

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



|                  |   |
|------------------|---|
| Agenda Date:     | June 21, 2022   |
| Action Required: | <b>Adoption of Resolution (no public hearing required)</b>  |
| Presenter:       | Lisa Robertson, City Attorney   |
| Staff Contact:   | Maxicelia Robinson, Deputy Clerk of Council   |
| Title:           | <b>Re-appointment of Individuals to Planning Commission Seats, to Stagger Terms of Office as required by Va. Code 15.2-2212</b> |

**Background**

State law establishes certain parameters to be satisfied by a locality when appointing individuals to serve as Planning Commission (“PC”) members. Within Virginia Code §15.2-2212 the General Assembly specifies that (i) all PC members must be residents of the City, (ii) all must be qualified by knowledge and experience to make decisions on questions of community growth and development; (iii) at least one-half of the membership (i.e., 4 members) must be owners of real property.

When the membership of a PC is first appointed, the individuals appointed serve respectively for terms of one year, two years, three years and four years, divided equally or as nearly equally as possible between the membership. Subsequent individuals appointed to those “seats” then serve four-year terms. If done correctly, the terms will remain staggered so that a commission will never have more than one or two terms expire in any given year.

**Discussion**

On August 31, 2022 five of seven seats on the Planning Commission will expire. This situation is out of sync with the requirements of Virginia Code §15.2-2212. Staff proposes that City Council take formal action, by resolution, to reconfigure and reconstitute the membership, as if Council were filling each of the seats on the Commission for the first time. This will require three of the five seats to be filled for a short “Interim Term”. Upon the expiration of the Interim Term, each subsequent appointment to that seat (whether an incumbent, or a different individual) will be for

a term of four years, which will always expire on August 31, regardless of the date on which an appointee's term commences.

**Budgetary Impact:** none

**City Manager Recommendation:** The City Manager recommends approval.

**Attachment(1):** Proposed Resolution

*Suggested motion: "I move the RESOLUTION reconstituting the Charlottesville Planning Commission and appointing or reappointing its members for staggered terms"*

## RESOLUTION

### Reconstituting the Charlottesville Planning Commission and appointing or reappointing its members for staggered terms

WHEREAS Section 15.2-2212 of the Code of Virginia (1950), as amended, (“Va. Code”) requires local planning commissions to be constituted in accordance with certain specifications, including certain categories of membership (including a requirement that at least half of the membership must be owners of real property); and

WHEREAS pursuant to City Code §2-237 of the City Code, the Charlottesville Planning Commission consists of seven members; however, the intervals for staggering of the terms of the seven commissioners no longer comply with statutory requirements, which specify terms staggered at one-year intervals, divided equally or as nearly equal as possible between the membership;

WHEREAS pursuant to the Three-Party Agreement executed among the City, the University of Virginia (UVA), and Albemarle County in 1986, the City agreed to include a representative of UVA as a non-voting member of the planning commission; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville that the Charlottesville Planning Commission is hereby reconstituted and its membership re-appointed, and three individuals are hereby appointed to “Interim Terms” to allow for the terms of the planning commission members to be staggered in the manner required by Virginia Code §15.2-2212, as follows:

| <b>Planning Commission Seat</b> | <b>Appointee</b>   | <b>Term Ending Date</b>               | <b>Next Commissioner Appointed to this Seat Would Serve a Term Ending on:</b> |
|---------------------------------|--|---------------------------------------|---|
| Seat 1                          | TBD  | August 31, 2023 (1-year Interim Term) | August 31, 2027   |
| Seat 2                          | Liz Russell (Property Owner) -reappointed to the term in which she is currently serving                        | August 31, 2024                       | August 31, 2028   |
| Seat 3                          | Lyle Solla-Yates (Property Owner) – reappointed to the term in which he is currently serving<br>Property Owner | August 31, 2024                       | August 31, 2028   |
| Seat 4                          | TBD  | August 31, 2025 (3-year Interim Term) | August 31, 2029   |
| Seat 5                          | TBD  | August 31, 2025 (3-year Interim Term) | August 31, 2029   |
| Seat 6                          | TBD  | August 31, 2026                       | August 31, 2030   |
| Seat 7                          | TBD  | August 31, 2026                       | August 31, 2030   |
| Seat 8<br>(UVA Ex Officio)      | UVA designee serves per 1986 3-party agreement with UVA, City and County                                       | N/A                                   | N/A   |