



CITY COUNCIL AGENDA November 6, 2023

J. Lloyd Snook, III, Mayor
Juandiego Wade, Vice Mayor
Michael K. Payne, Councilor
Brian R. Pinkston, Councilor
Leah Puryear, Councilor
Kyna Thomas, Clerk

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to view electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. Per Council action at the October 16, 2023 meeting, public comment will be in-person only. The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

Call to Order/Roll Call

Agenda Approval

Reports

1. Presentation: Budget Presentations - Operations

5:30 PM CLOSED MEETING (if called)

6:30 PM BUSINESS SESSION

Please observe the following rules, which are designed to encourage orderly, respectful input during each portion of the meeting in which comments from the public are received. 1. State your name and address; 2. Do not interrupt a Councilor who is speaking; 3. Do not shout or speak in a way that interferes with the progress of the meeting; 4. Do not threaten violence, or engage in illegal conduct; 5. No campaigning for public office or promoting business ventures; 6. No using profanity, vulgarity or language constituting incitement; 7. During the comments on the consent agenda, speak only to the items on the agenda; 8. Refrain from personal attacks against Councilors, City staff or members of the public; 9. Refrain from intimidating behavior, as well as applause, cheers, jeers or boos; and 10. Stop speaking when your time has expired.

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Recognizing Cyndi Richardson as 2023 Virginia State Crisis Intervention Team (CIT) Coalition Peer of the Year
- Proclamation: 160th Anniversary of First Baptist Church West Main Street

Consent Agenda*

The consent agenda consists of routine, non-controversial items whereby all items are passed with a single motion and vote. After the reading of the consent agenda, the mayor will open the floor for comments from the public on the items that were read. Speakers will have up to three minutes each to make comments before City Council votes on the consent agenda. Speakers must state their name and locality for the record.

2. Minutes: August 21 regular meeting, October 3 work session, October 11 work session
3. Ordinance: Amendment of Charlottesville City Code Sec. 15-75 to Comply with Recent Amendments to the Virginia Code Sec. 46.2-924(A) Requiring Drivers to Stop for Pedestrians in Crosswalks (2nd reading)
4. Ordinance: Amendment of Charlottesville City Code Sec. 15-435 to Permit a Towing Operator Fuel Surcharge Fee to Conform to Changes in State Law (2nd reading)
5. Resolution: Resolution to appropriate funds from the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd reading)

6. Resolution: Resolution to appropriate funding from the FY22 State Criminal Alien Assistance Program (SCAAP) Grant for Albemarle Charlottesville Regional Jail - \$19,050 (2nd reading)
7. Resolution: Resolution to appropriate funding from the FY23 Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant - \$382,352 (2nd reading)
8. Resolution: Resolution to appropriate Victim Witness Assistance Program Grant - \$258,342 (1 of 2 readings)
9. Resolution: Resolution to appropriate funding from the Supreme Court of Virginia Behavioral Health Docket Grant - \$67,792 (1 of 2 readings)
10. Action Item: Resolution to appropriate Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program funding - \$30,000 (1 of 2 readings)
11. Resolution: Resolution accepting Paynes Mill Road into the City street system
12. Resolution: Resolution to Approve Mutual Aid Agreement for Fire and Rescue Services Between the City of Charlottesville and Albemarle County

City Manager Report

- Report: Monthly report
- Report: Presentation from PROS Consulting on the Parks & Recreation Comprehensive Master Plan

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Comments on Public Hearing items are heard during the public hearing only.

Action Items

13. Ordinance: Ordinance to rezone property located at 630 Cabell Avenue
14. Resolution: Resolution for City of Charlottesville participation in a joint amicus brief related to the Regional Greenhouse Gas Initiative (RGGI)
15. Resolution: Resolution Authorizing the City Manager to Enter Into an Assignment of Contract to Acquire 23.81 Acres of Property at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street and Enter into a Mutual Release
16. Resolution: Resolution to Approve Appropriation for the Assignment of Contract to Acquire 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street (1 of 2 Readings)

General Business

Other Business

Community Matters (2)

Adjournment



DEPARTMENTAL BRIEFINGS

NEIGHBORHOOD DEVELOPMENT SERVICES -- DIRECTOR JAMES FREAS

The Department of Neighborhood Development Services (NDS) works in three primary areas – planning, development review, and design. Planning encompasses short and long-range plans for the future development and improvement of the City as well as supporting implementation of those plans. Example projects include the development of the Comprehensive Plan, small area plans for City neighborhoods, subject area plans on topics like transportation or housing, and amendments to zoning and other city regulations. The development review function of the department includes a review of all proposed development or building plans for their consistency with City policy and regulations as well as ensuring that existing buildings and properties remain in compliance with City requirements over time.

Neighborhood Development Services' focus on design includes the preservation of historic buildings and neighborhoods, promoting placemaking and quality design in private and public projects, and supporting a safe, attractive, and functional transportation system for all users. The Department of Neighborhood Development Services work is inherently collaborative with our colleagues in other City departments and public agencies as well as with the communities we serve.



DEPARTMENTAL BRIEFINGS

PARKS & RECREATION - ACTING DIRECTOR RIAAN ANTHONY

The Charlottesville Parks and Recreation mission is to enhance the quality of life for all through the stewardship of public land and parks and to provide quality recreational experiences. The Department currently operates with 65 full-time employees with 2 Deputy Directors, in addition to part-time and seasonal employees, with a total proposed operating budget of \$13,493,374. The Department is responsible for the maintenance and management of city parks, recreation centers, school grounds, major thoroughfares, the Downtown Pedestrian Mall, and right-of-ways. P&R also oversees 27 Parks and 9 city school facilities equalling over 4,490 acres, nearly 6 miles of paved trails, and about 30 miles of nature trails available for residents and visitors to enjoy.

Its divisions include:

- Administration
- Athletics: Program offerings include basketball, softball, volleyball, athletics camps, and clinics for youth and adults.
- Aquatics: Funds operations and management of Smith Aquatic & Fitness Center, Onesty Family Aquatic Center, Washington Park Pool, four (4) spraygrounds, aquatic programming, and the City Swim Team.
- Adaptive Recreation: The Adaptive Recreation Program is for individuals, ages 8 and up, with physical and/or mental disabilities whose recreational needs cannot be met by regular programs.
- Recreation Centers: Funds the operation and management of our recreation centers (Carver, Key. Tonsler, and Washington Park) and Skate Park.
- Youth Programs: Offers a variety of programs for youth including after-school programs, arts and crafts, gymnastics, dance, martial arts, summer camps, and outdoor adventure activities that involve the whole family. Recreation also supports and funds centers located at Kindewood, Greenstone on 5th, South First Street, and Westhaven.
- Parks Maintenance: Provides for the management and maintenance of City parks, the Downtown Mall, cemeteries, City school grounds, major thoroughfares, neighborhood rights-of-way, and entryways to neighborhoods.



DEPARTMENTAL BRIEFINGS

PUBLIC WORKS - DEPUTY CITY MANAGER STEVEN HICKS

The Public Works Administration Office is responsible for the planning, organization, direction, and budgetary/financial control of the six divisions of Public Works. The goal of the office is to foster the safe, reliable, responsive, and cost-effective provision of services to both the citizens of Charlottesville and internal customers. In addition to administration, divisions include:

- Engineering has several roles that span a variety of areas within the organization. Some of the core functions of the Engineering Division include Project Management, Traffic Engineering, Inspections, Compliance, Plan Review, Bridge Maintenance oversight, and providing general technical support to other departments within the organization.
- Facilities Development is responsible for the efficient and cost-effective planning, design, and construction of projects related to City-owned public buildings and City School campuses. Facilities Development leads the City's efforts associated with all new capital construction and development, facility renovations, expansion of facilities, and major repairs.
- Environmental Sustainability (ESD), established in 2002, is responsible for environmental compliance and management strategies, public education and outreach, sustainability, and environmental stewardship opportunities. ESD is an internal City resource dedicated to promoting and supporting the City's pursuit of the sustainability-based and climate-conscious vision of being A Green City.
- Streets and Sidewalks is responsible for maintenance of the City's 159 lane miles of streets, sidewalks, leaf collection services, emergency weather response, and data collection that assures continued annual VDOT maintenance funding.
- Facilities Maintenance currently provides support to over 70 individual buildings and structures in a diverse portfolio consisting of government buildings, school campuses, and administration buildings, as well as facilities leased through the City. Facilities Maintenance Custodial Section manages a hybrid system of city employees and contracted services to provide safe and effective cleanings of our Government facilities.
- Refuse Collection Services manages and oversees the municipal solid waste and recycling programs for the City, including private contracts for curbside services, large item collection, and street sweeping.
- Traffic Operations maintains signs, signals, publicly owned street lighting systems, and parking meters. It also is responsible operationally for the Intelligent Transportation System, which ensures safe and efficient traffic conveyance across our city street and pedestrian network.



DEPARTMENTAL BRIEFINGS

UTILITIES - DIRECTOR LAUREN HILDEBRAND

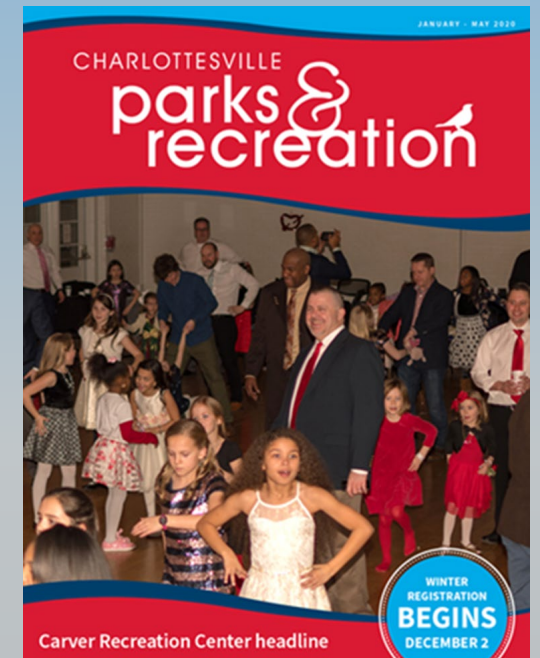
Charlottesville Department of Utilities provides the Charlottesville community with drinking water that exceeds safety standards, efficient wastewater services, stormwater system management, and safe and reliable natural gas, which are all delivered at a reasonable cost in an environmentally responsible manner. Working in conjunction with the Utility Billing Office, these services are supported by a dedicated staff who are committed to excellence in service to the community.

- The Water utility is responsible for the installation, maintenance, and repair of the City's water distribution mains, water main valves, and fire hydrants, as well as the connection and disconnection of all water meters. Additionally, the division maintains water service lines from the water main to the water meter and serves 14,800 customers.
- The Wastewater utility manages the sanitary sewer collection system within the City's boundaries. Serving 14,700 customers, Wastewater operates and maintains the collection system through general maintenance and emergencies 24/7.
- The Stormwater utility manages the stormwater conveyance system within the City's municipal boundary. With 15,000 billable customers, the utility performs routine maintenance and repairs to the system's junction boxes, drainage inlets, and catch basins. The stormwater conveyance system ultimately discharges to local streams, rivers, drainage ways, floodplains, and low-lying areas.
- The Natural Gas utility is owned and operated by the City of Charlottesville. With approximately 21,300 customers, it has provided residents of Charlottesville and urban areas of Albemarle County with safe, efficient, reliable, and economical service for over 150 years.

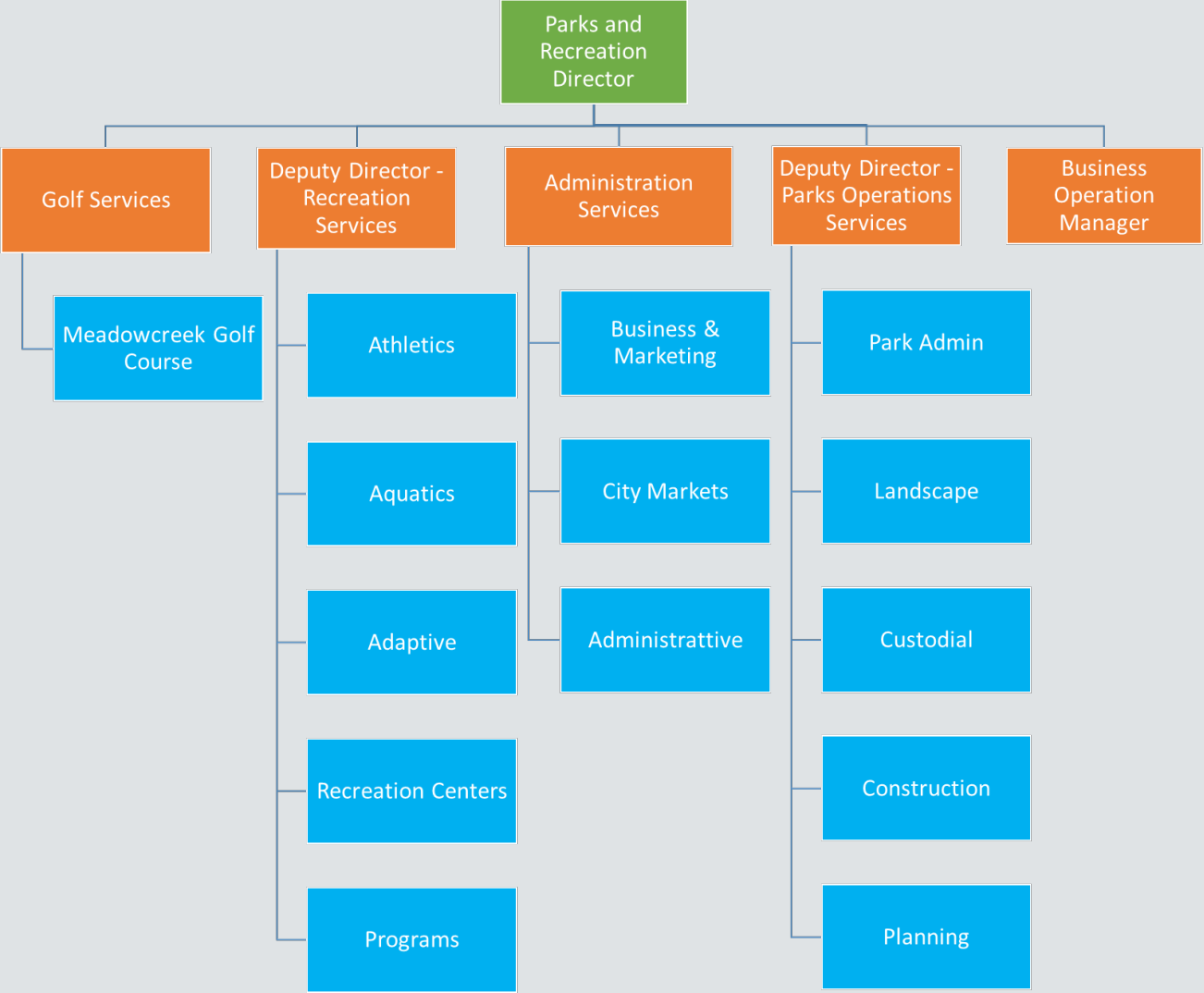
PARKS & RECREATION

Mission: To enhance the quality of life for all, through the stewardship of public land and parks, and to provide quality recreational experiences.

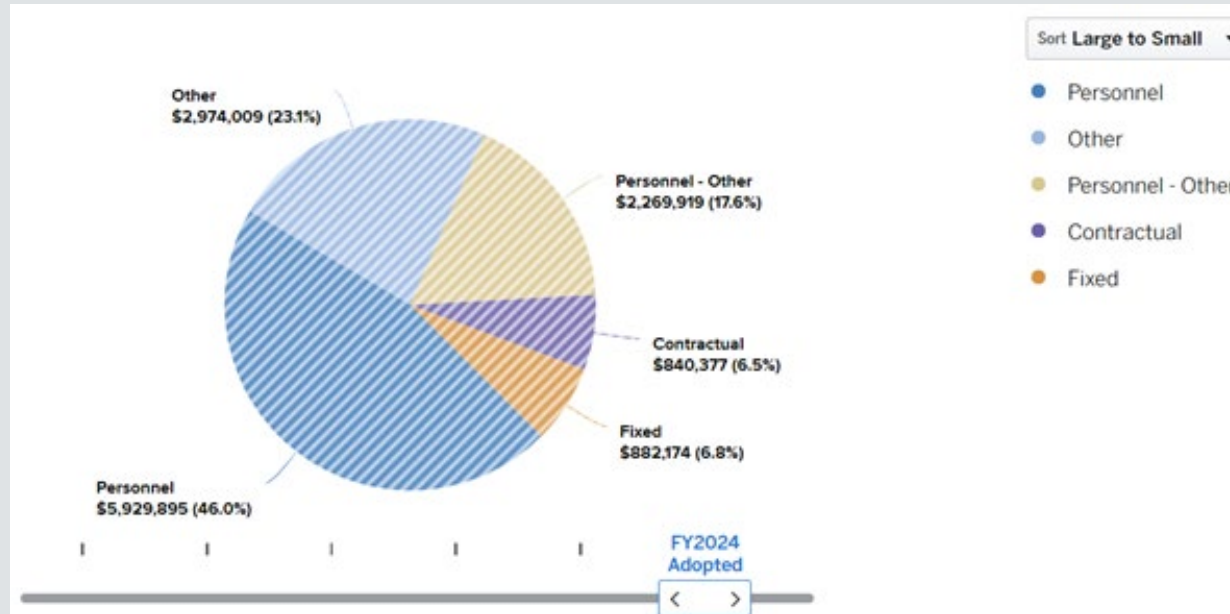
- 27 parks including Sugar Hollow, Ragged Mountain, and Heyward
- 45 playgrounds
- Parkland acres including Schools – Over 4491 acres
- Over 6 miles of paved trails
- Over 30 miles of nature trails
- 4 swimming pools
- 4 recreation centers
- Skate park
- 18-hole golf course
- City Market
- Shared Maintenance with the County



Organizational Chart

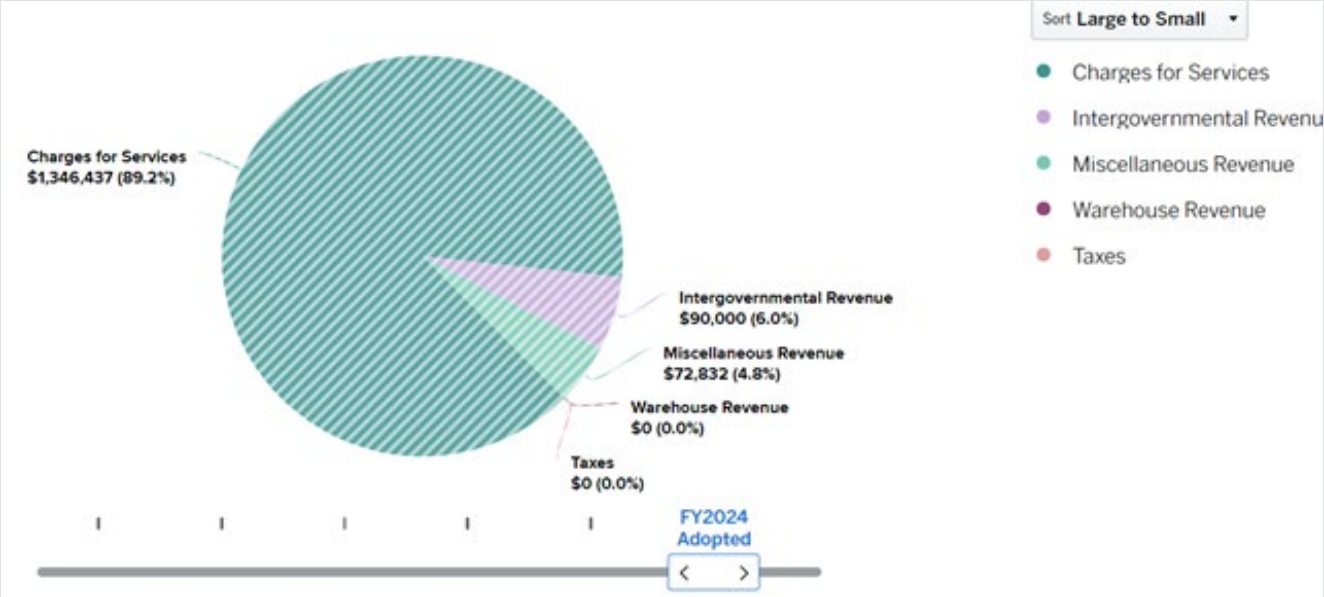


Department Expenses



Expand All	FY19 Actuals	FY2020 Actuals	FY2021 Actuals	FY2022 Actuals	FY2023 Adopted	FY2024 Adopted
► Personnel	\$ 5,086,939	\$ 5,255,181	\$ 4,890,555	\$ 4,938,112	\$ 5,650,159	\$ 5,929,895
► Other	2,471,374	2,066,111	1,936,698	2,728,987	2,625,202	2,974,009
► Personnel - Other	2,496,461	2,126,993	726,662	1,971,693	3,151,200	2,269,919
► Contractual	443,826	391,054	360,101	456,942	485,516	840,377
► Fixed	366,833	328,081	384,783	393,284	454,613	882,174
Total	\$ 10,865,432	\$ 10,167,420	\$ 8,298,798	\$ 10,489,018	\$ 12,366,689	\$ 12,896,374

Department Revenues



Expand All	FY19 Actuals	FY2020 Actuals	FY2021 Actuals	FY2022 Actuals	FY2023 Adopted	FY2024 Adopted
▸ Charges for Services	\$ 1,474,807	\$ 853,918	\$ 270,891	\$ 777,950	\$ 1,335,659	\$ 1,346,437
▸ Intergovernmental Revenue	96,786	82,267	86,500	64,802	72,240	90,000
▸ Miscellaneous Revenue	85,685	72,242	63,700	70,607	64,800	72,832
▸ Warehouse Revenue	11,412	16,799	13,208	2,530	0	0
▸ Taxes	0	4,172	0	0	0	0
Total	\$ 1,668,690	\$ 1,029,397	\$ 434,300	\$ 915,889	\$ 1,472,699	\$ 1,509,269

What's New:

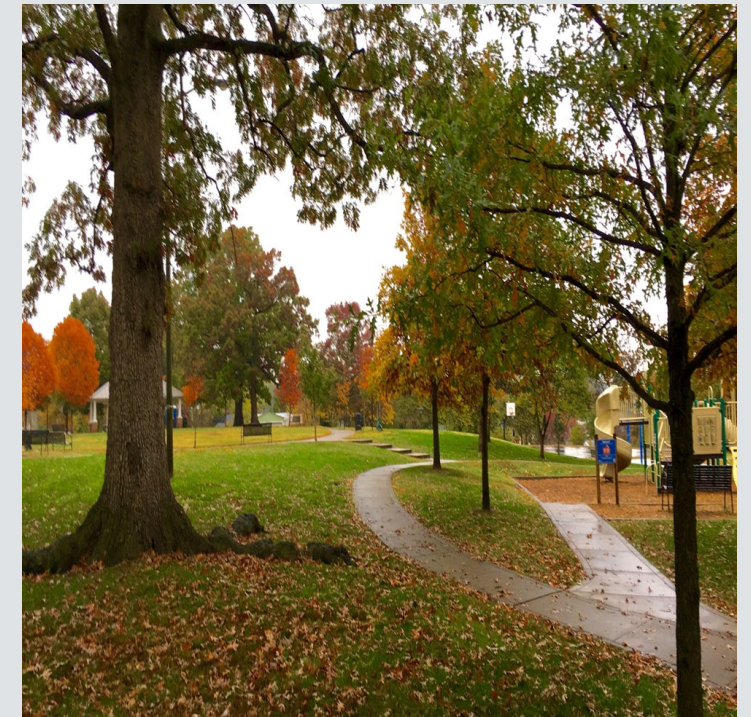
- **Department Priorities**

- Departmental Master Plan
- Re –Organizational Structure
- Re - Branding the Department
- Outsourcing Golf Division
- Invasive Species Program
- Added 4 new Full Time Positions



Challenges

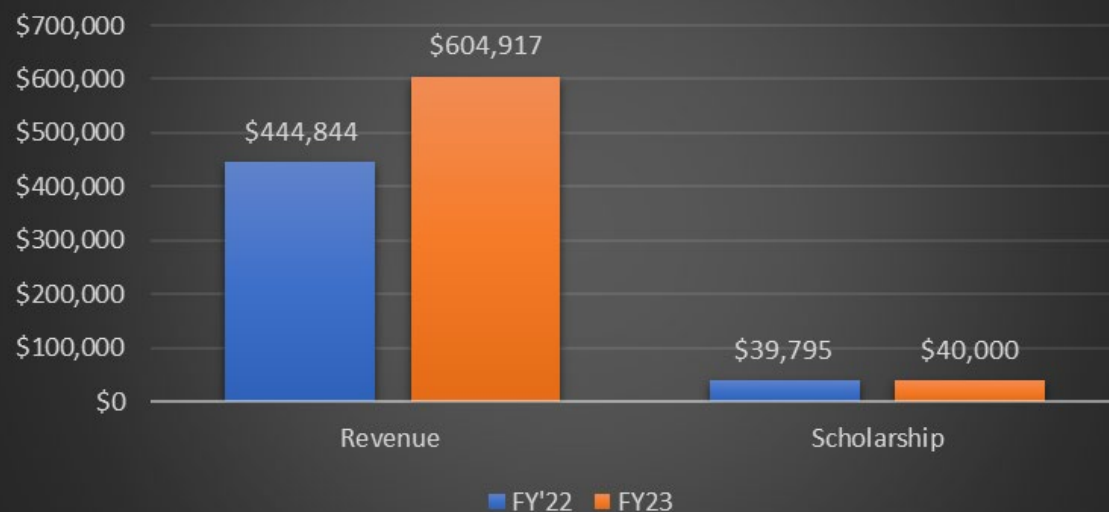
- **Service Levels**
 - Community Offering
 - Standard of Care
 - Realigning
- **Staffing Shortage**
 - Hiring rate
 - Flexibility
- **Retention**
 - Staff Appreciation
 - Moral
 - Retention Program



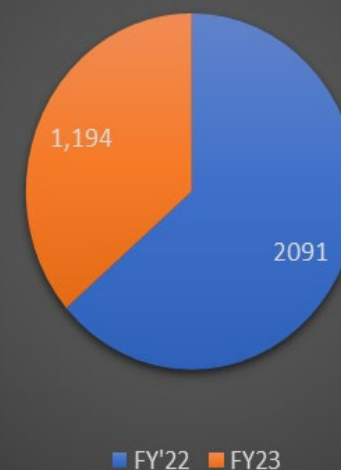
Program Levels



Program Revenue



Scholarships

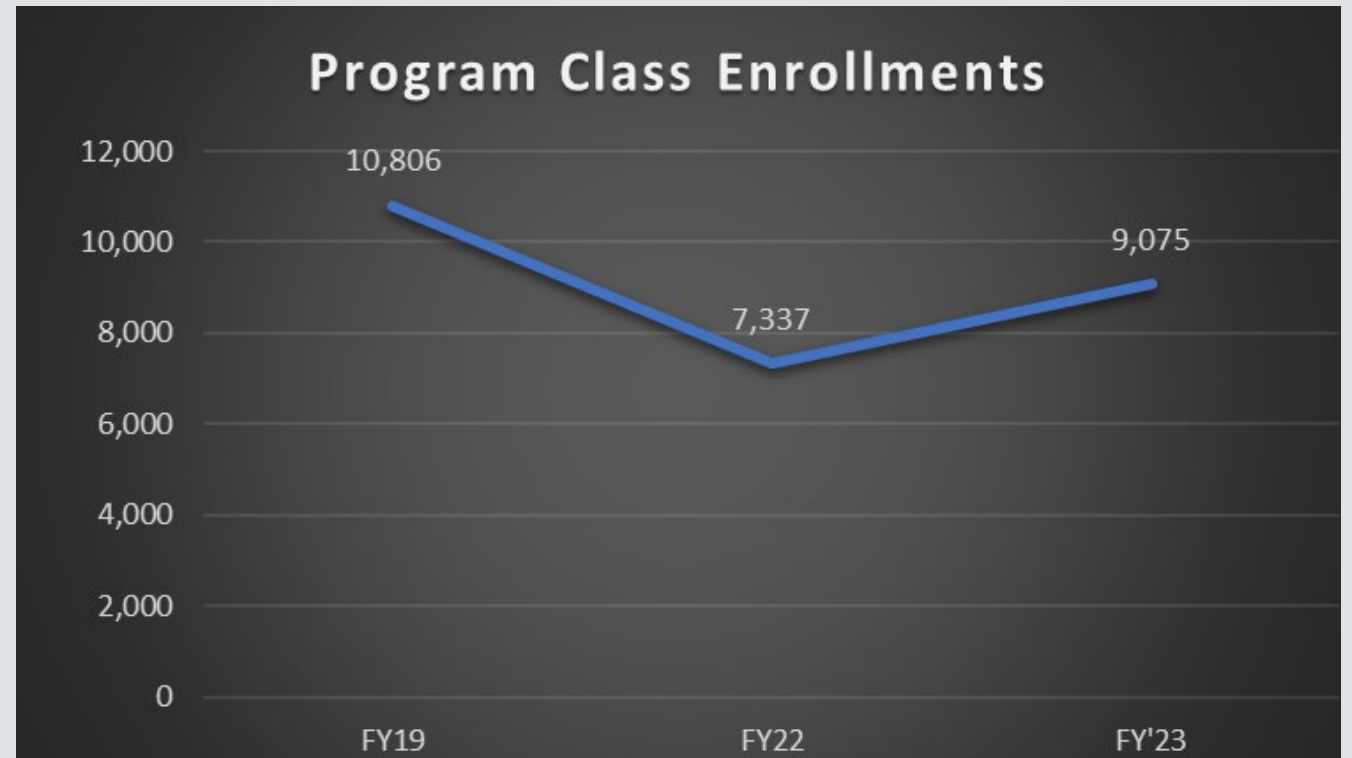


Program Levels



Recreational Programs

- Enrollments in programs are down 20% from FY19-FY23.
- By the end of FY24 the department anticipates a growth of 10% for recreational class enrollments.



Staffing Levels

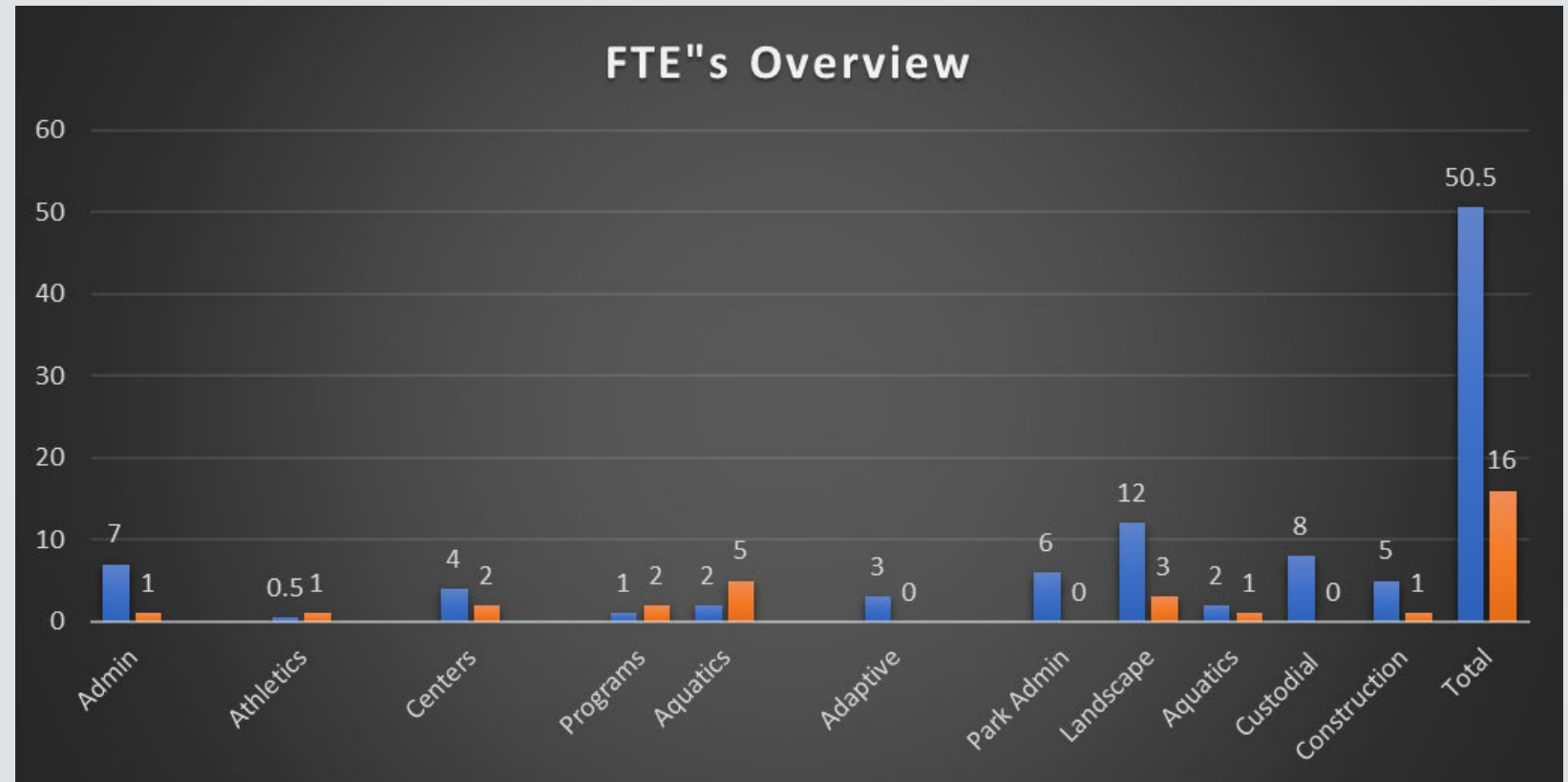


Department FTE's

50.5

Vacancies

16



QUESTIONS?



Department of Utilities
Council Briefing
November 6, 2023

DEPARTMENT OF UTILITIES

Vision

To provide outstanding utility services to the Charlottesville community.

Mission

The Department of Utilities is committed to providing the Charlottesville community with safe, reliable, and sustainable utility services by dedicated and knowledgeable staff.



14,800
customers served



14,700
customers served

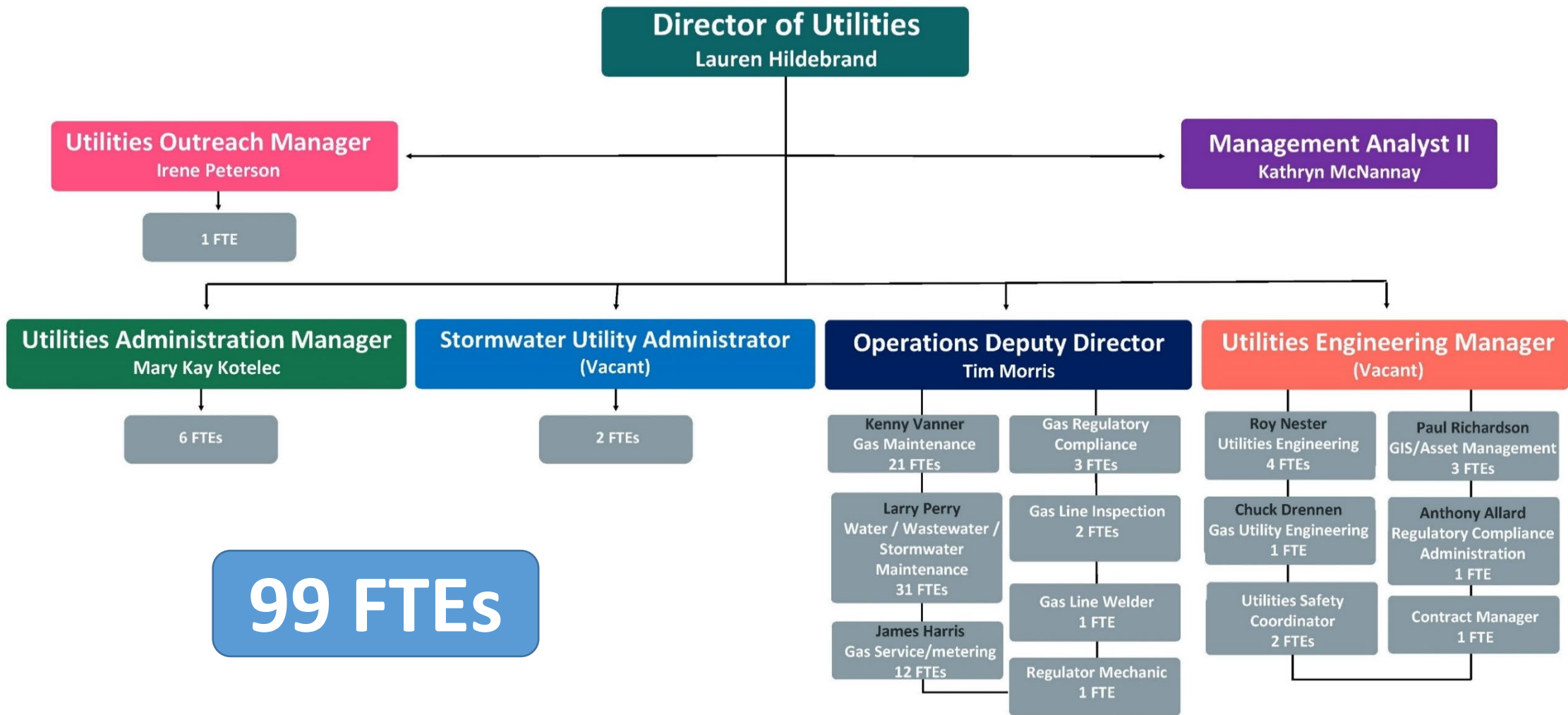


21,300
customers served



15,000
billable customers

UTILITIES OVERVIEW

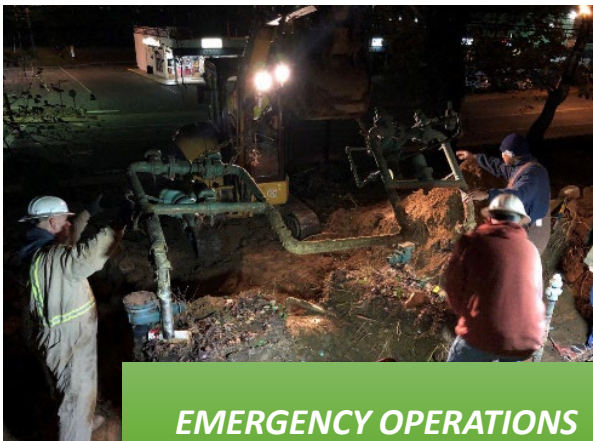


UTILITIES OVERVIEW

CORE PROGRAMS & SERVICES – DEPARTMENT WIDE



**MAINTENANCE AND REPAIR OF
INFRASTRUCTURE**



EMERGENCY OPERATIONS



SAFETY TRAINING



24/7 UTILITY CALL CENTER



GIS / ASSET MANAGEMENT



**METER READING AND
MAINTENANCE**

UTILITIES OVERVIEW

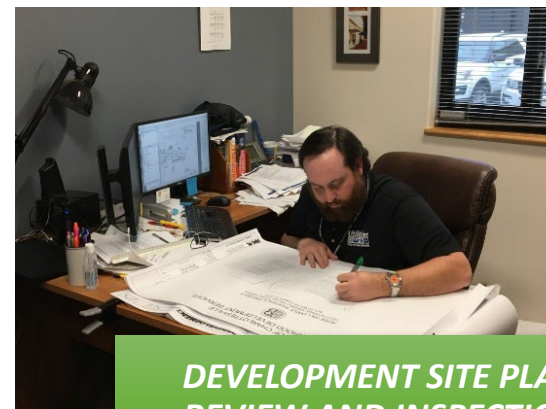
CORE PROGRAMS & SERVICES – DEPARTMENT WIDE



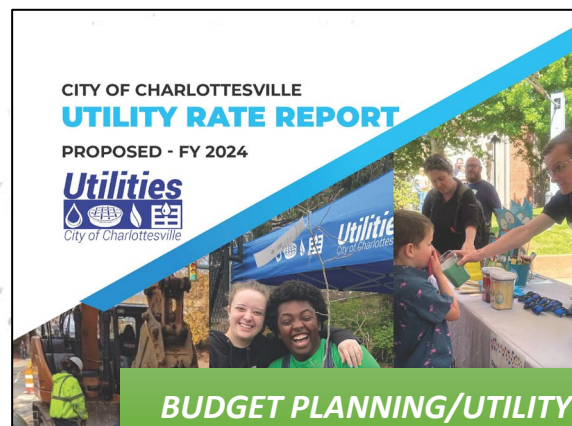
**CAPITAL IMPROVEMENT TO
INFRASTRUCTURE**



**COORDINATION WITH RWSA
AND ACSA**



**DEVELOPMENT SITE PLAN
REVIEW AND INSPECTION**



**BUDGET PLANNING/UTILITY
RATE DEVELOPMENT**



REGULATORY COMPLIANCE



**UTILITIES OUTREACH AND
CUSTOMER ENGAGEMENT**

UTILITIES OVERVIEW

- ✓ Each utility is funded by rates/fees – enterprise funds
- ✓ Shared resources among the four utilities during emergencies
- ✓ Customer service driven – high level of satisfaction measured by the Annual Customer Satisfaction Survey

Customer Ratings

Experience interacting with the Department of Utilities staff (% Satisfied/Neutral)*

How satisfied you are with the new
Utility Billing Online Payment Portal?



Politeness &
courteousness of staff



Overall responsiveness to your
requests, questions or concerns



Ease of contacting
department staff



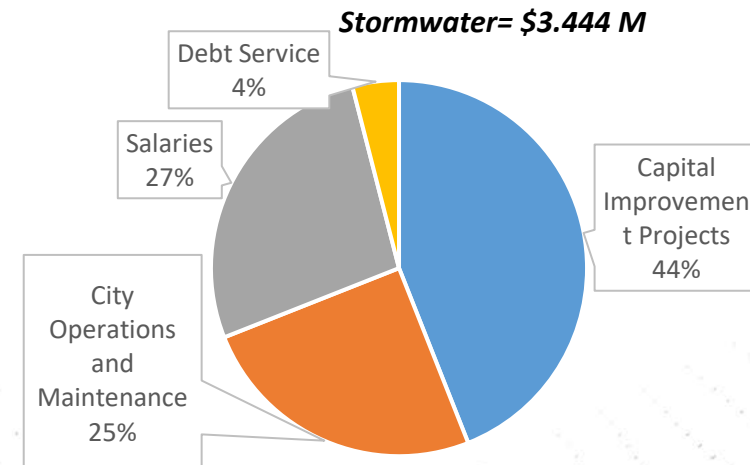
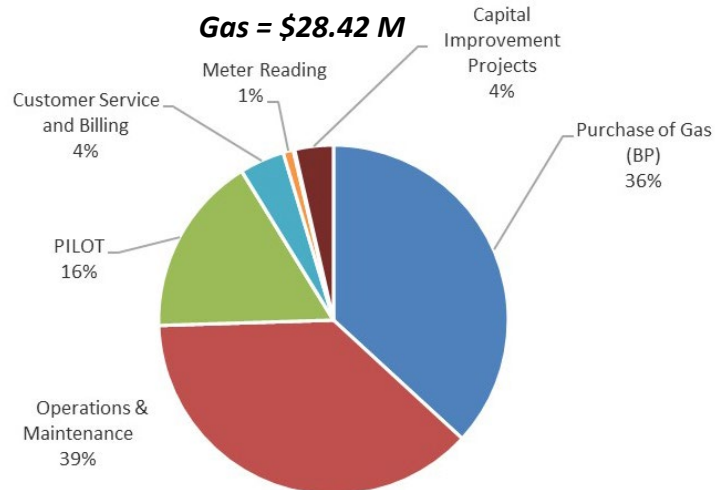
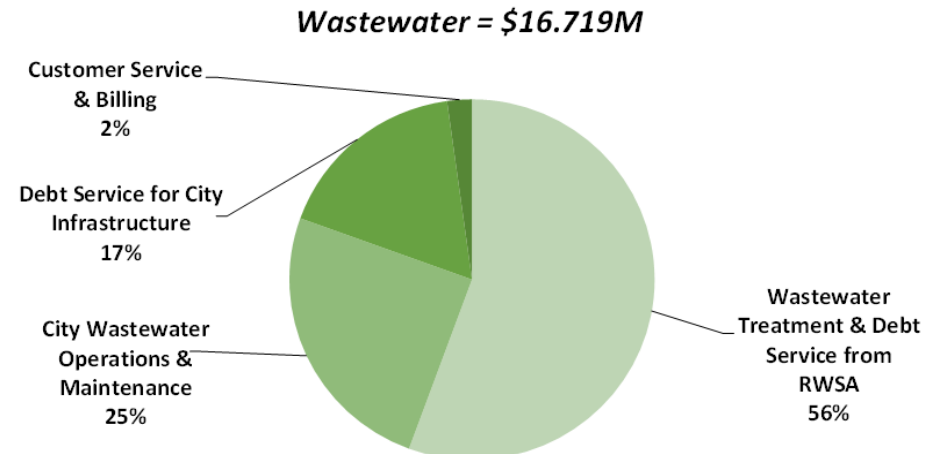
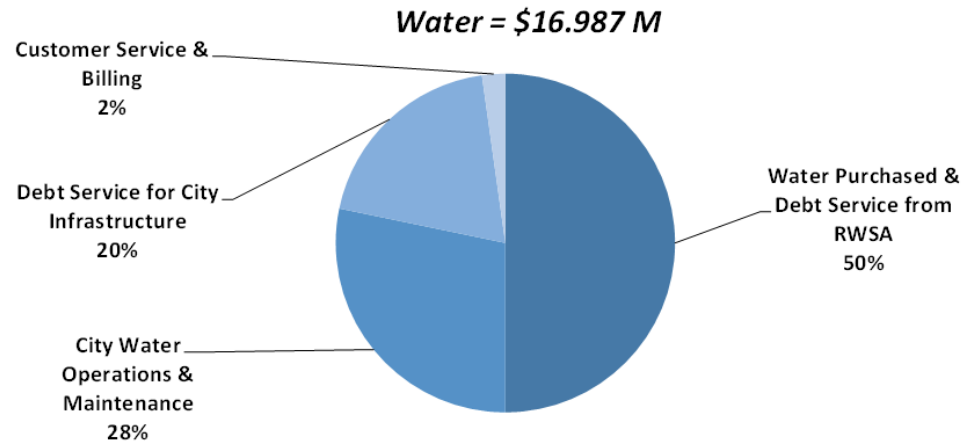
Staff knowledge and
technical competence



*Department of Utilities Customer Satisfaction
Survey - SurveyMonkey – February 2023

BUDGET OVERVIEW

OPERATING BUDGET DEPARTMENT WIDE: \$65.6M



ACCOMPLISHMENTS

- Proactive investment in infrastructure to minimize long-term operational costs and emergency expenditures.
- Balancing reliable, first-rate services with utility rates that are fair and considered a good value.

Reliability

Reliability of your
water service



Reliability of your
sanitary sewer service



Reliability of your
natural gas service



22.9 miles

12.8% of the
water system has been
replaced

\$30.6 million total
construction cost

65.1 miles

38.5% of the
wastewater system
has been
replaced/rehabilitated

\$33.6 million total
construction cost

14.7 miles

11.3% of the
stormwater system
has been
replaced/rehabilitated

\$11.8 million total
construction cost

Rate the value that you pay for
your water service



Value

Rate the value that you pay
for your sewer service



Rate the value that you pay
for your natural gas service



ACCOMPLISHMENTS

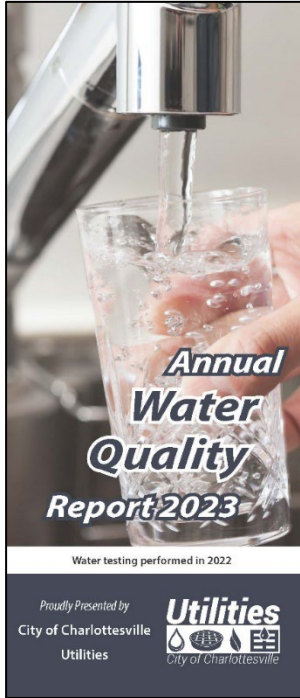


- **Cost-effective engagement initiatives done in-house**

- ✓ Monthly e-newsletter: 9,200 subscribed customers - Average open rate of 62%
- ✓ In the 2022 gas safety public awareness survey, 95% of the surveyed residents were able to identify correctly the natural gas scent (In 2006, it was 39%).
- ✓ Energy-Saving Tree Program – winner of the 2023 3CMA Award of Excellence
- ✓ Target postcards to 3,300 households to promote energy-saving programs



ACCOMPLISHMENTS



- **Meeting and exceeding all regulatory compliance**

- ✓ Ensuring water quality exceeds standards through maintenance of the distribution system (e.g., flushing, backflow prevention, training)
- ✓ No “findings” from detailed, frequent State Corporation Commission (SCC) inspections
- ✓ EPA’s Lead Service Line Inventory - No lead service lines exist in the City’s system. About 35% of all privately owned lines have been verified with no lead found.

- **Innovative application of technology in asset management**

- ✓ Utilization of cutting-edge technology to enhance data collection and streamline data exchange between Field and Office workflows
- ✓ In-house development and implementation of 22 applications/dashboards by the GIS team
- ✓ Has improved accuracy, expanded knowledge, and increased efficiency



CHALLENGES

Field Worker Vacancies – 24 open positions

- More stringent regulatory compliances
 - ✓ EPA's Lead Copper Survey
 - ✓ SCC oversight

Evaluate the stormwater program to incorporate any enhancements or fee adjustments that need to be made or phased in

QUESTIONS?

CITY OF CHARLOTTESVILLE



PROCLAMATION

CYNDI RICHARDSON

2023 Virginia State CIT Coalition Peer of the Year

WHEREAS the Crisis Intervention Team (CIT) program is a community partnership of law enforcement, mental health and addiction professionals, individuals who live with mental illness and/or addiction disorders, their families, and other partners to improve community responses to mental health crises; and

WHEREAS the CIT model, known as the "Memphis Model" was first developed in 1988 and since has spread throughout the United States and several nations worldwide; and

WHEREAS the Virginia Crisis Intervention Team Coalition (VACIT) is an incorporated non-profit organization that supports crisis intervention teams to improve behavioral health crisis response through community collaboration, training, and advocacy; and

WHEREAS VACIT values safety, partnership, dignity and respect, and innovation, and aspires to promote safe and appropriate responses in Virginia to those affected by behavioral health crisis; and

WHEREAS VACIT's purpose is to promote and support collaborative efforts to create and sustain more effective interactions among law enforcement, behavioral health care providers, individuals with mental illness, their families and communities, and to reduce stigma related to mental illness; and

WHEREAS on October 17, 2023, Ms. Cyndi Richardson, On Our Own – Peer Support, was presented the 2023 Virginia State CIT Coalition Peer of the Year Award, at a Virginia CIT Conference ceremony;

NOW, THEREFORE, the Charlottesville City Council congratulates Ms. Cyndi Richardson for receiving this prestigious award and recognition, and we express appreciation for her dedicated service to the community, and to the work of crisis intervention.

Signed and sealed the 6th day of November 2023.

J. Lloyd Snook, III, Mayor

Attest:

Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE



PROCLAMATION

First Baptist Church West Main Street 160th Anniversary Recognition

WHEREAS the story of First Baptist Church West Main Street of Charlottesville began before the Civil War, when congregants worshipped together under segregated conditions; and

WHEREAS in March 1863, shortly after the signing of the Emancipation Proclamation, approximately 800 Black members presented an application to form their own congregation, and their request was granted several months later; and

WHEREAS in 1868 the congregation purchased the Mudwall Building, officially the Delevan Hotel, becoming known as the Delevan Baptist Church; and

WHEREAS the Delevan Baptist Church building was razed in 1876 and the new building completed in 1883, with the congregation becoming known as The First Baptist Church; and

WHEREAS after the Civil War, First Baptist Church was instrumental in holding instruction within its walls, whereby hundreds of formerly enslaved people were educated; and

WHEREAS members have been in the forefront of race relations for nearly a century, instrumental in establishing the local NAACP chapter, integrating patients at the University of Virginia, serving on local boards and commissions, and remaining actively involved in the community;

NOW, THEREFORE, the Charlottesville City Council takes great pleasure in recognizing the 160th anniversary of First Baptist Church West Main Street and the contributions of its members throughout the years in service to Charlottesville and the surrounding communities.

Signed and sealed this 6th day of November 2023.

J. Lloyd Snook, III, Mayor

Attest:

Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

August 21, 2023 at 4:00 p.m.
Council Chamber, 605 E. Main Street

The Charlottesville City Council met at 4:00 p.m. on Monday, Aug 21, 2023. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

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

REPORTS

1. REPORT: Ranked Choice Voting

Jim Knix, Secretary of the Charlottesville Electoral Board, shared background information about Ranked Choice Voting (RCV), also known as Instant Runoff Voting. RCV is a voting system where voters use a ranked ballot to sequentially rank their candidate choices in order of preference, rather than selecting a single or limited number of candidates as their choice for a winner. If a voter's first choice does not win, their vote counts toward their next choice.

Taylor Yowell, Charlottesville Voter Registrar, shared a presentation explaining RCV and how it works. Locally, ranked choice voting would only apply to City Council elections. Costs would be significant for outreach, education, software upgrades, staffing overtime and ballot printing. In order for the city to implement RCV, City Council would need to draft, introduce and adopt an enabling ordinance. City Council would also be responsible for developing an education and outreach plan. Ms. Yowell requested notice as soon as possible when Council would like to vote on RCV since there are statutory requirements for implementing the system as well as lead times for procuring materials and developing and distributing educational materials. She suggested waiting until after the 2024 General Election, possibly December 2024, and trying the process with a Primary since there are no write-ins with a Primary election.

2. REPORT: Charlottesville Area Alliance Annual Presentation

Kristin Miller, Co-Chair of the Charlottesville Area Alliance (CAA), presented the annual report. The Vision of CAA is to "become the most age-friendly community in the country." The Mission of CAA is to "lead the advancement of this vision, with a focus on transportation, housing and social participation." Members of the Alliance are: Albemarle Housing Improvement Program (AHIP), Albemarle County, Alzheimer's Association, City of Charlottesville, Cville Village, Fluvanna County, Hospice of the Piedmont, Home Instead, Jefferson Area Board for Aging (JABA), JAUNT, Legal Aid Justice, OLLI, Piedmont Housing Alliance (PHA), Region Ten, The Center, Sentara Martha Jefferson Hospital, Blue Ridge Health District, Thomas Jefferson Planning District Commission, United Way, UVA Health, Westminster-Canterbury of the Blue Ridge and others. One in five people are aged 65 or older in the Blue Ridge Health District. CAA requests that the age 65 and older population be considered when voting on policies and initiatives.

3. REPORT: Botanical Garden of the Piedmont

Jill Trischman-Marks, Executive Director, introduced Conzi Palmer, President of the Board of Directors for the Botanical Garden of the Piedmont (BGP). Ms. Trischman-Marks presented an update on Botanical Garden efforts. The mission of BGP is to invite all community members and visitors to engage in nature, to educate and inspire through the beauty and importance of plants, to advance sustainability, and to promote human and environmental well-being. For the first time Annual Operating Fund donations exceeded budget expectations. The silent phase of the first Capital Campaign raised almost 50% of the \$10 million goal in less than 24 months.

BGP provides a variety of free programs to the public, all possible with funding provided by private grants. Ms. Trischman-Marks reviewed several projects in process to grow BGP and improve services, and she requested help with acquiring a Charlottesville Area Transit bus stop.

CLOSED MEETING

On motion by Pinkston, seconded by Puryear, City Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to meet in closed session as authorized by the Code of Virginia Section 2.2-3711(A) (3), for:

(1) discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the Council, specifically discussion of prospective real estate transactions for the Sugar Hollow Reservoir and the proposed 0 East High Street development, and Section 2.2-3711(A)(8) consultation with the City Attorney regarding specific legal matters requiring the provision of legal advice, specifically, legal matters regarding the proposed Sugar Hollow Reservoir real estate transactions and the proposed 0 East High Street development.

On motion by Pinkston, seconded by Payne, City Council certified by the following recorded vote 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 meeting were heard, discussed, or considered in the closed meeting: 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

BUSINESS SESSION

Council began the business portion of the meeting by observing a moment of silence.

ANNOUNCEMENTS

Vice Mayor Wade announced an August 26 men's Cancers panel discussion at Mt. Zion First African Baptist Church.

Mayor Snook acknowledged the finals of the Tonsler Basketball League; several successful back-to-school events; the Soul of Cville event; and that UVA was back in session.

CONSENT AGENDA

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

On motion by Pinkston, seconded by Payne, Council voted unanimously to adopt the consent agenda (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

4. MINUTES: July 13 joint Planning Commission-City Council work session, July 20 special meeting
5. RESOLUTION: Minor Amendment to HOME FY 2023-2024 Action Plan to reprogram unspent HOME Funds from prior years to support energy-efficiency home rehabilitations through the Local Energy Alliance Program (LEAP), approximately \$111,749

RESOLUTION

Resolution Approving the Reprogramming of Unspent HOME Funds from FY 2021-2022 and FY 2022-2023 to Support Energy-Efficiency Home Rehabilitations through the Local Energy Alliance Program (LEAP), in the Amount of Approximately \$111,749.90

WHEREAS the City of Charlottesville has been designated as an Entitlement Community by the United States Department of Housing and Urban Development (HUD), and as such is a recipient of federal funds through the HOME Investment Partnerships program, and

WHEREAS the City is a contributing member of the Thomas Jefferson Area HOME Consortium, 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, and

WHEREAS city staff have recently identified unspent HOME program funds initially approved by Council for award in fiscal years 2021-2022 and 2022-2023 to the Local Energy Alliance Program (LEAP), in the amount of approximately \$111,749.90, that were unused by LEAP due, in large part, to challenges they experienced during the recent COVID pandemic, including delays to a solar panel installation program by Dominion Energy, and

WHEREAS LEAP has resolved these challenges to program implementation and have identified new qualifying projects that will implement energy efficiency related home repairs and rehabilitations for income-qualified homeowners, now

THEREFORE, BE IT RESOLVED that the City Council of Charlottesville, Virginia, hereby approves the reprogramming of unspent HOME funds awarded to LEAP to support new efforts by LEAP to implement energy efficiency related home repairs and rehabilitations for income qualified homeowners within the City of Charlottesville and the necessary appropriation of funds.

RESOLUTION

Appropriation of Unspent HOME Funds from FY 2021-2022 and FY 2022-2023 from FY 2021-2022 and FY 2022-2023 to Support Energy-Efficiency Home Rehabilitations through the Local Energy Alliance Program (LEAP), in the Amount of Approximately \$134,099.88

WHEREAS city staff have recently identified unspent HOME program funds initially approved by Council for award to the Local Energy Alliance Program (LEAP) that were unused by LEAP due, in large part, to challenges they experienced during the recent COVID pandemic, including delays to a solar panel installation program by Dominion Energy, and

WHEREAS LEAP has informed staff of the Thomas Jefferson Planning District Commission (TJPD), who coordinates HOME activities on behalf of the Consortium members, that they have now identified home repair projects that meet the objectives the original Scope of Work for each fiscal year and that would significantly benefit income-qualified homeowners in the City of Charlottesville, now

THEREFORE BE IT RESOLVED by the City Council of Charlottesville, Virginia, that said unspent HOME program funds are hereby appropriated to the following individual expenditure accounts in the city's HOME 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:

Reprogramming Unspent HOME Funds

Fund	Account Code	Reprogrammed HOME Funds	Amount
210	1900463	From LEAP FY21 CDBG Assisted Home Energy Performance	\$18,271.77
210	1900463	From LEAP FY22 CDBG Assisted Home Energy Performance	\$93,478.13

\$111,749.90

Subtotal HOME Reprogrammed Funds

HOME Local Match Funds

Fund	Account Code	Local Match Requirement	Amount
210	1900463	HOME Local Match Appropriation from CAHF @ 20% (from CP-0084 to 1900463)	\$22,349.98

\$22,349.98

Subtotal Local HOME Match from CAHF

BE IT FURTHER RESOLVED that the amounts appropriated above within this resolution will be provided as grants to public agencies or private non-profit, charitable organizations (individually and collectively, "subrecipients") and shall be utilized by the subrecipients solely for the purpose stated within their grant applications. The City Manager is hereby authorized to enter into agreements with each subrecipient as deemed advisable, to

ensure that the grants are expended for their intended purposes and in accordance with applicable federal and state laws and regulations. To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147 are authorized to establish administrative procedures and provide for guidance and assistance in subrecipients' execution of the funded programs.

6. RESOLUTION: Appropriate funds from the Department of Housing and Community Development- Virginia Homeless Solutions Program Grant \$ 539,369 (carried)
7. RESOLUTION: Appropriate funds from the Department of Criminal Justice Systems FREE GRANT School Security Officer: School Resource Officer Incentive Grant Program - \$150,000 (carried)
8. RESOLUTION: Appropriate funds from the Safe Routes to School Non-infrastructure Grant - \$33,150 (carried)

CITY MANAGER REPORT

Stephen Hicks, Deputy City Manager for Operations reported that the consolidated draft of the Charlottesville Development Code has been completed and the 400+ page document is available on the Cville Plans Together website. He shared dates for upcoming meetings. Public Works are staff working on their annual projects to support the start of school. The Transit leadership team continues to work with the Schools leadership team and they hope to have all twenty bus driver slots filled by the end of September. Utilities plans to have the consultant present the preliminary Decarbonization Study update in October.

City Manager Sanders congratulated regional non-profit developers that were recently notified of over \$10 Million in affordable and special needs housing funding that has come to the city and county. In addition to that \$10 Million, \$13.9 Million was awarded to those same groups by the City of Charlottesville. He stated that he extended an offer of employment for the Director for Communications and Public Engagement position. He attended the Charlottesville-Albemarle Back to School Bash, the Kindewood community celebration, and the Better Together Back to School Bash at the Boys & Girls Club. He apologized to the community for difficulties in CitySpace during a public meeting on August 8 and stated that the future Planning Commission and City Council meetings will be in Council Chamber. The quarterly financial report was provided in writing.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Joanie Freeman and the Green Grannies encouraged electrifying City buses.
2. William Espinosa, county resident, spoke about the qualities of fossil fuels. He discouraged the use of CNG mass transit vehicles and encouraged use of battery electric buses.
3. Brett Jones, city resident, spoke in support of Ranked Choice Voting.
4. Katie VanLangen, Co-Director for LEAP, spoke in support of Solarize Virginia, to make

going solar easier and more affordable for residents.

5. Karen Katz spoke about the threat from the Atlantis Tree of Heaven invasive species on City-owned land. She requested that the City and County work together to educate the public on the management of these trees.
6. Nicholas Co, city resident, spoke in support of Ranked Choice Voting.
7. Cecilia Lapp Stoltzfus, Manager of Food and Agriculture Programs at the International Rescue Committee (IRC), commended Council and the Department of Parks and Recreation for the land acquisition at Moores Creek.
8. John Hossack, city resident, recommended halting the Rezoning update. He referenced a lack of regional collaboration.
9. Phillip Jones, city resident, asked if the city would do a proclamation for Betty Chambers, who worked on the 97th floor of one of the Twin Towers in New York City and died in the September 11, 2001, terrorist attack. She was a graduate of Burley High School and was set to retire in 2002.
10. Bob Gibson, city resident, spoke in support of Ranked Choice Voting.
11. Robin Hoffman, city resident, spoke in support of energy efficiency work done by LEAP, about efforts by Dominion Power to install solar power, and about the success of the Meade Park Farmers Market.
12. Zyahna Bryant, city resident, spoke in support of Ranked Choice Voting and requested more community engagement and education on the topic should Council decide to move forward with it. She spoke in opposition to the Dairy Market expansion project as proposed and presented on July 25, 2023.

ACTION ITEMS

9. PUBLIC HEARING and ORDINANCE: Approve 601 West Main Street Land Sale (carried)

Chris Engel, Director of Economic Development, presented the request and answered Council's questions.

Mayor Snook opened the public hearing and with no speakers coming forward, the public hearing was closed.

Councilors discussed the merits of city ownership and upkeep of land, and the use of it for public benefit. They agreed to carry the item to the September 5 meeting on the Action Agenda for second reading and vote.

10. RESOLUTION: Approve Compensation Policy and Pay Structure for City of Charlottesville Employees

City Manager Sanders introduced the item.

Mary Ann Hardie, Director of Human Resources, presented the proposed compensation and pay structure for employees classified as General (unaffiliated). She and the City Manager answered

questions for Council and stated that the cost to implement the Plan will be extensive, and the plan is to make adjustments in a multi-year incremental process. Mr. Sanders thanked Chris Baudo and Jamie Valencia from Human Resources for their related work.

On motion by Pinkston, seconded by Puryear, Council voted 5-0 to APPROVE the resolution establishing the compensation policy and pay structure for City of Charlottesville employees.

**RESOLUTION ADOPTING AN UPDATED COMPENSATION PLAN PAY SCALE
FOR EMPLOYEES OF THE CITY OF CHARLOTTESVILLE**

WHEREAS, the City of Charlottesville wishes to provide a fair and equitable compensation and classification program for all employees; and

WHEREAS, the City of Charlottesville adopted a Personnel Policy on October 17, 2022; and

WHEREAS, the adopted Personnel Policy requires an updated and revised classification and pay plans, along with a revised and updated compensation policy; and

WHEREAS, the City of Charlottesville engaged with Gallagher, a global consulting service, to engage in a Classification and Compensation Plan that was completed in March 2023; and

WHEREAS, the results of the Classification and Compensation Study have been reviewed by City staff and presented to the City Council that contained recommendations for updates to the classification plan and pay plan; and

WHEREAS, Chapter 19, Article I, Section 19-3 of the Charlottesville Code of Ordinances requires that the organization have a pay plan consisting of a salary range for each class of positions in the aforementioned classification plan, which shall provide for increments within such range to be earned by length of service and satisfactory performance; and

WHEREAS, Chapter 19, Article I, Section 19-3 of the Charlottesville Code of Ordinances requires that such a pay plan be submitted to the city council by the city manager for review and approval; and

WHEREAS, the City of Charlottesville engaged in appropriate revisions of the Classification Plan and Pay Plan and Policies in accordance with the presented Classification and Compensation presentation and the aforementioned Code of Ordinances sections;

NOW, THEREFORE, BE IT RESOLVED, by the Charlottesville City Council that the Employee Compensation Plan, also known as a pay plan, and City Compensation Policy be approved with implementation effective August 21, 2023, subject to annual appropriation of funds.

11. RESOLUTION: Supporting the Sister Cities Commission's request to host a delegation from the Charlottesville Friendship City, Huehuetenango, Guatemala for an exploratory visit

Edward Herring, Chair of the Sister Cities Commission, presented a recommendation to move forward with the exploratory process for establishing Sister City status with Huehuetenango (Huehue), Guatemala. The three-year Friendship status period began July 1, 2021, and Mr. Herring visited Huehue. The next step would be an exploratory visit by a Huehue delegation to Charlottesville. They have indicated that they will cover their own travel expenses.

On motion by Payne, seconded by Pinkston, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to APPROVE the resolution authorizing the Sister Cities Commission to host a Huehuetenango delegation exploratory visit.

RESOLUTION

Approving an Exploratory Visit by Huehuetenango Sister Cities Delegation

WHEREAS, following a thorough selection process involving substantial public input, the Charlottesville Sister Cities Commission (CSCC), in 2020, initiated a Sister City partnership with Huehuetenango, Guatemala;

WHEREAS, representatives of Charlottesville and Huehuetenango wish to learn more about each city's culture, government, businesses, and institutions, and further explore possible areas for collaboration between the cities;

WHEREAS, CSCC guidelines for affiliating with a new Sister City require at least one exploratory visit between the cities as they consider the creation of a Memorandum of Understanding to formalize the terms of a Sister City partnership;

WHEREAS, representatives of Huehuetenango's community and local government have expressed a desire to visit the Charlottesville area in the coming months;

NOW, THEREFORE, BE IT RESOLVED by the Charlottesville City Council that a visit by representatives of Huehuetenango to the Charlottesville area is supported and approved, and the Charlottesville community welcomes the continued collaboration and cultural exchange with Huehuetenango.

12. RESOLUTION: Resolution to approve Land Acquisition of Property on Moores Creek for Park and Trail Use - 410 Old Lynchburg Road

Brenda Kelley, Redevelopment Manager, described the process for addressing property acquisition. Chris Gensic, Parks and Trails Planner, presented the request.

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

RESOLUTION
APPROVING THE ACQUISITION OF LAND AT 410 OLD LYNCHBURG ROAD

WHEREAS, the City of Charlottesville seeks to expand publicly available areas for park, and trail uses, recreational enjoyment, and community agricultural purposes; and

WHEREAS, MOORES CREEK FARM LLC (the “Owner”) is the owner of land designated as County Parcel ID 07600-00-00-055E0, located on Interstate 64, Moores Creek and State Route 780 (Old Lynchburg Road), and has indicated a willingness to convey the subject land to the City of Charlottesville for creation of trail(s) and parkland (the “Property”); and

WHEREAS, the land to be conveyed, hereinafter the “Property”, is described as follows:

All that certain parcel of land with improvements thereon and appurtenances thereto, situated in the County of Albemarle, Virginia on the north side of Interstate 64 and the east side of State Route 780, containing 8.45 acres, more or less, as shown on a Boundary Survey Plat by Roger W. Ray & Assoc., Inc., dated May 11, 2023.

BEING the same property conveyed to Moores Creek Farm LLC, a Virginia limited liability company, by deed from Erin Lynn Page, Leigh Ann Cason Walsh, Kelley Marie Thomas, Richard Clay Cason, Jr., Hazel Patricia Holland, George Albert Cason, Jr., and Jaqueline Fay Cornachio dated December 1, 2021, and recorded March 16, 2022 in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia, as Instrument No. 202200003237.

WHEREAS, Owner has agreed to convey to the City the Property for the purchase price of \$350,000; and

WHEREAS, funds are available for the purchase and development of the Property through grants from Virginia Land Conservation Fund and Land and Water Conservation Fund managed by the Parks and Recreation Department (Account PR-001); and

WHEREAS, the Department of Parks and Recreation seeks approval from City Council to proceed with the purchase of the above-described Property at a purchase price of \$350,000, with funding supplied by use of funds from the Virginia Land Conservation Fund and the Land and Water Conservation Fund through the Parks and Recreation trails and parkland fund; and

WHEREAS, use of such funding shall require the recording of a deed restriction on the parcel referenced herein; and

WHEREAS, upon acquisition, the Property at 410 Old Lynchburg Road will be added into the public park system; and

WHEREAS, a draft sales Agreement has been approved as to form by the City Attorney's Office and the City Manager, or their designee, is hereby authorized to sign this agreement in a substantially similar format and to proceed with the steps necessary to acquire and convey said land; now, therefore,

BE IT RESOLVED, by the Council of the City of Charlottesville, that it hereby authorizes the purchase of the above-described Property for creation of parkland and the placement of deed restrictions on the Property. The City Manager and City Attorney's Office shall take whatever actions are necessary to effect the acquisition of the above-described Property and required recordings, pursuant to the terms and conditions set forth herein.

13. RESOLUTION: Approve HOME-ARP FY 2023-2024 Action Plan and appropriate funds of approximately \$347,404 (carried)

Anthony Warn, Grants Coordinator, presented the request to appropriate a one-time allocation from the Department of Housing and Urban Development (HUD) to support the development of affordable housing.

Noting that this item included two resolutions, Council agreed to carry the items to the September 5, 2023, consent agenda.

14. RESOLUTION: Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs

Anthony Warn, Grants Coordinator, and Alex Ikefuna, Department of Community Solutions Director, presented the request. Councilor Payne stated that he prefers to focus HUD funds on historically disenfranchised neighborhoods.

14a. RESOLUTION: Approve the Program Year (PY) 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs

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

**Resolution to Approve the
City of Charlottesville Consolidated Annual Performance and Evaluation Report (CAPER)
for the Program Year (PY) 2022-2023 CDBG & HOME Programs**

WHEREAS the City of Charlottesville has been designated as an 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) & HOME Investment Partnerships (HOME) programs, and

WHEREAS the City is a contributing member of the Thomas Jefferson Area HOME

Consortium (TJAHC), 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, and

WHEREAS Council approved a 5-Year Consolidated Plan for TJAHC covering federal fiscal years 2018-2022 at a public hearing on May 7, 2018, and a 1-Year Annual Plan for the City of Charlottesville at a public hearing on May 16, 2022; and

WHEREAS HUD requires all localities receiving HUD funds to report on their annual accomplishments at the end of each program year through the Consolidated Annual Performance and Evaluation Report (CAPER) tool; now

THEREFORE BE IT RESOLVED that the City Council of Charlottesville, Virginia, hereby approves the city's Consolidated Annual Performance and Evaluation Report (CAPER) for PY 2022-2023.

14b. Resolution to establish City Council Priorities for the PY 2024-2025 CDBG and HOME Programs

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

Resolution to Establish Council Priorities for the PY 2024-2025 Community Development Block Grant (CDBG) & HOME Investment Partnerships (HOME) Programs

WHEREAS the City of Charlottesville has been designated as an 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) & HOME Investment Partnerships (HOME) programs, and

WHEREAS the City is a contributing member of the Thomas Jefferson Area HOME Consortium (TJAHC), 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, and

WHEREAS in accordance with the City of Charlottesville's HUD-approved Citizen Participation Plan, the city's CDBG/HOME Task Force composed of residents and community representatives will be called on to review requests for funding of potential CDBG & HOME projects and to make recommendations for funding to Council in the Spring of 2024; now

THEREFORE BE IT RESOLVED by the City Council of Charlottesville, Virginia, that the priorities and spending allowances for the FY 2024-2025 CDBG & HOME programs shall be as follows:

- A continued emphasis on expanding access to affordable housing opportunities (including but not limited to low-income housing redevelopment); workforce development

(including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City’s GO programs); microenterprise assistance; access to quality childcare; homeowner rehabilitation and energy-efficiency upgrades; down payment assistance; and improvements to public infrastructure improvements designed to eliminate or reduce barriers to access to public amenities for mobility-impaired residents

- For FY 24-25, \$89,896.51 of CDBG Entitlement funds (EN) shall be set aside for Economic Development programs
- For FY 23-34 \$89,896.51 of CDBG Entitlement funds (EN) shall be set aside for Public Facilities and Improvements, with an emphasis on projects to eliminate or reduce barriers to access for mobility-impaired residents
- The CDBG Admin and Planning budget shall be set at 20% of the total CDBG entitlement
- Any other guidelines or directions Council may wish to give in determining how CDBG and HOME funds should be spent

15. RESOLUTION: Approving the Sixth Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (CSRAP)

Alex Ikefuna, Director of Community Solutions, presented the request for the annual allocation, formalizing what was already agreed upon.

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

**RESOLUTION
APPROVING THE SIXTH AMENDED GRANT AGREEMENT FOR THE
CHARLOTTESVILLE SUPPLEMENTAL RENTAL ASSISTANCE PROGRAM FOR
THE FISCAL YEAR BEGINNING JULY 1, 2023**

WHEREAS, on June 19, 2017, the City of Charlottesville approved the creation of the city-funded Charlottesville Supplemental Rental Assistance Program (“CSRAP”), and on April 11, 2023, City Council approved an allocation of \$900,000 from the Capital Improvement Program funds to be used for the CSRAP program, which CRHA will administer; and

WHEREAS the terms and conditions under which the Charlottesville Redevelopment and Housing Authority (“CRHA”) will administer the CSRAP Program are set forth within a written grant agreement effective for the fiscal year beginning July 1, 2023, which has been reviewed by City Council this same date.

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

1. The CSRAP program shall be administered by CRHA in accordance with the terms and conditions set forth within the CSRAP grant agreement effective for the fiscal year

beginning July 1, 2023, which is hereby approved by this City Council; and

2. The City Manager is authorized to execute the CSRAP grant agreement on behalf of the City of Charlottesville, and the City Manager and City staff are authorized and directed to apply the funding allocated above to the CSRAP program in accordance with the terms set out within the CSRAP grant agreement.

GENERAL BUSINESS

16. REPORT: Internal Work Group on Gun Violence

Police Chief Michael Kochis shared background on the workgroup. In May of 2023, Interim City Manager Michael Rogers charged Chief Kochis and Misty Graves with chairing an internal working group comprised of Department Directors with the idea of developing areas of priority to address gun violence within the City of Charlottesville.

On May 26, 2023, the workgroup held its preliminary meeting and agreed that the group would examine data, speak with stakeholders, and identify specific deliverables. On June 20, 2023, the workgroup met again to discuss heat maps, data, and information gleaned from weekly community walks, the youth council and conversations with community stakeholders. On July 19, 2023, the workgroup met with members of the Charlottesville Redevelopment and Housing Authority, (CRHA) to discuss needs and ways City Government can address gun violence within the areas that are most affected. Several initiatives/ideas were discussed relating to CRHA needs. During this meeting ideas were identified and broken down into short- and long-term deliverables. The following is a non-exhaustive list of short-term and long-term deliverables presented by Misty Graves, Department of Human Services Director:

Short-term: 1. Public service announcement campaign for responsible gun ownership; 2. City government career/mentoring program/CIYIP; 3. Graffiti removal; 4. Crime prevention through environmental design (CPTED) assessments of areas most affected by gun crime; 5. City to host teen takeover nights; 6. Restructure of Police Patrol Zones; 7. Implementation of a strategic plan specifically to address gun violence (Cities United Proposal).

Long-term: 1. Youth pre-arrest diversion initiative between CPD and DHS; 2. Identify and procure an undesignated space for youth; 3. Scholarship program for professional licenses such as CDL; 4. The city enter into agreement with PVCC to guarantee employment; 5. Subsidized program fees for city residents to have access to programs.

Joey Lewis, Charlottesville Police Department Lieutenant, made a presentation about the Flock Safety program proposal, a web-based stationary license plate reader cameras). Inez Gonzalez, Executive Director of the Police Civilian Oversight Board, would have access to audit the Flock program.

Vice Mayor Wade and other councilors indicated a desire for public engagement and a public hearing on the Flock program.

COMMUNITY MATTERS (2)

- Natalie Oschrein, city resident, spoke about the 601 West Main property and asked Council to consider what the owner wants to do with it. She stated that this Council should not use past action as a barometer and she gave ideas for the City to make the land useful. Regarding 0 E. High Street, she stated that street trees should be used in the design of the sidewalk.
- Althea Laughon-Worrell, city resident, spoke about the gun violence presentation and stated that in addition to teens and youth, young adults could benefit from more community resources. She specified the need to provide space and community for Black girls since attention is usually focused on Black boys. She spoke in opposition to the Dairy Market expansion project.
- Zyahna Bryant, city resident, spoke in opposition to the Dairy Market expansion project as proposed on July 25. She recommended that the gun violence group reach out in various ways to more youth besides the Youth Council, which is not very diverse, and to address the gap for youth ages 13-25, particularly people who do not go away to college after high school. She asked for a review of the Youth Opportunities Coordinator position to broaden service beyond black male achievement.

The meeting adjourned at 9:33 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL SPECIAL MEETING
WORK SESSION MINUTES
October 3, 2023 at 6:00 p.m.
CitySpace, 100 5th Street NE

The Charlottesville City Council held a special meeting in the format of a work session on Tuesday, October 3, 2023. Mayor Snook called the meeting to order with all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Michael Payne, Brian Pinkston, and Leah Puryear.

Mayor Snook stated that this meeting and several subsequent special meetings are an opportunity for City Council to spend more time in discussion on items that have been considered for some time by the Planning Commission. In response to citizen concerns about potential property tax increases related to the results of the updated Zoning Ordinance, Mr. Snook read a statement from City Assessor Jeffrey Davis. In the letter Mr. Davis stated:

“The Assessor’s Office will not immediately revise assessments to match “what can be built on site.” To my knowledge, no one in the Assessor’s Office made that statement.

I think it is logical to assume, that by increasing the density, property values may rise over time, but there is no basis for an immediate increase in assessments.

The Assessor’s Office analyzes sales data to determine real estate assessments. Until there is sufficient sales information to provide direction, we will not adjust the present values.”

Regarding a question about the legality of the Zoning Code as related to inclusion of the Department of Transportation, Mr. Stroman stated that the allegation has no bearing on the current process and is ill-founded. He stated that an allegation from a year ago regarding the Comprehensive Plan is ill-founded and the Comprehensive Plan is still in place.

Responding to a question from Mr. Snook, John Sales, Charlottesville Redevelopment and Housing Authority Executive Director, listed qualifications for University of Virginia students to qualify for low-income housing. Sunshine Mathon, Executive Director of Piedmont Housing Alliance (PHA), and a volunteer on the Charlottesville Housing Advisory Committee as well as state and national housing committees, shared information about the use of Low Income Housing Tax Credits (LIHTC) for rentals, specifically the Kindewood redevelopment, making units that would normally be market-rate into 80% Area Median Income (AMI) units, allowing PHA controls for student populations to move into the community.

James Freas, Director of Neighborhood Development Services, introduced speakers for the work session.

Antoine Williams, Housing Programs Manager with the Charlottesville Office of Community Solutions, defined “placement” and “anti-displacement”. Placement is defined as the action of putting someone or something in a particular place or the fact of being placed or the action of finding a home, job, or school for someone. Anti-displacement generally refers to strategies and

policies to prevent the involuntary displacement of long standing, often lower income residents from their neighborhoods due to gentrification or other development pressures. An anti-displacement strategy framework aims to create inclusive, stable communities where residents can afford to live and thrive.

He shared data about the racial makeup of Charlottesville, showing that the Black (non-Hispanic) population had the largest decrease, dropping 1.9 percent to 17.3%. He presented four components for the City of Charlottesville Anti-displacement Framework:

- Affordable Housing Plan
- Comprehensive Plan, Strategic Plan Framework
- Zoning Code ADU Ordinance and Manual
- People + Process = Service Capacity

Mr. Williams spoke about what Zoning Ordinances can and cannot do to tackle anti-displacement. Zoning Ordinances cannot address economic inequality, control property values, or address all displacement causes. He listed tools that the city should use to prevent displacement in its housing strategy.

Mr. Mathon explained the differences between land banks and land trusts. He and Mr. Williams answered questions from Council about land banks, land trusts, home ownership and tax abatement opportunities. Mr. Mathon presented recommendations for short-term and long-term solutions to address affordable housing.

Phil D'Oronzio, Planning Commissioner and member of the Housing Advisory Committee, gave an example of family subdivision rules in Fluvanna County.

Vice Mayor Wade reviewed tools to use for keeping people in their homes and making them more affordable, as well as ways to make the largest impact.

City Attorney Jacob Stroman provided clarity about family lot divisions and the fundamental right to acquire and dispose of property.

Discussion continued about development rights and guardrails, land purchase competitiveness, sensitive area overlays, and tools for preservation of affordable home ownership and rentals, addressing working class housing availability, and working with community partners to provide deeply affordable housing. Mr. Mathon mentioned that the strategies for tackling anti-displacement are a bit of an experiment.

Councilor Pinkston stated for the record that he believes this Council and the next iteration of Council are committed to contributing significant funds to support the policies being discussed as well as the staffing component that will be required.

Councilor Puryear spoke about property tax increases from nearby developments negatively impacting renters. She stated that intentions for preservation of affordable housing homeownership and rental need to be clearly stated.

Joy Johnson, Chair of the Housing Advisory Committee, stated that there is a housing investor who fixes up homes and rents them to people in the neighborhood affordably, and she wonders why others cannot do the same. She referred to a comment about homes being lost because of deaths and replied that developers are taking advantage of lower income neighborhood situations to purchase properties. She stated that there needs to be a policy that says to developers to respect existing neighborhoods, and that development around low-income neighborhoods is causing tax hardship for residents.

City Manager Sam Sanders confirmed next steps for the HAC to bring further recommendation. Mr. Stroman stated that a key deadline would be when the Planning Commission will issue its recommendations to City Council. To incorporate HAC recommendations, the recommendations will need to come to City Council within the next couple of weeks in order to meet an advertising deadline.

The meeting adjourned at 8:22 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL SPECIAL MEETING
WORK SESSION MINUTES
October 11, 2023 at 6:00 p.m.
CitySpace, 100 5th Street NE

The Charlottesville City Council held a special meeting in the format of a work session on Monday, October 11, 2023. Mayor Snook called the meeting to order at 6:05 p.m. with the following members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Brian Pinkston and Leah Puryear. Councilor Payne requested to join the meeting electronically using the Zoom meeting platform.

Upon confirming that Councilor Payne was joining the meeting electronically from his home in Charlottesville and was not physically present at the meeting because of a communicable medical condition, Council entertained a motion. On motion by Pinkston, Council voted 4-0 to APPROVE electronic meeting participation by Mr. Payne, thus all Councilors were present.

James Freas, Director of Neighborhood Development Services introduced presenters for the meeting.

Hamilton Lombard, Weldon Cooper Center, presented population information for the City of Charlottesville, including demographic trends. Many variables affect projections for future housing demand including remote work, university student population, development proximity to the University of Virginia, number of families with children,

Kyle Talente, President of RKG Associates, reviewed financial feasibility modeling based on three principal components: construction costs, operational costs and operational revenues. RKG created a customized model specific to Charlottesville. The rate of change analysis factored in neighborhood boundaries and differences in housing typology and housing value. Sensitive neighborhoods were clustered to ensure a true understanding of how the rezoning policies could impact these communities in comparison with the rest of Charlottesville.

RKG Associates built upon the work of the previous assessment, updating market data based on 2023 trends. They compiled a new market value for properties impacted by the zoning change through the model and compared the new values to current market values based on current use. They assessed the potential for current owners to sell based on differential in market value and calculated number of parcels that would be acquired to use new zoning allowances. Mr. Talente stated that the rate of change does not take into account the amount that particular parcels can accommodate, thus the numbers presented are conservative. The data indicated that displacement pressure would increase because of increased property value.

Council discussed the presentations.

Mr. Freas stated that the numbers presented were based on a broken housing system, and that the numbers should not be projected indefinitely because the city is working toward a future non-broken housing system.

For future discussion, Mr. Snook asked for information about what development projects are in the pipeline. Mr. Wade requested discussion about displacement. Mr. Freas stated that the Planning Commission plans to discuss it at their October 17 meeting. Mr. Payne concurred with the need for this discussion, and he requested data and projections for areas with the highest risk of displacement.

The meeting adjourned at 8:23 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT

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



Agenda Date:	November 6, 2023
Action Required:	Adopt ordinance amendment
Presenter:	Jacob Stroman, City Attorney
Staff Contacts:	Ryan Franklin, Assistant City Attorney
Title:	Amendment of Charlottesville City Code Sec. 15-75 to Comply with Recent Amendments to the Virginia Code Sec. 46.2-924(A) Requiring Drivers to Stop for Pedestrians in Crosswalks (2nd reading)

Background

Effective July 1, 2023, Code of Virginia, § 46.2-924(A) was amended to require vehicles to no longer yield, but stop for pedestrians at certain street crossings.

Discussion

Charlottesville City Code § 15-75 requires that drivers of vehicles only yield the right of way to pedestrians at certain crossings, but does not require them to stop. Thus, City Code § 15-75 is not in conformance recent amendments to Code of Virginia, § 46.2-924. City Council must amend the City Code by modifying its language to replace the requirement to yield with the new requirement to stop.

Alignment with City Council's Vision and Strategic Plan

To ensure that the City's ordinances are consistent with, and do not violate, State law.

Community Engagement

The community was not engaged because this is a mandatory State law to which the City needs to conform with by amending its City Code.

Budgetary Impact

None

Recommendation

Adopt proposed ordinance

Alternatives

Attachments

1. 46.2-924 Acts of the Assembly
2. Amendment to City Code Sec. 15-75. Pedestrian Stopping Ordinance.10.10.23

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 117

An Act to amend and reenact § 46.2-924 of the Code of Virginia, relating to drivers stopping for pedestrians; certain signs; stops.

[S 1069]

Approved March 21, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-924 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-924. Drivers to stop for pedestrians; installation of certain signs; penalty.

A. The driver of any vehicle on a highway shall ~~yield the right-of-way to stop when~~ any pedestrian crossing such highway ~~by stopping and remaining stopped is within the driver's lane or within an adjacent lane and approaching the driver's lane~~ until such pedestrian has passed the lane in which the vehicle is stopped:

1. At any clearly marked crosswalk, whether at midblock or at the end of any block;
2. At any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or
3. At any intersection when the driver is approaching on a highway where the speed limit is not more than 35 miles per hour.

B. When a vehicle is stopped pursuant to subsection A, the driver of any other vehicle approaching from an adjacent lane or from behind the stopped vehicle shall not overtake and pass such stopped vehicle.

C. Notwithstanding the provisions of subsection A, at intersections or crosswalks where the movement of traffic is being regulated by law-enforcement officers or traffic control devices, the driver shall yield according to the direction of the law-enforcement officer or device.

No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow down, or stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

Pedestrians crossing highways at intersections shall at all times have the right-of-way over vehicles making turns into the highways being crossed by the pedestrians.

D. The governing body of Arlington County, Fairfax County, Loudoun County and any town therein, the City of Alexandria, the City of Fairfax, the City of Falls Church, and the Town of Ashland may by ordinance provide for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to *or stop for* pedestrians crossing or attempting to cross the highway. Any operator of a motor vehicle who fails at such locations ~~to yield the right-of-way to pedestrians as required by such to comply with the signs installed pursuant to this subsection~~ shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500. The Department of Transportation shall develop criteria for the design, location, and installation of such signs. The provisions of this section shall not apply to any limited access highway.

E. Where a shared-use path crosses a highway at a clearly marked crosswalk and there are no traffic control signals at such crossing, the local governing body may by ordinance require pedestrians, cyclists, and any other users of such shared-used path to come to a complete stop prior to entering such crosswalk. Such local ordinance may provide for a fine not to exceed \$100 for violations. Any locality adopting such an ordinance shall install and maintain stop signs, consistent with standards adopted by the Commonwealth Transportation Board and to the extent necessary in coordination with the Department of Transportation. At such crosswalks, no user of such shared-use path shall enter the crosswalk in disregard of approaching traffic.

F. A locality adopting an ordinance under subsection E shall coordinate the enforcement and placement of any stop signs affecting a shared-use path owned and operated by a park authority formed under Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2 with such authority.

AN ORDINANCE AMENDING SECTION 15-75 (DUTY TO YIELD RIGHT-OF-WAY TO PEDESTRIANS), OF ARTICLE III (OPERATION OF VEHICLES GENERALLY), DIVISION 4 (RATES AND CHARGES), OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO CONFORM WITH THE NEW REQUIREMENTS OF CODE OF VIRGINIA, § 46.2-924, AS AMENDED

WHEREAS, in order to conform Chapter 15 of the Code of the City of Charlottesville, 1990, as amended, with the new motor vehicle stopping requirements as mandated by Chapter 117 of the 2023 Virginia Acts of the Assembly; and

WHEREAS, the Council of the City of Charlottesville, Virginia, has considered the implications of the newly modified Subsection (A) of Code of Virginia, § 46.2-924 (as amended); and

WHEREAS, this Council finds that Section 15-75 of the Code of the City of Charlottesville, 1990, as amended, must be amended to require that drivers of vehicles stop when pedestrians are crossing a street on a designated sidewalk and other crossings as mandated by Code of Virginia, § 46.2-924;

NOW, THEREFORE, this Council deems it necessary to amend Section 15-75 of the Code of the City of Charlottesville, 1990, as amended, to require drivers to stop for pedestrians crossing certain streets in accordance with Code of Virginia, § 46.2-924(A), as amended, as of July 1, 2023; and

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Section 15-75 the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reenacted as follows:

CHAPTER 15 MOTOR VEHICLES AND TRAFFIC

ARTICLE III OPERATION OF VEHICLES GENERALLY

Sec. 15-75. Duty to ~~yield the right-of-way~~ stop to for pedestrians

The driver of any vehicle on the streets of this city shall ~~yield the right-of-way to~~ stop for a pedestrian crossing such street within any clearly marked crosswalk whether a mid-block or at the end of the block, or at any unmarked regular pedestrian crossing at the end of the block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices.

(Code of 1976, § 16-14)

State Law reference— ~~Similar provisions~~, Code of Virginia, § 46.2-924 (2023).

1. This ordinance shall become effective July 1, 2023.

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



Agenda Date:	November 6, 2023
Action Required:	Adoption of the Ordinance
Presenter:	Jacob Stroman, City Attorney
Staff Contacts:	Ryan Franklin, Assistant City Attorney
Title:	Amendment of Charlottesville City Code Sec. 15-435 to Permit a Towing Operator Fuel Surcharge Fee to Conform to Changes in State Law (2nd reading)

Background

In its most recent session, the General Assembly amended Code of Virginia, § 46.2-1233.1(C) to prohibit localities from banning a fuel surcharge fee. Accordingly, Council must amend Charlottesville City Code § 15-435 to expressly permit this fee in order to conform to state law.

Discussion

Charlottesville City Code § 15-435(a) currently prohibits towing and recovery operators from charging a fuel surcharge fee authorized by the recent amendment of Code of Virginia, § 46.2-1233.1(C). City Council must amend its ordinance to expressly permit towing operators, as defined in Charlottesville City Code § 15-400, to charge a fuel surcharge fee of no more than twenty dollars (\$20.00). The proposed Ordinance seeks to conform City Code § 15-435 with new amendments to Code of Virginia, § 46.2-1233.1(C) by adding a new Subsection (j).

Alignment with City Council's Vision and Strategic Plan

To ensure that the City's ordinances are consistent with, and do not violate, State law.

Community Engagement

The community was not engaged because the City is obliged to conform its City Code with the Code of Virginia.

Budgetary Impact

None.

Recommendation

Adopt the attached amendment to Charlottesville City Code Sec. 15-435.

Alternatives

None. Council must allow a fee expressly permitted by state law.

Attachments

1. 46.2-1233.1 Acts of the Assembly
2. 46.2-1233.1 Towing Fees Ordinance Amendment.10.10.23

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 323

An Act to amend and reenact § 46.2-1233.1 of the Code of Virginia, relating to towing trespassing vehicles; limitations on fees.

[H 1649]

Approved March 23, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1233.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee of any passenger car shall exceed \$150. For towing a vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than \$30 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of 24 hours or less. Except for fees or charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first 24-hour period.

B. The governing body of any county, city, or town may by ordinance, with the advice of an advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle because the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and timely adjustment of such limitations.

C. *In addition to the fees authorized pursuant to this section, towing and recovery operators are authorized to charge a fuel surcharge fee of no more than \$20 for each vehicle towed or removed from private property without the consent of its owner. Notwithstanding any other provision of this chapter, no local governing body shall limit or prohibit the fee authorized pursuant to this subsection.*

2. That the provisions of this act shall expire on July 1, 2024.

**AN ORDINANCE
AMENDING SECTION 15-435 (RATES AND CHARGES), OF ARTICLE IX
(REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES
UNLAWFULLY PARKED ON PRIVATE PROPERTY), DIVISION 4 (RATES AND
CHARGES), OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO CONFORM WITH
THE NEW REQUIREMENTS OF CODE OF VIRGINIA, § 46.2-1233.1, AS AMENDED**

WHEREAS, in order to conform Chapter 15 of the Code of the City of Charlottesville, 1990, as amended, with the new towing fee requirements as mandated by Chapter 323 of the 2023 Virginia Acts of the Assembly; and

WHEREAS, a joint public hearing on the proposed action was conducted; and

WHEREAS, the Council of the City of Charlottesville, Virginia, has considered the implications of the newly enacted Subsection (C) of Code of Virginia, § 46.2-1233.1 (as amended); and

WHEREAS, this Council finds that Section 15-453(a) of the Code of the City of Charlottesville, 1990, as amended, currently prohibits recovery and towing operators from recovering a maximum \$20.00 (USD) fuel surcharge fee for every vehicle towed from private property without such owner's consent, which the newly enacted Code of Virginia, § 46.2-1233.1(C) expressly allows;

NOW, THEREFORE, this Council deems it necessary to amend Section 15-435 of the Code of the City of Charlottesville, 1990, as amended, to permit recovery and towing operators to recover a fuel surcharge fee in accordance with Code of Virginia, § 46.2-1233.1(C), as amended, as of July 1, 2023; and

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that:

- 1. Section 15-435 the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reenacted as follows:**

CHAPTER 15 MOTOR VEHICLES AND TRAFFIC

**ARTICLE IX REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES
UNLAWFULLY PARKED ON PRIVATE PROPERTY**

DIVISION 4 RATES AND CHARGES

Sec. 15-435. Rates and charges.

(a) It shall be unlawful for an operator to charge any fees exceeding the fees set forth in this section.

(b) Immobilization. An operator may charge a vehicle owner a maximum fee of one hundred dollars (\$100.00) for the release of a vehicle when it is immobilized. No other fee of any type may be charged.

(c) Show-up fee. If an operator is summoned by the property owner or the property owner's agent to a location to tow a specific vehicle, and the vehicle owner is present and removes the vehicle from the private property or corrects the violation before the vehicle is connected to the tow truck, a fee of twenty-five dollars (\$25.00) may be charged the vehicle owner by the operator, provided that the operator obtains the authorization to initiate the tow of that specific vehicle from the owner of the property from which the vehicle is towed, or agent of the owner, in writing or by electronic means, including, but not limited to, e-mail, text message or facsimile. Such authorization shall be in addition to any written contract between the towing and recovery operator and the owner of the property or agent of the owner. For the purposes of this subsection, "agent" shall not include any person who either (i) is related by blood or marriage to the towing and recovery operator or (ii) has a financial interest in the towing and recovery operator's business.

(d) Drop fee. An operator may charge a vehicle owner a maximum fee of fifty dollars (\$50.00) for the release of a vehicle prior to towing the vehicle from private property, if it has been hooked up to tow truck. No other fee of any type may be charged.

(e) Hookup and initial towing fee shall not exceed:

For vehicles with a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds or less \$125.00

For vehicles with a GVWR of ten thousand one (10,001) pounds through twenty-six thousand (26,000) pounds \$250.00

For vehicles with a GVWR greater than twenty-six thousand one (26,001) pounds \$500.00

For the initiation of a tow of a vehicle on weekdays between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or national holiday, a maximum additional fee of twenty-five dollars (\$25.00) per tow may be charged; however, in no event shall more than one (1) such fee be charged for towing any such vehicle.

(f) Storage fee for the safekeeping of vehicles:

(1) No charge shall be made for storage and safekeeping of a vehicle for the first twenty-four (24) hours that the vehicle is held at the storage site.

(2) After the vehicle is held at the storage site for more than twenty-four (24) hours, a storage fee may be charged for each subsequent twenty-four-hour period, or any portion thereof, at a rate not

to exceed fifty dollars (\$50.00) for any vehicle twenty-two (22) feet long or less and an additional five dollars (\$5.00) per foot for any vehicle over twenty-two (22) feet in length.

(g) If a fee for notification of lien holder, owner, agent or other interested party is charged, it shall not exceed one hundred fifty dollars (\$150.00). This fee may only apply after the vehicle is held at the storage site over three (3) full business days. If any such fee is charged, a copy of the Virginia Department of Motor Vehicles report will be attached to the receipt given to the vehicle owner.

(h) No administrative fees or any other charges may be collected unless expressly set forth herein.

(i) An operator may not require a vehicle owner to sign any waiver of the vehicle owner's right to receive compensation for damages to the vehicle as a condition of the owner retrieving the vehicle.

(j) An operator is authorized to charge a fuel surcharge fee of no more than \$20 for each vehicle towed or removed from private property without the consent of its owner.

2. This ordinance shall become effective July 1, 2023.

	<u>Aye</u>	<u>No</u>
Payne		
Pinkston		
Snook		
Wade		
Puryear		

Approved by Council
October 10, 2023

Kyna Thomas, MMC
Clerk of Council

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



Agenda Date:	November 6, 2023
Action Required:	Appropriate funding in the amount of \$240,000 from the Charlottesville/Albemarle Adult Drug Treatment Court Grant
Presenter:	Taylor Harvey-Ryan, Grants Program Manager
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate funds from the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd reading)

Background

The City of Charlottesville, on behalf of the Charlottesville/Albemarle Adult Drug Treatment Court, has received a Supreme Court of Virginia Drug Treatment Court Grant in the amount of \$240,000 for operations of the drug court program, which is operated by Offender Aid and Restoration (OAR). The City of Charlottesville serves as fiscal agent for the Supreme Court of Virginia Drug Treatment Court Docket Grant.

Discussion

In its twenty-sixth year of operation, the Charlottesville/Albemarle Adult Drug Treatment Court is a supervised 12 month drug treatment program that serves as an alternative to incarceration for offenders. Drug Court is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult felony offenders with moderate to severe substance use disorders. The program uses the power of the court to assist non-violent offenders to achieve recovery through a collaborative system of intensive supervision, drug testing, substance abuse treatment, and regular court appearances.

The total program budget is \$380,717.00 and includes three funding sources:

Supreme Court of VA - \$240,000

City of Charlottesville: \$79,744.00, which has already been appropriated

Albemarle County: \$60,973.00, which has already been appropriated

Alignment with City Council's Vision and Strategic Plan

This relates to providing support for persons interacting with the legal or criminal justice system and the City of Charlottesville's priority Safety/Criminal Justice. Drug Court directly affects the community by reducing recidivism among Drug Court participants and graduates. Additionally, Drug Court mitigates risk by reducing drug and alcohol use among program participants and graduates. Reduction of drug and alcohol use fosters participant rehabilitation, public safety, and participant accountability; all of which are factors in helping the community achieve its stated goals. Reduced

recidivism results in reduced public cost associated with re-arrest and incarceration, a reduction in potential victims of crime, and overall enhanced quality of life for community residents. As the writers of the Adult Drug Court Best Practice Standards state, “Drug Courts improve communities by successfully getting justice-involved individuals clean and sober, stopping drug-related crime, reuniting broken families, ... and preventing impaired driving” Not only is Drug Court an effective agent of change, it is an extremely cost-effective approach. Numerous meta-analyses have concluded that Drug Courts produce an average return on investment of \$2 to \$4 for every \$1 invested. Because of the above, ensuring that the 26 year old Drug Court program remains available to residents of the City of Charlottesville and Albemarle County will help the community achieve its goals. This program aligns with the City of Charlottesville's 2023 City Council Strategic Plan Framework vision and the strategic outcome area, public safety.

Community Engagement

The Drug Treatment Court is a direct service provider and is engaged daily with non-violent criminal offenders with drug-driven crimes who are at a high level of risk for reoffending due to active addictions and long-standing patterns of criminal behavior. By collaborating with the Court system, Region Ten Community Services Board, Addiction Allies, and the Sheriff’s department, the Drug Treatment Court provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Drug Treatment Court through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the Circuit Court. If they successfully complete the program, which takes a minimum of 12 months, participants may have their pending charges reduced or dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Drug Treatment Court participants return the community’s investment in them by maintaining full-time, tax-paying employment, providing for and taking care of their children and families, including paying off back child support, behaving as good role models in the community, and supporting the recovery community in Charlottesville.

Budgetary Impact

No additional City funding is required as the City’s match for this grant, \$79,744.00, was appropriated as part of the FY 2024 Council Approved Budget as part of the City’s contribution to Offender Aid and Restoration.

Recommendation

Staff recommends approval and appropriation.

Alternatives

N/A

Attachments

1. FY24 Drug Court Appropriation and Resolution

RESOLUTION APPROPRIATING FUNDS
Charlottesville/Albemarle Adult Drug Treatment Court Grant Award
\$240,000

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Drug Treatment Court Docket Grant in the amount of \$240,000 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$140,717; and

WHEREAS, the grant award covers the period July 1, 2023 through June 30, 2024.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$240,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$240,000 Fund: 209 Internal Order: 1900536 G/L Account: 430120

Expenditures

\$240,000 Fund: 209 Internal Order: 1900536 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$240,000 from the Supreme Court of Virginia.

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



Agenda Date:	November 6, 2023
Action Required:	Appropriation of the \$19,050 for the FY22 State Criminal Alien Assistance Program (SCAAP).
Presenter:	Taylor Harvey-Ryan, Grants Program Manager
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate funding from the FY22 State Criminal Alien Assistance Program (SCAAP) Grant for Albemarle Charlottesville Regional Jail - \$19,050 (2nd reading)

Background

The City of Charlottesville has received the State Criminal Alien Assistance Program Grant (SCAAP), on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of 19,050. These are federal funds to reimburse the Albemarle-Charlottesville Regional Jail for Fiscal Year 2022 expenses of housing convicted alien inmates. Albemarle County is appropriating funds received under the same program that will also be passed through to the Regional Jail.

Discussion

The State Criminal Alien Assistance Program (SCAAP) provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating certain undocumented criminal aliens. The award amount is based on the number of undocumented persons incarcerated at the Albemarle-Charlottesville Regional Jail. As this is not a one-time grant, the Jail will receive future payments from the City as they are granted.

Alignment with City Council's Vision and Strategic Plan

These funds align with Council's Vision for a Smart, Citizen-Focused Government -- Acceptance of these funds will support quality services at our Regional Jail and will help ensure that services are provided in the most efficient and cost effective way to citizens.

These funds also support the City of Charlottesville's 2023 City Council Strategic Plan Framework's Strategic Outcome Area, Public Safety, which indicates "Charlottesville provides comprehensive, trusted public safety services and treats everyone with dignity and respect".

Community Engagement

N/A

Budgetary Impact

There is no budgetary impact as 78% of these funds will be passed through directly to the Regional Jail. The remaining 22% will be sent to Justice Benefits, Inc., which provides administrative support for the regional jail.

Recommendation

Staff recommends approval and appropriation of funds to the Regional Jail.

Alternatives

N/A

Attachments

1. SCAAP_Regional Jail appropriation 2022 Resolution

RESOLUTION APPROPRIATING FUNDS
State Criminal Alien Assistance Program (SCAAP) Grant for 2022 reimbursement
\$19,050

WHEREAS, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$19,050.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$14,859 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$4,191 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$19,050	Fund: 211	Internal Order: 1900511	G/L Account: 431110
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Expenses

\$14,859	Fund: 211	Internal Order: 1900511	G/L Account: 530550
\$4,191	Fund: 211	Internal Order: 1900511	G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$19,050 from the U. S. Bureau of Justice Assistance.

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



Agenda Date:	November 6, 2023
Action Required:	Appropriation of \$382,352 from DHCD for HOPWA program
Presenter:	Taylor Harvey-Ryan, Grants Program Manager
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate funding from the FY23 Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant - \$382,352 (2nd reading)

Background

The Department of Human Services in coordination with the Blue Ridge Area Coalition on Homelessness (BRACH) and the Service Provider Council (S.P.C.), applied for and received a grant from the Virginia Department of Housing and Community Development. The Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) award is \$382,352 and is a renewal contract for the program from Housing and Urban Development (H.U.D.) for July 1, 2022 – June 30, 2024.

Discussion

The City of Charlottesville has staff from Human Services and Social Services taking leadership roles in the governance of B.R.A.C.H. H.O.P.W.A., an important resource in our community's efforts to end homelessness. The grant provides services in four key areas.

1. Tenant-Based Rental Assistance (T.B.R.A.): The Thomas Jefferson Health District (T.J.H.D.) partners with The Haven to provide T.B.R.A. to eligible participants. The T.J.H.D. screens participants for eligibility and inspects the proposed property to ensure that it meets H.U.D. requirements. Upon successful screening, The Haven contacts the landlord to arrange monthly rent payment, similar to rapid re-housing.
2. Short-term Rental, Mortgage and Utility Assistance: T.J.H.D. screens eligible participants for short-term assistance including emergency utility payments to avoid shut off.
3. Supportive Services: T.J.H.D. provides supportive services including crisis intervention, case management and service referrals.
4. Homeless Management Information System(H.M.I.S.): The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with B.R.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care (C.O.C.) has a well-populated database for individuals experiencing homelessness. HMIS collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among T.J.A.C.H. C.o.C. Service Providers expedites communication

and reduces the need to interface disparate documentation systems.

5. Administration: The City of Charlottesville as the award recipient is eligible for an administrative fee up to seven (7) percent of the total award. Staff proposes that we pass these dollars through to T.J.H.D. & The Haven to support the supervision of assigned staff.

Alignment with City Council's Vision and Strategic Plan

This grant advances the City of Charlottesville's 2023 City Council Strategic Plan Framework "to be a place where everyone thrives". More specifically this grant advances the strategic outcome area, housing which indicates "Charlottesville defines access to liveable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through the implementation of the Affordable Housing Plan". The HOPWA funds provided by the Virginia Department of Housing and Community Development provides access to housing supports and services to assist individuals with HIV/AIDS with maintaining housing.

Community Engagement

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

Budgetary Impact

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

Recommendation

Staff recommends approval and appropriation of grant funds.

Alternatives

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis while managing AIDS/H.I.V.: short-term rental assistance, utility assistance, rapid rehousing, H.M.I.S., and administration.

Attachments

1. HOPWA FY23 Resolution

RESOLUTION APPROPRIATING FUNDS
Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant
\$382,352

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$382,352;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$382,352 is hereby appropriated in the following manner:

Revenues

\$382,352 Fund: 209 IO: 1900532 (H.O.P.W.A.) G/L: 430120 Federal Pass-Thru State

Expenditures

\$382,352 Fund: 209 IO: 1900532 (H.O.P.W.A.) G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$382,352 in funds from the Virginia Department of Housing and Community Development.

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



Agenda Date:	November 6, 2023
Action Required:	Appropriation
Presenter:	Pat O'Donnell, Director, Victim Witness Assistance Program
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	Resolution to appropriate Victim Witness Assistance Program Grant - \$258,342 (1 of 2 readings)

Background

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$141,135 in Federal Funds and \$67,207 in State Special Funds, and \$50,000 supplement from the Commonwealth Attorney's operating budget for a total award of \$258,342.

Discussion

The victim's rights movement began in the 1970s as a result of victims being re-victimized by the criminal justice process. Victims had difficulty navigating the complexities of the criminal justice system and no voice or recourse when their cases were continued or pled out without their knowledge or consent. Prosecutors did not have the time or skills to respond to victims who were traumatized but knew that to proceed with their case, many victims would need more services than the prosecutor's office could provide. In response to this need, the federal Victims of Crime Act was passed in 1984 and funds became available through the Virginia Department of Criminal Justice to respond to the needs of victims. The Charlottesville Victim/Witness Assistance Program was established in 1989 and has been meeting the needs of Charlottesville crime victims ever since. The Program is one of more than 60 such programs in the state that provides crisis intervention and advocacy, information, and support during and after criminal justice proceedings, access to compensation and restitution, referrals to local community agencies and ensures victims are afforded their rights as outlined in Virginia's Crime Victim and Witness Rights Act. The Program also provides training on victim issues to law enforcement and allied agencies. It regularly serves more than 1,000 victims and 20 witnesses each year.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with Council's strategic outcome of public safety. According to the Bureau of Justice Statistics, the total economic loss to crime victims was \$1.19 billion for violent offenses and \$16.2 billion for property crime in 2008. Statistics vary on the number of intangible losses victims accumulate, such as the effects of the crime on their sense of security, mental health, and relationships. The Charlottesville Victim Witness Assistance Program contributes to the health of the community by connecting crime victims with medical and mental

health providers through the Criminal Injury Compensation Fund. The Program helps achieve the Council's commitment to Justice, Equity, Diversity, Inclusion by responding to the needs of crime victims by ensuring their rights are recognized throughout the local criminal justice system, including Police, Prosecution, Judges, and Probation.

Community Engagement

The Victim Witness Assistance Program is engaged daily with victims of crime who access services through referrals from police, court services, social services, and other allied agencies. Program staff contacts crime victims within 48 hours of their reported victimization. For FY23 Program staff provided services to more than 1,000 individuals. Staff members serve on several coordinating councils, such as the Multi-Disciplinary Team on Child Abuse, the Domestic Violence Coordinating Council, the Sexual Assault Response Team, the Monticello Area Domestic Violence Fatality Review Team, Charlottesville/Albemarle Human Trafficking Task Force, and the Charlottesville/Albemarle Evidence Based Decision Making Policy Team. The program regularly provides outreach in the form of government services day, training and speaking engagements at UVA, PVCC, and other allied agencies as requested.

Budgetary Impact

There is no impact to the General Fund. The City's contribution of \$50,000 was previously appropriated as part of the Commonwealth's Attorney's Office FY2024 Adopted Budget. The Victim Witness Assistance Program Grant is renewed annually, and the funds will be received and expensed in the grants fund.

Recommendation

Staff recommend approval and appropriation of grant funds.

Alternatives

If grant funds are not appropriated, Charlottesville crime victims will have no access to compensation, advocacy or services afforded to them under Virginia's Crime Victim and Witness Rights Act.

Attachments

1. Resolution_Victim Witness Assistance Grant Appropriation- FY 24

**RESOLUTION to Appropriate
Charlottesville Victim Witness Assistance Program Grant Funds - \$258,342**

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$208,342; and

WHEREAS the City is providing a supplement in the amount of \$50,000, the source of which is the Commonwealth's Attorney's operating budget.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$208,342 is hereby appropriated in the following manner:

Revenues

\$ 67,207	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$141,135	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 50,000	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

Expenditures

\$242,515	Fund: 209	Cost Center: 1414001000	G/L Account: 519999
\$ 15,827	Fund: 209	Cost Center: 1414001000	G/L Account: 599999

Transfer

\$ 50,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$208,342 from the Virginia Department of Criminal Justice Services.

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



Agenda Date:	November 6, 2023
Action Required:	Appropriation of \$67,792 from the Supreme Court of Virginia Behavioral Health Docket Grant
Presenter:	Jennifer Scott, Offender Aid and Restoration
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate funding from the Supreme Court of Virginia Behavioral Health Docket Grant - \$67,792 (1 of 2 readings)

Background

The City of Charlottesville, on behalf of the Albemarle-Charlottesville Therapeutic Docket program, has received a Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$67,792 for operations of the therapeutic docket program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Supreme Court of Virginia Behavioral Health Docket Grant.

Discussion

In its fifth year of operation, the Albemarle-Charlottesville Therapeutic Docket program is a supervised 9 to 12 month treatment program that serves as an alternative to incarceration for offenders. The Therapeutic Docket is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving adult misdemeanor offenders who suffer from serious mental illness. The program uses the power of the court to assist offenders to achieve wellness and recovery through a combined system of intensive supervision, medication management, mental health treatment, and regular court appearances.

The total program budget is \$242,280 and includes three funding sources:

Supreme Court of VA: \$67,792

City of Charlottesville: \$115,000, (previously appropriated)

Albemarle County: \$59,488, (previously appropriated)

Alignment with City Council's Vision and Strategic Plan

This relates to the City of Charlottesville's priority area of safety/criminal justice. The Therapeutic Docket is a valuable, less expensive alternative to incarceration for certain criminal offenders with serious mental illness which utilizes a blend of court-ordered supervision, mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and enhance personal accountability and mental health and wellness among participants

Community Engagement

The Therapeutic Docket is a direct service provider and is engaged daily with non-violent criminal offenders with serious mental illness who are at a high level of risk for reoffending and have a high level of need due to mental illness. By collaborating with the Court system, Region Ten Community Services Board and Partner for Mental Health, the Therapeutic Docket provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Therapeutic Docket through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the General District Court. If they successfully complete the program which takes a minimum of 9 months, participants may have their pending charges dismissed or receive an all-suspended sentence. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Therapeutic Docket participants return the community's investment in them by improving their mental health status, maintaining compliance with treatment regimens, including medications, and reducing their criminal behaviors in the community.

Budgetary Impact

No additional City funding is required as the City's match for this grant, \$115,000, was appropriated within the FY 2024 Council Approved Budget as part of the City's contribution to Offender Aid and Restoration.

Recommendation

Staff recommends approval and appropriation.

Alternatives

Attachments

1. FY24 Therapeutic Docket Appropriation \$67,792

**RESOLUTION to Appropriate
Albemarle-Charlottesville Therapeutic Docket Grant Award
\$67,792**

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$67,792 for the Albemarle-Charlottesville Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$174,488; and

WHEREAS, the grant award covers the period July 1, 2023 through June 30, 2024.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$67,792, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$67,792 Fund: Internal Order: #1900537 G/L Account: 430110 (State Grant)

Expenditures

\$67,792 Fund: Internal Order: #1900537 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$67,792 from the Supreme Court of Virginia.

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



Agenda Date:	November 6, 2023
Action Required:	Resolution approval
Presenter:	Riaan Anthony, Deputy Director - Parks Division
Staff Contacts:	Riaan Anthony, Deputy Director - Parks Division
Title:	Resolution to appropriate Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program funding - \$30,000 (1 of 2 readings)

Background

The City of Charlottesville, through Parks and Recreation, has received approval for a reimbursement of up to \$30,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children 18 and under attending our drop-in afterschool programs through their Child and Adult Care Food Program.

Discussion

Charlottesville Parks and Recreation will operate an afterschool meals program for 36 weeks, during the regular school year. There are currently 3 locations: Greenstone on 5th, South First Street, and Westhaven Community Centers that serve children 18 years and under. The reimbursement will cover the costs of a nutritious dinner at these locations, which also have an educational/enrichment component. Dinner will be served from 4:30pm - 6:30 pm at the various community centers. Most of the children served receive free or reduced meals during the school year. Over 200 children will be served each week during the school year. The dinners are purchased through the City of Charlottesville School Food Service. The Parks and Recreation Department pays the bills to the City of Charlottesville Food Service and is then reimbursed by the Virginia Department of Education Special Nutrition Programs.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with Council's vision -To be a place where everyone thrives and it contributes to the Strategic Plan - Recreation, Art Culturey. Children will receive a nutritious dinner, hopefully replacing a meal that did not exist or providing a healthier balanced option for them.

Community Engagement

N/A

Budgetary Impact

There is no impact to the General Fund. The funds will be appropriated, expensed, and reimbursed to a Grants Fund. There is no required local match for this program.

Recommendation

Staff recommends approval and appropriation of funds.

Alternatives

N/A

Attachments

1. Resolution VDE Special Nutrition \$30,000

**RESOLUTION Appropriating
Virginia Department of Education Special Nutrition Program
Child and Adult Care Food Program funds - \$30,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$30,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

WHEREAS, the grant award covers the period from period October 1, 2023 through September 30, 2024;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$30,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

Revenue – \$ 30,000

Fund: 209 Internal Order: 1900539 G/L Account: 430120

Expenditures - \$30,000

Fund: 209 Internal Order: 1900539 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$30,000 from the Virginia Department of Education Special Nutrition Program.

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



Agenda Date:	November 6, 2023
Action Required:	Approval of Street Acceptance Resolution
Presenter:	Jack Dawson, City Engineer
Staff Contacts:	Jack Dawson, City Engineer
Title:	Resolution accepting Paynes Mill Road into the City street system

Background

Southern Stone, LLC, submitted a major subdivision for Paynes Mill, located off the western side of Hartman's Mill RD as shown on the attached plat. Paynes Mill site plans were originally approved on July 25, 2018. The final site as-built plan was approved on October 10, 2023. The proposed street infrastructure improvements have been completed and the developer has requested that those new portions of street right of way, referred to in the attached final plat sheets 4-6 of 8, be accepted for inclusion in the City Street system. At this time, all work required to be completed for road acceptance is done to the satisfaction of all reviewing City Departments.

Discussion

The Paynes Mill development was approved with the requirement that all new streets be built to the city's standards and satisfaction. These streets would be extended from existing city street system with the intent to become a public street.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

None

Budgetary Impact

The Paynes Mill project has resulted in additional property taxes for the City. The City will incur costs to maintain this public street. These include plowing snow, trash collection, and eventual resurfacing. While snow plowing could begin in the near future, other maintenance is projected to be several years off.

Recommendation

Staff recommends these road improvements be accepted into the City street system as shown on the attached plat sheets 4-6 of 8.

Alternatives

Attachments

1. Paynes Mill Plat_Aproved
2. Paynes Mill Acceptance Resolution

NOTES:

1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON.
2. OWNER OF RECORD: SOUTHERN STONE, LLC
3. SOURCE OF TITLE FOR TMP 26-34, TMP 26-35 AND TMP 26-116: INSTRUMENT NUMBER 2018:2014.
SOURCE OF TITLE FOR TMP 26-116.1: INSTRUMENT NUMBER 2018:2015.
3. THE AREA SHOWN HEREON IS LOCATED IN ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN AS SHOWN ON FEMA MAP NO 51003C0288D, EFFECTIVE DATE FEBRUARY 4, 2005. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS, NO ELEVATION STUDY HAS BEEN PERFORMED AS A PORTION OF THIS PROJECT.
4. PROPERTY IS ZONED R1-S, SETBACKS PER CITY OF CHARLOTTESVILLE ZONING CODE SEC. 34-353 AS FOLLOWS:
 - FRONT - 25' MIN.
 - SIDE - SFD: 5 FEET, MIN., CORNER STREET SIDE 20', NON-RES: 50 FEET, MIN.
 - REAR -RES: 25 FEET, MIN., NON-RES: 50 FEET, MIN
5. BOUNDARY DATA SHOWN IS TAKEN FROM AN ALTA SURVEY PREPARED BY DOMINION ENGINEERING AND DESIGN, LLC DATED DECEMBER 1, 2016..
6. PROPOSED USE IS SINGLE FAMILY RESIDENTIAL.
7. ALL NEW PROPERTY CORNERS WILL BE MONUMENTED WITH IRON PINS UNLESS NOTED OTHERWISE.
8. EASEMENTS LABELED AS "PUBLIC UTILITY EASEMENT" ARE PUBLIC AND SHALL BE MAINTAINED BY AND DEDICATED TO THE CITY OF CHARLOTTESVILLE FOR PUBLIC USE.
9. DRAINAGE EASEMENTS LABELED AS "PRIVATE" ARE TO BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION TO BE NAMED AT A LATER DATE.
10. STORM WATER MANAGEMENT EASEMENTS ARE PRIVATE AND SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION TO BE NAMED AT A LATER DATE.
11. EACH PARCEL CREATED BY THIS SUBDIVISION PLAT CONTAINS A BUILDING SITE THAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTESVILLE'S ZONING, WATER PROTECTION AND SUBDIVISION ORDINANCES.
12. THE BASE SURVEY MAPPING, LAYOUT, AND DESIGN SHOWN HEREON, EXCEPT AS NOTED IN THE REVISIONS BLOCK, WAS PERFORMED BY DOMINION ENGINEERING & DESIGN, LLC.

AREA SUMMARY:

ORIGINAL TMP 26-34	2.387 AC
ORIGINAL TMP 26-35	0.308 AC
ORIGINAL TMP 26-116	1.899 AC
ORIGINAL TMP 26-116.1	2.540 AC
TOTAL	7.134 AC
NEW RESIDENTIAL LOTS	5.957 AC
PARCEL A	0.320 AC
PUBLIC RIGHT-OF-WAY	0.857 AC
TOTAL	7.134 AC

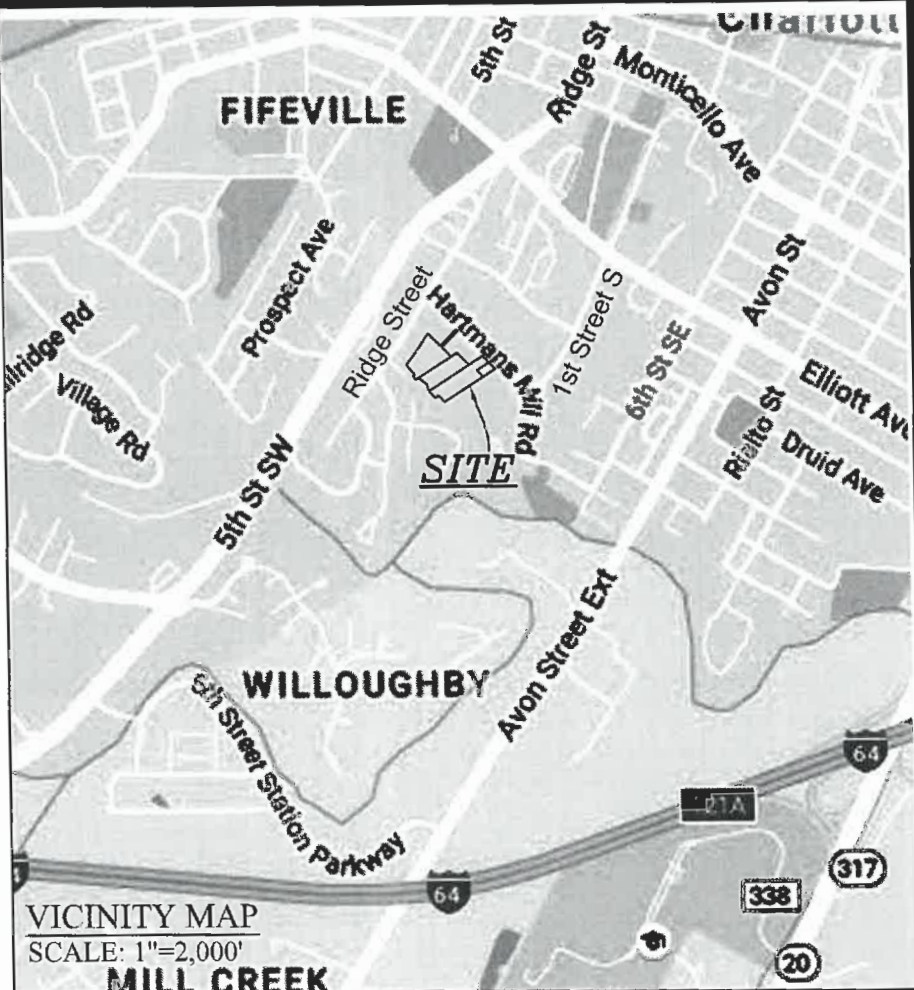
ROUDABUSH, GALE, & ASSOCIATES, INC.

ENGINEERS, SURVEYORS & LAND PLANNERS

A PROFESSIONAL CORPORATION SERVING VIRGINIA SINCE 1966



914 MONTICELLO ROAD
CHARLOTTESVILLE, VA 22902
PHONE 434-977-0205



OWNER'S APPROVAL

THE DIVISION OF THE LAND DESCRIBED IS WITH THE FREE CONSENT OF AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER, TRUSTEES, OR PROPRIETORS. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED AS THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

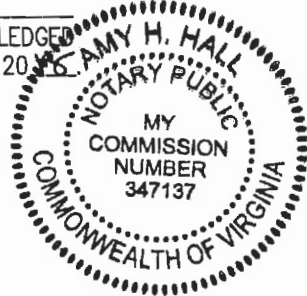
SOUTHERN STONE, LLC
170 SOUTH PANTOPS DRIVE
CHARLOTTESVILLE, VA 22911

COMMONWEALTH OF VIRGINIA -
CITY/COUNTY OF: Albemarle
TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS 27th DAY OF June 2018

[Signature]
SIGNATURE OF NOTARY PUBLIC

REG. NO.: 347137

MY COMMISSION EXPIRES: 9/30/2020



APPROVED FOR RECORDATION

[Signature] DATE 6/29/18
CITY SUBDIVISION AGENT, OR AUTHORIZED DESIGNEE

[Signature] DATE 7/3/18
CHAIR, CITY PLANNING COMMISSION

SHEET INFO.

COVER SHEET

PROJECT INFO.

TAX MAP 26 PARCELS 34, 35, 116 & 116.1
PAYNES MILL SUBDIVISION
CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 08-21-2017

REVISION: 05-01-2018
SURVEY FIRM CHANGE

DRAWN BY: BRV

SHEET: 1 OF 8

PROJECT NO: 16.0005

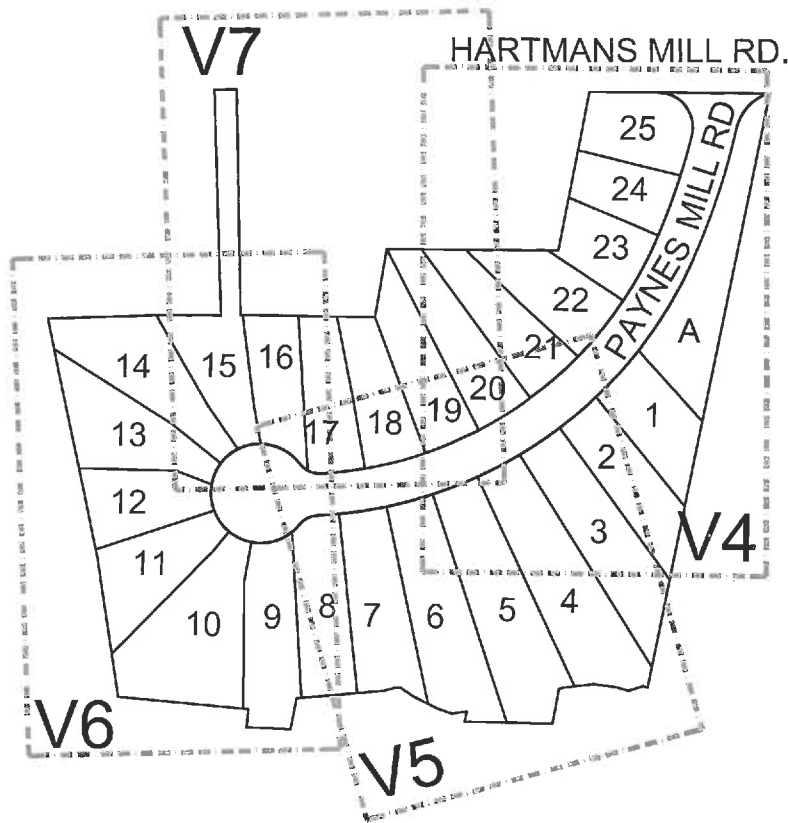
REVISION: 06-22-2018
CITY COMMENTS WITH REVISIONS

CHECKED BY: BDJ

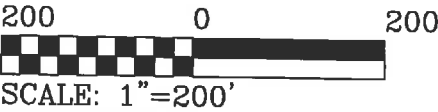
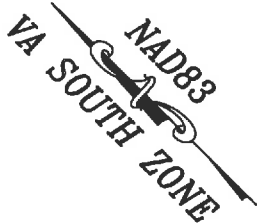
V1

ADJOINING PARCEL INFORMATION

- A. TMP 25-96 - N/F MELVIN A. GRADY, DB 1103 PG 727
- B. TMP 26-26 - N/F JOANNE PUGHSLEY, WB 48 PG 785
- C. TMP 26-27 - N/F DAVID J. DORT, DB 1180 PG 406
- D. TMP 26-28 - N/F DEVIN J & MEGAN M DONOVAN, DB 2013 PG 4234
- E. TMP 26-29 - N/F DORIS T. HOWARD, DB 2014 PG 3672, PLAT DB 134 PG 77
- F. TMP 26-30 - N/F MARY BROOKS ALEXANDER ET AL, DB 824 PG 708
- G. TMP 26-31 - N/F SULA D. WHITE, DB 740 PG 36
- H. TMP 26-32 - N/F RICHARD L. JONES, DB 389 PG 744
- I. TMP 26-33 - N/F ROSELLE H. LOUDERBACK, DB 2013 PG 1508, PLAT DB 436 PG 353
- J. TMP 26-36 - N/F HOWARD G. & LINDA M. CAREY, DB 643 PG 411, PLAT DB 351 PG 106, PLAT DB 66 PG 254
- K. TMP 26-38 - N/F WILLIAM HUNT III & JOCELYN JOHNSON, DB 1037 PG 351, PLAT DB 598 PG 223, PLAT DB 607 PG 667, PLAT DB 351 PG 106
- L. TMP 26-46.3 - N/F BENJAMIN VALE TRUDEL & KRISTEN N. YESTER, DB 2015 PG 3963, PLAT DB 630 PG 566
- M. TMP 26-46.2 - N/F WAYNE J. & WANDA F. CABELL, DB 660 PG 31, PLAT DB 630 PG 566
- N. TMP 26-46.1 - N/F MARIA T. DIAZ ET AL, DB 1185 PG 262, PLAT DB 581 PG 773
- O. TMP 26-46 - N/F REMONA A. HUGHES, DB 822 PG 790, PLAT DB 581 PG 773
- P. TMP 26-118 - N/F TONI L. MC NEIL, DB 682 PG 701, PLAT DB 398 PG 408
- Q. TMP 25-107 - N/F EDWARD L. & AYUKO C. WHITE, DB 889 PG 836, PLAT DB 84 PG 199
- R. TMP 25-106 - N/F SARAH M. HANDLEY, DB 2013 PG 74
- S. TMP 25-105 - N/F THOMAS H. & DANIEL F. ANDERSON, DB 2015 PG 2426
- T. TMP 25-104 - N/F ANDRE A. LEWIS, DB 601 PG 477, PLAT 371 PG 257
- U. TMP 25-102 - N/F HENREY H. & VERLEASE J. BELL, DB 263 PG 502, PLAT 263 PG 504
- V. TMP 25-101 - N/F DELWIN W. & BIANCA N. WASHINGTON, DB 2009 PG 2498, PLAT 449 PG 366

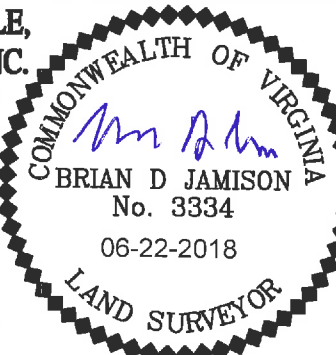


SHEET KEY
SCALE: 1" = 200'

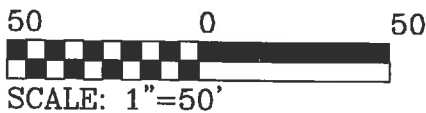


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SHEET INFO.			
ADJOINER INFO & SHEET KEY			
PROJECT INFO.			
TAX MAP 26 PARCELS 34, 35, 116 & 116.1			
PAYNES MILL SUBDIVISION			
CITY OF CHARLOTTESVILLE, VIRGINIA			
DATE:	REVISION:	DRAWN BY:	SHEET:
08-21-2017	05-01-2018	BRV	V2
PROJECT NO:	SURVEY FIRM CHANGE	CHECKED BY:	
16.0005	06-22-2018	BDJ	
	CITY COMMENTS-UTIL ESMTS.		2 OF 8



HARTMAN'S MILL ROAD

30' R/W

S44°14'54"E
0.68'

20' ACCESS EASEMENT
DB 593 PG 154
HEREBY VACATED

LOT 25
7,920 SF

LOT 24
6,081 SF

LOT 23
6,369 SF

LOT 22
8,380 SF

LOT 21
8,804 SF

LOT 20
9,483 SF

LOT 19
9,182 SF

PARCEL A
13,948 SF

'PARCEL A' IS
A PRIVATE
STORM & SWM
MAINTENANCE
EASEMENT
(HATCHED)

LOT 1
8,279 SF

LOT 2
9,141 SF

LOT 3
12,979 SF

LOT 4
16,864 SF

VARIABLE WIDTH
PRIVATE STORM &
SWM MAINTENANCE
EASEMENT

ROUDABUSH, GALE,
& ASSOCIATES, INC.
ENGINEERS, SURVEYORS
& LAND PLANNERS

A PROFESSIONAL
CORPORATION
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914 MONTICELLO ROAD
CHARLOTTESVILLE, VA 22902
PHONE 434-977-0205



COMMONWEALTH OF VIRGINIA
BRIAN D JAMISON
No. 3334
06-22-2018
LAND SURVEYOR

SHEET INFO.

LOT DIVISION & EASEMENTS

PROJECT INFO.

TAX MAP 26 PARCELS 34, 35, 116 & 116.1
PAYNES MILL SUBDIVISION
CITY OF CHARLOTTESVILLE, VIRGINIA

DATE:
08-21-2017

REVISION: 05-01-2018
SURVEY FIRM CHANGE

DRAWN BY:
BRV

SHEET:

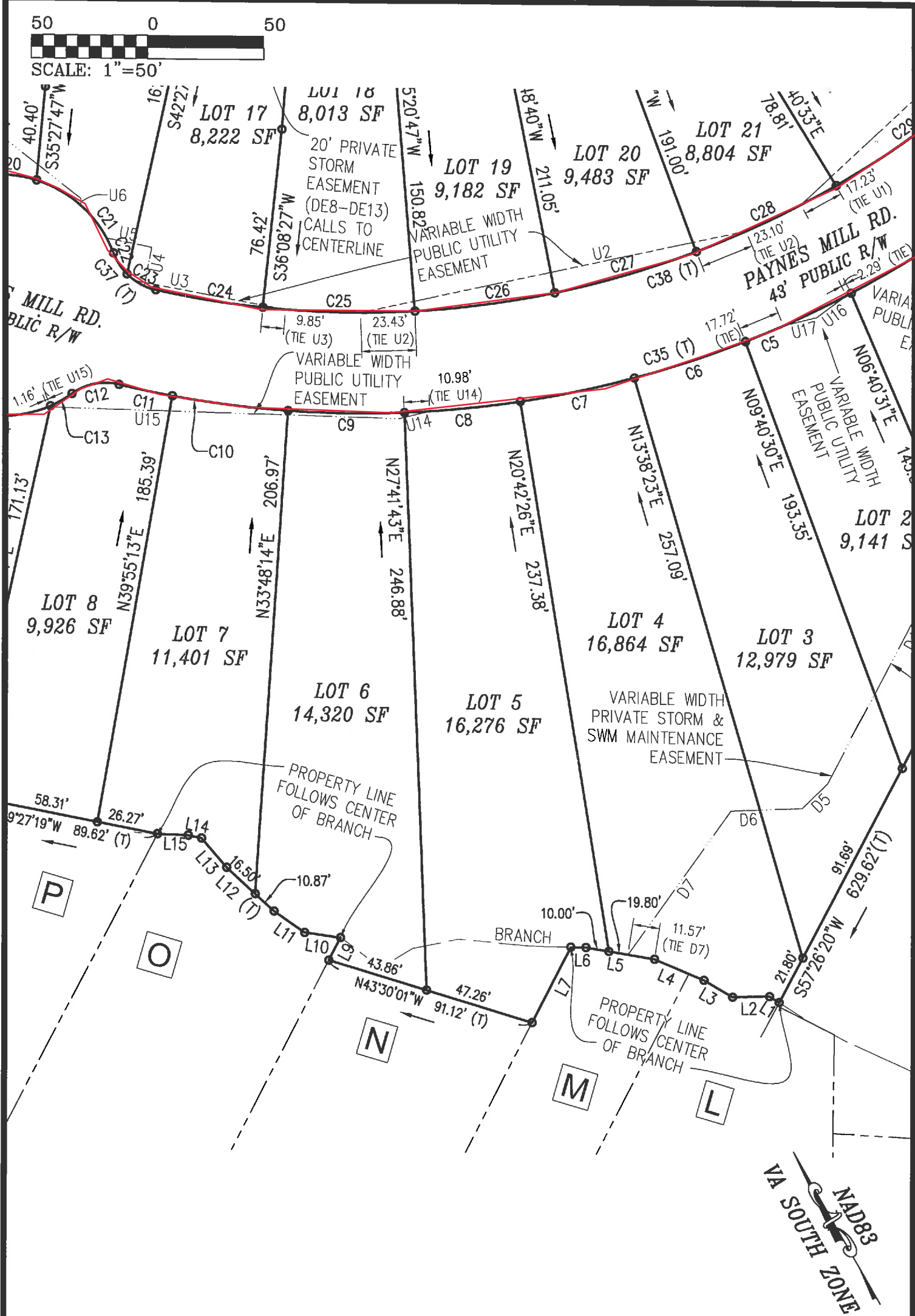
PROJECT NO:
16.0005

REVISION: 06-22-2018
CITY COMMENTS-UTIL ESMTS.

CHECKED BY:
BDJ

4 OF 8

V4

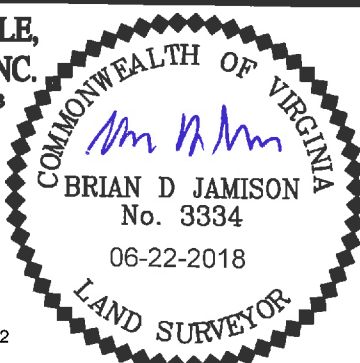


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LOT DIVISION & EASEMENTS

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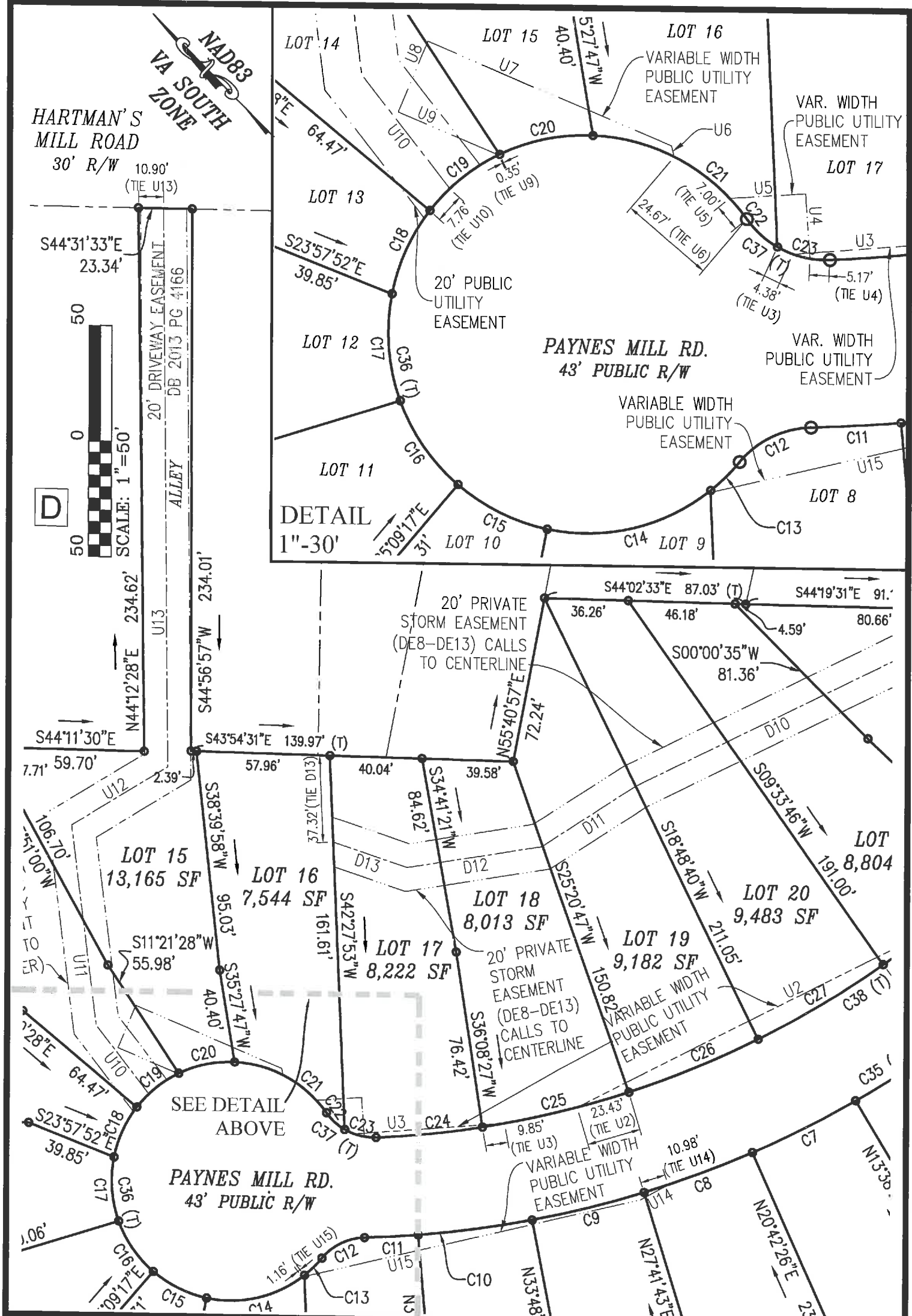
PROJECT NO:
16.0005

REVISION: 06-22-2018
CITY COMMENTS-UTIL ESMTS

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5 OF 8

V5



ROUDABUSH, GALE, & ASSOCIATES, INC.
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 PHONE 434-977-0205

COMMONWEALTH OF VIRGINIA
 BRIAN D. JAMISON
 No. 3334
 06-22-2018
 LAND SURVEYOR

SHEET INFO.

LOT DIVISION & EASEMENTS

PROJECT INFO.

TAX MAP 26 PARCELS 34, 35, 116 & 116.1

PAYNES MILL SUBDIVISION

CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 08-21-2017

REVISION: 05-01-2018

DRAWN BY: BRV

SHEET: V7

PROJECT NO: 16.0005

REVISION: 06-22-2018

CHECKED BY: BDJ

CITY COMMENTS-UTIL ESMTS

7 OF 8

PVT. DRAINAGE EASEMENTS		
Line	Direction	Length
D1	S 24°49'51" W	50.78'
D2	S 63°53'15" W	42.21'
D3	S 48°54'34" W	16.91'
D4	S 57°26'20" W	124.29'
D5	S 75°25'27" W	15.05'
D6	N 62°53'10" W	30.54'
D7	S 65°28'53" W	75.71'
D8	N 12°28'17" W	76.72'
D9	N 61°54'33" W	21.61'
D10	N 71°40'34" W	133.45'
D11	N 78°08'28" W	48.42'
D12	N 54°33'54" W	59.09'
D13	N 26°52'40" W	33.86'

PUB. UTILITY EASEMENTS		
Line	Direction	Length
U1	S 76°47'52" W	224.61'
U2	N 72°21'29" W	169.27'
U3	N 49°47'34" W	65.73'
U4	S 40°56'18" W	16.81'
U5	S 49°03'42" E	19.75'
U6	N 30°53'52" E	2.95'
U7	N 22°23'38" W	68.67'
U8	S 67°36'22" W	20.00'
U9	S 22°23'38" E	28.25'
U10	N 06°53'35" E	37.26'
U11	N 37°43'02" E	87.24'
U12	S 76°35'09" E	48.83'
U13	N 44°23'55" E	241.25'
U14	N 74°07'06" W	13.95'
U15	N 58°39'49" W	150.83'
U16	S 83°12'48" W	15.78'
U17	N 74°07'06" W	14.60'
U18	S 88°10'43" W	10.85'
U19	N 01°49'17" W	11.24'

BOUNDARY CURVE TABLE						
Curve	Length	Radius	Delta	Tangent	Chord	Chord Bearing
C1	52.88'	51.50'	58°49'58"	29.04'	50.59'	N 88°13'45" E
C2	143.53'	761.50'	10°47'59"	71.98'	143.32'	N 64°12'46" E
C3	110.23'	453.00'	13°56'31"	55.39'	109.96'	N 76°35'00" E
C4	65.93'	453.00'	8°20'19"	33.02'	65.87'	N 87°43'25" E
C5	49.86'	453.00'	6°18'23"	24.96'	49.83'	S 84°57'14" E
C6	50.16'	453.00'	6°20'39"	25.11'	50.13'	S 78°37'43" E
C7	50.01'	453.00'	6°19'33"	25.03'	49.99'	S 72°17'37" E
C8	50.07'	453.00'	6°20'00"	25.06'	50.05'	S 65°57'51" E
C9	50.07'	453.00'	6°19'59"	25.06'	50.04'	S 59°37'52" E
C10	50.03'	453.00'	6°19'39"	25.04'	50.00'	S 53°18'03" E
C11	23.38'	453.00'	2°57'25"	11.69'	23.38'	S 48°39'31" E
C12	21.27'	25.00'	48°44'12"	11.32'	20.63'	S 71°32'54" E
C13	10.66'	51.50'	11°51'18"	5.35'	10.64'	S 89°59'21" E
C14	45.13'	51.50'	50°12'52"	24.13'	43.70'	S 58°57'17" E
C15	26.07'	51.50'	29°00'07"	13.32'	25.79'	S 19°20'47" E
C16	26.74'	51.50'	29°44'44"	13.68'	26.44'	S 10°01'39" W
C17	28.02'	51.50'	31°10'12"	14.36'	27.67'	S 40°29'07" W
C18	23.94'	51.50'	26°37'49"	12.19'	23.72'	S 69°23'07" W
C19	23.60'	51.50'	26°15'10"	12.01'	23.39'	N 84°10'23" W
C20	25.08'	51.50'	27°54'08"	12.79'	24.83'	N 57°05'44" W
C21	46.86'	51.50'	52°07'50"	25.19'	45.26'	N 17°04'45" W
C22	10.71'	25.00'	24°32'34"	5.44'	10.63'	N 03°17'07" W
C23	14.19'	25.00'	32°31'22"	7.29'	14.00'	N 31°49'04" W
C24	46.48'	410.00'	6°29'42"	23.26'	46.45'	N 51°19'36" W
C25	65.44'	410.00'	9°08'42"	32.79'	65.37'	N 59°08'48" W
C26	60.66'	410.00'	8°28'38"	30.39'	60.61'	N 67°57'27" W
C27	63.31'	410.00'	8°50'50"	31.72'	63.25'	N 76°37'11" W
C28	66.39'	410.00'	9°16'38"	33.27'	66.31'	N 85°40'55" W
C29	75.31'	410.00'	10°31'30"	37.76'	75.21'	S 84°25'01" W
C30	68.28'	410.00'	9°32'31"	34.22'	68.20'	S 74°23'00" W
C31	8.96'	718.50'	0°42'52"	4.48'	8.96'	S 69°15'19" W
C32	66.41'	718.50'	5°17'45"	33.23'	66.39'	S 66°15'00" W
C33	42.13'	718.50'	3°21'34"	21.07'	42.12'	S 61°55'21" W
C34	65.65'	36.00'	104°29'26"	46.49'	56.93'	S 07°59'51" W
C35	499.74'	453.00'	63°12'27"	278.73'	474.78'	N 78°47'02" W
C36	256.08'	51.50'	284°54'10"	39.59'	62.77'	N 46°32'05" E
C37	24.90'	25.00'	57°03'55"	13.59'	23.88'	S 19°32'48" E
C38	445.87'	410.00'	62°18'30"	247.86'	424.22'	S 79°14'00" E
C39	117.50'	718.50'	9°22'11"	58.88'	117.37'	N 64°55'39" E

**ROUDABUSH, GALE,
& ASSOCIATES, INC.**
ENGINEERS, SURVEYORS
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SINCE 1968

914 MONTICELLO ROAD
CHARLOTTESVILLE, VA 22902
PHONE 434-977-0205



SHEET INFO.

LINE & CURVE DATA

PROJECT INFO.

TAX MAP 26 PARCELS 34, 35, 116 & 116.1
PAYNES MILL SUBDIVISION
CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 08-21-2017

REVISION: 05-01-2018
SURVEY FIRM CHANGE

DRAWN BY: BRV

SHEET:

PROJECT NO: 16.0005

REVISION: 06-22-2018
CITY COMMENTS-UTIL ESMTS

CHECKED BY: BDJ

8 OF 8

V8

RESOLUTION
Accepting Paynes Mill into the City street system for maintenance

WHEREAS, the new portions of Paynes Mill, have been completed by Southern Stone LLC, and has asked the City to accept the streets of Paynes Mill RD into the City street system;

WHEREAS, City staff has inspected those street sections of Paynes Mill RD and recommends acceptance into its street system for maintenance; now, therefore

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, on recommendation of the City Engineer, that the new street of Paynes Rd, as shown on the attached drawing, are hereby accepted into the City street system for maintenance. The subject roadway has been built to the specifications and standards required by the city approved plan.

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



Agenda Date:	November 6, 2023
Action Required:	Resolution adoption
Presenter:	Michael Thomas, Fire Chief
Staff Contacts:	Samuel Sanders, Jr., City Manager Michael Thomas, Fire Chief
Title:	Resolution to Approve Mutual Aid Agreement for Fire and Rescue Services Between the City of Charlottesville and Albemarle County

Background

In May 2000, the City of Charlottesville and Albemarle County entered into an agreement to provide fire and emergency response services to certain areas within Albemarle County. The primary objective of the agreement was to ensure uninterrupted and dependable fire protection while the County developed its own fire rescue system to effectively meet current and future public safety requirements. Initially, the agreement had a duration of ten years. Subsequent agreements and amendments were entered into by the City and County, with the most recent agreement running from June 2018 through June 2023. The City's support over the course of these agreements contributed to the County's ability to plan and open the Ivy Fire Rescue Station and a 24/7 paramedic-level ambulance and fire engine at its Pantops Fire Rescue Station. The long-standing fire services agreement having ended on June 30, 2023, the Departments sought to establish a new agreement to govern their collaboration so that they may continue to provide the highest level of fire and rescue services to the citizens of the City and County.

Discussion

With the goal of enhancing the well-being and quality of life for all community members through the provision of the highest level of public service consistent with the prudent use of public funds, the Charlottesville Fire Department and Albemarle County Fire Rescue entered into a new mutual aid agreement. The agreement represents a transition to a more reciprocal partnership, where both Departments are committed to providing service support without direct financial reimbursement. The mutual aid agreement establishes the terms under which fire and rescue assistance is provided between the jurisdictions. Relevant staff, including the City and County Fire Chiefs and their respective legal departments, have reviewed and approved the agreement.

Alignment with City Council's Vision and Strategic Plan

This agreement aligns with Council's strategic outcome areas of Public Safety and Partnerships. **Public Safety:** Charlottesville provides comprehensive, trusted public safety services and treats everyone with respect and dignity. **Partnerships:** Charlottesville creates avenues for meaningful

collaborations with partners and key stakeholders, such as the County, UVA, and nonprofits, to magnify positive community outcomes.

Community Engagement

n/a

Budgetary Impact

The approval of the proposed mutual aid agreement is being presumed during the formation of the Fiscal Year 2025 (FY 25) budget. The FY 24 Albemarle County Fire Rescue operating budget included funding for the final payment for services provided by the City of Charlottesville under the previous fire services agreement. The budget impact of these agreement changes was captured as part of Albemarle County's Fire Rescue multi-year financial and staffing plan. During the prior three fiscal years, under the prior City/County fire and emergency services contract, the average contribution to the City was \$219,000. For FY25, this will now be zero on the revenue side of the fire department's cost center.

Recommendation

Staff recommends that Council adopt the attached Resolution to approve the mutual aid agreement for fire and rescue services between the City and Albemarle County, and to authorize the City Manager to execute the agreement as approved as to substance and form by the City Attorney.

Alternatives

Attachments

1. Resolution_To Approve City-County Mutual Aid Agreement 9.25.23
2. Mutual Aid Agreement_Fire EMS City-County 2023

RESOLUTION

Approving and Authorizing Execution of Mutual Aid Agreement Between The City of Charlottesville Fire Department and the Albemarle County Department of Fire Rescue

WHEREAS, the Charlottesville City Council finds it is in the best interest of the City of Charlottesville (“City”) to enter into a Mutual Aid Agreement (“Agreement”) with the County of Albemarle (“County”) to govern the continued rendering of assistance between the City and County of firefighting and emergency response services to preserve public safety and to prevent the loss of life and property within our respective communities; and

WHEREAS, the Agreement has been fully endorsed by the City’s Fire Department and the County’s Department of Fire Rescue, approved as to form by the City and County Attorneys, and signed by the City Manager and County Executive;

BE IT RESOLVED, the Charlottesville City Council hereby approves the Mutual Aid Agreement, and authorizes the City Manager to execute the Agreement on behalf of the City of Charlottesville.



STEVEN L. ROSENBERG
COUNTY ATTORNEY

ANDREW H. HERRICK
DEPUTY COUNTY ATTORNEY

COUNTY OF ALBEMARLE
Office of County Attorney
401 McIntire Road, Suite 325
Charlottesville, Virginia 22902-4579
PHONE: (434) 972-4067
FAX: (434) 972-4068

RICHARD A. DELORIA
AMANDA E. B. FARLEY
ANTHONY R. BESSETTE
JILLIAN D. CURFMAN
SR ASSISTANT COUNTY ATTORNEYS
LAUREN E. BOHDAN
ASSISTANT COUNTY ATTORNEY

13 September 2023



Jacob P. Stroman
City Attorney, City of Charlottesville
605 East Main Street
Charlottesville, VA 22902

VIA POST

Re: Mutual Aid Agreement, Fire and EMS

Dear Mr. Stroman:

Please find enclosed the original Mutual Aid Agreement between the City and the County for firefighting and emergency medical services. The Albemarle County Board of Supervisors approved this Agreement on 6 September 2023 and authorized County Executive Jeffrey B. Richardson to sign, as he has done. I have also included a certified resolution of that Board action for your convenience.

I understood from your 25 August 2023 letter that you will present this Agreement to your Council. If the City Council approves the Agreement, please provide a copy of their action at your convenience.

Thank you for your assistance. We appreciate your good work on this Agreement.

Very truly yours,

Amanda E. B. Farley
Senior Assistant County Attorney

ENCLOSURES

MUTUAL AID AGREEMENT
between
CITY OF CHARLOTTESVILLE
and
COUNTY OF ALBEMARLE

THIS MUTUAL AID AGREEMENT (“Agreement”) is entered into this ____ day of _____, 2023, by the City of Charlottesville, Virginia, a municipal corporation and body politic, and the County of Albemarle, Virginia, a political subdivision of the Commonwealth of Virginia (collectively, “the Parties”).

WHEREAS, each Party hereto maintains equipment and personnel for the response and mitigation of emergency incidents within areas under their respective jurisdictions, and

WHEREAS, the Parties hereto desire to prevent the loss of life and property by providing mutual emergency response capabilities available in their respective jurisdictions, and

WHEREAS, Virginia Code §§ 27-1, 27-2, 32.1-111.4:4, and 32.1-111.4:5 authorize local governing bodies to send and agree to send their firefighters and emergency medical services personnel beyond their territorial limits to render aid in the cases of actual or potential emergencies; and

WHEREAS, the lands comprising the Parties’ respective jurisdictions are adjacent or contiguous such that the rendering of mutual assistance between the Parties in response to emergency incidents is feasible and advisable; and

WHEREAS, it is deemed to be mutually beneficial to both parties to enter into this Agreement to memorialize their willingness and ability to render assistance to preserve public safety and to prevent the loss of life and property within their respective communities, and

WHEREAS, the respective jurisdictions will benefit from such mutual aid regarding the provision of firefighting and emergency medical services by the Parties; and

WHEREAS, the Parties desire that the terms and conditions of provision of services be established.

NOW, THEREFORE, for and in consideration of the mutual benefits to be derived by the Parties from this Agreement, the Parties agree to the following:

1. A Battalion Chief or a designee of a Fire Department of either Party to this Agreement may request assistance under the terms of this Agreement from the other Party's Fire Department whenever such request is deemed necessary.
2. The Parties will endeavor to provide each other firefighting and emergency medical services, along with disaster response assistance, to include use of available emergency shelters, within their respective capabilities available at the time a request for service is made.
3. The requesting and rendering of mutual aid assistance between the Parties under the terms of this Agreement shall be accomplished in accordance with the Memorandum of Understanding (MOU), to be entered into by the City and County fire and rescue Chiefs and which, upon execution, shall be incorporated herein. The MOU will provide additional information as to the mutual understanding of the parties regarding the provision of mutual aid services between the Parties.
4. The Parties agree that the Deputy Chiefs of Operations or designee of each Party's Fire Department shall work together to implement such plans and procedures and to amend such procedures from time to time as operational necessity requires to achieve the purposes of this Agreement.
5. Nothing in this Agreement shall be intended, interpreted, or construed to compel or require either Party to respond to a request for service from the other Party when the services of the Party to whom the request is being made are already needed or are in use at the time the request is made, nor shall any such request compel or require the Party to whom the request was made to continue to provide mutual aid services to the other Party when its resources are needed to meet its own responsibilities.
6. The rendering of assistance under the terms and conditions of this Agreement shall not be mandatory. The Party receiving a request for assistance shall endeavor to immediately inform the requesting Party whether the requested assistance can or cannot be provided. If such services can be provided, the receiving Party shall inform the requesting Party of the nature and quantity of assistance available to be dispatched.

7. Neither Party shall hold the other Party liable or at fault for failing to respond to any request for assistance or for a failure to respond in a timely manner or for a failure to respond with the optimum equipment or personnel, it being the understanding of the Parties that the Parties are primarily and ultimately responsible for the provision of fire suppression and other emergency response services needed in their respective jurisdictions. Nothing in this Agreement shall be construed to require either Party to provide automatic aid to the other Party except to the extent such automatic aid is expressly enumerated in the Operational Plan Memorandum attached and incorporated herein.
8. If services are provided pursuant to this Agreement, the acts performed for such purpose by such firefighters and/or emergency medical services personnel and the expenditures made for such purpose by the County or City shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by the County or City when acting through its firefighters and/or emergency medical services personnel for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent as when the County or City is so acting, under this Agreement or under other lawful authority, beyond its territorial limits.
9. Neither Party shall be liable to the other for any loss, damage, personal injury, or death, including claims of contribution or indemnity, resulting from the provision of mutual aid services pursuant to this Agreement, including but not limited to acts or omissions which occur (1) during joint emergency response activities or (2) while in transit to or from an emergency response scene.
10. The firefighters and/or emergency medical services personnel of the County or City, when acting pursuant to this Agreement or under other lawful authority, beyond the territorial limits of the County or City, shall have all the immunities from liability and exemptions from laws, ordinances, and regulations, and shall have all of the pension, relief, disability, workers' compensation, and other benefits, enjoyed by them while performing their respective duties within the territorial limits of their respective localities.

11. Each Party shall be responsible for its own personnel, including expenses related to salary, benefits, and workers' compensation and other claims. When a Party responds to a request for assistance pursuant to this Agreement, its personnel shall not become employees of the Party making such request for purposes of the Workers' Compensation Act, or for any other purpose.
12. The Parties agree that it is their shared intention to provide mutual aid services in a manner that is fair and balanced and not disproportionately burdensome to either Party. Accordingly:
 - (1) Neither Party shall be obligated to reimburse the other Party for costs incurred in the provision of mutual aid services requested and provided between the Parties; and
 - (2) Approximately six (6) months following the effective date of this Agreement, the Parties shall meet and confer to review data regarding the provision of mutual aid services between the Parties during the preceding six (6) month period; and
 - (3) If, upon review of the relevant data, it is determined by the Parties that the provision of mutual aid services during the preceding six (6) month period was disproportionately burdensome, the Parties agree to endeavor in good faith to adjust the terms and procedures described in the MOU; and
 - (4) Approximately one year following the effective date of this Agreement, the Parties shall meet and confer to review data regarding the provision of mutual aid services between the Parties during the preceding year, including the initial six (6) month period. If it is determined by the Parties that the provision of mutual aid services was disproportionately burdensome, the Parties agree to endeavor in good faith to adjust the terms and procedures described in the MOU to arrive at a more balanced outcome.
13. Notwithstanding anything to the contrary contained in this Agreement, nothing in this Agreement is intended or shall be construed to require either Party to indemnify or save or hold harmless the other Party, including its officers, agents, and

employees, from any liability for any act or omission occurring during or in connection with the performance of this Agreement.

14. Nothing contained in this Agreement shall confer any right upon any person other than the Parties to this Agreement. This Agreement is entered into solely for the benefit of the Parties named in this Agreement.
15. This Agreement supersedes any previous mutual aid agreements or contracts for the provision of firefighting and emergency medical services between the Parties.
16. This Agreement shall be in effect until terminated and may be terminated at any time by either Party by giving thirty (30) days' written notice to the other Party.
17. The Agreement may be amended in writing, signed by an authorized representative of each Party, at any time. If amended, this Agreement shall remain valid in its entirety except as to, and consistent with, those portions that are affected by the amendment.
18. This Agreement is for use by the Parties to address the occasional need for additional resources, including personnel and equipment. In the event of a local or other emergency declared pursuant to applicable laws, including Title 44 of the Virginia Code, procedures shall be used which conform to requirements of those laws and related regulations and funding requirements.
19. Any legal notice required by this Agreement shall be deemed effective if given by receipted mail or delivery service, to the names and at the addresses given below, provided that change of address shall be effective if given in accordance with this paragraph.


City of Charlottesville: City Manager
Charlottesville City
605 E Main Street
Charlottesville, Virginia 22902
(434) 970-3101; Fax (434) 970-3890

County of Albemarle: County Executive
Albemarle County
401 McIntire Road
Charlottesville, Virginia 22902
(434) 296-5841; Fax (434) 296-5800

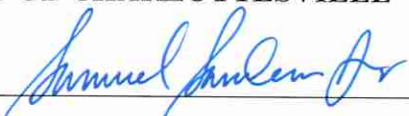
The signatures of the authorized representatives of the Parties are set out below in acknowledgement of this Agreement.

CITY OF CHARLOTTESVILLE

Approved as to form:



City Attorney

By:  (SEAL)

Name: Samuel Sanders Jr
Title: City Manager

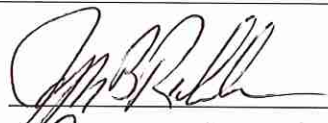
COUNTY OF ALBEMARLE

Approved as to form:



~~Sr. Asst.~~ County Attorney

By: _____ (SEAL)

Name:  Jeffrey B. Richardson
Title: County Executive

**RESOLUTION TO APPROVE THE ALBEMARLE COUNTY
FIRE AND RESCUE
MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE
AND THE CITY OF CHARLOTTESVILLE**

WHEREAS, the Board finds it is in the best interest of the County of Albemarle to enter into a Mutual Aid Agreement with the City of Charlottesville to continue the fire and rescue assistance provided between the County of Albemarle and the City of Charlottesville.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Mutual Aid Agreement between the County of Albemarle and the City of Charlottesville and authorizes the County Executive to execute the Agreement on behalf of the County once it is approved as to form and substance by the County Attorney.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of five to zero, as recorded below, at a regular meeting held on September 6, 2023.


Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Andrews	<u>Y</u>	___
Mr. Gallaway	<u>Y</u>	___
Ms. LaPisto-Kirtley	<u>Y</u>	___
Ms. Mallek	<u>Y</u>	___
Ms. McKeel	<u>Absent</u>	___
Ms. Price	<u>Y</u>	___



City Manager's Report

*Offices of the City Manager
Elected & Appointed Officials*

UPDATES FROM CITY MANAGER SAMUEL SANDERS, JR.

- KEY ACTIVITIES
 - Attended and spoke during Fry's Springs Oktoberfest on Sunday, October 21st – spoke to the group about a series of community priorities, along with CPD and CFD
 - Attended Active Shooter Training event hosted by the City of Charlottesville Emergency Management Team
 - Attended Mayors & Chairs/CAOs Meeting hosted by TJPDC to review regional matters and priorities.
- GOOD NEWS!
 - Attended MicroCAT Launch event at Sentara Martha Jefferson on Monday, October 30th to signify the new public transportation service available to county residents in Pantops and North 29 areas – service will connect to the existing CAT network and will be fare-free for now
- CITY MANAGER'S TRANSITION
 - I will present an update of the City Manager's Work Plan during the November 20th Council Meeting; this will be a first-quarter progress report with details on successes.
 - I met with the iTeam – an internal work group with the priority of focusing on innovation, efficiency improvements, and priorities of the city manager for the workforce.
 - Reviewing candidates for the Deputy City manager for Administration with interviews to be conducted in November.

UPDATES FROM DEPUTY CITY MANAGER ASHLEY MARSHALL

- ADA TRANSITION PLAN UPDATE
 - The Office of Equity and Inclusion would like to continue to ask members of the community to take part in our ADA Transition Plan process by completing two surveys that were launched: the ADA TP Community Engagement survey will take approximately 10 minutes to complete, and the ADA TP Abbreviated Survey can be completed in two minutes. Please use the links below to take the survey today!
 - ADA TP Community Engagement Survey:
<https://www.surveyhero.com/c/cvilleADATPSurvey>
 - ADA TP Abbreviated Survey:
<https://www.surveyhero.com/c/CvilleADATPShort>
- CONGRATULATIONS
 - The Office of Equity and Inclusion would like to congratulate Ms. Kamisha Spencer of the Department of Human Services for her graduation from the Virginia Women Municipal Leaders Institute. The Institute was created as only 17% of top local government-appointed chief administrative officials are held by women. Ms. Spencer is the first woman from the City of Charlottesville to be accepted into this prestigious program. More information on her accomplishments can be found at: <https://www.charlottesville.gov/civicalerts.aspx?AID=1596>
- SMITH AQUATICS CENTER LAP AND RECREATION POOL CLOSURES
 - Parks and Recreation would like to remind the community that due to lifeguard shortages the Lap & Recreation Pool at Smith will be closed on the following days/times:
 - Mondays from 10:00 AM to 3:30 PM
 - Tuesdays from 10:00 AM to 3:30 PM
 - Wednesdays from 10:00 AM to 3:30 PM
 - Thursdays from 10:00 AM to 4:30 PM

Please note that the upstairs fitness areas hours remain open as scheduled. Please call 434-970-3072 for more information or visit our website at: <https://www.charlottesville.gov/605/Smith-Aquatic-Fitness-Center>

UPDATES FROM INTERIM DEPUTY CITY MANAGER STEVEN HICKS

- LEAF COLLECTION (October 30th – February 2, 2024)
 - Public Works started leaf collection on Monday, October 30th, and will provide three collections per zone ending on February 2nd, 2024. For City residents who opt not to use the curbside loose leaf collection service, a leaf drop-off location is available on Saturdays, 10 am-3 pm during Leaf Season (October 31st - January 28th). Please note drop-off leaf services will not be provided on December 24th and December 31st.
 - To get more information regarding leaf collection for your street, sign up by texting your address to 434-771-0251 for reminders

CITY MANAGER'S OFFICE UPDATES

- Office of the City Manager – Executive Assistant Terry Bentley (she/her)

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

- Office of Budget and Management – Director Krisy Hammill (she/her)

The Office will provide an update in subsequent reports.

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

The Office will provide an update in subsequent reports.

- Office of Community Solutions –Director Alex Ikefuna (he/him)

HOME ARP Allocation: This is a one-time HOME fund allocation by HUD to the City of Charlottesville/TJPDC Consortium in the amount of \$2.45 million. The city's share of the fund is approximately \$347,404. On August 21, 2023, the City Council, at the recommendation of the Planning Commission and CDBG Taskforce approved allocations of \$67,361.00 to the Community Services Housing (CSH) to leverage other funds for the preservation and critical renovation of 27 affordable rental units, and \$280,043.92 to the Piedmont Housing Alliance (PHA) for the creation of 4 affordable rental units with affordability period of up to 99 years at 1025 Park Street Redevelopment project.

Recruitment Update: Welcome to our new staff members Madelyn Metzler, Housing Compliance, and Alan Peura, Grants Analyst.

Property Acquisition: Staff is coordinating with the Parks and Recreation Department for the acquisition of 410 Lynchburg Road for the purpose of increasing community green space, and community trails, and additionally providing community garden space for the International Rescue Committee (IRC) nonprofit.

CAHF Notice of Fund Availability: The Charlottesville Affordable Housing Fund (CAHF) Notice of Fund Availability was published on October 12, to solicit potential interests for the use of the fund. The application process will close on November 16, 2023. This fund is used for the creation and preservation of affordable housing.

Kindlewood Neighborhood Update (formerly Friendship Court): Phase I of the four-phased project is nearing completion (106 units). The agreement for the Phase II project (also 106 units) has been completed and is currently being reviewed by PHA. Once the agreement is finalized, PHA plans to begin site preparation in readiness for Phase II construction activities.

- Office of Economic Development – Director Chris Engel (he/him)
Community Business Update: Recently concern was raised about the status of Reid’s Grocery on Preston Avenue. The Office of Economic Development conducted a business visitation which revealed that the store is adjusting to post-pandemic buying habits resulting in a temporary reduction in product availability and has no plans to cease operations at this time.
EV Charging Stations: Did you know that the City of Charlottesville has approximately 100 public charging stations? The City recognized the importance of this technology and added two EVgo fast charging stations to the 2nd floor of the Water Street Parking Garage in 2019. The stations are being used almost daily by both hourly and monthly parkers. In the past year over 700 hours of charge time were logged providing 25,000 kWh of energy to vehicles. If you are in the area and need a safe and convenient place to charge your electric vehicle, please visit the charging stations at the Water Street Parking Garage.
Support to Small Business Owners- Customized Workforce Solutions: For small business owners, growing pains can be a blessing and a curse. OED’s Customized Workforce Solutions program is designed to meet small businesses where they are and assist them with the skills, knowledge, and resources needed to make expansion a smooth and successful transition. It’s tailored to your individual business needs, and is part of the GO HIRE initiative, providing access to financial assistance if you qualify. Whether you are looking to increase your workforce, offer training, evaluate your staffing needs, or just need help planning for your future, OED can help. To learn more, please contact the Office of Economic Development.
- Emergency Management – Coordinator Jeremy Evans (he/him)
Over 30 local emergency management professionals attended a 3-day active shooter incident management training coordinated by the City of Charlottesville Emergency management Coordinator. The training was conducted by C3 Pathways, a national trainer on the Department of Homeland Security’s approved emergency preparedness program. The training event featured full-scale scenarios using real world interaction and 3D simulation to help participants appreciate a possible incident.
- Office of Human Rights – Director Todd Niemeier (he/him)
The Office of Human Rights is in the process of hiring an Investigator (In Training). The position advertisement closed on October 18, 2023. Interviews will conclude on October 31, 2023.

HUMAN RIGHTS COMMISSION: On October 19, 2023, the Human Rights Commission submitted a letter of recommendation to City Council in support of the proposed zoning code. The Commission welcomes communication from City Council regarding this letter. The Human Rights Commission currently has one vacant unexpired term and three terms that will expire on February 28, 2024. Councilors are encouraged to review the Human Rights Commissioner Service Description on the Human Rights webpage or contact Office staff for information regarding the scope of expectations for Commissioner service.

- Office of Equity and Inclusion – Deputy City Manager Ashley Reynolds Marshall (She/Her)

- Americans with Disability Act (ADA)– ADA Coordinator Paul Rudacille (He/Him)

The ADA Transition Plan continues to move forward. Currently, the consulting team is working to conduct a thorough review of all city-owned parks that will assess the current state of accessibility, identify areas that require improvement, and outline a strategic plan for enhancements. Further, evaluation of city-owned buildings continues to be conducted to ensure that all residents, regardless of their abilities, can access and benefit from these spaces. The Transition Plan team will also work with the ADA Coordinator and the Deputy City Manager for Racial Equity, Diversity, and Inclusion to apply an equity lens to the data collection and decision-making process, specifically looking at the right-of-way data that has been collected and considering equity as a guiding principle for that analysis. Using an equity lens focus will also allow the process to identify other disparities in accessibility within the city and work to allocate resources and prioritize projects to foster inclusivity. The team also wishes to continue to remind the community that two surveys remain open for participation: (1) ADA TP Community Engagement Survey: <https://www.surveymonkey.com/c/cvilleADATPSurvey>; and (2) ADA TP Abbreviated Survey: <https://www.surveymonkey.com/c/CvilleADATPShort>

- The City of Charlottesville’s ADA Coordinator can be reached by email at ada@charlottesville.gov or by phone at 434-970-3182. In addition, information is on our website about the ADA grievance procedures and our ADA complaint procedures at <https://charlottesville.org/274/Americans-with-Disabilities-Act-ADA-Coor>.

- Home to Hope Program – Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)

The Home to Hope team was present at several community events including the Uhuru Keys To Love Open House on September 29th and the UVA Career & Community Fair on October 25th. Several staff members also participated in a team building retreat with the Downtown Job Center and the Office of Human Rights to strengthen connections for those teams engaging in direct service for our community.

- The Home to Hope program is free for community members reentering society after “time served.” For assistance, please email Home to Hope at hometohope@charlottesville.org, call them at 434-970-3601, visit their office on the Pedestrian Mall at 507 E. Main Street, or you can fill out an intake form online at: <https://www.surveymonkey.com/r/HometoHopeIntake>

- Downtown Job Center – Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)

The Downtown Job Center participated in several community events including the Uhuru Keys To Love Open House event on September 29th, City of Promise DreamBuilders Program Community Partner Orientation on October 2nd at the Brooks Family YMCA, the UVA Pipelines & Pathways HOOS Greeting Graduation Ceremony, and the UVA Career & Community Fair on October 25th. Mr. Fitch in a team building retreat with the Downtown Job Center and the Office of Human Rights to strengthen connections for those teams engaging in direct service for our community.

- The City of Charlottesville Downtown Job Center is now located on the Pedestrian Mall at 507 E. Main Street. Assistance is free of charge to anyone who visits the center. For more information, please call them at 434-970-3933 or visit Tuesday-

Thursday from 9:30 to 4:30 pm. Mondays and Wednesdays are by appointment.

- Police Civilian Oversight Board – Executive Director Inez Gonzales (She/Her)

The Executive Director for the PCO served as a guest speaker at UVA's Frank Batten School of Leadership and Public Policy – Police Community Relations Class (Professor Brian N. Williams) and for Hispanic Heritage Month for UVA's Women in Policy at UVA at the Frank Batten School of Leadership and Public Policy. She also participated in the inaugural Charlottesville Area Justice Coalition meeting where community discussion was held on how to best enhance the effectiveness of organizations and individuals working on criminal justice issues in the Charlottesville area, through collaboration and mutual support. She continues to engage with the Board and the City Attorney's Office to continue the creation of Standard Operating Procedures to comply with the ordinance.

Oversight Activities: The Executive Director and the Board have reviewed body-worn camera footage and internal affairs investigations associated with a review request that has been pending since July 2022. The Executive Director also is meeting with CPD to discuss how they can continuously improve on their internal administrative investigation processes.

APPOINTEES AND ELECTED OFFICIAL UPDATES

- Circuit Court – Honorable Llezelle Dugger, Clerk of Circuit Court (she/her)
No update at this time
- Commissioner of the Revenue – Commissioner Todd Divers (he/him)
Personal Property Supplement: The Personal Property office completed a supplement for tax years 2020-2023 in early October. Those bills are due on December 5th at the same time that 2nd half regular bills are due.
Rental Relief and CHAP 2024: Rental Relief and CHAP applications for 2024 have all been audited and recipients notified. Grants will go out in December.
Business License and Business Tangible Personal Property: The Business Tax office is preparing an annual mailing to go out in December. This is a large mailing that encompasses renewals for Business Licenses and Business Tangible Personal Property filings for tax year 2025. We are encouraging business taxpayers to take advantage of the online business tax portal to accomplish these things: www.charlottesville.gov/Online-Business-Portal.
- Finance Office – Director Chris Cullinan (he/him)
No update at this time
- Treasurer's Office - Treasurer Jason Vandever (he/him)
The Treasurer's Office is currently working on producing and mailing second-half tax bills. Taxpayers should receive their personal property and real estate tax bills the first week of November. Additionally, grant awards for the Charlottesville Homeowner Assistance Program (CHAP) have been processed, and qualifying homeowners should receive a grant check this week if the grant amount exceeds their second-half tax installment.
- Sheriff's Office – Sheriff James Brown (he/him)
No update at this time
- Office of Voter Registration and Elections – Registrar Taylor Yowell (she/her)
No update at this time



Parks and Recreation Master Plan

The Team



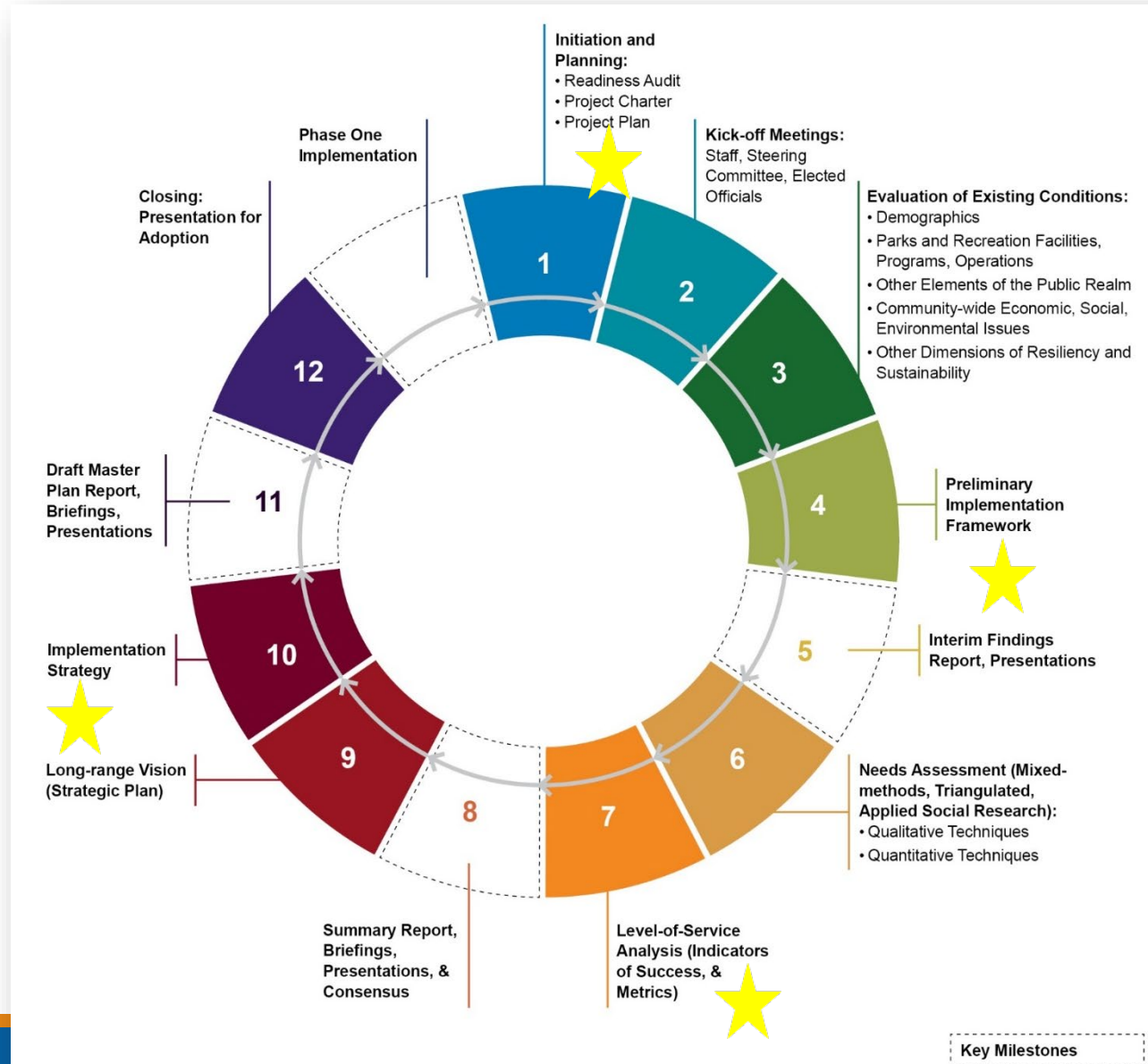


- National, full-service management consulting and planning firm specializing in government
- Offices in Indianapolis, Dallas and Phoenix
- Working all over the US including **specifically in Virginia** for the last 28 years
- Over 400 master plans successfully implemented and driven over \$5 billion worth of capital investment
- **2005 Charlottesville Parks and Recreation Needs Assessment – *Repositioned for Success!***

Full-service Consulting Practice

- Master Planning
- Strategic Planning
- Community Needs Assessment
- Operations, Maintenance and Organizational Development
- Financial Planning and Management
- Feasibility Studies and Business Planning
- Revenue & Partnership Development
- Land Use and Sustainable Practices

New Approach to Master Planning Process



Park Assessments

- Parks – Evaluated through Landscape Design/Public Interface Lenses

Amenities + Functionality

Access + Connectivity

Adjacent trails or trailheads, street crossings, sidewalks, park circulation, signage, general accessibility

Experience + Sense of Safety

Visibility/ sightlines, active use, lighting, evidence of misuse, ease of navigation, road adjacency, any physical hazards, edges of slopes, experience of environment

Environmental + Additional Notes





Community Engagement



**SUMMER
POP UPS**



**WALKING
AUDIT
TO
UNDERSTAND
KEY PARKS**



**MEETING
IN A BOX**



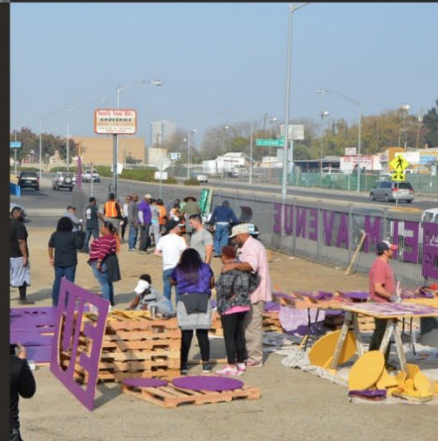
**STUDENT
ENGAGEMENT**



**PARKS AND
OPEN SPACE
TOURS**



**STAKEHOLDER
ROUNDTABLE**



**TESTING AND
MAKING
PROTOTYPES**



Social Pinpoint Website

CHARLOTTESVILLE
parks & recreation

Your Parks, Your Future



Charlottesville Parks and Recreation Master Plan

<https://engagepros.mysocialpinpoint.com/Charlottesville>

Public and Leadership Engagement/Advocacy Strategy

- **Meeting Series #1** – Overview of project and processes to achieve successful, sustainable implementation
- **Meeting Series #2** – Present Key Public Needs Assessment Findings
- **Meeting Series #3** – Present Key Technical findings
- **Meeting Series #4** – Present Recommendations and Implementation Plan
- **Meeting Series #5** – Present Final Plan for Adoption



Ensuring Diversity is Heard

Underrepresented Populations - Variables

- **Social Vulnerability Index (SVI)**
 - ❖ Race/Ethnicity
 - ❖ Poverty
 - ❖ Language Barriers
 - ❖ Health/Disability
 - ❖ Educational Attainment
 - ❖ Other



CDC Social Vulnerability Index Map



Level of Vulnerability

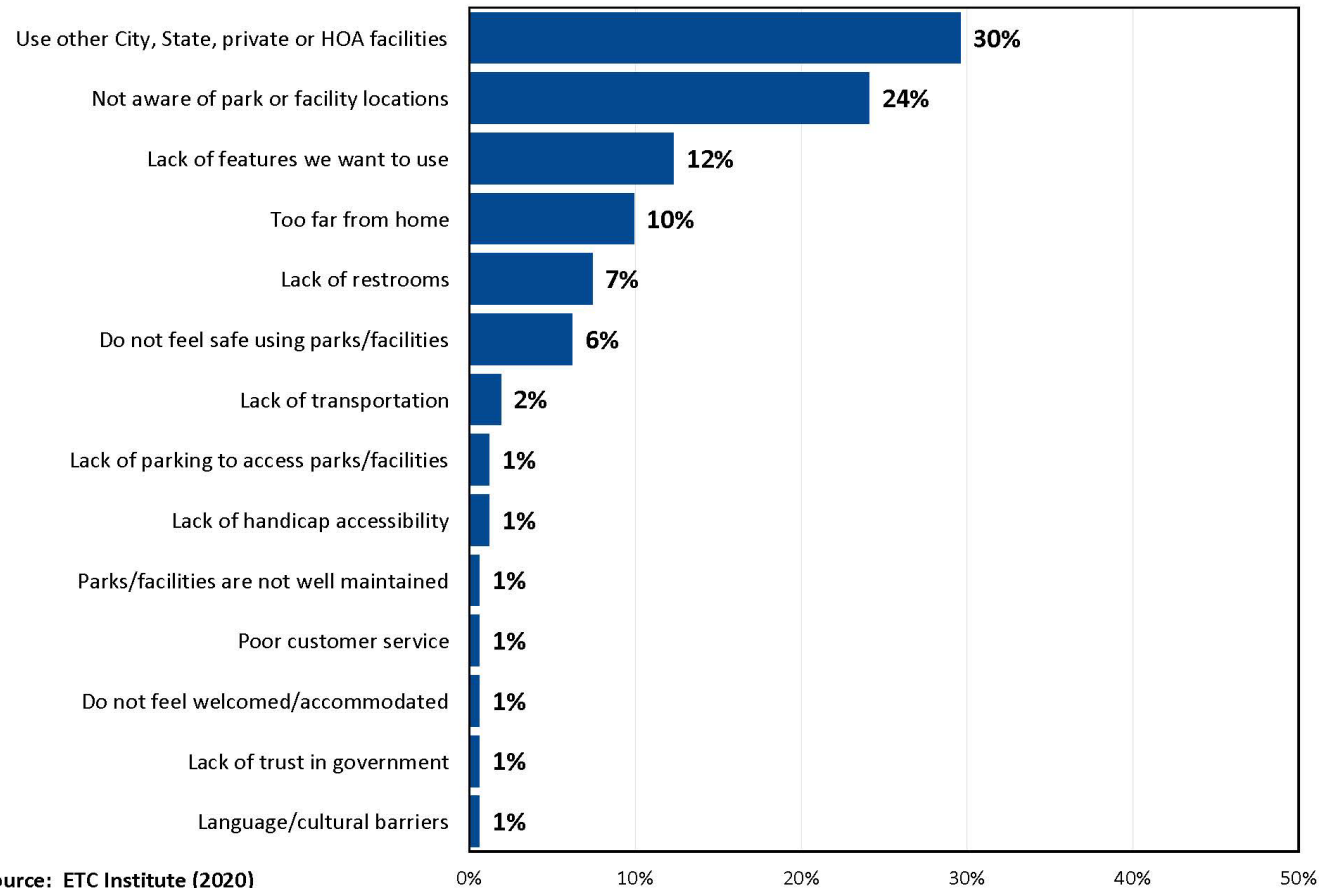
Low-Medium

Medium-High

High

Q1c. If your household has NOT visited any PRCS parks and/or facilities during the past 12 months, please CHECK ALL of the following reasons you have NOT visited.

by percentage of respondents who did not visit parks/facilities (multiple choices could be made)



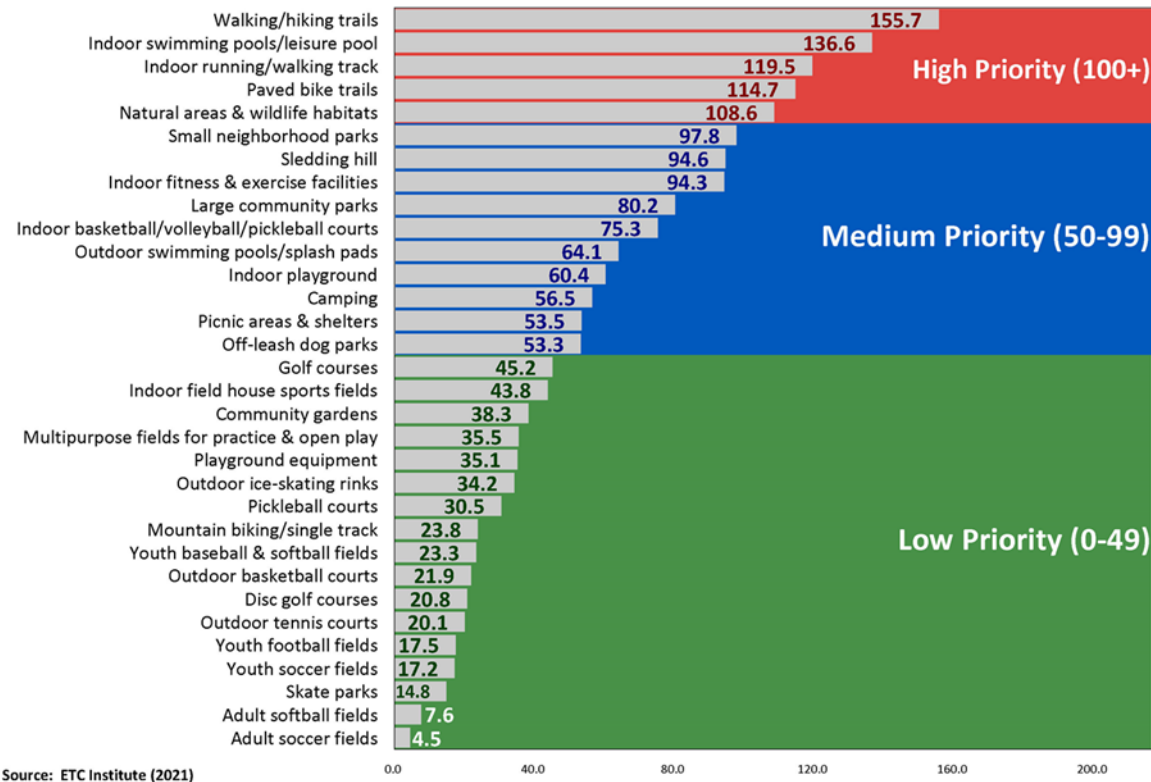
Source: ETC Institute (2020)

Statistically-Valid Survey

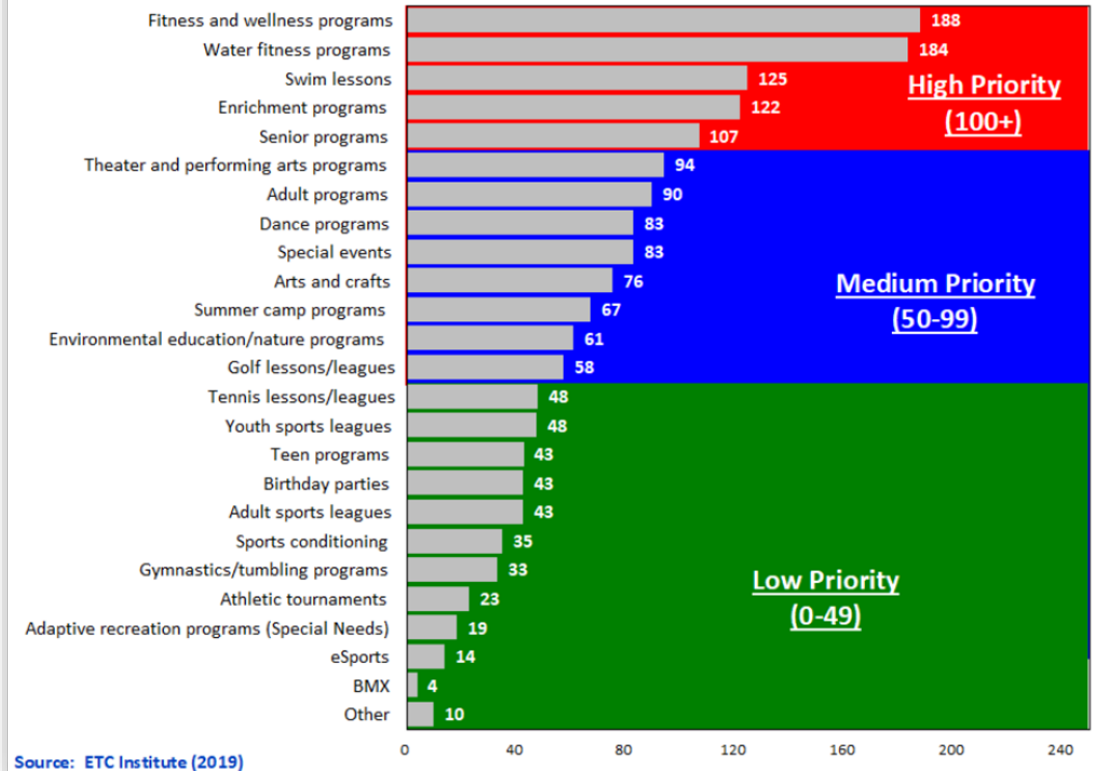
Produced in English, Spanish and other languages

Prioritized Community Needs

Top Priorities for Investment for Parks and Recreation Facilities
Based on the Priority Investment Rating (PIR)



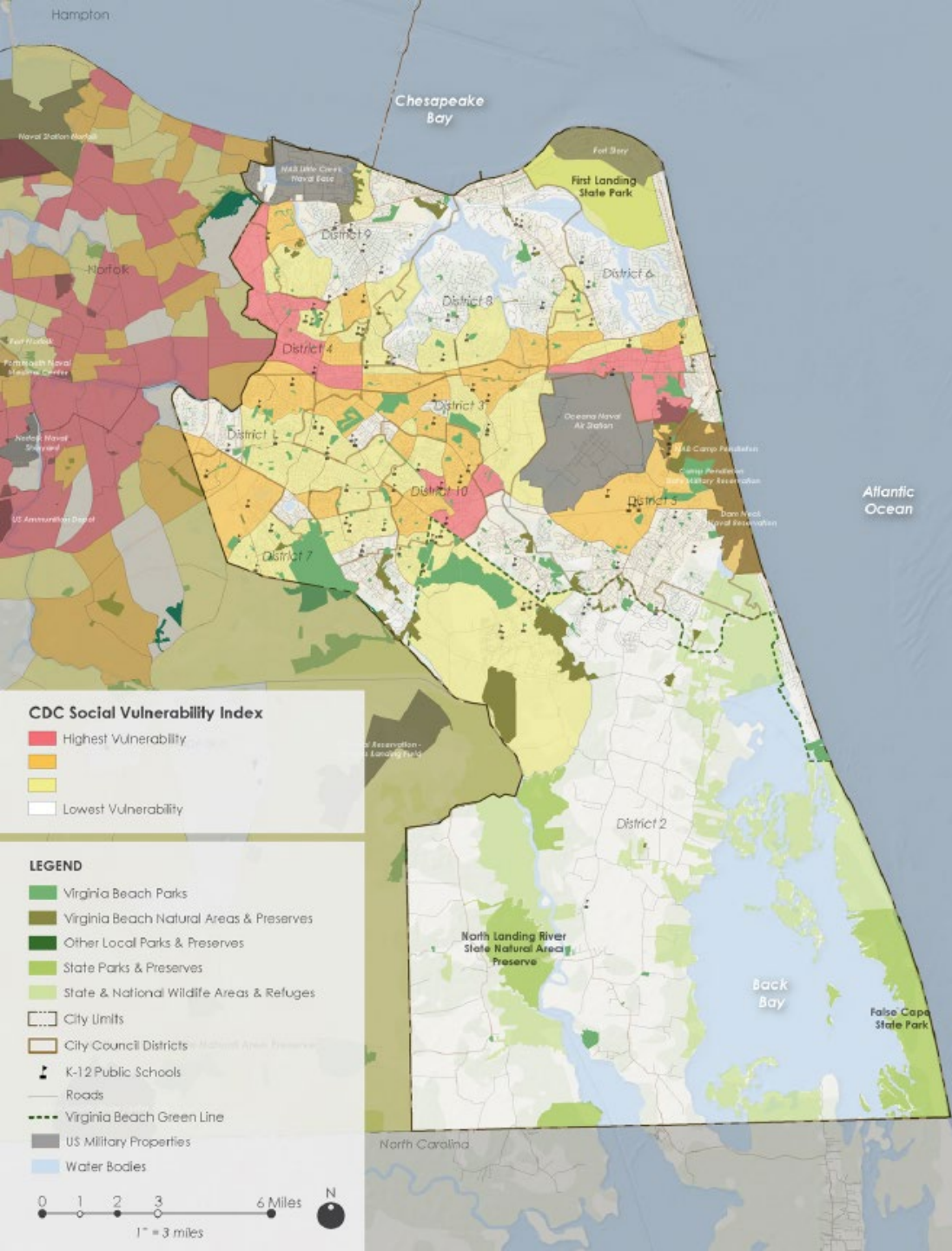
Top Priorities for Investment for Recreation Programs
Based on the Priority Investment Rating



Level of Service

- Approach to developing equitable level of service provisions.

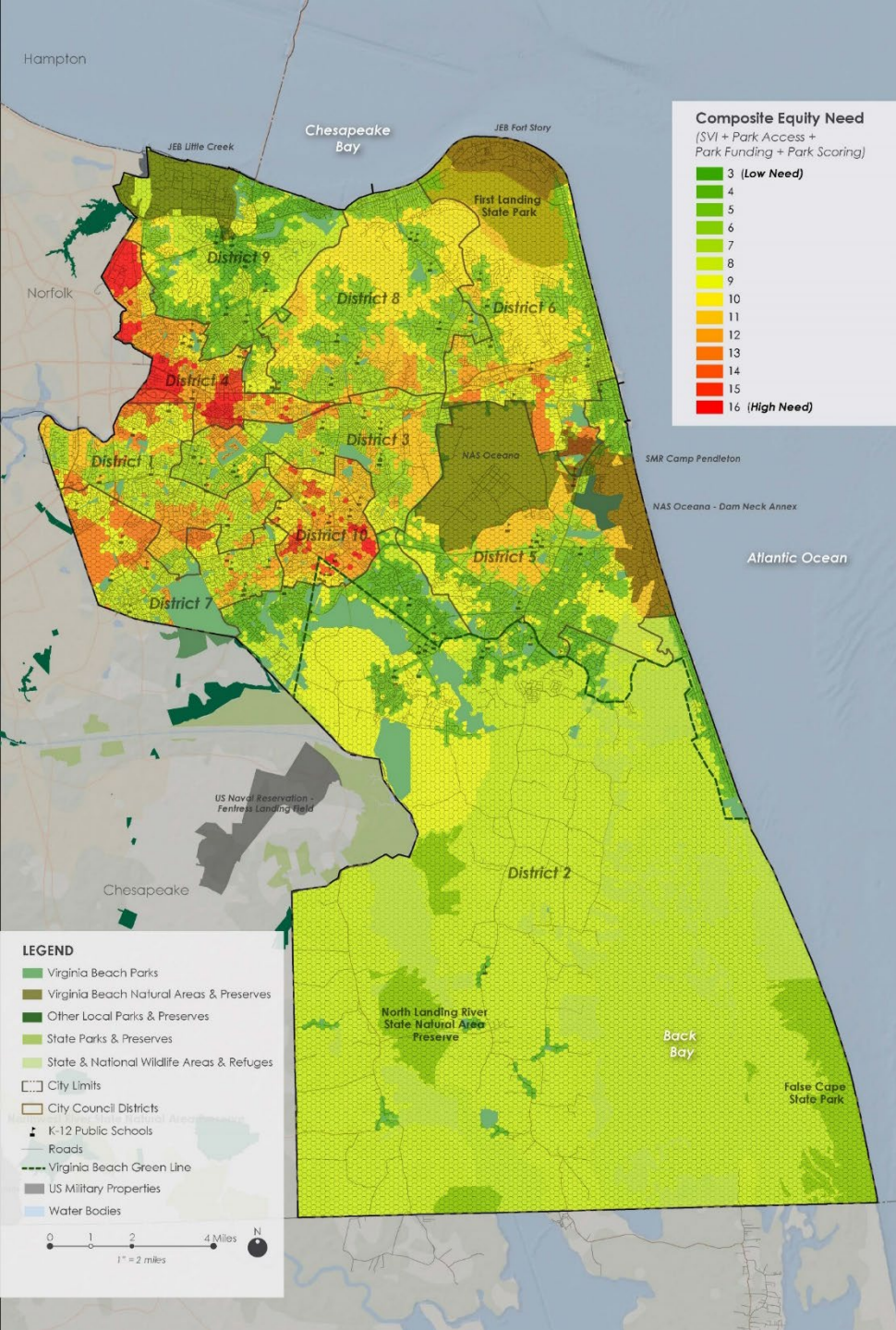




Equity Mapping:

CDC Social Vulnerability

Virginia Beach



Equity Mapping:

Composite Map

Virginia Beach

Programming and Service Equity Assessment

- Methods planned to perform the level of service analysis of recreation programming.



MacMillan Matrix: Prioritization Lens

MacMillan Matrix		High Program Attractiveness: "Easy" Program		Low Program Attractiveness: "Difficult" Program	
		High Alternative Coverage	Low Alternative Coverage	High Alternative Coverage	Low Alternative Coverage
Good Fit With Mission and Abilities	Strong Competitive Position	Compete Aggressively Fitness & Wellness Youth Sports Adult Sports	Grow Aggressively Cultural Performances Outdoor Recreation Outdoor Water Recreation Outdoor Programming in Parks	Support the Best Competitor Family or Multi-Age Group Programs Before and After School Programs Social Service Programs	"Soul of the Agency" Therapeutic Recreation Senior Programs (60+) Virtual Programs
	Weak Competitive Position	Divest Aggressively N/A	Build Strength or Get Out Outdoor Events Historical Programs Nature Programs	Divest Systematically N/A	Work Collaboratively Enrichment Programs Arts & Crafts STEAM Programs Aquatic Programs
Poor Fit With Mission and Abilities		Divest Systematically Programs with Your Pet Community Gardening		Divest Aggressively N/A	

The result is a unique program prioritization for Charlottesville.

Concept Plans

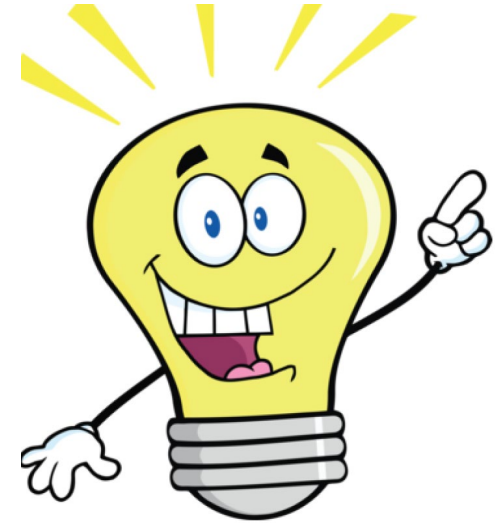


Concept Plans – Summer/Fall 2024

- **Tonsler Park**
- **Booker T. Washington Park**
- **Market Street Park**
- **Court Square Park**

What is a Concept Plan??

- High Level Idea (test fit)
- Flexible
- What COULD happen, NOT what will happen

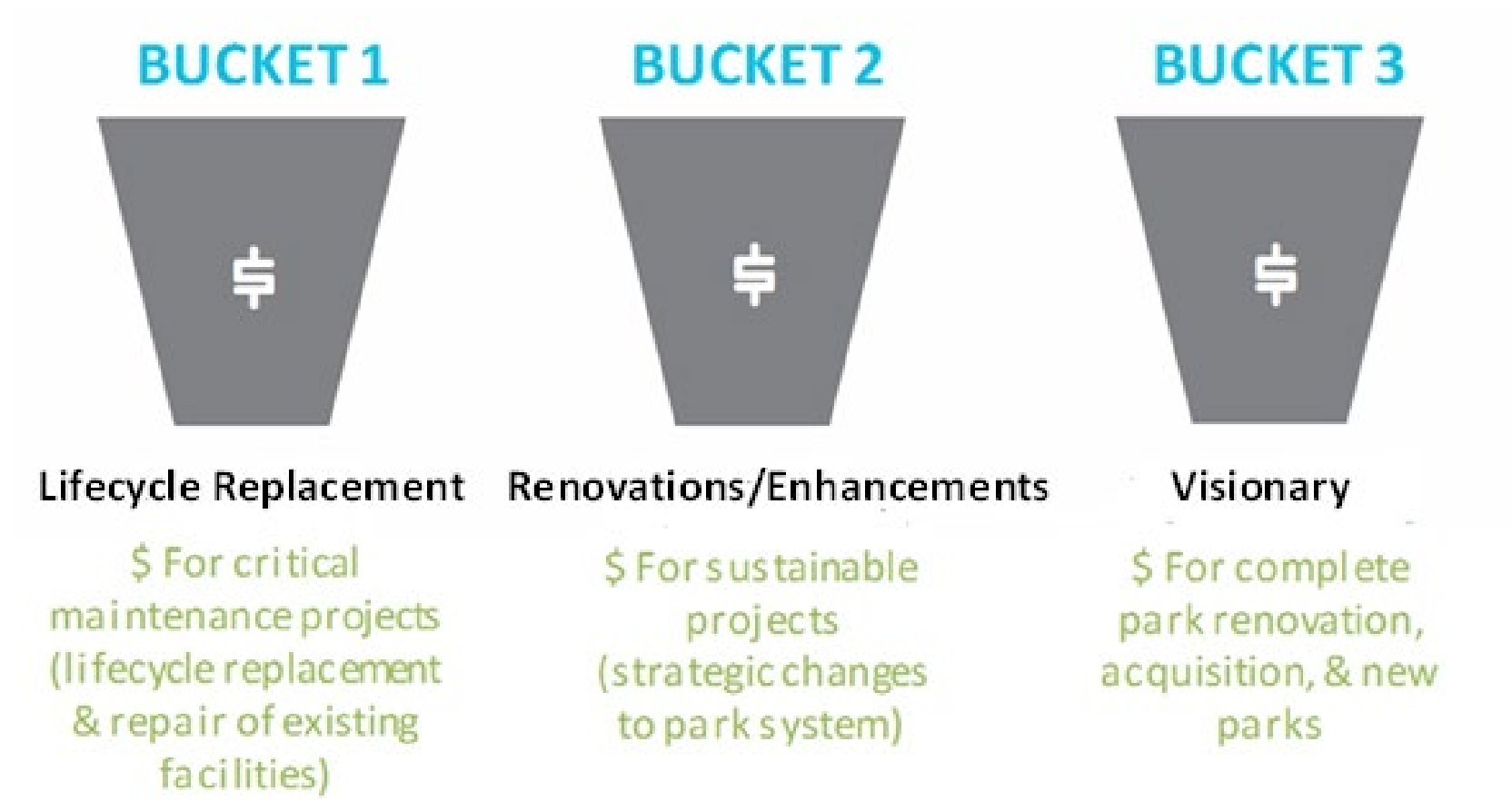


Capital Improvement Recommendations/Costs



Capital Cost Estimating “Buckets”

Understanding Cost “Buckets”

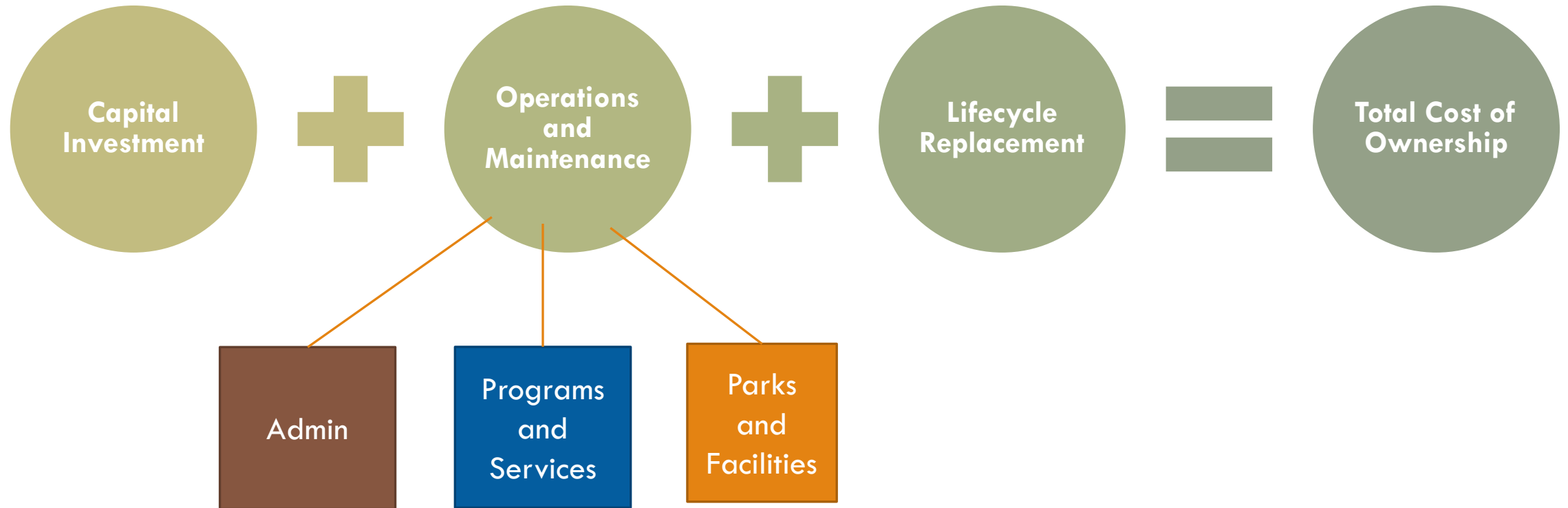


Final Plan

- Approach to keeping the final plan grounded in realistic implementation strategies.



Total Cost of Ownership



Immediate Next Steps

- **October – Parks and Recreation Advisory Board Kick-off**
- **October and November – Park Assessment Site Visits**
- **November 13th – Kickoff Meetings**
- **November 14-16th – Stakeholder and Focus Group Meetings**
- **Tuesday November 14 @ 6pm – Community Kick-off Meeting**
 - **Carver Recreation Center**
- **December – Program and Service Assessment Kick-off**



A pair of hands is holding a white rectangular sign against a dark blue background. The sign has the word "QUESTIONS?" written in a large, bold, dark blue serif font. The hands are positioned at the bottom edge of the sign, with fingers visible on both sides.

QUESTIONS?

QUESTIONS ???

CHARLOTTESVILLE
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Your Parks, Your Future



Charlottesville Parks and Recreation Master Plan

<https://engagepros.mysocialpinpoint.com/Charlottesville>

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



Agenda Date:	November 6, 2023
Action Required:	Consideration of a Rezoning Application
Presenter:	Dannan OConnell, Planner
Staff Contacts:	Dannan OConnell, Planner
Title:	Ordinance to rezone property located at 630 Cabell Avenue

Background

Mitchell Matthews Architects (Applicant), on behalf of Neighborhood Investments-CA, LLC (Owner), has submitted an application pursuant to City Code 34-490 to rezone property located at 630 Cabell Avenue, identified in the City's land records as Tax Map and Parcel (TMP) 050155000. This property was recently expanded via a Boundary Line Adjustment to incorporate 1,200 additional square feet from a neighboring property that is zoned University Two-Family Residential (R-2U). The applicant is proposing to rezone this additional area from R-2U to Multifamily Residential (R-3), making the entire property a uniform R-3 zoning. No proffers are included with this request.

Discussion

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on October 10, 2023 on this matter. The Planning Commission and City Council had no concerns and were generally supportive of the request. The Commission voted unanimously to recommend approval of the rezoning.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 01:04:00 mark.

[Link to October 10, 2023 Public Hearing](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 6.

[Link to application, background materials and staff report.](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves this rezoning request, the project could contribute to the "Quality Housing Opportunities for All" goal of the City Vision Statement.

Community Engagement

On September 6, 2023 the applicant held a community meeting in-person at 630 Cabell Avenue from 6:00pm to 7:00pm. An NDS planner was able to attend this meeting. One member of the public

attended the meeting. No comments or concerns were raised regarding the proposed rezoning.

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on October 10, 2023 on this matter. No members of the public spoke during the hearing.

Any emails received by staff regarding this project have been forwarded to Planning Commission and City Council.

Budgetary Impact

This has no impact on the General Fund.

Recommendation

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

Suggested:

"I move to approve the ORDINANCE for application ZM23-00005 rezoning the Property located at 630 Cabell Avenue, City Tax Map Parcel 050155000 from Multifamily Residential (R-3) and Two-Family Residential, University (R-2U) to Multifamily Residential (R-3)."

Alternatives

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance granting the Rezoning as recommended by the Planning Commission;
- (2) by motion, request changes to the attached ordinance, and then approve the Rezoning;
- (3) by motion, take action to deny the Rezoning; or
- (4) by motion, defer action on the Rezoning.

Attachments

1. Draft Rezoning Ordinance for 630 Cabell Avenue

**AN ORDINANCE
APPROVING A REQUEST TO REZONE LAND FRONTING ON CABELL AVENUE
FROM MULTIFAMILY RESIDENTIAL (R-3) AND TWO-FAMILY RESIDENTIAL
UNIVERSITY (R-2U) TO MULTIFAMILY RESIDENTIAL (R-3)**

WHEREAS, Neighborhood Investments-CA, LLC is the owner (“Landowner”) of certain land fronting on Cabell Avenue, designated on the City Tax Map and Parcel (TMP) as 050155000 (the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from R-3 and R-2U to R-3, hereinafter referred to as the “Proposed Rezoning”; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission and City Council on October 10, 2023, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (ZM23-00005), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

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

Section 34-1. Zoning District Map. Rezoning the property designated on City Tax Map and Parcel (TMP) 050155000 (“Subject Property”), containing, in the aggregate approximately 0.626 acres (approximately 27,268 square feet), from Multifamily Residential (R-3) and Two-Family Residential University (R-2U) to Multifamily Residential (R-3)

and the City’s Zoning Administrator shall update the Zoning District Map to reflect this reclassification of the Subject Property.

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



Agenda Date:	November 6, 2023
Action Required:	Adopt Resolution
Presenter:	Kristel Riddervold, Environmental Sustainability Manager
Staff Contacts:	Kristel Riddervold, Environmental Sustainability Manager Emily Irvine, Climate Program Manager Jacob Stroman, City Attorney
Title:	Resolution for City of Charlottesville participation in a joint amicus brief related to the Regional Greenhouse Gas Initiative (RGGI)

Background

In 2020, through legislation passed by the General Assembly (the Clean Energy and Community Flood Preparedness Act), Virginia joined the [Regional Greenhouse Gas Initiative](#), also known as RGGI. RGGI is a cooperative, market-based effort among eleven mid-Atlantic and Northeastern states designed to reduce CO2 emissions from the power sector. The partnership generates revenue for member states by setting a cap on regional carbon emissions and selling pollution allowances to power generators. As the cap is reduced over time, so are associated emissions. Allowance auctions are held quarterly and proceeds are returned to member states, which generally fund consumer benefit programs. Since the inception of RGGI, over \$4 billion in revenue has been generated for participating states, including a total of \$730,277,115.64 in proceeds for Virginia

In Virginia, RGGI funds two important programs: The Housing Innovation Energy Efficiency (HIEE) fund and the Community Flood Preparedness Fund (CFPF). HIEE funds energy efficiency and weatherization projects for low-income Virginians. In Charlottesville, Piedmont Housing Alliance and the Charlottesville Redevelopment and Housing Authority have been awarded nearly \$10 million worth of RGGI money through the Affordable and Special Needs Housing program to renovate and build affordable homes in our region. The CFPF supports Virginia localities to prepare for the increased risk of flooding due to climate change (both sea-level rise and inland flooding.) The City of Charlottesville has been awarded \$541,561 through three separate grants from the CFPF to pursue flood resilience planning and anticipates future funding for implementation projects.

The Virginia State Air Pollution Control Board (APCB) has voted to withdraw Virginia from RGGI, thus discontinuing these revenue streams that are having such a beneficial impact in Charlottesville and communities across the commonwealth. The Southern Environmental Law Center (SELC) recently filed a lawsuit in Fairfax County Circuit Court against the APCB and Virginia Department of Environmental Quality (DEQ) on grounds that legislation cannot be undone by administrative action.

Discussion

Charlottesville's Environmental Sustainability Division (ESD) staff are active members of the Virginia Energy and Sustainability Peer Network (VESPN). Through VESPN's policy committee, ESD staff have tracked Virginia's participation in RGGI and the current actions towards withdrawal.

Virginia's participation in the Regional Greenhouse Gas Initiative is a crucial tool for decarbonizing the electricity sector. As Charlottesville is served by a sole electricity provider, the City's own emissions reduction goals are dependent upon the grid becoming less carbon intensive over time. Should Virginia withdraw from RGGI, not only will critical sources of revenue for weatherization, energy efficiency, and climate adaptation be eliminated, it will be more difficult for the City to meet our own climate goals and commitments.

Recently, there has been coordination amongst several Virginia localities who stand to be negatively impacted should Virginia withdraw from RGGI via an administrative action taken by APCB. These localities are working together to file a joint amicus brief in support of SELC's lawsuit and to communicate the negative effect it will have on local communities. An amicus brief, or "friend-of-the-court" brief, is written by individuals or groups who are not directly involved in a legal case but have additional insight to offer the court to assist in making its decision. ESD staff recommends Council authorize the City to be a signatory on a jointly filed amicus brief.

Alignment with City Council's Vision and Strategic Plan

This action is in direct alignment with the City's new Strategic Plan Framework. One of the strategic outcome areas within that framework is *Climate Action*. Participating in the joint amicus brief would be a clear demonstration of climate leadership. Additionally, this action is directly aligned with the City's 2023 Climate Action Plan. There is a specific key action in Chapter 5 that states, "*Support continuation of Virginia's participation in the Regional Greenhouse Gas Initiative (RGGI)*" (CAP, pg. 55).

Ongoing Virginia participation in RGGI and the City of Charlottesville's support thereof is in alignment with City Council's Green City Vision and the City's Comprehensive Plan: Chapter 7 (Environment, Climate, and Food Equity).

Community Engagement

There has been no community engagement around this topic specifically. However, through extensive Climate Program community engagement, we know there is broad support for climate action in the community.

Budgetary Impact

This action has no impact on the General Fund.

Recommendation

Staff recommends City Council to authorize the City Attorney to sign the joint amicus brief concerning Virginia's continued participation in the Regional Greenhouse Gas Initiative.

Suggested motion: "I move to approve the RESOLUTION for the City of Charlottesville to participate in the joint amicus brief related to the Regional Greenhouse Gas Initiative."

Alternatives

City Council could decline to participate in the joint amicus brief.

Attachments

1. RES_Charlottesville RGGI amicus brief_

**RESOLUTION SUPPORTING THE CITY OF CHARLOTTESVILLE'S
PARTICIPATION IN A JOINT AMICUS BRIEF OPPOSING VIRGINIA'S
WITHDRAWAL FROM THE REGIONAL GREENHOUSE GAS INITIATIVE**

WHEREAS the Virginia General Assembly passed legislation in 2020 through which Virginia joined the Regional Greenhouse Gas Initiative (RGGI); and

WHEREAS RGGI is a cooperative, market-based effort among eleven mid-Atlantic and Northeastern states designed to reduce CO2 emissions from the power sector; and

WHEREAS in Virginia, RGGI funds two important programs (The Housing Innovation Energy Efficiency Fund and the Community Flood Preparedness Fund) that have provided significant funding to local projects related to energy efficient low-income housing and to flood resilience planning; and

WHEREAS recognizing the importance of a clean energy future, the City of Charlottesville has consistently expressed its support for Virginia's participation in RGGI through the passing of a related Resolution in June 2015, participation in public comment opportunities in 2022 and 2023, and inclusion of a specific related action in the 2023 Climate Action Plan; and

WHEREAS the Virginia State Air Pollution Control Board (APCB) has voted to withdraw Virginia from RGGI, thus discontinuing revenue streams that are having a beneficial impact in Charlottesville and communities across the Commonwealth; and

WHEREAS the Southern Environmental Law Center (SELC) recently filed a lawsuit in Fairfax County Circuit Court against the APCB and Virginia Department of Environmental Quality (DEQ) asserting that legislation cannot be undermined by administrative action; and

WHEREAS several Virginia localities are working together to file a joint amicus brief in support of SELC's lawsuit and to communicate the negative effect it will have on local communities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the City Attorney is authorized to sign a joint amicus brief supporting the Southern Environmental Law Center's position opposing Virginia's withdrawal from the Regional Greenhouse Gas Initiative.

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



Agenda Date:	November 6, 2023
Action Required:	Approve the Resolution.
Presenter:	Samuel Sanders, Jr., City Manager, Jacob Stroman, City Attorney
Staff Contacts:	Samuel Sanders, Jr., City Manager Jacob Stroman, City Attorney
Title:	Resolution Authorizing the City Manager to Enter Into an Assignment of Contract to Acquire 23.81 Acres of Property at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street and Enter into a Mutual Release

Background

Seven Development, LLC proposed a multi-family development informally known as the proposed 0 East High Street development. The Planning Commission found that some of the public facilities were not in conformance with the Comprehensive Plan. The developer appealed that finding to the Council which affirmed the Planning Commission's determination.

Discussion

In light of the location of the property in an environmentally sensitive area, and the City's need for additional passive recreation areas, City staff entered into discussions with the developer to acquire the property for passive recreation. Seven Development assigned its contract to acquire 23.81 acres of land at 0 Caroline Avenue 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street to Riverside Multifamily, LLC. Riverside Multifamily, the City and the current owners of the properties which were subject to purchase by the developer in the event the 0 East High Street project was approved have agreed to enter into a contract pursuant to which the City will acquire title to the properties. Riverside will receive an assignment fee in exchange for relinquishing its right to acquire the properties for development. The total compensation for the transaction is \$5.9 million plus closing costs. As a part of the transaction, the City and the developer and its successor in interest will execute a mutual release of claims which will insure that there will be no claims or litigation following the acquisition of the property.

Alignment with City Council's Vision and Strategic Plan

The transaction is consistent with the City Council's goal to insure that public facilities in developments are substantially in accord with the City's Comprehensive Plan. In addition, the transaction is consistent with City Council's goal to avoid high density development in environmentally sensitive areas and to expand passive recreational opportunities for City residents.

Community Engagement

The proposed transaction would address concerns expressed at the public hearing for the Code of Virginia Sec. 15.2-2232 review.

Budgetary Impact

The cost to acquire the property is \$5.9 million. There are funds available for this purpose.

Recommendation

Approve the resolution authorizing the City Manager to enter into the Assignment of Contract and Mutual Release of Claims in a form acceptable to the City Attorney.

Alternatives

If the City Council elects not to acquire the property, there is a possibility that the property may be developed at some point in the future.

Attachments

1. Resolution Authorizing Assignment of Contract and Release of Claims.11.1.23
2. 0 East High.Assignment of Contract.11.1.23
3. 0 East High Street.Mutual Release of Claims.11.1.23

**A RESOLUTION
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ASSIGNMENT OF
CONTRACT TO ACQUIRE 23.81 ACRES OF PROPERTY LOCATED AT 0
CAROLINE AVENUE, 510 CAROLINE AVENUE, 532 CAROLINE AVENUE AND 0
EAST HIGH STREET AND TO ENTER INTO A MUTUAL RELEASE OF CLAIMS
WITH SEVEN DEVELOPMENT, LLC AND RIVERSIDE MULTIFAMILY, LLC**

WHEREAS, Seven Development LLC (“Seven”) sought to develop a multifamily project known as 0 East High Street; and

WHEREAS, that development would have encompassed properties located at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street; and

WHEREAS, Charlottesville Planning Commission conducted a Code of Virginia 15.2-2232 review and found that certain public improvements for the project were not in substantial accord with the Comprehensive Plan; and

WHEREAS, Seven appealed the Planning Commission’s determination to the City Council, and the City Council affirmed the Planning Commission’s determination; and

WHEREAS, the Property is located in an environmentally sensitive area; and

WHEREAS, the Property is suitable for passive recreational uses; and

WHEREAS, the City Council believes the acquisition of the Property for the aforementioned public purpose is in the best interests of the City; and

WHEREAS, Seven has assigned its interests to Riverside Multifamily, LLC (“Assignor” or “Riverside”) to acquire the properties from Southern Ventures, Inc., Southern Vector, Inc. and Wendell Wood (“Sellers”); and

WHEREAS, City staff has negotiated an Assignment of Contract Agreement (“Assignment”) with the above-referenced parties pursuant to which the City will acquire 23.81 acres of property at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street and addresses not yet determined (“the Property”) from the Sellers and pay an Assignment Fee to the Assignor, subject to City Council Approval; and

WHEREAS, it is in the best interests of the City to enter into a Mutual Release of Claims to resolve all issues between it and Seven, as well as its successor in interest Riverside with respect to the acquisition and the Code of Virginia Sec. 15.2-2232 review:

NOW, THEREFORE, BE IT RESOLVED that this Council authorizes the City Manager to enter into the Assignment of Contract with Assignor, Sellers and Seven in such form as approved by the City Attorney; and

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a Mutual Release of Claims with Seven and Riverside in such form as approved by the City Attorney.

	<u>Aye</u>	<u>No</u>
Payne		
Pinkston		
Snook		
Wade		
Puryear		

Approved by Council
November 6, 2023

Kyna Thomas, MMC
Clerk of Council

ASSIGNMENT OF CONTRACT

THIS ASSIGNMENT OF CONTRACT (the “Assignment” or the “Agreement”) is entered into as of the ___ day of October 2023 by and among **RIVERSIDE MULTIFAMILY LLC**, a Virginia limited liability company (hereinafter called “Assignor”); and the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal and political subdivision of the Commonwealth of Virginia (“Buyer,” “City,” or “Assignee”); and **SOUTHERN VENTURES, INC.**, a Virginia corporation, **SOUTHERN VECTOR, INC.**, a Virginia corporation, and **WENDELL W. WOOD** (collectively, “Sellers”); and **SEVEN DEVELOPMENT, LLC**, a Virginia limited liability company (“Seven Development”) for the purpose of consenting to this Agreement and assigning to the Assignee any and all interest, if any, that it may have in the Underlying Contract, as hereafter defined. The “Effective Date,” as used in this Agreement, means the date this Agreement has been fully signed and ratified as evidenced by the latest date entered on the signature pages. If any party fails to enter a date by its signature, the Effective Date shall be five (5) business days after the latest date that does appear on such pages.

RECITALS

WHEREAS, Assignor as Purchaser entered into that certain Amended and Restated Contract of Purchase dated October 26, 2023 a copy of which is attached hereto as Exhibit A and is incorporated herein by reference (the “Underlying Contract”) for the purchase and sale of certain property known as: 23.81 acres of land, more or less, located at addresses not yet determined, 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street and identified as City of Charlottesville Tax Map and Parcel Numbers 500143100, 500143000, 500134000, 500133100 and 500144000 (the “Property”); and

WHEREAS, the Assignor wishes to assign all right, title and interest in and to the Underlying Contract to the Assignee and the Assignee, by signature below, consents to and accepts such an assignment of Underlying Contract; and

WHEREAS, Seven Development wishes to assign to the Assignee all right, title and interest in and to the Underlying Contract that it may have, if any, by its signature below, and the Assignee, by its signature below, consents to and accepts such an assignment of any such interest in the Underlying Contract; and

WHEREAS, the Assignor, Riverside Multifamily LLC, Seven Development, and the Assignee wish to memorialize herein the assignment of the Underlying Contract from the Assignor to the Assignee.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the foregoing recitals (which are hereby incorporated as integral parts of this Assignment, and not as mere recitals), the parties hereto covenant and agree as follows.

1. **Assignment and Acceptance.**

1.1 Assignor hereby assigns all of Assignor's right, title and interest in and to the Underlying Contract attached hereto as Exhibit A to Assignee.

1.2 Seven Development hereby assigns all of its right, title, and interest in and to the Underlying Contract, if it has any, to Assignee.

1.3 Assignee agrees, consents to, and accepts the assignment of the Underlying Contract for the Property from the Assignor to the Assignee, on the following terms and conditions, it being expressly acknowledged and agreed that in the event of any conflict between the Underlying Contract and the terms of this Assignment, the terms of this Assignment shall control and prevail.

1.4 Assignor and Assignee expressly acknowledge and agree that, should Closing (as defined hereafter) not occur for any reason or for no reason, the Assignee shall use all commercially reasonable efforts to re-assign any and all right to the Underlying Contract back to the Assignor for no additional consideration, and the Assignment Fee shall not be due and payable by Assignee to Assignor.

2. **Purchase and Sale, Purchase Price.** Subject to the terms and conditions set forth in this Agreement and the Underlying Contract, at Closing (as defined below), the City of Charlottesville, Virginia as Assignee, hereinafter referred to as "**the City**" will buy from Sellers and Sellers will sell and transfer to the City, all of Sellers' right, title, and interest in and to the Property. The purchase price for the Property is Five Million Nine Hundred Thousand and No/100 Dollars (\$5,900,000.00) (the "**Purchase Price**"). The Purchase Price shall be payable by the City as follows:

2.1 The City shall pay the Deposit (defined below) pursuant to Section 3 below.

2.2 The City shall pay the Purchase Price in immediately available funds by wire transfer to the Escrow Agent (as hereafter defined) at or in advance of Closing for disbursement to the Sellers and the Assignor upon recordation of the deed to the Property.

2.3 At Closing the Escrow Agent, consistent with instructions supplied by Assignor or Assignor's attorney, shall disburse to the Assignor in immediately available funds by wire transfer the difference between the Purchase Price hereunder and the purchase price under the Underlying Contract (the "**Assignment Fee**").

2.3 At Closing the Escrow Agent, consistent with instructions supplied by Seller or Seller's attorney, shall disburse to Sellers in immediately available funds by wire transfer the balance of the Purchase Price, adjusted as set forth in Section 9 hereafter.

3. **Deposit.**

3.1 Within five (5) days of the Effective Date, The City shall deliver a deposit of \$25,000.00 (the "**Deposit**"), which will be delivered by the City to Blue Ridge Title as agent for Chicago Title Insurance Company or to Red Fox Title as agent for Old Republic National Title Insurance Company as escrow agent ("**Escrow Agent**"). If the City performs all its

obligations under this Agreement, the Deposit shall be applied toward the Purchase Price at Closing. If the City fails to perform its obligations under this Agreement, the Deposit shall be forfeited to Assignor as liquidated damages and not as a penalty.

3.2 If this transaction is not consummated, the Escrow Agent shall hold the Deposit in escrow until (i) all parties to the transaction have agreed in writing to the disposition thereof; (ii) a court of competent jurisdiction orders disbursement; or (iii) the Escrow Agent can pay the funds to the party who is entitled to receive them in accordance with the explicit terms of this Agreement. In the latter event, prior to disbursement, the Escrow Agent shall give written notice to each party to this Agreement that this payment will be made unless a written protest from either party is received by the Escrow Agent within 30 days of the delivery or mailing, as appropriate, of the notice, in which event the Deposit will be held by the Escrow Agent until either of the events specified in subparagraphs 3.2(i) or 3.2(ii) have occurred. If a dispute arises regarding the Deposit, the Escrow Agent shall have the right to pay the Deposit into the Circuit Court of the City of Charlottesville until final resolution of the dispute.

4. **Title.** Title to the Property at Closing must be marketable and insurable by an ALTA Owner's Title Policy (the "**Title Policy**") issued by a nationally known title company acceptable to the City, without exception or limitation except as to the following (collectively, the "**Permitted Exceptions**"): (i) the standard printed exceptions in the Title Policy; (ii) the lien of real property taxes on the Property for the current year not yet due and payable; (iii) any state of facts that an accurate survey of Property would disclose; (iv) any exceptions disclosed on Schedule B of the City's title commitment which will be extinguished upon transfer of the Property; (v) any unrecorded leases, as more fully identified and described on Exhibit B, attached hereto and incorporated herein (collectively, the "**Leases**"); and (vi) such other encumbrances, easements, restrictions and exceptions which would not materially and adversely affect the use of the Property for commercial purposes.

5. **Assignor's and Sellers' Warranties and Representations.** Assignor represents that it has the necessary authority to execute and deliver this Agreement, and to satisfy its obligations under this Agreement. Assignor and Sellers represent and warrant that the representations and warranties of the Sellers set forth in the Underlying Contract are now and will be at Closing true and correct. Assignor further represents and warrants that the purchase price under the Underlying Contract is less than the Purchase Price to be paid by the Assignee at Closing.

6. **The City's Warranties and Representations.** The City hereby represents that the City has the necessary authority to execute and deliver this Agreement, and to satisfy its obligations under this Agreement. The City's representations and warranties set forth in this Section 6 will be true at Closing. The City further warrants and represents the following as of the Effective Date:

6.1 **Pending Suits.** Except for the Assignor's appeal to City Council of that certain decision by the City's planning commission at its meeting on August 8, 2023 involving the Property and any legal proceedings resulting from such decision and appeal, there are no actions, suits or proceedings pending or, to the best of the City's knowledge, threatened, which would in any way be binding upon the City or its successors or assigns or affect or limit its or its successors' or assigns' use and enjoyment of the Property or which would limit or restrict in any way the City's right and ability to enter into this Agreement and consummate the transaction contemplated hereby, and perform the obligations in the documents to be executed in connection with the Closing.

6.2 **Valid Existence.** The City is a municipal corporation and political subdivision of the Commonwealth of Virginia and has all requisite power and authority to own, lease and operate its properties, to carry on its business as now being conducted and to execute, deliver and perform this Agreement.

6.3 **Authority.** The City has the power and authority to execute and deliver this Agreement and the other closing documents to be delivered by the City at the Closing and to carry out and perform all covenants to be performed under this Agreement. The closing documents will, when signed and delivered, constitute the City's legal, valid and binding obligation, enforceable in accordance with its terms.

6.4 **No Violation.** The City's signing and delivery of this Agreement, other closing documents, and completion of the transactions described in this Agreement, and performance of this Agreement, do not (1) conflict with or result in a breach of its governance documents; or (2) violate any statute, law, rule or regulation, or any order, writ, injunction or decree of any governmental authority binding on it or its properties.

7. Conditions Precedent to Closing.

7.1 **The City Conditions to Closing.** The City's obligation to consummate the transaction contemplated by this Agreement is subject to the satisfaction of each of the following conditions on or before the Closing Date, any or all of which may be waived in writing by the City in its sole discretion.

(i) The representations and warranties of Sellers contained in this Agreement and/or the Underlying Contract shall have been true and correct on the date of this Agreement and shall be true and correct on the Closing Date as though made on and as of the Closing Date, and Sellers shall have duly performed and complied with all covenants and obligations required by this Agreement and/or the Underlying Contract to be performed or complied with by them on or prior to the Closing.

(ii) No action or proceeding shall be pending by or before any court or other governmental body or agency seeking to restrain, prohibit or invalidate the transactions contemplated by this Agreement.

(iii) Title to the Property at Closing must be marketable and insurable by an ALTA Owner's Title Policy (the "**Title Policy**") issued by a nationally known title company acceptable to the City, without exception or limitation, except as to matters expressly referenced in Paragraph 4 of this Agreement (and any amendments hereto).

(iv) Assignor and Sellers shall have delivered to the City at least seven (7) business days before Closing a copy of the Unredacted Contract and the draft Deed as set forth and described hereafter in paragraph 8.

7.2 Authorization of City Council and Subject to Appropriation

THE PARTIES ACKNOWLEDGE AND AGREE THAT THE CITY'S OBLIGATIONS UNDER THIS AGREEMENT ARE CONDITIONED UPON THE EXPRESS APPROVAL OF THIS AGREEMENT BY RESOLUTION OF

**THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, AND THE
APPROPRIATION OF THE FUNDS NECESSARY TO CONSUMMATE THIS
TRANSACTION BY THE COUNCIL OF THE CITY OF
CHARLOTTESVILLE.**

8. **Closing.** The closing of the transaction contemplated by this Agreement (the “Closing”) shall occur on or before November 30, 2023 (the “Closing Date”). The Closing will be held in the offices of the Escrow Agent, or such other place mutually agreeable to the Parties. At least seven (7) business days prior to Closing (i) the Assignor shall deliver to Assignee a complete and fully unredacted copy of the Underlying Contract which shall include the purchase price set forth in that contract, and (ii) the Sellers shall deliver to the Assignee a draft of the Deed to be delivered at Closing.

9. **Taxes, Prorations and Closing Costs.** Costs and expenses relating to this transaction and relating to Closing, will be paid as provided for in the Underlying Contract except as follows:

9.1 Assignor will pay in full (i) the fees of Assignor’s counsel and (ii) any other costs and expenses agreed to by Assignor in this Agreement.

9.2 All ad valorem, real, and personal property taxes and general and special assessments levied or assessed against the Property (collectively, the “Taxes”) for all years before the calendar year which includes the Closing Date will be paid by Seller. All Taxes attributable to the calendar year in which the Closing occurs will be prorated between Seller and the City based upon the number of days each party owned (or will own) the Property during such year.

9.3 At Closing, any rent paid pursuant to the Leases and attributable to the month in which Closing occurs will be prorated between Seller and the City based on the number of days each party owned (or will own) the Property during such month. In addition, to the extent that Sellers have received any other prepaid rent and security deposits from the tenants under the Leases prior to Closing, such prepaid rent and security deposits shall be transferred to the City via a credit toward the Purchase Price on the Settlement Statement.

9.4 Sellers will pay all grantor’s taxes associated with the Deed and all title curative instruments, if any. The City will pay all other recording taxes and fees, including state and local taxes, documentary stamps and transfer taxes, if any, and for its own attorney’s fees in connection with the Deed.

9.5 Any and all closing costs not otherwise specifically provided for in this Agreement will be borne solely by the City.

9.6 The City shall pay the Assignment Fee to the Assignor as a line item on the Settlement Statement as described in Section 2.3 above.

10. **Closing Documents.**

10.1 **Sellers’ Closing Documents.** Sellers will execute and deliver to the City the following documents:

(i) **Deed.** Special warranty deed from Sellers, conveying fee simple title to the Property to the City, subject only to matters of record in the chain of title and the Permitted Exceptions (the "**Deed**").

(ii) **Lien Affidavit.** An owner's affidavit sufficient to induce the City's title insurance company to issue a standard owner's policy of title insurance without general exceptions for mechanic's liens, provided that the form and substance of such affidavit shall be reasonably acceptable to Sellers and Sellers' attorney.

(iii) **FIRPTA Certificate.** Certificates executed by Sellers as to income tax status and matters related to Section 1445 of the Internal Revenue Code or other evidence satisfactory that Sellers have complied with the withholding requirements of the Foreign Investment in Real Property Tax Act under Section 1445, including establishment of escrow until the withholding requirements of Section 1445 have been met. The City agrees to reasonably cooperate with Sellers on such compliance, provided that the City does not incur any added expense in so doing.

(iv) **Settlement Statement.** A Settlement Statement using the standard HUD-1 form or such other form agreed upon by the City, the Assignor and the Sellers.

(v) **Assignment and Assumption Agreement.** An Assignment and Assumption Agreement, whereby Sellers shall assign and transfer, and the City shall accept and assume, all of Sellers' rights, obligations, and liabilities under the Leases.

(vi) **Mutual Release of Claims.** A Mutual Release of Claims in form and substance identical to that attached hereto as Exhibit C signed by the City, the Sellers, and Seven Development.

(vii) **Other Closing Documents.** Any other documents, instruments or certificates reasonably required by the City or its title insurer to issue the Title Policy to the City, otherwise required by this Agreement, required for tax reporting purposes or reasonably necessary to effect Closing, provided that same shall be in form and substance reasonably acceptable to Sellers and Sellers' attorney.

10.2 **The City Closing Documents.** The City will execute and deliver to Sellers the following documents:

(i) **Settlement Statement.** A Settlement Statement in the form provided for in Section 10.1(iv) above.

(ii) **Assignment and Assumption Agreement.** An Assignment and Assumption Agreement as provided for in Section 10.1(v) above.

(iii) **Mutual Release of Claims.** A Mutual Release of Claims in form and substance identical to that attached hereto as Exhibit C signed by the City, the Sellers, and Seven Development.

(vi) **Other Closing Documents.** Any other documents, instruments or certificates reasonably required by Sellers, otherwise required by this Agreement, required for tax reporting purposes or reasonably necessary to effect Closing.

11. **Time of Essence.** Time will be of the essence in the performance of the obligations created under this Agreement, including without limitation the Closing.

12. **Recordation.** This Agreement may not be recorded.

13. **Default.** The default provisions of the Underlying Contract shall apply to this Agreement as fully as if set forth herein and as if the Assignee were the Purchaser thereunder; provided, however, that in no event shall a termination of this Agreement result in a termination of the Underlying Contract, it being expressly acknowledged and agreed that the Assignor shall continue to have rights under the Underlying Contract in the event this Assignment is terminated for any reason or for no reason in which case Assignee shall use all commercially reasonable efforts to re-assign any and all right to the Underlying Contract back to the Assignor hereunder for no additional consideration.

14. **Notices.** Whenever any notice or other communication is required or permitted hereunder, such notice or other communication shall be in writing and shall be delivered by hand or sent by overnight courier service or by U.S. registered or certified mail, return receipt requested, postage prepaid, or by email, to the addresses set out below or at such other addresses as are specified by written notice delivered in accordance herewith:

TO ASSIGNOR OR SEVEN DEVELOPMENT:

Riverside Multifamily LLC
310 Old Ivy Way, Suite 204
Charlottesville, VA 22903
Attn: Edward C. Carrington
Email: edward@sevendevelopment.com

with a copy (which alone shall not constitute notice hereunder) to:

Royer Caramanis
200-C Garrett Street
Charlottesville, VA 22902
Attn: Tim Kelsey
Email: tkelsey@royercaramanis.com

TO THE SELLERS:

Mr. Wendell Wood
435 Gander Dr., Ste. 100
Charlottesville, VA 22901
Email: ulca@unitedlandva.com

with copies to:

Mr. Hunter W. Wood and Ms. Nena L Harrell at the above address, and the following email addresses:
Email: hww818@gmail.com and ulca@unitedlandva.com

TO THE CITY: City of Charlottesville
Samuel Sanders, Jr.
City Manager
605 East Main Street
Charlottesville, VA 22902
Email: sanderss@charlottesville.gov

with a copy (which alone shall not constitute notice hereunder) to

Jacob P. Stroman
City Attorney
605 East Main Street
Charlottesville, VA 22902
Email: stromanj@charlottesville.gov

Notices sent by hand delivery, overnight delivery, or email shall be effective when delivered. To be effective, email notices shall require confirmation of delivery (which shall expressly exclude an “out of office” reply or other automated email reply) and a copy to be sent by any one of the other methods for giving notice under this Agreement. Notices sent by certified mail shall be effective 5 days after mailing. Any notice given by legal counsel or other authorized agent of any party shall be effective as if the same had been executed and delivered by such party itself.

15. **Waiver.** No waiver by either party of any breach or default of any of the terms and conditions contained in this Agreement will be construed as a waiver of any subsequent breach or default whether of a like or different character.

16. **Headings.** The headings of the paragraphs herein are for convenience only and will not affect the meanings or interpretations of the contents thereof.

17. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement will nonetheless remain in full force and effect.

18. **Complete Agreement.** This Agreement together with the Underlying Contract, represents the complete understanding between the parties hereto, and supersedes all prior negotiations, representations, or agreements, either written or oral, as to the matters described herein. This Agreement may be amended only by written instrument signed by both parties. All parties have participated in drafting and negotiating this Agreement and no interpretive presumption will be drawn against any party by virtue of its role in drafting this Agreement.

19. **Construction.** This Agreement will be governed and construed in accordance with laws of the Commonwealth of Virginia.

20. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Electronic copies of any signed original agreement will be deemed the same as an original. At the request of any party, the parties will confirm electronic copies of any signed original document by signing and delivering a duplicate original document. In addition, the parties will sign original documents for all documents that are required to be recorded in the Clerk's Office of the Circuit Court of the City of Charlottesville for this transaction.

21. **Assignability.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. This Agreement may not be assigned by the City without the prior written consent of Sellers, and any purported assignment without such consent shall be void.

22. **Brokers.** Each party represents and warrants to the other that no real estate brokers or other intermediaries were involved in connection with this transaction. Sellers will indemnify, defend and hold the City harmless from any claim for brokerage fees resulting from a breach of the foregoing representation and warranty. The provisions of this Section shall survive Closing and any termination of this Agreement.

23. **Deadlines.** If the Closing Date or any other date for performance by a party of any obligation herein falls on a Saturday, Sunday or legal holiday, then the Closing Date or such other date shall be extended to the next day which is a business day.

24. **Submission of Agreement for Examination.** The submitting of this Agreement for examination by any party does not constitute an offer, and this document becomes effective only upon full execution and delivery hereof.

[SIGNATURES ON FOLLOWING PAGES]

[SIGNATURE PAGE [1 OF 3] TO ASSIGNMENT OF CONTRACT]

IN WITNESS WHEREOF, each party has executed and sealed this Assignment or caused it to be executed and sealed on its behalf by its duly authorized representative(s) or agent(s).

ASSIGNOR:

RIVERSIDE MULTIFAMILY LLC
a Virginia limited liability company

Date: 11/1/2023

By:  (SEAL)
Authorized Signatory

EDWARD CARRINGTON
Printed Name
Title: MANAGER

ASSIGNEE:


CITY OF CHARLOTTESVILLE, VIRGINIA
a municipal corporation and political subdivision of the Commonwealth of Virginia

Date: _____

By: _____ (SEAL)
Authorized Signatory

Printed Name
Title:

Approved as to form:


Jacob P. Stroman
City Attorney

[SIGNATURE PAGE [2 OF 3] TO ASSIGNMENT OF CONTRACT]

IN WITNESS WHEREOF, each party has executed and sealed this Assignment or caused it to be executed and sealed on its behalf by its duly authorized representative(s) or agent(s).

SELLERS:

SOUTHERN VENTURES, INC.
a Virginia corporation

Date: 11/1/2023

By: Wendell W Wood (SEAL)
Authorized Signatory

Wendell W Wood
Printed Name
Title: President

SOUTHERN VECTOR, INC.
a Virginia corporation

Date: 11/1/2023

By: Wendell W Wood (SEAL)
Authorized Signatory

Wendell W Wood
Printed Name
Title: President

Date: 11/1/2023

Wendell W Wood (SEAL)
WENDELL W. WOOD, Individually and
as sole shareholder of Southern Venture, Inc.
and Southern Vector, Inc.

[SIGNATURE PAGE [3 OF 3] TO ASSIGNMENT OF CONTRACT]

IN WITNESS WHEREOF, each party has executed and sealed this Assignment or caused it to be executed and sealed on its behalf by its duly authorized representative(s) or agent(s).

SEEN AND AGREED:
SEVEN DEVELOPMENT, LLC
a Virginia limited liability company

Date: 11/1/2023

By:  (SEAL)
Authorized Signatory

EDWARD CARRINGTON

Printed Name

Title: MANAGER

EXHIBIT A

The true and accurate copy of that certain
AMENDED AND RESTATED CONTRACT

between

Wendell W. Wood, Southern Vector, Inc. and Southern Ventures Inc. as Sellers and
Riverside Multifamily LLC as Purchaser

for

23.81 acres of land, more or less, located at addresses not yet determined, 0 Caroline Avenue, 510
Caroline Avenue, 532 Caroline Avenue and 0 East High Street and identified as City of
Charlottesville Tax Map and Parcel Numbers 500143100, 500143000, 500134000, 500133100 and
500144000.

EXHIBIT B
LEASES TO BE ASSIGNED

Rivanna River Company (\$800.00 / month rent; term through August 30, 2024)

532 Caroline House (\$775.00 / month rent; term through August 30, 2024)

EXHIBIT C
FORM OF MUTUAL RELEASE OF CLAIMS

MUTUAL RELEASE OF CLAIMS

THIS AGREEMENT is made as of this _____ day of November, 2023, by and between **Seven Development, LLC (“Seven”), a Virginia Limited Liability Company, Riverside Multifamily, LLC (“Riverside”), a Virginia Limited Liability Company, and the City of Charlottesville, Virginia (the “City”)** (Seven, Riverside, and the City may be referred to herein individually as a “Party” or collectively as the “Parties”).

RECITALS

A. Seven sought to develop certain property in a project known as 0 East High Street (the “Project”).

B. Pursuant to a *Code of Virginia* Section 15.2-2232 review, the Planning Commission determined that certain public improvements to be built as a part of the Project were not substantially in compliance with the City’s Comprehensive Plan. Seven appealed that decision to the Charlottesville City Council which upheld the Planning Commission’s decision (collectively, the “Actions”).

C. Seven has transferred its contractual rights to purchase property on which the Project would be built (the “Property”) to Riverside Multifamily LLC.

D. The City has entered into negotiations with Seven, Riverside, and the current owners of the Property to acquire the property on which Seven proposed to build the Project, and the parties have agreed to an Assignment of Contract pursuant to which the City will acquire the Property for the total sum of five million nine hundred thousand dollars (\$5,900,000.00). Such amount includes the purchase price of the Property to be paid to the current record owners of the Property in consideration of their conveyance of the Property to the City, and an assignment fee to be paid to Riverside (the “Assignment Fee”), Seven’s successor in interest, in consideration of

its assignment of the underlying purchase contract to the City. Such amounts will be paid at the settlement of the transaction when the current owners of the Property convey the Property to the City.

C. Seven, Riverside, and the City wish to settle all disputes between them on the terms and conditions stated below and to evidence such settlement by entering into this Mutual Release of Claims.

D. The City Council of the City of Charlottesville considered and approved the Assignment of Contract and this Mutual Release of Claims at its duly called public meeting on November 6, 2023.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual benefits to the parties by entering into this agreement, the promises made herein, and other good and valuable consideration, the sufficiency and receipt of which is acknowledged, the Parties hereto covenant and agree as follows.

I. Mutual Releases. Seven and Riverside discharge and release the Planning Commission of the City, City Council, the City, and its officers, employees, agents, attorneys, and representatives, from all claims, debts, suits, actions, causes of action, charges, demands, judgments, costs, executions, liabilities and all other obligations, whether in contract, tort, or other, known and unknown, both legal and equitable, which have been brought or could have been brought, relating to the subject matter of the Actions or related in any way to the Project, the Property, and/or the *Code of Virginia* 15.2-2232 review and decisions of the Planning Commission and City Council related to the Property and the Project.

The City discharges and releases Seven, Riverside and its members, officers, employees, agents, attorneys, and representatives, from all claims, debts, suits, actions, charges, demands, judgments, costs, executions, liabilities and all other obligations, whether in contract, tort, or other, known and unknown, both legal and equitable, which have been brought or could have been brought, relating to the subject matter of the Actions or related in any way to the Project, the Property, and/or the *Code of Virginia* 15.2-2232 review of the Property and the Project.

2. Full and Final Settlement. The Parties understand that this is a full and final disposition of the claims and disputes between them, both as to the existence, and the nature and extent of, liability by any Party except as may be expressly set forth herein. The Parties understand and agree fully that this Mutual Release constitutes a mutual and final settlement agreement that is binding upon the Parties.

3. Modifications. No modification of this Agreement shall be valid unless it is in writing and signed by all Parties, with the approval of the Charlottesville City Council.

4. Successors and Assigns. This Agreement shall bind and inure to the benefit of all Parties, their successors, and permitted assigns, and each of them.

5. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

11. Authority. Each signor represents and warrants that he or she has full legal authority to execute this Mutual Release on behalf of the Party for which he or she signs.

12. Governing Law. This Agreement shall be governed and construed in accordance with Virginia law. In the event any litigation arises concerning enforcement of this Agreement or the matters recited herein, jurisdiction and venue shall lie in a court of competent jurisdiction in

the City of Charlottesville, Virginia, and all legal proceedings shall be brought only in such court.

This Agreement has been read by the Parties hereto, each of which is represented by legal counsel, and the Parties understand its content and are satisfied with its terms.

*[The remainder of this page is intentionally left blank.
Signatures appear on the following page.]*

[SIGNATURE PAGE TO MUTUAL RELEASE OF CLAIMS]

IN WITNESS WHEREOF, each party has executed and sealed this Agreement or caused it to be executed and sealed on its behalf by its duly authorized representative or agent.

SEVEN DEVELOPMENT, LLC
a Virginia limited liability company

By: _____ (SEAL)
Authorized Signatory

Printed Name
Title:

RIVERSIDE MULTIFAMILY, LLC
a Virginia limited liability company

By: _____ (SEAL)
Authorized Signatory

Printed Name
Title:

CITY OF CHARLOTTESVILLE, VIRGINIA
a municipal corporation and political subdivision of the Commonwealth of Virginia

By: _____ (SEAL)
Authorized Signatory

Printed Name
Title:

Approved as to form:



Jacob P. Stroman
City Attorney

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



Agenda Date:	November 6, 2023
Action Required:	Approve Resolution
Presenter:	Samuel Sanders, Jr., City Manager, Jacob Stroman, City Attorney, Krisy Hammill, Director of Budget
Staff Contacts:	Samuel Sanders, Jr., City Manager Jacob Stroman, City Attorney Krisy Hammill, Director of Budget
Title:	Resolution to Approve Appropriation for the Assignment of Contract to Acquire 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street (1 of 2 Readings)

Background

This resolution will appropriate funding necessary to enter into the Assignment of Contract in the preceding item to permit the City to acquire 23.81 acres located at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street.

Discussion

This item is a companion item to the preceding item to appropriate funds to acquire properties which comprise the proposed 0 East High Street development.

Alignment with City Council's Vision and Strategic Plan

Funding this acquisition will fulfill the City Council's vision to prevent development which includes public facilities which are not in substantial accord with the City's Comprehensive Plan and to acquire environmentally sensitive property which is suitable for passive recreational purposes.

Community Engagement

Not applicable

Budgetary Impact

\$5.9 million plus closing costs.

Recommendation

Approve resolution.

Alternatives

If the appropriation is not made, the City will be unable to enter into the Assignment of Contract Agreement.

Attachments

1. 0 East High Street Resolution

RESOLUTION

**Resolution to Approve Appropriation for the Assignment of Contract to Acquire 510
Caroline Avenue, 532 Caroline Avenue and 0 East High Street
Amount Not To Exceed \$6,000,000**

WHEREAS, the City of Charlottesville has agreed to enter into a contract pursuant to which the City will acquire title to 23.81 acres of property from the current owners of 0 Caroline Avenue, 10 Caroline Avenue, 532 Caroline Avenue and 0 East High Street;

WHEREAS, the City of Charlottesville requires appropriation of \$5,900,000 plus closing costs for the acquisition;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funds in an amount not exceed \$6,000,000 but necessary to pay purchase price plus the closing costs will be paid from the Capital Improvement Program Contingency Account:

Transfer From:

\$ 6,000,000	Fund: 426	WBS: CP-080	G/L Account: 599999
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Transfer To:

\$ 6,000,000	Fund: 426	Internal Order: TBD	G/L Account: 599999
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	Aye	No
Payne	_____	_____
Pinkston	_____	_____
Puryear	_____	_____
Snook	_____	_____
Wade	_____	_____