



CITY COUNCIL AGENDA May 2, 2022

J. Lloyd Snook, III, Mayor
Juandiego Wade, Vice Mayor
Sena Magill, Councilor
Michael K. Payne, Councilor
Brian R. Pinkston, Councilor
Kyna Thomas, Clerk

4:00 PM OPENING SESSION

Register at www.charlottesville.gov/zoom. This portion of the meeting is being held electronically in accordance with a local ordinance amended and re-enacted March 7, 2022, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to 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/Roll Call

Agenda Approval

Reports

1. Report: Thomas Jefferson Area Coalition for the Homeless (TJACH) 2022 Point in Time (PIT) count presentation
2. Report: Regional Emergency Communications Center and Marcus Alert 9-8-8

5:30 PM CLOSED SESSION as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions; legal consultation)

6:30 PM BUSINESS SESSION

This portion of the meeting will accommodate a limited number of in-person public participants in City Council Chamber at City Hall as we employ a hybrid approach to public meetings during the locally declared state of emergency. Registration is available for a lottery-based seating selection at www.charlottesville.gov/1543/Reserve-a-Seat-for-City-Council-Meeting. Reservation requests may also be made by contacting the Clerk of Council office at clerk@charlottesville.gov or 434-970-3113.

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Older Americans Month

Consent Agenda*

3. Minutes: March 17 budget work session, March 23 budget public forum, March 31 budget work session, April 1 & 2 Council retreat
4. Ordinance: Amending and re-ordaining Chapter 9 (Elections), Section 9-31 (Central Absentee Voter District) to change the location of the Central Absentee Voter Precinct from City Hall to CitySpace (2nd reading)
5. Ordinance: Amending the Friendship Court (Phase 1) Loan Agreement (2nd reading)
6. Resolution: Appropriating additional funding from the Virginia Department of Social Services for the VIEW Program - \$38,025 (1st of 2 readings)
7. Resolution: Appropriating funding from the Virginia Department of Social Services for Child Abuse Prevention Month - \$1,000 (1st of 2 readings)

8. Resolution: Approving a Special Use Permit at 209 Maury Avenue (1 reading)

City Manager Report

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

Action Items

9. Resolution*: Considering a Special Use Permit at 207 14th Street NW (1 reading)

General Business

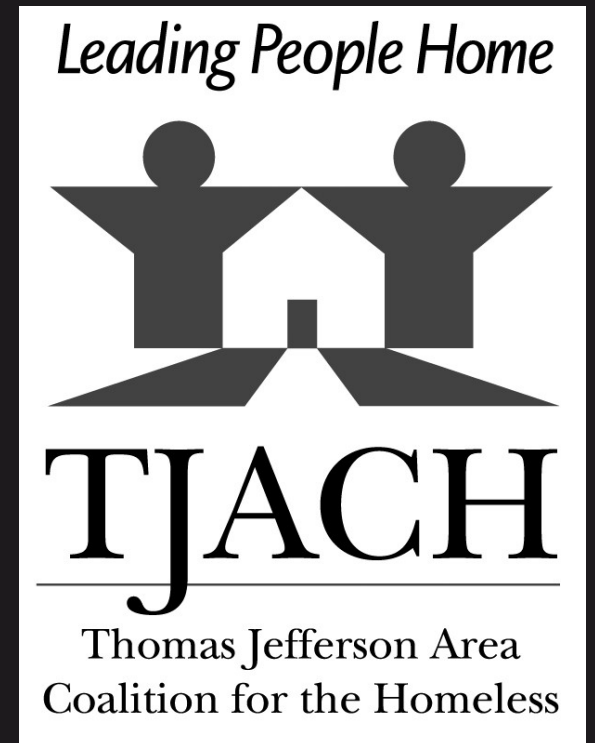
Other Business

Community Matters (2)

*Action Needed

HOMELESSNESS IN OUR COMMUNITIES

Thomas Jefferson Area Coalition for the Homeless



EVERYONE
DESERVES A
SAFE PLACE TO
CALL HOME

HOMELESS

+ X

= NOT HOMELESS

Solve For X



EVERY SYSTEM IS
PERFECTLY DESIGNED
TO GET THE RESULTS
IT GETS

Paul B. Batalden, MD
Institute for Healthcare Improvement

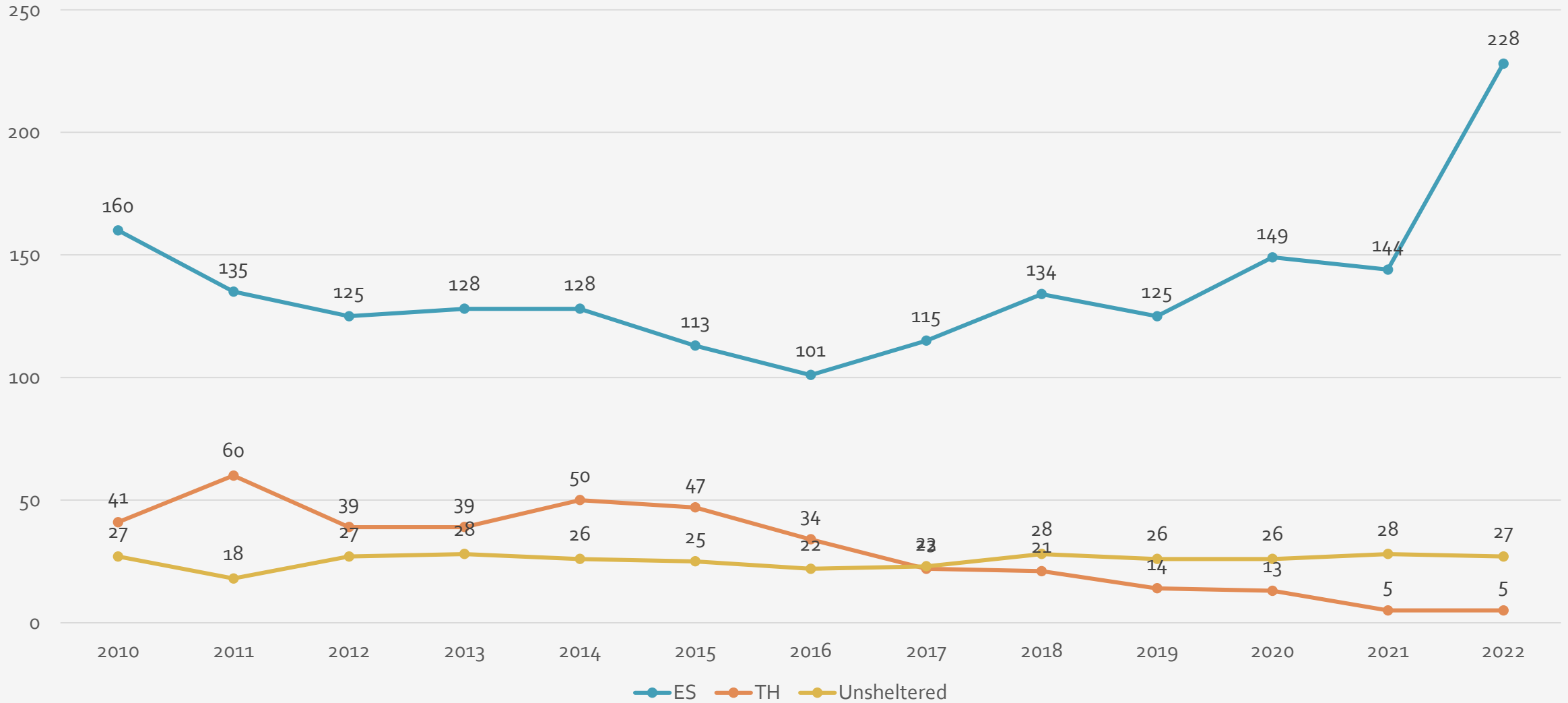


HOMELESSNESS IS A
SYMPTOM OF AN
UNHEALTHY HOUSING
ECOSYSTEM

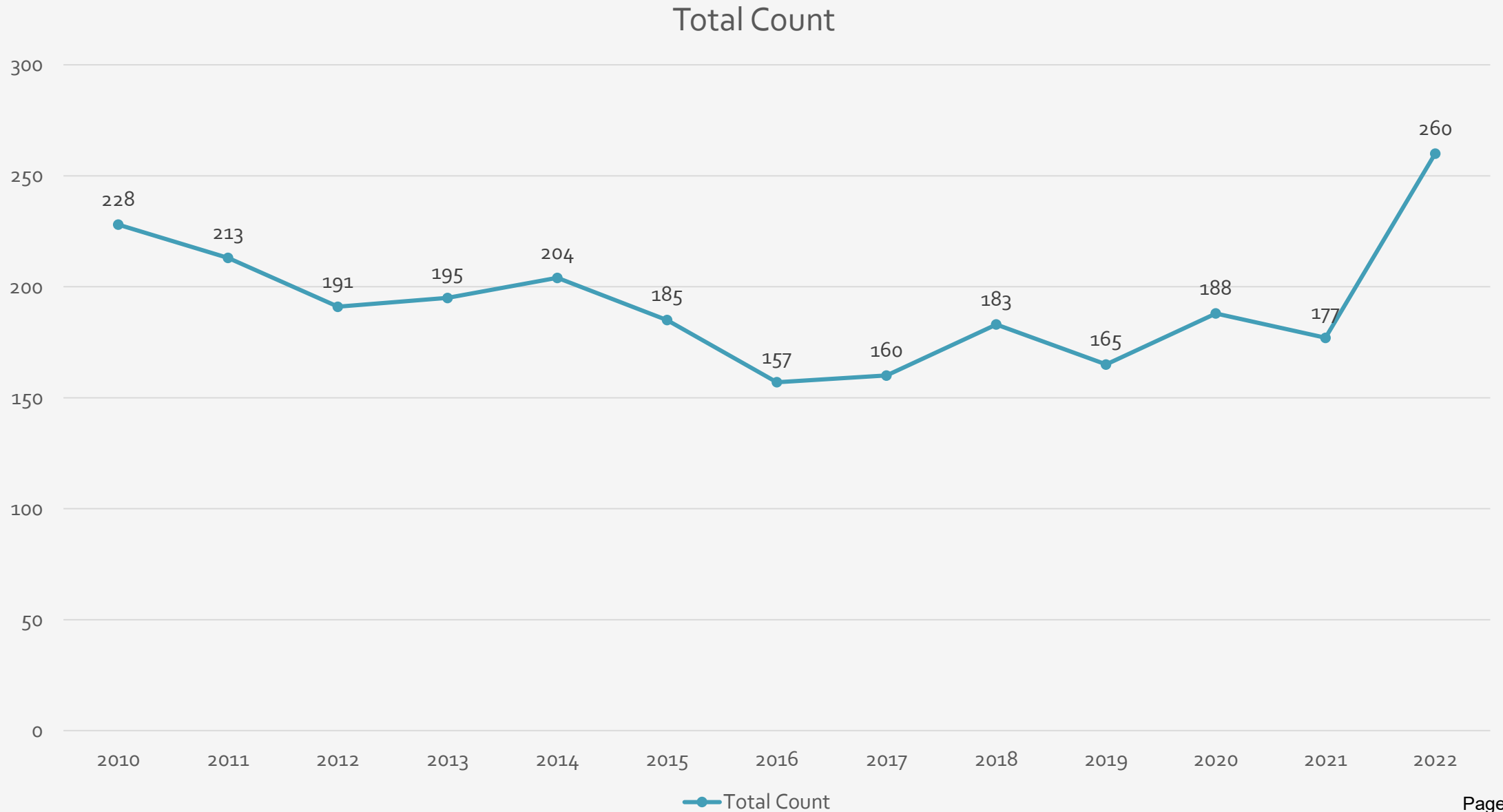
LOCAL HOMELESSNESS

PIT Counts Over Time

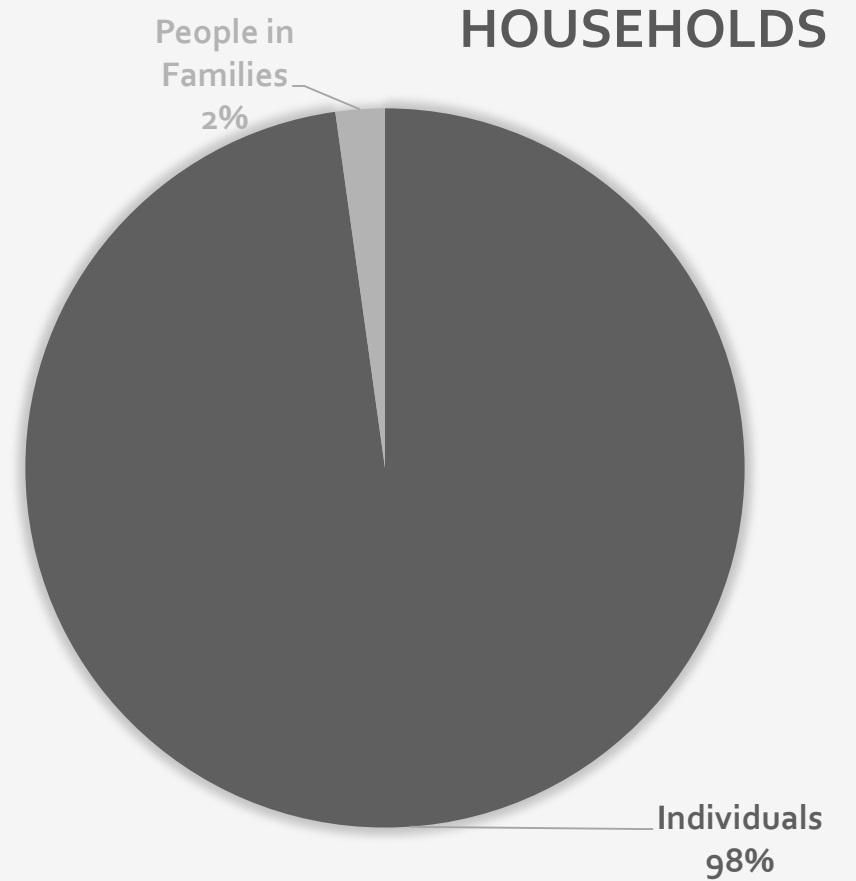
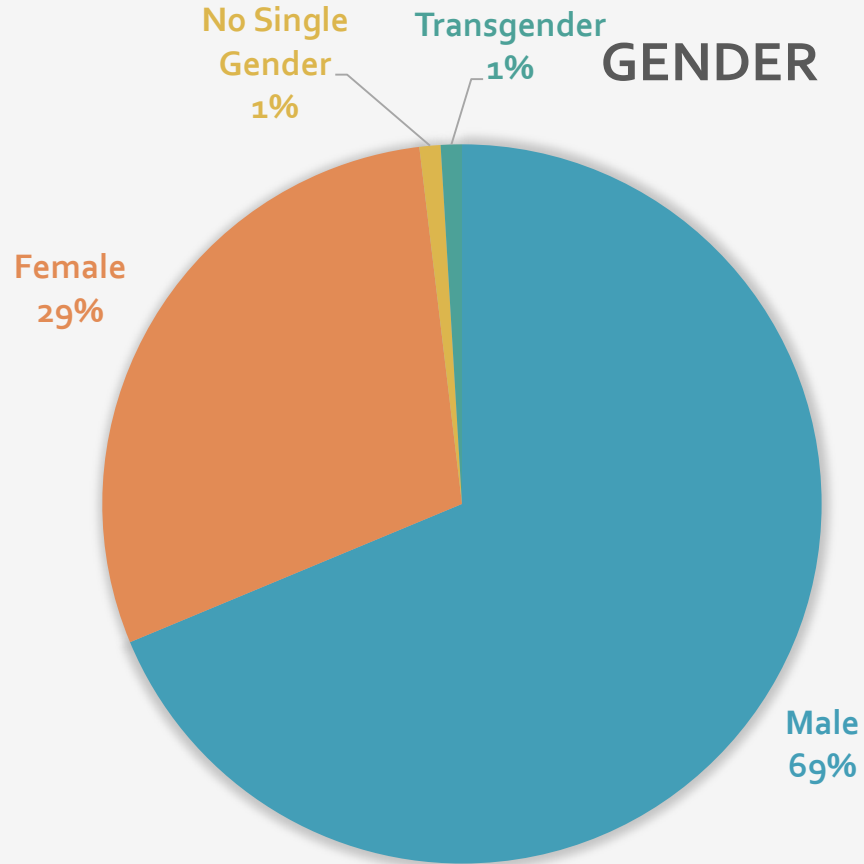
2010 - 2021



PIT Counts Over Time

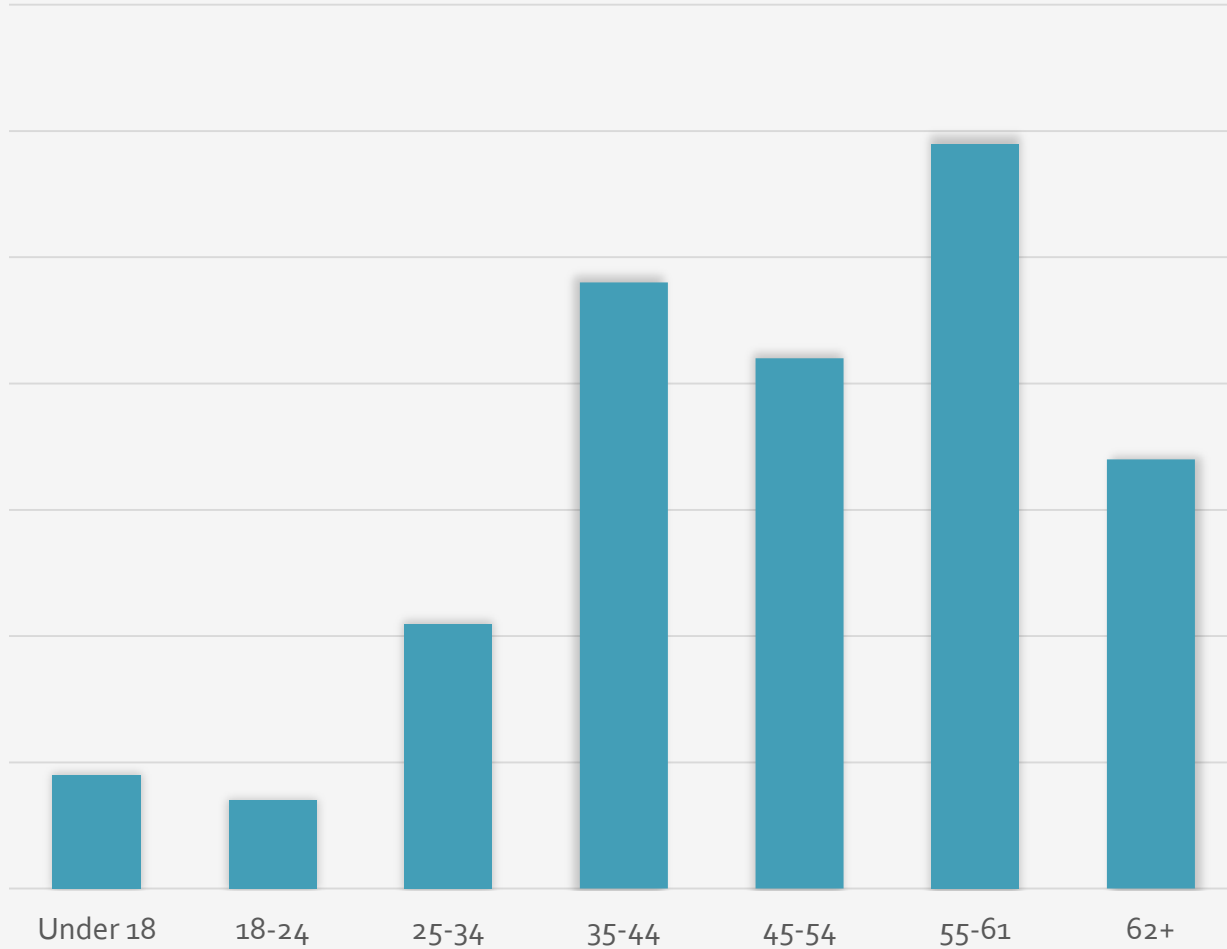


Point In Time Count 2022

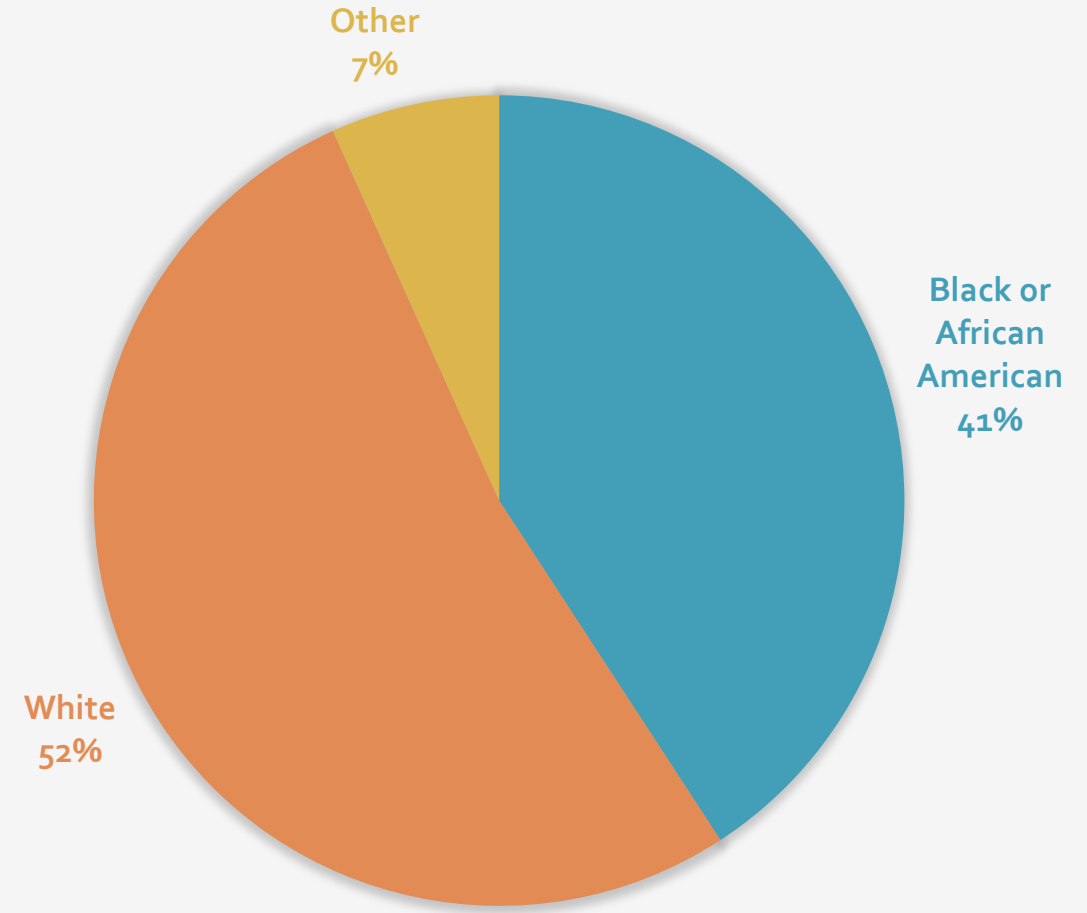


Point In Time Count 2022

AGE RANGES



RACE



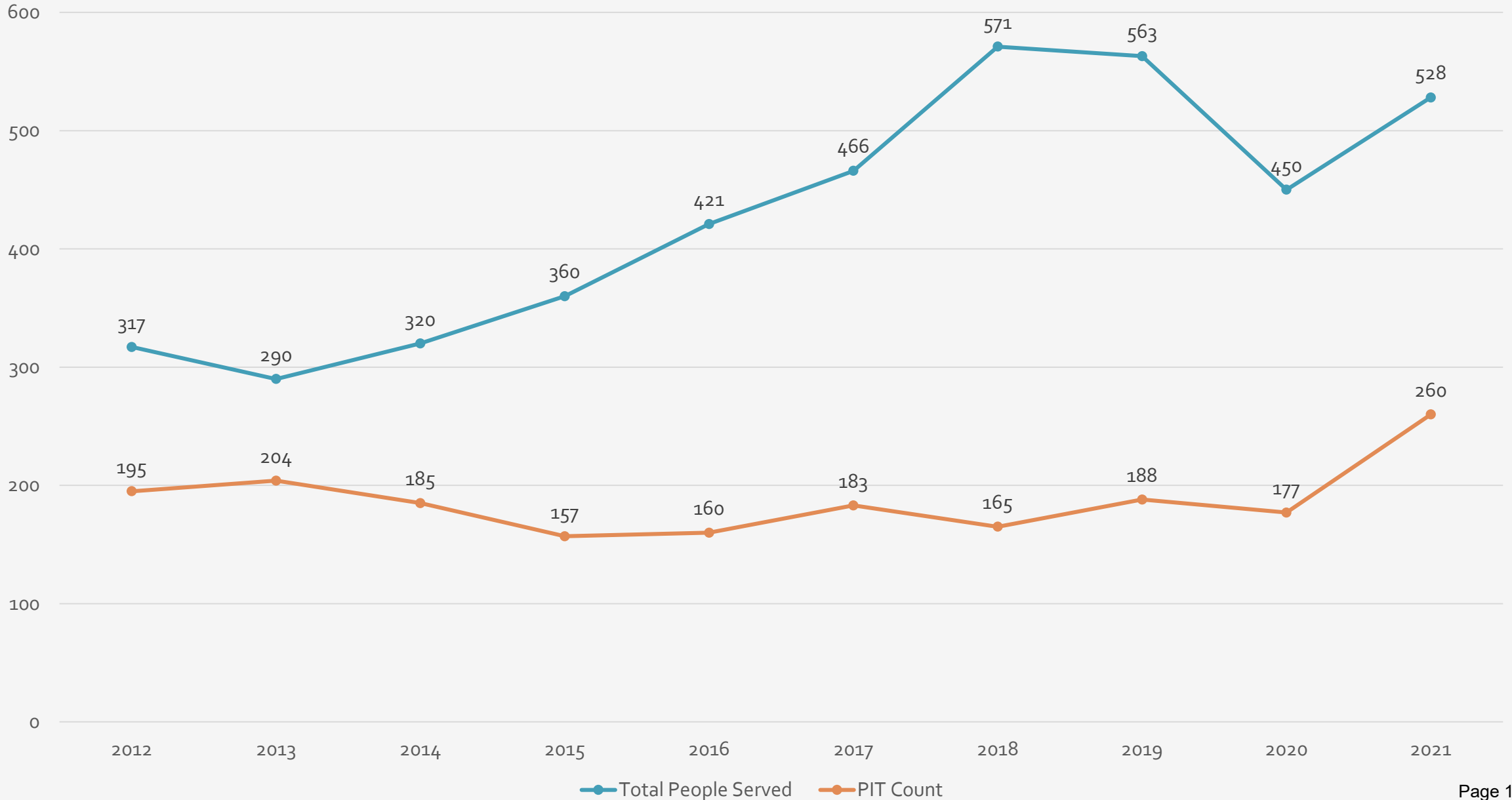
Point In Time Count 2022

- **12** Veterans experiencing homelessness
 - **20%** of adults reported experiencing domestic violence at some point in their past
 - **32%** of adults reported mental health conditions
 - **57%** of adults reported a chronic health condition or physical disability
-

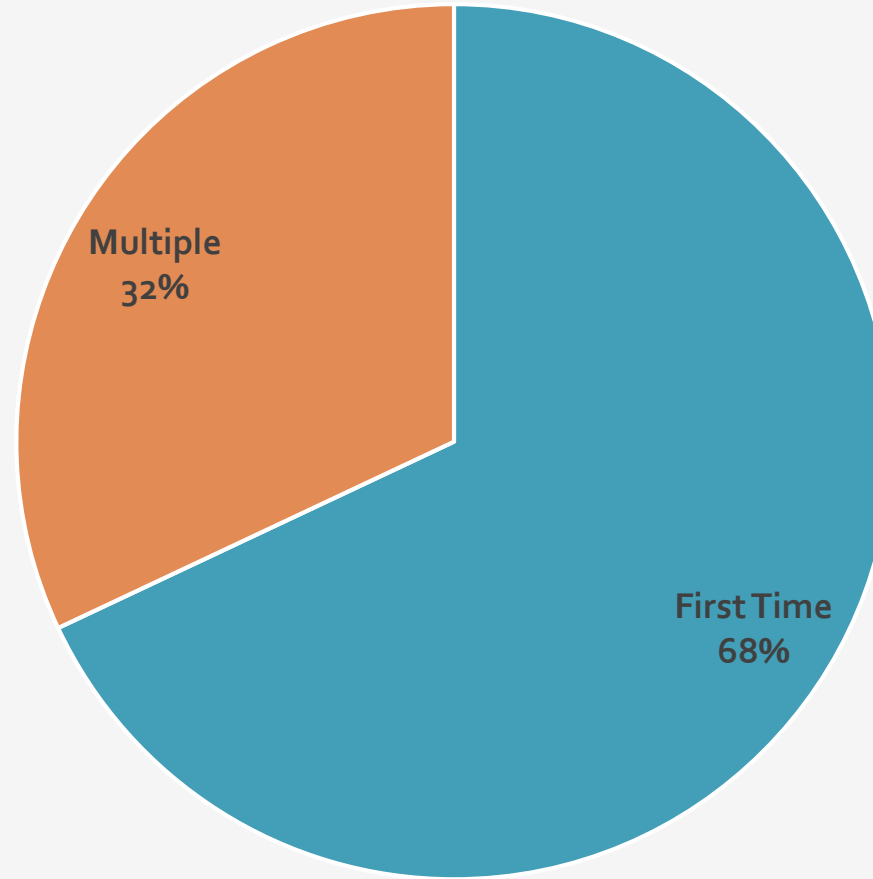


HOMELESSNESS IS DYNAMIC

Homelessness Over Time



Homelessness Over Time



■ First Time ■ Multiple

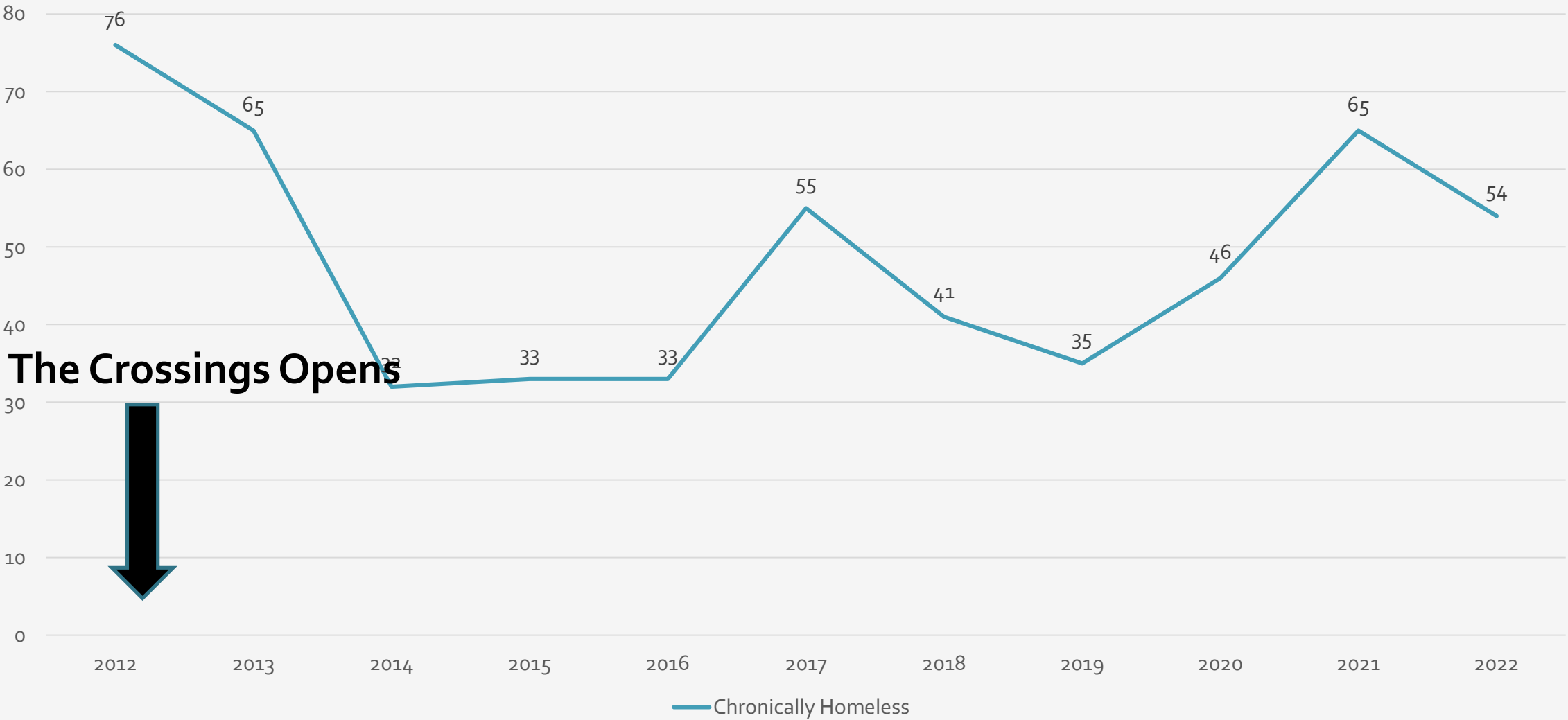
Limited Housing Options

- In 2021, 47% of participants who exited homeless programs to a housed situation, exited to a hotel or to living with friends and family
 - The average length of stay in emergency shelters was 136 days
-

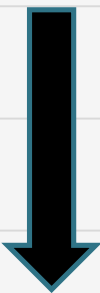
CHRONIC HOMELESSNESS

Chronic Homelessness Over Time

Chronically Homeless Individuals



The Crossings Opens



RARE, BRIEF, AND NON-RECURRING

FUNCTIONAL ZERO



HOMELESS
+ *HOME*
= NOT HOMELESS

How do you ensure community access to emergency services, including persons experiencing mental health crisis?

Sonny Saxton, EMT-P, ENP
Executive Director

Charlottesville-UVA-Albemarle County
Emergency Communications Center



Emergency Communications Center

- 9-1-1 Center
- Regional Public Safety Software Systems
- Regional Public Safety Radio System
- Regional Emergency Management Coordination
 - *Emergency Operations Center*

Who we are?

- Consolidated Center
 - Charlottesville-UVA-Albemarle County
 - Established 1984
 - One call for Law, Fire, EMS
- Employees
 - 54 FTE Authorized
 - Specialized skill-sets
 - Ops, IT, admin, custodial

EMERGENCY COMMUNICATIONS CENTER







WHO WE ARE?

Public Safety Radio System

- Over 4,000 subscriber radios
- Renewal in-progress



SITES & COVERAGE

- **Current System: 4 RF Sites**
 - Carter, Fan, Bucks Elbow, Peters
 - Scottsville standalone (4 channels - SVxx)
 - “bolted on”
- **P25 System: 8 RF Sites**
 - Add: NS Charlottesville
 - Downtown
 - Add: Heard Mountain
 - Add: Sugar Loaf Mountain
 - Change: Scottsville = full trunking site (not standalone)
 - 3 “cells” - West, East, Scottsville
- **Paging: Keep existing sites**
 - Bucks Elbow new tower -> New antenna



Support Systems

- Management of systems
 - *Implementation, Training, Preventative Maintenance, Upgrades/Renewal/Growth*

Accessing 9-1-1

- Ways to access 9-1-1: phone, text, video, social media [limited]
- Approximately a Quarter Million Calls per Year
 - Ninety percent (90%) of all 9-1-1 calls arriving at the Public Safety Answering Point (PSAP) SHALL be answered within (\leq) fifteen (15) seconds (*NENASTA-020.1-2020, 9-1-1 Call Processing Standard*)

TEXT—TO—911

**CALL if you can.
TEXT if you can't.**

Charlottesville—UVA—Albemarle



facebook Log In



**Charlottesville, UVA, Albemarle
County Emergency Communications
Center**

This site is NOT MONITORED for the reporting of emergencies. If you have an emergency, dial 9-1-1.



When to call 9-1-1

- 9-1-1 hang-ups / Misdials
- Didn't call but should (when in doubt...)
- Non-emergency number 434-977-9041



When to call 9-8-8

- FCC Mandate for July 2022
- Mental Health Crisis
- Call or Text
- National Suicide Hotline 800-273-TALK (8255)



When we contact you?

- Reverse 911 (CodeRed) for Charlottesville and Albemarle County
 - <https://communityemergency.org/>
 - TEXT "BeAlert" TO 99411
- UVA Alerts for the Community
 - TEXT "UVA" TO 226787
- PSAs
 - *Emergency Preparedness Month*
 - *9-1-1 Awareness*
 - *Police, Fire, EMS Weeks*



How are we changing?

- New initiatives underway
 - *ESINet - ensuring future access*
 - *Carbyne, Pulsepoint, Priority Dispatch*
 - *Capital Improvement Project - PS Radio System*
 - *Workforce Optimization & Wage Reviews*
 - *Space Needs Assessment*
 - *Marcus Alert / 9-8-8*

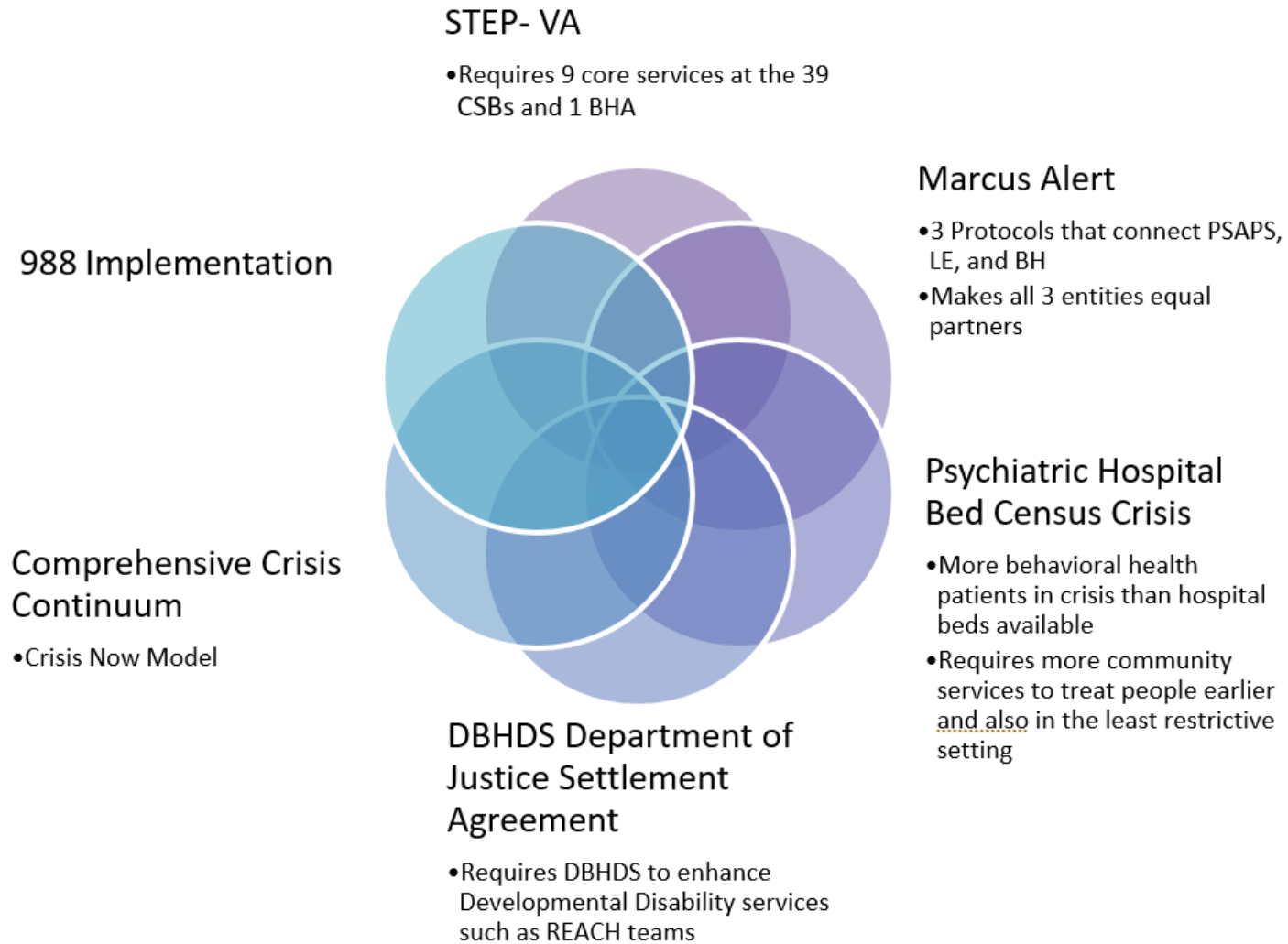
Marcus Alert

■ The Marcus Alert System

The Marcus Alert is named after Marcus-David Peters, a young, Black biology teacher; killed by Richmond police in 2018 amid a mental health crisis. The goal of the Marcus Alert is to provide a behavioral health response to behavioral health emergencies.

■ WHAT IS MARCUS ALERT?

Marcus Alert enhances services for people experiencing a crisis related to mental health, substance use, or developmental disability. Marcus Alert creates coordination between 911 and regional crisis call centers and establishes a specialized behavioral health response from law enforcement when responding to a behavioral health situation.



DBHDS Presentation on Marcus Alert & 988, APCO Winter Summit, March 3, 2022

GOAL: Design and implement a behavioral health crisis response system analogous to the physical health system.

Physical Health Emergency



Behavioral Health Emergency



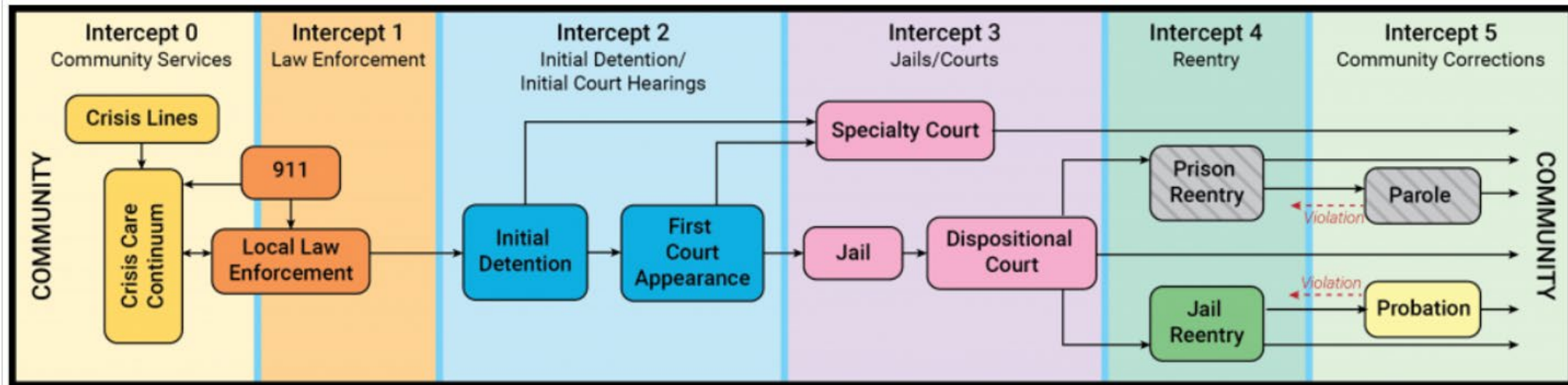
Image courtesy of <https://www.fairbanksalaska.us/crisis>

Agnew::Beck |

- Approximately 9.5% of American adults ages 18 and over, will suffer from a depressive illness (major depression, bipolar disorder, or dysthymia) each year.

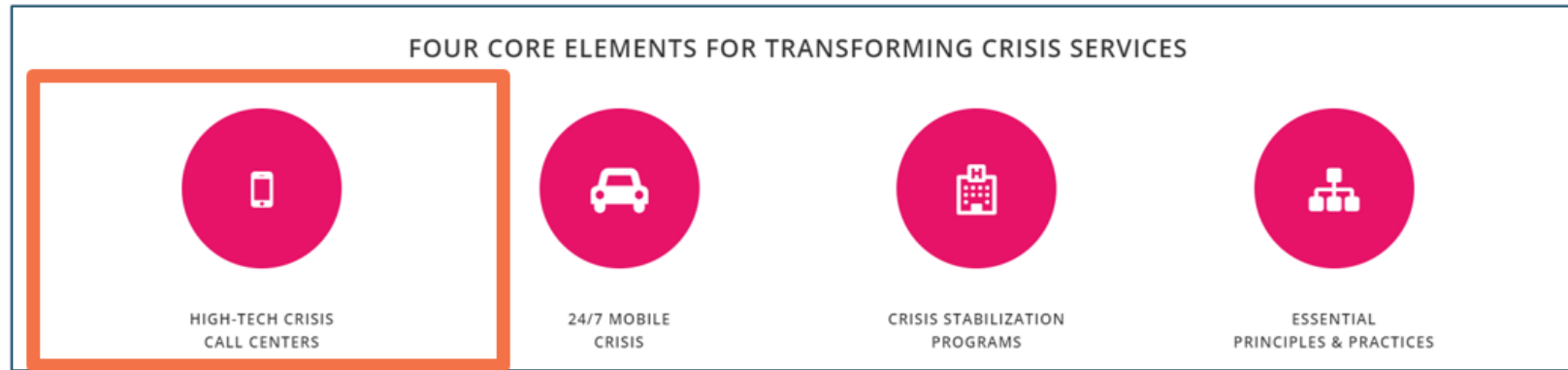
Mental health disorder statistics. Johns Hopkins Medicine. (n.d.). Retrieved April 22, 2022, from <https://www.hopkinsmedicine.org/health/wellness-and-prevention/mental-health-disorder-statistics>

- **STEP-VA** is focused on building a robust array of community-based crisis response services
- **Marcus Alert** is at the intersection of Intercepts 0 and 1, seeking to divert individuals needing behavioral health care from the criminal justice system



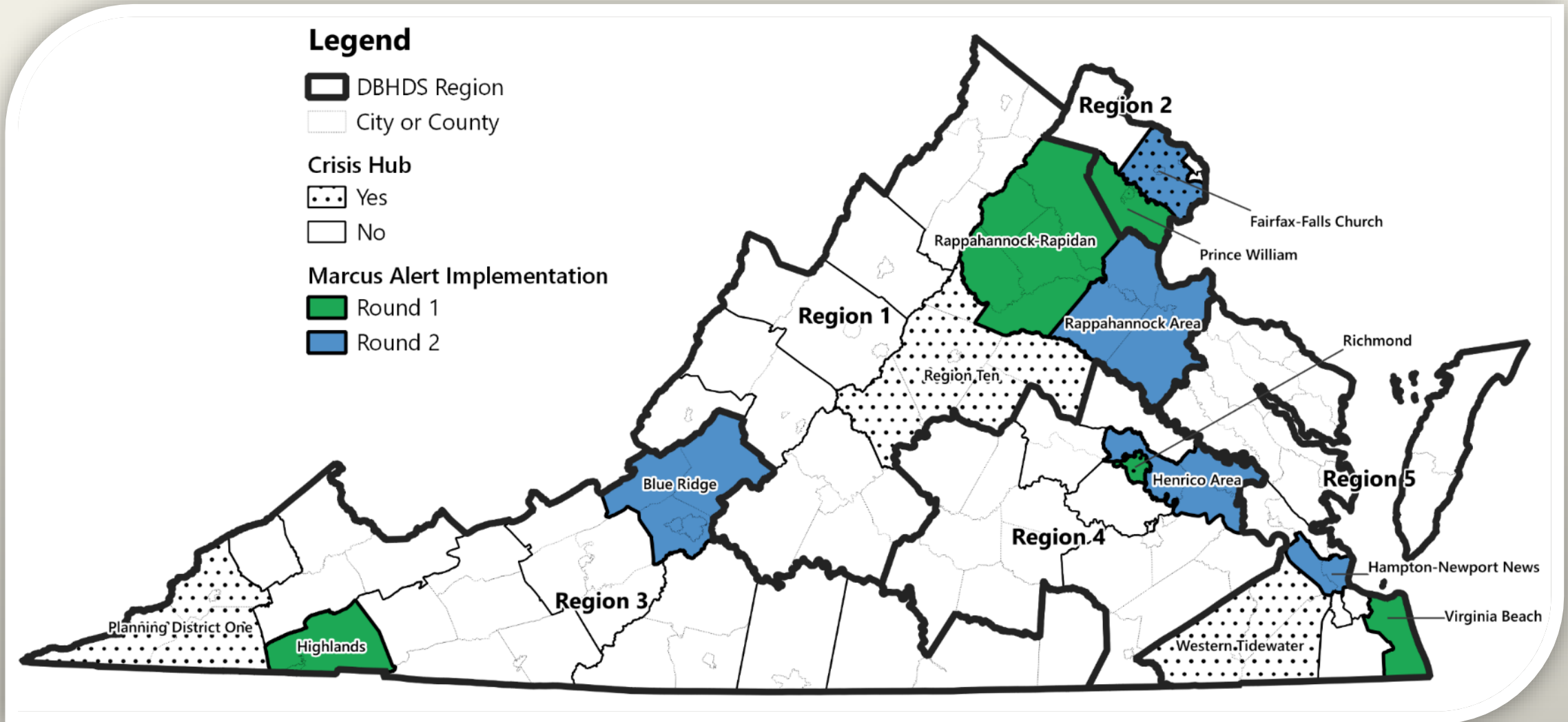
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DBHDS Presentation on Marcus Alert & 988, APCO Winter Summit, March 3, 2022



- Individuals will be able to access the call center via 988 and local numbers, 24/7. There will be a “no wrong door” approach. Existing crisis lines will be integrated, and the Marcus Alert will also be integrated with a 4-level screening.
- The call center will be staffed with an array of professionals, all required to complete a formalized training. These include:
 - Licensed clinicians
 - QMHPs
 - Peers
 - Volunteers
- Each individual will be assessed via Level of Care Assessment will be determined.
- Eight out of ten calls are anticipated to be resolved on the phone. For the remaining 20%, the call center will deploy or refer to:
 - Mobile crisis teams
 - Crisis stabilization units
 - Hospitals
- 2 Call Center Vendors provide primary coverage for the state.
 - Frontier Health in Southwest
 - PRS Crisis Link in all other regions

Marcus Alert Pilot Programs



The roadmap has five components, which are pictured and described below:



RECOMMENDED PLANNING ROADMAP

Toolkit for Local Implementation, DBHDS, <https://dbhds.virginia.gov/human-resource-development-and-management/health-equity/mdpa/toolkit/>

INVOLVE BEHAVIORAL HEALTH AS SOON AS POSSIBLE

BEHAVIORAL HEALTH REMOTE ENGAGEMENT DURING TRANSIT IF POSSIBLE

ASSESS NEED FOR MEDICAL RESPONSE

**LEVEL 1
ROUTINE**

911 PSAPs refer to 988 regional call centers

- Distressed caller appropriate for phone intervention with trained behavioral health professional and/or referrals for services within 72 hours
- No homicidal thoughts, intent, or behavior
- Suicidal thoughts acceptable, if no plan and/or means

**LEVEL 2
MODERATE**

- Distressed caller with imminent need of in-person behavioral health support
- No homicidal thoughts, intent, or behavior
- Suicidal thoughts with no plan or no direct access to lethal weapons
- Minor self-injurious behavior

**LEVEL 3
URGENT**

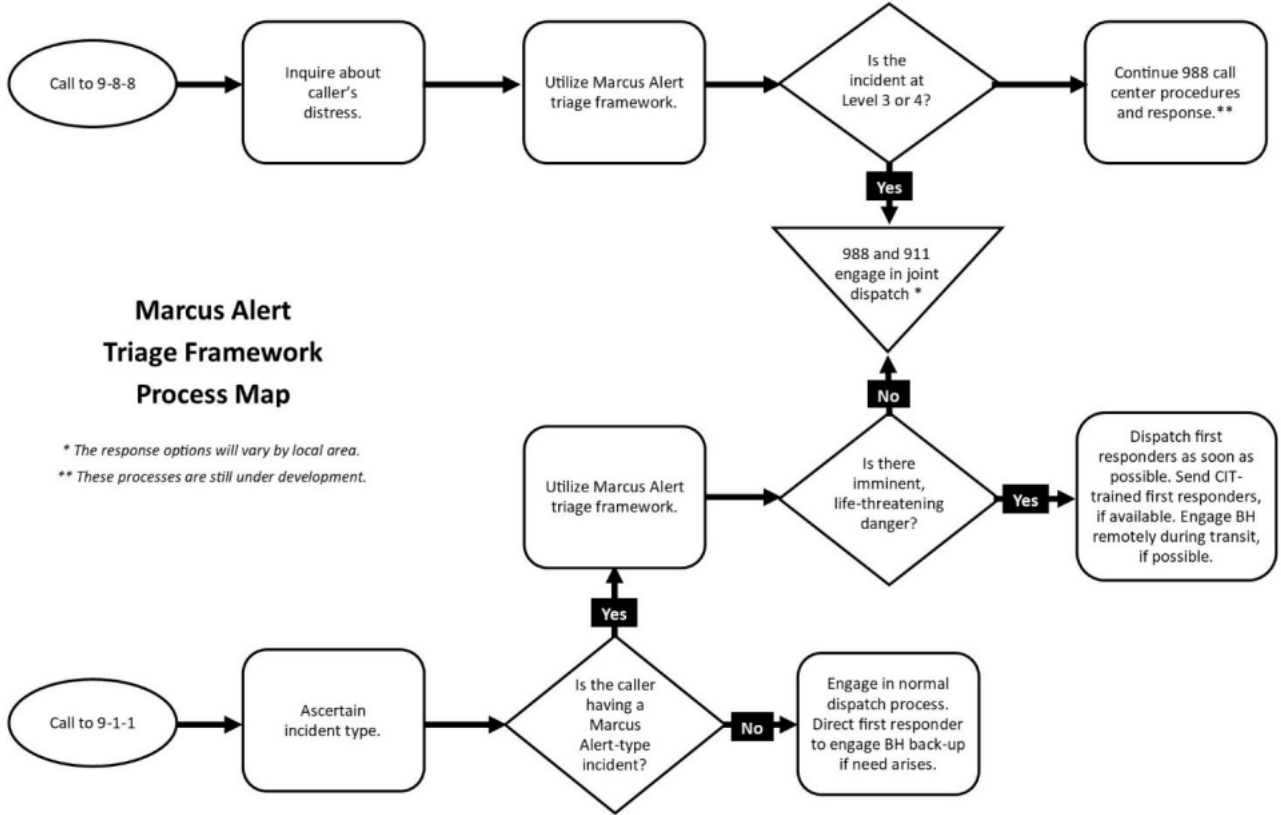
- Active aggression
- Florid psychosis
- Homicidal thoughts with no active behaviors or intent
- Active cutting (self-injurious behavior) with concern for medical risk
- Suicidal thoughts with plan and access to lethal weapons
- Magistrate-issued emergency custody order, if available and requested by law enforcement

**LEVEL 4
EMERGENT**

911 PSAPs dispatch law enforcement, EMS, and/or fire without delay

- Direct, immediate threats to life
- Active suicide attempt
- Active assault on others with ability to cause significant harm
- Any gun present and accessible
- Magistrate-issued emergency custody order issued with immediate security threat

Figure 36. High-Level Marcus Alert Triage Process Map



Marcus Alert Triage Framework Process Map

* The response options will vary by local area.
 ** These processes are still under development.

Next Steps



Toolkit for Local Implementation, DBHDS, <https://dbhds.virginia.gov/human-resource-development-and-management/health-equity/mdpa/toolkit/>

Questions?

Sonny Saxton, EMT-P, ENP

Executive Director,
Charlottesville-UVA-Albemarle County
Emergency Communication Center

ssaxton@albemarle.org

434.971.1765

CITY OF CHARLOTTESVILLE



PROCLAMATION

Older Americans Month May 2022

WHEREAS Charlottesville includes a growing number of older Americans who contribute their strength, wisdom, and experience to our community; and

WHEREAS communities benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

WHEREAS Charlottesville recognizes our need to create a community that provides the services and supports that older Americans need to thrive and live independently for as long as possible; and

WHEREAS Charlottesville can build an even better community for our older residents by:

- Planning programs that encourage independence;
- Ensuring activities are responsive to individual needs and preferences; and
- Increasing access to services that support aging in place,

NOW, THEREFORE, I, J. Lloyd Snook, III, Mayor of the City of Charlottesville, on behalf of the City Council, do hereby proclaim May 2022 to be Older Americans Month. We urge every resident to recognize the contributions of our older citizens, to help create an inclusive society, and to join efforts to support older Americans' choices about how they age in their communities.

Signed and dated this 2nd day of May 2022.

J. Lloyd Snook, III, Mayor

CHARLOTTESVILLE CITY COUNCIL

BUDGET WORK SESSION

March 17, 2022 at 6:00 PM

Electronic/virtual meeting

Call to Order/Roll Call

The Charlottesville City Council met in an electronic meeting on Thursday, March 17, 2022, in accordance with a local ordinance amended and re-enacted on March 7, 2022, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Sena Magill, Brian Pinkston, Lloyd Snook and Juandiego Wade. The meeting recessed at 6:04 p.m. to address technical difficulties and reconvened at 6:08 p.m. Councilor Payne joined the meeting at 6:04 p.m.

Vice Mayor Wade shared a disclosure statement acknowledging that he and his wife are active in several charitable causes either as members of the governing boards or as volunteers. The volunteer work is done as a part of a group and they do not receive compensation or stipend, and they have no financial stake in the outcome of Council's decision. He was advised by the City Attorney that he has no prohibitive personal interest in the Council's consideration for Vibrant Community Fund decisions and he is not required to disqualify himself from participating in Council's decisions on the applications.

WORK SESSION

Krisy Hammill, Senior Budget and Management Analyst, introduced the discussion on outside and non-profit agencies. She began the discussion with a visual presentation of the Proposed FY2023 Operating and Capital Improvement Budget for contractual agencies in the following categories:

- Public safety and Justice
- Transportation
- Education and Arts
- Children Youth and Family
- Workforce
- Organizational Memberships

Misty Graves, Department of Human Services Interim Director, acknowledged and thanked members of the Vibrant Community Fund (VCF) workgroup.

Hunter Smith, Human Services Planner and lead for the VCF process presented a summary of the FY2023 process.

Regarding the VCF, the FY23 process continued to develop on previous years' adjustments and changes. Equity continued to be a focus area for all applicants and questions about how organizations are working toward equity were part of the application process as well as other key

points:

- Development of a Start Up opportunity
- Setting aside funds to provide technical support and/or capacity building for new start up applicants
- Albemarle County continues to operate an independent process for funding local nonprofits

Six broad funding priority areas for the Vibrant Community Fund:

- Education/Youth
- Jobs/Wages
- Community/Public Safety
- Affordable Housing
- Health
- Equity

Applications were ranked by importance in addressing priority areas and by application quality. The composition of the review team was intentionally diverse and consisted of a blend of consumers, citizens with grant management experience, city staff, and people with non-profit experience. Orientations were held for applicants as well as for review panel members. The process included consideration for the impact of the Covid-19 pandemic.

Mr. Smith shared a chart of the Funding Matrix and information about ongoing efforts and future considerations:

- Continue to develop the start-up process for new organizations
- Develop a more robust scoring process for equity-driven applications
- Capacity-building funds: designed to support start up organizations
- Revisit Measurement and Solutions Workgroup

Staff answered questions for Council about how the VCF informs overall budget development and specific award decisions. Councilors asked for comparison between city and county funding processes. As a former VCF workgroup member, Vice Mayor Wade added input on items taken into consideration when evaluating applications.

Public Comment

Mayor Snook opened the floor for comments from the public:

Shelby Edwards, Executive Director of PHAR (Public Housing Association of Residents) requested funding for the PHAR Internship Program and redevelopment efforts. She spoke in support of the Legal Aid Justice Center application.

Nancy Carpenter spoke about funding for CSRAP (Charlottesville Supplemental Rental Assistance Program) and requested an increase in housing voucher amounts. She asked for a plan from Council on the use of future American Rescue Plan funds for affordable housing.

Angela Ciolfi, Executive Director of the Legal Aid Justice Center (LAJC) asked for full funding of PHAR's request and restoration of funding for LAJC legal services.

Andrew Shelton, city resident, requested rent relief funding for the Jefferson School African American Heritage Center (JSAAHC).

Lisa Torres, city resident, requested rent relief funding for the JSAAHC.

- Mayor Snook requested a staff report to explain the "Equity Agreement" referenced for the JSAAHC.
- Interim City Manager Michael Rogers advised that staff is working on a report inclusive of other lease, rental, and property agreements.
- Ms. Hammill advised that the referenced "Equity Package" refers to the Council Strategic Initiatives Fund which addressed multiple equity issues beginning in 2017.

Dr. Andrea Douglas, Executive Director of the JSAAHC, advised that the Jefferson School in 2017 received City funds from an Equity Package in two lump sums, the first \$450,000 and the second \$500,000. Those funds went directly into escrow to support and secure refinancing of the Jefferson School City Center. She advised that to the extent that the Jefferson School is an anchor tenant of the City Center, and that the City is the second anchor tenant of the City Center, the JSAAHC has not been able to benefit from the City's funding with the exception of rent. She stated that she intended to speak with the former city manager last year to create a plan for requesting funding, and on the day that they were to meet, the city manager announced his resignation. Funding ends in November 2022. She stated that the original funding was considered one-time "with the notion that this would be ongoing funding, given the kind of funding that other organizations like [JSAAHC] receive from the City and have done for a number of years."

Cheri Lewis, board member for the JSAAHC, spoke about programs at the JSAAHC and requested funding in the general budget and VCF.

Telethia Carr, city resident, spoke in support of funding for Charlottesville Low Income Housing Coalition and PHAR.

Allexis Cooper, PHAR Internship Graduate and Assistant requested funding for PHAR.

Tim Wallace, Director of Development at the LAJC requested funding for PHAR. He commented about the decision-making process and scoring matrix for VCF.

Elizabeth Murtaugh, Public Defender for the City of Charlottesville and County of Albemarle provided additional information regarding her request for funding to supplement payment to staff in her office.

Andrew Pennock, city resident, spoke in support of the Meadowcreek multi-use trail in the Greenbrier neighborhood to address a variety of accessibility opportunities.

Following further discussion from Council, Ms. Hammill and Mr. Rogers summarized items for follow-up and reviewed the remaining budget discussion timeline and topics.

The meeting adjourned at 7:58 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL
COMMUNITY BUDGET FORUM
March 23, 2022 at 6:00 PM
Electronic/virtual meeting**

Call to Order/Roll Call

The Charlottesville City Council met in an electronic meeting on Wednesday, March 23, 2022, in accordance with a local ordinance amended and re-enacted on March 7, 2022, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order at 6:03 p.m., noting that all councilors were present: Sena Magill, Michael Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade.

Mayor Snook summarized the purpose of the meeting which was a time for the public to speak on any manner related to the development of the Fiscal Year 2023 budget. He reviewed budget drivers and stated that after the public hearing on April 4, Council would be able to make recommendations for changes to the proposed budget. He listed several decisions that Council would need to make in moving towards adopting the budget:

- School Reconfiguration project:
 - Sizing the project, with options \$75 Million or less;
 - Clarifying next steps. \$2.5 Million is included in the Capital Improvement Plan for FY 2023 to continue design work but decisions need to be made on what is being designed; and
 - How to fund the project.
- Tax Increases:
 - A \$0.10 real estate tax increase (revenue value \$9.2 Million) was advertised;
 - 0.5% increase on the meals tax going from 6% to 6.5% (revenue value \$1.2M)
- Other upcoming big budget issues/initiatives:
 - Collective Bargaining
 - Climate Action Planning
 - Affordable Housing initiatives
 - SAFER (Staffing for Adequate Fire and Emergency Response) Grant
 - Transit

Public Comment

Mayor Snook opened the floor for comments from the public.

Claire Cronmiller spoke in support of funding the Meadow Creek Trail at Michie Drive.

Elizabeth Stark spoke about police budget details, transparency and accountability.

Nancy Carpenter spoke in support of CLIHC's (Charlottesville Low Income Housing Coalition) position regarding affordable housing investment and in support of increasing rent relief.

Emily Dooley, School Board Member, spoke in support of funding school reconfiguration.

Dom Morse, School Board Member, spoke in support of funding school reconfiguration.

Cecilia Barber, city resident spoke in support of funding for PHAR (Public Housing Association of Residents) and Legal Aid Justice Center.

Barbara Myer, city resident, spoke in favor of funding for the Jefferson School African American Heritage Center (JSAAHC).

Chris Meyer, city resident, spoke in support of funding for school reconfiguration; in opposition to the recommendation of Interim City Manager Rogers to delay reconfiguration; in support of incremental real estate tax increases to support goals; in favor of funding for affordable housing; and in support of adding a gas consumption tax to pay for climate mitigation activities and ending free natural gas hook-ups.

Matthew Gillikin, city resident, spoke in support of funding school reconfiguration and finding creative ways to pay for it; in opposition to the recommendation by Mr. Rogers to delay reconfiguration; in support of funding for PHAR and JSAAHC; and in support of reduced funding for the police department.

Eric Irizarry, city resident, spoke in support of funding school reconfiguration and the JSAAHC.

Greg Weaver, Fry's Spring resident, spoke in support of funding for PHAR, the CLIHC recommendations for affordable housing, a Collective Bargaining Analyst, climate reduction initiatives, and allocating tax increases to services such as transit.

Emily Yen, city resident, spoke in support of funding for the Collective Bargaining Analyst position.

Discussion

Councilors discussed public comments.

Todd Divers, Commissioner of the Revenue, and Misty Graves, Interim Director of Human Services, provided clarification on the Charlottesville Supplemental Rental Assistance Program.

Alex Ikefuna, Interim Director of Community Solutions, provided information about the housing voucher program.

Regarding infrastructure for addressing affordable housing, Deputy City Manager Sam Sanders asked Council to clarify whether the \$10 Million per year recommendation for affordable housing was a goal or commitment, advising that there is a difference and the staffing structure or capacity for years beyond FY 2023 would depend on the intent of the program. He stated that the FY2023 budget will exceed \$10 Million in support of affordable housing. Mayor Snook stated that there is a need to build City Hall staff to where it needs to be. Councilors agreed that the \$10 Million recommendation per year for affordable housing was a commitment.

Vice Mayor Wade expressed a need to put mechanisms in place to measure activity and impact, and to be accountable for meeting the affordable housing commitment.

Krisy Hammill, Senior Budget and Management Analyst, provided context about the Capital Improvement Plan data going through 2027.

Garland Williams, Transit Director, advised that the implementation of a reliable 15-minute transit model would take time to build the infrastructure, and future funding would come on a three-year rolling average.

Council continued to discuss transit, the JSAAHC, Stribling Avenue, school reconfiguration, the Marcus Alert system, and city operations, including vacant positions and trade-offs for funding school reconfiguration.

Acting Chief Tito Durette and Financial Officer Captain Steve Knick shared information about the Charlottesville Police Department budget that is available on the city website. They advised that the department was down 27 positions and they could not provide certain services. Councilors expressed a need to support the police department, while also holding them accountable for outcomes and communication to the public.

Council provided feedback and direction to the City Manager and budget staff for continued development of the FY 2023 budget:

Mr. Rogers advised that priorities will be taken into consideration for the next budget discussion, considering what is required, what is affordable, and potential consequences for various decisions based on competing priorities.

The meeting adjourned at 8:28 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL
Budget Work Session - Capital Improvement Program (CIP)
March 31, 2022 at 6:00 PM
Virtual/electronic meeting via Zoom

Call to Order/Roll Call

The Charlottesville City Council met in an electronic meeting on Thursday, March 31, 2022, in accordance with a local ordinance amended and re-enacted on March 7, 2022, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order at 6:02 p.m. and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Sena Magill, Michael Payne and Brian Pinkston.

Discussion of Capital Improvement Program

Interim City Manager Michael C. Rogers shared the purpose of the meeting, which was a budget work session to discuss the Capital Improvements Program (CIP), broken into the following areas:

1. Proposed 5-Year CIP
 - a. Five-year spending plan
 - b. City Manager Proposed CIP
 - c. CIP revenues
2. Planning Commission Recommendations
3. Applicable Financial Policies
4. Potential Amendments

Krisy Hammill, Senior Budget and Management Analyst, presented the Proposed FY2023 Operating and Capital Improvement Budget. She explained the general nature of capital improvement projects:

1. Five-year financing plan
2. Projects usually cost more than \$50,000
3. Generally Non-recurring and Non-operational
4. Projects have useful life of five years or more

Ms. Hammill and Director of Economic Development Chris Engel answered questions for Council on a variety of budget issues including parking deck ownership, enterprise funds, projects authorized but not issued, pay-as-you-go policy, and debt projection.

Vice Mayor Wade requested quarterly updates on CIP projects.

Regarding the Proposed 5-Year CIP, Ms. Hammill reviewed:

- Five-year spending plan
- City Manager Proposed CIP
- CIP revenues

Regarding Planning Commission recommendations, the Planning Commission held a joint public hearing on December 14, 2021, to provide recommendations on the City's Capital Improvement Plan for Fiscal Year 2023-27. The Commission recommended approval with the following changes:

- Recommend that existing and requested parking structure funding be reduced to the minimum amount necessary to satisfy Charlottesville's commitment to provide parking for Albemarle County per a 2018 agreement related to the joint General District Court project. \$1,317,000 funding removed from CIP
- Recommend fully funding project requests for tree planting, new sidewalks, and bicycle infrastructure, and hazardous tree removal. Request of \$105,000/year for Ash Tree Removal fully funded – Increase of \$30,000 per year FY 23 – 26 and \$100,000 funding added in FY 23 or New Sidewalks
- Recommend reducing funds going toward economic development strategic initiatives, small area plans, and Strategic Investment Area implementation. Decreased FY 23 funding by \$55,000 and \$30,000 per year FY 24 - 26. Total funding decrease of \$145,000 from \$600,000 to \$455,000
- Recommend full funding of a request for the Stribling Avenue sidewalk project that developer is proposing to fund upfront as part of a proposed rezoning that Council will consider in 2022. Funding scenario to be presented for Council consideration
- Recommend exploration of ways to add enhancements to the Drewary Brown Bridge to honor the Bridge Builders. Directed to Historic Resources Committee
- Recommend increasing the budget for the Charlottesville Affordable Housing Fund and finding ways to fund unfunded affordable housing requests.
- Recommend reducing the milling and paving line item to a level allows us to maintain a target pavement condition of 65.

Regarding applicable financial policies, Ms. Hammill reviewed variables and debt ratio. Financial Advisor Kevin Rotty advised that the city's 3% Pay-Go percentage was good, comparing to peer localities.

Regarding Potential Amendments, Ms. Hammill reviewed items related to transportation and access, education, and affordable housing.

Deputy City Manager Sam Sanders advised that the Stribling Ave sidewalk project would require well over a year of planning because of many complications.

Ms. Hammill reviewed several bond funding scenarios for the school reconfiguration project. She also reviewed FY2023 Revenue amendments, noting increased revenue projections, and advising that the third quarter financial report would reflect expenditures to give a more complete picture of the year-end FY2022 balance sheet. Looking forward, Ms. Hammill shared potential budget funding scenarios.

Mr. Rogers summarized the presentation, advising that the options presented cover a number of priorities without proposing a real estate tax increase. He advised that Council could use the

information to deliberate budget decisions.

Mayor Snook asked staff whether there are positions which would provide capacity to complete more projects in a timely manner. Mr. Rogers stated that he would bring back a report.

Mayor Snook advised of a meeting between himself, the School Board Chair Torres, School Superintendent Gurley, Schools Chief Financial Officer Powell, City Manager Rogers, Senior Budget and Management Analyst Hammill, and design consultant Wyck Knox on Monday, March 28. He stated that after talking with other councilors during the week, he communicated general agreement with moving forward with a \$68.8 Million project, leaving out auditorium improvements. He stated that questions remain about a plan for funding auditorium repairs and addressing capacity issues at Walker Upper Elementary School.

Councilors provided additional feedback and agreed to send last-minute change requests to Mr. Rogers, Mr. Snook or Ms. Hammill by April 4.

Public Comment

Mayor Snook opened the floor for public comment.

Elizabeth Stark, Woolen Mills resident, spoke in opposition to increasing the meals tax, in favor of 15-minute transit, in favor of funding for affordable housing, and the need to increase public defender pay.

Anthony Blow, city resident, spoke in support of building the bridge near Greenbrier Park and Rivanna Trail.

Moriah Wilkins, housing attorney with the Legal Aid Justice Center, spoke about creating new funding streams for public housing and other programs for low income residents, and funding for Park Street affordable housing development. She suggested putting discretionary funds from any tax increases into affordable housing.

Nancy Carpenter spoke in support of a tax increase to fund school reconfiguration and affordable housing.

Councilors expressed thanks to City Management and budget staff for responsiveness and detailed presentations. Councilor Magill encouraged implementing a real estate tax increase to put funds aside for designated future needs.

The meeting adjourned at 8:13 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY COUNCIL RETREAT
with Virginia Institute of Government – Part 2
April 2, 2022 at 10:00 AM
CitySpace, 100 5th Street NE

Call to Order

The Charlottesville City Council met on Saturday, April 2, 2022 for the second of a two-part retreat with the purpose of determining and discussing Council priorities. In accordance with a local ordinance amended and re-enacted on March 7, 2022 to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency, the meeting was hybrid with Council and select staff in-person and electronic broadcast to the public on Zoom, TV10, Boxcast and the city's social media streaming platforms.

Mayor Lloyd Snook called the meeting to order at 10:08 a.m. noting all councilors present: Sena Magill, Michael Payne, Brian Pinkston, Lloyd Snook (Mayor) and Juandiego Wade (Vice Mayor).

The following staff were also in attendance and provided input throughout the meeting: Interim City Manager Michael Rogers, Deputy City Managers Ashley Marshall and Sam Sanders, Clerk of Council Kyna Thomas, City Attorney Lisa Robertson, and Senior Budget and Management Analyst Krisy Hammill.

Facilitated Discussion Continues

Charles Hartgrove, Virginia Institute of Government (VIG) Director was joined by colleague Natalie Miller Moore from the Weldon Cooper Center at the University of Virginia. He provided an overview of the April 1 discussion. Councilors and staff added aspirations of:

- organizational excellence
- external communications program
- regaining the narrative and tell the community story
- rebuilding government for a specific purpose
- leveraging other financial resources including federal funds and maximizing return on investment
- intentional equity for regular services and government functions, healthcare, emergency health care, and mental health care

Council identified regionalism and several partnerships that help to address local gaps in services

- Chamber of Commerce
- Downtown Business Association
- Neighborhood Associations
- Charlottesville Redevelopment and Housing Authority

- Nonprofits, building coalitions
- Housing - Habitat for Humanity, Piedmont Housing Alliance
- Thomas Jefferson Planning District Commission
- University of Virginia

Council recessed for lunch at 11:33 a.m. and reconvened at 11:43 p.m.

Council continued discussion on the following topics:

- Staff capacity-building
- Equity actionable items and Equity Action Plan (internal to city and measured success in policy outcomes)
- Updating Council agendas memos to answer how each item moves toward fulfilling defined goals (Staff noted that the goals have not been clearly defined.)
- Investment in equity training for city employees
- Evaluating disparate impact of various policies
- Loss of institutional memory because of Council and city leadership turnover
- Climate Action Plan
 - Potentially adding a committee or task force
 - Transit – implementing green initiatives, while also addressing the needs of the population that would use routes the most and being efficient
 - Addressing green initiatives during site plan reviews
 - Writing requirements into the Zoning Ordinance
 - Funding for increasing staff capacity
- Housing Action Plan
 - Holding a dedicated work session
 - Addressing the unhoused community
 - Ensuring wrap-around care

Identify and Build Consensus for Priorities and Actionable Items

Council and staff identified action items:

- Housing work session item on the April 4 agenda
- Economic Development presentation to Council
- Report on effective land use, the zoning rewrite
- Report on city-owned properties
- Explore the city purchase of property to house individuals year-round
- Update on the Orange Dot Report (workforce development report) in parallel to the Network2Work and companion programs. Ms. Marshall and Mr. Sanders advised that the Orange Dot Report is schedule to be updated by the Fall. Ms. Marshall advised that Downtown Job Center programs and services are complimentary to other workforce programs.
- Reports on Minority Business Program, GO-programs, Community Investment Collaborative and funding through HUD Section 3

- Developing a community wealth building strategy
- Seek mentorship and internship programs within the city organization
- Incentivizing incubator space for small businesses and determining where grassroots economic development resides
- Staff stability and development: hiring, training, right-sizing pay scale

Next Steps

Mr. Hartgrove stated that VIG would summarize the meeting and provide a report.

The meeting adjourned at 2:13 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT

CITY COUNCIL RETREAT
with Virginia Institute of Government – Part 1
April 1, 2022 at 4:00 PM
CitySpace, 100 5th Street NE

Call to Order

The Charlottesville City Council met on Friday, April 1, 2022 for the first of a two-part retreat with the purpose of determining and discussing Council priorities. This was the first time the sitting Council met in-person during the locally declared coronavirus State of Emergency. In accordance with a local ordinance amended and re-enacted on March 7, 2022 to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency, the meeting was hybrid with Council and select staff in-person and electronic broadcast to the public on Zoom, TV10, Boxcast and the city's social media streaming platforms.

Mayor Lloyd Snook called the meeting to order at 4:10 p.m. noting all councilors present: Sena Magill, Michael Payne, Brian Pinkston, Lloyd Snook (Mayor) and Juandiego Wade (Vice Mayor).

The following staff were also in attendance and provided input throughout the meeting: Interim City Manager Michael Rogers, Deputy City Managers Ashley Marshall and Sam Sanders, Clerk of Council Kyna Thomas, City Attorney Lisa Robertson, and Senior Budget and Management Analyst Krisy Hammill.

Welcome and Introductions

Charles Hartgrove, Virginia Institute of Government Director was joined by colleagues Natalie Miller Moore and Claire Downey from the Weldon Cooper Center at the University of Virginia. As an introduction, councilors were asked to tell about their favorite place in the city.

Check In

Mr. Hartgrove reviewed responses to a pre-meeting survey, where the following questions were asked:

1. What does the city council do well? Which organizational assets help achieve these successes?
2. What should be the top five priorities for the city council to focus on over the next two years?
3. What internal and external challenges and/or barriers could limit the city council's ability to accomplish its priorities?
4. What results do you hope to achieve in the retreat?

Councilor Pinkston added a request to benchmark metrics on a range of topics.

Facilitated Discussion: City Council Goals and Strategies

Mr. Hartgrove began the facilitated discussion with a high-level focus for the next 90 days. Some themes that emerged were:

- Building capacity and finding stability in the organization
- Ensuring clear lines of communication among Council and senior staff
- Staff - compensation, capacity, in-house ability for civic engagement
- Transit
- Climate action plan
- Reviewing decisions through an equity lens
- Using one-time funding for the most impact

For big picture items, Council was tasked with considering how each decision lines up with a priority, goal or commitment. Building consensus on themes by which to filter agenda items that come before Council, there was general agreement in the following areas:

- Staff explaining how certain actions relate to a goal in the strategic plan
- Reviewing information with an equity lens
- Budgeting for priorities
- Using benchmarks and clear definitions
- Defining what success looks like

Some areas where Council acknowledged a need to invest in capacity to meet goals were:

- staff training and professional development
- equity
- budget staff
- analytics and data
- Master Social Worker

Mr. Rogers advised that in his experience with another locality, he deployed a Productivity Team to help departments analyze data.

Council recessed for a meal break at 5:15 p.m. and reconvened at 5:44 p.m.

Mr. Rogers shared that data analytics can be fulfilled by having a good pipeline for university interns throughout the year, getting public policy students to work with the city, as well as hosting an ICMA Fellow.

Councilors shared ideas about areas for strategic planning:

- funding for youth programs
- Capital Improvement Plan project regular status reports
- planning focus for month-to-month agenda topics for the upcoming year
- address the unhoused population

- getting police out of the business of mental health crisis response
- gathering and sharing metrics and using the city's Clearpoint data system
- civic engagement
- discussions prior to budget season
- integrated and long-term strategy for affordable housing
- care of staff, strengthen workforce, hear from staff
- ensuring that city plans are interconnected and have a champion/subject matter expert to follow through
- Economic development strategy - community wealth building. Consider who has access to benefit.

Mr. Rogers agreed that staff stability and resilience is critical and stated that an employee survey will be reinstated near the end of April as a best practice, with feedback being available in June.

Regarding action items, Council expressed interest in restarting Town Halls to rebuild trust, communication and transparency with the community; working from the same definitions to have an understanding; defining timelines for reaching goals as Charlottesville continues to grow; a presentation on economic development strategy; building relationships with Downtown Mall businesses and UVA.

Day 1 Wrap Up

In preparation for Day 2 of the retreat, Mr. Hartgrove asked Council to think about regional partnerships, nonprofit partnerships, and the relationship with Albemarle County, UVA and contracted agencies.

Vision, Mission, and Values were recognized as topics important to City Council and the City organization, but not yet discussed.

The meeting recessed at 7:51 p.m. to reconvene at 10:00 a.m. on Saturday, April 2, 2022.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 2, 2022
Action Required:	Ordinance Enactment
Staff Contacts:	Taylor Yowell, Director of Elections and General Registrar Katrina Callsen, Deputy City Attorney
Presenters:	Taylor Yowell, Director of Elections and General Registrar
Title:	Central Absentee Precinct Change (2nd of 2 Readings)

Background:

A central absentee voting precinct (CAP) is a location in a public building where absentee ballots are processed and counted on the day of the election in the presence of election officials. Virginia Code Section 2.2-712 states that each locality shall establish, by ordinance, one or more central absentee voter precincts. The City of Charlottesville maintains one central absentee voter precinct at City Hall established by Charlottesville City Code Section 9-31.

In the past two years concerns about the spread of COVID-19 prompted the Charlottesville Electoral Board and the Charlottesville General Registrar and Director of Elections to recommend that the central absentee voter precinct be temporarily moved from City Hall to City Space. City Council approved this recommendation and adopted temporary ordinances that allowed for the location change for the November 2020, June 2021, and November 2021 Elections.

The Charlottesville General Registrar and Director of Election would like the central absentee voter precinct to be permanently moved from City Hall to City Space.

Discussion:

City Space is a public building that is approximately 400 ft. away from City Hall. The process of Absentee Voting would remain unchanged for voters. Absentee voting has grown over the past two year and the City Space location has a larger room that can better accommodate the increasing number of absentee votes that must be processed on election day. In addition, the larger space more easily accommodates the equipment needed to process the ballots and provides election officials and election workers better ventilation and more space in which to work.

To enact the change, Council must amend City Code Section 9-31 and identify City Space as the new CAP location. In addition, City Code Section 9-31 needs to be updated to accurately reflect current section numbering in the Virginia Code; former §24.1-233.1 is now §24.2-712.

The ordinance change, if approved, would go into effect June 6, 2022.

Alignment with City Council's Vision and Strategic Plan: A Well-Managed and Responsive Organization.

Community Engagement: The public received several opportunities to provide input. The Office of Elections and Voter Registration provided public notice of the change, held a public comment period exceeding 30 days, and conducted a public hearing at the April 4, 2022 Council meeting.

Budgetary Impact: Moving the CAP to City Space would have no expected financial impact.

Recommendations: Staff recommends approval of the ordinance change.

Alternatives: Council may reject the ordinance and the central absentee voter precinct would remain at City Hall.

Attachments: Ordinance moving the central absentee voter precinct from City Hall to City Space.

**AN ORDINANCE AMENDING AND RE-ORDAINING CHAPTER 9 (ELECTIONS),
SECTION 9-31 (CENTRAL ABSENTEE VOTER DISTRICT) TO CHANGE THE
LOCATION OF THE CENTRAL ABSENTEE VOTER PRECINCT FROM CITY HALL
TO CITY SPACE**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Section 9-31 of Chapter 9 of the Charlottesville City Code, 1990, as amended, is hereby amended and re-ordained, as follows:

Sec. 9-31. - Central absentee voter district.

There is hereby established a central absentee voter election district in ~~city hall~~ City Space for the purpose of receiving, counting and recording all absentee ballots in all elections cast within the city. Such central absentee voter election district shall receive, count and record all absentee ballots in accordance with the requirements of section ~~24.1-233.1~~ 24.2-712 of the Code of Virginia and all other applicable provisions of law. This shall be effective ~~February 1, 1979,~~ June 6, 2022, and shall remain in effect until repealed by the council.

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



Agenda Date:	April 18, 2022
Action Requested:	Adoption of Ordinance (1 st of 2 readings)
Presenter:	Brenda Kelley, Redevelopment Manager, Office of Community Solutions
Staff Contacts:	Lisa Robertson, City Attorney Robinson Hubbard, Assistant City Attorney Alex Ikefuna, Interim Director, Office of Community Solutions Brenda Kelley, Redevelopment Manager, Office of Community Solutions
Title:	Amendment of the Friendship Court (Phase 1) Loan Agreement

Background:

In November 2020, the City Council approved an Ordinance (attached) approving the award of funding for the redevelopment of Phase 1 of Friendship Court through a loan agreement to Piedmont Housing Alliance. This loan was provided for the public purposes of providing for construction of streets, utilities, and other site improvements necessary for Phase 1, and to assist the construction of new for-rental housing units, as part of a multi-phased redevelopment of Friendship Court. One hundred percent (100%) of the dwelling units within Friendship Court Phase 1 will be for rental or for ownership by low and moderate income persons, for a period not less than ninety-nine (99) years.

Note: this forgivable loan funding is in addition to the ongoing financial support that will be provided in future years via the Performance Agreement approved by resolution of City Council in 2020. Within the Performance Agreement, City Council agreed to allocate one hundred percent (100%) of new real estate tax revenues realized by the City as a result of the redevelopment of Friendship Court. (Upon completion of Phase 1 of the redevelopment project, the tax increment to be realized was estimated at \$190,000 per year; if the landowner pays the taxes and demonstrates achievement of certain performance criteria, the Charlottesville Economic Development Authority will pay the amount of \$190,000 per year (funded by a transfer from City Council) until a cap of six million dollars (\$6,000,000) is reached.

Discussion:

Due to funding limitations at the times of approval of corresponding fiscal budgets, funding for Phase 1 of Friendship Court, as well as subsequent phases, were/are projected for funding over multiple City Fiscal Years. At the time of approval of the (first) Friendship Court Loan Agreement (for Phase 1) only \$5,545,159 was available, as approved in the city budget, to be allocated through the Ordinance. An additional \$394,841 was contemplated to be included in upcoming funding, however, this final amount of funding for Phase 1 was not approved until the FY22 budget approval (March 2021). In FY2020, \$5,545,159 was approved, in FY2021, \$0 was approved (due to budget

limitations), with the remaining requested funding for Phase 1 moved to approval in FY2022.

\$394,841 is available in the current budget for redevelopment of Friendship Court Phase 1, that has not been previously allocated by City Council through the current Loan Agreement. Staff is requesting that City Council approve the attached Amendment of the Friendship Court Loan Agreement, in order to allocate this funding to Piedmont Housing Alliance.

Per the existing Ordinance, the City Manager cannot modify the previously-approved loan agreement without Council's approval, per the following provision within the agreement:

(J) Amendments. Except as otherwise specified within Section 5(D) of this Ordinance, the City Manager is hereby authorized to execute a Loan Agreement, or any amendment(s) thereof, that modify(ies) certain terms and conditions set forth within this Ordinance, without Council review and approval, but only if such modification(s) do **not** materially change: (i) the number of affordable dwelling units to be provided by Recipient, or the length of the Affordability Period, (ii) the requirement that Recipient provide a one-for-one replacement of all of the 150 for-rent, Section 8 subsidized dwelling units existing within Friendship court as of the date of this Agreement (divided among all phases of the Project); (iii) the layout of land uses, or the general approximate location of the public streets, as depicted in Illustration 1, above, within this Agreement, or **(iv) the dollar amount(s) of the Loan, as set forth within Section 3(c) of this Agreement.** Any amendments of the terms referenced in clauses (i) – (iv) preceding above within this paragraph must be approved by ordinance of City Council in the same manner as this Agreement. Upon executing a Loan Agreement, or any amendment thereof, that contains terms and conditions different than those set forth within this Ordinance, the City Manager shall notify City Council, in writing, of the nature of the modifications.

For this request, there are no material changes to items (i) – (iii). Because the requested amendment relates to a change in the loan amount, City Council approval of an ordinance is required.

Alignment with City Council's Vision and Strategic Plan:

The overall funding of affordable housing initiatives supports City Council's visions of Quality Housing Opportunities for All; A Green City; Community of Mutual Respect; and Smart, Citizen-Focused Government. Approval of this request is also supported by the following:

Strategic Plan Goals:

- Goal 1.3: Increase affordable housing options
- Goal 1.4: Enhance financial health of residents
- Goal 1.5: Intentionally address issues of race and equity
- Goal 2.3: Improve community health and safety outcomes by connecting residents with effective resources

Comprehensive Plan Guiding Principles (2021):

- Equity & Opportunity – All people will be able to thrive in Charlottesville.

- Community Culture & Unity – Charlottesville’s rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued and respected.
- Local & Regional Collaboration – From the neighborhood to the region, open conversations and partnerships will make the city stronger.
- Environmental Stewardship & Sustainability – The Charlottesville community will demonstrate environmental and climate leadership.
- (Numerous Goals in the Comprehensive Plan also support this request).

Community Engagement:

Redevelopment of Friendship Court continues to be driven by a steering committee of residents and other stakeholders of the community. In addition, the city budget process includes substantial community engagement and public input.

Budgetary Impact:

This request does not encumber any additional funding from the City budget. This funding is currently allocated in the adopted Capital Improvement Program (CIP) FY21/22 budget in the line item Friendship Court Redevelopment – Phase 1 (\$394,841). Approval of the attached Ordinance will establish the terms and conditions under which this additional funding can be expended.

Alternatives:

While \$394,841 in additional funding to Friendship Court Phase 1 was approved within the FY21/22 budget (and continues to be available as detailed in the FY23 Budget), City Council could choose to not allocate this funding. However, staff does not know how a failure to add this money to the loan would affect the current activities under construction.

Piedmont Housing Alliance has informed staff: “Failure to approve the \$394,841 additional will negatively impact our debt financing with Virginia Housing. Over the last year, with construction costs increasing over \$2 million, Virginia Housing effectively closed the gap by significantly reducing their debt interest rates. This was an unprecedented show of support, and was predicated on the City following through on its original commitment. Not following through would compromise the good will of Virginia Housing and potentially negatively impact future flexibility in debt structuring for additional phases of Friendship Court.”

Recommendation:

Staff recommends City Council approve the attached Ordinance.

*Suggested Motion: “I move the **ORDINANCE** amending and reenacting the forgivable loan agreement approved by Ordinance No. O-20-145, to add the amount of \$394,841 to the amount of the forgivable loan to Piedmont Housing Alliance for the Friendship Court Redevelopment”*

Attachments:

Proposed Ordinance
Ordinance No. O-20-145

ORDINANCE
AMENDING AND RE-ENACTING THE FORGIVABLE LOAN AGREEMENT
APPROVED BY ORDINANCE NO. O-20-145, TO ADD THE AMOUNT OF \$394,841 TO
THE FORGIVABLE LOAN TO PIEDMONT HOUSING ALLIANCE FOR THE
FRIENDSHIP COURT REDEVELOPMENT

WHEREAS on November 2, 2020 this City Council enacted Ordinance No. O-20-145, authorizing a forgivable loan (“Loan Agreement”) to Piedmont Housing Alliance to support the redevelopment of Friendship Court for the purpose of producing new housing for low- and moderate-income persons (“Project”), and

WHEREAS it appears that the dollar amount of the forgivable loan approved within Ordinance No. O-20-145 failed to include all of the funding set aside by City Council within the Capital Fund for the Project, and there remains three hundred ninety-four thousand eight hundred forty one dollars (\$394,841) within the Capital Fund which prior Councils have contemplated to be utilized for the Project and Piedmont Housing Alliance is requesting a modification of the Loan Agreement to increase the dollar amount approved for the forgivable loan;

NOW, THEREFORE be it ordained by the Council of the City of Charlottesville that the Loan Agreement approved by City Council is hereby amended and re-enacted with the following changes:

Section 3 (Authorized expenditures; budget), Paragraph (C), is hereby modified to add a new subparagraph (iv), as follows:

(iv) Up to \$394,841 shall be expended for the purpose of construction of rental affordable dwelling units within Phase 1 of the Project

With the foregoing amendments included, the Loan Agreement is ratified and shall be and remain in effect as approved by City Council within Ordinance No. O-20-145 and this ordinance.

Approved by Council
May 2, 2022

Kyna Thomas, MMC
Clerk of Council

ORDINANCE

AUTHORIZING A FORGIVABLE LOAN TO PIEDMONT HOUSING ALLIANCE TO SUPPORT REDEVELOPMENT OF FRIENDSHIP COURT FOR THE PURPOSE OF PRODUCING NEW HOUSING FOR LOW AND MODERATE INCOME PERSONS

WHEREAS, the production of new housing for persons of low and moderate income is a public purpose and use for which public money may be spent, and such production is a governmental function of concern to the Commonwealth of Virginia; and

WHEREAS, pursuant to Virginia Code §15.2-958 the City of Charlottesville may, by ordinance, make grants or loans to the owners of residential rental property occupied, or to be occupied, following construction, by persons of low or moderate income, for the purpose of producing such property; and

WHEREAS, Piedmont Housing Alliance ("PHA") is a private, nonprofit 501(c)(3) organization (corporation) organized and operating under the laws of the Commonwealth of Virginia, having as its mission the creation of affordable housing opportunities by developing new housing and by preserving existing affordable housing; and

WHEREAS, PHA and its joint venture partner are planning the redevelopment of Friendship Court in multiple phases, funded by Low Income Housing Tax Credits, private donations, grants, local government funding from the City of Charlottesville, and a mortgage; and

WHEREAS, PHA has requested the City of Charlottesville (the "City") to award local public funding for the Project, in an amount sufficient to subsidize the projected cost of constructing the required public infrastructure for the Project as well as the construction of for^m rent affordable units within Phase 1 (defined below) of the Project (defined below), the City desires to make a Loan to PHA pursuant to and in consideration for PHA's activities in compliance with this Agreement and the Master Affordable Housing Covenant attached hereto as Attachment 1; and

WHEREAS, PHA will make a subordinate loan to the owner of the first phase of the development ("Phase I Project Owner") in an amount not to exceed the loan from the City to PHA (the "Sponsor Loan"), which the Phase I Project Owner will use to undertake the improvements described herein (defined below); and

WHEREAS, the Sponsor Loan will be secured by a subordinate interest in the land for Phase 1 of the Project and such subordinate interest shall be assigned to the City as security for this loan; and

NOW, THEREFORE, BE IT ORDAINED by the Charlottesville City Council that local public funding is hereby approved for Piedmont Housing Alliance to support the Project, subject to the following terms and conditions, which shall be set forth within a written agreement that shall be executed by duly authorized agents of the City and Piedmont Housing Alliance ("Loan Agreement"

or "Agreement"):

Section 1. Public purpose of the Loan

This Loan is provided to Piedmont Housing Alliance ("Recipient") for the public purposes of providing for construction of streets, utilities, and other site improvements necessary for the Project, and to assist the construction of new for-rental housing units within the property known as Friendship Court, as part of a multi-phased redevelopment of that property ("Subject Property" or "Project"), Phase 1 and subsequent phases of the Project shall be diligently prosecuted by the Recipient, to the end that, upon completion of construction, one hundred percent (100%) of the dwelling units within the Project will be for rental or for ownership by low and moderate income persons, for a period not less than ninety-nine (99) years.

Section 2. Representations and Warranties by the Recipient

To induce the City to make the Loan, Recipient makes the following as its representations and warranties to the City:

- (A) Recipient is a corporation organized under the laws of the Commonwealth of Virginia, active and in good standing as of the date of its execution of this Agreement,
- (B) Recipient is a nonprofit 501(c)(3) organization whose 501(c)(3) status remains in effect as of the date of its execution of this Agreement.
- (C) Recipient will use its best efforts to ensure the Loan funds will be used only for the public purposes referenced in Section I. Recipient may expend the Loan funds itself, or Recipient may loan the funds to a third party who is legally obligated to use the funds only for the public purpose referenced in Section 1. A loan to a third party shall be secured by a lien on the land within Phase I. Recipient shall execute an assignment of such lien and interests as further security for the Loan from the City to the Recipient, subject to certain requirements of lenders and the investor member of Phase I Project Owner, including this Agreement and the Master Affordable Housing Covenant (or any phase-specific replacement covenant) being subordinate and subject to the lien of all lenders to the Project and including the forbearance of certain creditor's rights and remedies during the applicable federal tax credit "compliance period" when the investor member has an ownership interest in the Phase 1 Project Owner.
- (D) Recipient shall in good faith take all measures necessary to ensure that one hundred percent (100%) of the dwelling units constructed within the Project will be Rental Affordable Units or For Sale Affordable Units for by low and moderate income persons, in accordance with

the Master Affordable Housing Covenant attached to this Ordinance and any amendments thereto.

- (E) Recipient will use its best efforts to ensure the number of newly constructed affordable dwelling units constructed within subsequent phases of the development are in accordance with the Master Site Requirements attached as Exhibit E to the Master Affordable Housing Covenant (Attachment 1 to this Ordinance).

At all times within the Subject Property there will be one hundred fifty (150) for-rent affordable dwelling units subject to project-based federal Section 8 operating subsidies, including a combination of pre-existing and new units. This represents the current number of units existing within the Subject Property as of the date of this Agreement.

- (F) Recipient shall record a Master Affordable Housing Covenant for the Project (the "Covenant") within the land records of the City, in the format attached hereto as Attachment 1.
- (G) To the best of its knowledge, NHTE Piedmont Garrett Square Limited Partnership (the "Landowner") currently owns all right, title and interest in and to the land comprising the development site of the Project, and Recipient has verified that the Landowner does not intend to transfer or convey title to any such land to any third party, other than the Phase I Project Owner, until the Affordable Housing Covenant has been recorded in the City's land records..
- (H) Recipient will use its best efforts to ensure the development of all phases of the Project shall be consistent with the Master Plan developed by the Recipient with public input from the community, a copy of which is depicted in Illustration 1, following below, as may be amended from time to time consistent with the provisions of the Master Affordable Housing Covenant and the public purposes for which this Loan is offered pursuant to Virginia Code §15.2-958.

Illustration 1.



- (I) Recipient will execute any and all documents reasonably requested by the City to finalize the Loan authorized by this Ordinance, including, without limitation, any note, deed of trust, security agreement or guaranty.
- (J) The representations set forth within paragraphs (A) through (H) preceding above are material provisions of this Agreement,

Section 3. Authorized Expenditures; Budget

- (A) The Project is planned as a multi-phased redevelopment of land currently identified by Tax Parcel Identification No. 280112000, currently assigned the street address of 400-426 Garrett Street, Charlottesville, Virginia. As of the date of this Agreement, only Phase I is being designed for construction. As subsequent phases are designed, the parties may amend this Agreement as necessary or desirable to reflect additional public funding for the Project.
- (B) Phase I shall include no fewer than one hundred six (106) for-rent affordable dwelling units, of which: (i) forty-six (46) will be subject to project-based federal Section 8 operating subsidies; and (ii) a minimum of sixty (60) additional For-Rent dwelling units will be

provided for rental to households having incomes from thirty percent (30%) to eighty percent (80%) AMI, as mutually agreed to by the City and the Recipient on or before [any disbursement of Loan funds].

- (C) Loan proceeds may be expended as follows:
- i. Up to \$1,386,000.00 shall be expended for the installation, construction, or reconstruction of public streets (inclusive of sidewalk, curb and gutter, stormwater, landscaping), utilities, and parks, essential to the Project ("Public Infrastructure" or "Public Infrastructure Construction"), and
 - ii. Up to \$3,604,159.00 shall be expended to prevent the displacement of low and moderate income residents of the existing property to be redeveloped, and for construction of new Phase 1 housing units for rental by low and moderate income persons ("ADU Construction").
 - iii. Up to \$555,000.00 is expected to cover "soft costs" associated with the planning and design for construction of infrastructure for the Project and/or construction of Rental Affordable Units within Phase 1 of the Project. Any portion of this amount not expended for Soft Costs may be expended in accordance with (i) or (ii), above;
- (D) Public Infrastructure Construction will commence within six months following loan closing on Phase 1 of the Project, and be diligently prosecuted by Recipient to completion.
- (E) Phase 1 Project Owner, with consultation from Recipient, shall establish a Budget for Public Infrastructure Construction for the Project and for construction of Rental Affordable Units within Phase I, and will submit the Budget to the City for approval. Once the Budget is approved by the City, all material changes to the Budget shall be subject to the prior written approval of the City. Whenever any change order is under consideration by Recipient which would materially increase the cost of any aspect of construction, a Budget amendment shall be prepared for the City's approval prior to execution of the change order.
- (F) [Reserved.]
- (G) The Budget shall establish stand-alone line items for Public Infrastructure Construction. The Budget shall also include line items for a Construction Contingency Amount, soft costs and other reserves acceptable to the City.

Section 4. Disbursement of Loan Proceeds

(A) Preconditions, General

Prior to the first disbursement of any Loan proceeds for expenses incurred pursuant to Section 3(C)(i) or (ii), the Recipient shall furnish all of the following documents to the City for Phase 1 of the Project, in a form acceptable to the City in all respects, for the City's approval:

- i. A Public Infrastructure Plan: providing for construction of public streets, sidewalks, curb and gutter, utilities, stormwater, landscaping, and street lights ("Public Infrastructure") for the Project, prior to commencement of construction of any building(s) or structure(s) within Phase 1, or providing for the phased construction of Public Infrastructure, by (a) delineating sections within the Project in which infrastructure will be constructed in coordination with housing that will be served by that infrastructure, (b) within each delineated section, establishing a schedule for completion of construction of the Public Infrastructure, within that section in relation to the completion of construction and occupancy of dwelling units within that section; (c) providing a Cost Estimate establishing the cost of constructing the Public Infrastructure in each section, and (d) in the event that Public Infrastructure within a delineated section has been substantially constructed but has not met all requirements necessary for final acceptance into the City's public system for maintenance, then Recipient shall provide a maintenance and indemnifying bond, with surety acceptable to the City, in an amount sufficient for and conditioned upon the maintenance of the Public Infrastructure until such time as the Public Infrastructure is accepted into the City's public system for maintenance.
- ii. A Resident Relocation Plan establishing a schedule, consistent with the schedule established within the construction plan referenced in (i) above: (a) identifying how many of the newly constructed units in each section will be occupied by then-current residents of Friendship Court, (ii) establishing a budget for the relocation of Friendship Court residents, and (iii) setting forth how the Recipients will determine what Friendship Court residents will be relocated first, etc. The relocation plan shall demonstrate zero displacement.
- iii, A Construction Schedule that implements construction of the Rental Affordable Units in Phase 1 , in all aspects, in accordance with paragraphs (i) (ii) preceding above.
- iv. The Budget required by Section 3, above.

- v. Master Affordable Housing Covenant, in the form attached hereto as Attachment 1, executed by Recipient and recorded within the land records of the Circuit Court for the City of Charlottesville.

If the above-referenced documents demonstrate the adequacy of the Budget to complete the Public Infrastructure and the Rental Affordable Units within Phase 1 5 and if the Construction Schedule is realistic, then the City's approval shall not unreasonably be withheld.

(B) Disbursements for Infrastructure

- i. Following the date on which the Master Affordable Housing Covenant is recorded within the City's land records, the Recipient may request disbursements of the Loan funds, and disbursements may be made by the City from time to time during construction of the Public Infrastructure, as such construction progresses, no more frequently than once per calendar month, until the City has disbursed the aggregate amount specified within Section 3(C)(i) above (and upon request, any amount(s) not previously disbursed under Section 3(C)(iii)).
- ii. As a condition precedent to each disbursement of loan proceeds for the Public Infrastructure, the Recipient shall furnish or cause to be furnished to the City all of the following documents for each disbursement, in form and substance satisfactory to the City: **(a)** a Disbursement Certification in a form approved in advance by the City; **(b)** copies of payment approval forms, certified by an architect or engineer authorizing payment of specific amount(s), and documentation that such amount(s) have actually been paid to construction contractor(s) and subcontractor(s), for work completed; **(c)** inspection report(s) signed by a City inspector, verifying that the work for which payment is sought was inspected by the City and was installed or completed in accordance with City standards and specifications; **(d)** a budget-to-actual expenditure report for the Public Infrastructure, current through the date of the disbursement request; **(e)** a Construction Schedule report, documenting the actual progress of construction (inclusive of Public Infrastructure and housing) compared with the approved Construction Schedule. In the aggregate, items (a)–(e) shall constitute a "Disbursement Request".
- iii. Following receipt of a complete Disbursement Request, the City shall issue payment of Loan proceeds to the Recipient for the amounts documented within the Disbursement Request as having actually been paid to construction contractor(s) and subcontractor(s), for completed work. Payment shall be made within 30 days of the City's receipt of a complete Disbursement Request.

(C) Disbursements or costs of tenant relocation and construction of affordable housing

1. Following the date on which the Master Affordable Housing Covenant is recorded within the City's land records: the Recipient may request disbursements, and disbursements may be made by the City from time to time during construction of new Rental Affordable Units, as such construction progresses, no more frequently than once per calendar month, until the City has disbursed the aggregate specified within Section 3(C)(ii), above (and, upon request, any amount(s) not previously disbursed under Section 3(C)(iii)).
 - ii. As a condition precedent to each disbursement of loan proceeds for relocation and construction of new units of Rental Affordable Housing, the Recipient shall furnish or cause to be furnished to the City all of the following documents for each disbursement, in form and substance satisfactory to the City: **(a)** a Disbursement Certification in the form approved in advance by the City; **(b)** copies of payment approval forms, certified by an architect or engineer authorizing payment(s) which have been made by the Phase 1 Project Owner or Recipient, together with documentation of amount(s) actually paid to construction contractor(s) and subcontractor(s), for completed work referenced within such payment approval forms; **(c)** a budget-to-actual expenditure report, current through the date of the disbursement request, for the relocation and housing construction Budget line items; **(d)** a Construction Schedule report, documenting the actual progress of construction compared with the approved Construction Schedule; **(e)** documentation of amount(s) actually paid by the Phase 1 Project Owner or Recipient to relocate tenants into a new affordable housing unit for which a certificate of occupancy (non-temporary) has been issued. In the aggregate, items (a)-(d) shall constitute a "Disbursement Request" for reimbursement of construction costs, and items (a), (c) and (e) shall constitute a "Disbursement Request" for reimbursement of relocation expenditures.
 - iii. Following receipt of a complete Disbursement Request seeking reimbursement for tenant relocation costs, the City shall issue payment to Recipient reimbursing amounts documented within a Disbursement Request as having actually been paid to relocate tenants. Payment shall be made within 30 days of the City's receipt of a complete Disbursement Request.

(D) Disbursements for Soft Costs

Following the date on which the Master Affordable Housing Covenant is recorded within the City's land records, the Phase 1 Project Owner or Recipient may request disbursements of the Loan funds for the purposes referenced in Section 3(C)(iii) above. As a condition precedent to each disbursement of loan proceeds for Soft Costs, the Phase 1 Project Owner or Recipient shall furnish

or cause to be furnished to the City all of the following documents for each disbursement, in form and substance satisfactory to the City ("Disbursement Request"): (i) a Disbursement Certification in a form approved in advance by the City; and (ii) documentation evidencing expenditure of the Soft Costs to one or more independent contractors for work or services associated with the planning or design for construction of the Public Infrastructure or the For Rent Affordable Units within Phase 1 of the Project.

Following receipt of a complete Disbursement Request, the City shall issue payment of Loan proceeds to the Phase 1 Project Owner or Recipient for the amounts documented within the Disbursement Request as having actually been paid to independent contractors. Payment shall be made within 30 days of the City's receipt of a complete Disbursement Request.

(E) Execution of Loan Instruments

This Loan is in the amount of the total disbursements made by the City to the Recipient, pursuant to Section 4(B), 4(C) and 4(D) preceding above. Disbursement shall be made up to the Loan maximum specified in Section 3(C), above. All disbursements shall be added to the principal of the Loan, and interest at the rate of this Loan shall accrue thereon from the date each disbursement is made. The City shall not disburse any loan proceeds to the Recipient unless and until the Recipient has executed and delivered to the City all documents or legal instruments deemed by the City to be necessary to effectuate the Loan and to secure the City's ability to enforce the requirements of this Loan Agreement. The following terms and conditions are material to the City's agreement to enter into this Loan Agreement and shall be requirements of this Agreement enforceable in accordance with this Loan Agreement as well as through any documents or legal instruments that effect and secure the Loan of public funds to the Recipient:

- i. Recipient will use commercially available best efforts to negotiate provisions in a subordination agreement with the senior lender for the development of Phase 1 that provide the City with the right to cure a default and exercise rights pursuant to a collateral assignment of Recipient's interest in Phase 1 under a Deed of Trust securing the Sponsor Loan, with wording acceptable to the City Manager and City Attorney. The income, rent and use restrictions required by this Agreement shall terminate upon a foreclosure of the Sponsor Loan, except: (i) twenty percent (20%) of the units within the Project may remain at sixty percent (60%) of area median income following such a foreclosure, and (ii) Virginia Housing may permit additional units at 60% AMI to survive such a foreclosure, provided that Virginia Housing determines, in its sole discretion, that the development will achieve a targeted debt service coverage rate (DCSR) of at least 1.25 while subject to such additional set-aside. The City Manager, after consultation with the City Attorney's Office, is the City official hereby designated as having authority as the agent of City Council to renegotiate income, rent and use restrictions required by this Agreement

and the Master Affordable Housing Covenant, and to enter into a binding amendment of this Agreement, if such renegotiation or amendment is necessary to facilitate Recipient's receipt of financing from Virginia Housing, provided that (i) the renegotiated terms are no less than those Virginia Housing itself requires in its own Lending Policy and (ii) in accordance with Virginia Code §15.2-958, a minimum of twenty percent (20%) of the housing units within Phase 1 shall be Rental Affordable Units for a minimum of ten (10) years.

- ii. Deferred Payment Loan; Payment Date. This Loan shall be a deferred payment loan. The deferral period shall commence on the Commencement Date specified in subparagraph (iii), below, and shall expire at midnight on December 31 of the fortieth (40th) calendar year thereafter ("Deferral Period"). Interest shall accrue during the Deferral Period, in the amount specified in subparagraph (iv) following below.
- iii. Each Disbursement of funds made by the City to the Recipient shall constitute loan proceeds (individually and collectively, the "Loan") of the Loan that is the subject of this Agreement. The term of the Loan shall be forty (40) years, commencing on the date of the final disbursement of Loan proceeds by the City to the Recipient pursuant to this Agreement ("Commencement Date"). If the Project is completed and operated continuously in accordance with the requirements of this Agreement and the Master Affordable Housing Covenant throughout the entire Deferral Period (i.e., continuously from the Commencement Date through the expiration of the Deferral Period) then the Loan shall be forgiven. Recipient will grant to the City, as security for the Loan, an assignment of its subordinate interest in Phase 1, which secures its Sponsor Loan to the Phase 1 Project Owner. The assignment shall be subordinate to loans from Virginia Housing or any federal agency.
- iv. Interest shall accrue on outstanding amounts of the Loan, at the annual rate of three percent (3%), beginning on the Commencement Date specified in (iii), above. If the Project is completed and operated continuously in accordance with the requirements of this Agreement and the Master Affordable Housing Covenant throughout the entire Deferral Period referenced in paragraph (ii) preceding above (i.e., continuously from the Commencement Date through the expiration of the Deferral Period) then the accrued interest shall be forgiven.
- v. Payment. All Loan proceeds disbursed to the Recipient shall immediately become due and owing to the City in full, in each case following any applicable notice and cure period:
 - a. on the date of any Uncured Event of Default on the Loan;

- b. upon the insolvency or dissolution of the Recipient;
 - c. on the date of any foreclosure of Phase I; or
 - d. upon the sale or transfer of the Phase I property, or any portion(s) thereof, to any person other than a related entity, or other assignee, who has been approved by the City in advance. For purposes of this Agreement, the term "related entity" means any transferee that is controlled by the Recipient, the Landowner, or both.

- vi. For so long as the City Loan proceeds are subsidizing Phase I, Recipient, on behalf of itself and its heirs, successors and assigns (collectively, "Owner") agree that, prior to the first refinancing of the senior lien debt, or prior to the next new tax credit financing (but subject to any senior lender approvals, in their sole discretion, if such new tax credit financing does not include a refinancing of the senior debt) it will propose an Affordability Analysis to the City for the City's review and approval. The Affordability Analysis will determine and detail if any qualified tenants have incomes permitted under the federal low income housing tax credit program that are in excess of one hundred thousand dollars (\$100,000) and the Owner will agree either (a) to escrow such rents that exceed thirty percent (30%) of such tenants' income above \$100,000 and to use such reserves when sufficient and with the approval of the City to target deeper income restrictions on future tenancies of the other restricted units by providing a rental subsidy to such tenants, or (b) to propose further income restriction to the other restricted units to the reasonable satisfaction of the City.

- vii. Default. If any Event of Default shall occur and is not cured within sixty (60) days from the date that written notice of such Event of Default is given by the City to the Recipient or such longer period as was reasonably necessary for cure, provided the Recipient requested an extension prior the expiration of the 60-day cure period and the City approved the request in writing ("Uncured Event of Default"), the Loan shall immediately become due and payable in full to the City. Each of the following shall constitute an Event of Default:
 - a. Use of Loan funds for any purpose(s) other than those articulated within Section One of this Ordinance;
 - b. Failure to comply with the terms and conditions of this Loan Agreement that apply to Phase I;
 - c. Failure to comply with the requirements of the Master Affordable Housing Covenant, as it may be amended, or any phase-specific

- replacement covenant thereto;
 - d. Failure to perform any of Recipient's obligations under this Loan Agreement with respect to construction of the Public Infrastructure or construction of units of housing within Phase I ;
 - e. Failure to perform any of Recipient's obligations under the Master Affordable Housing Covenant, as it may be amended or any phase-specific replacement covenant thereto;
 - f. A successful legal challenge initiated by the Landowner, PHA, NHT Communities or any Project Owner, asserting that the Master Affordable Housing Covenant or any amendment thereto is invalid or unenforceable, in whole or as applied to such person;
 - g. Failure to perform as required by any document that secures this Loan and relates to Phase I ;
 - h. Failure of Recipient to give the City notice of any anticipated sale of all or any portion of the Project to any person that is not controlled by the Recipient, the Landowner, or both and who will use it for any purpose other than that specified within Section 1 of this Agreement;
- viii. Remedies for Default. If Recipient fails to pay the Loan or fails to cure any Event of Default prior to the end of the 30-day notice period, the City may invoke foreclosure of this Loan Agreement or any other remedy allowed by the Loan Agreement, any document related to this Loan, or by the laws of the Commonwealth of Virginia. All of the City's rights and remedies are distinct and cumulative to any other rights and remedies under this Agreement, or otherwise at law, and may be exercised concurrently, independently, or successively.
- ix. No Waiver. No forbearance by the City in exercising any right or remedy hereunder, or otherwise afforded by Virginia law, shall constitute a waiver of, nor shall forbearance preclude the exercise of, any right or remedy.

Section 5. General Terms and Conditions

- (A) Non-Appropriations Condition: The obligations of the City as to any funding beyond the end of Fiscal Year 2020 (June 30, 2020) are expressly made subject to the availability of and appropriation by the City Council of sufficient public funds to support continued performance of this agreement by the City in succeeding fiscal years, When public funds are not appropriated or are otherwise unavailable to support continuation of payment(s) by the City to Recipient in a subsequent fiscal year, the City's obligations hereunder shall automatically expire, without liability or penalty to the City. Within a reasonable time

following City Council's adoption of a budget, the City shall provide the Recipient with written notice of any non-appropriation or unavailability of funds affecting this Loan agreement.

- (B) Assignments. The City reserves the right to approve in advance any assignment of this Agreement by the Recipient to any individual or entity, and the ownership and membership of any such entity must be disclosed to the City. Any change in the Recipient's organizational structure, and any change in the Recipient's status or Recipient's relationship to either the Landowner, the Project Owner or the Phase 1 Project Owner shall also be subject to approval by the Authority. Any such assignee shall be bound by all the terms and conditions of this Agreement.

- (C) Public Disclosure of Agreement Documents: The Recipient acknowledges and understands that this agreement, and all related public proceedings and records, shall be open to the inspection of any citizen or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act (Va. Code §2.2-3700 et seq.) and the Virginia Public Procurement Act (Va. Code §2.2-4300 et seq.) to the extent that either of those laws applies.

- (D) No Waiver of Rights: No failure on the part of the City to enforce any of the terms or conditions set forth in this agreement shall be construed as or deemed to be a waiver of the right to enforce such terms or conditions. No waiver by the City of any default or failure to perform by the Recipient shall be construed as or deemed to be a waiver of any other and/or subsequent default or failure to perform. The acceptance of the performance of all or any part of this Agreement by the City, for or during any period(s) following a default or failure to perform by the Recipient, shall not be construed as or deemed to be a waiver by the City of any rights hereunder, including, without limitation, the City's right to terminate this Agreement.

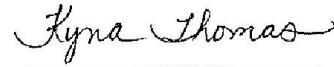
- (E) Force Majeure. All dates in this Agreement shall be extended for a period of time equal to the period of any delay directly affecting such date which is caused by fire, earthquake or other acts of God, strike, lockout, acts of public enemy, riot, insurrection, pandemic (including COVID-19), disease, work shortages, acts beyond the control of the parties, declared state of emergency or public emergency, government mandated quarantine or travel ban, government shutdown or governmental regulation. All federal extensions permitted due to any pandemic (including COVID- 1 9), declared state of emergency or public emergency, government mandated quarantine or travel ban, or any other similar event, shall also apply to the dates in this Loan Agreement.

- (F) Severability: In the event that any term, provision, or condition of this Agreement, or the application thereof to any person or circumstance shall be held by a Court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement, and the application of any term, provision or condition contained herein to any person or circumstance other than those to which it has been held invalid or unenforceable, shall not be affected thereby.
- (G) Governing Law: This Agreement shall be governed by the laws of the Commonwealth of Virginia, and, in the event of litigation, jurisdiction and venue shall be in the Circuit Court of the City of Charlottesville, Virginia, and all legal actions involving this Agreement shall be brought only in such court. All parties hereto agree that in the event of any action brought to enforce the terms and provisions hereof, the prevailing party shall be entitled to reimbursement of reasonable attorney's fees and court costs. All parties to this Agreement have standing to enforce any covenants, terms, provisions, and agreements set forth herein
- (H) Entire Agreement: This Agreement is the entire agreement between the parties hereto, sets forth all of promises, agreements, conditions, and understandings between the parties respecting the subject matter hereof and supersedes all prior and contemporaneous negotiations, conversations, discussions, correspondence, memoranda, and agreements between the parties concerning such subject matter.
- (I) Authorized City Signature: By its approval of this ordinance, the Charlottesville City Council authorizes the Charlottesville City Manager to execute this Agreement on its behalf.
- (J) Amendments, Except as otherwise specified within Section 5(D) of this Ordinance, the City Manager is hereby authorized to execute a Loan Agreement, or any amendment(s) thereof, that modify(ies) certain terms and conditions set forth within this Ordinance, without Council review and approval, but only if such modification(s) do not materially change: (i) the number of affordable dwelling units to be provided by Recipient, or the length of the Affordability Period, (ii) the requirement that Recipient provide a one-for-one replacement of all of the 150 for-rent, Section 8 subsidized dwelling units existing within Friendship Court as of the date of this Agreement (divided among all phases of the Project), (iii) the layout of land uses, or the general or approximate location of the public streets, as depicted in Illustration 1, above, within this Agreement, or (iv) the dollar amount(s) of the Loan, as set forth within Section 3(c) of this Agreement. Any amendments of the terms referenced in clauses (i)-(iv) preceding above within this paragraph must be approved by ordinance of City Council in the same manner as this Agreement. Upon executing a Loan Agreement, or any amendment thereof, that contains terms and conditions different than those set forth

within this Ordinance, the City Manager shall notify City Council, in writing, of the nature of the modifications.

(K) Notices, All notices required under this Agreement shall be given in writing, and shall be deemed to be received five (5) business days after being mailed by first class mail, postage prepaid, return receipt requested, or one (1) business day after being placed for next day delivery with a nationally recognized overnight courier service, or upon receipt when delivered by hand, addressed as follows: (i) if given to the City to the City Manager, with a copy to the City Attorney, each to: 605 East Main Street, Second Floor, City Hall (P.O. Box 91 1 Charlottesville, Virginia, 22902, or (ii) if given to the Recipient—to Piedmont Housing Alliance, Attention: Executive Director, 682 Berkmar Circle, Charlottesville, Virginia, 22901, with a copy to Erik T. Hoffman, Klein Hornig, LLP, 1325 G Street, N.W., Suite 770, Washington, DC, 20005 and a copy to the Project Lender at an address provided by the Recipient.

Approved by Council
November 2, 2020



Kyna Thomas, CMC
Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 2, 2022
Action Required:	Approve Resolution (Appropriation) (1 st of 2 Readings)
Presenter:	Sue Moffett, Director, Department of Social Services
Staff Contacts:	Mary Jane Skidmore, Chief of Benefit Programs, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Additional VIEW Funding -- \$38,025

Background:

The Virginia Department of Social Services (VDSS) has provided the Charlottesville Department of Social Services with \$38,025 in additional funding to be used by the Virginia Initiative for Education and Work (VIEW) program in Fiscal Year 2022.

Discussion:

The VIEW program promotes economic independence by providing employment, education, and training opportunities as well as needed supportive services such as rental assistance, child care assistance, and transportation assistance to Temporary Assistance to Needy Families (TANF) recipients.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with Strategic Plan Goal 1: An inclusive community of self-sufficient residents and Objective 1.2, Prepare residents for the workforce; and Strategic Plan Goal 4: A strong, creative, and diversified economy and objective 4.1, Develop a quality workforce.

Community Engagement:

VIEW staff will work directly with program participants to provide supportive services that can help them overcome job-related challenges, as well as personal and family challenges that affect employment.

Budgetary Impact:

The Virginia Department of Social Services is providing the additional funding. No local general

funds are being requested.

Alternatives:

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Recommendation and Suggested Motion:

Staff recommends approval and appropriation of these funds.

Suggested Motion: I move to approve the Resolution Appropriating the Additional Funding Received from the Virginia Department of Social Services for the VIEW Program in the amount of \$38,025

Attachment:

Resolution

RESOLUTION

**Appropriating Additional Funding Received from the Virginia Department of Social Services for the VIEW Program
In the amount of \$38,025**

WHEREAS, the Charlottesville Department of Social Services has received an allocation of \$38,025 in the Fiscal Year 2022 budget from the Virginia Department of Social Services to be used for the VIEW program.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$38,025, upon receipt by the City, is hereby appropriated for expenditure within the FY22 budget in the following manner:

Revenue – \$38,025

Fund: 212 Cost Center: 9900000000 G/L Account: 451022 \$38,025

Expenditures - \$38,025

Fund: 212 Cost Center: 3333002000 G/L Account: 540060 \$38,025

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



Agenda Date:	May 2, 2022
Action Required:	Approve Resolution (Appropriation) (1 st of 2 Readings)
Presenter:	Sue Moffett, Director, Department of Social Services
Staff Contacts:	Jenny Jones, Chief of Family Services, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Child Abuse Prevention Month Funding -- \$1,000

Background:

The Virginia Department of Social Services (VDSS) has provided funding to localities to be used for public information activities that focus on the healthy and positive development of parents and children and promotion of child abuse and neglect prevention activities during April for Child Abuse Prevention Month and/or other activities occurring before May 31, 2022. **The Charlottesville Department of Social Services has received \$1,000 from this funding.**

Discussion:

The department plans to use the funding to purchase infant sleepers to give to clients along with safe sleep information. The goal is to help prevent infant death due to unsafe sleep practices and to help engage parents in conversations around safe sleep practices. The Department will also partner with the University of Virginia Medical Center to distribute the sleepers and safe sleep information.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with the City’s mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with Strategic Plan Goal 2: A Healthy and Safe City and Objective 2.2, Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization and Objective 2.3, Improve community health and safety outcomes by connecting residents with effective resources.

Community Engagement:

Family Services staff will work directly with families and medical center staff.

Budgetary Impact:

The Virginia Department of Social Services is providing 100% of the funding with no local general

fund match required.

Alternatives:

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services. If funds are not appropriated, the department will be unable to provide the baby sleepers to families.

Recommendation and Suggested Motion:

Staff recommends approval and appropriation of these funds.

Suggested Motion: I move to approve the Resolution Appropriating Funding Received from the Virginia Department of Social Services for Child Abuse Prevention Month, in the amount of \$1,000

Attachment:

Resolution

RESOLUTION

**Appropriating Funding Received from the Virginia Department of Social Services for
Child Abuse Prevention Month
In the amount of \$1,000**

WHEREAS, the Charlottesville Department of Social Services has received an allocation of \$1,000 in the Fiscal Year 2022 budget from the Virginia Department of Social Services to be used for Child Abuse Prevention Month Activities.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,000, upon receipt by the City, is hereby appropriated for expenditure within the FY22 budget in the following manner:

Revenue – \$1,000

Fund: 212 Cost Center: 9900000000 G/L Account: 430080 \$1,000

Expenditures - \$1,000

Fund: 212 Cost Center: 3301008000 G/L Account: 520990 \$1,000

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 2, 2022
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Matt Alfele, AICP
Staff Contacts:	Matt Alfele, AICP
Title:	SP22-00002– 209 and Maury Avenue and 0 Stadium Road, request for a Special Use Permit

Background:

Charlie Armstrong of FMC Investment, LLC (Owner), owner of Tax Map Parcel 170018002, 170018000, 170018001, 170018600, 170018500, and 170018400 (“Subject Properties”) has requested a special use permit on the Subject Properties to increase density. The Subject Properties are currently zoned R-3 with Proffers, a by-right density of 21 Dwelling Unit per Acre (DUA), and have frontage on Maury Avenue and Stadium Road. The applicant is requesting a Special Use Permit (SUP) pursuant to Code Sec. 34-420 and Sec. 34-162, which allows residential density up to 43 Dwelling Units per Acre (DUA). In addition to requesting increased density, the applicant is also requesting modifications to yard requirements to match the layout proffered in ZM19-00002 and approved by City Council on December 2, 2019, and reduction of onsite parking by ½ the spaces required under Sec. 34-984. The applicant is proposing to modify a site plan currently under review to allow more residential units without altering the footprint or layout of the development. The Subject Properties were rezoned from R-2U (Residential Two-Family University) to R-3 with Proffers in December 2019. The original plan called for a residential development with 33 units. The new proposal calls for the same configuration but removes the parking under building 2 to accommodate additional units. The total units on site would not exceed 68 units.

Discussion:

The Planning Commission considered this application at their meeting on April 12, 2022. The discussion centered on the affordable housing proffer statement from 2019, pedestrian improvements, and increased trees for shade. Planning Commission wanted to insure the required affordable housing that will be build offsite are not double counted (meaning that the developer offers them for affordable housing and then turns that responsibility to a non-profit who in turn requests funding from the City to build then). It was clarified that the offsite units would not be double counted. The Commission also talked about pedestrian improvements as related in the staff report.

The staff report and supporting documentation presented to the Planning Commission can be found starting on page 34 at the following link:

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1420&key=-1&mod=-1&mk=-1&nov=0>

Alignment with City Council’s Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

The applicant held a community meeting on March 3, 2022 which was attended by two (2) members of the public. The development was received as favorable with parking being the only concern. A recording of the meeting can be found at the below link.

https://us02web.zoom.us/rec/play/pYJQvJexy-lyx5ziztdb7DN0EtRtUb4oBv7YleoRD_Rnf_CJXBoXqAAD0hgPkld6DneDS9xft0IIDuiJ.YdgcCleDwxzHiipE?continueMode=true&_x_zm_rtaid=GgPnRrm1RwWEZVUHxQ6Ydg.1647547227538.9744fefcd24df90203a008427b7e9750&_x_zm_rhtaid=291

On April 13, 2022, the Planning Commission held a virtual joint Public Hearing with City Council. Two (2) members of the public spoke and expressed the following:

- A resident on Price expressed concerns with screening of the development, security, and noise.
- The City needs to do a better job of defining “affordable housing”.

Budgetary Impact:

No direct budgetary impact is anticipated as a result of this Special Use Permit.

Recommendation:

Staff recommends the application be approved.

The Planning Commission voted 6 - 0 to recommend approval of the application with the following motion:

Mr. Mitchell moved to recommend approval of this application for a Special Use Permit in the R-3 zone at 170018002, 170018000, 170018001, 170018600, 170018500, and 170018400 collectively 209 Maury Avenue to permit additional density with the following listed conditions.

- a. The four (4) conditions recommended by staff
 1. Up to forty-three (43) dwelling units per acre (DUA) are permitted on the Subject Properties.
 2. Yard requirements shall be:
 - a. Front yard: thirty-one (31) feet.
 - b. Side yard (Corner along Maury Avenue): twenty (20) feet.
 - c. Side yard (western side): twenty-two (22) feet.
 - d. Rear yard: Twenty-five (25) feet.
 3. A new seven (7) foot sidewalk with three (3) foot curbside buffer shall be constructed along Maury Avenue in accordance with the City’s Streets That Work Plan.
 4. The applicant will work with the City’s Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City’s Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....

Mr. Stolzenberg seconded the motion

Mr. Lahendro, Yes

Mr. Solla-Yates, Yes
Mr. Stolzenberg, Yes
Mr. Karim Habbab, Yes
Mr. Mitchell, Yes
Ms. Liz Russell, Yes

Alternatives:

City Council has several alternatives:

- (1) by motion, approve the requested Special Use Permit as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting the Special Use Permit, with stated conditions, for SP22-00002 based on a finding that the proposed permit is required by public necessity, convenience, general welfare, or good zoning practice”

- (2) by motion, request changes to the attached resolution, and then approve the Special Use Permit;
- (3) by motion, take action to deny the Special Use Permit;

Or

- (4) by motion, defer action on the Special Use Permit.

Attachment

- A. Proposed Resolution

**RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY
LOCATED AT 209 MAURY STREET (TAX MAP PARCELS 170018002, 170018000,
170018001, 170018600, 170018500, and 170018400)**

WHEREAS Charlie Armstrong (“Owner”) is the owner of certain land identified by Tax Map Parcels 170018002, 170018000, 170018001, 170018600, 170018500, and 170018400 (collectively, the “Subject Property”), which have frontage on Maury Ave. and Stadium Road and is requesting a Special Use Permit to increase Dwelling Unit per Acre (“DUA”) density; and

WHEREAS; The Applicant seeks a Special Use Permit under City Code Sec. 34-420 to increase the density of the Property from a by-right twenty on (21) DUA condominium building to a forty three (43) DUA condominium building; and

WHEREAS the Property is located within the R-3 (Residential) zoning district, a district in which, according to the Use Matrix set forth within City Code 34-420, increased DUA may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the application materials submitted in connection with SP22-00002, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS the Planning Commission considered and recommended approval of this application at their April 12, 2022 meeting, subject to conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that it hereby approves a Special Use Permit for the Subject Property, to allow for an increase in Dwelling Units per Acre from twenty one (21) Dwe, subject to the following conditions:

(1) Up to forty-three (43) dwelling units per acre (DUA) are permitted on the Subject Properties.

(2) Yard requirements shall be:

- a. Front yard: thirty-one (31) feet.
- b. Side yard (Corner along Maury Avenue): twenty (20) feet.
- c. Side yard (western side): twenty-two (22) feet.
- d. Rear yard: Twenty-five (25) feet.

(3) A new seven (7) foot sidewalk with three (3) foot curbside buffer shall be constructed along Maury Avenue in accordance with the City’s Streets That Work Plan.

(4) The applicant will work with the City’s Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City’s Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 2, 2022
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Dannan O’Connell, City Planner, Neighborhood Development Services
Staff Contacts:	Dannan O’Connell, City Planner, Neighborhood Development Services
Title:	SP22-00003 – 207 14th Street NW, request for a Special Use Permit to allow hotel use

Background:

William Chapman, contract purchaser of Tax Map 9 Parcels 70.1 thru 70.21 (“Subject Property”) has requested a special use permit on the Subject Property to establish a hotel use. The Subject Property is currently zoned B-1 and is the location of a 21-unit condominium apartment building. The Applicant wishes to renovate the existing building to accommodate a 19-unit hotel with one residential apartment.

Discussion:

The Planning Commission considered this application at their meeting on April 12, 2022. The discussion centered on the affordability of the existing housing units as well as displacement of existing tenants to accommodate the change in use from multi-family to hotel.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 70 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/a17abf45-ea5e-4d27-b99f-d0316a223144.pdf?sv=2015-12-11&sr=b&sig=XuxhTZBhJapZsHy%2Fy3l%2Foa0P2VTQvp4%2BqlcrlJksAsk%3D&st=2022-04-18T15%3A53%3A20Z&se=2023-04-18T15%3A58%3A20Z&sp=r&rsc=cache&rsct=application%2Fpdf>

Alignment with City Council’s Vision and Strategic Plan:

The City Council Vision of *Economic Sustainability* states that “Our community has an effective workforce development system that leverages the resources of the University of Virginia, Piedmont Virginia Community College, and our excellent schools to provide ongoing training and educational opportunities to our residents. We have a business-friendly environment in which employers provide well-paying, career-ladder jobs and residents have access to small business opportunities. The Downtown Mall, as the economic hub of the region, features arts and entertainment, shopping, dining, cultural events, and a vibrant City Market. The City has facilitated significant mixed and infill development within the City.”

The applicant proposes to retrofit an existing multi-family building, originally constructed as a motel, back to a commercial hotel use. The surrounding area contains significant mixed commercial and residential development, including several hotel uses.

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. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.”

The applicant proposes to retrofit existing condominiums into a hotel, resulting in a net loss of 20 multi-family dwelling units. Adequate off-site and on-site parking is available to meet the parking requirements for the proposed use. The subject property is located within an Architectural Control District, and while no structural changes are proposed, a Certificate of Appropriateness will be required to accommodate any exterior renovations.

Community Engagement:

Per Sec. 34-41(c)(2), the applicant held a community meeting on January 17, 2022. (A City Planner was able to attend as a NDS representative). No members of the public attended the meeting to speak on the application.

The Planning Commission held a joint public hearing with City Council on this matter on April 12, 2022. No members of the public spoke on the application. The Planning Commission did receive two public comments by email prior to the meeting, voicing concerns about the loss of naturally affordable housing units and displacement of existing residents.

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 3-2 to recommend the application be denied.

Alternatives:

City Council may approve, deny, or indefinitely defer the requested Special Use Permit:

- (1) **Approval:** “I move to approve the RESOLUTION Granting a Special Use Permit for Property Located at 207 14th Street N.W. (City Tax Map 9, Parcels 70.1 through 70.21).”
- (2) **Denial:** “I move to deny the special use permit requested within zoning application No. SP22-00003.”
- (3) **Deferral:** “I move to defer Council action on zoning application No. SP22-00003.”

Attachment (1): Proposed Resolution

RESOLUTION

Granting a Special Use Permit for Property Located at 207 14th Street N.W. (City Tax Map 9, Parcels 70.1 through 70.21)

WHEREAS William Chapman (“Applicant”) is the contract purchaser of certain land identified on Tax Map 9 as Parcels 70.1 through 70.21, collectively currently addressed as “207 14th Street NW” (the “Property”), and the Applicant is requesting a Special Use Permit to adapt the use of the Property to a 19-guest-room hotel (“Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Sec. 34-480 to change the use of the Property from a twenty one (21) dwelling unit multifamily (condominium) residential building to a hotel containing nineteen (19) units and one (1) residential apartment; and

WHEREAS the Property is located within the B-1 (Commercial) zoning district, a district in which, according to the Use Matrix set forth within City Code 34-480, hotels may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the application materials submitted in connection with SP22-00003, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on April 12, 2022; and

WHEREAS the Planning Commission considered and recommended denial of this application at their April 12, 2022 meeting; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the public hearing, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, THAT a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

(1) The Project shall consist of a hotel use containing not more than nineteen (19) guest rooms for transient occupancy (as defined in City Code 34-1200) and one (1) dwelling unit for residential occupancy (as defined in City Code 34-1200).

(2) Prior to commencement of any work within the existing building, the owner of the Property (“Landowner”) shall submit an amended site plan for the Property, depicting parking (on-site and off-site), landscaping, and utility line changes for the hotel use.

(2) Automatic fire sprinklers, alarms, and appropriate means of egress shall be provided within the Project, in accordance with applicable requirements of the Virginia Uniform Statewide Building Code.

(3) The Landowner shall submit a signed long-term lease agreement verifying off-site parking that satisfies the requirements of City Code 34-973 and/or 34-974, as applicable, to the City’s Zoning Administrator, prior to final approval of the amended site plan referenced in Condition #2, above.