic Plan:**

The Ordinance amendments, adopted by the HRC and recommended to City Council for approval, align with Council’s vision of the City as a leader in social justice and healthy race relations, and a City that is flexible and progressive in anticipating and responding to the needs of our citizens. Additionally, the adopted amendments align with the following Goals and Objectives within the Strategic Plan:

- Goal 1: Inclusive, Self-Sufficient Community
  - Objective 1.3: Increase affordable housing options
    - The amended Ordinance contains language that increases protections against housing discrimination, enabled by recent changes to the Virginia Fair Housing Law (Virginia Code Title 36, Chapter 5.1)
      - Relevant amended Ordinance sections
        - Sec. 2-431 (a), as to removal of housing to separate provision
        - Sec. 2-431 (b), pursuant to Va. Code Ann. § 36-96.1
        - Sec. 2-431 (c), pursuant to Va. Code Ann. § 36-96.1
        - Sec. 2-431 (d), pursuant to Va. Code Ann. § 36-96.1:1
        - Sec. 2-437 (b) as to removal of referral to outside housing agency
  - Objective 1.5: Intentionally address issues of race and equity
    - The amended Ordinance contains language that increases protections against discrimination within all of the protected activities and protected classes, enabled by recent changes to the Virginia Human Rights Act (Virginia Code Title 2.2, Chapter 39), the Virginia Fair Housing Law (Virginia code Title 36, Chapter 5.1), and Virginia Code, Title 15.2, Chapter 9, §15.2-965.
      - Relevant amended Ordinance sections
        - Sec. 2-431 (a); pursuant to Va. Code Ann. § 2.2-3900
        - Sec. 2-431 (b); pursuant to Va. Code Ann. § 36-96.1
        - Sec. 2-431 (c) pursuant to Va. Code Ann. § 2.2-3901
        - Sec. 2-431 (d), pursuant to Va. Code Ann. § 36-96.1:1
        - Sec. 2-437 (b) as to removal of referral to outside housing agency
- Goal 5: Responsive Organization
  - Objective 5.3: Provide responsive customer service
    - The amended Ordinance contains revisions that:
      - Allow more diversity and inclusiveness within the body of the HRC;
        - Sec. 2-432 (a)
      - Prioritize assistance to individuals who believe they are the victim of unlawful discrimination;
        - Sec. 2-433 (a)
        - Sec. 2-433 (c)
      - Maximize the jurisdiction of the OHR (concurrent with state and

federal law);

- Sec. 2-431 (a); as to removal of housing to separate provision.
- Sec. 2-431 (b), pursuant to Va. Code Ann. § 36-96.1
- Sec. 2-431 (c), pursuant to Va. Code Ann. § 2.2-3901
- Sec. 2-431 (d), pursuant to Va. Code Ann. § 36-96.1:1
- Sec. 2-437 (b), as to removal of referral to outside housing agency
- Clarify the process for investigation and issuance of findings regarding individual complaints of discrimination; and
  - Sec. 2-437 (b)
  - Sec. 2-437 (c)
  - Sec. 2-437 (d)
  - Sec. 2-437 (f)
- Adopt LGBTQ+ inclusive pronouns throughout the Ordinance.
  - Sec. 2-437 (c)
  - Sec. 2-439.1 (f)
  - Sec. 2-439.1 (g)

### **Community Engagement:**

While the adopted amendments to the Ordinance are a response to changes in state law, as well as general best practices with regard to procedures and language, the HRC did consider public feedback when making its recommendations. On March 9, 2020, the HRC received a copy of a letter sent to City Council and the City Manager from Mr. Walt Heinecke, and endorsed by several local social justice advocacy groups, outlining nine suggestions for the restructuring of the HRC and OHR. Mr. Heinecke also shared public comment regarding the letter of suggestions during HRC regular meetings on June 18, August 20, and September 17, 2020. As noted in the “Discussion” section, the HRC discussed feedback from the public relating to the Ordinance revisions at several of its regular meetings during 2019 and 2020. All regular meetings of the HRC are open to the public. OHR staff posts public notice of all regular meetings on the City website calendar. All of the agendas, agenda packets, and minutes are available to the public via the City website. A draft of the revised Ordinance, which includes all of the amendments adopted by the HRC, is included in the draft minutes of the HRC regular meeting on October 15, 2020, which are posted on the City website.

### **Budgetary Impact:**

Council’s approval of the amended Ordinance has no immediate fiscal impacts. The FY20 Budget includes funding for the current vacant position of OHR Manager/HRC Director. This position, if filled, would better equip the OHR and HRC to handle individual complaints of discrimination.

### **Recommendation:**

The HRC recommends approval of the adopted amendments to the Human Rights Ordinance. OHR staff concurs with the HRC recommendation.

### **Alternatives:**

If Council chooses not to approve the amendments to the Ordinance adopted by the HRC, the enforcement authority of the OHR and HRC will be less robust than what is allowable under current state laws that address illegal discrimination. As a result, citizens seeking assistance with



individual complaints of discrimination that would have been covered by the proposed amendments will necessarily be referred to other, potentially non-local, agencies.

The HRC respectfully requests a written response from Council detailing the reasons for the complete or partial disapproval of any of the proposed amendments so that it may attempt to revise the Ordinance language for future consideration by Council.

**Attachments:**

Attached please find a copy of the Charlottesville Human Rights Ordinance containing the amendments adopted by the HRC for recommendation to Council for approval.

## AN ORDINANCE

**APPROVING AMENDMENTS TO CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, ARTICLE XV (HUMAN RIGHTS) SEC. 2-431 (UNLAWFUL DISCRIMINATION PROHIBITED); SEC. 2-432 (HUMAN RIGHTS COMMISSION); SEC. 2-433 (ROLE OF THE HUMAN RIGHTS COMMISSION); SEC. 2-437 (DUTIES AND RESPONSIBILITIES- INVESTIGATION OF INDIVIDUAL COMPLAINTS AND ISSUANCE OF FINDINGS); AND SEC. 2-439.1 (ENFORCEMENT AUTHORITY-THE ROLE OF THE COMMISSION) TO UPDATE THE ORDINANCE TO REFLECT CHANGES TO THE VIRGINIA HUMAN RIGHTS ACT (VIRGINIA CODE TITLE 2.2, CHAPTER 39), THE VIRGINIA FAIR HOUSING LAW (VIRGINIA CODE TITLE 36, CHAPTER 5.1), and VIRGINIA CODE, TITLE 15.2, CHAPTER 9, §15.2-965, AS AMENDED.**

**WHEREAS**, by recorded vote, the Human Rights Commission initiated certain amendments to the text of the City’s Human Rights Ordinance, Sections 2.431; 2-434; 2-433; 2-437; and 2-439.1 (“Proposed Text Amendments”); and

**WHEREAS**, a public meeting was held to discuss and receive comments on the Proposed Text Amendments on June 18, August 20, and September 17, 2020 and the proposed amendments were presented to, discussed and approved at the October 15, 2020 public meeting of the Human Rights Commission for recommendation to Charlottesville City Council; and

**WHEREAS**, after consideration of the Human Rights Commission recommendations and other factors and considerations, this Council is of the opinion that that the Proposed Text Amendment has been designed to comply with recent changes to the Virginia Human Rights Act (Virginia Code Title 2.2, Chapter 39), the Virginia Fair Housing Law (Virginia code Title 36, Chapter 5.1), and Virginia Code, Title 15.2, Chapter 9, §15.2-965 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, and general welfare require the Proposed Text Amendment, and (ii) the Proposed Text Amendment is consistent with the Council’s vision of the City as a leader in social justice; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that: Sections 2.431; 2-434; 2-433; 2-437; and 2-439.1 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

### **Article XV. Human Rights**

#### **Sec. 2-430. Short title.**

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.

#### **Sec. 2-431. Unlawful discrimination prohibited.**

(a) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in **housing**, employment, public

accommodations, credit, and private education on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, national origin, age, marital status, status as a veteran, or disability.

(b) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.

(c) ~~As used herein, the term “discrimination on the basis of sex” is defined to include, but not be limited to, discrimination on the basis of gender identity, transgender status or sexual orientation.~~ As used in herein, the term "gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.

(d) As used herein, the term “source of funds” means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

(e) As used herein, the term “unlawful discriminatory practice” includes conduct in violation of any comparable Virginia or federal statute or regulation governing unlawful discrimination.

#### **Sec. 2-432. Human Rights Commission.**

(a) There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine (9) and not more than fifteen (15) members appointed by the City Council. The Commission membership shall be broadly representative of the City’s ~~population demographic composition,~~ with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups ~~within the City; with priority given to City residents, and to applicants with significant and demonstrable ties to the City.~~ Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

(b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate. The Commission may also adopt rules and procedures to govern the conduct of its affairs.

(c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City’s annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

(d) All meetings of the Commission shall be advertised in advance and in the manner required by law, and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. At the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council’s “Rules for Public Participation”.

(e) The Commission may, in its discretion, delegate any of its duties or responsibilities hereunder to a panel of not less than three Commissioners.

(f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. The Director will be responsible for and report to the Commission in the day-to-day operational conduct of the Commission's activities. The Director shall report directly to the City Manager for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council, in order for the Commission to fulfill effectively its obligations under this Ordinance.

(g) All City departments, boards and commissions shall cooperate with and provide assistance to the Commission, including the provision of information in response to reasonable requests from the Commission.

(h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council may authorize retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.

### **Sec. 2-433. Role of the Human Rights Commission.**

The role of the Human Rights Commission is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Commission will:

(a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City; ~~Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;~~

(b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;

(c) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues; ~~Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;~~

(d) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination;

### **Sec. 2-434. Duties and responsibilities – Community dialogue and engagement.**

(a) The Commission will serve as a forum for the discussion of human rights issues, and be responsible for conducting ongoing efforts to engage community members in an open, honest and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City's Dialogue on Race initiative.

(b) The Commission may conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.

**Sec. 2-435. Duties and responsibilities – Systemic issues.**

(a) The Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that:

(1) May be unlawful discriminatory practices; or,

(2) May not constitute unlawful discriminatory practices but nevertheless which produce disparities that adversely impact affect individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability.

(b) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.

(c) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups and hold such hearings as may be necessary to identify policies, practices and systems as referenced in (a), above. For each such identified policy, practice or system, the goal of the Commission will be to formulate recommendations and to propose concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices.

**Sec. 2-436. Reserved.**

**Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings.**

(a) The Director will develop and implement a central intake mechanism for receiving and processing individual complaints that allege an unlawful discriminatory practice in the City.

(b) ~~In cases where investigation and remediation are already available in the City, such as employment discrimination complaints within the jurisdiction of the Equal Employment Opportunity Commission (“EEOC”) or fair housing complaints addressed by the Piedmont Housing Alliance, the complaint will be referred to that agency so that investigation and enforcement may be initiated by those bodies, which will offer services in the City and, to the extent allowed by law, report their findings to the Commission. For~~ complaints alleging an unlawful discriminatory practice within the enforcement jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in Sec. 2-437 (c). For complaints alleging an unlawful discriminatory practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.

(c) ~~For all other complaints alleging an~~ Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, as defined herein within the corporate limits of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact-finding inquiry to determine if the Complainant presents a prima facie case. fact-finding, mediation, conciliation, and, if necessary, full investigation of the complaint as he or she deems appropriate to ascertain the facts underlying the charge of discrimination, provided that the ~~The complaint may be dismissed by the Director without further action investigation if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. If~~ Following the initial fact-finding inquiry, if

the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director will serve a copy on each respondent named therein. Said copy shall specify the allegation, citing the evidence that supports further action, and indicating the action to be taken. Further action, as authorized by this ordinance, may include mediation, conciliation, and formal investigation of the complaint, as deemed appropriate by the Director. Upon completion of a formal ~~the initial~~ investigation, the Director shall render a written determination of whether there is probable cause to believe a violation of this ordinance has occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(d) If the Director determines that further action is appropriate ~~that there is probable cause to believe a violation has occurred~~, the Director will propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means. Nothing herein shall be interpreted as requiring any party to participate in mediation or any other conciliatory efforts. Materials used and communications made during a mediation or informal conciliation shall be confidential, and shall not be disclosed to the public by the Director, the Commission or its staff unless disclosure is authorized in writing by all parties to the dispute.

(e) If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim and does not constitute an admission by any party that the law has been violated. No further action on the initial complaint will be taken by the Commission or its staff once the agreement is executed.

(f) If mediation or conciliation is not successful, and the Complainant wishes to pursue further action, the Director or designee may conduct ~~further~~ a formal investigation for the purpose of rendering a written determination as to whether there is probable cause to believe a violation of this ordinance occurred, and the facts supporting such determination. ~~or,~~ If further investigation is not warranted, the Director may either dismiss the complaint as not constituting a violation. ~~or~~ After a written determination has been served on both parties, the Director may either close the case or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1 (b).

(g) In order to fulfill the requirements of this section, the City Manager is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discriminatory conduct as prohibited in section 2-431, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is probable cause to believe a violation of this ordinance has occurred, conducting mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, mediation or conciliation of complaints.

## **Sec. 2-438. Reserved.**

### **Sec. 2-439.1. Enforcement authority – The role of the Commission.**

(a) If the Director determines that there is insufficient probable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) business days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the

determination of the Director. On written petition of the complainant the Commission may review the Director's conclusion, and may either overrule or affirm the finding of no probable cause. The parties may submit such additional information as they desire for the Commission's consideration. If the Commission determines that probable cause exists, it shall direct the Director to continue the investigation or proceed with conciliation efforts.

(b) If the Director determines that probable cause to believe a violation did occur and either party declines to participate in mediation or other informal means of resolving the complaint, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of probable cause is based, and shall recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.

(c) If a hearing is to be held, the Commission shall promptly notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.

(d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena *duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

(e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:

- (1) To file written statements or arguments with the Commission prior to the hearing;
- (2) To be represented by privately retained counsel of his or her choice;
- (3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;

(4) To submit rebuttal evidence; and

(5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.

(f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if ~~he or she~~ they deems it advisable in order to fully apprise the Commission of the facts or the applicable law. The Commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the City Attorney shall provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.

(g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds ~~he or she~~ they would be but for respondent's violation(s) of this ordinance.

(h) If, after receiving the evidence presented at the hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(i) Nothing herein shall be construed as authorizing the Commission to issue subpoenas, award damages or grant injunctive relief.

#### **Sec. 2-439.2. Enforcement authority – Court enforcement.**

(a) If the Commission finds that a respondent has committed a violation of this ordinance and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.

(b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.



**Sec. 2-440. Confidentiality.**

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission to disclose or make public any complaints, investigative notes, or other correspondence and information furnished to the Commission or its staff in confidence with respect to a complaint, an investigation or conciliation process involving an alleged unlawful discriminatory practice. A violation of this section shall be a Class 3 misdemeanor.

**Sec. 2-441. Annual Report.**

The Commission shall make an annual comprehensive report to City Council that outlines its efforts during the preceding year in the areas of identifying and addressing systemic or institutional discrimination; processing individual complaints of unlawful discrimination; and facilitating a community dialogue regarding issues of human rights. The report shall also outline the Commission’s work plan for the ensuing year, which shall be subject to approval or modification by City Council.

**Sec. 2-442. Severability.**

The provisions of the Article are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

**Sec. 2-443. Reserved.**

Text Legend

<p><del><b>Bold Strike Through</b></del> = deleted language</p> <p><u>Underline</u> = new language</p> <p>Existing language</p>
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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	January 19, 2021
Action Required:	Appropriation and Approval
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator Symia Tabron,
Title:	<b>Public Hearing of the FY 2020-2021 Substantial Action Plan Amendment, Budget Appropriation and Approval of CDBG-CV3 Budget</b>

**Background:**

The City of Charlottesville has been authorized to receive a special allocation of Community Development Block Grant Coronavirus (CDBG-CV3) funding from the United States Department of Housing and Urban Development (HUD) through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136; to respond to the growing effects of the historic public health crisis. Funds are aimed to prevent, prepare for, and respond to the coronavirus. The City of Charlottesville CDBG-CV3 program total has been granted \$335,024 for the 2020-2021 program year. It is important to note that all projects underwent an extensive review as a result of the RFP process.

**Discussion:**

Each year localities are required to complete an Action Plan that details the goals and objectives to be carried out in the upcoming program year. City of Charlottesville City Council members approved the Action Plan on May 4, 2019 for HUD submittal, outlining all CDBG and HOME activities for the FY2020-2021 program year. In accordance with the CDBG/HOME Citizen Participation Plan, any addition to the 2020-2021 Action Plan with new CDBG programs and federal budgets require a Substantial Action Plan Amendment. The City of Charlottesville's Action Plan can be located [here](#).

CDBG-CV3 funding is separate from the regular, annual CDBG funds that the City receives every year. Between October 1 and October 16, 2020, the City of Charlottesville advertised a Request for Proposals (RFP) based on [HUD](#) guidance regarding eligible CDBG-CV3 activities, and the Council priorities set on September 21, 2020. The Council priorities were for affordable housing (priority for persons who are 0-50 percent AMI, including but not limited to low income housing redevelopment), support for the homelessness and those at risk of homelessness, workforce development (including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City's GO programs, support for programs that aid in self-sufficiency,

including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services. HUD has waived certain standard procedures, including the timeframe for community engagement.

The City received three CDBG-CV3 public service applications totaling \$542,384 and one CDBG-CV3 economic development application totaling \$130,970. A summary of applications received is included in this packet.

On November 12, 2020, the CDBG/HOME Task Force reviewed and recommended two public service projects for funding and the Strategic Action Team reviewed and recommended one economic development project for funding.

#### CDBG-CV3 Project Recommendations for FY 2020-2021:

The CDBG-CV3 program total has \$335,024 for the 2020-2021 program year. Entitlement funds were divided into three categories: Public Services, Economic Development, and Administrative/Planning to respond to the growing effects of the coronavirus.

All applications for potential funding must be able to demonstrate that the program/project to be conducted meets federal income requirements that benefit low to moderate income individuals. Additionally, applications must clearly demonstrate project/program readiness or that the project or program that the funding is being requested for will be ready to begin providing services immediately after HUD approves the amended Action Plan. Potential applicants are required to demonstrate organizational capacity, the ability to meet HUD timeliness requirement (§ 570.902) and fully meet projected outcomes in previous grant years. Staff organizational capacity scores are not included into the final total score averages.

The eligibility of all subrecipients, pursuant to HUD guidelines, will be verified prior to contract award on-line at System for Award Management (SAMs). In addition to City requirements, the subrecipient will comply with Section 3, and Davis-Bacon requirements.

Economic Development – In accordance to [\*HUD's Quick Guide to CDBG Eligible Activities to Support Infectious Disease Response\*](#), \$134,009.60 in FY 20-21 CDBG-CV3 funds were set aside for Economic Development activities in accordance with Council CDBG priorities. Members of the Strategic Action Team reviewed one application for Economic Development and made a recommendation of \$130,970 to the Community Investment Collaborative (CIC) Microenterprise Covid Response program. Funds are proposed to be used to administer 24 grants and technical support to eligible microenterprises. Grants will help businesses cover expenses including rent, payroll, replacing inventory, etc. Technical support will help owners access services to adapt to the economic environment: support in bringing businesses online, financial planning, additional cleaning, etc.

Public Service Programs – \$134,009.60 in FY 20-21 CDBG-CV3 funds were set aside for Public Service Program activities. The CDBG/HOME Task Force has recommended two public service programs. Programs were evaluated based on [\*HUD's Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infectious Disease Response\*](#) and City Council CDBG priorities. Programs were also evaluated based upon metrics included in the RFP evaluation scoring rubric. Funding will enable the organizations to prevent and respond to the spread of infectious diseases such as the coronavirus.

The Taskforce made a funding recommendation of \$91,485.94 for the Charlottesville Redevelopment Housing Authority (CRHA) Eviction Diversion Program. Estimated benefits include hiring one full-time Housing Stabilization Coordinator to assist with providing support services to residents to reduce the risk of homelessness and providing rental relief to 100 CRHA residents.

The Taskforce also made a funding recommendation of \$45,563.26 to Habitat for Humanity for Greater Charlottesville for the COVID-19 Response Program. Estimated benefits include mortgage/rental/utility relief due to covid-19 and providing 10-15 households with emergency financial assistance such as transportation and childcare costs, and financial counseling.

Administration and Planning: To pay for the costs of staff working with CDBG-CV3 projects, citizen participation, and other grant related costs directly related to CDBG-CV3 funds, \$67,004.80 is budgeted.

On December 8, 2020, the Planning Commission held a public hearing and reviewed the CDBG/HOME Taskforce CDBG-CV3 proposed budget. The motion passed unanimously with Planning Commission supporting the Taskforce recommendations for City Council approval on January 19<sup>th</sup>, 2021. No public comments were received during the public hearing.

### **Community Engagement:**

A request for proposals was held for economic development, public facilities, and public service programs. Applications received were reviewed by the CDBG Task Force or the Strategic Action Team (SAT). Twelve interested applicants inquired about the program, and a total of eight applicants submitted a final application for review.

A notice of the December 8, 2020 Planning Commission Public Hearing was placed in the Daily Progress for a 15-day public comment period on November 24, 2020.

Members of the public were given the opportunity to voice their opinions during the HUD authorized expedited 5-day public comment period between January 4, 2021 through January 8, 2021; and the joint virtual CDBG/HOME and Strategic Action Team public meeting on November 12, 2020; and at the virtual public hearing at City Council on January 19, 2021. HUD authorized an expedited 5-day public comment period on April 2, 2020 to prevent, prepare for, and respond to the coronavirus with the goal to quickly appropriate funds to eligible activities.

### **Alignment with City Council's Vision and Strategic Plan:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to have **Economic Sustainability, A Center for Lifelong Learning, Quality Housing Opportunities for All, and A Connected Community**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

**Budgetary Impact:** None

**Recommendation:** Staff recommends approval of the proposed CDBG-CV3 funding recommendations and approval of the FY 2020-2021 Substantial Action Plan amendment of the 2018-2023 Consolidated Plan. Funds included in this budget will not be spent until after HUD authorizes the approved FY 2020 amended Action Plan.

**Alternatives:**

City Council may reappropriate the funds among the scored public service and economic development applicants. Staff recommends taking into consideration the RFP application scores if funds are to be reappropriated.

**Attachments:**

- A. HUD's *Quick Guide to Eligible CDBG Activities to Support Coronavirus and Other Infectious Disease Response*
- B. Substantial Action Plan Amendment, Resolution
- C. Appropriation Resolution for CDBG-CV3 Funds
- D. 2020-2021 Proposed CDBG-CV3 Budget
- E. Summary of RFPs submitted
- F. RFP Scoring Template
- G. Minutes from CDBG Task Force meetings

**Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infectious Disease Response**  
**REVISED April 6, 2020**

Grantees should coordinate with local health authorities before undertaking any activity to support state or local pandemic response. Grantees may use Community Development Block Grant (CDBG) funds for a range of eligible activities that prevent and respond to the spread of infectious diseases such as the coronavirus.

**Examples of Eligible Activities to Support Coronavirus and Other Infectious Disease Response**

<i>For more information, refer to applicable sections of the Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).</i>	
<b>Buildings and Improvements, Including Public Facilities</b>	
Acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements. <i>See section 105(a)(2) (42 U.S.C. 5305(a)(2)); 24 CFR 570.201(c).</i>	Construct a facility for testing, diagnosis, or treatment.
	Rehabilitate a community facility to establish an infectious disease treatment clinic.
	Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment.
Rehabilitation of buildings and improvements (including interim assistance). <i>See section 105(a)(4) (42 U.S.C. 5305(a)(4)); 24 CFR 570.201(f); 570.202(b).</i>	Rehabilitate a commercial building or closed school building to establish an infectious disease treatment clinic, e.g., by replacing the HVAC system.
	Acquire, and quickly rehabilitate (if necessary) a motel or hotel building to expand capacity of hospitals to accommodate isolation of patients during recovery.
	Make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis.
<b>Assistance to Businesses, including Special Economic Development Assistance</b>	
Provision of assistance to private, for-profit entities, when appropriate to carry out an economic development project. <i>See section 105(a)(17) (42 U.S.C. 5305(a)(17)); 24 CFR 570.203(b).</i>	Provide grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease.
	Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.
Provision of assistance to microenterprises. <i>See section 105(a)(22) (42 U.S.C. 5305(a)(22)); 24 CFR 570.201(o).</i>	Provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine.

<b>Provision of New or Quantifiably Increased Public Services</b>	
<p>Following enactment of the CARES Act<sup>1</sup>, the public services cap<sup>2</sup> has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts.</p> <p><i>See section 105(a)(8) (42 U.S.C. 5305(a)(8)); 24 CFR 570.201(e).</i></p>	Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community.
	Provide testing, diagnosis or other services at a fixed or mobile location.
	Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.
	Provide equipment, supplies, and materials necessary to carry-out a public service.
	Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.
<b>Planning, Capacity Building, and Technical Assistance</b>	
<p>States only: planning grants and planning only grants.</p> <p><i>See section 105(a)(12).</i></p>	Grant funds to units of general local government may be used for planning activities in conjunction with an activity, they may also be used for planning only as an activity. These activities must meet or demonstrate that they would meet a national objective. These activities are subject to the State's 20 percent administration, planning and technical assistance cap.
<p>States only: use a part of to support TA and capacity building.</p> <p><i>See section 106(d)(5) (42 U.S.C. 5306(d)(5)).</i></p>	Grant funds to units of general local government to hire technical assistance providers to deliver CDBG training to new subrecipients and local government departments that are administering CDBG funds for the first time to assist with infectious disease response. This activity is subject to the State's 3 percent administration, planning and technical assistance cap.
<p>Entitlement only: data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans. <i>See 24 CFR 570.205.</i></p>	Gather data and develop non-project specific emergency infectious disease response plans.

### Planning Considerations

Infectious disease response conditions rapidly evolve and may require changes to the planned use of funds:

- CDBG grantees must amend their Consolidated Annual Action Plan (Con Plan) when there is a change to the allocation priorities or method of distribution of funds; an addition of an activity not described in the plan; or a change to the purpose, scope, location, or beneficiaries of an activity (24 CFR 91.505).
- If the changes meet the criteria for a “substantial amendment” in the grantee’s citizen participation plan, the grantee must follow its citizen participation process for amendments (24 CFR 91.105 and 91.115).
- Under the CARES Act, CDBG grantees may amend citizen participation and Con Plans concurrently in order to establish and implement expedited procedures with a comment period of no less than 5-days.

### Resources

The Department has technical assistance providers that may be available to assist grantees in their implementation of CDBG funds for activities to prevent or respond to the spread of infectious disease. Please contact your local CPD Field Office Director to request technical assistance from HUD staff or a TA provider.

- Submit your questions to: [CPDQuestionsAnswered@hud.gov](mailto:CPDQuestionsAnswered@hud.gov)
- Coronavirus (COVID-19) Information and Resources: <https://www.hud.gov/coronavirus>
- CPD Program Guidance and Training: <https://www.hudexchange.info/program-support/>

<sup>1</sup> On March 27, 2020, President Trump approved the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (CARES Act). The CARES Act makes available \$5 billion in CDBG coronavirus response (CDBG-CV) funds to prevent, prepare for, and respond to coronavirus.

<sup>2</sup> Section 105(a)(8) of the HCD Act caps public service activities at 15 percent of most CDBG grants. Some grantees have a different percentage cap.

**RESOLUTION**  
**Approval of FY 2020-2021 Substantial Action Plan Amendment**

**BE IT RESOLVED**, that the Charlottesville City Council hereby approves the FY 2020-2021 Substantial Action Plan Amendment of the 2018-2022 Consolidated Plan as presented at the May 4, 2020 City Council Meeting. All CDBG-CV3 projects shall be included into City of Charlottesville CDBG/HOME 2020-2021 Program.

Approved by Council  
January 19, 2021



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Kyna Thomas, CMC  
Clerk of Council



**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2020-2021  
COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS 3: \$335,024**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant Coronavirus (CDBG-CV3) authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of the historic public health crisis for the fiscal year in the total amount of \$335,024;

**WHEREAS**, City Council has received recommendations for the expenditure of funds from the CDBG/HOME Task Force, the Strategic Action Team (SAT), and the Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore;

**BE IT RESOLVED**, by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Coronavirus Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

**ECONOMIC DEVELOPMENT**

Community Investment Collaborative: COVID Response Microenterprise Assistance	<b>\$130,970.00</b>
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**PUBLIC SERVICE PROGRAMS**

CRHA Eviction Diversion Program	<b>\$91,485.94</b>
Habitat for Humanity COVID Response Program	<b>\$45,563.26</b>

**ADMINISTRATION AND PLANNING**

Admin and Planning	<b>\$67,004.80</b>
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<b>TOTAL</b>	<b>\$335,024</b>
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**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$335,024 from the Department of Housing and Urban Development authorized by the CARES Act. Funds authorized will be used to prevent, prepare for, and respond to the coronavirus (COVID-19).

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**Expenditures**

<i>Program</i>	<i>Amount</i>	<i>Fund</i>	<i>Internal Order/Cost Center</i>	<i>G/L Account</i>
Community Investment Collaborative: Covid Response Microenterprise Assistance	\$130,970.00	218	1900395	530670
CRHA Eviction Diversion Program	\$91,485.94	218	1900396	530670
Habitat for Humanity COVID Response Program	\$45,563.26	218	1900397	530670
Admin and Planning	\$67,004.80	218	3914004000	530670

**Revenue**

<i>Program</i>	<i>Amount</i>	<i>Fund</i>	<i>WBS Element</i>	<i>G/L Account</i>
Community Investment Collaborative: Covid Response Microenterprise Assistance	\$130,970.00	218	P-001 HUD IDIS Drawdown	431110
CRHA Eviction Diversion Program	\$91,485.94	218	P-001 HUD IDIS Drawdown	431110
Habitat for Humanity COVID Response Program	\$45,563.26	218	P-001 HUD IDIS Drawdown	431110
Admin and Planning	\$67,004.80	218	P-001 HUD IDIS Drawdown	431110

**2020-2021 CDBG-CV3 BUDGET ALLOCATIONS**  
**RECOMMENDED BY CDBG/HOME TASK FORCE and SAT: 11/12/2020**  
**RECOMMENDED BY PLANNING COMMISSION: 12/08/2020**  
**APPROVED BY CITY COUNCIL:**

**A. ECONOMIC DEVELOPMENT PROJECTS**

A. Community Investment Collaborative – Microenterprise Covid Response \$130,970.00  
**ECONOMIC DEVELOPMENT TOTAL: \$130,970.00**

**B. PUBLIC SERVICE PROJECTS**

A. CRHA – Eviction Diversion \$91,485.94  
B. Habitat for Humanity – Covid Response Program \$45,563.26

**SOCIAL PROGRAMS TOTAL: \$137,049.20**

**C. ADMINISTRATION AND PLANNING:**

A. Admin and Planning \$67,004.80 (20%  
EN)

**GRAND TOTAL: \$335,024**

**ESTIMATED NEW ENTITLEMENT AMOUNT: \$335,024**

## CDBG-CV3 + CDBG + HOME RFP Submissions

		Organization, Program Title	Project Contact	Program Description	Funding Requested	
<b>CDBG-CV3</b>	<b>Public Service</b>	Pearl Transit	Jael Watts	24-hr Transportation and Non-perishable Food Delivery	\$ 132,384.00	
		Habitat for Humanity	Ruth Stone	COVID Response Program	\$ 90,000.00	
		Charlottesville Redevelopment Housing Authority	Kathleen Glenn-Matthews	CRHA Eviction Diversion Program	\$ 320,000.00	
		<b>Econ</b>	Community Investment Collaborative (CIC)	Stephen Davis	COVID Response Microenterprise Assistance	\$ 130,970.00
			<b>Total Amount of Request (Public Services)</b>	<b>\$ 542,384.00</b>	<b>Total Amount of Request (Econ)</b>	<b>\$ 130,970.00</b>
			<b>Total Projected Budget (Public Services)</b>	<b>\$ 134,009.60</b>	<b>Total Projected Budget (Econ)</b>	<b>\$ 134,009.60</b>
			<b>Request Overage (Public Services)</b>	<b>\$ (408,374.40)</b>	<b>Request Overage (Econ)</b>	<b>\$ (3,039.60)</b>
<b>CDBG</b>	<b>Econ</b>	<b>Organization, Program Title</b>	<b>Project Contact</b>	<b>Program Description</b>	<b>Funding Requested</b>	
		Local Energy Alliance Program (LEAP)	Chris Meyer	Assisted Home Performance Worforce Development	\$ 29,238.00	
		Community Investment Collaborative (CIC)	Stephen Davis	Financial Management Program	\$ 15,000.00	
		<b>Total Amount of Request</b>				<b>\$ 44,238.00</b>
		<b>Total Projected Budget</b>				<b>\$ 61,294.28</b>
		<b>Request Overage</b>			<b>\$ (17,056.28)</b>	
<b>CDBG</b>	<b>Public Services (15% Cap)</b>	<b>Organization, Program Title</b>	<b>Project Contact</b>	<b>Program Description</b>	<b>Funding Requested</b>	
		Public Housing Association of Residents (PHAR)	Brandon Collins	Resident Involved Redevelopment	\$ 34,000.00	
		Literacy Volunteers Charlottesville/Albemarle	Ellen Osborne	Beginning Level Workforce Development Tutoring	\$ 25,000.00	
		<b>Total Amount of Request</b>				<b>\$ 59,000.00</b>
		<b>Total Projected Budget</b>				<b>\$ 62,905.05</b>
		<b>Request Overage</b>			<b>\$ (3,905.05)</b>	
<b>CDBG</b>	<b>Housing</b>	<b>Organization, Program Title</b>	<b>Project Contact</b>	<b>Program Description</b>	<b>Funding Requested</b>	
		Local Energy Alliance Prorgam (LEAP)	Chris Meyer	Cville Low-Income Assisted Home Performance	\$ 57,000.00	
		<b>Total Amount of Request</b>				<b>\$ 57,000.00</b>
		<b>Total Projected Budget</b>				<b>\$ 61,294.28</b>
		<b>Request Overage</b>			<b>\$ (4,294.28)</b>	
<b>HOME</b>		<b>Organization, Program Title</b>	<b>Project Contact</b>	<b>Program Description</b>	<b>Funding Requested</b>	
		Local Energy Alliance Program (LEAP)	Chris Meyer	Cville Low-Income Assisted Home Performance	\$ 57,000.00	
		Habitat for Humanity	Ruth Stone	Affordable Housing Downpayment Assistance	\$ 24,000.00	
		Albemarle Housing Improvement Program (AHIP)	Cory Demchak	Charlottesville Critical Rehab Program	\$ 80,594.00	
		<b>Total Amount of Request</b>				<b>\$ 161,594.00</b>
<b>Total Projected Budget</b>				<b>\$ 80,594.00</b>		
		<b>Request Overage</b>			<b>\$ (81,000.00)</b>	

CDBG-CV3	Applicant	Score	Funding request	TF Recommendation 1
	CRHA	37.3	\$ 320,000.00	\$ 91,485.94
	Habitat	37.8	\$ 90,000.00	\$ 45,563.26
	Pearl Transit	26.75	\$ 132,384.00	\$ -
	<i>CIC (ECON)</i>	34.2	\$ 130,970.00	\$ 130,970.00
<b>Total Amount Requested (ps)</b>			\$ 542,384.00	\$ 137,049.20
<b>Total Amount Requested (econ)</b>			\$ 130,970.00	
<b>Total projected Budget (econ)</b>			\$ 134,009.60	
<b>Total projected Budget (ps)</b>			\$ 134,009.60	
<b>Request Overage (ps)</b>			\$ (408,374.40)	
<b>Requested Overage (econ)</b>			\$ 3,039.60	

CDBG Econ	Applicant	Score	Funding request	TF Recommendation 1
	LEAP	29.3	\$ 29,238.00	\$ 29,238.00
	CIC	34.2	\$ 15,000.00	\$ 32,056.28
<b>Total Amount Requested</b>			\$ 44,238.00	\$ 61,294.28
<b>Total projected Budget</b>			\$ 61,294.28	
<b>Request Overage</b>			\$ 17,056.28	

CDBG Public Services	Applicant	Score	Funding request	TF Recommendation 1
	PHAR	39.33	\$ 34,000.00	\$ 34,000.00
	LVCA	39.33	\$ 25,000.00	\$ 25,000.00
	<b>Total Amount Requested</b>			\$ 59,000.00
<b>Total projected Budget (15%)</b>			\$ 62,905.05	
<b>Request Overage</b>			\$ 3,905.05	

CDBG Housing	Applicant	Score	Funding request	TF Recommendation 1	
	LEAP	36.5	\$ 57,000.00	\$ 65,199.32	
	<b>Total Amount Requested</b>			\$ 57,000.00	\$ 65,199.32
	<b>Total projected Budget</b>			\$ 61,294.28	
<b>Request Overage</b>			\$ 4,294.28		

HOME	Applicant	Score	Funding request	TF Recommendation 1
	Habitat	37.67	\$ 24,000.00	\$ 24,000.00
	AHIP	33.67	\$ 80,594.00	\$ 37,352.00
	LEAP	36.5	\$ 57,000.00	\$ 19,242.00
	<b>Total Amount Requested</b>			\$ 161,594.00
<b>Total projected Budget</b>			\$ 80,594.00	
<b>Request Overage</b>			\$ (81,000.00)	

**SCORING RUBRIC FOR CDBG-CV3/CDBG/HOME GRANT PROPOSALS**

**Name of Applicant:**



**Name of Project:**

	<b>Exemplary (3 Points)</b>	<b>Adequate (2 Points)</b>	<b>Needs Improvement (1 Point)</b>	<b>Missing Information (0 Points)</b>	<b>Score</b>	<b>Comments</b>
<b>Program/Project Description</b>	Provides a clear description and clearly explains how it will address a Council Priority	Provides a description that adequately explains how it will address a Council Priority	Program/project description needs improvement	Proposal does not describe how it will address a Council Priority		
<b>Program/Project Goal</b>	Provides a clear explanation of the goal. Identifies what will be provided to whom, how many. Provides demographic information of the beneficiaries and how they will meet the income guidelines	Provides an adequate explanation of the goal	Program/Project goal needs improvement. Barely identifies what will be provided to whom and how many. Barely provides demographic information and how the beneficiaries will meet the income guidelines	Goal is missing and/or not explained. Identification of beneficiaries, number of beneficiaries, demographic information, and information about how the beneficiaries will meet the income guidelines is missing		
<b>Need</b>	Clearly describes how the program will directly address the needs.	Adequately describes how the program will directly address the needs using some local	Description of need needs improvement. Only state, regional, or national data	Does not describe how the program will directly address the needs and/or		

	Provides local data to describe the needs of the community <u>and</u> the beneficiaries	data to describe the needs of the community <u>and</u> the beneficiaries	provided, data not specific to clients	does not provide data to describe the needs of the community and the beneficiaries		
<b>Outcomes</b>	Clearly explains how proposed outcomes will be meaningful, client-focused and related to the service	Adequately explains how proposed outcomes will be meaningful, client-focused and related to the service	Explanation of how proposed outcomes will be meaningful, client-focused and related to the service needs improvement	Does not explain how proposed outcomes will be meaningful, client-focused and/or related to the service		
<b>Strategies</b>	Provides evidence-based strategies for how the program/project will address the need	Adequately describes how strategies address need using researched best practices strategies at a minimum	Describes how strategies address need without information about best practices or research	Does not identify how strategies directly address need		
<b>Implementation Timeline</b>	Timeline is detailed and realistic	Timeline is adequate	Timeline is limited or not realistic	No timeline provided and information is missing		
<b>Evaluation Plan</b>	Provides a rigorous evaluation plan which informs ongoing work, explains metrics and why they are used	Provides a solid evaluation plan	Evaluates some elements of its work, but the evaluation is not thorough	Proposal does not provide an evaluation plan or the plan is insufficient		
<b>Demographic Verification</b>	Proposal clearly describes how the agency will collect and verify <u>all</u> required information	Proposal adequately describes how the agency will collect and verify all required information	Proposal describes how the agency will collect and verify <u>some</u> required information	Proposal does not describe how the agency will collect and verify any required information		

<b>Financial Benefits</b>	Proposal describes how the program fully meets two financial benefits	Proposal describes how the program fully meets one financial benefit	Proposal describes how the program <u>partially</u> meets one to two financial benefits	Proposal does not describe how the program will provide a financial benefit		
<b>Collaboration</b>	Proposal describes how the program collaborates with other organizations to achieve a common goal using defined deliverables and metrics (ex. Clear accountability, shared management, such as MOU's or formal partnership agreements)	Proposal describes formal agreements with more than two organizations describing how they cooperate, but does not share common deliverables or metrics.	Proposal describes collaboration informally with other organizations (ex. information sharing, resource sharing)	Proposal does not describe collaboration with other entities		
<b>Engagement/ Outreach Strategy</b>	Proposal describes complete outreach and engagement strategies and explains how it will serve needy and underserved populations	Proposal describes some outreach and engagement strategies and how it will serve needy and underserved populations	Proposal explains that services are available to needy and underserved populations but program/project does not conduct outreach or engagement	Proposal does not provide strategies for outreach and engagement to needy and underserved populations		
<b>Priority Neighborhood Ridge Street</b>	Proposal describes complete outreach strategies and program/project serves residents in the Priority Neighborhood	Proposal describes some outreach and program/project serves residents in the Priority Neighborhood	Proposal explains that services are available to priority neighborhood residents but program/project does not conduct outreach	Proposal does not provide strategies for outreach to priority neighborhood residents		



<b>Organizational Capacity (STAFF ONLY – not included in scoring)</b>	Organization demonstrated sufficient capacity and fully met projected outcomes in previous grant year	Organization demonstrated adequate capacity and almost met projected outcomes in previous grant year	Organization capacity needs improvement, did not meet projected outcomes	The organization demonstrated a lack of a capacity		
<b>Outstanding Funding (STAFF ONLY – included in scoring)</b>	Organization expended all previous grant funding or is a new applicant with no prior CDBG/HOME/CDBG-CV dollars unspent.			Organization has been awarded grant funding from prior fiscal years and has been unable to spend all the funding.		
<b>Organizational Capacity</b>	Proposal provides clear evidence of the capacity and ability to ensure timely performance and reporting	Proposal provides adequate evidence of the capacity and ability to ensure timely performance and reporting	Evidence of capacity and ability needs improvement. Does not address the question fully	Proposal does not provide evidence of the capacity and ability		
<b>Budget</b>	Proposal clearly demonstrates: A. How requested funds will be applied to expense line items B. How the amount requested is reasonable C. That the overall program budget shows a direct	Proposal provides an adequate budget. Adequately addresses A, B, and C	Proposed budget needs improvement and barely addresses A, B, and/or C. Proposed budget needs improvement.	The proposal does not demonstrate how the requested funds will be applied to expense line items, how the amount requested is reasonable, and does not show a direct relationship with proposed service items		

	relationship with proposed service items					
TOTAL SCORE (MAX SCORE = 45 PTS)						



## **CDBG Taskforce and SAT Subcommittee Meeting Minutes**

Thursday, November 12th, 2020

3:30-5:30 PM

Virtual Meeting

### **AGENDA**

1. Introductions/Housekeeping/Minutes
  - a. SAT Committee 3:30-4:15pm
  - b. CDBG Taskforce: 4:15-5:30pm
2. Review Application Scores & Create proposal budget.
  - a. CDBG-CV3 2020-2021
  - b. CDBG 2021-2022
  - c. HOME 2021-2022
3. Other Business
4. Public Comment

### **Staff Contact:**

Erin Atak, Grants Coordinator (atake@charlottesville.gov), (434) 970-3093

## CDBG Strategic Action Team (SAT) Minutes

### ATTENDANCE:

<b>Taskforce Member</b>	<b>Present</b>	<b>Absent</b>
Sue Moffett	X	
Kelley Logan	X	
Letitia Shelton		X
Gretchen Ellis	X	
Diane Kuknyo	X	
Erin Atak	X	

### SAT Minutes

Grants Coordinator Erin Atak (EA) outlines the pre-application technical assistance process for the CDBG, HOME, and CDBG-CV3 grants. All applicants underwent an application workshop and a CDBG/HOME grant workshop session to review how to complete the web application, and the federal requirements for CDBG/HOME/CDBG-CV3.

12 applicants were met with during the mandatory technical assistance pre-application submittal phase, 8 applications were submitted for review.

EA states that one change was made to the coring rubric for all applications. This was to address the HUD timeliness requirement, (24CFR 570.902(a)). Applicants were told during the technical assistance meetings that applicants with outstanding CDBG and HOME funds may not be receiving as strong of a consideration in this review process. This change helps the City and subrecipients stay in compliance with HUD timeliness requirements and promote new applicants to join the CDBG and HOME application process.

EA states to the SAT members that they have the option to fully fund the CDBG econ applications, partially fund the applications, fund one application or not the other, or fund none of the applications.

Gretchen Ellis (GE) asks if the committee can fund an applicant more than what was requested.

EA: Yes – the Taskforce can check with Community Investment Collaborative and Local Energy Alliance Program staff in the audience to see whether they would be able to manage additional funds.

GE: Poses the question of whether the grants being awarded to microenterprises through CIC's application could be increased as we have been in this COVID state for an expended period of time – increasing the grant among would benefit businesses more.

CIC Staff member Anna speaks with the Taskforce and states that CIC would be able administer larger grants and could manage extra funding and could also help more businesses at the same small grant threshold depending on how the Taskforce decided.

GE makes a recommendation to move some of the CDBG econ overage funding into the CIC econ funding recommendation.

Sue Moffett (SM) states that she had difficulty with the LEAP application as there was an absence of data making it hard to measure effectiveness of the project aside from reviewing the purpose of the project.

GE: Poses a question for LEAP about whether that have previous experience with working with previously incarcerated individuals transition to the workforce. GE also mentions that LEAP's application is more focused in the target neighborhood.

Chris Meyer from LEAP addresses GE's questions, states they have experience with working with Home to Hope individuals. States that this is one strategy to build a workforce.

Diane Kuknyo (DK) asks Chris Meyer about whether the homes benefiting from the program will be rental properties with wealthy homeowners or low-income homeowners.

Chris Meyer from LEAP addresses DK's concern and states that this program will benefit low-income homeowners.

GE moves to fully funding LEAP and to funding CIC at the full amount along with adding the \$17,000 overage to CIC so that CIC could increase the number of microloans to the proposed businesses.

Kelly Logan (KL) seconds.

Moving to CDBG-CV3 Econ category

EA explains that the SAT members only review the economic development applications while the CDBG/HOME Taskforce review the public service and housing applications in accordance to the CDBG Citizen Participation Plan.

GE moves to fund CIC CDBG-CV3 application at the full \$130,970.00

SM seconds.

*SAT recommends the final budget:*

**CDBG Econ**  
LEAP \$29,238

CIC \$32,056.28

**CDBG-CV3**

CIC \$130,970

SAT Committee is Adjourned.

**CDBG/HOME Taskforce Minutes**

**ATTENDANCE:**

<b>Taskforce Member</b>	<b>Present</b>	<b>Absent</b>
James Bryant	X	
Tanea Dowell	X	
Howard Evergreen	X	
<i>Belmont Rep: VACANT</i>		X
Nancy Carpenter		X
Emily Cone-Miller	X	
Matthew Gillikin	X	
Kem Lea Spaulding	X	
Helen Kimble	X	
Erin Atak	X	

**CDBG Minutes**

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12 applicants were met with during the mandatory technical assistance pre-application submittal phase, 8 applications were submitted for review.

EA states that one change was made to the coring rubric for all applications. This was to address the HUD timeliness requirement, (24CFR 570.902(a)). Applicants were told during the technical assistance meetings that applicants with outstanding CDBG and HOME funds may not be receiving as strong of a consideration in this review process. This change helps the City and subrecipients stay in compliance with HUD timeliness requirements and promote new applicants to join the CDBG and HOME application process.

EA states that the SAT committee members made the funding recommendations for the econ applications.

CDBG Taskforce begins to review the CDBG public services applications

Howard Evergreen (HE) asks about how the taskforce can allocate the overage in public services

EA states that the overage can be directed toward another application in housing that may need it or be directed toward the Ridge Street Priority Neighborhood budgeted at \$150,000.

Kem Lea Spaulding (KLS) asks what is needed of the taskforce today.

EA explains that the Taskforce has the option to either fully fund, partially fund, or not fund the applicants, funds can also be moved to the Ridge Street priority neighborhood taskforce and to housing as needed.

Matthew Gillikin (MG) makes a funding recommendation to fully fund PHAR (\$34,000) and LVCA (\$25,000). MG states both applicants received the same score and fit within the 15% funding cap.

Taneaia Dowell (TD) seconds.

HE, KLS, and James Bryant (JB) also agreed.

KLS asks whether all the applications presented today are providing services only for the Ridge Street priority neighborhood.

EA explains that the grant is not exclusive to the Ridge street priority neighborhood. Some applicants are providing services within the target neighborhood, and others are providing services to City residents. The Ridge Street Priority neighborhood portion of the CDBG grant focuses solely in Ridge Street.

Emily Cone Miller (ECM) and MG make a funding recommendation to fully fund LEAP (\$57,000).

JB, TD, and HE second.

KLS asks whether LEAP is hiring Ridge Street residents for the job training program.

Chris Meyer from LEAP addresses this question, staff members come through the Home to Hope program. LEAP is asking for various funds from the CDBG econ and CDBG housing and HOME to service homes with energy efficiency improvements.

MG asks whether funds from the CDBG-CV3 could be moved to different funding categories.

EA answers that CDBG-CV3 is a separate grant and that those funds would need to remain separate from the CDBG and HOME.

HE and MG discuss briefly that Habitat for Humanity submitted two different applications for CDBG-CV3 and HOME, unlike LEAP who submitted the same application for multiple sources of funding. HE explains that Habitat applied for down payment assistance through the HOME grant and applied for a COVID relief rent/mortgage relief program through CDBG-CV3.

TD states a concern that she believes Habitat recruited only members through the Homeownership program.

Ruth Stone from Habitat addresses TD's question and states that the pathways to housing program through Habitat produces an applicant pool that needs financial empowerment that can be aided with CDBG and HOME.

MG makes one funding recommendation to fully fund Habitat (\$24,000) and give the remainder of the budget to AHIP.

HE ask if Habitat has outstanding funds.

EA states that a reasoning would need to be given to HUD as to why the City continues to re-award organizations with outstanding funds dating back to 2018. EA states that Habitat has outstanding down payment funds totaling \$14,813.52.

HE states that AHIP's proposal is to complete one home. Partially funding this application might make this hard to accomplish. He adds that LEAP's application aims to help more people with the funding requested.

TD agrees with HE's comments, and states that Habitat has not spent all the prior funding and is leveraging to complete said projects with some of the other projects that were funded earlier.

Cory Demchak from AHIP typically helps 10-20 homes with federal funds and assisting 1 home eliminates a lot of the admin work.

HE asks LEAP how partially funding their HOME application would affect their program.

Chris Meyer from LEAP states that a partial funding would reduce the number of homes that would get addressed.

The Taskforce moves to vote fully funding Habitat for Humanity (\$24,000).

HE asks EA whether this will work with the unspent funds.

EA states that if the Taskforce moves to recommend fully funding an application, an explanation will be given to HUD. The main concern is addressing the unspent funds with HUD and avoiding having subrecipients having to pay back HUD.



TD asks whether COVID-19 has affected projects.

EA states yes.

Emily Cone Miller (ECM) asks whether HOME funds could get moved to another funding category.

EA states that HOME funds need to remain in HOME (No).

MG makes a funding recommendation to fully fund Habitat (\$24,000) again. MG points out that the AHIP total rehab costs was over \$200,000 and that funding the proposal regardless of the amount would only assist partially.

ECM proposes funding LEAP the remaining 1/3 of the funds, and AHIP with the remaining 2/3 funds.

HE asks if AHIP received partial funding, would this affect the project?

Cory Demchak from AHIP states that receiving partial funding could affect this project specifically, but AHIP could switch to providing homeowner rehabs within the Ridge Street Neighborhood if that was the case.

Helen Kimble (HK) makes a funding recommendation to fund AHIP at 2/3 of the remaining HOME funds and fund LEAP with 1/3 of the remaining funds.

HE adds that the taskforce move to take the overage from the public services and housing category and place it into the LEAP application as they are not receiving full funding in the HOME category.

Taskforce approves: AHIP (\$37,352), LEAP (19,242) for HOME.

*Taskforce begins to review CDBG-CV3*

MG states that based on the scoring the fund should be divided between CRHA and Habitat. Pearl Transit's application scored significantly lower than the other two.

Members of the Taskforce state that the lack of clarity within the application poses concern.

MG asks if CRHA would be able to accomplish their activity on partial funding.

Kathleen Glen Matthews from CRHA states that the organization can scale back the scope of work offered within the application and pursue other sources of funding.

MG states that the rental assistance portion of the CRHA application was the most appealing given the current health crisis.

John Sales from CRHA speaks with the Taskforce about the eviction diversion program.

JB asks John about the role of the Housing Stabilization Coordinator.

John states that this role would work directly with families to work on repayment agreements and affordability.

JB states that homeowner eviction education during this time is a priority.

The Taskforce discusses on the CRHA application and the Habitat for Humanity covid application.

EA reminds the Taskforce that splitting up funds between organizations means less of the scope of work for both organizations would get accomplished, regarding CRHA and Habitat's application.

HE proposes splitting the funds between the two organizations (CRHA and Habitat). The funding recommendation is made that Habitat and CRHA both receive \$67,004.80.

ME mentions that he does not mind splitting the funds between the organizations and suggests that CRHA prioritize emergency rental relief.

Taskforce members discuss whether the funding recommendation should change.

TD proposes of funding CRHA with 2/3 of the public services covid funding, and the remaining 1/3 of the funding would be recommended to Habitat. TD explains that Habitat received funds in the HOME category.

TD also proposes to move the overage of econ funds to CRHA CDBG-CV3 application as there are no outstanding grant funds unspent with this applicant.

HE agrees.

Taskforce discusses on whether to split the public services funding evenly between CRHA and Habitat, or to divide it into thirds.

EA reminds the Taskforce that HUD needs justification from the Taskforce as to why the committee is recommending awarding an organization with outstanding grant funds.

Taskforce members move to fund CRHA with \$91,485.94 and fund Habitat \$45,563.26. CRHA was recommended to receive the funding overage.

Meeting Adjourned.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	January 19, 2021
Action Required:	Appropriation and Approval
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator
<b>Title:</b>	<b>Approval and Appropriation of CDBG &amp; HOME Budget Allocations for FY 2021-2022</b>

**Background:**

This agenda item includes project recommendations and appropriations for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

**Discussion:**

In Fall 2020, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on September 21, 2020. The priorities were for affordable housing (priority for persons who are 0-50 percent AMI, including but not limited to low income housing redevelopment), support for the homelessness and those at risk of homelessness, workforce development (including but not limited to efforts to bolster section 3 training opportunities and partnerships with the City's GO programs, support for programs that aid in self-sufficiency, including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services. The City received three applications totaling \$161,594 for HOME housing projects; one application totaling \$57,000 for CDBG housing projects, three applications totaling \$59,000 for public service projects; and two applications totaling \$44,238 for economic development projects. A summary of applications received is included in this packet.

On November 12<sup>th</sup> 2020, the CDBG/HOME Task Force reviewed and recommended housing and public service projects virtually for funding and the Strategic Action Team reviewed and recommended economic development projects virtually for funding.

**CDBG and HOME Project Recommendations for FY 2021-2022:**

The CDBG program total has an estimated \$419,367 for the 2021-2022 program year. The CDBG grand total reflects the \$419,367 Entitlement (EN) Grant, and \$0 in previous years' entitlement available. The HOME total consists of an estimated \$80,594 which is the City's portion of the

Consortium's appropriation, in addition to \$20,148.50 for the City's 25% required match. Minutes from the meetings are attached which outline the recommendations made. It is important to note that all projects went through an extensive review by the CDBG/HOME Task Force as a result of an RFP process.

Priority Neighborhood – On May 4, 2020, Council approved Ridge Street to be the rotating Priority Neighborhood in FY21-22 and FY22-23. This helps prevent phasing of a neighborhood project over the course of the three-year period. The Ridge Street Taskforce for the Priority Neighborhood will recommend improvement projects to be carried out with CDBG funds. City Council will review and approve the Ridge Street Priority Neighborhood Taskforce recommendations towards Summer 2021 to be included with the submission of the FY21-22 Action Plan.

Economic Development – Council set aside FY 21-22 CDBG funding for Economic Development Activities. Members of the Strategic Action Team reviewed applications for Economic Development and made a recommendation. Funds are proposed to be used to provide scholarships to assist 15-20 entrepreneurs develop financial management habits through mentorship and technical assistance and fund two staff positions for the assisted home performance workforce development.

Public Service Programs – The CDBG/HOME Task Force has recommended two public service programs. Programs were evaluated based on Council's priorities for affordable housing (including but not limited to low income housing redevelopment, priority for households at 0-50% of the area median income) support for the homelessness and those at risk of homelessness, workforce development (including but not limited to efforts to bolster section 3 training opportunities and partnerships with the City's GO programs, support for programs that aid in self-sufficiency, including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services. Programs were also evaluated based upon metrics included in the RFP evaluation scoring rubric. Funding will enable the organizations to provide increased levels of service to the community.

Estimated benefits include funding 16 low-income residents with resident involved redevelopment and funding individualized one-to-one instruction to help with workforce development tutoring skills for 30 illiterate City residents.

CDBG Housing Funds: The CDBG/HOME Task Force has recommended one CDBG housing programs for funding. Funds are proposed to be used to provide 20 energy efficient upgrades to qualifying homes within the Ridge Street neighborhood.

Administration and Planning: To pay for the costs of staff working with CDBG projects, citizen participation, and other costs directly related to CDBG funds, \$83,873.40 is budgeted.

HOME Funds: The CDBG/HOME Task Force recommended funding three programs that support homeowner rehabilitation. Estimated benefits includes one homeowner rehabilitations within the Ridge Street target area, four down payment assistance to low-income homeowners of 0-50% AMI, and providing 20 energy efficient upgrades to qualifying homes.

Adjusting for Actual Entitlement Amount: Because actual entitlement amounts are not confirmed at this time, it is recommended that all recommendations are increased/reduced at the same pro-

rated percentage of actual entitlement to be estimated. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

**Community Engagement:**

A request for proposals was held for housing, economic development, public facilities, and public service programs between October 1 2020 and October 16 2020. Applications received were reviewed by the CDBG Task Force or SAT. Priority Neighborhood recommendations will be made by members who serve on the Priority Neighborhood Task Force.

**Alignment with City Council’s Vision and Strategic Plan:**

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to have **Economic Sustainability, A Center for Lifelong Learning, Quality Housing Opportunities for All, and A Connected Community**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

**Budgetary Impact:**

Proposed CDBG projects will be carried out using only the funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD) for the City's CDBG program. The HOME program requires the City to provide a 25% match (HOME match equals ¼ of the EN amount). The sum necessary to meet the FY 2020-2021 match is \$20,148.50, which will need to be appropriated out of the Charlottesville Housing Fund (CP-0084) at a future date.

**Recommendation:**

Staff recommends approval of the CDBG and HOME projects. Staff approval of the proposed budget with any percent changes to the estimated amounts being applied equally to all programs and approval of the appropriations. Funds included in this budget will not be spent until after July 1, 2021.

**Alternatives:**

No alternatives are proposed.

**Attachments:**

- 2021-2022 Proposed CDBG and HOME Budget
- Appropriation Resolution for CDBG funds
- Appropriation Resolution for HOME funds
- Summary of RFPs submitted
- RFP Rubric
- Minutes from CDBG Task Force meetings

**2021-2022 CDBG and HOME BUDGET ALLOCATIONS  
 RECOMMENDED BY CDBG/HOME TASK FORCE and SAT: 11/12/2020  
 RECOMMENDED BY PLANNING COMMISSION: 12/8/2020  
 APPROVED BY CITY COUNCIL:**

<b>A. PRIORITY NEIGHBORHOOD</b>	
A. Ridge Street Priority Neighborhood	<b>\$150,000.00*</b>
<b>B. ECONOMIC DEVELOPMENT PROJECTS</b>	
A. Community Investment Collaborative – Financial Management Program	\$32,056.28
B. Local Energy Alliance Program – Workforce Development	\$29,238.00
<b>ECONOMIC DEVELOPMENT TOTAL:</b>	<b>\$61,294.28</b>
<b>C. PUBLIC SERVICE PROJECTS</b>	
A. Public Housing Association of Residents – Resident Involved Redevelopment	\$34,000.00
B. Literacy Volunteers – Workforce Development Tutoring	\$25,000.00
<b>SOCIAL PROGRAMS TOTAL:</b>	<b>\$59,000.00 (15% EN)</b>
<b>D. HOUSING PROJECTS</b>	
A. Local Energy Alliance Program – Assisted Home Performance	\$65,199.32
<b>HOUSING PROGRAMS TOTAL:</b>	<b>\$65,199.32</b>
<b>E. ADMINISTRATION AND PLANNING:</b>	
A. Admin and Planning	<b>\$83,873.40 (20% EN)</b>
	<b>GRAND TOTAL: \$419,367</b>
	<b>ESTIMATED NEW ENTITLEMENT AMOUNT: \$419,367</b>

\* Funding includes reprogrammed funds

**2021-2022 HOME BUDGET ALLOCATIONS**

A. AHIP – Homeowner Rehab	\$37,352.00*
B. Habitat for Humanity – Down Payment Assistance	\$24,000.00*
C. LEAP – Assisted Home Performance	\$19,242.00*
	<b>TOTAL: \$80,594.00</b>
	<b>ENTITLEMENT AMOUNT: \$80,594.00</b>
	<b>ESTIMATED EN AVAILABLE AFTER PI APPLIED: \$0.00</b>
	<b>LOCAL MATCH: \$20,148.50</b>

\* Includes estimated EN available after program income applied

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2021-2022  
COMMUNITY DEVELOPMENT BLOCK GRANT - \$419,367**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2021-2022 fiscal year in the total amount of \$419,367 from HUD.

**WHEREAS**, City Council has received recommendations for the expenditure of funds from the CDBG/HOME Task Force, the SAT, and the Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore;

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

**PRIORITY NEIGHBORHOOD**

Ridge Street Priority Neighborhood	\$150,000.00
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**ECONOMIC DEVELOPMENT**

Community Investment Collaborative Scholarships	\$32,056.28
Local Energy Alliance Program Workforce Development	\$29,238.00

**PUBLIC SERVICE PROGRAMS**

PHAR – Resident Involved Redevelopment	\$34,000.00
LVCA – Workforce Development Tutoring	\$25,000.00

**HOUSING PROJECTS**

LEAP – Assisted Home Performance	\$65,199.32
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**ADMINISTRATION AND PLANNING:**

Admin and Planning	\$83,873.40
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<b>TOTAL</b>	<b>\$419,367</b>
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**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$419,367 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure

that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.



**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2021-2022  
HOME FUNDS \$127,210.56**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2021-2022 fiscal year;

**WHEREAS**, the region is receiving an award for HOME funds for fiscal year 21-22 of which the City will receive \$80,594 to be expended on affordable housing initiatives such as homeowner rehab, energy efficiency improvements, and downpayment assistance.

**WHEREAS**, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the a surplus of match from previous appropriations from the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$20,148.50. The total of the HUD money, program income, and the local match, equals \$100,722.48 and will be distributed as shown below.

<b>PROJECTS</b>	<b>HOME EN</b>	<b>MATCH</b>	<b>TOTAL</b>
AHIP-Homeowner Rehab	\$37,352.00	\$6,716.16	\$44,048.16
Habitat for Humanity-DPA FY21-22	\$24,000.00	\$6,716.16	\$30,716.16
LEAP- Assisted Home Performance	\$19,242.00	\$6,716.16	\$25,958.16
<b>Total</b>	<b>\$80,594</b>	<b>\$20,148.50</b>	<b>\$100,722.48</b>

\* includes Program Income which does not require local match.

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$80,594 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

## CDBG-CV3 + CDBG + HOME RFP Submissions

		Organization, Program Title	Project Contact	Program Description	Funding Requested	
<b>CDBG-CV3</b>	<b>Public Service</b>	Pearl Transit	Jael Watts	24-hr Transportation and Non-perishable Food Delivery	\$ 132,384.00	
		Habitat for Humanity	Ruth Stone	COVID Response Program	\$ 90,000.00	
		Charlottesville Redevelopment Housing Authority	Kathleen Glenn-Matthews	CRHA Eviction Diversion Program	\$ 320,000.00	
		<b>Econ</b>	Community Investment Collaborative (CIC)	Stephen Davis	COVID Response Microenterprise Assistance	\$ 130,970.00
			<b>Total Amount of Request (Public Services)</b>	<b>\$ 542,384.00</b>	<b>Total Amount of Request (Econ)</b>	<b>\$ 130,970.00</b>
			<b>Total Projected Budget (Public Services)</b>	<b>\$ 134,009.60</b>	<b>Total Projected Budget (Econ)</b>	<b>\$ 134,009.60</b>
			<b>Request Overage (Public Services)</b>	<b>\$ (408,374.40)</b>	<b>Request Overage (Econ)</b>	<b>\$ (3,039.60)</b>
<b>CDBG</b>	<b>Econ</b>	<b>Organization, Program Title</b>	<b>Project Contact</b>	<b>Program Description</b>	<b>Funding Requested</b>	
		Local Energy Alliance Program (LEAP)	Chris Meyer	Assisted Home Performance Worforce Development	\$ 29,238.00	
		Community Investment Collaborative (CIC)	Stephen Davis	Financial Management Program	\$ 15,000.00	
		<b>Total Amount of Request</b>				<b>\$ 44,238.00</b>
		<b>Total Projected Budget</b>				<b>\$ 61,294.28</b>
		<b>Request Overage</b>		<b>\$ (17,056.28)</b>		
<b>CDBG</b>	<b>Public Services (15% Cap)</b>	<b>Organization, Program Title</b>	<b>Project Contact</b>	<b>Program Description</b>	<b>Funding Requested</b>	
		Public Housing Association of Residents (PHAR)	Brandon Collins	Resident Involved Redevelopment	\$ 34,000.00	
		Literacy Volunteers Charlottesville/Albemarle	Ellen Osborne	Beginning Level Workforce Development Tutoring	\$ 25,000.00	
		<b>Total Amount of Request</b>				<b>\$ 59,000.00</b>
		<b>Total Projected Budget</b>				<b>\$ 62,905.05</b>
		<b>Request Overage</b>		<b>\$ (3,905.05)</b>		
<b>CDBG</b>	<b>Housing</b>	<b>Organization, Program Title</b>	<b>Project Contact</b>	<b>Program Description</b>	<b>Funding Requested</b>	
		Local Energy Alliance Prorgam (LEAP)	Chris Meyer	Cville Low-Income Assisted Home Performance	\$ 57,000.00	
		<b>Total Amount of Request</b>				<b>\$ 57,000.00</b>
		<b>Total Projected Budget</b>				<b>\$ 61,294.28</b>
		<b>Request Overage</b>		<b>\$ (4,294.28)</b>		
<b>HOME</b>		<b>Organization, Program Title</b>	<b>Project Contact</b>	<b>Program Description</b>	<b>Funding Requested</b>	
		Local Energy Alliance Program (LEAP)	Chris Meyer	Cville Low-Income Assisted Home Performance	\$ 57,000.00	
		Habitat for Humanity	Ruth Stone	Affordable Housing Downpayment Assistance	\$ 24,000.00	
		Albemarle Housing Improvement Program (AHIP)	Cory Demchak	Charlottesville Critical Rehab Program	\$ 80,594.00	
		<b>Total Amount of Request</b>				<b>\$ 161,594.00</b>
<b>Total Projected Budget</b>				<b>\$ 80,594.00</b>		
		<b>Request Overage</b>		<b>\$ (81,000.00)</b>		

CDBG-CV3	Applicant	Score	Funding request	TF Recommendation 1
	CRHA	37.3	\$ 320,000.00	\$ 91,485.94
	Habitat	37.8	\$ 90,000.00	\$ 45,563.26
	Pearl Transit	26.75	\$ 132,384.00	\$ -
	<i>CIC (ECON)</i>	34.2	\$ 130,970.00	\$ 130,970.00
<b>Total Amount Requested (ps)</b>			\$ 542,384.00	\$ 137,049.20
<b>Total Amount Requested (econ)</b>			\$ 130,970.00	
<b>Total projected Budget (econ)</b>			\$ 134,009.60	
<b>Total projected Budget (ps)</b>			\$ 134,009.60	
<b>Request Overage (ps)</b>			\$ (408,374.40)	
<b>Requested Overage (econ)</b>			\$ 3,039.60	

CDBG Econ	Applicant	Score	Funding request	TF Recommendation 1
	LEAP	29.3	\$ 29,238.00	\$ 29,238.00
	CIC	34.2	\$ 15,000.00	\$ 32,056.28
<b>Total Amount Requested</b>			\$ 44,238.00	\$ 61,294.28
<b>Total projected Budget</b>			\$ 61,294.28	
<b>Request Overage</b>			\$ 17,056.28	

CDBG Public Services	Applicant	Score	Funding request	TF Recommendation 1
	PHAR	39.33	\$ 34,000.00	\$ 34,000.00
	LVCA	39.33	\$ 25,000.00	\$ 25,000.00
	<b>Total Amount Requested</b>			\$ 59,000.00
<b>Total projected Budget (15%)</b>			\$ 62,905.05	
<b>Request Overage</b>			\$ 3,905.05	

CDBG Housing	Applicant	Score	Funding request	TF Recommendation 1	
	LEAP	36.5	\$ 57,000.00	\$ 65,199.32	
	<b>Total Amount Requested</b>			\$ 57,000.00	\$ 65,199.32
	<b>Total projected Budget</b>			\$ 61,294.28	
<b>Request Overage</b>			\$ 4,294.28		

HOME	Applicant	Score	Funding request	TF Recommendation 1
	Habitat	37.67	\$ 24,000.00	\$ 24,000.00
	AHIP	33.67	\$ 80,594.00	\$ 37,352.00
	LEAP	36.5	\$ 57,000.00	\$ 19,242.00
	<b>Total Amount Requested</b>			\$ 161,594.00
<b>Total projected Budget</b>			\$ 80,594.00	
<b>Request Overage</b>			\$ (81,000.00)	

**SCORING RUBRIC FOR CDBG-CV3/CDBG/HOME GRANT PROPOSALS**



**Name of Applicant:**

**Name of Project:**

	<b>Exemplary (3 Points)</b>	<b>Adequate (2 Points)</b>	<b>Needs Improvement (1 Point)</b>	<b>Missing Information (0 Points)</b>	<b>Score</b>	<b>Comments</b>
<b>Program/Project Description</b>	Provides a clear description and clearly explains how it will address a Council Priority	Provides a description that adequately explains how it will address a Council Priority	Program/project description needs improvement	Proposal does not describe how it will address a Council Priority		
<b>Program/Project Goal</b>	Provides a clear explanation of the goal. Identifies what will be provided to whom, how many. Provides demographic information of the beneficiaries and how they will meet the income guidelines	Provides an adequate explanation of the goal	Program/Project goal needs improvement. Barely identifies what will be provided to whom and how many. Barely provides demographic information and how the beneficiaries will meet the income guidelines	Goal is missing and/or not explained. Identification of beneficiaries, number of beneficiaries, demographic information, and information about how the beneficiaries will meet the income guidelines is missing		
<b>Need</b>	Clearly describes how the program will directly address the needs.	Adequately describes how the program will directly address the needs using some local	Description of need needs improvement. Only state, regional, or national data	Does not describe how the program will directly address the needs and/or		

	Provides local data to describe the needs of the community <u>and</u> the beneficiaries	data to describe the needs of the community <u>and</u> the beneficiaries	provided, data not specific to clients	does not provide data to describe the needs of the community and the beneficiaries		
<b>Outcomes</b>	Clearly explains how proposed outcomes will be meaningful, client-focused and related to the service	Adequately explains how proposed outcomes will be meaningful, client-focused and related to the service	Explanation of how proposed outcomes will be meaningful, client-focused and related to the service needs improvement	Does not explain how proposed outcomes will be meaningful, client-focused and/or related to the service		
<b>Strategies</b>	Provides evidence-based strategies for how the program/project will address the need	Adequately describes how strategies address need using researched best practices strategies at a minimum	Describes how strategies address need without information about best practices or research	Does not identify how strategies directly address need		
<b>Implementation Timeline</b>	Timeline is detailed and realistic	Timeline is adequate	Timeline is limited or not realistic	No timeline provided and information is missing		
<b>Evaluation Plan</b>	Provides a rigorous evaluation plan which informs ongoing work, explains metrics and why they are used	Provides a solid evaluation plan	Evaluates some elements of its work, but the evaluation is not thorough	Proposal does not provide an evaluation plan or the plan is insufficient		
<b>Demographic Verification</b>	Proposal clearly describes how the agency will collect and verify <u>all</u> required information	Proposal adequately describes how the agency will collect and verify all required information	Proposal describes how the agency will collect and verify <u>some</u> required information	Proposal does not describe how the agency will collect and verify any required information		

<b>Financial Benefits</b>	Proposal describes how the program fully meets two financial benefits	Proposal describes how the program fully meets one financial benefit	Proposal describes how the program <u>partially</u> meets one to two financial benefits	Proposal does not describe how the program will provide a financial benefit		
<b>Collaboration</b>	Proposal describes how the program collaborates with other organizations to achieve a common goal using defined deliverables and metrics (ex. Clear accountability, shared management, such as MOU's or formal partnership agreements)	Proposal describes formal agreements with more than two organizations describing how they cooperate, but does not share common deliverables or metrics.	Proposal describes collaboration informally with other organizations (ex. information sharing, resource sharing)	Proposal does not describe collaboration with other entities		
<b>Engagement/ Outreach Strategy</b>	Proposal describes complete outreach and engagement strategies and explains how it will serve needy and underserved populations	Proposal describes some outreach and engagement strategies and how it will serve needy and underserved populations	Proposal explains that services are available to needy and underserved populations but program/project does not conduct outreach or engagement	Proposal does not provide strategies for outreach and engagement to needy and underserved populations		
<b>Priority Neighborhood Ridge Street</b>	Proposal describes complete outreach strategies and program/project serves residents in the Priority Neighborhood	Proposal describes some outreach and program/project serves residents in the Priority Neighborhood	Proposal explains that services are available to priority neighborhood residents but program/project does not conduct outreach	Proposal does not provide strategies for outreach to priority neighborhood residents		

<b>Organizational Capacity (STAFF ONLY – not included in scoring)</b>	Organization demonstrated sufficient capacity and fully met projected outcomes in previous grant year	Organization demonstrated adequate capacity and almost met projected outcomes in previous grant year	Organization capacity needs improvement, did not meet projected outcomes	The organization demonstrated a lack of a capacity		
<b>Outstanding Funding (STAFF ONLY – included in scoring)</b>	Organization expended all previous grant funding or is a new applicant with no prior CDBG/HOME/CDBG-CV dollars unspent.			Organization has been awarded grant funding from prior fiscal years and has been unable to spend all the funding.		
<b>Organizational Capacity</b>	Proposal provides clear evidence of the capacity and ability to ensure timely performance and reporting	Proposal provides adequate evidence of the capacity and ability to ensure timely performance and reporting	Evidence of capacity and ability needs improvement. Does not address the question fully	Proposal does not provide evidence of the capacity and ability		
<b>Budget</b>	Proposal clearly demonstrates: A. How requested funds will be applied to expense line items B. How the amount requested is reasonable C. That the overall program budget shows a direct	Proposal provides an adequate budget. Adequately addresses A, B, and C	Proposed budget needs improvement and barely addresses A, B, and/or C. Proposed budget needs improvement.	The proposal does not demonstrate how the requested funds will be applied to expense line items, how the amount requested is reasonable, and does not show a direct relationship with proposed service items		

	relationship with proposed service items					
TOTAL SCORE (MAX SCORE = 45 PTS)						





## **CDBG Taskforce and SAT Subcommittee Meeting Minutes**

Thursday, November 12th, 2020

3:30-5:30 PM

Virtual Meeting

### **AGENDA**

1. Introductions/Housekeeping/Minutes
  - a. SAT Committee 3:30-4:15pm
  - b. CDBG Taskforce: 4:15-5:30pm
2. Review Application Scores & Create proposal budget.
  - a. CDBG-CV3 2020-2021
  - b. CDBG 2021-2022
  - c. HOME 2021-2022
3. Other Business
4. Public Comment

### **Staff Contact:**

Erin Atak, Grants Coordinator (atake@charlottesville.gov), (434) 970-3093

## CDBG Strategic Action Team (SAT) Minutes

### ATTENDANCE:

<b>Taskforce Member</b>	<b>Present</b>	<b>Absent</b>
Sue Moffett	X	
Kelley Logan	X	
Letitia Shelton		X
Gretchen Ellis	X	
Diane Kuknyo	X	
Erin Atak	X	

### SAT Minutes

Grants Coordinator Erin Atak (EA) outlines the pre-application technical assistance process for the CDBG, HOME, and CDBG-CV3 grants. All applicants underwent an application workshop and a CDBG/HOME grant workshop session to review how to complete the web application, and the federal requirements for CDBG/HOME/CDBG-CV3.

12 applicants were met with during the mandatory technical assistance pre-application submittal phase, 8 applications were submitted for review.

EA states that one change was made to the coring rubric for all applications. This was to address the HUD timeliness requirement, (24CFR 570.902(a)). Applicants were told during the technical assistance meetings that applicants with outstanding CDBG and HOME funds may not be receiving as strong of a consideration in this review process. This change helps the City and subrecipients stay in compliance with HUD timeliness requirements and promote new applicants to join the CDBG and HOME application process.

EA states to the SAT members that they have the option to fully fund the CDBG econ applications, partially fund the applications, fund one application or not the other, or fund none of the applications.

Gretchen Ellis (GE) asks if the committee can fund an applicant more than what was requested.

EA: Yes – the Taskforce can check with Community Investment Collaborative and Local Energy Alliance Program staff in the audience to see whether they would be able to manage additional funds.

GE: Poses the question of whether the grants being awarded to microenterprises through CIC's application could be increased as we have been in this COVID state for an expended period of time – increasing the grant among would benefit businesses more.

CIC Staff member Anna speaks with the Taskforce and states that CIC would be able administer larger grants and could manage extra funding and could also help more businesses at the same small grant threshold depending on how the Taskforce decided.

GE makes a recommendation to move some of the CDBG econ overage funding into the CIC econ funding recommendation.

Sue Moffett (SM) states that she had difficulty with the LEAP application as there was an absence of data making it hard to measure effectiveness of the project aside from reviewing the purpose of the project.

GE: Poses a question for LEAP about whether that have previous experience with working with previously incarcerated individuals transition to the workforce. GE also mentions that LEAP's application is more focused in the target neighborhood.

Chris Meyer from LEAP addresses GE's questions, states they have experience with working with Home to Hope individuals. States that this is one strategy to build a workforce.

Diane Kuknyo (DK) asks Chris Meyer about whether the homes benefiting from the program will be rental properties with wealthy homeowners or low-income homeowners.

Chris Meyer from LEAP addresses DK's concern and states that this program will benefit low-income homeowners.

GE moves to fully funding LEAP and to funding CIC at the full amount along with adding the \$17,000 overage to CIC so that CIC could increase the number of microloans to the proposed businesses.

Kelly Logan (KL) seconds.

Moving to CDBG-CV3 Econ category

EA explains that the SAT members only review the economic development applications while the CDBG/HOME Taskforce review the public service and housing applications in accordance to the CDBG Citizen Participation Plan.

GE moves to fund CIC CDBG-CV3 application at the full \$130,970.00

SM seconds.

*SAT recommends the final budget:*

**CDBG Econ**  
LEAP \$29,238

CIC \$32,056.28

**CDBG-CV3**

CIC \$130,970

SAT Committee is Adjourned.

**CDBG/HOME Taskforce Minutes**

**ATTENDANCE:**

<b>Taskforce Member</b>	<b>Present</b>	<b>Absent</b>
James Bryant	X	
Taneaia Dowell	X	
Howard Evergreen	X	
<i>Belmont Rep: VACANT</i>		X
Nancy Carpenter		X
Emily Cone-Miller	X	
Matthew Gillikin	X	
Kem Lea Spaulding	X	
Helen Kimble	X	
Erin Atak	X	

**CDBG Minutes**

Grants Coordinator Erin Atak (EA) outlines the pre-application technical assistance process for the CDBG, HOME, and CDBG-CV3 grants. All applicants underwent an application workshop and a CDBG/HOME grant workshop session to review how to complete the web application, and the federal requirements for CDBG/HOME/CDBG-CV3.

12 applicants were met with during the mandatory technical assistance pre-application submittal phase, 8 applications were submitted for review.

EA states that one change was made to the coring rubric for all applications. This was to address the HUD timeliness requirement, (24CFR 570.902(a)). Applicants were told during the technical assistance meetings that applicants with outstanding CDBG and HOME funds may not be receiving as strong of a consideration in this review process. This change helps the City and subrecipients stay in compliance with HUD timeliness requirements and promote new applicants to join the CDBG and HOME application process.

EA states that the SAT committee members made the funding recommendations for the econ applications.

CDBG Taskforce begins to review the CDBG public services applications

Howard Evergreen (HE) asks about how the taskforce can allocate the overage in public services

EA states that the overage can be directed toward another application in housing that may need it or be directed toward the Ridge Street Priority Neighborhood budgeted at \$150,000.

Kem Lea Spaulding (KLS) asks what is needed of the taskforce today.

EA explains that the Taskforce has the option to either fully fund, partially fund, or not fund the applicants, funds can also be moved to the Ridge Street priority neighborhood taskforce and to housing as needed.

Matthew Gillikin (MG) makes a funding recommendation to fully fund PHAR (\$34,000) and LVCA (\$25,000). MG states both applicants received the same score and fit within the 15% funding cap.

Taneaia Dowell (TD) seconds.

HE, KLS, and James Bryant (JB) also agreed.

KLS asks whether all the applications presented today are providing services only for the Ridge Street priority neighborhood.

EA explains that the grant is not exclusive to the Ridge street priority neighborhood. Some applicants are providing services within the target neighborhood, and others are providing services to City residents. The Ridge Street Priority neighborhood portion of the CDBG grant focuses solely in Ridge Street.

Emily Cone Miller (ECM) and MG make a funding recommendation to fully fund LEAP (\$57,000).

JB, TD, and HE second.

KLS asks whether LEAP is hiring Ridge Street residents for the job training program.

Chris Meyer from LEAP addresses this question, staff members come through the Home to Hope program. LEAP is asking for various funds from the CDBG econ and CDBG housing and HOME to service homes with energy efficiency improvements.

MG asks whether funds from the CDBG-CV3 could be moved to different funding categories.

EA answers that CDBG-CV3 is a separate grant and that those funds would need to remain separate from the CDBG and HOME.

HE and MG discuss briefly that Habitat for Humanity submitted two different applications for CDBG-CV3 and HOME, unlike LEAP who submitted the same application for multiple sources of funding. HE explains that Habitat applied for down payment assistance through the HOME grant and applied for a COVID relief rent/mortgage relief program through CDBG-CV3.

TD states a concern that she believes Habitat recruited only members through the Homeownership program.

Ruth Stone from Habitat addresses TD's question and states that the pathways to housing program through Habitat produces an applicant pool that needs financial empowerment that can be aided with CDBG and HOME.

MG makes one funding recommendation to fully fund Habitat (\$24,000) and give the remainder of the budget to AHIP.

HE ask if Habitat has outstanding funds.

EA states that a reasoning would need to be given to HUD as to why the City continues to re-award organizations with outstanding funds dating back to 2018. EA states that Habitat has outstanding down payment funds totaling \$14,813.52.

HE states that AHIP's proposal is to complete one home. Partially funding this application might make this hard to accomplish. He adds that LEAP's application aims to help more people with the funding requested.

TD agrees with HE's comments, and states that Habitat has not spent all the prior funding and is leveraging to complete said projects with some of the other projects that were funded earlier.

Cory Demchak from AHIP typically helps 10-20 homes with federal funds and assisting 1 home eliminates a lot of the admin work.

HE asks LEAP how partially funding their HOME application would affect their program.

Chris Meyer from LEAP states that a partial funding would reduce the number of homes that would get addressed.

The Taskforce moves to vote fully funding Habitat for Humanity (\$24,000).

HE asks EA whether this will work with the unspent funds.

EA states that if the Taskforce moves to recommend fully funding an application, an explanation will be given to HUD. The main concern is addressing the unspent funds with HUD and avoiding having subrecipients having to pay back HUD.

TD asks whether COVID-19 has affected projects.

EA states yes.

Emily Cone Miller (ECM) asks whether HOME funds could get moved to another funding category.

EA states that HOME funds need to remain in HOME (No).

MG makes a funding recommendation to fully fund Habitat (\$24,000) again. MG points out that the AHIP total rehab costs was over \$200,000 and that funding the proposal regardless of the amount would only assist partially.

ECM proposes funding LEAP the remaining 1/3 of the funds, and AHIP with the remaining 2/3 funds.

HE asks if AHIP received partial funding, would this affect the project?

Cory Demchak from AHIP states that receiving partial funding could affect this project specifically, but AHIP could switch to providing homeowner rehabs within the Ridge Street Neighborhood if that was the case.

Helen Kimble (HK) makes a funding recommendation to fund AHIP at 2/3 of the remaining HOME funds and fund LEAP with 1/3 of the remaining funds.

HE adds that the taskforce move to take the overage from the public services and housing category and place it into the LEAP application as they are not receiving full funding in the HOME category.

Taskforce approves: AHIP (\$37,352), LEAP (19,242) for HOME.

*Taskforce begins to review CDBG-CV3*

MG states that based on the scoring the fund should be divided between CRHA and Habitat. Pearl Transit's application scored significantly lower than the other two.

Members of the Taskforce state that the lack of clarity within the application poses concern.

MG asks if CRHA would be able to accomplish their activity on partial funding.

Kathleen Glen Matthews from CRHA states that the organization can scale back the scope of work offered within the application and pursue other sources of funding.

MG states that the rental assistance portion of the CRHA application was the most appealing given the current health crisis.

John Sales from CRHA speaks with the Taskforce about the eviction diversion program.

JB asks John about the role of the Housing Stabilization Coordinator.

John states that this role would work directly with families to work on repayment agreements and affordability.

JB states that homeowner eviction education during this time is a priority.

The Taskforce discusses on the CRHA application and the Habitat for Humanity covid application.

EA reminds the Taskforce that splitting up funds between organizations means less of the scope of work for both organizations would get accomplished, regarding CRHA and Habitat's application.

HE proposes splitting the funds between the two organizations (CRHA and Habitat). The funding recommendation is made that Habitat and CRHA both receive \$67,004.80.

ME mentions that he does not mind splitting the funds between the organizations and suggests that CRHA prioritize emergency rental relief.

Taskforce members discuss whether the funding recommendation should change.

TD proposes of funding CRHA with 2/3 of the public services covid funding, and the remaining 1/3 of the funding would be recommended to Habitat. TD explains that Habitat received funds in the HOME category.

TD also proposes to move the overage of econ funds to CRHA CDBG-CV3 application as there are no outstanding grant funds unspent with this applicant.

HE agrees.

Taskforce discusses on whether to split the public services funding evenly between CRHA and Habitat, or to divide it into thirds.

EA reminds the Taskforce that HUD needs justification from the Taskforce as to why the committee is recommending awarding an organization with outstanding grant funds.

Taskforce members move to fund CRHA with \$91,485.94 and fund Habitat \$45,563.26. CRHA was recommended to receive the funding overage.

Meeting Adjourned.



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 1, 2021
Action Required:	Approval and Appropriation
Presenter:	Kaki Dimock, Director, Human Services
Staff Contacts:	Kaki Dimock, Director, Human Services
Title:	<b>Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) Grant Award - \$20,000</b>

**Background:**

The Department of Human Services, in coordination with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) and the Service Provider Council (S.P.C.), received a grant from the Virginia Department of Housing and Community Development. This additional Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) award is \$20,000 and is a second supplemental grant based on the COVID-19 pandemic for July 1, 2020 – June 30, 2021.

**Discussion:**

The City of Charlottesville has staff from Human Services and Social Services taking leadership roles in the governance of T.J.A.C.H. H.O.P.W.A. is an important resource in our community's efforts to end homelessness. The grant provides services in four key areas.

1. **Tenant-Based Rental Assistance (T.B.R.A.):** The Thomas Jefferson Health District (T.J.H.D.) partners with The Haven to provide T.B.R.A. to eligible participants. The T.J.H.D. screens participants for eligibility and inspects the proposed property to ensure that it meets HUD requirements. Upon successful screening, The Haven contacts the landlord to arrange monthly rent payment, similar to rapid re-housing.
2. **Short-term Rental, Mortgage and Utility Assistance:** T.J.H.D. screens eligible participants for short-term assistance including emergency utility payments to avoid shut-off.
3. **Supportive Services:** T.J.H.D. provides supportive services including crisis intervention, case management and service referrals.
4. **Homeless Management Information System (H.M.I.S.):** The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with T.J.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care (C.O.C.) has a well-populated database for individuals experiencing homelessness. HMIS collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among

T.J.A.C.H. Continuum of Care Service Providers expedites communication and reduces the need to interface disparate documentation systems.

5. **Administration:** The City of Charlottesville as the award recipient is eligible for an administrative fee. Staff proposes that we pass these dollars through to T.J.H.D. & The Haven to support the supervision of assigned staff.

**Community Engagement:**

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the new governance model for T.J.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (IMPACT).

**Alignment with City Council’s Vision and Strategic Plan:**

This grant advances the City of Charlottesville’s Strategic Plan Goal #1 of enhancing the self sufficiency of our residents. Specifically, it will facilitate the objective of increasing affordable housing options. This item primarily aligns with Council’s vision for Quality Housing Opportunities for All.

**Budgetary Impact:**

There is no budget impact for the City of Charlottesville. This grant will be entirely State, and Federal pass-through funds. No local match is required. All funds will be distributed to sub-recipients for service provision.

**Recommendation:**

Staff recommends approval and appropriation of grant funds.

**Alternatives:**

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis while managing AIDS/H.I.V.: short-term rental assistance, utility assistance, rapid rehousing, H.M.I.S., and administration.

**Attachments:**

Appropriation

**APPROPRIATION**  
**Housing Opportunities for People with AIDS/H.I.V. Grant**  
**\$20,000**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$20,000

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$20,000 is hereby appropriated in the following manner:

**Revenues**

\$20,000      Fund: 209      IO: 1900390 (H.O.P.W.A.)      G/L: 430120 Federal Pass-Thru State

**Expenditures**

\$20,000      Fund: 209      IO: 1900390 (H.O.P.W.A.)      G/L: 530550 Contracted Services

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of \$20,000 in funds from the Virginia Department of Housing and Community Development.



Agenda Date:	February 1, 2021
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept.
Staff Contacts:	Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept.
<b>Title:</b>	<b>2020 Local Emergency Management Performance Grant – Supplemental (EMPG-S) - \$99,608.00</b>

**Background:**

The Fiscal Year (FY) 2020 Emergency Management Performance Grant Program – COVID-19 Supplemental (EMPG-S) assists states, territories, tribes, and local governments with their public health and emergency management activities supporting the prevention of, preparation for, and response to the ongoing Coronavirus Disease 2019 (COVID-19) public health emergency. Through this funding opportunity, FEMA will award funding to support planning and operational readiness for COVID-19 preparedness and response, development of tools and strategies for prevention, preparedness, and response, and ongoing communication and coordination among federal, State, local, tribal, and territorial partners throughout the response.

**Discussion:**

The FY 2020 LEMPG will provide federal funds to assist emergency management agencies to obtain the resources required to support implementation of the National Preparedness System and the National Preparedness Goal (the Goal) of a secure and resilient nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, EMPG-S supports the goal to Strengthen National Preparedness and Resilience. EMPG supports comprehensive, all-hazards emergency preparedness system by building and sustaining the core capabilities contained in the Goal. EMPG funding is used to support a whole community approach to strengthen a state’s or community’s emergency management program.

In attempts to broaden the local vaccination and testing efforts, these funds will be used to bring online a mobile testing/vaccination van for use within the city - within the neighborhoods. This mobile unit will be able to bring the vaccines and/or testing to the community as a broader vaccine push is underway into the spring and beyond. For these scheduled mobile sites, it will ultimately be a partnership effort within the city, with the local health department, to acquire the vaccines and set up the clinics. The fire department will provide support and logistics in concert

with the health department, assist the assigned vaccinators at the mobile sites, and/or assist with the vaccines and testing as trained and approved.

Beyond 2021, throughout the year, in addition to Covid 19 vaccines and testing this van will be able to continue in this role. Its footprint can expand to annual flu vaccinations/testing and other various outreach activities in partnership with the local health department and/or other community health partners.

**Alignment with Council Vision Areas and Strategic Plan:**

The 2020 EMPG-S award supports the City’s mission “We provide services that promote equity and an excellent quality of life in our community” by providing supplemental funding for a mobile vaccination/testing/outreach van. With this funding, we are better able to assist our community health partners deploy mobile vaccine, testing, and outreach services to the citizens of the City.

The monetary assistance from this grant also aligns with Goal 2.1, Reduce adverse impact from sudden injury and illness and the effects of chronic disease by helping to support these preventative activities in the community, as well as elements within Goal 5 - A Well-managed and Responsive Organization.

**Community Engagement:**

N/A

**Budgetary Impact:**

Under the 2020 EMPG-S grant award structure, the grant covers 50% of the project with the remaining 50% being a local match. The local match will be provided through previously appropriated equipment replacement funds designated for the Fire Department.

The breakdown of the grant award is:

Grant Award = \$49,804.00

Local Match = \$49,804.00

Total = \$99,608.00

**Recommendation:**

Staff recommends approval and appropriation of grant funds.

**Alternatives:**

If the 2020 EMPG-S grant award funding is not appropriated, the Fire Department will not be able to utilize this supplemental funding to bring this mobile vaccination and testing van online.

**Attachments:** Appropriation

**APPROPRIATION**

**2020 Local Emergency Management Performance Grant – Supplemental (EMPG-S) - \$99,608.00**

**WHEREAS**, the Virginia Department of Emergency Management (VDEM) and the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) has awarded a 2020 Local Emergency Management Performance Grant (LEMPG) CFDA 97.042 to the Fire Department, through the City of Charlottesville, specifically for a mobile vaccination and testing van;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$99,608.00 be appropriated in the following manner:

**Expenditure Transfer from:**

\$49,804.00 Fund: 106 Cost Center: 3201001001 G/L Account: 561209

**Revenues - \$99,608.00**

\$49,804.00 Fund: 209 I/O: 1900398 G/L Account: 430120

Transfer to:

\$49,804.00 Fund: 209 I/O: 1900398 G/L Account: 498010

**Expenditures - \$99,608.00**

\$49,804.00 Fund: 209 I/O: 1900398 G/L Account: 599999

Transfer to:

\$49,804.00 Fund: 209 I/O: 1900398 G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the reimbursement of funds from the Virginia Department of Emergency Management.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	February 1, 2021
<b>Action Requested:</b>	Resolution
<b>Presenter:</b>	Brenda Kelley, Redevelopment Manager
<b>Staff Contacts:</b>	John Blair, Acting City Manager Brenda Kelley, Redevelopment Manager, City Manager's Office
<b>Title:</b>	<b>Support for Friendship Court Redevelopment – Phase 2</b>

**Background:**

Friendship Court is a mixed-use, mixed-income, phased redevelopment comprised of four phases all of which will take place on the existing site. Each phase is an independent phase. A fundamental goal of the redevelopment is no displacement of current residents, hence the need for a phased development. The total duration of all phases is not expected to exceed ten years. This redevelopment approach is the direct result of the current Friendship Courts residents' vision for the redeveloped Friendship Court and its future. The completed redevelopment will result in no more than 505 residential units (as permitted by the current zoning regulations) and a variety of commercial, educational, and retail establishments. The redevelopment is intended to further incorporate Friendship Court and its residents into the fabric of the City of Charlottesville.

In alignment with the previously shown phasing plan developed by the resident-led Advisory Committee, an application for Low Income Housing Tax Credit (LIHTC) funding for the Phase 2 redevelopment will be submitted in March 2021.

Once Phase 1 construction is complete, Phase 2 will begin with the demolition of 46 existing units (these families will already be re-housed in new Phase 1 units), and follow with the construction of approximately 106 new affordable homes. Of these, 100 will be affordable rental units and the other 6 will be affordable homes for purchase. The homeownership units will likely be developed under a community land trust model to ensure permanent affordability.

As with Phase 1, the housing in Phase 2 will include both townhomes and multifamily-style apartments. The 52 townhouse units will include both rental and homeownership opportunities. The remaining 54 units will be all rental apartment-style units.

In a similar resident-income balance as Phase 1, all homes will serve households at three tiers of affordability. Of the 100 rental units, 54 "Tier 1" units will be replacement Section 8-subsidized units, 23 "Tier 2" units will be for households with incomes between 30-60% AMI, and 23 "Tier 3"

units will be for households with incomes between 60-80% AMI. While the income balance of the homeownership units is still being determined, we are aiming to pursue a similar tiering ratio.

**Discussion:**

Application for Virginia Housing (previously known as Virginia Housing Development Authority - VHDA) LIHTC program are due in March 2021. Virginia Housing LIHTC application requires a resolution by City Council that corresponds to any financial commitment(s) made for the redevelopment project. LIHTCs are critical to the financing of the redevelopment of Friendship Court and it is a competitive application process. The City's support, both financially and in declaration, helps to ensure the application receives the highest possible score. The City has previously supported the Phase 1 redevelopment.

**Alignment with City Council's Vision and Strategic Plan:**

The overall redevelopment of Friendship Court supports City Council's visions of Quality Housing Opportunities for All; A Green City; Community of Mutual Respect; and Smart, Citizen-Focused Government.

Strategic Plan Goals:

- Goal 1.3: Increase affordable housing options
- Goal 2.3: Improve community health and safety outcomes by connecting residents with effective resources (aligning health care with provision of housing for the elderly and disabled)

Comprehensive Plan Goals:

- Goal 3: Grow the City's housing stock for residents of all income levels
- Goal 3.1: Continue to work toward the City's goal of 15% supported affordable housing by 2025.
- Goal 3.6: Promote housing options to accommodate both renters and owners at all price points, including workforce housing.
- Goal 4.1: Continue to support the use of appropriate tax credit proposals submitted by private and non-profit developers within the locality to create affordable rental units, as consistent with Housing Advisory Committee policy.
- Goal 5: Support projects and public/private partnerships (i.e., private, non-profits, private developers and governmental agencies) for affordable housing, including workforce housing and mixed-use, and mixed-income developments.
- Goal 5.7: Support housing programs at the local and regional level that encourage mixed-income neighborhoods and discourage the isolation of very low and low income households.
- Goal 7: Offer a range of housing options to meet the needs of Charlottesville's residents, including those presently underserved, in order to create vibrant residential areas or reinvigorate existing ones.
- Goal 7.1: To the greatest extent feasible ensure affordable housing is aesthetically similar to market rate.
- Goal 8.1: Encourage mixed-use and mixed-income housing developments.



- Goal 8.3: Encourage housing development where increased density is desirable and strive to coordinate those areas with stronger access to employment opportunities, transit routes and commercial services.
- Goal 8.7: Encourage the incorporation of green sustainable principles (e.g. LEED, EarthCraft Virginia, Energy Star, etc.) in all housing development to the maximum extent feasible both as a way to be more sustainable and to lower housing costs.

**Community Engagement:**

In February 2016, at the outset of considering redevelopment, a critical choice was made to establish a formal Advisory Committee, a cohort of nine Friendship Court residents elected by their neighbors to represent them through the process, plus six members from the at-large Charlottesville community. Led by the resident members, they have become genuine partners in planning their community's future, co-designing every aspect of the site, with all major decisions passing through their hands. The resident members, like any other consultants, are paid for their time and expertise.

In addition to the resident-led redevelopment, there have been door to door efforts to garner feedback and a number of Community events have been held intended to educate all Friendship Court residents on the redevelopment efforts. There is also an on-site Community Organizer, who works daily to keep residents informed about the redevelopment plans. All of these efforts are ongoing.

**Budgetary Impact:**

This request does not encumber any additional funding from the City budget. It provides acknowledgement that up to \$3,250,000 in funding may be provided.

**Recommendation:**

Staff recommends City Council approve the attached Resolution supporting redevelopment of Friendship Court Phase 2.

**Alternatives:**

City Council could choose to not approve the supporting Resolution for Friendship Court Phase 2, which could have a negative impact on the LIHTC application.

**Attachments:**

Resolution

**RESOLUTION**

**Financial Resolution Supporting Friendship Court Phase 2  
Parcel Number: 280112000**

**NOW, THEREFORE BE IT RESOLVED** that the Council of the City of Charlottesville, Virginia hereby commits up to \$3,250,000 in the form of loans for the redevelopment of Friendship Court Phase 2. The commitment of up to \$3,250,000 will help to subsidize Phase 2 which in turn will create approximately 106 newly constructed affordable housing units and some commercial space in the City of Charlottesville. This commitment will be made to Piedmont Housing Alliance and NHT Communities.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	February 1, 2021
<b>Action Required:</b>	Approval of Resolution
<b>Presenter:</b>	Kyle Kling, Transportation Project Manager
<b>Staff Contacts:</b>	Tony Edwards, Public Works Services Manager Kyle Kling, Transportation Project Manager
<b>Title:</b>	Reallocation of State of Good Repair Bridge Funds to the Melbourne Road Bridge over the Norfolk Southern Railway - \$220,930

**Background:**

In 2017, the City was awarded \$10,079,968 in State of Good Repair (SGR) funds to implement bridge maintenance repairs to four structurally deficient bridges within the City. The funds were allocated to four projects to cover repairs for the Melbourne Road Bridge over the Norfolk Southern Railway, the Route 250 Bridge over Emmet Street, the Route 250 Bridge over Rugby Road and the Route 250 Bridge over the Norfolk Southern Railway.

On October 26, 2020, construction bid proposals for the projects were received. A contract was awarded for these projects on November 2, 2020 in the amount of \$ 7,450,053.50 based on the planned scope of work for the structures. In review of the apparent lowest responsive bid proposals for each bridge, a deficit in funding for the Melbourne Road Bridge was identified in consideration of additional project scope and associated costs. It was determined that an additional amount of \$220,930 is needed to fund the additional scope of work and necessary repairs on the Melbourne Road Bridge Project.

**Discussion:**

In review of the bid documents, it was determined that the apparent lowest responsive bid proposals for the Route 250/Emmet Street Bridge project, the Route 250/Rugby Road Bridge project and the Route 250/Norfolk Southern Railway project were below the identified funding amounts allocated for each. However, the anticipated project costs for the Melbourne Road/Norfolk Southern Railway Bridge have increased due the project related scope of work costs and additional needed repairs. The factors contributing to this increase include: project contingency funding, construction inspections costs, and associated VDOT staff charges to this project. Additional structure inspections also presented increased deterioration of the bridge structure resulting in the need to fully replace the bridge deck, which was not identified in the original project scoping. Therefore, these changes in scope are necessary to bring the structure

into compliance with the project funding requirements and account for increased project costs. Overall, it is estimated that an additional \$220,930 for the Melbourne Road/Norfolk Southern Railway Bridge project.

In review of the funding needs for the other three projects, it was determined that SGR funds could be transferred from these projects to the Melbourne Road/Norfolk Southern Railway Bridge project. This matter has been discussed with the Virginia Department of Transportation (VDOT) for authorization, and they have agreed to accommodate this request. To facilitate this transfer, VDOT has provided the City with amended versions of the attached Appendix A forms for execution by the City Manager. In addition, the attached resolution will reallocate SGR funds to assigned project accounts.

The transfer between the projects eliminates the need to reduce any of the Melbourne Road/Norfolk Southern Railway Bridge project's scope of work or request additional local funds.

**Alignment with City Council's Vision Areas and Strategic Plan:**

Approval of this agenda item upholds the City's commitment to create "a connected community" by improving upon our existing transportation infrastructure. In addition, it will contribute to Goal 3 of the Strategic Plan, Beautiful Environment:

- 3.1 Engage in robust and context sensitive urban planning and implementation;
- 3.2 Provide reliable and high quality infrastructure; and
- 3.3 Provide a variety of transportation and mobility options.

**Community Engagement:**

Each project includes public participation/involvement activities. By transferring these state funds, each can move forward with their current scopes/design.

**Budgetary Impact:**

There is no direct impact on the city's budget as this is a reallocation of previously appropriated State funding. There is no local match requirement as the SGR grant applications awarded are based on 100% funding. Reallocation of the SGR funds will eliminate the need to reduce scope of improvements on the Melbourne Road/Norfolk Southern Railway Bridge project or the need for additional local funds.

On-going maintenance will be required once improvements are constructed.

**Recommendation:**

Staff recommends approval and transfer of the funds.  
Authorizing the Acting City Manager to execute the revised Appendix A forms for each SGR project.

**Alternatives:**

Deny transfer of state funding, which would result in the need to reduce scope of improvements on the Melbourne Road/Norfolk Southern Railway Bridge project or require the need for additional local funds.

**Attachments:**

- 1) Resolution
- 2) Revised Appendix As

**RESOLUTION**  
**Reallocation of State of Good Repair Bridge Funds**  
**\$220,930.00**

**WHEREAS**, a total of \$220,930.00 in state funds for the State of Good Repair Bridge Program requires transfer; and

**NOW, THEREFORE BE IT FURTHER RESOLVED** by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

**Transfer From**

Revenue

<b>\$ 165,768.00</b>	Fund: 426	WBS: P-000953	G/L Account: 430110
<b>\$ 21,407.00</b>	Fund: 426	WBS: P-000954	G/L Account: 430110
<b>\$ 33,755.00</b>	Fund: 426	WBS: P-000955	G/L Account: 430110

Expenditures

<b>\$ 165,768.00</b>	Fund: 426	WBS: P-000953	G/L Account: 599999
<b>\$ 21,407.00</b>	Fund: 426	WBS: P-000954	G/L Account: 599999
<b>\$ 33,755.00</b>	Fund: 426	WBS: P-000955	G/L Account: 599999

**Transfer To**

Revenue

<b>\$ 220,930.00</b>	Fund: 426	WBS: P-00956	G/L Account: 430110
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Expenditures

<b>\$ 220,930.00</b>	Fund: 426	WBS: P-00956	G/L Account: 599999
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Project Number: U000-104-340 UPC: 110890 CFDA # 20.205 Locality: City of Charlottesville

Project Location ZIP+4: 22901-3148	Locality DUNS # 074745829	Locality Address (incl ZIP+4): 610 East Market Street Charlottesville, VA 22902-5303
Project Narrative		
Work Description:	Bridge Maintenance - Melbourne Road over Norfolk Southern Railroad	
From:	Melbourne Road over Norfolk Southern Railroad	
To:	Melbourne Road over Norfolk Southern Railroad	
Locality Project Manager Contact info:	Kyle Kling 434-9970-3182 klingk@charlottesville.gov	
Department Project Coordinator Contact Info:	Michael Barnes 434-207-2233 michael.d.barnes@vdot.virginia.gov	

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$122,500	\$0	\$2,414,525	\$2,537,025
Estimated VDOT Project Expenses	\$2,500	\$0	\$122,031	\$124,531
Estimated Total Project Costs	\$125,000	\$0	\$2,536,556	\$2,661,556

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$125,000	Primary Formula	0%	\$0	\$125,000	
				\$0	\$0	
				\$0	\$0	
<b>Total PE</b>	\$125,000			\$0	\$125,000	\$122,500
Right of Way & Utilities	\$0		0%	\$0	\$0	
				\$0	\$0	
<b>Total RW</b>	\$0			\$0	\$0	\$0
Construction	\$36,772	Primary Formula	0%	\$0	\$36,772	
	\$2,499,784	SGR Bridge		\$0	\$2,499,784	
				\$0	\$0	
				\$0	\$0	
<b>Total CN</b>	\$2,536,556			\$0	\$2,536,556	\$2,414,525
<b>Total Estimated Cost</b>	\$2,661,556			\$0	\$2,661,556	\$2,537,025

<b>Total Maximum Reimbursement by VDOT to Locality (Less Local Share)</b>	\$2,661,556
<b>Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)</b>	\$2,537,025

Project Financing						
						Aggregate Allocations
SGR Bridge	Primary Formula					
\$2,499,784	\$161,772					\$2,661,556

Program and Project Specific Funding Requirements
<ul style="list-style-type: none"> <li>This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Urban Manual.</li> <li>In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 6/11/2019.</li> <li>This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$2,661,556</li> <li>The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the Project be altered by the LOCALITY subsequent to Project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.</li> <li>This is a limited funds Project. Financing of any eligible costs in excess of \$2,661,556 and all ineligible costs as determined by the DEPARTMENT pursuant to the DEPARTMENT's current policy and procedure in administration of the Urban Manual will be borne 100% percent by the LOCALITY.</li> <li>The Project will be constructed and maintained in accordance with VDOT's Urban Manual.</li> <li>Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.</li> <li>All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.</li> <li>Project estimate, schedule and commitment to funding are subject to the requirements established in the Commonwealth Transportation Board (CTB) Policy and Guidelines for Implementation of the State of Good Repair Prioritization Process, Code of Virginia, and VDOT's Instructional and Informational Memorandums.</li> <li>Projects receiving funding under this program must initiate the Preliminary Engineering or the Construction Phase within 24 months of award of funding or become subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the Project.</li> <li>This Project has been selected through the State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the Commonwealth Transportation Board State of Good Repair Program Prioritization Process Methodology, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent annual State of Good Repair prioritization cycle for the same bridge structure to account for a cost increase on a previously selected Project.</li> <li>This Appendix A removes the RW/Utility phase, updates the estimate and funding and supersedes all previous versions signed by VDOT and the LOCALITY.</li> </ul>

This attachment is certified and made an official attachment to this document by the parties to this agreement.

Authorized Locality Official \_\_\_\_\_ Date \_\_\_\_\_

Authorized VDOT Official \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name of person signing \_\_\_\_\_

Typed or printed name of person signing \_\_\_\_\_

Project Number: U000-104-339 UPC: 110891 CFDA # 20.205 Locality: City of Charlottesville

Project Location ZIP+4: 22901-5149	Locality DUNS # 074745829	Locality Address (incl ZIP+4): 610 East Market Street Charlottesville, VA 22902-5303
<b>Project Narrative</b>		
Work Description:	Bridge Maintenance - Rte. 250 Bypass over Rugby Ave.	
From:	Rte. 250 Bypass Bridge over Rugby Ave.	
To:	Rte. 250 Bypass Bridge over Rugby Ave.	
Locality Project Manager Contact info:	Kyle Kling 434-9970-3182 klingk@charlottesville.gov	
Department Project Coordinator Contact Info:	Michael Barnes 434-207-2233 michael.d.barnes@vdot.virginia.gov	

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$122,500	\$0	\$2,217,470	\$2,339,970
Estimated VDOT Project Expenses	\$2,500	\$0	\$124,415	\$126,915
Estimated Total Project Costs	\$125,000	\$0	\$2,341,885	\$2,466,885

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$26,082	Primary Formula	0%	\$0	\$26,082	
	\$98,918	SGR Bridge		\$0	\$98,918	
<b>Total PE</b>	\$125,000			\$0	\$125,000	\$122,500
Right of Way & Utilities	\$0		0%	\$0	\$0	
				\$0	\$0	
<b>Total RW</b>	\$0			\$0	\$0	\$0
Construction	\$2,341,885	SGR Bridge	0%	\$0	\$2,341,885	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
<b>Total CN</b>	\$2,341,885			\$0	\$2,341,885	\$2,217,470
<b>Total Estimated Cost</b>	\$2,466,885			\$0	\$2,466,885	\$2,339,970

<b>Total Maximum Reimbursement by VDOT to Locality (Less Local Share)</b>	\$2,466,885
<b>Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)</b>	\$2,339,970

Project Financing						
						Aggregate Allocations
SGR Bridge	Primary Formula					
\$2,440,803	\$26,082					\$2,466,885

Program and Project Specific Funding Requirements
<ul style="list-style-type: none"> <li>This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Urban Manual.</li> <li>In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 6/11/2019.</li> <li>This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$2,466,885</li> <li>The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the Project be altered by the LOCALITY subsequent to Project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.</li> <li>This is a limited funds Project. Financing of any eligible costs in excess of \$2,466,885 and all ineligible costs as determined by the DEPARTMENT pursuant to the DEPARTMENT's current policy and procedure in administration of the Urban Manual will be borne 100% percent by the LOCALITY.</li> <li>The Project will be constructed and maintained in accordance with VDOT's Urban Manual.</li> <li>Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.</li> <li>All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.</li> <li>Project estimate, schedule and commitment to funding are subject to the requirements established in the Commonwealth Transportation Board (CTB) Policy and Guidelines for Implementation of the State of Good Repair Prioritization Process, Code of Virginia, and VDOT's Instructional and Informational Memorandums.</li> <li>Projects receiving funding under this program must initiate the Preliminary Engineering or the Construction Phase within 24 months of award of funding or become subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the Project.</li> <li>This Project has been selected through the State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the Commonwealth Transportation Board State of Good Repair Program Prioritization Process Methodology, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent annual State of Good Repair prioritization cycle for the same bridge structure to account for a cost increase on a previously selected Project.</li> <li>This Appendix A removes the RW/Utility phase, updates the estimate and funding and supersedes all previous versions signed by VDOT and the LOCALITY.</li> </ul>

This attachment is certified and made an official attachment to this document by the parties to this agreement.

\_\_\_\_\_  
Authorized Locality Official Date

\_\_\_\_\_  
Authorized VDOT Official Date

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Typed or printed name of person signing

\_\_\_\_\_  
Typed or printed name of person signing



Project Number: U000-104-338 UPC: 110892 CFDA # 20.205 Locality: City of Charlottesville

Project Location ZIP+4: 22901-4873	Locality DUNS # 074745829	Locality Address (incl ZIP+4): 610 East Market Street Charlottesville, VA 22902-5303
Project Narrative		
Work Description:	Bridge Maintenance - Rte. 250 over Rte. 29 Bus.	
From:	US 250 Bypass over Rte. 29 Bus.	
To:	US 250 Bypass over Rte. 29 Bus.	
Locality Project Manager Contact info:	Kyle Kling 434-9970-3182	klingk@charlottesville.gov
Department Project Coordinator Contact Info:	Michael Barnes 434-207-2233	michaeld.barnes@vdot.virginia.gov

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$120,500	\$0	\$3,364,408	\$3,484,908
Estimated VDOT Project Expenses	\$4,500	\$0	\$192,378	\$196,878
Estimated Total Project Costs	\$125,000	\$0	\$3,556,786	\$3,681,786

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$125,000	SGR Bridge	0%	\$0	\$125,000	
				\$0	\$0	
				\$0	\$0	
<b>Total PE</b>	\$125,000			\$0	\$125,000	\$120,500
Right of Way & Utilities	\$0		0%	\$0	\$0	
				\$0	\$0	
<b>Total RW</b>	\$0			\$0	\$0	\$0
Construction	\$3,556,786	SGR Bridge	0%	\$0	\$3,556,786	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
<b>Total CN</b>	\$3,556,786			\$0	\$3,556,786	\$3,364,408
<b>Total Estimated Cost</b>	\$3,681,786			\$0	\$3,681,786	\$3,484,908

<b>Total Maximum Reimbursement by VDOT to Locality (Less Local Share)</b>	\$3,681,786
<b>Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)</b>	\$3,484,908

Project Financing						
						Aggregate Allocations
SGR Bridge						
\$3,681,786						\$3,681,786

Program and Project Specific Funding Requirements
<ul style="list-style-type: none"> <li>This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Urban Manual.</li> <li>In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 10/5/2018.</li> <li>This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$3,681,786</li> <li>The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the Project be altered by the LOCALITY subsequent to Project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.</li> <li>This is a limited funds Project. Financing of any eligible costs in excess of \$3,681,786 and all ineligible costs as determined by the DEPARTMENT pursuant to the DEPARTMENT's current policy and procedure in administration of the Urban Manual will be borne 100% percent by the LOCALITY.</li> <li>The Project will be constructed and maintained in accordance with VDOT's Urban Manual.</li> <li>Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.</li> <li>All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.</li> <li>Project estimate, schedule and commitment to funding are subject to the requirements established in the Commonwealth Transportation Board (CTB) Policy and Guidelines for Implementation of the State of Good Repair Prioritization Process, Code of Virginia, and VDOT's Instructional and Informational Memorandums.</li> <li>Projects receiving funding under this program must initiate the Preliminary Engineering or the Construction Phase within 24 months of award of funding or become subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the Project.</li> <li>This Project has been selected through the State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the Commonwealth Transportation Board State of Good Repair Program Prioritization Process Methodology, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent annual State of Good Repair prioritization cycle for the same bridge structure to account for a cost increase on a previously selected Project.</li> <li>This Appendix A removes the RW/Utility phase, updates the estimate and funding and supersedes all previous versions signed by VDOT and the LOCALITY.</li> </ul>

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Typed or printed name of person signing

Typed or printed name of person signing

Project Number: U000-104-337 UPC: 110893 CFDA # 20.205 Locality: City of Charlottesville

Project Location ZIP+4: 22901-4531	Locality DUNS # 074745829	Locality Address (incl ZIP+4): 610 East Market Street Charlottesville, VA 22902-5303
<b>Project Narrative</b>		
Work Description:	Bridge Maintenance - Rte. 250 over Norfolk-Southern Railroad	
From:	Rte. 250 over Norfolk-Southern Railroad	
To:	Rte. 250 over Norfolk-Southern Railroad	
Locality Project Manager Contact info:	Kyle Kling 434-9970-3182 klingk@charlottesville.gov	
Department Project Coordinator Contact Info:	Michael Barnes 434-207-2233 michael.d.barnes@vdot.virginia.gov	

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$121,000	\$0	\$1,041,018	\$1,162,018
Estimated VDOT Project Expenses	\$4,000	\$0	\$65,175	\$69,175
Estimated Total Project Costs	\$125,000	\$0	\$1,106,193	\$1,231,193

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$125,000	SGR Bridge	0%	\$0	\$125,000	
				\$0	\$0	
				\$0	\$0	
<b>Total PE</b>	\$125,000			\$0	\$125,000	\$121,000
Right of Way & Utilities	\$0		0%	\$0	\$0	
				\$0	\$0	
<b>Total RW</b>	\$0			\$0	\$0	\$0
Construction	\$1,106,193	SGR Bridge	0%	\$0	\$1,106,193	
				\$0	\$0	
				\$0	\$0	
<b>Total CN</b>	\$1,106,193			\$0	\$1,106,193	\$1,041,018
<b>Total Estimated Cost</b>	\$1,231,193			\$0	\$1,231,193	\$1,162,018

<b>Total Maximum Reimbursement by VDOT to Locality (Less Local Share)</b>	\$1,231,193
<b>Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)</b>	\$1,162,018

Project Financing						
						Aggregate Allocations
SGR Bridge						
\$1,231,193						\$1,231,193

Program and Project Specific Funding Requirements
<ul style="list-style-type: none"> <li>This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Urban Manual.</li> <li>In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed project scoping on 10/5/2018.</li> <li>This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$1,231,193</li> <li>The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the Project be altered by the LOCALITY subsequent to Project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.</li> <li>This is a limited funds Project. Financing of any eligible costs in excess of \$1,231,193 and all ineligible costs as determined by the DEPARTMENT pursuant to the DEPARTMENT's current policy and procedure in administration of the Urban Manual will be borne 100% percent by the LOCALITY.</li> <li>The Project will be constructed and maintained in accordance with VDOT's Urban Manual.</li> <li>Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.</li> <li>All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.</li> <li>Project estimate, schedule and commitment to funding are subject to the requirements established in the Commonwealth Transportation Board (CTB) Policy and Guidelines for Implementation of the State of Good Repair Prioritization Process, Code of Virginia, and VDOT's Instructional and Informational Memorandums.</li> <li>Projects receiving funding under this program must initiate the Preliminary Engineering or the Construction Phase within 24 months of award of funding or become subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the Project.</li> <li>This Project has been selected through the State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the Commonwealth Transportation Board State of Good Repair Program Prioritization Process Methodology, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent annual State of Good Repair prioritization cycle for the same bridge structure to account for a cost increase on a previously selected Project.</li> <li>This Appendix A removes the RW/Utility phase, updates the estimate and funding and supersedes all previous versions signed by VDOT and the LOCALITY.</li> </ul>

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Authorized VDOT Official Date

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Typed or printed name of person signing

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Typed or printed name of person signing

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date: February 1, 2021

Action Required: Consideration of Resolution for Special Use Permit

Presenter: Brian Haluska, Principal Planner

Staff Contacts: Brian Haluska, Principal Planner

**Title: SP20-00001 – 1000 Monticello Road, Special Use Permit request for additional residential density**

**Background:**

Kelsey Schlein of Shimp Engineering, acting as agent for Piedmont Realty Holdings III, LLC (owner) has submitted an application seeking approval of a Special Use Permit (SUP) for the property located at 1000 Monticello Road with approximately 225 feet of road frontage on Monticello Road and approximately 110 feet of road frontage on Bainbridge Street. The proposal requests additional residential density up to 42 dwelling units per acre (DUA), pursuant to City Code Section 34-700.

The applicant's proposal shows a new residential building on a portion of the Subject Property. The property is further identified on City Real Property Tax Map 57 Parcel 36 ("Subject Property"). The Subject Property is zoned Neighborhood Commercial Corridor. The site is approximately 0.81 acres or 35,283 square feet.

**Discussion:**

The Planning Commission considered this application at their meetings on December 8, 2020 and January 12, 2021. The discussion centered on the applicant's proposed provision of affordable units within the building, the visual impact of the building, and whether the project would contribute to the City's housing goals.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 28 at the following link:

<https://charlottesvilleva.civicclerk.com/Web/UserControls/DocPreview.aspx?p=1&aoid=861>

The applicant has indicated that the preliminary site plan contained in the packet has an error on the cover sheet (Page 62) regarding the number of affordable units proposed in the building. The number in the Planning Commission's motion is the correct number.

**Alignment with City Council's Vision and Strategic Plan:**

The City Council Vision of Economic Sustainability states that, "The City has facilitated significant mixed and infill development within the City."

The City Council Vision of Quality Housing Opportunities for All states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

**Community Engagement:**

Per Sec. 34-41(c)(2), the applicant held a community meeting on October 8, 2020 (a City Planner attended as a NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- The rental terms in the current development and the proposed new units, and the impact of the new units on the housing market in the neighborhood.
- The height of the building and its overall impact on the surrounding properties.
- The impact of the modification of the automobile access to the property.
- Current and future stormwater impacts on the surrounding properties
- Parking supply

The Planning Commission held a joint public hearing with City Council on this matter on December 8, 2020. Several members of the public spoke in opposition to the application. They raised concerns regarding:

- The visual impact of the proposed building, especially the height of the building.
- The potential impact on surrounding properties due to the reconfiguration of the automobile access to the property.
- Prior management decisions on the property regarding tenants in the existing units on the site.

**Budgetary Impact:**

No direct budgetary impact is anticipated as a direct result of this special use permit.

**Recommendation:**

Staff recommends the application be approved.

The Planning Commission voted 4-3 to recommend the application be approved with the following conditions:

1. Up to 42 dwelling units per acre (DUA) are permitted on the subject property.
2. The owner and applicant is committing to providing five (5) affordable housing units at HUD Fair Market Rent (FMR) rates. The affordable units will be provided and rented in accordance with the attached document titled “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental” (the “ADU Regulations”). It is intended for all affordable units to remain as rentals throughout the affordable term defined in the ADU Regulations however, if any affordable units are sold during the affordable term then those units shall be provided and sold in accordance with the regulations of the section titled “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Sale”.
3. All referenced affordable units will be located in the new building
4. Architecture shall be substantially the same as the Proposed Elevations provided by the applicant dated December 23, 2020.

**Alternatives:**

City Council has several alternatives:

- (1) by motion, take action to approve the attached Resolution, granting a special use permit as recommended by the Planning Commission;
- (2) by motion(s), modify the language of the attached Resolution, and then by motion approve the amended Resolution;
- (3) by motion, defer action on the SUP, or
- (4) by motion, deny the requested SUP.

**Attachment (1):**

- (1) Resolution for Approval of a Special Use Permit, containing the conditions recommended for the approval of SP20-00001 by the Planning Commission on January 12, 2021.

**RESOLUTION  
GRANTING A SPECIAL USE PERMIT  
FOR A SPECIFIC PROJECT TO BE DEVELOPED AT  
1000 MONTICELLO ROAD**

**WHEREAS**, pursuant to City Code § 34-7700 Piedmont Realty Holdings III LLC ("Applicant") has requested a special use permit for property having an address of 1000 Monticello Road, further identified by City Real Estate Parcel Identification Number 570036000 and consisting of approximately 0.81 acre (hereinafter, the "Subject Property"), on which there currently exist one or more buildings that contain, in the aggregate, twenty-three (23) dwelling units;

**WHEREAS**, the purpose of the requested special use permit is to facilitate construction of a new building on the site, which will contain not more than eleven (11) dwelling units (resulting in an overall residential density within the Subject Property of approximately 42 dwelling units per acre (DUA)), and five (5) of the 11 new dwelling units are planned to be committed for a period of at least 10 years for rental as affordable dwelling units, all as described within the materials accompanying City application number SP20-00001 (the "Project"); and

**WHEREAS**, the Subject Property is zoned "NCC" (Neighborhood Commercial Corridor, Mixed Use District) and, pursuant to §34-700 of the City Code, the requested increased density is allowable by special use permit; and

**WHEREAS**, a joint public hearing on this application was held before the City Council and Planning Commission on December 8, 2020, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, on January 12, 2020, based on the information and materials submitted by the Applicant as part of its application, the staff report prepared by Neighborhood Development Services staff, the factors set forth within City Code § 34-157, and public comments received, the Planning Commission recommended that the Project should be approved, subject to certain conditions; and

**WHEREAS**, upon consideration of the factors set forth within City Code §34-157, this Council finds that, for the Subject Property additional residential density is appropriate for this Project—as the Project has been depicted and represented within Applicant’s application materials—subject to suitable regulations and safeguards to be included as conditions upon the issuance of the requested special use permit; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia as follows:

1. *Specific Development*—a Special Use Permit is hereby granted to authorize increased residential density within the area of the Subject Property, to allow construction of the following Project:

Construction of a new building, containing not more than 11 dwelling units, 5 of which shall be committed for a period of ten (10) years to as affordable dwelling units (all of the five affordable dwelling units shall be within this new building).

2. The Development shall be subject to the following reasonable conditions:
  - a. At no time shall the overall residential density within the area of the Subject Property, inclusive of all buildings, exceed 42 dwelling units per acre.
  - b. The new building shall have the same architectural design and features as depicted within the proposed building elevations included within the application materials, which design and features are generally depicted within an illustration set forth on the following page:



3. The 5 affordable dwelling units will be provided and rented within the Project, in accordance with the “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental” presented by the Applicant within supplemental application materials, set forth following below (the “ADU Regulations”). The affordable dwelling units will be offered as for-rent affordable units throughout the Affordability Term defined in the ADU Regulations; however, if any affordable dwelling units are sold during the Affordability Term then those units shall be provided and sold in accordance with the following “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Sale”.

*[The remaining portion of this page is intentionally left blank]*



**Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental**

(1) **Owner's CAU Commitment.** The Owner shall construct and reserve within the Project affordable dwelling units as noted on the preliminary site plan titled "Belmont Heights" prepared by Shimp Engineering, P.C. dated July 14, 2020 last revised January 5, 2021. The affordable dwelling units noted on the site plan include any minimum number of Committed Affordable Units required by City Code §34-12, and any additional number of units Owner has represented within its special use permit application narrative that will be affordable units, all of which are referred to herein as "CAUs".

(a) **Minimum Number of Committed ADUs**--The minimum number of ADU's required by City Code 34-12, and any additional affordable dwelling units, shall all be set forth within a written CAU Commitment executed by the Owner prior to approval of any site plan or subdivision plat for the Project, or if no such approval is required, then prior to issuance of any building permit. The square footage reserved for CAUs shall be configured and designed as follows:

- (i) The CAU Commitment shall specify a total square footage to be devoted to CAUs as well as a minimum number of bedrooms to be provided within the reserved CAUs.
- (ii) Each CAU shall have substantially similar exterior quality and appearance as other dwelling units within the Project. Also, to the maximum extent possible, CAUs will incorporate energy efficient design to increase durability, and operational efficiency—thereby promoting continued affordability.

(b) **Administrative**

Any CAU(s) required by City Code 34-12 shall be subject to the City's Standard Operating Procedure (SOP) adopted July 1, 2015, and the Schedules referenced in that SOP, notwithstanding any provision to the contrary within this narrative.

(c) **Minimum Term of Affordability**

The written CAU Commitment shall include the Minimum Term of Affordability (the "Term") during which the affordable dwelling units will remain affordable, which shall be a term of ten (10) years.

(d) The details of the CAU Commitment shall be noted by the Owner on the final building construction plans prepared for submission in connection with an application for final building permit approval ("Final Proposed Construction Plans"). Specific CAUs do not have to be identified on the construction plans. The Owner will submit the Final Proposed Construction Plans to the HDS for review, *prior to* submission to the Building Official. The HDS will review the Final Proposed Construction Plans within five (5) business days of receipt, for compliance with the

requirements of Paragraph (1)(a), above. If the Final Proposed Construction Plans include adequate notation of the CAU Commitment as set forth within Paragraph (1)(a), above, then the HDS shall provide written verification to the Owner and to the Building Official. Before a CO is issued, the Owner must specify which units will be designated as affordable for the purposes of the CAU Commitment.

- (e) If the Final Proposed Construction Plans do not include a notation that meets the specifications set forth within Paragraph (1)(a) above, or if the Building Official does not have written verification from the HDS that the CAU Commitment is adequately set forth within the plans, then the Building Official shall not approve a building permit.
- (f) Prior to the issuance of the first certificate of occupancy for any building or unit within the Project, the Owner shall specify to the HDS which specific dwelling units will be designated as CAUs, and the Owner shall cause to be recorded among the land records of the City of Charlottesville, Virginia, a written instrument sufficient to
  - (i) give third parties notice of the Owner's obligations under SP2020-000001 and the Owner's CAU Commitment within the development, and (ii) to assure that Owner's CAU Commitment within the development will be binding on the Owner and his heirs, successors and assigns, in a manner that will implement the requirement of Sec. 34-12(c) for each CAU to be and remain an affordable unit for the duration of the Term of Affordability..
- (g) Following approval of a certificate of occupancy, and from time to time throughout the Term of Affordability, the Owner shall have the right to change the units designated as being reserved as CAUs, following advance written notice to the HDS and a determination by the HDS that the change will not lessen or remove the CAU Commitment. Alternative units proposed should be consistent with the initial CAU Commitment per Paragraph (1)(a)(i), above, based on a determination by the HDS.
- (h) If an otherwise qualified tenant residing in a CAU has an increase in income that exceeds the HUD guidelines specified in Paragraph (2)(a)(i), that CAU unit will still be considered as meeting the CAU Commitment for a period of three (3) years commencing on January 1 of the calendar year succeeding the year in which the income increased subject to the rent provisions at 2(a)(iii)(A).
- (i) The Owner must keep current records for CAUs at all times and the HDS must be provided access to such records at reasonable times, at the location where the records are kept, upon request by the HDS.
- (j) If at any time prior to the end of the Term of Affordability, the Project is converted to a condominium, or other form of individual ownership, the CAU Commitment shall continue in full force and effect and the required number of CAUs shall be leased to Qualified Tenants throughout the Term of Affordability, or, in the alternative, the CAUs may be sold to buyers meeting the current HUD Guidelines, as specified in Paragraph (2)(a)(i). Upon a sale of any such converted CAU, the

requirements set forth in Schedule 2 to these Regulations shall apply to the remaining Term of Affordability.

(2) **Terms and Conditions for Rentals.** Owner shall offer the CAUs for rental to Qualified Tenants, subject to Owner's standard form lease agreement. These regulations are not intended to conflict with State and Federal requirements. The HDS has the option of subordinating the following if in conflict. Otherwise, terms and conditions applicable to such rentals shall be as follows:

(a) Qualified Tenants.

For the purposes of these regulations, the term "Qualified Tenant" shall mean a tenant whose household income is 80 percent or less of the area median income for Charlottesville, Virginia, adjusted for household size ("Median Income") as published annually by the U.S. Department of Housing and Urban Development<sup>1</sup> ("HUD Guidelines").

- (i) In determining whether or not to approve a Qualified Tenant for a lease agreement, the Owner may apply its typical credit (including any minimum income requirement) and background check requirements to tenants of CAUs; however, any requirement for a minimum income shall be suspended: (i) for participants in the Housing Choice Voucher program, or (ii) if Owner's typical minimum income requirement exceeds 80 percent of Median Income.
- (ii) Upon the commencement of each tenancy of a CAU, the Owner shall document that the tenant meets the criteria for a "Qualified Tenant." Thereafter, Owner shall document the tenant's continued eligibility for status of a Qualified Tenant on an annual basis.
  - A. If a CAU tenant's household income increases above the limit for a Qualified Tenant, then such tenant may be permitted a grace period by the Owner to remain in the same unit for a period of up to three (3) additional years, subject to yearly increases in the current rent (as of the beginning of the grace period) based on the percentage increase in HUD fair market rents for the most recent calendar year. After the three (3) year period, the Owner may allow the tenant to remain in the same unit; however, the Owner shall provide the City with notice that they are amending the prior CAU designation to transfer the CAU status of that particular unit to a different unit within the Project. Nothing within these regulations shall preclude the Owner from allowing a tenant whose household income increases above the limit to move to a different, non-CAU designated unit within the Project, subject to a lease at market rent at the conclusion of the three (3) year grace period.
  - B. Each lease agreement for a CAU shall contain a provision stating that the tenant's failure to meet the criteria for a Qualified Tenant, or the Tenant's failure or refusal to provide information necessary for recertification, will constitute non-compliance with the lease and that the lease may be

terminated for such non-compliance.

- C. In the event that a previously qualified tenant is being evicted or removed for non-compliance, the Owner will continue to be considered in compliance with these regulations if the Owner is diligently pursuing possession of the CAU through available legal means.
- D. No later than January 31 of each year, the Owner shall provide to the HDS a Committed Affordable Unit Occupancy Annual Report that includes data

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<sup>1</sup>For HUD Guidelines for income limits see <http://www.huduser.org/portal/datasets/il.html>. Determination of household income is subject to 24 CFR Part 5.

on each CAU (“Annual Report”). The Annual Report shall include tenant identification information showing name, address, date and term of current lease, current household size, and current income level. There is no specified format; therefore, any report generated to meet a similar requirement may be used as long as the CAUs are identified and required information is included. . Upon request the HDS or other authorized representative of the City shall be permitted by the Owner to inspect the owner’s books and records that are the source of information contained in the Annual Report, including, without limitation:

- (i) tenant's rental application;
- (ii) tenant’s signed lease agreement;
- (iii) tenant’s income verification and supporting documentation;
- (iv) tenant’s Occupancy Affidavit to verify use as primary domicile.

E. The City or its designee shall have the right, following reasonable notice to the Owner and subject to the rights of the tenants under their leases and applicable law, to inspect the CAUs.

(b) Maximum Monthly Rent.

- (i) The maximum monthly rent for a CAU will be established based on the HUD Fair Market Rent (FMRs) By Unit Bedrooms.
  - (ii) If Owner requires tenants to pay their own utility charges, the maximum monthly rent will be reduced by a Utility Allowance. The Utility Allowance shall be determined with reference to the federal guidelines titled “*Allowances for Tenant Furnished Utilities and Other Services*”, published by HUD for the Charlottesville, Virginia/Central Virginia Region.
  - (iii) It is the responsibility of the Owner (and not the City) to establish rents for the CAUs in accordance with these regulations. Upon request, the HDS will review
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Owner's maximum monthly rent calculations for compliance with these regulations.

- (iv) Owner shall not increase the maximum monthly rent for any CAU more frequently than once per year of a lease term. Annual rent increases (adjustments) for CAUs shall be based on the household income of a Qualified Tenant and subject to current HUD Guidelines, as applicable, minus any applicable Utility Allowance. Tenants shall be given a minimum of 30 days' advance written notice of any proposed rent increase.
- (v) When a CAU becomes vacant, maximum monthly rent shall be determined in accordance with these regulations, as of the Median Income per HUD guidelines and other regulations/procedures in effect as of the date of commencement of the new Qualified Tenant's lease.
- (c) Acceptance of Vouchers. Owner must accept HUD Housing Choice Vouchers from otherwise Qualified Tenants. However, Owner shall not be required to give any preference or priority to prospective tenants with such vouchers over other applicants for the same CAU.
- (d) Occupancy Requirements. Owner may establish rental occupancy requirements for CAUs, if such occupancy requirements have been established for the other units within the Project. However, for any Qualified Tenant who relies on federal or state vouchers or other funding to cover some or all of his maximum monthly rent, Owner's occupancy requirements shall not be more restrictive than any federal or state guidelines applicable to the tenant's funding source (for example, the guidelines of section 3-23 of the 4350.3 HUD Occupancy Handbook, applicable to certain Housing Vouchers).
- (e) Lease Terms. Initial leases for the CAUs shall provide for a minimum term of one (1) year, after which time the lease term may be done on an annual, bi-annual, or monthly basis.
- (f) Access to amenities. Occupants of the CAUs shall have full access and right to use all amenities and facilities available to other tenants within the Project, subject to any rules, regulations and conditions established by the Owner to govern such use and access.
- (g) Customary Fees. Tenants of a CAU may be required to pay any customary fees and charges imposed on Owner's other tenants, such as fees for garage or other parking spaces (if applicable), security deposit, move-in fee, move-out deposit, utility deposit, pet fees, etc.

### **(3) Marketing Plan.**

- (a) Marketing, "Initial Lease Up". Owner shall conduct a pre-occupancy marketing

program for the CAUs (the “Pre-Occupancy Marketing Program”), commencing at least 45 days prior to the issuance of any certificate of occupancy for any building containing a CAU or for any individual dwelling unit within such building. This Program does not have to be separate and distinct from marketing initiatives undertaken for other efforts, as long as the information is consistent with CAU requirements noted at 3(a)(i)(B) below.

- (i) Information regarding the Pre-Occupancy Marketing Program shall be submitted to the HDS for approval.
  - A. At a minimum, the Pre-Occupancy Marketing Program shall identify a schedule of advertisements/outreach efforts that are intended to reach the target market. If the City of Charlottesville develops a program / database for listing CAUs, the Owner will be required to utilize it. If any of the CAUs are handicapped accessible, those Accessible units shall be advertised on websites targeted to individuals and agencies seeking information on the availability of such units within the City of Charlottesville.
  - B. Any advertisement/outreach effort shall include the following information:
    - 1. The rental price range of the CAUs;
    - 2. The income ranges needed to qualify for the CAUs;
    - 3. A note that HUD Housing Choice Vouchers are accepted;
    - 4. If the CAUs include any handicapped accessible units or incorporate universal design; and
    - 5. The Equal Housing Opportunity logo.
  - C. The HDS’s approval shall be given upon a finding that the written Pre-Occupancy Marketing Program includes the minimum requirements and has otherwise been reasonably designed to effectively reach prospective tenants who may meet the criteria of a Qualified Tenant.
- (ii) The Pre-Occupancy Marketing Program shall contain a component specifically designed to reach potentially Qualified Tenants with physical disabilities, who may be interested in leasing the accessible CAUs, (if applicable).

(b) Duration of Pre-Occupancy Marketing Program. Owner may cease its Pre-Occupancy Marketing Effort once all CAUs are leased to Qualified Tenants.

#### **(4) Processing of Lease Applications**

- (a) Owner shall process applications for leases of the CAUs on a first-come, first-served basis, except for the preference described following below.
- (b) If any accessible CAUs (if applicable) are vacant, despite Pre-Occupancy Marketing

Program efforts, then those accessible CAUs may be leased to Qualified Tenants without disabilities. Thereafter, individuals with disabilities who apply to become tenants of the CAUs shall be given preference in leasing the accessible units until such time as no other CAU non-accessible units, of the same unit type, are available. Upon initial lease-up, the units shall be the last CAUs of each unit type (one-bedroom, two-bedroom, etc.) held vacant if they are not leased to persons with disabilities. Upon subsequent vacancy of the units, the re-marketing effort shall conform to section (3)(a)(i), with the further stipulation that the accessible units shall be marketed for 30 days before being released to a non-disabled household.

## **(5) Remarketing**

- (a) After the conclusion of the first and each subsequent tenancy of a CAU,
  - (i) Owner shall re-market the CAU using the same efforts described in the Pre-Occupancy Marketing Plan (section 3 herein), or
  - (ii) Owner shall lease the CAU to a Qualified Tenant on its Waiting List. (Owner shall not be required to maintain any Waiting List; however, if Owner maintains a Waiting List that includes prospective Qualified Tenants for the CAUs, and re-lets a vacant CAU to a Qualified Tenant on the waiting list, then the Owner shall not be required to re-market the CAU).
- (b) Any re-marketing effort shall continue for a period of 60 days following the conclusion of the prior tenancy, or until a Qualified Tenant has obtained a lease for the CAU, whichever first occurs.

## **(6) [Reserved]**

### **Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Sale**

**(1) Owner's CAU Commitment.** The Owner shall collaborate and work with the HDS to outline the components of the CAU Commitment as provided for at Sec. 34.12, and to provide a plan for implementation of the CAU Commitment within the Project. All units committed will need to be incorporated into the written CAU Commitment based on the following:

- (a) The Owner and HDS shall calculate the minimum square footage of GFA to be reserved within the Project for CAUs, based on the requirements of Sec. 34-12(a), and that minimum GFA shall be specified within the CAU Commitment.
- (b) The CAU Commitment shall describe the terms, conditions and arrangements by



which the affordable dwelling requirements of Sec. 34-12 and the zoning approvals for the Project will be committed as affordable: (i) to households with incomes at 80 percent or less of the area median income during the Term of Affordability, and (ii) the specific length of the Term of Affordability for the required CAUs, which shall not be less than ten (10) years. If a Term of Affordability of less than 10 years is desired, then the written CAU Commitment must be approved by City Council.

- (c) The written CAU Commitment will need to be approved by the HDS and executed by the Owner, prior to approval of any site plan or subdivision plat, or if no such approval is required for the Project, then prior to issuance of any building permit. The HDS will approve a proposed CAU Commitment Agreement, upon a determination that the Agreement sets forth an implementation plan adequate to meet the obligations set forth in (1)(a) and (1)(b), above.

**(2) Terms and Conditions for Sale of CAUs.** Owner shall offer the CAUs for sale to Qualified Purchasers. It is the intention of the City within these Regulations to allow maximum flexibility to the Owner and the HDS for creating a plan for the successful implementation of the CAU Commitment within the development. Therefore, specific terms and conditions applicable to such sales are not prescribed by these Regulations, but should be tailored to the specific Project, as outlined within a written CAU Commitment.

Final details of the Owner's plan for pricing and financing may be submitted to the HDS for approval as an addendum to the CAU Commitment, prior to issuance of any certificate(s) of occupancy for the development, if sufficient data is not available to establish these details prior to site plan or subdivision approval.

**(a) Qualified Purchasers.**

- (i) For the purposes of these regulations, the term "Qualified Purchaser" shall mean a purchaser whose household income is 80 percent or less of the area median income for Charlottesville, Virginia, adjusted for household size ("Median Income") as published annually by the U.S. Department of Housing and Urban Development<sup>3</sup> ("HUD Guidelines").
- (ii) For each sale of a CAU, it shall be the obligation of the Owner to verify the Purchaser meets the requirements of paragraph (2)(a)(i), above. Receipt of information sufficient for Owner to make this verification shall be a condition of the Owner's obligation to close the sale, and this condition shall be stated in the written purchase/sale agreement between owner and any prospective Qualified Purchaser.

**(b) Sales/Purchase Price and Financing Arrangements.**

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<sup>3</sup> For HUD Guidelines for income limits see <http://www.huduser.org/portal/datasets/il.html>. Determination of household income is subject to 24 CFR Part 5.

The Sales Price and the Financing Arrangements shall be detailed within an Addendum to the CAU Commitment, which must be approved by the HDS prior to issuance of any certificate(s) of occupancy for any buildings or dwelling units within the development. It is the intention of these regulations to allow maximum flexibility for the Owner and prospective Qualified Purchasers to arrange for the purchase and financing of a CAU through arrangements that are best suited to the circumstances of a particular transaction. Any number of financing and sales arrangements may satisfy the Owner's obligations under City Code Sec. 34-12 and the provisions of these regulations.

**(3) Re-Sale of CAUs.** The CAU Commitment will describe how re-sale of CAUs will be handled so that the Term of Affordability can be satisfied.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 1, 2021
Action Required:	Approval of Resolution
Presenter:	Chris Engel, Director of Economic Development
Staff Contacts:	Chris Engel, Director of Economic Development Lisa Robertson, Deputy City Attorney
<b>Title:</b>	<b>Union Station Partnership Reconveyance of TMP 300002A00 and Associated Easements</b>

**Background:**

In 1999, the City of Charlottesville and Union Station Partners, LLC (USP) entered into a Development Agreement, the purpose of which was to place the City in a position to receive federal funding for a multi-modal transportation facility to be developed at the corner of West Main Street and 7<sup>th</sup> Street (the site of the Amtrak station). The Development Agreement was approved by City Council, by an ordinance adopted on March 15, 1999.

The Development Agreement set out a set of conditions on which a private landowner (USP) would work together with the City to facilitate the City's application for grant funding under the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which required a local match which could either be cash or property ("Lot 1"). USP agreed to convey Lot 1 to the City, for the purpose of meeting the local match, and USP did in fact convey the land (TMP 300002A00) to the City—at no cost--by deed dated March 24, 1999. The ISTEA grant was obtained and was expended to renovate building on the site into the current Amtrak Station as part of the first phase of the contemplated development. Although Lot 1 was conveyed in name to the City, USP retained all of its rights to use the property in the same manner as it had done prior to the conveyance.

Originally, the parties contemplated that the various arrangements that would be necessary to move forward with a second phase of the project would be completed within two years (i.e., 2001). The necessary agreements would have included a ground lease, an aerial rights lease, and a parking structure development agreement. For a number of reasons—not the least of which was inability to get the railroad companies to participate—the contemplated development of a transit facility at that location did not materialize. The Development Agreement specified that if the necessary agreements were not negotiated by the time certain site enhancements were completed (i.e., paved parking), or within 2 years from the date of the Development Agreement, then a termination notice could be issued and the Developer could re-acquire Lot 1 from the City, subject to certain terms and conditions specified in the Development Agreement. The City issued a termination notice to USP in 2002; nonetheless, over the years the parties continued to discuss and explore ways that a new

Amtrak Station could be developed or a purchase of the entire property could occur.

**Discussion:**

Due to the fact that the original conveyance of Lot 1 to the City did not impact USP's ability to continue to use Lot 1, there was no urgency to complete the winding up of the parties' obligations under the Development Agreement, including reconveyance of Lot 1 to USP. In fact, discussions between the City and USP have continued over the years about the possible acquisition by the City of all the property owned by USP so that the City could own and control the Amtrak Station. During that time, it was agreed that the reconveyance of Lot 1 to USP would be postponed to determine if an agreement between the City and USP could be reached which would make reconveyance unnecessary. Such an agreement was not reached and USP is now requesting that the parties finally close out all of their obligations under the 1999 Development Agreement. By letter of its counsel dated June 22, 2016, USP formally notified the City that all requirements for reconveyance of Lot 1 had been satisfied and requested reconveyance.

The actions necessary to wind up the parties' obligations under the Development Agreement are as follows:

- (1) **Reconveyance of title to Lot 1 from the City back to USP;** under the Development Agreement, the stipulated compensation for this reconveyance is the amount of \$190,500.00, minus: (1) the cost of paving a parking area on the site, which has been completed (USP's expended paving cost: in excess of \$457,841.00), and (2) the fair market value of a new public access easement to be granted by USP to the City (FMV of the proposed easement as determined by a joint appraisal was \$344,000.00). Since (1) and (2), together, exceed \$190,500 USP does not owe any additional consideration to the City in connection with the reconveyance, and
- (2) **Dedication and conveyance to the City of a New Public Access Easement,** to relocate a temporary public access easement across the parking area that was paved by USP (the purpose of having a continuing public access easement is to ensure that the public can get to the Amtrak Station from 7<sup>th</sup> Street; if the Amtrak Station ever ceases to be used as a public passenger train station, the New Public Access Easement will terminate). The relocation will align the easement with the existing paved area for circulation of traffic. The City's continuing public access easement extends sixteen-and-one-half feet above the surface of the ground, sufficient for movement of passenger vehicles and pedestrians; above that height, USP retains an "aerial easement" within which it may construct any improvements it desires. The New Public Access Easement is considered "temporary" because its location may be shifted to accommodate USP's potential development of the site, or it may be terminated if the Amtrak Station no longer exists at its current location.
- (3) **Vacation of all prior access easements and easements for ingress and egress** over USP's property, the purpose of which was to anticipate and facilitate completion of the ISTE A project. USP plans to seek administrative approval of a boundary line adjustment plat, to combine Lot 1 with its adjacent property; once City Council authorizes the vacation of prior easements, USP may be required to dedicate other easements to the City during the plat approval process (for example, easements for public utilities).

Attached is a Resolution for Council's approval, to authorize execution of the deeds necessary to close out the parties' obligations under the Development Agreement.

**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:** N/A

**Budgetary Impact:**

There is no budgetary impact associated with this item.

**Recommendation:**

Staff recommends approval of the Resolution.

**Attachment:**

Proposed Resolution

**RESOLUTION  
AUTHORIZING RECONVEYANCE OF LAND TO UNION STATION PARTNERS,  
LLC AND RELATED ACTIONS**

WHEREAS, on March 15, 1999 City Council adopted an “Ordinance Approving Amended Development Agreement Between the City and Union Station Partners for Union Station Project”, which ordinance remains in effect (“Development Agreement”); and

WHEREAS, pursuant to the Development Agreement, the City accepted a conveyance of land from USP (“Lot 1”) and a temporary public access easement (“Temporary Easement”), and entered into certain obligations, in order to facilitate a federally funded project, and the City and USP agreed that, if the project did not materialize within two (2) years after the Development Agreement, USP would become entitled to re-acquire Lot 1 under terms specified in the Development Agreement,

WHEREAS, the project did not materialize within the time contemplated by the Development Agreement, and USP has given written notice to the City of its desire to terminate the Development Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Charlottesville City Council that the Mayor is hereby authorized to execute one or more deeds, approved as to form by the City Attorney’s Office, to effect the following actions in accordance with the Development Agreement:

1. Reconveyance of Lot 1 to USP,
2. Vacation of the Temporary Public Access Easement shown on sheet 4 of the “Subdivision Plat Union Station” prepared by Kirk Hughes & Associates dated November 25, 1998, and of any other access easements or easements for ingress and egress over USP’s property, granted to the City pursuant to the Development Agreement, and

BE IT FURTHER RESOLVED THAT the City Attorney, as the official authorized by the City to accept conveyance(s) of property on behalf of Council, may accept dedications and conveyances from USP to the City of any new easement(s) required either by the Development Agreement or as part of the administrative approval of any plat related to the reconveyance of Lot 1 to USP.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	February 1, 2021
<b>Action Required:</b>	N/A
<b>Presenter:</b>	Jeanette Janiczek, UCI Program Manager
<b>Staff Contacts:</b>	Tony Edwards, Public Works Development Services Manager Jack Dawson, City Engineer
<b>Title:</b>	West Main Streetscape project – Value Engineering Study

**Background:** Value Engineering (VE) is defined by the Society of American Value Engineers International as "the systematic application of recognized techniques by a multi-disciplined team that identifies the function of a product or service; establishes a worth for that function, generates alternatives through the use of creative thinking; and provides the necessary functions, reliably, at the lowest overall cost." Put simply, an independent firm reviews the project to identify alternative means to achieve the project's purpose and need with the goals of:

- Improving project quality
- Eliminating unnecessary costs
- Reducing overall life-cycle costs
- Identifying other possible benefits, such as a shorter construction schedule

The Code of Virginia requires VE to be conducted on any Virginia Department of Transportation (VDOT) highway construction and maintenance projects costing more than \$15 million in construction costs. They may be conducted in one of three stages of project development: at the Scoping (conceptual) stage prior to commencement of design activity; the "Preliminary Field Inspection" (PFI) stage when approximately 20% of the design is complete; or at the "Field Inspection" stage when approximately 70% of the design has been completed.

The City has conducted the VE Study for the West Main Streetscape project at the PFI stage when the VE team had access to more complete project information as well as a detailed cost estimate.

All VE recommendations must be submitted to the VDOT. The final decision as to which recommendations are incorporated into the final plans is made by the VDOT Chief Engineer for all federal aid projects and any project to be maintained by VDOT. For UCI Projects, final

decisions regarding which recommendations are incorporated into the project will be made by the locality.

The City is able to determine which measures of the VE Study to incorporate for the West Main Streetscape project as it maintains its own roadway network, it is a member of Urban Construction Initiative (UCI) and Phase 1 & 2 are not federally funded.

An overview of the project’s purpose and need is attached which summarizes the project’s intent and current proposed outcome.

**Discussion:** While the West Main Streetscape project has been developed into four independent phases, the whole corridor was studied holistically during this VE process. The estimated cost savings covers all four phases.

Fifteen Areas of Recommendations were identified by the VE Study Team and outlined below. Staff is endorsing 10 recommendations for acceptance/approval with the remaining 5 being explored further for possible inclusion.

	Cost Saving Measure	Improves Constructability	Reduced Maintenance	City Approval	Estimated Savings
#1: General (Roadway/MOT)	X	X	X	Further Exploration Needed/Maybe	\$TBD by Design Team
#2: General (Environmental)	X			Yes	\$TBD by Design Team
#3: Cultural Resource Monitoring	X	X		Yes	\$TBD by Design Team
#4: Concrete Duct Bank	X	X		Further Exploration Needed/Maybe	\$300,000 - \$500,000
#5: Depth of Cover	X	X	X	Further Exploration Needed/Maybe	\$30,000 - \$100,000
#6: Spare Conduits	X	X		Further Exploration Needed/Maybe	\$200,000 - \$400,000
#7: Silva Cell Replacement	X	X	X	Further Exploration Needed/Maybe	\$354,000 - \$784,000
#8: Outfall Analysis	X	X	X	Yes	\$654,177 - \$939,177
#9: Seating	X		X	Yes	\$219,900 – \$249,600
#10: Boulder Slices	X	X		Yes	\$307,440
#11: Catenary Lighting	X	X	X	Yes	\$144,500
#12: Bus Shelter	X	X	X	Yes	\$161,000 - \$266,000
#13: Fine Grading	X	X		Yes	\$60,000
#14: Trench Boxes	X	X		Yes	\$60,000
#15: Curb and Sidewalk Removal	X	X		Yes	\$280,000



Please note recommendation #7 and #8 are two alternatives to meet stormwater requirements and both cannot be enacted. Some items cannot yet be quantified. While other items in the line item estimate are based on a percentage of overall construction costs, such as mobilization and survey, so as the construction estimate is lowered so are these items' cost lowered proportionately. The following table identifies the range of potential cost savings.

Roadway / Maintenance of Traffic - #1	\$TBD by Design Team
Environmental - #2 & #3	\$TBD by Design Team
Utilities and Right-of-Way - #4, #5 & #6	\$530,000 - \$900,000
Stormwater/Drainage - #7 & #8	\$354,000 - \$939,177
Landscaping/Lighting - #9, #10, #11 & #12	\$832,840 - \$967,540
Constructability - #13, #14 & #15	\$400,000
<b>Total:</b>	<b>\$2,116,840 - \$3,206,717</b>
3.0% Construction Surveying	\$63,505 - \$96,202
3.0% Materials Testing	\$63,505 - \$96,202
12.0% Mobilization (including general conditions)	\$254,021 - \$384,806
<b>Overall Potential Project Savings</b>	<b>\$2,497,871 - \$3,783,927</b>

The VE Study is attached and contains more details regarding the measures discussed below as well as the estimated savings.

**Measures Recommended to be Accepted (Yes):**

**#2: General Environmental**

As environmental work begins, it was suggested to review the requirements for each funding source and ensure the appropriate environmental forms/activities were identified.

Staff agrees and recommends acceptance of this measure.

**#3: Cultural Resource Monitoring**

A previous assumption that the project may require full-time cultural resource monitoring was challenged and recommended further coordination with the Virginia Department of Historic Resources (DHR).

Since the VE, coordination with DHR has commenced on Phase 1. DHR has concurred with the VDOT that no archaeological survey was necessary as the project footprint has been previously disturbed from a variety of activities and exhibits little potential for intact, significant archaeological deposits. It is reasonable to assume the same on the remaining 3 phases.

**#8: Outfall Analysis**

The current outfall analysis determines adequacy at the manmade outfalls using the energy balance equation. This results in a need for a large amount of detention throughout the project.

Manmade outfalls can be analyzed by studying the 2-year velocity and 10-year capacity of the downstream system to the 1% point thus eliminating or reducing the need for underground detention based on the existing infrastructure. This could allow for the reduction in Silva Cells or other alternative means of detention.

Since the VE, the project team has completed some outfall analysis for Phase 1 and 2 (phases with design funding in place) so preliminary results could be shared with City Council. Onsite detention would be needed at two outfalls which could be satisfied with Silva Cells. An exhibit attached shows a preliminary estimate of the minimal area of Silva Cells shaded in blue needed to meet detention requirements.

### **#9: Seating**

This VE recommendation is to reduce the proposed 30 custom benches down to 11 as well as reduce the proposed amount of overall resting furnishings by 20% from 85 to 73.

Staff agrees with these recommendations which focuses the custom benches to the high impact area of Midway Park and reducing the overall furnishings on the 0.75 mile long corridor to reduce pedestrian obstructions within the widened sidewalk.

### **#10: Boulder Slices**

This VE recommendation is to replace boulder slices within Midway Park with a selection of natural boulders of approximately the same total volume.

Staff agrees this would achieve the stated design intent while reducing project material and installation costs.

### **#11: Catenary Lighting**

It was recommended to remove the catenary light strings mounted on poles in three areas of the project: at the eastern terminus of West Main at the Ridge/McIntire intersection, at the railroad bridge, and at the western terminus of the project at Jefferson Park Ave intersection.

Staff notes that there is no other catenary lighting on any vehicular roadway within the City. Its impact on the character of West Main would be limited and is being met by other design elements within the streetscape project.

### **#12: Bus Shelters**

The VE Study also recommended replacing the proposed bus shelters with integrated solar powered lighting with an alternate shelter product with an electrical connection or a supplemental solar power system.

Before the VE, City staff had begun discussions to adapt the existing City Standard bus shelter for installation on the West Main Streetscape project though the estimate retains the original cost estimate for more specialized bus shelters.

### **#13: Fine Grading, #14: Trench Boxes & #15: Curb and Sidewalk Removal**

Each of these items need to be further explored to ensure they are accurately reflected in the estimate. The estimate's format has been adapted to the VDOT system and these items are incidental to other bid items per the 2020 Road and Bridge Specifications. Staff will be ensure these activities are accounted for under other bid items.

### **Measures Recommended to be Explored Further (Maybe):**

#### **#1: General Roadway/MOT**

Maintenance of Traffic (MOT) plans have not yet been developed as the City determines which phases can/will be constructed together, but the VE did highlight several items to be explored when the MOT was developed such as minimizing pavement patch along utility corridors and reconstruct with the rest of the roadway; installing multiple utilities concurrently; shifting vaults and other structures off the centerline of the roadway to enable easier traffic flow; revisiting the cross section to find a solution that does not remove as much grade from the center of the roadway as the current proposed design and ensuring time period of MOT meets the needs of construction.

Staff will be investigating each of these measures as the MOT is developed and incorporate where feasible.

#### **#4: Concrete Duct Bank**

The current design shows concrete encasement of the entire duct bank and it was recommended to investigate substituting stone encasement with a lightweight concrete slab on top as an alternative.

The City Standards and Design Manual requires concrete encasement of electrical lines, but staff will consider stone encasement with a concrete slab on top for the other, private utilities during coordination efforts.

#### **#5: Depth of Cover**

The current design shows some of the duct bank trenches will be 8 to 9 feet deep which could be revised to wider, shallower duct banks.

The City Standards and Design Manual requires 36" cover for electric/power facilities and 24" for all other utilities. Staff will explore different configurations during coordination efforts with the private utility companies.

## **#6: Spare Conduit**

The current design includes 100% spare conduits and it was recommended that exploration be undertaken to determine if the amount of spares can be reduced.

Staff will be investigating the possibility of reducing the number of spare conduits as well as the possibility of cost sharing as utility coordination is completed.

## **#7: Silva Cell Replacement**

The current design uses Silva Cells, a soil cell product, to provide sufficient soil volume for the street trees in the project as well as on-site water quality treatment and a portion of water quantity requirements. The City does not have any experience with this application or with Silva Cells in particular therefore, the VE Team explored alternative solutions with various combinations of stormwater management (quality and quantity) and root volume. This included replacing Silva Cells with an alternative soil cell product or suspended slabs and root paths, purchase of nutrient credits, and other underground detention methods. Reducing the number of Silva Cells could potentially have construction and maintenance savings for both cost and time.

In the current design, Silva Cells provide approximately 20% more soil volume beyond what is required by the trees to meet their stormwater treatment function. Staff does not support exploring another proprietary soil cell system nor other underground detention methods; however does recommend exploring the reduction of Silva Cells to targeted locations along the corridor, which would provide some on-site treatment and require the purchase of supplemental nutrient credits. A targeted approach of Silva Cells with additional suspended slabs & root paths would ensure they are placed in optimal locations for either use while balancing the landscaping needs expected by the community. More discussion on stormwater is above under #8 Outfall Analysis.

**Alignment with City Council’s Vision Areas and Strategic Plan:** Approval of this agenda item upholds the City’s commitment to create “a connected community” by improving upon our existing transportation infrastructure. In addition, it would contribute to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community; Objectives 2.3. Provide reliable and high quality infrastructure and 2.6. Engage in robust and context sensitive urban planning.

**Community Engagement:** There has had significant engagement throughout project planning through a Steering Committee, project specific public meetings, coordination with City boards/commissions and public surveys to develop the West Main Street Master Plan and the adopted alternative. A Design Public Hearing will be conducted later this year in 2021 which will include conceptual drawings incorporating the VE measures adopted, anticipated right of way impacts, environmental documentation and other informational boards. The website, [www.gowestmain.org](http://www.gowestmain.org), will be updated with this information as well as future project development.

**Budgetary Impact:** None at this time. As project plans progress to construction documents, the estimate will be refined to incorporate these recommendations as well as the final construction details. While these VE recommendations will lower the estimate, and staff is committed to spending public dollars as judiciously as possible, staff does not recommend releasing funding until after construction is complete.

**Recommendation:** Staff will continue to pursue the recommendations as noted above.

**Alternatives:** City Council may elect to recommend adopting a different combination of measures proposed within the VE Study.

**Attachments:**

- 1) West Main Street Value Engineering Summary Report
- 2) Silva Cell Exhibit – Required for Phase 1 and 2
- 3) Project Overview



City of Charlottesville:  
**WEST MAIN STREET  
VALUE ENGINEERING SUMMARY REPORT**

DECEMBER 23, 2020



**RESPONSIVE PEOPLE | CREATIVE SOLUTIONS**

## Introduction

A Value Engineering (VE) study took place for the West Main Street project in Charlottesville, Virginia, per recommendation of City Council. The VE team worked to find potential savings opportunities for the City of Charlottesville in order to eliminate any unnecessary costs while maintaining the desired function and character of the streetscape presented in the design documents. The study sought to maintain or improve the project quality, reduce the overall life-cycle costs, improve efficiencies and shorten the construction schedule. The VE team was sensitive to the project's purpose and need, previous public input, and previous feedback/direction from Charlottesville's City Council.

The study reviewed the 60% plans and cost estimate provided by the design team lead by Rhodeside and Harwell. This document summarizes the findings of the VE team in the form of potential cost saving recommendations for consideration by the City and design team.

The members of the VE team were:

- Facilitator: Amy Samberg, PE, ENVSP, LEED AP BD+C, SITES AP (RK&K)
- Roadway: John Koch (RK&K)
- Maintenance of Traffic: Jim Durbin, PE, LEED AP (RK&K)
- Environmental: Ricky Woody, PWS (RK&K)
- Utilities and Right-of-Way: Jeff Kapinos, PE (RK&K)
- Stormwater/Drainage: Megan Ryan, PE, CFM (RK&K)
- Landscaping/Lighting: Tristan Cleveland, PLA, ASLA (LPDA)
- Constructability: Mohammed Aziz, PMP, CCM (RK&K)

## Project Description

The West Main Street project began in 2013 with master planning efforts and a review of current zoning. It has since evolved from schematic design to the current 60% design development plans, which were developed in 2019. RK&K and their team were tasked with completing a value engineering study to determine if any scope items can be modified, removed or reduced to save overall project costs.

The project extends between Jefferson Park Avenue and Ridge Street\*, and has been broken into the following four phases:

1. Ridge Street to 6<sup>th</sup> Street NW
2. 6<sup>th</sup> Street NW to 8<sup>th</sup> Street NW
3. 8<sup>th</sup> Street NW to Roosevelt Brown Avenue
4. Roosevelt Brown Avenue to Jefferson Park Avenue

\* During the VE Presentation session on November 18, 2020, the design team mentioned that the project extended through the intersection of Ridge Street.

The VE team understands that there are various characteristics throughout the corridor that the City and design team desire to remain in the project. Due to this, the VE suggestions are tailored to cut costs while preserving components of importance to the project stakeholders. Items such as reducing the number of trees or elimination of undergrounding utilities were not considered, as these were deemed to be important to the project by the City Council and staff, public, and the design team.



## Project Graphics

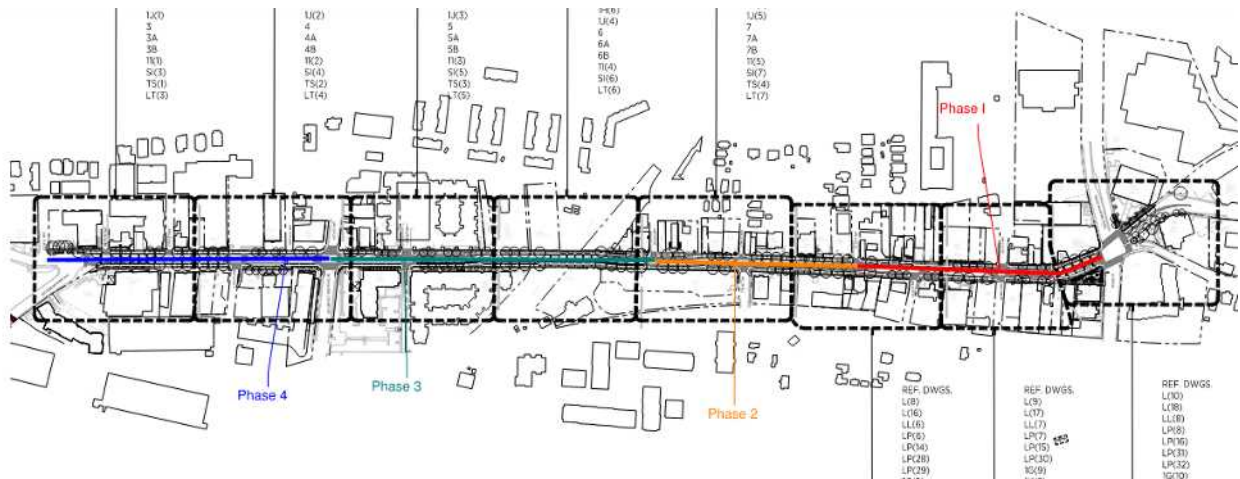


Figure 1: Graphic of project phasing. Background imaging taken from West Main Street 60% Plans.

## Value Engineering Approach

The VE study was completed virtually in lieu of the traditional 2-day immersive session.

The efforts were kicked off on November 2, 2020 with a virtual session with representatives from the City, the design team, and the VE team. The design team presented an overview of the project and, with the City, answered questions regarding the design and project priorities from the VE team. Some of the key takeaways were as follows:

- Materials have been provisionally approved by the BAR
- Furnishings are important to the project's identity
- Non-monolithic trees are important to the corridor
- Over 100 test holes were completed for Phase 1 and 2
- Silva Cells, which the City does not have experience with, are not to be installed around public services to the buildings
- Phase 1 and 2 are going to be constructed together
- Phase 3 and 4 are not yet funded
- The VE study is for the entire project
- MOT plans have not been developed at this point
- Cross sections depict maintaining the storefront elevations and sloping toward the center of the roadway, resulting in a finished roadway surface approximately 1' below existing
- City's preference is to have stormwater addressed on site
- City Council has reviewed the design, which included Silva Cells and 400% tree enhancement
- Furnishing manufacturer of concrete benches is local to Charlottesville
- Paul Josey, Tree Commission, has developed the landscaping/tree plan as a subconsultant for the project

The VE Team took this information and channeled it into the review of provided materials to look for cost savings. The methodology in the following sections demonstrates the approach taken.

A Findings presentation was given by the VE team to the City and design team on November 18, 2020. This session was held virtually and presented the findings of this study.



## Cost Estimation Review

The design team provided a cost estimate to accompany the 60% plans. The VE team focused efforts on evaluating items that were the top 20% highest cost items. This totaled 44 items of the 219, which are shown in the table below. The items shown represent the cumulative total for all 4 phases of the project.

VDOT ITEM CODE	VDOT SPEC SECTION	DESCRIPTION	UNIT
<b>GRADING (ITEM RANGE: 00001 - 00499)</b>			
<b>Earthwork, Concrete Masonry, Clearing &amp; Grubbing, Excavation, Select Material</b>			
128	303	Extra Excavation	CY
142	303	Borrow Excavation Min. CBR-20	CY
170	ATTD	NS Soil - Contamin. Soils Disposal Allowance	CY
170	ATTD	NS Soil - Silva Cell, Uncompacted Soil	CY
<b>DRAINAGE (ITEM RANGE: 00500 - 09999)</b>			
<b>Water Service Lines (Private), Pipe, Concrete, Drop Inlet, Manhole, Paved Ditch, Bedding Material,</b>			
1152	302	15" Conc. Pipe	LF
2111	ATTD	NS Drainage - Silva Cell Impermeable Liner	SF
2112	ATTD	NS Drainage - 2x Silva Cells	EA
2112	ATTD	NS Drainage - 3x Silva Cells	EA
2112	ATTD	NS Drainage - Silva Cell Tree Grates (4' x 4')	EA
8990	ATTD	NS Drop Inlet - Silva Cell Mod. Drain Inlet	EA
9056	302	Manhole MH-1 or 2	LF
<b>PAVEMENT (ITEM RANGE: 10000 - 11999)</b>			
10128	315	Aggr. Base Matl. Ty. I No. 21B	TON
10608	315	Asphalt Concrete Ty. SM-12.5D	TON
10610	315	Asphalt Concrete Ty. IM-19.0A	TON
10625	515	Flex. Pave. Tie-In Planing 0"-2"	SY
10642	315	Asphalt Concrete Ty. BM-25.0A	TON
<b>INCIDENTAL (ITEM RANGE: 12000 - 13999)</b>			
<b>utter, Cattle Guard, R/W Monument, Sidewalk, Guardrail, Median Barrier, Retaining Wall, Median Str</b>			
12025	502	NS Curb - City of Charlottesville Curb	LF
13245	504	NS Sidewalk - PCC-1 PC Concrete Pavers (Complete, in-place)	SY
<b>MAINTENANCE SCHEDULE ITEMS (ITEM RANGE: 14000 - 19999)</b>			
<b>Schedule Work, Plant Mix, Service Treatment, Guardrail, Fence, Slurry Seal, Cold Mix</b>			
14100	ATTD	Remove Sidewalk and Entrance	SY
<b>PROTECTIVE (ITEM RANGE: 20000 - 25999)</b>			
<b>Maintenance of Traffic, Demolition of Pavement, Obscuring Old Road, Field Office, Plant Lab, Linseed</b>			
24265	ATTD	NS Maintenance of Traffic - Phase Traffic Control	LS
24430	508	Demo. of Pavement (Flexible)	SY
24501	510	NS Remove Exist. - Buried Trolley Tracks	LF
24505	510	NS Relocate Existing - Demo & Reset Statue Foundation Allow	LS
24825	510	NS Modify Exist. - Construction Entrance	EA
25505	514	Field Office Ty. III	MO



PLANTING (ITEM RANGE: 28000 - 39999)			
38920	ATTD	NS Bench - #407, Custom Bench 1	EA
38935	ATTD	NS Commuter - Bus Shelter (complete in-place)	EA
38950	ATTD	NS Landscape - #408, Planter Pot	EA
38955	ATTD	NS Landscape - ST 2, Stone Boulder Slice & Foundation	LF
TRAFFIC CONTROL & SAFETY ITEMS (ITEM RANGE: 50000 - 59999)			
TRAFFIC SIGNS (ITEM RANGE: 50000 - 50999)			
50902	700	NS Traffic Sign - Custom Concrete Topographical Map	EA
50902	700	NS Traffic Sign - Corner Markers	EA
50902	700	NS Traffic Sign - Transit Interpretation at Bus Stop	EA
50902	700	NS Traffic Sign - Commemorative Walk at Bridge	EA
TRAFFIC SIGNALIZATION (ITEM RANGE: 51000 - 53999)			
51031	703	LOCAL CONTROLLER, TY. B	EA
51238	-	CONCRETE FOUNDATION SIGNAL POLE PF-8	CY
51541	-	NS Detector - VIDEO DETECTION SYSTEM, 360 DEGREE	EA
PAVEMENT MARKING ITEMS (ITEM RANGE: 54000 - 54999)			
54100	704	NS Pavement Marking - Bike Lane Special Coating	SF
LIGHTING ITEMS (ITEM RANGE: 55000 - 59999)			
55505	705	NS Luminaire - Ty. KX1, 57w LED, 3500K	EA
56021	700	1" PVC Conduit	LF
59000	705	NS Lighting - Light Fixture Pole, 14'-16'	EA
59000	705	NS Lighting - Light Pole Base	EA
59001	700	NS Lighting - Lighting Wire #6	LF

Table 1: Top 20% of cost items on the 60% cost estimate

While these numbers served as the basis for our analysis, they were not exclusively studied. Items that were included in other project documentation, such as the 60% plan set, were also evaluated for value engineering as appropriate to the scope of the overall project.

## Value Engineering Recommendations

### Roadway and Maintenance of Traffic

#### Recommendation #1: General

Due to Maintenance of Traffic (MOT) plans not being included in the 60% submission reviewed by the VE team, roadway recommendations for VE was limited. Please find a list of potential options to consider when developing the MOT plans and other elements impacted by the MOT below.

#### Suggestions:

- If the finished grade of pavement is approximately 1' below existing pavement, it is suggested to use a minimum pavement patch along utility corridors and reconstruct with the rest of the roadway.
- It is suggested that multiple utilities be installed concurrently – to the extent feasible – even if a larger trench is required.
- To minimize MOT efforts, it is suggested to shift vaults and other structures off the centerline of the roadway to enable easier traffic flow.
- It is suggested that the phasing for all utilities (including storm drain) be carefully reviewed relative to the MOT concepts to make sure that vehicular and pedestrian access can be maintained at all times as proposed.
- To reduce the grading, paving, and MOT efforts, it is suggested that the design team revisit the cross section to find a solution that does not remove as much grade from the center of the roadway as the current proposed design. This will enable easier construction, as well as generate a cost savings to the project.

- There is a conflict between how many months of MOT are required for this project between the information in the cost estimate and what was anticipated by the City. It is suggested to ensure that the expectation is clear to all parties and the MOT duration is adequate for what will be required to complete the project.

There is not enough detail provided in the plans regarding MOT or paving to calculate the cost or potential savings at this time. It is recommended that the design team consider the above suggestions to reduce paving quantities and the construction duration in order to find additional potential savings toward the overall project cost.

Pros:

- Potential savings for demolition of pavement
- Potential reduction of construction duration due to fewer MOT phases
- Potential savings in MOT cost due to fewer phases
- Potential savings by turning the project into a mill and overlay project instead of full depth reconstruction by changing the cross section and having a finished grade similar to existing.

Cons:

- Concurrent work on multiple utilities may impact traffic flow and access to businesses
- Detailed coordination of pavement trenching for utilities to match future pavement elevations will be difficult
- May require more detailed construction sequencing plan for replacement of existing utilities

*Roadway and Maintenance of Traffic Summary Table:*

#1: General	Cost cannot be determined without additional information
<b>Roadway Total:</b>	<b>\$TBD by Design Team</b>

## Environmental

### Recommendation #2: General

Minimal environmental data was available to support this VE review. The EQ429 has been submitted for Segment 1, but not 2, 3, or 4. A technical memorandum for wetlands, streams, T&E, and hazardous materials was not provided, and VDOT is handling the cultural resources for the project.

All these activities are required to be certified for Appendix 5A for State Funded projects and the EQ forms (102 or 104, 121 and 555 and CR due diligence) for Federally Funded projects. In conclusion, the environmental processes are not completely started or clearly understood at this time, and once identified they could impact unidentified environmental resources, which will affect scope, schedule, and budget.

It is suggested that the design team review the requirements for each funding source and ensure the appropriate environmental forms are submitted.

**Recommendation #3: Cultural Resource Monitoring**

It was noted that full-time cultural resource monitoring of the project during construction was anticipated. The VE team recommends providing cultural resource mitigation to the extent required by DHR.

*Environmental Summary Table:*

#2: General	Cost cannot be determined without additional information
#3: Cultural Resource Monitoring	Cost cannot be determined without additional information
<b>Environmental Total:</b>	<b>\$TBD by Design Team</b>

**Utilities and Right-of-Way**

**Recommendation #4: Concrete Duct Bank**

The current design shows concrete encasement of the entire duct bank. Consider investigation of acceptance of stone encasement with a lightweight concrete slab on top instead of full concrete. This could provide a potential total savings of **\$300,000 to \$500,000**.

Pros:

- Savings in money

Cons:

- Does not meet City’s standards (City standards call for concrete encasement for underground electric lines but may be possible for telecommunication conduits)
- May not meet Utility’s standards

**Recommendation #5: Depth of Cover**

Some of the duct bank trenches will be 8 to 9 feet deep as currently designed. It is recommended to work with the City to determine if wider, shallower ductbanks could be used where possible or if the 36” minimum burial depth could be reduced. This could provide a potential total savings of **\$30,000 to \$100,000**.

Pros:

- Savings in money
- Reduction in construction duration

Cons:

- Does not meet City’s standards (City standards call for 36” cover for electric/power facilities and 24” for all other utilities)
- May not meet Utility’s standards

**Recommendation #6: Spare Conduits**

The current design includes 100% spare conduits. It is recommended that the design team work with the City and utility owners to determine if the amount of spares can be reduced. Spares at 50% may

allow configurations to be adjusted and trenches would be shallower. This could provide a potential total savings of **\$200,000 to \$400,000**.

Pros:

- Savings in money
- Reduction in construction duration

Cons:

- May not meet City’s standards (City standards call for “up to three spare 4-inch conduits”)
- May not meet Utility’s standards

*Additional Suggestion:*

RK&K’s Utilities team reviewed several available documents, including the private utility plan and profile sheets (dated 9/14/18), the duct bank cost estimates (9/27/18), the City Design Manual standards (available on City website), and the betterment standards outlines in the 2016 VDOT Utility Manual.

Private Utility Cost Participation: Unless the City has a favorable franchise agreement that covers this, it is our experience that similar undergrounding of utilities in urban areas is not typically covered. However, it does not mean that further discussions/negotiations should not be held with the key utility stakeholders as their current assets that will be replaced will most likely be improved due to this project, which ultimately should save the utilities some long-term capital replacement cost. At a minimum, suggest negotiating with the utility companies and paying only the difference between the cost to underground the utilities and the cost to relocate above ground, which would be at the utility owners’ expense.

Construction Delivery Method: The City may want to consider alternative project delivery methods compared to traditional design/bid/build for the utility relocation portion of the project.

*Utilities and Right-of-Way Summary Table:*

#4: Concrete Duct Bank	\$300,000 - \$500,000
#5: Depth of Cover	\$30,000 - \$100,000
#6: Spare Conduits	\$200,000 - \$400,000
<b>Utilities and Right-of-Way Total:</b>	<b>\$530,000 - \$900,000</b>

Stormwater/Drainage

Recommendation #7: Silva Cell Replacement

The current project plans use Silva Cells, a soil cell product, as one of the methods to provide sufficient soil volume for the street trees in the project. The Silva Cells are also used to provide on-site 100% of the water quality treatment and a portion of water quantity requirements. The SWM calculations for this project show a phosphorus reduction requirement of 3.06 lb/yr. DEQ law allows for projects with less than 10 lb/yr requirement to use 100% offsite treatment. A potential cost savings could be provided by modifying the drainage system to remove some or all of the Silva Cells and purchase nutrient credits\*. Alternate underground storage will still be required to meet SWM water quantity requirements.

Silva Cells are one of the most expensive items on the project excluding paving and associated improvements. Therefore, the VE Team looked for alternative solutions for the combination of

stormwater management (quality and quantity) and root volume. 16,246 cu. ft. of soil volume is provided via Silva Cells. The designed soil volume goal for each tree is 400 cf., in keeping with City standards and best practices. The Silva Cells provide an additional 3,290 cf, or approximately 20%, of soil volume beyond what is required by the trees as part of their stormwater treatment function. Potential cost savings can be accomplished with replacing Silva Cells with an alternative soil cell product or an alternative soil volume method. GreenBlue Urban produces a cheaper and more space efficient soil cell, called the RootSpace product. Alternative methods to achieve soil volume include suspended slabs and root paths. The suspended slab method provides uncompacted soil beneath a reinforced concrete slab supporting the walking surface. Root paths are strip drains that function as reinforced tunnels under pavement to provide additional soil. Both the suspended slab and root paths are used currently in the project.

The Silva Cells integrated stormwater management and tree rooting system could be replaced with an approach that separates the stormwater approach from the tree root requirements. This separated approach would consist of nutrient credit purchases and underground detention for the stormwater and either an alternative soil cell product or suspended slab/root path for the tree rooting volume, which could potentially have construction and maintenance cost savings.

Cost Savings Breakdown:

- Eliminate Use of Silva Cell Product/installation Cost: (\$1,265,177)  
(including excavation)
  
- Purchase Nutrient Credit Cost to address quality: \$61,000
  
- Purchase either underground detention system to address quantity:
  - Box Culvert Underground Detention Cost: \$1,200,000
  - Proprietary Underground Detention Cost: \$150,000-300,000
  
- Purchase either tree volume rooting option:
  - RootSpace product/installation Cost\*\*\*: \$550,000
  - Suspended slab and root path cost: \$270,000
  
- This equals a potential savings of up to \$784,000 by eliminating the Silva Cells. This number assumes the use of the cheapest options for quantity and tree volume rooting and could fluctuate based on final option pricing and choices.

Silva Cells have the advantage of combining the required volumes for detention and tree soil into the same system. Different combinations of the above alternatives may not provide as much cost savings; however, the elimination of Silva Cells would provide an ease of construction and eliminate the need for special bioretention soils. It would also reduce maintenance needs because an underground detention only facility is much less susceptible to clogging than a bioretention.

*\*If the city does not want to use 100% offsite treatment for to meet water quality requirements, a partial removal of Silva Cells or the use of the RootSpace product as water quality treatment could be an option. If desired this option should be discussed with the City and evaluated by the design engineer to determine how much treatment is preferred to be provided on site. This would lessen the amount of underground detention that would need to be provided through a method such as a box culvert or proprietary structure.*

*A combination of partial onsite treatment and purchase of nutrient credits has the potential for additional cost savings.*

*\*\*Cost assumes soil cell product would not function as a stormwater system and can thus 1) be sized down by approximately 20% to the soil volumes required by the trees and 2) exclude stormwater utilities (risers, drainage stone, inlets).*

Pros:

- Potential savings in construction cost
- Simplifies construction potentially reducing construction time period
- Maintenance reduction

Cons:

- Purchase of nutrient credits allows for compliance of regulation and positively impacts watershed, but does not treat stormwater on site or within City's jurisdiction
- Estimated savings could be smaller than anticipated and result in additional engineering design fees

#### Recommendation #8: Outfall Analysis

The current outfall analysis determines adequacy at the manmade outfalls using the energy balance equation. This results in a need for a large amount of detention throughout the project. Manmade outfalls can be analyzed by studying the 2-year velocity and 10-year capacity of the downstream system to the 1% point. All the pipes within the project area show more than enough capacity for the 10-year storm and non-erosive velocities for the 2-year storm. Unless there are known undersized parts of the downstream system, it would be expected that capacity is available since the land uses on the project will not significantly change.

#### Cost Savings Breakdown:

- |   |  |
|---|--|
| - Eliminate Silva Cell Cost   | (\$ 1,265,177)   |
| - Purchase Nutrient Credit Cost   | \$ 61,000  |
| - Required Additional Survey/Engineering Cost   | Unknown: More information on the location of the 1% point and details of the downstream system will be needed to understand capacity |
| - Approx. Tree soil volume options  | \$265,000-\$550,000  |
| - The recommendation, at a minimum, has the potential of an equal or greater savings to the "Silva Cell Removal" recommendation, \$784,000, with the added benefit of zero long term maintenance. |  |

Pros:

- Cost savings
- Maintenance Reduction
- Ease of construction

Cons:



- Purchase of nutrient credits allows for compliance of regulation and positively impacts watershed, but does not treat stormwater on site or within City’s jurisdiction
- Need for additional downstream survey

*Additional Suggestions:*

- Not all outfalls may meet requirements which could hold up VSMP permitting efforts.
- Gutter flow is not really sheet flow. It will need to be determined if the downstream gutter/inlets will need to be analyzed and documented to ensure that flow is not increasing and can still be properly conveyed.
- There are many proposed parking areas along the side of Main Street that are bumped out from the main travel way (due to curb extensions to aid in pedestrian crossings). Most of these locations do not have an inlet on the downstream side which will need to be evaluated to ensure water does not ponding in these locations during storm events.

*Stormwater/Drainage Summary Table:*

#7: Silva Cell Replacement	\$354,000 - \$784,000
#8: Outfall Analysis	\$654,177 - \$939,177
<b>Stormwater/Drainage Total*:</b>	<b>\$354,000 - \$939,177</b>

\* The stormwater/drainage options require selection of one option, both recommendations cannot be implemented in tandem.

**Landscaping/Lighting**

**Recommendation #9: Seating**

The current project plan includes custom concrete benches at several points through the project, including the courthouse, the historic Baptist church, and the triangle Midway Park. Elsewhere in the project, a more moderately priced bench\* or seating is used. There is a total of 50 benches in the project, 30 of which are custom benches. The custom benches are up to six times more expensive than the other benches specified for use in the project. Custom benches will be more expensive to maintain and replace than a bench. The custom bench was specifically designed to complement the aesthetic of Midway Park which will include 11 of these custom benches. If all benches except those at the park were the a prefabricated bench (#400 or #401 in the project documents), there would be a potential savings in furnishing expenses.

The following is the price difference for an exchange of 19 custom benches for prefabricated benches:

- 19 custom benches: \$247,000
- 19 prefabricated benches: \$39,900 - \$47,500

This equals a potential savings of \$199,500 - \$207,100 in custom benches.

\*The prefabricated bench was chosen specifically for the West Main Streetscape project with coordination with the Board of Architectural Review as well as public comment. This fixture has since been approved for use on the Belmont Bridge Replacement project and is proposed for the East High Streetscape project.



The project is approximately .75 miles long and, in that area, there are 50 proposed benches, 24 fixed chairs, and 11 leaning racks, a total of 85 resting furnishings. This report recommends reducing the number of seating furnishings by 20%, from 85 to 73.

The following is the cost saving for a reduction of 20% or 17 of the seat furnishings. To show the range of potential cost savings the least expensive standard furnishings, 24" standard chairs (\$1,200 each) and the most expensive standard furnishing, 70" standard bench with back (\$2,500 each) are itemized:

- 17 standard 24" chairs: \$20,400
- 17 standard backed benches: \$42,500

The total potential savings for revision to seating, exchanging 19 custom benches for standard and reducing the total quantity of seat furnishings by 17, is **\$219,900 – \$249,600**.

Pros:

- Savings in construction cost
- Reduction of future replacement and maintenance costs
- Increased ease of future replacement and repair (switching from custom to manufactured)

Cons:

- Revised design intent and aesthetic
- Reduced seating opportunities

Recommendation #10: Boulder Slices

The project includes slices of locally quarried boulders as a design feature in Midway Park. The stated design intent was to create a unique park identity, interpret local geology, reference the adjacent Lewis/Clark/Sacagawea statue, and reference the raw stone aesthetic of the existing hospital plaza anchoring the western terminus of the project. Boulder slices are out of context with the level of design of other publicly funded downtown Charlottesville parks (more highly designed). Replacing all boulder slices with a selection of natural boulders of approximately the same total volume would achieve the stated design intent while reducing project material and installation costs.

- 1,224 If sliced boulder and foundation: \$379,440
- 30 Stone Boulders: \$72,000

This equals a potential savings of **\$307,440** in boulder slices.

Pros:

- Savings in construction costs
- Simplifies construction
- Reduction of future replacement costs
- Increased ease of future replacement and repair

Cons:

- Revised design intent and aesthetic

### Recommendation #11: Catenary Lighting

The project includes catenary light strings mounted on poles in three areas of the project: at the eastern terminus of West Main at the Ridge/McIntire intersection, at the railroad bridge, and at the western terminus of the project at Jefferson Park Ave intersection. The implied design intent of these lighting areas is to enhance the feeling of place of the project area overall and at these three sites in particular. There is no other catenary lighting on Charlottesville streets, though catenary lights are installed on the Downtown Mall, a pedestrian portion of East Main Street, as part of seasonal holiday decorations.

Increasing sense of place is one of the project's stated goals, and catenary lighting would be unique to West Main Street, contributing to the area's sense of place. However, there are many elements of the design that will contribute to its sense of place, therefore catenary lighting may not be essential. Catenary lighting is also not a design precedent in Charlottesville, so there would be no loss to overall City Standards of lighting and materials by the removal of catenary lights from this project and being primarily a vehicular thoroughfare, the impact of the catenary lights could be very limited.

Eliminating catenary lighting from the project would have a cost savings on the project:

- Catenary lighting: \$51,000
- Poles and bases: \$93,500

This equals a potential savings of **\$144,500** in catenary lighting.

#### Pros:

- Savings in construction costs
- Simplifies construction
- Reduces scope of work
- Reduces long-term owner maintenance tasks and costs

#### Cons:

- Revised design intent and aesthetic
- Reduced night-time design impact

### Recommendation #12: Bus Shelter

This project includes a bus shelter with integrated solar powered lighting, illuminated route map, and signage. This product would be new and unique to the City of Charlottesville. The shelters will be located where electrical connections are provided where it would be feasible to provide electrical connection instead for the shelters. A potential cost savings would be to use an alternate shelter product with an electrical connection or a supplemental solar power system instead of an integrated system. Potentially eliminating the illuminated route map and signage could also be a cost savings.

#### Each

- Integrated solar bus shelter: \$73,000
- Alternate bus shelter with electric or separated solar: \$35,000 - \$50,000

#### Total

- Integrated solar bus shelter: \$511,000
- Alternate bus shelter with electric or separated solar: \$245,000 - \$350,000



This equals a potential savings of **\$161,000 - \$266,000** in bus shelters.

Pros:

- Savings in construction costs
- Reduction of future replacement costs
- Increased ease of future replacement and repair

Cons:

- Lost opportunity to showcase sustainable technologies if solar not used
- Long-term electrical costs if solar not used
- Additional installation required for electrical connections
- Additional installation required for separated solar
- Separated solar components may be more susceptible to vandalism, as they can be more accessible

Before the Value Engineering study was conducted City staff had begun discussions to adapt the existing City Standard bus shelter for installation on the West Main Streetscape. This would lower maintenance issues as well as be more cost effective for initial installation and future repairs. The estimate retains the original cost estimate for more specialized bus shelters.

*Landscaping/Lighting Summary Table:*

#9: Seating	\$219,900 – \$249,600
#10: Boulder Slices	\$307,440
#11: Catenary Lighting	\$144,500
#12: Bus Shelter	\$161,000 - \$266,000
<b>Landscaping/Lighting Total:</b>	<b>\$832,840 - \$967,540</b>

### Constructability

#### Recommendation #13: Fine Grading

Grading is considered incidental to the placement of borrow and sub-base/subgrade material, and the additional cost added for fine grading should be reconsidered to ensure that it is not double counted in the estimate, per Virginia Department of Transportation (VDOT) requirements. The removal of fine grading could save approximately **\$60,000**.

#### Recommendation #14: Trench Boxes

The use of trench boxes and dewatering activities are incidental to the cost of drainage pipe installation, per VDOT Specification Section 302. Recommended removing this cost from the estimate. This removal would save approximately **\$60,000** of the overall estimate.

#### Recommendation #15: Curb and Sidewalk Removal

Per Section 303.06 of the VDOT specifications, the removal of sidewalk and curbs are considered incidental excavation. To follow VDOT standards, it is recommended that this item be removed from the overall cost estimate. This would result in approximately **\$280,000** of savings for the project.

*Constructability Summary Table:*

#13: Fine Grading	\$60,000
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#14: Trench Boxes	\$60,000
#15: Curb and Sidewalk Removal	\$280,000
<b>Constructability Total:</b>	<b>\$400,000</b>

## Summary

### Total Savings

The total savings from these items is summarized as follows:

Roadway / Maintenance of Traffic - #1	\$TBD by Design Team
Environmental - #2 & #3	\$TBD by Design Team
Utilities and Right-of-Way - #4, #5 & #6	\$530,000 - \$900,000
Stormwater/Drainage - #7 & #8	\$354,000 - \$939,177
Landscaping/Lighting - #9, #10, #11 & #12	\$832,840 - \$967,540
Constructability - #13, #14 & #15	\$400,000
<b>Total:</b>	<b>\$2,116,840 - \$3,206,717</b>
3.0% Construction Surveying	\$63,505 - \$96,202
3.0% Materials Testing	\$63,505 - \$96,202
12.0% Mobilization (including general conditions)	\$254,021 - \$384,806
<b>Overall Potential Project Savings</b>	<b>\$2,497,871 - \$3,783,927</b>

A total project savings from all the measures summarized in this report is projected to be **in the range from approximately \$2.5M to \$3.8M**. It should be noted that the VE team believes there is the potential for change in the cost of the maintenance of traffic and constructability items, but the current information available limited the ability to quantify these items.

### Additional Miscellaneous Items

It was noted during the Findings Session that the bridge work is currently proposed to be removed from the West Main Street project. The current bridge design limits the loading on the bridge (unable to add additional weight) and the existing 11' wide sidewalk will remain with no need to reset the crown of the roadway. The current condition of the bridge has been evaluated by the City Engineering staff and only minor remediation is necessary at this time. The only item clearly documented in the cost estimate for this is the \$160,000 for the commemorative work at the bridge, though it is anticipated that additional work is included in the estimate under other headings or combined items. Enhanced recognition of the Drewary Brown Bridge (signage, possible banners), minor sidewalk repair undertaken and replacement of the light fixtures would be retained.

There is also \$150,924 allocated for the removal, relocation, and resetting of the Lewis and Clark Statue. The schedule for removal will take place ahead of this project so this item can be removed from the project costs.

### Cost Risks

In addition to the cost savings items the RK&K team identified in the VE study, there were also a few items that were recognized as potential for additional project costs. These items could not be quantified for

inclusion in this study, but the team wanted to include them for full disclosure of costs identified while completing our analysis.

The main item identified was the maintenance of traffic (MOT) plans. The estimate for MOT could increase dramatically due to the tight nature of the corridor with robust utility and streetscape design plans that could prove to be challenging during construction. One way to mitigate or minimize this risk would be to develop a typical section that can utilize as much of the existing pavement as possible.

Similar to this, the VE team noted that items such as erosion and sediment control and traffic control heavily depend on the duration of the MOT activities. Therefore, there is high potential for fluctuation in pricing of these items, which may add additional costs to the project. For traffic control, we also recommend ensuring the design is in compliance with VDOT Specification Section 512.

The removal of the trolley tracks, if uncovered, could also add costs to the project. It is suggested that the design team hold the current cost within the project, but for the team and City to be aware that if they are found during construction, this could be an additional cost item for the project. This risk could be mitigated during design with sonar penetrating exploration to locate their existence/extent.

Schedule delays could also impact the cost of this project. The estimate the VE Team used was developed in 2018 with escalation to 2021 for Phase 1 and 2022 for Phase 2 and Phases 3 and 4 further into the future. Phases 1 and 2 are now going to be constructed as one project. Depending on the outcome of the design team's review of the typical section, stormwater management, MOT and construction duration, escalation to the midpoint of construction for the combined project needs to be reevaluated, as the status of the design is only 60% and some of the cost savings recommendations will likely require significant redesign. It is important that the design schedule be accelerated from this point forward to realize full benefit of any cost savings measures that are implemented.

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# WEST MAIN STREET

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**REVISION:**

14 SEP. 2018 - 100% DD QAQC

SCALE:  
 SHEET NAME: **SILVA CELL OVERALL PLAN**

SHEET NUMBER: **15(2)**  
 DATE: 14 SEPTEMBER 2018



## Project Overview – West Main Streetscape project

West Main Street is a developed corridor located within the heart of the City with limited space for improvements. The roadway serves as the central east-west connection between the University of Virginia and Downtown Charlottesville as well as an important connection to surrounding neighborhoods. This heavily traveled corridor is also located within a Historic District, on the national and state registers, characterized by a well-preserved collection of commercial, residential, and institutional buildings representing a variety of styles.

- No ability or desire to add vehicular lanes
- Corridor experiencing large scale redevelopment and zoning allows for continued increased density
- Primary method to improve mobility and increased travel demand is through improving multimodal and transit modes as well technology (signal function/timing)

The West Main Streetscape project is an example of a road diet project.

- Vehicular uses reduced
  - o Lanes narrowed
  - o On-street parking capacity halved
- Space reallocated to pedestrians/bicyclists
  - o Bike lanes adjacent to remaining on-street parking will be increased to 6' in width to prevent conflicts with opening doors/parked vehicles
  - o Sidewalks will be widened – from 5' (existing) to between to 8.5' to 16' + additional space for seating/congregating

In addition to reallocating public space for multimodal use, other improvements are proposed to enhance and encourage walking, biking, scooting and transit riders:

- 1) Undergrounding of Utilities
  - Removes pedestrian conflicts
  - Opens up space – visual impact as well as allows for wider sidewalks/seating spaces/bus stops
- 2) Improved Safety Features
  - Simplifies Ridge/McIntire intersection to reduce conflicts (removes right turn lane, reduces size/legs of intersection)
  - Driveway crossings will be differentiated/highlighted
  - Pedestrian crossings of roadway would be in bulb outs reducing crossing length
  - Signal detection of bicyclists and green bike boxes to aid in turning movements/visibility
- 3) Replacing existing, aging infrastructure
  - Full Signal Replacement (Ridge/McIntire, 10<sup>th</sup>/Roosevelt Brown)
  - Replacing signal equipment at other intersections
  - Sidewalks that are heaving/uneven
  - Pavement/Striping that is overdue



- Stormwater system
- Trees that are at the end of their lifecycle
- 4) New infrastructure will meet current requirements
  - All CG-12s/ramps upgraded
  - Signal equipment also improved with audible ped buttons
  - Stormwater will address quantity and quality
- 5) New infrastructure will meet current City standards/unfunded mandates
  - Signal detection of bicyclist (Belmont Bridge Replacement project will be the 1<sup>st</sup> to add this to 2 signals)
  - Signals hardwired/interconnected (again Belmont adding 1<sup>st</sup> 2 signals to be interconnected)
  - Soil volume added to meet current standards & allow for healthier, longer living trees
  - Transit shelters added – meeting CAT’s goal of adding shelters on its most used stops
- 6) Improved aesthetics
  - Creates pocket park – “Midway Park” – at current location of Sacagawea/Lewis/Clark statue
  - Replaces concrete sidewalk with pavers
  - Increases tree canopy (current proposal of 400% increase from existing)
  - Adds site furnishings – chairs/benches/leaning posts/bike racks
  - Replaces pedestrian lighting
  - Adds 3 tactile maps/art features (topography maps of City development during 3 time periods)
  - Adds signage (and possibly banners) to Drewary Brown Bridge
  - Wraps utility boxes (local art opportunity)