

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

July 17, 2023 at 4:00 PM

Council Chamber, 605 E. Main Street

The Charlottesville City Council met on Monday, July 17, 2023. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

On motion by Pinkston, seconded by Puryear, Council by a vote of 5-0 amended and approved the meeting agenda, adding a staff-recommended resolution as Item #17 – Allocation of Funds from the Capital Improvement Program Contingency Account for the City Hall Water Leak Repairs in the amount of \$1,500,000.

REPORTS

1. REPORT: Sister Cities Commission Annual Report

Edward Herring, Chair of Sister Cities Commission, presented the annual report. Regarding the dormant Sister City status of Pleven, Mr. Herring stated that Pleven does not exist as it once did since reorganization in Bulgaria. Governments in Besancon, France and Poggio a Caiano, Italy changed, and relationships are being re-established. A delegation from Winneba, Ghana will visit Charlottesville in about a week. Mr. Herring stated that he would return in August to present to Council a report regarding next steps for establishing Sister City status with Huehuetenango, Guatemala, noting that he believed Charlottesville could support up to five sister cities. He also mentioned that commissioners were recruiting applicants to fill upcoming vacant seats, and that the Commission will hold a retreat in September.

2. REPORT: Presentation of Economic Development Strategic Plan

Chris Engel, Economic Development Director, introduced the item. He thanked the 16-member steering committee and Interim City Manager Michael Rogers. Steven Petigo, Residence Consultancy, presented the Economic Development Strategic Plan update for 2024-2028.

Research revealed that:

- Charlottesville is a diverse and young community with authentic small-town charm.
- Home to a highly skilled workforce in a variety of industries, Charlottesville has a healthy economy.
- Charlottesville has competitive export clusters, providing a foundation for a strong, diverse economic base.
- Charlottesville can grow its leadership in Life Sciences and Clean Technology.
- Charlottesville has a strong asset in the University of Virginia; cultivating a stronger partnership is essential for economic development.
- Reimagining a more inclusive Charlottesville is an essential part of its economic development future.
- Charlottesville has a growing diverse entrepreneurial community.
- Charlottesville can bridge equity gaps through innovative workforce development.

- Charlottesville's economic development story is largely untold.
- Charlottesville has an array of quality-of-life assets that need to be complemented with creative placemaking strategies.

The goals set were:

- Equitable Entrepreneurship: We will invest in entrepreneurship to grow a more diverse, equitable, and vibrant Charlottesville.
- Intentional and Innovative Growth: We will build an innovative economy: one that embraces intentional growth, value-added partnerships, and sustainability for tomorrow.
- Pathways for Opportunity: We will create pathways of opportunity for all Charlottesville residents.
- Creative Placemaking: We will invest in placemaking to celebrate Charlottesville's creativity and culture.
- Storytelling for Investment: We will position Charlottesville as a community open for investment.

Mr. Engel and Mr. Petigo answered questions regarding future updates to Council, plan implementation, community partnerships, policy changes, and strengthening the storytelling for economic development efforts.

Councilor Payne expressed concern about how entities are creating the issues that have led to an increased poverty rate and low level of economic mobility. He stated that Economic Development will need to engage with other departments to build a community wealth-building strategy, and he does not believe the existing Plan will achieve his vision of success.

Mr. Petigo gave examples of economic mobility efforts in other cities that work with community partners to achieve goals through a variety of vehicles without having local government bear the full responsibility.

Responding to a question from Mr. Snook, Mr. Petigo recommended that the city continue to think about density, mixed-use allowances as discussed in the Zoning Ordinance rewrite, growth and expansion of the existing businesses over attracting new larger businesses, reducing barriers to entry and making processes clearer.

Mr. Engel recommended that the city be strategic about investments, given the changes in market demand for industrial and residential property use.

CLOSED MEETING

On motion by Payne, seconded by Puryear, pursuant to section 2.2-3712 of the Virginia Code, City Council voted unanimously to convene in a closed session, as authorized by Virginia Code Section 2.2- 3711(A)(1), for:

- (1) Discussion and consideration of prospective candidates for appointment to the Planning Commission; and

- (2) Discussion, consideration and interviews of prospective candidates for appointment to the Charlottesville Redevelopment and Housing Authority.

On motion by Pinkston, seconded by Wade, Council certified by a recorded vote of 5-0 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.

On motion by Pinkston, seconded by Wade, Council voted unanimously to appoint Alice Washington and Javier Rodales to the Charlottesville Redevelopment and Housing Authority.

BUSINESS SESSION

City Council began the business session with a moment of silence.

ANNOUNCEMENTS

Councilor Pinkston announced Mr. Alex Zan's 15th Annual Think Shop.

Mayor Snook announced the July 8 "Healthy Streets Healthy People" event. He stated that on July 7, a handicap-accessible sidewalk was completed at Booker T. Washington Park.

Vice Mayor Wade announced that Westhaven Community Day will be on August 5.

RECOGNITIONS/PROCLAMATIONS

- **Designation of July as Parks and Recreation Month**

Vice Mayor Wade presented the proclamation to Riaan Anthony, Deputy Director, who thanked Parks and Recreation staff.

Mayor Snook announced a proclamation of recognition for Major Tito Durette, who retired after over 30 years of service with the Charlottesville Police Department.

CONSENT AGENDA

On motion by Pinkston, seconded by Wade, the following consent agenda items read into the record by Clerk of Council Kyna Thomas were Approved by unanimous vote:

Mayor Snook opened the floor for comments from the public on consent agenda items and Khalil Reid, city resident, asked a question about the firearm buyback program.

3. MINUTES: May 1 Council meeting, May 15 Council meeting, June 5 council meeting, June 16 special meeting, June 23 special meeting
4. RESOLUTION: Fontaine Avenue Fire Station Alerting System update (2nd reading)

RESOLUTION
Appropriating the amount of \$175,000 for the
Fontaine Avenue Fire Station Alerting System

WHEREAS Council has planned for \$175,000 in FY 26 of the City's 5-Year Capital Improvement Plan for the replacement of the alerting system at the Fontaine Avenue Fire Station; and

WHEREAS additional investment is needed now to address on-going operational needs;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$175,000 is hereby appropriated as follows:

Revenues:

\$175,000 Fund: 426 Cost Center: 9900000000 G/L Account: 499010

Expenditures:

\$175,000 Fund: 426 Internal Order: 1000031 G/L Account: 599999

5. ORDINANCE: Charlottesville Police Department Firearms Buyback Program and Destruction of Surrendered Firearms Ordinance (2nd reading)

**AN ORDINANCE AUTHORIZING THE CITY OF CHARLOTTESVILLE
TO PARTICIPATE IN FIREARM BUYBACK PROGRAM AND DESTROY
SURRENDERED FIREARMS**

6. RESOLUTION: Appropriating City Traffic Assets Insurance Reimbursement – \$56,316.53 (carried)
7. RESOLUTION: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000 (carried)
8. RESOLUTION: Reallocating \$33,827.85 of American Rescue Plan (ARP) funds to the Department of Human Services from funds previously appropriated to City of Promise (carried)
9. ORDINANCE: Approving a Right-of-Way Encroachment Agreement for 1117 Preston Avenue (carried)

CITY MANAGER REPORT

City Manager Michael C. Rogers reported:

- An update on the city's Strategic Planning process.
- Community Arts and Festivals program launch to promote citywide special events.
- City of Charlottesville was chosen for the National League of Cities Capstone Challenge

Program and was the only Virginia city selected.

- The appointment of a Fire Chief within the next several weeks.
- Charlottesville Fire Department recruit class graduation and full staffing of the fire department.
- Full staffing of the City Attorney Office.
- Police Department hiring of 15 recruits, reducing department vacancies by half.
- National Night Out on August 1 at Ix Art Park.
- Human Resources has been meeting with department directors to determine how individual employees fit into the revised pay structure.
- Melinda Crawford retiring as Executive Director of the airport and the Airport Board will begin a search for the new executive at its next meeting.
- The city's Lead Team will complete a 12-week professional development academy on July 27.

Quarterly financial update

For the second year in a row, the city ended the fiscal year with a surplus driven by real estate assessments and savings from vacancies. Krisy Hammill made the financial report. Mr. Rogers stated that the Treasurer will come back in August with a cash flow report.

Mr. Rogers summarized his accomplishments during his time working on behalf of the Robert Bobb Group for the City of Charlottesville, and he thanked city staff.

Resolution of Appreciation for Michael C. Rogers

Mayor Snook presented a resolution of appreciation to Mr. Rogers for his service in the Interim City Manager role.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Marilyn Poling, city resident, spoke about the project at 2005 JPA - removing porches.
2. Caetano de Campos Lopes, Community Climate Collaborative (C3), spoke about the CAT Alternative Fuel Study.
3. Robin Hoffman, city resident, spoke about an art park at Meade Park for local farmers and the Farmer's Market. She spoke about the need for bus canopies. She requested that the city make Meade Park more user-friendly.
4. Susan Kruse, Executive Director for C3, spoke about poor air quality and considering alternative fuels.
5. Bruce Glasgow, city resident and PVCC professor, spoke about the need to switch to electric buses.

ACTION ITEMS

10. RESOLUTION: Approval of City Manager Employment Agreement

Mayor Snook presented the resolution and shared background information for Sam Sanders, who has been offered the employment contract for City Manager. Mr. Sanders served for nearly two years as Deputy City Manager for the City of Charlottesville.

On motion by Payne, seconded by Pinkston, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to APPROVE the resolution, and they announced a Meet and Greet event on Thursday, July 20.

Mr. Sanders thanked Council, staff and residents for their support. Councilors expressed sentiments of support.

11. RESOLUTION: Appeal of ERB (Entrance Corridor Review Board) approval of a Certificate of Appropriateness for construction of an apartment building at 2005 Jefferson Park Avenue.

Jeff Werner, Preservation Design Planner, presented the ERB recommendation for denial. Meeting materials summarized the ERB's prior actions.

Appellants were given an opportunity to speak:

- Ann Benham, city resident living near the project spoke about lighting mentioned in the staff recommendation. She requested an explanation for "reasonable complaint" and recourse available for disagreement, requested elimination of porches for safety and traffic reasons, and requested a focus on tree plantings. Regarding the rear multi-use pathway, she requested ADA compliance. She encouraged rewarding developers who build climate resilient projects.

ERB Chair Lyle Solla-Yates stated that the board had an opportunity to review the plan at several points as well as to engage with nearby neighbors and the designers. He stated that porches are an important element, and he referred the matter to City Council.

Mayor Snook asked for clarification on roles and responsibilities of the ERB versus the Planning Commission, noting that several of the complaints deal with site plan issues instead of issues that are normally reviewed by the ERB.

On motion by Pinkston, seconded by Wade, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to APPROVE the Certificate of Appropriateness, subject to the conditions listed in Attachment 8.

RESOLUTION

Approval of Entrance Corridor Certificate of Appropriateness for proposed development of 2005 Jefferson Park Avenue (or 2005 JPA)

WHEREAS Aspen Topco II Acquisitions, LLC (Applicant) on behalf of Gadiant Enterprise, Inc., the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, and currently addressed as 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue (collectively referred to as “2005 JPA”), proposes at 2005 JPA a multi-unit residential building with underground parking (Project); and

WHEREAS, per City Code §34-307(a)(5), 2005 JPA is within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor* and, per City Code §34-309, is therefore subject to design review and a Certificate of Appropriateness (CoA) is required for the Project; and

WHEREAS on December 20, 2022, the Applicant submitted to the City an application for a CoA for the Project (Application); and

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on February 14, 2023 and on March 14, 2023 reviewed the Project and Application, approving with conditions the requested CoA; and

WHEREAS, as permitted by City Code §34-314(a), following the February 14, 2023, and March 14, 2023, ERB meetings, six parties appealed to City Council the ERB’s approval of the CoA (March Appeal); and

WHEREAS, per City Code §34-314(c), on May 15, 2023, following a review of the March Appeal by Council, no decision was made or formal action taken on the March Appeal; however, to eliminate a potential challenge that notice letters postmarked March 1 for the March 14 ERB meeting did not comply with the fourteen (14) days required by City Code, Council instructed staff to readvertise the CoA request for review by the ERB; and

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on June 13, 2023, reviewed the Project and Application, approving with conditions the requested CoA; and

WHEREAS, as permitted by City Code §34-314(a), following the June 13, 2023, ERB meeting, four parties appealed to City Council the ERB’s approval of the CoA (June Appeal); and

WHEREAS, per City Code §34-314(c), on July 17, 2023, following a review of the June Appeal, the Project, and the Application, and having considered relevant information and opinions, including the ERB’s determination and the City Staff Report, this Council determined the Project is consistent with the City’s Entrance Corridor Design Guidelines and compatible with the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Certificate of Appropriateness is hereby approved for the development of 2005 JPA, subject to the following conditions:

1. Glass will be clear, at the locations noted in the staff report.
2. New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
3. All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
4. Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
5. If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
6. Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
7. Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
8. Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
9. Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
10. There will be no up-lighting of landscaping on the site.
11. The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
12. Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

[Note: The conditions of approval are those approved by the ERB on February 14, 2023, March 14, and June 13, 2023.]

12. RESOLUTION: Approving a Lease Agreement with Blue Ridge Area Coalition for the Homeless (BRACH) for a portion of 100 5th Street NE (CitySpace)

Brenda Kelley, Office of Community Solutions, presented the request. She stated that Anthony Haro, BRACH Executive Director, reviewed the lease and had no issues.

On motion by Payne, seconded by Puryear, Council voted 5-0 (Ayes: Payne, Pinkston,

Puryear, Snook, Wade; Noes: none) to APPROVE the lease agreement.

RESOLUTION

**Approving a lease of property at 100 5th Street NE to the
Blue Ridge Area Coalition for the Homeless (BRACH)**

WHEREAS, BRACH desires to lease a portion of City-owned property for a term of two (2) years, and City Council has considered the terms of the proposed lease; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lease of a portion of City-owned property located at 100 5th Street NE, Charlottesville, Virginia, to BRACH, presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the approved lease on behalf of City Council.

13. RESOLUTION: Expressing Support for Friendship Court Redevelopment - Phase 2

Brenda Kelley, Redevelopment Manager, presented the request for support, noting the name change from Friendship Court to Kindlewood. The resolution asks for support for up to \$5,250,000.

Vice Mayor Wade requested assurance that city residents receive preference for housing.

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

RESOLUTION

Financial Resolution Supporting Friendship Court Phase 2 Parcel Number: 280112000

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Charlottesville, Virginia hereby commits up to \$5,250,000 in the form of loans to a local non-profit and their partner for the redevelopment of Friendship Court Phase 2. The commitment of up to \$5,250,000 will help to subsidize Phase 2 which in turn will create approximately 106 newly constructed affordable housing units, some commercial space and a park in the City of Charlottesville. This commitment will be made to Piedmont Housing Alliance and NHT Communities.

**14. RESOLUTION: Appropriating VDOT grant funds for Washington Park to
Madison Avenue Trail - \$285,665 (carried)**

Chris Gensic, Parks and Trails Planner, introduced the request. Council agreed to carry the item forward to the next consent agenda for second reading and vote.

15. RESOLUTION: Approving a Special Use Permit at 218 West Market Street (carried)

Missy Creasy, Deputy Director for Neighborhood Development Services, introduced the resolution request. An existing Special Use Permit was approved in 2019 and the applicant determined that modifications were needed to step-backs in order to make the units into habitable spaces. The Planning Commission considered the application on July 13 and recommended making the changes, with conditions specified in 2019 remaining in place. The resolution presented at this meeting replaces the 2019 resolution.

Valerie Long, representing the applicant, made a presentation using visual renderings, and noted that the number of units will not increase.

Mr. Jeff Levien, applicant, addressed concerns from the Lighthouse Studio (Ms. Gould) and Ms. Conover regarding access during construction. He requested ongoing dialogue with existing businesses that will be impacted. He stated that the new step-backs will not change unit quantity, but will make housing units more marketable.

Councilor Payne expressed concern that the affordable housing units proffered do not match the inclusionary zoning program.

Jeff Dreyfus stated that with approval of the resolution the footprint of the building will be modulated differently to provide light and air throughout the building.

Council agreed to carry the item to the August 7 meeting Action Items, to give Council members additional time to consider and discuss.

GENERAL BUSINESS

16. REPORT: Presentation of Results of Alternative Fuels Study for Charlottesville Area Transit

Garland Williams, Director of Transportation, stated that he considers this a milestone moment to present the Alternative Fuels Study results to City Council.

Mike Shindlecker, Project Manager with Kimley Horn, presented the Study results. He advised that based on federal funding, buses are not eligible for replacement until they have reached the end of their useful life.

Market and industry trends are moving towards low-and zero-emission vehicles.

17. Staff-recommended Addition 7/17: Allocation of Funds from the Capital Improvement Program Contingency Account for the City Hall Water Leak Repairs - \$1,500,000

Deputy City Manager Sam Sanders described the emergency scenario that occurred over the weekend beginning July 14, 2023, where potable water caused extensive damage to City Hall, thus creating the need to move the July 17 City Council meeting to another location.

On motion by Payne, seconded by Pinkston, Council APPROVED the resolution allocating funds by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

COMMUNITY MATTERS (2)

- Caetano de Campos Lopes, Community Climate Collaborative (C3), shared information about reduced costs of renewable energy technology over time, and how gases are managed.
- Joy Johnson, city resident, thanked Mr. Rogers for his service to the city and she thanked Councilor Wade for announcing Westhaven Day. She asked for a definition of affordable housing and congratulated Sam Sanders on his appointment to the City Manager position.
- Susan Kruse, C3 Executive Director, thanked Garland Williams and Charlottesville Area Transit for presenting results of the Alternative Fuels Study. She expressed concern about future facility costs, sourcing gas, and becoming a pilot program for hydrogen fuel cells.

The meeting adjourned at 10:07 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council