

CHARLOTTESVILLE CITY COUNCIL MEETING

January 3, 2023 at 4:00 PM

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met on Tuesday, January 3, 2023. 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 at 4:02 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Sena Magill, Michael Payne, Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade.

On motion by Pinkston, seconded by Payne, Council voted unanimously to adopt the meeting agenda with amendments, moving Items 5 and 8 from the Consent Agenda to the end of the meeting for discussion: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

REPORTS

1. PRESENTATION: Move2Health Equity

Deputy City Manager Sam Sanders introduced the item, stating that the initiative fits in with transportation planning focus areas for the City.

Jackie Martin and Gregg Winston, Co-chairs of the Move2Health Equity Coalition, shared background on the Coalition and the purpose of looking at root causes of obesity and other health issues.

Peter Krebs, Piedmont Environmental Coalition, listed several organizations and individuals involved in the Move2Health Equity initiative. He shared the results from the Mobility Survey. The presentation included: project background, purpose, methods, who responded, what they said (divided by neighborhood), and recommendations.

Recommendations:

- Pair the Comprehensive Plan with an updated Mobility Plan that:
 - Prioritizes safe routes to school, food, shopping, parks and healthcare
 - Connects people within and between neighborhoods
 - Finds creative ways to overcome discontinuities
 - Factors Urban Albemarle
 - Has measurable and timely deliverables
- Gets the basics right
 - Crosswalks and adequate sidewalks, especially at busy commuter routes
 - Remove obstructions
 - Routes must be continuous and protected/low-stress to be useful
- Create a more practical transit system
 - Work toward the unconstrained vision plan
 - If not practical (or until then) improve frequency to food, retail and healthcare

Mr. Sanders and Mr. Krebs answered councilor questions.

CLOSED SESSION

On motion by Pinkston, seconded by Payne, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), for the discussion and consideration of appointing members to the following Charlottesville boards and commissions: Police Civilian Oversight Board.

On motion by Pinkston, seconded by Magill, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

BUSINESS SESSION

City Council observed a moment of silence.

ANNOUNCEMENTS

Vice Mayor Wade announced the Continuing His Dream and His Works event by Alex-Zan and Charlottesville Parks and Recreation on Martin Luther King, Jr. Day.

Mayor Snook announced the Martin Luther King Community Choir performance at the community celebration on January 22.

Councilor Payne announced the Annual Harambee Family event calendar by Alex-Zan and he reminded the public that the plastic bag tax went into effect January 1.

CONSENT AGENDA*

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

2. MINUTES: December 5 minutes
3. ORDINANCE: Private drainage easements (2) 2100 Avon Court (2nd reading)
ORDINANCE GRANTING PRIVATE DRAINAGE EASEMENTS TO AVON COURT HOLDINGS, LLC
4. ORDINANCE: Temporary Aerial Easement 1223-1225 Harris Street (2nd reading)
ORDINANCE GRANTING A TEMPORARY AERIAL EASEMENT TO C-VILLE BUSINESS PARK, LLC FOR CONSTRUCTION OF "CITY'S EDGE" APARTMENTS
5. RESOLUTION: Resolution of Appropriation to Amend the Fiscal Year 2023 Budget (2nd reading)

Council moved this item to the end of the meeting for discussion.

6. RESOLUTION: Designation of Park Street site as a Revitalization Area

RESOLUTION

Designating Property Located at 1200 Park Street (City Real Estate Parcel No. 470002120) as a Revitalization Area

WHEREAS City Council hereby finds and determines that an area of property located at 1200 Park Street within the City of Charlottesville, further identified by Real Estate Parcel Identification No. 470002120 within the City’s real estate assessment records, satisfies the following criteria: **(i)** the industrial, commercial or other economic development of such area will benefit the city, but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; **and (ii)** private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area, but such construction will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, pursuant to the authority set forth within Virginia Code Section 36-55.30:2(A), Virginia THAT the area of property located at 1200 Park Street (Real Estate Parcel Identification No. 470002120) is hereby designated as a Revitalization Area.

7. RESOLUTION: Resolution of Support for the Virginia America 250 Commission (VA250)

RESOLUTION

Expressing Support of the City of Charlottesville for the Virginia America 250 Commission

WHEREAS the Charlottesville City Council is dedicated to the furtherance of economic development and tourism in Charlottesville;

WHEREAS the Virginia America 250 Commission (VA250) was created in 2020 by the General Assembly, for the purpose of preparing for and commemorating the 250th anniversary of Virginia’s participation in American independence;

WHEREAS VA250 has requested that each locality form a committee to aid in planning for the commemoration period, and Albemarle County, the City of Charlottesville and the Town of Scottsville will form a local VA250 committee (“Local Committee”); and

WHEREAS the purpose of the Local Committee is to plan and coordinate programs occurring within the locality, and to communicate regularly with VA250; and

WHEREAS the City Council wishes to undertake this endeavor with VA250 to promote and

commemorate this important historic milestone; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Council hereby expresses its support for the Virginia America 250 Commission and their efforts to commemorate the 250th anniversary of Virginia's participation in American independence, and City Council hereby requests the Executive Director of the Charlottesville Albemarle Convention and Visitors Bureau to form a committee on behalf of the City of Charlottesville, Albemarle County, and the Town of Scottsville, to aid in the planning for the commemoration period.

8. RESOLUTION: Critical Slope Waiver Application request at 0, 208-210, 228 Monte Vista Avenue, and 0 Belleview Street (Azalea Springs Subdivision)

Council moved this item to the end of the meeting for discussion.

Mayor Snook invited public comment on the Consent Agenda. There were no speakers.

On motion by Magill, seconded by Payne, Council by the following vote ADOPTED the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

CITY MANAGER REPORT

Interim City Manager Michael Rogers reported:

- The January 17 swearing in for Police Chief Michael Kochis
- The hiring of Labor Relations Manager Jimmy Morani
- Proposals being received on January 11 for the role of Labor Relations Administrator, with a selection being made by the end of January
- The emphasis on filling vacancies, with Victoria Fallec hired as a Recruiter in the Human Resources Department
- Strategic Planning proposals were narrowed to two from seven received, with a decision expected this week. The 4-month process will begin in February and the new plan to take effect July 1.

Deputy City Manager Ashley Marshall reviewed efforts with community partners to keep the unhoused community safe and warm during extremely cold weather. She encouraged those in need of assistance to call the Homeless Intake Hotline.

Deputy City Manager Sam Sanders reported that lighting on the Belmont Bridge has been installed and was ordered prior to the previous meeting where the lighting concern was expressed. He stated that the CAHF (Charlottesville Affordable Housing Fund) RFP (request for proposals) was released today with \$835,000 available for housing providers to apply for funding to add to the affordable housing stock. He announced that the Downtown Mall Committee application period has concluded and once selected, the committee will begin on the work plan.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. James Groves, city resident, shared data regarding climate change.
2. Jean Hiatt, city resident, spoke in opposition to the critical slope waiver request for the Azalea Springs development, and asked Council to follow the expert recommendations from the Tree Commission and Preservation Arborist.
3. Nicole Scro, Plan Use Attorney, spoke about the Zoning Text Amendment item on the agenda, requesting that the elimination of the two-acre minimum be applied to all zoning districts.
4. Katherine Slaughter, former mayor and retired environmental attorney, spoke in opposition to the critical slope waiver request for the Azalea Springs development.
5. Joan Albiston, city property owner on Azalea Drive, spoke in opposition to the Azalea Springs critical slope waiver request.

ACTION ITEMS

9. PUBLIC HEARING/RESOLUTION: Approving a Lease Agreement with McGuffey Arts Associates, Inc. for the lease of 201 2nd Street NW (tabled to January 17, 2023)

Brenda Kelley, Office of Community Solutions, presented the request. She shared information on the new standardized format for lease agreements with the City, and read conditions specific to the McGuffey Arts Associates, Inc. proposed lease agreement. She answered clarifying questions for Council.

McGuffey Arts Center staff made a presentation. Amanda Liscouski presented information about programming, operations, and partnerships of McGuffey Arts Center, with a Diversity, Equity and Inclusion Committee developed this year. Judy McLeod, city resident and founding member of the McGuffey Arts Center, provided additional background information and stated that McGuffey is reviewing its policies, especially to address diversity, equity, inclusion and justice. McGuffey representatives answered additional questions for Council. Rebekah Wostrel, Vice President of the McGuffey Council, explained McGuffey's perspective on service provision for mowing and snow or ice removal. The presented materials indicated that McGuffey agreed to the City providing these services at a cost.

Mayor Snook opened the public hearing.

1. Estela Knott, member of McGuffey Arts Center and artist of Mexican descent, spoke in support of programming at the Center, specifically cultural arts opportunities including the Cville Sobroso Festival and the Dia de Los Muertos event.

Mayor Snook closed the public hearing and Council discussed landlord-tenant relationships for City-owned properties. Council agreed to defer the item to the January 17 Consent Agenda, pending further information regarding annual costs for mowing and snow or ice removal.

10. RESOLUTION: Establishing days, times and places of Regular Meetings of the Charlottesville City Council during Calendar Year 2023

On motion by Magill, seconded by Pinkston, Council by the following vote APPROVED the 2023 regular City Council meeting calendar, with amendment to remove the July 3 meeting: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

**RESOLUTION
Establishing Days, Times and Places of Regular Meetings of the
Charlottesville City Council During Calendar Year 2023**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, THAT pursuant to Virginia Code Sec. 15.2-1416, the regular meetings of the Charlottesville City Council shall be conducted on the following days, times, and places during calendar year 2023:

DATES		
January 3, 2023 <i>Tuesday</i>	May 1, 2023 <i>Monday</i>	September 18, 2023 <i>Monday</i>
January 17, 2023 <i>Tuesday</i>	May 15, 2023 <i>Monday</i>	October 2, 2023 <i>Monday</i>
February 6, 2023 <i>Monday</i>	June 5, 2023 <i>Monday</i>	October 16, 2023 <i>Monday</i>
February 21, 2023 <i>Tuesday</i>	June 20, 2023 <i>Tuesday</i>	November 6, 2023 <i>Monday</i>
March 6, 2023 <i>Monday</i>	July 17, 2023 <i>Monday</i>	November 20, 2023 <i>Monday</i>
March 20, 2023 <i>Monday</i>	August 7, 2023 <i>Monday</i>	December 4, 2023 <i>Monday</i>
April 3, 2023 <i>Monday</i>	August 21, 2023 <i>Monday</i>	December 18, 2023 <i>Monday</i>
April 17, 2023 <i>Monday</i>	September 5, 2023 <i>Tuesday</i>	

TIME: 4:00 p.m. work session;
5:30 p.m. closed meeting (if any);
6:30 p.m. business meeting upon conclusion of the closed meeting agenda

LOCATION: City Hall Council Chamber
605 E. Main Street
2nd Floor
Charlottesville, VA

Electronic participation via Zoom, with registration available at:
www.charlottesville.gov/zoom

BE IT FURTHER RESOLVED THAT any regular meeting may be adjourned from day to day, or from time to time, or from place to place, not beyond the day and time fixed by this resolution for the next regular meeting, until the business before this City Council is completed. Notice of any regular meeting continued in this manner shall be reasonable under the circumstances and shall be given as provided in subsection D of Virginia Code Section 2.2-3707.

BE IT FURTHER RESOLVED THAT, in the event that the Mayor, or the Vice Mayor if the Mayor is unavailable or otherwise unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regular meeting, that regular meeting shall be continued to the next business day on which the said hazardous conditions no longer exist. Such finding and declaration shall be communicated to all city councilors and to the press as promptly as possible, along with the date and time on which the continued meeting will commence. All public hearings and other agenda matters previously advertised shall be conducted at the continued meeting with no further advertisement.

11. RESOLUTION: Adopting the Amendment and Re-enactment of the November 15, 2021 Comprehensive Plan for the City of Charlottesville, as amended (carried)

James Freas, Director of Neighborhood Development Services, summarized the amendments. Council unanimously agreed to carry the item to the January 17 meeting for second reading and vote.

12. RESOLUTION: Initiating a Zoning Text Amendment - Planned Unit Development

James Freas, Director of Neighborhood Development Services, summarized the request, noting that this resolution does not indicate approval of the project, but will send the project to the Planning Commission for their consideration.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION
Initiating an amendment to the Zoning Text within
Section 34-492 of the City Code

WHEREAS upon consideration of matters set forth within a report received from the Director of Neighborhood Development Services, initiation of a zoning text amendment is desirable, in order to commence debate and consideration within the context of a public hearing process of an amendment of City Code Sec. 34-492, to eliminate minimum acreage (2 acres) required for a planned unit development within the Urban Mixed Use Corridor zoning district; and

WHEREAS this Council finds that consideration of the proposed zoning text

amendment set forth within the Discussion Draft is required by the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville that a zoning text amendment process is hereby initiated pursuant to City Code 34-41(a)(1), for consideration of an amendment to Section 34-492 of the Code of the City of Charlottesville (1990) that would eliminate the minimum acreage (2 acres) required for a planned unit development within the Urban Mixed Use Corridor zoning district; and

BE IT FURTHER RESOLVED THAT the proposed zoning text amendment is hereby referred to the Charlottesville Planning Commission for its recommendations, and to be scheduled for a joint public hearing with City Council. Based on the Planning Commission's deliberations, and based on input received during the public hearing process, the Planning Commission shall report its findings and recommendations back to City Council within 100 days after their first regular meeting following the adoption of this resolution.

13. RESOLUTION: Extending the Dockless Mobility Sharing System Permit for Veo Ride, Inc.

Ben Chambers, Transportation Planning Manager, presented the 90-day extension request, with staff recommending approval through March 31, 2023.

On motion by Magill, seconded by Pinkston, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

**RESOLUTION
Extending an Agreement with VEO Ride, Inc. for Dockless Scooter Service
to the City of Charlottesville**

WHEREAS the City of Charlottesville (hereafter "City") is a municipal corporation duly organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS the City Council is the legislative body of the City; and

WHEREAS the City has entered into an agreement with Veo Ride, Inc. ("Veo") permitting Veo to operate its dockless scooter service in Charlottesville since 2020 (the "Agreement"), with the goals of reducing single-occupancy vehicle use, and improving the mobility, safety, and equity of the City's transportation network; and

WHEREAS the Agreement is set to expire as of December 31, 2022, and Veo has requested a 90- day extension of its 2022 permit, through March 31, 2023; and

WHEREAS approval of an extension to the Agreement would allow the City to identify and implement strategies to address ongoing issues with dockless scooter and e-bike parking, including identifying locations for parking corrals in high-usage areas; and

WHEREAS Veo has also requested a reassessment of the City's current permit regulations, with the purpose of potentially restructuring fees, fleet size restrictions, and performance-

based bonuses to better align with permitting policies in peer cities that Veo conducts business with;

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

Section 1. The City hereby extends the Agreement with Veo for ninety (90) days, to expire on March 31, 2023.

Section 2. This resolution shall take effect immediately upon its passage.

Passed and Adopted by the Council on this 3rd day of January 2023.

14. RESOLUTION: Expressing support for the TJPDC Allocation Plan for HOME – American Rescue Plan (ARP) funding

Alex Ikefuna, Office of Community Solutions, presented the request for Council support to complete the TJPDC (Thomas Jefferson Planning District Commission) allocation plan to send to the U.S. Department of Housing and Urban Development (HUD) for HOME-ARP funding, which would allocate \$347,404.92 to the City of Charlottesville.

Council engaged in discussion. Ian Baxter, TJPDC, and Sam Sanders clarified the dollar amounts allocated to localities.

On motion by Payne, seconded by Pinkston, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

Expressing Council Support for the TJPDC Allocation Plan for HOME – AMERICAN RESCUE PLAN (ARP) FUNDING

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 its share of the \$2,452,270 in HOME ARP funding of \$347,404.92 through the Thomas Jefferson Planning District Commission following HUD approval of the Regional Allocation Plan; and

WHEREAS, in accordance with the City’s Citizen Participation Plan and HUD regulations, the City will issue a Request for Proposal to solicit potential applicants to develop affordable housing for the qualifying populations; and

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the City Council supports the transmission of the Thomas Jefferson PDC Allocation Plan to HUD for approval.

#5. *MOVED from Consent Agenda.* RESOLUTION: Resolution of Appropriation to Amend the Fiscal Year 2023 Budget (2nd reading)

Councilor Payne advocated for amending the resolution to adjust the \$1,000,000 proposed for the City Manager Strategic Initiatives fund to invest in a land acquisition fund for affordable housing. Discussion ensued about allocating funds to a land bank and determining a fund amount to attract a new City Manager.

On motion by Payne, seconded by Magill, Council by the following vote AMENDED the resolution, reallocating \$500,000 from the City Manager Strategic Initiatives Fund and earmarking the funds for a land acquisition fund: 4-1 (Ayes: Magill, Payne, Pinkston, Wade; Noes: Snook).

On motion by Payne, seconded by Magill, Council by the following vote approved the resolution as amended: 5-0 APPROVED (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

To Amend the City Budget Adopted for Fiscal Year 2023 (“Year End” Appropriation)

WHEREAS the Charlottesville City Council has received and reviewed the results of the year-end audit for Fiscal Year 2022, which identified a surplus of appropriations over expenditures; and

WHEREAS the City Council desires to amend the budget previously adopted for Fiscal Year 2023, to increase the amount of authorized expenditures by a total of \$22,917,915.01 and, since this Budget Amendment exceeds one percent (1%) of the total expenditures shown in the currently-adopted budget, City Council conducted a public hearing on the proposed amendment following public notice given in accordance with Virginia Code §15.2-2507(A); now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the expenditures hereinafter set forth are hereby authorized and appropriated within the accounts of the City for the uses listed below, for the Fiscal Year ending June 30, 2023. The details explaining the purposes for which the following expenditure amounts are authorized, shall be as set forth within the City Council agenda memo dated December 19, 2022, which agenda memo is incorporated into this Resolution by reference.

I. GENERAL FUND.

The following amounts shall be permitted to be carried over and expended in the General Fund’s respective cost centers or internal orders in the following fiscal year and shall remain as continuing appropriations unless further altered by Council:

Department of Social Services Software Replacement.	\$110,000.
Procurement eSourcing Software.	\$100,000.

2 Additional Buses – Route 6 Equity Initiative.	\$1,000,000.
SAFER Grant Match.	\$2,109,000.
School Reconfiguration \$54M Bond Scenario (additional cash needed to get to \$68.8M).	\$600,000.
School Reconfiguration \$54M Bond Scenario (year 2 of additional debt service).	\$1,947,112.
School Reconfiguration \$54M Bond Scenario (year 3 of additional debt service).	\$1,947,113.
Meadowcreek Trail – Section 3.	\$700,000.
CAT – additional funding for 30 minute routes.	\$2,000,000.
New City Manager Fund.	\$500,000.
Land for Affordable Housing	\$500,000.
Council Strategic Initiatives.	\$325,000.
Upgrade of SAP.	\$1,000,000.
Fuel Price Volatility.	\$150,000.
Language Access Pilot Program.	\$100,000.
Standards and Design Manual.	\$142,142.71.
Pathways Fund.	\$575,000.
Emergency Management Mobile AEDs.	\$150,000.
Working Capital Fund for Meadowcreek Golf Course.	\$300,000.
Class and Compensation Study – One Time Uses.	\$2,000,000.
Transfer to Capital Improvement Contingency Fund.	\$6,662,547.30.

Total Section I. \$22,917,915.01.

II. FACILITIES REPAIR FUND.

Courthouse Maintenance (P-00099) - \$7,245.50 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.

Courthouse Construction (P-00783) - \$9,610.98 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

Total Section II. \$16,856.48.

III. GRANTS FUND.

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

\$1,375.39 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

Total Section III. \$1,375.39.

IV. SCHOOLS GAINSHARING.

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City.

For the year ending June 30, 2022, the Schools had an operating surplus of \$1,042,414.50. The Schools, with staff concurrence, recommend the full amount be transfer to the FY24 Capital Improvements Program to offset increased costs for the schools reconfiguration project.

Total Section IV.

\$1,042,414.50.

#8 *MOVED from Consent Agenda.* RESOLUTION: Critical Slope Waiver Application request at 0, 208-210, 228 Monte Vista Avenue, and 0 Belleview Street (Azalea Springs Subdivision)

Matt Alfele, City Planner, presented the waiver request, drawing a distinction between tax plotted lots and platted lots. The critical slope waiver is requested for 22 of the Planned Unit Development lots and the remainder of the site can be developed by-right. Mr. Alfele answered questions for Council and Council discussed tree preservation.

Scott Collins, civil engineer with the applicant Stanley Martin Homes, provided additional context for the request, and Council discussion ensued.

Laura McCarthy, President of Stanley Martin Homes in Charlottesville made comments about developing neighborhoods, community outreach efforts, maintaining tree canopy, addressing walkability and existing neighborhood aesthetics.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the critical slope waiver for the Azalea Springs Subdivision; 3-2 (Ayes: Pinkston, Snook, Wade; Noes: Magill, Payne). Mayor Snook read the ten conditions recommended by the Planning Commission as part of the resolution.

RESOLUTION

Approving a Critical Slope Waiver for the Azalea Springs Subdivision

WHEREAS Stanley Martin Companies, LLC (“developer”), as the owner of property located at 0, 208-210, and 228 Monte Vista Avenue, and at 0 Belleview Street, and that is further identified within the City’s real estate assessment records by Parcel Identification Nos. 200142000, 200126000, 200147000, 200131200, 200125000, 200146000, 200130001, 200122000, 200145000, 200129000, 200121000, 200144000, 200127001, 200148000, and 200143000, seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) to allow construction of a residential development project referred to as the Azalea Springs Subdivision (the “Project”); and

WHEREAS in order to construct the Project as desired, and presented in their development application, the developer will need to disturb 93.1% of the critical slopes currently existing within the development site (of that 93.1%, 63.7% of the critical slopes require a waiver from City Council; the remaining critical slopes areas are exempt per City Code Sec. 34-1120(b)(7)(c)); and

WHEREAS the Planning Commission held their regular meeting on December 12, 2022 and recommended approval of the request to waive the critical slopes requirements, pursuant to City Code §34-1120(b)(6)(d); and

WHEREAS upon consideration of the information and materials provided by the applicant and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d)(i) that: the benefits of allowing disturbance of the critical slopes in connection with the Project outweigh the public benefits of the undisturbed slopes, and that a waiver would not be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or to adjacent properties, or contrary to sound engineering practices; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia THAT a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) is hereby granted, for the residential development Project described within the materials presented to City Council on January 3, 2023, referred to as the Azalea Springs Subdivision, subject to the following conditions:

1. The applicant shall work with the City's Urban Forester during site plan review to create a tree protection/preservation plan for approximately seventy-seven (77) trees as presented in the application materials. The applicant shall perform all protection/preservation measures as identified in this plan. The tree preservation/protection plan will include a monitoring program to ensure compliance throughout the construction period. The plan shall also include provisions, such as easements, deed restrictions, or other legally binding measures to ensure preservation of trees in perpetuity.
2. The applicant shall, through easement, deed restriction, or other legally binding document, ensure no development or tree removal within the 0.6 acres "Public Amenity Area" as presented in the application materials. This documentation shall be enacted prior to approval of a Final Site Plan.
3. The applicant shall memorialize the "landscape screening" as presented in the application materials prior to approval of a final site plan. Planting within the screening area shall be a mixture of deciduous and evergreen trees, and the remaining trees will be large and medium deciduous trees as stated in the application materials.
4. In addition to providing the minimum tree cover requirements as required by code, the applicant shall preserve approximately seventy-seven (77) trees as shown in the application materials. The preserved trees shall not count towards the minimum tree cover requirement.
5. Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls. The first phase shall include "Initial/Preliminary Controls". Outfalls from any proposed traps shall be established with rigorous independent ESC controls, early in the sequence, prior to the establishment of a sediment trap and associated conveyances.

6. Any channels/diversions that convey 'clear' water shall be stabilized with sod on the 'clear water' side immediately after installation.
7. "Super Silt Fence" (chain linked backing) shall be installed where perimeter silt fence is specified.
8. Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other "same day stabilization").
9. At no time shall concentrated water be directed toward the critical slopes without adequate conveyance down and beyond the slopes to an acceptable outfall.
10. The Final Plan should include a Virginia Stormwater Management Plan that includes a design for onsite water quality provided by a facility, or facilities, designed in accordance with the BMP Clearinghouse "2013 Draft Design Specifications for Practices 1-15", or a proprietary Manufactured Treatment Device acceptable to DEQ at the time the Final Plan is submitted. The facility or facilities should provide 110 percent of the onsite Phosphorus removal required as determined with an accurately completed VRRM spreadsheet for the project.

OTHER BUSINESS

Councilor Payne read a prepared statement on behalf of Councilor Magill announcing her resignation from City Council, with her expected last day in office January 11, 2023.

Mayor Snook reviewed the Virginia Code statute regarding filling a vacant seat on City Council. The appointed person will hold office through the end of the calendar year, the remainder of Councilor Magill's term. Applications for the appointed seat will be accepted by January 30, with public comments at the February 6 meeting and a potential decision by February 21.

Councilor Pinkston moved to implement the process described by Mayor Snook for filling the vacant Council seat. Vice Mayor Wade seconded the motion and Council by a vote of 5-0 APPROVED the process to fill the Council seat vacated by Sena Magill (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

Councilors expressed thanks and well wishes to Councilor Magill.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Tanesha Hudson commented about the approval of the Azalea Springs development, and about Councilor Magill's resignation.

The meeting adjourned at 10:19 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council