



CITY COUNCIL AGENDA April 1, 2024

Juandiego R. Wade, Mayor
Brian R. Pinkston, Vice Mayor
Natalie Oschrein
Michael K. Payne
J. Lloyd Snook, III
Kyna Thomas, Clerk

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. 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. Report: Affordable Housing Report FY2024
2. Report: Public Safety Outcome Area: FLOCK

5:30 PM CLOSED MEETING (if called)

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Charlottesville Dark Sky Week

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.

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.

3. Minutes: January 22 regular meeting, January 26 Council retreat, February 1 special meeting and budget work session, February 7 joint Council-School Board budget work session, March 14 budget work session, March 21 budget forum and public hearing, March 26 decarbonization work session
4. Resolution: Resolution to appropriate USDA Forest Service Urban and Community Forestry Inflation Reduction Grant for Charlottesville Urban Forest Management Planning - \$150,000 (2nd reading)
5. Resolution: Resolution appropriating funding in the amount of \$21,458 to be received from Library of Virginia Circuit Court Records Preservation Grants Review Board (2nd reading)
6. Ordinance: Ordinance amending the Charlottesville Code of Ordinances, Section 2-98(b) to increase the appropriation amount requiring two readings from \$1001.00 to \$5000.00. (2nd reading)

7. Resolution: Award of FY24 Charlottesville Affordable Housing Fund (CAHF) and FY25 Housing Operations and Program Support (HOPS)
 - a. Resolution: Resolution to award FY24 Charlottesville Affordable Housing Funds (CAHF) Grants (2nd reading)
 - b. Resolution: Resolution to award FY25 Housing Operations and Program Support (HOPS) Grants (2nd reading)
8. Ordinance: Ordinance Amending City Code Article II. Section 2-38. Organizational Meeting and Section 2-39. Elections, Terms and General Powers and Duties of Mayor, Vice-mayor and Mayor Pro Tempore; Mayor's Veto (2nd reading)
9. Resolution: Appropriating Funding for the Rugby Avenue Bicycle & Pedestrian Trail Project - \$130,059.50 (1 of 2 readings)
10. Resolution: Appropriating Funding from the BAMA Works Grant to Community Attention Foster Families - \$5,000 (1 of 2 Readings)
11. Resolution: Appropriating funds from the Batten Foundation to the Department of Human Services - \$40,000 (1 of 2 readings)
12. Resolution: Resolution for Approval of Memorandum of Understanding between Bennett's Village and the City of Charlottesville
13. Resolution: Resolution for Approval of Lease Agreement between Bennett's Village and the City of Charlottesville

City Manager Report

- Report: City Manager Report

Action Items

14. Resolution: Resolution calling for an immediate ceasefire and end to violence in Israel and Palestine
15. Public Hearing/Ord.: FY2025 Budget Ordinance and Annual Appropriation, and Tax Rate/Tax Levy Ordinance (1 of 2 readings)
 - a. Ordinance: Establishing the Annual Tax Levy for Tax Year 2024 (1 of 2 readings)
 - b. Ordinance: Approving a budget and annual appropriation of funding for the City of Charlottesville for the Fiscal Year ending June 30, 2025 (1 of 2 readings)
16. Ordinance: Ordinance Amending Sec. 30-53 of the Charlottesville City Code to increase the assessed value threshold at and below which qualifying vehicles will receive 100% Personal Property Tax Relief from \$1,000 to \$1,500 (1 of 2 readings)
17. Ordinance: Ordinance to amend and reenact City Code Chapter 19 to allow participants of any City-sponsored retirement plan to serve on Retirement Plan Commission (1 of 2 readings)

General Business

18. Report: Tree Commission "State of the Forest"

Community Matters (2)

Adjournment

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



Agenda Date:	April 1, 2024
Action Required:	Report - No Action Required
Presenter:	Antoine Williams, Housing Program Manager
Staff Contacts:	Alexander Ikefuna, Director of Community Solutions Antoine Williams, Housing Program Manager Madelyn Metzler, Housing Compliance Coordinator
Title:	Affordable Housing Report FY2024

Background

The scope of this report on Affordable Housing is to provide a focused analysis of the city's Capital Housing Investment in alignment with its 2021 Affordable Housing Plan. It aims to evaluate the progress made in achieving the plan's objectives, particularly concerning the distribution of funding across various Area Median Income (AMI) ranges and the production or preservation of affordable housing units. The report will include an overview of the city's performance based on the funding commitments outlined in the Affordable Housing Plan. It will highlight any updates on implementation considerations and action items mentioned by Mr. Sanders in April 2022.

The Charlottesville City Council unanimously endorsed the Affordable Housing Plan on March 1, 2021. Subsequently, on April 4, 2022, Sam Sanders Jr., who served as the Deputy City Manager of Operations at the time, along with Office of Community Solutions (OCS) Director Alex Ikefuna and OCS staff, presented the inaugural Affordable Housing Plan report to the 2022 council since the plan's endorsement. During this session, Mr. Sanders provided an overview of the findings from the HR&A Advisors Charlottesville Housing Program Review Presentation, highlighting opportunities for plan improvement and addressing key considerations, including:

- Tracking the availability and duration of affordable housing units.
- Developing an in-house compliance program.
- Establish robust agreements and ensure consistency in their execution.
- Crafting a comprehensive housing policy.
- Strengthening partnerships with funded entities.
- Clarifying the definition of affordable housing.

During his April 2022 Affordable Housing report, Mr. Sanders expressed his positive view of the Affordable Housing Plan, considering it a robust document. He also detailed the current, pending, and future funding commitments and outlined several necessary action items:

- Restructuring the Housing Advisory Committee (HAC).
- Establishing the CAHF Committee.
- Aligning initiatives with the Vibrant Community Fund.
- Enhancing staff capacity to manage housing initiatives effectively.
- Sustaining data analysis efforts to inform decision-making.
- Offering recommendations for impactful investments.
- Prioritizing relationship building and repair within the community.

Moreover, stakeholders have consistently emphasized the critical need for diverse housing options within the community. This perspective highlights the ongoing dialogue between policymakers, community leaders, and residents on how best to address the city's affordable housing challenges. The report will delve into these stakeholder perspectives and examine how funding strategies, housing policies, and programs can respond to these concerns. While not meant to be an exhaustive affordable housing or market analysis, the report will present data on funding allocation per year, associated units, and populations served, alongside projections for future unit availability. It will provide insights and recommendations to support ongoing efforts to address affordable housing challenges in the city.

Discussion

See the background section and related attachments.

Alignment with City Council's Vision and Strategic Plan

To be a place where everyone thrives. The City of Charlottesville is committed to justice, equity, diversity, and inclusion and will implement equitable practices and policies across all its activities.

Community Engagement

N/A

Budgetary Impact

N/A

Recommendation

N/A

Alternatives

N/A

Attachments

1. Affordable Housing Report (2024)



AFFORDABLE HOUSING REPORT

March 2021 – March 2024



INTRODUCTION

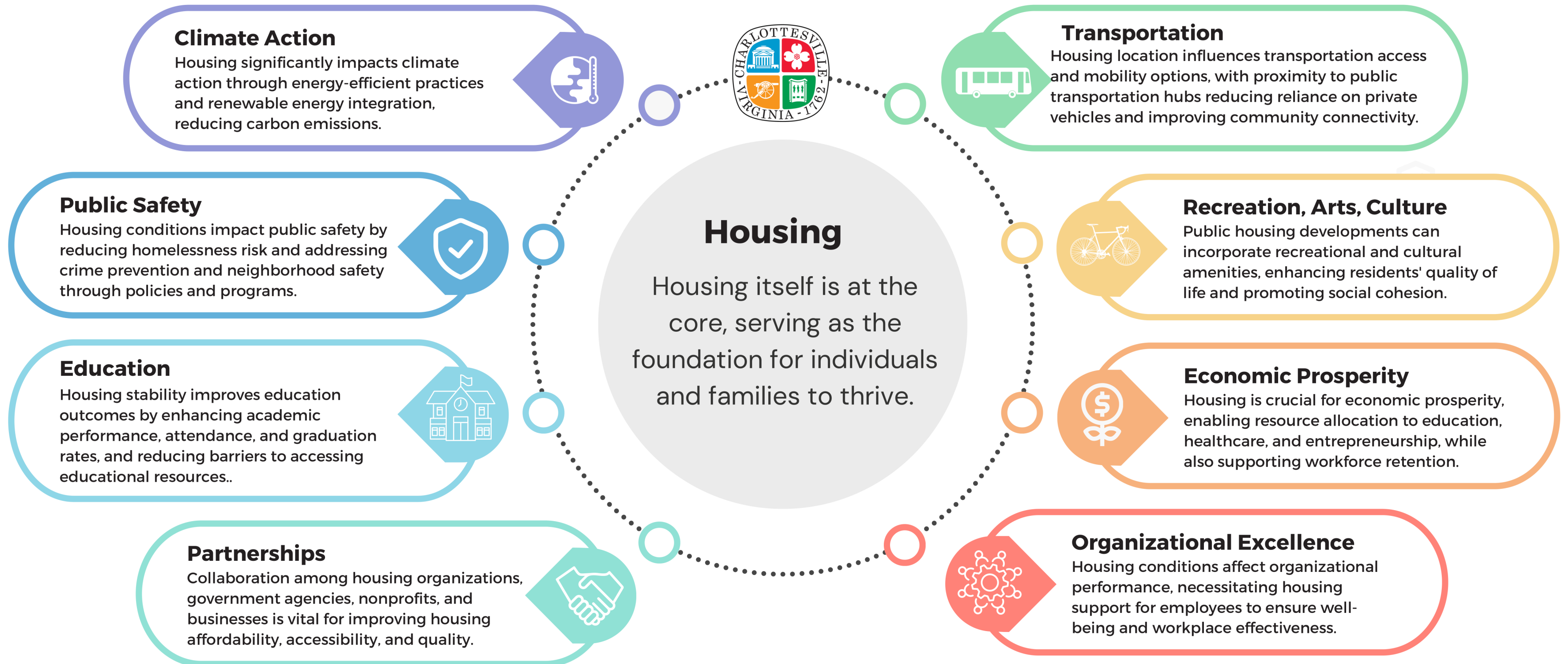
The City of Charlottesville (the City) ensures safe and stable housing is accessible to all residents. In pursuit of this objective, the city officially endorsed the Affordable Housing Plan (AHP) on March 1, 2021. This comprehensive plan tackles the critical issue of affordable housing across diverse income levels. Notably, the AHP comprises three core initiatives: (A) a 10 million annual commitment—a dedicated financial commitment to affordable housing; (B) Enhanced governance—the Establishment of equitable and efficient governance structures; and (C) Zoning reforms—the Revision of the City's Development Code and Affordable Dwelling Unit Ordinance to increase housing supply and affordability.

Principles of racial equity, regional collaboration, and comprehensive approaches guide the AHP. It consists of five key sections, each detailing recommendations for funding, governance, and affordable housing tools: (1) Funding: A commitment to consistent financial support to address housing needs. (2) Governance: Establishing equitable and efficient governance structures. (3) Land Use: Revising regulations to increase housing supply and affordability while protecting marginalized communities. (4) Tenants' Rights: Advocating for policy changes to support tenants' rights. (5) Subsidy: Aligning subsidy programs with community priorities to maximize impact.

Finally, this report prepared by the Office of Community Solutions' (OCS) Housing staff offers limited performance indicators for March FY2021 to March FY2024 to provide insight into the City's implementation progress of the AHP. For example, this report includes information about the distribution of capital housing investments across income brackets. It aims to engage stakeholders in discussions regarding policy and program development while assessing the effectiveness of these efforts in meeting the plan's objectives. By contextualizing the city's housing initiatives within the broader framework of the AHP, the report provides valuable insights into the current status of affordable housing provision. It identifies areas for future improvement and innovation.

Vision: To be a place where everyone thrives

Charlottesville defines access to livable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through implementation of the Affordable Housing Plan.





AHP FY2022: Actions Report

Since the inaugural report on April 4, 2022, by Sam Sanders Jr., Deputy City Manager of Operations, the city has seen significant strides in its efforts to address affordable housing challenges. Here are the key developments and action updates from Mr. Sander's April 2022 report to council:

2022 AHP KEY ACTIONS	COMPLETED	IN PROGRESS	PENDING
Restructuring HAC	✓		
Establish CAHF Committee	✓		
Aligning with Vibrant Fund	✓	✓	
Enhancing Staff Capacity	✓		✓
Offer Impactful Investments	✓	✓	✓
More Community Building		✓	✓



Affordable Housing Report: 3 Core AHP Initiatives Met

The City's Affordable Housing Plan ("AHP") was indorsed March 1, 2021 and remains the City's key housing strategy designed to address housing challenges in Charlottesville while upholding principles of racial equity, regional collaboration, and comprehensive approach. Organized into five key sections, the plan offers targeted recommendations for funding, governance, land use, tenants' rights, and subsidy programs. By making a strong financial commitment of a least \$10 million/per year, establishing equitable governance structures, revising regulations, advocating for tenants' rights, and aligning subsidy programs with community priorities, the plan aims to enhance housing accessibility and affordability for all residents:

10 Million Dollar Commitment Per Year	Governance	Zoning Reform
		
A little over \$61 Million has been allocated or committed since 2021 and consistently over \$10 Million each year	Since 2021, the city has prioritized building Inclusive Governance (Capacity, Policies, Technology).	Zoning Reforms effective Feb 19, 2024 , complemented by IZ/ADU Program's Monitoring Manual adoption on Feb 5



Strategic Funding Allocation for Affordable Housing

Over the past three years* (FY2021 - FY2024) the City of Charlottesville has dynamically adjusted its affordable housing funding strategy, demonstrating a focused commitment to supporting its most economically vulnerable populations. **FY2023* the city's housing capital investment saw a significant shift increased allocations to $\leq 30\%$ AMI to almost 62%**, emphasizing targeted support for those in dire need of affordable housing. This strategic approach ensures a balanced investment across all income brackets, addressing the nuanced spectrum of housing affordability and advancing equitable access to housing citywide:

Commitment / Allocations by AMI Range

FY2021 (\$12,565,739 total)

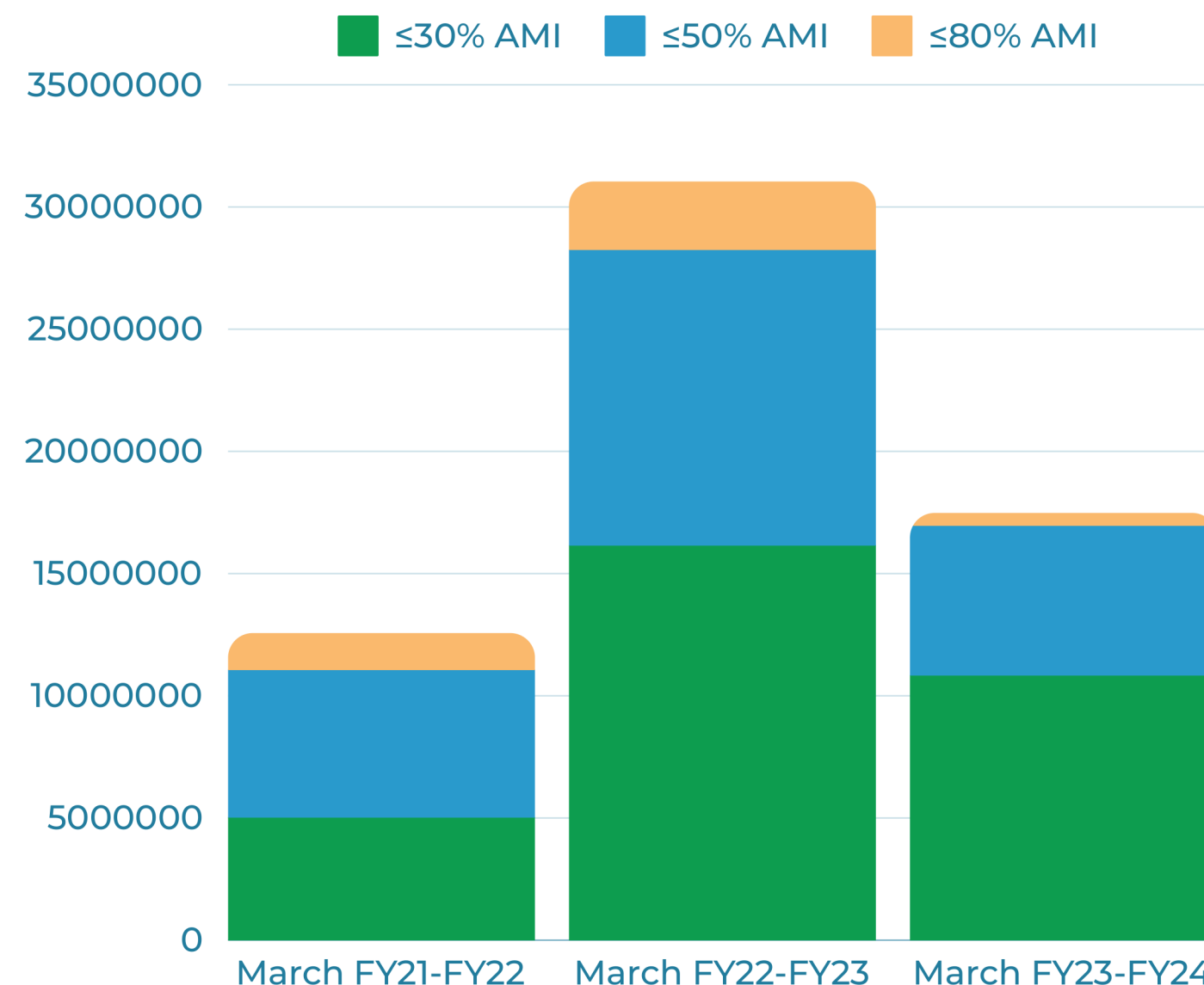
- $\leq 30\%$ AMI: 40% = \$5,026,295
- $\leq 50\%$ AMI: 48% = \$6,031,554
- $\leq 80\%$ AMI: 12% = \$1,507,888

FY2022 (\$31,042,242 total)

- $\leq 30\%$ AMI: 52% = \$16,141,965
- $\leq 50\%$ AMI: 39% = \$12,106,474
- $\leq 80\%$ AMI: 9% = \$2,793,361

FY2023 (\$17,481,004 total)

- $\leq 30\%$ AMI: 62% = \$10,838,222
- $\leq 50\%$ AMI: 35% = \$6,118,351
- $\leq 80\%$ AMI: 3% = \$524,430



Extremely Low Income = $\leq 30\%$ AMI, Very Low Income = $\leq 50\%$ AMI, Low Income = $\leq 80\%$ AMI



Unit Type/ Size vs. Affordability: Finding the Right Balance

Something to think about and solve for: How can we ensure that advocating for smaller housing units aligns with market dynamics and effectively addresses affordability? Are there alternative strategies to incentivize developers to prioritize affordability without sacrificing the quantity or quality of housing? What data or research can guide our decision-making to ensure that proposed solutions have the intended impact on housing affordability?

DESCRIPTION	1 – PERSON	2 – PERSON	3 – PERSON	6 – PERSON
Annual Income Median Household Income *HUD	\$38,850 ≤50% AMI	\$44,400 ≤50% AMI	\$55,500 ≤50% AMI	\$64,400 ≤50% AMI
Types of Jobs 1- Person	<ul style="list-style-type: none">• Bus Drivers• Teachers Aides	<ul style="list-style-type: none">• Social Worker• Carpenters	<ul style="list-style-type: none">• Charlottesville Police Officer	<ul style="list-style-type: none">• UVA RN Care Coordinator
At ≤80% AMI the income affordability of 1 - Person is equal to a 6 - Person Household at \$64,400 ≤50% AMI	\$62,200 ≤80% AMI			\$62,200 ≤80% AMI

Avg. Rent Rate: \$1,937 – \$2,207 1 to 2 Bedroom | A market rate rent would require a household income of \$74,500



A Few Highlights: FY2021

The highlighted allocations and actions alone amount to slightly under **\$9.9 million** for the FY2021, contributing to the City's annual funding commitment for affordable housing.

PROJECT OR PROGRAM	BENEFICIARY	AMOUNT	DESCRIPTION OR TYPE
Various, e.g., AHIP, Habitat, Direct	Various	\$ 80 K	Various: HOME, CDBG
CSRAP	Direct / CRHA	\$900 K	Supplemental Rental Assistance Program
Kindlewood (Friendship Court)	PHA	\$5.5 Million	Infrastructure and Phase 1 (106 Units)
South First Street Phase II	CRHA	\$1.5 Million	Phase 2 (113 Units)
Homeowner Assistance Tax Grants	Direct	\$1.4 Million	Micro Grant Program
Rent/Tax Relief Elderly & Disabled	Direct	\$431 K	Micro Grant Program



A Few Highlights: FY2022

The highlighted allocations and actions alone amount to slightly over **\$30 million** for the FY2022, contributing to the City's annual funding commitment for affordable housing.

PROJECT OR PROGRAM	BENEFICIARY	AMOUNT	DESCRIPTION
Midway Manor Bond	CRHA	\$23 Million	98 preserved affordable units
CSRAP	Direct / CRHA	\$900 K	Supplemental Rental Assistance Program
Kindlewood (Friendship Court)	PHA	\$3.1 Million	Infrastructure and Phase 1 (106 Units)
South First Street Phase II	CRHA	\$1.5 Million	Phase 2 (113 Units)
Homeowner Assistance Tax Grants	Direct	\$855 K	Micro Grant Program
Rent/Tax Relief Elderly & Disabled	Direct	\$965 K	Micro Grant Program



A Few Highlights: FY2023

The highlighted allocations and actions alone amount to slightly under **\$13 million** for FY2023, contributing to the City's annual funding commitment for affordable housing.

PROJECT OR PROGRAM	BENEFICIARY	AMOUNT	DESCRIPTION
Purchase of Dogwood Properties	CRHA	\$5 Million	Support CRHA's acquisition of 74 units
CSRAP	Direct / CRHA	\$900 K	Supplemental Rental Assistance Program
Kindlewood (Friendship Court)	PHA	\$2.5 Million	Infrastructure and Phase 1 (106 Units)
Sixth Street Phase I	CRHA	\$3 Million	Phase 1 (47 Units)
Various	PHA	\$768 K	Various e.g., VCH, HOME, CDBG
Rent/Tax Relief Elderly & Disabled	Direct	\$675 K	Micro Grant Program



Affordable Housing: Creation, Preservation, and Household Served

This table outlines the Charlottesville Affordable Housing Plan's achievements from FY2021 to FY2023, highlighting ownership units created, supported affordable units (SAUs), preservation efforts, households assisted, and CSRAP Vouchers. It reflects our focused approach to expanding and sustaining affordable housing in alignment with the plan's objectives, underscoring our commitment to community support and inclusivity.

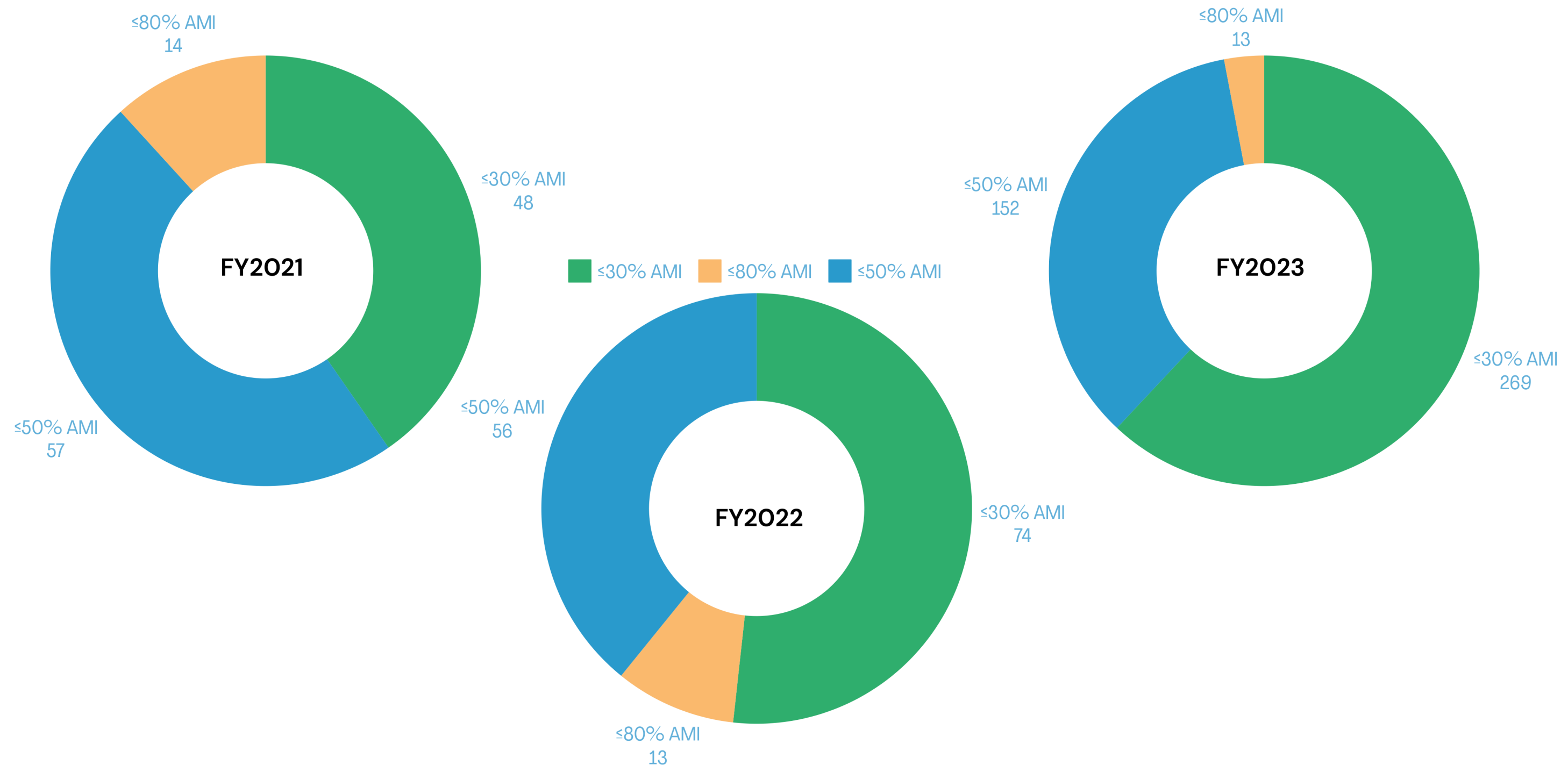
DESCRIPTION	FY2021	FY 2022	FY2023	TOTAL
Homeownership Created	8	4	10	22
CSRAP Vouchers	205	192	183	705
SAUs Preserved	61	119	319	499
SAUs Created	119	143	433	705
Households Assisted	385	378	868	1,631





Supported Affordable Units (SAUs) By Year and AMI Range

Unit distribution has been closely aligned with funding, with the number of affordable housing units increasing significantly over the three years—from 119 units in FY2021 to 433 units in FY2023. This increase not only highlights the city's escalating efforts to combat housing affordability challenges but also showcases the effective use of strategic funding allocations to maximize impact across various income brackets.





Housing Capital Investment Pipeline Highlights: 2021 to Present

Approx. 455 SAUs

to be created or preserved and
added to existing 1226
portfolio SAUs

*As of FY22 RFI

Approx. 750 Units

that can be created or preserved
and added to *potential pipeline
of 1,681 of SAUs by FY29

*As of FY23 RFI

Consider this:

Out of the \$33.3 Million in potential funding
request then communicated in the FY22 RFI
nearly \$29.5 has already been strategically
identified committed and/or allocated.

FY22

**South First Street
Phase 1**

62 Supported
Affordable Units

FY22

**South First Street
Phase 2**

113 Supported
Affordable Units

FY22

**The Mews on Little
High Street**

40 Developer Committed
Affordable Units

FY23

**501 Cherry
Avenue**

69 Supported
Affordable Units

FY23

**Wertland and 10th and
601 Cherry Avenue**

A combined 195 of
potential Affordable Units

Committed or Allocation
in line or approved.

No Decision or Committed or
Allocation identified or approved.



Thank You

Please Contact

OfficeofCommunitySolutions@Charlottesville.gov
with any questions or feedback.

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



Agenda Date: April 1, 2024

Action Required:

Presenter: Michael Kochis, Police Chief

Staff Contacts:

Title: Public Safety Outcome Area: FLOCK

Background

The Flock program was introduced at a City Council meeting in 2023.

Discussion

This presentation is follow-up to a brief introduction of the program to City Council in 2023.

Alignment with City Council's Vision and Strategic Plan

Goal

2.4 Reduce the occurrence of crime.

Community Engagement

As part of our ongoing efforts to collaborate with the community and implement effective measures for crime prevention, we have organized numerous presentations on the Flock Safety Cameras at neighborhood meetings, community walks, PCOB and with other stakeholders.

Budgetary Impact

None

Recommendation

Alternatives

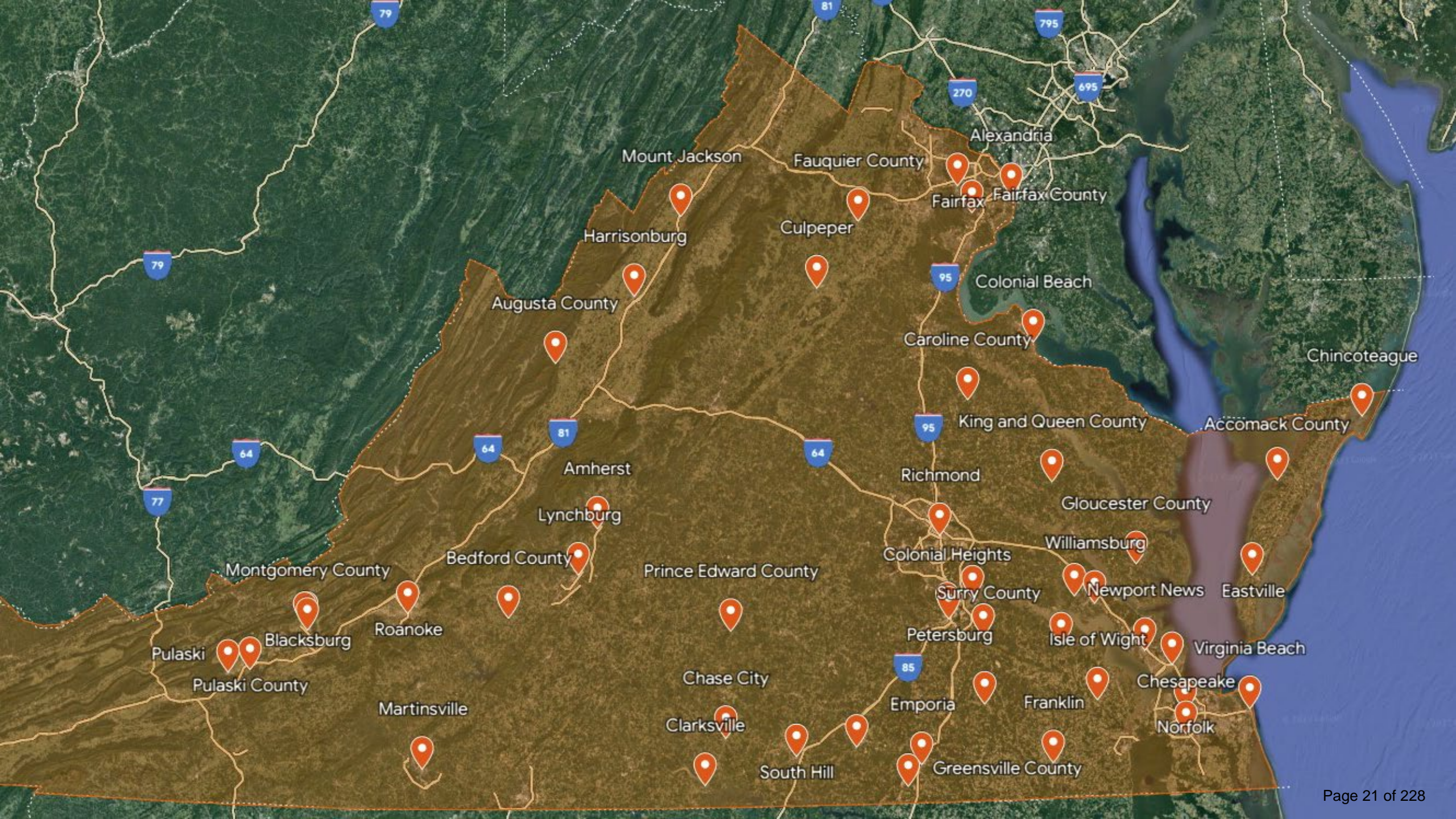
Attachments

1. Flock Safety Proposal

Flock Safety Proposal

flockinfo@charlottesville.gov





Like size/demographics Jurisdictions with Flock

Portsmouth

Norfolk

Harrisonburg

Fairfax

Alexandria

Lynchburg

Richmond

Newport News

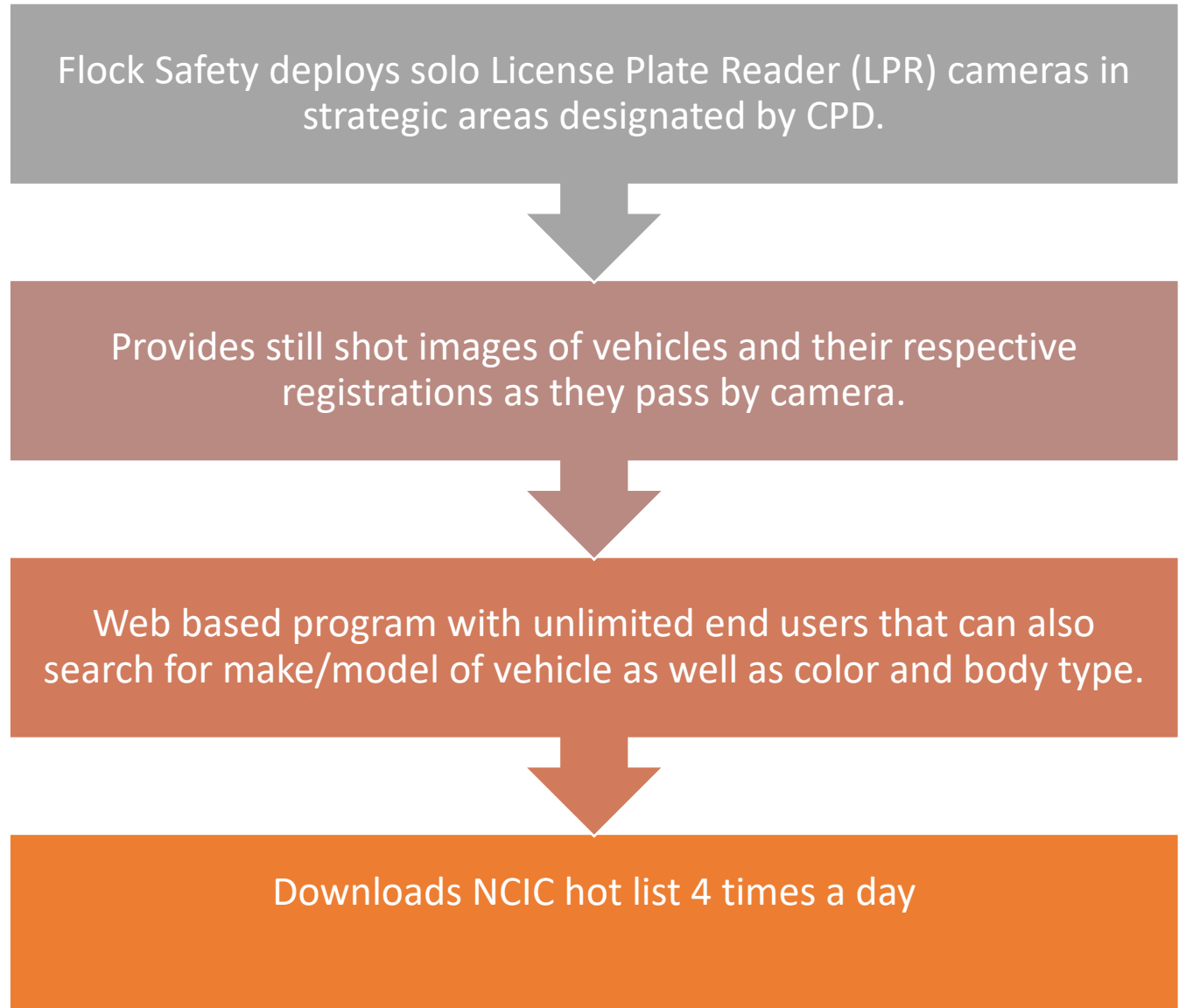
Benefits of Flock Safety to Charlottesville Police

- Valuable tool for receiving alerts for **AMBER/SILVER/BLUE** alerts. Can efficiently assist officers locate vehicles related to these types of alerts.
 - Most times, these alerts have vehicle registrations associated with them that are entered into NCIC and will automatically be flagged by Flock cameras. This will alert all officers on the system of the registration sighting which will lead to more successful conclusions to these cases.
- Valuable tool for the successful identification and further investigation of suspect vehicles in all crimes committed within the City of Charlottesville
 - Shootings
 - Robberies
 - Stolen Vehicles

How can Flock help mitigate disparities in Policing?

- It allows a focus on objective data rather than subjective factors, which can reduce the potential for Implicit Bias in policing decisions.
- The data collected is likely to be more consistent and reliable. This can help ensure that policing practices are applied uniformly across the entire community.
- Can help reduce the number of discretionary stops made by officers, as they can rely on the system to identify specific vehicles based on objective criteria (wanted individuals, missing persons, stolen vehicles etc). This can help minimize the potential of implicit bias.

What is Flock Safety?



What is NOT Flock Safety

It is not video



Does not have facial recognition



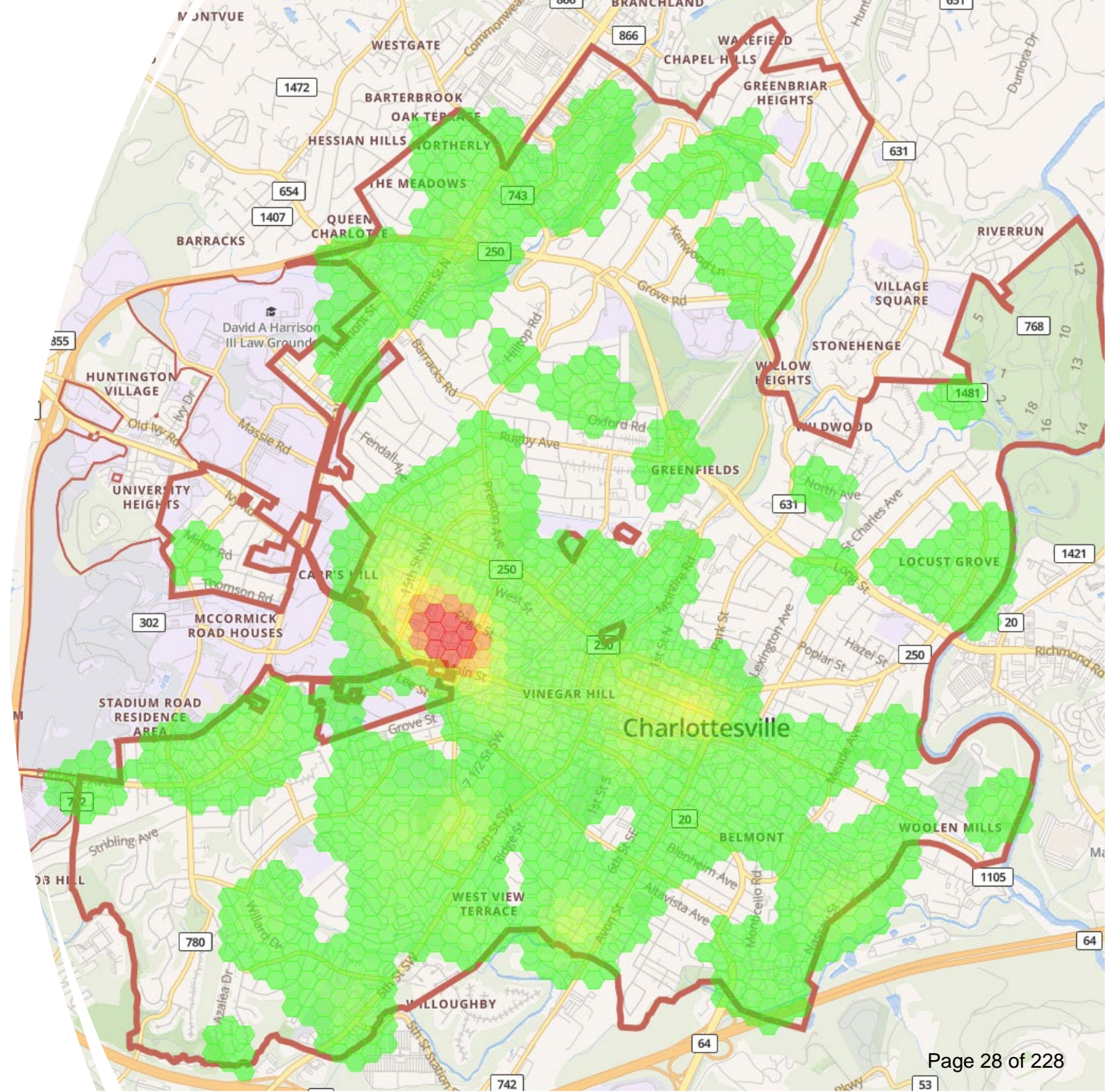
It does not report traffic violations

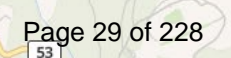
Calls for Service Raw Data

DISTRICT	SHOTS FIRED	STOLEN VEHICLE/UNAUTHORIZED USE	TOTAL
CPN	127	121	248
CPC	51	122	173
CPS	188	118	306
Total	366	361	727

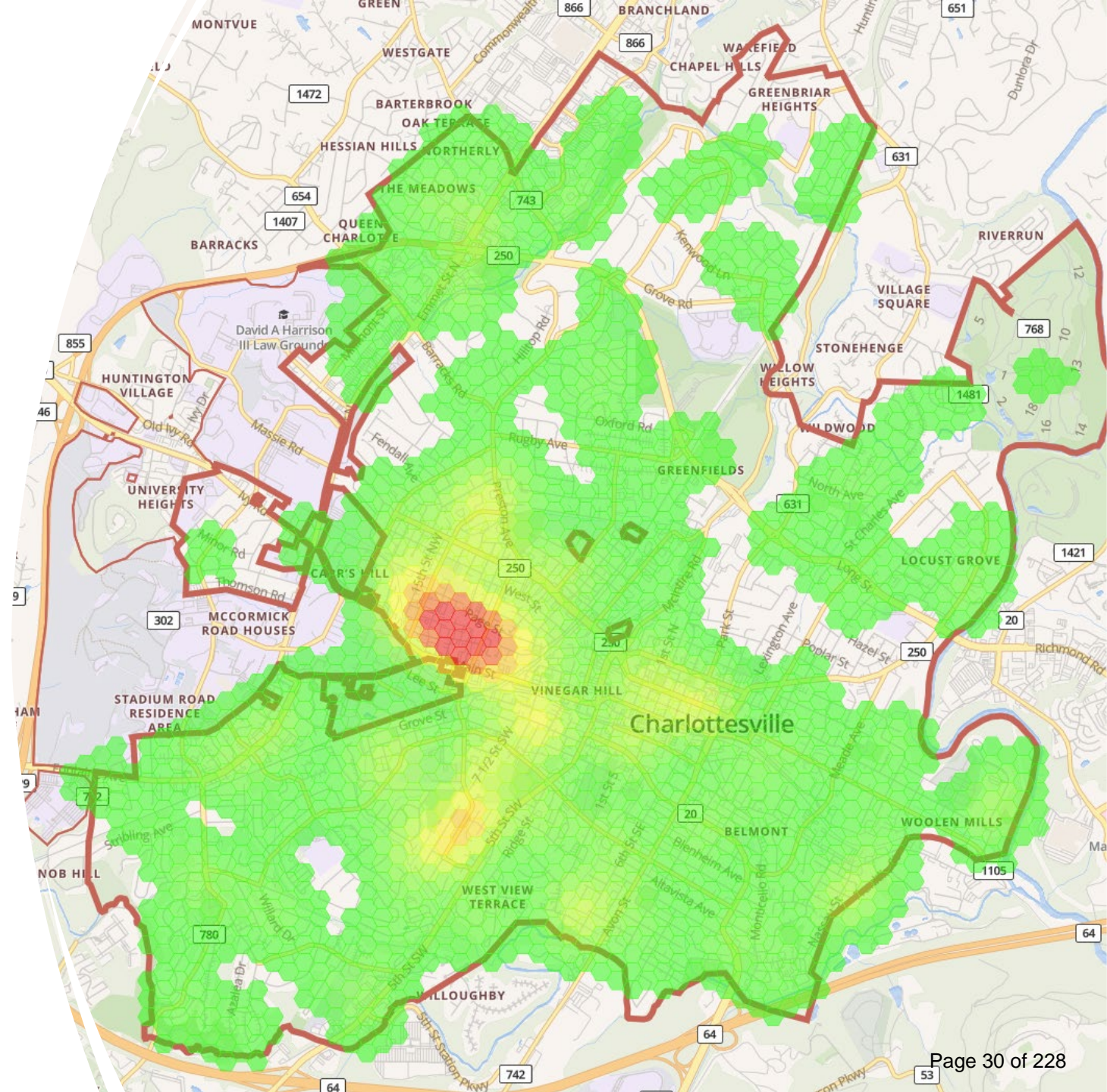
Stolen Vehicle Heat Map 2023

- As seen on the map, a majority of our stolen vehicles are being reported in the Downtown, West Main, and 10th/Grady Ave areas of the City.





Shots Fired/Stolen Vehicle Combined



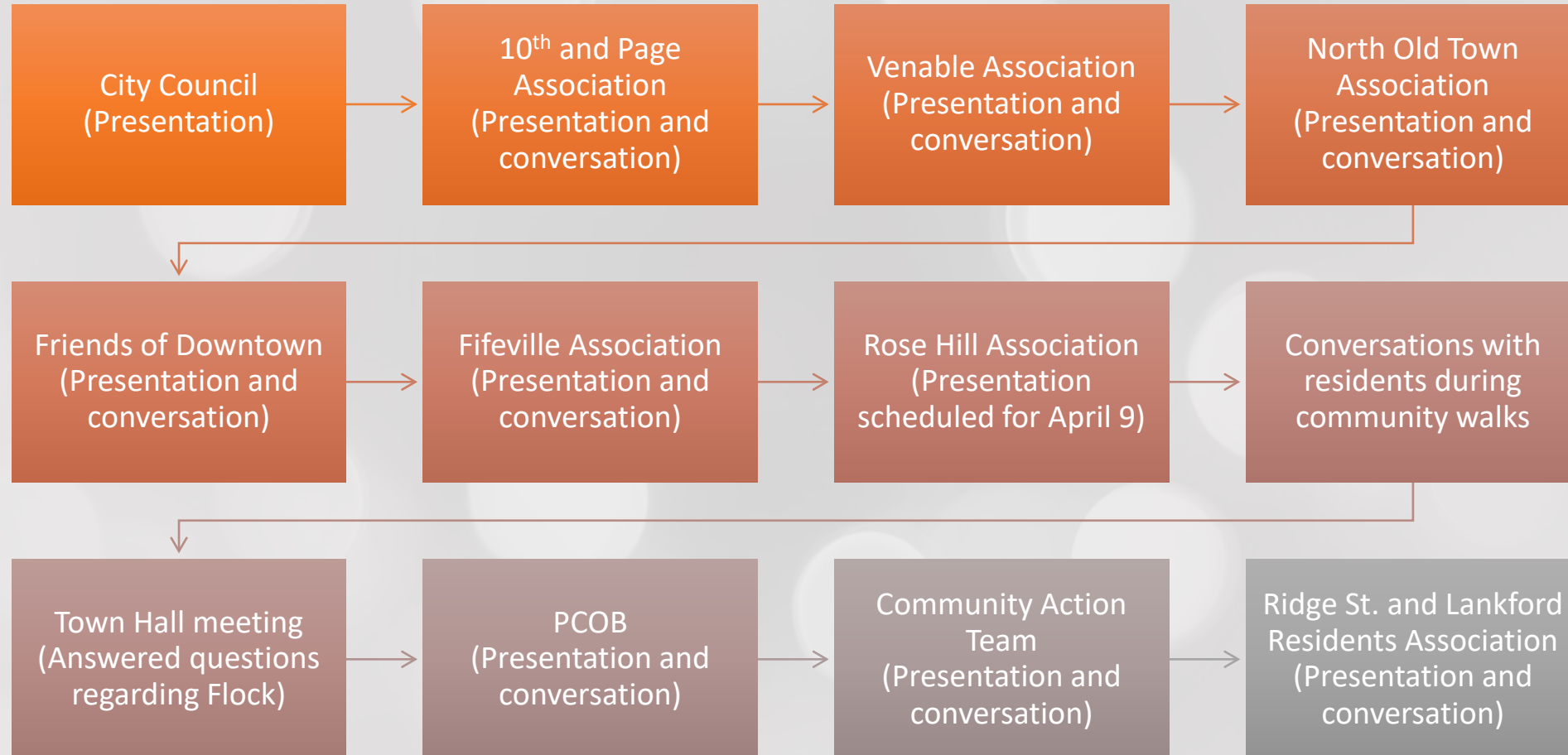
Shots Fired CFS Trend

- 85% of our shootings involve the use of vehicles.
- If given a vehicle description, with no tag information, Officers utilizing Flock can run that description and pull any vehicle matching the description and filter for a match
 - Example – Elliewood Ave homicide
 - All 6 murders in 2023 involved a vehicle

Proposed Camera Locations

- Emmet St N @ Barracks Rd NB
- 250 Bypass @ Rugby Ave
- Monticello Ave @ Druid Ave NB
- Roosevelt Brown Blvd @ Lee St
- W Main St @ 10th St NW
- University Ave @ 14th St NW
- Cherry Ave @ Ridge ST
- Ridge/McIntire @ Preston Ave
- Preston Ave @ Grady Ave
- Long St @ Free Bridge

Community Outreach



Feedback



Feedback has been overwhelmingly in support of the program



Feedback regarding privacy concerns has been heard and would form our policy in this regard.

A large orange circle on the left side of the slide, partially cut off by the edge.

Initial Policy Recommendations

- Retention of data for 30 days, which is the same as every jurisdiction in Virginia.
- Data to be shared with all government flock users across the nation.
- Initial three-year program



Updated Policy Highlights


- Twelve-month pilot with quarterly updates to community groups, city council, and PCOB.
- Transparency portal available to the public.
- Oversight by Executive Director of PCOB.
- Data will only be retained for **7 days** (*this is the shortest retention within the Commonwealth*).
- Data will not be shared outside of the Commonwealth of Virginia.
- Notice on every alert shall say **“NOTICE, A FLOCK ALERT IS NOT JUSTIFICATION ON ITS OWN TO JUSTIFY A STOP OF THE VEHICLE. INFORMATION FROM THE ALERT MUST BE INDEPENDENTLY CONFIRMED BY THE OFFICER BEFORE ACTING UPON THE INFORMATION.”**

Accountability Measures

System administrator in the Police Department will conduct regular audits to ensure proper usage of the system.



Executive Director of the Police Civilian Oversight Board (PCOB) will have full audit capability.



Information on the system can only be accessed for legitimate law enforcement purposes.


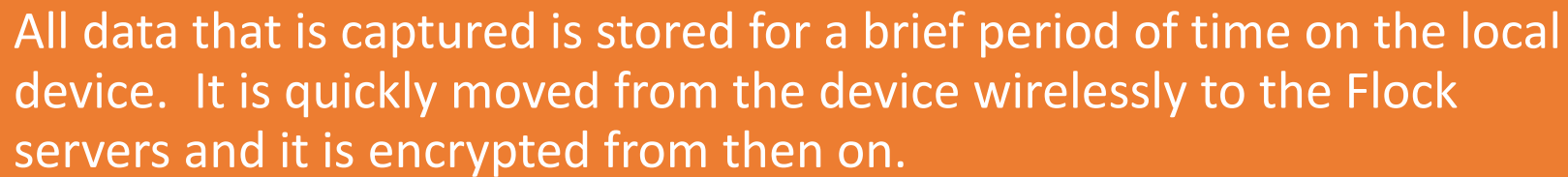


Any violation found is subject to administrative discipline and referred for criminal prosecution if necessary.


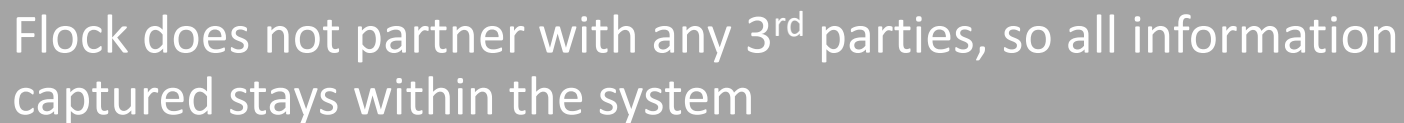


Data Security

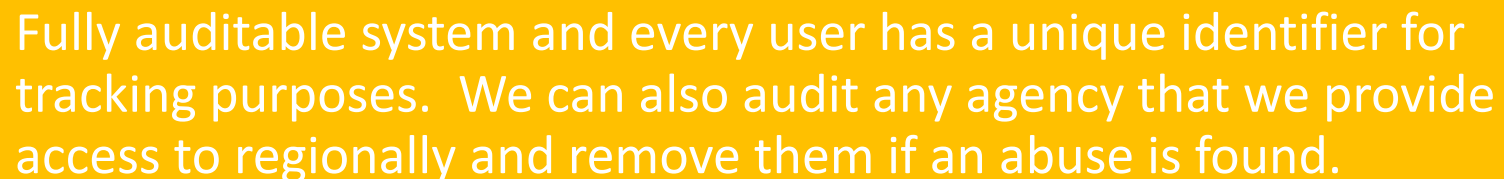
All data that is captured is stored for a brief period of time on the local device. It is quickly moved from the device wirelessly to the Flock servers and it is encrypted from then on.
















Flock does not partner with any 3rd parties, so all information captured stays within the system



Fully auditable system and every user has a unique identifier for tracking purposes. We can also audit any agency that we provide access to regionally and remove them if an abuse is found.



Transparency portal example (Warwick RI)

Policies		Usage	
	What's Detected License Plates, Vehicles		Data retention (in days) 30 days
	What's Not Detected Facial recognition, People, Gender, Race		Number of owned cameras 10
	Acceptable Use Policy Data is used for law enforcement purposes only. Data is owned by Warwick RI PD and is never sold to 3rd parties.	 External organizations with access Burrillville RI PD, Cranston RI PD, East Providence RI PD, Franklin MA PD, Johnston RI PD, Middleboro MA PD, Norwich CT PD, Pawtucket RI PD, Providence RI PD, Rhode Island State Police, Seekonk MA PD, SEMRECC MA, Smithfield RI PD, US Postal Inspection Service, Wayland MA PD, Woonsocket RI PD	
	Prohibited Uses Immigration enforcement, traffic enforcement, harassment or intimidation, usage based solely on a protected class (i.e. race, sex, religion), Personal use.		Hotlists Alerted On NCIC, NCMEC Amber Alert
	Access Policy All system access requires a valid reason and is stored indefinitely.		Vehicles detected in the last 30 days 368,350
	Hotlist Policy Hotlist hits are required to be human verified prior to action.		Hotlist hits in the last 30 days 266
			Searches in the last 30 days 171

Transparency Portal (San Diego CA)

Overview

The San Diego Police Department uses Flock Safety technology to capture objective evidence without compromising on individual privacy. San Diego Police utilizes retroactive search to solve crimes after they've occurred. Additionally, San Diego Police utilizes real time alerting of hotlist vehicles to capture wanted criminals. In an effort to ensure proper usage and guardrails are in place, they have made the below policies and usage statistics available to the public.

Policies



What's Detected

License Plates, Vehicles



What's Not Detected

Facial recognition, People, Gender, Race



Acceptable Use Policy

Data is used for law enforcement purposes only. Data is owned by San Diego CA PD and is never sold to 3rd parties.



Prohibited Uses

The following uses of ALPRs shall be expressly prohibited:

- To invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.
- To be used in a discriminatory manner and to target protected individual characteristics, including race, color, ethnicity, religion, national origin, age, disability, gender (to include gender identity and gender expression), lifestyle, sexual orientation, or similar personal characteristics, in accordance with Department Policy 9.33.

Usage



Data retention (in days)

30 days



Number of owned cameras

342



External organizations with access - None



Hotlists Alerted On

California SVS, NCMEC Amber Alert



Vehicles detected in the last 30 days

1,975,064



Hotlist hits in the last 30 days

3,569

Transparency Portal (Culpeper VA)

Overview

Culpeper VA PD uses Flock Safety technology to capture objective evidence without compromising on individual privacy. Culpeper VA PD utilizes retroactive search to solve crimes after they've occurred. Additionally, Culpeper VA PD utilizes real time alerting of hotlist vehicles to capture wanted criminals. In an effort to ensure proper usage and guardrails are in place, they have made the below policies and usage statistics available to the public.

Policies



What's Detected

License Plates, Vehicles



What's Not Detected

Facial recognition, People, Gender, Race



Acceptable Use Policy

Data is used for law enforcement purposes only. Data is owned by Culpeper VA PD and is never sold to 3rd parties.



Prohibited Uses

Immigration enforcement, traffic enforcement, harassment or intimidation, usage based solely on a protected class (i.e. race, sex, religion), Personal use.



Access Policy

All system access requires a valid reason and is stored indefinitely.



Hotlist Policy

Hotlist hits are required to be human verified prior to action.

Usage



Data retention (in days)

30 days



Number of owned cameras

10

External organizations with access

Accomack County VA SO, Alexandria City VA SO, Alexandria VA PD, Amberley Village OH PD, Amelia County VA SO, Amherst County VA SO, Arlington County VA PD, Augusta County VA SO, Avon IN PD, Bedford County VA SO, Blacksburg VA PD, Blount County Commission (AL), Bridgewater VA PD, Brunswick County VA SO, Caroline County VA SO, Chase City VA PD, Chesapeake VA PD, Chesterfield County VA PD, Chesterton IN PD, Chincoteague VA PD, City of Franklin VA PD, Clarksville IN PD, Clarksville VA PD, Colonial Heights VA PD, Cumberland County VA SO, De Pere WI PD, Dinwiddie County VA SO, Emporia VA PD, Escambia County FL SO, Fairfax City VA PD, Fairfax County VA PD, Farmville VA PD, Fauquier County VA SO, FBI, Floyd County VA SO, Fort Worth TX PD, Franklinton NC PD, Fulton County GA PD, George Mason University Campus VA PD, Gloucester County VA SO, Goochland County VA SO, Greenville County VA SO, Hampton VA PD, Hanover County VA SO, Harrisonburg VA PD, Hemstead Village NY PD, Henrico County VA PD.

Summary

- Flock Safety can be a very valuable asset to the Department in not only solving crimes after they have occurred, securing a successful prosecution, but also act as a positive deterrent through proper education and media releases.
- Other agencies in our region have implemented Flock in their jurisdiction and have noted higher clearance rates of property and violent crimes.



Lets have a conversation
about technology

CITY OF CHARLOTTESVILLE



PROCLAMATION

Charlottesville Dark Sky Week April 2-8, 2024

WHEREAS International Dark Sky Week is a worldwide celebration of the dark and natural night; and

WHEREAS the aesthetic beauty and wonder of a natural night sky is a shared heritage of all humankind; the experience of standing beneath a starry night sky inspires feelings of wonder and awe, and encourages a growing interest in science and nature; and

WHEREAS eighty percent of the world's population, including many people in Charlottesville, lives under a dome of light pollution - excessive artificial lighting at night that disrupts natural darkness - and may never experience the visual wonder or ecological and health benefits of living under a dark sky; and

WHEREAS scientists link light pollution to global insect decline, the death of millions of migrating birds, increased carbon emissions, and disease; and

WHEREAS light pollution represents roughly \$3 billion per year of wasted energy in the United States and contributes to diminished energy security; and

WHEREAS the Dark Skies Piedmont group was formed in 2023 to an enthusiastic response from the City of Charlottesville and surrounding counties, raising awareness of light pollution, and providing education, resources, and solutions to encourage the protection of and enjoyment of dark skies and responsible outdoor lighting;

NOW, THEREFORE, the Charlottesville City Council, proclaims the week of April 2-8, 2024, as Dark Sky Week, and we ask residents to observe and ponder upon this important week and to join in raising awareness and support for protecting our dark sky resources on this week and throughout the year.

Signed and sealed this 1st day of April 2024.

Juandiego R. Wade, Mayor

Attest:

Kyna Thomas, Clerk of Council

CITY COUNCIL REGULAR MEETING MINUTES
January 22, 2024
Council Chamber 4:00 PM

The Charlottesville City Council met on Monday, January 22, 2024, the meeting having been postponed from January 16 regular meeting date. Mayor Juandiego Wade declared on January 16 that weather conditions were such that it was hazardous for members to attend the scheduled Council Meeting. Mayor Wade called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston, and Councilors Natalie Oschrin, Michael Payne, and Lloyd Snook.

Councilor Oschrin recommended adding an item under Other Business to reconsider her appointment to the TJPDC (Thomas Jefferson Planning District Commission).

On motion by Pinkston, seconded by Snook, Council unanimously approved the meeting agenda as amended, 5-0.

REPORTS

1. REPORT: CVille Scholarship

Presenters for this report had a conflict and were unable to attend the meeting, so City Council accepted the report materials.

2. REPORT: Charlottesville Area Transit Alternative Fuels Study results with recommendations

Transit Director Garland Williams introduced the Kimley Horn consulting team. Sam Sink, Transit Planner, began the presentation with information about fuel types and considerations such as: propulsion, emissions, refueling/recharging, training and infrastructure. Paul Elman, a licensed engineer, provided a regional example from Arlington Regional Transit (ART). Consultants and Mr. Williams answered questions from Council during the presentation.

Kimley Horn made the following recommendations:

1. CAT will transition to a zero-emissions fleet by 2040, supporting the City's climate goals of carbon-neutral operations by 2050.
2. CAT will pilot to two fuel types for transition: battery-electric and hydrogen fuel cell.
 - The BEB pilot will begin with 2 BEBs being purchased in 2024.
 - Hydrogen fuel cell pilot vehicles will be purchased in 2027.
 - BEB pilot testing will come before hydrogen pilot testing, so there is sufficient time to establish a source for a hydrogen supply or generation.
3. During pilot testing, CAT will continue expanding its fleet to meet the capital requirements of planned service improvements.
4. The final fleet mix will be determined through pilot testing and improvements to ZEB

technologies. CAT's chief consideration will be the fleet's reliability and capital and O&M costs.

5. Charging and fueling will take place at the CAT facility.

- The City will identify a source for hydrogen fuel and investigate on-site green hydrogen production as part of the site planning effort.
- The City will investigate on-site generation of electricity for the charging of BEBs at the CAT facility as part of the site planning effort.

Next Steps:

- Finalize the alternative fuel feasibility study.
- Begin the conceptual site design of the CAT facility expansion and additional site improvements.
- Complete zero-emissions transition plan requirements for FTA.

John Jackson shared a link to a report from Calstart regarding zero emission buses (ZEBs): <https://calstart.org/zeroing-in-on-zeb-2023/>. The report was titled "Zeroing in on ZEBs - The advanced technology transit bus index: A ZEB inventory report for the United States and Canada."

City Manager Sanders stated that a work session will be held in approximately a month to develop a plan for conducting feasibility studies and moving toward a solution.

CLOSED MEETING

On motion by Pinkston, seconded by Snook, and a vote of 5 to 0, pursuant to section 2.2-3712 of the Code of Virginia, City Council closed this open meeting and convened a closed meeting as authorized by the Code of Virginia Section 2.2-3711(A) (8) for consultation with the City Attorney regarding legal matters requiring the provision of legal advice for the following purposes: 1. legal matters related to the offer and acceptance of proffers, and 2. legal matters related to the effective date of ordinances, and pursuant to Code of Virginia Section 2.2-3711(A)(7) for consultation with the City Attorney pertaining to actual litigation, where consultation or briefing in open meeting would adversely affect the litigating posture of the City Council, specifically, *White v. Charlottesville*.

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

BUSINESS SESSION

City Council began the business session by observing a moment of silence.

ANNOUNCEMENTS

Councilor Payne announced public meetings related to proposed jail renovations. He also announced a survey for potential expansion of the Virginia Breeze bus service.

Councilor Oschrein announced the Bike & Pedestrian Advisory Committee-led neighborhood walks every second Sunday of the month.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: 2024 National Day of Racial Healing**

Councilors took turns reading sections of the proclamation recognizing the National Day of Racial Healing.

CONSENT AGENDA

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record, and there were no comments from the public. On motion by Snook, seconded by Pinkston, Council by a vote of 5-0 adopted the Consent Agenda (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

3. MINUTES: November 13 work session, November 14 joint public hearings with Planning Commission, November 20 regular meeting, November 29 Zoning Ordinance work session, January 9 joint meeting with Planning Commission, January 10 joint meeting with Schools
4. RESOLUTION: Resolution to appropriate funding from the FY23 State Criminal Alien Assistance Program (SCAAP) Grant for Albemarle Charlottesville Regional Jail - \$16,768 (2nd reading)

RESOLUTION APPROPRIATING FUNDS

State Criminal Alien Assistance Program (SCAAP) Grant for 2023 reimbursement \$16,768

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 \$16,768.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$13,079.04 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$3,688.96 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$16,768	Fund: 211	Internal Order: 1900543	G/L Account: 431110
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Expenses

\$13,079.04	Fund: 211	Internal Order: 1900511	G/L Account: 530550
\$3,688.96	Fund: 211	Internal Order: 1900511	G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of 16,768 from the U. S. Bureau of Justice Assistance.

5. RESOLUTION: Resolution to appropriate funding from the Capital Improvement Plan Contingency Account to Virginia Supportive Housing for Premier Circle PSH - \$750,000 (2nd reading)

RESOLUTION

Resolution to Appropriate funding from the Capital Improvement Plan Contingency Account to Virginia Supportive Housing for Premier Circle - \$750,000

WHEREAS, the City of Charlottesville, VA in partnership with Albemarle County has agreed to provide additional funding to Virginia Supportive Housing for the Premier Circle project; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that additional funding of \$750,000 be appropriated from the Capital Improvement Program Contingency Account.

Expenditure:

\$ 750,000 Fund: 426 WBS: CP-080 G/L Account: 540100

6. ORDINANCE: To amend, re-ordain, and re-enact Chapter 30, Article 4 of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) to move application/certification deadline to April 1

ORDINANCE TO AMEND, RE-ORDAIN, AND RE-ENACT CHAPTER 30, ARTICLE IV OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED (REAL ESTATE TAX RELIEF FOR THE ELDERLY AND DISABLED PERSONS) TO MOVE APPLICATION/CERTIFICATION DEADLINE TO APRIL 1

CITY MANAGER REPORT

Monthly Update: City Manager Sam Sanders spoke about a popular public comment topic of land banks and stated that he has formed a working group to explore possibilities. Regarding staffing, he announced the selection of two Deputy City Managers - Eden Ratliff, DCM-Administration, and Lionel Lyons, DCM-Operations. He announced the City Manager Community Budget Forum being held January 23 at Carver Recreation Center.

Interim Deputy City Manager Steven Hicks announced two internal promotions and applauded city operations for work during recent weather events.

City Sheriff Budget Presentation: James Brown, Sheriff, presented the Sheriff Department update report as part of the budget development process.

Downtown Mall Tree Management Presentation: Riaan Anthony, Interim Director of Parks and Recreation, stated that a contract was secured today for downtown tree management. Paul

Josey, with Wolf Josey Landscape Architects, presented the Downtown Mall Tree Management Plan Kickoff report, reviewing the project scope, limitations, process and approach, meeting schedule, trees presenting risk, and next steps:

1. Complete Soil Testing
2. Conduct Level 3 Tree Risk Assessments
3. Finalize Tree Inventory and Analysis
4. Assemble Committees and Schedule Meetings

The study is expected to be completed in June.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public.

1. Charles W McCurdy, city resident on Bus Route 4, spoke about the need to hire Charlottesville Area Transit (CAT) bus drivers and pay them at the rate of Richmond, VA drivers, moving them to maximum pay in two years.
2. Dan Miller, city resident, spoke about speeding vehicles on Avon Street and Elliot Avenue. He requested traffic calming measures. He spoke in support of switching CAT to electronic vehicles and having a union contract for drivers.
3. Robert McAdams, city resident, spoke about the CAT Alternative Fuels Study and the need for immediate action to transition to zero emissions or battery electric buses to meet the city's climate goals.
4. Kelly Keeling, city resident and local teacher, spoke about the impacts of the bus driver shortage on students and families. She requested effective collective bargaining for school bus drivers to address the driver shortage.
5. Shannon Gillikin, city teacher, parent and President of the Charlottesville Education Association, spoke about effects of the bus driver shortage on students and families. She requested strong and fair contracts for bus drivers.
6. Gregory Weaver, city resident representing Charlottesville Democratic Socialists of America, spoke in support of a fair collective bargaining contract for CATworkers.
7. Lisa Glassco, city resident, spoke in support of the Inflation Reduction Act, and the need to access grants for transitioning to electric buses and setting up charging stations. She opposed purchasing buses that run on fossil fuels.
8. Caetano de Campos Lopes, Community Climate Collaborative (C3), spoke about the CAT Alternative Fuels Study and good stewardship of public funds. He recommended purchasing more zero emissions buses, paying CAT drivers the Richmond rate, and enacting a fair contract for the Amalgamated Transit Union (ATU).
9. James Groves, city resident, spoke about flaws in the Kimely Horn Alternative Fuels Study, and provided a handout with alternate information.
10. Joyce Martin Diaz, Transit Driver Operator, provided data about the CAT workforce, with many drivers and mechanics aging to retirement soon. She requested a good and fair contract for worker wages and benefits.
11. Dr. Emily Yen, city resident, spoke in support of a fair contract for the ATU. She requested

investment in the workers, transit infrastructure and electric vehicles.

12. Claire Denton-Spalding, city resident, thanked Council for passing the new Zoning Code, and asked Council to invest in community land trust housing. She voiced support for the CAT union fair contract.
13. Keisha Pleasants, Pupil Transit Operator and union bargaining committee member, spoke about the need for CAT to remain fully staffed. She spoke about the collective bargaining process and ideas that would help recruit and retain drivers such as increased pay, more bus aides, the opportunity to work according to the school calendar, and full benefits.
14. Eda Hoquist, city resident, spoke about dangers of biking in the city and the need for improved bicycle infrastructure. They stated that CAT drivers have been protective of cyclists, and urged support of a strong union contract.
15. Mark Van Meter, Salvation Army Captain, spoke about homelessness in the city and expressed support for Item #10 on the agenda to acquire a property at Avon Street and Levy Avenue for future redevelopment and homelessness support.
16. Holly Kiesling, city resident, spoke about the property acquisition proposal for a homeless shelter on Avon Street. She was concerned about the speed at which the acquisition process is occurring and the need for more neighborhood involvement and information. She stated that the location does not seem to be the right spot.

ACTION ITEMS

7. PUBLIC HEARING/ORDINANCE: Ordinance to approve a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road - VERVE Charlottesville PUD – ZM23-00004

Carried over from the December 18, 2023, meeting, City Planner Matt Alfele summarized the process for Council to consider the finalized proffer statement as part of the requested Zoning Map amendment.

Mayor Wade opened the public hearing. With no speakers, the public hearing was closed.

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

AN ORDINANCE APPROVING A REQUEST TO REZONE LAND FRONTING ON JEFFERSON PARK AVENUE, STADIUM ROAD, EMMET STREET, AND MONTEBELLO CIRCLE FROM MULTIFAMILY RESIDENTIAL (R-3) TO PLANNED UNIT DEVELOPMENT (PUD)

8. PUBLIC HEARING/ORDINANCE: Ordinance to Rezone land fronting on Ivy Road and Copeley Road related to the "2117 Ivy Road Plan Unit Development Plan Submittal"

Carried over from the December 18, 2023, meeting, City Planner Dannan O'Connell provided an

overview of the finalized proffer statement for consideration of the proposed rezoning ordinance.

Mayor Wade opened the public hearing. With no speakers, the public hearing was closed.

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

AN ORDINANCE APPROVING A REQUEST TO REZONE LAND FRONTING ON IVY ROAD AND COPELEY ROAD FROM URBAN CORRIDOR (URB) TO PLANNED UNIT DEVELOPMENT (PUD)

9. PUBLIC HEARING/RESOLUTION: Public Hearing and Resolution of Appropriation to Amend the FY24 Budget (carried)

Finance Director Chris Cullinan made the presentation for adoption of the Fiscal Year 2024 Year End Appropriation. Whereas the City Council desires to amend the budget previously adopted for Fiscal Year 2023, to increase the amount of authorized expenditures by a total of \$26,292,752.79 and, since this Budget Amendment exceeds one percent (1%) of the total expenditures shown in the currently-adopted budget, City Council conducted a public hearing on the proposed amendment following public notice given in accordance with Virginia Code §15.2-2507(A).

Mayor Wade opened the public hearing. With no speakers, the public hearing was closed. Council unanimously agreed to move the resolution to the February 5 consent agenda for second reading and vote.

10. RESOLUTION: Resolution to appropriate ARPA funding and authorize the City Manager to acquire Avon/Levy Property for future redevelopment - \$4,000,000 (carried)

Mr. Sanders presented a proposal for property acquisition. He stated that the intent of the purchase is to act in the benefit of the public to acquire the property and hold it until a determination is made for how to use the space to address needs related to homelessness, in addition to other efforts related to permanent supportive housing and other housing coming on-line. He stated that he did not know what type of development would go on the site but envisioned that permanent shelter beds would be included in attempt to implement a city-county response to homelessness. He stated that additional economic benefits will come from the transaction.

Mr. Sanders answered questions from Council. Council unanimously agreed to move the resolution to the February 5 consent agenda for second reading and vote.

11. ORDINANCE: Ordinance to amend the procurement provisions of the City Code to achieve consistency with the Virginia Code

City Attorney Jacob Stroman presented the proposed City Code updates related to procurement methods authorized.

On motion by Snook, seconded by Pinkston, Council adopted the ordinance, dispensing with the second reading (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

**AN ORDINANCE TO AMEND AND REENACT CITY CODE SECTION 22-4.
METHODS OF PROCUREMENT AUTHORIZED**

GENERAL BUSINESS

12. WRITTEN REPORT: Rivanna Authorities Quarterly Report

Council acknowledged the Rivanna Authorities quarterly written report. Councilor Payne requested a report from Rivanna Authorities about the recent leak into the Rivanna waterways, and Mr. Sanders stated that he will follow up.

OTHER BUSINESS

At the request of Councilor Oschrein, who stated that she would like to step down from the Thomas Jefferson Planning District Commission, Council reconsidered its January 2 appointment of Ms. Oschrein to the TJPDC.

On motion by Snook, seconded by Pinkston, Council by a vote of 5-0 removed Councilor Oschrein from the TJPDC and reinstated Phil D'Oronzio.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public.

- Matthew Ray, city resident and CAT driver, thanked Council for the ability to unionize at CAT. He mentioned that negotiations are not going well, and requested fair negotiations.
- Dina Rose, city resident, spoke about struggles with finding housing, and systemically housing workers not reaching out.

The meeting adjourned at 8:33 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY SPECIAL MEETING MINUTES
COUNCIL RETREAT
January 26, 2024 at 9:00 a.m.
CitySpace, 100 5th St NE

The Charlottesville City Council met on Friday, January 26, 2024, in a retreat special meeting. Mayor Juandiego Wade called the meeting to order at 9:00 a.m. and Clerk of Council Kyna Thomas stated that all members present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston, and Councilors Natalie Oschrin, Michael Payne and Lloyd Snook.

On motion by Snook, seconded by Pinkston, Council voted unanimously to adopt the following meeting agenda:

- Welcome and Order of the Day
- Introduction of Facilitator (Charles Hartgrove, managing director of the Virginia Institute of Government (VIG) at the University of Virginia's Weldon Cooper Center for Public Service)
- Strategic Highlights of Local Governance
- Review of Council Procedures
- AM Break - 10 Minutes
- FOIA Training
- Lunch (Communications Conversation Over Lunch)
- City Budgeting
- Facilitator's Reflections on Financial Review & Highlights
- PM Break - 10 Minutes
- Strategic Planning
- Adjournment

City Manager Sam Sanders introduced facilitator Charles Hartgrove, managing director of the Virginia Institute of Government (VIG) at the University of Virginia's Weldon Cooper Center for Public Service.

Mr. Hartgrove reviewed strategic highlights of local governance, specifically the Council-Manager form of government.

City Attorney Jacob Stroman reviewed Council Rules and Procedures and received feedback from Council, the City Clerk and City Manager.

The meeting recessed from 10:45-10:55a.m.

City Manager Sanders requested feedback from City Council on procedures for appointing members to various city boards and commissions. He has decided that the Deputy City Manager for Administration will maintain a connection to appointees to boards and commissions, and bring back any concerns to the City Manager, who will then inform City Council. Mr. Snook suggested that every board & commission keep records available on the city website. Some boards have financial or policy implications. Councilor Oschrein suggested having a section on the website for regional meetings where councilors have seats.

Regarding work session scheduling, Mr. Sanders asked Council to suggest topics of interest. He announced an Alternative Fuels work session to be held in February and a Decarbonization work session in March. Suggested work session topics were implementation of Affordable Housing strategy; economic development and community wealth building; CAT route optimization; regional transit vision plan; transit in general; buy-in on Affordable Housing Plan; land banks and land trusts practicalities; neighborhoods reports, including Small Area Plans reviews; long-term plans for the Housing Authority; and department updates. Mr. Sanders stated the intention to touch all ten City strategic outcome areas during the year.

City Attorney Stroman introduced the topic of public hearings regarding land use matters, which Council for several years participated jointly with the Planning Commission. Holding separate public hearings would allow the Planning Commission to form its own recommendation to present to City Council without the influence of perceived Council desires or direct input from Council before Planning Commission deliberations. Mr. Stroman asked if Council would like to hold its own public hearings. With some reservations, Council by majority agreed to hold separate public hearings from the Planning Commission on land use issues, with the decision to be reevaluated as needed.

Mr. Stroman reviewed rules for public comment during Council meetings.

The meeting broadcast was experiencing technical difficulties, so Mayor Wade recessed the meeting briefly for lunch at 11:50 a.m. and reconvened at 12:03 p.m., while technical issues were being addressed.

City Attorney Stroman and Assistant City Attorney April Wimberley conducted training on the Virginia Freedom of Information Act (FOIA). This training also served as official training for elected officials and the FOIA Officer who are required to train every other year.

Communications Director Afton Schneider explained the services that her office provides.

Budget Director Krisy Hammill reviewed city budgeting and the public meetings for the Fiscal Year 2025 budget development process. Kevin Rotty with the city's financial management firm

Public Financial Management (PFM) presented additional information about the city's financial policy, practices, impact of collective bargaining negotiations, and bond rating agency questions.

Mr. Sanders provided additional perspective on the collective bargaining process, the Classifications and Compensation Study, and the Schools operating increase, the Charlottesville Area Transit alternative fuels fleet transformation, commitment to affordable housing, and management of the Capital Improvement Program, among other commitments.

Ms. Hammill introduced Sarah Frye, PFM, who will help the city to review federal funding opportunities to help address climate action.

The meeting recessed from 1:29 p.m. to 1:37 p.m.

Mr. Hartgrove reflected on the financial review from the subject matter experts and other highlights from Council and staff discussion. He then led a discussion about the City's Strategic Plan Framework and prioritization of the ten outcome areas: Climate Action; Economic Prosperity; Education; Housing; Organizational Excellence; Partnerships; Public Safety; Recreation, Arts, Culture; Transportation; and the overarching Justice, Equity, Diversity and Inclusion (JEDI). Council discussed funding considerations, including current budget capacity and future funding sources, as well as future capital improvement projects.

Clerk Thomas called for a point of order to address technical difficulties related to broadcast of the meeting. City Attorney Stroman stated that the meeting could continue since the meeting was advertised as an open meeting and the public may access the meeting room. Staff from the Information Technology Department advised that the Zoom platform was malfunctioning.

Discussion continued and Council agreed for the City Manager to investigate the feasibility and options for a fireworks display within city limits, revisiting the idea of a community arts council, bolstering parks and recreation activities, the application of JEDI across all other strategic areas, including in the appointments to boards and commissions, and exploration of community wealth building opportunities.

Mr. Stroman reviewed Council meeting procedures regarding items requiring one and two readings. Council made no changes to City Code *Section 2-97. Procedure in enacting general ordinances*. Regarding *Section 2-98(b). Procedure for appropriating money, imposing taxes, etc.*, Council was in general agreement to change the threshold for two required readings to \$5000.

Mr. Sanders stated that the incoming Deputy City Manager for Administration, Eden Ratliffe, will work with consultant Raftelis to develop the five-year strategic plan, Lionel Lyons will join as Deputy City Manager for Operations on February 5.

Councilor Snook questioned the City Code requirement for a Finance Committee, and Mr. Stroman stated that he will research.

Council agreed to hear quarterly city financial reports as an oral presentation during Council meetings.

The meeting adjourned at 3:36 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

Special Meeting and Budget Development Work Session

February 1, 2024 at 5:00 PM

CitySpace, 100 5th Street NE

The Charlottesville City Council met on Thursday, February 1, 2024 in a special meeting and Fiscal Year 2025 budget work session. Mayor Juandiego Wade called the meeting to order at 5:08 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following members present: Natalie Oschrein, Vice Mayor Brian Pinkston, Lloyd Snook, and Mayor Juandiego Wade. Clerk Thomas received notification from Councilor Michael Payne requesting to participate in the meeting by electronic means. Mr. Payne joined the meeting via the Zoom platform and confirmed that he was unable to be present because of personal travel and that he was participating from Arlington, Virginia. Audio-visual connection was established.

On motion by Snook, seconded by Pinkston, Council voted unanimously to approve electronic participation for Councilor Payne.

On motion by Pinkston, seconded by Snook, Council voted unanimously to adopt the meeting agenda.

ACTION ITEMS

1. PUBLIC HEARING/ORDINANCE: Ordinance adopting updated Neighborhood Development Services fee schedule items for Land Use Development Review and related fees (1 reading only)

Missy Creasy, Deputy Director of Neighborhood Development Services introduced the ordinance and answered clarifying questions for Council.

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

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

ORDINANCE OF THE CHARLOTTESVILLE CITY COUNCIL: APPROVING AND ADOPTION OF A SCHEDULE OF FEES APPLICABLE TO VARIOUS SERVICES AND FUNCTIONS ADMINISTERED BY THE CITY'S DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES, RELATED TO APPLICATIONS, INSPECTIONS, PERMITS AND APPROVALS REQUIRED BY THE CHARLOTTESVILLE DEVELOPMENT CODE

2. PUBLIC HEARING/ORDINANCE: Consideration of a Development Code Amendment – Remove Retail in Residential Districts (1 reading only)

Missy Creasy, Deputy Director of Neighborhood Development Services, presented the

amendment request and stated that the public hearing addresses a scrivener's error, as advised by the City Attorney.

Mayor Wade opened the public hearing. No speakers came forward and the public hearing was closed, and Council discussion ensued.

Councilor Oschrein chose to abstain from the vote, as the Development Code was approved before her term started on City Council. Councilors addressed the need to revisit a timeline and approaches to the option of retail in residential districts.

On motion by Snook, seconded by Pinkston, Council by a vote of 3-1-1 adopted the ordinance (Ayes: Pinkston, Snook, Wade; Noes: Payne; Abstained: Oschrein).

ORDINANCE TO AMEND NEW CHAPTER 34 OF THE CHARLOTTESVILLE CITY CODE TO REMOVE GENERAL RETAIL IN RESIDENTIAL DISTRICTS

3. PRESENTATION: Second quarter FY24 Financial Report

Budget Director Krisy Hammill presented the City's quarterly financial report.

4. PRESENTATION: December 2023 Investment Report

City Treasurer Jason Vandever presented the City's investment report.

FY 2025 Budget Development Overview and Discussion

City Assessor Jeffrey Davis provided an update on real property reassessments for 2024. Total taxable property increased from \$10,460,742,200 to \$10,923,926,200 which represents a total assessed value increase of \$463,184,000 or 5%. The reassessment of existing property increased by \$477,000,700 or 4%.

Ms. Hammill led an overview and discussion of the following FY 2025 budget development considerations:

- Budget Guidelines and Financial Policies
- First Glance at FY 2025 Revenue Projections
- Schools Budget Needs

Ms. Hammill and City Manager Sam Sanders explained key budget drivers:

- Classification and Compensation Study
- Collective Bargaining
- Retiree Cost of Living Adjustment
- City cost increase for employee healthcare

Ms. Hammill requested feedback from Council on the real estate tax rate to advertise for the first tax rate public hearing on March 18. Councilors were in general agreement to advertise a 4-cent

real estate tax rate increase from .96 to 1.00, understanding that the advertised rate is the maximum rate that could be considered for balancing the budget. Councilor Oschrein was in opposition and asked for a future presentation of budgeting scenarios. Councilor Payne recommended exploring increases in other taxes to increase revenues.

Council and staff discussed complexities of the budget including staffing, vacancies, as well as current and future demands.

Mayor Wade adjourned the meeting at 7:44 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

School Board / City Council Joint Work Session

February 7, 2024 at 5:00 p.m.

Walker Upper Elementary School Cafeteria, 1564 Dairy Road, Charlottesville, VA

The February 7, 2024, joint budget work session of the Charlottesville City Council and the Charlottesville City School Board was called to order by Chair Lisa Torres at 5:00 p.m.

Deputy School Board Clerk Leslie Thacker called the roll for School Board Members, establishing a quorum, and Clerk of Council Kyna Thomas called the roll for City Council, noting the following members present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston, and Councilors Michael Payne and Lloyd Snook. Councilor Oschrein gave prior notice that she would arrive late.

Chair Torres called a vote for agenda approval, and the agenda was adopted unanimously.

Superintendent Royal Gurley made the Budget Development FY 25 presentation, covering the topics of Budget Priorities, Demographics and Enrollment, Local Composite Index, Revenues, Expenditures, and Changes to Budget. Dr. Gurley and staff answered clarifying questions for Council.

Councilor Oschrein arrived at 5:24 p.m. during the presentation.

Following the presentation, Chair Torres opened the floor for comments from members of the community and the following individuals spoke:

- Christine Esposito, city resident and school employee
- Heather Blakely, 6th grade teacher
- Jessica Taylor, reading specialist, read a message from another teacher Shannon Gillikin.
- Sabra Timmons, ESL (English as a Second Language) teacher
- Deborah Hartline, city resident and Instructional Assistant in the LEAP Program
- Raul Arbelaez, parent, and President of the Black Knight Athletic Club
- Nic McCarthy-Rivera, teacher
- Laura Sirgany, parent, support staff member and education researcher
- Amy Gardner, parent
- Ang Conn, city resident

Chair Torres invited comments from City Council. Mayor Wade thanked the School Board and staff for an informative meeting. Dr. Gurley will present the approved School Board Budget to City Council at the March 5, 2024, City Council meeting.

The meeting adjourned at 7:32 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MINUTES

Budget Development Work Session

March 14, 2024 at 6:00 PM

CitySpace, 100 5th Street NE

The Charlottesville City Council met on Thursday, March 14, 2024, in a work session to discuss Fiscal Year 2025 budget development related to outside and non-profit Agencies. Fiscal Year (FY) 2025 budget development documents were made available on the City website at: <https://www.charlottesville.gov/169/Budget>. Mayor Juandiego Wade called the meeting to order with all members present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston and Councilors Natalie Oschrein, Michael Payne and Lloyd Snook.

City Manager Sam Sanders made opening statements summarizing the work session agenda. He and Budget Director Krisy Hammill provided answers to questions that Council members posed at the March 7 budget work session. Garland Williams, Director of Transit, answered questions from councilors regarding funding for filling vacancies for bus driver positions, fleet operations readiness and timelines for fleet repairs. Chris Engel, Director of Economic Development, answered a question about parking garage leasing and the Parking Enterprise Fund.

Hunter Smith, Human Services Planner, summarized the application process for the Vibrant Community Fund. The FY25 process continued to develop on previous years' adjustments and changes. Equity continues to be a focus area for all applicants and questions around how organizations are working toward equity were part of the application process. There were 4 broad funding priority areas: Youth, Family & Education, Economic Impact and Jobs, Health and Safety, and Arts and Culture.

Misty Graves, Director of Human Services, acknowledged the countless hours of work done by Hunter Smith and the team of volunteers who began work on this year's Vibrant Community Fund process in August 2023.

Regarding Intergovernmental Agency Funding and Fundamental Agency Funding, Ms. Hammill provided an overview and answered questions from Council. Deputy City Manager Ashley Marshall explained the increased funding request for the Emergency Communications Center. Director Graves answered questions about Pathways program funding. Councilor Snook raised a question about the categorization of PHAR as a fundamental agency. Staff stated that based on last year's conversation and historical funding of the Association, the change was made for this year's budget. Discussion ensued about a proposed large allocation to an agency that does not yet have authority to operate in key areas of their proposal. Staff stated that the amount of this particular request was an outlier and Council had not set a cap on individual funding allocations. The parameters of the application process also did not exclude entities affiliated with the University of Virginia (e.g., the Fralin Museum). Council discussed the possible need to change the funding structure for Charlottesville Redevelopment and Housing Authority (CRHA) staffing, and to have a better understanding of CRHA operations. Mr. Sanders suggested holding a work session to discuss CRHA.

Councilor Snook questioned how and whether outcomes are measured, given that requested funding has increased for several groups or agencies over the years. He also requested discussion to determine the city's overall obligation to the Jefferson School African American Heritage Center. Mr. Sanders

suggested having a work session on the Vibrant Community Fund.

Councilors made suggestions for changes to amounts of some proposed allocations.

Mayor Wade opened the floor for comments from the public.

- Jody Kielbasa, Vice Provost of the Arts at UVA, spoke about funding and programming for the arts organizations at UVA. He spoke about a lack of professional arts structure in the city.
- Marta Keane, JABA CEO, thanked staff for a thoughtful process. She expressed appreciation for the relationship with the city and commitment to seniors in Charlottesville.
- Rick Preve, local filmmaker, on advisory board for Lighthouse Studios, spoke about the summer film academy and other programs.
- Daniela Pretzer, Executive Director of The Bridge Line, introduced herself and asked about how to get added to the Fundamental Agency list.
- Taylor Frome, Interim Director of The Mediation Project of Charlottesville, provided information about the funding request.
- Lindsey Hepler, Engagement Director at Lighthouse Studio, requested additional funding and asked about the change in rating from last year.
- Deanna Gould, Lighthouse Studio, shared positive feedback from community partners.
- Dr. Wes Bellamy, city resident, suggested moving the budget work sessions to other areas in the community, stating that CitySpace seems non-inclusive. He spoke in support of the Uhuru Foundation request for funding and their violence intervention impact.
- Elizabeth Irving, Women's Initiative, supported Dr. Bellamy's comments and she spoke in support of the efforts to have a fair and engaging process to determine funding. She welcomed a work session to discuss addressing rising needs for mental health and wellness support.

The meeting adjourned at 8:28 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MINUTES
Community Budget Forum and Public Hearing
March 21, 2024 at 6:00 PM
CitySpace, 100 5th Street NE

The Charlottesville City Council met on Thursday, March 21, 2024, to hold a Community Budget Forum and Public Hearing on the City Manager's Proposed Budget for Fiscal Year (FY) 2025. Budget development documents were made available on the City website at: <https://www.charlottesville.gov/169/Budget>.

Mayor Juandiego Wade called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston, and Councilors Natalie Oschrin, Michael Payne and Lloyd Snook.

City Manager Sam Sanders made opening statements summarizing the work session agenda and budget funding priorities: 1) Fairly compensating employees and recruiting the best in our market so this organization performs optimally for residents; 2) Investing in our Schools; 3) Affordable Housing; 4) Climate Action; 5) Transportation; and 6) Public Safety.

Mayor Wade opened the public hearing.

1. Shannon Flanigan, city resident, spoke in support of funding for Charlottesville Area Transit and the need for more reliable service.
2. Liz Emory, city resident and pastor representing IMPACT (Interfaith Movement Promoting Action by Congregations Together), spoke in support of more funding for Charlottesville Area Transit to bring six buses to operation, and the need for more reliable service.
3. Suzanne Bailey, city resident representing IMPACT, spoke in support of more funding for Charlottesville Area Transit and the need for more reliable service. She supported an increase in the real estate tax rate.
4. Josie Fishman, with the Green BACON Environmental Club at Charlottesville High School (CHS), spoke in support of more funding for Charlottesville Area Transit and requested funding for completion of the four-mile loop around Charlottesville High School as a budget priority.
5. Derek Bond, local restaurant owner asked about the proposed increase in meals tax and expressed concern about a correlation with less demand. He expressed concern about the real estate tax as related to business owners. Regarding the year-end surplus he stated that funds should go back to community members.
6. John Santoski, city resident, expressed understanding of the City Manager's proposal for tax increases to meet the priorities set by Council. He requested more funds for education and

using year-end surplus funds to send back to citizens and business owners.

7. Kevin Lynch, city resident, spoke against tax increases. He expressed that he did not think the issues with area transit were because of funding. He spoke about the real estate tax rate over time.
8. Emily Dreyfus, PHAR (Public Housing Association of Residents) and LAJC (Legal Aid Justice Center), shared a list of recommendations from the PHAR Intern team to improve quality of life for residents.
9. Matthew Gillikin, city resident and Livable Cville member, spoke in support of the proposed FY25 City Budget. He stated that because past budgets did not account for major projects, the City is making up for lost time in more recent budgets. He requested additional funding for sidewalks, addressing accessibility, and to support more bus drivers. He suggested finding more revenue sources and requiring UVA to pay through the PILOT (Payment In Lieu of Taxes) program.
10. Sullivan McDowell, city resident and Government Affairs Coordinator for the Virginia Restaurant and Lodging Travel Association, spoke in opposition to proposed meals and lodging tax increases.
11. Lyla Castleman, member of the Green BACON Environmental Club at CHS, thanked Council for funding green spaces and requested additional funding to complete the four-mile greenway loop around CHS.
12. Amy Gardner, city resident, asked Council to reconsider the funding request from the School Board. She spoke in support of the Vibrant Community Fund process and stated that by setting so many priorities, Council has spread itself thin. She requested that Council hold off on funding the \$1 Million for the Office of Sustainability to add to the Schools budget.
13. Celia Debowe, member of the Green BACON Environmental Club at CHS, requested additional funding to complete the four-mile greenway loop around CHS.

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

Budget Director Krisy Hammill answered questions that arose at the previous City Council meeting and Misty Graves, Human Services Director, answered Council questions about the Pathways Program.

Council expressed a desire for staff to research and report on potential cost increases for refuse collection to offset subsidy costs. Transit Director Garland Williams clarified information about transit and buses that are out of service and shared that equipment for the buses is still with the manufacturer. He also answered questions about City-County revenue sharing for transit services. Council and staff engaged in discussion about a variety of budget funds and Chris Engel, Director of Economic Development answered questions about the Parking Enterprise Fund and the change

to a new parking management company April 1, 2024.

Council provided guidance to the City Manager to fund the City Schools budget up to \$7 Million in the FY25 budget contingent on State budget allocations, and considering provisions for obtaining a refund for any amount that Schools receive over \$9 Million total. Councilors provided feedback on proposed tax rates and generally agreed on increases of 2 cents for the real estate tax rate, and 1% each for meals and lodging tax rates. Council suggested various adjustments to the Vibrant Community Fund allocations and having a conversation with The BUCK Squad to reach an understanding of their operations and their request for funds through the Vibrant Community Fund.

The meeting adjourned at 8:45 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL
Work Session on Gas Decarbonization
March 26, 2024 at 5:00 PM
CitySpace, 100 5th Street NE

The Charlottesville City Council met on Tuesday, March 26, 2024, in a work session to review and discuss a Gas Decarbonization Study update. Mayor Juandiego Wade called the meeting to order at 5:04 p.m. with all Council members present: Natalie Oschrin, Michael Payne, Vice Mayor Brian Pinkston, Lloyd Snook, and Mayor Juandiego Wade.

City Manager Sam Sanders introduced the work session topic and turned the presentation over to Utilities Director Lauren Hildebrand.

Ms. Hildebrand provided an overview of the Charlottesville Gas Utility system, which was established in 1876, and is one of three municipal natural gas utilities in Virginia.

Kristel Riddervold, Office of Sustainability Director, reviewed the global and local climate context of human activity effects on the climate.

Ms. Hildebrand presented the timeline for the Decarbonization Study, with the following items completed: Kick-off and Project Plan; Review of Regulations, Laws and Codes; Energy Efficiency Evaluation; and Methane Emissions Assessment. System Modeling is in progress before development of the final report. She provided detailed results and trends from a residential energy survey and key legal considerations for gas utility changes, which are codified in the City Charter and in the Virginia Code.

Councilors had questions about legalities of decommissioning a gas utility. City Attorney Jay Stroman reiterated the legal provisions stated by Ms. Hildebrand, specifying that the sale of public utilities requires referendum. He stated that he would research the topic and follow up. Mr. Payne stated that he was not interested in pursuing decommissioning the utility but wanted to focus on disincentivizing new gas hookups by the City.

Regarding a proposed ban on new natural gas connections, Ms. Hildebrand stated that per the Dillon Rule, authority must be expressly granted to the locality by the State, and that no city in Virginia has implemented a new gas connection ban. New connection bans are being challenged in other states (Berkeley, CA ruling). A ban would require changing City Code, and she noted that there has been a decline in requests for new connections. The City stopped marketing natural gas in 2018.

Eileen Courier, a consultant with Black & Veatch, presented the Energy Efficiency Evaluation and

Methane Leak Assessment. Recommendations from the Energy Efficiency Evaluation were:

- Adjust high-efficiency appliance rebate program to encourage high-efficiency natural gas appliance technologies
- Offer more tailored incentives to target customer segments and expand eligibility of existing programs
- Utilize lessons learned from large utilities in marketing and stakeholder engagement
- Consider expanding building envelope incentives & evaluate oil/propane to gas incentives

Recommendations from the Methane Leak Assessment were:

- Continue to complete leak surveys of the residential gas system every 3 years, which is more frequent than the required PHMSA 5-year interval
- Install Excess Flow Valves on service lines which shut when a service line is severed during excavation damage.
- Develop and implement preemptive pipeline and equipment maintenance or repair.
- Continue investing in the Public Awareness Program to prevent third-party excavation damage leaks, especially important in plastic systems
- Continue to emphasize the existing training and the Operator Qualification Program

Hua Fang, Black & Veatch consultant, provided an overview of emerging technologies and applications, which included renewable natural gas, green hydrogen, and blue hydrogen.

Energy efficiency evaluation recommendations were:

- Establish a new fee structure to disincentivize new gas connections – revenue source will fund the expansion of new Utilities' energy efficiency programs
- Develop a new weatherization program
- Evaluate existing rebates
- Partner with the Office of Sustainability to select annual carbon offset projects
- Increase the frequency of the Energy-Saving Trees Program (Spring and Fall)

Ms. Hildebrand announced that community listening sessions will occur in the Spring and Summer to hear from a variety of people, businesses and organizations.

Council recommended various resources to enhance community education about utilities and various other city services.

Mayor Wade adjourned the meeting at 7:29 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	April 1, 2024
Action Required:	Appropriate \$150,000 from USDA for the Charlottesville Urban Forest Management Plan
Presenter:	Steven Gaines, Urban Forester, Kristel Riddervold, Director, Robert Mathes, Management Specialist II Landscape
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate USDA Forest Service Urban and Community Forestry Inflation Reduction Grant for Charlottesville Urban Forest Management Planning - \$150,000 (2nd reading)

Background

The City of Charlottesville was awarded \$150,000 from the United States Department of Agriculture (USDA) for the Forest Service Urban and Community Forestry Inflation Reduction Grant to support Charlottesville Urban Forest Management Planning. This grant application was a collaborative effort between the Department of Parks and Recreation and the Office of Sustainability, with support from the Office of Community Solutions. The City of Charlottesville has delivered Urban Forest Management Programming for several decades but is currently relying on a 2009 program plan. This core objective of this project is to produce a comprehensive, adaptive management plan. These funds will specifically support the areas of Charlottesville that meet the “disadvantaged communities” criteria set by USDA.

Discussion

The City of Charlottesville recently received an award notification for \$150,000 from USDA to comprehensively review and significantly update the City’s 2009 Urban Forest Management Plan (UFMP). Since the City’s original effort to establish a formal plan, the City has evolved its approach toward increased environmental stewardship, expanded sustainability goals, and commitments to equity and inclusion. In 2023, Charlottesville adopted its first community wide Climate Action Plan and set strategic goals to achieve a 45% reduction of greenhouse gas emissions by 2030 and achieve carbon neutrality by 2050. In addition to targeting emissions reductions related to specific sources and activities, a major climate action component of the plan focuses on urban tree canopy and comprehensive natural resources stewardship. The core goal of this project proposal is to update the current urban forest management plan to integrate climate action goals, specifically targeting increased and equitable urban canopy coverage and greater stewardship capacity through volunteer training and use of spatial technology.

The overall objective is to produce a comprehensive, adaptive management plan. The plan will involve public input regarding management priorities of urban forests on both public and private properties, channeling key goals from past projects and directly linking them to an adaptive management approach and utilizing spatial data to target vulnerable regions of the City’s urban forest landscape.

The management plan components are detailed below:

- Align with the City's Comprehensive plan and recently adopted Climate Action Plan
- Establish a formal urban tree canopy goal
- Integrate outcomes from various tree-related and climate projects conducted over the past 5 years
- Develop methods to allow the public to visualize progress, including plantings, hazard tree removals, and invasive plant control/ containment
- Develop training and engagement opportunities
- Engage difficult-to-engage and previously underrepresented communities

- Address urban forest needs and opportunities across both public and private properties
- Establish the City's UFMP in a regional context
- Connect City residents, students, and business to implementation
- Ensure the updated UFMP addressed identified climate risks and vulnerabilities

The services of one or more technical consultants will be engaged through a competitive procurement process and the project is estimated to take approximately 18 to 24 months to complete.

Alignment with City Council's Vision and Strategic Plan

This project aligns with Council's Strategic Plan Framework - Strategic Outcome Area: Climate Action. This project aligns with the City's Comprehensive Plan and the Climate Action Plan.

Community Engagement

The City of Charlottesville is fortunate to have several community-based organizations who will be integral to this project and who are actively involved in projects and programs related to trees and natural resources, which include ReLeaf, Charlottesville Area Tree Stewards, Rivanna Conservation Alliance, Virginia Master Naturalists (Rivanna Chapter), and Charlottesville Tree Commission. In addition, the City plans to conduct stakeholder (including general community) engagement and communicate with/survey general public regarding urban forest benefits and priorities, in addition to opinion towards tree maintenance, establishment, planting, and preservation of trees on privately-owned property as a part of this project.

Budgetary Impact

Project has no budgetary impact to the City budget. In addition to the \$150,000 in grant funding, \$150,000 from the Climate Initiative Fund will support a comprehensive, citywide effort.

Recommendation

Staff recommends appropriating the \$150,000 from USDA for the Urban Forest Management Plan along with \$150,000 from the Climate Initiative Fund.

Alternatives

City Council may choose to not accept the grant award and then would need to rely solely on City funds to complete the update of a comprehensive, adaptive, citywide Urban Forest Management Plan.

Attachments

1. USDN Resolution

RESOLUTION
Appropriating Funding in the Amount of \$150,000 To Be Received from Urban Sustainability Directors Network (USDN)

WHEREAS, The City of Charlottesville, through the Office of Community Solutions, has been notified that it will be awarded a grant from Urban Sustainability Directors Network (USDN) for the United States Forest Service (USFS) Investment Recovery Act (IRA) Federal Award, in the amount of \$150,000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the USFS IRA funding from the Urban Sustainability Directors Network, said funding, anticipated in the sum of \$150,000, is hereby appropriated in the following manner:

Revenues			
\$150,000	Fund 210	Order 1900548	GL 432190 (Federal pass-thru)
Expenditures			
\$150,000	Fund 210	Order 1900548	GL 599999 Contractual Services

BE IT FURTHER RESOLVED that this appropriation is conditioned upon receipt of \$150,000 in funds from the Urban Sustainability Directors Network.

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



Agenda Date:	April 1, 2024
Action Required:	Approval
Presenter:	Llezelle Dugger, Clerk of Court
Staff Contacts:	Llezelle Dugger, Clerk of Court Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution appropriating funding in the amount of \$21,458 to be received from Library of Virginia Circuit Court Records Preservation Grants Review Board (2nd reading)

Background

The Clerk of Court for the Charlottesville Circuit Court applied for and received a grant from the Library of Virginia (LVA). The LVA Circuit Court Records Preservation (CCRP) Grants Review Board convenes twice each year to evaluate grant applications submitted by Virginia's circuit court clerks and to award grant funds for processing, conserving, securing, and increasing access to circuit court records. The board is part of the Library of Virginia's Circuit Court Records Preservation Program, which was established in 1991 to aid in preserving the records of the Commonwealth's circuit courts.

Discussion

This grant amount will provide vital funding to support the Clerk's efforts to preserve permanent records such as land records, will books, vital records, and court order books covering documents from 1888-1901, 1947-1949, and 1950-1952. Once the project is complete, the historical documents will be in plastic sleeves that allow access to the historical documents without risking continued deterioration of the documents through human touch.

Alignment with City Council's Vision and Strategic Plan

This grant supports the City's Organizational Excellence Strategic Outcome Area and its focus on the deliverance of excellent services to the community.

Community Engagement

This grant will continue our efforts to serve our community through the professional management of records by preserving important legal documents and expanding their availability to the community.

Budgetary Impact

There is no budgetary impact for the City of Charlottesville as the entire project is funded by a state grant.

Recommendation

Staff recommends the approval and appropriation of grant funds.

Alternatives

Council may elect to not accept the funds but an alternative funding source would need to be provided to complete the project.

Attachments

1. CharlottesvilleCity_2024FY-121_ApprovalLetter
2. CCRP Resolution



LIBRARY OF VIRGINIA

Sandra Gioia Treadway
Librarian of Virginia

Feb. 21, 2024

Grant Agreement Number: 2024FY-121

The Honorable Llezelle Agustin Dugger
Clerk of the Circuit Court
City of Charlottesville
315 East High St.
Charlottesville, VA 22902

Dear Ms. Dugger,

The Circuit Court Records Preservation Grants Review Board met on Tuesday, Feb. 13th, 2024 to consider 124 applications submitted from 101 localities. It is our pleasure to inform you that your Item Conservation grant application to the Virginia Circuit Court Records Preservation Program has been **approved in the full amount of \$21,458.00**. The following item(s) have been approved by the Review Board: **Deed Book 11, Corp. Ct., 1900-1901; General Index to Deeds 11, Corp. Ct., 1947-1949; General Index to Deeds 12, Corp. Ct., 1950-1952; General Index to Wills 1, Corp. Ct., 1888-1982; Land Book 1889-1894; Land Book 1895-1898**. This grant is subject to the stated amount, availability of funds, and any provisos listed in this letter or on the enclosed CCRP Grants Program Application Certification form. Please review these provisos carefully to determine the scope and/or limitations of the project.

You will find the Award Certification form included with this letter. This agreement, along with the original grant application, details the term of your project, the portion of your project supported with grant funds, and the specific work that is to be accomplished. It will also indicate your fiscal and program reporting requirements. Please read the agreement carefully and return it electronically or by mail **within fifteen days of receipt** to Michelle Washington at the Library of Virginia (Michelle.Washington@lva.virginia.gov). Contact your item conservation vendor representative to make arrangements for them to collect the approved items. If you have any questions regarding this award or agreement, please contact Greg Crawford at (804) 692-3505.

We appreciate your interest in preserving Virginia's documentary heritage and extend our best wishes for a successful project. We will look forward to working with this year in preparation for the 2025FY grant cycle.

Sincerely,

Gregory E. Crawford
State Archivist

Teresa Hash Dobbins
President, Virginia Court Clerks' Association

RESOLUTION

Appropriating Funding in the Amount of \$21,458 to be received from Library of Virginia Circuit Court Records Preservation Grants Review Board

WHEREAS, The City of Charlottesville, through the Clerk of Circuit Court Office, has been notified that it will be awarded a grant from the Library of Virginia Circuit Court Records Preservation Grants Review Board (CCRP), in the amount of \$21,458;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the CCRP funding from the Commonwealth, said funding, anticipated in the sum of \$21,458, is hereby appropriated in the following manner:

Revenues

\$21,458	Fund 209	Order 1900546	GL 430110 State Grants
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Expenditures

\$21,458	Fund 209	Order 1900546	GL 530010 Professional Services
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon receipt of \$21,458 from the Library of Virginia Circuit Court Records Preservation Grants Review Board.

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



Agenda Date:	April 1, 2024
Action Required:	Ordinance adoption
Presenter:	Jacob Stroman, City Attorney
Staff Contacts:	Jacob Stroman, City Attorney
Title:	Ordinance amending the Charlottesville Code of Ordinances, Section 2-98(b) to increase the appropriation amount requiring two readings from \$1001.00 to \$5000.00. (2nd reading)

Background

At Council's retreat last January, it discussed the possible amendment of Charlottesville City Code 2-98(b) which would dispense with a second reading for appropriations of \$5000.00 or less. The current limit in the ordinance is \$1000.00 or less.

Discussion

The proposed ordinance offers some efficiency by dispensing with a second reading for relatively small appropriations. If passed, it would allow appropriated funds at or below the new limit to be accessed earlier. There will also be some savings in Council and staff time in preparing and considering small appropriations a second time.

Alignment with City Council's Vision and Strategic Plan

The proposed ordinance aligns with Council's Vision and Strategic Plan to promote organizational excellence by more efficiently managing small appropriations.

Community Engagement

Not applicable.

Budgetary Impact

None

Recommendation

Move the ordinance forward for a second reading at Council's April 1, 2024 regular meeting.

Alternatives

Council may decline to adopt the ordinance, in which case all appropriations in excess of \$1000.00 up to \$5,000.00 will continue to have two readings.

Attachments

1. Ord. Amend. Sec. 2-98 2024.Final (2)

**AN ORDINANCE
AMENDING CITY CODE
SECTION 2-98
INCREASING THE AMOUNT THRESHOLD FOR
APPROPRIATIONS REQUIRING A SECOND READING**

WHEREAS, City Code Section 2-98 (b) currently contains a limit of \$1,000.00 whereby no ordinance or resolution appropriating money exceeding that amount shall be passed by the City Council on the same day of its introduction nor shall an ordinance or resolution be valid unless at least three (3) days intervene between introduction and passage; and

WHEREAS, increasing this appropriation limit from \$1,001.00 to \$5,000.00 will eliminate the need for a second reading for appropriations of \$5,000.00 or less; and

WHEREAS, City Council finds that increasing the proposed limit is reasonable and will help facilitate efficiency for smaller appropriations; therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that City Code, Section 2-98 (b), of the City of Charlottesville, 1990, as amended, be and hereby is amended as follows:

Sec. 2-98. - Procedure for appropriating money, imposing taxes, etc.

- (a) For every ordinance or resolution appropriating money exceeding one hundred dollars (\$100.00), imposing or releasing taxes, authorizing the borrowing of money, creating a debt or donating any property of the city, where the value of such property is one hundred dollars (\$100.00) or more, a vote of a majority of all members elected to the council shall be necessary and the "ayes" and "noes" shall be entered on the minutes of the council.
- (b) No ordinance or resolution appropriating money exceeding the sum of one thousand dollars ~~(\$1,000.00)~~ **(\$5,000.00)** imposing taxes or authorizing the borrowing of money shall

be passed by the city council on the same day of its introduction, nor shall any such ordinance or resolution be valid unless at least three (3) days intervene between its introduction and passage. This subsection shall not apply to the annual appropriations provided for in [section 11-4](#) of this Code.

(Code 1976, § 2-37)

Cross reference— Finance, [Ch. 11](#); taxation, [Ch. 30](#).

BE IT FURTHER ORDAINED THAT the City's Clerk of Council shall provide the approved amendment to CivicPlus (Municode) for updating to the City Code.

Approved as to form:

Jacob P. Stroman
Jacob P. Stroman
City Attorney

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



Agenda Date:	April 1, 2024
Action Required:	Resolution (2 readings)
Presenter:	Antoine Williams, Housing Program Manager
Staff Contacts:	Alexander Ikefuna, Director of Community Solutions Antoine Williams, Housing Program Manager Madelyn Metzler, Housing Compliance Coordinator
Title:	Award of FY24 Charlottesville Affordable Housing Fund (CAHF) and FY25 Housing Operations and Program Support (HOPS)

Background

The City's FY24 budget included the Charlottesville Affordable Housing Fund (CAHF) funding. A Notice of Funding Availability (NOFA) was issued in July 2023, announcing timelines and the amount of funding available for the CAHF Grant program. The notice specified \$835,000 available for CAHF with an application deadline of November 16, 2023. The recommendations for the FY24 CAHF allocations are below.

Starting in FY24, affordable housing-specific applications were removed from the Vibrant Community Fund process and reviewed separately. This affordable-housing-specific application process is now called the Housing Operations & Program Support (HOPS) program.

The City's FY24 budget included funding for HOPS through the Charlottesville Affordable Housing Fund (CAHF). A Notice of Funding Availability (NOFA) was issued in July 2023 announcing \$585,000 available with an October 16, 2023, application deadline for the HOPS program.

The recommendations for the FY24 CAHF and FY25 HOPS allocations are below.

Discussion

Staff received six (6) applications CAHF applications and seventeen (17) HOPS applications for funding by the submission deadline. A total of \$2,217,332 in funding was requested in the CAHF applications and \$1,717,220 was requested in HOPS applications. The CAHF Committee reviewed and scored the applications individually and as a group. The committee first ranked the importance of the type of service being provided, its alignment with the City's affordable housing goals, and the quality and completeness of the application. These rankings were made collectively as a committee and categorized, as follows:

- A = support/benefit/need for services, no follow-up questions for applicant
- B = questions as to the benefit provided or alignment with City goals
- C = request not clear/limited benefit or alignment with City goals

The grid below shows how the type of rankings aligned:

	A	B	C
CAHF	3 applications	2 applications	1 application
HOPS	5 applications	7 applications	5 applications

The committee members individually scored the applications based on the quality of applications and programs using a scoring tool developed by the Committee. Following an overall discussion of every application and ranking applications based on the type of service provided, the committee then finalized their individual scores. Following tabulation of committee members' individual scoring and discussion of any scores with wide discrepancies, the Committee came to a scored rating based on averages of each reviewer's score, with a maximum possible score of 105 for CAHF applications and 110 for HOPS applications.

The grid below shows how the quality rankings aligned:

	65-74	75-84	85-94	95 to maximum
CAHF	1 application	2 applications	2 applications	1 application
HOPS	4 applications	3 applications	2 applications	8 applications

Due to the amount of funding proposed as available through this application cycle, and following review of the type of service rankings and the average scoring rankings, the committee recommends that four (4) of the CAHF applications be funded at between 56% and 100% of their requested funding and that eight (8) of the HOPS applications be funded at between 70% and 87% of their requested funding.

A summary of the applications and the recommendations for **FY24 CAHF** allocations are presented below:

Applicant	Project Name	Request	Description
Albemarle Housing Improvement Program	Charlottesville Critical Rehabilitation Program	\$210,000	Funds for emergency home repairs, energy-efficiency upgrades, accessibility modifications, and maintenance tasks for six households. Private project funds will be leveraged with an anticipated investment of up to \$35,000 per unit.
Charlottesville Redevelopment and Housing Authority	CRHA Homeownership Program	\$550,000	Funds for affordable homeownership opportunities through acquisition, rehabilitation, and downpayment assistance. Anticipated investment of \$225,000 per unit.
Community Services Housing, Inc.	Rehabilitation Repairs to Preserve Community Services Housing Properties	\$74,054	Funds for critical repairs at four CSH properties, supporting 13 units. Anticipated investment of up to \$5,696 per unit.

Habitat for Humanity of Greater Charlottesville	Habitat Core 2024	\$525,000	Funds for new construction and renovation of homes to provide affordable homeownership opportunities for 18 households. Anticipated investment of \$15,000 to \$35,000 per unit.
Piedmont Housing Alliance	501 Cherry Avenue	\$375,000	Funds to increase affordability for three units within a redevelopment project including affordable housing and community facilities. Anticipated investment of \$125,000 per unit.
Virginia Supportive Housing	Premier Circle Permanent Supportive Housing	\$483,278	Funds to leverage project funds for homeless individuals. Anticipated investment of \$6,041 per unit in total, or \$7,107 per unit expected to be occupied by a city resident.

The Charlottesville Affordable Housing Plan recommends that targeted funding awards should be allocated as follows:

Level of Funding	Percentage of Funding	Amount of Funding	Households Served
Tier 1	50%	\$417,500	serving households with incomes up to 30% of Area Median Income (AMI)
Tier 2	30%	\$250,500	serving households with incomes up to 60% of Area Median Income (AMI)
Tier 3	20%	\$167,000	serving households with incomes up to 80% of Area Median Income (AMI)

However, if City Council approves the allocation as recommended by the CAHF Committee, funding by Tier level, as recommended, should be awarded as follows:

Level of Funding	Percentage of Funding	Amount of Funding	Households Served
Tier 1	59%	\$494,369	serving households with incomes up to 30% of Area Median Income (AMI)
Tier 2	35%	\$290,315	serving households with incomes up to 60% of Area Median Income (AMI)
Tier 3	6%	\$50,315	serving households with incomes up to 80% of Area Median Income (AMI)

After careful consideration and discussion of all applications, the CAHF Committee recommended the following awards of CAHF funding:

- AHIP’s Charlottesville Critical Rehabilitation Program: \$117,196
- Community Services Housing, Inc.’s Rehabilitation Repairs to Preserve CSH Properties: \$74,054
- Habitat for Humanity of Greater Charlottesville’s Habitat Core 2024: \$393,750
- Piedmont Housing Alliance’s 501 Cherry Avenue: \$250,000

The Committee did not recommend funding for applications from CRHA and Virginia Supportive Housing. While the projects proposed in the applications may have merit, the Committee assigned them a lower priority in the context of competing applications and the limited funding available in the CAHF.

CRHA’s application requested funds to support a program to acquire Naturally Occurring Affordable Housing (NOAH) units. In essence the funds would provide a reserve to cover part of the costs of housing acquisition when suitable units are identified. The Committee recommends that Council may want to consider alternative funding approaches for such efforts within the context of an overall NOAH acquisition strategy.

Virginia Supportive Housing requested funds to support its construction of permanent supportive housing in the Premier Circle project. The Committee recognizes the critical need for this housing but recommends that the complexity of the budget and funding aspects of the project should be considered for additional funding outside of the CAHF process as it is currently constituted.

A summary of the applications and the recommendations for **FY25 HOPS** allocations are presented below:

Applicant	Project Name	Request	Description
Albemarle Housing Improvement Program (AHIP)	Charlottesville Critical Emergency Repair Program	\$300,000	Requested funding would directly support client intakes, counseling, consultation, program planning, management, and administration. The program provides critical repairs, housing rehabilitation, and energy-efficient upgrades to low-income households in the city. The primary goals include ensuring homeowner safety, preserving and enhancing homes, preventing displacement, and maintaining affordable housing.
Blue Ridge Area Coalition for the Homeless (BRACH)	Homeless System of Care Coordination	\$50,000	Requested funding would directly support increased staffing capacity within BRACH to provide better system coordination and to support innovative partnerships, housing development, collaborative program applications, and long-term planning. The program enhances the coordination of the homeless service system, reducing homelessness by making it rare, brief, and non-recurring.
Blue Ridge Area Coalition for the Homeless (BRACH)	Homeless System of Care Centralized	\$40,000	Requested funding would directly support full-time equivalent staffing of the Homeless Information Line. The Homeless Information

	Access – Homeless Information Line		Line serves as the primary access point for homeless services, providing information and employing diversion techniques and referrals to community resources.
Central Virginia Legal Aid Society (CVLAS)	Charlottesville Housing Outreach Attorney	\$113,600	Requested funding would directly support a full time attorney to focus on stabilizing owner and renter households in the City through prevention of illegal and improper evictions and foreclosures. CVLAS offers free legal representation and community legal education to low-income and elderly clients in civil law cases. With a history spanning over 50 years, they serve vulnerable residents facing legal issues in various areas, including housing.
Charlottesville Redevelopment and Housing Authority (CRHA)	CRHA Resident Services Program	\$150,000	Requested funding is for operational support of the Resident Services Program. The program focuses on the intersection of economic opportunity, personal wellness, and stable housing. The program includes housing stability initiatives, Family Self-Sufficiency (FSS) programs, workforce development, and community engagement efforts, and aims to empower residents and seeks to address their needs, involving them in the redevelopment and modernization process.
Community Services Housing, Inc. (CSH)	Community Services Housing	\$78,620	Requested funding would support the provision of affordable, inclusive, and supportive housing for individuals with disabilities and extremely low incomes in Charlottesville by ensuring residents have access to housing and vital services, including case management, mental health support, and recovery services.
Georgia's Friends, Inc.	Transitional Living Services Pilot Program	\$25,000	Requested funding would support the expansion of existing services, which aid women in the early stages of recovery from substance-use disorders and co-occurring mental health challenges. Expansion would include providing a continuum of care for graduates, offering a Level 2 recovery residence, financial assistance, and support programs. This program addresses barriers such as high living costs, debt, and felony convictions, enabling women to achieve long-term sobriety and independence.

Habitat for Humanity of Greater Charlottesville (HFH Charlottesville)	HFH Charlottesville Homeownership Program	\$75,000	Requested funding would support additional staff capacity and allow HFH Charlottesville to continue their traditional homeownership program while aggressively expanding partnerships with local realtors, affordable mortgage lenders, nonprofit financial service organizations, private funders and local builders and developers that will increase accessibility to homeownership in the City. The existing program empowers low- and very low-income families (25-60% AMI) to achieve homeownership and financial stability through financial coaching, homebuyer education, employment assistance, housing navigation, and community resource connections.
Legal Aid Justice Center (LAJC)	Housing Legal Services	\$50,000	Requested funding would support the Housing Legal Services program, which utilizes both attorneys and community organizers to prevent evictions, protect the rights of low-income renters, and increase the quality and quantity of affordable housing in Charlottesville.
Local Energy Alliance Program, Inc (LEAP)	Reducing Energy Burdens (REB)	\$85,000	Requested funding would support capacity building of the program, which supports affordable housing through reducing energy burdens for low-income households in the City. Expanded capacity will allow LEAP to reach more City residents and provide deeper home energy retrofits addressing beneficiary needs not covered by other City and utility funding streams.
New Hill Development, Inc.	New Hill Affordable Housing Initiative	\$50,000	Requested funding would support doubling the number of first-time homebuyer workshops offered each month, enabling of New Hill's program coordinator to focus exclusively on housing initiatives, providing administrative support to the VIDA program, and ongoing coaching efforts for the First Time Homebuyers program as well as foreclosure mitigation.
People and Congregations Engaged in Ministry (PACEM)	PACEM Case Management	\$100,000	Requested funding would directly support a base salary for two specialized case managers: one focusing on women, and one focusing on seniors. PACEM's housing-focused case management provides guests with the knowledge and support needed to leave their shelter for permanent, stable housing.

Piedmont Housing Alliance (PHA)	Charlottesville Affordable Housing Program	\$185,000	Requested funding would support critical frontline staff, enabling them to directly engage with and provide vital resources for 2,500+ of Charlottesville's most vulnerable and resilient low-income families to stabilize finances, improve lives, and strengthen our community.
Public Housing Association of Residents (PHAR)	PHAR Internship Program	\$45,000	Requested funding would support operational costs of the PHAR Internship Program, which educates and empowers public housing and Section 8 residents, enabling them to engage with city officials and advocate for a more equitable, responsive, and inclusive community. This 6-month, hands-on civic participation experience is designed to uplift historically marginalized individuals, including residents of majority-black public housing communities, to enhance their quality of life and community engagement.
Restoration and Hope House LLC	Restoration and Hope House Program	\$150,000	Requested funding would support assisting non-violent female offenders transitioning from prison back into society by addressing the lack of facilities with adequate resources to support these women; to focus on helping individuals develop positive mindsets and routines related to physical and mental support within the broader community; and to provide secure housing and connect female ex-offenders with employment opportunities.
The Haven at First & Market Inc (the "Haven")	Vital Housing Services	\$150,000	Requested funding would support the salaries of Housing Team staff and functions at The Haven necessary to operate Vital Housing Services, such as: Homeless Management Information System (HMIS) administration, website administration, Human Resources support, strategic leadership, and IT support.
The Haven at First & Market Inc (the "Haven")	The Haven Day Shelter	\$110,000	Requested funding would support the salaries and benefits of Day Shelter staff who provide essential services and support to city residents experiencing homelessness, ensuring a safe and welcoming environment for stability, resources, and housing interventions year-round and during emergencies.

After careful consideration and discussion of all applications, the CAHF Committee recommended the following awards of HOPS funding:

- BRACH's Homeless System of Care Coordination Program: \$35,000

- BRACH's Homeless Information Line Program: \$28,000
- Community Services Housing's Community Services Housing Program: \$55,034
- Habitat for Humanity of Greater Charlottesville's Homeownership Program: \$65,250
- PACEM's Case Management Program: \$70,000
- Piedmont Housing Alliance's Charlottesville Affordable Housing Program: \$148,000
- The Haven's Vital Housing Services Program: \$95,716
- The Haven's Day Shelter Program: \$88,000

Alignment with City Council's Vision and Strategic Plan

The recommendations align with the 2021 Affordable Housing Plan, and City Council's Strategic Plan Framework/Strategic Outcome Areas (SOA): Housing, Partnerships, Mobility/ Economic Prosperity, Justice, Equity, Diversity, and Inclusion.

1. Alignment with Affordable Housing and Comprehensive Plans: The funding recommendations made by the CAHF Committee for the CAHF and HOPS programs align with the goals and priorities outlined in Charlottesville's Affordable Housing and Comprehensive Plans. The recommended funding supports initiatives addressing homelessness prevention, legal assistance, homeownership support, and affordable housing development, key focus areas of the city's affordable housing plan.
2. SOA Housing: *Housing Choice and Mobility*: The CAHF and HOPS programs support a variety of initiatives aimed at improving housing affordability and accessibility. These include critical repairs, housing rehabilitation, homelessness prevention, legal aid for housing-related issues, and homeownership programs. By providing diverse housing options, the program directly contributes to housing choice and mobility for all residents, as outlined in the Affordable Housing Plan.
3. SOA Economic Prosperity: *Driving Prosperity for All*: Investing in affordable housing initiatives through the CAHF and HOPS programs ensure that all residents have access to stable and affordable housing. Stable housing is foundational for pursuing economic opportunities, building wealth, and contributing to community prosperity. By fostering economic stability for residents, the program drives economic prosperity for the entire community.
4. SOA Partnerships: *Magnify Positive Community Outcomes through Capacity Support*: The CAHF and HOPS programs involve collaboration with various stakeholders, including nonprofit organizations, housing authorities, legal aid services, and community development organizations. These partnerships amplify the positive outcomes of affordable housing initiatives by leveraging resources, expertise, and community networks. By fostering meaningful collaborations, the program enhances the effectiveness of initiatives addressing housing needs.
5. Commitment to Justice, Equity, Diversity, and Inclusion: The CAHF and HOPS programs reflect the city's commitment to justice, equity, diversity, and inclusion by addressing housing needs across various demographic groups and socioeconomic backgrounds. By providing housing support to vulnerable populations and advancing social and economic justice, the program contributes to creating a more inclusive and equitable community.

In summary, the CAHF and HOPS Grants programs and the CAHF Committee's funding recommendations align closely with Charlottesville's vision for creating an environment where everyone can thrive. Through these grants support for affordable housing initiatives, the programs contribute to economic prosperity, foster partnerships, and promote justice, equity, diversity, and inclusion. Moving forward, continued investment in the CAHF and HOPS Grants programs will be essential for advancing the city's goals for inclusive and equitable community development.

Community Engagement

This allocation of CAHF and HOPS funding is in keeping with the provisions in the Affordable Housing Plan and 2021 Comprehensive Plan recommended by the Planning Commission and approved by the City Council. Both documents went through an extensive public engagement process. Also, the application review was done by the CAHF Committee, members of which are appointed by the City Council as representatives from staff and the community.

Budgetary Impact

This request does not encumber any additional funding from the City budget. Funding for CAHF and HOPS was allocated in the Capital Improvement Program (CIP) FY23/24 budget. This approval allocates this FY23/24 CIP funding.

Recommendation

Staff recommends City Council approve the attached Resolutions awarding FY24 CAHF funding. If approved, the funding will support various levels of affordable housing, as follows:

- AHIP's Charlottesville Critical Rehabilitation Program: \$117,196
- Community Services Housing, Inc.'s Rehabilitation Repairs to Preserve CSH Properties: \$74,054
- Habitat for Humanity of Greater Charlottesville's Habitat Core 2024: \$393,750
- Piedmont Housing Alliance's 501 Cherry Avenue: \$250,000

Staff recommends City Council approve the attached Resolutions awarding FY25 HOPS funding. If approved, the funding will support various programs related to affordable housing and homelessness, as follows:

- BRACH's Homeless System of Care Coordination Program: \$35,000
- BRACH's Homeless Information Line Program: \$28,000
- Community Services Housing's Community Services Housing Program: \$55,034
- Habitat for Humanity of Greater Charlottesville's Homeownership Program: \$65,250
- PACEM's Case Management Program: \$70,000
- Piedmont Housing Alliance's Charlottesville Affordable Housing Program: \$148,000
- The Haven's Vital Housing Services Program: \$95,716
- The Haven's Day Shelter Program: \$88,000

Alternatives

City Council could decide to provide the recommended projects with different levels of funding than those recommended. Council could also decide to fund a different set of the projects outlined above or choose to not award any funding for any of these projects at this time.

Attachments

1. MEMO and Attachments_FY24CAHF-FY2025HOPS_04012024_Consent Agenda
2. MEMO and Attachments_FY24CAHF-FY2025HOPS_04012024_Consent Agenda



CITY OF CHARLOTTESVILLE
“A Great Place to Live for All of Our Citizens”

City Manager’s Office of Community Solutions (OCS)

To: City Council
From: Antoine Williams, Housing Program Manager, OCS
Date: March 22, 2024
Re: Award of FY24 Charlottesville Affordable Housing Fund (CAHF) and FY25 Housing Operations and Program Support (HOPS)
CC: Sam Sanders, City Manager
Alex Ikefuna, Director, OCS
FY2023-2024 CAHF Committee Members:

In furtherance to the first-reading initial assessment of the Award for the FY24 Charlottesville Affordable Housing Fund (CAHF) and FY25 Housing Operations and Program Support (HOPS), held on March 18, 2024:

Attached, you will find detailed schedules outlining the activities carried out by the OCS housing staff and the CAHF committee in response to the feedback and queries raised by the Council. These attachments include minutes from committee discussions, distinct from the formal minutes, as well as a breakdown of funding recommendations for both the CAHF and HOPS funds. Note that the enclosed document contains unadopted discussion minutes compiled from staff notes, summarizing the proceedings of the CAHF Committee spanning multiple sessions held on January 11, 18, 22, 25, and 29, 2024, with an additional meeting on February 5, 2024.

Notably, the minutes from the January 29th session reference specific metrics/question numbers related to the grant applications. For additional context, a PDF containing the sample FY2023-FY2024 metrics/questions has been included.

Background

As a reminder, the City Council of Charlottesville established the Charlottesville Affordable Housing Fund (CAHF) Committee through resolution #R-22-039 on April 4th, 2022. The committee’s mandate includes recommending priorities for utilizing CAHF funding and reviewing the city administration’s recommendations for awarding such funds. Furthermore, the Council charged the CAHF committee with providing general oversight and input on the administration and effectiveness of the CAHF funding mechanism, including any associated limitations or issues.

The FY 2024-2025 CAHF Committee members are as follows:

- LD Perry (Affordable Housing Beneficiary)
- Philip d'Oronzio (At-large Representative)
- S. Lisa Herndon (At-large Representative)
- Richard Fravel (At-large Representative)
- Chris Cullinan, City of Charlottesville, Director of Finance
- Misty Graves, City of Charlottesville, Director of Human Services
- Taylor Harvey-Ryan, City of Charlottesville, Grants Program Manager

Staff Contacts: Antoine M. Williams, City of Charlottesville, Housing Program Manager – Committee Liaison, or the following Office of Community Solutions (OCS) staff:

- Alex Ikefuna, City of Charlottesville, Director of OCS
- Madelyn Metzler, City of Charlottesville, Housing Compliance Coordinator
- Alan Peura, City of Charlottesville, Grants Coordinator

About the Notice of Funding (NOFA):

The Notice of Funding (NOFA) for affordable housing activities for the fiscal year 2024-2025 was released and published on September 12, 2023. This document outlined the general program criteria, estimated funding amounts, and the funding availability date for the City's FY2024 CAHF Grant Program and FY2025 Housing Operations and Programs Support (HOPS) Grant Program. Interested parties were given a minimum of 30 calendar days to review the NOFA.

The application period for HOPS, previously a funding category within the City's Vibrant Community Fund (VCF) Grant Program, opened for FY2025 applications as advertised in the FY2023 NOFA. Applications were accepted from September 14, 2023, to October 16, 2023. It is also important to note that applicants were granted a 2-week extension due to technical issues with the designated email for submissions. It is also pertinent to note that the FY2024 CAHF Grant Program, separate from the VCF Grant Program, opened its application period for FY2024 applications as advertised in the FY2023 NOFA. Applications for the CAHF Grant Program were accepted from October 12, 2023, to November 16, 2023.

In Service,

Antoine M. Williams
Housing Program Manager

Attachments:

- FY2023-2024 CAHF Meeting Discussion Unadopted Minutes
- Attachment B: FY2023-2024 CAHF (24)/HOPS (25) Reviewer Criteria Metrix

The following document comprises unadopted meeting minutes prepared from staff notes, capturing the proceedings of the Charlottesville Affordable Housing Fund (CAHF) Committee across multiple sessions held on January 11, 18, 22, 25, and 29, 2024, and February 5, 2024. Throughout these discussions, CAHF committee members demonstrate their dedication to transparency, fairness, and strategic decision-making in the distribution of funds to support impactful affordable housing initiatives.

January 11, 2024

Attendees: Phil d’Oronzio, Taylor Harvey-Ryan, S. Lisa Herndon, Misty Graves, Richard Fravel

Staff: Antoine Williams, Alan Peura, Madelyn Metzler

Discussion Points:

- **Long-term Goals:** Discussed establishing Standard Operating Procedures, Policies, and Processes for the CAHF Committee.
- **Review Process:**
 - The previous cycle involved splitting applications into A, B, and C groups.
 - Group A: Complete applications.
 - Group B: Applications needing clarification.
 - Group C: Applications deemed ineligible or substantially incomplete.
 - Consensus reached to repeat this process.
- **Incomplete Applications:** Agreed to notify all applicants about missing information.
 - Deadline set for submitting missing information: Close of business Tuesday, January 16.
 - Committee to categorize applications into groups A, B, and C at the next meeting.
 - No scoring for Group C applications; only categorization.
- **Questions and Clarifications:**
 - No favoritism based on previous submissions; all applicants are given equal opportunity.
 - No appeal process in place.
 - Council can receive recommendations for additional funding recipients.
 - Committee to prioritize CAHF applications initially.
 - Funding decisions based on scores, with consideration of past performance.
 - Scores not sent in advance to allow for discussion.
- **Proposed Timeline for Future Meetings:**
 - January 18: Complete CAHF groupings.
 - January 22: Complete HOPS groupings.
 - January 25: Score CAHF applications and start scoring HOPS.
 - January 29: Score HOPS applications and make funding decisions.

January 11, 2024 – Continued

Action Items:

- Antoine Williams, Housing Program Manager, will notify all applicants about missing information by the close of business on Tuesday, January 16.
- Committee members will categorize applications into groups A, B, and C at the next meeting.
- Staff will prepare additional surge protectors for laptops.
- Arrange seats in a square for better discussion facilitation.

Future Meetings and Scheduling Notes:

- The location for the following meetings is to remain at CitySpace.
- Ms. Herndon will note her conflict with the January 18 meeting.
- The January 29 meeting is to be extended until 4:00 pm.

Meeting adjourned: at 1:35 pm.

January 18, 2024

Attendees: Phil d’Oronzio (PdO), LD Perry (LDP), Misty Graves (MG), Taylor Harvey-Ryan (THR), Chris Cullinan (CC), Richard Fravel (RF)

Staff: Antoine Williams, Alan Peura, Madelyn Metzler, Alex Ikefuna

Discussion Points:

- **Introduction:** Today's meeting aims to categorize CAHF applications into three groups as a collective effort.
 - The committee established an initial ranking system with three categories:

Category A

Definition: Proposals in this category are highly aligned with the committee's funding priorities and are deemed to have significant impact and feasibility.

Criteria: Applications in this category typically clearly align with the city's goals, offer innovative solutions to housing challenges, and show a high likelihood of successful implementation.

Examples: Applicants in this category are those whose proposals are considered highly impactful and feasible. They may have clear project plans, address critical community needs, and have a strong track record of success or effectiveness in similar initiatives.

Category B

Definition: Proposals in this category have merit but may require additional scrutiny or adjustment before full funding can be justified.

Criteria: Applications in this category may show promise, but some aspects need further clarification, refinement, or validation. They could address essential needs but may have some uncertainties or risks that need to be addressed before proceeding with total funding.

Examples: Applicants in this category may have strong project ideas but need more details on their implementation plans, budgetary considerations, or alignment with city priorities. They might also require additional information or evidence to demonstrate their potential impact or feasibility.

Category C

Definition: Proposals in this category are either unclear, provide limited benefit or alignment with the city's goals, or have significant concerns that raise doubts about their viability.

Criteria: Applications in this category may lack clarity in their objectives, implementation plans, or expected outcomes. They might also show limited alignment with the city's housing priorities or have significant issues undermining their feasibility or potential impact.

Examples: Applicants in this category might have unclear project goals, insufficient evidence of effectiveness, or significant challenges that raise doubts about their ability to achieve the desired outcomes. They might also lack alignment with the city's strategic objectives or fail to address pressing housing needs in the community.

- **Albemarle Housing Improvement Program (AHIP):**
 - The committee consensus assigned this application to **Category B**
 - The committee discussed the specificity of project details and allocation of funds.
 - Questions were raised regarding staff support allocation and project prioritization, and clarification was requested on whether the funding is solely for personnel.
 - Questions about the number of households supported and the allocation of funds were noted, and inconsistencies in the budget table and clarification on the allocation of funds were needed.

- **Charlottesville Redevelopment Housing Authority (CRHA):**
 - The committee consensus assigned this application to **Category C**.
 - Concerns were raised about inconsistencies in project details and funding source appropriateness.
 - Discussion about potential conflicts of interest and the need for accountability.
- **Community Services Housing, Inc. (CSH):**
 - The committee consensus assigned this application to **Category A**.
 - Applauded for detailed project plan and budget clarity.
 - Concerns were raised regarding the criticality of proposed repairs.
- **Habitat for Humanity of Greater Charlottesville:**
 - The committee consensus assigned this application to **Category A**.
 - Discussion on project scalability and current grant project status.
- **Piedmont Housing Alliance (PHA):**
 - The committee consensus assigned this application to **Category A**.
 - Discussion on project affordability and community engagement.
- **Virginia Supportive Housing (VSH):**
 - The committee consensus assigned this application to **Category B**.
 - Discussion about existing funding commitments and project specificity.

Questions for Applicants:

- Various questions were posed to applicants regarding project specifics, previous funding, and fiscal records.

Action Items:

- Follow-up with AHIP regarding staff support allocation and project prioritization details.
- Review CRHA application for potential conflicts of interest and accountability measures.
- Seek clarification from CSH regarding the criticality of proposed repairs.
- Investigate PHA's ability to increase the number of affordable units.
- Obtain detailed budget and funding comparison from VSH.

Questions about Next Steps:

- Decision pending on scoring applications in Category C.
- Agreement to score CSH due to potential impact on funding amount.

Meeting Adjourned: 1:40 pm.

January 22, 2024

Attendees: LD Perry (LDP), Misty Graves (MG), Taylor Harvey-Ryan (THR), Chris Cullinan (CC), Richard Fravel (RF), S Lisa Herndon (SLH)

Staff: Antoine Williams, Alan Peura, Madelyn Metzler

Meeting Summary:

The meeting commenced at 12:13, focusing on reviewing various grant applications.

- **Albemarle Housing Improvement Program (AHIP)**

Program: Charlottesville Critical Rehab and Repair

Request: \$300,000

- Discussion ensued regarding inconsistencies in AHIP's applications concerning its budget and the allocation of funds.
- Questions were raised concerning the number of households to be supported and whether the entire sum was designated for personnel.
- The application was categorized as "B."

- **Blue Ridge Area Coalition for the Homeless (BRACH)**

Program: Homeless System of Care Coordination

Request: \$50,000

- Members THR and MG recused themselves.
- The application was categorized as "A" by the remaining members.
- Some discussion was held on the applicant's continuity planning, previous award/program outcome, and continuum of care programmatic aspects.

- **Central Virginia Legal Aid Society (CVLAS)**

Program: Charlottesville Housing Outreach Attorney

Request: \$113,600

- Concerns were raised about the disparity in funding requests from different municipalities and potential overlaps with similar organizations' services.
- Questions were posed regarding the requested position's nature and exclusivity for city residents.
- The application was categorized as "C."

- **Charlottesville Redevelopment and Housing Authority (CRHA)**

Program: CRHA Resident Services Program

Request: \$150,000

- Discussions revolved around the necessity and clarity of the proposed funding, especially considering existing staff and grants.
- Questions focused on CRHA's budget breakdown and alignment with organizational goals.
- The application was categorized as "C."

- **Community Services Housing, Inc. (CSH)**
Program: Community Services Housing
Request: \$78,620
 - Queries were raised regarding the justification for the requested amount considering the organization's surplus budget.
 - The application was categorized as “B.”
- **Georgia’s Friends, Inc.**
Program: Transitional Living Services Pilot Program
Request: \$25,000
 - Discussions centered on the program's uniqueness and potential overlaps with existing services.
 - Queries were made concerning revenue-expenditure discrepancies and the nature of the proposed pilot.
 - The application was categorized as “A”.
- **Habitat for Humanity of Greater Charlottesville (HFH Charlottesville)**
Program: HFH Charlottesville Homeownership Program
Request: \$75,000
 - No questions were raised, and the application was categorized as 'B.'
- **Local Energy Alliance Program, Inc (LEAP)**
Program: Reducing Energy Burdens (REB)
Request: \$85,000
 - Discussions concerning the necessity of the requested funds and the organization's financial outlook.
 - Queries were made regarding revenue-expenditure disparities and program expansion plans.
 - The application was categorized as “C.”
- **Legal Aid Justice Center (LAJC)**
Program: Housing Legal Services
Request: \$50,000
 - Questions were posed regarding LAJC’s uniqueness and financial standing.
 - The application was categorized as “C.”
- **New Hill Development, Inc.**
Program: New Hill Affordable Housing Initiative
Request: \$50,000
 - Queries were raised regarding program specifics, collaborations, and budget details.
 - The application was categorized as “C.”

- **People and Congregations Engaged in Ministry (PACEM)**

Program: PACEM Case Management

Request: \$100,000

- Queries were made regarding the organization's administrative support and past reporting practices.
- The application was categorized as “B.”

- **Piedmont Housing Alliance (PHA)**

Program: Charlottesville Affordable Housing Program

Request: \$185,000

- Queries were raised concerning revenue-expenditure disparities and program specifics.
- The application was categorized as “B.”

- **Public Housing Association of Residents (PHAR)**

Program: PHAR Internship Program

Request: \$45,000

- Queries focused on differentiating the ask from other applications and ensuring city resident focus.
- The application was categorized as “B.”

- **Restoration And Hope House LLC**

Program: Restoration and Hope House Program

Request: \$150,000

- Discussions revolved around revenue-expenditure disparities and budget breakdowns.
- The application was categorized as “B.”

- **The Haven at First & Market Inc (the “Haven”)**

Program: Vital Housing Services

Request: \$110,000

- No questions were raised, and the application was categorized as “A.”

- **The Haven at First & Market Inc (the “Haven”)**

Program: The Haven Day Shelter

Request: \$110,000

- No questions were raised, and the application was categorized as “A.”

Action Items:

- Group members were to email scores for PHAR and BRACH.

Meeting adjourned: at 1:40 pm.

Attendees: Phil d’Oronzio (PdO), LD Perry (LDP), Misty Graves (MG), Taylor Harvey-Ryan (THR), Chris Cullinan (CC), S Lisa Herndon (SLH), Richard Fravel (RF)

Staff: Alan Peura, Madelyn Metzler, Alex Ikefuna

Agenda Item 1: BRACH HOPs Applications

- **Discussion:** CC requests clarification on the distinction between the two BRACH programs.
- **Action:** PdO explains that one application is for fully staffing the hotline, while the other is for staffing capacity for coordination.
- **Category:** A

Agenda Item 2: PHAR HOPS Application

- **Discussion:** MG provides context from the previous year's application process. Questions arise regarding the effectiveness and impact of the internship program.
- **Action:** The committee seeks clarification from the applicant regarding the role of interns and the engagement of program graduates.
- **Category:** B

Agenda Item 3: Funding Strategy Discussion

- **Discussion:** SLH suggests inquiring about VCF funding in future applications. The committee discusses funding allocation strategies given budget constraints.
- **Action:** THR proposes using numerical scores and sets a deadline for scoring completion before the next meeting. Another meeting is scheduled to finalize decisions.
- **Category:** Funding Strategy

Additional Meeting Scheduled

- Another meeting is set for Monday, February 5 from 11am-2pm to finalize awards.
- **Action:** Committee members are encouraged to input their scores into the provided spreadsheet on Teams before the next meeting.
- **Category:** Logistics

Meeting Adjourned: 1:06 pm

January 29, 2024

Attendees: Phil d’Oronzio (PdO), Misty Graves (MG), Taylor Harvey-Ryan (THR), Chris Cullinan (CC), S Lisa Herndon (SLH), Richard Fravel (RF)

Staff: Alan Peura, Madelyn Metzler, Antoine Williams

Meeting begins: 12:28

Albemarle Housing Improvement Program (AHIP)

- **Project Name:** AHIP Critical Home Rehab Projects
- **Request:** \$210,000
- **Initial Average Score:** 76

Questions to Discuss:

- Question 19: Clarification is needed on the information provided.
- **Average Score after Discussion:** 77.3

Overall Comments:

- Next time, specify not needing audited financial statements.

Charlottesville Redevelopment Housing Authority (CRHA)

- **Project Name:** CRHA Homeownership Program
- **Request:** \$550,000
- **Initial Average Score:** 67.5

Questions to Discuss:

- Questions 13, 16, 19, 20, 21, 22, 25, 29, 30
- **Average Score after Discussion:** 68

Overall Comments:

- Question rewording suggested for clarity.
- CAHF may not be the best funding source.

Community Services Housing, Inc. (CSH)

- **Project Name:** Rehabilitation Repairs to Preserve Community Services Housing Properties
- **Request:** \$74,054
- **Initial Average Score:** 91.8

Questions to Discuss:

- Questions 9, 19, 22, 28
- **Average Score after Discussion:** 91.8

Habitat for Humanity of Greater Charlottesville

- **Project Name:** Habitat Core 2024
- **Request:** \$525,000
- **Average Score:** 97.8

Piedmont Housing Alliance (PHA)

- **Project Name:** 501 Cherry Ave
- **Request:** \$375,000

Questions to Discuss:

- Questions 3, 5, 8, 20, 25
- **Average Score after Discussion:** 89.3

January 29, 2024 – Continued

VSH

- **Project Name:** Premier Circle PSH
- **Request:** \$483,278
- **Average Score:** 83

Questions to Discuss:

- Questions 2, 8, 15, 19
- **Average Score after Discussion:** 83

Action:

- Reach out to LDP for scores.
- Focus on questions with discrepancies at the next meeting.

Meeting adjourned: 2:50 pm.

February 5, 2024

Attendees: Misty Graves (MG), Taylor Harvey-Ryan (THR), Chris Cullinan (CC), Richard Fravel (RF)

Staff: Alan Peura, Madelyn Metzler, Antoine Williams

Meeting Commencement:

The meeting begins at 11:10 AM.

Decision:

The committee votes to proceed without LD Perry's (LDP) scores, as they have not been received by today's meeting. All members are in favor.

Discussion on CAHF Funding Allocation:

- THR suggests allocating 81% to the top two applicants and around 30% to the next three, with no funding for CRHA.
- CC agrees with not funding CRHA and suggests that CAHF might not be the appropriate funding source for their request.
- PdO concurs, noting that CAHF might not be suitable for CRHA's needs.
- The committee discusses other applicants that might require full funding to proceed.
- After deliberation, a motion is proposed by PdO to allocate funding to AHIP, CSH, Habitat, and PHA. THR seconds the motion and passes unanimously.

Secondary Recommendations:

- PdO suggests that the council find another funding avenue for VSH due to the size of their project and other available funding sources.
- The committee also decides to recommend against funding CRHA due to the inability to measure progress effectively.

Future Considerations:

- The committee discusses potential improvements to the application process and scoring tool, including requesting interim financials instead of audits.
- Plans are made to schedule meetings during the summer to address changes to the application process and scoring criteria.

Discussion on HOPS Funding:

- THR recommends funding the top eight applicants based on their scores, with different percentages allocated to each tier.
- Concerns are raised about missing scores from SLH.
- It's agreed to hold off on finalizing HOPS funding until SLH's scores are received.

Drafting Recommendations:

- RF proposes language for the CAHF memo to the council, outlining the reasons for not recommending funding for CRHA and VSH.
- A motion is made and passed to adopt RF's language for the memo.

Conclusion:

- A motion is passed to finalize HOPS funding based on THR's recommendation, with staff authorized to make minor adjustments.
- A motion is also passed to adopt RF's language for the CAHF memo to the council.

Final Ranking:

CAHF- \$835,000 available

A	Community Services Housing, Inc. (CSH)	\$74,054
	Habitat for Humanity of Greater Charlottesville	\$525,000
	Piedmont Housing Alliance (PHA)	\$375,000
	<i>Category A Total</i>	<i>\$974,054</i>
B	Albemarle Housing Improvement Program (AHIP)	\$210,000
	Virginia Supportive Housing (VSH)	\$483,278
	<i>Category B Total</i>	<i>\$693,278</i>
C	Charlottesville Redevelopment Housing Authority (CRHA)	\$550,000
	<i>Category C Total</i>	<i>\$550,000</i>
Total requested in applications		\$2,217,332

HOPS- \$835,000 available

A	Blue Ridge Area Coalition for the Homeless (BRACH)- System of Care Coordination	\$50,000
	Blue Ridge Area Coalition for the Homeless (BRACH)- Homeless Information Line	\$40,000
	Georgia's Friends, Inc.	\$25,000
	The Haven- Vital Housing Services	\$110,000
	The Haven- Day Shelter	\$110,000
	<i>Category A Total</i>	<i>\$335,000</i>

February 5, 2024 - Continued

Final Committee Award Recommendations:

B	Albemarle Housing Improvement Program (AHIP)	\$300,000
	Community Services Housing, Inc. (CSH)	\$78,620
	Habitat for Humanity of Greater Charlottesville	\$75,000
	People and Congregations Engaged in Ministry (PACEM)	\$100,000
	Piedmont Housing Alliance (PHA)	\$185,000
	Public Housing Association of Residents (PHAR)	\$45,000
	Restoration And Hope House LLC	\$150,000
	<i>Category B Total</i>	<i>\$933,620</i>
C	Central Virginia Legal Aid Society (CVLAS)	\$113,600
	Charlottesville Redevelopment Housing Authority (CRHA)	\$150,000
	Legal Aid Justice Center (LAJC)	\$50,000
	Local Energy Alliance Program, Inc (LEAP)	\$85,000
	New Hill Development, Inc.	\$50,000
	<i>Category C Total</i>	<i>\$448,600</i>
Total requested in applications		\$1,717,220

After careful consideration and discussion of all applications, the CAHF Committee recommended the following awards of CAHF funding:

- AHIP's Charlottesville Critical Rehabilitation Program: \$117,196
- Community Services Housing, Inc.'s Rehabilitation Repairs to Preserve CSH Properties: \$74,054
- Habitat for Humanity of Greater Charlottesville's Habitat Core 2024: \$393,750
- Piedmont Housing Alliance's 501 Cherry Avenue: \$250,000

After careful consideration and discussion of all applications, the CAHF Committee recommended the following awards of HOPS funding:

- BRACH's Homeless System of Care Coordination Program: \$35,000
- BRACH's Homeless Information Line Program: \$28,000
- Community Services Housing's Community Services Housing Program: \$55,034
- Habitat for Humanity of Greater Charlottesville's Homeownership Program: \$65,250
- PACEM's Case Management Program: \$70,000
- Piedmont Housing Alliance's Charlottesville Affordable Housing Program: \$148,000
- The Haven's Vital Housing Services Program: \$95,716
- The Haven's Day Shelter Program: \$88,000

Adjournment:

The meeting is adjourned at 1:30 PM.

CAHF(FY24) HOPS(FY25) REVIEW CRITERIA	
#	Description
1	The applicant is a 501© (3) government entity, experienced housing developer, or public housing agency
2	The proposed project activities are within the city.
3	The program presents local data to describe the need addressed for the program.
4	The program demonstrates a good understanding (using local data) of the specific needs and strengths of beneficiaries
5	The program addresses the impact if all or some of the funds requested are not received
6	The program strategies specifically and directly address the identified needs and promote equity
7	The program strategies utilize best practices research or evidence-based practices.
8	The program implements an evaluation plan with program-appropriate metrics.
9	The program collaborates with other organizations to address an identified need
10	The application addresses the applicant's administrative, financial, and personnel capacity in relation to its ability to provide the program
11	The program has strategies for outreach to underserved populations
12	The program effectively engages underserved populations
13	Program beneficiaries are involved in program planning and governance
14	Participant involvement has been used to improve programming
15	The program reports on outcomes that are used to improve practices.
16	The application addresses the overall priority of promoting diversity, equity, and inclusion and the applicant has an adopted DEI statement
17	The application explains how the program addresses the City Council priorities of Affordable Housing and Equity
18	The program and organization are fiscally sound
19	The quality of programming and effectiveness of outcomes

Attachment B

20	The organization's staff and board represent the community served
21	The affordability level of the programs or services the organization typically provides
22	Capacity—The organization has completed the application and has no known issues (financial, capacity, etc.).
Bonus 1	For previous applicants, Projected FY23 program outcomes were achieved.
Bonus 2	The project exceeds criteria to the greatest degree (Merit of application)

DO NOT COPY

**RESOLUTION APPROVING ALLOCATION OF FY24
CHARLOTTESVILLE AFFORDABLE HOUSING FUND (CAHF) FOR
AFFORDABLE HOUSING PROJECTS AND INITIATIVES IN THE
AMOUNT OF \$835,000**

WHEREAS, the City of Charlottesville, Virginia, having established the Charlottesville Affordable Housing Fund (CAHF) Grant Program to provide financial support for community agency programs aiding in affordable housing and homelessness relief, hereby allocates \$835,000 from the Charlottesville Affordable Housing Fund (CAHF) Grant Program under Fund 426 Project: CP-084, as per the Capital Improvement Program budget for FY2024,

NOW THEREFORE, BE IT RESOLVED that the City Council, having received and reviewed recommendations from the CAHF Committee on the expenditure of CAHF funds for the CAHF Grant Program, resolves to allocate the amount to the following CAHF applicants:

Fund	Project	GL Account	Applicant	Funded Project/Initiative	CAHF Award
426	CP-084	530670	Albemarle Housing Improvement Program	Charlottesville Critical Rehabilitation Program	\$117,196
426	CP-084	530670	Community Services Housing, Inc. (CSH)	Rehabilitation Repairs to Preserve CSH Properties	\$74,054
426	CP-084	530670	Habitat for Humanity of Greater Charlottesville	Habitat Core 2024	\$393,750
426	CP-084	530670	Piedmont Housing Alliance	501 Cherry Avenue	\$250,000

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

Approved by Council
April 1, 2024

Kyna Thomas, CMC
Clerk of Council

**RESOLUTION APPROVING ALLOCATION OF FY25 HOUSING
OPERATIONS AND SUPPORT (HOPS) PROGRAM FUNDING FOR
AFFORDABLE HOUSING AND HOMELESSNESS SUPPORT
PROGRAMS
IN THE AMOUNT OF \$585,000**

WHEREAS, the City of Charlottesville, Virginia, having established the Housing Operations & Program Support (HOPS) program to provide financial support for community agency programs aiding in affordable housing and homelessness relief, hereby allocates \$585,000 from the Charlottesville Affordable Housing Fund (CAHF) under Fund 426 Project: CP-084, as per the Capital Improvement Program budget for FY2024.

NOW THEREFORE, BE IT RESOLVED that the City Council, having received and reviewed recommendations from the CAHF Committee on the expenditure of CAHF funds for the HOPS program, resolves to allocate the amount to the following HOPS applicants:

Fund	Project	GL Account	Applicant	Program /Initiative	Award
426	CP-084	530670	Blue Ridge Area Coalition for the Homeless	Homeless System of Care Coordination Program	\$35,000
426	CP-084	530670	Blue Ridge Area Coalition for the Homeless	Homeless Information Line Program	\$28,000
426	CP-084	530670	Community Services Housing, Inc. (CSH)	CSH Program	\$55,034
426	CP-084	530670	Habitat for Humanity of Greater Charlottesville	Homeownership Program	\$65,250
426	CP-084	530670	People and Congregations Engaged in Ministry	Case Management Program	\$70,000
426	CP-084	530670	Piedmont Housing Alliance	Charlottesville Affordable Housing Program	\$148,000
426	CP-084	530670	The Haven at First & Market Inc	Vital Housing Services Program	\$95,716
426	CP-084	530670	The Haven at First & Market Inc	Day Shelter Program	\$88,000

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

Approved by Council
April 1, 2024

Kyna Thomas, CMC
Clerk of Council

ORDINANCE

Amending and reordaining City Code Article II. Section 2-38. Organizational Meeting and Section 2-39. Elections, Terms and General Powers and Duties of Mayor, Vice-mayor and Mayor Pro Tempore; Mayor's Veto

WHEREAS Charlottesville City Council elections occur in November for positions beginning January 1 the following calendar year; and

WHEREAS the City Council seeks to align its Rules and Procedures with the Code of Virginia and the City Code, and to conduct its Organizational Meeting to elect a mayor and vice mayor at the beginning of the calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia **THAT** Article II. Section 2-38. Organizational Meeting, and Section 2-39. Elections, Terms and General Powers and Duties of Mayor, Vice-mayor and Mayor Pro Tempore; Mayor's Veto of the Code of the City of Charlottesville (1990), as amended is hereby amended, re-ordained and re-enacted, as follows:

Sec. 2-38. Organizational meeting.

The city council shall meet for organization on the first day of ~~July~~ January after the election of its members (unless that day is a Sunday or a legal holiday, in which case it shall meet on the following day). In case of unavoidable absence from such meeting of any member elect, the meeting may be adjourned from time to time as the council may deem proper.

(Code 1976, § 2-6)

Sec. 2-39. Election, terms and general powers and duties of mayor, vice-mayor and mayor pro tempore; mayor's veto.

- (a) The city council shall, at its first meeting in ~~July~~ January after the regular biennial election of council members or as soon thereafter as practicable, elect one (1) of its members mayor. The mayor shall continue in office two (2) years. If a vacancy occurs in the office of mayor before the end of the term, such vacancy shall be filled as provided by section 8 of the Charter. The mayor shall have no veto power.
- (b) At the same time, the city council shall elect one (1) of its members to be vice-mayor, who shall continue in office two (2) years. If a vacancy occurs in the office before the end of their term, such vacancy shall be filled as provided by section 8 of the Charter.
- (c) The mayor shall preside at the meetings of the city council and when, from any cause, they shall be absent, the vice-mayor shall preside. In the absence of both, a mayor pro tempore may be elected.
- (d) The vice-mayor, in the absence of the mayor and while acting as mayor, shall be vested with all the rights and duties of the mayor.

(Code 1976, § 2-7; 9-7-21(1), § 2)

This ordinance shall be effective upon its approval.

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



Agenda Date:	April 1, 2024
Action Required:	Appropriate additional funding for trail project
Presenter:	Chris Gensic, Park and Trail Planner
Staff Contacts:	Krisy Hammill, Director of Budget Riaan Anthony, Interim Director Steven Hicks, Public Works Director
Title:	Appropriating Funding for the Rugby Avenue Bicycle & Pedestrian Trail Project - \$130,059.50 (1 of 2 readings)

Background

The Rugby Avenue Trail project is a VDOT grant funded effort to construct a shared use path into McIntier Park from the rose Hill neighborhood. The project went to bid in 2023 and bids came back higher than what is budgeted for the project. In order to re-bid more funding will need to be appropriated into the project account.

Discussion

This shared-use path project is shovel-ready. The additional funding will allow it to proceed to bid. It is a high-priority project of VDOT that has been in progress for some years and can be completed this summer with the additional funding. After the completion of the trail and the removal of traffic barriers, the vehicle traffic pattern can return to its normal flow.

Alignment with City Council's Vision and Strategic Plan

Transportation - Charlottesville provides a regional transportation system that increases mobility options and is reliable and affordable for all.

Community Engagement

The trail is part of the approved City Bicycle and Pedestrian Plan and incorporated into the Comprehensive Plan

Budgetary Impact

Funding is being appropriated from existing CIP fund accounts

Recommendation

Approve resolution appropriating funding addition.

Alternatives

If not approved, the project will not be built.

Attachments

1. Rugby Avenue Trail Resolution

APPROPRIATION

Appropriation of Additional funds for Construction of Rugby Avenue Trail \$130,059.50

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded a grant from the Virginia Department of Transportation to construct a bicycle and pedestrian trail along Rugby Avenue; and

WHEREAS, the bids for the project are higher than the amount in the current project budget.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of 130,059.50 is hereby appropriated in the following manner:

Transfer From

\$50,000	Fund: 426	WBS: PR-002	G/L Account: 599999
\$15,000	Fund: 426	WBS: P-00662-04	G/L Account: 599999
\$65,059.50	Fund: 426	WBS: CP-080	G/L Account: 599999

Transfer To

\$130,059.50	Fund: 426	WBS: P-00977	G/L Account: 599999
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$317,160 from the Virginia Department of Transportation.

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



Agenda Date:	April 1, 2024
Action Required:	Appropriation
Presenter:	Misty Graves, Director of Human Services
Staff Contacts:	Reginald Allen, Human Services Planner Hunter Smith, Human Services Planner
Title:	Appropriating Funding from the BAMA Works Grant to Community Attention Foster Families - \$5,000 (1 of 2 Readings)

Background

The Department of Human Services Community Attention Foster Families (CAFF) received capacity building funding to improve "Recruitment and Retention of Black, Indigenous and People of Color Foster Families" to serve the disproportionate number of BIPOC children placed in foster care locally. The project will provide funding for multimedia recruitment of BIPOC foster homes and support family engagement and training activities for foster families.

The intended impact to have more BIPOC children placed in culturally and racially appropriate foster homes, resulting in more stability and a faster pace to permanency. The total grant is \$5,000 and there is no required local match.

Discussion

The federal Multiethnic Placement Act (MEPA) of 1994 was to ensure long term connections and support for all children, particularly children of color. MEPA "requires agencies to diligently recruit a diverse base of foster and adoptive parents to better reflect the racial and ethnic makeup of children in out of home care." Currently, 66% of CAFF foster children are BIPOC as compared to 21% of foster homes. Children entering foster care invariably have experienced trauma including separation from their families of origin. Expecting them to adjust to a culture different from their own compounds that trauma. While most white foster parents have the best intentions, research shows that BIPOC children in white families remain in foster care longer and are slower to move to a permanent home. Recruiting foster parents of any race has been challenging over the past year due to COVID.

The long-term value of this project will be a stronger, more inclusive, anti-racist system of foster care. CAFF foster parents will reflect the racial and ethnic diversity of the children they serve. BIPOC foster families will have the skills and knowledge to effectively serve the children they are parenting. Most importantly, foster families and children will feel supported and bonded to other foster families. Foster families that experience this bond are able to provide mutual support to each other.

Children in homes that are connected to other foster children in similar situations are more stable and resilient, being able to share their experiences with others. As a result, foster children will have fewer placement disruptions and will move more quickly to permanency.

Alignment with City Council's Vision and Strategic Plan

The Bama Works Fund grant aligns with the City of Charlottesville's Strategic Plan – Goal 1: An Inclusive Community of Self-sufficient Residents, Objective 1.5: Intentionally address issues of race and equity; and Goal 2: A Healthy and Safe City, Objective 2.3: Improve community health and safety outcomes by connecting residents with effective resources.

Community Engagement

CAFF has an active and engaged Foster Family/Staff Committee that includes ten resource foster families. These families have committed to be pod leaders to reach out to other foster families to form relationships and bonds. It is their intention to promote retention by providing mutual support by participating in shared activities and training. Foster parents have committed to being co-trainers in the proposed training opportunities. Several have agreed to share mini-stories in the proposed marketing activities.

Budgetary Impact

This has no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation

Staff recommends approval and appropriation of grant funds.

Alternatives

Appropriation

Attachments

1. CAFF BAMA Works Appropriation Attachment FY24

APPROPRIATION
BAMA Works Grant to Community Attention Foster Families
\$5,000

WHEREAS, the Human Services Department of the City of Charlottesville has been awarded \$5,000 from the Bama Works Fund; and

WHEREAS, the grant award covers the period from 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 \$5,000 is hereby appropriated in the following manner:

Revenue – \$5,000

\$5,000 Fund: 213 Cost Center: 3413002000 G/L Account: 451022

Expenditures - \$5,000

\$5,000 Fund: 213 Cost Center: 3413002000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$40,000 from the Bama Works Fund.

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



Agenda Date:	April 1, 2024
Action Required:	Appropriation
Presenter:	Misty Graves, Director of Human Services
Staff Contacts:	Hunter Smith, Human Services Planner Reginald Allen, Human Services Planner
Title:	Appropriating funds from the Batten Foundation to the Department of Human Services - \$40,000 (1 of 2 readings)

Background

The Department of Human Services applied for and received a grant from the Batten Family Fund in the amount of \$40,000. This grant is designated to support C.A.Y.I.P. (Community Attention Youth Internship Program), a program that offers local youth the opportunity to apply for and participate in a paid internship with local businesses, organizations and city departments.

Discussion

The funds support stipends that interns receive from participating in the program and meeting basic program goals and objectives. Funds have been received and deposited.

Alignment with City Council's Vision and Strategic Plan

C.A.Y.I.P. aligns with the City of Charlottesville's Strategic Plan Goal 1: An Inclusive Community of Self-sufficient Residents; Objective 1.1: Prepare students for academic and vocational success.

Community Engagement

In order to successfully operate C.A.Y.I.P., staff conduct extensive outreach efforts in the community to develop internship sites and also conduct extensive outreach into schools to promote and educate students about the opportunity.

Budgetary Impact

There is no impact to the General Fund. This grant will be appropriated into a grants fund.

Recommendation

Staff recommends approval and appropriation of funds.

Alternatives

If the funds are not appropriated, the grant would not be received and C.A.Y.I.P. would provide services to fewer students.

Attachments

1. FY24 Batten Appropriation

APPROPRIATION
Batten Family Fund Award
\$40,000

WHEREAS, the City of Charlottesville has been awarded \$40,000 from the Batten Family Fund;

WHEREAS, the funds will be used to support C.A.Y.I.P., a program operated by the Department of Human Services. The grant award covers the period from November 1st, 2023 through October 31st, 2024;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$40,000 is hereby appropriated in the following manner:

Revenue

\$40,000	Fund: 213	Cost Center: 3413003000	G/L Account: 451020
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Expenditures

\$40,000	Fund: 213	Cost Center: 3413003000	G/L Account: 530450
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$40,000 from the Batten Family Fund.

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



Agenda Date:	April 1, 2024
Action Required:	City Council may approve the attached memorandum of understanding.
Presenter:	Riaan Anthony, Interim Director
Staff Contacts:	Jacob Stroman, City Attorney Riaan Anthony, Interim Director Ashley Marshall, Deputy City Manager
Title:	Resolution for Approval of Memorandum of Understanding between Bennett's Village and the City of Charlottesville

Background

The Parks and Recreation Department staff have been holding discussions with the representatives of Bennett's Village, a nonprofit community organization which aims to create a fully accessible playground in Central Virginia. These discussions have been going on for several years, and it has been concluded that an opportunity exists to host such a facility within the City's park system at Pen Park.

Representatives from Bennett's Village presented their proposal for an All-Abilities Playground at Pen Park to the City Council on March 18th, 2019. The City Council then adopted a resolution on April 1st, 2019, to establish a partnership between the City and Bennett's Village. The City Council also authorized staff to draft a Memorandum of Agreement that defines the partnership between the entities for this purpose.

Discussion

In November 2019, the City and Bennett's Village entered into a memorandum of agreement which was amended further in September 2021. Upon reviewing the current memorandum of agreement, the staff and representatives of Bennett's Village have decided to rewrite it in order to meet the current standards so that Bennett's Village can gain access to more grant opportunities.

Alignment with City Council's Vision and Strategic Plan

The Bennett's Village All-Abilities Park project fulfills the Council Strategic Initiatives:

- Recreation, Arts & Culture
- Partnerships
- Council's Commitment to Justice, Equity, Diversity, and Inclusion

Community Engagement

The Adaptive Recreation community in the region has shown significant and consistent support for a facility. The initial design takes into consideration various factors such as play elements, integration, accessibility, and staff. Bennett's Village has collaborated with several community service providers in the region to ensure that the facility caters to the needs of individuals across different ages and ability levels. Furthermore, this draft memorandum of understanding has been reviewed by Bennett's Village representative(s).

Budgetary Impact

Bennett's Village is committed to raising the funds to design and construct this project. The City will provide support, guidance and expertise through its Certified Playground Inspectors who are already on staff in the Parks and Recreation Department. This request does not require any funding from the City budget at this time.

Recommendation

The Parks and Recreation Department staff wholeheartedly support this effort and project. Staff recommends that City Council approve the attached memorandum of understanding.

Alternatives

City Council could choose to provide alternative direction.

Attachments

1. Bennett's Village Draft Resolution of Approval.3.13.24
2. BV MOA.Clean.FINAL.3.27.24
3. Ex. A-City of Cville MOA for Bennetts Village signed 2019 (1)
4. Ex. A continued-Sept2021AmendedMOA
5. Ex. B-Bennetts_Village_Total Project Area
6. Exhibit C-BV_Phasing_2023_FINAL_sm
7. Exhibit D-BV Ground Lease - Pen Park 2024 MODEL PHASE LEASE.Final

Resolution

Approving a Memorandum of Understanding Between the City of Charlottesville and Bennett's Village for an All-Abilities Playground Project at Pen Park

WHEREAS, the City's Parks and Recreation Department staff have engaged in discussions with representatives of Bennett's Village, a nonprofit community organization, to establish an All-Abilities Playground in Charlottesville Virginia, and

WHEREAS, after several years of discussions, it has been determined that an opportunity exists to host such a facility within the City's park system at Pen Park, and

WHEREAS, representatives from Bennett's Village presented their proposal to the City Council on March 18th, 2019, resulting in the adoption of a resolution on April 1st, 2019, establishing a partnership between the City and Bennett's Village, and

WHEREAS, in November 2019, a memorandum of agreement was entered into between the City and Bennett's Village, which was further amended in September 2021, and

WHEREAS, upon review, it has been determined that the current memorandum of agreement requires revision to meet current standards and provide access to additional grant opportunities, and

WHEREAS, the Parks and Recreation Department strongly recommends this project which will enhance recreational opportunities at Pen Park for children of all abilities,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the attached Memorandum of Understanding between the City of Charlottesville and Bennett's Village for the All-Abilities Playground Project at Pen Park.

BE IT FURTHER RESOLVED, that the City Manager is authorized and directed to execute the Memorandum of Understanding on behalf of the City in a form approved by the City Attorney, and to take all necessary actions to implement the terms and conditions therein.

Approved as to form:

Jacob P. Stroman

Jacob P. Stroman
City Attorney

**AMENDED AGREEMENT
BETWEEN
BENNETT’S VILLAGE, INC. AND THE CITY OF CHARLOTTESVILLE**

THIS AMENDED AGREEMENT (the "Amended Agreement") is entered into effective as of the ____ day of _____, 2024 (the "Effective Date"), by and between **CITY OF CHARLOTTESVILLE, VIRGINIA**, a body politic and municipal corporation of the Commonwealth of Virginia (sometimes referred to herein as the “City” or “Owner”), and **BENNETT’S VILLAGE, INC.**, a Virginia non-stock corporation (sometimes referred to herein as the “Operator,” “BV,” or “Bennett’s Village”) whose principal offices are located at 716 Shamrock Road, Charlottesville, Virginia, 22903. (The City and BV are sometimes jointly referred to as the "parties"). For and in consideration of the premises and mutual covenants hereinafter contained, and subject to the conditions herein set forth, the parties set forth these amended terms to their November 26, 2019, Memorandum of Agreement and subsequent September 8, 2021, amendment attached as Exhibit "A" and made a part hereof (collectively, the “Prior Agreement”), as follows:

Recitals

WHEREAS, on April 2, 2019, the Charlottesville City Council adopted a Resolution “*Establishing a Partnership between the City of Charlottesville and Bennett’s Village*” (the "Resolution"), following receipt of a proposal from Bennett’s Village to construct, at its cost and expense, a multi-generational, all-abilities play space within the City's park system at Pen Park that is designed for accessibility and inclusion (the “Project”); and

WHEREAS, on November 27, 2019, the Charlottesville City Manager executed a document titled “*Memorandum of Agreement Bennett’s Village, the ARC of the Piedmont and the City of Charlottesville, November 26, 2019*” (2019 “MOA”) containing a statement that the purpose of the MOA was to assign and identify the various responsibilities in the relationship between the City and BV with respect to the Project; and

WHEREAS, the "2019 MOA" was amended on September 8, 2021, to remove the ARC of the Piedmont from the partnership as they ceased to be a Bennett’s Village fiscal sponsor; and

WHEREAS, BV and the City desire to refine and update their respective roles relative to the Project and the project planning activities that have been underway within BV since 2019; and

WHEREAS, the parties believe that this Amended Agreement is in the respective best interests of the parties.

NOW, THEREFORE, the parties, intending to be legally bound hereby and for in consideration of the mutual covenants contained herein, do hereby set forth their agreement as follows superseding, where applicable, the Prior Agreement:

Article A. PURPOSE; PROJECT SCOPE

I. Purpose: This Amended Agreement shall assign and identify the various rights, responsibilities and obligations in the relationship between the City and BV for the design, development, future operation, and ownership of an All Abilities Play Space (the "Play Space") and ancillary facilities for the project as depicted within a Concept Plan prepared by Mahan Rykiel Associates, Inc., dated February 5, 2020 (the "Project").

II. Scope: The Project is a multipart development that will be undertaken in several phases (each a "Phase" and, collectively, the "Phases"), upon approximately four (4.0) acres of land within Pen Park (See Exhibit "B" – Total Project Area). The area to be developed by BV within each Phase shall first be leased to BV under terms set forth within attachments to this Agreement (See Exhibit "C" – Phasing).

The City and BV agree to enter into a new lease for each Phase of the Project (each, a "Phase Lease") consistent with the model Phase Lease. Once each respective Phase is completed, each respective Phase Lease shall, as provided herein, be terminated and, simultaneously, all rights and interest to the equipment, facilities, improvements, and fixtures (collectively, the "EFIF") constituting the respective completed Phase of the Project's Play Space shall be contributed and transferred to and accepted by the City. This contribution, transfer and acceptance shall be affected by gift deed that will identify, as applicable, the representations of BV and the gift conditions of the City.

III. Phasing of Development: Subject to the commitment of the parties to the Project in its entirety as provided herein, the parties acknowledge that each Phase shall be deemed a distinct and independent part of the Project during a distinct time period. During each Phase Lease, the City shall lease to BV and BV shall have the exclusive right to enter onto and develop the park land owned by the City in accordance with the terms and conditions of this Amended Agreement, the Project, and the current applicable Phase Lease.

Upon completion of the development in the Play Space for each Phase of the Project, BV shall provide notice to the City of their intention to terminate the applicable Phase Lease within sixty (60) days (a "Phase Lease Termination Notice") that shall include all documentation required by Article B, Section VII. Within this sixty (60) day period, the Parties shall review and inspect the EFIF built during the current Phase. Upon approval by the City of the EFIF as being consistent with the Project (such approval not to be

unreasonably withheld, delayed or conditioned, the parties agreeing that certification by the Contractor (as defined below) to both the City and BV of construction compliance of the EFIF with the respective Play Space as described in the Project shall constitute a presumption of approval), BV shall transfer the EFIF by Gift Deed to the City. Once (1) a Phase has been completed, (2) the Phase Lease terminated and a (3) contribution effected via Gift Deed, the terms of this Amended Agreement shall no longer apply to the completed Phase and all rights, liabilities and interest in the leased property constituting the respective Phase Lease together with the EFIF shall revert to the City and be the sole responsibility of the City to maintain and operate the Play Space consistent with the respective Gift Deed. The City shall execute for BV documents accepting the completed work as a contribution, shall terminate the Phase Lease and release any contractual obligations relating to, inter alia, maintaining insurance coverage over the terminated Phase Lease.

Phase Funding Requirement, Notice to Proceed, and Term: The parties acknowledge and agree that, as a condition of commencing construction on any Phase of the Project, BV must demonstrate that it has sufficient funding to complete the distinct Phase prior to the City's agreement to issue a notice to proceed (the "Notice to Proceed"). The City's agreement to issue a Notice to Proceed may be based on BV's current cash and securities, third party pledges, letters of credit or any other commercially reasonable basis but the City's agreement may not be unreasonably withheld, delayed, or conditioned, the parties agreeing that current dedicated cash assets alone or in combination with a letter of credit shall be presumed to be sufficient for the City's approval. As conditioned above, the Notice to Proceed shall be issued within thirty (30) days of BV's written request to the City to proceed with construction (a "Request to Proceed") provided that BV has also provided the documentation described in Article B, Section III below. Each Phase Lease shall have an Initial Term of two (2) years with the right to a two (2) year extension.

IV. Subsequent Phase Construction, Funding and Term: The parties agree that subsequent Phases shall require distinct budgets, construction plans, and a new Phase Lease approved by the Charlottesville City Council in accordance with the laws of the Commonwealth of Virginia and this Amended Agreement. As provided herein, the parties shall mutually agree upon the budget and construction plans prior to the execution of a new Phase Lease.

Notice to Proceed from the City to BV shall, as provided above, occur only after approval of all budgets, construction plans and a fully executed Phase Lease. The Parties mutually agree that each Phase Lease shall substantially conform to the form provided in Exhibit "D" and shall be subject to review and approval by City Council in accordance with the Laws of the Commonwealth of Virginia and this Amended Agreement.

Article B. RESPONSIBILITIES OF BENNETT'S VILLAGE

BV shall be responsible for the following activities:

I. Plans and Specifications:

For each Phase of the Project, BV shall, except as otherwise provided herein, be responsible for payment of all costs and expenses necessary for preparation of concept design plans, construction plans, specifications, and services necessary for or in connection with securing applicable governmental permits and approvals; provided, however, that the City shall waive all filing fees for the City of Charlottesville and otherwise provide Bennett's Village with all waivers from fees and taxes as are accorded to entities recognized as tax-exempt under Section 501(c)(3) of the Internal Code of 1986, as amended.

Construction plans (the "Construction Plans") shall include, as necessary and/or required by relevant City, State or Federal codes existing at the time of plan submittals, the location and materials for buildings, structures and equipment to be constructed or installed, in specific locations, and the manner in which the development site will be connected to and accessed from other sections of Pen Park (a/k/a "site development plans"); and, as applicable, erosion and sediment control plans; stormwater management plans; water, sewer and electric utility plans (both temporary, to serve construction activities, and permanent); and necessary wildlife conflict resolution strategies.

Final Construction Plans shall include measures by which BV and its contractors shall minimize disruption to Pen Park and the uses and activities occurring within the park outside of the Leased Premises. Measures may include, but shall not necessarily be limited to, restricted hours of construction or land-disturbing activity; alternative pedestrian access in full compliance with all ADA requirements, parking, or traffic arrangements; sound dampening measures; or tree protection measures.

II. Cost Estimates; Payment for Labor, Materials and Supplies:

For each Phase of the Project, BV shall provide the City with detailed cost estimates (which shall include separate estimates for construction, construction contingencies and construction administration services). Such cost estimates shall be developed during the conceptual development and schematic design phases of each Phase of the Project and verified prior to commencement of any construction or installation activities for a respective Phase.

During construction/installation of each Phase of the Project, BV shall timely pay all its contractors, subcontractors, materialmen, and suppliers all amounts due to them, and BV shall not suffer or allow any mechanics or other liens to attach to any City park land.

III. Request(s) for Notice to Proceed:

For each Phase of the Project, when BV is ready to commence the Work, BV will send a written communication to the City (a "Request to Proceed"), requesting the City to issue a written Notice to Proceed according to the criteria established above.

BV's Request to Proceed to the City shall include the following documentation:

- 1) the final cost of the Project Phase, as evidenced by a binding contract for construction (“Contract Price”);
- 2) a contract for administration of the contract for construction unless included in the contract with a licensed General Contractor;
- 3) evidence that BV has a Budget for the Phase, including, without limitation: sufficient funds (cash on hand, pledged funds, letter of credit, etc. according to the standards and presumptions described above) to cover the Contract Price including a reasonable construction contingency/ reserve of no more than ten percent (10%) of the Contract Price;
- 4) sufficient funds (cash on hand, pledged funds, letter of credit, etc. according to the standards and presumptions described above) to cover the cost of construction administration, if applicable and distinct from the Contractor; and
- 5) a final Schedule for construction/ installation of the work in such Phase.

IV. BV Project Coordinator: BV shall appoint a Project Coordinator to interact with the City regarding the Project.

V. Contractors:

BV will be responsible for construction/installation of the Project using only contractors and subcontractors licensed and otherwise authorized to do business within the Commonwealth of Virginia. The Contractor and, if applicable, any replacement Contractor must be a licensed General Contractor in the Commonwealth of Virginia.

VI. Documentation of Completion, Donation and Acceptance by the City:

Upon commencement of construction of each Phase of the Project, it shall be the responsibility of BV to require its contractors and their subcontractors (“Contractors”) to construct and install all building, structures and equipment in accordance with the approved construction/ installation plans and specifications (“Project Approvals”).

In circumstances where a deviation from the Project Approvals is necessary due to unanticipated conditions or other reason, the Contractors shall be required by BV to promptly indicate on the face of the Project Approvals the precise change in location, materials, or other deviation and BV shall promptly submit the same to the City for review (“Redlined Plans”).

Upon completion of each Phase of the Project, BV will submit to the City a Phase Lease Termination Notice that shall include (i) a set of Record Drawings (As-Built) and related documentation, consisting of the actual, as-built conditions, proof that payment in full has been made to all contractors and suppliers who provided labor and materials for the completed work; (ii) evidence of the transferability/assignability of all warranties to the City, and (iii) a written Contribution of all of the Work and improvements which have been completed and installed within that particular Phase.

VII. Annual reports prior to Project Completion; Annual Audits:

BV shall provide a written annual report to the City on or before October first of each calendar year, providing information to City Council regarding major Project milestone achievements, status of fundraising efforts, a budget-to-actual expenditures-report for each Project Phase then remaining in progress, and a summary and report of operations and goals for the ensuing year. Additionally, within three (3) months of the end of BV's annual financial reporting period, BV shall provide to the City a written report specifying the amount of funding received by BV from all sources during the preceding year and specifying the amount of funding expended by BV for and in connection with any applicable Phase of the Project during the preceding year. This document shall be a public record.

Article C. RESPONSIBILITIES OF THE CITY:

The City shall be responsible for the following activities in connection with the Project:

I. Plans and Specifications:

For each Phase of the Project, the City will, at its sole cost and expense, promptly review proposed concept designs and proposed Construction Plans prior to BV's official submission of the plans for governmental permits or approvals. The City will offer comments and may request changes to the construction plans and specifications.

II. Cost Estimates:

For each Phase of the Project, the City will, at its sole cost and expense, promptly review all cost estimates (labor and materials for construction/ installation, construction/installation contingency, and construction/installation administration). If the City is concerned about the accuracy or completeness of the cost estimates, the City and BV shall meet in person to resolve the concerns.

III. City Notice to Proceed:

For each Phase of the Project, the City will, within sixty (60) days of BV's request for a new Phase Lease, execute a new Phase Lease with BV and promptly issue a written Notice to Proceed according to the requirements described above for the next Phase to authorize commencement of land disturbing activity, construction, and equipment installation. This Notice to Proceed is expressly conditioned as provided above.

IV. City Project Coordinator:

The City will, at the City's sole cost and expense, designate a Project Coordinator, who will be a City employee tasked with monitoring the progress of the Project, and assisting BV with understanding all the permits, governmental approvals, and requirements necessary for the progress of the Project.

V. Documentation of Completion; Donation and Acceptance by the City:

Upon completion of each Phase of the Project, the City will review a set of record (as-built) drawings presented by BV along with (i) a written offer of donation and dedication to the City of all the Work and improvements which have been completed and installed within that Phase, and (ii) documentation confirming transfer/ assignment of all warranties to the City. If the as-built plans demonstrate that all the work was constructed and installed in accordance with the approved plans for the Project, and upon being satisfied that all warranties will be transferred or assigned to the City, the City will accept the respective Contribution by Gift Deed as provided herein and provide a written confirmation of acceptance of ownership and maintenance of the Work. Thereafter, the City and BV will terminate the Phase Lease and will be responsible for normal operating expenses such as utilities, custodial services, and routine repairs and maintenance activities.

VI. Hours of Operation:

Hours of operation of those portions of the park included in the project shall be 6:00 a.m. to 10:00 p.m. unless modified by the City's Parks and Recreation Director.

Article D. GENERAL TERMS

The Parties recognize that this Agreement is designed for the purpose of governing a multi-year relationship between the City and BV for the long-term implementation, development and operation of this Project at Pen Park.

I. Modification:

This MOA will be reviewed and updated as needed to facilitate the efficient development of the Play Space and the Project. The provisions of this Amended Agreement may be modified by the parties by mutual consent set forth in a written addendum approved and signed by the parties in the same manner and with the same formality as this Amended Agreement.

II. No Assignment of Rights:

BV shall have no right to assign or sublease, in any manner or fashion, any of its rights, privileges, or interest accruing to it under this Agreement or any attached Phase Lease to any other individual or entity without the prior written consent of the City. The City's consent shall not be unreasonably withheld if BV proposes an assignment to a successor charitable organization and the assignee demonstrates to the City's satisfaction that it is in all respects capable of performing all the obligations hereunder.

III. Funding Contingency:

Both parties acknowledge that the obligations and responsibilities of both BV and the City under this Amended Agreement are expressly made contingent upon the availability of funding according to the standards provided above and, in the case of the City, upon both the availability and the appropriation of funding by the City Council.

IV. Notices:

Except as otherwise provided herein, notice shall be given either by first class mail, postage prepaid, deposited in the United States Postal Service, or by prepaid overnight delivery service requiring acknowledgement of receipt. While the parties may authorize subsequent use of e-mail notices for other purposes under this Amended Agreement, the parties agree that Notice to Proceed, Request to Proceed, and the Phase Lease Termination Notice (or subsequent Phase termination notices) may all be provided by e-mail.

Notices given under this Amended Agreement shall be addressed as follows:

- 1) City's designated representative to receive all notices and correspondence is the City Manager, said notices and correspondence to be given to the following address: P.O. Box 911, Charlottesville, Virginia 22902 (mail), or City Hall, 605 East Main Street, Second Floor, Charlottesville, Virginia, 22902 (delivery) a copy of said notice shall also be sent to the Charlottesville City Attorney at PO Box 911, Charlottesville, VA 22902.
- 2) BV's designated representative to receive all notices and correspondence regarding this Lease is its Executive Director, said notices and correspondence to be given to the following address: 716 Shamrock Road, Charlottesville, Virginia 22903.
- 3) Either party may change its designated representative or address(es) by giving written notice to the other party as provided in this paragraph.

V. No Waiver of Rights:

No failure on the part of the City to enforce any of the terms or conditions set forth in this Amended Agreement shall be construed as or deemed to be a waiver of the right to enforce such terms or conditions. No waiver of a breach of any covenant in this Agreement shall be construed as a waiver of any succeeding breach of the same covenant. No delay or failure by either party to exercise any right under this Amended Agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein.

VI. Entire Agreement

Except as otherwise expressly provided herein, this Amended Agreement contains the entire agreement between the parties as of the effective date specified herein and it supersedes all prior agreements and understandings of the parties, whether verbal or written, as to matters that are set forth within this Amended Agreement. There are no collateral agreements, stipulations, promises or undertakings whatsoever upon the respective parties, in any way touching the subject matter of this instrument, which are not expressly contained herein within this document, or the Exhibits and Addendum incorporated herein, if any. The execution of this Amended Agreement has not been induced by either party by representations, promises or understandings other than those expressly set forth herein.

VII. Non-Appropriations Clause

Payment and performance obligations, if any, of the City, beyond the initial year of this Amended Agreement, are expressly conditioned upon the availability of and appropriation by the City of public funds therefor in each subsequent fiscal year. When public funds are not appropriated or are otherwise unavailable to support continuation of performance by the City in a subsequent fiscal period, this Amended Agreement's payment requirements and the City's obligations hereunder shall automatically expire, without liability or penalty to the City.

VIII. Additional Insured Status:

BV shall cause the City to be identified as an "additional insured" under all insurance policies and coverages required by this Amended Agreement.

IX. Record Keeping:

In accordance with income tax accounting standards, BV shall maintain books and records pertaining to the funds received from the City and amounts expended by it in connection with this Amended Agreement. BV shall maintain such books and records for a period of at least three (3) years following the expiration or earlier termination of this Amended Agreement. Upon request, the City shall be entitled, at its own expense, to obtain an audit of all funds received and expended by BV under this Amended Agreement. Upon receipt of notice that the City desires an audit, BV shall make its books and records available to the City and its auditor(s) and shall cooperate with the audit.

X. Public Disclosure of Agreement Documents:

BV acknowledges and understands that this Amended Agreement, and all related public proceedings and records, shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act.

XI. Independent Contractor

Neither BV, nor its agents, employees, assignees or subcontractors shall be deemed employees or agents of the City by virtue of any services performed pursuant to this Amended Agreement or the contractual relationship established hereby. BV shall have sole responsibility for its staff, including their work, personal conduct, directions and compensation.

XII. Binding Effect of Agreement

The terms, provisions and conditions of this Amended Agreement shall bind and inure to the benefit of the respective parties hereto and to their representatives, successors, and (where permitted by this Amended Agreement) their assigns.

XIII. Severability

If any term, provision or condition of this Amended Agreement, or the application thereof to any person or circumstances, shall be held by a court of competent

jurisdiction to be invalid or unenforceable, the remainder of this Amended Agreement, and the application of any term, provision or condition contained herein to any person or circumstances other than those to which it has been held invalid or unenforceable, shall not be affected thereby.

XIV. Interpretation of Provisions

In the event of any conflict, discrepancy or inconsistency between this document and any other documents which have been incorporated into this document by reference or made exhibits or attachments hereto, then the provisions set forth within the body of this document shall govern the parties' agreement.

XV. Headings

Section, article and paragraph headings contained within this Amended Agreement have been inserted only as a matter of convenience and for reference, and they in no way define, limit, or describe the scope or intent of any term, condition or provision of this Amended Agreement.

XVI. Choice of Laws:

This Amended Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. All litigation arising out of this Amended Agreement shall be commenced and prosecuted in the federal, state or local court(s) having jurisdiction within the City of Charlottesville, Virginia.

IN WITNESS WHEREOF, the parties do hereby set forth their signatures, representing that the individuals who affix their signatures hereto have been duly authorized to bind each party to the terms and conditions of the foregoing Amended Agreement:

BV:	CITY		
By:	_____	By:	_____
Title:	_____	Title:	<u>City Manager</u>

Approved As to Form: _____
City Attorney or designee

Funds Are Available: _____
Director of Finance or designee

Exhibits & Attachments:

Exhibit A, November 26, 2019 Memorandum of Agreement and subsequent September 8, 2021 amendment

Exhibit B, Total Project Area

Exhibit C, Proposed Phasing

Exhibit D, Model Phase Lease

MEMORANDUM OF AGREEMENT
BENNETT'S VILLAGE, the ARC of the Piedmont AND THE CITY OF
CHARLOTTESVILLE
November 26, 2019

BACKGROUND

On November 26, 2019, the Charlottesville City Council (hereinafter "City") passed a resolution establishing a partnership between the City and the Bennett's Village, (an unincorporated association), (hereinafter "BV") to design, develop and operate an All Abilities playground facility at Pen Park. The City and BV may be referred to collectively in this Agreement as the "Parties". Such a facility shall be designed to meet the recreational needs of individuals with and without disabilities across the age and ability spectrum.

Bennett's Village has an established Memorandum of Understanding with The Arc of the Piedmont (ARC), whereby the ARC will serve as a fiduciary partner with BV for the purpose of fundraising, compliance with tax law and distribution of donations, among other items of agreement.

PURPOSE

This memorandum shall assign and identify the various responsibilities in the relationship between the City and BV for the design, development and operation of an All Abilities playground and ancillary facilities at Pen Park. Such a facility will be free to all park guests and at no time would an admission fee be charged to attend the facility on either an ad hoc or programmatic basis.

GENERAL GUIDELINES

This MOA is intended to be reviewed and updated at routine intervals herein defined that guides the relationship between the City and BV in the long-term implementation and operation of this facility at Pen Park.

All facilities developed or funded by BV shall be donated to, and become the property of, the City upon completion of construction and being issued a certificate of occupancy.

RESPONSIBILITIES OF THE CITY:

The City shall be responsible for the following activities within the playground area;

- Approval of the initial and final footprint of all play and ancillary facilities within Pen Park associated with this project.
- Final approval of all designs, cost estimates (which shall include a construction contingency and construction administration estimate, respectively) and construction documents. Such designs and cost estimates shall be developed during the conceptual development and schematic design phases of the project.

- Administration and coordination of all construction and development activity;
- Coordination and approval of all components of the project that require potable water per approved plans, wastewater collection per approved plans and maintenance/support facilities and connections to other sections of the park;
- Providing a base level of playground inspections and maintenance consistent with ASTM and Certified Playground Safety Inspector guidelines and standards.
- If necessary, the City and BV will work together to develop appropriate wildlife conflict resolution strategies.
- The city will allow events at the playground to extend beyond the park operating hours for special events; subject to approval by the City Director of Parks and Recreation or their designee.
- The City Director of Parks and Recreation and/or the Parks and Recreation Manager of Adaptive Recreation or their designee(s) will serve as ex-officio member(s) of the BV Board of Directors throughout the design, development and construction phases of the project. Thereafter, City participation in the BV Board of Directors shall be revisited and adjusted at the mutual agreement of the Parties.
- Ensure that necessary infrastructure and support facilities are developed concurrent with, or prior to, the facility's development.
- Assumption of normal operating expenses such as utilities, custodial services, routine repairs and maintenance activities.

RESPONSIBILITIES OF BENNETT'S VILLAGE:

BV shall be responsible for the following activities:

- Securing of funding for the development of the playground facility and access to the facility within Pen Park.
- BV will conduct community engagement efforts to promote and stimulate interest and community awareness in the activities of the BV and the design and development of an All Abilities play facility at Pen Park.
- Design of the play facility area to include visitor and maintenance access, utility or ancillary structure siting as necessary;
- Preparation of all designs, cost estimates (which shall include a construction contingency and construction administration estimate, respectively) and construction documents. Such designs and cost estimates shall be developed during the conceptual development and schematic design phases of the project.
- Development of necessary construction documents;
- Arranging appropriate liability coverage and/or waivers for BV volunteers and/or staff who perform programmatic activity within the park. (Only if desired by BV and subject to review and approval by the City Attorney)
- BV, when appropriate or desired, will endeavor to establish advisory groups in areas of adaptive recreation where appropriate to assist the City regarding programming or operations of the facility.

- BV shall provide an annual report to the City within three months of the end of each fiscal year (July 1-June 30) to include major achievements and activities, a financial summary and report of operations and goals for the next year.

Regardless of the method of revenue generation conducted by Bennett's Village for the design and construction of the facility, all revenues generated by BV shall remain with BV until such time as they are required to bid the construction of a facility in Pen Park. Upon receipt of sufficient funds necessary to meet all defined project costs, BV shall make a donation to the city of all funds. The donation will then allow the City to bid and manage the construction of the project.

Beginning with Fiscal Year 2020 and until such time as the project is complete and open to the public, BV shall provide a record of audit by a qualified, independent auditor, to the Director of Parks and Recreation for funds received and expended for any fiscal year by October 1 of the following fiscal year. This document shall be a public record.

RESPONSIBILITIES OF THE ARC OF THE PIEDMONT:

The Arc of the Piedmont will be responsible only for the items outlined in the Memorandum of Understanding between Bennett's Village and The Arc of the Piedmont signed and dated August 2019.

ROUTINE REVIEW AND REFINEMENT

Review and amendment or modification of this agreement shall take place under one or more of the following circumstances:

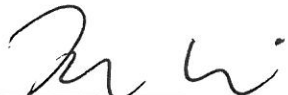
- At any time with the mutual agreement of both parties;
- At intervals of not less than two (2) years;

NON-BINDING FISCAL COMMITMENT

Both Parties acknowledge that this agreement is subject to the fundraising efforts for the proposed All Abilities playground. Both Parties acknowledge that this agreement does not bind, in any way, for either Party to contribute or appropriate any funds for the design or construction of the proposed All Abilities playground.

Agreed Upon and Accepted By:

Charlottesville Parks and Recreation Department

Signature: 

Date: 11.27.19

Title: City Manager

Bennett's Village

Signature:

Kara M. McClure

Date:

12/3/19

Title:

Co-founders

ARC of the Piedmont

Signature:

B. H.

Date:

12-3-19

Title:

Director of Development

ARC of the Piedmont Board/Liason

Signature:

John Santoli

Date:

12/3/17

Title:

Executive Director

**ADDENDUM
TO
MEMORANDUM OF AGREEMENT
BENNETT'S VILLAGE AND THE CITY OF CHARLOTTESVILLE, VA
February 1, 2021**

This addendum is made this 8th day of September, 2021 and shall supplement and amend the terms of a certain memorandum of agreement ("MOA") between the City of Charlottesville, Virginia ("City") and Bennett's Village originally executed November 26, 2019. In the event of any inconsistencies between the MOA and this Addendum, the terms of this Addendum shall control. The purpose of this addendum is to remove The ARC of the Piedmont as the Bennett's Village fiscal sponsor given that Bennett's Village achieved independent legal 501(c)3 status in January 2021 and will be their own fiduciary/fiscal agent.

1. The Original MOA is amended as follows:
 - a. The ARC shall be removed as party to the Original MOA as they no longer serve as Bennett's Village fiduciary partner and/or fiscal sponsor.
 - b. The article entitled "RESPONSIBILITIES OF THE ARC OF THE PIEDMONT" shall no longer be in effect as the ARC no longer serves as Bennett's Village fiduciary partner and/or fiscal sponsor.
2. All other terms and conditions under the Original MOA remain unchanged and in effect.

IN WITNESS WHEREOF, the parties have executed this Addendum to the Original MOA as of the date and year set forth below.

FOR THE CITY OF CHARLOTTESVILLE

Chip Boyles
Chip Boyles, City Manager

9/8/2021
Date

FOR BENNETT'S VILLAGE

Kara M. McClurken
Kara McClurken, President

9/14/2021
Date

Bennett's Village Playground

Bennett's Village Acreage Request



Acreage Request

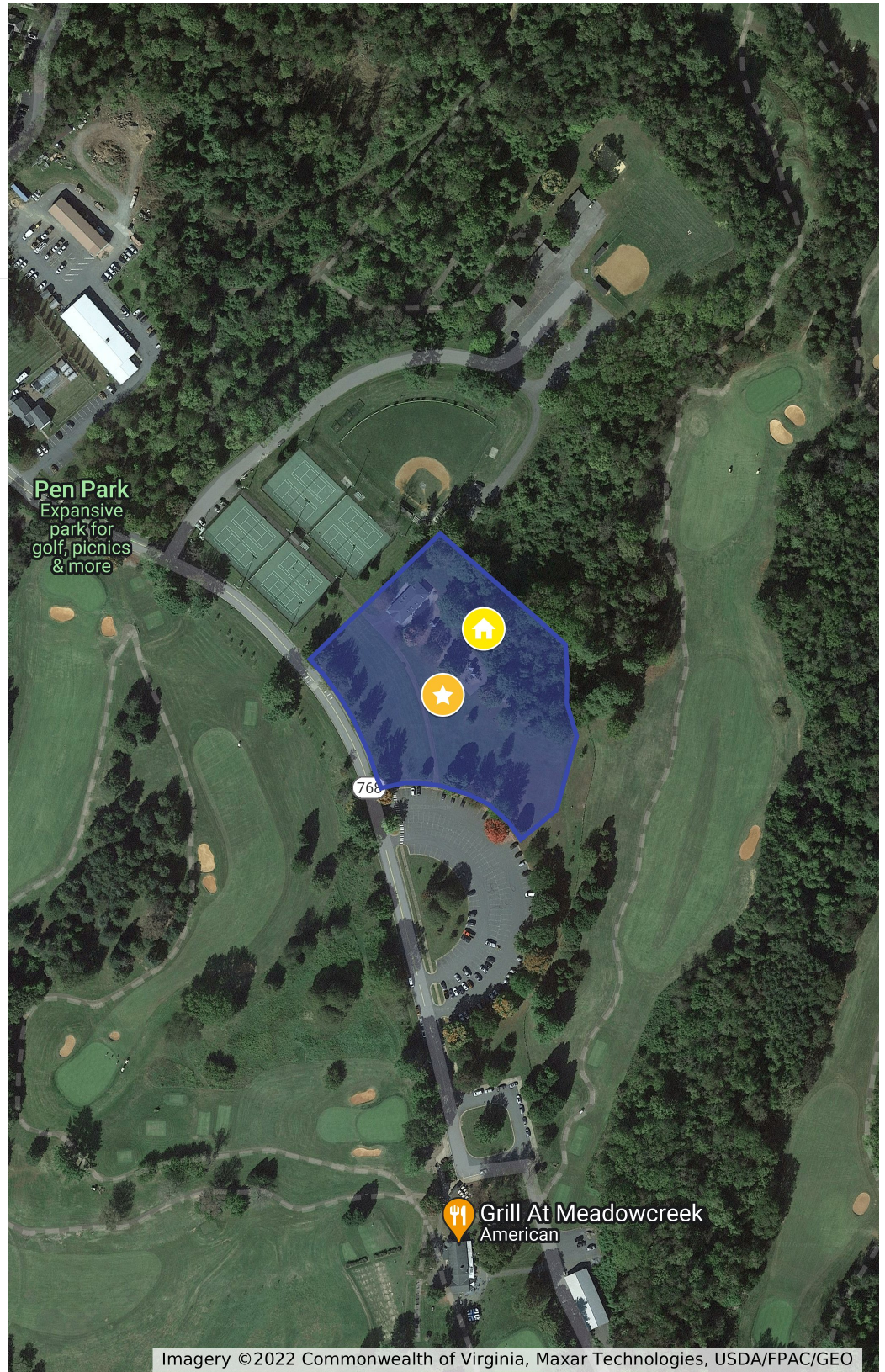


Bennett's Village Future
Playground Site



Approx. Treehouse Location

Proposed location for
Bennett's Village All-Abilities
Playground. Approx. 3.85
acres.





**Bennett's
Village**

a place for ALL to play
www.bennettsvillage.org
bennettsvillage@gmail.com

<p style="text-align: center;">EXHIBIT # <u> D </u> BENNETT’S VILLAGE PHASE LEASE # _____</p>

[Subject to the terms of the Amended Agreement by and between the City and Operator approved on April 1, 2024 at a duly called and convened meeting of the City Council for the City of Charlottesville, Virginia, this Model Phase Lease will be customized for each Phase of the Project, defined terms used herein having the meanings ascribed to such terms in the Amended Agreement unless otherwise expressly defined herein. In the event of a conflict between the terms of the Amended Agreement and an individual Phase Lease, the terms of the Amended Agreement shall supersede and control.]

(MODEL PHASE LEASE)
EXHIBIT "D"
TO AMENDED AGREEMENT
BY AND BETWEEN
CITY OF CHARLOTTESVILLE
AND BENNETT'S VILLAGE, INC.

THIS GROUND LEASE executed in PHASES (hereafter the "**Phase Lease # _____**") and is entered into this _____ day of _____, by the CITY OF CHARLOTTESVILLE (hereafter the "City") and BENNETT’S VILLAGE, INC., a Virginia non-stock corporation (sometimes referred to herein as the “Operator,” “Lessee,” “BV,” or “Bennett's Village”) authorized to do business in the Commonwealth of Virginia (hereafter “BV or Lessee”) (the City and the Operator are sometimes individually referred to herein as a "party" and sometimes jointly referred to herein as the "parties.")

1. **Leased Property:** The City, as the title holder of the subject property, in consideration of the rents and covenants to be paid and performed by BV, leases to the Lessee and the Lessee leases a portion of the property commonly known as Pen Park in the City of Charlottesville, being within the area described on **Exhibit A**, attached hereto and incorporated herein by reference, (hereafter the "Leased Property").

[Note: the specific property subject to this Phase Lease and any subsequent Phase Leases will be approximately 4 acres in total. All acres are located on land within Pen Park in the area currently used as passive recreational space adjacent to the Pen Park playground. The exact boundaries of the Leased Property will be determined in Phases by the City following the completion of each Phased Lease development and future operation of a Bennett's Village All-Abilities Play Space

<p style="text-align: center;">EXHIBIT # <u>D</u> BENNETT'S VILLAGE PHASE LEASE # _____</p>

("Play Space") and ancillary facilities for the Project, as depicted within a Concept Plan prepared by Mahan Rykiel Associates, Inc., dated February 5, 2020. Incorporated as **Exhibit B**. Each Phase Lease will be customized as noted above (e.g., the Phase I Lease is anticipated to involve .13 acres of the subject property).]

Effective on the date the City issues to BV a written Notice to Proceed with construction/ installation of each phase of the Project ("Phase Commencement Date") which Notice to Proceed will not be unreasonably withheld, delayed, modified or conditioned, BV, as lessee shall have the right of use and possession of the premises described within **Exhibit A** to this Agreement for the term of the this phase lease, or until the date on which the City has accepted the completed work within Phase 1, whichever first occurs ("Expiration Date").

The parties further acknowledge and agree that, before and after the Notice to Proceed, BV, its agents, contractors and employees may enter upon the Property (including permitted ingress and egress through the Property as directed by the City) and perform all inspections, examinations, investigations, tests and undertakings with respect to the Leased Property that BV deems appropriate to confirm the suitability of the Leased Property for the construction and operation of the current phase project.

2. **Rent:** Lessee shall pay to the City nominal rent at the rate of \$1.00 per year, the receipt of which is hereby acknowledged.

3. **Title to Leased Property:** The City represents and warrants to the Lessee that it has the power and authority to execute this Lease and to carry out and perform all covenants to be performed by the City under this Lease.

4. **Condition of Leased Property and Lessee's Right of Entry:** The Leased Property is currently used as active and passive public recreational areas under the supervision of the City Department of Parks and Recreation. The City makes no representation or warranty as to the condition or suitability of the Leased Property for the intended purpose of this Lease prior to or at the time of the execution of this Phase Lease #_____. Lessee accepts the Leased Property "as is" on the effective date hereof. Lessee further accepts the Leased Premises in "as is" condition, subject to all existing utilities and all easements of record.

Lessee shall have the right to enter onto the Leased Property for the purpose of conducting, at Lessee's own risk, cost and expense, surveys, soil borings, engineering studies and other similar examinations necessary to determine the suitability of the Leased Property for the Lessee's intended use. Lessee shall provide reasonable notice to the City Department of Parks and Recreation prior to entering the property and shall exercise this right of entry at all times so as

<p style="text-align: center;">EXHIBIT # <u>D</u> BENNETT'S VILLAGE PHASE LEASE # _____</p>

not to unreasonably interfere with the normal operation of Pen Park. If Lessee determines, as a result of its studies, that the Leased Property is not suitable for its intended use, Lessee may terminate this Lease prior to the Commencement Date, and neither party shall have any further rights or obligations hereunder. In the event of such termination, Lessee shall, at its own expense, restore the Leased Property to the condition in which it existed prior to any changes made during its studies. Rights, duties and obligations, if any, of indemnity or insurance shall be as provided in the Amended Agreement.

5. **Term and Termination:** The initial term of this Lease shall be for a period of two (2) years, which shall begin on the date specified in the notice from Lessee to the City required below (the "Commencement Date") and continuing thereafter through the ____ day of _____, 20_____. If a Phase is commenced and not completed during the Initial Term, this Phase Lease shall be automatically extended for an additional two (2) year term according to the same terms and conditions. Each subsequent Phase Lease shall have an Initial Term of two (2) years with the same right to a two (2) year extension. The parties acknowledge and agree that any Phase Lease may be terminated by Lessor, or Lessee pursuant to a Phase Lease Termination Notice as provided in the Amended Agreement or as otherwise provided herein or in the Amended Agreement.

6. **Use:** Subject to the Lessee's compliance with all applicable local, state and federal laws and regulations, the City hereby grants permission to the Lessee to occupy the Leased Property for the purposes of constructing a recreational area including the design, development, and future operation of the Play Space and ancillary facilities for the Project, with such amenities as are provided for in the Amended Agreement.

7. **Purpose:** Unless otherwise agreed by the parties, the use of the Play Space constructed shall be primarily for the benefit of residents of the City of Charlottesville and Albemarle County and such other visitors to the City as a recreational facility.

8. **Construction:** Subject to delays beyond the reasonable control of the Lessee, the Lessee shall substantially complete construction of the facilities within Phase 1 and obtain approval and acceptance of the constructed facilities within the Leased Property. All construction shall be conducted as described in the Amended Agreement.

9. **Quiet Enjoyment:** The Lessee, on paying the rent and observing and keeping all covenants, warranties, agreements and conditions of the Lease, shall quietly have and enjoy the Leased Property during the Lease Term and any extension thereto.

<p style="text-align: center;">EXHIBIT # <u> D </u> BENNETT'S VILLAGE PHASE LEASE # _____</p>

10. **Approval of Improvements:**

A. No improvements of any kind shall be made to the Leased Property unless and until Lessee shall have obtained all required local, state and federal governmental approvals and permits, and all such improvements shall be undertaken and constructed in strict compliance with all applicable City, state and federal rules, regulations and laws; provided, however, that the City shall waive all filing fees for the City of Charlottesville and otherwise provide Bennett's Village with all waivers from fees and taxes as are accorded to entities recognized as tax-exempt under Section 501(c)(3) of the Internal Code of 1986, as amended.

B. The City and the Lessee acknowledge that the Lessee's intended use of the Leased Property may require compliance with state and local laws including but not limited to zoning, special use permit or site plan approval for all or any portion of the Leased Property. The City Department of Parks and Recreation's consent shall not be construed as a representation that the City will grant or approve any application submitted by Lessee, which is otherwise within the City's discretion to approve or deny.

C. Lessee shall give written notice to the City's Director of Parks and Recreation in advance of using any pesticides, cleaners, fertilizers, or other similar products within the Leased Premises, and upon receipt of such notice the Director will promptly advise Lessee of City policies regarding the use of such products on or within City-owned property. Upon being notified of City policies, Lessee shall comply with the requirements of the policies.

D. Except as otherwise provided herein or in the Amended Agreement, Lessee shall not commence any land disturbing or construction activity, unless and until all required governmental permits and approvals for such activity(ies) have been obtained from the Commonwealth of Virginia and the governmental authorities of the City of Charlottesville, as may be required. Unless otherwise agreed upon by both parties, Lessee shall be responsible for all costs and expenses associated with obtaining such approvals; provided, however, that the City shall waive all filing fees for the City of Charlottesville and otherwise provide Bennett's Village with all waivers from fees and taxes as are accorded to entities recognized as tax-exempt under Section 501(c)(3) of the Internal Code of 1986, as amended. Such permits and approvals may include but are not necessarily limited to rezoning or special use permit, final site plans, erosion and sediment control plans, stormwater management plans, a state construction general permit, permits required by the Uniform Statewide Building Code or the Virginia State Fire Prevention Code, and any amendments or modifications of such permits and approvals. As evidenced by the

<p style="text-align: center;">EXHIBIT # <u>D</u> BENNETT’S VILLAGE PHASE LEASE # _____</p>

signature of the City Manager to this Lease, BV is hereby authorized to submit any required permit application(s) to any governmental authority relative to any area(s) of land owned by the City and involving the Project.

E. As provided in the Amended Agreement, the Lessee shall, at its own expense, engage licensed professionals as necessary to conduct all required site evaluations and surveys, to include, but not necessarily limited to, public records, easements, utility locations, plat surveys, existing conditions surveys, soils investigations and environmental investigations. Construction Plans shall include, as necessary and/or required by relevant City, State or Federal codes existing at the time of plan submittals, the location and materials for buildings, structures and equipment to be constructed or installed, in specific locations, and the manner in which the development site will be connected to and accessed from other sections of Pen Park (a/k/a “site development plans”); and, as applicable, erosion and sediment control plans; stormwater management plans; water, sewer and electric utility plans (both temporary, to serve construction activities, and permanent); and necessary wildlife conflict resolution strategies. Final Construction Plans shall include measures by which BV and its contractors shall minimize disruption to Pen Park and the uses and activities occurring within the park outside of the Leased Premises. Measures may include, but shall not necessarily be limited to, restricted hours of construction or land-disturbing activity; alternative pedestrian access in full compliance with all ADA requirements, parking, or traffic arrangements; sound dampening measures; or tree protection measures. All Construction Plans must be completed consistent with the approval process described in the Amended Agreement.

F. The City agrees to grant to Lessee standard easements to and from the Leased Property for any work to be completed. Lessee shall have a right of access to and from the Leased Property over existing Pen Park ingresses and egresses.

G. The Lessee shall have the right to place signs within the Leased Property and at such other location at Pen Park as may be permitted by the City Parks and Recreation Department.

11. **Existing Improvements within the Leased Property:** If applicable, Lessee shall, at its own expense, be responsible for the removal and disposal of any existing structures or improvements on the Leased Property at the time of the execution of this Lease. Lessee shall be under no obligation to replace any improvements removed pursuant to this provision. In lieu of disposal by the Lessee, the City may, in its discretion, retain ownership of any materials,

<p style="text-align: center;">EXHIBIT # D BENNETT'S VILLAGE PHASE LEASE # _____</p>
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equipment or structures removed by the Lessee. In the event the City elects to retain ownership, any extra cost for removal over and above demolition costs shall be borne by the City.

12. **Reservation of Easements:** The City reserves to itself, while this Lease is in effect, easements over and for all existing utilities within the Leased Property, including but not limited to water, sanitary sewer, storm water sewer, electrical power and gas if applicable. At the option of the City, Lessee shall execute standard deeds of easement granting the City adequate access to any existing utilities within the Leased Property. Any relocation of existing utilities required by construction of the Facility and related improvements shall require the prior approval of the City of Charlottesville, which approval shall not be unreasonably withheld, and shall be accomplished at the sole expense of the Lessee.

13. **Existing Recreation or Parking Facilities:** All construction shall be performed in a manner so as not to materially reduce or interfere with the City's or the City Parks and Recreation Department's existing recreational or parking amenities located outside of the Leased Property at Pen Park; provided, however, that the Lessee and the City, through its Department of Parks and Recreation, may agree on certain site or use restrictions during the construction period. The City's Director of Parks and Recreation, after consultation with the City Manager, may issue a written directive requiring unreasonably disruptive construction/installation activities to immediately be stopped; thereafter, the period during which such disruptive land disturbing or construction activities are required to be stopped shall not be considered as good cause for any extension(s) of time requested in accordance with this Lease or this Agreement.

14. **Entry Upon Leased Property:** City or its agents may enter upon the Leased Property at all reasonable times to examine their condition and use, so long as that right is exercised during regular business hours in a manner that does not interfere with the Lessee in the conduct of its business within the Leased Premises.

15. **Title, Liens:** Title to the ground shall remain in the name of the City. Title to the Facilities constructed by the Lessee shall be titled in the name of the Lessee, except as otherwise provided herein. The Lessee agrees that the Leased Property shall not be encumbered by any mortgage, lien (mechanic's lien, materialmen's lien or other lien), pledge other encumbrance during the Term of the Lease. If any such lien or notice of lien rights shall be filed with respect to the Leased Property, the Lessee shall immediately take such steps as may be necessary to have such lien released and shall permit no further work to be performed at the Leased Property until such release has been accomplished.

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16. **Financial Assurances and Approvals:** Financial assurances and approvals shall be as required and granted as provided in the Amended Agreement.

17. **Maintenance / Operational Expenses:**

A. Upon the date of commencement of construction of the Facility and continuing throughout the Term of the Phase Lease or its termination, whichever first occurs, the Lessee shall, at its own cost and expense, maintain and keep the Leased Property, whether improved or unimproved, in a reasonably clean, attractive condition, and not commit or allow any waste or damage to be committed on or to any portion of the Leased Property. The Lessee shall be responsible for all costs associated with the ongoing maintenance, operation, and repair of the Leased Property.

B. As part of its maintenance responsibilities Lessee agrees to comply fully with any applicable governmental laws, regulations and ordinances, limiting and regulating the use, occupancy or enjoyment of the Leased Property, as supplemented and modified by duly enacted ordinances of the City of Charlottesville.

18. **Utilities and Services:** The Lessee shall be responsible for and pay all costs and charges for utilities and services, if any, in connection with the Lessee's occupancy of the Leased Property including, but not limited to, permits and connection charges, trash removal and other utilities or services; provided, however, that the City shall waive all filing fees for the City of Charlottesville and otherwise provide Bennett's Village with all waivers from fees and taxes as are accorded to entities recognized as tax-exempt under Section 501(c)(3) of the Internal Code of 1986, as amended. All the foregoing utilities and services shall be instituted and obligated for in the name of the Lessee, and the City shall have no responsibility whatsoever for the furnishing or cost of the same.

19. **Taxes and Assessments:** Real property taxes shall not be imposed against the leasehold interest of Lessee if Lessee is exempt from the payment of real property taxes.

20. [Intentionally Omitted.]

21. **Damage or Destruction of the Leased Property:** The City shall have no responsibility for any damage caused to the Leased Property or any facilities constructed therein. City Employees or agents shall have no responsibility for any damage caused to the Leased Property or any facilities constructed therein except that caused by the gross negligence or willful

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misconduct of the City's employees and agents. The Lessee agrees that all property of every kind and description kept, stored or placed on the Leased Property shall be at the Lessee's sole risk and hazard and that the City shall not be responsible for any loss or damage to any of such property resulting from fire, explosion, water, steam, gas, electricity, the elements or otherwise, wherever originating.

22. [Intentionally Omitted.]

23. **Assignment:** The Lessee shall have no right to assign, in any manner or fashion, any of the rights, privileges or interests accruing to it under this Lease to any other individual or entity, without the prior written consent of the City, which consent shall not be unreasonably withheld in the event of a proposed assignment to a successor non-profit charitable organization. In the event of assignment, the Lessee shall remain fully liable and responsible for all the obligations imposed by this Lease unless it is otherwise agreed in writing by the City.

24. **Sublease:** The Lessee may not sublet the Leased Property.

25. **Nondiscrimination:** During the Term of this Lease, the Lessee agrees that it will not discriminate against any person in its membership, programs or employment because of race, religion, color, gender, sexual orientation, national origin, disability, financial circumstances or any other basis prohibited by law.

26. **Drug-Free Workplace:** During Term of this Lease, the Lessee is to provide a drug-free workplace for the Lessee's employees, and to provide notification of this policy to its employees and applicants for employment. For the purposes of this Paragraph, "drug-free workplace" means a workplace where employees are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the term of this Lease.

27. **Insurance:** The parties acknowledge and agree that BV is a charity qualified as tax-exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and has no employees. It is the intention of the parties that BV will complete the Project through contracts with properly licensed and properly insured contractors. The parties further acknowledge and agree that the Project is unique as it involves no residential or commercial construction and few, if any, utility connections. As a result, the parties shall evaluate the level and type of insurance to be required for each Phase Lease issued under the terms of the Amended Agreement and shall, prior to the execution and delivery of each Phase Lease, mutually agree to

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such insurance terms that may vary among Phase Leases and may include insurance obligations of BV, its contractors or both. Prior to commencing any construction of the Project, the Lessee, at its sole cost and expense, shall secure and maintain (or cause to be secured and maintained) throughout the Term of each Phase Lease, the following insurance coverage, individual components of which may be waived or amended if agreed to, in writing, by both parties:

- (a) As applicable to BV, its contractors or both, Workers' Compensation insurance, as may be required pursuant to the provisions of Chapter 8 (Section 65.2-800 et seq.) of Title 65.2 of the Code of Virginia, 1950, as amended.
- (b) Commercial General Liability Insurance: \$1,000,000.00 general aggregate limit (other than products/completed operations); \$1,000,000.00 aggregate limit products/completed operations; \$1,000,000.00 personal injury and advertising injury limit liability; \$1,000,000.00 each occurrence limit; Builder's Risk Insurance: \$1,000,000.00; Automobile Liability, \$1,000,000.00; \$100,000.00 fire damage limit (any one fire); and \$10,000.00 medical expenses limit (any one person). The required insurance coverages, and the required limits of the insurance may be reviewed by the parties and amended or waived from time to time by mutual agreement; provided, however, that all agreed-upon insurance shall be issued by one or more companies authorized to underwrite and issue insurance in the Commonwealth of Virginia.
- (c) Fire and Extended Coverages, providing coverage against loss, damage, or destruction by fire and such other hazards, under policies of insurance commonly referred to and known as "extended coverage."
- (d) Each insurance policy required by paragraphs (a)-(c) above, shall be written or endorsed (or caused to be written or endorsed) to preclude the exercise of the right of subrogation against the City and, except for Workers' Compensation Insurance, shall name the City as an additional insured. Each such insurance policy shall be endorsed to include a requirement that, should any of the insurance policies be canceled before the expiration date thereof, the issuing insurance company will mail written notice of such cancellation to the City at least ten (10) days in advance; upon receipt of any notice, verbal or written, that the said insurance is subject to cancellation, the Lessee shall immediately (within five (5) business days) notify the City. In the event Lessee fails to comply with the requirements of this section, the City shall have the right to require the Lessee to

<p style="text-align: center;">EXHIBIT # <u>D</u> BENNETT'S VILLAGE PHASE LEASE # _____</p>

suspend use of the Leased Premises until such time as the requirements of this paragraph are met.

(e) The Lessee shall provide the City with one or more certificate(s) of insurance confirming the insurance required by this Lease Agreement. The Workers' Compensation Insurance and Commercial General Liability Insurance certification shall be provided to the City by the Lessee upon the Commencement Date of this Lease, then again (without demand) on or before the expiration date of any policy or upon request by the City, on each anniversary of the Commencement Date of this Lease. The Fire and Extended Coverages certificate shall be provided to the City by the Lessee prior to the commencement of construction of Phase 1, then again (without demand) on or before the expiration date of any policy and, upon request by the City, on each subsequent anniversary of the Commencement Date of this Lease. Upon demand by the City, Lessee shall furnish (or cause to be furnished) copies of the Lessee's insurance policies, together with the required endorsements as provided herein.

27. **Annual Report; Financial Records:** These requirements are as provided in the Amended Agreement.

28. **Default:** Each of the following occurrences relative to the Lessee shall constitute default:

- (a) Failure or refusal by the Lessee to make the timely payment of rent or other charges due under this Lease when the same shall become due and payable, provided the City has given the Lessee fifteen (15) days written notice of the same. Notwithstanding the foregoing, the City acknowledges receipt of payment of all rent.
- (b) Unless otherwise dismissed within sixty (60) days of any of the following to occur, the filing or execution or occurrence of an insolvency proceeding by or against the Lessee; or an assignment for the benefit of creditors; or a petition or other proceeding by or against the Lessee for the appointment of a trustee or a receiver or for the liquidation of any of the Lessee's property; or a proceeding by any governmental authority for the dissolution or liquidation of the Lessee.
- (c) Failure by the Lessee in the performance or compliance with any of the terms, covenants, or conditions provided in this Lease, which failure continues uncured for

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a period of six (6) months after written notice from the City to the Lessee specifying the items in default; provided, however, if such failure is of a type that is not reasonably capable of being cured within six (6) months, such six (6) month period shall be extended for so long as the Lessee is making diligent efforts to cure such default; or

- (d) Any change in the operation, charter, or ownership of the Lessee (including, but not limited to, loss of Internal Revenue Code 501 (c)(3) tax-exempt status) incompatible with the purpose of this Lease, or a change, incompatible with the purpose of this Lease, in the nature of the intention to provide a Play Space as agreed upon in the Amended Agreement between the City and BV.

In the event of default as defined in this Paragraph, title to any facilities or improvements in the leased property shall revert automatically to the City, and the Lessee shall surrender such improvements in accordance with the Amended Agreement between the City and BV and execute all documents deemed necessary by the City to convey, by Gift Deed as described in the Amended Agreement, title to that portion of the Project completed by Lessee.

29. [Intentionally Omitted.]

30. **Surrender:** Upon termination of the Lease, the Lessee shall quit and surrender to the City the Leased Property and the Project by Gift Deed as provided in the Amended Agreement.

32. **Failure to Construct Facility or Abandonment of Use:** These requirements are as provided in the Amended Agreement.

33. **Right of Entry:** At any time during the Term of the Lease, the City shall have the right, upon prior notice to the Lessee (except in the event of an emergency), to enter the Leased Property at all reasonable times for the purposes of inspecting the Leased Property and the Facilities to ensure compliance with the terms of this Lease. Notwithstanding the City's right to inspect the Leased Property, the City shall have no obligation to inspect the same. The City's failure to detect any violation or to notify the Lessee of any violation shall not relieve the Lessee of obligations under the terms of this Lease.

34. **Waiver:** Except as provided in the Amended Agreement, no failure on the part of the City to enforce any of the terms or conditions set forth in this Lease shall be construed as or

<p style="text-align: center;">EXHIBIT # <u> D </u> BENNETT'S VILLAGE PHASE LEASE # _____</p>

deemed to be a waiver of the right to enforce such terms or conditions. No waiver by the City of any default or failure to perform by Lessee shall be construed as or deemed to be a waiver of any other and/or subsequent default or failure to perform. Except as otherwise provided in this Lease or the Amended Agreement, the acceptance or payment of any rentals, fees and/or charges and/or the performance of all or any part of this Lease, for or during any period(s) following a default or failure to perform by the Lessee, shall not be construed as or deemed to be a waiver by the City of any rights hereunder.

35. **Identity of Interest:** The execution of this Lease or the performance of any act or acts pursuant to the provisions hereof shall not be deemed to have the effect of creating between the Lessee and the City any relationship of principal and agent, partnership or relationship other than that of lessee and lessor.

36. **Notice:** Notice shall be provided consistent with the notice requirements under the Amended Agreement.

37. **Modification or Amendment:** Any other modification or amendment of the Lease (other than for an extension or enlargement of the time or territory of the Phase Lease, shall be binding only if approved by the Lessee and the City and evidenced in a writing signed by each.

38. **Time of Essence:** Unless specifically provided herein or in the Amended Agreement to the contrary, in all instances where a party is required hereunder to pay any sum or do any act at a particular indicated time or within an indicated period, it is understood and stipulated that time is of the essence.

39. **Cooperation:** The City and the Lessee agree to provide any further documentation or cooperate in any way necessary to carry out the basic intent of this Lease consistent with the Amended Agreement.

40. **Persons Bound:** The covenants, agreements, terms, provisions and conditions of this Lease shall bind and inure to the benefit the respective parties hereto and to their representatives, successors and (where permitted by this Lease) their assigns.

41. **Entire Agreement:** This Lease, together with the exhibits, if any, attached, and the Amended Agreement contains the entire agreement between the City and the Lessee.

EXHIBIT # D
BENNETT'S VILLAGE PHASE LEASE # _____

42. **Recording:** Any party shall have the right, at its sole cost and expense, to prepare and record a Memorandum of Lease or short form of the lease in recordable form but excluding detailed provisions of this Lease.

43. **Headings:** The section headings are for convenience only and shall not be used to explain, modify, simplify, limit, define or aid in determining the meaning or content.

44. **Interpretation:** In the event of any conflict, discrepancy or inconsistency between this document and any other documents which have been incorporated into this document by reference or made exhibits or attachments hereto, then the provisions set forth within the body of this document shall govern the parties' intent.

45. **Severability:** If any term, provision or condition of this Lease, or the application thereof to any person or circumstances, shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Lease, and the application of any term, provision or condition contained herein to any person or circumstances other than those to which it has been held invalid or unenforceable, shall not be affected thereby.

46. **Governing Law:** This Lease shall be governed, construed and enforced by and in accordance with the laws of the Commonwealth of Virginia. Any suit or controversy arising under this Lease shall be litigated in the General District or Circuit Court of the City of Charlottesville, Virginia.

We agree to be bound by this Lease and its terms and conditions.

BV:

By: _____

Title: _____

CITY

EXHIBIT # D
BENNETT'S VILLAGE PHASE LEASE # _____

By: _____
Title: City Manager

Approved As to Form: _____
City Attorney or designee

Funds Are Available: _____
Director of Finance or designee

Exhibits & Attachments:

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



Agenda Date:	April 1, 2024
Action Required:	Approve Lease
Presenter:	Riaan Anthony, Interim Director
Staff Contacts:	Ashley Marshall, Deputy City Manager Jacob Stroman, City Attorney
Title:	Resolution for Approval of Lease Agreement between Bennett's Village and the City of Charlottesville

Background

If Council acts favorably on the Memorandum of Agreement with Bennett's Village, Inc., Bennett's Village has indicated that it is ready to proceed with construction of Phase I (the Treehouse). In order to proceed, Council needs to approve a lease to Bennett's Village for Phase I. The draft lease is consistent with the form of the phase lease attached as an exhibit to the MOA.

Discussion

Bennett's Village has indicated that the terms of the proposed lease are acceptable.

Alignment with City Council's Vision and Strategic Plan

This project is consistent with Council's Recreation, Arts, Culture Strategic Priority:

Charlottesville provides, encourages, and supports a wide range of recreation, green space, arts, and cultural programs and opportunities.

Community Engagement

Budgetary Impact

None. Bennett's Village, Inc. is donating its all abilities play area to the City as a new amenity in Pen Park.

Recommendation

Approve the proposed lease authorizing the City Manager to execute the lease in a form approved by the City Attorney.

Alternatives

If Council declines to approve the lease, Bennett's Village will not move forward.

Attachments

1. Phase 1 Ground Lease - Pen Park 2024.FINAL.3.27.2024
2. Ex. A.BVP Easement & Lease Area Revision 24 0326

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
CHARLOTTESVILLE AND BENNETT'S VILLAGE, INC.**

THIS GROUND LEASE executed in PHASES (hereafter the "**Phase Lease #_____One (1)_____**") and is entered into this ___first _____ day of __April_____, by the CITY OF CHARLOTTESVILLE (hereafter the "City") and BENNETT'S VILLAGE, INC., a Virginia non-stock corporation (sometimes referred to herein as the "Operator," "Lessee," "BV," or "Bennett's Village") authorized to do business in the Commonwealth of Virginia (hereafter "BV or Lessee") (the City and the Operator are sometimes individually referred to herein as a "party" and sometimes jointly referred to herein as the "parties.")

1. **Leased Property:** The City, as the title holder of the subject property, in consideration of the rents and covenants to be paid and performed by BV, leases to the Lessee and the Lessee leases a portion of the property commonly known as Pen Park in the City of Charlottesville, being within the area described on **Exhibit A**, attached hereto and incorporated herein by reference, (hereafter the "Leased Property").

Effective on the date the City issues to BV a written Notice to Proceed with construction/ installation of each phase of the Project ("Phase Commencement Date") which Notice to Proceed will not be unreasonably withheld, delayed, modified or conditioned, BV, as lessee shall have the right of use and possession of the premises described within **Exhibit A** to this Agreement for the term of the this phase lease, or until the date on which the City has accepted the completed work within Phase 1, whichever first occurs ("Expiration Date").

The parties further acknowledge and agree that, before and after the Notice to Proceed, BV, its agents, contractors and employees may enter upon the Property (including permitted ingress and egress through the Property as directed by the City) and perform all inspections, examinations, investigations, tests and undertakings with respect to the Leased Property that BV deems appropriate to confirm the suitability of the Leased Property for the construction and operation of the current phase project.

2. **Rent:** Lessee shall pay to the City nominal rent at the rate of \$1.00 per year, the receipt of which is hereby acknowledged.

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
CHARLOTTESVILLE AND BENNETT'S VILLAGE, INC.**

3. **Title to Leased Property:** The City represents and warrants to the Lessee that it has the power and authority to execute this Lease and to carry out and perform all covenants to be performed by the City under this Lease.

4. **Condition of Leased Property and Lessee's Right of Entry:** The Leased Property is currently used as active and passive public recreational areas under the supervision of the City Department of Parks and Recreation. The City makes no representation or warranty as to the condition or suitability of the Leased Property for the intended purpose of this Lease prior to or at the time of the execution of this Phase Lease #____1_____. Lessee accepts the Leased Property "as is" on the effective date hereof. Lessee further accepts the Leased Premises in "as is" condition, subject to all existing utilities and all easements of record.

Lessee shall have the right to enter onto the Leased Property for the purpose of conducting, at Lessee's own risk, cost and expense, surveys, soil borings, engineering studies and other similar examinations necessary to determine the suitability of the Leased Property for the Lessee's intended use. Lessee shall provide reasonable notice to the City Department of Parks and Recreation prior to entering the property and shall exercise this right of entry at all times so as not to unreasonably interfere with the normal operation of Pen Park. If Lessee determines, as a result of its studies, that the Leased Property is not suitable for its intended use, Lessee may terminate this Lease prior to the Commencement Date, and neither party shall have any further rights or obligations hereunder. In the event of such termination, Lessee shall, at its own expense, restore the Leased Property to the condition in which it existed prior to any changes made during its studies. Rights, duties and obligations, if any, of indemnity or insurance shall be as provided in the Amended Agreement.

5. **Term and Termination:** The initial term of this Lease shall be for a period of two (2) years, which shall begin on the date specified in the notice from Lessee to the City required below (the "Commencement Date") and continuing thereafter through the _first___ day of April _____, 2024_____. If a Phase is commenced and not completed during the Initial Term, this Phase Lease shall be automatically extended for an additional two (2) year term according to the same terms and conditions. Each subsequent Phase Lease shall have an Initial Term of two (2) years with the same right to a two (2) year extension. The parties acknowledge and agree that any Phase Lease may be terminated by Lessor, or Lessee pursuant to a Phase Lease Termination Notice as provided in the Amended Agreement or as otherwise provided herein or in the Amended Agreement.

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
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6. **Use:** Subject to the Lessee's compliance with all applicable local, state and federal laws and regulations, the City hereby grants permission to the Lessee to occupy the Leased Property for the purposes of constructing a recreational area including the design, development, and future operation of the Play Space and ancillary facilities for the Project, with such amenities as are provided for in the Amended Agreement.

7. **Purpose:** Unless otherwise agreed by the parties, the use of the Play Space constructed shall be primarily for the benefit of residents of the City of Charlottesville and Albemarle County and such other visitors to the City as a recreational facility.

8. **Construction:** Subject to delays beyond the reasonable control of the Lessee, the Lessee shall substantially complete construction of the facilities within Phase 1 and obtain approval and acceptance of the constructed facilities within the Leased Property. All construction shall be conducted as described in the Amended Agreement.

9. **Quiet Enjoyment:** The Lessee, on paying the rent and observing and keeping all covenants, warranties, agreements and conditions of the Lease, shall quietly have and enjoy the Leased Property during the Lease Term and any extension thereto.

10. **Approval of Improvements:**

A. No improvements of any kind shall be made to the Leased Property unless and until Lessee shall have obtained all required local, state and federal governmental approvals and permits, and all such improvements shall be undertaken and constructed in strict compliance with all applicable City, state and federal rules, regulations and laws; provided, however, that the City shall waive all filing fees for the City of Charlottesville and otherwise provide Bennett's Village with all waivers from fees and taxes as are accorded to entities recognized as tax-exempt under Section 501(c)(3) of the Internal Code of 1986, as amended.

B. The City and the Lessee acknowledge that the Lessee's intended use of the Leased Property may require compliance with state and local laws including but not limited to zoning, special use permit or site plan approval for all or any portion of the Leased Property. The City Department of Parks and Recreation's consent shall not be construed as a representation that the City will grant or approve any application submitted by Lessee, which is otherwise within the City's discretion to approve or deny.

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
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C. Lessee shall give written notice to the City’s Director of Parks and Recreation in advance of using any pesticides, cleaners, fertilizers, or other similar products within the Leased Premises, and upon receipt of such notice the Director will promptly advise Lessee of City policies regarding the use of such products on or within City-owned property. Upon being notified of City policies, Lessee shall comply with the requirements of the policies.

D. Except as otherwise provided herein or in the Amended Agreement, Lessee shall not commence any land disturbing or construction activity, unless and until all required governmental permits and approvals for such activity(ies) have been obtained from the Commonwealth of Virginia and the governmental authorities of the City of Charlottesville, as may be required. Unless otherwise agreed upon by both parties, Lessee shall be responsible for all costs and expenses associated with obtaining such approvals; provided, however, that the City shall waive all filing fees for the City of Charlottesville and otherwise provide Bennett's Village with all waivers from fees and taxes as are accorded to entities recognized as tax-exempt under Section 501(c)(3) of the Internal Code of 1986, as amended. Such permits and approvals may include but are not necessarily limited to rezoning or special use permit, final site plans, erosion and sediment control plans, stormwater management plans, a state construction general permit, permits required by the Uniform Statewide Building Code or the Virginia State Fire Prevention Code, and any amendments or modifications of such permits and approvals. As evidenced by the signature of the City Manager to this Lease, BV is hereby authorized to submit any required permit application(s) to any governmental authority relative to any area(s) of land owned by the City and involving the Project.

E. As provided in the Amended Agreement, the Lessee shall, at its own expense, engage licensed professionals as necessary to conduct all required site evaluations and surveys, to include, but not necessarily limited to, public records, easements, utility locations, plat surveys, existing conditions surveys, soils investigations and environmental investigations. Construction Plans shall include, as necessary and/or required by relevant City, State or Federal codes existing at the time of plan submittals, the location and materials for buildings, structures and equipment to be constructed or installed, in specific locations, and the manner in which the development site will be connected to and accessed from other sections of Pen Park (a/k/a “site development plans”); and, as applicable, erosion and sediment control plans; stormwater management plans; water, sewer and electric utility plans (both temporary, to serve construction activities, and permanent); and necessary wildlife conflict resolution strategies. Final

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
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Construction Plans shall include measures by which BV and its contractors shall minimize disruption to Pen Park and the uses and activities occurring within the park outside of the Leased Premises. Measures may include, but shall not necessarily be limited to, restricted hours of construction or land-disturbing activity; alternative pedestrian access in full compliance with all ADA requirements, parking, or traffic arrangements; sound dampening measures; or tree protection measures. All Construction Plans must be completed consistent with the approval process described in the Amended Agreement.

F. The City agrees to grant to Lessee standard easements to and from the Leased Property for any work to be completed. Lessee shall have a right of access to and from the Leased Property over existing Pen Park ingresses and egresses.

G. The Lessee shall have the right to place signs within the Leased Property and at such other location at Pen Park as may be permitted by the City Parks and Recreation Department.

11. **Existing Improvements within the Leased Property:** If applicable, Lessee shall, at its own expense, be responsible for the removal and disposal of any existing structures or improvements on the Leased Property at the time of the execution of this Lease. Lessee shall be under no obligation to replace any improvements removed pursuant to this provision. In lieu of disposal by the Lessee, the City may, in its discretion, retain ownership of any materials, equipment or structures removed by the Lessee. In the event the City elects to retain ownership, any extra cost for removal over and above demolition costs shall be borne by the City.

12. **Reservation of Easements:** The City reserves to itself, while this Lease is in effect, easements over and for all existing utilities within the Leased Property, including but not limited to water, sanitary sewer, storm water sewer, electrical power and gas if applicable. At the option of the City, Lessee shall execute standard deeds of easement granting the City adequate access to any existing utilities within the Leased Property. Any relocation of existing utilities required by construction of the Facility and related improvements shall require the prior approval of the City of Charlottesville, which approval shall not be unreasonably withheld, and shall be accomplished at the sole expense of the Lessee.

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13. **Existing Recreation or Parking Facilities:** All construction shall be performed in a manner so as not to materially reduce or interfere with the City's or the City Parks and Recreation Department's existing recreational or parking amenities located outside of the Leased Property at Pen Park; provided, however, that the Lessee and the City, through its Department of Parks and Recreation, may agree on certain site or use restrictions during the construction period. The City's Director of Parks and Recreation, after consultation with the City Manager, may issue a written directive requiring unreasonably disruptive construction/installation activities to immediately be stopped; thereafter, the period during which such disruptive land disturbing or construction activities are required to be stopped shall not be considered as good cause for any extension(s) of time requested in accordance with this Lease or this Agreement.

14. **Entry Upon Leased Property:** City or its agents may enter upon the Leased Property at all reasonable times to examine their condition and use, so long as that right is exercised during regular business hours in a manner that does not interfere with the Lessee in the conduct of its business within the Leased Premises.

15. **Title, Liens:** Title to the ground shall remain in the name of the City. Title to the Facilities constructed by the Lessee shall be titled in the name of the Lessee, except as otherwise provided herein. The Lessee agrees that the Leased Property shall not be encumbered by any mortgage, lien (mechanic's lien, materialmen's lien or other lien), pledge other encumbrance during the Term of the Lease. If any such lien or notice of lien rights shall be filed with respect to the Leased Property, the Lessee shall immediately take such steps as may be necessary to have such lien released and shall permit no further work to be performed at the Leased Property until such release has been accomplished.

16. **Financial Assurances and Approvals:** Financial assurances and approvals shall be as required and granted as provided in the Amended Agreement.

17. **Maintenance / Operational Expenses:**

A. Upon the date of commencement of construction of the Facility and continuing throughout the Term of the Phase Lease or its termination, whichever first occurs, the Lessee shall, at its own cost and expense, maintain and keep the Leased Property, whether improved or unimproved, in a reasonably clean, attractive condition, and not commit or allow any waste or damage to be committed on or to any portion of the Leased Property. The Lessee

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shall be responsible for all costs associated with the ongoing maintenance, operation and repair of the Leased Property.

B. As part of its maintenance responsibilities Lessee agrees to comply fully with any applicable governmental laws, regulations and ordinances, limiting and regulating the use, occupancy or enjoyment of the Leased Property, as supplemented and modified by duly enacted ordinances of the City of Charlottesville.

18. **Utilities and Services:** The Lessee shall be responsible for and pay all costs and charges for utilities and services, if any, in connection with the Lessee's occupancy of the Leased Property including, but not limited to, permits and connection charges, trash removal and other utilities or services; provided, however, that the City shall waive all filing fees for the City of Charlottesville and otherwise provide Bennett's Village with all waivers from fees and taxes as are accorded to entities recognized as tax-exempt under Section 501(c)(3) of the Internal Code of 1986, as amended. All the foregoing utilities and services shall be instituted and obligated for in the name of the Lessee, and the City shall have no responsibility whatsoever for the furnishing or cost of the same.

19. **Taxes and Assessments:** Real property taxes shall not be imposed against the leasehold interest of Lessee if Lessee is exempt from the payment of real property taxes.

20. [Intentionally Omitted.]

21. **Damage or Destruction of the Leased Property:** The City shall have no responsibility for any damage caused to the Leased Property or any facilities constructed therein. City Employees or agents shall have no responsibility for any damage caused to the Leased Property or any facilities constructed therein except that caused by the gross negligence or willful misconduct of the City's employees and agents. The Lessee agrees that all property of every kind and description kept, stored or placed on the Leased Property shall be at the Lessee's sole risk and hazard and that the City shall not be responsible for any loss or damage to any of such property resulting from fire, explosion, water, steam, gas, electricity, the elements or otherwise, wherever originating.

22. [Intentionally Omitted.]

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23. **Assignment:** The Lessee shall have no right to assign, in any manner or fashion, any of the rights, privileges or interests accruing to it under this Lease to any other individual or entity, without the prior written consent of the City, which consent shall not be unreasonably withheld in the event of a proposed assignment to a successor non-profit charitable organization. In the event of assignment, the Lessee shall remain fully liable and responsible for all the obligations imposed by this Lease unless it is otherwise agreed in writing by the City.

24. **Sublease:** The Lessee may not sublet the Leased Property.

25. **Nondiscrimination:** During the Term of this Lease, the Lessee agrees that it will not discriminate against any person in its membership, programs or employment because of race, religion, color, gender, sexual orientation, national origin, disability, financial circumstances or any other basis prohibited by law.

26. **Drug-Free Workplace:** During Term of this Lease, the Lessee is to provide a drug-free workplace for the Lessee's employees, and to provide notification of this policy to its employees and applicants for employment. For the purposes of this Paragraph, "drug-free workplace" means a workplace where employees are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the term of this Lease.

27. **Insurance:** The parties acknowledge and agree that BV is a charity qualified as tax-exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and has no employees. It is the intention of the parties that BV will complete the Project through contracts with properly licensed and properly insured contractors. The parties further acknowledge and agree that the Project is unique as it involves no residential or commercial construction and few, if any, utility connections. As a result, the parties shall evaluate the level and type of insurance to be required for each Phase Lease issued under the terms of the Amended Agreement and shall, prior to the execution and delivery of each Phase Lease, mutually agree to such insurance terms that may vary among Phase Leases and may include insurance obligations of BV, its contractors or both. Prior to commencing any construction of the Project, the Lessee, at its sole cost and expense, shall secure and maintain (or cause to be secured and maintained) throughout the Term of each Phase Lease, the following insurance coverage, individual components of which may be waived or amended if agreed to, in writing, by both parties:

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
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(a) As applicable to BV, its contractors or both, Workers' Compensation insurance, as may be required pursuant to the provisions of Chapter 8 (Section 65.2-800 et seq.) of Title 65.2 of the Code of Virginia, 1950, as amended.

(b) Commercial General Liability Insurance: \$1,000,000.00 general aggregate limit (other than products/completed operations); \$1,000,000.00 aggregate limit products/completed operations; \$1,000,000.00 personal injury and advertising injury limit liability; \$1,000,000.00 each occurrence limit; Builder's Risk Insurance: \$1,000,000.00; Automobile Liability, \$1,000,000.00; \$100,000.00 fire damage limit (any one fire); and \$10,000.00 medical expenses limit (any one person). The required insurance coverages, and the required limits of the insurance may be reviewed by the parties and amended or waived from time to time by mutual agreement; provided, however, that all agreed-upon insurance shall be issued by one or more companies authorized to underwrite and issue insurance in the Commonwealth of Virginia.

(c) Fire and Extended Coverages, providing coverage against loss, damage, or destruction by fire and such other hazards, under policies of insurance commonly referred to and known as "extended coverage."

(d) Each insurance policy required by paragraphs (a)-(c) above, shall be written or endorsed (or caused to be written or endorsed) to preclude the exercise of the right of subrogation against the City and, except for Workers' Compensation Insurance, shall name the City as an additional insured. Each such insurance policy shall be endorsed to include a requirement that, should any of the insurance policies be canceled before the expiration date thereof, the issuing insurance company will mail written notice of such cancellation to the City at least ten (10) days in advance; upon receipt of any notice, verbal or written, that the said insurance is subject to cancellation, the Lessee shall immediately (within five (5) business days) notify the City. In the event Lessee fails to comply with the requirements of this section, the City shall have the right to require the Lessee to suspend use of the Leased Premises until such time as the requirements of this paragraph are met.

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
CHARLOTTESVILLE AND BENNETT'S VILLAGE, INC.**

(e) The Lessee shall provide the City with one or more certificate(s) of insurance confirming the insurance required by this Lease Agreement. The Workers' Compensation Insurance and Commercial General Liability Insurance certification shall be provided to the City by the Lessee upon the Commencement Date of this Lease, then again (without demand) on or before the expiration date of any policy or upon request by the City, on each anniversary of the Commencement Date of this Lease. The Fire and Extended Coverages certificate shall be provided to the City by the Lessee prior to the commencement of construction of Phase 1, then again (without demand) on or before the expiration date of any policy and, upon request by the City, on each subsequent anniversary of the Commencement Date of this Lease. Upon demand by the City, Lessee shall furnish (or cause to be furnished) copies of the Lessee's insurance policies, together with the required endorsements as provided herein.

27. **Annual Report; Financial Records:** These requirements are as provided in the Amended Agreement.

28. **Default:** Each of the following occurrences relative to the Lessee shall constitute default:

- (a) Failure or refusal by the Lessee to make the timely payment of rent or other charges due under this Lease when the same shall become due and payable, provided the City has given the Lessee fifteen (15) days written notice of the same. Notwithstanding the foregoing, the City acknowledges receipt of payment of all rent.
- (b) Unless otherwise dismissed within sixty (60) days of any of the following to occur, the filing or execution or occurrence of an insolvency proceeding by or against the Lessee; or an assignment for the benefit of creditors; or a petition or other proceeding by or against the Lessee for the appointment of a trustee or a receiver or for the liquidation of any of the Lessee's property; or a proceeding by any governmental authority for the dissolution or liquidation of the Lessee.
- (c) Failure by the Lessee in the performance or compliance with any of the terms, covenants, or conditions provided in this Lease, which failure continues uncured for a period of six (6) months after written notice from the City to the Lessee specifying

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
CHARLOTTESVILLE AND BENNETT'S VILLAGE, INC.**

the items in default; provided, however, if such failure is of a type that is not reasonably capable of being cured within six (6) months, such six (6) month period shall be extended for so long as the Lessee is making diligent efforts to cure such default; or

- (d) Any change in the operation, charter, or ownership of the Lessee (including, but not limited to, loss of Internal Revenue Code 501 (c)(3) tax-exempt status) incompatible with the purpose of this Lease, or a change, incompatible with the purpose of this Lease, in the nature of the intention to provide a Play Space as agreed upon in the Amended Agreement between the City and BV.

In the event of default as defined in this Paragraph, title to any facilities or improvements in the leased property shall revert automatically to the City, and the Lessee shall surrender such improvements in accordance with the Amended Agreement between the City and BV and execute all documents deemed necessary by the City to convey, by Gift Deed as described in the Amended Agreement, title to that portion of the Project completed by Lessee.

29. [Intentionally Omitted.]

30. **Surrender:** Upon termination of the Lease, the Lessee shall quit and surrender to the City the Leased Property and the Project by Gift Deed as provided in the Amended Agreement.

32. **Failure to Construct Facility or Abandonment of Use:** These requirements are as provided in the Amended Agreement.

33. **Right of Entry:** At any time during the Term of the Lease, the City shall have the right, upon prior notice to the Lessee (except in the event of an emergency), to enter the Leased Property at all reasonable times for the purposes of inspecting the Leased Property and the Facilities to ensure compliance with the terms of this Lease. Notwithstanding the City's right to inspect the Leased Property, the City shall have no obligation to inspect the same. The City's failure to detect any violation or to notify the Lessee of any violation shall not relieve the Lessee of obligations under the terms of this Lease.

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
CHARLOTTESVILLE AND BENNETT'S VILLAGE, INC.**

34. **Waiver:** Except as provided in the Amended Agreement, no failure on the part of the City to enforce any of the terms or conditions set forth in this Lease shall be construed as or deemed to be a waiver of the right to enforce such terms or conditions. No waiver by the City of any default or failure to perform by Lessee shall be construed as or deemed to be a waiver of any other and/or subsequent default or failure to perform. Except as otherwise provided in this Lease or the Amended Agreement, the acceptance or payment of any rentals, fees and/or charges and/or the performance of all or any part of this Lease, for or during any period(s) following a default or failure to perform by the Lessee, shall not be construed as or deemed to be a waiver by the City of any rights hereunder.

35. **Identity of Interest:** The execution of this Lease or the performance of any act or acts pursuant to the provisions hereof shall not be deemed to have the effect of creating between the Lessee and the City any relationship of principal and agent, partnership or relationship other than that of lessee and lessor.

36. **Notice:** Notice shall be provided consistent with the notice requirements under the Amended Agreement.

37. **Modification or Amendment:** Any other modification or amendment of the Lease (other than for an extension or enlargement of the time or territory of the Phase Lease, shall be binding only if approved by the Lessee and the City and evidenced in a writing signed by each.

38. **Time of Essence:** Unless specifically provided herein or in the Amended Agreement to the contrary, in all instances where a party is required hereunder to pay any sum or do any act at a particular indicated time or within an indicated period, it is understood and stipulated that time is of the essence.

39. **Cooperation:** The City and the Lessee agree to provide any further documentation or cooperate in any way necessary to carry out the basic intent of this Lease consistent with the Amended Agreement.

40. **Persons Bound:** The covenants, agreements, terms, provisions and conditions of this Lease shall bind and inure to the benefit the respective parties hereto and to their representatives, successors and (where permitted by this Lease) their assigns.

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
CHARLOTTESVILLE AND BENNETT'S VILLAGE, INC.**

41. **Entire Agreement:** This Lease, together with the exhibits, if any, attached, and the Amended Agreement contains the entire agreement between the City and the Lessee.

42. **Recording:** Any party shall have the right, at its sole cost and expense, to prepare and record a Memorandum of Lease or short form of the lease in recordable form but excluding detailed provisions of this Lease.

43. **Headings:** The section headings are for convenience only and shall not be used to explain, modify, simplify, limit, define or aid in determining the meaning or content.

44. **Interpretation:** In the event of any conflict, discrepancy or inconsistency between this document and any other documents which have been incorporated into this document by reference or made exhibits or attachments hereto, then the provisions set forth within the body of this document shall govern the parties' intent.

45. **Severability:** If any term, provision or condition of this Lease, or the application thereof to any person or circumstances, shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Lease, and the application of any term, provision or condition contained herein to any person or circumstances other than those to which it has been held invalid or unenforceable, shall not be affected thereby.

46. **Governing Law:** This Lease shall be governed, construed and enforced by and in accordance with the laws of the Commonwealth of Virginia. Any suit or controversy arising under this Lease shall be litigated in the General District or Circuit Court of the City of Charlottesville, Virginia.

We agree to be bound by this Lease and its terms and conditions.

BV:

By: _____

Title: _____

**PHASE ONE LEASE AGREEMENT BY AND BETWEEN THE CITY OF
CHARLOTTESVILLE AND BENNETT'S VILLAGE, INC.**

CITY

By: _____

Title: City Manager

Approved As to Form: _____

City Attorney or designee

Funds Are Available: _____

Director of Finance or designee

EXHIBT A

NOTES:

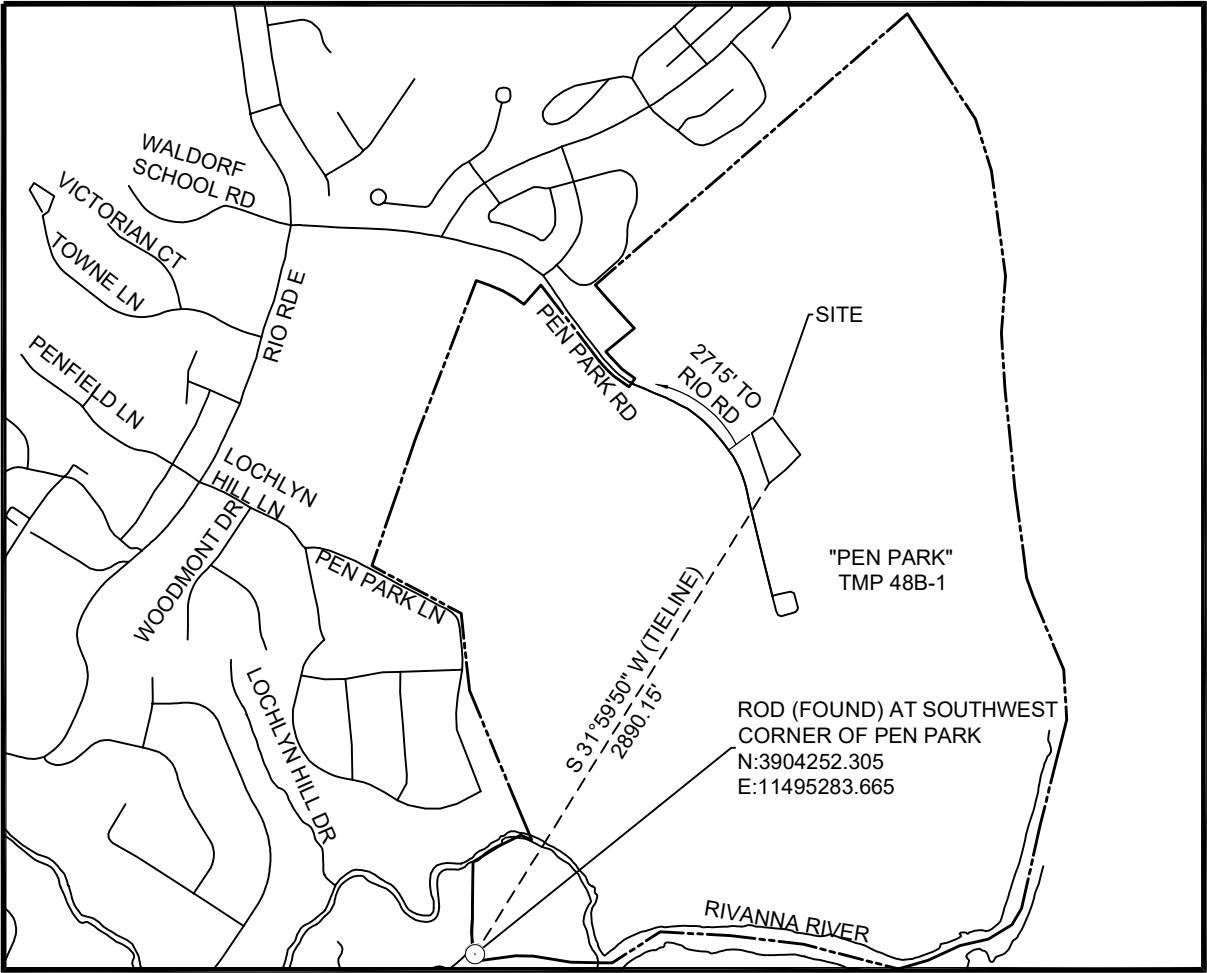
- 1.) SOURCE OF MERIDIAN: NAD83, ESTABLISHED BY TRC COMPANIES UTILIZING GPS.
- 2.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR TITLE REPORT AND ALL EASEMENTS AND ENCUMBRANCES THAT MIGHT BE DISCLOSED IN A TITLE SEARCH MAY NOT BE SHOWN.
- 3.) PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORD INFORMATION AND DO NOT REPRESENT A BOUNDARY SURVEY.

PARCEL INFORMATION

PARCEL ADDRESS: 1350 PEN PARK RD
TMP 48B-1
DB 507-427

ZONE: R-1S

OWNER:
CITY OF CHARLOTTESVILLE
PO BOX 911
CHARLOTTESVILLE, VA 22902



VICINITY MAP
1"=1000'



110 Avon Street
Charlottesville, VA 22902
434-295-0700 Fax: 434-295-2105
Richmond, VA Raleigh, NC
Blacksburg, VA Northern Virginia
Newport News, VA Virginia Beach, VA

DRAWN
CHECKED
DATE



NCS
BMB
10/18/2023

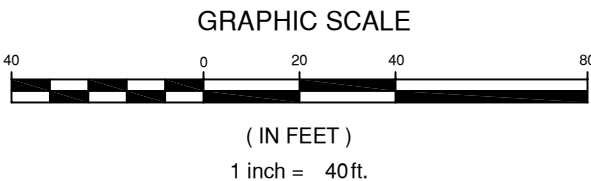
PLAT SHOWING
PROPOSED LEASE PARCEL AND TEMPORARY CONSTRUCTION
EASEMENT ON PROPERTY OF CITY OF CHARLOTTESVILLE
PEN PARK, CITY OF CHARLOTTESVILLE, VIRGINIA

SCALE: 1"=1000'

PROJECT: 572086

FIGURE

1/2



ROD SET
N:3907046.064
E:11496832.729

ROD SET
N:3906852.467
E:11496977.307

ROD SET
N:3906776.492
E:11496902.356

ROD SET
N:3906703.366
E:11496815.098

ROD SET
N:3906965.681
E:11496725.093

"PEN PARK"
CITY OF CHARLOTTESVILLE, VIRGINIA
1300-1400 PEN PARK RD
DB 507-427
TMP 48B-1

S 36°45'09" E 241.63' (TOTAL)
135.00'

N 36°45'09" W
135.00'

N 53°14'51" E 134.34' (TOTAL)
54.00'
80.34'

LEASE PARCEL
7,290 sft ▲

TEMPORARY
CONSTRUCTION EASEMENT
37,499 sft ▲

106.63'

S 44°36'42" W
106.72'

S 50°02'07" W
113.85'

N 18°56'17" W
277.33'

S 31°59'50" W
2890.15'



110 Avon Street
Charlottesville, VA 22902
434-295-0700 Fax: 434-295-2105
Richmond, VA Raleigh, NC
Blacksburg, VA Northern Virginia
Newport News, VA Virginia Beach, VA

DRAWN	NCS
CHECKED	BMB
DATE	10/18/2023
▲ TEXT CHANGE	03/26/2024

PLAT SHOWING
PROPOSED LEASE PARCEL AND TEMPORARY CONSTRUCTION
EASEMENT ON PROPERTY OF CITY OF CHARLOTTESVILLE
PEN PARK, CITY OF CHARLOTTESVILLE, VIRGINIA

SCALE: 1"=40'

PROJECT: 572086

FIGURE
2/2



City Manager's Report

*Offices of the City Manager
Elected & Appointed Officials*

4-1-2024

City Manager – Sam Sanders (he/him)

- The schedule of Rivanna Spring Special Collection Days:
 - Electronic Waste - April 20
 - Household Hazardous Waste - April 26 and 27
 - Furniture/Mattresses - May 4
 - Appliances - May 11
 - Tires - May 18
- Congratulations to the following individuals who were appointed to serve on the Parks and Recreation Advisory Board:
 - Kent Merritt
 - Mark Denison
 - Jenny Taylor
 - Jeff McDonald
 - Jeanette Abi-Nader
- Recorded a Rental Relief Information video with Commissioner of Revenue Todd Divers; this piece will be shared across multiple mediums in support of our efforts to connect eligible applicants to this relief program.
- James Freas and I met with CRHA leadership and representatives from EJP Consulting Group for preliminary planning of CRHA's application to HUD for the Choice Neighborhoods Program for an implementation grant.
- Participated in a WINA Radio Interview with Jay Hart that aired last weekend.
- Held a Press Conference on Wednesday, March 6th to review the City Manager's Proposed FY25 Budget.
- Announced the appointment of James Freas as the new Deputy City Manager for Operations effective Monday, March 25th. James will continue to serve as the Director of Neighborhood Development Services until that role is filled.

Deputy City Manager for Administration – Eden Ratliff (he/him)

- Recently attended a meeting with County finance staff and the SPCA's new executive director to discuss funding and future operations of our animal shelter. The next meeting is scheduled for April.
- Reviewing internal documents relating to proposed upgrades to our enterprise resource management which is currently SAP.
- Reviewing recent inquiries by Council on the establishment of a finance committee as identified in City code.
- Reconvened an internal workgroup on the pursuit of asset management software to meet the needs of City operations.

Office of Communications & Public Engagement (CAPE) – Director Afton Schneider (she/her)

- We are launching the City of Charlottesville’s website refresh on Wednesday, April 17th. The refresh will consist of updated colors, fonts, and photos that follow our new brand guidelines as well as better accessibility to information.
- The CAPE Director will continue to preview the City Manager’s report as well as highlight hot topics of the City Council agenda on the morning of City Council meetings on WINA radio.
- Don’t forget to catch our new Public Affairs TV show, Inside Charlottesville, on local channel 10. The show will include updates from the City Manager, Police Chief and Fire Chief, various City departments, new hires, events, and more.
- Be on the look out for the launch of our community newsletter in the coming months. Any feedback on content you’d like to see included can be sent to media@charlottesville.gov. We will provide a subscription link closer to the launch date to sign up to receive the newsletter.

Office of Sustainability – Director Kristel Riddervold (she/her)

- The Resilient Together project, a collaborative planning effort by the City, Albemarle County, and UVA, held a series of staff workshops (with over 80 participants) to build a shared understanding of local climate change impacts so that climate resilience strategies are responsive to local needs.
- Fix A Leak Week (March 18-24) – a national campaign put on by the Environmental Protection Agency focused on finding and fixing water leaks in homes and businesses – was sponsored locally by the Charlottesville Water Conservation Program along with ASCA and RWSA.
- The City’s Climate Program Manager delivered a lunch-and-learn presentation “Charlottesville: Acting on Climate Together” on March 20 at UVA. The event was well-attended by students, staff and faculty.
- Supported EPA Region III Administrator Adam Ortiz’s visit to Charlottesville (March 19 & 20) with both a visit to the CHS urban garden and a 1-1 conversation between the Administrator and the Director of the Office of Sustainability.
- We are kicking off a Community Read in collaboration with Albemarle County’s Office of Equity and Inclusion and a variety of local non-profit partners. The selected book is All We Can Save, which is a collection of essays by women who are leaders in the climate movement. This activity is focused on celebrating both National Women’s Month and Earth Month. More info can be found at [here](#).
- Rain Barrel Workshop: The City, along with the Rivanna Stormwater Education Partnership and James River Association, are holding a Rain Barrel Workshop at Starr Hill Downtown at the Dairy Market on April 30 at 6 pm. Rain Barrel Workshop registration is available through [James River Association](#).

- Citywide Streetlight Conversion Project: We are submitting the first set of work orders to Dominion Energy to upgrade streetlights to LED. This first set will be upgrading streetlights along Rt 250 Bypass from Emmet Street to River Road and is anticipated to start this summer.

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

- Citywide Grants Inventory Report: The Office of Community Solutions (OCS) staff presented the report to the City Council on March 18, 2024. The report did not include data from Transit and Social Services Departments. However, OCS is working with these two departments to integrate their grant information in the final update in June 2024.
- The 2024 – 2025 CDBG/HOME Funds Application period has closed. CDBG Taskforce is currently reviewing the applications and will make recommendations to the City Council. A total of 17 applications were received: 2 for economic development (\$115,000), 6 for social programs (\$272,000), 1 for public facilities and infrastructure improvements (\$250,000), 5 for affordable housing (408,000), and 3 for HOME Investment Partnerships Program (\$179,000).
- Pollocks Branch Trail Bridge at Jordon Park. OCS has partnered with Parks and Recreation Department to construct a Trail Bridge at Jordon Park. The final contract has been completed and undergoing necessary approvals. The benefits of the project include the construction of a bicycle and pedestrian ADA accessible bridge to connect Jordon Park to the developing Moores Creek trail between Avon Street and 5th Street. This project is funded with \$171,655.34 in CDBG fund.
- The Charlottesville Affordable Housing Fund (CAHF) Advisory Committee: The recommendations for CAHF and HOPS awards were presented to the City Council for consideration and approval on March 18. A total of 17 applications were received for HOPS and 6 for CAHF; of there, 4 agencies were approved for CAHF funding and 8 for HOPS.
- Affordable Dwelling Unit (ADU) Manual: OCS is working with NDS to integrate the ADU provisions into the citywide development review process. The Manual sets forth the guidance, operational procedures, and implementation protocol that will guide the administration of the Affordable Dwelling Unit Ordinance that was adopted by the City Council on December 18, 2023. The ADU Manual along with the Development Code/ADU Ordinance became effective on February 19, 2024.
- Grants Management and City Investments Tracking Software – OCS and Procurement Office have completed negotiation with the short-listed bidders and selected the final contractor to provide the service. Contract terms have been approved by Neighborly software company. Final contract review by the city in progress. Contract agreement is being finalized. The proposed system is designed to assist staff in tracking grants' performance and city investments in affordable housing.

- Friendship Court/Kindlewood: Phase 2 funding agreement (Ordinance) is still being worked out with the PHA attorneys.
- Park Street Christian Church (f/k/a Park Street Senior Apartments, 1200 Park Street): This is an infill, 100% affordable housing development for seniors ages 55 and over, and individuals with disabilities. Piedmont Housing Alliance (PHA) is the developer and has been awarded \$4.065 million by the Virginia Department of Housing and Community Development (DHCD). On March 5, 2024, the City Council approved a resolution of financial support in the amount of up to \$2,250,000 in CIP funds.
- 501 A and B Cherry Avenue: On March 5, 2024, OCS staff presented, and the City Council approved financial support resolution committing up to \$3,150,000 in CIP fund to subsidize the project which in turn will create approximately 69 newly constructed affordable housing units in the City of Charlottesville, as well as designated the site as a Revitalization Area in accordance with State of Virginia law. This project has been awarded \$6.8 million by the Virginia Department of Housing and Community Development (DHCD).
- South First Street, Phase 2: OCS coordinated a letter of financial support with the City Manager to enable CRHA and its developer partner to meet the requirements of their financing closing for the project. When completed, this phase of the project would result in affordable 113 units.
- Property Acquisition SOP: OCS is working on Standard Operating Procedures (SOP) for citywide property acquisition process. The draft has been completed and distributed to city departments for review and comments. The SOP will be finalized by June 2024.

Office of Human Rights – Director Todd Niemeier (he/him)

- The Office of Human Rights has been collaborating with other City offices, Albemarle County offices, and community organizations such as the Cville National Organization for Women to host a Community Read and panel discussion of All We Can Save in celebration of Women’s History Month and Earth Month. Copies of the book are available to the public for free at any JMRL location and some Little Free Libraries in the City and County. The panel discussion and resource fair will be held on 4/21 from 1pm—3pm at the JMRL Central library, and you can register [here](#).
- The 2023 Calendar Year Human Rights Commission and Office of Human Rights Annual Report is complete and published on the Annual Reports subpage on the Human Rights page on the City website [here](#).
- The Human Rights Commission held its Annual Planning Meeting on March 9, 2024, during which Commissioners decided that housing-related issues would remain the central focus of their work. Commissioners will finalize their annual workplan at their work session on April 4, 2024.

Treasurer's Office - Treasurer Jason Vandever (he/him)

- The Treasurer's Office is continuing to prepare for 1st half 2024 real estate and personal property billing, compiling data and preparing test files. Additionally, we are preparing for the reopening of the City Hall lobby, hopefully sometime in May.

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



Agenda Date: April 1, 2024

Action Required:

Presenter: City Council

Staff Contacts:

Title: Resolution calling for an immediate ceasefire and end to violence in Israel and Palestine

Background

Discussion

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Budgetary Impact

Recommendation

Alternatives

Attachments

1. Proposed Ceasefire Resolution (1)

RESOLUTION
CALLING FOR AN IMMEDIATE CEASEFIRE AND
AN END TO VIOLENCE IN ISRAEL AND PALESTINE

WHEREAS the people of Charlottesville recognize that all human life is precious, and that the targeting of any civilian under any circumstance is a violation of international human-rights law; and

WHEREAS Gaza and Israel have already experienced tremendous loss of life, displacement, and violence, and hundreds of thousands of lives are at imminent risk; and

WHEREAS the City of Charlottesville has a longstanding tradition of being a welcoming city for refugees and understanding the challenges faced by those displaced by conflict; and

WHEREAS the United States Federal Government holds immense diplomatic and appropriations powers to save Palestinian and Israeli lives; and

WHEREAS to date, over 100 U.S. cities, including Atlanta, Chicago, Detroit, Durham, Harrisonburg, San Francisco, and Seattle, have adopted resolutions urgently calling for a ceasefire in Israel and Palestine; and

WHEREAS the billions spent in United States funding for this conflict could be allocated toward mitigating crises in our own community, including the funding of deeply affordable housing, public health, job training, and education;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville urges the Biden administration and all elected officials in the United States Senate and House of Representatives who represent this community to call for and make all efforts to facilitate:

1. an immediate, sustained, and comprehensive ceasefire in Israel and Palestine;
2. the immediate and safe release of all hostages; and
3. the immediate entry and provision of humanitarian aid needed for the people of Gaza, at the scale required to save the maximum number of lives.

BE IT FURTHER RESOLVED that the City of Charlottesville values the harmony that exists in our diverse community, and advocates for the dignity and safety of all residents, regardless of religion, race, or nation of origin; and,

BE IT FURTHER RESOLVED that the Charlottesville City Council asks the City Clerk that copies of this Resolution be quickly forwarded to the President of the United States, Joe Biden; Senators Tim Kaine and Mark Warner; and Representative Bob Good.

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



Agenda Date:	April 1, 2024
Action Required:	Public Hearing
Presenter:	Krisy Hammill, Director of Budget
Staff Contacts:	Samuel Sanders, Jr., City Manager Krisy Hammill, Director of Budget
Title:	FY2025 Budget Ordinance and Annual Appropriation, and Tax Rate/Tax Levy Ordinance (1 of 2 readings)

Background

Pursuant to Section 5 of the Charter of the City of Charlottesville, and Virginia Code Title 15.2, Chapter 25, a proposed budget was prepared by the City Manager and presented to City Council for consideration. After public notice given in accordance with law, public hearings were conducted by City Council on the City Manager's proposed budget, on the proposed equalized tax rate, and on the other tax rates to be adopted in order to levy taxes in support of the adopted budget, Council is required to vote on these matters.

Discussion

The City Manager's Proposed Budget totals \$251,526,900. Following the public hearings, City Council may deliberate and consider any additions, deletions or modifications of the items presented within the City Manager's proposed budget, and consider the proposed annual tax rates. City Council must consider and vote upon two items:

1. Ordinance approving the FY-2025 Budget and Annual Appropriation
2. Ordinance Establishing the Annual Tax Levy for Tax Year 2024

Alignment with City Council's Vision and Strategic Plan

The proposed ordinance aligns with Council's Vision and Strategic Plan to promote organizational excellence by more efficiently managing small appropriations.

Community Engagement

There are several opportunities for the community to provide input into the budget with several public hearings on the budget and a few minutes reserved at the end of each budget work session for public comment and input, along with the Community Budget Forum. In addition, this ordinance requires a separate public hearing, which was advertised via a legal ad, in the Daily Progress with information on this public hearing and the tax rate change, on March 23, 2024.

Budgetary Impact

The Budget Ordinance provides the spending authorization for the 2024-2025 Fiscal Year.

Recommendation

NA

Alternatives

Following the public hearings, City Council may deliberate and consider any additions, deletions or modifications of the items presented within the City Manager's proposed budget, and consider the proposed annual tax rates

Attachments

1. Tax ORDINANCE
2. FY 25 Budget Ordinance-Appropriation

ORDINANCE
To Establish the Annual Tax Levy for Tax Year 2024

BE IT ORDAINED by the Council of the City of Charlottesville **THAT** in order to pay the general operating expenses of the City, including local support for the City's schools; to provide funding for other public purposes; and to pay interest on and to provide funding for retirement of City debt, taxes are hereby levied at the rates set forth within this Ordinance, for the current Tax Year (beginning at midnight on January 1, 2024 and ending December 31, 2024), and for each succeeding Tax Year during which this Ordinance continues in effect:

1. Section 1—Real Property and Mobile Homes

On real estate, including land and improvements thereon and mobile homes, the tax rate shall be \$0.98 on every \$100 of the assessed value thereof.

2. Section 2—Personal Property

On all automobiles, trucks, motorcycles and other motor vehicles; boats and aircraft; and on all tangible personal property used or held in connection with any mining, manufacturing, or other business, trade, occupation or profession (excluding furnishings, furniture and appliances in rental units of 30 days or longer) the tax rate shall be \$4.20 on every \$100 of the assessed value thereof.

3. Section 3—Public Service Corporation Property

(a) On that portion of the real estate and tangible personal property of public service corporations which has been equalized as provided in Sec. 58.1-2604 of the Virginia Code, the tax rate shall be \$0.98 on every \$100 of the assessed value thereof determined by the Virginia State Corporation Commission, and

(b) Notwithstanding the foregoing, on automobiles and trucks belonging to public service corporations, the tax rate shall be \$4.20 on every \$100 of the assessed value thereof.

4. Section 4—Machinery and Tools

On machinery and tools used in a manufacturing or mining business, the tax rate shall be \$4.20 on every \$100 of the assessed value thereof.

5. Section 5—Energy Efficient Buildings

On energy efficient buildings the tax rate shall be \$0.48 on every \$100 of the assessed value thereof, subject to the limitations set forth within Chapter 30, Article V, Division 4 of the Code of the City of Charlottesville (1990), as amended, and applies only to buildings and not to the land on which such buildings are located.

BE IT FURTHER ORDAINED THAT the Ordinance adopted April 11, 2023 establishing local tax rates for the Tax Year beginning January 1, 2023 and ending on December 31, 2023 is hereby repealed, effective at midnight on January 1, 2024.

ORDINANCE
APPROVING A BUDGET AND ANNUAL APPROPRIATION OF FUNDING
FOR THE CITY OF CHARLOTTESVILLE FOR THE FISCAL YEAR ENDING
JUNE 30, 2025

Section 1. Approval of the FY-2025 Budget

The City Manager submitted to the City Council a proposed budget for the fiscal year commencing July 1, 2024, as deemed necessary for the provision of City services.

A duly advertised public hearing was held on April 01, 2024. Thereafter, the City Council may review and make revisions to the proposed budget, which contains an itemized and classified plan of all contemplated expenditures, and all estimated revenues and borrowings for the City, for the fiscal year ending June 30, 2025 (“FY-2025”), including reasonable reserves for contingencies and capital improvements. The FY-2025 Budget also sets forth capital expenditures for vehicles, equipment, public street improvements and other transportation projects, and the means of financing them, for capital expenditures to be undertaken in FY-2025 and in a period of the next four (4) fiscal years. NOW, THEREFORE

BE IT ORDAINED by the Council of the City of Charlottesville that the final Budget for the Fiscal Year commencing on July 1, 2024 and ending June 30, 2025 (“FY-2025 Budget”) is hereby approved, containing total estimated expenditures in the amount of \$606,208,848.

Section 2. Annual Appropriation

BE IT ORDAINED by the Council of the City of Charlottesville that the annual GENERAL FUND (Fund 105) budget for Fiscal Year 2024 shall be \$251,526,900. City Council further ordains that an appropriation of 251,526,900 be made in the General Fund, as more particularly set forth below:

Operating Expenditures

Management

Mayor and City Council	709,733
Office of the City Manager/Administration/Budget and Performance	2,101,748
Office of the City Manager/Communications	862,097
Office of the City Manager/Economic Development	719,097
Office of the City Manager/Community Solutions	959,839
Office of the City Manager/Office of Equity and Inclusion	655,960
Office of the City Manager/Office of Sustainability	326,313
Office of the City Manager/Home to Hope	365,853
Office of the City Manager/Job Center	182,672
Office of the City Manager/Emergency Management	516,857

Office of the City Attorney	1,403,759
Office of General Registrar	885,272

Contributions to Organizational Memberships and Workforce Development Programs

Virginia Municipal League	21,000
Chamber of Commerce	16,800
Thomas Jefferson Planning District Commission	100,112
Virginia Career Works - Piedmont Region	10,255
Virginia Institute of Government	2,500
Alliance for Innovation	2,550
Virginia First Cities Coalition	18,200
Central Virginia Partnership for Economic Development	25,639
Thomas Jefferson Soil and Water Conservation District	13,843
Central Virginia Small Business Development Center	36,000
Rivanna Conservation Alliance	15,000
National League of Cities	4,500
Community Investment Collaborative	47,500
Center for Nonprofit Excellence	1,000

Non Departmental Activities

Sister City Committee	15,000
City Strategic Planning	70,000
Participatory Budgeting	15,000
Virginia Juvenile Community Crime Control Act (Local Match)	108,415
Food Equity/Cultivate Charlottesville	190,000
Innovation Fund	20,000
Performance Agreement Payments	300,000
Citywide Reserve	400,704
Ivy Landfill	450,000
Transfer to Debt Service Fund	10,689,766
Transfer to Fund Balance Target Adjustment Fund	500,000
Employee Compensation and Training	4,570,450

Internal and Financial Services

Finance Department - Administration/Purchasing/Assessor	3,275,721
Human Resources	1,947,637
Commissioner of Revenue	1,686,291
Treasurer	1,813,139
Information Technology	4,117,753

Healthy Families and Community

Transfer to Children's Services Act Fund	1,750,000
Transfer to Social Services Fund	3,995,165

Transfer to Human Services/Community Attention Fund	2,075,492
Neighborhood Development Services	3,344,369
Office of Human Rights/Human Rights Commission	465,251
Police Civilian Oversight Board	402,554
Transfer to Convention and Visitors' Bureau	1,522,235

Community Events and Festivals

Virginia Film Festival	6,600
City Supported Events (Other)	45,000
Virginia Festival of the Book	12,000

Contributions to Children, Youth, and Family Oriented Programs

Big Brothers/Big Sisters	33,000
Birth Sisters	60,000
Boys and Girls Club	116,000
The BridgeLine	64,400
Charlottesville Abundant Life Ministries	24,000
Blue Ridge Health District	702,152
Charlottesville Free Clinic	162,000
Computers 4 Kids	24,000
Pathways/Emergency Assistance Fund	1,000,000
Foothills Child Advocacy Center	99,999
Fountain Fund	40,000
Home Visiting Collaborative	291,720
Jefferson Area Board for Aging (JABA)	351,909
Local Food Hub	18,048
MACAA	17,600
Music Resource Center	16,211
Partner for Mental Health	14,400
Piedmont Family YMCA	64,600
ReadyKids	161,243
Region Ten Community Services Board	1,180,092
Sexual Assault Resources Agency (SARA)	15,000
PHAR	68,000
Shelter for Help in Emergency (SHE)	285,600
United Way - Thomas Jefferson Area	246,500
Virginia Cooperative Extension Program	79,859
Women's Initiative	40,000
Loaves and Fishes Food Pantry, Inc	40,000
Reclaimed Hope House	150,000
Social and Environmental Entrepreneurs	45,000
New Hill Development	150,000
100 Black Men of Central Virginia	34,200
City of Promise, Inc	150,000
The Buck Squad	456,000
Welcoming Greater Charlottesville	9,200

Hospice of the Piedmont	3,000
Wartime Fitness Heros	60,000
Mediation Center of Charlottesville	42,000
Community Healing Coalition	5,000
Vibrant Community Fund - Unallocated	701

Contributions to Education and the Arts

City Center for Contemporary Arts	66,315
Historic Preservation Task Force	10,000
Jefferson Madison Regional Library	2,227,365
Jefferson School African American Heritage Center	246,993
Lighthouse Studio	21,600
Literacy Volunteers	22,000
McGuffey Art Center	63,382
New City Arts	28,000
Piedmont Virginia Community College	12,443
The Paramount Theater	24,000
Virginia Discovery Museum	28,000
WTJU Radio	6,000
Live Arts	16,000
Front Porch	20,000
MIMA Music	8,000
Fralin Museum of Art Outreach Program	12,000
Creciendo Juntos	9,645
Bridge Progressive Arts	12,000

Contributions to Housing Programs

Charlottesville Housing Affordability Tax Grant Program	1,295,000
Rent Relief for Disabled, a sum sufficient estimated at	118,000
Rent Relief for Elderly, a sum sufficient estimated at	38,000
Stormwater Fee Assistance Program	20,000
Tax Relief for Disabled, a sum sufficient estimated at	231,000
Tax Relief for Elderly, a sum sufficient estimated at	1,016,000

Infrastructure and Transportation

Public Works: Administration, Facilities Development, Facilities Maintenance, Engineering	7,032,385
Public Works: Hedgerow Properties	111,339
Public Works: Public Service	9,623,058
Transfer to Charlottesville Area Transit Fund	4,100,871
JAUNT Paratransit Services	1,933,090

Public Safety and Justice

City Sheriff	2,164,492
Commonwealth's Attorney	1,344,844

Clerk of Circuit Court	962,098
Circuit Court Judge	107,648
General District Court	31,477
Juvenile and Domestic Relations Court/Court Services Unit	397,952
Magistrate	20,450
Fire Department	18,993,611
Police Department	21,916,670

Contributions to Programs Supporting Public Safety and Justice

Legal Aid Justice Center	40,000
Albemarle Charlottesville Regional Jail	3,953,234
Blue Ridge Juvenile Detention Center	1,165,591
Emergency Communications Center	2,429,298
Offenders Aid and Restoration	439,287
Piedmont Court Appointed Special Advocates (CASA)	6,000
Society for the Prevention of Cruelty to Animals	317,355
Public Defender's Office	105,091
Violence Prevention Programs	200,000

Local Contribution to Public Schools

Operational Support	74,092,134
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Total Operating Expenditures \$230,831,135

Designated Expenditures

City/School Contracts: Pupil Transportation	\$4,617,258
City/School Contracts: School Building Maintenance	4,861,796
Transfer to Capital Projects Fund	7,720,529
Transfer to Capital Projects Fund - Mall Vendor Fees	78,000
Transfer to Facilities Repair Fund	400,000
Transfer to Debt Service Fund - Meals Tax Revenue	3,018,182

Total Designated Expenditures \$20,695,765

Total General Fund Expenditures	\$251,526,900
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The City Council further ordains that at the close of FY-2025 the City Manager is authorized to maintain appropriations for encumbrances, grants, capital projects and programs.

The City Council further ordains that the City Manager is authorized to make line-item changes within department budgets and allocate salary lapse between department budgets and the lump sum merit pool budgeted with the Employee Compensation and Benefits

budget program, and such changes shall be reported to the City Council by way of periodic financial reports.

The City Council further ordains that the City Manager is authorized to increase the budget and to expend the following funds for the following items of non-budgeted restricted revenue that may occur during FY-2025, which are hereby appropriated for expenditure within the budget program(s) designated by the City Manager, as of the date of receipt thereof by the City:

1. Insurance recoveries received for damages to City properties for which City funds have been expended to make repairs.,
2. Defaulted builder and developer securities to be used for uncompleted projects,
3. Parking Development Fees,
4. Asset forfeiture, Courthouse Security fees, Opioid Abatement Assistance Fund and \$4 for Life funds,
5. Donations under \$10,000 given to the City for a specific purpose,
6. Revenues received in excess of this annual appropriation, by the following funds: Transit Fund (Fund 245), Information Technology Fund (Fund 705), Warehouse Fund (Fund 706), Communications Fund (Fund 755), Fleet Maintenance Fund (Fund 753), Joint Health Department Building Fund (Fund 982), Retirement Benefits Fund (869), Parking Fund (Fund 650), Golf Fund (Fund 609), and the Utility Enterprise Funds (Water, Wastewater, Gas and Stormwater), and Landfill Reserve funds for use to cover costs associated with landfill remediation

The City Council further ordains that the appropriations made herein as Councilor Discretionary Funds will be spent in accordance with the guidelines set forth within City Council's adopted Policies and Procedures.

The City Council further ordains that the Employee Classification and Pay Plan for the City of Charlottesville dated July 1, 2024 and effective on that same date, which assigns salary ranges to each class or position in the City service is hereby approved pursuant to Section 19-3 and 19-4 of the City Code, 1990, as amended and a copy of the same shall be kept on file with the records of the meeting at which this ordinance is approved.

The City Council further ordains that the annual appropriation in the sum of \$134,961,651 for FY-2025 for annual SCHOOL OPERATIONS is made, which monies are to be expended in accordance with law for purposes authorized and approved by the Charlottesville City School Board. (The City's local contribution to the School Operations is hereinabove appropriated by transfer from the General Fund).

The City Council further ordains that the annual appropriation in the sum of \$22,051,800 for FY-2025 be made from the HEALTH BENEFITS FUND (Fund 718), which monies are to be expended for the payment of health and medical benefit program costs, and for insurance covering such costs, and in addition, for the accumulation of a reserve for future expenditures to pay for such health and medical benefit program costs.

The City Council further ordains that the annual appropriation in the sum of \$35,664,948 or the amount of revenue received by such fund, whichever shall be the greater amount, be made from the RETIREMENT BENEFITS FUND (Fund 869), which

monies are to be expended for the payment of retirement benefit program costs, and for insurance covering such costs, and in addition, for the accumulation of a reserve for future expenditures. The City Council further ordains that the Retirement Plan Commission is authorized and directed to provide for the payment from the Retirement Fund of a post-retirement supplement of 1% of the current retirement pay of each eligible retired employee effective July 1, 2024.

The City Council further ordains that the annual appropriation in the sum of \$4,268,876 for FY-2025 be made from the RISK MANAGEMENT FUND (Fund 711), which monies are to be expended for the uses prescribed for such fund, pursuant to the terms of, and subject to the limitations imposed by Article V of Chapter 11 of the Code of the City of Charlottesville, 1990, as amended.

The City Council further ordains that the annual appropriation in the sum of \$2,619,000 for FY-2025 be made from the EQUIPMENT REPLACEMENT FUND (Fund 106), which monies are to be expended for the lease, financing or purchase of motor vehicles and related equipment and for accumulation of a reserve for future equipment purchases.

The City Council further ordains that the annual appropriation in the sum of \$400,000 be made from the FACILITIES REPAIR FUND (Fund 107), which monies are to be expended for carrying out the purposes of repairs to facilities and for accumulation of a reserve for future repairs to facilities.

The City Council further ordains that the annual appropriation in the sum of \$906,941 or the amount of revenue received for FY-2025 be made from the JOINT HEALTH DEPARTMENT BUILDING FUND (Fund 982), which monies are to be expended for general improvements, maintenance, small capital projects and for the accumulation of a reserve to be used for expenses for the Thomas Jefferson Health District building.

The City Council further ordains that the annual appropriation in the sum of \$13,291,138, or as much thereof as may be necessary, be made from the DEBT SERVICE FUND (Fund 302), which monies to be expended for the payment of principal and interest of bonds, notes and other evidence of indebtedness and the cost of issuance thereof issued by the City pursuant to its Charter and/or the Virginia Public Finance Act.

The City Council further ordains that the annual appropriation in the sum of \$7,226,811, or the amount of revenue received by such fund, whichever shall be the lesser amount, be made from the HUMAN SERVICES/COMMUNITY ATTENTION FUND (Fund 213), which monies are to be expended for the operation of the Community Attention Homes and related programs during such fiscal year.

The City Council further ordains that the annual appropriation in the sum of \$16,058,359 or the amount of revenue received by such fund, whichever shall be the lesser amount, be made from the SOCIAL SERVICES FUND (Fund 212), which monies are to be expended for the operation of the Department of Social Services during such fiscal year,

The City Council further ordains that the annual appropriation in the sum of \$8,190,142, or the amount of revenue received by such fund, whichever shall be the lesser amount, be made from the CHILDREN’S SERVICES ACT FUND (Fund 215), which monies are to be expended for the operation of the Children’s Services Act entitlement program,

The City Council further ordains that the annual appropriation in the sum of \$14,572,685, or the amount of revenue received by such fund, whichever shall be the greater amount, be made from the TRANSIT FUND (Fund 245), which monies are to be expended for the operation of the public transit system.

The City Council further ordains that the annual appropriation in the sum of \$2,035,389, or the amount of revenue received by such fund, whichever shall be the greater amount be made from the INFORMATION TECHNOLOGY FUND (Fund 705), which monies are to be expended for the operation of the various information technology functions.

The City Council further ordains that the annual appropriation the sum of \$195,298, or the amount of revenue received by such fund, whichever shall be the greater amount, be made from the WAREHOUSE FUND (Fund 706), which monies are to be expended for the operation of the Warehouse.

The City Council further ordains that the annual appropriation in the sum of \$1,439,443, be made from the FLEET MAINTENANCE FUND (Fund 753), which monies are to be expended for the operation of the Central Garage, Vehicle Wash and Fuel System.

The City Council further ordains that the annual appropriation in the sum of \$365,585 be made from the COMMUNICATIONS SYSTEM FUND (Fund 755), which monies are to be expended for the operation of the citywide phone system and mailroom operations during such fiscal year.

The City Council further ordains that the annual appropriation in the sum of \$1,875,420, or the amount of revenue credited to such fund, whichever shall be the greater amount be made from the GOLF FUND (Fund 609), which monies are to be expended for the operation of the golf course during such fiscal year.

The City Council further ordains that the annual appropriation in the sum of \$2,756,499, or the amount of revenue credited to such fund, whichever shall be the greater amount, be made from the PARKING FUND (Fund 650), which monies are to be expended for the operation of the parking operations during such fiscal year.

The City Council further ordains that the appropriations made herein shall become available for expenditures July 1,2024 and shall expire June 30, 2025 (FY-2025).

Section 2. Operating Fund Revenues

It is estimated that local revenues and other sources of revenue will be available during FY-2025 to meet the needs of the FY-2025 Budget approved within Section 1 of this Appropriation Ordinance, according to the following sources:

General Fund

Local Sources	\$	236,997,953
The Commonwealth and Federal Government		14,078,947
Transfers from Other Funds		450,000
Fund Balance Committed/Assigned		-
Fund Balance (Unassigned)		-
Total	\$	251,526,900

School Operations

Local Contribution/Transfer from General Fund	\$	74,092,134
The Commonwealth and Federal Government		51,405,007
Miscellaneous Revenue		4,140,687
Fund Balance		5,323,823
Total	\$	134,961,651

Health Benefits Fund

Member Contributions	\$	19,958,181
Miscellaneous Revenue	\$	155,000
Balance of the Health Benefits Fund	\$	1,938,619
Total	\$	22,051,800

Retirement Benefits Fund

City Contributions (All Funds)	\$	16,964,948
Member Contributions		2,300,000
Investment Income		16,400,000
Total	\$	35,664,948

Risk Management Fund

City Contributions (All Funds)	\$	4,148,876
Other Local Sources		120,000
Total	\$	4,268,876

Equipment Replacement Fund

Transfer from the General Fund	\$	2,619,000
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Balance of the Equip. Repl. Fund	-
Total	\$ 2,619,000
<u>Facilities Repair Fund</u>	
Transfer from the General Fund	\$ 400,000
Balance of the Fac. Repair Fund	-
Total	\$ 400,000
<u>Joint Health Building Fund</u>	
Rent Income	\$ 251,655
Balance of the Joint Health Bldg Fund	654,953
Total	\$ 906,941
<u>Debt Service Fund</u>	
Transfers from the General Fund	\$ 10,689,766
Meals Tax Transfer (equivalent to \$0.01)	3,018,182
Total	\$ 13,707,948
<u>Human Services Fund</u>	
Transfers from the General Fund	\$ 2,375,408
Intergovernmental Revenue	4,801,403
Miscellaneous Revenue	50,000
Total	\$ 7,226,811
<u>Social Services Fund</u>	
Transfers from the General Fund	\$ 3,995,165
Intergovernmental Revenue	10,982,172
Other Sources	1,081,022
Total	\$ 16,058,359
<u>Children's Services Act Fund</u>	
Transfers from the General Fund	\$ 1,750,000
Intergovernmental Revenue	6,440,142
Total	\$ 8,190,142
<u>Transit Fund</u>	
Transfers from the General Fund	\$ 4,100,871
Intergovernmental Revenue	10,446,814
Miscellaneous Revenue	25,000
Total	\$ 14,572,685
<u>Information Technology</u>	

Transfers from the General Fund	\$ 307,200
User Fees	1,683,928
Miscellaneous Revenue	44,261
Total	\$ 2,035,389
<u>Warehouse Fund</u>	
User Fees	\$ 201,701
Total	\$ 201,701
<u>Fleet Fund</u>	
User Fees	\$ 1,632,770
Total	\$ 1,632,770
<u>Communications Fund</u>	
User Fees	\$ 365,585
Balance of the Communications Fund	207,212
Total	\$ 572,797
<u>Golf Fund</u>	
User Fees	\$ 1,972,104
Total	\$ 1,972,104
<u>Parking Fund</u>	
Parking Revenues	\$ 4,070,963
Balance of the Parking Fund	1,684,839
Total	\$ 5,755,802

Section 3. FY-2024 Capital Budget

The City Council ordains that the annual appropriation in the sum of \$36,400,763 for FY-2025 be made from the CAPITAL FUND (Funds 424, 425, 426, 427, 428 and 429 combined) which monies are to be expended in accordance with law for the following purposes authorized and approved by City Council and as more particularly set forth by specific project in the FY-2025 Budget. City Council intends that the adoption of this resolution (1) confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended. and (2) that the funds designated for the respective capital purchases or projects as set forth shall hereby made available for expenditure until the project is deemed to be complete.

The estimated revenues and appropriation categories are as follows:

Revenues

Transfer from General Fund	7,145,529
Transfer from General Fund - Mall Vendor Fees	78,000
Transfer from General Fund - VCF Allocation	575,000
Contribution from Schools (Small Cap Program)	200,000
Contribution from Schools - Gainshare	2,200,000
CIP Contingency (from prior year surplus)	584,816
PEG Fee Revenue	40,000
Stribiling Avenue Funding Agreement	2,900,000
State Funding - Dogwood Vietnam Memorial	600,000
CY 2025 Bond Issue	22,077,418

TOTAL AVAILABLE REVENUES	\$36,400,763
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Expenditures

EDUCATION

Project

Lump Sum to Schools (City Contribution)	1,200,000
City Schools HVAC Replacement	750,000
City Schools Priority Improvement Projects	1,250,000
Charlottesville High School Roof Replacement	1,937,504
Clark Elementary School Windows	450,000
School Small Capital Improvements Program	200,000

SUBTOTAL	\$5,787,504
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FACILITIES CAPITAL PROJECTS

Project

Lump Sum to Facilities Capital Projects	1,482,083
City Facility HVAC Replacement	250,000
City and Schools Solar PV Program	75,000
General District Court - FFE and Hearing Room	410,000
RSWA Baler and Baling Facility	1,788,000
Climate Action Initiatives	1,000,000
HVAC Contingency Fund - City and School Facilities	50,000

SUBTOTAL	5,055,083
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PUBLIC SAFETY AND JUSTICE

Project

Bypass Fire Station	150,000
Police Mobile Data Terminals	75,000
Police Portable Radio Replacement	45,000
Fire Portable Radio Replacement	45,000
Sheriff Portable Radio Replacement	18,800
Fire - Self-Contained Breathing Apparatus Replacements	150,000
Fire - Protective Clothing/Turnout Gear Replacement	300,000

SUBTOTAL **\$783,800**

TRANSPORTATION AND ACCESS

Project

New Sidewalks	100,000
Sidewalk Repair	500,000
Citywide ADA Improvements - Sidewalks and Curbs	100,000
Stribling Avenue Sidewalk	4,217,000

SUBTOTAL **\$9,704,376**

PARKS AND RECREATION

Project

Pen Park Bathroom ADA Renovation	80,000
Forest Hills Splash Pad	270,000
Meadowcreek Golf Course	2,000,000
Downtown Mall Infrastructure Repairs	728,000
YMCA Trail	400,000
Parks and Recreation Lump Sum Account	400,000
Parks and Schools Playground Renovations	112,000
Urban Tree Planting	100,000
Parkland and Trails Acquisition and Development	185,000
Hazard and Liability Ash Tree Removal	100,000
Downtown Mall Trees Active Lifecycle Management	100,000
Invasive Plant Removal	75,000
Dogwood Vietnam Memorial	600,000
Lower Meadowcreek Trail - Holmes to Locust Ave	500,000

SUBTOTAL **\$5,650,000**

AFFORDABLE HOUSING

Project

Public Housing Redevelopment - (CRHA)	3,000,000
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Charlottesville Affordable Housing Fund (CAHF)	1,500,000
Supplemental Rental Assistance (CSRAP)	900,000
Friendship Court Redevelopment - Phase 2	500,000
PHA - MACAA Project Apartments	1,885,000
PHA - Park Street Apartments	1,125,000

SUBTOTAL	\$8,910,000
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TECHNOLOGY INFRASTRUCTURE

Project

Communications Technology Account/Public Access	40,000
City Wide IT Strategic Infrastructure	250,000
Voting Equipment Replacement	100,000
Circuit Court Case Management System	120,000

SUBTOTAL	\$510,000
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TOTAL PROJECTS	\$36,400,763
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The City Council further ordains that at the close of the fiscal year the City Manager is authorized to maintain appropriations for encumbrances and grants.

The City Council further ordains that at the close of the fiscal year the City Manager is authorized to administratively approve the close out of capital projects and transfer any unencumbered residual funds to the balance within the Capital Improvement Fund.

Section 4. Utility Enterprise Funds

The City Council further ordains that the annual appropriation in the sum of \$20,770,991; or the amount of revenue received by such fund, whichever shall be the greater amount, for the WATER UTILITY FUNDS (Funds 611 and 612), which monies are to be expended for the operation of the water utility.

The City Council further ordains that the annual appropriation in the sum of \$21,721,983; or the amount of revenue received by such fund, whichever shall be the greater amount, for the WASTEWATER UTILITY FUNDS (Funds 621 and 622), which monies are to be expended for the operation of the wastewater utility.

The City Council further ordains that the annual appropriation in the sum of \$30,068,269; or the amount of revenue received by such fund, whichever shall be the greater amount, for the GAS UTILITY FUNDS (Funds 631 and 634), which monies are to be expended for the operation of the gas utility.

The City Council further ordains that the annual appropriation in the sum of \$4,249,571; or the amount of revenue received by such fund, whichever shall be the greater amount, for the STORMWATER UTILITY FUNDS (Funds 641,642 and 643), which monies are to be expended for the operation of the stormwater utility.

Operating Revenues

WATER (OPERATIONAL AND DEBT SERVICE FUNDS)

Water Sales Revenue	\$15,846,163
Other Fees	500,000
Bond Proceeds	3,500,000
Transfer from Other Funds	1,800,000
WATER FUND REVENUE TOTAL	\$21,646,163

WASTEWATER (OPERATIONAL AND DEBT SERVICE FUNDS)

Wastewater Sales Revenue	\$18,880,389
Bond Proceeds	0
Transfer from Other Funds	3,000,000
WASTEWATER REVENUE TOTAL	\$21,880,389

GAS (OPERATIONAL AND DEBT SERVICE FUNDS)

Gas Sales Revenue	\$29,618,371
Other Fees	350,500
Misc. Revenue	0
GAS REVENUE TOTAL	\$29,968,871

STORMWATER (OPERATIONAL AND DEBT SERVICE FUNDS)

Stormwater Fee Revenue	\$1,944,572
Bond Proceeds	1,550,000
Transfer from Other Funds	679,683
STORMWATER REVENUE TOTAL	\$4,174,255

The City Council further ordains that at the close of the fiscal year the City Manager is authorized to maintain appropriations within the City's enterprise funds for encumbrances, grants, capital projects and programs.

The City Council further ordains that the annual appropriations for the City's Utility Enterprise Funds are subject to amendment based on Council's subsequent review and approval of the Annual Utility Rate Report which sets forth the annual spending plan and establishes the annual customer rates for each utility. By definition, the term "operation" is herein defined to include any self-supporting enterprise expenditures including those for capital outlay and for the payment of principal and interest of bonds, notes and other evidence of indebtedness and the cost of issuance thereof issued by the City pursuant to its Charter and/or the Virginia Public Finance Act.

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



Agenda Date:	April 1, 2024
Action Required:	Adoption of the Ordinance to grant 100% Personal Property Tax Relief to qualifying vehicles with assessed value of \$1,500 or less
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Lisa Newman, Personal Property Supervisor
Title:	Ordinance Amending Sec. 30-53 of the Charlottesville City Code to increase the assessed value threshold at and below which qualifying vehicles will receive 100% Personal Property Tax Relief from \$1,000 to \$1,500 (1 of 2 readings)

Background

The City of Charlottesville receives a fixed annual grant from the Commonwealth of Virginia to be used to apply Personal Property Tax Relief (PPTR). The program is governed by the Code of Virginia (58.1 Chapter 35.1) and gives the locality a pool of funds, the proceeds of which must be used to provide relief to the owners of qualifying vehicles. The Commonwealth of Virginia's obligation is capped and made certain; localities distribute the relief amount as determined by local ordinance. Charlottesville City Code currently stipulates that eligible vehicles valued \$1,000 or less shall receive 100% relief. The remainder of the grant is allocated on a percentage basis to the tax on the rest of the eligible vehicles' portion of value that is \$20,000 or less.

Discussion

The \$1,000 threshold was established nearly twenty years ago. Since that time, vehicle values have risen to the point that there are far fewer vehicles in the City with an assessed value less than \$1,000. Assuming that Council, in establishing a 100% relief threshold, intended for the owners of low-value vehicles to benefit the most from the State's grant, it makes sense to increase the threshold. Otherwise, we may soon find ourselves in a situation where very few vehicles fall into the category.

For tax year 2023, there were approximately 20% fewer vehicles receiving 100% relief than there had been in 2018.. Raising the threshold to \$1,500 gets us back to roughly the number that were receiving 100% relief five years ago.

There would be no budgetary impact from this change, as the State's grant is the same every year.

We anticipate that no more than a 1% change to the annual PPTR percentage (the percentage of relief applied to the tax on the remaining eligible vehicles' portion of value that is \$20,000 or less) would be

needed to account for this adjustment. However, given the low value and the number of vehicles affected, there may be no need to adjust PPTR at all.

Alignment with City Council's Vision and Strategic Plan

This change aligns with the City's vision to be a place where everyone thrives by targeting tax relief where it is most needed. It reflects the City's commitment to implement equitable practices and policies across all of its activities. It further reflects the City's strategic outcome area of organizational excellence by delivering excellent service to the community.

Community Engagement

N/A

Budgetary Impact

None anticipated

Recommendation

Suggested Motion: "I move adoption of the ORDINANCE amending Charlottesville City Code Sec. 30-53 granting 100% Personal Property Tax Relief to qualifying vehicles with assessed value of \$1,500 or less."

Alternatives

Leave the Ordinance unchanged.

Attachments

1. PPTR Ordinance Amending Sec. 30-53

ORDINANCE
TO AMEND, RE-ORDAIN AND RE-ENACT SECTION 30-53 OF THE CODE OF THE
CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO INCREASE THE
ASSESSED VALUE THRESHOLD AT AND BELOW WHICH QUALIFYING
VEHICLES WILL RECEIVE 100% PERSONAL PROPERTY TAX RELIEF FROM
ONE THOUSAND DOLLARS (\$1,000) TO ONE THOUSAND FIVE HUNDRED
DOLLARS (\$1,500).

WHEREAS the City of Charlottesville receives a fixed annual grant from the Commonwealth of Virginia to be used to apply Personal Property Tax Relief (PPTR); and

WHEREAS the program is governed by the Code of Virginia (58.1 Chapter 35.1) and gives the locality a pool of funds, the proceeds of which must be used to provide relief to the owners of qualifying vehicles; and

WHEREAS the Charlottesville City Council intends for the maximum benefit of the State's grant to accrue to vehicle owners most in need of tax relief; and

WHEREAS the current one thousand dollar (\$1,000) threshold was established nearly twenty years ago, such that very few vehicles are currently receiving 100% relief; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Section 30-53 of the Code of the City of Charlottesville, 1990, as amended, is hereby amended, re-ordained, and re-enacted, as follows:

CHAPTER 30. LICENSES

...

ARTICLE II. TAXATION OF TANGIBLE PERSONAL PROPERTY, MACHINERY AND TOOLS GENERALLY

...

DIVISION 2. PERSONAL PROPERTY TAX RELIEF

...

Sec. 30-53. Allocation of relief among taxpayers.

- (a) Allocation of PPTRA relief among taxpayers shall be provided in accordance with the general provisions of this section, to be implemented annually by the city.
- (b) Relief shall be allocated by the city in such as manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of ~~one thousand dollars (\$1,000.00)~~ one thousand five hundred dollars (\$1,500) or less.
- (c) Relief with respect to qualifying vehicles with assessed values of more than ~~one thousand dollars (\$1,000.00)~~ one thousand five hundred dollars (\$1,500) shall be provided at a rate, annually fixed by the city and applied to the first twenty thousand dollars (\$20,000.00) in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief.

...

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



Agenda Date:	April 1, 2024
Action Required:	Amendment of City Code
Presenter:	Lisa Burch, Human Resources Benefits Coordinator, Retirement
Staff Contacts:	Lisa Burch, Human Resources Benefits Coordinator, Retirement Mary Ann Hardie, Director of Human Resources
Title:	Ordinance to amend and reenact City Code Chapter 19 to allow participants of any City-sponsored retirement plan to serve on Retirement Plan Commission (1 of 2 readings)

Background

When City Code Chapter 19, Article III was adopted, the City's only retirement plan option was the "Supplemental Retirement or Pension Plan" (the Defined Benefit Plan). Subsequently, the City introduced additional retirement plans, including the Defined Contribution Plan and the Deferred Compensation Plan.

In practice, the Retirement Commission oversees all City-sponsored retirement plans. However, the current Code language only references the City's Supplemental Retirement or Pension (Defined Benefit) Plan. Based on existing City Code language, only Defined Benefit Plan participants can serve on the Retirement Commission as at-large members. The Retirement Commission unanimously passed a motion on August 23, 2023, to request that City Council amend the City Code to allow participants in the Optional Defined Contribution Plan and Deferred Compensation Plan to apply for open at-large seats on the Commission.

The proposed ordinance would also correct a citation to the Virginia Code that has changed since the enactment of the original ordinance, and make other small corrections for clarity.

Discussion

Based on the existing code language, the City Code precludes at least 37% of benefits-eligible employees from participating in and from representation on the Retirement Commission. Broadening the code language to allow Defined Contribution and Deferred Compensation plan participants to voluntarily serve on the Commission will have two benefits: 1) It will provide an opportunity for more retirement plan participants to be represented and, 2) it will increase the pool of participating members who can potentially apply to be appointed to the Commission. In addition, the Code should be updated to address citation and other non-substantive changes.

Alignment with City Council's Vision and Strategic Plan

Approval of this change aligns with the City's organizational values to be inclusive within the organization.

Community Engagement

N/A

Budgetary Impact

None

Recommendation

Staff recommends approval of this amendment.

Alternatives

Leaving the City Code unchanged will not permit the Commission to seek qualified members from an expanded potential applicant pool.

Attachments

1. Minutes for August 2023 RC Meeting
2. Proposed Ordinance - Retirement Plan Commission eligibility to serve v.3

RETIREMENT COMMISSION MINUTES

The Retirement Commission met on Wednesday, August 23, 2023. The following members were present: Chris Cullinan, Jason Vandever, Scott Hendrix, Sam Sanders, David Hughes, Lindsay Ideson, Mary Ann Hardie, Tony Newberry, Al Elias, Ben Cullop. Absent: Brian Pinkson. Others present: Sara Butler, Lisa Burch.

This meeting was held in the Parks & Recreation Conference Room.

Call to Order

Jason Vandever called the meeting to order at 8:32 AM and welcomed the new members.

Approval of Minutes

The minutes from the June 2023 meeting were approved unanimously with Sam Sanders and Tony Newberry abstaining because they did not attend the June meeting.

Eligibility for At-Large position on Retirement Commission

The Commission members discussed changing City Code to allow employees participating in the Defined Contribution Plan to become at-large members of the Commission. Lisa Burch provided an update from the City Attorney's office. A motion was made to amend the City Code to allow participants in the Optional Defined Contribution Plan to serve as at-large members pending language to be provided by the City Attorney's office. The motion was approved unanimously.

Financial Updates

Jason Vandever gave a brief overview of the financial report provided by Dahab for the period ending June 30, 2023. He also notified the Commission that the custodian transfer of the Large Cap Grown investments to Brown Advisory is complete.

Qualified Birth and Adoption Distribution Option

Lisa Burch presented a proposal to add a provision to the 457b plan to allow participants to withdraw up to \$5,000 from their accounts if they've had a child by birth or adoption within the past 12 months. After discussing the provision, a motion was made to add this provision to the City's 457b plan. The motion was approved unanimously.

New Business

No new business was discussed.

Adjournment

The meeting adjourned at 9:01 AM.

**AN ORDINANCE
AMENDING AND REENACTING CITY CODE CHAPTER 19, ARTICLE III
TO ALLOW EMPLOYEES WHO PARTICIPATE IN THE OPTIONAL DEFINED
CONTRIBUTION PLAN TO SERVE ON THE RETIREMENT PLAN COMMISSION**

WHEREAS, the Retirement Plan Commission was established pursuant to City Code section 19-57 to administer the then-existing retirement plan of the City, the “Supplemental Retirement or Pension Plan” (the Defined Benefit Plan);

WHEREAS, subsequently, the City introduced additional retirement plan options, including the Defined Contribution Plan and the Deferred Compensation Plan;

WHEREAS, the Retirement Plan Commission oversees all City-sponsored retirement plans, including the Defined Benefit Plan, the Defined Contribution Plan, and the Deferred Compensation Plan;

WHEREAS, current City Code language permits only Defined Benefit Plan participants to serve on the Retirement Plan Commission as at-large members; and

WHEREAS, the City Code should be updated to permit a participant of any of the City-sponsored retirement plans to serve on the Retirement Plan Commission;

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that City Code Chapter 19, Article III, of the City of Charlottesville, be and hereby is reenacted and amended as follows:

Sec. 19-56. Definition.

As used in this article, the term “commission” means the retirement plan commission created by section 19-57.

Sec. 19-57. Created; purpose; composition.

(a) There is hereby created a commission, to be known as the retirement plan commission, whose duty it shall be to administer ~~the supplemental all city-sponsored retirement or pension plans, including the supplemental retirement or pension plan, the defined contribution plan, and the deferred compensation plan, of the city~~ in accordance with the provisions of this article and of article IV of this chapter.

(b) The commission shall be comprised of a member of city council, the city manager, the director of finance, the director of human resources, the city treasurer, three (3) employees of the city, ~~including employees of any city or of any other~~ agency participating in ~~the a city-sponsored supplemental retirement or pension plan~~, one (1) retiree ~~participating in a~~ city-sponsored's plan, and two (2) members of the community.

Sec. 19-58. Terms of ex officio members.

The terms of the ex officio members of the commission shall be concurrent with their service in such offices.

Sec. 19-59. Appointment and terms; filling of vacancies.

(a) The three (3) employee at-large members of the commission shall be appointed by the city council from a list of eligible candidates certified to the council by the city manager. They shall be appointed for terms of two (2) years, and shall be eligible to serve up to four (4) consecutive terms; provided, that each of the employee at-large members shall serve no more than four (4) full terms. Of the three (3) members initially so appointed, one (1) shall be appointed for a one-year term, and one (1) shall be appointed for a two-year term; and provided, that those employees initially appointed for terms of less than two (2) years and those appointed to fill unexpired terms shall be eligible for reappointment to four (4) full two-year terms.

(b) Whenever a vacancy exists in any of the three (3) employee at-large positions on the commission, the city manager shall certify such fact to the city council along with a list of candidates, which shall include ~~the name of any~~ otherwise eligible city employee whose name has been placed in nomination by petition signed by at least fifteen (15) other city employees. In the event that an insufficient number of petitions are thus presented, the city manager shall nominate an additional employee or employees, to the end that such list shall include at least two (2) nominees for every vacancy to be filled by the city council; provided, that at least thirty (30) days prior to certifying such list to city council, the city manager shall cause to be posted, in city hall and at other principal locations where city employees work, a notice reciting the fact that such vacancy exists or will exist on the commission, the procedure hereinabove set forth for nominations and the date on which such list of nominees will be forwarded to the city council.

(c) No two (2) of the three (3) at-large employee members of the commission shall be employed in the same department of city government or by the same city agency.

(d) Each of the two (2) community members shall be appointed by the city council ~~to for~~ a term of two (2) years, except that appointments to fill vacancies shall be for the unexpired remainder of the vacant term. No community member shall serve for more than four (4) consecutive two-~~(2)~~-year terms except that a member appointed to fill an unexpired term shall be eligible for reappointment to four (4) complete two-~~(2)~~-year terms.

(e) At least one (1) of the members appointed from the community shall be, at the time of the appointment, a resident of the city or the owner of a business located in the city. One (1) of the members appointed from the community shall

have professional experience in money management, investment services, banking, or retirement plan administration.

(f) The one (1) retiree member of the commission shall be appointed by the city council from the list of applicants who are current retirees participating in a city-sponsored retirement plan, as certified to the council by the city manager. The appointment shall be for a term of two (2) years and the member shall be eligible to serve four (4) full two-year terms.

Sec. 19-60. President and secretary designated; keeping of journal; preserving of books and papers.

The council member shall be the president and the director of human resources the secretary of the commission. The secretary shall keep a correct journal of the proceedings of every meeting and shall preserve all books and papers of the commission in their office.

Sec. 19-61. City treasurer to keep account and be custodian of funds.

The city treasurer shall keep an account of and shall be the custodian of all money, securities, bonds and other evidences of debt belonging to the retirement fund, subject to such conditions as the commission may prescribe.

Sec. 19-62. Authority to employ actuary and incur expenses.

To assist it in the discharge of its responsibilities under the provisions of this article and article IV of this chapter, the commission may employ an actuary as its technical advisor and incur such other expenses as it deems necessary for the efficient administration of the retirement fund and the retirement plan's responsibilities.

Sec. 19-63. Retirement fund generally.

All of the funds and assets of the city's supplemental retirement or pension plan shall be maintained by the commission in a fund to be known as the retirement fund. In the retirement fund shall be accumulated all contributions made by the city pursuant to the provisions of section 19-92 and all income from the invested assets of the retirement fund. From the retirement fund shall be paid the retirement allowances and other benefits provided for under the terms of the retirement plan as set forth in article IV of this chapter and reasonable expenses therefore. The fund and the retirement plan shall be maintained for the exclusive benefit of eligible employees, retirees, or their beneficiaries.

Sec. 19-64. Investment and management of retirement fund assets.

The commission shall have charge of the investment and management of all assets of the retirement fund, subject to the standards for the investment of funds by fiduciaries as set forth in Code of Virginia, chapter 83 of title 51.126 (section 51.126-38803-et seq.), and subject to the restrictions of any investment policy adopted by formal resolution of the city council. All interest, dividends or other income accruing from such investments shall be collected by the city treasurer

when due and deposited to the credit of the retirement fund. All such funds shall be reinvested according to the provisions of this section; provided, that unless some other provision is made by city council for such payment, sufficient funds shall be retained as cash in the fund to provide for current retirement payments under the retirement plan and other legitimate expenses of the fund.

Sec. 19-65. Annual report to council.

The commission shall, through the city treasurer, not later than ~~August~~November thirtieth of each year, make an annual report to city council on the condition of the ~~retirement fund supplemental~~ retirement ~~or pension~~ plan ~~and the defined contribution plan~~ as of the preceding June thirtieth. Each such report shall include the results of an actuarial valuation of the assets and liabilities of the retirement plans, made not less frequently than biennially, and a statement of the amounts to be contributed by the city pursuant to section 19-92. The report shall also state the cash receipts of the retirement fund for the previous year in detail, an itemized list of securities bought or sold with the price paid or received and a detailed list of all assets of the fund. The report may also contain any recommendations the commission desires to make concerning changes in this Code with respect to the retirement fund or the retirement plans.

Sec. 19-66. Disbursements.

All disbursements by the commission shall be by warrant of the director of finance drawn on the city treasurer.

Sec. 19-67. Quorum.

The commission must have a quorum present to take action. A majority of the members serving on the commission shall constitute a quorum.

Secs. 19-68—19-90. Reserved.

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



Agenda Date:	April 1, 2024
Action Required:	Report/Presentation by Tree Commission - no Action Required from City Council
Presenter:	Makshya Tolbert and Tyler Miller
Staff Contacts:	Steven Gaines, Urban Forester
Title:	Tree Commission "State of the Forest"

Background

The City of Charlottesville Tree Commission provides an annual report on the “State of the Forest” report to Council showcasing tree plantings, canopy coverage, benefits, and any concerns or issues related to the City’s public trees and forests.

Makshya Tolbert (incoming Tree Commission Chair) and Tyler Miller (Tree Commissioner) will be providing the presentation for City Council as a PowerPoint on April 1, 2024. The Tree Commission is a public body with meetings open to the public, with members of the public comprising the Commission. Much of this presentation will relate to current trends in tree canopy and how City programs such as tree planting and invasive plant control/containment will increase the City's resiliency to climate change.

Discussion

Report will detail the discussion points.

Alignment with City Council's Vision and Strategic Plan

Report content aligns closely with City's Comprehensive Management Plan, Climate Action Plan, and Green City.

Community Engagement

The Tree Commission is a public body with meetings open to the public and members of the public comprise the Commission.

Budgetary Impact

Report only, no budget impact.

Recommendation

None

Alternatives

None

Attachments

1. State_of_the_Forest_final_April 1 City Council Meeting
2. FY2023_State of the Forest_Presentation _ 4_1_2024 City Council



CITY OF CHARLOTTESVILLE TREE COMMISSION

STATE OF THE FOREST FISCAL YR 2023

CHARLOTTESVILLE, VA

03.15.2024

PURPOSE

The purpose of this report is to bring to the attention of the Charlottesville City Council and our community as a whole the current state of our urban tree canopy (UTC) and the compelling need for strategic interventions. The City's goal, as mandated in the 2021 Comprehensive Plan, is to achieve an average of 45% tree canopy coverage across the City's geographic area. If the City continues its current canopy management strategies unchanged, our best case 2050 scenario is a canopy loss of around ~13% for a total UTC of 25%.¹ The Commission therefore recommends in the strongest possible terms that the City make every concerted effort to increase tree preservation, planting, and maintenance to ensure such coverage for the community in perpetuity.

THE PROBLEM: THE STATE OF THE FOREST

The 2023 Urban Tree Canopy Assessment by PlanIT Geo indicates that, of the 7,006 acres within the City Boundary, 2,771 acres, or roughly 38%, are presently covered by tree canopy.² The report reveals an increasing trend in canopy loss and an imperiled urban forest with UTC decreasing from 45% in 2014 to 38% in 2023. The significant infiltration of invasive species in the urban canopy has contributed to further decline, with actual canopy coverage likely closer to 25% based on field observations. The PlanIT Geo assessment also highlights disparities in tree canopy coverage among neighborhoods, some of which have canopy coverage as low as 14.5%.³

The following map (see Figure 1) also underscores the distribution of UTC across the City's neighborhoods. It highlights disparities in UTC experienced by residents, families, and businesses in low- and moderate-income neighborhoods. The City has not historically applied itself or its resources to support its lower-income communities, and the urban canopy has suffered as a result. This underscores the urgency of targeted preservation and intensive tree planting efforts in these areas amidst existing urban forest threats.

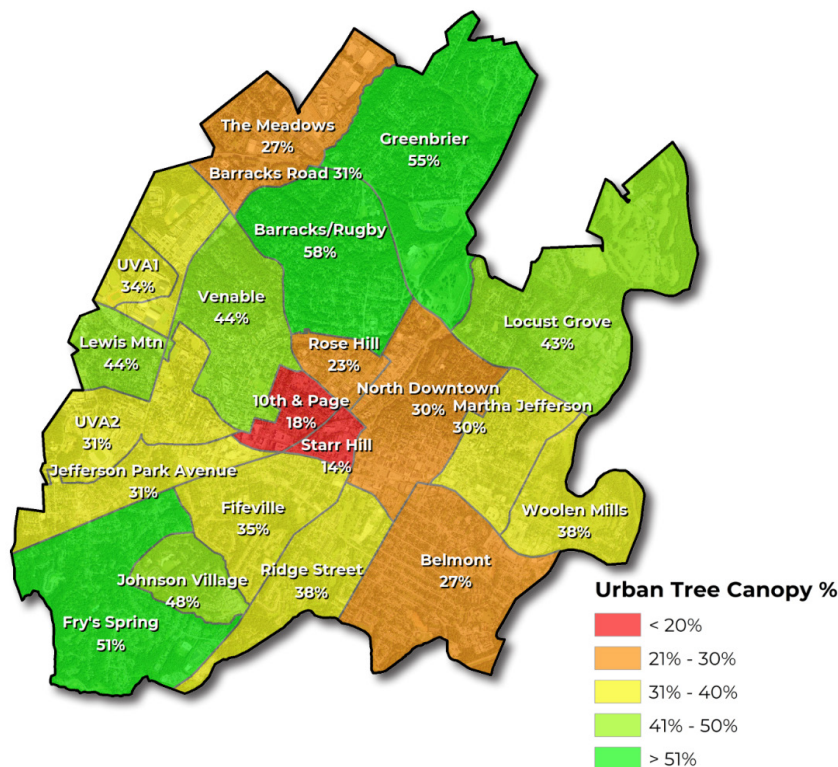


Figure 1: Map of Charlottesville Neighborhoods and Canopy Coverage.⁴

1 An Assessment of Urban Tree Canopy in Charlottesville, Virginia. PlanIT Geo, Inc. January 2022.

2 The PlanIT Geo Report could not distinguish between true "tree canopy" and other types of foliage (e.g., invasive species like Kudzu, English Ivy, etc.).

3 GreenPrint 1.0, page 12.

4 An Assessment of Urban Tree Canopy in Charlottesville, Virginia. PlanIT Geo, Inc. January 2022. Page 9

In addition to the aforementioned concerns, Charlottesville faces a range of region-specific threats and pressures that compound the challenges that our urban forest faces. Pervasive issues such as invasive plant species (e.g., English Ivy, bittersweet, and kudzu) pose a significant risk to the health and biodiversity of native vegetation. The City is also contending with the increasing frequency of climate change related weather events, such as hurricanes, droughts, extreme heat, and severe storms, which can cause immediate damage to trees and disrupt the delicate ecological balance. The spread of tree pests and diseases like emerald ash borer, sudden oak death, and bacterial leaf scorch continue to jeopardize the vitality of Charlottesville’s tree canopy.

In addition to environmental factors, Charlottesville’s new zoning code, designed in part to address historic housing inequity, can and should be implemented in conjunction with plans to increase our urban tree canopy.

Taken together, these challenges underscore the pressing need to preserve and bolster the urban forest in Charlottesville.

WHAT’S AT STAKE

Charlottesville stands to benefit tremendously from revitalizing and maintaining a robust urban canopy. As climate shifts in and beyond Charlottesville, preserving and planting trees constitute not only the “gold standard”⁵ for heat mitigation strategies but also for crucial human and environmental co-benefits (see Figure 2).

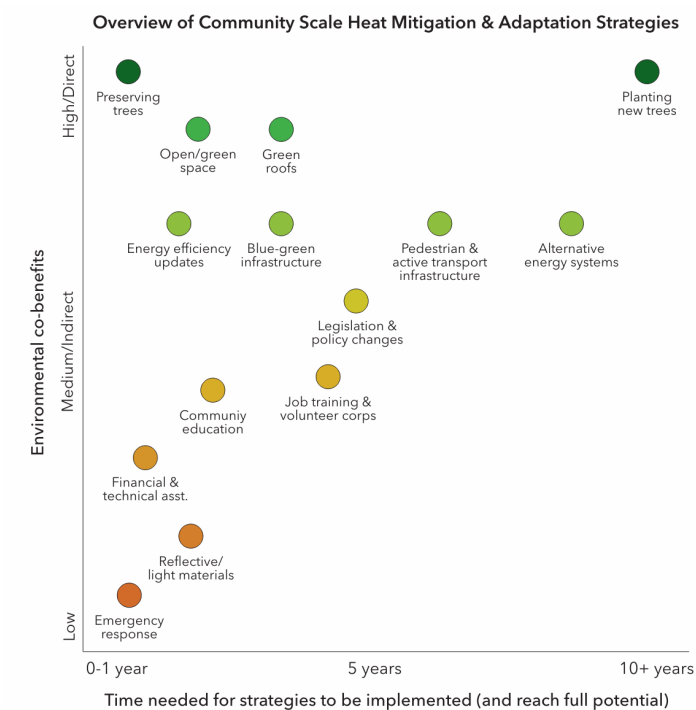


Figure 2: Overview of Community Scale Heat Mitigation & Adaptation Strategies.⁶

By envisioning a positive shift in momentum, we are committed to taking proactive steps by reinforcing our shared reinvestment in a vital and vigorous urban canopy. Attending to our canopy has significant impacts on our collective health and safety. Robust urban forests:⁷

- **Enhance** public health by effectively cooling the air and offering shade for buildings, public spaces, and individuals engaged in outdoor activities, thereby mitigating the adverse impacts of extreme heat and high humidity days.
- **Promote** equitable health outcomes by addressing air pollution, with a focus on protecting the City’s medically vulnerable residents.

5 [City of Charlottesville Heat Mitigation and Adaptation Guidebook](#).
6 [City of Charlottesville Heat Mitigation and Adaptation Guidebook](#), page 2.
7 Wolf, Kathleen. “Green Cities: Good Health.” University of Washington and USDA Forest Service. https://depts.washington.edu/hhwb/Thm_Economics.html

- **Play** a vital role as a foundational element in an integrated health infrastructure by providing numerous health benefits, including increased respiratory function, reduced stress levels, and improved mental health.
- **Safeguard** the City from the detrimental effects of intense storms and flooding events by utilizing urban forests as natural sponges for stormwater runoff, preventing erosion, and filtering pollutants to preserve the health of waterways and aquatic habitats.
- **Alleviate** energy burdens in low- and moderate-income communities, contributing to increased economic resilience.
- **Foster** vibrant, walkable neighborhoods that support community interactions.
- **Provide** healthy wildlife corridors that support biodiversity and deliver valuable ecosystem services for both human and non-human communities.
- **Promote** community safety, stability, and social cohesion.⁸

This strategic effort is poised to bring substantial improvements on a neighborhood-by-neighborhood basis, in particular prioritizing areas where residents currently experience the lowest existing UTC. By collectively embracing this vision and investing in the vibrancy of our urban canopy, we set the stage for shared benefits and responsibilities, creating a thriving urban environment across the City of Charlottesville.

SCENARIOS FOR CANOPY LOSS REVERSAL

The 2023 PlanIT Geo Tree Canopy Assessment analyzed the composition of the City's canopy infrastructure and outlined four possible scenarios and accompanying projected changes in canopy coverage from 2023 to 2050. These four scenarios were called (1) Business as Usual, (2) Maintain Existing Canopy Coverage, (3) Attainable Growth, and (4) Aggressive Growth. The details of these four scenarios are presented in the table below (see Figure 3).

Scenario	Goal	Estimated Citywide UTC % in 2023	Planting Required		Net Tree Canopy Change		Citywide UTC % in 2050	
			Total	Annual	Acres	%	Acres	%
Business as Usual Planting Trends	Calculate the citywide canopy % in 2050 if the City continues to plant approx. 500 trees a year for the next 27 years.	38%	13,492	500	-889	-13%	1,761	25%
Maintain Existing UTC %	Calculate the number of tree plantings required to maintain 38% canopy cover over the next 27 years.	38%	69,431	2,572	5	0%	2,655	38%
Attainable Growth	Calculate the number of tree plantings needed to grow the citywide canopy to 45% by 2050.	38%	99,806	3,697	491	7%	3,141	45%
Aggressive Growth	Calculate the number of tree plantings needed to grow the citywide canopy to 50% by 2050.	38%	121,504	4,500	837	12%	3,487	50%

Figure 3: PlanIT Geo Tree Canopy Assessment Scenarios, 2023–2050.⁹

Maintaining the existing 38% tree canopy cover would require planting approximately 69,431 trees over a 27-year period, or ~2,572 trees per year. If the City adheres to its current goal of planting 500 trees annually, the canopy cover can be

⁸ [USDA Forest Service, Pacific Northwest Research Station](#). "Some city trees may discourage 'shady' behavior; Study explores relationship between urban trees and crime."

⁹ A Forecast Analysis of Possible Planting Scenarios. PlanIT Geo, Inc. 2023

expected to decline to around 25% by 2050.¹⁰ Embracing an “attainable” urban canopy growth option, or ~3,697 trees planted yearly, would raise the Citywide canopy cover to the stated goal of 45%. Alternatively, pursuing an “aggressive” urban planting schedule of 4,500 trees per year could potentially achieve 50% canopy cover, which would align with the stated goals of the Tree Commission in its FY22 report, and also position Charlottesville more closely with those of neighboring communities like the City of Richmond.¹¹

The following table (see Figure 4) shows tree plantings conducted by the City from 2018 to through 2024 and provides a useful reference for where the City stands in regards to the scenarios outlined above.

	2018	2019	2020	2021	2022	2023	2024 (projected)
Tree (2" caliper)	161	134	151	23	139	162	181
Seedling/Sapling	0	0	0	0	0	32	850-1000

Figure 4: Tree Plantings funded through CIP Fiscal Years 2018-2024¹²

The consequences outlined in PlanIT Geo scenarios above dramatically illustrate that the City must increase its efforts exponentially if we are to attain the City’s stated goal of 45% UTC overall, and address the disparities across neighborhood canopies.

LAYING THE GROUNDWORK FOR A HEALTHY URBAN CANOPY

The Work of the Urban Forester

In the past fiscal year, since the City’s new Urban Forester, Steven Gaines, was appointed, he has done an extraordinary job of laying the groundwork for and initiating an ambitious program to reverse the decline in Charlottesville’s urban forest. During this year, Steve:

- **Wrote** a successful Inflation Reduction Act (IRA) / US Forest Service grant application that provides funding for an exciting, broadly reimagined Forest Management Plan.
- **Initiated and managed** the long-overdue maintenance and care of the willow oaks that are so critical to the shaded beauty of the Downtown Mall.
- **Designed** an extensive program not only to eradicate the invasive species that have engulfed mature trees in the City’s parks, trails, and Rights of Way (ROWS), but also to replant new trees in areas newly liberated from these invasive species.
- **Planted** new trees across in the City’s parks, schoolyards, and ROW (See Figure 4 above).
- **Removed and maintained** hazardous and/or diseased trees (see Figure 5).

10 PlanIT Geo Report.

11 The City of Richmond’s Comprehensive Plan states their tree canopy coverage objectives as follows: “Elevate City-wide tree canopy from 42% to 60%... and aim for a 30% tree canopy in all neighborhoods, prioritizing areas characterized by a high heat vulnerability index rating and low tree canopy coverage.”

12 Table refers to trees planted in City-owned rights of way, schools, and parks throughout the City of Charlottesville. Trees of 2” caliper refer to the size of the tree four-inches above the root collar (balled/burlap) and generally refers to a nursery grown tree approximately 3-5 years old. Seedling/saplings refer to bare-root tree seedlings (approximately 1-2 years old) and usually planted in tree tubes to protect them from deer browse, mowing, etc. CIP funding includes the installation of 2”caliper trees, mulch, stakes, and watering treatments to increase survivability through the summer months.

	2019	2020	2021	2022	2023
Non-Ash Trees	60	65	65	56	70
Ash Trees	2	53	6	15	110
Total	62	118	71	71	180

Figure 5: Tree Removals on City Property Funded Through CIP Fiscal Years 2019-2023.

- **Inoculated** 13 ash trees against emerald ash borer disease, as part of an ongoing effort to preserve the health of our remaining ash trees.
- **Initiated** an innovative program to harvest and mill lumber from tree removals carried out by the City (including the 5 willow oaks that had to be removed from the Downtown Mall in 2023).
- **Collaborated** with community nonprofits on tree planting, invasives management, education, etc.
- **Led** public engagement activities, including Downtown Mall tree walks ahead of planned maintenance work, and Ragged Mountain guided hikes (see Figure 6).



Figure 6: Tree Walk on Charlottesville's Downtown Mall, October 30, 2023.

Tree Commission Activities

Over the past year, the Tree Commission's activities and collaborations reflect an ongoing commitment to lay the groundwork for a vigorous urban forest in the years to come. The members of the Tree Commission:

- **Updated, extended, and renamed** [Comprehensive Tree List](#), an essential tool for site plan approvals, zoning requirement compliance, and City residents.
- **Participated** in the work of the Cville Plans Together Steering Committee (2020-2023) and reviewed Zoning Ordinance (Development Code) drafts (commenting and making recommendations at each stage of the process) in order to provide insight on primary issues including: requirements and incentives for protection of existing trees; requirements for streetscape tree plantings and other landscaping requirements and standards.

- **Reviewed and analyzed** the 2009 Urban Forestry Management Plan and key City urban forest and climate change documents
- **Documented and presented** Urban Forest priorities to partner organizations.
- **Provided feedback and insight** to City Council activities and projects.
- **Participated in public education and advocacy** (e.g., public tabling events, tree giveaways, Arbor Day celebration).
- **Explored** increased collaborative planting and preservation efforts with City staff and expanded outreach to and relationships with a wide variety of tree- and climate-focused community partners.
- **Supported** the City-wide process for Downtown Mall Management Plan Request-for-Proposals (RFP) to design, manage, and implement a long-term management plan.

Partners in Practice

Steve Gaines and the members of the Tree Commission recognize the important work that is carried out by our non-profit partners in Charlottesville. These include, among others, Charlottesville Area Tree Stewards or CATS (which plants and prunes trees and eradicates invasives in the City and County and trains Tree Stewards); ReLeaf Cville (which plants trees in the heat-island neighborhoods in the City); and the Rivanna Conservation Alliance or RCA (which restores riparian buffers and eradicates invasives along City and County streams, the Rivanna River, and the City’s floodplains). A summary of their planting, pruning, and invasive removal activities in FY 2023 is below (see Figure 7).

	Planting (# of trees/plants) + neighborhood	Pruning	Invasive Removal
Charlottesville Area Tree Stewards	13 trees, 10th & Page	Darden Towe Park and VA Department of Forestry	Greenleaf, Ivy Creek, and McIntire Parks; Lochlyn Hill <u>Neighborhood</u> ; Walker and Jackson Burley Schools
ReLeaf Cville	39 trees, 10th & Page		
Rivanna Conservation Alliance	20 trees, 200 herbaceous plants; 950 riparian live stakes		5,400 sq ft of invasives from several City parks

Figure 7: Summary of CATS, ReLeaf, and RCA Planting, Pruning, and Invasive Removal Activities

LOOKING FORWARD

The work of Steven Gaines and the Tree Commission over the past year marks a positive shift in momentum in the project of restoring a healthy urban canopy across Charlottesville. As we have moved into FY 2024, the critical work of invasive removal, tree planting, and maintenance continues.

However, if we want not only to reverse Charlottesville’s UTC decline but also to achieve success in attaining our long-range canopy goals, we call on the City to honor its stated commitment to leadership in environmental protection, climate action, and social justice by taking bold action. To this end, we specifically ask the City to:

- **Fund** the Urban Forester’s August 2024 CIP request.

- **Fund and staff** positions to implement an ongoing program of invasive species control, enforcement of zoning ordinances, and tree planting and maintenance.
- **Develop** incentives for tree planting and preservation on private property.

We look forward to working with the City toward these goals in the years ahead!



Figure 8: Kickoff of the Urban Forestry Invasive Mitigation Efforts in Azalea Park

FY23 State of the Forest

Charlottesville Tree Commission

MaKshya Tolbert and Tyler Miller

State of the Forest: Purpose

Purpose of this report:

To bring to the attention of the Charlottesville City Council
and our community the current state of our urban tree canopy (UTC)
and the compelling need for strategic interventions.

State of the Forest: Precarious

Imperiled. Decline Expected to Continue:

- Significant infiltration of invasive species in the urban canopy.
- Disparities in tree canopy coverage among neighborhoods, some as low as 14.5%
- increasing frequency of climate change related weather events, such as hurricanes, droughts, extreme heat, and severe storms.
- The spread of tree pests and diseases like emerald ash borer, sudden oak death, and bacterial leaf scorch continue to jeopardize the vitality of Charlottesville's tree canopy

Current Canopy Coverage Estimated around 38% by PlanIT Geo.

- This study could not account for invasive infiltration & non-tree foliage.
- On Ground observations put the canopy coverage closer to 25%.

Expect losses to continue for the foreseeable future reducing the canopy by another ~15% by 2050.

Urban Tree Canopy (UTC) across Charlottesville

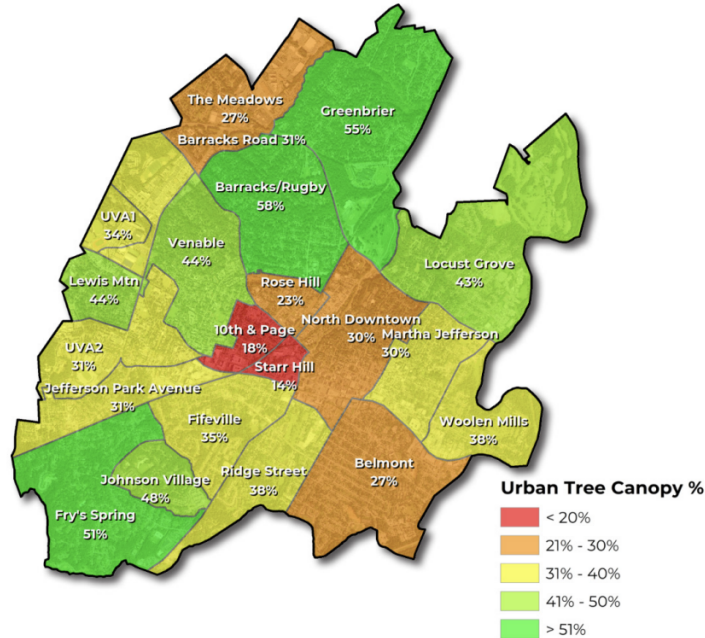


Figure 1: Map of Charlottesville Neighborhoods and Canopy Coverage.⁴

Changing data

Shade disparities

Need for intensive
planting and
preservation of
large shade trees

City of Charlottesville vs. scenarios: daunting yet exciting

The following table (see Figure 4) shows tree plantings conducted by the City from 2018 to through 2024 and provides a useful reference for where the City stands in regards to the scenarios outlined above.

	2018	2019	2020	2021	2022	2023	2024 (projected)
Tree (2" caliper)	161	134	151	23	139	162	181
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Figure 4: Tree Plantings funded through CIP Fiscal Years 2018-2024¹²

Scenarios for Canopy Loss Reversal (T)

The 2023 PlanIT Geo Tree Canopy Assessment analyzed the composition of the City's canopy infrastructure and outlined four possible scenarios and accompanying projected changes in canopy coverage from 2023 to 2050. These four scenarios were called (1) Business as Usual, (2) Maintain Existing Canopy Coverage, (3) Attainable Growth, and (4) Aggressive Growth. The details of these four scenarios are presented in the table below (see Figure 3).

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Shifting arboreal momentum and capacity

- FY24 projections: we're somewhere between "Business-as-usual" and "Maintaining Canopy"
- The daunting news: We could lose significantly more canopy over the next two decades, at this pace
- The good news: Relief is possible, and ahead of us
- Setting the groundwork that reaches the breadth of our community's need

Supporting Steve's (our Forester) groundwork

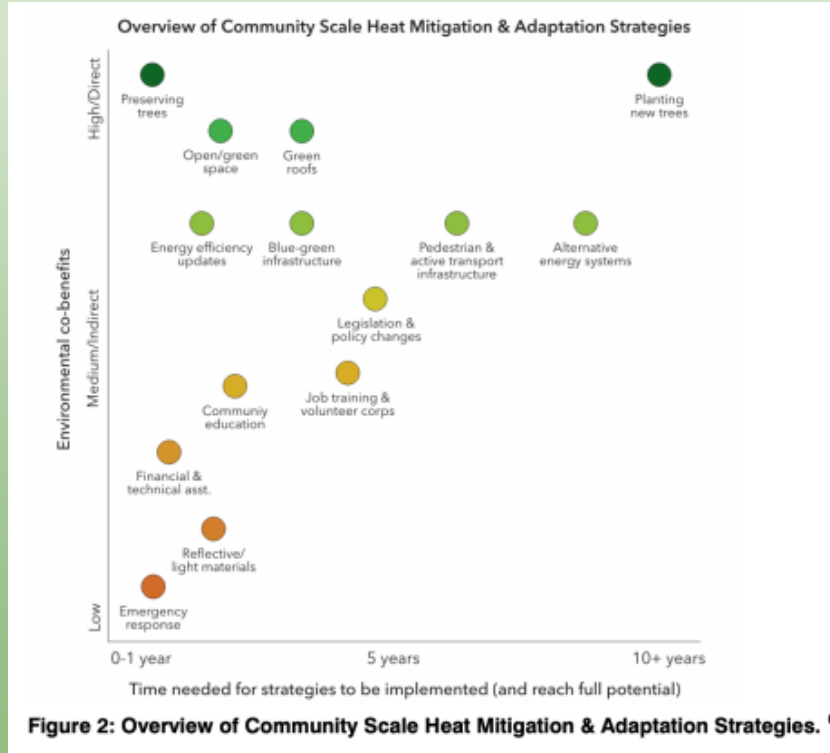
- Inflation Reduction Act / US Forest Service: Forest Management Plan
- Downtown Mall: long-overdue maintenance and care
- Distilling the City's parks, trails, and Rights of Way (ROWs): new trees in newly-liberated areas newly
- Removed and maintained hazardous and diseased trees (ash trees)
- Walk-and-talks, tree plantings, opportunities to learn

On the Tree Commission: Furthering shared groundwork

Commitment to supporting the Forester's capacity, and at the pace of critical citywide and community priorities and projects, including:

- **Cville Plans Together:** Active participation, feedback, review, and insight towards Cville Plans Together and Zoning Ordinance rewrite processes
- **Review and share-out of key documents:** Urban Forestry Management Plan, State of the Forest, Comprehensive Tree list
- **Comprehensive Tree List:** essential site plan and zoning tool
- **Getting outside:** Public practice, education, advocacy (Arbor Day celebrations, tabling, social practice projects)
- **Partners in Practice:** Ongoing planting and preservation-driven collaboration

Reactivity to creativity: adaptation strategies exist



- Mitigation and adaptation to change and precarity is possible: across a range of co-benefits and strategies
- Charlottesville's 2023 **Heat Mitigation and Adaptation Guidebook** details what we as a community **can do, are doing, or could do**
- An opportunity to align intention and practice

A right and responsibility to the (arboreal) city

Charlottesville's Tree Commission is as useful as the resources and capacity the City invests in its trees and its people who care for trees. Building capacity that aligns with the needs and insights of community members in our neighborhoods provides the Commission with the opportunity to at least operate somewhere between business-as-usual and maintaining UTC in the year ahead. The Commission recommends the city:

1. **Fully fund** the Urban Forester's upcoming 2024 CIP request.
1. **Budget and staff key positions** to implement an ongoing program of tree planting and maintenance, invasive species control, enforcement of zoning ordinances, and beyond.
1. **Develop incentives for tree planting and preservation on private property**, where the vast majority of our city's trees stand.

Goodnight!

*(and any questions
we can sleep on?)*