



CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES
May 5, 2025 at 4:00 PM
Council Chamber

The Charlottesville City Council held a regular meeting on Monday, May 5, 2025. Vice Mayor Brian Pinkston called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting four of five councilors present: Vice Mayor Brian Pinkston and Councilors Natalie Oschrin, Michael Payne and Lloyd Snook. Mayor Juandiego Wade was traveling in Winneba, Ghana, a Charlottesville Sister City.

On motion by Payne, seconded by Oschrin, Council unanimously adopted the meeting agenda.

REPORTS

1. PRESENTATION: United Way of Greater Charlottesville's Prosper Program

Ravi Cooper, United Way Greater Charlottesville President, presented a partnership opportunity: Helping Working Families PROSPER. She shared examples of program successes and provided clarification about a funding request and allocation made during the city's Vibrant Community Fund and City Budget process.

2. REPORT: Water Supply Plan Update

Ruth Emerick, Thomas Jefferson Planning District Commission (TJPDC), presented the Water Supply Plan update. Virginia Code amendments effective October 9, 2024, require regional water supply plans and TJPDC was asked to coordinate the planning effort for Middle James 1 Regional Planning Unit (RPU), which includes: Charlottesville, Albemarle, Greene, Fluvanna, Louisa, and Buckingham (including towns and Authorities).

Jennifer Whitaker, Rivanna Water and Sewer Authorities engineer, provided additional information about water demand within the Commonwealth of Virginia, and the State plan to catalog locality information and encourage cross-border agreements.

Logan Ende, Regional Planner with TJPDC, provided background information about the regional approach to water supply plans.

3. REPORT: Charlottesville Economic Development Authority Annual Report

Chris Engel, Director of Economic Development presented the Charlottesville Economic Development Authority (CEDA) Annual Report, with historical context of Industrial/Economic Development Authorities in Virginia, an overview of CEDA's history, and a review of major projects, and highlights of current focus areas.

With no closed meeting, Vice Mayor Pinkston recessed the meeting from 5:30 p.m. to 6:30 p.m.

BUSINESS SESSION

The business session of the meeting began with a moment of silence.

ANNOUNCEMENTS

Vice Mayor Pinkston announced the first full week of May as Public Service Recognition Week and Professional Municipal Clerks Week.

RECOGNITIONS/PROCLAMATIONS

- **Proclamation:** Councilor Payne presented the Letter Carriers' Stamp Out Hunger® Food Drive Day proclamation to Josh Lowry and Richard Eastman.
- **Proclamation:** Councilor Oschrin presented the Bike Month proclamation and announced a variety of events involving bicycles. She also announced a neighborhood walk in the Woolen Mills neighborhood on May 11, led by the Bicycle and Pedestrian Advisory Committee.
- **Proclamation:** Councilor Snook presented the Adult Abuse Prevention Month to members of the Social Services Department.

COMMUNITY MATTERS

Vice Mayor Pinkston opened the floor for comments from the public.

1. Alicia Lenahan, city resident, made remarks about recent actions by ICE Agents on April 23, 2025, where individuals were extracted from the Albemarle Courthouse.
2. Rosendo Molano, city resident, presented an idea for the Lewis and Clark statue. He requested that the image of Sacagawea be recast in a standing position and placed in the original location of the statue that was removed.
3. Karen Mann, resident of Scottsville and pastor in Charlottesville, spoke about immigration and the recent actions by ICE Agents on 4/23/2025, where individuals were extracted from the Albemarle Courthouse.
4. Mo van de Sompel, city resident, spoke in opposition to Item #7 on the consent agenda, a resolution to appropriate \$150,000 from the Virginia Department of Criminal Justice Services Operation Ceasefire Grant Program.
5. John Hall, city resident, presented an idea about recycling.
6. Kettie Rupnik, city resident, shared concerns about speeding issues on Lankford Avenue.
7. Robin Hoffman, city resident, spoke about Charlottesville City Schools student art that was projected at a recent event. She expressed concern about a person she encountered on the Downtown Mall who appeared to need help. She commended police officers for following up with her about the concern.
8. Asa Eslocker, city resident, shared concerns about speeding issues on Lankford Avenue and the potential for
9. Kevin Cox, city resident, expressed concerns about pedestrian danger at Elliot Avenue and Second Street. He requested a marked crosswalk.

CONSENT AGENDA

Clerk Thomas read the following Consent Agenda items into the record, and on motion by Snook, seconded by Payne, Council unanimously adopted the Consent Agenda (Ayes: Oschrin, Payne, Pinkston, Snook; Noes: none; Absent: Wade), moving Item #7 to the end of the meeting for discussion.

4. MINUTES: April 10 budget work session, April 21 regular meeting, April 24 special meeting
5. RESOLUTION One-year Annual Action Plan for the City's Community Development Block Grant (CDBG) and HOME Investment Partnership Programs for Program Year 2025-26 and Associated Funding Recommendations (2nd readings)

- a. Resolution: Resolution approving the City of Charlottesville Program Year 2025-2026 One-year Annual Action Plan for the city's CDBG and HOME programs

RESOLUTION

Approving the City of Charlottesville-Thomas Jefferson Area HOME Consortium One Year Annual Action Plan for Program Year 2025-26

WHEREAS the City of Charlottesville is a designated Entitlement Community by the United States Department of Housing and Urban Development ("HUD"), and as such is a recipient of federal funds through the Community Development Block Grant (CDBG) and Home Investment Partnerships ("HOME") programs, and

WHEREAS the City of Charlottesville is a contributing member of the Thomas Jefferson HOME Consortium ("TJHC") in partnership with the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in HUD's HOME program,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlottesville, Virginia, hereby approves the Charlottesville-Thomas Jefferson HOME Consortium One-Year Annual Action Plan and its submittal to HUD for final review, as presented at a public hearing before the city's Planning Commission (on 8 April 2025) and at two public hearings before City Council (on 21 April and 5 May 2025).

- b. Resolution: Resolution appropriating CDBG funds anticipated to be received from the U.S. Department of Housing and Urban Development as outlined in the Program Year 2025-2026 One-year Annual Action Plan, in the approximate amount of \$438,617 (2nd reading)

RESOLUTION

Appropriation of Community Development Block Grant ("CDBG") Funds Anticipated from the U.S. Department of Housing and Urban Development for Program Year 2025-26, in the Approximate Amount \$438,617

WHEREAS the City of Charlottesville has been advised by the U.S. Department of Housing and Urban Development ("HUD") is eligible to receive an anticipated Community Development Block Grant ("CDBG") allocation for the 2025-26 program year, in the approximate amount of \$438,617; and

WHEREAS City Council has received recommendations for the expenditure of funds from the city's CDBG/HOME Taskforce, as reviewed and approved by the City's Planning Commission at a public hearing on April 8, 2025, as provided by law;

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that upon receipt of anticipated CDBG funding from the U.S. Department of Housing and Urban Development, said funds are hereby appropriated to the following individual expenditure accounts in the Community Development Block Grant Fund in accordance with the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations, as set forth below:

Economic Development Activities

<i>Fund</i>	<i>Account/Internal Order #</i>	<i>Funding Recommendation</i>	<i>Revised Award</i>
218	1900593	CIC Entrepreneur Programs	\$25,000.00
218	1900594	LVCA Beginning Workforce Development	\$50,000.00

Subtotal, Economic Development: \$75,000.00

Public Facilities & Infrastructure Enhancements

<i>Fund</i>	<i>Account/Internal Order #</i>	<i>Funding Recommendation</i>	<i>Revised Award</i>
218	1900595	Arc of the Piedmont Shower Replacement at Shamrock Group Home	\$20,500.00

Subtotal, Public Facilities & Infrastructure: \$20,500.00

Affordable Housing Activities

<i>Fund</i>	<i>Account/Internal Order #</i>	<i>Funding Recommendation</i>	<i>Revised Award</i>
218	1900592	AHIP Charlottesville Critical Home Rehabs	\$140,000.00

Subtotal, Affordable Housing: \$140,000.00

Public Services Activities

<i>Fund</i>	<i>Account/Internal Order #</i>	<i>Funding Recommendation</i>	<i>Revised Award</i>
218	1900596	PHA Financial Opportunity Center (FOC) Credit Club	\$21,342.00
218	1900597	PHAR Resident-Involved Redevelopment	\$22,618.55
218	1900598	The Haven Coordination of Community Service Providers	\$21,832.00

Subtotal, Public Services: \$65,792.55

Programmatic Funds

<i>Fund</i>	<i>Account/Internal Order #</i>	<i>Funding Recommendation</i>	<i>Revised Award</i>
218	3914001000	CDBG Planning & Admin	\$87,723.40
218	3914001000	Unallocated Reserve	\$49,601.05

Subtotal, Programmatic Funds: \$137,324.45

Total PY25 Funding Recommendations: \$438,617.00

In the event that funding received from the U.S. Department of Housing and Urban Development differs from the amounts referenced above, all appropriated amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No subrecipient's grant may be increased above their initial funding request without further consideration by Council.

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of not less than \$438,617 in CDBG funds from the U.S. Department of Housing and Urban Development for program year 2025-26, and all subrecipient awards are also conditioned upon receipt of such funds.

BE IT FURTHER RESOLVED that any unspent funds available after the approved activity is completed and closed out with HUD will hereby be returned to the unallocated lump sum account within Fund 218 to be reallocated to suitable new activities by Council at a later date.

FINALLY, BE IT FURTHER RESOLVED that the funding award appropriated within this resolution will be provided as a grant to a private non-profit, charitable organization (“subrecipient”) and shall be utilized by the subrecipient solely for the purpose(s) stated within their approved Scope of Work. The City Manager is hereby authorized to enter into a funding agreement with the subrecipient named herein as deemed advisable to ensure that all grant funds are expended for their intended purposes and in accordance with applicable federal and state laws and regulations.

- c. Resolution: Resolution awarding HOME Investment Partnership Program funds anticipated to be received from the U.S. Department of Housing and Urban Development as outlined in the Program Year 2025-2026 One-year Annual Action Plan, in the approximate amount of \$83,016 (2nd reading)

RESOLUTION

Approval of HOME Investment Partnership Program Activity with Funds Anticipated from the U.S. Department of Housing and Urban Development for Program Year 2025-26, in the Approximate Amount of \$83,016

WHEREAS the City of Charlottesville (“City”) has been advised by the U.S. Department of Housing and Urban Development (“HUD”) that the region served by the Thomas Jefferson HOME Consortium (“TJHC”) is eligible to receive a HOME Investment Partnerships program (“HOME”) allocation for the 2025-26 program year, in the approximate amount of \$651,111, of which the City is eligible to receive approximately \$83,016 to support local affordable housing (“AH”) initiatives; and

WHEREAS City Council has received recommendations for the expenditure of the anticipated funds from the city’s CDBG/HOME Taskforce, as reviewed and approved by the City’s Planning Commission at a public hearing on May 8, 2025, as provided by law; and

WHEREAS the City of Charlottesville had in prior years appropriated local funds from the CAHF to meet HUD’s 25% local match funds requirement on behalf of the members of the Thomas Jefferson HOME Consortium, the City will now certify with HUD certain CAHF-funded projects in the current program year to meet the local match funds requirement, as established through the 2025 Cooperation Agreement established between Charlottesville & Thomas Jefferson Planning District Commission (“TJPC”), thereby significantly reducing the administrative burden on staff from both parties;

BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia, that upon receipt of this anticipated HOME funding from the U.S. Department of Housing and Urban Development, that the following HOME-funded affordable housing activity is approved:

PY	Subrecipient	Funded Activity	Proposed Award
PY25	Piedmont Housing Alliance	905 Rives St. Townhomes AH	\$83,016.66

BE IT FURTHER RESOLVED that this appropriation of subrecipient award funds is conditioned upon the receipt by the City of not less than \$83,016.66 in HOME funds as the city's local share of HOME funds received by the Thomas Jefferson HOME Consortium from the U.S. Department of Housing and Urban Development for Program Year 2025-26.

If funding received from the U.S. Department of Housing and Urban Development for Program Year 2025-26 differs from the amounts referenced above, all appropriated amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No subrecipient's funding award may be increased above their initial funding request without further consideration by Council.

FINALLY, BE IT FURTHER RESOLVED that the funding award appropriated within this resolution will be provided as a grant to a private non-profit, charitable organization ("subrecipient") and shall be utilized by the subrecipient solely for the purpose(s) stated within their approved agreement, as approved by TJPDC staff in accordance with the 2024 Charlottesville/TJPDC Cooperation Agreement. The City Manager is hereby authorized to enter into a funding agreement with the subrecipient named herein as deemed advisable to ensure that all grant funds are expended for their intended purposes and in accordance with applicable federal and state laws and regulations.

6. Resolution to appropriate Virginia Department of Criminal Justice Services Victims of Crime Act Grant Award FY25 - \$123,600 (laid over)
7. Resolution to appropriate \$150,000 from the Virginia Department of Criminal Justice Services Operation Ceasefire Grant Program (laid over)
8. Resolution to appropriate \$26,210.96 to the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals ("CASPCA") (laid over)
9. Resolution to appropriate \$20,000 in Virginia Department of Criminal Justice Services - Children's Justice Act One-Time Grant Program funds (laid over)
10. Resolution to refund \$115,692.68 in Business Tangible Personal Property Tax

RESOLUTION

Authorizing a Refund of \$115,692.68 to a Taxpaying Entity or Business, for Business Tangible Personal Property Tax Paid in Error for 2022 and 2023

WHEREAS, the Commissioner of the Revenue for the City of Charlottesville, Virginia ("COR"), has determined that a taxpaying entity or business paid 2022 and 2023 Business Tangible personal property 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 COR has certified that a refund of taxes paid is due in the amount of \$115,692.68; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$10,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that it hereby approves this Resolution authorizing the City Treasurer to issue a refund of \$115,692.68 payable to that taxpaying entity or business.

11. Resolution to Appropriate Police Warehouse Outlet Sales Revenue to Equipment Replacement Fund (laid over)

CITY MANAGER REPORT

Deputy City Manager James Freas announced a plan to install a speed cushion or speed table on Lankford Avenue by the end of the calendar year as a test feature, with plans to make it permanent and to deploy the tested and approved mechanisms in other areas of the city.

City Manager Sanders stated that there was no update on requests for Elliot Avenue and Second Street. He expressed support and thanks to the Police Civilian Oversight Board and staff for their Town Hall held last week. Regarding staffing updates, he announced that the Human Resources Director has started, and the new City Attorney staff member will begin as the Managing Director alongside Acting City Attorney Pamela O’Berry, until completion of Virginia Bar requirements, when he will move into the role of City Attorney. Mr. Sanders acknowledged Public Service Recognition Week.

ACTION ITEMS

12. Board of Architectural Review APPEAL: Denial of Demolition Certificate of Appropriateness for 144 Chancellor Street Contributing Structure

Councilor Snook disclosed his position as a Trustee at St. Paul’s Church, though he can participate in the decision on this item.

Jeffrey Werner, staff for the Board of Architectural Review (BAR), summarized the request that was denied by the BAR. The property owner of 144 Chancellor Street (“Appellant”) has appealed the BAR’s January 22, 2025, denial of a Certificate of Appropriateness (“CoA”) to allow demolition of an approximately 20-ft x 56-ft, single-story, wood-framed structure, constructed circa 1905 as schoolhouse (“Structure”), within the 10-day period proscribed by City Code Chapter 34, Section 5.2.7.E. This structure was designated by City Council a “contributing structure” within The Corner Architectural Design Control District. Per City Code Chapter 34, Section 5.2.7.A.1.c., the demolition of a “contributing” structure requires approval of a CoA.

City staff recommended City Council render a final decision, by Resolution, to deny a CoA to allow demolition of the Structure.

Kevin Blair/Blair Company (“Applicant”), on behalf of Delta Zeta National Housing Corp., expressed dissent about several comments made at the January 2025 BAR meeting regarding intentions for demolition of the property. He asked Council to grant permission for demolition and removal of the building because of unsafe conditions.

David Timmerman, BAR Vice Chair (Chairperson on the night of the BAR decision), explained the BAR decision, recommending that the house remain intact. He noted the historic value of the building as the last-remaining one-room schoolhouse in the city and its link to other historic structures in the neighborhood. He read a passage from the guidelines used for considering demolition, and stated that the house is not beyond repair.

On motion by Councilor Snook, seconded by Oschrin, Council adopted a resolution to approve a Certificate of Appropriateness for demolition of the structure at 144 Chancellor Street, overturning the BAR denial. 3-1 (Ayes: Oschrin, Pinkston, Snook; Noes: Payne; Absent: Wade).

**RESOLUTION OF APPROVAL OF A CERTIFICATE OF APPROPRIATENESS FOR
DEMOLITION OF THE STRUCTURE AT 144 CHANCELLOR STREET**

WHEREAS, on January 22, 2025, Kevin Blair/Blair Company (“Applicant”), on behalf of Delta Zeta National Housing Corp., the owner of certain land identified within City of Charlottesville, Virginia (“City”), real estate assessment records by Parcel Identification numbers 090109000 and currently addressed as 144 Chancellor Street (“Property”), requested a Certificate of Appropriateness (“CoA”) for the demolition of the existing, single-story, framed, former schoolhouse (“Structure”) on the Property (“Requested CoA”); and

WHEREAS, per City Code Chapter 34, Section 2.9.2.B.6., in 2003, the City established The Corner Architectural Design Control District (“ADC District”); and

WHEREAS, the Property is within the ADC District, and the Structure is designated a “contributing structure” within the ADC District; therefore, per City Code Chapter 34, Section 5.2.7.A.1.c., its demolition is subject to review by the City’s Board of Architectural Review (“BAR”) and requires approval of a CoA; and

WHEREAS, on January 22, 2025, in a Motion approved 6-0, BAR denied the Requested CoA, stating it had “considered the standards set forth within the City Code, including the ADC District Design Guidelines” and “the proposed demolition of 144 Chancellor Street [BAR #HST 25-0055] does not satisfy the BAR’s criteria and its guidelines and is not compatible with this property and other properties in The Corner ADC District,” and in its discussion and Motion, stating the reasons for denial; and

WHEREAS, on February 5, 2025, as permitted by City Code Chapter 34, Section 5.2.7.E.1.b. and c., the Applicant appealed to the City Council of the City of Charlottesville, Virginia (“City Council”), the BAR’s denial of the Requested CoA (“Appeal”); and

WHEREAS, on April 21, 2025, per City Code Chapter 34, Section 5.2.7.E.1.d., following a review of the Appeal, the Project, and the Application, and having considered relevant information and opinions, including the BAR’s determination, the City Staff Report, the City’s ADC District Design Guidelines, and the City’s standards for demolitions of contributing structures within ADC Districts (City Code Chapter 34, Section 5.2.7.D.1.b.), this City Council determines the requested demolition of the Structure at the Property satisfies the design guidelines and review criteria, and is compatible with this Property.

NOW, THEREFORE, BE IT RESOLVED by City Council that, pursuant to the conditions below, a CoA is hereby approved for the requested demolition of the Structure at the Property, expressly conditioned upon the occurrence of the following before issuance of a Demolition Permit:

- (1) Building will be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, information should be retained by the City’s Department of Neighborhood Development Services and Virginia Department of Historic Resources.

13. PUBLIC HEARING regarding Exercise of Eminent Domain for the acquisition of right-of-way and easements in service to the East High Streetscape Project and the Barracks Emmet Streetscape Project

Michael Goddard, Deputy Director of Public Works, presented the request for exercising eminent domain for land acquisitions in service of the following two Projects the City of Charlottesville, Virginia (“City”),

is performing in collaboration with the Virginia Department of Transportation:

1) The East High Streetscape Project includes ADA and pedestrian improvements, wider sidewalks, bike lanes, landscaping, along with upgrades to intersections for better accessibility. The East High Project will also improve stormwater management, traffic signals, and signage, as well as the undergrounding of overhead utilities.

2) The Barracks Emmet Streetscape Project will implement bike/pedestrian/vehicular improvements at the intersection of Barracks and Emmett Street. The Barracks Emmet Project will also install a 6' path extending up Barracks Road from the intersection to right past the Buckingham Road intersection.

Lee Cooper, Project Manager and right-of-way expert, explained the voluntary agreement and eminent domain negotiation process.

Vice Mayor Pinkston opened the public hearing.

- Mo Van de Sompel spoke in favor in order to improve East High Street and Barracks Road.

With no additional speakers coming forward, the public hearing was closed.

14. RESOLUTION to Approve Exercise of Eminent Domain for the Acquisition of Right-of-Way and Easements in Service to the East High Streetscape Project and the Barracks Emmet Streetscape Project

On motion by Oschrin, seconded by Snook, Council by a vote of 4-0 approved the resolution: (Ayes: Oschrin, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

A RESOLUTION AUTHORIZING THE ACQUISITION FOR PUBLIC PURPOSES BY PURCHASE OR CONDEMNATION OF REAL PROPERTY FOR THE BARRACKS ROAD AND EMMET STREETSCAPE PROJECT AND THE EAST HIGH STREETSCAPE PROJECT

WHEREAS, the City of Charlottesville, Virginia (“City”), has obtained approval to construct the Barracks Road and Emmet Streetscape Project and the East High Streetscape Project within the City that will provide intersection improvements along with sidewalk improvements for its citizens (“Projects”); and

WHEREAS, the providing of safe roadways and pedestrian access is a public purpose for which the City is authorized to enter upon and take possession of property before the conclusion of condemnation proceedings, including the procedures in Chapter 3, § 25.1-300 *et seq.*, of Title 25.1 of the Code of Virginia, 1950, as amended (“Virginia Code”); and

WHEREAS, pursuant to Virginia Code §§ 15.2-1901, 15.2-1901.1, 15.2-1902, 15.2-1903, and 15.2-1904, the City is authorized to acquire by condemnation necessary land to permit the construction and maintenance of the proposed road improvement to provide safer roadways to City residents, and the City is vested with the power of eminent domain for the acquisition of land for the purposes of such public use; and

WHEREAS, the City Council of the City of Charlottesville, Virginia (“City Council”), finds that it is necessary to obtain certain properties, listed and attached hereto (“Properties”), which are in the City, to be used for the construction of the Projects; and

WHEREAS, the City has made a *bona fide* but ineffectual effort to purchase the Properties from the owner of the Properties (“Owners”) hereto attached, having previously established the just compensation therefor and having promptly offered in writing to pay the same to the Owners, which offer was rejected; and

WHEREAS, the City has made every reasonable effort to acquire the Properties by negotiation; and

WHEREAS, a Public Hearing on the subject matter of this Resolution was duly held on May 5, 2025, as required by Virginia Code §§ 15.2-1903 and -1905(C), at which City Council declared its intent to enter and take the Properties for the purposes of /to the citizens of the City, an inherently public use under Virginia Code § 15.2-1904(A); and

WHEREAS, the compensation offered to the Owners by the City for the Properties is in accordance with the City’s determination of just compensation.

NOW THEREFORE, BE IT OFFICIALLY RESOLVED, that, after due consideration, that City hereby approves and adopts the following resolutions; and

BE IT FURTHER RESOLVED, that the construction, operation and maintenance of the Projects are approved as a critical public use, necessary to ensure the health, safety, and welfare of the members of the public served by the City; and

BE IT FURTHER RESOLVED, that the acquisition of the Properties by purchase, condemnation, or other means, free and clear of any and all liens, judgments, deeds of trust, leases, or other conflicting encumbrances, is approved, such acquisition being necessary for the construction of the Projects; and

BE IT FURTHER RESOLVED, that the Properties will be used by the City for the Projects in furtherance of its public and governmental functions pursuant to the Virginia Code, and that that the acquisition of the Properties are for road improvements, which is a public use pursuant to Virginia Code §§ 1-219.1(A)(i) and (D)(iii); that no more private property is being taken, than that which is necessary to achieve the public use intended by and for the road improvements; and that this Resolution otherwise complies with Virginia Code § 1-219.1; and

BE IT FURTHER RESOLVED, that the City previously has made *bona fide* efforts to acquire the Properties from the Owner(s), but, to date, those efforts have been ineffectual; and

BE IF FURTHER RESOLVED, that the City does hereby authorize its City Manager, Deputy City Manager, City Project Manager, City Staff, and the City Attorney, respectively, to take all actions for and on behalf of the City, which are or may be appropriate or necessary for the City to acquire the Properties through the exercise of its power of eminent domain, including, but not limited to, any actions or proceedings necessary to achieve the transfer of defeasible title by Certificate of Take, pursuant to the procedure established in Chapter 3, § 25.1-300 et seq., Title 25.1 of the Virginia Code; the filing of any papers or pleadings with the Circuit Court of City of Charlottesville, Virginia; and other actions related to the initiation of any legal proceedings necessary or appropriate to acquire the Properties by eminent domain, provided, however, that nothing in this Resolution shall be construed as preventing the continued negotiation by the City Manager, Deputy City Manager, City Project Manager, City Staff, and/or the City Attorney for the acquisition by purchase or other means of the Properties, before the initiation of any such eminent domain proceedings; and

BE IT FURTHER RESOLVED, that City Council authorizes the payment into the Court or to the Clerk thereof, for the Owner(s)’ benefit, or the issuance of a Certificate of Deposit in lieu of payment

pursuant to Virginia Code §§ 15.2-1904(D) and 25.1-305(A)(2), to be issued by the City Manager, or his designee, and countersigned by the City's Finance Director for availability of funds; and

BE IT FURTHER RESOLVED, hat all the actions taken by the City Manager, City Finance Director, City Project Manager, City Staff, and the City Attorney in connection with this matter are hereby ratified and confirmed; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately; and

BE IF FINALLY RESOLVED, that a copy of this Resolution be filed with the papers of this Meeting.

**EMINENT DOMAIN FOR BARRACKS AND EMMET STREETSCAPE PROJECT,
PARCEL LIST**

Parcel 002 identified as Barracks Row, LLC, Tax Parcel No. 400002100

- Acquisition area: 1,328 SF in permanent public street easement, and 214 SF in temporary easement need to be acquired.
- Offer amount: \$85,640.00

EMINENT DOMAIN FOR THE EAST HIGH STREETSCAPE PROJECT

Parcel 007 identified as Fenwick, Trustee Valentine Land Trust, Tax Parcel No. 530261000

- Acquisition area: 58 SF in fee acquisition, and 1,167 SF in temporary and grading easement need to be acquired.
- Offer amount: \$16,255.00

Parcel 015 identified as Nine Ten Land company, LLC, Tax Parcel No. 530270000

- Acquisition area: 81 SF in fee acquisition, 441 SF in temporary and grading easement and 510 in permanent utility easement needing to be acquired.
- Offer amount: \$22,300.00

Parcel 016 identified as Nine Twelve Land Company, LLC, Tax Parcel No. 530271000

- Acquisition area: 506 SF in temporary and grading easement needing to be acquired.
- Offer amount: \$5,330.00

15. PUBLIC HEARING and Resolution Authorizing a Right-of-Way Agreement with Dominion Energy for 1505 Avon Street Extended

Tra Biasioli, Climate Program Specialist, summarized the request.

Vice Mayor Pinkston opened the public hearing. No speakers came forward and the public hearing was closed.

On motion by Snook, seconded by Payne, Council by a vote of 4-0 approved the resolution: (Ayes: Oschrin, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

**RESOLUTION
GRANTING AN EASEMENT TO DOMINION POWER TO ENABLE ELECTRICAL POWER
SERVICE TO ELECTRIC CHARGING INFRASTRUCTURE**

WHEREAS, the City has purchased an initial set of electric school buses for the pupil transportation fleet; and

WHEREAS, electric school buses require access to electric charging infrastructure; and

WHEREAS, Dominion Energy offers a program to support school bus fleet electrification initiatives by delivering and operating utility-owned charging infrastructure; and

WHEREAS, the installation of electric charging infrastructure required the establishment of an easement to enable the provision of electrical service to the charging system; and

WHEREAS, City staff has worked with Dominion Power to verify the location, effectiveness, and practicality of the proposed easement and has concluded that these modifications are legitimate and necessary additions to the easement to enable Dominion to provide electrical service to the charging system; and

WHEREAS, the proposed easement is depicted in instrument 81-25-00033, which is enclosed for reference; and

WHEREAS, the electrical charging system will support the climate action initiative of electrifying the school bus fleet.

NOW, THEREFORE, BE IT RESOLVED, that the City of Charlottesville approves the existing easement provided to Dominion Power for the provision of electrical power service to the electrical charging system, located at 1505 Avon Street Ext.

16. PUBLIC HEARING and RESOLUTION to approve a Special Use Permit for a Commercial Lodging Special Use Permit at 401 Ridge Street

Ben Koby, City Planner, summarized the request. Andrew Jenkins ("Applicant") seeks a Special Use Permit ("SUP"), in accordance with City Code Section 34-5.2.14, to operate a Bed and Breakfast ("Project"), within the R-C Zoning District at 401 Ridge St ("Subject Property"). Pursuant to City Code Section 34-3.2.2, this use is classified as "Commercial General Lodging" and allows up to ten (10) guest rooms with an approved SUP. The Applicant proposes five (5) guest rooms, without on-site management. This Application does not include any proposed exterior modifications to the Subject Property.

The Planning Commission was unanimously recommended approval of the SUP at its meeting on April 8, 2025, with no recommended conditions.

Vice Mayor Pinkston opened the public hearing

- Andrew Jenkins, 401 Ridge Street, spoke in favor of the SUP, and spoke about preservation work for the property as well as its current usage.

With no additional speakers, the public hearing was closed.

Councilor Payne expressed a concern about proliferation of property conversion to short-term rentals, and certain commercial uses in a historically Black neighborhood. He spoke about potential adverse effects to the neighborhood.

Councilor Oschrein asked questions about proposed operations as a stand-alone bed and breakfast versus

operating within the homestay ordinance.

On motion by Snook, seconded by Oschrin, Council by a vote of 3-1 approved the resolution: (Ayes: Oschrin, Pinkston, Snook; Noes: Payne; Absent: Wade).

**RESOLUTION
GRANTING A SPECIAL USE PERMIT (“SUP”) FOR A COMMERCIAL LODGING (UP
TO TEN (10) GUEST ROOMS) AT 401 RIDGE STREET**

WHEREAS, Barbara S. and Alan D. Jenkins are the current owners of a lot located in the City of Charlottesville, Virginia (“City”), real estate records by Real Estate Parcel Identification No. 290132000, having an area of approximately 0.31 acres (13504 square feet) ("Subject Property"); and

WHEREAS, the Subject Property is zoned with a Residential C (“R-C”) classification; and

WHEREAS, according to the Permitted Use Table set forth in City Code Section 34, Article 3.2.2, a commercial general lodging (up to ten (10) guest rooms) requires a SUP within the R-C Zoning Districts; and

WHEREAS, the proposed Commercial General Lodging (up to ten (10) guest rooms) is described in more detail within the February 2, 2025, Application, with Project Number PL-25- 0027, as required by City Code Chapter 34, Article 5.2.13.B (“Application Materials”); and

WHEREAS, the Planning Commission (“PC”) made a recommendation of approval at its April 8, 2025, Public Meeting, per City Development Code Section 34-5.2.14.C.3.

NOW THEREFORE, BE IT RESOLVED, upon consideration of the PC's recommendation and the Staff Reports discussing this Application, as well as the factors set forth within City Development Code Section 34-5.2.14.D, the City Council of the City of Charlottesville, Virginia (“City Council”), finds and determines that granting the proposed SUP would serve the public necessity, convenience, general welfare or good zoning practice; and

BE IT FINALLY RESOLVED by City Council, that, pursuant to City Code Development 34-5.2.14, a SUP is hereby approved and granted authorizing the Project on the Subject Property.

17. RESOLUTION to appropriate a grant of public funds for housing assistance to low- and moderate-income homeowners within the City

Commissioner of the Revenue Todd Divers presented the resolution.

On motion by Payne, seconded by Oschrin, Council approved the resolution by a vote of 4-0: (Ayes: Oschrin, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

**RESOLUTION
APPROPRIATING A GRANT OF PUBLIC FUNDS FOR HOUSING ASSISTANCE TO
LOW-AND MODERATE-INCOME HOMEOWNERS WITHIN THE CITY OF
CHARLOTTESVILLE, VIRGINIA**

WHEREAS, pursuant to the provisions of Virginia Code § 63.2-314, the City Council of the City of Charlottesville, Virginia (“City Council”) may offer public grants to its local Director of Social

Services (“Director”), serving in their capacity as the “local board” under the provisions of Virginia Code § 63.2-304; and

WHEREAS, City Council desires to offer a grant of public funds during Fiscal Year 2025-2026, to aid low- and moderate-income homeowners within the City of Charlottesville, Virginia (“City”), who are affected by the rising costs of homeownership (which include mortgage payments, fees and taxes, insurance, utilities, maintenance and repairs); and

WHEREAS, the average assessment of a single-family residential property within the City has risen by approximately 8.41% over the past year, and with rising inflation, transportation costs, and utility costs, many individuals, who have income significantly lower than the Charlottesville area median income, will experience significant financial stress and may need financial assistance to remain in their homes; and

WHEREAS, City Council hereby finds and determines that it is both necessary and desirable, to promote the general welfare of the City, and to promote the safety, health, comfort, and convenience of City inhabitants, to support the affordability of continuing homeownership by low- and moderate-income individuals; and

WHEREAS, public funding is available and has been appropriated within the City Budget for the proposed public grant, in the amounts set forth within this Resolution.

NOW, THEREFORE BE IT RESOLVED, by City Council that, effective July 1, 2025, and for calendar year 2025, a grant of public funds is hereby made to the Director, in their capacity as the “local board of social services” pursuant to Virginia Code § 63.2-304, to be used to provide housing assistance to City homeowners in need of such, as follows:

Expenditure

\$1,110,000 Fund: 105 Cost Center: 3343019000 G/L Account: 540065

BE IT FURTHER RESOLVED, that the Director is solely responsible for administration of this assistance fund, pursuant to the provisions of Virginia Code §§ 63.2-304 and 63.2-314, provided that the Director may enter into written agreements with the Commissioner of Revenue, Treasurer, and City Manager, as may be necessary to administer the fund; and

BE IT FURTHER RESOLVED, that it is the desire of City Council that this grant of public funds, hereafter to be referred to as the “Charlottesville Homeownership Assistance Program” (“CHAP”), shall be provided to City homeowners in need of assistance due to rising costs of homeownership, in accordance with the following parameters:

2025 CHAP (Public Grant for Homeownership Assistance)				
Applicant Household Income	\$0 - \$37,260	\$37,261 - \$49,680	\$49,681 - \$55,890	\$55,891 - \$62,100
Grant	\$2,500	\$2,000	\$1,500	\$1,000

- (1) Grantee must be a human being, own a home within the City, and must reside within the home. As of January 1, 2025, and as of the date an application is submitted, the Applicant must occupy that real estate as his/her sole residence and must intend to occupy that real estate throughout the remainder of calendar year 2025. An Applicant who is residing in a

hospital, nursing home, convalescent home, or other facility for physical or mental care shall be deemed to meet this condition, so long as the real estate is not being used by or leased to another for consideration. "Ownership" may be any of the following: (i) individually, or in conjunction with a spouse holding life rights; (ii) individually, or in conjunction with a spouse holding the power of revocation in a revocable *inter vivos* trust of which the home is an asset; or (iii) alone or in conjunction with a spouse who possesses a life estate, or an estate for joint lives, or a continuing right of use or support under the terms of an irrevocable trust of which the property is an asset.

(2) Most recent assessed value of the Grantee's home cannot exceed \$525,000 (this is the average assessed value in 2025 of taxable residential parcels, rounded to the nearest \$5,000).

(3) Grantee, Grantee's spouse, or any other owner residing in the home, cannot own any other interest in real estate, either within the City, or at any other location. This includes any real estate interest owned: (i) as an individual; (ii) as the beneficiary of a trust; (iii) as a member of an LLC; or (iv) by virtue of any other interest in a legal entity.

(4) Grantee must demonstrate evidence of Household Income within the limits established for calendar year 2025, as set forth above within this Resolution. "Household Income" means: (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year; or (ii) for Applicants for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year of the Applicant and of any other relatives who reside in the Applicant's home, and any other person(s) who: (i) owns any interest in the home; and (ii) resides in the Applicant's home. The Director shall establish the Household Income of Applicants for whom no federal tax return is required through documentation satisfactory for audit purposes.

(5) This public grant shall be used only to assist individuals who are not receiving the real estate tax exemption or deferral provided under Chapter 30, Article IV, of the Charlottesville City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) during 2025.

(6) Not more than one (1) grant shall be provided to any one (1) address.

18. RESOLUTION to adopt a lease agreement with the Dogwood Vietnam Memorial Foundation for maintenance and operation of the memorial area at McIntire Park

Riaan Anthony, Director of Parks and Recreation, presented the request for approval of an updated lease agreement between the City of Charlottesville and The Dogwood Vietnam Memorial Foundation, Inc.

Councilor Oschrein asked for clarification about wording in the resolution regarding pedestrian bridge access, and potentially moving the memorial to be closer to existing bridge access.

Steve Friedman, Dogwood Memorial Foundation, stated that he thought the pedestrian bridge in the proposed agreement was referring to a new pedestrian bridge, while city staff interpreted the pedestrian bridge wording as existing pedestrian bridge access. Mr. Friedman also expressed that there is no desire to move the site of the Memorial, as it is in its original location, which is historic.

On motion by Pinkston, seconded by Snook, Council approved the resolution by a vote of 4-0: (Ayes: Oschrein, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

RESOLUTION
APPROVING A LONG TERM LEASE BETWEEN THE CITY OF CHARLOTTESVILLE
AND THE DOGWOOD VIETNAM MEMORIAL FOUNDATION, INC.

1. **Parties.** The City of Charlottesville, Virginia (the “City”) owns certain real estate commonly known as McIntire Park and intends to lease a portion thereof to the Dogwood Vietnam Memorial Foundation, Inc. (“DVMF”), a charitable, non-profit corporation authorized to do business in the Commonwealth of Virginia.
2. **City Authority.** The City has the authority to enter into this Lease pursuant to Virginia Code §§ 15.2-953, 15.2-1800, and 15.2-2100.
3. **Leased Premises.** The City hereby leases and demises to DVMF, and DVMF hereby leases from City, certain real property in the southeast corner of McIntire Park, nearest to the intersection of State Route 250 and the John Warner Parkway, which property is more particularly identified on Exhibit A attached hereto (the “Leased Premises”).
4. **Suitability of Leased Premises.** The City makes no representation or warranty as to the condition or suitability of the Leased Premises for DVMF’s intended purposes. DVMF accepts the Leased Premises in its “as is” condition subject to all existing utilities and all easements of record.
5. **Term.** The term of this Lease is forty (40) years beginning on the date this Lease is executed by both the City Manager and a duly authorized agent of DVMF.
6. **Rent.** The rent for this Lease is the nominal fee of One Dollar (\$1) per year, for a total of forty dollars (\$40) prepaid, the receipt of which is hereby acknowledged.
7. **Use.**
 - a. **Memorial.** DVMF will use and occupy the Leased Premises for the sole purpose of constructing, improving, operating, and maintaining a memorial (the “Memorial”) to honor and perpetuate the lasting memory of all persons who served in the United States Military and to hold meetings or events concerning or relating to the Memorial or the DVMF, subject to the DVMF complying with all applicable local, state and federal rules, regulations and laws.
 - b. **Reservation.** The City reserves the right to install, operate, repair, and maintain water, sewer, gas, stormwater, or other utilities (“Public Facilities”) within the Leased Premises. Upon completion of any such work the City will reasonably repair any damage to the Leased Premises proximately caused by the City’s installation, operations, repairs, or maintenance of its Public Facilities.
 - c. **Open to public.** The Leased Premises will remain open to the general public except during hours specified within Section 18-1 of the Charlottesville City Code (as may be amended) for McIntire Park. When McIntire Park is open to the general public, DVMF must not exclude members of the public from the Leased Premises *subject to the following exceptions:*
 - i. **Private Events.** DVMF may use and occupy the Leased Premises for ceremonies, meetings, or other private events, during which time the Leased Premises will not be open to the general public. DVMF is hereby granted the right and privilege to conduct up to 10 private events per calendar year which advance DVMF’s mission during which DVMF and its guests will have the privilege of exclusive use of the entire Leased Premises, provided, however, that all such private events must comply

with all applicable local, state and federal governmental rules, regulations and laws. For each such private event, upon prior approval from the City, which approval will not be unreasonably withheld, vehicular access will be allowed through the existing gated entrance to the skate park to allow for vehicle parking near the Memorial site.

- ii. **Construction.** DVMF may temporarily restrict or prohibit public access to any portion of the Leased Premises that is a work zone for construction or land disturbing activities being conducted by DVMF, the City, or the contractors of either. Any construction or land disturbing activities conducted by DVMF must be performed in accordance with all local, state and federal rules, regulations and laws. No improvements, other than the expansion of the Memorial plaza and the Pedestrian Bridge Access thereto (subject to approval from the City), may be installed on the Leased Premises without the consent of the City. DVMF will take all reasonable measures to prevent any mechanic's liens, materialmen's liens or other statutory liens to attach to the Leased Premises as a result of any alterations, improvements, additions or repairs performed by DVMF or at DVMF's direction. If any such lien or notice of lien rights is filed with respect to the Leased Premises by a contractor hired or engaged directly by DVMF (including any subcontractor hired or engaged by such contractor), then DVMF shall upon notice of same promptly take all reasonable measures to have such lien released or bond over the lien if release is not accomplished within thirty (30) days, and shall permit no further work to be performed on the Leased Premises until such release or bond has been accomplished, unless otherwise agreed to by the City in writing.
- 8. Financial Assurances.** Prior to the commencement of any construction or land disturbing activity in or upon the Leased Premises DVMF must provide to the City:
- a. **Financial Plan.** A written financial plan demonstrating DVMF's ability to adequately finance the cost thereof.
 - b. **Contractors.** Evidence that DVMF has entered into a written contract with one or more licensed and bonded Class A contractor(s) and has secured performance and payment bonds for the entire amount of the contract(s).
 - c. **Insurance.** Evidence that said contractor(s) will have in effect commercial general liability insurance throughout any period in which work is being performed by said contractor(s).
- 9. Maintenance, operation, and repair.**
- a. **DVMF duties and obligations.**
 - i. **Keep clean.** DVMF must keep the Leased Premises in a clean, attractive condition and not commit or allow any waste or damage to be committed to any portion of the Leased Premises.
 - ii. **Pedestrian Bridge Access.** DVMF will engage with the City in good faith and take all reasonable action to allow and assist the City in the planning, construction, development, and approval of a pedestrian bridge, multi-use trail, and associated parking lot to provide improved/handicap public access to the Leased Premises (and McIntire Park generally).

- iii. **Employees, Agents, Invitees.** DVMF shall be responsible for the well-being and safety of its employees, agents and invitees present on and/or performing activities while on the Leased Property and shall, at all times, provide reasonable and customary supervision of all such persons while on the Leased Premises.

b. City duties and obligations.

- i. **Landscaping.** The City is solely responsible for all reasonable and necessary landscaping services on and for the Leased Premises, provided that the City must not unreasonably interfere with DVMF's private events (*see supra* ¶ 7.c.i) of which the City has notice.
- ii. **Pedestrian Bridge Access.** The City will engage with DVMF in good faith and take all reasonable action to allow and assist DVMF in the planning, construction, development, and approval of a pedestrian bridge, multi-use trail, and associated parking lot to provide improved/handicap public access to the Leased Premises (and McIntire Park generally).

10. Legal interests.

- a. **Real estate.** Title to the Leased Premises is now, and upon the expiration or earlier termination of this Lease will remain with, the City. DVMF must promptly and in good faith execute any written instruments or documents the City presents to DVMF that is reasonably necessary to confirm such ownership interest(s) of the City.
- b. **Other property.** All improvements, fixtures, or other property DVMF places, constructs, or installs in, on, or upon the Leased Premises is, and upon expiration or earlier termination of this Lease will remain, owned by DVMF and may be removed by DVMF at any time. This includes but is not limited to, all flags, flag poles, plaques, stanchions, kiosks, temporary decorations (bunting, banners, etc.), and inscribed bricks. This does not include any concrete or asphalt paths, stairs, or walls (except the inscribed bricks).

11. Damage; destruction.

- a. **Notice.** DVMF must give the City prompt written notice of any damage or destruction of any portion of the Leased Premises.
- b. **Repair.** In the event that some portion of the Leased Premises is damaged by fire or other casualty, and such damage is covered by DVMF's insurance, DVMF agrees to make a claim under said insurance and to repair such damage as much as can reasonably be done with the amount of any insurance proceeds from that claim.
- c. **DVMF's property.** The City is not required to repair any damage to or replacement of any of DVMF's property on or upon the Leased Premises (as defined in paragraph 10.b above) unless such damage was caused (in whole or in part) by the negligence or willful misconduct of the City or its employees and/or agents or otherwise provided by law.

12. Indemnification.

- a. **Generally.** Subject to paragraph 12.b below, DVMF must indemnify and hold the City (including its officers, officials, and employees) harmless from and against any and all liability, loss, claim, suit, damage, charge, or expense suffered, sustained, incurred or in any way to be subjected to, on account of death of or injury to any person and for damages to, loss of, and destruction of any property whatsoever which arises out of, results from, or is in any way connected with (i) DVMF's use of the Leased Premises during a private event under this Lease (see supra ¶ 7.c.i) or (ii) which occurs as a consequence of any negligence or misconduct of DVMF (including its members, contractors, and subcontractors) in the exercise of DVMF's rights, privileges, or performance of DVMF's obligations under this Lease.
- b. **Exceptions.** Notwithstanding paragraph 12.a above, DVMF has no indemnity obligation for the negligent acts, omissions, or misconduct of the City's officers, officials, employees, and other agents, in their capacity as an officer, official, employee or agent, to the extent provided by law.

13. Assignment. DVMF has no right to assign or sublease, in any manner or fashion, any of its rights, privileges, or interests accruing to it under this Lease to any other individual or entity without the prior written consent of the City. Provided, however, that the City cannot unreasonably withhold its consent if DVMF proposes to assign or sublease to an alternative or successor charitable organization that is capable of performing DVMF's obligations hereunder and the use of the Leased Premises will remain one for the public good, in the sole discretion of the City, not to be unreasonably withheld, conditioned or delayed.

14. Nondiscrimination. DVMF must not discriminate against any person in its membership, programs, or events relating to the use or occupancy of the Leased Premises on the grounds of race, religion, color, gender, sexual orientation, national origin, disability, or any other basis prohibited by law.

15. Insurance.

- a. **Types of Insurance.** DVMF will, at its sole cost and expense, secure and maintain throughout the term of this Lease, the following types of insurance coverage and policy limits:
 - i. \$1,000,000 for commercial general liability coverage;
 - ii. \$1,000,000 for bodily injury and property damage;
 - iii. \$1,000,000 for products and non-owned and hired automobile liability;
 - iv. \$1,000,000 for personal and advertising injury; and
 - v. \$5,000 medical expense benefit (any one person).
- b. **Special Requirements.** Each insurance policy required by this paragraph must be written or endorsed so as to preclude the exercise of the right of subrogation against the City and must name the City as an additional insured. Each insurance policy required by this paragraph also must be endorsed to include the following clause: "Should any of the insurance policies be cancelled before the expiration date thereof, the issuing insurance company will endeavor to mail written notice of such cancellation to the City at least 10 days in advance." Upon receipt of any notice, verbal or written, that the said insurance is subject to cancellation, DVMF must notify the City within five (5) business days. In the event DVMF fails to comply with the requirements of this section, the City will have the right to require DVMF to suspend use of the Leased Premises until such time as the requirements of this paragraph are met.

- c. **Evidence of Insurance.** DVMF must provide the City with one or more certificate(s) of insurance confirming the insurance required by this Lease.
 - d. **Amendment.** The required insurance coverages, and the required limits of the insurance, may be reviewed by the parties and amended from time to time by mutual agreement.
- 16. Default.** If at any time during the term of this Lease the City contends that DVMF is in violation of any material provision of this Lease, then the City must provide DVMF written notice thereof. Such notice must specifically identify the provision(s) of the Lease allegedly violated and the facts to support the City's assertion. Upon receipt of such notice, DVMF will have 90 days to remedy the alleged violation(s). Notwithstanding the foregoing, the City shall have the right to correct any such violation, if in the sole discretion of the City, such violation creates a danger to the public or otherwise requires immediate attention and if the City so elects, all reasonable costs of such correction shall be recoverable from DVMF, within thirty (30) days of receipt of an invoice from the City.
- 17. Expiration or Termination of Lease.** Upon the expiration or earlier termination of this Lease under paragraph 16 above, DVMF must surrender the Leased Premises to the City as provided in paragraph 18 (entitled "Surrender") of this Lease. If this Lease has not been earlier terminated, the parties must meet and confer in Year 38 of the term of this Lease to negotiate in good faith the terms of a new or extended lease.
- 18. Surrender.** Upon the expiration or earlier termination of this Lease, DVMF will:
- a. **Quit and peaceably surrender** to the City possession of the Leased Premises in good order and condition, except for ordinary wear and tear. The surrender of this Lease will, at the option of the City, terminate any and all existing subleases or may, at the option of the City, operate as an assignment to it of any and all such subleases.
 - b. **Remove its property** from the Leased Premises and any property which has not been removed prior to the date of termination will become the property of the City, and the City will have the right to dispose of such property in its sole discretion.
- 19. Eminent Domain.** In the event of any taking by eminent domain of the Leased Premises, whether partial or total, the City will be entitled to receive the condemnation award or compensation; *provided, however,* that if any structures and/or improvements created or installed by DVMF are taken, then DVMF will be entitled to receive that portion of the condemnation award or compensation for such structures and/or improvements. If the taking is such that sufficient area remains for DVMF to continue its normal operations, then the Lease will terminate only as to the part of the Leased Premises so taken but will remain in effect with respect to that part not taken.
- 20. Right of Entry.** The City or its agents may enter upon the Leased Premises at all reasonable times to examine the condition and use so long as that right is exercised during regular business hours in a manner that does not unreasonably interfere with DVMF's conduct of its lawful and authorized activities within the Leased Premises.
- 21. Non-waiver.** No failure on the part of either party to enforce any of the terms or conditions set forth in this Lease will be construed as or deemed to be a waiver of the right to enforce such terms or conditions. No waiver of a breach of this Lease will be construed as a waiver of any succeeding breach of the same provision. No delay or failure by either party to exercise any right

under this Lease, and no partial or single exercise of that right, will constitute a waiver of that or any other right, unless otherwise expressly provided herein.

- 22. Notices.** All notices given in connection with this Lease must be communicated in writing either by (a) U.S. Mail first class postage prepaid or (b) prepaid express delivery service and in either event addressed as follows:

To the City:
City Manager
P.O. Box 911
Charlottesville, VA 22902

To DVMF:
DVMF President
P.O. Box 6193
Charlottesville, VA 22906

With a copy to:
City Attorney
P.O. Box 911
Charlottesville, VA 22902

Either party may change its designated representative or mailing address by giving written notice to the other party as provided herein.

- 23. Modifications.** No modification, amendment, release, or discharge of any provision of this Lease will be of any force or effect except by the written consent of both parties hereto. Notwithstanding the foregoing, the City Manager is hereby authorized to act as City Council's agent for purposes of approving modifications of the provisions of this Lease.
- 24. Time of Essence.** In all instances in which a party is required by this Lease to do any act on or within a specific time period, the parties expressly declare that time is of the essence as to such action.
- 25. Persons Bound.** The terms, provisions, and conditions of this Lease will bind and inure to the benefit of the respective parties hereto and to their respective representatives, successors, and assigns.
- 26. Entire Agreement.** This Lease contains the entire agreement between the parties and it supersedes all prior agreements and understandings of the parties, whether verbal or written, as to matters that are set forth in this Lease. There are no collateral agreements, stipulations, or promises whatsoever in any way touching the subject matter of this Lease. The execution of this Lease was not induced by any representations, promises, or understandings other than those expressly set forth herein.
- 27. Recordation.** The terms and conditions set forth herein will be signed by the parties' duly authorized agents and suitable for recordation among the land records of the Charlottesville Circuit Court in accordance with Virginia Code § 17.1-227. Alternatively, in lieu of recordation, a memorandum of lease may be recorded as provided in Virginia Code § 55.1-1601.
- 28. Headings.** The headings or captions used in this Lease are for convenience only and are not be used in the interpretation or construction of its provisions.
- 29. Interpretation.** In the event of any conflict, discrepancy, or inconsistency between this Lease and any other documents which have been incorporated into this Lease by reference or made exhibits or attachments hereto, then the provisions set forth within this Lease will govern the parties' intent.

The terms of this Lease have been negotiated at arm's length and with the opportunity to seek respective legal counsel and thus neither party alone "drafted" the terms hereof for purposes of construing any ambiguities herein.

- 30. Severability.** In the event that any term or provision of this Lease, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Lease, and the application of any term or provision to any person or circumstance other than those to which it has been held invalid or unenforceable, will not be affected thereby.
- 31. Governing Law.** This Lease is governed, construed, and enforced by and in accordance with the laws of the Commonwealth of Virginia. Any suit or controversy arising under this Lease must be brought in the General District or Circuit Court for the City of Charlottesville, Virginia.
- 32. Authorized Signatures.** The City of Charlottesville City Council authorizes the Charlottesville City Manager as its agent to execute the Lease on behalf of the City of Charlottesville and to bind the City hereto. The Dogwood Vietnam Memorial Foundation, Inc. authorizes its President as its agent to execute the Lease on behalf of the DVMF and to bind the DVMF hereto.
- 33. Execution in Counterparts.** This Lease may be executed in counterparts, each of which is deemed an original, but all of which constitutes one and the same instrument.

WITNESS THE FOLLOWING SIGNATURES:

City of Charlottesville, VA

Dogwood Vietnam Memorial Foundation, Inc.

By: _____
City Manager

By: _____
President

Printed Name: _____

Printed Name: _____

Date: _____

Date: _____

19. RESOLUTION to allocate \$41,500 from FY26 Housing Operations and Programs Support of the FY26 Charlottesville Affordable Housing Fund as an Emergency Grant to the Blue Ridge Area Coalition for the Homeless for the Supportive Housing Program

Antoine Williams, Housing Program Manager, presented the item as Part Two of an emergency grant to support the Blue Ridge Area Coalition for the Homeless (BRACH) for funding to replace a lost grant. This funding would ensure that BRACH, the lead Continuum of Care agency in the City's region, can continue its operations uninterrupted. Due to the potential for interrupted service, this funding request is deemed an emergency. Given the emergency need, \$41,500 of the remaining balance should be allocated from the FY26 HOPS Grant Program Budget, and it was recommended that BRACH be awarded a Supportive Housing Emergency Grant.

On motion by Pinkston, seconded by Snook, Council approved the resolution by a vote of 4-0: (Ayes: Oschrin, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

RESOLUTION
ALLOCATION OF HOUSING OPERATIONS AND SUPPORT (HOPS) FY26 GRANT
FUNDING FOR EMERGENCY GRANT TO THE BLUE RIDGE AREA COALITION FOR
THE HOMELESS (BRACH) FOR SUPPORTIVE HOUSING PROGRAM
IN THE AMOUNT OF \$41,500

WHEREAS, the City of Charlottesville, Virginia, having established the Housing Operations & Program Support (HOPS) Grant Program to provide financial support for community agency programs aiding in affordable housing and homelessness relief, hereby allocates \$41,500 from the Housing Operations & Program Support (HOPS) Grant Program under Fund 426 Project: CP-084, as per the Capital Improvement Program budget for FY2026; and

NOW, THEREFORE, BE IT RESOLVED The City Council, having received and reviewed recommendations from the CAHF Committee on the expenditure of CAHF funds (CP-084) for the HOPS Grant Program, resolves to allocate the amount to the Blue Ridge Area Coalition for the Homeless (BRACH) for Supportive Housing Program.

Fund	Project	GL Account	Applicant	Funded Project/Initiative	CAHF Award
426	CP-084	530670	Blue Ridge Area Coalition for the Homeless (BRACH)	Supportive Housing Emergency Grant	\$41,500

BE IT FURTHER RESOLVED that all funding awards within this resolution shall be provided as grants to the entity listed under the “Applicant” column above to be used solely for the purposes of the program listed in this resolution and any subsequent grant agreement. The City Manager is authorized to negotiate and execute funding grant agreements with each recipient to ensure proper utilization of funds.

GENERAL BUSINESS

20. BY MOTION: Confidential Settlement Agreement

On motion by Pinkston, seconded by Snook, Council approved the Confidential Settlement Agreement by a vote of 4-0: (Ayes: Oschrin, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

7. Resolution to appropriate \$150,000 from the Virginia Department of Criminal Justice Services Operation Ceasefire Grant Program (laid over to May 19)

This item was moved from the consent agenda for discussion.

The Virginia Department of Criminal Justice Services awarded a grant to the Charlottesville Police Department (CPD) through the Operation Ceasefire Grant Program: Forensic and Analytical Technology for Local Law Enforcement to procure and deploy Peregrine's Ascent and Legacy Data packages for one year.

Police Chief Michael Kochis, explained the necessity for the technology and why CPD applied for the grant, stating that the technology would allow for more accurate searching for police and incident data, as well as integrate existing data systems. Regarding privacy concerns, he stated that the program is a secure system and CJIS compliant, meaning that it adheres to the security standards set by the FBI's Criminal Justice Information Services (CJIS) Division, and is used only for criminal justice purposes. He stated that the

Executive Director of the Police Civilian Oversight Board would also have access to the system.

Councilor Oschrin asked about competitive systems and security features.

Council agreed to lay this item over to the May 19 Action Agenda, seeking more information about data security. Council agreed to follow up with the City Manager and Chief Kochis with questions prior to the next City Council meeting.

COMMUNITY MATTERS (2)

Vice Mayor Pinkston opened the floor for comments from the public.

- Mo Van de Sompel asked to have the City Attorney review privacy rights related to the technology system requested in Item #7. He expressed concerns about Paragren's potential usage of the data, and about their uses of Artificial Intelligence.

In response to Mr. Van de Sompel's comments, Councilor Payne mentioned the potential for monetization of data.

On motion by Snook, seconded by Oschrin, Council voted unanimously to adjourn the meeting at 9:15 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council