



CITY COUNCIL AGENDA August 15, 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 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. Presentation: City Manager's Proposed Collective Bargaining Ordinance

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

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: Kiwanis Club of Charlottesville Centennial

Consent Agenda*

2. Minutes: July 18 Council meeting
3. Ordinance: 415 10th Street NW, Rezoning from R-1S to B-2 (2nd reading)
4. Ordinance: 415 and 415-B 10th Street NW - Designation of Property as an Individually Protected Property (2nd reading)
5. Resolution: Refund of Business License Tax - \$5,719.45 (1 of 2 readings)
6. Resolution: Virginia Homeless Solutions Program (V.H.S.P.) Grant Award - \$539,369 (1 of 2 readings)

City Manager Report

- Report: August Update

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

7. Public Hearing/Ord.: Preston Place Utility Easements
 - a. Ordinance: Vacating existing public utility easements and altering the right-of-way boundary line for Preston Place
 - b. Resolution: Accepting a dedication and conveyance of an additional 1,227 square feet of public street right-of-way to be added to Preston Place
8. Public Hearing/Res.: Belmont Bridge Replacement Project – Appropriation of \$2,697,398 (1 of 2 readings)
9. Resolution: Honorary Street Designation requests
 - a. Resolution: Dr. Alvin Edwards Drive (1 reading)
 - b. Resolution: Vinegar Hill Boulevard (1 reading)
10. Ordinance: Amend City Code Section 30-6 to increase the threshold under which the City Treasurer may issue a refund for an erroneous assessment without direction from Council (1 of 2 readings)
11. Ordinance: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (2nd reading deferred from 7/18/22)
12. Resolution: 1000 Monticello Road, Special Use Permit for additional residential density (1 reading deferred from 7/18/22)
13. Resolution: American Rescue Plan Fund Allocations (2nd reading)

General Business

Other Business

Community Matters (2)

Adjournment

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: August 15, 2022
Action Required: Authorize and schedule a public hearing and first reading
Presenter: Michael Rogers, City Manager, Robin Burroughs, Venable LLP
Staff Contacts: Mary Ann Hardie, Director
Title: **City Manager's Proposed Collective Bargaining Ordinance**

Background

Historically the Virginia General Assembly has prohibited localities, their elected officials and City officials, from recognizing a labor union or employee association as a bargaining agent for the locality's employees. *See* Va. Code §40.1-57.2 (copy attached). In April 2020 the legislature amended the statute to expressly grant authority to local governing bodies to make their own local decisions as to whether or not to implement collective bargaining. The amended statute took effect May 1, 2021.

- In March 2021 City employee Greg Wright, on behalf of himself and members of the City's Fire Department submitted a proposed ordinance to City Council for consideration.
- In October 2021 John Ertl, a representative of the Amalgamated Transit Union (ATU), notified the City Council that ATU is requesting recognition as the representative of a group of employees within Charlottesville Area Transit (CAT). The ATU submitted a proposed ordinance to City Council for consideration.

In June 2022, on behalf of the City, Michael C. Rogers, Interim City Manager (hereinafter, referred to in short form as "City Manager") engaged the law firm of Venable LLP to advise and assist the City in preparing a proposed collective bargaining ordinance suited to the size and particular organizational units of the City organization, taking into consideration (i) the proposed ordinances previously presented to Council by CFD and ATU, (ii) ordinances recently enacted in other Virginia localities, including in the cities of Richmond and Alexandria, and in Loudoun County, and (iii) ordinances, processes and procedures utilized within long-established collective bargaining programs throughout the country. Both the Robert Bobb Group and the attorneys at Venable, LLP have practical experience in collective bargaining, as do several current City department heads.

From June 2022 to the present, the City Manager consulted with key department heads who have prior professional experience with collective bargaining and brought those key City leaders together in consultation with Venable's legal experts. The attached proposed ordinance represents the City Manager's recommendation to City Council for a collective bargaining ordinance that, in his opinion, will best fit the City's organizational and budgetary capacity.

Discussion

Throughout the proposed Ordinance, the City Manager has been guided by the principle that the City should "walk before it runs." Introduction of collective bargaining is a substantial undertaking, and both the City and its employees require time to gain experience with the bargaining process. Particularly considering the unknown budgetary impact of implementing a collective bargaining program (discussed in more detail below), the proposed Ordinance was drafted to balance quickly providing meaningful bargaining rights to employees who choose to engage in collective bargaining with ensuring that the City remains a good steward of public funds and is able to continue providing high-quality services to its residents.

Following are the key policies and decision points that form the framework of the proposed Ordinance, along with information about the basis of the City Manager's recommendation:

- 1. Number of Bargaining Units and Bargaining Unit Composition:** The Ordinance prioritizes providing bargaining rights to three groups of non-supervisory City employees: **(i)** sworn uniformed police officers, **(ii)** sworn uniformed firefighters, **and (iii)** certain operations and maintenance employees within Charlottesville Area Transit. A common approach within municipalities that engage in collective

bargaining is to exclude supervisory personnel from the bargaining units, and that is the City Manager's proposal for each of these three units. It is important to understand, however, that even if supervisors are not authorized within a proposed bargaining unit, the new Virginia law will allow the City Manager to meet and confer with them on issues common to their interests. The City Manager is recommending these three initial bargaining units for several reasons. First, employees in the public safety and public transit sectors are first responders and individuals in daily contact with the public. Second, employees in the fire and transit departments were the first to come forward to express interest in collective bargaining for public safety and transit employees. Third, the City Council is facing a number of urgent fiscal and budgetary issues in the next several budget years, and the City Manager strongly advises that starting with these three authorized bargaining units will allow the City Manager and Council an opportunity to gain a practical understanding of the administrative, operational, and financial impact of each new bargaining unit. Finally, it is the opinion of the City Manager that, given a need for key personnel within the City administration to either be hired or to obtain training in connection with collective bargaining procedures, starting out with more than three units will be extremely challenging both administratively and operationally. Beginning a nascent bargaining program with these three initial units provides representation to employees in both the public safety and transit sectors, and will provide the City and its employees with the opportunity to focus on bargaining and administering highly consequential first contracts. Once sufficient staff and managerial capacity is built out and funded, additional bargaining units could be permitted in the future.

2. **Unit Certification and Decertification:** Employees with bargaining rights should have a free choice to form or join an organization for the purpose of representation, or to refrain from joining such an organization. In order to ensure that the City is recognizing the true desire of the employee group as a whole, the Ordinance provides that unions may be certified or decertified through a secret ballot election.
3. **Authorized subjects of Collective Bargaining:** The proposed Ordinance provides employees with meaningful bargaining rights regarding certain wages and salaries, hours of work, non-health/welfare benefits, and working conditions. Some topics of bargaining are excluded, either because they are controlled by state or other local laws, or because bargaining in these areas is likely to interfere with the efficient administration of the City's services. The included subjects of bargaining provide an important seat at the table for employee groups and are an effective foundation for the negotiation of first collective bargaining agreements. *(Note: The proposed ordinance excludes medical, dental, life insurance and similar health/welfare benefits from collective bargaining. The City Manager proposes to exclude these topics from bargaining, because affordability and economy of scale is best achieved by maintaining the ability of management to create packages for the entire workforce.)*
4. **Dispute Resolution and Labor Administration:** While the City Manager hopes to have harmonious and collaborative relationships with any certified bargaining units, it is necessary to have a process to resolve disputes should they occur. In order to facilitate negotiated agreement, the Ordinance incorporates mandatory mediation in its dispute resolution procedure. In the event that mediation is not appropriate or fails, the Ordinance provides that a third-party neutral will issue findings of fact and recommendations to resolve the dispute. In accordance with state law, City Council retains its budgetary authority. Also included within the proposed Ordinance are provisions for selection of a neutral Labor Relations Administrator, who will be responsible for overseeing the process for certification/decertification of bargaining agents, resolving labor/management disputes, and assisting with the selection of mediators.
5. **Commitment to Further Review:** Transitioning to a new paradigm of collective bargaining will require considerable investment of resources and attention by both the City's employees and the administration. The Ordinance initially takes a measured approach to ensure success in this new endeavor. The Ordinance also provides for the opportunity to review its procedures and to allow for the potential expansion of collective bargaining to additional groups in the City. After the Ordinance has been effective for two years, the City will be better able to judge its capacity for collective bargaining and will be in a better position to determine impact of collective bargaining on the City's resources and budget.

Alignment with City Council's Vision and Strategic Plan

The collective Bargaining initiative aligns with Goal 5 of the Strategic plan: A Well-managed and Responsive organization. Structuring a framework for engaging with our employees as they seek bargaining unit representation is foundational to a well-managed and responsive organization. Providing employees, a mechanism to express their aspirations as part of the city workforce is critical to employee satisfaction and a responsive organization.

Community Engagement

The public introduction of the proposed ordinance will be at Council's 4:00 session on Monday, August 15, 2022. Following the introduction, City Council can set the date on which it will conduct a first reading of the proposed ordinance for adoption. It is recommended that a public hearing should be conducted on the date of Council's first reading.

Budgetary Impact

We are unable to provide a projection of budgetary impact at this time, due to the as-yet unknown total expected number of staff and staff time involved in preparing for and conducting bargaining, and the total cost (including operational and contractual costs) associated with implementing collective bargaining agreements. The City Manager expects the budgetary impact of implementing a traditional collective bargaining program to be substantial.

The current FY2023 budget includes some support costs for administering the collective bargaining environment, including additional City staff and contracted services. One (1) FTE has been added to the Department of Human Resources Budget for FY23, (Labor Relations Analyst), which was

recently proposed for a reclassification to an Employee and Labor Relations Manager, whose job will include serving as lead negotiator at the bargaining table, preparing employer positions for bargaining, managing the negotiation process and preparing and formulating contract language; advising and training City management on compliance with union contracts, employment policies and laws.

The following potential costs/ expenditures are not addressed within the current (FY23) City Budget:

- a collective bargaining administrator (the proposed ordinance would require this to be an independent contractor);
- additional personnel within the Human Resources department, to bargain contracts and handle employee and labor relations (in correlation to the number of collectively bargained contracts that may be authorized by council)
- a budget for the legal services associated with negotiation of individual collective bargaining agreements for each bargaining unit authorized by the ordinance;
- a budget reserve for the funding needed to implement the terms of each individual collective bargaining unit.
- a budget for implementation of specific provisions within negotiated collective bargaining agreements, as those agreements do not yet exist.

For these reasons, the City Manager recommends that an Implementation Calendar be followed, once the Ordinance is adopted (see “Recommendation” section, below)

Recommendation

The City Manager recommends that City Council adopt the attached proposed Ordinance, after conducting a public hearing and two readings of the ordinance. If the ordinance is adopted, the City Manager recommends the following **Implementation Calendar**:

- **Effective Date of Ordinance, and First date on which a union could submit a petition for election:** January 1, 2023 (to allow for engagement of the administrator)
- **Earliest date to conduct an election for union representation**, pursuant to the secret ballot election procedures in the Ordinance: mid-February 2023
- **Earliest date for a union to be certified as exclusive bargaining representative**, pursuant to procedures in the Ordinance; bargaining for a first collective bargaining agreement could potentially begin: early March 2023
- **Potential period for bargaining of first collective bargaining agreement:** March - October 2023
- **If necessary, opportunity for mediation to resolve outstanding bargaining issues:** Fall 2023
- **If necessary, time for fact-finding and recommendations on outstanding bargaining issues:** late 2023 - early 2024
- **Incorporation of bargaining proposals and/or fact-finding recommendations in City Manager’s Proposed Budget:** early March 2024
- **Adoption of FY2025 Budget by the City Council:** April 2024
- **Proposed effective date of first collective bargaining agreement(s)**, to align with the City's fiscal year budget cycle: July 1, 2024 (FY 2025)

Alternatives

City Council, at its sole option, may decide that it does not wish to establish a collective bargaining program at this time.

There exist many variations of the issues and procedures set forth within the proposed ordinance, all of which have operational impacts, budgetary impacts, or both. Council may explore variations, at its discretion.

Attachments

1. CB Ord 8 15 2022
2. REP_Collective Bargaining Presentation

ORDINANCE

TO AMEND CHAPTER 19 OF THE CITY CODE (PERSONNEL) TO ADD A NEW ARTICLE VII AUTHORIZING COLLECTIVE BARGAINING WITH LABOR UNIONS OR OTHER EMPLOYEE ASSOCIATIONS

WHEREAS the Virginia General Assembly enacted Sec. 40.1-57.2 of the Virginia Code, to expressly authorize the City and other local governments, upon adoption of a local ordinance, to recognize labor unions or other employee associations as bargaining agents for public officers or employees, subject to the provisions and limitations set forth within said statute; and

WHEREAS within this Ordinance City Council desires to provide procedures for the certification and decertification of exclusive bargaining representatives, including reasonable public notice and opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit, and to set forth procedures and parameters within which collective bargaining contracts may be negotiated and administered within the City government, consistent with the City Charter and the general laws of the Commonwealth of Virginia; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, THAT

1. The City Code (1990), Chapter 19 (Personnel), is hereby amended and reenacted to include a new Article VII (Collective Bargaining), as follows:

Article VII. Collective Bargaining

Sec. 19-201. Statement of Policy /Purpose

It is the public policy of the City of Charlottesville to promote a harmonious and cooperative relationship between the City government and its employees to ensure that the workforce is positioned to efficiently meet demands and deliver exceptional services to the community and stakeholders. Unresolved disputes in public service are harmful to the employees and the public, and adequate means should be available for preventing disputes and for resolving them when they occur. To that end, it is in the public interest that employees have the opportunity to bargain collectively in good faith, without interference of the orderly processes of government and subject to the limitations of the City's annual budget and appropriations.

Sec. 19-202. Definitions

As used in this ordinance, the following terms shall have the meanings ascribed to them in this section:

Administrator means the labor relations administrator appointed pursuant to sec. 19-207.

Arbitration means a procedure whereby parties, unable to agree on a solution to a problem, indicate their willingness to be bound or advised by the decision of a third-party as provided for in this subtitle.

Benefits means all forms of non-wage compensation.

City means the City of Charlottesville, Virginia.

Collective Bargaining means the performance of the mutual obligation of the City and the bargaining agent to meet at reasonable times and places and negotiate in good faith with the intent of reaching agreement regarding the authorized subjects of collective bargaining identified in sec. 19-203.

Collective bargaining agreement means the written legal contract between the City and an exclusive bargaining agent representing the employees in a bargaining unit authorized by this ordinance and resulting from collective bargaining as defined in this section. Any collective bargaining agreement negotiated under this ordinance shall continue in effect following the expiration of its term until such time as superseded by a later agreement.

Confidential employee means any employee whose work involves regular, authorized access to confidential or privileged personnel management, fiscal, or labor policy information material to the City in collective bargaining.

Employee means any employee of the City, except it does not include anyone who is:

- a seasonal or temporary employee, as defined in this section;

- a confidential employee, as defined in this section;

- a managerial employee, as defined in this section;

- a supervisor, as defined in this section;

- an intern or volunteer;

- a probationary employee, as that term is used in the City's personnel regulations;

- a member of a board, commission, authority, or other appointee of any public body as defined in state law, unless such member is an Employee who would otherwise be entitled to engage in collective bargaining under the terms of this ordinance;

- emergency services dispatchers; or

an employee of the courts or any local constitutional officer as set forth in Article VII, Section 4 of the Virginia Constitution, whether or not the City provides personnel administrative services or supplements state or other funding provided for the personnel of such officers.

Employee organization means an organization in which employees participate, and that exists for the purpose, in whole or in part, of representing employees in collective bargaining concerning labor disputes, wages, hours, and other terms and conditions of employment.

Exclusive bargaining representative and *exclusive bargaining agent* mean the employee organization recognized by the City as the only organization to bargain collectively for all employees in a bargaining unit (as defined in sec. 19-204).

Impasse means the failure of the City and an exclusive bargaining representative to reach agreement in the course of collective bargaining negotiations within the timeframes specified in this ordinance.

Labor-management dispute means a difference of position as between the City and an exclusive bargaining agent concerning administration or interpretation of the collective bargaining agreement between them and questions of eligibility of disputes for resolution by mediation or arbitration. It shall not mean disciplinary or other adverse personnel actions within the meaning of Code of Virginia, § 15.2-1506, et seq, as implemented by the uniformly applicable City grievance procedure and specialized state statutory procedures applicable to law enforcement officers and fire and emergency medical services employees.

Managerial employee means any employee or appointee involved directly in the determination of labor relations or personnel policy, or who is responsible for formulating, determining, and effectuating policy in the area of labor relations.

Mediation means an effort by a neutral, third-party facilitator chosen under the terms of this ordinance to assist confidentially in resolving an impasse, or other labor-management dispute as defined in this section, arising in the course of collective bargaining between the City and the exclusive bargaining agent of a bargaining unit.

Professional employee means an employee exempt from the Fair Labor Standards Act and whose primary duty is the performance of work:

requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or

involving the consistent exercise of discretion and judgment in its performance; or

requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

Seasonal employee means an employee who is hired into a position for which the customary annual employment is four (4) months or less, and for which the period of employment begins each calendar year in approximately the same part of the year, such as summer or winter, for reasons related to work demands that arise during those parts of the year.

Supervisor means all personnel who devote a majority of work time to the supervision or direction of two or more employees, or who have authority to hire, transfer, suspend, layoff, recall, promote, demote, discharge, reward, or discipline other employees, or adjust grievances, or who can effectively recommend such action. With respect to the Fire Department, "supervisor" includes all personnel at the rank of Battalion Chief and above. With respect to the Police Department, "supervisor" includes all personnel at the rank of Sergeant and above.

Strike means, in concerted action with others, an employee's refusal to report to duty or willful absence from their position, or stoppage of work, for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of public employment.

Temporary employee means an individual who is hired into a time-limited position that lasts for four (4) consecutive months or less, and who actually works for the City for four consecutive months or less; provided, that any employee who has worked for the City for more than four consecutive months shall not be considered a temporary employee for purposes of this ordinance.

Sec. 19-203. Authorized Subjects of Collective Bargaining

(a) Except as provided for in subsection (b) below, the following matters are authorized subjects of collective bargaining:

- (1) wages, salaries, and other forms of monetary compensation,
- (2) working conditions, including hours of work, provided that matters reserved as City management rights in sec. 19-206 are not authorized subjects of bargaining, or
- (3) non-health and non-welfare benefits, such as paid and unpaid leave and holidays.

(b) The following matters shall not be subject to negotiation:

- (1) health and welfare benefits such as health, dental, life insurance, and similar benefit programs,
- (2) matters concerning the provisions of a retirement system including, but not limited to, the City's existing retirement plan or any decision to replace any or all such plans with the retirement plan of the Virginia Retirement System,
- (3) matters concerning the provisions of the City's deferred compensation program,

- (4) other matters governed, controlled, or preempted by federal or state constitutional provision, law, rule, or regulation, including the City Charter, such as:

Workers' compensation matters,

Wage and hour matters, such as those subject to the Fair Labor Standards Act and the Virginia Overtime Wage Act,

Occupational safety and health matters,

Equal employment opportunity matters,

Matters pertaining to the composition, duties, or powers of any civilian review board applicable to police officers, or to any decision rendered by such a board,

Matters governed by Code of Virginia, § 9.1-300 et seq.,

Matters governed by this ordinance;

- (5) matters related to the administration of pay and benefits which are not directly related to monetary compensation or benefits;
- (6) matters affecting the City's right to hire, promote, transfer, assign, retain, classify, and schedule employees;
- (7) matters affecting the City's right to take disciplinary actions up to and including termination, including but not limited to the procedures the City takes prior to administering discipline;
- (8) matters governed by the City's uniformly applicable grievance procedures and any personnel rules related thereto;
- (9) matters affecting the City's right to establish policies or practices to respond to emergency situations; and
- (10) provisions, prohibited by state law, that restrict the City Council's authority to establish the budget or appropriate funds in its discretion.

Sec. 19-204. Authorized Bargaining Units

(a) For at least two (2) years following the adoption of this ordinance, only employees in the following specified bargaining units shall be authorized to engage in collective bargaining through an employee organization recognized by the City:

- (1) Police: a unit consisting of all sworn uniformed employees of the Charlottesville Police Department, except those excluded by definition under sec. 19-202;

- (2) Fire: a unit consisting of all sworn uniformed employees of the Charlottesville Fire Department, except those excluded by definition under sec. 19-202; and
- (3) Transit: a unit consisting of all regular full-time and part-time employees of the Charlottesville Area Transit in the positions of Transit Operator Leads, Transit Operators, Transit Maintenance Workers, Transit Maintenance Assistants, Transit Bus Technicians, School Transit Operator Leads, School Transit Operators, and School Bus Aids, excluding all office and clerical employees and those excluded by definition under sec. 19-202.

(b) The City reserves the right to extend the right to engage in collective bargaining to employees in additional bargaining units through modification of this ordinance after this ordinance has been in effect for at least two (2) years.

(c) The City Manager or his/her designee shall meet and confer with police and fire supervisors ineligible to bargain collectively regarding matters within the scope of collective bargaining under this ordinance, with the specific intent to address salary compression, as commonly defined or understood, resulting from collective bargaining with eligible police and fire uniformed employees.

Sec. 19-205. Employee Rights

Employees in the bargaining units specified in sec. 19-204(a) shall have the right to organize, form, join, assist, and pay dues or contributions to employee organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection, insofar as such activity is not inconsistent with this ordinance or prohibited by any other applicable law. Employees also shall have the right to refrain from any or all such activities.

Sec. 19-206. City's Rights and Authority

(a) This ordinance shall not be deemed to limit or diminish the authority of the City Council and the City Manager to fully manage and direct the operations and activities of the City as authorized and permitted by law. The City and the City Manager retain their respective exclusive rights, including the rights:

- (1) to determine the organization of City government and the purpose and mission of its constituent agencies, and to add, delete, modify, or suspend programs, functions, and units of government as the City determines to be necessary and appropriate;
- (2) to determine the type and scope of work to be performed by City employees, and the manner in which services are to be provided;
- (3) to direct the work of employees and determine the number of employees to perform any work or service;

- (4) to hire, classify, promote, transfer, assign, retain, and supervise all employees, and to suspend, demote, discharge, or take other disciplinary action against employees;
 - (5) to determine and change the appointment type (full time, part time, etc.) of City employees;
 - (6) to relieve employees from duties by layoff or other reduction-in-force due to lack of work, budget changes, changed working conditions or requirements, or for other reasons not prohibited by law;
 - (7) to introduce new or different services, methods, equipment, or facilities;
 - (8) to contract for, expand, reduce, transfer, eliminate, or change in any way the operations of the general government, as well as any department, office, or part thereof;
 - (9) to establish and change standards of behavior or performance, promotions, staffing levels, job qualifications, and job descriptions;
 - (10) to determine the kind, type, location, and use of City-owned equipment or facilities; provided that the City shall not require use or operation of unsafe equipment or the unsafe operation of equipment;
 - (11) to determine its tax levies, revenue generation methods, budget, and appropriation;
 - (12) to require enhanced security measures to protect City facilities, infrastructure, personnel, and the public;
 - (13) to take whatever actions may be necessary to carry out the City's mission during a state of emergency as defined in Code of Virginia, § 44-146.16 affecting the City or a declaration of local emergency as defined in Code of Virginia, § 44-146.16, or during such other emergency operations as may be deemed necessary by the City Manager or his/her designee;
 - (14) to make and implement systems for awarding outstanding service increments, extraordinary performance awards, other merit awards, and recognizing employee recognition and service (including hiring and referral bonuses);
 - (15) to introduce new or improved technology, research, development, and services;
 - (16) to issue and enforce rules, policies, and regulations necessary to carry out these and all other managerial functions which are not inconsistent with this ordinance, or federal or state law; and
 - (17) to take any other action necessarily to fulfill the duties and responsibilities granted to the City Manager under Section 5.01 of the Charter of the City of Charlottesville.
- (b) No provision of this ordinance shall act to interfere with or impair the free speech and association rights of the City Manager or the members of the City Council. This includes the right to advocate for or

against employee organizations, and to speak on issues related to the City's labor policy without limitation.

(c) This section does not limit the discretion of the City to voluntarily discuss with the exclusive representative any matter concerning the City's exercise of any right specified in this section. If any matter is discussed it does not become a subject of collective bargaining.

Sec. 19-207. Labor Relations Administrator

(a) An administrator shall be selected and appointed in the manner set forth in sec. 19-208 to administer provisions of this ordinance, including the process for certification and decertification of bargaining agents, resolving labor-management disputes, and assisting with the selection of mediators or arbitrators as needs arise under this ordinance or under any collective bargaining agreement. The administrator shall serve as a neutral agency.

(b) The administrator must be experienced as a neutral in the field of labor relations, and must not be a person who, because of vocation, employment, or affiliation, can be categorized as a representative of the interests of the City or of any employee organization, including any bargaining agent.

(c) Should administrator responsibilities, as set forth in sec. 19-209, be required before an administrator is appointed or during a time when the appointed administrator is unable to serve for any reason, the City Manager shall secure such services from any impartial agency provider, such as the American Arbitration Association, the Federal Mediation and Conciliation Service, or a similar provider. Such impartial agency provider shall have all of the powers and responsibilities of the administrator as set forth in this Article.

Sec. 19-208. Selection of Administrator.

(a) The selection of the administrator will be conducted through competitive negotiation for nonprofessional services. Proposals will be evaluated by a panel that will consist of an equal number of City representatives and either (i) representatives of those employee organizations that have notified the City Manager of their interest in representing bargaining units permitted by this ordinance, if no bargaining agents have been recognized at the time the selection process begins, or (ii) representatives of the bargaining agent for the bargaining unit(s) permitted by this ordinance.

(b) The panel shall evaluate and rank all proposals, and recommend up to the three highest-ranked offerors for presentation to the City Manager for approval. The City Manager shall approve one of the offerors presented to him/her as the administrator.

(c) If the administrator dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve within six (6) months of the date of appointment, the City Manager may either appoint a new administrator from the list from which that administrator was selected or request that a new list be

created through the process outlined in this section. The newly selected administrator will serve the remainder of the previous administrator's term.

(d) The administrator's services shall be subject to termination by majority agreement of the City Manager and the exclusive bargaining representatives certified under this ordinance, if any. If no exclusive bargaining representatives have been certified, then the administrator's services shall be subject to termination by the City Manager in his/her sole discretion. Any replacement for the administrator shall be selected in accordance with sec. 19-208(c) (if the administrator had served for a period of six (6) months or less prior to termination) or sec. 19-208(a) (if the administrator had served longer than 6 months prior to termination).

(e) The administrator will be appointed for a term of four (4) years. An administrator appointed under this section may be reappointed for subsequent terms through the process outlined in subsections (a) and (b), above. The administrator shall serve on an as-needed basis during his/her term, when such need is requested by the City Manager. The administrator shall be paid an hourly or per diem rate which shall be specified in a contract between the administrator and the City Manager.

Sec. 19-209. Duties of Administrator

The administrator shall:

- (1) hold and conduct elections for certification or decertification pursuant to the provisions of this ordinance and issue the certification or decertification, or cause these actions to occur;
- (2) request from the City or an employee organization, and the City or such employee organization shall provide, any relevant assistance, service, and data that will enable the administrator to properly carry out duties under this ordinance;
- (3) hold hearings and make inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, and compel by issuance of subpoenas the attendance of witnesses and the production of relevant documents in proceedings within the responsibility of the administrator under this ordinance;
- (4) investigate and attempt to resolve or settle labor-management disputes between the City and an employee organization. However, if the City and a certified representative have negotiated a dispute resolution procedure as a provision of a collective bargaining agreement, the administrator must defer to that procedure to resolve any dispute that properly may be submitted to the procedure, absent a showing that the deferral results in the application of principles contrary to this ordinance. The administrator must defer to state law procedures in any matter where state law so requires;

- (5) determine unresolved issues of employee inclusion in or exclusion from the bargaining unit identified in this ordinance;
- (6) obtain any necessary support services and make necessary expenditures in the performance of duties, subject to approval by the City Manager; and
- (7) exercise any other powers and perform any other duties and functions specified in this ordinance of an administrative nature.

Sec. 19-210. Recognition of Exclusive Bargaining Unit

(a) A bargaining agent shall be the exclusive representative of all employees in an appropriate bargaining unit described in sec. 19-204(a) if the employee organization is selected by a majority of the employees voting in an appropriate bargaining unit in a secret ballot election conducted pursuant to this sec. following a petition for election. Elections shall be conducted by secret ballot at the time and place that the administrator directs and in accordance with procedures adopted by the administrator. Mail in ballots may be permitted if all parties agree. The cost of such election, including postage if applicable, shall be borne by the prospective employee organization seeking recognition.

(b) In the event that more than one employee organization files a petition for election within ten calendar days after a first petition for election or for election has been filed, an election to select an exclusive bargaining agent shall be held under the procedures adopted by the administrator. Any cost of such election shall be borne equally by the prospective employee organizations seeking recognition. If an employee organization receives a majority of the votes cast by the employees voting in an appropriate bargaining unit, it shall be recognized by the City as the exclusive bargaining agent, provided however, that the City Manager or an employee organization may file objections to the election with the administrator alleging that there has been misconduct which has affected the outcome of the election, and the City need not recognize the employee organization pending the resolution of any process to review those exceptions.

(c) "Administratively acceptable evidence" to support a petition for election or for decertification will consist of a petition or a set of authorization cards where all signatures must be dated and received by the employee organization, employee, or group within sixty (60) days prior to the date on which the petition for election has been filed. A current authorization that satisfies the Uniform Electronic Transactions Act (Code of Virginia, § 59.1-479 et seq.) shall be valid for an employee's authorization for representation for purposes of a petition filed by an employee organization seeking an election or by an employee or group seeking decertification.

(d) An employee organization may request an election be held by submitting a petition for an election to the administrator, who shall notify the City Manager in accordance with procedures established by the administrator, including but not limited to provisions for notice to bargaining unit employees and public notice of election. The petition must represent a showing of uncoerced interest by at least thirty (30)

percent of the employees in a bargaining unit permitted by this ordinance based upon administratively acceptable evidence.

(e) Any additional interested employee organization must submit a petition of intervention to the administrator, which must be accompanied by a showing of uncoerced interest by thirty (30) percent of the employees in the appropriate bargaining unit, based upon administratively acceptable evidence, within ten (10) days of public notice of the filing of the petition. A petition for intervention may not be supported by any employee who already supported the initial petition for an election.

(f) If the administrator determines, after a tabulation of the submitted showing of interest signatures and/or cards, that the petitioning employee organization or any intervening employee organization has not met the required showing of interest, then the administrator must allow not less than fourteen (14) additional days for such employee organization to submit additional showing of interest signatures or cards. The 14-day period for submitting such forms commences on the date the administrator provides notice to the petitioning or intervening employee organization of the insufficiency of its petition.

(g) An election under this ordinance shall be held within thirty (30) calendar days after written notice to all parties of the determination by the administrator of a valid petition for election in accordance with election procedures established by the administrator, which shall include, but not be limited to, provisions regarding employee organization receipt of bargaining unit employee contact information, ballot content, and procedures for mail-in voting. The City must furnish to the administrator no more than five (5) days after the administrator determines that that employee organization has met the required showing of interest, a list of all eligible employees in the bargaining unit. The election ballots must contain, as choices to be made by the voter, the name of the petitioning employee organization, the name(s) of any employee organization that has intervened in accordance with the provisions of this ordinance, and a choice of "no representation" by any of the named employee organizations.

(h) The City and each party to the election may be represented by observers selected under conditions that the administrator prescribes. Observers may challenge for good cause the eligibility of any person to vote in the election. All challenged ballots must be impounded until either the parties agree on the validity of each challenge or the administrator decides the validity of each challenge. However, if the number of challenges will not determine the outcome of the election, the challenged ballots must be destroyed. After the polls have been closed, the administrator must count all valid ballots cast in the presence of the observers.

(i) If an employee organization receives a majority of the valid ballots cast by the employees in a permitted bargaining unit, it shall be recognized by the City as the exclusive bargaining agent upon certification of the results. The administrator's certification of results is final, unless within 14 days after service of the election report and the certification, any party serves on all other parties and files with the administrator objections to the election. Objections must be verified, and must contain a concise statement of facts constituting the grounds for the objections. The administrator must investigate the objections, and

if substantial factual issues exist, must hold a hearing. Otherwise, the administrator may determine the matter without a hearing. The administrator may invite written or oral argument to assist it in determining the merits of the objections. If the administrator finds that the election was not held in substantial conformity with this ordinance, or if the administrator determines that the outcome of the election was affected, even if by third party interference, it shall require corrective action, and order a new election under this section. Otherwise, the administrator must confirm the certification initially issued. In any event, the administrator must make a determination as to whether or not to certify the election within 21 days of the filing of objections.

(j) Nothing in this ordinance shall require or permit an election in any bargaining unit within twelve (12) months after a previous election has been held in such bargaining unit pursuant to this ordinance, notwithstanding the outcome of that election, except that this provision is inapplicable to any election that might be ordered by the administrator under subsection (i), above.

Sec. 19-211. Decertification of Bargaining Agent

(a) If an employee organization has been certified, an employee in the bargaining unit, a group of employees in the bargaining unit, or their representative may file a petition with the administrator to decertify the certified representative. The employee must also send a copy of the petition to the City Manager and the certified representative, not including the names of the supporting employees.

(b) If a petition for decertification of a recognized exclusive bargaining agent is presented to the administrator showing, by administratively acceptable evidence, that at least thirty (30) percent of the employees in the bargaining unit no longer want the employee organization to be their bargaining agent, then the administrator shall hold an election pursuant to sec. 19-210 of this ordinance.

(c) A petition for decertification of a recognized exclusive collective bargaining agent in an appropriate unit may be filed in the thirty (30)-day period between the one hundred eightieth (180th) and one hundred fiftieth (150th) day prior to expiration of any existing collective bargaining agreement for that bargaining unit.

(d) For a period of one (1) year following recognition or certification of an exclusive bargaining agent, no decertification petitions may be filed.

(e) If a majority of the employees in an appropriate bargaining unit vote in a secret ballot decertification election to no longer be represented by the employee organization, that organization no longer shall be recognized as the exclusive bargaining agent of the employees in the bargaining unit.

Sec. 19-212. Rights Accompanying Exclusive Representation

(a) Any employee organization recognized as the bargaining agent for a bargaining unit shall be:

- (1) permitted to speak on behalf of all members of the bargaining unit, and responsible for representing the interests of all members of the bargaining unit without discrimination based on any legally protected characteristic and without regard to employee organization membership; and
- (2) entitled to meet at reasonable times and places to engage in good faith collective bargaining on matters that, under this ordinance, may be the subject of collective bargaining, in an effort to reach an agreement, subject to the approval of the City Manager.

(b) The bargaining agent must submit a written request to the City Manager for any collective bargaining intended to result in a collective bargaining agreement to become effective for a given fiscal year in time for collective bargaining to begin on or before July 1 of the preceding fiscal year and conclude, including any impasse resolution procedures, by December 1 of the preceding fiscal year to ensure adequate time for inclusion in the City Manager's proposed budget for the given fiscal year.

(c) Nothing in this ordinance requires either party to make any concessions or agree to the other party's proposals in collective bargaining.

(d) Notwithstanding any other provision in this section, an individual employee may present a personal complaint, concern or question at any time to the City without the intervention of an employee organization, provided that any such organization that is recognized by the City as the exclusive bargaining agent for the bargaining unit in which the employee is a member is afforded an opportunity to be present at any meetings held to adjust the matter and that any adjustment made shall not be inconsistent with the terms of any applicable collective bargaining agreement. Such employee or employees who utilize this avenue of presenting personal complaints, concerns or questions to the City shall not do so under the name, or by representation, of an employee organization.

Sec. 19-213. Impasse

(a) In the event that the City and the bargaining agent are unable to reach an agreement or contract within 120 days after their first meeting, an impasse may be called by either party, and the following procedure shall be followed:

(b) Any unresolved issues shall be submitted within five days of impasse being declared or reached by operation of law to the administrator for mediation which, at the parties' election, may be conducted by the administrator or arranged by the administrator pursuant to approved procedures which, at a minimum, shall set reasonable deadlines for the conduct of mediation and provide for joint selection of the mediator.

(c) The mediation process and any comments, statements, or suggestions from the mediator or the parties and any documents evidencing the same made or created during the mediation process shall not be disclosed except as required by law.

(d) If mediation fails to resolve the parties' impasse as to any issue at least 30 days prior to the deadline for the submission of the City Manager's proposed annual budget, the unresolved issues shall be submitted to fact-finding by a neutral fact-finder selected pursuant to procedures established by the administrator, providing for the parties' mutual agreement on the fact-finder choice. The fact-finder shall meet with the parties and make written findings of fact, and recommendations for resolution no later than ten days before the deadline for the submission of the City Manager's proposed annual budget. In making the findings, the fact-finder shall consider:

- (1) the lawful authority of the City;
- (2) stipulations of the parties;
- (3) the interests and welfare of the public;
- (4) the financial ability of the City to meet the costs of any items to be included in the agreement;
- (5) the condition of the City's general operating fund;
- (6) comparison of wages and working conditions of employment of the employees involved in the fact-finding proceedings with the wages and working conditions of employment of other persons performing similar services in the public sector in comparable Virginia jurisdictions, if applicable;
- (7) the average consumer prices for goods and services, commonly known as the cost of living as analyzed by the U.S. Bureau of Labor Statistics for the relevant geographical area;
- (8) the overall compensation presently received by the employees involved in the proceeding;
- (9) past collective bargaining agreements between the parties, including the past bargaining history that led to the agreements, or the pre-collective bargaining history of employee wages, hours, benefits, and working conditions;
- (10) changes in any of the foregoing circumstances during the pendency of the proceedings; and
- (11) such other factors that are normally or traditionally taken into consideration in the determination of wages and working conditions of employment through voluntary collective bargaining, mediation, arbitration, or otherwise between the parties, in public service.

(b) The City Manager, after giving due consideration to the fact-finder's recommendations and the mediation results, shall submit recommendations to the City Council by incorporation in the City Manager's proposed annual budget, or in other proposed legislation as may be appropriate. The City Council shall retain its legislative discretion with respect to action on any proposals so submitted.

(c) The parties shall share the costs of mediation and fact-finding equally.

Sec. 19-214. Strikes and other Job Actions

Pursuant to Code of Virginia § 40.1-55, any employee who, in concert with two or more other such employees, strikes or willfully refuses to perform the duties of their employment, shall be deemed by that action to have terminated their employment, and shall be ineligible for employment in any position or capacity during the next 12 months by the City. The City shall not engage in a lockout of employees from the workplace. Any employee organization determined to have violated this section shall be deemed decertified under this ordinance, shall cease to receive any dues or fees collected by paycheck withholding, and shall not be certified as a bargaining agent, otherwise accorded recognition as a bargaining agent, or receive any dues or fees collected by paycheck withholding for a period of at least one year.

Sec. 19-215. Time Limits

Any time limits in this ordinance may be extended by written agreement of the City Manager, the employee organization, and any other appropriate parties.

Sec. 19-216. Notices

Any notice required under the provisions of this ordinance shall be in writing, but service of any such notice shall be sufficient if mailed by certified mail, return receipt requested, addressed to the last-known address of the parties, unless otherwise provided in this ordinance or by the rules of the administrator, which rules shall provide for the electronic service of documents. Refusal of certified mail by any party shall be considered service. Prescribed time periods shall commence from the date of the receipt of the notice.

Sec. 19-217. Review of Ordinance

The City Manager and the exclusive representatives of the city employees shall conduct a review of this ordinance and its effectiveness, with recommendations for improvements and submit a report to City Council within one (1) year after this ordinance has been in effect for two (2) years.

2. BE IT FURTHER ORDAINED THAT THIS ORDINANCE SHALL BE EFFECTIVE AT MIDNIGHT ON x, 20xx

[Effective date to be determined at a later date]



City Manager's Proposed Collective Bargaining Ordinance

Michael Rogers, City Manager

Robin L.S. Burroughs, Venable LLP

Claude E. Bailey, Venable LLP

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History of Public Sector Bargaining

- In 1959, Wisconsin became the first state to pass legislation authorizing public employee collective bargaining.
- In 1962, authorization for bargaining was extended to federal employees.
- From 1977 until 2020, Virginia expressly banned collective bargaining for public employees.
- Effective May 1, 2021, a new Virginia law permits public employees to bargain if their locality adopts an ordinance extending bargaining rights.

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Virginia Code § 40.1-57.2

- Localities may decline to authorize collective bargaining, even if a majority of employees in a proposed bargaining unit request recognition
- Localities may permit collective bargaining by ordinance
 - Must provide procedures for certification and decertification of collective bargaining representatives
 - Cannot restrict the City's authority to establish the budget or appropriate funds
 - Employees are not permitted to strike
- Does not create any state-wide mechanism for administration of a bargaining program, dispute resolution, or election oversight. These issue is left to localities to outline, fund, and administer.

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Response from Other Virginia Jurisdictions

Have Adopted Collective Bargaining Ordinances

- City of Alexandria
- City of Richmond
- Arlington County
- Fairfax County
- Loudoun County

Have Rejected Collective Bargaining

- City of Portsmouth
- City of Radford
- Prince Edward County
- Isle of Wight County

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Development Process

- Analyzed ordinances adopted by other Virginia localities
- Sought input from City department leadership, particularly those individuals with prior collective bargaining experience
- Drew upon experience with collective bargaining in other jurisdictions, including neighboring Maryland and the District of Columbia
- Analyzed the proposed ordinances submitted by the Amalgamated Transit Union (ATU) and a member of the City's Fire Department who is the President of the Charlottesville Professional Firefighters Association
- Analyzed capacity of the City to administer a collective bargaining program

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5

Governing Principles

- The City of Charlottesville has a unique workforce with specialized needs.
- The City Manager recognizes that the adoption of collective bargaining will be a large change for both employees and the City, and believes that a moderated approach to the adoption of collective bargaining will best serve the needs of the residents, employees, and administration.
- This is a new process for both employees and local governments in the Commonwealth of Virginia; it would be unwise to attempt to adopt wholesale in Charlottesville what has taken decades to develop in other states and in the private sector.
- The City Manager's goal in his proposed Ordinance is to provide meaningful bargaining rights to employees while balancing the need to make decisions in the best interest of the public as a good steward of the City's limited resources.

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Bargaining Units

- Police: a unit consisting of sworn uniformed employees of the Charlottesville Police Department
- Fire: a unit consisting of sworn uniformed employees of the Charlottesville Fire Department
- Transit: a unit consisting of all regular full-time and part-time employees of the Charlottesville Area Transit in the positions of Transit Operator Leads, Transit Operators, Transit Maintenance Workers, Transit Maintenance Assistants, Transit Bus Technicians, School Transit Operator Leads, School Transit Operators, and School Bus Aids
- All units exclude seasonal/temporary employees, confidential employees, management employees, supervisors, volunteers, and probationary employees
- Police and fire supervisors excluded from their respective units have the right to meet and confer with the administration

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7

Labor Relations Administrator

- The Ordinance requires the engagement of a neutral individual to serve as Labor Relations Administrator. The Administrator serves as a neutral body for the resolution of potential labor disputes.
- The Administrator would be a contract position which would serve a 4 year term.
- The Administrator would be selected by the City Manager from a panel of qualified candidates which is prepared by a joint committee of union and management representatives.
- The Ordinance provides for re-appointment and termination of the Administrator.
- The Administrator would serve as needed; funding would be necessary to pay the Administrator for their services.

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Unit Certification and Decertification

- A prospective union can submit a petition for certification to the Administrator if 30% of employees in the unit show interest in having that employee organization as their exclusive bargaining representative.
- If the Administrator determines the petition is valid, they will schedule a secret ballot election within 30 days.
 - A secret ballot election ensures that employees have an opportunity to make a free choice regarding whether they want to be represented.
 - The election process would be overseen by the administrator to ensure that it is fair.
- Employees will have the opportunity to select representation by that union, any intervening union, or no union. Certification is determined by a majority vote of employees.
- Employees may decertify an existing union through an analogous process.

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Authorized Subjects of Bargaining

- Wage, salaries, and other monetary compensation
- Working conditions, including hours of work, but excluding certain rights reserved to the City
- Non-health and non-welfare benefits, such as leave and holidays

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10

Areas Not Subject to Bargaining

- **Health and welfare benefits**, such as health insurance, dental insurance, and retirement programs. These benefits are generally subject to plan documents negotiated by the City and benefit from being economies of scale. Having different negotiated benefits for smaller groups of employees could result in increased expense and/or diminished benefits.
- **Core Personnel Rules and Decisions**, such as hiring and termination decisions, promotion decisions, lay-off decisions, job qualifications, and other rules and decisions necessary to direct the workforce.
- **Budget Matters**, per the Virginia enabling legislation.
- These matters may still be discussed between a Union and the City, but bargaining is not mandated by law.

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11

Dispute Resolution

- If a union and the City cannot reach agreement on a potential collective bargaining agreement, they will be required to engage in mediation in an effort to reach a negotiated agreement.
 - If mediation fails, the parties will engage a neutral fact-finder who will make a written recommendation to resolve the items in dispute.
 - The City Manager, after considering the results of the mediation and fact-finding, will submit his recommendations City Council through his budget or other proposed legislation.
 - The City Council retains legislative discretion on any such proposals.
- Unions and the City are free to negotiate their own dispute resolution procedures for certain other issues.

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12

Proposals from Prospective Charlottesville Unions

Amalgamated Transit Union (ATU)

- Provided for nine bargaining units
- Broad subjects of bargaining with little discretion left to the City Manager and City Council
- Required the City to pay union representatives for union-specific activity
- Required final, binding arbitration over any grievances concerning the interpretation, implementation, or alleged violation of a collective bargaining agreement
- Required final, binding arbitration over negotiation impasse
- Required the City Council to fund or reject any arbitrator's award "as a whole" in the budget

Charlottesville Professional Firefighters Association

- Provided for eight bargaining units
- Broad subjects of bargaining with little discretion left to the City Manager and City Council
- Required the City to pay union representatives for union-specific activity
- Required creation of a three-person council to run elections and resolve disputes; decisions of the council are not subject to any review
- Required the City and Unions to adopt binding arbitration grievances procedures through negotiation
- Required final, binding arbitration over negotiation impasse
- Required the City Council to fund or reject any arbitrator's award "as a whole" in the budget

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Future Review

- The City Manager recognizes that this Ordinance is a first step. After the City has gained experience with these initial stages of collective bargaining, the City Manager commits to a review of the collective bargaining process, and to submitting recommendations for improvement (including potential expansion of the collective bargaining program) to the City Council at a future date.
- This review would include collaboration with any certified unions to note their recommendations and any challenges encountered under the Ordinance.

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14

Potential Timeline

- If Ordinance is effective **January 1, 2023**, potential unions would be able to submit petitions for election immediately
 - The City would use the time between adoption of the Ordinance and its effective date to engage a Labor Relations Administrator
- Unions could be certified as early as **March 2023**
- The City and any certified unions could begin negotiating first collective bargaining agreements shortly after certification; first agreements can take significant time and effort to negotiate.
- If the City and a Union cannot reach agreement, impasse mediation and fact-finding could occur in **late 2023 and early 2024**.
- The City Council will have time in spring 2024 to evaluate the funding necessary for any collective bargaining agreements before adoption of the budget on **April 15, 2024**.
- The proposed effective date of any collective bargaining agreements would be **July 1, 2024** to align with the City's fiscal year.
- Subsequent contracts would be negotiated based on the term of the first agreements.

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15

Questions?

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CITY OF CHARLOTTESVILLE



PROCLAMATION

Kiwanis Club of Charlottesville 2022 Centennial

WHEREAS the Kiwanis Club of Charlottesville, founded in April 1922 is celebrating its 100th year of service: "Serving the Children of the World" (1922-2022); and

WHEREAS Kiwanis International was founded in Detroit, Michigan in 1915, as a global organization of volunteers dedicated to improving the world one child and one community at a time. There are over 200,000 adult Kiwanians and more than 325,000 Kiwanis Family members in 80 countries and geographic areas around the world; and

WHEREAS Kiwanis has been a pioneer in empowering community volunteers dedicated to tackling local and international community issues, especially those that affect young children and youth; and

WHEREAS Kiwanis International's most recent world service project in conjunction with UNICEF helped to Eliminate Maternal and Neonatal Tetanus (MNT) from the face of the earth. This project followed Kiwanis International's previous successful project, also with UNICEF, of ridding the world of Iodine Deficiency Disorders (IDD), the leading preventable cause of intellectual disabilities, worldwide; and

WHEREAS Kiwanis is perhaps best known for its service leadership programs, currently with Key Clubs at four local high schools, the Circle K International (CKI) Club at the University of Virginia, and an Aktion Club at Innisfree Village. More than three hundred youth are members of these clubs; and

WHEREAS The Kiwanis Club of Charlottesville is committed to serving the children and youth of the community through volunteer projects, civic engagement, fundraising, and leadership development; Kiwanians and Kiwanis Family leaders have been giants of service and leadership in this community for more than a third of the span of this community's history;

NOW, THEREFORE, the Council of the City of Charlottesville hereby proclaims August 29, 2022 as Kiwanis Club of Charlottesville Day in celebration of this milestone Centennial Year.

Signed and dated this 15th day of August 2022.

J. Lloyd Snook, III, Mayor

CHARLOTTESVILLE CITY COUNCIL MEETING

July 18, 2022 at 4:00 PM

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met in an electronic meeting on Monday, July 18, 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, Michael Payne, Brian Pinkston, and Mayor Lloyd Snook. Vice Mayor Juandiego Wade gave prior notice of his absence due to international travel and lack of access to electronic communication.

On motion by Magill, seconded by Pinkston, Council voted unanimously to amend the agenda to move the resolution “Reconstituting the Charlottesville Planning Commission to Achieve Staggered Terms” from the Consent Agenda and the Boards and Commissions appointments to the end of the Action Items for discussion.

REPORTS

1. Discussion: Presentation of American Rescue Plan Recommendations

Interim City Manager Michael C. Rogers summarized the City’s previously received and appropriated American Rescue Plan funds. With a balance of funds remaining, Mr. Rogers proposed allocations for 2022- 2023 to support economic development, internal infrastructure, public safety, and human service programs.

Deputy City Managers Ashley Marshall and Sam Sanders, Economic Development Director Chris Engel and Finance Director Chris Cullinan provided additional information to answer Council questions.

Mr. Rogers stated that the updated report will be presented to Council for consideration on August 1, 2022.

CLOSED SESSION (Boards and Commissions; legal consultation)

On motion by Pinkston, seconded by Magill, Council voted 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), (A)(7) and (A)(8), for consideration of future appointments by Council to the City’s planning commission and other boards and commissions, and legal consultation regarding compliance with requirements of Va. Code 15.2-2212 and City council ordinances and resolutions; and consultation and briefing by legal counsel regarding litigation (Charlottesville Circuit Court Case No. CL21-116) because consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City, and for legal advice on that litigation.

On motion by Pinkston, seconded by Magill, Council certified by the following vote: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade), that to the best of each

Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

BUSINESS SESSION

Having established a quorum, City Council began the business meeting with a moment of silence.

ANNOUNCEMENTS

Councilor Payne announced the 14th annual Summer Think Shop by Mr. Alex-Zan with this year's theme "Ridin' with YOGO".

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Parks and Recreation Month**

Mayor Snook proclaimed July as Parks and Recreation Month. Victor Garber, Parks and Recreation Deputy Director accepted the proclamation with remarks.

BOARD/COMMISSION APPOINTMENTS

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the following Boards and Commissions appointment: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: None; Absent: Wade).

- Community Policy and Management Team (CPMT) - Andre Key

CONSENT AGENDA*

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

2. MINUTES: April 18 Council meeting, May 2 Council meeting, May 16 Council meeting, May 24 special meeting, June 6 Council meeting
3. RESOLUTION: Establishing a pool of funds in the amount of \$50,000, to be used for payment of refunds to licensed City businesses engaged in the same business activity as that considered by the Virginia Supreme Court on June 9, 2022 in Record Number 210414 (2nd reading)

RESOLUTION

Establishing a pool of funds in the amount of \$50,000, to be used for payment of refunds to licensed businesses engaged in the same business activity as that considered by the Virginia Supreme Court on June 9, 2022 in Record Number 210414

WHEREAS, the Supreme Court of Virginia has determined that City's Business License Ordinance Classification of "any other repair, personal or business service not specifically included in any other subclassification under this section" does not apply to a specific business activity engaged in by one particular business entity located within the City; and

WHEREAS, the Supreme Court of Virginia determined that the City's current Business License Ordinance does not contain a suitable alternative license category for the specific business activity in question; and

WHEREAS, on the basis of the Supreme Court's ruling, the Commissioner of the Revenue has determined that a specific business entity conducting business in Charlottesville paid 2015, 2016, 2017, and 2018 Business License Tax to the City of Charlottesville in error, and that the Commissioner is required to correct the assessment pursuant to Virginia Code §58.1-3980; and

WHEREAS, the business entity that prevailed in the Court proceedings has requested a refund of the amount paid in error; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due to that entity in the amount of \$3,304.21; and

WHEREAS, other similar entities may come forward requesting refunds on the basis of the Court's ruling, some of which will exceed \$2,500; and

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

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$3,304.21 to the entity that was the subject of the Supreme Court decision rendered June 9, 2022 (Record Number 210414); and

BE IT FURTHER RESOLVED that City Council hereby approves and directs refunds to be issued to other business entities located in the City, who are determined by the Commissioner of Revenue, with the concurrence of the City Attorney to be, or to have been, engaged in the same business activity as that considered by the Supreme Court in Record Number 210414, without presenting each such matter to City Council, so long as, collectively, the additional refunds do not exceed \$46,695.79. When approved in this manner, the Treasurer shall be authorized to issue any additional refund(s) corrected by the Commissioner of Revenue, with the concurrence of the City Attorney, contemplated by this Resolution. The pool of funds authorized by this resolution shall come from GL# 410150 (business license tax revenue) or from GL# 1631001000 (Citywide reserve) as necessary.

4. RESOLUTION: Authorizing a refund of \$8,132.19 to a taxpaying entity or business, for business license tax paid in error for 2022 (carried)
5. RESOLUTION: Approving Settlement of Disputed Real Estate Assessment (Omni Hotel) (carried)
6. RESOLUTION: COVID Homelessness Emergency Response Program-Community Development Block Grant Amendment - \$250,816 (carried)
7. RESOLUTION: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$250,000 (carried)

8. RESOLUTION: State Criminal Alien Assistance Program (SCAAP) Grant for 15PBJA-20-RR-00381- SCAA for \$4,748 (carried)

Mayor Snook opened the floor for public comment on the Consent Agenda. There were no speakers.

On motion by Payne, seconded by Magill, Council by the following vote ADOPTED the Consent Agenda: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

CITY MANAGER REPORT

Interim City Manager Michael Rogers reviewed an extensive written City Manager report. He reported that:

- the Crescent Hall bus stop would not be moved;
- he will present the proposed Collective Bargaining Ordinance at 4:00 p.m. on August 15;
- he has selected labor relations consultant Venable LLP from Washington, DC; and
- the firm PoliHire from Washington DC was selected to help with the police chief hiring process.

Deputy City Manager Ashley Marshall announced the following personnel hires: Steve Hawkes, Director of Information Technology; Caroline Rice, Public Engagement Coordinator in the Office of Communications; and Kyle Erving, Public Safety Information Officer in the Office of Communications. She announced that:

- the Office of Equity and inclusion along with the Office of Human Rights will host the second virtual Groundwater session led by the Equity Institute on Aug 25;
- the Department of Social Services is accepting applications for cooling assistance; and
- Social Services, Home to Hope and the Downtown Jobs Center are participating in the weekly one-stop community events to support formerly incarcerated citizens as they return to the community.

Deputy City Manager Sam Sanders announced the following personnel hires and promotions: Michael Thomas, Deputy Chief of Community Risk Reduction in the Fire Department; Jonathan Dean, Public Service Manager in Public Works; and Tim Morris, Deputy Director of Utilities. He also presented an overview on Safe Routes to Schools efforts to address a reduction in school transportation available for students and an increase in students walking to school. The presentation addressed the following areas:

- A focus on the driver shortage at Charlottesville Area Transit
- Collaborating with Albemarle County Public Schools on efficiencies
- Engaging JAUNT for driver sharing possibilities
- Continues revision of the internal approach to transportation planning and project execution
- Adding capacity to better spend currently stalled or slow spending Capital Improvement Plan allocations to deliver on existing plans.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Kirk Bowers, Albemarle County resident, member of the Piedmont Group of the Sierra Club, spoke about an event for International Day of Democracy. He asked for September 15 to be proclaimed as Democracy Day. Mayor Snook informed him to send the request to council@charlottesville.gov for consideration.
2. Matthew Ray, Charlottesville Area Transit (CAT) operator, spoke in support of a strong collective bargaining ordinance. He also requested Union access to City facilities at CAT.
3. Mary Pettis, CAT retiree, spoke in support of a collective bargaining ordinance for CAT staff, drivers and school bus drivers.
4. Daniel Summers, CAT employee, spoke in support of a collective bargaining ordinance.
5. Matthew Gillikin, Livable Cville and city resident, spoke in support of Safe Routes to Schools efforts and encouraged outsourcing some of the work to outside agencies willing to help. He spoke about shifting city funds designated for downtown parking to address affordable housing.
6. Carole Thorpe, Albemarle County, asked about security planning for the 5th anniversary of the Unite the Right rally violence.
7. Shelby Edwards, PHAR (Public Housing Association of Residents) Executive Director and city resident, announced Westhaven Community Day on August 6. She thanked the city for not moving Crescent Halls bus stop and she stated that Midway Manor residents are having trouble getting responses from their management company.
8. John Ertl, ATU (Amalgamated Transit Union), spoke in support of a collective bargaining ordinance for transit and requested consideration for the use of city facilities for union meetings.
9. Katrina Turner, city resident, spoke about a city employee who attended the January 6 insurrection at the U.S. Capitol, and about her comments from the previous Council meeting. She asked about investigations into police officers who took leave January 4-6, 2021. She asked about Unity Days.
10. Todd Divers, Commissioner of the Revenue, announced that the CHAP (Charlottesville Homeowner Assistance Program) is up and running with an application deadline of September 1. He advised applicants to call 434-970-3160.
11. Tanesha Hudson spoke about the hiring of police officers from other areas for weekend work. She spoke about response time to emails, about the need to have Unity Days and about the need for equitable treatment of pay increases.
12. Chris Meyer, city resident, expressed thanks for the written City Manager Report. He commented on several observations from the report including decarbonization and Safe Routes to Schools, requesting enforcement in school zones.
13. Lakeshia Washington, city resident and Habitat for Humanity employee, spoke about the vacant positions in the city that affect services for families working toward homeownership, such as the permit programs.

14. Joy Johnson, city resident, expressed disappointment in the lack of Unity Days events. She spoke about a CAT/JAUNT program requiring that applications be physically brought to CAT instead of electronic submission. She also stated that Council needs to define "Affordable" in talking about affordable housing.
15. Nancy Carpenter, city resident, spoke in agreement with housing needs expressed by other speakers. She spoke about the need for seed money for a low barrier shelter.
16. John Sales, Charlottesville Redevelopment and Housing Authority Executive Director stated that Council should listen to the Office of Community Solutions regarding housing affordability. He stated that income limits recently changed, and that housing has become less affordable. He asked Council to consider what types of housing they are incentivizing.

Mayor Snook addressed comments directed to him about Unity Days.

ACTION ITEMS

9. PUBLIC HEARING/ORDINANCE: Plastic Bag Tax (carried; public hearing to be advertised for the 2nd reading, prior to vote)

Deputy City Manager Sanders presented the proposed plastic bag tax ordinance, program and implementation. During the 2020 General Assembly session, Virginia localities received enabling authority to impose a disposable plastic bag tax within their jurisdictional limits. The City of Charlottesville continues to be keenly concerned about the equity impact of such a tax. The legislation allows localities to impose a five cent (\$.05) per bag tax on disposable plastic bags provided by certain retailers.

Recommendations from organizations advocating for this tax focus on the potential benefit of creating a local source of funding dedicated to environmental cleanup and litter/ pollution mitigation. Specifically, the argument that pollution and litter disproportionately impact low wealth communities. Further, the ability to provide funding for reusable bags and environmental education efforts are intended to mitigate the cost burden from such a tax.

The enabling legislation does include stipulations on the use of the associated revenues. Revenues from this tax must be used for programs supporting the following: 1) environmental cleanup; 2) litter and pollution mitigation; 3) environmental education efforts; and/or 4) to provide reusable bags to SNAP or WIC benefit recipients.

With approval, the city hopes to implement the program January 1, 2023. Council agreed to have the public hearing, second reading and vote at the August 1 Council meeting.

10. ORDINANCE: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (2nd reading)

City Attorney Lisa Robertson summarized the item, which was originally scheduled for the June 21 City Council meeting but was correct for presentation at this meeting.

Councilor Magill stated that she will not vote in favor of vacating easements until a comprehensive and fair approach is developed to allow all property owners to access the

easements beside their properties, including paper streets and alleys.

On motion by Pinkston, seconded by Magill, Council by the following vote DEFERRED the item to August 15 to allow Vice Mayor Wade to give input and for councilors to decide how they want to vote: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

11. RESOLUTION: 1000 Monticello Road, Special Use Permit for additional residential density (1 reading)

Brian Haluska, Principal Planner, presented the Special Use Permit (SUP) request.

Kelsey Schlein representing the applicant Shimp Engineering, PC, and Kevin Schafer, designer, answered Council questions regarding rent affordability compared to fair market rate.

Mr. Payne noted for the record that if lease terminations and evictions happen at this site, there will be a net loss of affordable housing.

The applicant asked to defer the SUP until Council can vote with an odd number of participants.

On motion by Pinkston, seconded by Magill, Council by the following vote DEFERRED the item to August 15 to allow Vice Mayor Wade to give input and vote: 3-1 (Ayes: Magill, Pinkston, Snook; Noes: Payne; Absent: Wade).

12. RESOLUTION: 923 Harris Street, Special Use Permit for increased residential density

Brian Haluska presented the Special Use Permit request. He stated that three of the four conditions were presented to the Planning Commission. He provided an update to Condition 4, stating that "building" should be replaced with "landscaping plan".

Several councilors expressed concern about losing business industrial space.

On motion by Payne, seconded by Pinkston, Council by the following vote APPROVED the resolution: 3-1 (Ayes: Magill, Payne, Pinkston; Noes: Snook; Absent: Wade).

RESOLUTION

**Granting a Special Use Permit for Property Located at 923 Harris Street
(City Tax Map 35, Parcel 112)**

WHEREAS 923 Harris Street, LLC (“Landowner”) is the owner of certain land identified on Tax Map 35 as Parcel 112, currently addressed as “923 Harris Street” (the “Property”), and the Landowner, through its authorized representative, is requesting a Special Use Permit for increased residential density (the “Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Secs. 34-458 and 34-480 to increase residential density up to 62 DUA; and

WHEREAS the Property is located within the Industrial Corridor zoning district, a district in which, according to the Use Matrix set forth within City Code Secs. 34-458 and

34-480 increased density up to 64 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 Landowner’s application materials submitted in connection with SP22-00004, 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 June 14, 2022; and

WHEREAS the Planning Commission considered and recommended approval of this application at their June 14, 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) Up to 62 dwelling units per acre (DUA) are permitted on the Property,
- (2) The height of the building within the Project shall not exceed fifty (50) feet, consisting of four floors above one floor of structured parking.
- (3) The required parking for the Project shall be reduced by one space, for a total requirement of seven (7) on-site spaces for the Project depicted within the Application Materials, subject to any further reductions as the Project may be eligible for by provisions within the City Code.
- (4) The building constructed within the Project shall be substantially similar to the landscaping plan within the exhibits submitted with the Application Materials referenced above within this Resolution.

13. RESOLUTION: Appropriation to Transfer Funds from the Council Strategic Initiatives Account to the Office of Equity and Inclusion - \$197,181

Krisy Hammill, Director of Budget presented the request and summarized the origin of the funding decision. Responding to Councilor Magill, Deputy City Manager Marshall stated that some of the funding will be used for professional development and education as well as funding equity programs for the public.

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

RESOLUTION
**Appropriating the Amount of d from the Council Strategic Initiatives Fund
to the Office of Equity and Inclusion**

WHEREAS, The Charlottesville City Council, designated funding from the Council Strategic Initiative Fund monies to be used to begin organizational equity work amount of \$197,181.00;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$197,181.00 is hereby appropriated in the following manner:

Transfer from:

\$197,181.00 Fund: 105 Cost Center: 1011001000 G/L: 599999

Transfer to:

\$197,181.00 Fund: 105 Cost Center: 1671001000 G/L: 599999

14. RESOLUTION: Reconstituting the Charlottesville Planning Commission to Achieve Staggered Terms

This item was moved from the Consent Agenda to be discussed as an Action Item. City Attorney Lisa Robertson stated that by State law, Planning Commission positions are to be staggered; however, for various reasons related to the appointment schedule through the years, five positions are set to expire at the same time in 2022; therefore, the seats must be re-staggered.

On motion by Magill, seconded by Pinkston, Council by the following vote APPROVED the reconstitution of the Planning Commission, appointing individuals as specified in the adopted resolution: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

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:

Seat 1.	Interim Term (ending August 31, 2023)	Appointee: Hosea Mitchell
Seat 2.	Regular Term (ending August 31, 2023)	Appointee: Rory Stolzenberg
Seat 3.	Regular Term (ending August 31, 2024)	Lyle Solla-Yates –reappointed
Seat 4.	Interim Term (ending August 31, 2024)	Liz Russell – reappointed
Seat 5.	Interim Term (ending August 31, 2025)	Appointee: Karim Habbab
Seat 6.	Regular Term (ending August 31, 2026)	Appointee: Carl Schwarz
Seat 7.	Regular Term (ending August 31, 2026)	Appointee: Phil D’Oronzio
Seat 8.	UVA <i>ex officio</i> , per 1986 3-Party Agreement (not appointed by Council)	

GENERAL BUSINESS

15. REPORT: Youth Council Report (written only)

16. REPORT: Rivanna Authorities Quarterly Report (written only)

OTHER BUSINESS

Councilor Payne requested follow-up on human resource issues regarding a specific employee mentioned earlier in the meeting. Mayor Snook commended staff for efforts to address Safe Routes to Schools.

COMMUNITY MATTERS (2)

- Shelby Edwards advised that PHAR will help residents at Midway Manor to organize as they are receiving no response from the management company. She spoke about the responsibility for affordable housing.
- Joy Johnson requested Council follow up on the definition of affordability. She asked for followup on the reason why CAT does not accept online applications for disability services. She asked Council to have a work session regarding housing affordability for the lower income residents.
- Luisa Candalario, city resident, expressed concern that the city has not prepared events for Unity Days during the 5th anniversary year of the Unite the Right rally.

The meeting adjourned at 9:04 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date: August 15, 2022
Action Required: Consideration of an application for rezoning
Presenter: Brian Haluska, Principal Planner
Staff Contacts: Brian Haluska, Principal Planner
Title: 415 10th Street NW, Rezoning from R-1S to B-2 (2nd reading)

Background

Dairy Holdings, LLC (owner) has submitted a Rezoning Application pursuant to City Code Sec. 34-41 seeking a zoning map amendment to change the zoning district classification of the above parcel of land. The application proposes to change the zoning classification of the Subject Property from the existing R-1S (Residential Small Lot) to B-2 (Commercial) with proffers. The Subject Property has road frontage on 10th Street NW and Grady Avenue. The Comprehensive Land Use Map for this area calls for General Residential (Sensitive Community Area).

Discussion

The Planning Commission considered this application at their meeting on July 12, 2022. The discussion centered on the proposed proffers and how the proposed uses would fit into the potential new zoning map.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 66 at the following link: [Planning Commission Packet from July 12, 2022](#).

Alignment with City Council's Vision and Strategic Plan

The City Council Vision of Quality Housing Opportunities for All states that "Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers."

Community Engagement

On April 27, 2022 the applicant held a community meeting at the Brick Cellar inside Dairy Market at 946 Grady Avenue at 6:00pm. Ten members of the public attended the meeting. The meeting was recorded and is available to the public through the developer.

Several members of the public stated their preference that the owner seek historic designation of the Subject Property to ensure the building on the site would remain.

On June 14, 2022, the Planning Commission held a joint public hearing on this matter. Members of

the public spoke on the topic, and expressed concern for the lack of benefit to the adjacent community that the change in use would provide.

Budgetary Impact

No direct budgetary impact is anticipated as a direct result of this rezoning.

Recommendation

Staff recommends the application be approved.

The Planning Commission voted 6-0 to recommend the application be approved.

Alternatives

- (1) by motion, City Council may approve the attached Ordinance
- (2) by motion, City Council may deny the Rezoning;
- (3) by motion, City Council may defer action on the Rezoning.

Attachments

- 1. Dairy Church Proffer Statement (signed)
- 2. Ordinance RZO 415 10th St

PROFFER STATEMENT

ZM22-00001

Project Name: 415 10th Street NW (Old Trinity Church)

Real Estate Parcel Identification Number: 040046000

Owner of Record: Dairy Holdings, LLC

Date: 7/14/22

Approximately 0.188 acres to be rezoned from R1S Residential to B-2 Commercial

Dairy Holdings, LLC is the sole owner of Real Estate Identification Number 040046000 (the "Property"), which is the subject of rezoning application ZM22-00001, a project known as "415 10th Street (Old Trinity Church)" (the "Project").

Pursuant to Section 34-64(c), of the City of Charlottesville Code, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable:

1. All non-residential uses allowed under B-2 zoning, other than Art Gallery, Auditorium, Houses of Worship, Club (private), Music Hall, Educational Facilities, Technology Based Business, and Offices, shall not be permitted on the subject property.
2. The maximum number of residential dwelling units located on the property shall be one (1).
3. No additional vehicular ingress and egress to the subject property.

OWNER:



Dairy Holdings, LLC

**AN ORDINANCE
REZONING LAND FRONTING ON 10th STREET N.W. AND GRADY AVENUE FROM
R-1S (RESIDENTIAL, SINGLE-FAMILY) TO B-2 (COMMERCIAL) SUBJECT TO
PROFFERED DEVELOPMENT CONDITIONS**

WHEREAS in order to facilitate a specific development project, Dairy Holdings, LLC (“Landowner”), has submitted rezoning application ZM22-00001, proposing a change in the zoning classification (“Proposed Rezoning”) of approximately 0.188 acres of land fronting on 10th Street N.W., and identified within the 2022 City real estate records by Real Estate Parcel Identification Number 040046000 (the “Subject Property”), from “R-1S” to “B-2”, with said Proposed Rezoning to be subject to several development conditions proffered by Landowner; and

WHEREAS the purpose of the Proposed Rezoning application is to increase the number of permitted uses within an existing structure; and

WHEREAS a public hearing on the Proposed Rezoning was conducted jointly by City Council and Planning Commission on July 12, 2022, following notice to the general public, to the property owner, and to adjacent property owners as required by law; and

WHEREAS on July 12, 2022, the Planning Commission voted to recommend the Proposed Rezoning to City Council for adoption, finding it to be consistent with the City’s goal of encouraging the adaptive use of existing buildings; NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, THAT the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning all of the land designated within te City’s City real estate assessment records by Parcel Identification Number 040046000 (“Subject Property”), containing, in the aggregate, approximately 0.1888 acres from R-1S (Single-family Residential) to B-1 (Commercial), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council:

Approved Proffers

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowner, which conditions shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance. Such proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land:

1. The Subject Property shall be used for the following non-residential uses: Art Gallery, Auditorium, Houses of Worship, Club (private), Music Hall, Educational Facilities,

Technology Based Business, and Offices. No other non-residential uses shall be permitted on the Subject Property, even if said use is otherwise permissible under the City's B-2 zoning district classification.

2. The maximum number of residential dwelling units located on the Subject Property shall be one (1).
3. There shall be no additional vehicular ingress or egress to the Subject Property.

BE IT FURTHER ORDAINED THAT the City's Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 15, 2022
Action Required:	Adoption of Ordinance to designate 415 and 415-B 10 th Street N.W. an Individually Protected Property
Presenter:	Jeffrey Werner, Historic Preservation and Design Planner
Staff Contacts:	Jeffrey Werner, Historic Preservation and Design Planner
Title:	415 and 415-B 10th Street NW - Designation of Property as an Individually Protected Property (2nd reading)

Background

Per Sec. 34-274, City Council may make additions and deletions to the list of *protected properties* and, in evaluating such requests, consider the recommendations of the Planning Commission and the Board of Architectural (BAR).

Following discussions during the June 14, 2022 Planning Commission meeting, including the property owner's expression of consent for IPP designation for 415/415-B 10th Street NW, an approximately 0.19-acre parcel with three existing structures—referred to as the church, the parish hall, and the rectory--at the NE corner of 10th Street, NW and Grady Avenue, staff prepared for the Planning Commission and the BAR an evaluation of the property and draft language for the zoning text and map amendments.

On July 12, 2022, the Commission recommended and on July 19, 2022, the BAR recommended that Council approve the zoning text and zoning map amendments to designate the property an Individually Protected Property.

Proposed Actions

Revise §34-273. *Individually protected properties* as follows:

Add 415/415-B 10th Street NW to the list of protected properties, and direct the zoning administrator to modify the Zoning Map referenced within §34-1 to note that, per the provisions of 34-273(b) the property at 415/415-B 10th Street N.W. is, by virtue of its designation as an individually protected property, added as a Minor Design Control District.

Discussion

Overview of Staff Analysis

Staff prepared and submitted to the Planning Commission (July 12, 2022) and the BAR (July 19, 2022) an evaluation of the property applying the eight criteria under Sec. 274(b) and for consistency

with the 2021 Comprehensive Plan. Staff recommended designation due to the property's special historic, cultural, and architectural significance and that designation will meet the Comprehensive Plan goals to support the recognition of historic properties and seek historic designation as a means to protect those resources. The Commission and the BAR concurred, approving motions recommending that Council approve the IPP designation.

Planning Commission

On July 12, 2022, the City's Planning Commission, following an advertised public hearing and after consideration of the criteria in Sec. 34-274(b), approved the following:

Recommend that City Council approve ZT-22-00001 and ZM-22-00001 amending and reenacting the Zoning Map incorporated within Section 34-1 of the Charlottesville City Code, 1990, as amended, by the rezoning of 415/415-B 10th Street NW (Parcel 4-46) to add a historic overlay district designation to the property, and also amending and reenacting Section 34-273 of the Charlottesville City Code, 1990 as amended, to add this property to the City's list of Individually Protected Properties.

Board of Architectural Review

On July 19, 2022, the City's Board of Architectural Review, following an advertised public hearing and after consideration of the criteria in Sec. 34-274(b), approved the following:

Having reviewed the criteria for designation of Individually Protected Properties per City Code Section 34-274, I move the BAR recommend that City Council approve the request to designate 415/415-B 10th Street NW (Parcel 4-46) an Individually Protected Properties.

Alignment with City Council's Vision and Strategic Plan

The proposed rezoning supports City Council's vision for *Arts and Culture*: Our community has world-class performing, visual, and literary arts reflective of the unique character, culture, and diversity of Charlottesville. Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources....

It also contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving, and beautiful community; and Objective 2.5: Provide natural and historic resources stewardship.

Community Engagement

On April 27, 2022, the applicant held a community meeting at the Brick Cellar inside Dairy Market at 946 Grady Avenue at 6:00 pm. Ten members of the public attended the meeting. The meeting was recorded and is available to the public through the developer. Several members of the public stated their preference that the owner seek historic designation of the Subject Property to ensure the building on the site would remain.

On June 10, 2022, the City's Historic Resources Committee sent to the Planning Commission and City Council a letter requesting they "initiate the process necessary to establish 415 10th Street, NW, as a locally designated historic property, with the church, parish hall, and rectory as contributing structures."

On July 12, 2022, the City's Planning Commission, reviewed the request at an advertised public hearing.

On July 19, 2022, the City's Board of Architectural, reviewed the request at an advertised public hearing.

Budgetary Impact

No budgetary impact.

Recommendation

The Planning Commission voted to recommend City Council approve the proposed designation, and the BAR voted to recommend City Council approve the proposed designation. Staff recommends City Council approve the proposed Ordinance.

Suggested Motion: "I move the ORDINANCE amending City Code Section 34-273(b) to add Tax Map 4 Parcel 46 (address 415 and 415-B Tenth Street, N.W.) as an individually protected property and minor architectural design control district"

Alternatives

City Council may, by motion, decide to deny the proposed designation.

Attachments

1. 415 10th St NW ZTA ZMA for IPP (PC final June 29)_Staff Report and attachments
2. Ordinance - 415 10th Street IPP for CC

City of Charlottesville
Department of Neighborhood Development Services
Staff Report



Joint City Council And Planning Commission Public Hearing
Application for Designation of Property as an Individually Protected Property
Application Number: ZT-22-00001 and ZM-22-00001
Date of Hearing: July 12, 2022

Project Planner: Brian Haluska, AICP
Staff Report prepared by: Jeff Werner, AICP, Preservation and Design Planner
Date of Staff Report: June 29, 2022

Applicant: Dairy Holdings, LLC
Applicant's Representative(s): Joe Wregge
Current Property Owner: Dairy Holdings, LLC

Application Information

Property Street Address: 415/415-B 10th Street NW
Tax Map & Parcel: 004046000
Total Square Footage/ Acreage Site: Approx. 0.19 acres (8,450 square feet)
Comprehensive Plan (General Land Use Plan): General Residential (Sensitive Community Areas)
Current Zoning Classification: R-1S (Residential Single-Family Small Lot)
Proposed Zoning Classification: B-2 Commercial
Overlay District: None (IPP designation requested)

Applicant's Request:

Dairy Holdings, LLC requests rezoning to designate as an Individually Protected Property (IPP) an approximately 0.19-acre parcel with three existing structures—referred to as *church*, *parish hall*, and *rectory*--at the NE corner of 10th Street, NW and Grady Avenue.

This request would amend City Code Section 34-273(b), designating the parcel an IPP, and City Code Section 34-1, adding to the parcel the overlay of a Minor Architectural Design Control District. Designation of an IPP follows the process for an amendment to the City's zoning ordinance and zoning map, including a public hearing and notification. In reviewing the requested designation, City Council shall consider the recommendations of the Planning Commission and the Board of Architectural Review (BAR) regarding criteria found in City Code Section 34-274.

The church, parish hall, and rectory were originally constructed elsewhere and relocated to this site in--or soon after--1939 by the congregation of Trinity Episcopal Church. The church, built in 1910 in Palmyra (Fluvanna County), was disassembled and moved to 10th Street in 1939. According

to church history, either in 1939 or very soon after, the parish hall and rectory were either moved to 10th Street from other locations or constructed new; however, their origins and dates of construction are uncertain. (Between 1919 and 1939, Trinity was located at what is now a pocket park at intersection of West High Street and Preston Avenue. The acquisition of land for Lane High School and McIntire Road forced the congregation's move to 10th Street, leaving behind a church and, possibly, a separate dwelling, which were razed. In 1974, the congregation moved from 10th Street to its present location at 1118 Preston Avenue.)

Vicinity Map:



Context Map





Standard of Review – IPP Designation

Sec. 34-274. - Additions to and deletions from districts or protected property list.

- a) City council may, by ordinance, from time to time, designate additional properties and areas for inclusion within a major design control district; remove properties from a major design control district; designate individual buildings, structures or landmarks as protected properties; or remove individual buildings, structure or landmarks from the city's list of protected properties. Any such action shall be undertaken following the rules and procedures applicable to the adoption of amendments to the city's zoning ordinance and zoning map.
- b) Prior to the adoption of any such ordinance, the city council shall consider the recommendations of the planning commission and the board of architectural review ("BAR") as to the proposed addition, removal or designation. The commission and BAR shall address the following criteria in making their recommendations: [listed below with staff comments inserted]

(1) The historic, architectural or cultural significance, if any, of a building, structure or site and whether it has been listed on the National Register of Historic Places (NRHP) or the Virginia Landmarks Register (VLR);

Staff Comment: The property is not currently listed on the NRHP or the VLR. In 2020, the City completed an architectural and historical survey of 434 properties within the 10th and Page Neighborhood, which included 415/415-B 10th Street NW and the three structures on the property. The review board of the Virginia Department of Historic Resources recommended the 10th and Page Neighborhood Historic District be eligible for listing on the VLR and NRHP, with Trinity's former church, parish hall, and rectory identified as *contributing* resources; however, the buildings were not recommended for individual listing at that time. The church and parish hall are significant for their wood-frame vernacular Gothic architecture as well as for the role Trinity Episcopal Church's members played in the Charlottesville community in the twentieth century, especially during the City's local civil rights movement.

(2) The association of the building, structure or site with an historic person or event or with a renowned architect or master craftsman;

Staff Comment: The property contains three structures, but only the history of the church building is clearly known. The building was built in 1910 in Palmyra, Fluvanna County, and was designed by C. Chastain Cocke. Preliminary research identifies Cocke as a contractor and bridge builder in Fluvanna County, but neither his architecture or other buildings are renowned or prominent.

The property is associated with those twentieth-century leaders of the City's African-American community who attended Trinity Episcopal Church and the church itself made significant strides to unite and empower Black Charlottesville residents during the City's era of segregation.

Rev. Cornelius Dawson, Rev. Henry Mitchell, and George Ferguson were part of the Trinity Church community and all distinguished leaders in Charlottesville's civil rights movement.

Rev. Dawson led Trinity Episcopal Church between 1936 and 1946 and assisted local nurse Daisy Green in founding the Janie Porter Barrett Nursery School, a preschool that first served African-American families and remains Virginia's longest-operating daycare.

Rev. Mitchell helmed the church between 1958 and 1977 and launched the Trinity Program in 1964, which provided Black children with summer camp activities as well as year-round preschool services. Rev. Mitchell was also the first Black president of the Charlottesville school board.

George Ferguson was an active congregant at the church and a prominent Black undertaker in Charlottesville. Ferguson led the Charlottesville NAACP as president and campaigned to integrate the University of Virginia hospital.

Given Trinity Church's ties with these three significant leaders and the services that the church itself sponsored, like the Trinity Program, to serve Charlottesville's Black community during the twentieth century, the three buildings are significant for their association with historic people and events.

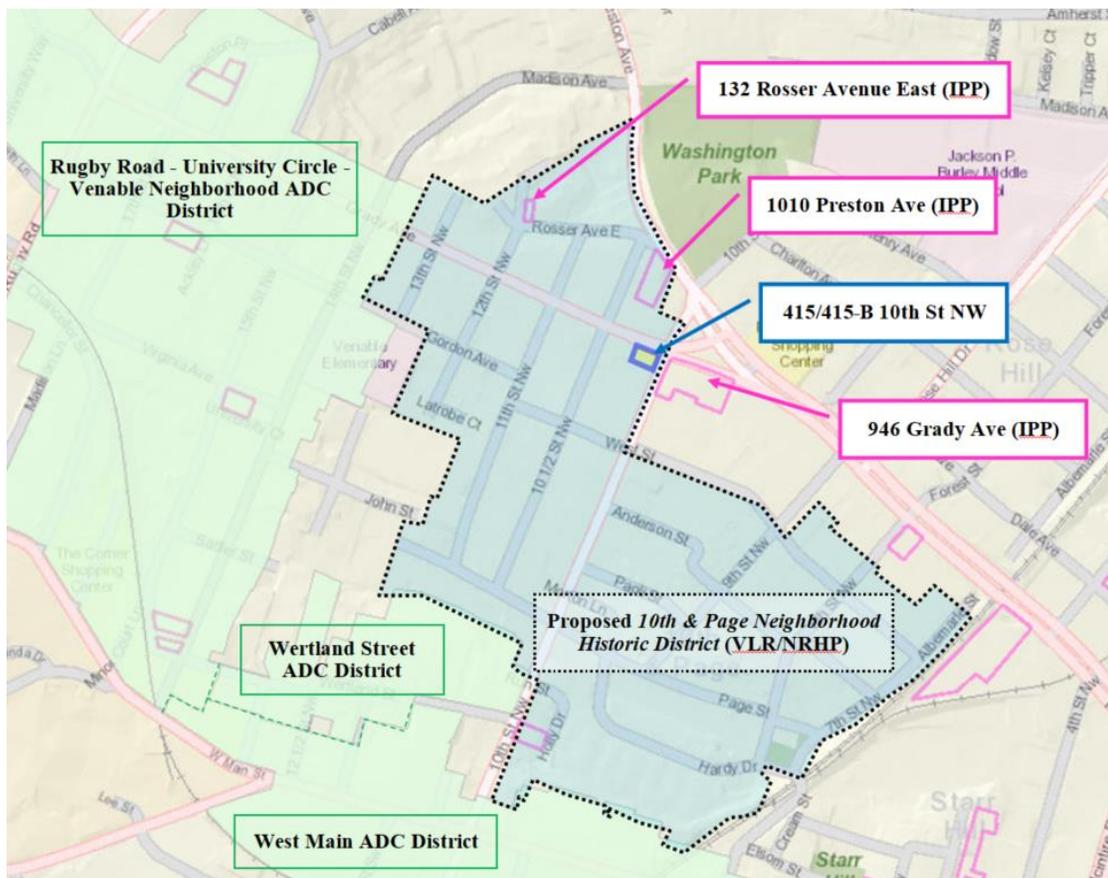
(3) The overall aesthetic quality of the building, structure or site and whether it is or would be an integral part of an existing design control district;

Staff Comment: The three buildings are striking and attractive framed structures that are significantly visible at the busy intersection of 10th Street NW and Preston and Grady avenues. The church building is the most prominent of the three buildings. The wood-frame vernacular Gothic building is articulated with a steep front-end gable roof and inset pointed-arch bargeboard that creates a recess framing a circular window and the front entrance beneath. The building is further complemented by pointed-arch windows that illuminate the sanctuary.

The former parish hall and rectory, are architecturally simpler than the church building. The parish hall is a one-story gable-roofed wood building with two-over-two sash windows and asbestos siding. The rectory resembles many other early twentieth-century dwellings in Charlottesville: it is a two-story wood house with a front-facing gable roof, one-over-one sash windows, and a gable-roofed front porch.

Even though the church possesses more striking visual qualities than the parish hall or rectory, all three buildings complement each other and together are still clearly legible as a mid-twentieth-century church campus.

The property is not within an existing City-designated Architectural Design Control (ADC) District. It is ¼-mile east of the Rugby Road-University Circle-Venable Neighborhood ADC District; 1/3-mile north of the Wertland Street and West Main ADC Districts; and within a few blocks of three IPPs.

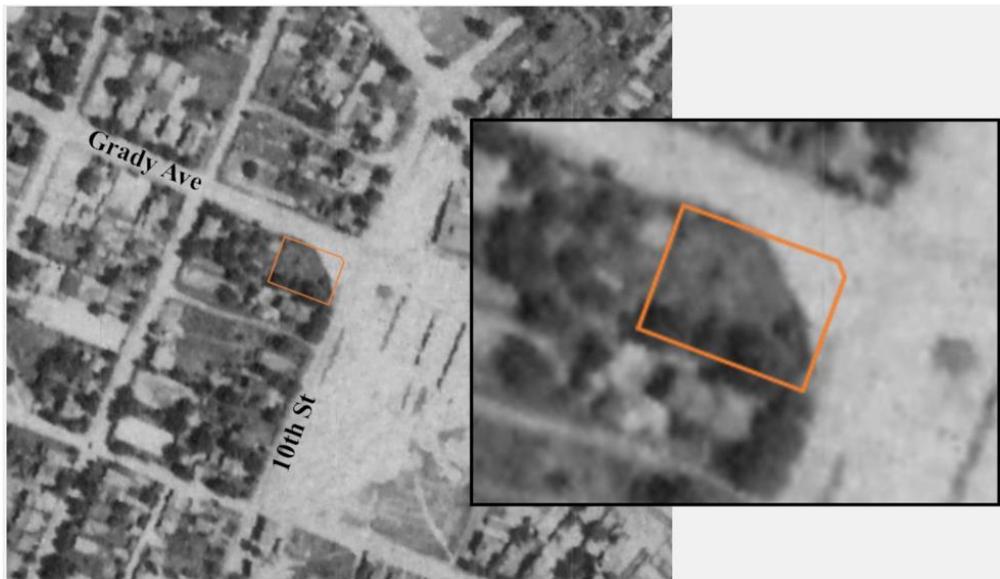


(4) The age and condition of a building or structure;

Staff Comment: Only construction date of the church is confidently known: 1910 in Palmyra, VA, then disassembled and moved in 1939. The parish hall and rectory were reportedly relocated from other sites, though possibly constructed as new buildings at

the present site. A 1937 aerial image (below) of the site suggests that neither building was present at least two years prior to the church being relocated here in 1939.

All three buildings have existed at the present site for 83 years. The present owner recently conducted exterior repairs to the church and parish hall. The buildings are in good to fair condition. (During the July 12, 2022 Planning Commission meeting, the owner's representative commented that in 2020 the following had been completed on the church and parish hall: misc. repairs and painting of exterior; reglaze the windows; update the MEP systems and equipment; alterations for ADA accessibility; repairs to a foundation wall; and expose the rafters within the parish hall.)



1937 aerial image of site. Parcel highlighted in orange. No buildings present. (<https://geoportal.lib.virginia.edu/UVAImageDiscovery/>)

(5) Whether a building or structure is of old or distinctive design, texture and material;

Staff Comment: The vernacular Gothic architectural language employed on the church is relatively uncommon in the city and distinguishes the church from other buildings in Charlottesville. This vernacular Gothic style is conveyed through the pointed-arch bargeboard in the front gable, the circular window on its façade, and the pointed-arch windows on all elevations. Its wood construction is also uncommon for church buildings in the city.

(6) The degree to which the distinguishing character, qualities or materials of a building, structure or site have been retained;

Staff Comment: The vernacular Gothic architectural language employed at the church is relatively uncommon in the city and distinguishes the church from other buildings in Charlottesville.

The completeness of the church campus is also a distinguishing quality of the site; together, the church building, parish hall, and rectory all served essential purposes for a functioning church in the twentieth century. All three buildings were critical to Trinity Episcopal Church operations and together, still contribute to the site's historic character.

(7) Whether a building or structure, or any of its features, represents an infrequent or the first or last remaining example of a particular detail or type of architecture in the city;

Staff Comment: The church and parish hall are rare surviving examples of wood church buildings within Charlottesville city limits. Most of the City's surviving churches built before 1960 are masonry (brick or concrete block). Of the City's landmark church buildings that are historically associated with Charlottesville's African-American community, most are masonry: Mt. Zion Baptist Church (105 Ridge Street, constructed 1884), First Baptist Church [also Delevan Baptist Church] (632 West Main Street, constructed 1877), Ebenezer Baptist Church (113 6th Street NW, constructed 1894, rebuilt 1907), and Church of God in Christ (132 Rosser Avenue East, constructed 1947).

Within the City, staff identified only two other surviving wood churches built before 1960: the Woolen Mills Chapel (1819 E. Market Street, constructed 1887) and the former Bethel Baptist Church building (501 Commerce Street, constructed 1920). Given the rarity of wood churches in Charlottesville, the church and parish hall at 415 10th Street merit protection.

From the 2020 survey: This site has been the location of a neighborhood religious organization for over fifty years. The architecture of both the dwelling and the church building complex is one of the few intact examples of a mid-20th century African American religious landscape in Charlottesville. While, some of the original fabric has been altered on the parish house and the church annex, the chapel remains intact. The value of Trinity Episcopal lies in its role as a community gathering place and house of worship serving the 10th and Page neighborhood and the larger city of Charlottesville.

(8) Whether a building or structure is part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exist a number of buildings or structures separated geographically but linked by association or history.

Staff Comment: The buildings lie at the NE corner of the historically working-class, predominately African American neighborhood known as 10th and Page. The church was culturally and historically an integral part of that neighborhood, more so than representing an aesthetic or architectural relationship to the neighborhood.

The property is also linked to other landmark church buildings historically associated with Charlottesville's Black community. Of these, three are within City-designated Architectural

Design Control Districts and one is designated an Individually Protected Property: Mt. Zion Baptist Church (105 Ridge Street, constructed 1884), First Baptist Church [also Delevan Baptist Church] (632 West Main Street, constructed 1877), Ebenezer Baptist Church (113 6th Street NW, constructed 1894, rebuilt 1907), and Church of God in Christ (132 Rosser Avenue East, IPP, constructed 1947).

Standard of Review – Rezoning

The Planning Commission must make an advisory recommendation to the City Council. Council may amend the zoning district classification of this property upon finding that the proposed amendment would serve the interests of “public necessity, convenience, general welfare, or good zoning practice.” To advise Council, the Planning should evaluate:

1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;

Staff Comment: The IPP designation is consistent with the Comprehensive Plan.

From Chapter 4 - Land Use, Urban Form, And Historic & Cultural Preservation:

- Goal 3. Balance Conservation and Preservation With Change: Protect and enhance the existing distinct identities of the city’s neighborhoods and places while promoting and prioritizing infill development, housing options, a mix of uses, and sustainable reuse in our community.
- Goal 6. Design Excellence: Continue Charlottesville’s history of architectural and design excellence by maintaining traditional urban design features and valuing historic resources while encouraging creative, context-sensitive, contemporary planning and design that supports the goals of the Comprehensive Plan.
- Goal 8. Expand Understanding and Recognition Of Community History And Culture: Identify ways to expand the understanding, presentation, and interpretation of the varied histories, cultures, and experiences of the city’s residents and neighborhoods.
- Goal 11. Historic Resource Protection: Provide effective protection of Charlottesville’s historic resources, including through recognition and incentives.
 - Strategy 11.1 Preserve historic resources through education and collaboration focused on maintaining our neighborhoods’ core historic fabric (while encouraging reuse of structures), our major routes of tourism, and our public spaces.
 - Strategy 11.2 When appropriate, consider neighborhoods or areas for designation as local historic districts (either Architectural Design Control Districts or Historic Conservation Districts), and consider Individually Protected Property designations, based on architectural and historic survey results.

2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;

Staff Comment: No longer used by an active congregation—though that is permitted by the requested B-2 zoning—the former Trinity Episcopal Church is an important cultural and historical landmark for the City and especially for the surrounding neighborhoods. During the 1950s, 60s, and 70s, Trinity’s clergy and congregation were leaders in the City’s Civil Rights movement. Historically, this parcel anchored the NE corner of the 10th and Page Neighborhood, where the residential character transitioned to commercial/industrial employment center along Preston Avenue, such as the City Laundry, Monticello Dairy, and several automobile service businesses.

3) Whether there is a need and justification for the change; and

Staff Comment: IPP designation is an overlay and will not impact the underlying zoning or the uses allowed by it. BAR approval is required for certain demolition, new construction, and alterations associated with an IPP, thus the designation is reasonable and appropriate as a method to further protect the character and integrity of this property.

4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities.

Staff Comment: IPP designation is an overlay and will not impact the underlying zoning or the uses allowed by it.

Public Comments Received:

Community Meeting Required by Z.O. Sec. 34-41(c)(2) and the Community Engagement meeting Requirements during the COVID -19 Emergency approved by City Council on July 20, 2020

On April 27, 2022 the applicant held a community meeting at the Brick Cellar inside Dairy Market at 946 Grady Avenue at 6:00 pm. Ten members of the public attended the meeting. The meeting was recorded and is available to the public through the developer. Several members of the public stated their preference that the owner seek historic designation of the Subject Property to ensure the building on the site would remain.

On June 10, 2022 the City’s Historic Resources Committee sent to the Planning Commission and City Council a letter requesting they “initiate the process necessary to establish 415 10th Street, NW, as a locally designated historic property, with the church, parish hall, and rectory as contributing structures.”

Note: At its July 19, 2022 meeting the City’s Board of Architectural review will the proposed IPP and make a recommendation to Council, per Sec. 34-274. *Additions to and deletions from districts or protected property list.*

Staff Recommendation:

The Planning Commission should recommend, based on the criteria found in Section 34-274, that it is appropriate for Council to amend Code Sec. 34-273 to add this parcel to the list of IPPs and to amend the Zoning Map to designate this parcel as an IPP, with the church, parish hall, and rectory as contributing structures.

Suggested Motions:

1. "I move to recommend that City Council approve ZT-22-00001 and ZM-22-00001 amending and reenacting the Zoning Map incorporated within Section 34-1 of the Charlottesville City Code, 1990, as amended, by the rezoning of 415/415-B 10th Street NW (Parcel 4-46) to add a historic overlay district designation to the property, and also amending and reenacting Section 34-273 of the Charlottesville City Code, 1990 as amended, to add this property to the City's list of Individually Protected Properties.

Or

2. "I move to recommend that City Council deny the petitions (ZT-22-00001 and ZM-22-00001) to rezone this property as an Individually Protected Property."

Attachments:

1. Zoning text amendment ZT22-00001 – Proposed language
2. City's 1981 Historical Survey of 415 10th Street NW.
3. VDHR VCRIS documentation from the 2020 survey.
4. Photos and maps.

Other citations for additional reference:

- *Trinity Episcopal Church: Our History*. <https://trinityepiscopalville.org/about-us/our-history/>
- 106 Group, April 2020. [VDHR] Preliminary Information Form for *10th and Page Historic District*.
- 106 Group, June 2020. *Reconnaissance Architectural History Survey Of The 10th And Page Neighborhood: Charlottesville, Virginia*.
- Brennan, Eryn, 2012. *Religious Communities in Transition: Three African-American Churches in Preston Heights*.

Attachment 1

Sec. 34-273. - Individually protected properties.

[...]

(b) Following is a list of landmarks, buildings and structures outside the city's major design control districts, which are deemed by city council to be of special historic, cultural, or architectural value (each, individually, a "Protected Property"). Each parcel containing a protected property is hereby designated a minor design control district.

[...]

<i>71.1</i>	<i>414/415-B</i>	<i>Tenth [10th] Street, NW</i>	<i>Tax Map 4</i>	<i>Parcel 46</i>
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Note: The number 71.1 is used to maintain the alphabetical order of the IPP list.

Architectural And Historic Survey

Identification

STREET ADDRESS: 415 Tenth Street, NW
 MAP & PARCEL: 4-46
 CENSUS TRACT AND BLOCK: 2-402
 PRESENT ZONING: R-2
 ORIGINAL OWNER: Episcopal Church of the Ascension
 ORIGINAL USE: Church
 PRESENT USE: Church
 PRESENT OWNER: Monticello Dairy, Inc.
 ADDRESS: P. O. Box 77
 Charlottesville, Virginia 22902

HISTORIC NAME: Trinity Episcopal Church
 DATE / PERIOD: 1910; moved to present site 1939
 STYLE: Victorian Vernacular
 HEIGHT (to cornice) OR STORIES: 1 storey
 DIMENSIONS AND LAND AREA: 75' x 105' (7875 sq. ft.)
 CONDITION: Good
 SURVEYOR: Bibb
 DATE OF SURVEY: Winter 1981
 SOURCES: The Daily Progress, Ch'ville Bicentennial Edition
 City Records April 13, 1962
 Trinity Episcopal Church

Minnie L. McGehee of Fluvanna Co. Hist. Society
Bulletin of Fluvanna Co. Historical Society #34

ARCHITECTURAL DESCRIPTION

Trinity Church is a very simple one-storey rectangular weatherboarded building set on a cinderblock foundation with a full basement. It is three bays wide and five bays long. There is a marble cornerstone inscribed "Trinity Church, 1939". The weatherboarding on both sides of the building is beaded, but not on the front and rear. It is painted white with dark green trim. The steep gable roof is covered with slate and has a boxed cornice with returns. A simple pointed-arched bargeboard of vertical beaded siding dominates the facade. There is a wheel window under the arch. Windows on the sides of the building are double-sash, pointed-arched, Gothic windows with tinted glass and architrave trim. There are narrower lancet windows in the side bays of the facade. The pointed-arched pair of entrance doors in the center bay is of simple beaded board-&-batten construction. A photograph of the building before it was moved shows a square bell tower centered above the facade, and a small gable-roofed entrance vestibule, neither of which was reconstructed on the Charlottesville site. The rear elevation has simple cornice returns without the bargeboard and is broken only by a pointed-arched attic level window above the altar. A small wing covers the rear bay of the south side. It matches in most details, including beaded weatherboarding, and is probably original. An enclosed shed-roofed porch behind it serves as a hyphen between the church building and the parish house to the west.

HISTORICAL DESCRIPTION

This building was designed and built in 1910 by C. Chastain Cocke for the Episcopal Church of the Ascension on the eastern edge of Palmyra. When the congregation disbanded less than three decades later, the building was given or sold to Trinity Episcopal Mansion in Charlottesville. Established in 1919, Trinity had been holding services in a building at the foot of Beck's Hill. In 1939, when the City began acquiring all the land in that area for the construction of Lane High School, the Diocese bought this lot at the corner of Tenth Street and Grady Avenue (City DB 100-202). The church building was dismantled and moved from Palmyra that same year. The new Trinity Episcopal Church building on Preston Avenue was completed in 1974, and this building was sold to the Monticello Dairy, Inc. (DB 357-422). It is now occupied by the Pentecostal Assembly Church. Additional Reference: City DB 197-321.

HISTORIC LANDMARKS COMMISSION - DEPARTMENT OF COMMUNITY DEVELOPMENT



Property Information**Property Names**

Name Explanation	Name
Function/Location Historic	Church, 415 10th Street NW Trinity Episcopal Church

Property Evaluation Status

Property Addresses

Current - 415 10th Street NW

County/Independent City(s):	Charlottesville (Ind. City)
Incorporated Town(s):	<i>No Data</i>
Zip Code(s):	22903
Magisterial District(s):	<i>No Data</i>
Tax Parcel(s):	<i>No Data</i>
USGS Quad(s):	CHARLOTTESVILLE EAST

Additional Property Information**Architecture Setting:** Urban**Acreage:** *No Data***Site Description:**

2016: This property was surveyed in 2012-2016 by City of Charlottesville Neighborhood Development Services. This property consists of three buildings that make up Trinity Episcopal Church. The main chapel sits on the corner of 10th Street NW and Grady Avenue, and the church annex is attached to the main chapel. The parish house stands separately to the south. The church is set above street grade and so a large concrete broad stepped walkway connects the sidewalk to the main chapel entrance. A privet hedge lines the front yard separating the property from the sidewalk.

Surveyor Assessment:

2016: Ownership History

Lot #1: T. Arthur Barbour and wife Fannie C. to Bertha and Granville Cooper on Nov. 27, 1933 (City 80 – 284). Bertha and Granville Cooper sold to Trustees of the Diocesan Missionary Society of Virginia in 1939 (City 100 – 202).

Lot #2: T. Arthur Barbour and wife sold to Ellis and Pauline Wars on Aug 24, 1929(City 67 – 372). The DMSV bought this lot in 1939 (City 100 – 201).

Lot #3 T. Arthur Barbour and wife sold to Nancy Brown on Dec. 23, 1930(City 72 -1). Nancy Brown sold it to DMSV in 1939 (City 100-203).

All three lots were then sold to Trinity Episcopal Church Trustee William H. Gibbons in 1957(City 197 – 321). The Church still owns the property today.

Social History

Beginning in 1939, the Diocesan Missionary Society worked on the construction of the parish house and church building at 415 10th Street, before selling the buildings and land to Trinity Episcopal Church in 1957. From 1957 until 1959, Reverend Charles W. Fox, his wife Lucille P. Fox and their family lived in the parish house. From 1960 until 1964 Rev. Henry B. Mitchell, his wife Gertrude P. Mitchell, and their family lived there.

Statement of Significance

This site has been the location of a neighborhood religious organization for over fifty years. The architecture of both the dwelling and the church building complex is one of the few intact examples of a mid-20th century African American religious landscape in Charlottesville. While, some of the original fabric has been altered on the parish house and the church annex, the chapel remains intact. The value of Trinity Episcopal lies in its role as a community gathering place and house of worship serving the 10th and Page neighborhood and the larger city of Charlottesville.

2020: This property is located in the potential 10th & Page Historic District, which is recommended as potentially eligible for listing in the NRHP. Further study is recommended to determine if the 10th & Page Historic District is eligible for listing in the NRHP under Criterion A in the areas of Ethnic Heritage, Community Planning and Development, and Social History, and under Criterion C in the area of Architecture. This property includes one contributing primary resource and one contributing secondary resource.

Surveyor Recommendation: Recommended Not Eligible**Ownership**

Ownership Category	Ownership Entity
Private	<i>No Data</i>

Primary Resource Information

Resource Category: Religion
Resource Type: Church/Chapel
NR Resource Type: Building
Date of Construction: ca 1939
Date Source: Local Records
Historic Time Period: World War I to World War II (1917 - 1945)
Historic Context(s): Religion
Other ID Number: *No Data*
Architectural Style: Gothic Revival
Form: *No Data*
Number of Stories: 1.0
Condition: Fair
Threats to Resource: None Known

Architectural Description:

2016: Built around 1939, this vernacular gothic frame building with wood siding has a steeply pitched, front facing gable roof with slate shingles. The main entrance on 10th Street is three-bays with a decorative pediment in the gable with a pointed gable cutout. The gable also has a round window with wood tracery (a simple form of the gothic rose window found in cathedrals). Two gothic-style, pointed arch windows with wood tracery flank a central double door entrance with a closed transom window over the doorway. The foundation is brick veneer and there is a brick exterior chimney on the south side of the chapel. Both north and south sides of the chapel are five bays with gothic-style windows. There is a small one-bay, cross-gable wing at the southwest corner of the chapel. Running perpendicular and to the west of the chapel is the church annex which is another front-facing gable, three-bay by five-bay structure with a high pitched roof but with more modest asbestos siding and asphalt shingle. The church annex has a simple facade which faces Grady and has projecting shed entry.

Exterior Components

Component	Component Type	Material	Material Treatment
Structural System and Exterior Treatment	Wood Frame	Wood	Siding
Foundation	Solid/Continuous	Brick	Veneer
Windows	Arch	Wood	<i>No Data</i>
Roof	Front Gable	Asphalt	<i>No Data</i>
Porch	Stoop/Deck	Concrete	Not Visible

Secondary Resource Information**Secondary Resource #1**

Resource Category: Religion
Resource Type: Parsonage/Glebe
NR Resource Type: Building
Date of Construction: ca 1939
Date Source: Local Records
Historic Time Period: World War I to World War II (1917 - 1945)
Historic Context(s): Religion
Other ID Number: *No Data*
Architectural Style: Vernacular
Form: *No Data*
Number of Stories: 2.5
Condition: Good
Threats to Resource: None Known

Architectural Description:

2016: Parallel to the chapel, there is a two-bay, two-story frame vernacular parish house with front-facing gable roof and asbestos siding. The house has a pedimented front porch with rectangular wood supports and wood railing and stair which faces the chapel. The house sits up elevated over a full garage/basement level and has a gravel driveway in front of it. Windows are 1/1 vinyl sash single and paired and there is a rectangular louvered vent in the gable.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Asphalt	<i>No Data</i>

Virginia Department of Historic Resources
Architectural Survey Form

DHR ID: 104-5655
Other DHR ID: No Data

Structural System and Exterior Treatment	Wood Frame	Asbestos	Siding
Porch	1-Story Full-Width	Wood	Posts
Windows	Double-hung	Vinyl	<i>No Data</i>
Foundation	English/Raised	<i>No Data</i>	<i>No Data</i>

Historic District Information

Historic District Name: *No Data*
Local Historic District Name: *No Data*
Historic District Significance: *No Data*

CRM Events

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: *No Data*
Investigator: Erin Que
Organization/Company: The 106 Group Ltd.
Photographic Media: Digital
Survey Date: 2/5/2020
Dhr Library Report Number: *No Data*

Project Staff/Notes:

Erin Que, Principal Investigator and Sr. Architectural Historian
Holly Good, Architectural Historian
Saleh Miller, Sr. Architectural Historian

Project Bibliographic Information:

City of Charlottesville GIS Viewer
2020 Property Record. Electronic document, <http://gisweb.charlottesville.org/GisViewer/>, accessed January 27, 2020.

Hill Directory Co.
1931, 1940, 1950, 1959 Hill's Charlottesville City Directory. Hill Directory Co., Inc., Publishers, Richmond, Virginia.

National Environmental Title Research, LLC [NETR]
1963-2016 Historical Aerial Photograph, Charlottesville Independent City, Virginia. Electronic document, <http://historicaerials.com/>, accessed March 19, 2020.

Neighborhood Development Services
2012-2016 The 10th and Page Historic Survey. On file at the City of Charlottesville Neighborhood Development Services, Charlottesville, Virginia.

Sanborn Map Company
1907, 1913, 1920, 1929, 1950 Fire Insurance Map of Charlottesville, Virginia. Sanborn Map Company, New York, New York.

United States Geological Survey [USGS]
1994-2019 Historical Aerial Photograph, Charlottesville Independent City, Virginia. Electronic document, accessed on Google Earth, February 20, 2020.

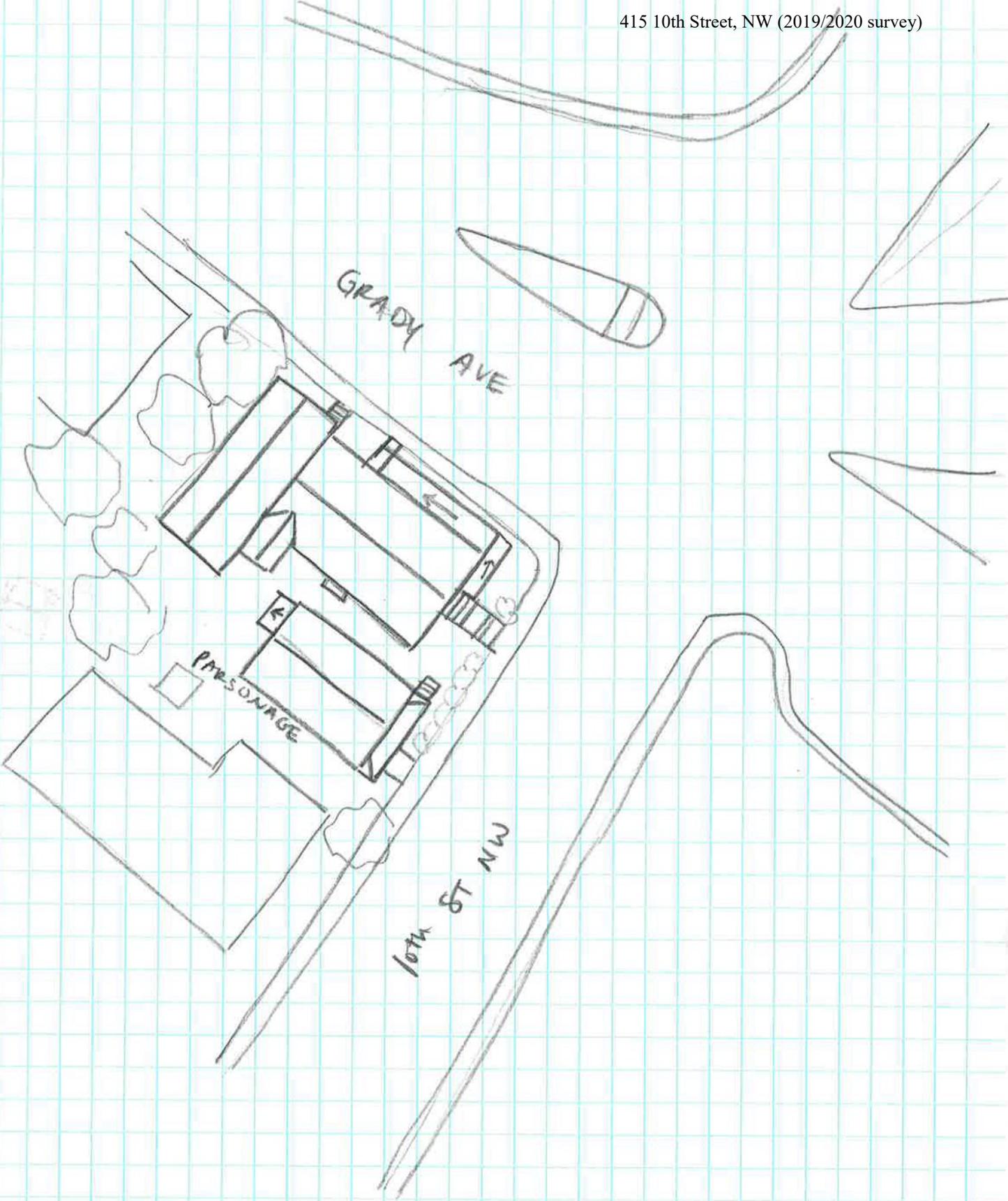
Bibliographic Information

Bibliography:

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Property Notes:

No Data



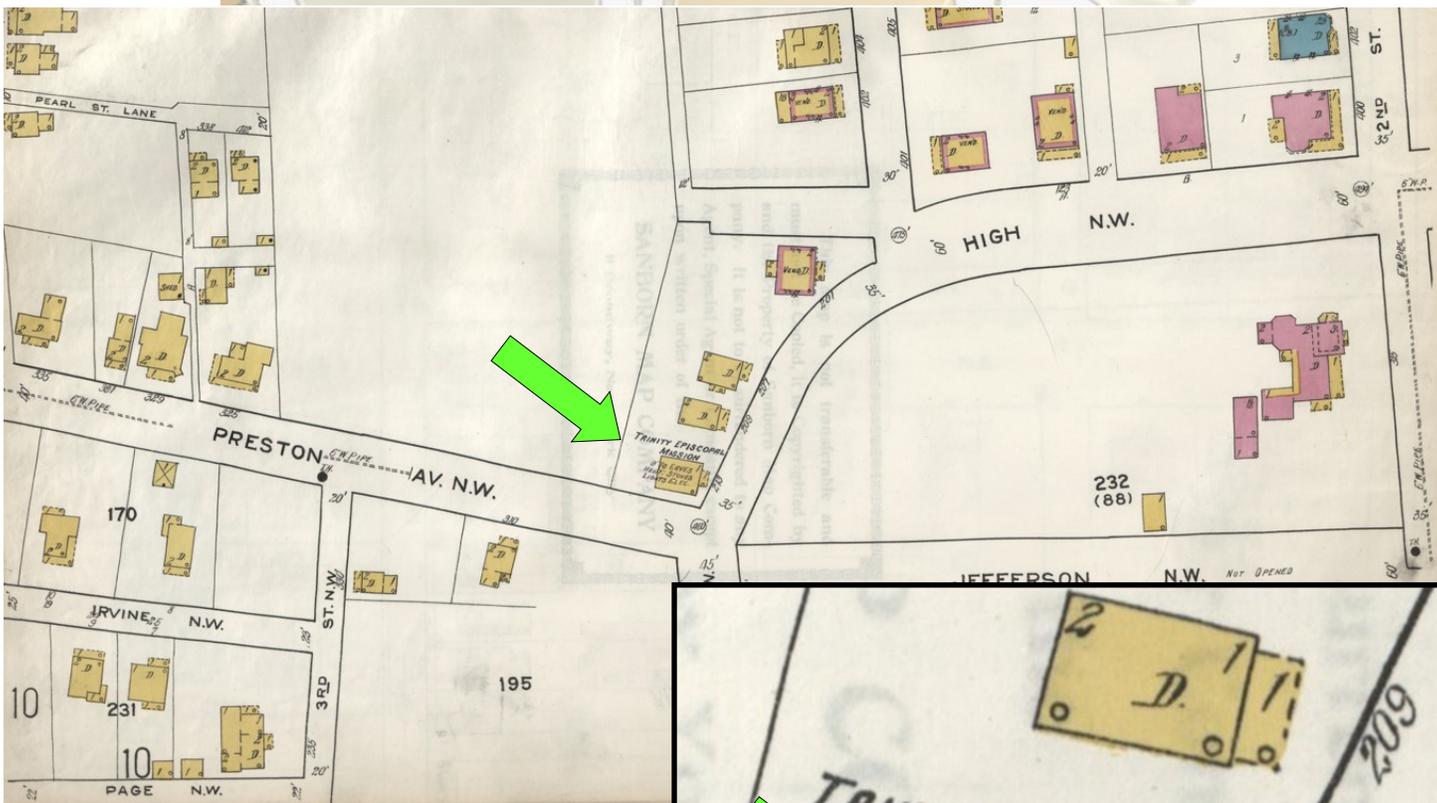
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Church
 7104-5655
 415 10th St NW
 SURVEY DATE 2/11/2020
 NOT TO SCALE



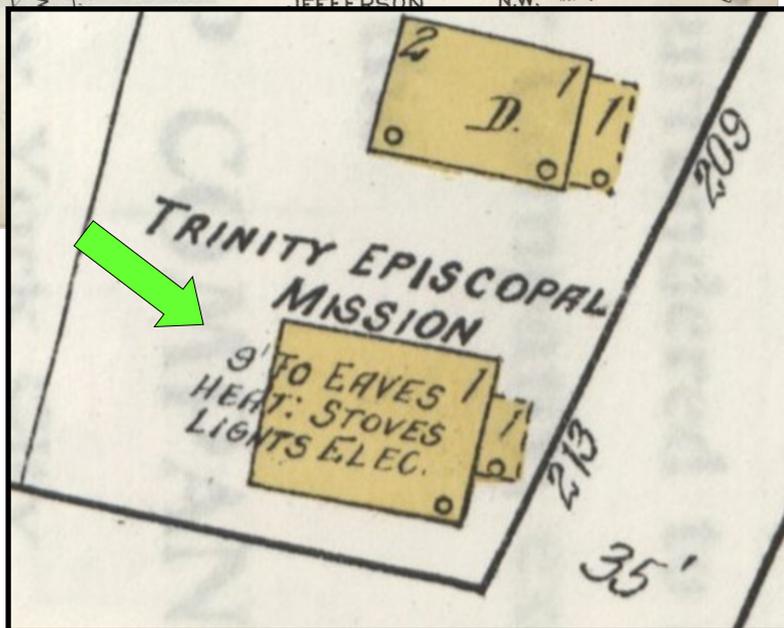


1920 location of Trinity Episcopal Church: 213 W. High Street



1920 Sanborn Map

Note: This is the location of the congregation in 1920. This building was reportedly razed after the congregation relocated to 10th Street.



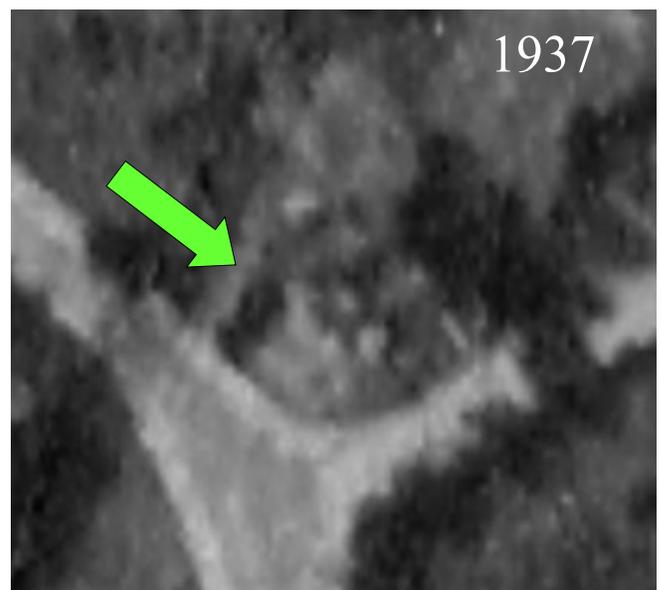
c1937 location of Trinity Episcopal Church: 213 W. High Street



<https://geoportal.lib.virginia.edu/UVAImageDiscovery/>



City GIS



<https://geoportal.lib.virginia.edu/UVAImageDiscovery/>

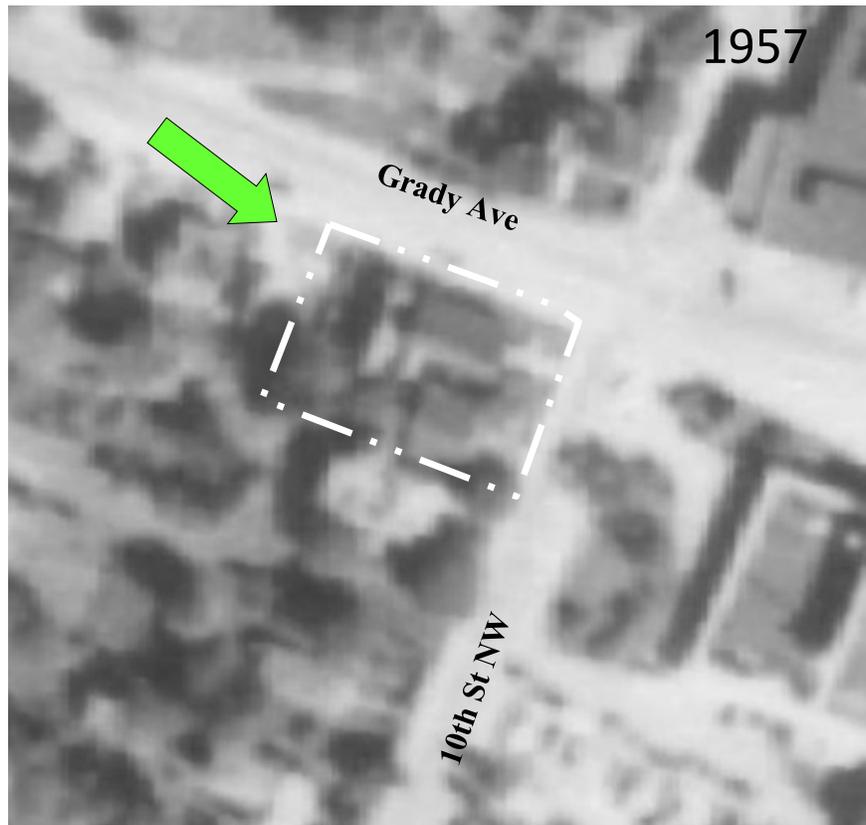
1957 former location of Trinity Episcopal Church: 213 W. High Street



Images not at same scale

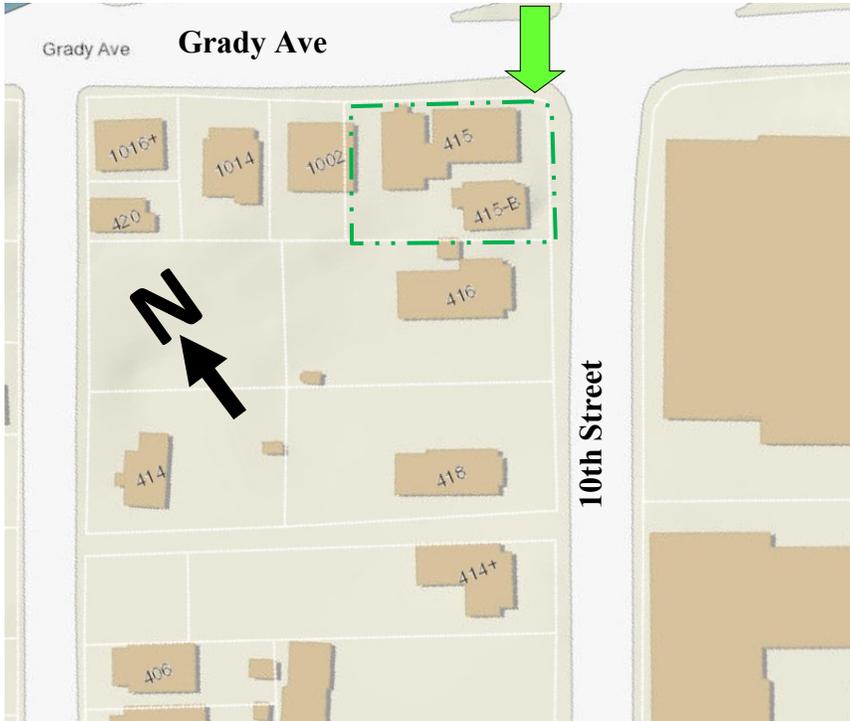
<https://geoportal.lib.virginia.edu/UVAImageDiscovery/>

1957 location of Trinity Episcopal Church on 10th Street, NW

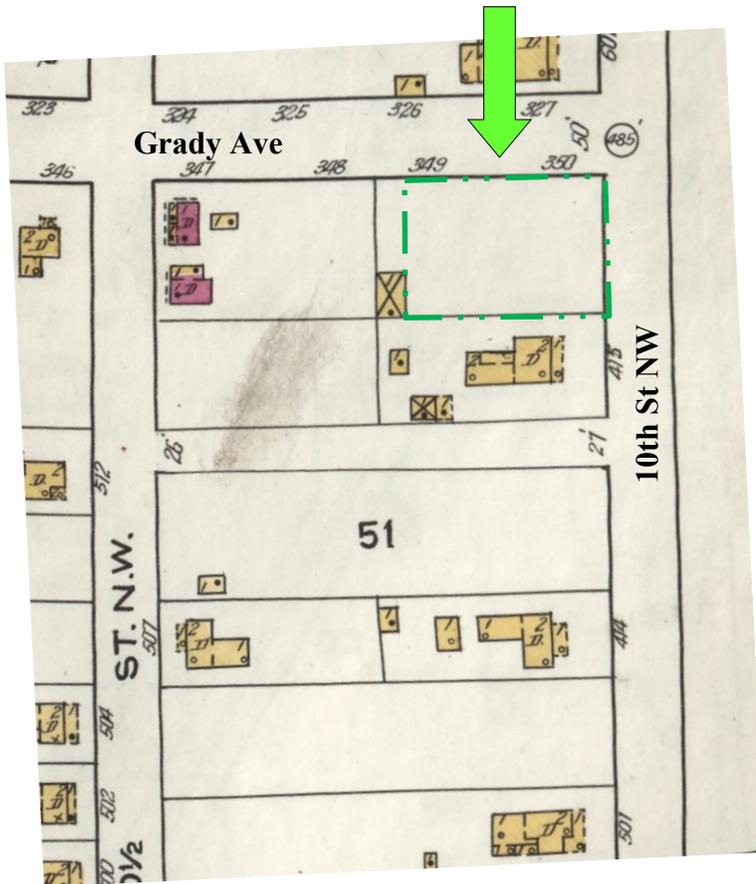


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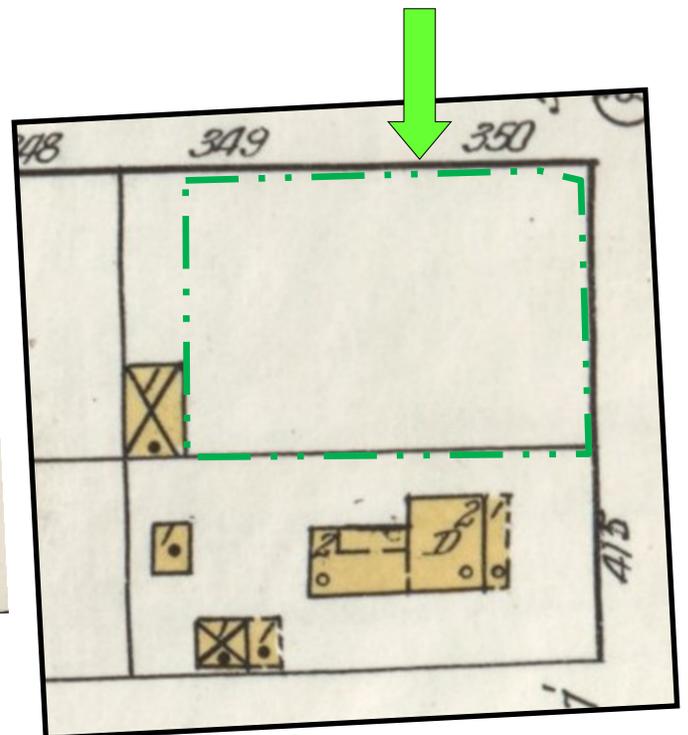
1920 Sanborn Map at 10th Street and Grady Avenue



City GIS (current)



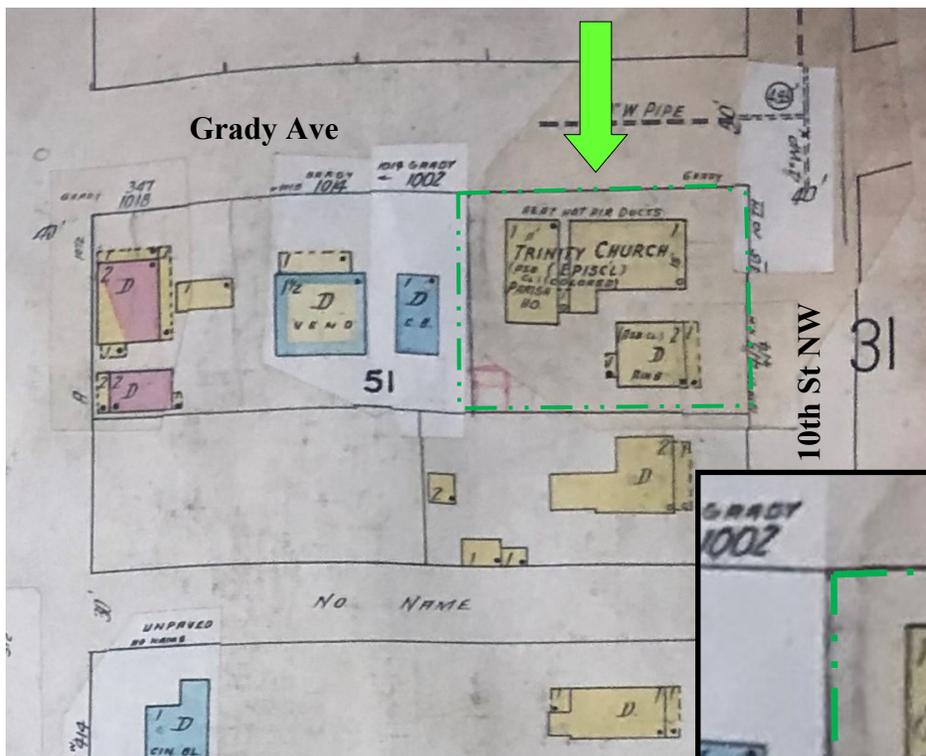
1920 Sanborn Map



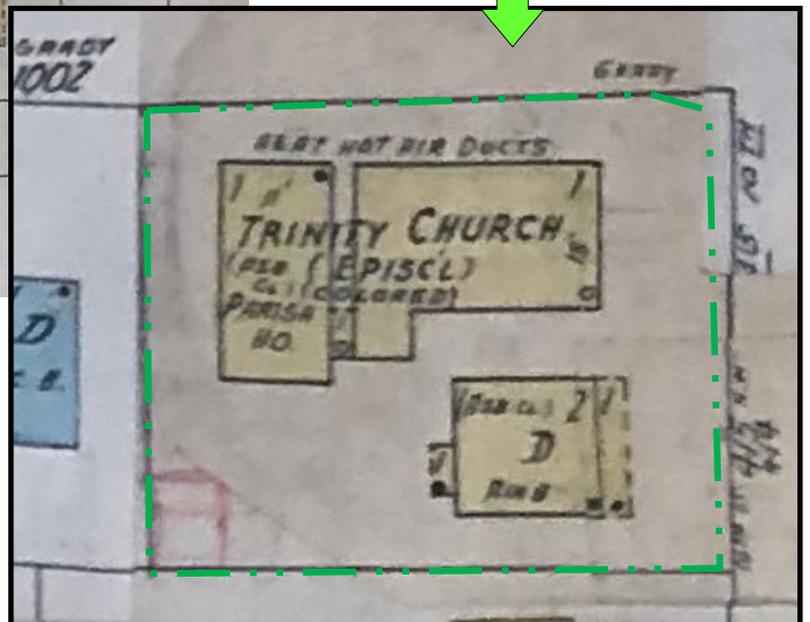
c1960 Sanborn Map at 10th Street and Grady Avenue



City GIS (current)



c1960 Sanborn Map



**AN ORDINANCE
AMENDING AND REENACTING CHAPTER 34 (ZONING), ARTICLE II
(OVERLAY DISTRICTS), DIVISION 2 (HISTORICAL PRESERVATION AND
ARCHITECTURAL DESIGN CONTROL OVERLAY DISTRICTS, TO
DESIGNATE TAX MAP 4 PARCEL 46 (414 AND 415-B TENTH STREET, N.W.) AS
AN INDIVIDUALLY PROTECTED PROPERTY AND MINOR DESIGN CONTROL
DISTRICT.**

WHEREAS during a joint meeting of the City Council and Planning Commission on June 14, 2022, the owner of the property at 415/415-B 10th Street NW expressed consent for the City to research and pursue individually protected property designation of the property; and

WHEREAS on July 12, 2022, the Planning Commission considered the factors set forth within Sec. 34-274 of the City Code and recommended the designation of property identified on City Tax Map 4 as Parcel 46 (415 and 415-B 10th Street N.W.) (the "Subject Property") to the City's list of individually protected properties set forth within Sec. 34-273(b) of the Charlottesville City Code (together, the "Proposed Text and Map Amendment"); and

WHEREAS a public hearing on the Proposed Text and Map Amendment was conducted jointly by City Council and Planning Commission on July 12, 2022, following notice to the public, to the property owner, and adjacent property owners, as required by law; and

WHEREAS on July 12, 2022 the Planning Commission voted to recommend the Proposed Text and Map Amendment to City Council for adoption; and

WHEREAS on July 19, 2022, at a regular meeting and following notice to the public, to the property owner, and adjacent property owners as required by law, the Board of Architectural Review voted to recommend the Proposed Text and Map Amendment; and

WHEREAS upon consideration of the goals and criteria set forth within Sections 34-273 and 34-274 of the City Code, the recommendations of the City Planning Commission and Board of Architectural Review, and the information and analysis set forth within the Staff Report submitted to City Council for this proposed designation, City Council finds and determines that the Subject Property is suitable and appropriate to be individually protected and that the Proposed Text and Map Amendment is required by the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that the Code of the City of Charlottesville (1990), as amended, Chapter 34 (Zoning), Article II (Overlay Districts), Division 2 (Historical Preservation and Architectural Design Control Overlay Districts) is hereby amended and reordained, as follows:

Sec. 34-273. Individually protected properties.

(a) [...]

(b) Following is a list of landmarks, buildings and structures outside the city's major design control districts, which are deemed by city council to be of special historic, cultural, or architectural value (each, individually, a "Protected Property"). Each parcel containing a protected property is hereby designated a minor design control district.

[...]	[...]	[...]	[...]	[...]
69.1.	104	Stadium Road	Tax Map 16	Parcel 2
70.	214	Stribling Avenue	Tax Map 18A	Parcel 33
71.	134	Tenth Street, N.W.	Tax Map 31	Parcel 56
<u>71.1*</u>	<u>414 and 415-B</u>	<u>Tenth Street, N.W.</u>	<u>Tax Map 4</u>	<u>Parcel 46</u>
72.	309	Twelfth Street, NE	Tax Map 54	Parcel 211

*[*Note: The number 71.1 is used to maintain the alphabetical order of the list.]*

BE IT FURTHER ORDAINED that the Zoning Map is hereby amended to apply an overlay district designation to Tax Map Parcel 46 (414 and 415-B Tenth Street, N.S.) as a minor design control district, as specified by the provisions of City Code §34-273(b).

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



Agenda Date:	August 15, 2022
Action Required:	Approval of Refund of Business License Tax Payment
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Jason Vandever, City Treasurer Lisa Robertson, City Attorney
Title:	Refund of Business License Tax - \$5,719.45 (1 of 2 readings)

Background

Entity is a contracting company that incorrectly filed and paid for a 2021 business license for a project that was located in Albemarle County. The filing and payment were timely. The entity subsequently discovered that it should have applied for and paid for a license in Albemarle County. It then applied to the Commissioner of the Revenue for a refund of the license tax paid in error.

The City is required to refund business license taxes paid in error with interest per Code of Virginia §58.1-3703.1 (A) (2) (e). The amount paid for the 2021 business license was \$5,099.17. In addition, Code of Virginia §58.1-3703.1(A)(2)(e) states: "Interest shall be paid on the refund of any BPOL tax from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under §58.1-3916." The interest amount is \$620.28.

Discussion

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is also required in accordance with Section 14-12(g) of the Charlottesville City Code.

Per City Code Sec. 30-6(b), the Commissioner of the Revenue has provided to the City Attorney information necessary to enable her to consent to the determination of the Commissioner of the Revenue that the tax paid by the taxpayer was erroneous and should therefore be refunded. The refund has therefore been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

Alignment with City Council's Vision and Strategic Plan

N/A

Community Engagement

N/A

Budgetary Impact

The refund will reduce current year Business License Tax revenue (GL 410150) by \$5,719.45.

Recommendation

Approval of the tax refund.

Suggested Motion: “I move the RESOLUTION authorizing a refund of \$5,719.45 to a taxpaying entity or business, for business license taxes paid in error for 2021.”

Alternatives

None

Attachments

1. Interest Calculation for Council memo
2. Council Resolution

Refund Interest Calculation

Payment	Paid Date	Refund Date	Days	Rate	Payment Amount	Annualized Interest	Tax Refund	Interest Refund
2021 BL	3/1/2021	9/7/2022	555	8%	\$ 5,099.17	\$ 407.93	\$ 5,099.17	\$ 620.28

Total	\$	5,719.45
BPOL	\$	5,099.17
Interest	\$	620.28

Suggested Motion: "I move the RESOLUTION authorizing a refund of \$5,719.45 to a taxpaying entity or business, for business license taxes paid in error for 2021."

RESOLUTION

Authorizing a refund of \$5,719.45 to a taxpaying entity or business, for business license taxes paid in error for 2021

WHEREAS, the Commissioner of the Revenue has determined that a taxpaying entity or business paid 2021 Business License Tax to the City of Charlottesville in error; and

WHEREAS, that taxpaying entity or business has requested a refund of the amount paid in error; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$5,719.45; and

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

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$5,719.45, payable to that taxpaying entity or business.

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



Agenda Date:	August 15, 2022
Action Required:	Approval and Appropriation
Presenter:	Misty Graves, Director
Staff Contacts:	Hunter Smith, Human Services Planner
Title:	Virginia Homeless Solutions Program (V.H.S.P.) Grant Award - \$539,369 (1 of 2 readings)

Background

The Department of Human Services in coordination with the Blue Ridge Area Coalition for the Homeless (B.R.A.C.H.) and the Service Provider Council (S.P.C.), applied for and received a grant from the Virginia Department of Housing and Community Development. The Virginia Housing Solutions Program award is \$539,369 and funds to be expended between July 1st, 2022 and March 31st, 2023.

Discussion

The City of Charlottesville has staff from the departments of Human Services and Social Services taking leadership roles in the governance of B.R.A.C.H. V.H.S.P. (Virginia Homeless Solutions Program) is an important resource in our community's efforts to end homelessness. The grant provides services in several points along the local continuum of services:

1. Coordinated Assessment: The Haven serves as the physical front door to the homelessness system of care, using an evidence-based tool for determining priority access to available resources.
2. Emergency Low Barrier Shelter P.A.C.E.M. provides a low-barrier shelter for adults using rotating local churches for support.
3. Rapid Re-Housing & Housing Navigation: The Haven screens and administers rapid re-housing assistance and housing navigation to households experiencing homelessness.
4. Case Management: The Haven provides supportive services including crisis intervention, case management and service referrals.
5. Homeless Management Information System (H.M.I.S.): The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with B.R.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care (C.O.C.) has a well-populated database for individuals experiencing homelessness. H.M.I.S collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among B.R.A.C.H. Continuum of Care Service Providers expedites communication and reduces the need to interface disparate documentation systems.

6. Coalition Coordination: The Thomas Jefferson Area Coalition for the Homeless provides leadership and coordination for the required local homelessness continuum of care.
7. Administration: The City of Charlottesville as the award recipient is eligible for an administrative fee. Staff proposes that we pass these dollars through to B.R.A.C.H. in recognition of staff time spent processing checks and managing this grant process.

Alignment with City Council's Vision and Strategic Plan

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of an inclusive community of self-sufficient residents. Specifically, it will facilitate the objective of increasing affordable housing options.

Community Engagement

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

Budgetary Impact

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

Recommendation

Staff recommends approval and appropriation of grant funds.

Alternatives

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis: Emergency low-barrier shelter, coordinated assessment, rapid rehousing, H.M.I.S., coalition coordination and administration.

Attachments

1. VHSP Resolution FY23

RESOLUTION

Appropriating Funding in the Amount of \$539,369 To Be Received from Virginia Homeless Solutions Program

WHEREAS, The City of Charlottesville, through the Department of Human Services, has been notified that it will be awarded an additional grant from the Virginia Housing Solutions Program (V.H.S.P.) Fund of the Virginia Department of Housing and Community Development, in the amount of \$539,369.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the additional VHSP funding from the Commonwealth, said funding, anticipated in the sum of \$539,369, is hereby appropriated in the following manner:

Revenues

\$443,321	Fund 209	Order 1900475	GL 430110
\$96,048	Fund 209	Order 1900475	GL 430120

Expenditures

\$539,369	Fund 209	Order 190475	GL 530550
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City Manager's Report

August 2022

UPDATES FROM CITY MANAGER MICHAEL ROGERS

- It's my pleasure to share with you that the Government Finance Officers Association (GFOA) has notified the City that we have again received the Certificate of Achievement for Excellent in Financial Reporting for the FY'21 Annual Financial Report (ending June 30, 2021). This is the 42nd consecutive year the City has been awarded this honor. This award acknowledges the dedication and professionalism of the City's financial management team, especially our Comptroller and accounting staff who. Congratulations to our finance team, job well done.
- Charlottesville is ranked #22 of 2300 best places to live by Livability Magazine. Only two cities in Virginia made the list. Virginia Beach came in at 43.
- The Office of Economic Development is excited to offer a fourth round of the Building Resilience Among Charlottesville Entrepreneurs (BRACE) Grant. This program is a matching, reimbursable grant of up to \$2,500 to help offset qualifying expenses incurred by City businesses. The business is required to provide a 30% match for the City's contribution. Applications will be accepted from August 15, 2022, at 9:00 AM until September 2, 2022 at 5:00 PM. Interested City businesses can learn more at the OED website.
- On July 19th the City closed on the purchase of a parking lot at 921 East Jefferson Street. The additional spaces will become part of the City's public parking program and be available for monthly lease soon.
- Following its recent update to the City Council, the Office Economic Development (OED) has issued a request for proposals for a qualified consulting team to develop a comprehensive economic development strategic plan to help guide the City's development activities for the next five years. The project is expected to commence this fall.
- I attended the Rivanna Water and Serwer Authority and Rivanna Solid Waste Authority Board meetings. The highlights were a presentation on their Cyber security Preparation. And the report out on their strategic plan
- The Committee for the Preservation, Maintenance and Security of the Downtown Mall convened last week to begin evaluating some of the long-standing issues on the Mall as shared by many of the business owners and residents. The committee will access some immediate changes and hold discussions with business owners as we seek to plan for the 50th Anniversary of the Mal. We will present an update on actions to be taken in the next several months which is being conducted by Rafftelis. Both presentations were very useful and will be used as the city moves forward with our cyber security plan and development of new Strategic plan.
- The search for Police Search is underway. POLIHIRE is the recruitment consultant that is working with us on this project. POLIHIRE will establish a portal for access to a survey that the community can use to give confidential feedback on the traits, experience residents would like to see in the next chief and the issues they would like the next chief to address. The feedback from the survey will be used to develop the recruitment profile that will be used to attract candidates and define those who would more closely match what the community is looking for. The recruiter will submit 5 candidates for our internal Committee to review and the committee will select two candidates to present to City Council. After council's input the City Manager will select, and Council has final approval. A link to the survey has been posted on the City's Web Page. And the link will go directly to POLIHIRE for the confidential collection of responses. Responses will be used to develop a recruitment profile that will be advertised nationally. The survey will be open until close of business August 15. To date nearly 500 responses have been received and we encourage all who are interested to complete the survey. Simultaneously, POLIHIRE will conduct virtual focus group sessions with stakeholder groups from a cross section of the city. This process will close on August 15 as well.

- At the last Council meeting a question was raised about employee salaries. After consultation with Council the city manager approved a pay plan for the Police Department that increases salaries for department personnel and make their salaries more competitive with surrounding agencies to which we have lost several officers. From the savings in vacancies in the department we were able to increase salaries without increasing the department budget. Tonight, through the recommended ARP allocation we are proposing to increase salaries for The Fire Department and the Sheriff's department. We are also evaluating our ability to address the salary situation at Charlottesville Area Transportation where we have lost a number of employees to area agencies. We expect to have this matter resolved in days and this would include pupil Transportation. We are evaluating methods for a significant overall for all transit workers Competitiveness of salaries of other city employees is being evaluated through a compensation study that is underway and will be reported at the end of the year.
- Working with the Director of Human Resources Mary Hardie and senior staff we are reviewing the new proposed Personnel Manual. These rules have not been updated since the 80s and are woefully in need of updating. We will be rolling out the new rules to staff in October.
- The Compensation study which will define where Charlottesville is with respect to compensation in our market will be presented in November. Council will be asked to consider compensation improvements for staff to close the gap we expect to find on the regional competition scale.

UPDATES FROM DEPUTY CITY MANAGER ASHLEY MARSHALL

- **2022 Employee Engagement Survey**
 - The City of Charlottesville has reengaged the University of Virginia Center for Survey Research within the Weldon Cooper Center for Public Service. The survey was opened to staff on May 11, 2022 and closed on June 6, 2022. The Center for Survey Research is currently working on analyzing and compiling the results of the study but has reported that our employee participation slightly exceeded that of the 2017 administration of the survey, and the Center is also working on ensuring that there are helpful crosstabs of the data created.
- **Office of Equity and Inclusion**
 - The Office of Equity and Inclusion is proud to announce the inclusion of the City of Charlottesville in the City Health Dashboard. DCM Marshall applied to the competitive process seeking inclusion in the Dashboard to aid the City's commitment to Diversity, Equity, & Inclusion by having the opportunity to evaluate data in key areas of the social determinate of health. OEI is thrilled the city was selected as one of 29 cities for the inaugural "Put Us on the Map Challenge" which provided an opportunity for smaller cities to make their case for why the city should be added to the Dashboard and honored that our application reasoning is part of their national press release. City Health Dashboard originally planned to add only 10 communities, but they selected 29 due to the quality of the applications. The City of Charlottesville is one of three Virginia localities selected, along with Hopewell and Petersburg. More information about the competitive program can be found at: <https://www.cityhealthdashboard.com/blog-media/1642>. Further, the Office in partnership with the Office of Human Rights will be hosting a second Virtual Groundwater session in August of 2022 led by the Racial Equity Institute. The Groundwater Approach is designed to help people at all levels internalize the reality that we live in a racially structured society, and that is what causes racial inequity. In June 2022, nearly 90 attendees from the City of Charlottesville, City Council, CRHA, JMRL, the

Charlottesville-Albemarle PMT, and United Way of Greater Charlottesville participated in the session. Currently, the session is completely full of 100 attendees signed up!

UPDATES FROM DEPUTY CITY MANAGER SAMUEL SANDERS

- **Staffing Update**
 - Congratulations to Scott Carpenter who has been promoted to serve as Deputy Chief - Emergency Services in the Charlottesville Fire Department. Carpenter has been with the department for 22 years.
 - Now Hiring: Housing Program Manager, Grants Manager, Assistant Traffic Engineer, Traffic Inspector, Transportation Planner, Senior Transportation Project Manager – Transportation Project Manager, Transportation Project Manager – ADA. All great career opportunities with the City of Charlottesville.

- **Safe Routes to Schools**
 - The city continues working closely with Charlottesville City Schools in the identification of priority interventions in support of providing safe routes to schools. Public Service staff have begun installing new crosswalks, signage, and other items all aimed at supporting the expanded walking zones beginning this school year. We will be working with neighborhood groups on projects they have proposed to implement as longer-term demonstrations to promote our ongoing safe routes work across the city.

- **Emergency Management**
 - The city will have its citywide Continuity of Operations Plan completed by early September. This has been a long-delayed plan of action to be deployed in times of business interruption outside of emergency response situations. The completion of the plan is a precursor to every department and office filing their individual plans to ensure the city has met this preparedness expectation.

CITY MANAGER'S OFFICE UPDATES

- **Office of the City Manager** – Executive Assistant Terry Bentley (she/her)
 - The Office of the City Manager would like to remind the public that they continue to provide support as the main information line for the community. To reach them please call 434-970-3333, but also the public should be aware that the phone tree system is active to ensure quick transfer to the proper departments.

- **Budget and Management** – Director Krisy Hammill (she/her)
 - The new budget year is underway, and the Budget Explorer has been updated to include comparisons of FY22 and FY23. Quarterly reports will also be updated and available on a regular basis. To view the budget explorer citizens can go to: <https://www.charlottesville.gov/1473/Budget-Explorer>. The Office is also working with the Clerk of Council to set the public meeting calendar and will begin rolling out further information as it becomes available on the budget office webpage at: <https://www.charlottesville.gov/169/Budget>

- **Communications & Public Engagement** – Deputy Director David Dillehunt (he/him)

- No report at this time.
- **Community Solutions** – Interim Director Alex Ikefuna (he/him)
 - We encourage any residents interested in serving on the Housing Advisory Committee (HAC), Charlottesville Affordable Housing Fund Subcommittee, and CDBG Task Force to express their interest by applying when applications are posted on August 15th.
 - The staff is working with the Neighborhood Leaders across the city in the development of a directory that further supports the Neighborhood Connections web page on the City’s website. This effort is intended to help identify contacts for anyone interested in discussions happening in their neighborhoods and to serve as place for new residents to make connections upon moving to the city.
 - We are posting two new positions we hope to fill this Fall. A Housing Program Manager will manage all the City’s affordable housing efforts in an expanded role previously titled Housing Coordinator. And this budget year provided additional funds to add a Grants Manager to provide central oversight of all federal, state, and philanthropic pursuits by all departments and offices of the local government.
- **Economic Development** – Director Chris Engel (he/him)
 - The Office is proud to announce that Charlottesville has once again been named to the Top 100 Best Places to Live in America list by Livability.com, outpacing more than 2,300 cities based on the data-driven ranking. The city came in at number 22, with the only other Virginia City being Virginia Beach at number 43. The ranking looks at 50 data points measuring economics, housing, amenities, infrastructure, demographics, social and civi capital, education, and health care. The Office also has issued a request for proposals for a qualified consulting team to develop a comprehensive economic development strategic plan to help guild here City’s development activities for the next five years to commence this fall. Finally, the office has concluded its 29th vacancy study which provides a detailed glimpse into the economic health of the city. The report only studies retail properties within the six City shopping centers: Barracks Road, Downtown Mall, McIntire Plaza, Preston Plaza, Seminole Square, and The Corner. As City businesses continue to recover from the effects of the COVID-19 pandemic, the vacancy rate continues to fluctuate at several of the shopping centers. Overall, the total vacancy rate for the six centers is 7.21%, which is up from 5.01% recorded during the January 2022 study. The full report can be found on our website: <https://www.charlottesville.gov/201/Economic-Development>
- **FOIA** – Acting FOIA Officer Teresa Pollack (she/her)
 - No report at this time.
- **Human Rights** – Director Todd Niemeier (he/him)
 - The Office of Human Rights continues to receive an increasing number of incoming requests for individual support. In June, the office received an average of 15 incoming contacts per day, for a total of 430 incoming and outgoing contacts related to individual service provision for the month. The Director remains the sole investigator for the office's eight open formal complaints, which are in varying states of investigation and mediation. The office continues to partner with Resolute Mediation and Arbitration for mediation services. Most of the daily contacts with the office center around requests for advocacy related to supports for homelessness, landlord relations, accessing mental health supports, and navigating the complex network of non-profit and governmental supports in the community. These informal inquiries, which include walk-ins, phone calls, community visits, and scheduled appointments, occupy the bulk of staff time. Victoria McCullough, Community Outreach and Administrative Specialist for the Office of Human Rights has been

meeting with a wide variety of community partners to explore ways in which the office can engage in collaborative outreach events. Victoria has engaged in several outreach activities in the past month including door-to-door outreach in partnership with Region Ten’s Community Based Recovery and Support team and tabling at OAR’s “One Stop Shop” events for people re-entering the community. Victoria also contributes significant time to assisting with incoming inquiries and individual service follow-up. Interns Lily Gates and Ginny Helmandollar completed a full year of service to the Office of Human Rights in June. They hold the primary responsibility for individual service data entry and completion of minutes for publicly noticed meetings of the Commission. Working only a collective average of twelve hours per week they have kept these essential functions of the office running smoothly. The office is deeply indebted to them for their excellent work and grateful to them for their extended commitment. Finally, the Human Rights Commission will meet in August 2023 to review the finalized CY2021 HRC and OHR annual report, as well as an amended draft of the Charlottesville Human Rights Ordinance focused on refining the enforcement process and meeting the requirements for entry into a Fair Housing Assistance Program with the Department of Housing and Urban Development (HUD).

- **Office of Equity and Inclusion** – Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)
 - The Home to Hope staff participated in the first two OAR/Fountain Fund led “One Stop Shops” at the OAR/District 9 parking lot. Staff set up a table and handed out H2H rack cards and H2H swag along with business cards to potential clients. The events have been postponed due to low numbers in attendance, as the State continues to work through processing the early releases.
 - The Downtown Job Center has seen an approximate 50% increase in center traffic from January 2022 to July 2022. In January and February, the center averaged 12 client visits a month, but in June and July the center averaged 20 client visits each month.

- **Police Civilian Review/Oversight Board** – Executive Director Hansel Aguilar (he/him)
 - No report at this time.

- **Charlottesville Area Transit** – Director Garland Williams (he/him)
 - CAT continues to prioritize its search for drivers during this critical shortage. City administration continues working to modernize the compensation structure for the critical transportation services.
 - CAT is working with interested parent groups on how the use of CAT routes can support the challenges with pupil routes being limited by the driver shortage. Parent Ambassador groups are being considered for monitoring student groups on public transit for the school year.
 - The city is joining Albemarle County and TJPDC in supporting the local match expense of the Transit Authority Governance Study. The city share is \$30,000.
 - CAT has begun an effort to update its Transit Strategic Plan, a state requirement for urban systems to assess their fleet, facilities, operations, and opportunities.

- **Charlottesville Fire Department** – Chief Hezedean Smith (he/him)
 - CFD and CPD recently completed a series of sessions focused on a Tactical Emergency Casualty Care exercise.
 - The department hosted its first-ever Girls’ Fire and Rescue Camp, a unique opportunity for young people to learn more about fire service to hopefully spark interest in future careers.
 - CFD deployed CPR chest compression assists devices on two engines and two ambulances because of a Community Development Block Grant (CDBG). These devices significantly increase timely and consistent delivery of critical response to cardiac arrest patients.

- **Charlottesville Police Department** – Assistant Chief Major LaTroy Durette (he/him)
 - Charlottesville Police Department is proud to announce their selection by the Project Beloved program to receive an installation of a soft-interview room in Victim/Witness for survivors of sexual assault. Project Beloved, a Texas based nonprofit, was founded by Tracy Matteson after the rape and murder of her daughter, Molly Jane Mathewson, in 2017. The Department is also pleased to announce the swearing in of five new Sergeants on June 25, 2022. Finally, the Department continues to search for Mr. John Milton Harris II, Alton with VDEM. If anyone has any information on his whereabouts, please call Crime Stoppers at 434-977-4000, and a photo of Mr. Harris is on the CPD website at: <https://www.charlottesville.gov/CivicAlerts.aspx?AID=1126>

- **Human Resources** – Director Mary Ann Hardie (she/her)
 - The Department is continuing the PDQ process for the classification and compensation study. This process will be done in three phases and the data provided will assist in Gallagher moving forward in our process. Currently, HR is working on collecting data through PDQ forms from all employees. The anticipated completion of this study will be around December 2022/January 2023. Further, the Department is focusing on providing additional, strong support to our supervisors with creating a core group of HR team members who may be able to assist departments with employee relations matters. Finally, the department continues to focus on hiring processes, including for the Director of Communications and Engagement which has recently completed its second round.
 - Other Hires: The City is working on completing many hires in multiple departments. Please go to our website to see all openings and encourage eligible applicants to apply: <https://www.charlottesville.gov/695/Employment-with-the-City-of-Charlottesville>

- **Human Services** – Director Misty Graves (she/her)
 - The Department of Human Services Community Resource Hotline is healthy and distributing an average of \$20,000 to City residents weekly. The department continues to support youth through the summer Community Attention Youth Internship Program (CAYIP) and Teens GIVE.

- **Information Technology** – Interim Director Steve Hawkes (he/him)
 - Internally, the department is completing interviews for a vacant Helpdesk position and hopes to have a third member of the team in the next month. The department also wishes to congratulate Michelle Washington, telecommunications specialist, as she is embarking on her 22nd year of service with the City IT team! The staff also will attend several key conferences to ensure the city and staff are up to date on the newest technologies, cybersecurity threats, and trends in the industry. The team continues to migrate offices from the server H: Drive to the Microsoft OneDrive cloud-based system and the project is more than halfway complete. Most recently the City Attorney, Utilities, Facilities Development, Facilities Maintenance and Utility Billing have been migrated. The PC replacement program is underway for this fiscal year to replace the remaining 2017 or earlier PC s in the organization. Cybersecurity is focusing on upgrading systems used by vendors and staff to access City systems when outside the city network, and they continue to build out the City's Cybersecurity Incident Response Plan and leverage our Cybersecurity training platform KnowB4. Applications is completing a pilot project with JMRL staff to provide electronic paystub access to library employees and have also recently implemented branded email signatures for all IT staff. The team is also making updates to our

enterprise ERP system – SAP – to integrate with CPDs time entry system to create a more efficient process, as well as updating the City’s intranet and upgrading a Helpdesk system that will allow City staff to enter Helpdesk tickets and view their tickets.

- **Neighborhood Development Services** – Director James Freas (he/him)
 - Continuing to work through the Zoning Diagnostic aspect of collecting and synthesizing community feedback as we move into the actual code rewriting section of the rewrite process.

- **Parks & Recreation** – Director Dana Kasler (he/him)
 - Led internal group on a tour of the Downtown Mall in preparation for the development of a Task Force to study the various issues facing the mall as it approaches its 50th year in 2026.
 - Staff worked with PHAR in the planning and coordination for this year’s Westhaven Days held on Saturday, August 6th.
 - Staff have revisited longstanding concerns at Oakwood Cemetery and we are looking at various interventions for the drainage issues that continue to be an issue in the area.

- **Public Works** – Director Stacey Smalls (he/him)
 - Charlottesville recognized as a DEQ Sustainability Partner for a 10th year in a row (the program has been in place for 10 years)
 - **Town Hall Community Workshop**
There will also be a virtual Community GHG Reduction Town Hall Community Workshop on Wednesday, August 17, 6 pm - 8 pm. During this event, the City of Charlottesville encourages all community members to provide input on developing our potential GHG reduction priorities.
 - Register for the Town Hall Community Workshop at the link below:
Wednesday, August 17, 6 pm-8 pm (https://us02web.zoom.us/meeting/register/tZAud-iqqD8vHNe3nkoenflDVf_ycZCkfRRN)

- **Social Services** – Director Sue Moffett (she/her)
 - The Department of Social Services would like the community to know that if they participate in any of the following programs, they are automatically qualified for the Affordable Connectivity Program (ACP), a federal program that makes the internet more accessible to low-income households: SNAP, Medicaid, Federal Public Housing Assistance, Supplemental Security Income (SSI), WIC, Veteran’s Pension or Survivor Benefits, Lifeline. The ACP provides discounts on internet service of up to 430 per month as well as a one-time discount of up to \$100 to purchase a computer. Learn more at: <https://www.fcc.gov/ACP>. Further, DSS is actively participating in many community events including the One Stop Pop Ups coordinated by the Community Reentry Council, Westhaven Wednesday’s which is a bi-monthly outreach initiative at the Westhaven Community Center and will attend Westhaven Days on Saturday August 6, 2022. Should you need assistance please contact the Department of Social Services at 434-970-3400 for additional information/ Comuníquese con el Departamento de Servicios Sociales al 434-970-3400 para obtener información adicional.

- **Utilities** – Director Lauren Hildebrand (she/her)
 - July marked the one-year anniversary of the new utility bill pay portal. The portal provides enhanced online account management services where customers can enroll in paperless billing, Pay by Text, and automatic payments, as well as access their account information

24/7. To date, nearly 7,000 Utilities customers have signed up for paperless billing, saving the city \$6 a year per account, and equaling a combined annual savings of almost \$42,000. To further the success of paperless billing, and continue to increase enrollment in it, Utilities is launching a targeted campaign to reach Charlottesville's annual influx of UVA student-residents and new-to-the-community permanent residents. For more information on the new utility bill pay portal, and to register your account to receive enhanced online management services visit, www.charlottesville.gov/billpay.

APPOINTEES AND ELECTED OFFICIAL UPDATES

- **Circuit Court** – Honorable Lizelle Dugger, Clerk of Circuit Court (she/her)
 - No report at this time.
- **Commissioner of the Revenue** – Commissioner Todd Divers (he/him)
 - Commissioner of the revenue wishes to make sure citizens know that the revamped chap program (charlottesville homeowner assistance program) is up and running. Applications can be filed online (www.charlottesville.gov/cor) or in person through September 1, 2022. The office is beginning to work on the fall personal property supplements, which is a large undertaking. This also is the last opportunity to pick up and bill unassessed items from the 2019 tax year. The business tax office will soon begin issuing statutory business license assessments for businesses who failed to renew for this year, and finally the office will again be participating in the Commissioners and Cans Food Drive throughout the month of August. This is a statewide effort coordinated through the Commissioners of The Revenue Association Of Virginia.
- **Finance Office** – Director Chris Cullinan (he/him)
 - The Finance Department is proud to announce that the City has been awarded the Certificate of Achievement for Excellence in Financial Reporting for the FY21 annual financial report by the Government Finance Officers association. This is the 42nd consecutive year that the city has received this award. The Department is also working on closing out the recently completed fiscal year and preparing for the annual audit. Risk Management is assessing the City's automated external defibrillators (AED) for replacement and upgrades, as well as working on integrating a new risk management information system and streamlining the incident reporting and reception process. Utility Billing continues to provide flexible payment arrangements for customers who are behind on their utility bills – please contact them at 434.970.3211 or review the website (<https://www.charlottesville.gov/602/Utility-Billing>). The Assessor's Office has completed updating new construction and building permits; a comprehensive review of several neighborhoods will begin in August 2022 which leads into the beginning of the 2023 reassessment process. The Department also continues to work to fill several vacancies including an accountant and a buyer.
- **Sheriff's Office** – Sheriff James Brown, III (he/him)
 - No report at this time.
- **Treasurer's Office** - Treasurer Jason Vandever (he/him)
 - The Treasurer's Office has winded down the annual trash decal renewal season, selling approximately

4,000 annual trash decals for the collection year commencing July 1, 2022. Sales of zone parking permits began on July 25th and residents who had permits last year will receive a renewal notice in the mail. The new zone parking permit year begins September 1, 2022. Finally, the office is pleased to announce the resumption of U.S. Passport application services. Appointments can be made on the City's website at: <https://www.charlottesville.gov/551/City-Treasurer>

- **Voter Registration and Elections** – Registrar Taylor Yowell (she/her)
 - No report at this time.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: August 15, 2022
Action Required:
Presenter: Lisa Robertson, City Attorney
Staff Contacts: Allyson Davies, Senior Deputy City Attorney
Title: **Preston Place Utility Easements**

Background

Preston Place Properties, LLC (“Landowner”) is seeking to clean up the boundary line fronting along Preston Place. To accomplish this, the Landowner has submitted two requests and an offer of dedication of land, each of which requires action of City Council.

1. Request to Vacate Existing Utility Easements—The Landowner is asking City Council to vacate utility easements currently located on Tax Map 5 Parcel 118.003, identified on the attached plat as “Revised TMP 5-118.003” and “New Parcel ‘A’”) (**See Plat 1, attached**). The easements were created by Deed 940, Page 653 recorded in the Charlottesville Circuit Court Clerk’s Office.
2. Request for Boundary Line Adjustment—The Landowner requests the City to relocate the boundary line along Preston Place, along the frontage of TMP Nos. 050118001, 050118002 and 050118003. (**See Plat 2, attached**). As part of this boundary line adjustment, the applicant wishes to dedicate 1,277 sq. ft. of their property to the existing Preston Place right-of-way. The applicants have also submitted a plat to vacate the existing public utility easements along this road frontage, and replace them with a new, larger public utility right of way. The dedications have been reviewed and approved by City staff.

Discussion

1. *Vacation of Utility Easements*—The request for vacation of existing utility easements is a disposition of the City’s interest in real property. City Council may approve the request, after conducting a public hearing on the request. Va. Code Ann. § 15.2-1800(B).

2. *Boundary Line Adjustment*—The boundary line adjustment sought by the Landowner would alter the existing right-of-way line for Preston Place. City Council may approve the alteration, after publication of newspaper notice and a public hearing. Virginia Code Ann. §15.2-2006. This proposed ROW alteration does not affect any landowner(s) other than Preston Place Properties, LLC.

Alignment with City Council's Vision and Strategic Plan

N/A

Community Engagement

Public hearing on these requests is required by Va. Code §15.2-1800 and §15.2-2006

Budgetary Impact

None

Recommendation

Staff recommends approval of the vacation of the existing utility easements, and of the alteration of the boundary line adjacent to Preston Place.

Suggested motion: " I MOVE the ORDINANCE vacating existing utility easements and altering the right of way boundary line for Preston Place"

Staff recommends acceptance of the dedication of additional right-of-way for Preston Place.

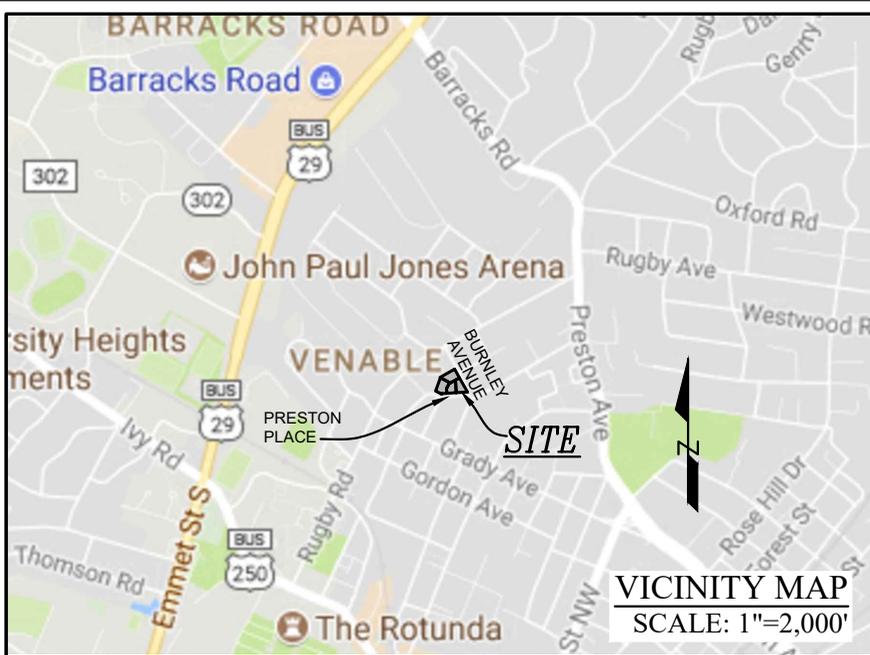
Suggested motion: "I MOVE the RESOLUTION accepting accepting the dedication and conveyance of an additional 1,227 square feet of public street right-of-way to be added to Preston Place."

Alternatives

Council may, by motion, deny any of the requested actions.

Attachments

1. Plat 1
2. Plat 2
3. ORDINANCE Vacating ROW line
4. RESOLUTION Accepting ROW



NOTES

1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON.
2. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE ON 08-27-2017 USING MONUMENTS FOUND TO EXIST AT THE TIME.
3. THE AREA SHOWN HEREON IS LOCATED IN ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN AS SHOWN ON FEMA MAP NO 51003C0286D, EFFECTIVE DATE FEBRUARY 4, 2005. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS, NO ELEVATION STUDY HAS BEEN PERFORMED AS A PORTION OF THIS PROJECT.
4. THERE ARE NO KNOWN PLACES OF BURIAL ON SUBJECT PARCELS.
5. EASEMENTS LABELED AS "PUBLIC" ARE PUBLIC AND SHALL BE DEDICATED TO THE CITY OF CHARLOTTESVILLE.
6. OWNER OF RECORD: PRESTON PLACE PROPERTIES, LLC FOR ALL PARCELS.
7. SOURCE OF TITLE: INSTRUMENT 2015:3728; BLA AT INSTRUMENT 2017:4554 AND 2018:4410; DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AT INSTRUMENT 2018:4411 – ALL PARCELS.
8. ZONED R-3, SETBACKS PER CURRENT ZONING ORDINANCE Sec. 34-353.

INDEX

- V1 - COVER
- V2 - PUBLIC EASEMENT VACATION
- V3 - NEW PUBLIC UTILITY EASEMENTS

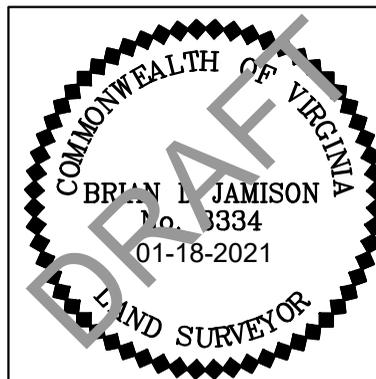
STATEMENT OF CONSENT

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, BEING COMMONLY KNOWN BY CURRENT CITY LAND RECORDS AS PARCEL NUMBERS 118.001, 118.002, AND 118.003 ON TAX MAP 5, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

 PRESTON PLACE PROPERTIES, LLC
 712 RUGBY ROAD
 CHARLOTTESVILLE, VA 22903

TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
 BEFORE ME THIS ____ DAY OF _____ 20__.

MY COMMISSION EXPIRES: _____



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 SERVING VIRGINIA SINCE 1956

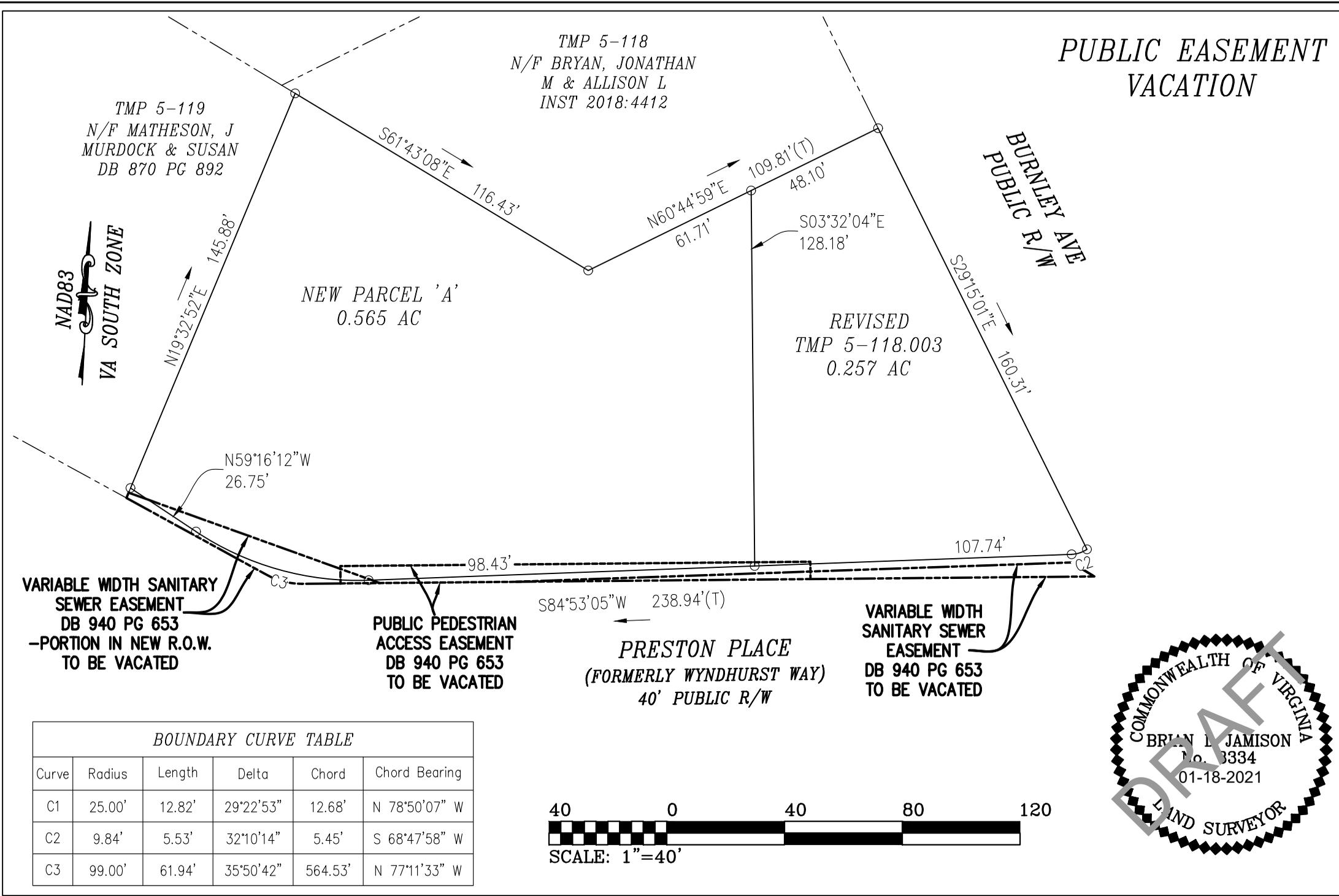
PHYSICAL: 999 2ND STREET SE - CHARLOTTESVILLE, VA 22902
 MAIL: 435 MERCHANT WALK SQUARE, STE 300-159
 CHARLOTTESVILLE, VA 22902
 PHONE: 434-977-0205, FAX: 434-296-5220
 WWW.ROUDABUSH.COM

PLAT VACATING AND CREATING
 PUBLIC EASEMENTS

TAX MAP 5, PARCELS:
18.001, 118.002,
AND 118.003

CITY OF CHARLOTTESVILLE, VA

DATE:	01-18-2022
REV:	
REV:	
REV:	
SCALE:	N/A
JOB:	17.0078
FILE:	CIVIL PROJ
SHEET:	01 OF 03



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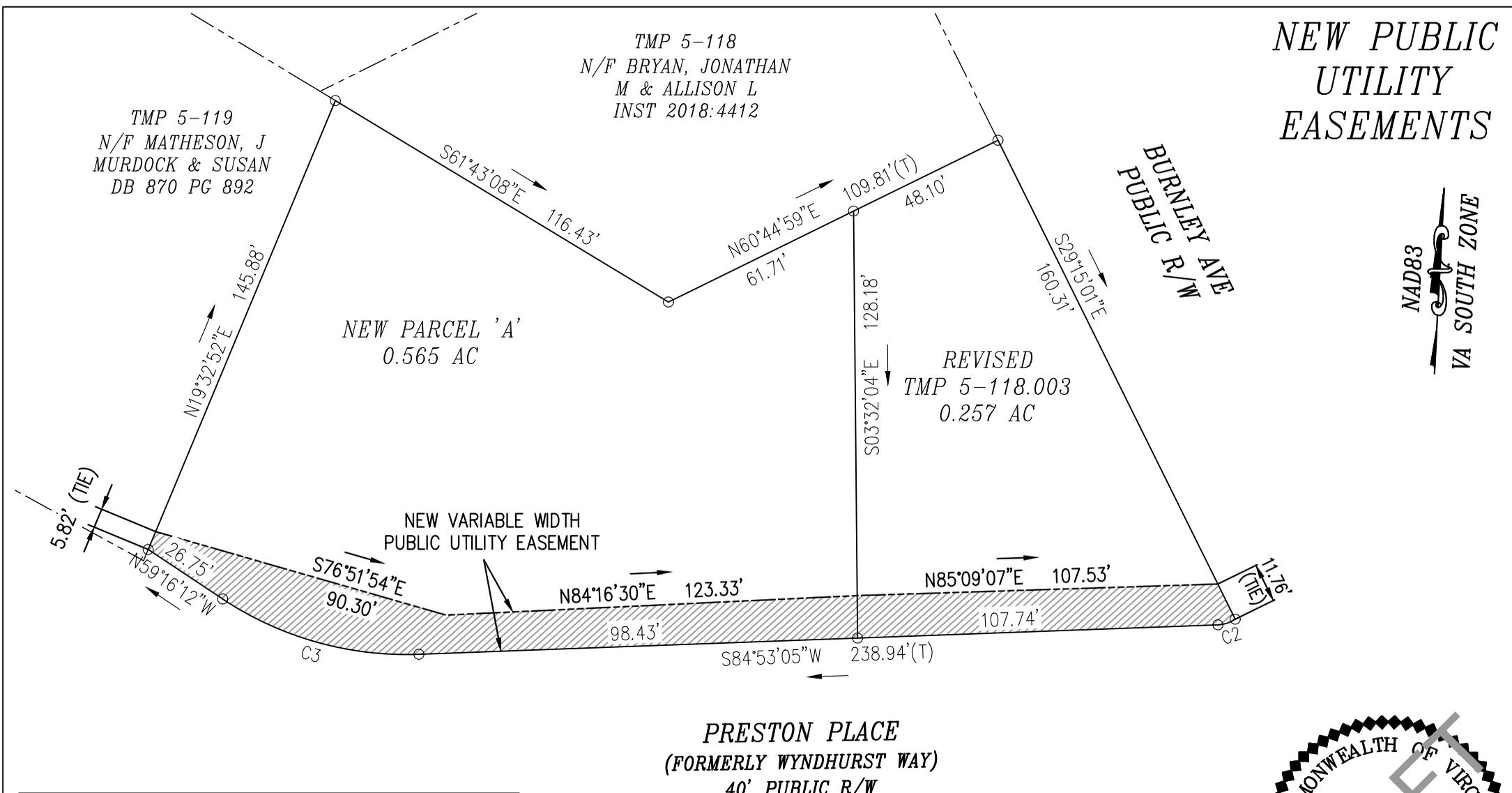
PLAT VACATING AND CREATING PUBLIC EASEMENTS

TAX MAP 5, PARCELS:
18.001, 118.002,
AND 118.003

CITY OF CHARLOTTESVILLE, VA

DATE:	01-18-2022
REV:	
REV:	
REV:	
SCALE:	1"=40'
JOB:	17.0078
FILE:	CIVIL PROJ
SHEET:	02 OF 03

NEW PUBLIC UTILITY EASEMENTS



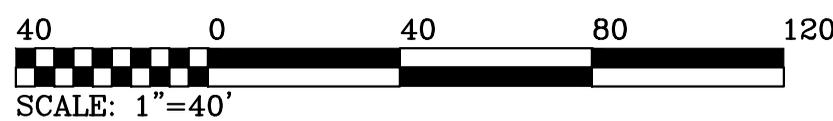
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PLAT VACATING AND CREATING
 PUBLIC EASEMENTS
 TAX MAP 5, PARCELS:
18.001, 118.002,
AND 118.003
 CITY OF CHARLOTTESVILLE, VA

BOUNDARY CURVE TABLE

Curve	Radius	Length	Delta	Chord	Chord Bearing
C1	25.00'	12.82'	29°22'53"	12.68'	N 78°50'07" W
C2	9.84'	5.53'	32°10'14"	5.45'	S 68°47'58" W
C3	99.00'	61.94'	35°50'42"	564.53'	N 77°11'33" W



DATE:	01-18-2022
REV:	
REV:	
REV:	
SCALE:	1"=40'
JOB:	17.0078
FILE:	CIVIL PROJ
SHEET:	03 OF 03

BOUNDARY LINE ADJUSTMENT

LEGEND:

IF IRON PIN FOUND

TMP 5-118
N/F BRYAN, JONATHAN
M & ALLISON L
INST 2018:4412

TMP 5-119
N/F MATHESON, J
MURDOCK & SUSAN
DB 870 PG 892

NEW PARCEL 'A'
0.565 AC

ORIGINAL
TMP 5-118.001
0.343 AC

REVISED
TMP 5-118.003
0.257 AC

ORIGINAL
TMP 5-118.002
0.235 AC

ORIGINAL
TMP 5-118.003
0.273 AC

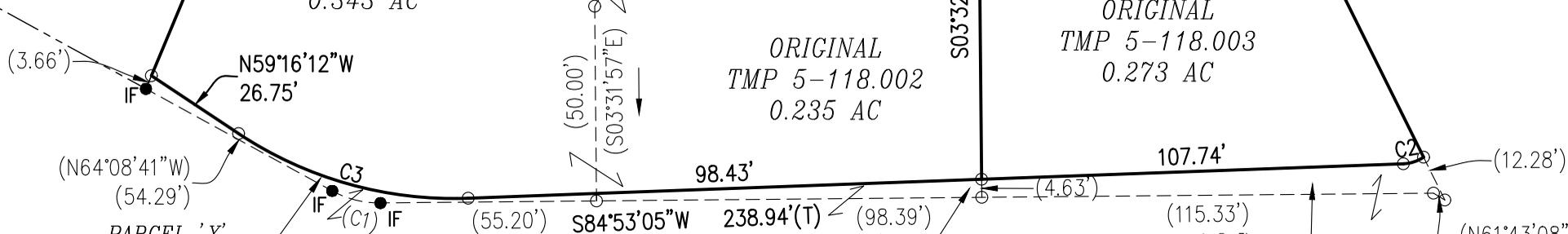
PARCEL 'X'
HEREBY DEDICATED
TO PUBLIC R.O.W.
0.006 AC.
231 SF

PARCEL 'Y'
HEREBY DEDICATED
TO PUBLIC R.O.W.
0.007 AC.
322 SF

PARCEL 'Z'
HEREBY DEDICATED
TO PUBLIC R.O.W.
0.016 AC.
724 SF

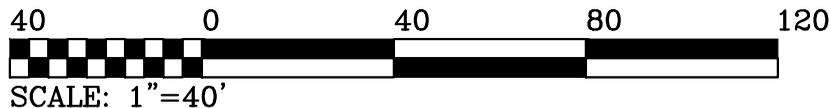
PRESTON PLACE
(FORMERLY WYNDHURST WAY)
40' PUBLIC R/W

BURNLEY AVE
PUBLIC R/W



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BOUNDARY LINE ADJUSTMENT AND
PRIVATE EASEMENT PLAT

TAX MAP 5, PARCELS:
**18.001, 118.002,
AND 118.003**

CITY OF CHARLOTTESVILLE, VA

DATE:	06-01-2021
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REV:	01-18-2022
REV:	03-28-2022
SCALE:	1"=40'
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SHEET:	02 OF 03

PRIVATE SANITARY EASEMENT

SANITARY EASEMENTS		
Line	Direction	Length
SE1	N 03°32'04" W	92.78'
SE2	S 86°27'56" W	40.11'
SE3	N 13°25'16" E	10.46'
SE4	N 86°28'03" E	47.07'
SE5	S 03°31'57" E	102.50'

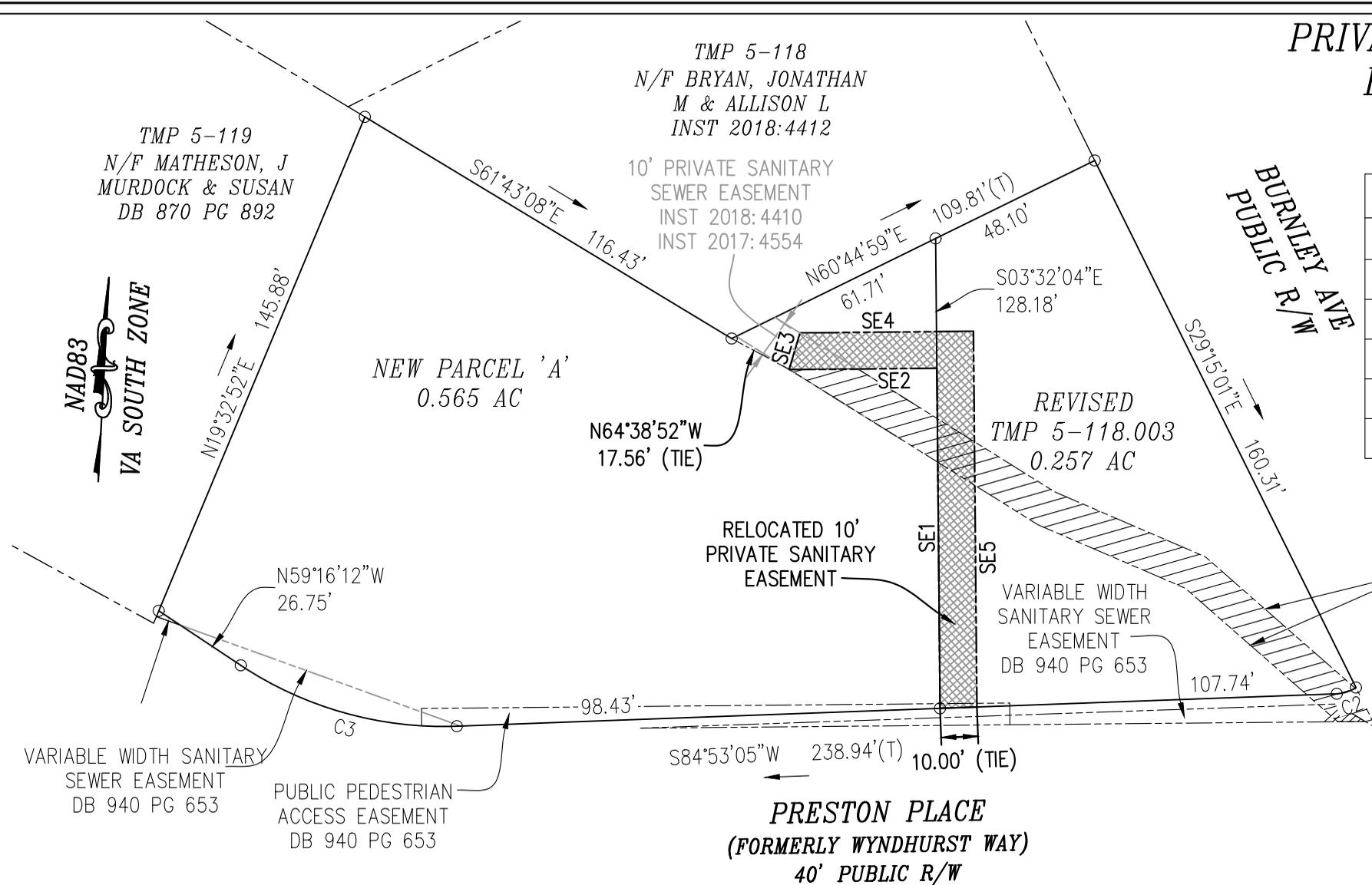
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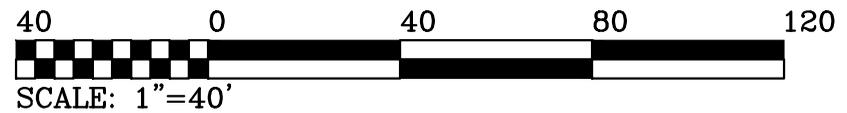
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ORDINANCE
VACATING EXISTING PUBLIC UTILITY EASEMENTS
AND ALTERING THE RIGHT-OF-WAY BOUNDARY LINE FOR PRESTON PLACE
ALONG THE FRONTAGE OF PROPERTY IDENTIFIED ON CITY TAX MAP 5 AS
PARCEL 118.003

WHEREAS Preston Place Properties, LLC, (“Landowner”) has requested City Council to vacate existing public utility easements identified as “*Variable Width Sanitary Sewer Easement – Portion in New R.O.W. to be Vacated, Public Pedestrian Access Easement – to be Vacated, Variable Width Sanitary Sewer Easement – to be Vacated*” on a plat dated January 18, 2022, prepared by Roudabush, Gale & Associates, Inc.; and

WHEREAS the Landowner has also requested City Council to alter the right-of-way boundary line for Preston Place, adjacent to Tax Map 5 Parcels 118.001, 118.02, 118.03, as depicted on a plat dated June 1, 2021, last revised March 28, 2022, titled “Boundary Line Adjustment and Private Easement Plat” prepared by Roudabush, Gale & Associates, Inc.; and

WHEREAS City Council has reviewed the information provided by City staff, and conducted a public hearing on August 15, 2022, after publication of notice of said public hearing within a local newspaper, as required by law; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia THAT the City hereby vacates the above-described existing public utility easements and approves the above-described alteration of the right-of-way boundary line for Preston Place. Upon approval of this Ordinance, the City Attorney shall prepare a deed of vacation and a deed of conveyance, each for recordation in the land records of the Circuit court for the City of Charlottesville along with the above-referenced plats.

RESOLUTION

Accepting a dedication and conveyance of an additional 1,227 square feet of public street right-of-way to be added to Preston Place

BE IT RESOLVED by the Council of the City of Charlottesville THAT the following area, identified within a plat dated June 1, 2021, last revised March 28, 2022, titled “Boundary Line Adjustment and Private Easement Plat” prepared by Roudabush, Gale & Associates, Inc. (“Plat”) is hereby accepted into the City’s public street system for maintenance, to be added to the right-of-way for Preston Place:

Approximately 1277 square feet, more or less, adjoining City Tax Map 5, Parcels 118.001, 118.002, 118.03, and labeled on the aforesaid Plat as “Parcel X Hereby Dedicated to Public R.O.W. 0.006 AC. 231 SF, Parcel Y Hereby Dedicated to Public R.O.W. 0.007 AC. 322 SF, Parcel Z Hereby Dedicated to Public R.O.W. 0.016 AC. 724 SF.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to prepare any legal instruments required for or in connection with the conveyance of title to this right-of-way area to the City.

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



Agenda Date:	August 15, 2022
Action Required:	Public hearing and Appropriation
Presenter:	Jeanette Janiczek, UCI Program Manager
Staff Contacts:	Stacey Smalls, Director Jack Dawson, City Engineer Tony Edwards, Development Services Manager Jeanette Janiczek, UCI Program Manager
Title:	Belmont Bridge Replacement Project – Appropriation of \$2,697,398 (1 of 2 readings)

Background

On May 16, 2005, the City entered into an agreement with the Virginia Department of Transportation (VDOT) to participate in the Urban Construction Initiative (“First Cities”) Program (UCI). Through this program, the City is responsible for administering its urban system construction program – design, right-of-way acquisition, utility relocation, and construction. The Belmont Bridge Replacement project is one such project being administered under this program. The project is under construction with a contract executed with Caton Construction Group’s (CCG) on June 16, 2021.

The Belmont Bridge Replacement project is currently on schedule to meet its Final Completion Date of January 25, 2024. Due to the constrained project area and the need to maintain traffic/access, the first stage of construction has been focused on preparatory activities for the reconstruction of the mainline bridge.

- A temporary parking lot has been established with an entrance off of East South Street to allow for the closure of the parking lot under the bridge and on-street parking to create space for construction activities and storage of materials.
- The majority of public utilities have been relocated to allow vehicular traffic to be moved to the western bridge (the first of four major traffic shifts) and demolition of eastern bridge.
- Stage 1 private utility is underway and Stage 2 will begin soon to allow for stormwater/sidewalk construction along the east side of 9th/Avon Street as well as reconstruction of East South Street.
- Excavation has been conducted for the southern pedestrian underpass, the extension of the northern pedestrian underpass, the staircases in the northeast quadrant and the retaining wall system.

CCG has started to build the new eastern bridge – the two piers have been completed, the southern

abutment/retaining wall has begun, the first of three sets of beam/girders has been placed (over Old Avon), production of the southern pedestrian underpass is underway, footers/stem walls being poured for the northern pedestrian underpass extension and the NE staircase system has begun. The eastern bridge will be opened to traffic in November 2022 and work will then begin on the western, two bridges.

Discussion

On June 7, 2021, Council approved an appropriation of \$4,280,739 in state funds from the State of Good Repair (SGR) Local Bridge funding program bringing the total allocation to the Belmont Bridge project to \$35,380,782 in federal, state, and local funds. This allowed the City to award the construction contract and provided additional funds needed to cover other necessary project expenditures such as construction engineering inspection services and contingency fund. The VDOT had pursued two funding streams to ensure the project could move forward – the State of Good Repair (SGR) Local Bridge funding program and the Demonstration Repurpose VA200 (DEMO) funding program. The City has now been notified that we have also received \$2,697,398 in DEMO funds.

City Council can choose to accept the funding for the Belmont Bridge project or return the funding to the VDOT. City staff recommends accepting the award based on:

- the current utilization rate of the contingency fund for added work (additional waterline and duct bank work needed, full rebuild of the signal at East Market due to timing of East High Streetscape project, expenses related to resequencing activities, etc.)
- current phase of construction – the first of three bridges just starting construction with bridges being a high risk, high dollar activity
- current state of the economy with supply chain issues, historic inflation levels and staffing shortages.

Staff will continue to mitigate these risks to both budget and schedule to ensure the City's interests are protected and the goals of the project accomplished. At the end of the project, remaining funds will be reconciled and reported to City Council.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item upholds the City's commitment to create "a connected community" by improving upon our existing transportation infrastructure. In addition, it would contribute to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community; Objectives 2.3. Provide reliable and high quality infrastructure and 2.6. Engage in robust and context sensitive urban planning.

Community Engagement

There has been significant engagement throughout project planning process through a Steering Committee, project specific public meetings, coordination with City boards/commissions and public surveys. A Design Public Hearing was held on May 24, 2018 and the Design Concept accepted by City Council on July 16, 2018. The Board of Architectural Review granted a Certificate of Appropriateness on August 20, 2019. Prior to commencement of construction, a Citizen Information Meeting was held on August 11, 2021 to discuss maintenance of traffic for both vehicles and

pedestrians, construction schedule and sequencing. Progress reports, future traffic notices as well as historical meeting information can be found on www.belmontbridge.org.

Budgetary Impact

Currently, the total Belmont Bridge project funding allocation is \$35,380,782 using a combination of federal, state, and local funds. With the additional award of Federal funds from the Demonstration program, the total funding allocation for the project is now \$38,078,180, and the appropriation will be amended as follows:

Funding Allocations (as of June 2021)	<u>Federal</u>	\$3,181,234
	<u>State</u>	\$19,150,933
	<u>Local</u>	\$13,048,615
	<u>TOTAL</u>	\$35,380,782
Funding Allocations (revised August 2022)	<u>Federal (*)</u>	\$5,878,632
	<u>State</u>	\$19,150,933
	<u>Local</u>	\$13,048,615
	<u>TOTAL</u>	\$38,078,180

(*) This amount is increased by the funds to be received through Demonstration funding.

The increase in federal allocations will be reimbursed once expended.

Per Va Code Section 15.2-2507, this proposed appropriation requires notice to be placed in the local newspaper seven days prior to the Council meeting.

Recommendation

Staff recommends approval of the appropriation.

Alternatives

City Council could choose to not appropriate the additional Demonstration funding and return the funds to the VDOT.

Attachments

1. Approp - Belmont 082022

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



Agenda Date:	August 15, 2022
Action Required:	Public hearing and Appropriation
Presenter:	Jeanette Janiczek, UCI Program Manager
Staff Contacts:	Stacey Smalls, Director Jack Dawson, City Engineer Tony Edwards, Development Services Manager Jeanette Janiczek, UCI Program Manager
Title:	Belmont Bridge Replacement Project – Appropriation of \$2,697,398 (1 of 2 readings)

Background

On May 16, 2005, the City entered into an agreement with the Virginia Department of Transportation (VDOT) to participate in the Urban Construction Initiative (“First Cities”) Program (UCI). Through this program, the City is responsible for administering its urban system construction program – design, right-of-way acquisition, utility relocation, and construction. The Belmont Bridge Replacement project is one such project being administered under this program. The project is under construction with a contract executed with Caton Construction Group’s (CCG) on June 16, 2021.

The Belmont Bridge Replacement project is currently on schedule to meet its Final Completion Date of January 25, 2024. Due to the constrained project area and the need to maintain traffic/access, the first stage of construction has been focused on preparatory activities for the reconstruction of the mainline bridge.

- A temporary parking lot has been established with an entrance off of East South Street to allow for the closure of the parking lot under the bridge and on-street parking to create space for construction activities and storage of materials.
- The majority of public utilities have been relocated to allow vehicular traffic to be moved to the western bridge (the first of four major traffic shifts) and demolition of eastern bridge.
- Stage 1 private utility is underway and Stage 2 will begin soon to allow for stormwater/sidewalk construction along the east side of 9th/Avon Street as well as reconstruction of East South Street.
- Excavation has been conducted for the southern pedestrian underpass, the extension of the northern pedestrian underpass, the staircases in the northeast quadrant and the retaining wall system.

CCG has started to build the new eastern bridge – the two piers have been completed, the southern

abutment/retaining wall has begun, the first of three sets of beam/girders has been placed (over Old Avon), production of the southern pedestrian underpass is underway, footers/stem walls being poured for the northern pedestrian underpass extension and the NE staircase system has begun. The eastern bridge will be opened to traffic in November 2022 and work will then begin on the western, two bridges.

Discussion

On June 7, 2021, Council approved an appropriation of \$4,280,739 in state funds from the State of Good Repair (SGR) Local Bridge funding program bringing the total allocation to the Belmont Bridge project to \$35,380,782 in federal, state, and local funds. This allowed the City to award the construction contract and provided additional funds needed to cover other necessary project expenditures such as construction engineering inspection services and contingency fund. The VDOT had pursued two funding streams to ensure the project could move forward – the State of Good Repair (SGR) Local Bridge funding program and the Demonstration Repurpose VA200 (DEMO) funding program. The City has now been notified that we have also received \$2,697,398 in DEMO funds.

City Council can choose to accept the funding for the Belmont Bridge project or return the funding to the VDOT. City staff recommends accepting the award based on:

- the current utilization rate of the contingency fund for added work (additional waterline and duct bank work needed, full rebuild of the signal at East Market due to timing of East High Streetscape project, expenses related to resequencing activities, etc.)
- current phase of construction – the first of three bridges just starting construction with bridges being a high risk, high dollar activity
- current state of the economy with supply chain issues, historic inflation levels and staffing shortages.

Staff will continue to mitigate these risks to both budget and schedule to ensure the City's interests are protected and the goals of the project accomplished. At the end of the project, remaining funds will be reconciled and reported to City Council.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item upholds the City's commitment to create "a connected community" by improving upon our existing transportation infrastructure. In addition, it would contribute to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community; Objectives 2.3. Provide reliable and high quality infrastructure and 2.6. Engage in robust and context sensitive urban planning.

Community Engagement

There has been significant engagement throughout project planning process through a Steering Committee, project specific public meetings, coordination with City boards/commissions and public surveys. A Design Public Hearing was held on May 24, 2018 and the Design Concept accepted by City Council on July 16, 2018. The Board of Architectural Review granted a Certificate of Appropriateness on August 20, 2019. Prior to commencement of construction, a Citizen Information Meeting was held on August 11, 2021 to discuss maintenance of traffic for both vehicles and

pedestrians, construction schedule and sequencing. Progress reports, future traffic notices as well as historical meeting information can be found on www.belmontbridge.org.

Budgetary Impact

Currently, the total Belmont Bridge project funding allocation is \$35,380,782 using a combination of federal, state, and local funds. With the additional award of Federal funds from the Demonstration program, the total funding allocation for the project is now \$38,078,180, and the appropriation will be amended as follows:

Funding Allocations (as of June 2021)	<u>Federal</u>	\$3,181,234
	<u>State</u>	\$19,150,933
	<u>Local</u>	\$13,048,615
	<u>TOTAL</u>	\$35,380,782
Funding Allocations (revised August 2022)	<u>Federal (*)</u>	\$5,878,632
	<u>State</u>	\$19,150,933
	<u>Local</u>	\$13,048,615
	<u>TOTAL</u>	\$38,078,180

(*) This amount is increased by the funds to be received through Demonstration funding.

The increase in federal allocations will be reimbursed once expended.

Per Va Code Section 15.2-2507, this proposed appropriation requires notice to be placed in the local newspaper seven days prior to the Council meeting.

Recommendation

Staff recommends approval of the appropriation.

Alternatives

City Council could choose to not appropriate the additional Demonstration funding and return the funds to the VDOT.

Attachments

1. Approp - Belmont 082022

APPROPRIATION
Belmont Bridge Replacement Project
\$2,697,398

WHEREAS, a total of \$2,697,398 in federal funds for the Belmont Bridge Replacement Project requires appropriation; and

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

Revenues

\$2,697,398 Fund: 426 WBS: P-00436 G/L Account: 430120

Expenditures

\$2,697,398 Fund: 426 WBS: P-00436 G/L Account: 599999

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that \$2,697,398 noted above is conditioned upon the receipt of a fully executed Appendix A and receipt of the funds from the Virginia Department of Transportation (VDOT).

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



Agenda Date:	August 15, 2022
Action Required:	Approval
Presenter:	Samuel Sanders, Jr., Deputy City Manager
Staff Contacts:	Samuel Sanders, Jr., Deputy City Manager Brennen Duncan, Traffic Engineer
Title:	Honorary Street Designation requests

Background

Honorary Street names last came before City Council in March of 2021. The Historic Resources Committee reviewed several applications and had recommendations for a revised city policy for reviewing such applications in the future. The process to rewrite the Honorary Street Designation policy has not yet been completed, but staff has received applications for council's consideration.

Discussion

Requests have been made for two (2) honorary street designations over the past months for the Council's consideration:

1. Lankford Avenue (between 1st South and Ridge Street) should be given the honorary name "Dr. Alvin Edwards Drive", and
2. Ridge-McIntire Rd (between West Main Street and Preston Avenue) should be given the honorary name "Vinegar Hill Boulevard".

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Budgetary Impact

The program is funded through the Public Works maintenance fund.

Recommendation

Approve the proposed Honorary Street names as presented.

Alternatives

Deny one or both of the Honorary Street names as presented.

Attachments

1. Resolution_Honorary Street Designation_Edwards_8.15.2022
2. Edwards - application
3. Resolution_Honorary Street Designation_VinegarHill_8.15.2022
4. Vinegar Hill - application

RESOLUTION

TO APPROVE HONORARY STREET NAME DESIGNATION

WHEREAS, City Council adopted a policy to establish procedures by which requests may be submitted and considered for approval of honorary street name designations; and

WHEREAS, the Charlottesville City Code Section 28-4 reserves to City Council the authority to modify the names of City streets;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia **THAT**:

1. Lankford Avenue (between 1st South and Ridge Street) shall be given the honorary name “Dr. Alvin Edwards Drive”.

City of Charlottesville Request for Honorary Street Name Designation

Applicant Name: Brianna Moore, Isaac Edwards, Alvin C. Edwards, and Brittany Deloatch

Applicant Address: 614 Beechwood Dr. Charlottesville, VA 22901

Applicant Telephone: 757-470-1511

(Daytime) (Evening)

1. Honorary Street names are restricted to: Individuals Organizations Entities Events Of local significance to Charlottesville

A. For whom/what are you recommending this designation? Alvin Edwards

B. What is the reason for this recommendation? (Applicants should complete a short essay of approximately 500 words that provides justification for the proposed honorary designation. The completed essay should be attached to this application form).

Please see attached short essay regarding the service Alvin Edwards has given to the City of Charlottesville as well as the sacrifices he has made for the City of Charlottesville.

2. Location of Proposed honorary street name designation:

A. Street Name Lankford Avenue (Example: Kirby Avenue)

B. Between 1st St and Lankford (example: between Neil and Wright)

OR

All of the street Lankford Avenue

C. What is the proposed designation? Dr. Alvin Edwards Drive or Dr. Alvin Edwards Way or Dr. Alvin Edwards Place

Please complete and mail the attached form to: Clerk of City Council City of Charlottesville P. O. Box 911 Charlottesville, VA 22902

By the grace of God, and sometimes at the expense of family time, from the moment he set foot here, Reverend Doctor Alvin Edwards has been engrossed in all things Charlottesville. He has served on many boards including the Charlottesville School Board, Monticello Area Community Action Agency (MACAA), Alliance For Interfaith Ministries, Charlottesville Redevelopment Housing Authority, Charlottesville/Albemarle Boys and Girls Club, Planning Coordinating Council, Charlottesville City Council, Dr. Martin Luther King, Jr., Celebration Committee, and the African-American Summit Committee. He has represented our city well in his service on the Board of Medicine for the Commonwealth of Virginia and connected us through other state agencies. He has served as the Mayor of the City of Charlottesville, the president of the Democratic party, and has been involved in other political arenas. He has developed and put into action the Charlottesville Clergy Collective which seeks to be an interfaith community of prayer, solidarity, and impact within the Charlottesville-Albemarle Region. In public and in private, Dr. Edwards has also been a bridge between the City of Charlottesville and the University of Virginia.

He has organized, led, and participated in numerous initiatives that have helped strengthen the community. For example, advocating for equality and equity, encouraging others to stop selling and using drugs, putting an end to community violence, and made efforts to help revitalize many communities in Charlottesville as a whole. He has been very active in the lives of Charlottesville youth, attending school concerts, practicing with the football team, and encouraging academic excellence.

He has been the pastor of Mount Zion First African Baptist Church for over 40 years and through his church congregation, has touched many lives.

Though a public figure, he's not very much into accolades and being the recipient of public praise. However, we believe it would be a great honor to have all that he has poured into this fine city be acknowledged with a street permanently named after him while he is still living. We hope that after considering all that we have shared, you will feel the same.

RESOLUTION

TO APPROVE HONORARY STREET NAME DESIGNATION

WHEREAS, City Council adopted a policy to establish procedures by which requests may be submitted and considered for approval of honorary street name designations; and

WHEREAS, the Charlottesville City Code Section 28-4 reserves to City Council the authority to modify the names of City streets;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia **THAT**:

1. Ridge-McIntire Road (between West Main Street and Preston Avenue) shall be given the honorary name "Vinegar Hill Boulevard".

City of Charlottesville CITY COUNCIL

Request for Honorary Street Name Designation

Applicant Name: MARY E. CARZY

Applicant Address: 100 Ridge Street Apt. # 218
Charlottesville, Virginia 22902

Applicant Telephone: (434) 882-6182 SAME
(Daytime) (Evening)

- 1. Honorary Street names are restricted to:
 - Individuals
 - Organizations
 - Entities
 - Events
 - Of local significance to Charlottesville

A. For whom/what are you recommending this designation?
TO RESTORE SOME OF THE BLACK COMMUNITY
HISTORY THAT WAS ONCE VINEGAR HILL.

B. What is the reason for this recommendation? (Applicants should complete a short essay of approximately 500 words that provides justification for the proposed honorary designation. The completed essay should be attached to this application form).

SEE ATTACHED LETTER!

2. Location of Proposed honorary street name designation:

A. Street Name Ridge McIntire (Example: Kirby Avenue)

B. Between Main Street and Preston Ave
(example: between Neil and Wright)

OR

All of the street _____

C. What is the proposed designation?

Vinogar Hill Blvd

Please complete and mail the attached form to:

Clerk of City Council
City of Charlottesville
P. O. Box 911
Charlottesville, VA 22902

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 15, 2022
Action Required:	Amend and re-ordain City Code Sec.30-6 to increase the threshold under which the Treasurer may issue a refund for an erroneous assessment without direction from Council
Presenter:	Jason Vandever, City Treasurer
Staff Contacts:	Jason Vandever, City Treasurer Todd Divers, Commissioner of the Revenue Lisa Robertson, City Attorney
Title:	Amend City Code Section 30-6 to increase the threshold under which the City Treasurer may issue a refund for an erroneous assessment without direction from Council (1 of 2 readings)

Background

Sec. 30-6 of the Charlottesville City Code stipulates that:

In the event that the assessing official determines that they have erroneously assessed an applicant with a local tax, they shall exonerate the applicant from the payment of so much as is erroneously charged, if not already paid into the city treasury. If the assessment has been paid, the city council shall, upon the certificate of the assessing official with the consent of the city attorney that such assessment was erroneous, direct the city treasurer to refund the excess to the taxpayer, with interest if authorized by law. However, the city treasurer is hereby authorized to approve and issue, without the above-referenced certificate, any refund up to two thousand five hundred dollars (\$2,500.00) resulting from an erroneous assessment.

Virginia Code §58.1-3981 provides the statutory basis for this procedure.

In practice, when the Commissioner of the Revenue or City Assessor discovers an erroneous assessment that will result in a refund of greater than \$2,500, they must certify to the City Attorney and the City Treasurer the circumstances surrounding such refund. They must then arrange for the refund to be taken up on a Council agenda, prepare a memo outlining the City Attorney's certification, and await Council approval (after the required number of readings) before the Treasurer can issue the refund.

In most instances, interest is also paid on these refunds.

Discussion

The \$2,500 threshold was set out in State Code in 1995 (HB1694) and later formally adopted by the City of Charlottesville in 2004 (11/15/04). The General Assembly has increased the allowable threshold twice in recent years – increasing it to \$5,000 in 2020 (HB316), and to \$10,000 in 2022 (HB368).

There are essentially four arguments for adopting the currently permissible \$10,000 threshold under which the Treasurer may issue a refund for an erroneous assessment:

1. Whereas in 1995 a refund of \$2,500 was a rare occurrence, refunds of that amount (and higher) are fairly common today;
2. Preparing Council memos and securing the sign-off from the City Attorney is time consuming and needlessly ties up the attention of the Commissioner of the Revenue or Assessor, Treasurer, and City Attorney;
3. The approval is typically a formality anyway. Once the Commissioner of the Revenue or Assessor determines that a tax was paid in error, a refund is due to the taxpayer;
4. The process delays payment and causes the City to incur more interest. By the time an agenda item is created, goes through the necessary approvals, is read twice, and finally voted on, weeks have typically passed since the original exoneration.

Alignment with City Council's Vision and Strategic Plan

This change aligns with the City's Organizational Value of **Excellence**:

We provide excellent services. We are responsive to requests and seek to implement the most effective approaches to our work. We follow best practices, and we measure the outcomes of our performance. We provide accurate and timely delivery of services.

This change aligns with the City's Goal #5, to be **a well-managed and responsive organization**:

5.1 Integrate effective business practices and strong fiscal policies

5.3 Provide responsive customer service

Community Engagement

N/A

Budgetary Impact

N/A

Recommendation

Approve the amended ordinance.

Suggested Motion: "I move the ORDINANCE amending and re-ordaining Sec. 30-6 of the City Code, to authorize the Treasurer to approve and issue any refund up to \$10,000 as a result of an erroneous tax assessment."

Alternatives

None

Attachments

1. Proposed Ordinance

ORDINANCE
TO AMEND AND REORDAIN SECTION 30-6 OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, TO AUTHORIZE THE TREASURER TO
APPROVE AND ISSUE ANY REFUND UP TO \$10,000 AS THE RESULT
OF AN ERRONEOUS TAX ASSESSMENT

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the Code of the City of Charlottesville, 1990, as amended, Chapter 20 (Taxation), Article I (General), Section 30-6, is hereby amended and reordained as follows:

CHAPTER 30. TAXATION

ARTICLE I. – IN GENERAL

Sec. 30-6. Correction of assessments.

- (a) Any person, firm or corporation assessed by a city official with any local tax authorized by this chapter, and who is aggrieved by any such assessment, may apply to the official who made the assessment for a correction thereof. Such applications shall be governed by the standards and requirements of Chapter 39, Article 5 (§ 58.1-3980 et seq.) of Title 58.1 of the Virginia Code, as may be applicable to the tax in question. Any person assessed with local taxes, aggrieved by any such assessment, may, unless otherwise specifically provided by law, apply for relief to the city's circuit court as provided within § 58.1-3984 of the Code of Virginia.
- (b) In the event that the assessing official determines that they have erroneously assessed an applicant with a local tax, they shall exonerate the applicant from the payment of so much as is erroneously charged, if not already paid into the city treasury. If the assessment has been paid, the city council shall, upon the certificate of the assessing official with the consent of the city attorney that such assessment was erroneous, direct the city treasurer to refund the excess to the taxpayer, with interest if authorized by law. However, the city treasurer is hereby authorized to approve and issue, without the above-referenced certificate, any refund up to *ten thousand two thousand five hundred dollars (\$10,000.00)* ~~(\$2,500.00)~~ resulting from an erroneous assessment.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: August 15, 2022

Action Required: Adoption of Ordinance (2nd Reading)

Presenter: Lisa Robertson, City Attorney

Staff Contacts: Brenda Kelley, Redevelopment Manager

Title: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (2nd reading deferred from 7/18/22)

Background

The City has received a request from Portia Boggs and Vignesh Kuppusamy, the owners of a lot located at **321 6th Street, S.W.**, asking the City to convey to them a strip of property adjacent to their lot. The strip of property in question was platted (circa 1888) as a 20-foot right-of-way identified as “Oak Street” (“Subject Property”). The subdivision plat which created the right-of-way was recorded in the land records of Albemarle County at Deed Book 90 Page 52. (This area is part of an area that was annexed by the City in the distant past).

Previous 2010 Council Vacation: previously, in March 2010, City Council closed a seventy-seven (77) foot section of the old platted street, beginning at 6-1/2 Street S.W. and continuing up to the eastern property line of the lots currently identified as 316 and 322 6-1/2 Street S.W. In 2010 City Council did not require the landowners who requested vacation of the plat to pay for the extra square footage of land that was acquired. The 2010 Ordinance states that there were no utility “easements” within the portion of Oak Street that was previously vacated.

Per Virginia Code §15.2-2274, if this remaining portion of Oak Street is vacated by City Council, fee simple title to the centerline of the platted street will vest in the *two* adjacent landowners (i.e., Boggs/ Kuppusamy, who are requesting this, and their neighbors at 313 6th St., S.W.).

Discussion

Virginia Code §15.2-2272 authorizes City Council to vacate property lines shown within a recorded subdivision plat, upon the application of any interested person. The request has been reviewed by the following department heads, none of whom had any substantive comments or recommendations: Utilities; Public Works; Neighborhood Development Services; Office of Community Solutions; Economic Development; Parks and Recreation.

Alignment with City Council's Vision and Strategic Plan

Not indicated by any department head.

Community Engagement

A public hearing is required, per Va. Code §15.2-2272(2) and was conducted as part of the first reading of this proposed ordinance.

Budgetary Impact

None identified by any department director or the city manager's office.

Recommendation

The City Attorney's office recommends that any ordinance vacating the Subject Street should require a private easement in favor of the owner of 313 6th Street, S.W. There exists a utility service line within a portion of the Subject Street, connecting a house on that lot to a public main in 6th Street, S.W. Although the precise location is not known at this time, in relation to the centerline of the Subject Street area, requiring that the vacation be subject to a private easement in favor of 313 6th Street, S.W. will ensure that--to the extent, if any, that the existing utility line might be located in an area that crosses over the centerline of the Subject Street area, the homeowner on 313 6th Street, S.W. will not be placed at odds with the landowner(s) on the opposite side of the Subject Street.

Suggested Motion: "I MOVE THE ORDINANCE closing, vacating and discontinuing that portion of Oak Street, an unaccepted right of way, between 6th Street, S.W. and 6-1/2 Street, S.W., adjacent to Parcels 98 and 184 on City Real Estate Tax Map 29."

Alternatives

Council may (by verbal motion) deny the request. Council may also defer the request for action at a later date.

Attachments

1. ORDINANCE 321 6th Street Vacation

ORDINANCE
CLOSING, VACATING AND DISCONTINUING THAT PORTION OF OAK STREET, AN UNACCEPTED RIGHT OF WAY, BETWEEN 6TH STREET S.W. AND 6-1/2 STREET, S.W., ADJACENT TO PARCELS 98 AND 184 ON CITY REAL ESTATE TAX MAP 29

WHEREAS Portia Boggs and Vignesh Kuppusamy, the owners of the property at 321 6th Street, S.W., have petitioned the City to close a portion of Oak Street, an unaccepted right-of-way running from 6th Street, S.W. in a westerly direction to the property line(s) for 316 and 322 6-1/2 Street, S.E., adjoining Parcels 98 and 184 on City Tax Map 29 (“Subject Street”); and

WHEREAS the portion of Oak Street that is the subject of this petition was created circa 1888, by a subdivision plat recorded in the Albemarle County land records at Deed Book 90 Page 52, and subsequently annexed into the City of Charlottesville; however, there is no known record of the City Council ever having formally accepted the area within the 20-foot Oak Street platted right-of-way; and

WHEREAS, by ordinance adopted March 15, 2010, this City Council previously vacated a different segment of the platted Oak Street right-of-way adjoining Parcels 97 and 185 on City Real Estate Tax Map 29 (316 and 322 6-1/2 Street, S.W., respectively); and

WHEREAS the owners of property adjoining the Subject Street (e.g., 313 and 321 6th Street, S.W.) have been notified of this petition, and notice has been given to the public pursuant to Virginia Code Sections 15.2-2204 and 15.2-2272, and a public hearing by the City Council was held on June 21, 2010; and

WHEREAS after due consideration of the petition this Council finds and determines that the petitioners’ request should be granted; now, therefore

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Subject Street is hereby closed, vacated and abandoned, subject to an easement for the benefit of the owner(s) of 313 6th Street, S.W., for an existing utility service line located within the area of the Subject Street, and the said area of the Subject Street being more particularly described as follows:

A twenty (20) foot platted street, designated as Oak Street, running from 6th Street, S.W. for the entire length of the adjoining lots identified on 2022 City Real Estate Tax Map 29 Parcels 98 and 184 (313 and 321 6th Street, S.W., respectively).

BE IT FURTHER ORDAINED that this ordinance shall take effect (i) 60 days after the date of City Council’s vote to approve this Ordinance, if no appeal from City Council’s enactment of this ordinance is filed of record within the Charlottesville Circuit Court, or (ii) if an appeal is filed, upon the entry of a final order by the circuit court disposing of the appeal (“Effective Date”). The City Attorney and City Manager are authorized to take all actions necessary to carry out the actions authorized by this ordinance, and, on or after the Effective Date, to record an attested copy of this ordinance within the Street Closing Book within the land records of the Charlottesville Circuit Court. Upon the recordation of this Ordinance within the said Street Closing Book, the owner(s) of the lots currently addressed as 313 and 321 6th Street, S.W., respectfully, shall acquire title to the centerline of the Subject Street adjoining their lot.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: August 15, 2022

Action Required: Approval of Resolution for a Special Use Permit

Presenter: Brian Haluska, Principal Planner

Staff Contacts: Brian Haluska, Principal Planner

Title: 1000 Monticello Road, Special Use Permit for additional residential density (1 reading deferred from 7/18/22)

Background

Kelsey Schlein of Shimp Engineering, acting as agent for Piedmont Realty Holdings III, LLC, owners of Tax Map 57 Parcel 36 (“Subject Property”) has requested a special use permit on the Subject Property to increase the maximum residential density to 42 dwelling units per acre. The Subject Property is currently zoned Neighborhood Commercial Corridor and is the location of Belmont Apartments.

Discussion

The Planning Commission considered this application at their meeting on June 14, 2022. The discussion centered on the details of the building height, massing, and the potential impacts of the request on the surrounding neighborhood.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 24 at the following link;
[Planning Commission Packet from June 14, 2022](#)

Alignment with City Council's Vision and Strategic Plan

The City Council Vision of Quality Housing Opportunities for All states that “Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

Community Engagement

Per Sec. 34-41(c)(2), the applicant held a community meeting on April 21, 2022. (A City Planner was able to attend as a NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- The cumulative impact of development throughout the Belmont neighborhood on the adjacent streets.

The Planning Commission held a joint public hearing with City Council on this matter on June 14,

2022. One member of the public spoke on the application. The members of the public raised concerns regarding:

- The past impact of the development on affordability in the neighborhood.

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 5-1 to recommend the application be approved with an additional condition that the building be substantially similar to the exhibit included in the application dated April 12, 2022.

Suggested Motion: "I move the RESOLUTION Granting a Special Use Permit for Property Located at 1000 Monticello Road (City Tax Map 57, Parcel 36)"

Alternatives

By motion, Council may deny the requested Special Use Permit. Also (by motion) Council may defer taking action on this application.

Attachments

1. Resolution_SUP 1000 Monticello Road

RESOLUTION
Granting a Special Use Permit for Property Located at 1000
Monticello Road (City Tax Map 57, Parcel 36)

WHEREAS Piedmont Realty Holdings III, LLC (“Landowner”) is the owner of certain land identified on Tax Map 57 as Parcel 36, currently addressed as “1000 Monticello Road” (the “Property”), and the Landowner, through its authorized representative, is requesting a Special Use Permit for increased residential density (the “Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Sec. 34-700 to increase residential density from the current 21 DUA up to 43 DUA; and

WHEREAS the Property is located within the Neighborhood Commercial Corridor, a district in which, according to the Use Matrix set forth within City Code 34-700 increased residential density up to 43 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 Landowner’s application materials submitted in connection with SP22-00005, 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 June 14, 2022; and

WHEREAS the Planning Commission considered and recommended approval of this application at their June 14, 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) Up to 42 dwelling units per acre (DUA), or a total of 34 residential units, are permitted within the Project.
- (2) The owner of the building(s) located within the Project shall provide affordable housing within the Project, as follows:
 - a. For the purposes of this Condition, the term “For-Rent Workforce Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the Federal Department of Housing and Urban Development (HUD).

Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

- ii. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.
 - d. The land use obligations referenced in 2.c.i and 2.c.ii, above, shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.
 - e. Following issuance of a certificate of occupancy authorizing the building to be occupied, the owner of the building(s) shall thereafter provide an annual report on affordability compliance for the affordable unit(s) on a template provided by the City.
- (3) An acceptable marketing plan on how to market the designated affordable units should be provided to the City (to its Office of Community Solutions or other department which may hereafter be responsible for monitoring affordable housing requirements, in conjunction with the zoning administrator) prior to the issuance of any building permit for the Project. The marketing plan should provide detailed information on how the owner of the building(s) will market the units within the building(s), including non-discrimination of prospective tenants on the basis of race, creed, religion, color, sex, age, national origin, or source of income.
- (4) The main building constructed within this Project shall be substantially similar to the building depicted within the exhibit(s) submitted with the Application Materials referenced above within this Resolution.

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



Agenda Date:	August 15, 2022.
Actions Required:	Approval of Resolution to Appropriate Funds (2nd of 2 readings).
Presenter:	Michael C. Rogers, Interim City Manager.
Staff Contacts:	Sam Sanders, Deputy City Manager for Operations. Ashley Reynolds Marshall, Deputy City Manager for REDI. Chris Cullinan, Director of Finance. Krisy Hammill, Director of Budget and Performance Management.
Title:	Resolution Appropriating Funds from the American Rescue Plan Act (ARPA) for Eligible Local Activities - \$14,799,565.

Background:

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (the Act) to provide additional relief for individuals and businesses affected by the coronavirus pandemic. The Act includes funding for state, local, and tribal governments as well as education and COVID-19-related testing, vaccination support, and research.

The City of Charlottesville received a total of \$19,609,708 from the US Treasury Department in two equal tranches in May 2021 and June 2022. These funds must be obligated by December 31, 2024 and spent by December 31, 2026.

To date, City Council has passed four (4) ARP appropriations totaling \$4,810,143 to address urgent community and organizational needs arising from the impacts of COVID-19.

This agenda item appropriates the remaining ARP funds totaling \$14,799,565.

Discussion:

This appropriation includes six requests that are detailed below. These requests are eligible for ARP funds per the guidance provided by US Treasury in their April 1, 2022 *Final Rule*. The appropriation includes requests to “replace public sector revenue”, “responding to negative economic impacts”, and

“responding to the public health emergency”.

Request #1: Replace Lost Public Sector Revenue.

Amount Requested: \$10,000,000.

ARP Eligibility: Replace lost public sector revenue.

Description: ARP recipients are given two options to determine their revenue loss: (1) a standard allowance of up to \$10,000,000, (2) calculating their jurisdiction’s specific revenue loss each year using US Treasury’s formula which compares actual revenue to a counterfactual trend. The City is electing to take the standard \$10,000,000 allowance.

Recipients must use replacement funds for government services; generally, “services traditionally provided by recipient governments are government services, unless Treasury has stated otherwise”.

The City proposes to use replacement funds for the following government services in the following amounts:

Use #1: Charlottesville Fire Department Accreditation Findings.
Amount: \$1,104,000.
Description: These funds will address findings from the accreditation team regarding minimum staffing levels and command and control safety.

Use #2: Charlottesville Fire Department Retention Bonus.
Amount: \$450,000.
Description: A \$4,000 bonus will be paid all sworn personnel.

Use #3: Sheriff’s Office Retention Bonus.
Amount: \$50,000.
Description: A \$4,000 bonus will be paid to all sworn personnel.

Use #4: Downtown Mall Improvements.
Amount: \$300,000.
Description: As the 50th anniversary of the downtown mall approaches, these funds would be used to initiate a process to conduct a comprehensive analysis of the City’s downtown core and develop/implement improvements to ensure success over the next 50 years.

Use #5: Wayfinding Improvements.
Amount: \$100,000.
Description: The City’s current wayfinding program, which is important to visitors, was

installed in 2008 and has not been updated. These funds would be used to conduct a review and make necessary changes to the signage system.

Use #6: Additional funds for “Safe Routes to School” program.
Amount: \$500,000.
Description: With limited bus capacity in the upcoming school year, these funds will provide additional support for safe, convenient, and fun opportunities for children to bicycle and walk to and from schools under the City’s “Safe Routes to School” program.

Use #7: City Shelter Emergency Generator System.
Amount: \$40,000.
Description: Funds would be used to purchase an emergency generator system for the City shelter site and Charlottesville High School.

Use #8: Facilities Repair Fund.
Amount: \$200,000.
Description: These funds will be used to restore the \$400,000 that has historically been allocated to the Facilities Repair Fund annually. The allocation was reduced back in FY 21 to \$200,000 to help offset other budgetary needs during COVID and it has remained unchanged. These funds will help catch up on some deferred projects.

Use #9: Equipment Replacement Fund.
Amount: \$829,000.
Description: These funds will be used to help supplement the amount available for new vehicles and equipment. The funding for the City’s fleet replacement plan has been reduced over the last few years due to other competing budget needs relating to COVID. These additional funds will help to revive the scheduled replacement plan.

Use #10: Strategic Investment Fund.
Amount: \$1,000,000.
Description: The funds would be set aside to help the City quickly respond to unique opportunities having strategic value.

Use #11: Agency Investment Fund.
Amount: \$1,000,000.
Description: Nonprofit agencies provide support to citizens in ways that the local government cannot. This funding support will be open to competitive grant applications from our local nonprofits in a process that is separate from the Vibrant Communities

Fund due to the requirements that the Department of Treasury has on how ARPA dollars can be allocated to nonprofit programs. The City Manager seeks innovative programming that will make a measurable impact in our community. Programming could include emergency housing assistance, financial services to the unbanked/underbanked, mental health in-patient treatment, outreach to those who are not yet engaged in mental health treatment, or evidence-based community violence intervention programs. A detailed application process will be released in CY2023 that ensures all applicants are aware of the ARPA regulations, policies, and guidelines. These will be one-time grants, and funding of applications will not be guaranteed.

Use #12: Community Arts and Festivals Investments.
Amount: \$580,000
Description: Communities are enriched by opportunities that focus on the arts, community education, cultural celebrations, and family-friendly opportunities. At this time, the City Manager wishes to be able to consider providing support both internally and externally for local festivals, cultural events, and educational conferences. This fund will allow the City Manager to be responsive to some community requests, but also to potentially ensure that the organization itself can engage the community through art, education, cultural enrichment, or recreation opportunities.

Use #13: Support for Human Resources Office.
Amount: \$270,000.
Description: The Office of Human Resources works diligently to ensure the best people management possible. In order to accomplish those goals, the City Manager recognizes that additional staff members need to be added to their team including a Deputy Director of Human Resources, HR Recruiter, and an HR Labor Manager. Funding is requested through the revenue loss pool to provide one-year support for those positions giving the opportunity to engage talent now, but time to ensure those roles are worked into the FY'24 budget.

Use #14: Strategic Planning.
Amount: \$200,000.
Description: These funds will be used to help Council design and implement the City's Strategic Plan update.

Use #15: Human Rights Commission Investigator and Administrative Support.
Amount: \$176,000.
Description: The Office of Human Rights was asked by City Council in their last ordinance

update to investigate the opportunity to become a HUD Fair Housing Assistance Program (FHAP). FHAPs are partnerships between the federal government and local agencies to provide protection to the public against discrimination in housing. The office has investigated this opportunity, and along with an update to its ordinance, they would need to ensure that they have the required staffing to provide critical services to those in our community who have been discriminated against as they seek a basic need- shelter. The City Manager recognizes these HUD requirements and proposed to ensure that the Office of Human Rights is equipped with an Investigator and Administrative Intake Assistance in order to support the needs of an FHAP. This funding will bridge the office to be able to engage those employees now, should Council vote to approve the ordinance change that will allow the Office to be officially recognized as an FHAP. These positions will be rolled into the City Manager's FY24 proposed budget to ensure continuity and stability of this work that also will become a critical part of the City's Affordable Housing Plan programming.

Use #16: Affordable Housing and Homeless Services.

Amount: \$1,630,000.

Description: In continuing recognition of the City's Affordable Housing Plan, the City Manager recognizes that programming provided by nonprofit organizations is critical to ensuring that all of our neighbors and friends are able to access a basic need – shelter. Funding in this area will count towards the City's Affordable Housing Goals but will also be a competitive grant application process for local nonprofits like the Agency Investment Funds. These funds will be a separate process from current Office of Community Solutions housing funds, as well as Vibrant Community's Fund dollars as the Department of Treasury has specific eligible programs and support limits that must be adhered to. The City Manager seeks innovative programming that will make a measurable impact in our community. Treasury-eligible programming could focus on supporting long-term housing security, providing emergency housing assistance, as well as providing emergency programs or services for homeless individuals. A detailed application process will be released in CY2023 that ensures all applicants are aware of the ARPA regulations, policies, and guidelines. These will be one-time grants, and funding of applications will not be guaranteed.

Use #17: COVID Contingency.

Amount: \$1,571,000.

Description: These funds will be held in reserve to mitigate any future, unforeseen health/economic/social impacts from COVID on the community and/or City organization.

Request #2: Funding for Charlottesville-Albemarle Convention and Visitors Bureau (CACVB).

Amount Requested: \$750,000.

ARP Eligibility: Responding to negative economic impacts.

Description: The CACVB's budget is based on the Transient Occupancy Tax (TOT) collections from two fiscal years ago. As of July 1, 2022, the CACVB's budget reflects the TOT collection from July 1, 2020 – June 30, 2021 when tourism essentially stopped due to the pandemic. The CACVB uses these funds to market the City as a premier tourism destination and boost visitation at lodging, retail, restaurant, attraction and additional partner locations. In 2019, the tourism industry accounted for \$350 million direct visitor spending in Charlottesville City, employing nearly 3,500 people, generating more than \$19.4 million in local tax revenue; and a healthy portion of visitor spending goes to locally owned businesses. The proposed \$750,000 ARPA funding from the City would match the County's contribution and would reinstate basic CACVB services through December 2024.

Request #3: Pathways Fund Assistance.

Amount Requested: \$700,000.

ARP Eligibility: Responding to negative economic impacts.

Description: Continued support for emergency financial assistance through the Pathways Fund.

Request #4: Community Health Initiative.

Amount Requested: \$500,000.

ARP Eligibility: Responding to the public health emergency.

Description: These funds will be used for the City to pilot work that will directly engage members of our community through a public health lens in order to be more responsive to the emerging needs of our neighbors and friends. Potential focus areas have been identified as homelessness supports, critical case management support, as well as mental health and wellness supports.

Request #5: Meadowcreek Trail.

Amount Requested: \$500,000.

ARP Eligibility: Responding to negative economic impacts.

Description: These funds will be used to fully fund the completion of this important link in the City's trail system and provide safe and healthy pedestrian routes to nearby disproportionately impacted neighborhoods.

Request #6: Unallocated ARP Balance.

Amount Requested: \$2,349,565.

ARP Eligibility: To be determined.

Description: These funds will be allocated in the future for eligible uses.

Budgetary Impact:

While the City has several years to spend ARP funds, these funds are one-time in nature. Approximately \$1.9M of the proposed requests/uses have on-going costs which will need to be funded in future budgets.

Public Outreach/Input:

A public hearing on this item was held on August 1, 2022.

Alignment with Council Vision Areas and Strategic Plan:

This resolution contributes to Goal 1 of the Strategic Plan, to be an inclusive community of self-sufficient residents; Goal 2 to be a healthy and safe City; and Goal 5 to be a well-managed and responsive organization.

Recommendation:

Staff recommend that Council approve the attached resolution.

Alternatives:

City Council may elect not to appropriate funding for these purposes at this time or may elect other ARP eligible program expenditures.

Attachments:

1. Appropriation.

**RESOLUTION APPROPRIATING FUNDING FOR
American Rescue Plan for Eligible Local Activities**

\$14,799,565

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of 14,799,565 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

Replace Lost Public Sector Revenue.	\$10,000,000.
Funding for CACVB.	\$750,000.
Pathways Fund Assistance.	\$700,000.
Community Health Initiative.	\$500,000.
Meadowcreek Trail.	\$500,000.
Unallocated Balance.	\$2,349,565.
TOTAL.	\$14,799,565.

Note: account codes will be established following the first reading and public hearing on this appropriation for inclusion in the second reading and adoption.