

CHARLOTTESVILLE CITY COUNCIL MEETING
September 19, 2022 at 4:00 p.m.
In person: Council Chamber, 605 E. Main Street
Virtual/electronic: Zoom

The Charlottesville City Council met on Monday, September 19, 2022. The meeting was held in hybrid format with Council members and limited public seating in Council Chamber to mitigate health risks related to coronavirus, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Michael Payne, Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade. Councilor Sena Magill provided advance notice that she would not be in attendance.

On motion by Wade, seconded by Pinkston, Council voted unanimously to adopt the meeting agenda: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

REPORTS

1. REPORT: JAUNT Update

Ted Rieck, CEO, presented an update on JAUNT which included the Transit Development Plan and television commercials that will be shown through March 2023. He accepted questions from Council, advising that JAUNT is engaging a Citizens Advisory Committee to explore climate-friendly transit options. He addressed questions about bus driver staffing and about the JAUNT financial status. Mr. Rieck announced the annual shareholders meeting on October 12, where Interim City Manager Rogers will serve as proxy for the City of Charlottesville.

2. REPORT: Vibrant Community Fund update

Hunter Smith, Human Services Planner, presented the Vibrant Community Fund update. He started with a timeline of completed tasks and reviewed upcoming timeline items including orientation for the application review panel. He stated that the budget process will be zero-based, with no information being requested from applicants regarding funding in previous years. He encouraged Council to check in with the Vibrant Community Fund process at any time and shared that the application process would open in a couple of weeks.

CLOSED SESSION

On motion by Pinkston, seconded by Payne, Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), for discussion and consideration of appointments by Council to various boards and commissions.

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

Council began the business meeting with a moment of silence.

ANNOUNCEMENTS

Vice Mayor Wade announced a Men's Day Health event at Mt. Zion Baptist Church on Saturday, September 24.

Mayor Snook announced that he joined Alex-Zan's CYM (Close Your Mouth and Listen) event. He announced successful events for Pride Week and the Cville Sabroso Festival. He issued a mayoral proclamation to WRNR radio for 25 years in the community.

BOARD and COMMISSION APPOINTMENTS

On motion by Payne, seconded by Pinkston, Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill) to appoint the following individuals to boards and commissions:

- Board of Architectural Review: Roger Birle; Tyler Whitney
- Historic Resources Committee: Deidre Smith
- JAUNT: Lucas Ames, Christine Appert, Ray Heron
- YMCA: Shaniece Bradford
- PVCC Board: Chinta Gaston
- Region Ten: Joseph Szakos

CONSENT AGENDA*

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

3. RESOLUTION: United Way reimbursement of Community Resource Hotline Staff Costs - \$26,333.76 (2nd reading)

RESOLUTION

Appropriating the Amount of \$26,333.76 Received from The United Way, as reimbursement of Community Resource Hotline Staff Costs

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received reimbursement from the United Way of Greater Charlottesville in the amount of **\$26,333.76**;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of **\$26,333.76** is hereby appropriated in the following manner:

Revenues

\$26,333.76 Fund: 213 Cost Center: 3411001000 G/L: 451022

Expenditures

\$26,333.76 Fund: 213 Cost Center: 3411001000 G/L: 599999

4. RESOLUTION: Virginia Department of Social Services (VDSS) Temporary Aid to Needy Families Grants - \$100,000 (carried)
5. RESOLUTION: Housing Opportunities for People with AIDS/HIV Grant Amendment - \$3,981 (carried)
6. RESOLUTION: Blue Ridge Area Coalition for the Homeless (BRACH) reimbursement of funds for staff costs to support the Homeless Information Line - \$15,381.60 (carried)

Mayor Snook invited public comment on the Consent Agenda. No speakers came forward.

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

CITY MANAGER REPORT

Interim City Manager Rogers stated that the financial report will be presented to Council in early December. A report of the 1st Quarter financial statement will be presented in October. He advised that the pupil transportation report will be presented in October.

COMMUNITY MATTERS

1. Jack Morava, city resident, ceded his time to his wife Ellen Contini-Morava, who expressed concerns about the Jefferson Park Avenue (JPA) Special Use Permit request.
2. Martha Smythe spoke about the need for increased affordable housing. She expressed concern that plan documents will not adequately address the need for affordable housing and she shared ideas for addressing the need.
3. Marilyn Poling, city resident expressed concerns about the JPA project.
4. Philip Harway, city resident, followed up on comments from Martha Smythe and gave additional suggestions to address affordable housing.
5. Matthew Gillikin, city resident, speaking on behalf of Livable Cville spoke in support of the Comprehensive Plan work being done; in support of dropping the speed limit on a portion of Cherry Avenue and suggested reducing it further to 25 mph; and in support of the JPA project to increase the city's housing capacity.

6. Jack Morava, city resident, read a statement on behalf of a neighbor who could not attend, expressing concerns about the size of the JPA project.
7. Katrina Turner, city resident, spoke about the car tax discussed at the September 6 Council meeting, requesting that the tax dollars for fourteen years be returned to taxpayers.
8. Peter Krebs, city resident, expressed support for reducing the speed limit on Cherry Avenue, suggesting a reduction to 25 miles per hour. He stated that the Fifeville Trail will officially open on October 1 and there will be a community block party.
9. Jennifer King, city resident, requested denial of the JPA special use permit.
10. Josh Krahn, city resident, spoke in support of the Special Use Permit request on Jefferson Park Avenue to build housing inventory and density and suggested fast-tracking other requests that come before Council. He spoke in support of reducing the speed limit to 25 miles per hour on Cherry Avenue.
11. Greg Weaver, city resident, expressed disappointment that an item to address the Charlottesville Area Transit (CAT) bus driver shortage was not included in the meeting tonight. He expressed concern about the amount of time it will take to implement a payroll audit for CAT and the Collective Bargaining Ordinance. He suggested pairing long-term initiatives with medium-term ones. He supported lowering the speed limit on the entire length of Cherry Avenue.
12. John Hossack, city resident, spoke about medium intensity upzoning and anonymous offers being made to residents to purchase their homes. He requested reconsideration of medium intensity upzoning.
13. Anthony Haro, Executive Director of the Blue Ridge Area Coalition for the Homeless (formerly TJACH), spoke about a funding request for the community's non-congregate Covid relief shelter being operated by PACEM.
14. Anne Benham, city resident homeowner, requested that Council reject the application for the JPA Special Use Permit.
15. Jean Gratz, city resident, spoke in support of the speed reduction to 25 miles per hour on the entire length of Cherry Avenue. She made other traffic suggestions.
16. Sarah Malpass, city resident and Vice President of the Fifeville Neighborhood Association, thanked Council for support of the Fifeville Trail which opens on October 1, and thanked supporters of the speed reduction on Cherry Avenue, requesting 25 mph.

ACTION ITEMS

7. PUBLIC HEARING/RESOLUTION: Review of Program Performance and Setting Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for Program Year 2023-2024

Erin Atak, Grants Coordinator, stated the purpose of the public hearing, provided the Consolidated Annual Performance and Evaluation Report (CAPER), reviewed priorities previously set by City Council, and requested guidance from Council in setting priorities for Program Year 2023-2024.

Mayor Snook opened the public hearing. With no speakers coming forward the mayor

closed the public hearing.

Alex Ikefuna, Interim Director of Community Solutions, explained the role of the CDBG Task Force in response to questions from Mr. Pinkston.

After discussion Council voted on the following resolutions.

a. RESOLUTION: Approving the 2021 Consolidated Annual Performance and Evaluation Report (CAPER)

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution approving the 2021 Consolidated Annual Performance and Evaluation Report: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

**RESOLUTION Approving
2021 Consolidated Annual Performance and Evaluation Report (CAPER)**

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

WHEREAS, City Council approved a Consolidated Plan for the City/Planning District, covering the period 7-1-2018 through 6-30-2023; and

WHEREAS, grantees report on accomplishments and progress at the end of each program year in the Consolidated Annual Performance and Evaluation Report (CAPER);

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the 2021 Consolidated Annual Performance Evaluation Report is approved.

b. RESOLUTION: Establishing Council Priorities for CDBG and HOME Funds FY 2023-2024

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution establishing Council priorities for CDBG and HOME funds for FY 2023-2024: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

**RESOLUTION
Establishing Council Priorities for CDBG and HOME Funds FY 2023-2024**

WHEREAS, the City of Charlottesville is a U.S. Department of Housing and Urban Development (HUD) Entitlement Community for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs and as such expects to receive an award of funding July 1, 2023; and

WHEREAS, in accordance with the City of Charlottesville's Citizen Participation Plan for HUD funding, the CDBG Task Force composed of citizen and community

representatives will need to review potential projects and make recommendations for funding in Spring 2023;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the priorities and spending allowances for FY 2023-2024 shall be as follows:

- Council's priorities for the CDBG and HOME program for FY 2023-2024 shall be access to affordable housing (including but not limited to low income housing redevelopment), workforce development (including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City's GO programs), microenterprise assistance, access to quality childcare, homeowner rehabilitation, and down payment assistance.
- For FY 23-24, \$89,896.51 CDBG entitlement shall be set aside for Economic Development
- For FY 23-34 \$89,896.51 CDBG Entitlement shall be set aside for Public Facilities and Improvements.
- The CDBG Admin and Planning budget shall be set at 20% of the total CDBG entitlement.

8. PUBLIC HEARING/ORDINANCE: Air Rights Conveyance to University of Virginia for Pedestrian Bridge over Emmet Street (carried)

James Freas, Director of Neighborhood Development Services, summarized the proposed ordinance and answered questions for Council regarding location, accessibility and other details. Council agreed to hold a public hearing on October 3 after appropriate advertisement in the local newspaper.

9. ORDINANCE: Reducing speed limit on a portion of Cherry Avenue

Brennen Duncan, Traffic Engineer, presented the request for speed reduction on a portion of Cherry Avenue. As a result of a traffic engineering study, he recommended reducing the speeds on portions of Cherry Avenue according to the presented ordinance.

On motion by Wade, seconded by Pinkston, Council by the following vote APPROVED the ordinance to reduce the speed limit for a specific section of Cherry Avenue: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill). The ordinance passed on one reading, waiving the second reading with a 4/5 vote.

ORDINANCE AMENDING AND REORDAINING SECTION 15-99 OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO REDUCE THE SPEED LIMIT ON A PORTION OF CHERRY AVENUE

10. RESOLUTION: Special Use Permit request at 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue

Matt Alfele, City Planner, summarized the request for a special use permit. The Planning Commission and City Council held a joint meeting on May 10, 2022 and the Planning Commission deliberated on the request as the Entrance Corridor Review Board. He listed issues that were discussed.

Erin Hannean (Mitchell Matthews Architects), representing the applicant, made a brief presentation, addressing previously expressed concerns regarding affordable housing and architectural features such as massing and scale of the project. The client offered \$484,279.78 as the Affordable Dwelling Unit Ordinance contribution plus \$586,800.00, totaling \$1,053,079.74 to the City.

Kevin Riddle (Mitchell Matthews Architects), presented various facade renderings to show scale and color palette.

Consultants with Aspen Heights Partners answered questions about construction costs, contributions to the Affordable Housing Fund, impacts at key intersections, and the possibility of widening the street. Staff provided information about the Entrance Corridor Review Board.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution approving a Special Use Permit at 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

RESOLUTION

Granting a Special Use Permit (SUP) for Property Located at 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue

WHEREAS Norman Lamson, as Trustee for the Gadiant JPA Land Trust (“Landowner”) is the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, currently addressed as “2005/2007 Jefferson Park Avenue” and “104 Observatory Avenue” (collectively referred to as the “Property”), and the Landowner, proposes to redevelop the Property to accommodate a 119-unit multifamily building with underground parking, and

WHEREAS to facilitate this redevelopment, the Landowner seeks City Council’s approval of a Special Use Permit to increase allowable residential density to 70 DUA, to increase building height from 45 feet to 75 feet, to reduce the rear-yard setback from 75 feet to 36 feet, and to reduce (lower by 22%) the amount of on-site parking required by City Code Sec. 34-984 (the “Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Secs. 34-420, 34-353(3), and 34-162(a), which collectively, allow the increased residential density, additional building height, and modified [reduced] setbacks and onsite parking requirements for the Project; and

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

WHEREAS the Project is described in more detail within the application materials submitted by the Landowner in connection with SP22-00001 (“Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing on May 10, 2022, after notice and advertisement as required by law; and

WHEREAS following the joint public hearing, the Planning Commission considered and recommended approval of this application at their May 10, 2022 meeting; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the joint public hearing, and 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) Not more than seventy (70) dwelling units per acre (DUA) shall be permitted within the area of the Property.
- (2) The rear-yard setback applicable within the Property shall be thirty-six (36) feet, and a twenty-five (25) foot buffer shall be provided within the rear yard, to include mature trees and shrubs at the time of planting consistent with the plant materials prescribed for an “S-3” buffer (as listed in City Code §34-871, as in effect on the date of approval of this SUP). The S-3 buffer, and plant materials, shall be detailed within the final Site Plan. Within the rear setback Landowner shall consider construction of a multipurpose path (for bicycles and pedestrians) linking Washington Avenue and

Observatory Avenue within the rear setback, in order to establish the block-level scale of the Project as represented within the Application Materials.

- (3) The Landowner shall construct within the Project, along Jefferson Park Avenue, a new seven (7) foot sidewalk with a three (3) foot curbside buffer in accordance with the standards set forth within the City's Streets that Work Plan.
- (4) The Landowner, in consultation with the City's Traffic Engineer, shall develop a Master Parking Plan for the site related to the reduction of onsite parking by 22% from what is required by Sec. 34-984 (in effect on the date of Council's approval of this Special Use Permit). The Master Parking Plan shall indicate how available parking spaces will be distributed within the Project, how residents of the Project are informed of their parking opportunities, any offsite parking options for residents, and other potential issues associated with parking. The Master Parking Plan shall be provided as a component of the final approved site plan for the Project, and any subsequent amendments approved to the Master Parking Plan shall be made in consultation with the City's Traffic Engineer and a copy maintained along with the final approved site plan, within the zoning file for the Property.
- (5) The Landowner shall upgrade the pedestrian crossing of Jefferson Park Avenue at Harmon Street during construction of the Project, to provide residents within the Project safe access to public transit options. The Landowner shall work with the City's Traffic Engineer to determine the scope of improvements.
- (6) The arrangement of the buildings within the Property shall be generally consistent with the layout and design presented within the Application Materials for SP22-00001.

11. RESOLUTION: Harmony Ridge Subdivision Street Acceptance

*Disclosure: Councilor Payne disclosed a previous employment relationship with Habitat for Humanity and stated that it does not constitute a conflict of interest and he is able to discuss and vote on the item with impartiality.

Jack Dawson, City Engineer, presented the request. The Harmony Ridge development was approved with the requirement that all new streets be built to the city's standards and satisfaction. These streets would be extended from existing city street system with the intent to become a public street.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution accepting the improved public street right-of-way named "Harmony Ridge Lane" and "Alto Place" into the City's public street system: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

RESOLUTION

Accepting the improved public street right-of-way named “Harmony Ridge Lane” and “Alto Place” into the City’s public street system for operation and maintenance

WHEREAS new portions of the Harmony Ridge development have been completed by Habitat for Humanity and that developer has asked the City to accept the improvements constructed within the public street rights of way for Harmony Ridge Lane and Alto Place into the City’s public street system;

WHEREAS City staff has inspected the improvements constructed within the public street rights of way referenced above, and has determined that these improved public street sections have been built to the specifications and standards required by the city approved plans, and the City Engineer recommends that they be accepted into the City’s public street system; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, on recommendation of the City Engineer, that the new constructed public street sections within the Harmony Ridge development, specifically Alto Place and Harmony Ridge Lane, are hereby accepted into the City’s public street system for operation and maintenance.

12. RESOLUTION: Appropriation of \$656,000 of CARES funding for Charlottesville Area Transit (carried)

Garland Williams, Transit Director, summarized projects proposed for the use of remaining CARES Act funding:

- Engaging a transit consultant to complete a Transit Strategic Plan required by the Commonwealth of Virginia,
- Engaging a safety and security consultant to complete a tabletop safety exercise as required by the U.S. Department of Homeland Security,
- Engaging an outside law firm to complete a payroll audit of personnel within CAT (by authority of City Code 2-156),
- Engaging AECOM to provide project management services, FTA compliance services (including satisfaction of NEPA requirements) for capital and amenities projects,
- Engaging a consultant to assist with analysis and software selection required to launch micro-transit services in Albemarle County.

Council unanimously agreed to carry the item to the October 3 meeting for second reading on the Consent Agenda.

13. RESOLUTION: Appropriation from Charlottesville Area Transit local funding to Thomas Jefferson Planning District Commission to support the Governance Study - \$30,000 (carried)

Transit Director Garland Williams summarized the request.

The Thomas Jefferson Planning District Commission (TJPDC) will hire a transportation planning firm to conduct a governance study to examine the organizational structure of existing transit systems and governance options for a regional authority.

Council unanimously agreed to carry the item to the October 3 meeting for second reading on the Consent Agenda.

14. RESOLUTION: Approval of the Fifth Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (CSRAP) (1 reading; carried from September 6)

Alex Ikefuna, Interim Director of Community Solutions, provided a brief summary, noting that the issues referenced on September 6 were addressed in the proposed resolution.

Mr. Wade left the meeting at 9:15 p.m.

On motion by Pinkston, seconded by Payne, Council by the following vote APPROVED the resolution approving the Fifth Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program: 3-0 (Ayes: Payne, Pinkston, Snook; Noes: none; Absent: Magill, Wade).

RESOLUTION

Approving the Fifth Amended Grant Agreement for the Charlottesville Supplemental Rental Assistance Program for the Fiscal Year Beginning July 1, 2022

WHEREAS, on June 19, 2017 the City of Charlottesville approved the creation of the city-funded Charlottesville Supplemental Rental Assistance Program (“CSRAP”), and on April 12, 2022 City Council approved an allocation of \$900,000 from Capital Improvement Program funds to be used for the CSRAP program, which will be administered by CRHA; and

WHEREAS, the terms and conditions under which the Charlottesville Redevelopment and Housing Authority (“CRHA”) will administer the CSRAP Program are set forth within a written grant agreement effective for the fiscal year beginning July 1, 2022 which has been reviewed by City Council this same date;

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

- The CSRAP program shall be administered by CRHA in accordance with the terms and conditions set forth within the CSRAP grant agreement effective for the fiscal year beginning July 1, 2022, which is hereby approved by this City Council; and
- The City Manager is authorized to execute the CSRAP grant agreement on behalf of the City of Charlottesville and the City Manager and City staff are authorized and directed to apply the funding allocated above to the CSRAP program in accordance with the terms set out within the CSRAP grant agreement.

15. RESOLUTION: Appropriating \$675,000 in Charlottesville Supplemental Rental Assistance Program (CSRAP) Funding (FY23) for use in acquisition of property (2nd reading)

Mr. Wade rejoined the meeting at 9:16 p.m.

Deputy City Manager Sam Sanders summarized the item.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution to appropriate \$675,000 in CSRAP funding to acquire property as permanent units of affordable housing: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

16. RESOLUTION: Appropriating Charlottesville Supplemental Rental Assistance Program (CSRAP) funding for the acquisition of 818 Montrose Avenue - \$355,000 (carried)

Mr. Sanders presented the request.

Councilors unanimously agreed to carry the item to the October 3 meeting for second reading on the Consent Agenda.

OTHER BUSINESS

Mayor Snook reminded the City Manager that Council awaits follow-up on issues regarding school buses, school safety and school transportation.

COMMUNITY MATTERS (2)

- Tanesha Hudson expressed concern about the vote on the JPA special use permit. She stated that the City should recognize Chief Hezedeon Smith for hiring the first Black battalion chief in the Fire Department's history. She spoke about issues with school transportation and certain ethnic groups who are disproportionately affected. She suggested solar training for facilities and maintenance staff.
- Greg Weaver, city resident, suggested ways to slow traffic on Cherry Avenue.

The meeting adjourned at 9:25 p.m.