



CITY COUNCIL AGENDA

October 7, 2024

City Hall Council Chamber

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. Presentation: Charlottesville Area Transit (CAT) Dashboard
2. Presentation: Land Bank presentation and discussion

5:30 PM CLOSED MEETING (if called)

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

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. Individuals speaking during Community Matters may address items on the Consent Agenda.

3. Minutes: May 20 regular meeting, September 16 regular meeting, September 17 joint City Council and Board of Supervisors meeting
4. Resolution: Resolution to appropriate insurance claim reimbursement for The Avon Fuel Station Replacement Project - \$65,000 (2nd reading)
5. Resolution: Resolution to appropriate Victim Witness Assistance Program Grant funds - \$257,024 (2nd reading)
6. Resolution: Resolution to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - \$500,000 (2nd reading)
7. Ordinance: Ordinance to adopt Fire Safety Code Fee Schedule (2nd reading)
8. Resolution: Resolution to appropriate Virginia State Police HEAT FY 25 Equipment Reimbursement Funding - \$12,500 (1 of 2 readings)
9. Resolution: Resolution for a Special Exception Permit at 113 West Main Street
10. Resolution: Resolution for Golf Maintenance Equipment Replacement
11. Resolution: Resolution appropriating funds for Carlton Mobile Home Park

City Manager Report

- Report: City Manager Report

Action Items

12. Public Hearing/Ord.: Public Hearing and Ordinance establishing the Commercial Property Assessed Clean Energy (C-PACE) financing program (1 of 2 readings)
13. Public Hearing/Ord.: Public Hearing and Ordinance for 240 Stribling Avenue Planned Unit Development Proffer Amendment (1 of 2 readings)
14. Ordinance: Ordinance amending City Code Section 2-453(b.3-4) for Police Civilian Oversight Board composition (1 of 2 readings)
15. Resolution: Resolution for permanent affordable housing acquisition by the Charlottesville Redevelopment and Housing Authority at 212 5th Street, 217 5th Street SW and 407 Harris Road

General Business

16. Written Report: Bennett's Village 2024 report to City Council

Community Matters (2)

Adjournment

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 7, 2024
Action Required:	Presentation
Presenter:	Antoine Williams, Housing Program Manager
Staff Contacts:	Samuel Sanders, Jr., City Manager James Freas, Deputy City Manager Robinson Hubbard, Deputy City Attorney Alexander Ikefuna, Director, Office of Community Solutions
Title:	Land Bank presentation and discussion

Background

The concept of establishing a land bank in Charlottesville is directly tied to the City's **2021 Affordable Housing Plan**, which encourages the City to explore the use of a land bank as a tool for achieving housing affordability, supporting affordable housing development, and addressing long-standing racial disparities in homeownership. The plan specifically highlights the role of a land bank in acquiring and managing **underutilized or tax-delinquent properties**, facilitating their redevelopment into affordable housing units.

The **Executive Summary** of the Affordable Housing Plan (attached) emphasizes that a land bank can:

- **Provide land equity** to support affordable housing development, particularly in areas where market prices make it financially unfeasible.
- **Assemble tax-delinquent properties** for redevelopment or hold strategic parcels to prevent price inflation.
- **Address racial homeownership disparities** by offering affordable housing opportunities to **Black, Indigenous, and People of Color (BIPOC)** households, contributing to efforts to close the racial homeownership gap.

The **Housing Advisory Committee (HAC)** is tasked with providing recommendations on the governance and operational structure of the land bank. Their proposal, which is still undergoing legal review, will guide the decision on whether the land bank will be administered internally or through a third-party entity, while ensuring alignment with the City's housing equity and racial equity goals. This summary serves as the foundation for the Council's consideration of land bank models and provides context for the broader discussion on how a land bank could support the City's long-term housing strategy.

Discussion

The creation of a land bank is proposed as a tool to address Charlottesville's unique and evolving housing challenges.

Unlike cities that establish land banks to combat widespread vacancy and blight, Charlottesville's needs are driven by severe housing affordability issues, economic immobility, and the lack of sufficient housing options for both extremely low-income households and middle-income families.

Despite the absence of large-scale vacancy, Charlottesville faces increasing pressure to provide affordable housing and prevent displacement. Rising housing costs have outpaced local income growth, leading to growing housing insecurity. There is also a need for targeted solutions to address homelessness, which is compounded by a shortage of affordable units and shelters.

The Council must evaluate whether a land bank—if pursued—can be adaptable enough to address these broad challenges, ensuring the tool not only increases housing production but also contributes to solutions for homelessness prevention, economic mobility, and housing retention.

Three potential land bank structures are available for consideration:

1. **Public Authority** – A Public Authority model would offer a balance of operational flexibility with City Council oversight. This structure allows the land bank to carry out day-to-day property management and development activities while ensuring key decisions remain aligned with long-term city strategies. However, the oversight might limit its ability to respond quickly to immediate housing crises such as homelessness.
2. **Designation of an Existing Nonprofit** – By partnering with an existing nonprofit, the land bank can benefit from the strategic discretion and independence in day-to-day management that a nonprofit structure offers. This allows for quicker action on housing production, but it requires clear governance agreements to ensure alignment with city goals and accountability on the use of public resources.
3. **Stand-Alone Nonprofit** – This model provides the most independence in operations and allows for strategic flexibility in tackling housing challenges as they arise. However, with increased independence comes the need for a well-defined governance structure to ensure that its activities are transparent, aligned with public interests, and responsive to the city's overall housing strategy. The Council will need to decide which structure offers the right balance of operational flexibility, strategic oversight, and management independence to meet Charlottesville's needs. Each structure has different strengths in addressing the city's housing challenges, from long-term housing production to immediate needs such as homelessness prevention.

The Council will need to decide which structure offers the right balance of operational flexibility, strategic oversight, and management independence to meet Charlottesville's needs. Each structure has different strengths in addressing the city's housing challenges, from long-term housing production to immediate needs such as homelessness prevention.

Alignment with City Council's Vision and Strategic Plan

- **2023 Strategic Framework:** Supports equitable growth, partnerships, housing affordability, some climate actions and sustainability—goals that a land bank can help achieve by redeveloping underutilized land for affordable housing.
- **Comprehensive Plan (2021):** Focuses on inclusive neighborhoods and sustainable development. A land bank can facilitate affordable housing and neighborhood revitalization in alignment with these goals.
- **Affordable Housing Plan (2021):** Recommends establishing a land bank within 3 to 5 years to help produce 1,100 affordable units and ensure land is used to preserve affordability.
- **Climate Action Plan (*where or when applicable*):** A land bank can contribute to green infrastructure and sustainable housing development, helping the City meet applicable environmental or climate action goals.
- **Consolidated Plan (*where or when applicable*):** The land bank aligns with federal housing goals, supporting the City's strategy to address affordable housing, homelessness prevention, and community development.

Community Engagement

The HAC deliberated over several months and received public comments and written responses from various stakeholders, including local nonprofits, housing advocates, and community members, to draft the recommendation.

For future consideration please note: Per the Virginia Land Bank Entities Act (§ 15.2-7500 et seq.), a public hearing is required before the establishment of a land bank. This hearing ensures that the public is provided with an opportunity to offer feedback on the proposed land bank ordinance, which will address the land bank's structure, governance, and operational priorities.

To meet this requirement, the City will:

- Hold a public hearing, as required by the Act, to gather input on the proposed land bank models and their impact on affordable housing, neighborhood revitalization, and community development.

The public hearing process will be conducted in accordance with state law, ensuring that the community's voices are heard and considered before finalizing the ordinance.

Budgetary Impact

N/A - Informational presentation only at this time.

Recommendation

No specific action/ recommendation required at this time. However, staff seeks a few critical input/ responses to questions highlighted for City Council in the presentation:

Based on the key questions outlined, Council should provide direction to City Manager and staff regarding which land bank structure—Public Authority, Designation of an Existing Nonprofit, or Stand-Alone Nonprofit—best aligns with Charlottesville's housing goals. This feedback will guide staff in refining the land bank model to address the city's specific housing challenges.

Alternatives

While no specific action is required at this time, Council may consider the following broad alternatives as next steps based on their deliberation and feedback:

1. **No Immediate Action:** Council may choose not to provide specific direction at this time and defer further exploration of land bank options.
2. **Leverage Existing Resources:** Council could opt to continue using existing housing programs and partnerships to address housing challenges without establishing a formal land bank entity.
3. **Request Further Research:** Council may direct staff to gather additional information or explore other models and approaches to land banking before making a decision.
4. **Prioritize Other Housing Strategies:** Council could decide to focus on other housing strategies or tools currently available to address the city's needs.

Attachments

1. Executive Summary - The Role of a Land Bank in the City's 2021 Affordable Housing Plan
2. Housing Advisory Committee (HAC)_Draft Land Bank Ordinance Memo to Council
3. Housing Advisory Committee (HAC)_Draft Land Bank Ordinance with_Comments



Executive Summary: The Role of a Land Bank in the City's 2021 Affordable Housing Plan

The **City of Charlottesville's 2021 Affordable Housing Plan** identifies the **Land Bank** as a key strategy for achieving housing affordability. The Plan calls for the **"establishment of a land bank that provides land equity to develop affordable housing"** (p. 125). A Land Bank will enable the City to secure and manage underutilized or tax-delinquent properties, which can be assembled for future redevelopment into affordable housing.

The Plan explains that a **Land Bank** is a **"public or nonprofit organization that can acquire and hold tax-exempt property"** (p. 125). Its primary function would be to **"assemble tax-delinquent parcels for redevelopment, or to hold strategic land to prevent price inflation on the private market, for eventual development into affordable housing"** (p. 125). By holding properties, the Land Bank helps ensure that land remains available for affordable housing and avoids speculative price increases that could drive up costs in desirable areas.

Additionally, the Plan notes that a Land Bank would **"complement new land use policies that expand the amount of land eligible for denser residential development"** (p. 126). The Land Bank could also **"supplement and improve the efficacy of programs such as single-family infill, by providing a pipeline of development-ready properties"** (p. 126). This would support the development of affordable housing in areas where land values are appreciating, thereby facilitating the creation of higher-density housing projects in strategic locations.

One of the most significant aspects of the Land Bank is its potential to address **racial equity**. The Plan indicates that **"properly implemented, a land bank could help to close the racial homeownership gap in Charlottesville by reducing barriers to homeownership for BIPOC residents"** (p. 126). The Plan further presents the Land Bank as a key tool for reducing racial homeownership disparities and promoting equitable access to housing.

Regarding governance, the Plan specifies that **"HAC will make recommendations around the format and governance of a land banking entity"**, which includes determining whether the Land Bank should be administered internally by the City or through a third party (p. 126). The City will then decide how to best administer the Land Bank.

In conclusion, the **2021 Affordable Housing Plan** encourages the City of Charlottesville to consider the Land Bank as an essential tool for supporting affordable housing by managing land assets, reducing racial disparities in homeownership, and facilitating denser residential development. Its success will depend on proper governance, the ability to abate property taxes, and strategic alignment with broader housing policies.

This Executive Summary was prepared by the Office of Community Solutions, for a presentation to City Council on October 7, 2024. Direct all questions, to Housing Program Manager, Antoine Williams at williamsan@charlottesville.com

MEMORANDUM

TO: City Council

FROM: Housing Advisory Committee

RE: Land Bank Ordinance

DATED: _____, 2024

I. Introduction

The Housing Advisory Committee (“HAC”) recommends adoption of the enclosed Land Bank Ordinance (the “Ordinance”). The purpose of this memorandum is to provide background information and more detailed explanations for certain portions of the Ordinance.

Land Banks were first formed following migration out of urban areas in the 1970s. The purpose of these entities was to convert vacant, abandoned and tax delinquent properties into “productive use.” This broad term allowed for a variety of uses, from recreational spaces to commercial development. In recent years, the purpose of land banks has evolved from general “revitalization” of property to the specific goal of creating and preserving affordable housing.

Virginia followed national trends. In response to the heightening of migration out of urban areas in the 1990s, the Virginia General Assembly adopted legislation that allowed localities themselves to purchase tax delinquent properties. Subsequently, with the passage of the Virginia Land Bank Entities Act in 2016, the purpose of land banking shifted towards affordable housing.

In 2018, Richmond passed its own land bank ordinance. It designated the Maggie Walker Community Land Trust (MWCLT) to serve as the land bank for the City of Richmond. Other localities have also made inroads.

II. Advantages of Land Banks

The main advantages of land banks are the following:

- (1) Property held by these entities is tax exempt.
- (2) Land banks can receive funding through a tax recapture process. For example, Section 15.2-7509(C) of the Code of Virginia allows for land banks to receive up to 50% of the real property taxes collected on property it has conveyed for a period of up to 10 years.

- (3) Using funds from the tax recapture process, land banks' own financing, borrowing and bonding ability, land banks can act quickly and efficiently, largely if not independent of the reliance on funding by localities. By contrast, local nonprofits are often hamstrung by existing bureaucracies and the specificity of the terms and conditions of grants and donations. These slow processes currently give private, for-profit developers a market advantage that results in missed opportunities for the creation and preservation of affordable housing.
- (4) Localities can directly transfer property they receive through the tax foreclosure process to land banks, allowing land banks to intentionally redevelop such property for specified purposes, such as, for the creation and preservation of affordable housing. This direct transfer process gives land banks a market advantage over private actors. In addition, the transfer process avoids the restrictions often placed on municipalities when they directly redevelop property themselves.

The HAC is composed of executive directors of local housing nonprofits, the director of the Housing Authority, and a variety of community members with relevant professional expertise and lived experience. On May 15, 2024, the HAC unanimously recommended adoption of the enclosed Ordinance; the advantages of a land bank will further the City's goal of creating and preserving affordable housing.

III. History of Charlottesville Land Bank Ordinance

In response to the newly adopted Virginia Land Bank Entities Act, and the City's renewed focus on affordable housing, on November 20, 2017, City Council requested that City staff engage with the HAC, and the community at large, to explore the creation of a Land Bank Corporation. HAC, City staff, and subcommittees of HAC met several times before presenting a land bank ordinance to City Council on April 16, 2018 and May 21, 2018. That version was not ultimately adopted, and in retrospect it's just as well: conditions on the ground have evolved substantially, and the present version is more suited to meet the moment and adjust to future conditions.

In 2017 and 2018, the Comprehensive Regional Housing Study and Needs Analysis had not yet been published and the Charlottesville Affordable Housing Plan had not yet been adopted. There were anxieties regarding how "affordable" would be defined, and that such definition may leave out the deepest affordability levels, and those most in need. It was also unclear how the Land Bank Corporation would fit within the City's larger strategy for tackling housing affordability.

In March 2019, the Comprehensive Regional Housing Study and Needs Analysis was published. It evidenced what many already knew, that the largest number of families are those most "severely cost-burdened" living at or below 50% of the area median income. Community conversations began to center those most in need.

Two years later, the City adopted the Affordable Housing Plan. The Affordable Housing Plan explicitly states that within 3-5 years, the City should “establish a land bank.” With the adoption of the Affordable Housing Plan, the context within which the land bank would operate became clearer. The Affordable Housing Plan asserts that “the primary benefit of a land bank is the ability to abate property taxes.” Further, “[a] land bank would complement new land use policies that expand the amount of land eligible for denser residential development and supplement other subsidy tools by reducing land costs for new development.” As a simple example, property slated for affordable housing redevelopment could be transferred to the land bank, which would reduce carrying costs since real property taxes would be abated. Lower carrying costs for the project means that there either would be the need for less subsidy (and therefore more money for other projects/housing) and/or deeper affordability levels could be reached. Moreover, with the establishment of the land bank, property could be purchased by the land bank directly instead of initially by a private developer, providing for much greater flexibility in financing and development. The restructuring of residential zoning in the City literally provides a ripe landscape for the Land Bank to facilitate smaller scale projects on lots and sublots.

During the prior effort to produce an ordinance, there were community concerns regarding the relationship of the Charlottesville Redevelopment and Housing Authority (“CRHA”) to a newly formed land bank. Many were concerned with both CRHA’s past inefficacy as well as its lack of empowerment, and a sense that the City was infringing on the prerogatives of the Authority. Again, the landscape is different today: CRHA has completed the Crescent Hall renovation and the first phases of the South First Street redevelopment; it has opened up its voucher waitlist, and has acquired a number of important properties that are slated for redevelopment. The HAC was mindful to address the concerns regarding the prior ordinance in crafting the current iteration.

With the City’s passage of key planning documents and the empowerment of CRHA, the role and advantages of a new City land bank entity are now clear. A newly formed land bank will complement CRHA and the City’s local nonprofits, acting as a “force multiplier” for the creation and preservation of more and deeper affordable housing.

IV. Commentary on the Currently Proposed Land Bank Ordinance

This section of the memorandum is intended to provide guidance as to the intent of certain language in the proposed Ordinance, as well as expand on some of HAC’s deliberations.

(A) Decision to Establish a New Nonprofit Entity

The Virginia Land Bank Entities Act allows for a land bank to operate as either (1) a new nonprofit, (2) a department of the City itself, or (3) through an existing nonprofit. The proposed Ordinance envisions the creation of a new nonprofit to act as the City’s land bank.

There are several restrictions on municipalities when they acquire and redevelop property themselves. For example, Section 15.2-1800(A) of the Code of Virginia authorizes a locality to

acquire real property for any “public use” as the term is defined in Section 1-219.1 of the Code of Virginia, which does not specifically reference affordable housing. In addition, as mentioned earlier, a three-fourths vote and a public hearing is required prior to the disposition of real property. By contrast, a land bank acting as a separate nonprofit can acquire and dispose of property for any purpose and according to any procedure outlined in the applicable land bank ordinance. This flexibility allows the land bank to act quickly and efficiently, guided by the overarching goal of the creation and preservation of affordable housing.

Depending on the results of an RFP process, the land bank could have acted through CRHA, the Piedmont Housing Alliance (PHA), Habitat for Humanity of Greater Charlottesville, New Hill Development Corporation, etc. However, the main role of the land bank will be to act as a facilitator for such existing affordable housing providers. In the interest of creating an honest and agile broker, the land bank should neither be operated as an arm of the City, nor function as the arm of an existing nonprofit, but as a *new* stand-alone nonprofit.

(B) Regional in the “Charlottesville Land Bank Corporation” Name

While there was some debate among members of the HAC regarding the focus of the new land bank (City property versus a broader, more regional approach), the general consensus was that the first priority should be the City. A regional focus can be adopted by the land bank at a later date as further communications with other localities develop. Both the enabling legislation and the Ordinance provide for expansion(s) with the addition of other localities, but the City is ready now, and should act now. Should other localities come into the fold, the Land Bank can revisit the issue, or better still, operate under an appropriate trade name for those transactions.

(C) Section 1. Findings. of the proposed Land Bank Ordinance

Section 1 of the proposed Ordinance relates to the purpose of the new land bank entity, namely, “the creation and preservation of affordable housing.” The Ordinance then references the Charlottesville Affordable Housing Plan so that the land bank can adapt to the updated needs/desires of the City.

The language of this section also attempted to acknowledge the tension between the goal of having an entity that is able to act quickly and efficiently with the need for a quasi-public entity to be held accountable to the public interest, providing transparency and fairness in its decision-making.

The last sentence of Section 1 states, “The Land Bank will achieve such balance by always explicitly prioritizing the creation and preservation of affordable housing over the interests of any single organization.” This sentence was added after a discussion regarding how an affordable housing provider could approach the land bank entity regarding a potential acquisition of property, and then require the land bank entity to contract with it as a condition of such acquisition. While there may be circumstances where that is clearly to everyone’s advantage, the

HAC agreed that a universal “first-come-first-serve” approach should be avoided. Instead, the new land bank entity should be guided by community benefit above the interests of any single organization.

(D) Section 7. Use and Disposition of Property. of the proposed Land Bank Ordinance

Section 7(C) states that the land bank should be guided by two policies, the first being the prioritization of the creation and preservation of affordable housing. Section 7(C)(ii) is an attempt to codify such prioritization by requiring a two-thirds approval by the board of the land bank if “use and/or disposition of property owned by the land bank entails other uses, such as market-rate housing and/or commercial/retail...” Section 7(C)(ii) also requires the justifications for such other uses to be documented in publicly available materials.

The second policy relates to the avoidance of self-dealing and fairness. Section 7(C)(ii) states that there is a presumption that the use and disposition of property owned by the land bank shall be determined through a Request for Proposal (RFP) process. To overcome this presumption, the Ordinance states that there must be approval by three-fourths of the board of the land bank. This ensures there is a fair and equitable process for determining how property the land bank owns is used and sold, while also allowing for certain exceptions when necessary.

In case of such exception as noted above, to avoid putting the interests of any single organization above any other, any contracts entered into by the Land Bank shall be limited to a reasonable contingency period specifically outlined in the board’s policies. The board of the Land Bank must approve any extension(s) beyond such specified period with a two thirds majority of the available voting members of the board of the Land Bank at a duly authorized meeting of the board, and shall only do so upon concluding that such extension is in the best interest of the community.

Section 8. Governance. of the proposed Land Bank Ordinance.

The board of the land bank should incorporate City and community representation: (1) a City Councilor, (2) a Planning Commissioner, (3) the City Manager (or his/her designee), with the majority of the seven-member board be composed of four at-large community members, at least two of which must be affordable housing beneficiaries with direct lived experience.

The one-to-one ratio between general community members and affordable housing beneficiaries is a vital component of the structure of the board. While community members with particular relevant expertise and interest are also vital, the City should prioritize filling the positions of the affordable housing beneficiaries. Finally, the City Manager designee should be a senior level employee, i.e., the Manager, a DCM or equivalent, or department head.

V. Conclusion

As presented in the Ordinance, this land bank is well positioned to succeed, acting as another tool in the toolbox as the City continues to tackle the affordable housing crisis facing our community.

ORDINANCE
**CREATING THE CITY OF CHARLOTTESVILLE LAND BANK CORPORATION AS A
NONPROFIT, NONSTOCK CORPORATION; ESTABLISHING A BOARD OF DIRECTORS;
ESTABLISHING THE POWERS OF THE CORPORATION AND PROVIDING GENERAL
PROVISIONS RELATING TO THE OPERATION OF THE CHARLOTTESVILLE LAND
BANK**

Pursuant to authorizing legislation set forth within Virginia Code §§ 15.2-7500 et seq., and following a public hearing held pursuant to Virginia Code § 15.2-7502, **IT SHALL BE AND IS HEREBY ORDAINED AND ENACTED** the City Council for the City of Charlottesville as follows:

1. Findings

The Charlottesville City Council finds that the social and economic vitality of the City of Charlottesville is adversely affected by a deficit of affordable housing within the jurisdiction of the City and the surrounding region. The purpose of this Ordinance is to establish a legal entity whose purpose is to facilitate the creation and preservation of affordable housing in alignment with the Charlottesville Affordable Housing Plan and other local planning documents. All efforts and uses of the Land Bank will balance the necessity to act quickly and efficiently with the need for transparent and fair decision-making. The Land Bank will achieve such balance by always explicitly prioritizing the creation and preservation of affordable housing over the interests of any single organization.

2. Authority

This ordinance is adopted in accordance with the provisions of Virginia's Land Bank Entities Act, §§ 15.2-7500 et seq. of the Code of Virginia (1950), as amended ("Va. Code").

3. Authorization and Establishment

(A) The Charlottesville City Council hereby authorizes the creation of a nonprofit, nonstock corporation, created under Chapter 10 (§§ 13.1-801 et seq.) of Title 13.1 of the Va. Code, to be named the "Charlottesville Land Bank Corporation" and hereby establishes the same as a separate legal entity for the purposes of acting as a Land Bank under the provisions of Virginia's Land Bank Entities Act and implementing and administering the terms of this Ordinance. The Charlottesville Land Bank Corporation shall exist until terminated and dissolved in accordance with the terms of this Ordinance.

(B) Initially, the principal office of the corporation shall be at 605 East Main Street (P.O. Box 911), Charlottesville, Virginia, 22902. Thereafter, the governing board of the corporation may change the location of its principal office.

(C) Pursuant to the provisions of Virginia Code § 15.2-7510 property vested in the Charlottesville Land Bank Corporation shall not pay any real estate taxes, water and sewer charges (including tap fees, as applicable), stormwater assessment fees, and any other municipal charges upon any property acquired or used by the Land Bank under the provisions of this Ordinance.

4. Powers

The Charlottesville Land Bank Corporation shall have all of the powers enumerated and authorized within Va. Code § 15.2-7506, as amended.

5. Acquisition of Property

The Charlottesville Land Bank Corporation may acquire real property or interests in real property by

any means and in any manner authorized by Va. Code § 15.2-7507 or other provisions of Virginia's Land Bank Entities Act. The Charlottesville Land Bank Corporation shall neither possess nor exercise the power of eminent domain.

6. Financing of Operations

(A) The Charlottesville Land Bank Corporation may receive funding, and may receive and retain payments, in accordance with the provisions of Va. Code § 15.2-7509.

(B) Fifty percent (50%) of the real property taxes collected on real property conveyed from the Land Bank to a transferee shall be remitted by the participating local jurisdiction to the Land Bank. This allocation of real estate tax revenue shall commence with the first taxable year following the date of conveyance from the Land Bank and shall continue for a period of ten (10) years thereafter.

7. Use and Disposition of Property

(A) The Charlottesville Land Bank Corporation shall hold in its own name all real property acquired by it, regardless of the identity of the transferor of such property, and shall hold, use and dispose of such property in accordance with Va. Code § 15.2-7508 or other provisions of Virginia's Land Bank Entities Act.

(B) The governing board of the Charlottesville Land Bank Corporation shall adopt policies and procedures governing the use and disposition of real property interests. Real property or interests in real property shall be conveyed in accordance with the Virginia Land Bank Entities Act, this Ordinance, and the Land Bank's adopted policies and procedures.

(C) The policies and procedures adopted by the governing body of the Land Bank to govern the use and disposition of property shall specify the general terms and conditions for consideration to be received by the Land Bank for the transfer of real property and interests in real property.

(i) The board shall determine the amount and form of consideration necessary to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property. Consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of property, contractual commitments of the transferee, and other forms of consideration as determined by the board.

(ii) The Charlottesville Land Bank Corporation will be guided by the following two policies:

Policy (1): **Prioritize Affordable Housing.** The board shall first prioritize the creation and preservation of affordable housing in alignment with the Charlottesville Affordable Housing Plan and other local planning documents. If use and/or disposition of property owned by the Land Bank entails other uses, such as, market-rate housing and/or commercial/retail, the Land Bank shall document the justifications for such other uses in publicly available materials, and shall only act upon approval of two-thirds of the available voting members of the board of the Land Bank at a duly authorized meeting of the board.

Policy (2): **Fairness and Avoidance of Self-Dealing.** To promote transparency and fairness regarding the use and disposition of property, the presumption shall be that redevelopment of all Land Bank property shall be guided by community engagement and a Request for Proposals (RFP) process. However, such a robust process for determining use and disposition of property might not be optimal in all circumstances. The Land Bank shall only make such exception upon approval of two-thirds of the voting members of the board of the Land Bank at a duly authorized meeting of the board.

In case of such exception as noted above, to avoid putting the interests of any single organization above any other, any contracts entered into by the Land Bank shall be limited to a reasonable contingency period specifically outlined in the board's policies. The board of the Land Bank must

approve any extension(s) beyond such specified period with a two thirds majority of the available voting members of the board of the Land Bank at a duly authorized meeting of the board, and shall only do so upon concluding that such extension is in the best interest of the community.

(D) The Charlottesville Land Bank Corporation is authorized to discharge liens and other municipal claims, charges or fines, and may seek to enter into agreements with City officials for such discharges against the properties that it acquires. For the duration of time that a property is held by the Charlottesville Land Bank Corporation, the corporation may abate all real estate taxes, water and sewer charges, stormwater assessment fees, and any other municipal charges and, to the extent necessary, may seek abatement or non-taxable status from other government entities.

8. Governance

(A) *Governing board*—the Charlottesville Land Bank Corporation shall be governed by a board of directors comprised of seven (7) voting members, as follows:

- (i). One Charlottesville City Councilor chosen by City Council, for a term specified by City Council, but which shall not exceed such councilor's elected term of office;
- (ii). One member of the Charlottesville Planning Commission appointed by the Planning Commission for a term specified by the Planning Commission, but which shall not exceed such member's term on the Planning Commission;
- (iii). The Charlottesville City Manager, or an employee of the City designated by the City Manager to serve on the board as their representative ("designee"), in either case: this member's term shall not exceed the term of employment of the City Manager and/or the designee, whichever is earlier;
- (iv). Four individuals appointed by City Council, two of whom shall be qualified as affordable housing beneficiaries or having lived experience related to the hardship of finding safe, quality, and affordable housing, and two others of whom shall be considered at-large members of the community. Initially, the terms of these members shall be staggered, such that two members shall be appointed to a term of two (2) years and the others, a term of three (3) years; thereafter, successive appointments shall be for terms of four (4) years. Each member shall continue to serve until his or her successor has been appointed. Successors shall be selected in the same manner as set forth above.

If it is decided at a later date that additional members are needed on the board of the Land Bank, for instance, so as to ensure there is a representative of a specific area of expertise, the board of the Land Bank shall be expanded such that there will always be a one-to-one ratio between affordable housing beneficiaries (or those with lived experience) and other members of the board, excluding City-related board members;

If the land bank entity expands to additional localities, this Section 8 shall be revised pursuant to the Code of Virginia.

(B) *Authorization of Initial Board actions*—the Initial Board Members shall have authority to take all actions as are necessary to create and activate the corporation as a nonprofit, nonstock corporation under Chapter 10 (§13.1-801 et seq.) of Title 13.1 of the Va. Code.

The Charlottesville Land Bank Corporation shall not acquire any right, title, or interest in any real property, until such time as the corporation has been duly organized and at least five members of the governing board has been duly constituted, with at least two of the members being affordable housing beneficiaries (or those with lived experience), and has thereafter approved written bylaws for the regulation of the corporation's affairs and the conduct of its business and written policies and procedures governing the acquisition and disposition of real property and interests in real property.

(C) *Quorum*—a majority of currently appointed board members shall constitute a quorum, and the vote of a majority of such quorum shall be necessary for any action taken by the land bank entity. No vacancy in the membership of the board shall impair the right of a quorum to exercise all of the rights and to perform all of the duties of the land bank entity.

(D) *Financial interests of board members and employees prohibited*—

(i). No member of the board, nor any employee of the corporation, shall acquire any interest, direct or indirect, in any real property of the corporation, in any real property to be acquired by the corporation, or in any real property to be acquired from the corporation.

(ii). No member of the board, nor any employee of the corporation, shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished to or used by the corporation.

(iii). The board may, within its written bylaws, adopt supplemental rules and regulations, not in conflict with this ordinance or the Land Bank Entities Act, addressing potential conflicts of interest and ethical guidelines for members of the board and employees of the corporation.

(E) *Miscellaneous*—

(i). The governing board shall elect officers to serve as Chair, Vice-Chair, Treasurer, and Secretary. The treasurer and secretary for the board need not be a member of the board. Officers shall serve two-year terms and may be re-elected to serve successive two-year terms. The duties of officers shall be established by the board within its bylaws.

(ii). Members shall serve without compensation; however, a member may seek reimbursement for reasonable expenses incurred in performance of duties relating to the business of the Land Bank.

(iii). The corporation shall obtain insurance to defend and indemnify it, its board members, officers, and its employees with respect to claims or judgments arising out of activities performed on behalf of the Land Bank.

9. Staffing

(A) The Charlottesville Land Bank Corporation may employ individuals and may retain consultants, including, without limitation: an executive director, legal counsel, land planners, and technical experts.

(B) The corporation may also enter into agreements with the participating local jurisdictions, for the local jurisdiction to provide services or support to the Land Bank, and/or for the Land Bank to provide services or support to the local jurisdiction.

(C) The local jurisdictional executives and other city officials, as may be required by the local jurisdictional executives, are hereby directed to take any and all actions necessary to effectuate the provisions of this Ordinance and the creation of the Charlottesville Land Bank Corporation.

10. Participation by other Jurisdictions

Other localities within the Thomas Jefferson Planning District may be added as participants in the Land Bank, by concurrent ordinances adopted by the Charlottesville City Council and the governing body/bodies of such other locality/localities, in accordance with Va. Code § 15.2-7501.

11. Dissolution

The Charlottesville Land Bank Corporation may be dissolved in accordance with the provisions of Va. Code § 15.2-7511.

12. Miscellaneous

(A) The Charlottesville Land Bank Corporation shall not expend any public funds on political activities. Subject to the foregoing, the provisions of this paragraph are not intended to prohibit the Land Bank from engaging in activities authorized by applicable law.

(B) No provision of this Ordinance is intended, nor shall it be construed, as a waiver by the City, or other jurisdiction, of any governmental immunity available to the City, or other jurisdiction, its officials, officers or employees, or to the Charlottesville Land Bank Corporation, under any applicable law.

(C) In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of this City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

(D) This Ordinance shall become effective on the date enacted, as provided by the laws of the Commonwealth of Virginia.

DULY ORDAINED AND ENACTED the _____ day of _____, 20____, by the Council of the City of Charlottesville, Virginia, in lawful session duly assembled.



CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

May 20, 2024 at 4:00 PM
Council Chamber

The Charlottesville City Council convened in a regular meeting on Monday, May 20, 2024. Mayor Juandiego Wade called the meeting to order, and Deputy Clerk of Council Maxicelia Robinson called the roll, noting the following councilors present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston, and Councilors Natalie Oschrin, Michael Payne, and Lloyd Snook. Councilor Oschrin requested to join the meeting by electronic communication.

After establishing a physical quorum in Council Chamber, Deputy Clerk Robinson confirmed that Councilor Oschrin was visible and audible in Council Chamber. Ms. Oschrin stated that she was unable to attend because of illness and that she was participating from Charlottesville, Virginia.

Council by a vote of 4-0 affirmed Ms. Oschrin's participation in the Council meeting by electronic means (Ayes: Payne, Pinkston, Snook, Wade; Noes: none)

On motion by Pinkston, seconded by Snook, Council unanimously approved the meeting agenda.

REPORTS

1. REPORT: Youth Council Annual Report 23 – 24 School Year

Charlottesville Youth Council partnered with UVA Youth Next Program to explore research topics about the state of education in Charlottesville. Youth Council members researched the link between segregation and education inequity in Charlottesville High School (CHS) past and present. Youth Councilors – Nava Ghurgel, Josephine Fischman, Christopher Procino, and Nicole King presented the report. The group gave an outline of their motivation for the project, research findings, and Next Steps recommendations.

Themes of the research findings: 1) Deleveling; 2) Reconfiguration; 3) Advocacy initiatives; 4) Uncertainty; 5) Parents actionable steps toward equity; 6) Recognition of inequity; 7) Importance of mental health resources; 8) Importance of community.

Recommendations for Next Steps to mitigate education inequity for CHS students:

1. Parents increase awareness though inclusion in and outside of school;
2. Administration makes all mental health resources widely known and accessible; and
3. City share results of how changes to schools and curriculum affect students.

Youth Councilors shared that students continue to face challenges created by the coronavirus health pandemic that has made it more difficult to implement deleveling as strategy to help create a more cohesive student body, students are still coping with the effects of the health pandemic on their mental health, and they experience students self-segregating for various reasons which results in decreased social interactions between different groups.

2. REPORT: Downtown Mall Action Plan

James Freas, Deputy City Manager of Operations, presented the Downtown Mall Action Plan. The Action Plan is a collaborative effort of the City and the Downtown Mall Committee and is a plan to preserve, enhance and evolve the historic landscape, and identify the values of the community regarding the Downtown Mall so it meets the needs and expectations of the community.

The presentation reviewed the three categories of actions: Organizational, Programing, and Amenities.

Priority Action Items, identified by the Downtown Mall Committee:

1. Create a consistent presence of staff on the Mall to enhance cleanliness and safety for all users;
2. Implement the proposed Tree Management Plan;
3. Create a plan for safety and aesthetic lighting of the Downtown Mall and create guidelines for current and future lighting; and,
4. Re-imagine the outdoor café spaces.

A budget proposal for FY26 for the priority action items will be prepared for the upcoming budget cycle.

There is not yet a timeline to update the Board of Architectural Review regulations applicable to the Downtown Mall. Council engaged in discussion on various topics regarding the Downtown Mall, including - mall side-crossings, re-opening fountains on the mall, re-seating brick walkways, tree planning, Youth Downtown Mall Ambassadors, car-crossings on the mall.

CLOSED MEETING

On motion by Pinkston, seconded by Payne, Council voted unanimously to convene in closed session pursuant to section 2.2-3712 of the Virginia Code, as authorized by Section 2.2-3711(A)(1), for (1) To interview prospective candidates for the Charlottesville Redevelopment and Housing Authority Board; and (2) Discussion and consideration of prospective candidates for appointment to the following boards, commissions, and councils:

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

BUSINESS SESSION

City Council observed a moment of silence.

BOARD/COMMISSION APPOINTMENTS

On motion by Pinkston, seconded by Snook, Council voted 5-0 to approve the following

appointments to boards and commissions (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none):

- Albemarle-Charlottesville Regional Jail Authority Board: David Brown
- Board of Architectural Review: Jerry Rosenthal
- Charlottesville Redevelopment and Housing Authority Board: Brigid Wicks and Earl Hicks
- Historic Resources Committee: Denny Berry, Nancy Damon, and Caden Martz
- Jefferson Area Board for Aging Advisory Council: Evelyn Boatwright and LD Perry
- Local Board of Building Code Appeals: Diane Caton
- Piedmont Family YMCA Board of Directors: Mary Esselman Roberts
- Piedmont Virginia Community College Board: Delia Kloh and Nina Schoonover
- Retirement Commission: Joshua Bontrager, Ben Cullop, and Phillip Garber
- Sister Cities Commission: Kimberly Hayes – position re-assignment
- Social Services Advisory Board: Cherry Stewart
- Towing Advisory Board: Agron Fazliu
- Youth Council: Jaylynn Bailey, Emma Bennett-McConnell, Nora Erkelens, Madeline Clodfelter, David Darring, Dashiell Jackson, Zina Parker, and Alex Zimring

ANNOUNCEMENTS

Councilor Snook congratulated Charlottesville High School students in the Best All-Around Club of Nerds (BACON) on winning the Northeast Drone Competition.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Charlottesville Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated 55th Year Anniversary**
Mayor Wade presented the proclamation to the President of Charlottesville Alumnae Chapter of Delta Sigma Theta Sorority, Inc, Nekeithia Wade, who accepted with remarks.
- **PROCLAMATION: ALS Awareness Month**
Councilor Oschrin presented the proclamation.
- **PROCLAMATION: Public Works Week**
Councilor Snook presented the proclamation to Steven Hicks, Director of Public Works, who accepted with remarks.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public.

1. Jeff Fogel, spoke about the management of a pro-Palestine student-led protest on University of Virginia property.

Councilor Payne expressed his support of peaceful protest and issued an apology to individuals for the police use of force in response to the demonstration.

CONSENT AGENDA

Deputy Clerk Robinson read the following Consent Agenda items into the record, and on motion by Pinkston, seconded by Snook, Council by a vote of 5-0 adopted the Consent Agenda (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

3. MINUTES: February 20 regular meeting
4. RESOLUTION appropriating a grant of public funds for housing assistance to low-and moderate-income homeowners within the City of Charlottesville - \$1,295,000 (2nd reading)

RESOLUTION

Appropriating a grant of public funds for housing assistance to low-and moderate-income homeowners within the City of Charlottesville

WHEREAS pursuant to the provisions of Va. Code § 63.2-314 this City Council may offer public grants to its local director of social services, serving in her capacity as the “local board” under the provisions of § 63.2-304; and

WHEREAS this City Council desires to offer a grant of public funds during Fiscal Year 2024-2025, to aid low- and moderate-income homeowners within the City who are affected by the rising costs of homeownership (which include mortgage payments, fees and taxes, insurance, utilities, maintenance and repairs); and

WHEREAS the average assessment of a single-family residential property within the City has risen by approximately 5.92 percent over the past year, and with rising inflation, transportation costs, and utility costs, many individuals who have income significantly lower than the Charlottesville area median income will experience significant financial stress and may need financial assistance to remain in their homes; and

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

WHEREAS public funding is available and has been appropriated within the City budget for the proposed public grant, in the amounts set forth within this resolution;

NOW, THEREFORE BE IT RESOLVED BY THE Council of the City of Charlottesville, Virginia, that effective July 1, 2024 and for calendar year 2024 a grant of public funds is hereby made to the Director of Social Services, in her capacity as the “local board of social services” pursuant to Va. Code § 63.2-304, to be used to provide housing assistance to City homeowners in need of such, as follows:

Expenditures

\$1,295,000

Fund: 105

Cost Center: 3343019000

G/L Account: 540065

CITY MANAGER REPORT

Charlottesville-Albemarle Convention & Visitors Bureau videos were shown as part of the city manager's report that could not be shown at the previous council work session due to technical difficulty.

Misty Graves, Director of Human Services, summarized the Community Attention Youth Internship Program (CAYIP), and Annie Seachrist, CAYIP Coordinator, reported on Summer 2024 programming. Each CAYIP participant may work up to 20 hours per week for 15 weeks for a total earning of \$1,800 for the season, if all performance requirements are met. City funding for the 2024 summer program will be subsidized by funding from Albemarle County as well as grant funds to expand the program to youth who reside within Albemarle County. Local businesses can visit <https://www.charlottesville.gov/256/Community-Attention-Youth-Internship> for information about becoming a CAYIP Site Partner.

Krisy Hammill, Director of Budget, presented the Quarterly Financial Report for the third quarter. There will be an expected revenue surplus of about \$11.5 million. Revenue projections include the real estate and personal property tax increase approved for the FY2025 budget as well as an increase of approximately one million dollars in State revenue. Ms. Hammill also gave a summary of expenditure projections. Jason Vandever, City Treasurer, presented an update on the City's investment portfolio.

City Manager Sanders announced Deputy City Manager Ashley Marshall is attending her graduation ceremony for her master's in public health. He also congratulated Sue Moffett, Director of Social Services, on her retirement.

Councilor Oschrein announced a Parks and Recreation survey that is currently available online to members of the public.

ACTION ITEMS

5. ORDINANCE: Public Hearing – ZT24-01-01 Zoning Text Amendment to hold properties harmless for violations created through the acquisition of property for Public Use

Missy Creasy, Deputy Director of Neighborhood Development Solutions, presented a request to grant a text amendment to the Zoning Text Code. The previous Development Code also included a clause to hold properties harmless for violations created through the acquisition of property for public use.

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

On motion by Snook, seconded by Pinkston, Council by the following vote approved the

Ordinance authorizing an amendment to the Zoning Text to hold properties harmless for violations created through the acquisition of property for Public Use: 5-0 (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

**AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 34
(CHARLOTTESVILLE DEVELOPMENT CODE) OF THE CODE OF THE CITY OF
CHARLOTTESVILLE, TO HOLD PROPERTIES HARMLESS WHEN A PORTION
IS OBTAINED FOR PUBLIC PROJECT.**

6. RESOLUTION: Public Hearing for the Program Year 2024-25 1-Year Annual Action Plan for CDBG and HOME Programs and appropriation of associated CDBG funds (approximately \$438,617) and associated HOME funds (approximately \$83,016)

a. RESOLUTION: Resolution approving the City of Charlottesville Annual Action Plan for the program year 2024-25 CDBG and HOME programs

b. RESOLUTION: Resolution appropriating Community Development Block Grant funds to be received from the U.S. Department of Housing and Urban Development in support of the program year 2024-25 Annual Action Plan, in the approximate amount of \$438,617

c. RESOLUTION: Resolution appropriating HOME Investment Partnership Program funds to be received from the U.S. Department of Housing and Urban Development in support of the program year 2024-25 Annual Action Plan, in the approximate amount of \$83,016

Anthony Warn, Grants Analyst, Office of Community Solutions, presented the resolutions. The City of Charlottesville is a recipient of federal funding through the CDBG and Home Programs. As a funding recipient, the City is required to submit a 1-year Annual Action Plan for CDBG and HOME Programs to the Department of Housing and Urban Development (HUD) to provide a performance report on the CDBG and Home 5-year Consolidated Plan.

Seventeen (17) requests for funding were received for the 2024-25 CDBG and Home program year for a combined total funding request of \$1,224,986.00. Lori Jean Talun, Regional Housing Grants Manager, Thomas Jefferson Planning District Commission, reported thirty-two (32) Home Program projects were completed by the Thomas Jefferson HOME Consortium.

The Draft Annual Action Plan was made available online to members of the public at <https://tjpd.org> and a hard copy of the plan was made available in the Office of Neighborhood Development Services at City Hall for a 30-day public comment period.

Mr. Warn presented the CDBG Task Force recommendation for grant recipients for the 2024-25 program year.

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

Council unanimously agreed to carry the item to the June 3 meeting for second reading and vote on the Consent Agenda.

COMMUNITY MATTERS (2)

Mayor Wade opened the floor for comments from the public. With no speakers coming forward, he closed the public comment period.

The meeting adjourned at 8:07 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council

DRAFT



CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

September 16, 2024 at 4:00 PM

City Hall Council Chamber

The Charlottesville City Council met on Monday, September 16, 2024. Mayor Juandiego 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 Oschrein, Michael Payne, and Lloyd Snook.

On motion by Pinkston, seconded by Snook, Council unanimously approved the meeting agenda.

REPORTS

Kellie Brown, new Director for Neighborhood Development Services, introduced herself.

1. REPORT: FY26 Budget Kickoff

Krisy Hammill, Budget Director, presented preliminary information about Fiscal Year 2026 Budget Development, including: the budget development timeline, key dates, the Capital Improvement Program (CIP) process, budget information and resources, budget drivers and Council priorities.

James Freas, Deputy City Manager for Operations briefed Council on several Council priority areas such as:

- when the city might see the financial benefits from properties that selected "payment in lieu of taxes" versus providing onsite affordable housing units;
- non-grant funding for Safe Routes to Schools;
- status of the Stormwater Utility: Capital Improvement Plan, maintenance, and regulatory compliance. He highlighted the September 24 celebration for the completion of the Schenks Branch Tributary Stream Restoration project; and
- additional resources needed to facilitate the implementation of the Zoning Ordinance and affordable housing initiatives.

Director Hammill and City Manager Sam Sanders addressed key budget drivers: transportation, collective bargaining, homeless intervention, affordable housing, and City Schools (collective bargaining and capital needs). Additional drivers are real estate assessments in January 2025, Federal funding (American Rescue Plan one-time funds), and FY24 year-end surplus one-time funds.

There being no items for closed session, Mayor Wade recessed the meeting from 5:06 p.m. to 6:30 p.m. Mayor Wade announced that he would arrive late to the business meeting after greeting a visiting delegation to the city.

BUSINESS SESSION

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

ANNOUNCEMENTS

Councilor Oschrein announced the Loop de Ville event on September 28; the Charlottesville High School 50th anniversary Alumni Night on November 16; and a candlelight vigil on October 7 starting at 7:00 p.m. to memorialize victims of domestic violence.

Vice Mayor Pinkston announced for the City Treasurer's Office the availability of DMV Select services at the City Hall lobby.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: National Co-Responder and Crisis Responder Week September 15-21, 2024**

Councilor Snook presented the National Co-Responder and Crisis Responder Week proclamation to members of the city's ANCHOR (Assisting with Navigation, Crisis Help, and Outreach Resources) Team. Team members introduced themselves.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public.

1. Robin Hoffman, city resident, announced the September 20th commencement of early voting for upcoming elections, and her donation of caricatures to those who show an "I Voted" sticker; availability of topsoil for purchase at Dicks Woods Road from the processing and composting of vegetable refuse; and a recent fundraising art festival at the Botanical Garden of the Piedmont.
2. Clifford Michael Hall, city resident, spoke about the need for compromise between the homeless community and business owners.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record, and on motion by Snook, seconded by Oschrein, Council by a vote of 4-0 adopted the Consent Agenda (Ayes: Oschrein, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

2. MINUTES: September 3 regular meeting
3. RESOLUTION appropriating funds from the 2024 Energy Efficiency and Conservation Block Grant (EECBG) - \$76,840 (2nd reading)

RESOLUTION

Appropriating Funding in the Amount of \$76,840 To Be Received from the Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program

WHEREAS, The City of Charlottesville, through the Office of Sustainability, has been notified that it will be awarded a \$76,840 grant from the US Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program to support the residential energy audits; and

WHEREAS, the funds will be used by the Local Energy Alliance Program (LEAP) to conduct home energy audits; and

WHEREAS, the City Manager is authorized to execute the DOE agreement and a subsequent sub-recipient agreement with LEAP at a later time as it pertains to completing the activities of this grant.

NOW, THEREFORE BE IT BE RESOLVED by the Council of the City of Charlottesville, Virginia, that upon receipt of the awarded DOE grant, said funding, anticipated in the sum of \$76,840 is hereby appropriated, in the following manner:

Revenues

\$76,840 Fund: 211 Funded Program: 1900565 G/L Account: 431110

Expenditures

\$76,840 Fund: 211 Funded Program: 1900565 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$76,840 from the DOE EECBG Program.

4. RESOLUTION for State Pass-Thru Funding for Tonsler League - \$250,000 (2nd reading)

RESOLUTION

Appropriating funds from the Virginia Department of Social Services (VDSS) for the Tonsler League - \$250,000

WHEREAS, the City of Charlottesville through the Virginia Department of Social Services will receive a funding award of \$250,000 to support the Tonsler League;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$250,000 received from the Virginia Department of Social Services is hereby appropriated in the following manner:

Revenues - \$250,000

\$250,000 Fund: 209 Order: 1900564 G/L Code: 430110

Expenditures - \$250,000

\$250,000 Fund: 209 Order: 1900564 G/L Code: 540100

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$250,000 from the Virginia Department of Social Services.

5. RESOLUTION to appropriate Fiscal Year 2025 Fire Programs Aid to Locality Funding (Firefund) - \$238,581.00 (2nd reading)

**RESOLUTION to APPROPRIATE
Fiscal Year 2025 Fire Programs Aid to Locality Funding (Firefund)
\$238,581.00**

WHEREAS, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$238,581.00 be appropriated in the following manner:

Revenues - \$238,581

\$238,581	Fund: 209	I/O: 1900010	G/L Account: 430110
-----------	-----------	--------------	---------------------

Expenditures - \$238,581

\$238,581	Fund: 209	I/O: 1900010	G/L Account: 599999
-----------	-----------	--------------	---------------------

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$238,581.00 from the Virginia Department of Fire Programs.

6. RESOLUTION to appropriate funds from the Department of Housing and Community Development- Virginia Homeless Solutions Program Grant \$470,805 (2nd reading).

**RESOLUTION
Appropriating Funding in the Amount of \$470,805 To Be Received from
Virginia Homeless Solutions Program**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has been notified that it will be awarded an additional grant from the Virginia Housing Solutions Program (V.H.S.P.) Fund of the Virginia Department of Housing and Community Development, in the amount of \$470,805.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the additional VHSP funding from the Commonwealth, said funding, anticipated in the sum of \$470,805, is hereby appropriated in the following manner:

Revenues

\$470,805	Fund 209	Order 1900566	GL 430110 State Grant
-----------	----------	---------------	-----------------------

Expenditures

\$470,805	Fund 209	Order 1900566	GL 53550 Contracted Services
-----------	----------	---------------	------------------------------

7. RESOLUTION to approve the Seventh Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (2nd reading)

RESOLUTION TO APPROVE THE SEVENTH AMENDMENT TO GRANT

AGREEMENT FOR THE CHARLOTTESVILLE SUPPLEMENTAL RENTAL ASSISTANCE PROGRAM, AND TO APPROPRIATE THE NOT-TO-EXCEED AMOUNT OF NINE-HUNDRED-THOUSAND DOLLARS (\$900,000.00) FROM THE FY2024-2025 BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2024

WHEREAS on June 19, 2017, the City of Charlottesville approved the creation of the city-funded Charlottesville Supplemental Rental Assistance Program (“CSRAP”), and on April 9, 2024, the City Council approved an allocation of \$900,000 from the Capital Improvement Program funds to be used for the CSRAP program, which will be administered by CRHA; and

WHEREAS the terms and conditions under which the Charlottesville Redevelopment and Housing Authority (“CRHA”) will administer the CSRAP Program are set forth within a written grant agreement effective for the fiscal year beginning July 1, 2024, which has been reviewed by City Council this same date.

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

1. The CSRAP program shall be administered by CRHA in accordance with the terms and conditions set forth within the CSRAP grant agreement effective for the fiscal year beginning July 1, 2024, which is hereby approved by this City Council; and
 2. The City Manager is authorized to execute the CSRAP grant agreement on behalf of the City of Charlottesville and the City Manager and City staff are authorized and directed to apply the funding allocated above to the CSRAP program in accordance with the terms set out within the CSRAP grant agreement.
8. ORDINANCE for Stonehenge Avenue Encroachment Agreement (2nd reading)

ORDINANCE AUTHORIZING ENCROACHMENT OF A RETAINING WALL CONSTRUCTED PARTIALLY ON PROPERTY IDENTIFIED ON CITY TAX MAP 60 AS PARCEL 120 AND HAVING THE ADDRESS OF 0 STONEHENGE AVENUE EXT.

9. ORDINANCE amending the City Code to extend the Public Safety Supplement Retirement Benefit to EMS-only Employees Enrolled in the Defined Benefit plan (2nd reading)

AN ORDINANCE TO AMEND CITY CODE CHAPTER 19, PERSONNEL SECTIONS 19-96 AND 19-150

10. RESOLUTION to appropriate insurance claim reimbursement for The Avon Fuel Station Replacement Project - \$65,000 (carried)
11. RESOLUTION to appropriate Victim Witness Assistance Program Grant funds - \$257,024 (carried)
12. RESOLUTION to appropriate State Historic Resources Grant Funds to Jefferson School

African American Heritage Center - \$500,000 (carried)

CITY MANAGER REPORT

Deputy City Manager Ashley Marshall announced two opportunities to provide input into the fifth MAPP2Health program - focus groups and a community health survey.

City Manager Sam Sanders presented an update on his FY2025 Work Plan.

ACTION ITEMS

13. PUBLIC HEARING and RESOLUTION to approve the 2024 Parks & Recreation Accessibility Enhancements Project at Jordan Park and to reprogram associated Community Development Block Grant funds, a major amendment, \$25,000

Anthony Warn, Alex Ikefuna and Chris Gensic introduced the resolution for accessibility enhancements at Jordan Park as a partnership between the Office of Community Solutions and the Department of Parks and Recreation.

After Councilors asked clarifying questions, Vice Mayor Pinkston opened the public hearing. There were no speakers and the public hearing was closed.

On motion by Payne, seconded by Snook, Council by a vote of 4-0 approved the resolution, waiving the second reading.

RESOLUTION TO APPROPRIATE FUNDS Resolution to Approve the 2024 Parks & Recreation Accessibility Enhancements Project at Jordan Park and to Reprogram Associated Community Development Block Grant Funds, a Major Amendment, in the Amount of \$25,000

WHEREAS the City of Charlottesville has been recognized as an entitlement community by the U.S. Dept of Housing and Urban Development (HUD) and as such Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) Fund; and

WHEREAS it is the goal of the City of Charlottesville to remove barriers to access in the city's parks and green spaces, and

WHEREAS the city's Office of Community Solutions is partnering with the city's Department of Parks & Recreation to remove a significant barrier to access within a public park through the removal of an inadequate pathway and the creation of a new and accessible paved pathway within Jordan Park that will connect the existing accessible curb ramp at the park's Sixth Street entrance with several amenities within the park, including a basketball court, playgrounds and a new trail bridge; and

WHEREAS this project will support Council's Strategic Plan Framework vision of enhancing Partnerships and supporting access to Recreation, Arts, and Culture;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the proposed project as presented here today before Council is approved and that the Office of Community Solutions is hereby authorized to begin work to implement said program.

BE IT FURTHER RESOLVED that, in support of this program, appropriations made to the following expenditure account(s) in the CDBG Fund be amended by the respective amounts shown below and that the balance accumulated in the Fund as a result of these adjustments be hereby appropriated to the receiving account(s) indicated below, as follows:

SAP Expenditure Account(s)	Proposed Reduction(s)
1900361	\$2,964.41
3914001000 (NONE)	\$22,035.59
Subtotal Reductions =	\$25,00.00

SAP Revenue Account	SAP Account Code	Proposed Addition(s)
CDBG PY24+ Parks & Rec ADA at Jordan Park	1900567	\$25,000.00
Subtotal Additions =		\$25,000.00

To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and provide for guidance and assistance in the execution of the funded program.

14. ORDINANCE to adopt Fire Safety Code Fee Schedule (carried)

Joe Phillips, Fire Marshal and Deputy Chief for Community Risk Reduction, introduced the request to adopt a Fire Safety Code fee schedule ordinance based on the State Fire Prevention Code. Council unanimously agreed to carry the item to the October 7 meeting for a second reading and vote.

15. ORDINANCE to approve a Funding Agreement for Carlton Mobile Home Park (1 reading with 4/5 vote)

Brenda Kelley, Redevelopment Manager, introduced the request to approve a funding agreement for the purchase of the Carlton Mobile Home Park.

In August 2024, the City Council approved an Ordinance approving financial assistance to support residential rental housing at Carlton Mobile Home Park for persons of low and moderate income and authorizing the City Manager to execute and deliver a Support Agreement in connection with the same, following a request from Piedmont Housing Alliance (PHA) and Greater Charlottesville Habitat for Humanity (GCHH) to the City to provide annual support over the next five years for a total amount not to exceed \$8.7M, in the event that they effectively purchase the property and become bona fide owners of the Park.

Since the last City Council meeting PHA/GCHH presented an offer to the Owner, who accepted

their offer to purchase the property. PHA/GCHH are now diligently pursuing financing approval in order to close on the purchase of the property. The Ordinance and Support Agreement, previously approved, contained language that stated that in return for such financial support and as required by Section 15.2-958 of the Virginia Code, the parties intend to enter into a separate funding agreement, which is to be approved by subsequent action of Council, to address: a) the requirements of Virginia Code § 15.2-958, with respect to the minimum number of rental units in the Park (including after any redevelopment) that will be reserved for persons of low and moderate income and for what period of time; and b) such other requirements that the City may desire to impose in connection with providing such financial assistance.

PHA requested this funding agreement approval prior to the financing closing scheduled for September 17th. It is intended that PHA/GCHH will create a special purpose entity for this project as Habitat Carlton Alliance, LLC (HCA). PHA will remain the fiduciary agent for the alliance with all funding going to PHA.

Approval of this Ordinance will spell out the preliminary minimum conditions expected by the City, pursuant to Virginia Code § 15.2-958, primarily with respect to the redevelopment of the property and the ultimate development of affordable housing. In connection with the Ordinance, the City Manager will be authorized to execute additional documents in order to effectuate this transaction. These may include, but are not limited to, Declarations of Affordable Housing Covenants – one for rental units and one for the homeownership units – which will be required to be recorded prior to the issuance of a building permit. These documents further provide protections and guarantees in place to ensure that the affordable units are built in accordance with the agreed upon performance requirements. The City Manager and City Attorney will be required to approve these covenant(s) prior to recordation.

James Freas, Deputy City Manager, helped to answer Council questions.

Mayor Wade rejoined the meeting at 7:32 p.m.

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

ORDINANCE AUTHORIZING A FORGIVABLE LOAN TO PIEDMONT HOUSING ALLIANCE AND GREATER CHARLOTTESVILLE HABITAT FOR HUMANITY, INC. AND HABITAT CARLTON ALLIANCE, LLC, TO SUPPORT REDEVELOPMENT OF CARLTON MOBILE HOME PARK FOR THE PURPOSE OF PRODUCING NEW HOUSING FOR LOW AND MODERATE INCOME PERSONS

16. BY MOTION: Confidential Settlement Agreement

Mayor Wade acknowledged that Council was briefed on the confidential item which requires a formal vote.

On motion by Pinkston, seconded by Snook, Council approved the confidential settlement

agreement by a vote of 5-0 (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

COMMUNITY MATTERS (2)

Mayor Wade opened the floor for comments from the public. There were no speakers.

The meeting adjourned at 7:34 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT



**CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES
JOINT MEETING WITH
ALBEMARLE COUNTY BOARD OF SUPERVISORS
TUESDAY, SEPTEMBER 17, 2024 at 6:00 P.M.**

County Administration Building, 401 McIntire Rd, Charlottesville, VA, Room 241

The Charlottesville City Council convened in a special meeting on Tuesday, September 17, 2024, with the Albemarle County Board of Supervisors. Chair Jim Andrews called the Board of Supervisors to order with the following supervisors participating: Chair Jim Andrews, Vice Chair Diantha McKeel, and Supervisors Ned Gallaway, Bea LaPisto-Kirtley, Ann Mallek, and Mike Pruitt. Mayor Juandiego Wade called the City Council to order with the following councilors present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston, and Councilors Natalie Oschrein, Michael Payne, and Lloyd Snook.

The meeting began with a welcome and introductions of Supervisors, Councilors and staff. Mayor Wade thanked the County for hosting the joint meeting and acknowledged the importance of the adjacent communities working together as governing bodies and amongst staff.

City Manager Sam Sanders and County Executive Jeff Richardson led a review and discussion of City of Charlottesville Use of Revenue Sharing report which is produced annually in August, and the Albemarle County and City of Charlottesville Partnership List. Mr. Sanders noted that the City provides approximately an additional \$5 Million in services above the revenue provided from the County. Mr. Richardson stated that partnerships maximize shared service delivery at the lowest cost, identify capacity, and set up the community for future success. Councilors and Supervisors alternated making comments about partnerships and thanked city and county leaders for the level of trust and transparency demonstrated.

Alice Raucher, University Architect, University of Virginia, presented the Land Use and Environmental Planning Committee (LUEPC) Report and answered questions.

- The Three-Party Agreement, adopted in 1986, was established to promote cooperation in planning and community development between the University, City, and County. The Planning and Coordination Council (PACC) was established at the same time to promote and manage the cooperative effort. The Three-Party Agreement remains in effect as to land use planning between the City, County, and UVA.
- In 2019, by joint agreement, PACC was reconstituted as the Land Use and Environmental Planning Committee to share and coordinate land use and development plans and projects; consider environmental and infrastructure issues facing the community; and, from time to time, advance ideas and solutions that support our mutual advantage. The LUEPC may also serve as an advisory committee to the City, County, and UVA. Through its work, the Committee further seeks to ensure that the actions, policies, and processes of the Committee are reflective of an ongoing commitment by the entities to support an equitable and inclusive community.
- The Committee defines equity as all community members having access to community benefits and opportunities needed to reach their full potential and to experience optimal well-being and quality of life; inclusion means that all peoples shall be respected and valued as members of this community. Bi-annual reports are provided to the City, County and UVA.

The Committee is comprised of members from Albemarle County, the City of Charlottesville, the University of Virginia, the University of Virginia Foundation, and the Rivanna Water and Sewer Authority. Agendas and minutes from LUEPC meetings are posted within a few days of the meetings.

Ann Wall, Deputy County Executive, and Ben Chambers, Transit Planning Manager for the City of Charlottesville, presented the Regional Transit Authority Update. The presentation focused on the work to-date in forming CARTA (Charlottesville Albemarle Regional Transit Authority), benefits of a Regional Transit Authority, and next steps in the work plan. Discussion ensued about having a unified voice from the County and City to engage at the General Assembly level for a funding mechanism; about a positive turning point for Champaign-Urbana Mass Transit District when university transit merged with public transportation; about the need for JAUNT and UVA to join the regional authority; and about existing legislation in other jurisdictions. Participants agreed that local authority should be established by the governing bodies before making a request to the General Assembly. Mayor Wade mentioned that he has been in contact with the mayor of Blacksburg to learn about the impact of a partnership between public and university transit, and the university involvement has had a positive impact on the whole system. Transit Director Garland Williams referenced his experience with GRTC (Greater Richmond Transit Company) and stated that it took about three years to get legislation passed by the General Assembly. Supervisor Gallaway challenged the notion of the surrounding counties waiting to see what happens in Charlottesville and Albemarle, and suggested that other localities engage in advocating and lobbying for regional transit.

Garland Williams, Charlottesville Area Transit (CAT) Director, provided an overview of the May 2024 site visit to the Champaign-Urbana, Illinois, Mass Transit District site. He stated that CAT engaged a consultant to develop a transition plan for paving the way to zero emission fleet. Charlottesville City Council in February 2024 adopted the Alternative Fuels Transition Plan for CAT to guide them toward reaching the city's carbon neutrality goals by 2050. CAT's goal is for the fleet to reach carbon neutrality by 2040, piloting two potential fuels – battery electric and hydrogen. The primary objective of the trip to Champaign-Urbana was to visit the Mass Transit District (MTD) and observe their groundbreaking hydrogen fuel cell technology up close. CAT is aiming to be the first hydrogen-fueled fleet in the Commonwealth, while balancing with battery electric buses for redundancy. Mr. Williams acknowledged the significant financial implications of funding new infrastructure, new buses, transportation of fuel and maintenance of a zero emissions fleet. MTD trip highlights were the visual and practical insights gained into hydrogen technology and the reality of a zero emissions fleet. To move toward the city's sustainability goals, after December 31, 2027, the City of Charlottesville will purchase no additional diesel fueled buses. Supervisor McKeel suggested bringing a representative from Champaign-Urbana to make a presentation in Charlottesville and Albemarle. A delegation trip to Champaign-Urbana is planned for the end of October to include representatives from the City, County, City Schools, and the University of Virginia.

The governing bodies engaged in board-to-board discussion, including, the work being done in Blacksburg with Virginia Tech, a model of cooperation and strategic planning. Supervisor McKeel asked what a strategic model of cooperation would look like between the City, County and University. Supervisor Gallaway asked about impacts of the student population and on weekend

visitors as indicated by flights into the Charlottesville-Albemarle Airport. Responding to a question from Vice Mayor Pinkston, County Executive Richardson mentioned that the article included in the packet regarding Virginia Tech was published in The Daily Progress in May of this year and sparked interest locally. City Manager Sanders spoke about looking for areas where the city and county overlap. Mr. Pinkston reflected on the needs expressed by citizens, and the importance of a regional approach to solving some of the problems with minimal funds. Councilor Payne expressed a desire to convene a body of members representing the City, County and UVA to discuss immediate locality needs that are not addressed by LUEPC. Mayor Wade expressed the intention for City Council and the Board of Supervisors to meet more regularly, and Supervisor McKeel mentioned that the University of Virginia should also participate.

Both governing bodies adjourned at 7:59 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	October 7, 2024
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Michael Goddard, Facilities Development Manager
Staff Contacts:	Michael Goddard, Facilities Development Manager Chris Cullinan, Director of Finance
Title:	Resolution to appropriate insurance claim reimbursement for The Avon Fuel Station Replacement Project - \$65,000 (2nd reading)

Background

On 7/7/2022, an accident took place at the City school bus parking lot located at 1505 Avon Street, Ext. The accident involved a runaway school bus that rolled and struck the fuel island and gas pumps located next to the parking lot, causing significant damage. The fuel station was deemed inoperable and taken out of service.

As per the Virginia Administrative Code, Chapter 590, Petroleum Underground Storage Tank (UST) Financial Responsibility Requirements Regulation, Chapter, annual insurance coverage was required and maintained. The City filed for an insurance claim and has received a total of \$105,000 in reimbursements. There are (2) separate payments; one in the amount of \$40,000 and the other for \$65,000. The first payment has already been received and appropriated. This resolution to appropriate is for the remaining \$65,000.

The insurance reimbursements are being used to supplement reconstruction of the fuel station. Please note that the fuel station located at the Avon lot had already been slated for scheduled replacement with above ground storage tanks (AST) and was in the process of being bid out to general contractors by the Public Works department when this accident took place.

Discussion

Appropriation of the \$65,000 insurance reimbursement are needed to replenish a portion of the Facilities Capital Projects Lump Sum Account due to the increased costs for project related expenses. The scope of work for the entire project includes:

- Phase 1 - Demo the existing canopy structure, removal of the underground storage tanks, and a portable generator connection;
- Phase 2 - Construct a new fuel station with above ground tanks; and
- Phase 3 - Install (2) new sliding security gates with access control.

The following is a breakdown of Capital Projects Lump Sum Account (P-00980):

- | | |
|-------------------------------------|--|
| • Original Project Budget: | \$1,493,996.95 |
| • Insurance reimbursement # 1 | \$ 40,000.00 (was appropriated June 2023) |
| • Insurance reimbursement #2 | <u>\$ 65,000.00</u> (current appropriation) |

\$ 1,598,996.95

Alignment with City Council's Vision and Strategic Plan

This request supports the City Council's "Green City" vision. It contributes to Goal 3 and 5 of the Strategic Plan, a beautiful and sustainable natural and built environment and a well-managed and responsive organization, and objectives 3.2 provide reliable and high-quality infrastructure, 3.4 be responsible stewards of natural resources, 5.1 integrate effective business practices and strong fiscal policies.

Community Engagement

N/A

Budgetary Impact

Funds have been expensed from the Facilities Capital Projects Lump Sum Account (P-00980) and the reimbursement is intended to replenish the project budget for a portion of those expenses.

Recommendation

Staff recommends approval and appropriation of the reimbursement funds.

Alternatives

If reimbursement funds are not appropriated, the Facilities Capital Projects Lump Sum Account (P-00980) will reflect a deficient balance.

Attachments

1. Appropriation-Avon Fuel Station Replacement

RESOLUTION

Albemarle County Reimbursement for the Avon Fuel Station Replacement Project.

WHEREAS, the City of Charlottesville designed and bid a project to improve the Avon Fuel Station, and;

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

Transfer From

\$65,000 Fund: 426 WBS: P-00980 G/L Account: 451110

Transfer To

\$65,000 Fund: 426 WBS: P-00980 G/L Account: 599999

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



Agenda Date:	October 7, 2024
Action Required:	Approval of Appropriation
Presenter:	Pat O'Donnell, Director Victim and Witness Assistance Program
Staff Contacts:	Pat O'Donnell Director Victim and Witness Assistance Program Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate Victim Witness Assistance Program Grant funds - \$257,024 (2nd reading)

Background

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$137,185 in Federal Funds and \$86,839 in State General Funds, and \$33,000 supplement from the Commonwealth Attorney's operating budget for a total award of \$257,024.

Discussion

The victim's rights movement began in the 1970s as a result of victims being re-victimized by the criminal justice process. Victims had difficulty navigating the complexities of the criminal justice system and no voice or recourse when their cases were continued or pled out without their knowledge or consent. Prosecutors did not have the time or skills to respond to victims who were traumatized but knew that to proceed with their case, many victims would need more services than the prosecutor's office could provide. In response to this need, the federal Victims of Crime Act was passed in 1984 and funds became available through the Virginia Department of Criminal Justice to respond to the needs of victims. The Charlottesville Victim/Witness Assistance Program was established in 1989 and has been meeting the needs of Charlottesville crime victims ever since. The Program is one of more than 100 such programs in the state that provides crisis intervention and advocacy, information, and support during and after criminal justice proceedings, access to compensation and restitution, referrals to local community agencies and ensures victims are afforded their rights as outlined in Virginia's Crime Victim and Witness Rights Act. The Program also provides training on victim issues to law enforcement and allied agencies. It regularly serves more than 1,000 victims and witnesses each year.

Alignment with City Council's Vision and Strategic Plan

Approval of this item aligns with Council's Public Safety Strategic Outcome Area. According to the Bureau of Justice Statistics, the total economic loss to crime victims was \$1.19 billion for violent offenses and \$16.2 billion for property crime in 2008. Statistics vary on the number of intangible losses victims accumulate, such as the effects of the crime on their sense of security, mental health,

and relationships. The Charlottesville Victim Witness Assistance Program contributes to the health of the community by connecting crime victims with medical and mental health providers through the Criminal Injury Compensation Fund. The Program helps create a **Community of Mutual Respect** by responding to the needs of crime victims and helps by ensuring their rights are recognized throughout the local criminal justice system, including Police, Prosecution, Judges, and Probation.

Community Engagement

The Victim Witness Assistance Program is engaged daily with victims of crime who access services through referrals from police, court services, social services, and other allied agencies. Program staff contacts crime victims within 48 hours of their reported victimization. For FY24 Program staff provided services to more than 1,000 individuals. Staff members serve on several coordinating councils, such as the Multi-Disciplinary Team on Child Abuse, the Domestic Violence Coordinating Council, the Sexual Assault Response Team, the Monticello Area Domestic Violence Fatality Review Team, the Charlottesville/Albemarle Human Trafficking Task Force, and the Charlottesville/Albemarle Evidence Based Decision Making Policy Team. The program regularly provides outreach in the form of training and speaking engagements at UVA, PVCC, and other allied agencies as requested.

Budgetary Impact

There is no impact to the General Fund. The City's contribution of \$33,000 was previously appropriated as part of the Commonwealth's Attorney's Office FY2025 Adopted Budget. The Victim Witness Assistance Program Grant is renewed annually, and the funds will be received and expensed in the grants fund.

Recommendation

Staff recommend approval and appropriation of grant funds.

Alternatives

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

Attachments

1. FY2025 Victim Witness Appropriation

APPROPRIATION
Charlottesville Victim Witness Assistance Program Grant
\$257,024

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$224,024; and

WHEREAS the City is providing a supplement in the amount of \$33,000, the source of which is the Commonwealth's Attorney's operating budget.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$224,024 is hereby appropriated in the following manner:

Revenues

\$ 86,839	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$137,185	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 33,000	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

Expenditures

\$270,636	Fund: 209	Cost Center: 1414001000	G/L Account: 519999
\$ 15,827	Fund: 209	Cost Center: 1414001000	G/L Account: 599999

Transfer

\$ 33,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
-----------	-----------	-------------------------	---------------------

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$224,024 from the Virginia Department of Criminal Justice Services.

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



Agenda Date:	October 7, 2024
Action Required:	Appropriate the funds for the Jefferson School African American Heritage Center
Presenter:	Krisy Hammill, Director of Budget, Dr. Andrea Douglas
Staff Contacts:	Krisy Hammill, Director of Budget Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - \$500,000 (2nd reading)

Background

The Department of Historic Resources (DHR) is the State Historic Preservation Office of the Commonwealth. DHR fosters, encourages, and supports the stewardship and use of Virginia's significant architectural, archaeological, and historic resources as valuable assets for the economic, educational, social, and cultural benefit of citizens and communities. A significant responsibility is the administration and review of state and federal historic preservation grant programs for financial and programmatic compliance. DHR is authorized to administer state grants to non-state agencies under the Code of Virginia.

Located in the Jefferson School City Center, The Jefferson School African American Heritage Center's mission is to honor and preserve the rich heritage and legacy of the African-American community of Charlottesville-Albemarle, Virginia and to promote a greater appreciation for, and understanding of, the contributions of African Americans and peoples of the Diaspora locally, nationally and globally. The Center features a permanent historical exhibit, a rotating contemporary art gallery, and a robust calendar of events, all of which combine to highlight Charlottesville's African American history and culture of the African diaspora.

The Commonwealth of Virginia through the Department of Historic Resources will provide \$500,000 to the Jefferson School African American Heritage Center for the exclusive support of the Jefferson School African American Heritage Center Operations and Center for Local Knowledge project.

Discussion

Funds will be used to support operating cost and for staffing for the Center for Local Knowledge. The JSAAHC's programs acknowledge the reciprocal relationship that give rise to local public history while emphasizing the reality that our research into our community narrative must have an impact on social change. A core purpose of the Center for Local Knowledge is to give voice to local authority by uplifting and amplifying local custodians of the history, memory and lived experiences. We

understand that our past informs our present and our future. Thus, JSAAHC endeavors to make our research accessible and useful to improving the lives of local residents while enriching the sense of place in the region and our nation.

Alignment with City Council's Vision and Strategic Plan

This resolution aligns with the strategic outcome of Partnerships and helps to enhance the City's commitment to justice, equity, diversity and inclusion.

Community Engagement

These funds will be used to promote educational programming for the community.

Budgetary Impact

There is no budget impact to the City as these funds will be provided by the State as pass-thru funds to be distributed to JSAAHC.

Recommendation

Staff recommends approval of this resolution.

Alternatives

N/A

Attachments

1. DHR Grant for JSAAHC_FY25

RESOLUTION
Appropriating funds from the Virginia Department of Historic Resources
(DHR) for the Jefferson School African American Heritage Center
\$500,000

WHEREAS, the City of Charlottesville through the Department of Historic Resources has received a grant award of \$200,000 to be given to the Jefferson School African American Heritage Center (JSAAHC) to be used to support operating cost and for staffing for the Center for Local Knowledge.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$500,000 received from the Virginia Department of Historic Resources is hereby appropriated in the following manner:

Revenues - \$500,000

\$500,000 Fund: 209 Internal Order: 1900568 G/L Code: 430080

Expenditures - \$500,000

\$500,000 Fund: 209 Internal Order: 1900568 G/L Code: 540100

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$500,000 from the Virginia Department of Historic Resources.

Approved by Council

Kyna Thomas, CMC
Clerk of Council

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



Agenda Date:	October 7, 2024
Action Required:	Adoption of ordinance
Presenter:	Joe Phillips, Fire Marshal
Staff Contacts:	Joe Phillips, Fire Marshal
Title:	Ordinance to adopt Fire Safety Code Fee Schedule (2nd reading)

Background

In 2019, City Council granted the Charlottesville Fire Department's (CFD's) Office of the Fire Marshal the authority to implement a permit and inspection fee program in accordance with the Virginia Statewide Fire Prevention Code (SFPC). Currently, the City Fire Marshal is authorized by Council to enforce and collect fees for the following permits: Dry Cleaning Plants, Explosives, Fireworks and Pyrotechnics, Hazardous Materials, Hot Work Operations, Open Flames and Candles, Temporary Membrane Structures and Tents, Social Services License Inspection, Re-inspection Fee, Plans Review, Mobile Food Vendors, and Fire Code Variance/Modifications. Due to the pandemic's impact on local businesses, implementation of the program was postponed.

The City Fire Marshal and key City staff members have collaborated to revise the ordinance and fee schedule and are currently working to develop a comprehensive billing solution for implementing the permit and inspection program.

Discussion

To reduce the risk to life and property, hazardous materials, flammable and combustible liquids, compressed gases, and similar materials must be stored and handled in strict accordance with the safety standards codified in the SFPC. These nationally recognized safety standards apply to any business that uses, stores, or manufactures hazardous materials or hazardous processes. Compliance with these standards ensures the safety of employees, business owners, and the public, and the proposed permit and inspection fees support the fire department's ability to provide these services.

The proposed fee schedule ("CFD FM Fee Schedule 01.01.25") is adapted from SFPC Table 107.2, which details a complete list of permits the City could enforce through the Fire Marshal's Office. The fee schedule aligns with permit fees being charged by other area fire departments, including those in Albemarle County, Richmond, Staunton, Waynesboro, Harrisonburg, and Rockingham County. The Fire Marshal recommends that City Council consider adopting an ordinance granting the Fire Marshal the authority to enforce and collect fees for all permits listed in the SFPC fee schedule. Adopting the entire permit list will allow CFD to be flexible and adapt as new businesses come to Charlottesville.

The collected inspection and permitting fees will help defray the costs of providing these services and support fire prevention education, marketing, messaging, and equipment costs. These fees will also allow CFD to continue offering free smoke alarms, stove-top fire stops, and carbon monoxide detectors to the public.

Alignment with City Council's Vision and Strategic Plan

This proposed ordinance directly aligns with several aspects of City Council's vision and strategic plans.

Public Safety:

A permitting program ensures that fire code safety standards are upheld, reducing the risk of fire hazards, and promoting a safer environment for residents and visitors. The permitting process allows CFD to inspect and ensure proper use of harmful products or dangerous activities, taking a proactive approach to prevent emergencies and accidents. Therefore, the requirement of permits by the Office of the Fire Marshal plays a crucial role in promoting and maintaining public safety, instilling a sense of security in the community.

Education:

By enforcing permit requirements, CFD can generate funding that can be allocated explicitly toward crucial fire prevention education initiatives, including programs to educate the public about fire safety, training sessions, and community outreach efforts. This program aligns with City Council's vision and goals for education, as it facilitates the dissemination of important fire prevention information to residents and businesses in Charlottesville.

Economic Prosperity:

Ensuring that commercial buildings and businesses comply with fire safety regulations through the permit requirements, CFD plays a crucial role in maintaining a safe environment for these establishments to operate. This, in turn, supports economic prosperity by safeguarding businesses from potential fire hazards, ensuring their continuity of operation, and contributing to the overall stability and growth of the local economy.

Organizational Excellence:

The diligent and committed staff of CFD consistently deliver exceptional services to the community. By utilizing the funding generated from the permit process, CFD staff can further enhance their fire prevention and career development training. This aligns with City Council's vision for organizational excellence by ensuring that the fire department personnel are well equipped with the necessary skills and knowledge to deliver exemplary services and uphold the highest standards of operational excellence.

Climate Action:

Enforcing safety standards contributes to environmental preservation and sustainability efforts, aligning with City Council's climate action goals. The permit process allows for the inspection and regulation of activities to ensure they adhere to environmental guidelines, such as restrictions on hazardous materials, flammable and combustible liquids, and other materials that pose environmental risks. This proactive approach supports the city's broader ecological protection objectives and is vital in mitigating potential hazards that could adversely affect the climate. Therefore, the permitting program directly contributes to City Council's vision and goals for climate action by promoting environmental responsibility and sustainable practices in Charlottesville.

Housing:

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 the implementation of the Affordable Housing Plan. The Fire Department's program of free fire safety products to all residents of Charlottesville is essential in creating a safe living environment, particularly in affordable housing units. The funding generated from the permit program will continue to provide a vital funding stream for these fire safety products. CFD can supply much-needed fire prevention equipment, contributing to the overall safety and well-being of residents in Charlottesville and thereby supporting the City Council's vision and goals for housing.

Community Engagement

The permit process encourages collaboration between the Fire Department and residents, businesses, and event organizers, fostering a shared responsibility for public safety. Furthermore, the department engages with the community by providing guidance on fire safety measures and regulations, raising awareness about potential hazards, and promoting a culture of safety and preparedness. This concerted effort to involve and educate the community directly contributes to City Council's vision for robust community engagement. It empowers residents to actively participate in creating a safer environment for all. Therefore, the proposed permit system plays a critical role in promoting community involvement.

Budgetary Impact

The fees for any of the newly authorized permits will be waived for the remainder of this fiscal year, which ends on June 30, 2024. This will provide staff with the necessary time to notify the public and to establish the administrative reporting and tracking process for the new permits. The fees will be revisited as part of the FY 2026 budget process. If the decision is made to charge the fees in the future, funds collected through the fire permit program could be used to provide a sustainable funding stream to cover the costs of inspecting facilities and other fire prevention efforts. By enforcing the fire code safety standards, specific initiatives such as the free smoke alarm program can be supported. Educational programs to raise public awareness about fire safety, training sessions, and community outreach efforts could be sustained and expanded. Thus, the fire permit program contributes to public safety and ensures the availability of resources to support crucial fire prevention initiatives.

Recommendation

Staff recommends adoption of the ordinance.

Alternatives

Council could choose not to adopt the ordinance, and the City would not be able to recoup the costs of enforcing the SFPC.

Attachments

1. Adoption of Fire Marshal Fee Schedule - ORDINANCE
2. CFD FM Fee Schedule-Exhibit A

**AN ORDINANCE
ADOPTING THE CHARLOTTESVILLE FIRE DEPARTMENT
OFFICE OF THE FIRE MARSHAL FEE SCHEDULE**

WHEREAS, the City of Charlottesville adopted the Virginia Statewide Fire Prevention Code (“SFPC”) by enacting Charlottesville City Code § 12-31;

WHEREAS, the purpose of the SFPC and the City of Charlottesville’s local fire prevention regulations is the protection of life and property from the hazards of fire or explosion;

WHEREAS, the fire department of the City of Charlottesville, as the local enforcing agency of the SFPC and local fire prevention regulations, and the fire marshal, as the City of Charlottesville’s fire official, conduct inspections and issue permits for regulated facilities and activities;

WHEREAS, Code of Virginia § 27-98 and Charlottesville City Code § 12-31 authorize the levying of fees by the local governing body to defray the cost of administering and enforcing the SFPC;

WHEREAS, the collection of fees for the inspection and permitting of various facilities and activities is necessary to defray the cost of providing such services to the public;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, that the Charlottesville City Council adopts the Charlottesville Fire Department Office of the Fire Marshal Fee Schedule, attached to this Ordinance as Exhibit A.



Charlottesville Fire Department Office of the Fire Marshal

FEE SCHEDULE (Effective on January 1, 2025)

(Virginia Statewide Fire Prevention Code Table 107.2)



DESCRIPTION**	PERMIT REQUIRED (Yes or No)	PERMIT FEE *																
Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	Yes (annual/per location)	\$200*																
Amusement buildings. An operational permit is required to operate a special amusement building.	Yes (fixed–annual/location or mobile–30 days/location)	\$200*																
Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	Yes (annual/per location)	\$200*																
Carnivals and fairs. An operational permit is required to conduct a carnival or fair.	Yes (30 days/location)	\$200*																
Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	Yes (annual/per location)	\$200*																
Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	Yes (annual/per location)	\$200*																
Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m³). Exception: An operational permit is not required for agricultural storage.	Yes (annual/per location)	\$200*																
Compressed gas. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle. PERMIT AMOUNTS FOR COMPRESSED GASES <table><tr><th>TYPE OF GAS</th><th>AMOUNT (cubic feet at NTP)</th></tr><tr><td>Corrosive</td><td>200</td></tr><tr><td>Flammable (except cryogenic fluids and liquefied petroleum gases)</td><td>200</td></tr><tr><td>Highly toxic</td><td>Any amount</td></tr><tr><td>Inert and simple asphyxiant</td><td>6,000</td></tr><tr><td>Oxidizing (including oxygen)</td><td>504</td></tr><tr><td>Pyrophoric</td><td>Any amount</td></tr><tr><td>Toxic</td><td>Any amount</td></tr></table> For SI: 1Cubic foot = 0.02832 m³.	TYPE OF GAS	AMOUNT (cubic feet at NTP)	Corrosive	200	Flammable (except cryogenic fluids and liquefied petroleum gases)	200	Highly toxic	Any amount	Inert and simple asphyxiant	6,000	Oxidizing (including oxygen)	504	Pyrophoric	Any amount	Toxic	Any amount	Yes (annual/per location)	\$200*
TYPE OF GAS	AMOUNT (cubic feet at NTP)																	
Corrosive	200																	
Flammable (except cryogenic fluids and liquefied petroleum gases)	200																	
Highly toxic	Any amount																	
Inert and simple asphyxiant	6,000																	
Oxidizing (including oxygen)	504																	
Pyrophoric	Any amount																	
Toxic	Any amount																	
Covered and open mall buildings. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	Yes (annual/per location)	\$200*																
Cryogenic fluids. An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below. Exception: Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading. PERMIT AMOUNTS FOR CRYOGENIC FLUIDS <table><tr><th>TYPE OF CRYOGENIC FLUID</th><th>INSIDE BUILDING (gallons)</th><th>OUTSIDE BUILDING (gallons)</th></tr><tr><td>Flammable</td><td>More than 1</td><td>60</td></tr><tr><td>Inert</td><td>60</td><td>500</td></tr><tr><td>Oxidizing (includes oxygen)</td><td>10</td><td>50</td></tr><tr><td>Physical or health hazard</td><td>Any amount</td><td>Any amount not indicated above</td></tr></table> For SI: 1 gallon = 3.785 L.	TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)	Flammable	More than 1	60	Inert	60	500	Oxidizing (includes oxygen)	10	50	Physical or health hazard	Any amount	Any amount not indicated above	Yes (annual/per location)	\$200*	
TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)																
Flammable	More than 1	60																
Inert	60	500																
Oxidizing (includes oxygen)	10	50																
Physical or health hazard	Any amount	Any amount not indicated above																
Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.	Yes (per event/location)	\$100*																
Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry-cleaning equipment.	Yes (annual/per location)	\$200*																
Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.	Yes (per event/location)	\$200*																

EXHIBIT A

<p>Explosives, fireworks, and pyrotechnics. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive materials, fireworks, pyrotechnic special effects, or pyrotechnic special effects material within the scope of Chapter 56. Exception: Storage in Group R-3 or R-5 occupancies of smokeless propel lant, black powder and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, exception numbers four and twelve.</p> <p>Use of explosives/blasting requires a use permit every 30 days with associated fees.</p> <p>City Code does not allow the sale or storage of fireworks or pyrotechnics in the City Limits.</p> <p>Fireworks. No person shall have, keep, store, use, discharge, manufacture, sell, handle or transport any fireworks in the city, except as provided within this section. Nothing in this section shall apply to:</p> <ol style="list-style-type: none"> Any materials or equipment that is used or to be used by any person for signaling or other emergency use in the operation of any railroad train or other vehicle for the transportation of persons or property. Any officer or member of the armed forces, while acting within the scope of their authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces. <p>The fire chief may, upon due application, issue a permit to a properly qualified person for giving a pyrotechnic display of fireworks in the public parks or other open places. Such permits shall impose such restrictions as, in the opinion of the fire chief, may be necessary to properly safeguard life and property in each case. The term "fireworks," as used in this section, shall mean and refer to any firecracker, sparkler, roman candle, fire balloon, signal light, squib, rocket, railroad track or other torpedo, skyrocket, flashlight composition, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and which explodes, rises into the air, travels laterally, or fires projectiles into the air to obtain visible or audible pyrotechnic effects.</p> <p>High explosives. No person shall sell within the city any dynamite, blasting powder or other high explosive except upon a written permit from the chief of police, which permit shall be issued upon application by the purchaser showing that such explosives are to be used for legitimate purposes within a reasonable time after their purchase and the provisions of the fire prevention code with respect to the keeping of all such explosives shall in all respects apply to such purchaser. This section shall not be construed to apply to the purchase of shotgun, rifle or pistol ammunition at retail.</p>	Fixed Facility: Yes:(annual/location) Site Storage: in addition to use (30 days)	\$200
	Use/ Blasting: Yes (per event) (30 days maximum/location)	\$200
	Wholesale (fireworks) **Not ALLOWED by City Code	N/A
	Retail (fireworks) **Not ALLOWED by City Code	N/A
	Display/Use (fireworks): Yes (per event 1 day/location)	\$600
	Expedited display/use (fireworks), less than 10 days: Yes	+\$300
<p>Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.</p> <p>Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</p>	No – City Utilities handles	N/A
<p>Flammable and combustible liquids. An operational permit is required:</p> <ol style="list-style-type: none"> To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: <ol style="list-style-type: none"> The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel- dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed. To manufacture, process, blend or refine flammable or combustible liquids 	Yes (annual/per location)	\$200*
<p>Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m) using Class I or Class II liquids.</p>	Yes (30 days/location) Exempt if under a building permit	\$75*
<p>Fruit and crop ripening. An operational permit is required to operate a fruit-ripening or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.</p>	Yes (annual/per location)	\$200*
<p>Fumigation, thermal and insecticidal fogging. An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.</p>	Yes (annual for facility/location) (per event/location)	\$200 (annual)* \$75 (event)*

EXHIBIT A

Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below. PERMIT AMOUNTS FOR HAZARDOUS MATERIALS			
TYPE OF MATERIAL	AMOUNT	Yes (annual/per location)	\$ 200*
Combustible liquids	See flammable and combustible liquids		
Corrosive materials			
Gases	See compressed gases		
Liquids	55 gallons		
Solids	1000 pounds		
Explosive materials	See explosives Flammable Materials.		
Gases	See Compressed Gases		
Liquids	See flammable and Combustible Liquids		
Solids	100 pounds		
Highly toxic materials			
Gases	See compressed gases		
Liquids	Any amount		
Solids	Any amount		
Oxidizing materials			
Gases	See compressed gases		
Liquids			
Class 4	Any amount		
Class 3	1 gallon		
Class 2	10 gallons		
Class 1	55 gallons		
Solids			
Class 4	Any amount		
Class 3	10 pounds ^b		
Class 2	100 pounds		
Class 1	500 pounds		
Organic peroxides			
Liquids			
Class I	Any amount		
Class II	Any amount		
Class III	1 gallon		
Class IV	2 gallons		
Class V	No permit required		
Solids			
Class I	Any amount		
Class II	Any amount		
Class III	10 pounds		
Class IV	20 pounds		
Class V	No permit required		
Pyrophoric materials			
Gases	See compressed gases		
Liquids	Any amount		
Solids	Any amount		
Toxic materials			
Gases	See compressed gases		
Liquids	10 gallons		
Solids	100 pounds		
Unstable (reactive) materials			
Liquids			
Class 4	Any amount		
Class 3	Any amount		
Class 2	5 gallons		
Class 1	10 gallons		
Solids			
Class 4	Any amount		
Class 3	Any amount		
Class 2	50 pounds		
Class 1	100 pounds		
Water reactive materials			
Liquids			
Class 3	Any amount		
Class 2	5 gallons		
Class 1	55 gallons		
Solids			
Class 3	Any amount		
Class 2	50 pounds		
Class 1	500 pounds		
For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.			
b. Twenty gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.			
c. Twenty pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.			

EXHIBIT A

HPM facilities. An operational permit is required to store, handle or use hazardous production materials.	Yes (annual/per location)	\$200*
High piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m²).	Yes (annual/per location)	\$200*
Hot work operations. An operational permit is required for hot work including, but not limited to: Public exhibitions and demonstrations where hot work is conducted. 1. Use of portable hot work equipment inside a structure. Exception: Work that is conducted under a construction permit. 2. Fixed-site hot work equipment such as welding booths. 3. Hot work conducted within a hazardous fire area. 4. Application of roof coverings with the use of an open-flame device. 5. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.	Facility: Yes (annual/location)	\$200*
	Fixed Site: Yes (annual/location)	\$200*
	Other: Yes (per event/location) (30 days/location)	\$100*
Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.	Yes (annual/per location)	\$200*
Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).	Yes (annual/per location)	\$200*
Liquid-fueled or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid-fueled or gas-fueled vehicles or equipment in assembly buildings.	Yes (per event) (30 days/location)	\$200*
LP-gas. An operational permit is required for: 1. Storage and use of LP-gas. Exception: An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3. 2. Operation of cargo tankers that transport LP-gas.	Yes (annual/per location)	\$200*
Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	Yes (annual/per location)	\$200*
Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.	Yes (annual/per location)	\$200*
Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. See City Code § 12.32(8). Exception: Cooking Fires	Yes (Land Clearing Operations Only – 10 days/location)	\$500
Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. Exception: Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7. (308.1.7 Religious ceremonies. - Where, in the opinion of the fire code official, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one person to another while lighted.)	Yes (annual/per location)	\$200* (annual if sole permit) \$100* (if ancillary to another permit)
Open flames and torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.	Yes (per event-30 days/location)	\$100*
Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	Yes (annual/per location)	\$200*
Places of assembly. An operational permit is required to operate a place of assembly (greater than 50 persons)	Yes (annual/per location)	\$200*
Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants. Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.	Yes (annual/per location)	\$200*
Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.	Yes (per event–1 day/location)	\$200
Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.	Yes (annual/per location)	\$200*
Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	Yes (annual/per location)	\$200*
Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations. Note: (If in conjunction with Flammable/Combustible Liquid permit then no fee for this permit)	Yes (annual/per location)	\$200*

EXHIBIT A

Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.	Yes (annual/per location)	\$200*
Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 24.	Yes – Fixed Facility (annual/location)	\$200*
	Yes (per event) (30 days /location)	\$100*
Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m ³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	Yes (annual/per location)	\$200*
Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent. Exceptions: <ol style="list-style-type: none"> 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m²) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons. 	Permits are through NDS	NA
Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	Yes (annual/per location)	\$200*
Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	Yes (annual/per location)	\$200*
Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³).	Yes (annual/per location)	\$200*

* The City of Charlottesville will waive the permit charges as part of our commitment to protecting life and property. This initiative aims to support businesses and property owners in ensuring compliance with safety regulations and promoting a secure environment for our community.

** Unless otherwise indicated, all references to chapters, sections, groups, or tables are in accordance with the Virginia Fire Prevention Code.



Charlottesville Fire Department Office of the Fire Marshal

ADDITIONAL FEE SCHEDULE



PURPOSE	DESCRIPTION	FEE
Facility Inspection Fees (for any fixed facility requiring a permit per Table 107.2 of the Fire Prevention Code)	Inspection Fee included with Fire Permit	For the first two hours, there is no charge. \$100/hour after 2 nd hour.
Required Fire Inspection for Facilities Licensed by the Department of Social Services Examples: Day Care, Adult Care, Group Home, Nursing Home	1 – 8 persons 9 – 20 persons 21 – 50 persons 51 – 100 persons 101 – 150 persons 151 – 200 persons 201 or more persons	\$50* \$75* \$100* \$200* \$300* \$400* \$500 plus \$50 for every 100 persons over 201*
Re-inspection Fee	There is no charge if all violations are corrected after the initial inspection. If not, each re-inspection incurs a fee until a remediation agreement is reached or all violations are corrected.	\$0 (violations corrected) \$100 (per inspection)
Request for Fire Code Variance/Modification Charlottesville Fire Marshal	Increased temporary occupancy load	\$100 Per event or request Modification for 7 to 30 days
Mobile Food Vendor (Food Truck or Trailer)	New Hood System or New Food Vendor Yearly Food Vendor Permit	\$100 Yearly Permit & Inspection*

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



Agenda Date:	October 7, 2024
Action Required:	Approval of Resolution
Presenter:	Michael Kochis, Police Chief
Staff Contacts:	Holly Bittle, Budget and Management Analyst Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate Virginia State Police HEAT FY 25 Equipment Reimbursement Funding - \$12,500 (1 of 2 readings)

Background

The Virginia Department of State Police Help Eliminate Auto Theft (HEAT) Program reimburses Virginia law enforcement agencies for equipment, training, software, or recurring costs that support an agency's efforts to combat the theft of vehicles and vehicle parts in its jurisdiction.

Discussion

Over the past four years the Charlottesville Police Department (CPD) has seen a significant increase in motor vehicle thefts. Years 2020, 2021, 2022, and 2023 saw vehicle theft numbers of 47, 149, 168, and 172 respectively.

In FY 24 CPD purchased an updated Berla Toolkit and trained one detective on how to use the system using funds from the Virginia Department of State Police Help Eliminate Auto Theft (HEAT) Program.

The Berla Toolkit gives CPD the ability to perform forensic downloads from stolen vehicle computer systems to collect detailed evidence which leads to more effectively prosecuted stolen vehicle cases.

Through the Virginia Department of State Police HEAT Program, CPD was awarded \$12,500 in FY 25 to reimburse the City for the Berla Toolkit's annual fees and training expenses for additional detectives. Appropriation of these funds will allow CPD to expand the use of this valuable forensic tool by training additional detectives and covering the annual fees that were not included in its FY 25 budget request.

Alignment with City Council's Vision and Strategic Plan

This project supports Goal 2 of the Strategic Plan, to be a Healthy and Safe City.

Community Engagement

Increased use of the Berla Toolkit will allow detectives to more efficiently collect forensic data to prosecute vehicle thefts and hopefully reduce vehicle thefts overall, thus freeing up officers to spend more time engaging the community .

Budgetary Impact

This will not impact the General Fund. No matching funds are required. It will allow the Police Department to train additional detectives to use the Berla Toolkit and pay for the Berla Toolkit annual fees outside of its FY 25 appropriated General Fund operating budget.

Recommendation

Staff recommends approval and appropriation of the funding.

Alternatives

If these funds are not appropriated, the Police Department will need to pay for the Berla Toolkit annual fees out of its existing General Fund operating budget and will restrict the number of detectives trained to use the this valuable forensic tool.

Attachments

1. VSP HEAT Resolution 2025

RESOLUTION

Help Eliminate Auto Theft (HEAT) Equipment Reimbursement Program \$12,500

WHEREAS, the City of Charlottesville, through the Police Department, has received the Virginia Department of State Police, Help Eliminate Auto Theft (HEAT) Program a grant in the amount of \$12,500 to be used to send auto theft investigators and/or officers who investigate auto theft-related crimes to training for the Berla Toolkit and to pay for the Berla Toolkit FY 25 annual fees.

WHEREAS, the grant award covers the period of 7/1/2024 through 5/31/2025.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$12,500, received from the Virginia Department of State Police, is hereby appropriated in the following manner:

Revenues - \$12,500

Fund: 209	IO: 1900571	CC:3101005000	\$12,500	GL: 430110	State Grant
-----------	-------------	---------------	----------	------------	-------------

Expenditures- \$12,500

Fund: 209	IO: 1900571	CC: 3101005000	\$8,000	GL: 530210	Education/Training
-----------	-------------	----------------	---------	------------	--------------------

Fund: 209	IO: 1900571	CC: 3101005000	\$4,500	GL: 530260	Software Lic./Maint.
-----------	-------------	----------------	---------	------------	----------------------

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$12,500 from the Virginia Department of State Police.

Approved by Council

Kyna Thomas, CMC

Clerk of Council

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



Agenda Date:	October 7, 2024
Action Required:	Approval of a Resolution for a Special Exception Permit
Presenter:	Carrie Rainey, Urban Designer/City Planner
Staff Contacts:	Carrie Rainey, Urban Designer/City Planner
Title:	Resolution for a Special Exception Permit at 113 West Main Street

Background

Adrienne Stronge of Gaines Group Architects, acting as agent for West Mall, LLC (the “Owner”) has submitted an application pursuant to City Code Sections 34-2.5.6.B.6, 34-4.8.1, and 34-5.2.15 seeking a Special Exception Permit (SEP) for 113 West Main Street (Tax Map Parcel 330259000) (the “Subject Property”) to install perimeter fencing in the front yard on West Market Street to create a courtyard for resident use. The DX Downtown Mixed Use district does not permit fencing in front yards (or side street yards) unless a SEP is granted. The Subject Property has frontage on West Main Street (the Downtown Mall) and West Market Street and is located within the Downtown Architectural Design Control District. A SEP allows Council to grant modifications to specific physical dimensional standards in code, giving consideration to factors set forth within Section 34-5.2.15.D. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SEP approval.

Discussion

The Planning Commission considered this application at their public meeting on September 10, 2024. The Commission considered the Certificate of Appropriateness granted by the Board of Architectural Review on May 21, 2024 and the factors set forth in Section 34-5.2.15.D:

1. Whether the proposed modifications to physical dimensional standards will be harmonious with existing and approved patterns of development on the same or an opposing block face or abutting property;
2. Whether the proposed modification supports the goals and strategies of the Comprehensive Plan;
3. Whether, with conditions, the Special Exception Permit is consistent with the public necessity, convenience, general welfare, and good zoning practice.

The Planning Commission did not identify any concerns with the application. The staff report and supporting documentation presented to the Planning Commission can be found starting at page 290 at the following link: <https://charlottesvilleva.portal.civicclerk.com/event/1964/files/agenda/5079>

Alignment with City Council’s Vision and Strategic Plan

This application aligns with Strategic Outcome Area Recreation, Arts, Culture: Charlottesville provides, encourages, and supports a wide range of recreation, green space, arts, and cultural programs and opportunities.

Community Engagement

Staff has received no public comments at the publishing of this report.

Budgetary Impact

No budgetary impacts are anticipated.

Recommendation

The Planning Commission voted 6-0 to recommend approval of the Special Exception Permit.

Alternatives

City Council has several alternatives:

1. by motion, approve the requested Special Exception Permit as recommended by the Planning Commission;
2. by motion, request changes to the attached resolution, and then approve the Special Exception Permit;
3. by motion, take action to deny the Special Exception Permit; or
4. by motion, defer action on the Special Exception Permit.

Attachments

1. 113 West Main SEP Resolution
2. 113 West Main SEP Application Materials

**RESOLUTION APPROVING A SPECIAL EXCEPTION PERMIT
FOR PROPERTY LOCATED AT 113 WEST MAIN STREET**

WHEREAS, landowner West Mall, LLC is the current owner of a lot identified on 2024 City Tax Map 33 as Parcel 259 (City Parcel Identification No. 330259000), having an area of approximately 0.19 acres (8,276 square feet) (the "Subject Property"), and

WHEREAS, the landowner proposes to install fences on the Subject Property in the West Market Street front yard ("Project"); and

WHEREAS, the Subject Property is located within the Downtown Architectural Design Control District established by City Development Code Section 34-2.9.2.B and the City's Board of Architectural Review (BAR) has reviewed the application and granted a Certificate of Appropriateness on May 21, 2024 confirming the Project will not have an adverse impact to the Downtown Architectural Design Control District per City Development Code Section 34-5.2.15.C.1.c; and

WHEREAS, the Project is described in more detail within the Applicant's application materials dated April 4, 2024 submitted in connection with Application PL-24-0074, as required by City Development Code Section 34-5.2.15.B.2 (collectively, the "Application Materials"); and

WHEREAS, the Planning Commission made a recommendation of approval at their September 10, 2024 public meeting per City Development Code Section 34-5.2.15.C.2; and

WHEREAS, upon consideration of the Planning Commission's recommendation and the Staff Reports discussing this application, as well as the factors set forth within City Development Code Section 34-5.2.15.D, this Council finds and determines that granting the proposed Special Exception Permit would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code Development Sections 34-2.5.6.B.6, 34-4.8.1, and 34-5.2.15, a Special Exception Permit is hereby approved and granted to authorize the Project and permit installation of fences on the Subject Property within the West Market Street front yard. Such fences shall be consistent with the Certificate of Appropriateness granted on May 21, 2024 or any subsequent Certificate of Appropriateness granted by the BAR.

113 W Main St Courtyard CHARLOTTESVILLE, VIRGINIA

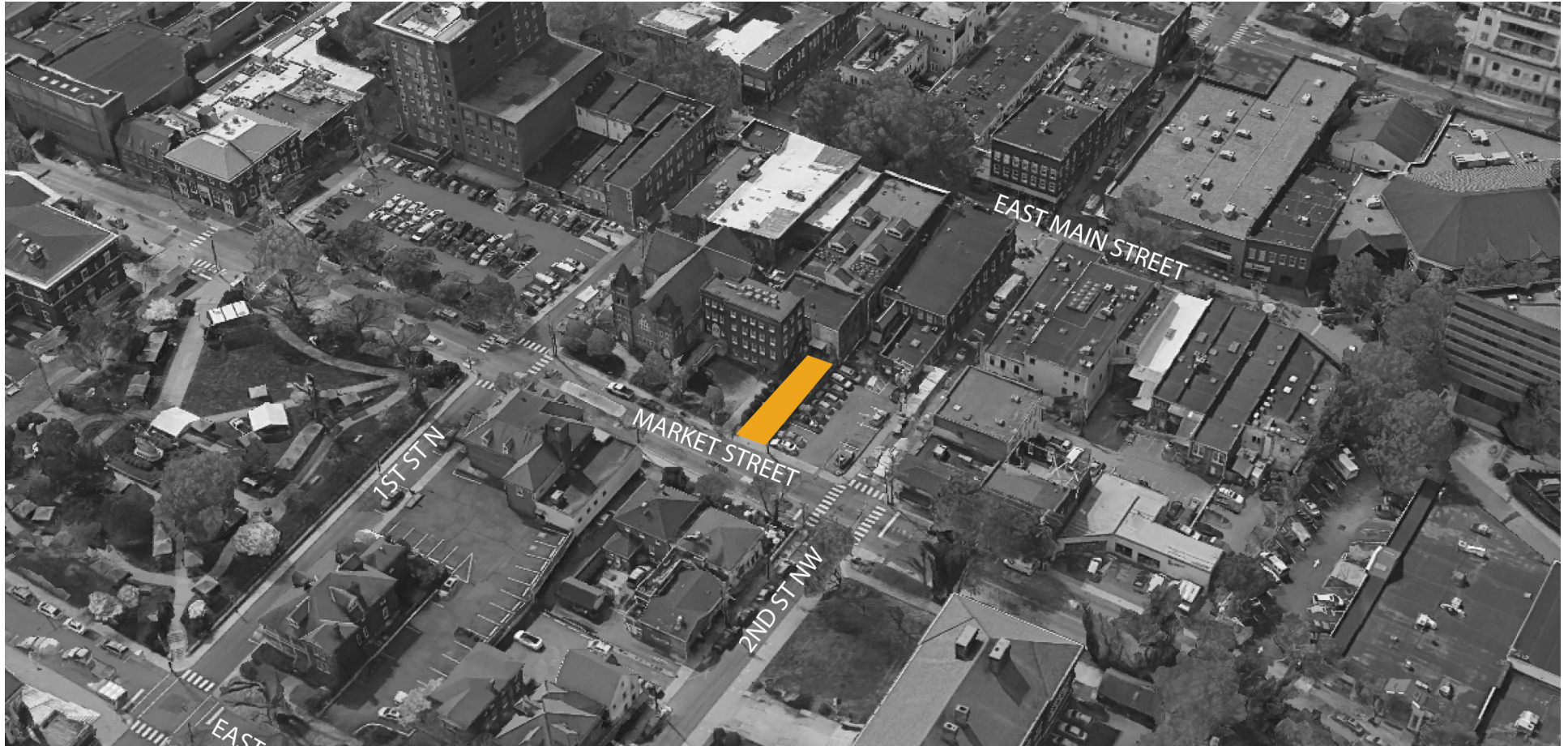
Description of proposed work:

The owner of West Main Apartments intends to take a little-used Market Street loading area to create a common outdoor amenity courtyard for their residents. This involves adding a fence along the east edge to define the space, with both a pedestrian and a vehicular gate for access from Market Street.

The fence defining the space utilizes a black aluminum post system that replicates the black columns at the covered rear door. The Hoft system fence allows for boards to be placed with space between to allow privacy while allowing air movement and limited visual connection. This system also allows for easy replacement of boards in cases of damage or vandalism, allowing the system to achieve a long life expectancy.

Access from Market street will be through a pedestrian gate made from the Hoft system. Vehicular access is required for resident moving and maintenance. This gate will be a Behlen Country Square Corner Gate that replicates the low guard above the concrete retaining wall on the east side of the courtyard.

VIEW OF SITE FROM ABOVE





VIEW FROM THE CORNER OF MARKET STREET & SECOND STREET

EXISTING >





HOFT FENCE SYSTEM OR SIM.- 44"

HOFT FENCE SYSTEM OR SIM.- GATE

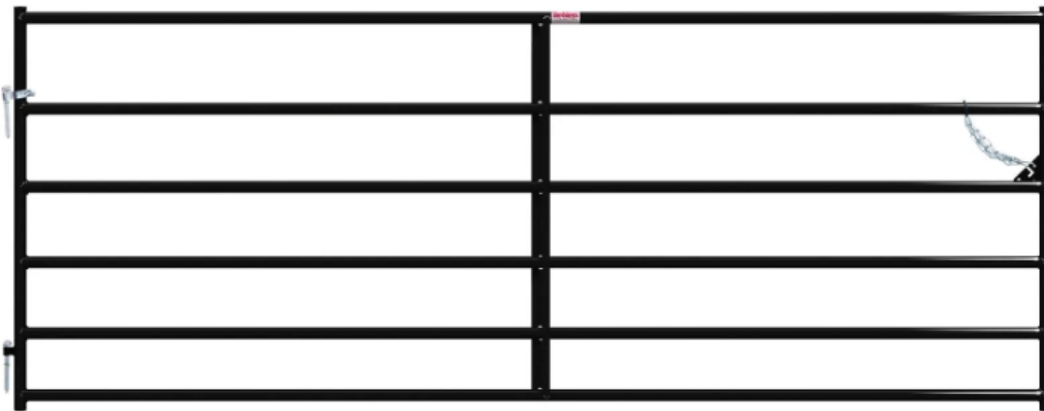
HOFT FENCE SYSTEM OR SIM.- 72"

BEHLEN COUNTRY 12' SQUARE
CORNER UTILITY GATE



HOFT OR SIM. LINE POST KIT -
 BLACK POWDER-COATED ALUMINUM
 UNFINISHED PRESSURE-TREATED 5/4 WOOD BOARDS

BEHLEN COUNTRY SQUARE CORNER UTILITY GATE -
 BLACK POWDER-COATED





SIMILAR FENCING AT 2ND STREET SE



SIMILAR GATE AT OLD PRESTON AVE

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



Agenda Date:	October 7, 2024
Action Required:	Approve Resolution
Presenter:	William Bassett, Business and Golf Manager, Krisy Hammill, Director of Budget
Staff Contacts:	William Bassett, Business and Golf Manager Krisy Hammill, Director of Budget
Title:	Resolution for Golf Maintenance Equipment Replacement

Background

The agronomic maintenance equipment at Meadowcreek Golf Course is due for its life-cycle replacement. This specialized golf equipment is used to maintain the golf course and keep playing conditions in optimal condition. The current equipment, purchased in 2019, has an average lifespan of 5 years. Since the golf course is an enterprise fund, proper maintenance of the course is critical attracting new customers, driving rounds and revenues.

Discussion

The City explored leasing the equipment through the vendor using third-party financing. However, the interest rates for a lease of the equipment were not as favorable as the rates the City could obtain if it were to buy the equipment directly from the vendor and finance the purchase through bonds as part of the City's next bond sale. The City will save approximately \$60,000 (or \$12,000 per year) over the next 5 years by financing the purchase of equipment through the use of bonds instead of entering into a lease agreement. The City will also own the equipment outright and can sell it at a later date to offset purchase costs in the next cycle of equipment purchases.

Revenues generated from the Golf course will be used to pay for the annual debt service on the equipment which will be paid back over a period not to exceed five years.

Alignment with City Council's Vision and Strategic Plan

This resolution aligns with the Strategic Outcome Areas of Parks and Recreation and Organizational Excellence.

Community Engagement

N/A

Budgetary Impact

This action will be added to the City's Capital Improvement Plan and will be financed using bonds. The debt service for the bonds will be paid using revenues generated from the Golf Course.

Recommendation

Staff recommends approval of this resolution.

Alternatives

Council could choose not to approve the resolution and seek another means to purchase or finance the equipment.

Attachments

1. Golf Course Maintenance Equipment

**RESOLUTION TO APPROPRIATE FUNDS FOR THE PURCHASE OF
MAINTENANCE EQUIPMENT FOR THE MEADOWCREEK GOLF COURSE
\$350,000**

WHEREAS, the Meadowcreek Golf Course is currently in need of new maintenance equipment and proposes to repay the City's debt service fund for the principal and interest costs related to financing \$350,000 for the purchase; and

WHEREAS, the debt service for the equipment would be paid back over a 5-year period at borrowing rate equivalent to that of the City's bond financing rate from revenues generated from golf course activities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that \$350,000 is hereby appropriated in the City's Capital Improvements Fund for the purchase of the equipment.

Revenues

\$350,000 Fund: 426 Internal Order: 2600048 GL Code: 499010

Expenditures

\$350,000 Fund: 426 Internal Order: 2600048 GL Code: 541090

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



Agenda Date:	October 7, 2024
Action Required:	Approval of the Resolution to Appropriate Funds
Presenter:	Brenda Kelley, Redevelopment Manager
Staff Contacts:	Brenda Kelley, Redevelopment Manager Krisy Hammill, Director of Budget
Title:	Resolution appropriating funds for Carlton Mobile Home Park

Background

In August 2024, the City Council approved an Ordinance approving financial assistance to support residential rental housing at Carlton Mobile Home Park for persons of low and moderate income and authorizing the City Manager to execute and deliver a Support Agreement in connection with the same, following a request from Piedmont Housing Alliance (PHA) and Greater Charlottesville Habitat for Humanity (GCHH) to the City to provide annual support over the next five years for a total amount not to exceed \$8.7M, in the event that they effectively purchase the property and become bona fide owners of the Park.

PHA/GCHH created a special purpose entity for this project, Habitat Carlton Alliance, LLC (HCA). HCA has received financing approval and is now the bona fide owner of the property. PHA will be the fiduciary agent for HCA with all funding going to PHA.

Discussion

The Carlton Mobile Home Park Loan agreement was approved by the City Council on September 16, 2024, which provided a forgivable loan to Piedmont Housing Alliance, for the benefit of HCA to be used for the public purposes of providing funding for property acquisition. The City will provide up to \$8,700,000, or the total amount of the financing acquired for the acquisition of the property, including debt service costs from such financing whichever is less, in loan proceeds. The loan proceeds will be paid out annually (subject to appropriation) in an amount equivalent to the amount of principal and interest that will be paid by PHA on behalf of HCA in the given year.

This resolution will appropriate funding in the amount of \$379,000 to cover additional debt service costs that will be incurred by PHA in FY 25.

Alignment with City Council's Vision and Strategic Plan

This item aligns with the Affordable Housing Strategic Outcome Area and the Affordable Housing Plan.

Community Engagement

Representatives of Legal Aid Justice Center, Greater Charlottesville Habitat for Humanity, Inc., and Piedmont Housing Alliance have met with residents of the Park and have received support from at least 25% of the existing tenants with a valid lease in the Park to make an independent offer to purchase the Park.

Budgetary Impact

The funding approved by this resolution will be paid from previously appropriated funds in the Land Bank Account and the Contingency Account in the City's Capital Improvement Fund.

The remaining funding beyond FY25 to support the acquisition and redevelopment of this property will be presented to this and future Councils for consideration annually as part of the regular budget process. The obligations of the City as to any funding beyond the end of FY25 are expressly made subject to the availability of and appropriation by the City Council of sufficient public funds to support continued performance of this agreement by the City in succeeding fiscal years.

Recommendation

Staff recommends approval of the attached Resolution to appropriate funds to continue to support the acquisition of the property.

Alternatives

Do not approve the Resolution which may have a significant and negative impact on HCA's ability to cover the costs it will incur in relation to the project during FY25.

Attachments

1. Carlton Mobile Home Park Forgivable Loan Proceeds

**RESOLUTION TO APPROPRIATE FUNDING IN THE AMOUNT OF \$379,000 AS
LOAN PROCEEDS FOR THE CARLTON MOBILE HOME PARK PROJECT**

WHEREAS the City of Charlottesville and Piedmont Housing Alliance (PHA) entered into a loan agreement on September 16, 2024, for the Carlton Mobile Home Park Project;

AND WHEREAS for FY 25, PHA has requested loan proceeds in an amount of \$379,000;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$379,000 is hereby appropriated to provide funding to PHA as follows:

Transfer From:

\$135,000	Fund: 426	Funded Program: 1000011	G/L Account: 540100
\$244,000	Fund: 426	Internal Order: CP -080	G/L Account: 540100

Transfer To:

\$379,000	Fund: 426	Funded Program: 1000049	G/L Account: 540100
-----------	-----------	-------------------------	---------------------



City Manager's Report

*Offices of the City Manager
Elected & Appointed Officials*

10-7-2024

City Manager – Sam Sanders (he/him)

- Congratulations to Hosea Mitchell and Carl Schwarz on their reappointments to the roles of Chair and Vice Chair of the Planning Commission for the next year.
- October is National Community Planning Month. Thank you to our Neighborhood Development Services team for their work in fostering a safe, resilient, equitable, and prosperous community.
- Worked with Chief Kochis to complete the activation of FLOCK (automatic license plate reader) system with the following actions:
 - Confirmed 10 locations (list available on CPD webpage and Transparency Portal)
 - Reviewed and approved internal FLOCK Policy (this policy was also reviewed by PCOB Executive Director Inez Gonzalez and Deputy City Manager Marshall)
- Signed the HUD Grant Agreement for entitlement funding to support affordable housing, community and economic development, or support of public facilities. The City has been allocated HOME & CDBG funds, bringing \$1.09M to the region, of which Charlottesville's share is \$521,633.
- On September 19th, I provided a Welcome and Opening Remarks at the 30th Annual NASLEF Conference (National Association of State and Local Equity Funds) at the Omni; they asked me to comment on my connections to community development and affordable housing
- I would like to thank our staff who were joined by their peers in the county for a joint tabletop exercise in preparation for the upcoming elections; it is important that we prepare for moments such as this and readiness is something the public should expect of its government.
- I spent Friday, September 20th - Wednesday, September 25th with my city and county management peers from across the country at the ICMA Conference. This year, we gathered in Pittsburgh for networking and training. I really enjoyed sessions on trust building in organizations, prioritizing issues, public engagement for problem solving, managing during disasters, and process improvements. There were also multiple opportunities to engage in discussions on homelessness interventions as a common issue facing communities everywhere.

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

- ICMA Conference Attendance: I participated in the 2024 ICMA Conference in Pittsburgh, where I engaged in valuable sessions focused on leadership, emergency management, and organizational trust-building. These insights will help shape our city's approach to enhancing internal processes and public service delivery.
- City Attorney's Office Recruitment: I conducted interviews for key positions in the City Attorney's Office, aiming to strengthen our legal team and ensure the city's legal matters are efficiently managed.
- Human Resources Assessment: I am leading a comprehensive assessment of the Human Resources Department to identify opportunities for improvements in efficiency, service delivery, and employee engagement.
- SPCA Contract Negotiations: I am part of the team negotiating a new contract with the SPCA to ensure continued high-quality services for the city's animal control and care efforts.
- Emergency Management Readiness: I am collaborating with our Emergency Management Coordinator to evaluate the city's current readiness for responding to emergencies and exploring infrastructure enhancements to bolster our preparedness.
- Review of 2017 Protest After Action Reports: I have reviewed the after-action reports from the 2017 protests and am using these insights to inform ongoing efforts to improve citywide safety and crisis response.

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

- The 27th annual Grand Illumination is coming up on Friday, December 6th at Ting Pavilion. Folks of all ages can visit the Holiday Market, play games, win prizes, collect cool giveaways at City Hall Plaza, and enjoy live music from local and regional artists during the Holiday Concert. Speaking of which, we're looking for singers, dancers, and musicians for this year's event. If you or someone you know has a talent for spreading holiday cheer through music, please send a name, contact information, and at least one performance video to cvillegrand@charlottesville.gov.
- CCMC, our Charlottesville Community Media Center, hosted its annual open house to show the community where their local public access television is made. It was great to meet with folks, give tours of the studio, sign up new members, and discuss how CCMC promotes free expression through multimedia in our community.

- The City was happy to partner with the County to sponsor a cheer station at the annual Loop de' Ville festival on Sunday, October 6th. Our Communications team was present to cheer on runners, walkers, and bikers, provide water and giveaways, educate participants on initiatives in the City, and discuss open positions.
- Reminder: The City's public affairs tv program, Inside Charlottesville, airs every Friday and Sunday at 7:00 PM and every Saturday and Monday at 9:00 AM on Charlottesville TV10 – Comcast Channel 10 in the City of Charlottesville and surrounding counties. We also have a free Roku app for TV10 which folks can find by searching for "Charlottesville TV10" on Roku.

Budget Office – Director Krisy Hammill (she/her)

- The FY26 Budget calendar is now available on the Budget Office webpage at www.charlottesville.gov/budget.

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

- The Office of Human Rights has hired Lauren Harris as the Intake Specialist for individual services provided by the office. The Office of Human Rights is once again fully staffed.
- On September 3rd, the Human Rights Commission submitted its recommendations to City Council regarding legislative priorities for the 2025 General Assembly session. The Commission's recommendations focused on legislation related to housing access, tenant's rights, and supports for people experiencing homelessness.
- The Human Rights Commission met on September 19th to discuss potential recommendations to City Council related to City policies impacting human and civil rights. The Commission will finalize its recommendations at its next regular meeting on October 17th.

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

- The Jordan Park Accessible Pathways: The City Council approved \$25,000 in CDBG funds on September 16 to create a new and accessible paved pathway within Jordan Park. This would enable the connection of the existing accessible curb ramp at the park's Sixth Street entrance with several amenities, including a basketball court, playgrounds, and a new trail bridge. The project is a collaboration between the Office of Community Solutions and Parks and Recreation Department. It is gearing up for construction (weather permitting).

- HUD HOME Program: HOME-funded subrecipients continue to work to make progress on a range of affordable homeowner and rental initiatives. OCS staff received training from HUD on ensuring that HOME-ARP America Rescue Plan funding goes to support housing access for four Qualifying Populations (QPs): (i) persons experiencing homelessness; (ii) persons at risk of experiencing homelessness; (iii) persons fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, and/or human trafficking; and (iv) other populations with the greatest risk of housing instability. Staff are working with our partners at Thomas Jefferson PDC (TJPDC) to ensure that all HOME-ARP funded projects serve these populations with more info to follow.
- Housing Operations and Programs Support (HOPS) Grant: The HOPS Grant application period opened as scheduled on September 18th, following its inclusion in the City's Notice of Funding Availability (NOFA), which was published in mid-August. The deadline to submit HOPS application is October 18, 2024. OCS staff collaborated with the communications team to promote NOFA opportunities, including details on the HOPS Grant application process and submission instructions. Additionally, the Housing Program Manager will facilitate a workshop on October 2 for organizations interested in applying for the Charlottesville Affordable Housing Fund (CAHF) and HOPS grants. The workshop will cover policy and programmatic alignment and will include a panel-style Q&A session.
- Housing Equity and Anti-Displacement Toolkit (HEAT) / Strategy: Two new components of the recommended HEAT Strategy from March—the Land Bank Program/Ordinance and an Affordable Housing Development-Oriented Tax Abatement Performance Program—are nearing readiness for Council consideration. The Land Bank presentation is scheduled for the October 7 Council work session at 4:00 PM.
- Quarterly Neighborhood Leaders Meeting: OCS facilitated the Neighborhood Leaders Meeting led by the City Manager on September 19, 2024. Many department heads and neighborhood leaders were in attendance. The next meeting is scheduled for December 19, 2024.

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

- UVA Career Center's Climate Action Trek – As part of Public Service Week at UVA, the Office of Sustainability is co-sponsoring a "Climate Action Trek" with the UVA Career Center. The event brought together a group of 25 students interested in pursuing careers in sustainability to City Space where they had the opportunity to hear directly from OS staff and partners from across the organization who shared about how they engage with sustainability and climate resilience in their roles.

- Commercial Property Assessed Clean Energy (C-PACE) – Proposed adoption of an Ordinance to create the City of Charlottesville C-PACE Financing Program in coordination with the statewide C-PACE program is being presented to City Council on October 7th. The proposed ordinance will initiate a program that facilitates loans made by capital providers to property owners of eligible properties to finance eligible improvements. These include (1) energy efficiency improvements; (2) water efficiency and safe drinking water improvements; (3) renewable energy improvements; (4) resiliency improvements; (5) stormwater management improvements; (6) environmental remediation improvements; and (7) electric vehicle infrastructure improvements.
- Charlottesville’s Water Conservation Program has been recognized by the Environmental Protection Agency with a WaterSense Sustained Excellence Award for the 7th year in a row and its 10th consecutive WaterSense Program award. Program highlights include development of new television and digital commercials featuring three charismatic water characters singing the woes of wasting water, the development of tailored water-saving curriculum for CCS to help educate the next generation on water conservation, and involvement in continuation of numerous community partnerships bringing inclusive water conservation outreach and education to the community.
- Imagine a Day without Water Art Contest - The City Water Conservation Program, in collaboration with Albemarle County Service Authority and Rivanna Water & Sewer Authority have kicked off the 10th annual Imagine a Day without Water Art Contest. The 2024 contest challenges youth to show us “What’s Your Drop in the Bucket” in their artistic creations. Art submissions will be accepted September 30th through October 28th. The contest will be open to all youth in grades K – 12th living in the City of Charlottesville and Albemarle County. Original 2-dimensional creations (including photography) can be submitted via mail, digitally, or at Central, Northside, and Crozet Library branches. To learn more about the campaign and full art contest details, visit www.Charlottesville.gov/ArtContest.
- Resilient Together: Climate Resilience Cohort – The project team is excited to have kicked off the grant-funded Climate Resilience Cohort on September 30. Representatives from ten community-based organizations came together at City Space to meet the project team and one another and get oriented to the project. The cohort will work together to help ensure our climate adaptation and resilience plans meet the needs of the community members they serve and implement community-led resilience projects.
- The Climate Program Manager gave a guest lecture to UVA students taking Designing a Carbon Neutral Future.
- OS staff participated in several community events over the past month, include the C’ville Pride Festival and the Cville VegFest.

ADA – Coordinator Paul Rudacille (he/him)

- ADA Transition Plan Progress: Our contractor for the citywide ADA Transition Plan has nearly completed the right-of-way section of the plan. This comprehensive assessment of public rights-of-way is a critical component of the overall plan, and we anticipate being able to release this portion of the plan to the public in the coming weeks.
- ADA Information Requests and Complaints: Over the past quarter, the City received a total of 21 requests for information or complaints related to accessibility and the ADA. Of these, 3 were Title III-related requests that did not involve City facilities or services, but rather private businesses located outside of the city limits. City staff worked to provide information and resources to those individuals, while focusing our internal efforts on the 18 requests that did pertain to City programs, services, and infrastructure.

Office of Economic Development – Director Chris Engel (he/him)

- The GO Start-Up Fall 2024 cohort has concluded, marking a milestone for twelve local individuals who have worked diligently to plan and evaluate their business futures. Throughout the four-week program, these aspiring entrepreneurs gained tools and knowledge to help them thrive in their current or future roles as business owners.
- The program focused on helping participants recognize the ideal entrepreneurial mindset and guided them through discussion that encouraged self-awareness of their skill sets, products, customers, and market. This clarity allowed participants to begin the process of envisioning the scope of their business ideas and prepare for success. GO Start-Up also provided participants with foundational business essentials, which armed them with practical information and strategies for running their ventures while providing insights on how to effectively apply classroom study to real-world business scenarios.
- In completing the program, participants were encouraged to act on growth opportunities revealed through course discussions and homework. Each entrepreneur will now focus on taking the next steps in their entrepreneurial journey. We join with the community in looking forward to seeing the future impact these start-ups will have in the Charlottesville area.
- In September, friends, family, and community members came together to celebrate the graduation of six new GO Cook graduates. This ceremony marked not only the completion of intensive training but also the beginning of exciting opportunities in a dynamic and ever-evolving industry. These graduates have

shown remarkable dedication, creativity, and perseverance, mastering skills that will serve them in kitchens throughout the region and beyond.

- Along the way, they've not only learned the craft of cooking but also embraced values like teamwork, time management, and resilience. They've faced challenges head-on and emerged stronger, ready to pursue careers that offer both personal growth and the chance to make a meaningful impact in the culinary world.
- The Office of Economic Development thanks the instructors, employers, and community partners who have been integral to the success of this program.

Circuit Court Clerk's Office – Clerk of Court, Llezelle Dugger (she/her)

- On Sunday, October 6th, 2024, at 3 p.m., our Court will be commemorating and celebrating the 10th anniversary of the issuance of first same sex marriage license in Charlottesville (may be even in all of Virginia).

Downtown Job Center – Roy Fitch (he/him)

- August 22nd - Downtown Job Center hosted a hiring event in City Space which featured 8 Employers. We had 26 jobseekers in attendance.
- August 29th - Downtown Job Center attended and assisted with the Department of Human Resources City Job Fair at Carver Recreation Center.
- September 10th - Downtown Job Center offered a Resume Writing Workshop as a part of the Blue Ridge Health Department Outreach Network Trainings.
- September 12th - Home To Hope attended the reentry One Stop Shop at Carver Recreation Center.
- September 19th - Downtown Job Center in attendance at the GO Cook Cohort 18 Graduation held at City Space.
- September 24th - Downtown Job Center offered an Interviewing Skills Workshop as a part of the Blue Ridge Health Department Outreach Network Trainings.
- September 25th - Downtown Job Center in attendance for the City of Promise DreamBuilders New Participant Resource Orientation.
- September 26th - Home To Hope and Downtown Job Center present at the Fluvanna Women's Correctional Center Resource Fair.

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



Agenda Date:	October 7, 2024
Action Required:	Public hearing and Approval of Ordinance
Presenter:	Kristel Riddervold, Director of the Office of Sustainability
Staff Contacts:	Emily Irvine, Climate Program Manager Robinson Hubbard, Deputy City Attorney
Title:	Public Hearing and Ordinance establishing the Commercial Property Assessed Clean Energy (C-PACE) financing program (1 of 2 readings)

Background

In 2015, the Commonwealth of Virginia passed legislation to enable localities to pass ordinances to create Commercial Property Assessed Clean Energy (C-PACE) financing programs and in 2022, it launched a statewide program that localities could opt in to. C-PACE is a means of financing clean energy and resilience projects for multifamily, commercial and industrial property owners. In its most basic form, PACE enables property owners to finance up to 100% of the upfront cost of these projects and pay back the loan through a voluntary assessment on their property tax bill. The program is administered by the Virginia PACE Authority, a 501(c)(3) nonprofit organization, on behalf of Virginia Energy. Virginia localities may opt into the statewide program so that property owners within that locality may participate. Albemarle County is currently enrolled in the statewide C-PACE program, along with 14 other Virginia localities.

Discussion

Pursuant to Va. Code § 15.2-958.3, once the City has enrolled in the C-PACE program, owners of commercial and/or multi-unit residential buildings could receive financing for certain eligible improvements, including: energy usage efficiency systems; water usage efficiency systems; renewable energy production facilities; resiliency improvements to increase a structure's capacity to withstand a natural disaster; stormwater management improvements, environmental remediation, electric vehicle infrastructure. These loans can be used for new construction, or the renovation/retrofitting of a currently existing structure. The minimum loan amount that may be financed for each project is fifty thousand dollars (\$50,000.00).

Each C-PACE loan, inclusive of principal, interest, and any financed fees, costs, or expenses, will be secured by a voluntary special assessment lien on the Property that is the subject of the loan. This loan would "run with the land," and responsibility for the loan would transfer to the new property owner if the property is sold before the loan is repaid.

Alignment with City Council's Vision and Strategic Plan

This action is in direct alignment with the City’s Strategic Plan Framework’s Outcome Area, *Climate Action*. Establishing the ability for property owners to use C-PACE is supported by the City’s 2023 Climate Action Plan which includes “*further enabling private financial sector investment in energy performance upgrades for commercial properties in the City of Charlottesville through adoption of a Commercial Property Assessed Clean Energy (C-PACE) financing program.*”

Additionally, the adoption of a C-PACE Ordinance is in alignment with the City’s Comprehensive Plan: Chapter 7 (Environment, Climate, and Food Equity), Goal 1, Strategy 1.7.

Community Engagement

Through the adoption of Charlottesville’s greenhouse gas reduction (GHG) goals and the development of the Climate Action Plan, the community and Council supported strategies to facilitate energy efficiency and resilience and enabling private sector investment in energy to achieve cost savings and greenhouse gas reductions, including through adoption of C-PACE.

Budgetary Impact

There is no (\$0) impact on the General Fund. Administration of program is conducted entirely by VPA. City staff will support marketing and outreach within existing funded programs.

Recommendation

Staff recommends approval of the Ordinance.

Alternatives

N/A

Attachments

1. Ordinance - C-PACE 2024 (1) (2)
2. C-PACE Program Agreement (Appendix A) (2)
3. Virginia Energy - Locality C-PACE Agreement (Appendix B) (1)

**AN ORDINANCE
ESTABLISHING A COMMERCIAL PROPERTY
CLEAN ENERGY (C-PACE)
FINANCING PROGRAM**

WHEREAS, The Commonwealth of Virginia has created a Statewide Program known as the Commercial Property Clean Energy (C-PACE) Financing Program operated by The Virginia PACE Authority, as Program Administrator on behalf of Virginia Energy; and

WHEREAS, Virginia Counties, Cities and Towns are allowed to opt into the Statewide C-Pace Program so that Property Owners located in that jurisdiction may participate; and

WHEREAS, the purpose of the Commercial Property Assessed Clean Energy (C-PACE) Financing Program, in accordance with Va. Code §15.2-958.3 (hereinafter, the “C-PACE Act”) is for local and statewide C-PACE programs to work together facilitating loans made by capital providers to property owners of eligible properties to finance eligible improvements designed to improve environmental sustainability. Subject to the limitations set forth in this ordinance, the C-PACE Act, or other applicable law, each C-PACE loan, inclusive of principal, interest, and any financed fees, costs, or expenses, will be secured by a voluntary special assessment lien on the Property that is the subject of such Loan; and

WHEREAS, the required public hearings on the proposed ordinance have been conducted; and

WHEREAS, this City Council has reviewed the C-PACE Program Agreement, Virginia Energy Locality C-Pace Agreement, and considered staff recommendations; and

WHEREAS, this Council finds that the proposed ordinance will allow property owners of eligible city properties to secure loans that will finance eligible improvements connected to clean energy practices designed to improve environmental sustainability within the city.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Charlottesville, Virginia, that the Charlottesville City Code (1990) is hereby amended by adding a new section to be numbered Chapter 30, Article XX, and entitled, Commercial Property Clean Energy (C-PACE) Financing Program, which section shall read as follows:

**Chapter 30 TAXATION ARTICLE XX - COMMERCIAL PROPERTY ASSESSED
CLEAN ENERGY (C-PACE) FINANCING PROGRAM**

Sec. 30-483. - Purpose.

The purpose of this chapter is to create a “The City of Charlottesville Commercial Property Assessed Clean Energy (C-PACE) Financing Program,” to operate in coordination with the statewide C-PACE program, all in accordance with Va. Code §15.2-958.3 (hereinafter, the “C-PACE Act”). The local and statewide C-PACE programs, working together, will facilitate Loans made by Capital Providers to Property Owners of Eligible Properties to finance Eligible

Improvements thereon. Subject to the limitations set forth in this chapter, the C-PACE Act, or other applicable law, each C-PACE Loan, inclusive of principal, interest, and any financed fees, costs, or expenses, will be secured by a voluntary special assessment lien on the Property that is the subject of such Loan.

Sec. 30-484. - Definitions.

(a) *Assessment Payment Schedule* means the schedule of installments of C-PACE Payments to be made in the repayment of the C-PACE Loan, which shall be attached as Exhibit B to the C-PACE Program Agreement.

(b) *Capital Provider* means (i) a private lending institution that has been approved by the Program Administrator in accordance with the Program Guidelines to originate a C-PACE Loan and its successors and assigns; or (ii) the current holder of a C-PACE Loan.

(c) *City* means the City of Charlottesville, Virginia.

(d) *Clerk's office* means the Office of the Clerk of the Circuit Court of the City of Charlottesville, Virginia.

(e) *Commonwealth* means the Commonwealth of Virginia.

(f) *Council* means the Council of the City of Charlottesville, Virginia.

(g) *C-PACE* means Commercial Property Assessed Clean Energy.

(h) *C-PACE Act* means Virginia's "Commercial Property Assessed Clean Energy (C-PACE) financing programs" law, codified at Va. Code §15.2-958.3.

(i) *C-PACE Amendment* means an amendment of the C-PACE Lien executed by the Capital Provider, the Property Owner, and the Program Manager, as permitted in the C-PACE Documents, which C-PACE Amendment shall be recorded in the Clerk's Office to evidence each amendment to the C-PACE Loan and the C-PACE Lien.

(j) *C-PACE Assignment (CP)* means a written assignment by one Capital Provider to another Capital Provider of the C-PACE Payments and/or C-PACE Lien pursuant to the terms of the assignment document.

(k) *C-PACE Assignment (Locality)* means a written assignment by the City to the Capital Provider to whom the C-PACE Loan is then due, wherein the City relinquishes and assigns its right to enforce the C-PACE Lien to the Capital Provider, substantially in the form attached as Addendum 1 to the C-PACE Lien Certificate.

(l) *C-PACE Documents* means the C-PACE Program Agreement, Financing Agreement, C-PACE Lien Certificate, C-PACE Assignment (CP) (if any), C-PACE Assignment (Locality) (if any), C-PACE Amendment (if any), and any other document, agreement, or instrument executed in connection with a C-PACE Loan.

(m) *C-PACE Lien* or *Lien* means the voluntary special assessment lien levied against the Property as security for the C-PACE Loan.

(n) *C-PACE Lien Certificate* means the voluntary special assessment lien document duly recorded among the Land Records against an Eligible Property to secure a C-PACE Loan.

(o) *C-PACE Loan* or *Loan* means a loan from a Capital Provider to finance a Project, in accordance with the Program Guidelines.

(p) *C-PACE Payment* means the periodic installment payments of the C-PACE Loan by a Property Owner, due and payable to the Capital Provider or Program Administrator as permitted by the C-PACE Act in such amounts and at such times as described in the Assessment Payment Schedule.

(q) *C-PACE Program* means the program established by the City through this chapter, in accordance with the C-PACE Act, that in coordination with the Statewide Program facilitates the financing of Eligible Improvements and provides for a C-PACE Lien to be levied and recorded against the Property to secure the C-PACE Loan.

(r) *C-PACE Program Agreement* means the agreement executed among the Property Owner, the City, the Treasurer and the Capital Provider, and their respective successors and assigns, which includes the terms and conditions for participation in the C-PACE Program and the Property Owner's acknowledgment and consent for the City to impose a voluntary special assessment, record a C-PACE Lien Certificate against the Property Owner's Eligible Property and, if the City so determines, assign the rights to enforce the C-PACE Lien and C-PACE Lien Certificate to the Capital Provider (and if so assigned, also a consent of the Treasurer to such assignment). The C-PACE Program Agreement shall be substantially in the form attached hereto as Appendix A.

(s) *Delinquent Payment* means any C-PACE Payment that was not paid by a Property Owner in accordance with the C-PACE Documents.

(t) *Eligible Improvements* means the initial acquisition and installation of any of the following improvements made to Eligible Properties:

- (1) Energy efficiency improvements;
- (2) Water efficiency and safe drinking water improvements;
- (3) Renewable energy improvements;
- (4) Resiliency improvements;
- (5) Stormwater management improvements;
- (6) Environmental remediation improvements; and
- (7) Electric vehicle infrastructure improvements.

Eligible Improvements may be made to both existing Properties and new construction, as further prescribed in this chapter and the Program Guidelines. Eligible Improvements shall include types of authorized improvements added by the General Assembly to the C-PACE Act after the date of adoption of this chapter, without need for a conforming amendment of this chapter. In addition to the elaboration on the types of Eligible Improvements provided in Sec. 30-486(a), below, a Program Administrator may include in its Program Guidelines or other administrative documentation definitions, interpretations, and examples of these categories of Eligible Improvements.

(u) *Eligible Property* or *Property* means all assessable commercial real estate located within the City, with all buildings located or to be located thereon, whether vacant or occupied, improved or unimproved, and regardless of whether such real estate is currently subject to taxation by the City, excluding (i) a residential dwelling with fewer than five (5) units, and (ii) a residential condominium as defined in Va. Code § 55.1-2000. Common areas of real estate owned by a cooperative or a property owners' association described in Va. Code Title 55.1, Subtitle IV (§55.1-1800 et seq.), that have a separate real property tax identification number are Eligible Properties. Eligible Properties shall be eligible to participate in the C-PACE Program.

(v) *Financing Agreement* means the written agreement, as may be amended, modified, or supplemented from time to time, between a Property Owner and a Capital Provider, regarding matters related to the extension and repayment of a C-PACE Loan to finance Eligible Improvements. The Financing Agreement may contain any lawful terms agreed to by the Capital Provider and the Property Owner.

(w) *Land Records* means the Land Records of the Clerk's Office.

(x) *Lender Consent* means a written subordination agreement executed by each mortgage or deed of trust lienholder with a lien on the Property that is the subject of a C-PACE Loan, which allows the C-PACE Lien to have senior priority over the mortgage or deed of trust liens.

(y) *Loan Amount* means the original principal amount of a C-PACE Loan.

(z) *Locality Agreement* means the Virginia Energy – Locality Commercial Property Assessed Clean Energy Agreement between Virginia Energy and the City, pursuant to which the City elects to participate in the Statewide Program. The Locality Agreement shall be substantially in the form attached hereto as Appendix B.

(aa) *Program Administrator* means the private third party retained by Virginia Energy to provide professional services to administer the Statewide Program in accordance with the requirements of the C-PACE Act, this chapter, the Locality Agreement and the Program Guidelines.

(bb) *Program Fee(s)* means the fee(s) authorized by the C-PACE Act and charged to participating Property Owners to cover the costs to design and administer the Statewide Program, including, without limitation, compensation of the Program Administrator. While Capital Providers are required to service their C-PACE Loans, if a Capital Provider does not do so and the

Program Administrator assumes the servicing responsibility and charges a servicing fee, the servicing fee shall also be included among the Program Fees.

(cc) *Program Guidelines* means a comprehensive document setting forth the procedures, eligibility rules, restrictions, Program Fee(s), responsibilities, and other requirements applicable to the governance and administration of the Statewide Program.

(dd) *Program Manager* means the City Manager or such person designated in writing by the City Manager to (i) supervise the City's C-PACE Program and participation in the Statewide Program, (ii) act as liaison with the Program Administrator and (iii) advise the Program Administrator as to who will sign the C-PACE Documents to which the Locality is a party on the Locality's behalf. If the employee of the City who customarily signs agreements for the Locality is not the person designated as Program Manager, then references in this Ordinance and in the C-PACE Documents to the Program Manager signing certain C-PACE Documents on behalf of the Locality shall be construed to also authorize such customary signatory for the City to execute such C-PACE Documents.

(ee) *Project* means the construction or installation of Eligible Improvements on Eligible Property.

(ff) *Property Owner* means (i) the Property Owner(s) of Eligible Property who voluntarily obtain(s) a C-PACE Loan from a Capital Provider in accordance with the Program Guidelines; or (ii) a successor in title to the Property Owner.

(gg) *Property Owner Certification* means a notarized certificate from Property Owner, certifying that (i) Property Owner is current on payments on Loans secured by a mortgage or deed of trust lien on the Property and on real estate tax payments, (ii) that the Property Owner is not insolvent or in bankruptcy proceedings, and (iii) that the title of the Property is not in dispute, as evidenced by a title report or title insurance commitment from a title insurance company acceptable to the Program Administrator and Capital Provider.

(hh) *Statewide Program* means the statewide C-PACE financing program sponsored by Virginia Energy, established to provide C-PACE Loans to Property Owners in accordance with the C-PACE Act, this chapter, the Locality Agreement, the C-PACE Documents and the Program Guidelines.

(ii) *Treasurer* means the Treasurer of the City of Charlottesville.

(jj) *Useful Life* means the normal operating life of the fixed asset.

(kk) *Virginia Code* or *Va. Code* means the Code of Virginia of 1950, as amended.

(ll) *Virginia Energy* means the Virginia Department of Energy.

Sec. 30-485. - Effective date.

This chapter shall become effective immediately following its adoption.

ARTICLE II. - PROGRAM STRUCTURE

Sec. 30-486. - C-PACE Program; Eligible Improvements.

(a) *C-PACE Program.* The C-PACE Program shall be available throughout the City, provided that the Property Owner, the Property, the proposed Eligible Improvements, the Capital Provider, and the principal contractors all qualify for the Statewide Program. The following types of Eligible Improvements may be financed with a C-PACE Loan:

(1) Energy usage efficiency systems (e.g., high efficiency lighting and building systems, heating, ventilation, and air conditioning (HVAC) upgrades, air duct sealing, high efficiency hot water heating systems, building shell or envelope improvements, reflective roof, cool roof, or green roof systems, and/or weather-stripping), or other capital improvements or systems which result in the reduction of consumption of energy over a baseline established in accordance with the Program Guidelines;

(2) Water usage efficiency and safe drinking water improvements (e.g., recovery, purification, recycling, and other forms of water conservation), or other capital improvements or systems which result in the reduction of consumption of water over a baseline established in accordance with the Program Guidelines;

(3) Renewable energy production facilities (e.g., solar photovoltaic, fiber optic solar, solar thermal, wind, wave and/or tidal energy, biomass, combined heat and power, geothermal and fuel cells), whether attached to a building or sited on the ground, and the storage and/or distribution of the energy produced thereby, whether for use on-site or sale or export to a utility or pursuant to a power purchase agreement with a non-utility purchaser;

(4) Resiliency improvements which increase the capacity of a structure or infrastructure to withstand or recover from natural disasters, the effects of climate change, and attacks and accidents, including, but not limited to:

- a. Flood mitigation or the mitigation of the impacts of flooding;
- b. Inundation adaptation;
- c. Natural or nature-based features and living shorelines, as defined in Va. Code § 28.2-104.1;
- d. Enhancement of fire or wind resistance, including but not limited to reinforcement and insulation of a building envelope to reduce the impacts of excessive heat or wind;
- e. Microgrids;
- f. Energy storage; and

- g. Enhancement of the resilience capacity of a natural system, structure, or infrastructure;

(5) Stormwater management improvements that reduce onsite stormwater runoff into a stormwater system, such as reduction in the quantity of impervious surfaces or providing for the onsite filtering of stormwater;

(6) Environmental remediation improvements, including but not limited to:

- a. Improvements that promote indoor air and water quality;
- b. Asbestos remediation;
- c. Lead paint removal; and
- d. Mold remediation;
- e. Soil remediation or groundwater remediation;

(7) Electric vehicle infrastructure improvements, such as charging stations;

(8) Construction, renovation, or retrofitting of a Property directly related to the accomplishment of any purpose listed in subsections (1) – (7) above, whether such Eligible Improvement was erected or installed in or on a building or on the ground; it being the express intention of the City to allow Eligible Improvements that constitute, or are a part of, the construction of a new structure or building to be financed with a C-PACE Loan; and

(9) Any other category of improvement (i) approved by the Program Administrator with the consent of the Program Manager as qualifying for financing under the Statewide Program, in accordance with the C-PACE Act (including amendments thereto which authorize additional types of Eligible Improvements), or (ii) added by the General Assembly to the C-PACE Act after the date of adoption of this chapter, without need for a conforming amendment of this chapter. In addition, a Program Administrator may include in its Program Guidelines or other administrative documentation definitions, interpretations, and examples of these categories of Eligible Improvements.

(b) *Use of C-PACE Loan proceeds.* The proceeds of a C-PACE Loan may be used to pay for the construction, development, and consulting costs directly related to Eligible Improvements, including without limitation, the cost of labor, materials, machinery, equipment, plans, specifications, due diligence studies, consulting services (e.g., engineering, energy, financial, and legal), program fees, C-PACE Loan fees, capitalized interest, interest reserves, and C-PACE transaction underwriting and closing costs.

(c) *Program applications; prioritization.* The Program Administrator shall make available the Statewide Program's program application process, to provide for the review and approval of proposed Eligible Improvements and C-PACE Documents. Program applications will be

processed by the Statewide Program in accordance with the eligibility requirements and procedures set forth in the Program Guidelines.

Sec. 30-487. - C-PACE Loan requirements; Program Fees; reporting; Program Administrator; Program Guidelines.

(a) *Source of Loans.* C-PACE Loans shall be originated by Capital Providers. The City and/or its respective governmental entities shall have no obligation to originate or guarantee any C-PACE Loans.

(b) *C-PACE Loan Amount thresholds.* The minimum Loan Amount that may be financed for each Project is fifty thousand dollars (\$50,000.00). There is no maximum aggregate amount that may be financed with respect to an Eligible Property, except as stipulated in the Program Guidelines. There shall be no limit on the total value of all C-PACE Loans issued under the C-PACE Program.

(c) *C-PACE Loan refinancing or reimbursement.* The Program Administrator may approve a Loan application submitted within two (2) years of the City's issuance of a certificate of occupancy or other evidence that the Eligible Improvements comply substantially with the plans and specifications previously approved by the City and that such Loan may refinance or reimburse the Property Owner for the total costs of such Eligible Improvements.

(d) *C-PACE Loan interest.* The interest rate of a C-PACE Loan shall be as set forth in the C-PACE Documents.

(e) *C-PACE Loan term.* The term of a C-PACE Loan shall not exceed the weighted average Useful Life of the Eligible Improvements, as determined by the Program Administrator.

(f) *Apportionment of costs.* All of the costs incidental to the financing, administration, collection, and/or enforcement of the C-PACE Loan shall be borne by the Property Owner.

(g) *Financing Agreements.* Capital Providers may use their own Financing Agreements for C-PACE Loans, but the Financing Agreement may not conflict with the provisions of this chapter, the C-PACE Act, or the C-PACE Program Agreement. To the extent of any conflict, this chapter, the C-PACE Act, and the C-PACE Program Agreement shall prevail.

(h) *C-PACE Program Agreement.* In order to participate in the C-PACE Program, Property Owner and Capital Provider shall enter into a C-PACE Program Agreement, which sets forth certain terms and conditions for participation in the C-PACE Program. The Program Manager is authorized to approve the C-PACE Loan and execute the C-PACE Program Agreement on behalf of the City without further action by the City Council. The Treasurer is also authorized to execute the C-PACE Program Agreement without further action by the City Council. The C-PACE Program Agreement shall be binding upon the parties thereto and their respective successors and assigns until the C-PACE Loan is paid in full. The Program Administrator may modify the C-PACE Program Agreement as necessary to further the Statewide Program's purpose and to

encourage Program participation, so long as such modifications do not conflict with the Program Guidelines, this chapter, the Locality Agreement, or the C-PACE Act.

(i) *Repayment of C-PACE Loan; collection of C-PACE Payments.* C-PACE Loans will be repaid by the Property Owner through C-PACE Payments made in the amounts and at such times as set forth in the Assessment Payment Schedule, the C-PACE Documents and Program Guidelines. The Capital Provider shall be responsible, subject to and in accordance with the terms of the C-PACE Program Agreement and other C-PACE Documents, for the servicing of the C-PACE Loans and the collection of C-PACE Payments. If a Capital Provider fails to service a C-PACE Loan, such C-PACE Loan shall be serviced by the Program Administrator. Nothing herein shall prevent the Capital Provider or the Program Administrator from directly billing and collecting the C-PACE Payments from the Property Owner to the extent permitted by the C-PACE Act or other applicable law. The enforcement of C-PACE Loans and their C-PACE Documents during an event of default thereunder is governed by Section 483-6(e).

(j) *C-PACE Loan assumed.* A party which acquires a Property which is subject to a C-PACE Lien, whether it obtained ownership of the Property voluntarily or involuntarily, becomes the Property Owner under the C-PACE Documents and, by virtue of the C-PACE Lien running with the land, assumes the obligation to repay all remaining unpaid C-PACE Payments which are due and which accrue during such successor Property Owner's period of ownership. Only the current C-PACE Payment and any Delinquent Payments, together with any penalties, fees and costs of collection, shall be payable at the settlement of a Property upon sale or transfer, unless otherwise agreed to by the Capital Provider.

(k) *Transfer of C-PACE Loans.* C-PACE Loans may be transferred, assigned, or sold by a Capital Provider to another Capital Provider at any time until the C-PACE Loan is paid in full provided that the Capital Provider shall (i) notify the Property Owner and the Program Administrator of the transfer prior to the billing date of the next C-PACE Payment due (and within thirty (30) days if the C-PACE Loan is serviced by the Program Administrator), (ii) record a C-PACE Assignment (CP) among the Land Records, and (iii) deliver a copy of the recorded C-PACE Assignment (CP) to the Property Owner, the City, and the Program Administrator. Recordation of the C-PACE Assignment (CP) shall constitute an assumption by the new Capital Provider of the rights and obligations of the original Capital Provider contained in the C-PACE Documents.

(l) *Program Fees.* The Statewide Program is self-financed through the Program Fees charged to participating Property Owners, together with any funds budgeted by the General Assembly to support the Statewide Program. The Program Fees are established to cover the actual and reasonable costs to design and administer the Statewide Program, including the compensation of a third-party Program Administrator. The amount(s) of the Program Fees shall be set forth in the Program Guidelines. Program Fees may be changed by the Program Administrator from time to time and shall only apply to C-PACE Loans executed after the date the revised fees are adopted.

(m) *Locality Agreement.* The City shall opt into the Statewide Program by entering into the Locality Agreement, adopting the Statewide Program as the City's own C-PACE Program. In accordance with the C-PACE Act, opting into the C-PACE Program shall not require the City to

conduct a competitive procurement process. The Program Manager is authorized to execute the Locality Agreement on behalf of the City without further action by the City Council.

(n) *Program Guidelines.* The Program Administrator, under the direction of and in consultation with Virginia Energy, has designed the Program Guidelines to create an open, competitive and efficient C-PACE Program. The Program Administrator may modify the Program Guidelines from time to time, provided such amendments are (i) consistent with the C-PACE Act and (ii) approved by Virginia Energy before taking effect.

(o) *Indemnification.* The Program Administrator shall indemnify, defend, and hold the City harmless against any claim brought against the City or any liability imposed on the City as a result of any action or omission to act by the Program Administrator.

Sec. 30-488. - Levy of assessment; recordation; priority; amendment; enforcement and collection costs.

(a) *Levy of voluntary special assessment lien.* Each C-PACE Loan made under the C-PACE Program shall be secured by a voluntary special assessment lien (i.e., a C-PACE Lien) levied by the City against each Property benefitting from the Eligible Improvements financed by such C-PACE Loan. The C-PACE Lien shall be in the Loan Amount but shall secure not only the principal of the C-PACE Loan, but also all interest, delinquent interest, late fees, penalties, Program Fees and collection costs (including attorneys' fees and costs) payable in connection therewith.

(b) *Recordation of C-PACE Lien Certificate.* Each C-PACE Lien shall be evidenced by a C-PACE Lien Certificate in the Loan Amount but shall also expressly state that it also secures all interest, delinquent interest, late fees, other types of fees, penalties, and collection costs (including attorneys' fees and costs) payable in connection therewith, and a copy of the Assessment Payment Schedule shall be attached thereto as an exhibit. The Program Manager is hereby authorized to, and shall promptly, execute the C-PACE Lien Certificate on behalf of the City and deliver it to the Capital Provider, without any further action by the City Council. Upon the full execution of the C-PACE documents and funding of the C-PACE Loan, the Capital Provider shall cause the recordation of the C-PACE Lien Certificate in the Land Records.

(c) *Priority.* The C-PACE Lien shall have the same priority as a real property tax lien against real property, except that it shall have priority over any previously recorded mortgage or deed of trust lien on the Property only if prior to the recording of the C-PACE Lien, (i) Property Owner has obtained a written Lender Consent, in a form and substance acceptable to the holder of such prior mortgage or deed of trust in its sole and exclusive discretion, executed by such lienholder and recorded with the C-PACE Lien Certificate in the Land Records; and (ii) prior to the recording of the C-PACE Lien Certificate, Property Owner has delivered an executed Property Owner Certification to the City in connection with the C-PACE Loan closing. Only the current C-PACE Payment and any Delinquent Payments shall constitute a first lien on the Property. The C-PACE Lien shall run with the land and that portion of the C-PACE Lien under the C-PACE Program Agreement that has not yet become due shall not be eliminated by foreclosure of a real property tax lien.

(d) *Amendment of lien.* Upon written request by a Capital Provider in accordance with the Program Guidelines, the Program Manager, without any further action by the City Council, shall join with the Capital Provider and the Property Owner in executing a C-PACE Amendment of the C-PACE Loan and the C-PACE Lien after the closing of a C-PACE Loan. The C-PACE Amendment shall be recorded in the Land Records.

(e) *Enforcement and collection costs.* In the event of Property Owner's default under the terms of the C-PACE Documents, the City, acting by and through the Treasurer, may enforce the C-PACE Lien for the amount of the Delinquent Payments, late fees, penalties, interest, and any costs of collection in the same manner that a property tax lien against real property may be enforced under Title 58.1, Chapter 39, Article 4 of the Virginia Code. Va. Code Sec. 58.1-3965.1 shall be applied to the sale of any Property to enforce a C-PACE Lien to collect Delinquent Payments.

If the City elects not to enforce the C-PACE Lien, which election shall be made within thirty (30) days of receipt by the City from the Capital Provider of notice of the Property Owner's default under the terms of the C-PACE Documents, then the City, acting by and through the Treasurer, shall, within fifteen (15) days of the City's determination not to enforce the C-PACE Lien, assign the right to enforce the C-PACE Lien in accordance with the terms of the C-PACE Documents to the Capital Provider by executing a C-PACE Assignment (Locality) and delivering such instrument to the Capital Provider for recordation in the Land Records. The preceding sentence notwithstanding, a C-PACE Assignment (Locality) may be executed and recorded at any time during the term of the C-PACE Loan, including at the C-PACE Loan's closing, regardless of whether the C-PACE Loan is then in default. Upon such assignment and recordation, the Capital Provider is authorized to, and shall, enforce the C-PACE Lien according to the terms of the C-PACE Documents, in the same manner that a property tax lien against real property may be enforced under Title 58.1, Chapter 39 of the Virginia Code, including the institution of suit in the name of the City and its Treasurer, and this right to enforce expressly includes authorization for the Capital Provider to engage legal counsel to advise the Capital Provider and conduct all aspects of such enforcement. Such legal counsel, being authorized to institute suit in the name of the City and its Treasurer, shall have the status of "Special Counsel to the City and its Treasurer" and an "attorney employed by the governing body," and possess all the rights and powers of an attorney employed under Va. Code Secs. 58.1-3966 and 58.1-3969, with the express authority to exercise for the benefit of the Capital Provider every power granted to a local government and/or its Treasurer and its or their attorneys for the enforcement of a property tax lien under, or in connection with, any provision contained in Title 58.1, Chapter 39, Article 4 of the Virginia Code. The City, on its behalf and on behalf of the Treasurer, waives its right to require such legal counsel to post the optional bond described in Va. Code Sec. 58.1-3966. All collection and enforcement costs and expenses (including legal fees and costs), interest, late fees, other types of fees, and penalties charged by the City or Capital Provider, as applicable and consistent with the C-PACE Act and the Virginia Code, shall (i) be added to the Delinquent Payments being collected, (ii) become part of the aggregate amount sued for and collected, (iii) be added to the C-PACE Loan, and (iv) be secured by the C-PACE Lien. Nothing herein shall prevent the Capital Provider to which the C-PACE Lien has been assigned from enforcing the C-PACE Lien to the fullest extent permitted by the C-PACE Documents, the C-PACE Act or general law. The Property Owner of a Property being sold to pay Delinquent Payments, or other interested party, may redeem the

Property at any time prior to the Property's sale, in accordance with Va. Code Secs. 58.1-3974 and 58.1-3975.

Sec. 30-489. - Role of the City of Charlottesville; limitation of liability.

Property Owners and Capital Providers participate in the C-PACE Program and the Statewide Program at their own risk. By executing the C-PACE Documents, including the C-PACE Program Agreement, or by otherwise participating in the C-PACE Program and the Statewide Program, the Property Owner, Capital Provider, contractor, or other party or participant acknowledge and agree, for the benefit of the City and as a condition of participation in the C-PACE Program and the Statewide Program, that: (i) the City undertakes no obligations under the C-PACE Program and the Statewide Program except as expressly stated herein or in the C-PACE Program Agreement; (ii) in the event of a default by a Property Owner, the City has no obligation to use City funds to make C-PACE Payments to any Capital Provider including, without limitation, any fees, expenses, and other charges and penalties, pursuant to a Financing Agreement between the Property Owner and Capital Provider; (iii) no C-PACE Loan, C-PACE Payment, C-PACE Lien, or other obligation arising from any C-PACE Document, the C-PACE Act, or this chapter shall be backed by the credit of the City, the Commonwealth, or its political subdivisions, including, without limitation, City taxes or other City funds; (iv) no C-PACE Loan, C-PACE Payment, C-PACE Lien or other obligation arising from any C-PACE Document, the C-PACE Act, or this chapter shall constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction; (v) the City has not made any representations or warranties, financial or otherwise, concerning a Property Owner, Eligible Property, Project, Capital Provider, or C-PACE Loan; (vi) the City makes no representation or warranty as to, and assumes no responsibility with respect to, the accuracy or completeness of any C-PACE Document, or any assignment or amendment thereof; (vii) the City assumes no responsibility or liability in regard to any Project, or the planning, construction, or operation thereof; (viii) each Property Owner or Capital Provider shall, upon request, provide the City with any information associated with a Project or a C-PACE Loan that is reasonably necessary to confirm that the Project or C-PACE Loan satisfies the requirements of the Program Guidelines; and (ix) each Property Owner, Capital Provider, or other participant under the C-PACE Program, shall comply with all applicable requirements of the Program Guidelines.

Sec. 30-490. - Severability.

The provisions of this chapter are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid, or that the application of any part of the chapter or provision to any person or circumstance is invalid, the remaining provisions of this chapter shall not be affected by that decision and continue in full force and effect.

Appendix A – C-PACE Program Agreement

Appendix B – C-PACE Locality Agreement

Aye No
Payne
Pinkston
Snook
Wade
Oschrin

Approved by Council
October ____, 2024

Kyna Thomas, MMC
Clerk of Council

Suggested Motion: I move to pass this ordinance and authorize the City to opt into the statewide C-Pace Program, with the City Manager authorized to execute both a C-PACE Agreement with Virginia Energy, and C-Pace program agreements with capital providers.

**COMMERICAL PROPERTY ASSESSED
CLEAN ENERGY (C-PACE) FINANCING PROGRAM**

C-PACE PROGRAM AGREEMENT

THIS C-PACE PROGRAM AGREEMENT (the “Agreement”) is made and entered into as of the date it is fully executed (the “Effective Date”), by and among the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the “City”); the **TREASURER OF THE CITY** (the “Treasurer”); _____, a *[state of organization]* *[type of business entity]* (the “Property Owner”); and _____, a *[state of organization]* *[type of business entity]* (the “Capital Provider”), and their respective successors and assigns (collectively, the “Parties”).

RECITALS:

WHEREAS, §15.2-958.3 of the Virginia Code (the “C-PACE Act”), authorizes the creation of a statewide Commercial Property Assessed Clean Energy (“C-PACE”) Program (the “Statewide Program”), sponsored by Virginia Energy and managed by the Virginia PACE Authority, its selected program administrator (the “Program Administrator”), and authorizes Virginia localities to opt into the Statewide Program instead of establishing a stand-alone C-PACE Program for the locality; and

WHEREAS, the Statewide Program facilitates Capital Providers making C-PACE Loans to Property Owners to enable the Property Owners to make Eligible Improvements to Eligible Properties; and

WHEREAS, each C-PACE Loan is secured by a Property Owner’s voluntary grant of a C-PACE Lien on an Eligible Property to the locality in which the Eligible Property is located; and

WHEREAS, the City has determined to enable Property Owners to obtain C-PACE Loans for Eligible Improvements located on Eligible Properties in the City by causing the City to opt into the Statewide Program, adopting the Statewide Program as the City’s own C-PACE Program, and to implement such determination, the Council of the City has adopted Chapter 30, Article XX of the City Code (the “Ordinance”); and

WHEREAS, pursuant to the C-PACE Act, the Ordinance, a Locality Agreement between Virginia Energy and the City and the Program Guidelines, the Parties are required to enter into a written agreement specifying the terms and conditions for participating in the Statewide Program;

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein and to implement the purposes of the C-PACE Act and the Ordinance, the Parties hereby agree as follows:

Section 1 - Definitions.

Unless otherwise defined herein, capitalized terms in this Agreement shall have the meanings given them in the Ordinance.

Section 2 – Representations and Covenants.

(a) Property Owner represents and covenants that it is the fee simple record owner of the Eligible Property more particularly described in Exhibit A hereto (the “Property”).

(b) Property Owner represents and covenants that (i) it has applied to participate in the Statewide Program, (ii) the Program Administrator has given notice to the City of its approval of Property Owner’s application for C-PACE financing and (iii) desires to obtain a C-PACE Loan to construct or install certain Eligible Improvements on the Property.

(c) Property Owner represents and covenants that it has entered or will enter into a Financing Agreement with the Capital Provider that sets forth the terms of the C-PACE Loan. The Assessment Payment Schedule for the C-PACE Loan is set forth in Exhibit B hereto. Property Owner and Capital Provider acknowledge and agree that the Financing Agreement shall include only those costs and fees (including Program Fees) for which a C-PACE Lien may be imposed under the C-PACE Act and the Ordinance.

(d) The Parties acknowledge and agree that should Property Owner default on the C-PACE Loan, the City, acting through its Treasurer, may enforce the C-PACE Lien for the benefit of Capital Provider according to the C-PACE Documents, the C-PACE Act, the Locality Agreement and the Ordinance. If the City, acting through its Treasurer, determines not to enforce the C-PACE Lien, which determination shall be made within thirty (30) days of receipt by the City from the Capital Provider of notice of the Property Owner’s default under the terms of the C-PACE Documents, then the City shall, within fifteen (15) days of the City’s determination not to enforce the C-PACE Lien, assign the right to enforce the C-PACE Lien in accordance with the terms of the C-PACE Documents to the Capital Provider by executing a C-PACE Assignment (Locality) and deliver such instrument to the Capital Provider for recordation in the Land Records. The preceding sentence notwithstanding, a C-PACE Assignment (Locality) may be executed and recorded at any time during the term of the C-PACE Loan, including at the C-PACE Loan’s closing, regardless of whether the C-PACE Loan is then in default.

(e) Property Owner and Capital Provider confirm that they have obtained Lender Consents for each deed of trust or mortgage lien against the Property.

Section 3 – Program Terms and Conditions.

(a) C-PACE Loan. The Capital Provider will provide financing for the Property Owner’s Eligible Improvements in accordance with the C-PACE Documents.

(b) Program Fee(s): Property Owner agrees that Program Fee(s) will be [paid directly by Property Owner to the Program Administrator][deducted from C-PACE Loan proceeds at funding and remitted by Capital Provider to the Program Administrator][deducted from C-PACE Payments and remitted by Capital Provider to the Program Administrator] in accordance with the C-PACE Documents and the Program Guidelines and in the amount of \$_____, as follows:

(c) Imposition of C-PACE Lien. In consideration for the C-PACE Loan provided to Property Owner under the Program, Property Owner hereby requests and authorizes the City to levy a C-PACE Lien against the Property in the Loan Amount, together with all interest, delinquent interest, late fees, other types of fees, penalties and collection costs (including attorneys' fees and costs) payable in connection therewith. To evidence the C-PACE Lien, Property Owner requests that the City execute a C-PACE Lien Certificate that will be recorded in the Land Records of the City, which C-PACE Lien Certificate shall state that it secures both the Loan Amount and also all interest, delinquent interest, late fees, other types of fees, penalties, Program Fees and collection costs (including attorneys' fees and costs) payable in connection therewith, and a copy of the Assessment Payment Schedule shall be attached thereto as an exhibit.

(d) C-PACE Payments. The C-PACE Loan is due and payable to the Capital Provider [or the City for the benefit of the Capital Provider] as set forth in the Assessment Payment Schedule and remitted as follows: _____

Once the C-PACE Loan, including all accrued interest (both current and delinquent), late fees, other types of fees, penalties, collection costs and Program Fees, has been satisfied and paid in full, Capital Provider and the City, acting at the request and direction of Capital Provider (which shall certify such payment in full to the City, shall execute a joint release of the C-PACE Lien Certificate, and the Capital Provider shall record the release in the Land Records and deliver a copy of the recorded release to Property Owner and the City.

(e) Remittance of C-PACE Payments to Capital Provider: The C-PACE Loan shall be serviced by the Capital Provider, and Property Owner's C-PACE Payments shall be paid directly to its Capital Provider. The foregoing notwithstanding, if for any reason Property Owner's C-PACE Payments are payable to the Program Administrator or the City or its Treasurer, then the party receiving such C-PACE Payments shall remit all such payments to the Capital Provider within thirty (30) days of receipt, subject, if applicable, to the deduction and remittance of the Program Fees to the Program Administrator as set forth in Section 3(b), above, the C-PACE Documents and the Program Guidelines.

(f) Maintenance of Assessment. The City agrees to maintain and continue the C-PACE Lien on the Property for the benefit of Capital Provider until the C-PACE Loan, including all principal, interest, fees, other types of fees, penalties, collection costs and Program Fees and other sums due, is paid in full.

(g) Assignment. Capital Provider shall have the right to assign the C-PACE Loan and C-PACE Lien to a successor Capital Provider by the execution, delivery and recordation of a C-PACE Assignment (CP) in the Land Records, provided all of the following conditions are met:

(1) The C-PACE Assignment (CP) is made pursuant to the requirements of the

Ordinance and the Program Guidelines;

(2) The Program Administrator and Property Owner are notified in writing of the assignment or transfer and provided the address where future C-PACE Payments should be mailed, either at closing, if the assignment occurs then, or at least thirty (30) days before the next Payment is due according to the Assessment Payment Schedule; and

(3) The assignee or transferee, by operation of the C-PACE Assignment (CP) or otherwise, assumes Capital Provider's obligations under the C-PACE Documents.

(4) If for any reason C-PACE Payments are being paid to the City or its Treasurer, neither of them shall be obligated to remit C-PACE Payments to a new Capital Provider to which the C-PACE Loan is being assigned until a recorded copy of the C-PACE Assignment (CP) has been provided to the City and its Treasurer at the following address[es]:

City:

Treasurer:

Upon written notice to the Program Administrator and Property Owner of an assignment or transfer of the right to receive the C-PACE Payments that meets all of these conditions, the assignor shall be released of all of the obligations of the Capital Provider under the C-PACE Documents accruing after the date of the assignment. Any attempt to assign or transfer the C-PACE Loan or C-PACE Lien that does not meet all of these conditions is void.

(h) Lien Priority and Enforcement. Pursuant to the C-PACE Act, the Ordinance and the Program Guidelines:

(1) Delinquent Payments on the C-PACE Loan will incur interest and penalties as set forth in the C-PACE Documents.

(2) The C-PACE Lien, together with any penalties and interest thereon:

- (i) has the same priority status as a lien for City real estate taxes;
- (ii) has superior lien status to all subordinated liens against the Property from the date on which the C-PACE Lien Certificate is filed in the Land Records until the financing secured by the C-PACE Lien and

any penalties and interest are paid in full;

- (iii) shall run with the land, and notwithstanding Va. Code Sec. 58.1-3967, any portion of the C-PACE Lien that has not yet become due under the C-PACE Documents is not eliminated by the foreclosure of: (i) a City property tax lien, or (ii) the lien for any past due portion of the C-PACE Loan.
- (iv) In the event of a sale or transfer of the Property by Property Owner, the obligation for the C-PACE Lien and Property Owner's obligations under the C-PACE Documents will be assumed by and transferred to the succeeding owner.

(3) In the event of Property Owner's default under the terms of the C-PACE Documents, the City, acting by and through the Treasurer, may enforce the C-PACE Lien for the amount of the Delinquent Payments, late fees, penalties, interest, and any costs of collection in the same manner that a property tax lien against real property may be enforced under Title 58.1, Chapter 39, Article 4 of the Virginia Code. Va. Code Sec. 58.1-3965.1 shall be applied to the sale of any Property to enforce a C-PACE Lien to collect Delinquent Payments. Capital Provider agrees to cooperate with the City and its Treasurer in its enforcement of the C-PACE Lien by providing all necessary documents and information concerning the delinquent C-PACE Loan as requested by the City Attorney's Office. If the City, acting through its Treasurer, determines not to enforce the C-PACE Lien itself, which determination shall be made within thirty (30) days of receipt by the City from the Capital Provider of notice of the Property Owner's default under the terms of the C-PACE Documents, then the City, acting by and through the Treasurer, shall, within fifteen (15) days of the City's determination not to enforce the C-PACE lien, assign the right to enforce the C-PACE Lien in accordance with the terms of the C-PACE Documents to the Capital Provider by executing a C-PACE Assignment (Locality) and deliver such instrument to the Capital Provider for recordation in the Land Records. The preceding sentence notwithstanding, a C-PACE Assignment (Locality) may be executed and recorded at any time during the term of the C-PACE Loan, including at the C-PACE Loan's closing, regardless of whether the C-PACE Loan is then in default. Upon such assignment and recordation, the Capital Provider is authorized to, and shall, enforce the C-PACE Lien according to the terms of the C-PACE Documents, in the same manner that a property tax lien against real property may be enforced under Title 58.1, Chapter 39 of the Virginia Code, including the institution of suit in the name of the City and its Treasurer, and this right to enforce expressly includes authorization for the Capital Provider to engage legal counsel to advise the Capital Provider and conduct all aspects of such enforcement. Such legal counsel, being authorized to institute suit in the name of the City and its Treasurer, shall have the status of "Special Counsel to the City and its Treasurer" and an "attorney employed by the governing body," and possess all the rights and powers of an attorney employed under Va. Code Secs. 58.1-3966 and 58.1-3969, with the

express authority to exercise for the benefit of the Capital Provider every power granted to a local government or its Treasurer and its or their attorneys for the enforcement of a property tax lien under, or in connection with, any provision contained in Title 58.1, Chapter 39, Article 4 of the Virginia Code. The City, on its behalf and on behalf of the Treasurer, waives its right to require such legal counsel to post the optional bond described in Va. Code Sec. 58.1-3966. All collection and enforcement costs and expenses (including legal fees and costs), interest, late fees, other types of fees, and penalties charged by the City or Capital Provider, as applicable and consistent with the C-PACE Act and the Virginia Code, shall (i) be added to the Delinquent Payments being collected, (ii) become part of the aggregate amount sued for and collected, (iii) be added to the C-PACE Loan, and (iv) be secured by the C-PACE Lien. Nothing herein shall prevent the Capital Provider to which the C-PACE Lien has been assigned from enforcing the C-PACE Lien to the fullest extent permitted by the C-PACE Documents, the C-PACE Act or general law. The Property Owner of a Property being sold to pay Delinquent Payments, or other interested party, may redeem the Property at any time prior to the Property's sale, in accordance with Va. Code Secs. 58.1-3974 and 58.1-3975.

(4) In a bill in equity for sale of a Property to collect Delinquent Payments, the City will be entitled to recover the Delinquent Payments, late fees, other types of fees, penalties, Program Fees, interest due, and the costs and expenses of collection, including attorney's fees and costs, all as set forth in the C-PACE Documents.

(i) Property Owner's Waiver of Certain Defenses; Confession of Judgment: By executing this Agreement, Property Owner acknowledges and agrees as follows:

- (1) After the C-PACE Lien Certificate is recorded, Property Owner waives the right to contest the Lien on the basis that the improvements funded with the C-PACE Loan are not Eligible Improvements;
- (2) Property Owner waives all defenses, affirmative or otherwise, to any enforcement or collection action brought as a result of Property Owner's default in the payment of the C-PACE Payments due pursuant to the C-PACE Documents;
- (3) To the extent permitted by the Financing Agreement, Property Owner waives all defenses to the imposition of personal liability for corporate officers as permitted under Section 58.1-3965(F) of the Virginia Code;
- (4) Property Owner shall provide a confession of judgment if requested by the Capital Provider.

(j) Written Contract Required by the C-PACE Act and Ordinance. This C-PACE Program Agreement constitutes the written contract specifying the terms and conditions for C-PACE Program participation as required by §15.2-958.3(A)(7) of the C-PACE Act.

(k) Transfer of C-PACE Funded Improvements. Property Owner agrees that all Improvements purchased, constructed, or installed through financing obtained pursuant to the C-PACE Program shall be permanently affixed to the Property and will transfer with the Property to the transferee in the event of and sale or assignment of the Property; provided, however, that if Improvements become obsolete or the Property Owner otherwise determines they need to be replaced with other Improvements of equal or greater value, such Improvements may be removed and other Improvements of equal or greater value installed.

(l) No Cost to City. No provision of this Agreement requires the City to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder.

(m) Term of the Agreement. The term of this Agreement shall commence upon the Effective Date and shall be in full force and effect until the C-PACE Loan has been irrevocably paid in full.

Section 4 - Indemnification.

Without limiting any other obligation or liability of the Property Owner, or any right or remedy of the Capital Provider or the City, Property Owner agrees to indemnify and hold harmless the Capital Provider and the City, their councilors, directors, officers, employees, agents, subsidiaries, and affiliates (each, an “Indemnified Party”), from and against all damages, losses, settlement payments, obligations, liabilities, claims, suits, penalties, assessments, citations, directives, demands, judgments, actions or causes of action, whether created by statute or common law, including all costs and expenses, including attorneys’ fees, arising from or associated with this C-PACE Loan transaction. This section shall survive the expiration of the Term of this Agreement.

Section 5 - Miscellaneous Provisions.

(a) Construction. This Agreement is to be construed in accordance with and with reference to the C-PACE Act, the Ordinance, the Locality Agreement and the Program Guidelines.

(b) Further Assurances. Property Owner further covenants and agrees to do, execute and deliver, or cause to be done, executed and delivered all such further acts for implementing the intention of this Agreement as may be reasonably necessary or required.

(c) Severability. If the C-PACE Act, the Ordinance, the Locality Agreement or any clause, provision, or section of this Agreement, is challenged and held by a court of competent jurisdiction to be unenforceable by the City or Capital Provider, Property Owner agrees to continue to make the C-PACE Payments required under the C-PACE Documents and agrees to execute any and all documentation to perfect and enforce the C-PACE Loan as required by the City or Capital Provider. The invalidity of any clause, provision, or section of this Agreement shall not affect any remaining clauses, provisions, or sections of this Agreement, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision, or section had not been included herein.

(d) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall constitute but one and the same instrument. Electronically transmitted and digitally signed signatures shall have the same force and effect as, and shall be treated as, a “wet ink” original signature.

(e) Notices. All notices, requests, consents and other communications (collectively, “Notices”) shall be in writing and shall be delivered, mailed by first class mail, postage prepaid, or overnight delivery service, to the Parties, as follows:

If to the City:

City of Charlottesville
PO Box 911
Charlottesville, VA 22902

Attention: Kristel Riddervold
C-PACE Program Manager
Tel 434-970-3631
riddervold@charlottesville.gov

If to the Property Owner:

[Address]

If to the Capital Provider:

[Address]

If to the Program Administrator:

Virginia PACE Authority
c/o Gather Newport News
700 Tech Center Pkwy, Suite 200
Newport News, VA 23606

Attention: Abigail C. Johnson
Executive Director
Tel: 757-603-3555
abby@virginiapace.com

Notice by e-mail under this paragraph is only permitted if each party listed above has furnished its respective e-mail address as part of its notice address above. By doing so, each such party agrees, for itself and its successors and assigns, to supply to each of the other Parties any replacement e-mail address within two (2) business days of its adoption, by a permitted means other than e-mail. All Notices are effective when received.

(f) Amendment and Waivers. Except as otherwise set forth in this Agreement, any amendment to or waiver of any provision of this Agreement must be in writing and mutually agreed by the Parties.

(g) Applicable Law and Venue. This Agreement and its provisions shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. In any action, in equity or at law, with respect to the enforcement or interpretation of this Agreement, venue shall be in the ~~City of Richmond~~ City of Charlottesville.

(h) Successors and Assigns. This Agreement is binding upon and made for the benefit of the Property Owner, the Capital Provider, the City and its Treasurer, and their respective successors and permitted assigns.

(i) Entire Agreement. This instrument constitutes the entire agreement between the Parties and supersedes all previous discussions, understandings and agreements between the Parties relating to the subject matter of this Agreement.

(j) Headings. The headings in this Agreement are solely for convenience, do not constitute a part of this Agreement and do not affect its meaning or construction.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the City, its Treasurer, the Property Owner and the Capital Provider have each caused this Agreement to be executed on the date(s) entered below:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Name: _____
Title: _____
Date: _____

APPROVED AS TO FORM:

By: _____
Name: _____
Title: _____
Date: _____

TREASURER OF THE CITY OF CHARLOTTESVILLE

By: _____
Name: _____
Title: _____
Date: _____

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURES CONTINUE ON NEXT PAGE]

PROPERTY OWNER:
[insert Property Owner's name]

By: _____
Name: _____
Title: _____
Date: _____

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURES CONTINUE ON NEXT PAGE]

CAPITAL PROVIDER:

[insert Capital Provider’s name]

By: _____
Name: _____
Title: _____
Date: _____

Exhibit A
Property Description

Exhibit B
Assessment Payment Schedule

(100508678.8)

VIRGINIA ENERGY – LOCALITY COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of _____, 20__, between the CITY OF CHARLOTTESVILLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the “Locality”), and the Virginia Department of Energy (“Virginia Energy”), a public agency of the Commonwealth of Virginia.

RECITALS

1. Pursuant to § 15.2-958.3. of the Code of Virginia, entitled “Financing clean energy, resiliency, and stormwater management programs” (“C-PACE Act”), Locality has exercised its right to authorize contracts to provide C-PACE loans through the adoption of a C-PACE ordinance (“Ordinance”), attached hereto as Exhibit 1.
2. Pursuant to the C-PACE Act and Ordinance, Locality has agreed to opt into the statewide C-PACE loan program sponsored by Virginia Energy (“Virginia C-PACE Program”) and administered by a competitively selected private program administrator (“Program Administrator”). The current Program Administrator and its contact information are set forth on Exhibit 2 attached hereto.
3. The Virginia C-PACE Program provides the Locality with a uniform process for the application, approval, closing and servicing of C-PACE loans and with outreach and training support to promote the program to property owners. A Locality participating in the Virginia C-PACE Program agrees to adopt the set of legal and administrative documents and to abide by the requirements of the statewide C-PACE Program Guidelines (“Program Guidelines”) attached hereto as Exhibit 3.

NOW THEREFORE, to implement the local C-PACE Ordinance, the Locality hereby opts into the Virginia C-PACE Program sponsored by Virginia Energy and managed and operated by Virginia Energy’s Program Administrator, on the terms set forth hereinbelow and in accordance with the program design detailed in the Program Guidelines.

ARTICLE 1

(a) **Term.** The term of this Agreement shall commence upon the date the last party executes the Agreement. This Agreement shall remain in full force and effect until either Virginia Energy terminates the Virginia C-PACE Program or the Locality opts out of the Virginia C-PACE Program. Either party may terminate this Agreement at any time upon ninety (90) days’ advance written notice to the other party, provided that the collection of C-PACE Lien payments for C-PACE loans made prior to the termination date shall continue until all C-PACE Lien payments (including the interest, penalties, and fees thereon) have been collected and all such C-PACE loans have been paid in full.

(b) Servicing of C-PACE Loans. C-PACE Loans shall be serviced by their respective capital provider, in accordance with the Ordinance and the Program Guidelines.

(c) Enforcement of C-PACE Liens. The Locality has agreed to delegate enforcement of the C-PACE Lien to a third party in accordance with the C-PACE Act, the obligations of which are described in the Ordinance and the Program Guidelines.

(d) Cooperation in Operating C-PACE Program. The Locality shall cooperate with the Program Administrator in the latter's operation of the C-PACE Program in the Locality. This cooperation shall include, but not be limited to the Locality:

(i) designating (A) an employee of the Locality to serve as Program Manager, and if the Program Manager wishes to delegate some or all of the duties assigned to the Program Manager, identifying the Program Manager's designee and promptly communicating the contact information for the Program Manager and any designee to the Program Administrator and (B) which employee(s) of the Locality will sign documents requiring the Locality's signature for C-PACE Loan closings;

(ii) complying with the review and other periods of time prescribed for the Locality to take a required action specified in the Program Guidelines;

(iii) taking reasonable steps to procure the timely participation of the Locality's Treasurer (or comparable official if the Locality has abolished the office of Treasurer or the Locality's Treasurer is not responsible for the collection of real property taxes) in the processes and procedures described in the Program Guidelines and the Ordinance as involving the Treasurer, it being understood that such processes and procedures are based on the collection of C-PACE Payments in the same manner as real property taxes; and

(iv) in the discretion of the Locality, providing reasonable assistance in jointly promoting the Locality's C-PACE Program to lenders, contractors and businesses located in, or considering locating in, the Locality.

ARTICLE 2

MISCELLANEOUS PROVISIONS

(a) Model Ordinance. The Locality represents and warrants to Virginia Energy and its Program Administrator that the Ordinance substantially conforms to model ordinance adopted by the Program Administrator for use in the Virginia C-PACE Program and furnished to the Locality.

(b) Non-Assignability. The Locality may not assign or transfer its rights or obligations under this Agreement without prior written consent of Virginia Energy; provided, however, that this paragraph shall not be construed to apply to, or restrict, the assignment of C-PACE Liens in accordance with the Locality's Ordinance and related C-PACE Documents.

(c) Locality Acknowledgments. The Locality acknowledges and agrees that: (i) Virginia Energy has employed the Program Administrator to carry out Virginia Energy's

obligations under this Agreement and the Virginia C-PACE Program generally; (ii) if Virginia Energy replaces the Program Administrator listed on Exhibit 2, then the successor Program Administrator will succeed to the rights, duties and obligations of the Program Administrator, except to the extent specified in Virginia Energy's agreements with such Program Administrators; (iii) for purposes of this Agreement and the Locality's C-PACE program, the Program Administrator shall speak and act for Virginia Energy and that any notices required under the terms of this Agreement to be sent to Virginia Energy shall also be sent to the Program Administrator; (iv) the Program Administrator is made a third party beneficiary of this Agreement, and by accepting the benefits of such status, shall be deemed to have covenanted with the Locality to adhere to and comply with its obligations under the Program Guidelines in administering the Locality's C-PACE Program; and (v) the Program Administrator is entitled to be paid by Property Owners (the Locality having no liability therefor) the Program Fees set forth from time in the Program Guidelines.

(d) Non-waiver; Amendment. Any waiver of any provision of this Agreement must be in writing and mutually agreed to by Virginia Energy and the Locality. Except for a specific provision of this Agreement which is amended, this Agreement shall remain in full force and effect after such amendment and is subject to the same laws, obligations, conditions, provisions, rules, and regulations as it was before the amendment.

(e) Severability. If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section has not been contained in it.

(f) Counterparts; Scanned and Digital Signatures. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall constitute but one and the same instrument. Scanned signatures (e.g., a "PDF" document) and digital signatures (e.g., DocuSign) shall have the same force, effect and validity as an original signature.

(g) Notices. All notices, requests, consents and other communications shall be in writing and shall be delivered, mailed by first class mail, postage prepaid, hand delivered, or overnight delivery service, to the parties, as follows:

If to the Locality:

City of Charlottesville
PO Box 911
Charlottesville, Virginia 22902
Attention: C-PACE Program Manager, Kristel Riddervold

If to Virginia Energy:

817 Washington Building
1100 Bank Street
Richmond, Virginia 23219
Attention: Energy Efficiency and Financing Programs Manager

With a copy to the Program Administrator at the address on Exhibit 2.

Any party may change its notice address by providing the new notice address to the other parties in accordance with this paragraph (g).

(h) Jurisdiction and Venue. This Agreement shall be construed, interpreted, and enforced according to the laws of the Commonwealth of Virginia. Any claim brought in connection with this Agreement must be brought in the Circuit Court of the City of Richmond and the parties consent to its jurisdiction.

(i) Definitions and Captions. Capitalized terms not defined in this Agreement shall have the meaning ascribed to them in the Ordinance attached hereto in Exhibit A. The headings in this Agreement are solely for convenience, do not constitute a part of this Agreement, and do not affect its meaning or construction.

(j) Integration. This Agreement constitutes the entire agreement between the parties and supersedes all previous discussions, understandings and agreements between the parties relating to the subject matter of this Agreement.

(j) No Joint Venture, etc. Nothing in this Agreement, and no act of the Locality, Virginia Energy or the Program Administrator, shall be deemed to create any relationship of third-party beneficiary, principal and agent, limited or general partnership, joint venture, or any other relationship between the Locality and Virginia Energy.

[Remainder of the page intentionally left blank]

IN WITNESS WHEREOF, the Locality and Virginia Energy have each caused this Agreement to be executed and delivered as of the date set forth above:

[INSERT LOCALITY NAME]

By: _____
Name: _____
Title : _____
Date: _____

*[Remainder of the page intentionally left blank;
Signature pages continue]*

[VIRGINIA ENERGY – LOCALITY AGREEMENT
SIGNATURE PAGE FOR VIRGINIA DEPARTMENT OF ENERGY]

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENERGY**

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT 1

COPY OF LOCALITY ORDINANCE

(See attached)

EXHIBIT 2

NAME AND ADDRESS OF PROGRAM ADMINISTRATOR

Virginia PACE Authority
c/o Gather Newport News
700 Tech Center Pkwy, Suite 200
Newport News, VA 23606

Attention: Abigail C. Johnson
Executive Director
Tel: 757-603-3555
abby@virginiapace.com

EXHIBIT 3
PROGRAM GUIDELINES

(See attached)

(100508661.7)

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



Agenda Date:	October 7, 2024
Action Required:	Consideration of a Rezoning to amend Proffers
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Public Hearing and Ordinance for 240 Stribling Avenue Planned Unit Development Proffer Amendment (1 of 2 readings)

Background

Southern Development on behalf of the landowner, Belmont Station, LLC, has submitted an application pursuant to City Code 34-41 and 34-66(d) (adopted September 15, 2003, as amended) to amend the approved Proffer Statement (approved by City Council on April 18, 2022) for the 240 Stribling Avenue Planned Unit Development (PUD). The request is to amend the proffer statement to allow a portion of the required affordable dwelling units to be built within the Flint Hill PUD (project number P20-0107) development which is currently under construction. The proposed amendment would also lower the required affordability to 50% Area Medium Income, (AMI) from the current 60% AMI for a minimum of two (2) of the required affordable dwelling units. If this request is approved, up to eight (8) of the required twenty-six (26) affordable dwelling units at 240 Stribling Avenue could be built within the Flint Hill PUD development. The remaining eighteen (18) required affordable units would still be built within the 240 Stribling Avenue development. If approved, at least 10.5% of the new units at 240 Stribling will still be affordable dwelling units.

Discussion

The Planning Commission held a Public Hearing on September 10, 2024. The Planning Commission wanted to know the reason the applicant was requesting the change. The applicant indicated the change would give them more freedom to meet their affordability requirements and that would create more certainty moving forward on both projects. The Planning Commission also wanted to know if the units would be different in size or appearance depending on which development the units were placed in. The applicant indicated they have not gotten to that level of detail to determine the size, number of rooms, or esthetics of the units.

[Boxcast link to the meeting. Public Hearing for this item starts at 01:02:00 mark.](#)

[Link to background materials and staff report \(starting on page 278\).](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the rezoning request to amend the proffers, the project could contribute to the Strategic Outcome Area of Housing.

Community Engagement

Due to the minimal change being requested, the Community Meeting Required under Z.O. Sec. 34-41(c)(2) was waived by the Director of NDS.

On October 10, 2024 the Planning Commission held a Public Hearing. No members of the public spoke.

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

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The motion passed 6 - 0 to recommend approval of the rezoning application to City Council.

Alternatives

City Council has several alternatives:

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

Attachments

- 1. 240 Stribling Avenue PUD Signed Proffer Statement
- 2. 240 Stribling Avenue PUD Proffer Amendment ORDINANCE

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. PL-24-0061)
AMENDED STATEMENT OF FINAL PROFFER CONDITIONS
For the 240 Stribling PUD
Dated as of September 12, 2024

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned limited liability company is the owner of land (“Owner”) subject to the above-referenced rezoning petition (“Subject Property”). The Owner seeks to amend the current zoning of the Subject Property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner seeks approval of a PUD as set forth within a Development Plan for a planned unit development to be known as the “240 Stribling Avenue PUD”, said PUD Development Plan being dated April 28, 2020, Revised October 8, 2021, containing 17 pages, total, submitted with the Owner’s Rezoning Application.

The Owner hereby proffers and agrees that if the Subject Property is rezoned as requested, the Subject Property will be developed in general accordance with, and the Owner will abide by, the approved 240 Stribling Avenue PUD Development Plan, and that the Subject Property shall also be subject to the following conditions:

1. The Owner shall establish affordable housing within the Subject Property, as follows:
 - a. For the purposes of this Proffer:
 - i. The term “Affordable Dwelling Unit” means a dwelling unit reserved for occupancy by a “Very Low-Income Household” or a “Low-and Moderate-Income Household.”
 - ii. “Low-and Moderate-Income Household” means a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
 - iii. “Very Low-Income Household” means a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is fifty percent (50%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
 - b. Fifteen percent (15%) of all dwelling units constructed within the area of the Subject Property shall be Affordable Dwelling Units (“Required Affordable Dwelling Units”). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the PUD (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for rental to Low-and Moderate-Income Households (“Rental Affordable Dwelling Units”). Each of the Rental Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g) as such regulations are in effect on March 29, 2022. For the purposes of this section and section 1.b.ii. below, if City regulations adopted pursuant to the provisions of City Code 34-12(g) are amended by the City after March 29, 2022, the Owner may elect in writing to the Zoning Administrator to instead be bound by the amended regulations.

- ii. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for ownership ("For-Sale Affordable Dwelling Units"), and shall be provided via one or both of the following methods:
 - 1. Onsite Units: For-Sale Affordable Dwelling Units built onsite in the 240 Stribling PUD shall be reserved for ownership by **Low-and Moderate-Income** Households throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City's building official. The Onsite For-Sale Affordable Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g), as such regulations are in effect on March 29, 2022. During construction the For-Sale Affordable Dwelling Units shall be constructed incrementally, such that at least 5 Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th Building Permit for non-affordable for-sale dwelling units.
 - 2. Offsite Units: For-Sale Affordable Dwelling Units built in the Flint Hill PUD, **above and beyond** the number of Affordable Dwelling Units already required by the Statement of Final Proffer Conditions for the Flint Hill PUD. At least 25% of the Offsite Units shall be reserved for ownership by **Very Low-Income** Households, with the remainder being reserved for Low-and-Moderate Income Households. Offsite Units shall be reserved as For-Sale Affordable Dwelling Units throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City's building official. Offsite Units shall be governed by the Final Proffer Conditions for the Flint Hill PUD, except that the required affordability shall be deeper (maximum of 50% AMI) for at least 25% of the Offsite Units.
 - iii. On or before July 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant of each Required Affordable Dwelling Unit.
- c. The land use obligations referenced in 1.b.i, 1.b.ii, and 1.b.iii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Subject Property shall have notice of and be bound by the obligations. In the event of re-sale of any of the Required Affordable Dwelling Units that reduces the number of Required Affordable Dwelling Units below the thresholds set forth in this proffer, the declaration of covenants shall provide a mechanism to ensure that an equivalent Affordable Dwelling Unit is created within the City of Charlottesville, either on or off of the Subject Property, that satisfies the requirements contained herein for the remainder of the Affordability Period.

WHEREFORE, the undersigned Owner stipulates and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 12th day of September 2024.

Applicant:

Belmont Station, LLC

By:

Frank Ballif, Manager

Address:

142 South Pantops Drive
Charlottesville, VA 22911

AN ORDINANCE

Amending and Re-enacting the Zoning Map for the City of Charlottesville, Virginia, to amend the Proffer Statement for the Planned Unit Development referred to as 240 Stribling Avenue PUD

WHEREAS, Belmont Station, LLC (“Landowner”) submitted rezoning application PL-24-0061 (“Application”) seeking to amend the approved Proffer Statement for land identified by City Real Estate Tax Parcel Identification No. 18A025000 (“Subject Property”); and

WHEREAS, the Landowner seeks to amend the approved Proffer Statement (approved by City Council on April 18, 2022) for the 240 Stribling Avenue Planned Unit Development (PUD); and that such amendment allows a portion of the required affordable dwelling units for the PUD be built within the Flint Hill PUD (project number P20-0107) development, which is currently under construction; and said proposed amendment would also lower the required affordability to 50% Area Medium Income, (AMI) from the current 60% AMI for a minimum of two (2) of the required affordable dwelling units; and upon approval of said amendment, up to eight (8) of the required twenty-six (26) affordable dwelling units at 240 Stribling Avenue could be built within the Flint Hill PUD development, while the remaining eighteen (18) required affordable units would still be built within the PUD, with at least 10.5% of the new units at the PUD designated as affordable dwelling units; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission on September 10, 2024, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by City Council on October 7, 2024, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing;

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (PL-24-0061), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

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

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

Section 34-1. Zoning District Map. Rezoning the property designated on City Tax Map and Parcel (TMP) 18A025000 (“Subject Property”), with the following amended Proffers:

1. The Owner shall establish affordable housing within the Subject Property, as follows:

a. For the purposes of this Proffer:

- i. The term “Affordable Dwelling Unit” means a dwelling unit reserved for occupancy by a “Very Low-Income Household” or a “Low-and Moderate-Income Household.”
- ii. “Low-and Moderate-Income Household” means a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
- iii. “Very Low-Income Household” means a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is fifty percent (50%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).

b. Fifteen percent (15%) of all dwelling units constructed within the area of the Subject Property shall be Affordable Dwelling Units (“Required Affordable Dwelling Units”). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the PUD (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.

- i. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for rental to Low-and Moderate-Income Households (“Rental Affordable Dwelling Units”). Each of the Rental Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g) as such regulations are in effect on March 29, 2022. For the purposes of this section and section 1.b. ii. below, if City regulations adopted pursuant to the provisions of City Code 34-12(g) are amended by the City after March 29, 2022, the Owner may elect in writing to the Zoning Administrator to instead be bound by the amended regulations.
- ii. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for ownership (“For-Sale Affordable Dwelling Units”), and shall be provided via one or both of the following methods:

- 1. Onsite Units: For-Sale Affordable Dwelling Units built onsite in the 240 Stribling PUD shall be reserved for ownership by **Low-and Moderate-Income** Households throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City’s building

official. The Onsite For-Sale Affordable Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g), as such regulations are in effect on March 29, 2022. During construction the For-Sale Affordable Dwelling Units shall be constructed incrementally, such that at least 5 Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th Building Permit for non-affordable for-sale dwelling units.

2. *Offsite Units: For-Sale Affordable Dwelling Units built in the Flint Hill PUD, **above and beyond** the number of Affordable Dwelling Units already required by the Statement of Final Proffer Conditions for the Flint Hill PUD. At least 25% of the Offsite Units shall be reserved for ownership by **Very Low-Income** Households, with the remainder being reserved for Low-and-Moderate Income Households. Offsite Units shall be reserved as For-Sale Affordable Dwelling Units throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City's building official. Offsite Units shall be governed by the Final Proffer Conditions for the Flint Hill PUD, except that the required affordability shall be deeper (maximum of 50% AMI) for at least 25% of the Offsite Units.*
- iii. *On or before July 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant of each Required Affordable Dwelling Unit.*
- c. *The land use obligations referenced in 1.b.i, 1.b.ii, and 1.b.iii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Subject Property shall have notice of and be bound by the obligations. In the event of re-sale of any of the Required Affordable Dwelling Units that reduces the number of Required Affordable Dwelling Units below the thresholds set forth in this proffer, the declaration of covenants shall provide a mechanism to ensure that an equivalent Affordable Dwelling Unit is created within the City of Charlottesville, either on or off of the Subject Property, that satisfies the requirements contained herein for the remainder of the Affordability Period.*

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

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



Agenda Date:	October 7, 2024
Action Required:	Ordinance amendment
Presenter:	Eden Ratliff, Deputy City Manager
Staff Contacts:	Maxicelia Robinson, Deputy Clerk of Council
Title:	Ordinance amending City Code Section 2-453(b.3-4) for Police Civilian Oversight Board composition (1 of 2 readings)

Background

In November 2019 City Council enacted the provisions of City Code Chapter 2, Article XVI (Police Civilian Review Board). Subsequently, in 2020, the Virginia General Assembly enacted Virginia Code §9.1-601, to provide express enabling legislation for the governing bodies of localities to establish law enforcement civilian oversight bodies. The state enabling legislation confers authority for City Council to assign seven categories of specific duties, and related duties as necessary to carry out effective oversight of the local law enforcement agency.

The board authorized by Chapter 2, Article XVI of the City Code was referred to as a “Review Board” because—prior to the state enabling legislation—there was a limited range of functionality a board created within a municipality could undertake, primarily the review of administrative/ internal investigations performed by the police department. The 2020 enabling legislation continued the existing authorization to review police administrative/internal investigations but goes further in providing for an expanded role referred to in the state legislation as “oversight”. On December 20, 2021, City Council amended Chapter 2, Article XVI of the City Code to dissolve the City’s Police Civilian Review Board and established a Charlottesville Police Civilian Oversight Board in conformity with Virginia Code § 9.1-601 and to empower the Police Civilian Oversight Board with certain additional oversight authority and duties enabled by the statute.

The Board is composed of seven (7) voting members and one (1) nonvoting member appointed by the City Council.

Sec. 2-453(b):

- **(1)** Council shall appoint at least three members who are residents of public housing or who come from historically disadvantaged communities that have traditionally experienced disparate policing.
- **(2)** Council may appoint one member who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities.

- **(3)** The non-voting member of the Board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to his or her retirement was employed in a locality similar to the City of Charlottesville. The non-voting member need not be a resident of the City of Charlottesville.
- **(4)** The seven voting members of the Board shall be residents of the City of Charlottesville, except that if Council has appointed someone who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, that person shall either be a resident of the City of Charlottesville or the organization they represent shall perform advocacy on behalf of City of Charlottesville residents.
- **(5)** No Board member shall be a current candidate for public office, a former member of the Department, an immediate family member of a current Department employee, or a current employee of a law enforcement agency, the Fire Department, the Emergency Communications Center, or the Sheriff's Office. If Council considers appointing a Board member who is employed by the City of Charlottesville, Council will seek to avoid potential conflicts of interest.

Sec. 2-453(c): Terms. Each Board member shall be appointed for a term of three years.

Appointments and terms shall be subject to the provisions of City Code §2-8. The membership of the Board, and the terms of each board member, shall be the same as for the police civilian review board that was serving as of December 20, 2021, and that membership shall continue as the police civilian oversight board established by this article, with no change in the date of appointment, or length of term, for any member.

Discussion

City Council may wish to discuss the following provisions and make a motion to amend the language of the proposed amendment, if necessary, as the result of those discussions:

Sec. 2-453(b):

(3) The non-voting member of the board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to his or her retirement was employed in a locality similar to the City of Charlottesville. ~~The non-voting member need not be a resident of the City of Charlottesville.~~

(4) The seven (7) voting members of the board shall be residents of, or shall be employed in, the City of Charlottesville or Albemarle County, with priority given to City residents and those with significant and demonstrable ties to the City ~~except that if council has appointed someone who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, that person shall either be a resident of the City of Charlottesville or the organization they represent shall perform advocacy on behalf of City of Charlottesville residents.~~

Alignment with City Council's Vision and Strategic Plan

Yes. City Council makes a number of appointments to boards and commissions required by law, and to other boards, committees, task forces and commissions established by the Council for the purpose of performing certain delegated functions or advising the City Council on matters of concern to the City. Council will seek to appoint fair-minded and objective members with a demonstrated commitment to community service who have training and experience, including lived experience, with

topics relevant to the business of the Board, including law, police practices, human resources practices and procedures, trauma-informed mental health issues, and the sociology of historically over-policed communities.

Community Engagement

City Council regularly seeks qualified individuals for appointment to fill upcoming and existing vacancies on the Police Civilian Oversight Board.

Budgetary Impact

No foreseeable budgetary impact.

Recommendation

It is recommended that Council should adopt the proposed changes to the ordinance.

Alternatives

City Council could leave the existing ordinance provisions in place.

Attachments

1. Current PCOB Sec. 2-453. Board membership appointment, and terms.
2. Ordinance - Amendment re residency requirements of PCOB board members - Redlined

Sec. 2-453. Board membership appointment, and terms.

- (a) *Appointment process.* The city council shall appoint the members of the board. The council shall announce a public application process with applications available online and by hardcopy in English and Spanish for individuals interested in serving on the board. Council will seek to appoint fair-minded and objective members with a demonstrated commitment to community service who have training and experience, including lived experience, with topics relevant to the business of the board, including law, police practices, human resources practices and procedures, trauma-informed mental health issues, and the sociology of historically overpoliced communities.
- (b) *Board composition.* The board shall reflect the demographic diversity of the City of Charlottesville. The board shall be composed of seven (7) voting members and one (1) non-voting member appointed by the city council. The members shall be removable by the city council for cause as specified in the board code of ethics, violating the duty of confidentiality, failing to participate in required training, or other good cause.
 - (1) Council shall appoint at least three (3) members who are residents of public housing or who come from historically disadvantaged communities that have traditionally experienced disparate policing.
 - (2) Council may appoint one (1) member who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities.
 - (3) The non-voting member of the board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to his or her retirement was employed in a locality similar to the City of Charlottesville. The non-voting member need not be a resident of the City of Charlottesville.
 - (4) The seven (7) voting members of the board shall be residents of the City of Charlottesville, except that if council has appointed someone who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, that person shall either be a resident of the City of Charlottesville or the organization they represent shall perform advocacy on behalf of City of Charlottesville residents.
 - (5) No board member shall be a current candidate for public office, a former member of the department, an immediate family member of a current department employee, or a current employee of a law enforcement agency, the fire department, the emergency communications center, or the sheriff's office. If council considers appointing a board member who is employed by the City of Charlottesville, council will seek to avoid potential conflicts of interest.
- (c) *Terms.* Each board member shall be appointed for a term of three (3) years. Appointments and terms shall be subject to the provisions of section 2-8 of this Code. The membership of the board, and the terms of each board member, shall be the same as for the police civilian review board that was serving as of December 20, 2021, and that membership shall continue as the police civilian oversight board established by this article, with no change in the date of appointment, or length of term, for any member.
- (d) *Conflicts of interest.* No board member may participate in any matter before the board under circumstances in which the objectivity of the board member could reasonably be questioned, including, without limitation, the consideration of a complaint of someone who is a family member. For purposes of the Virginia State and Local Government Conflict of Interests Act, the board shall be deemed a "governmental agency" and each board member shall be an "officer," as those terms are defined in Virginia Code § 2.2-3101. All board members shall comply with the requirements of the Virginia State and Local Government Conflict of Interests Act.

-
- (e) *Confidentiality.* Each member shall maintain the confidentiality of all confidential or privileged information, including, but not limited to:
- (1) Materials from police internal investigative files;
 - (2) Disciplinary actions, memos and reports;
 - (3) Statements of any police officer or civilian employee who was required by the department to give a statement;
 - (4) Criminal investigative files; or
 - (5) Any other information that the board has deemed confidential.
- (f) *Records to remain department records.* The chief of police, as the custodian of the original records of which copies may be provided to the board by the department, shall be responsible for decisions as to whether copies of such records (or information contained in such records) may be publicly disclosed, subject to the direction and control of the city manager. Nothing in this paragraph shall preclude the city manager from including with the standard operating procedure required by subsection 2-452(e) guidelines for public disclosure of certain types of information contained within department records. In the standard operating procedure required by subsection 2-452(e), the city manager shall issue guidelines for what information may be included in board reports or otherwise publicly disclosed.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

**AN ORDINANCE TO AMEND AND REENACT CITY CODE SECTION 2-453
REGARDING THE RESIDENCY REQUIREMENTS
FOR MEMBERS OF THE POLICE CIVILIAN OVERSIGHT BOARD**

WHEREAS, the mission of the Police Civilian Oversight Board (PCOB) is to establish and maintain trust between and among the Charlottesville Police Department and the public; to promote transparency and fair and effective policing; and to protect the civil and constitutional rights of the people of Charlottesville;

WHEREAS, this mission can best be achieved with a full board of seven voting members of diverse backgrounds and experience and a demonstrated commitment to community service;

WHEREAS, Charlottesville City Code section 2-453(b)(4) provides that members of the PCOB must be residents of the City of Charlottesville, with the possible exception of one member who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, who may be a resident of the City or whose organization performs advocacy on behalf of City residents;

WHEREAS, broadening the residency requirements would enable a larger number of interested and qualified people to apply to serve on the board, strengthening the diversity and effectiveness of the board, and helping to minimize vacancies;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, that section 2-453 of the Code of the City of Charlottesville City is hereby amended and reenacted as follows:

Sec. 2-453. - Board membership appointment, and terms.

- (a) *Appointment process.* The city council shall appoint the members of the board. The council shall announce a public application process with applications available online and by hardcopy in English and Spanish for individuals interested in serving on the board. Council will seek to appoint fair-minded and objective members with a demonstrated commitment to community service who have training and experience, including lived experience, with topics relevant to the business of the board, including law, police practices, human resources practices and procedures, trauma-informed mental health issues, and the sociology of historically overpoliced communities.
- (b) *Board composition.* The board shall reflect the demographic diversity of the City of Charlottesville. The board shall be composed of seven (7) voting members and one (1) non-voting member appointed by the city council. The members shall be removable by the city council for cause as specified in the board code of ethics, violating the duty of confidentiality, failing to participate in required training, or other good cause.

- (1) Council shall appoint at least three (3) members who are residents of public housing or who come from historically disadvantaged communities that have traditionally experienced disparate policing.
 - (2) Council may appoint one (1) member who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities.
 - (3) The non-voting member of the board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to his or her retirement was employed in a locality similar to the City of Charlottesville. ~~The non-voting member need not be a resident of the City of Charlottesville.~~
 - (4) The seven (7) voting members of the board shall be residents of, or shall be employed in, the City of Charlottesville or Albemarle County, with priority given to City residents and those with significant and demonstrable ties to the City~~except that if council has appointed someone who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, that person shall either be a resident of the City of Charlottesville or the organization they represent shall perform advocacy on behalf of City of Charlottesville residents.~~
 - (5) No board member shall be a current candidate for public office, a former member of the department, an immediate family member of a current department employee, or a current employee of a law enforcement agency, the fire department, the emergency communications center, or the sheriff's office. If council considers appointing a board member who is employed by the City of Charlottesville, council will seek to avoid potential conflicts of interest.
- (c) *Terms.* Each board member shall be appointed for a term of three (3) years. Appointments and terms shall be subject to the provisions of section 2-8 of this Code. The membership of the board, and the terms of each board member, shall be the same as for the police civilian review board that was serving as of December 20, 2021, and that membership shall continue as the police civilian oversight board established by this article, with no change in the date of appointment, or length of term, for any member.
- (d) *Conflicts of interest.* No board member may participate in any matter before the board under circumstances in which the objectivity of the board member could reasonably be questioned, including, without limitation, the consideration of a complaint of someone who is a family member. For purposes of the Virginia State and Local Government Conflict of Interests Act, the board shall be deemed a "governmental agency" and each board member shall be an "officer," as those terms are defined in Virginia Code § 2.2-3101. All board members shall comply with the requirements of the Virginia State and Local Government Conflict of Interests Act.

- (e) *Confidentiality.* Each member shall maintain the confidentiality of all confidential or privileged information, including, but not limited to:
- (1) Materials from police internal investigative files;
 - (2) Disciplinary actions, memos and reports;
 - (3) Statements of any police officer or civilian employee who was required by the department to give a statement;
 - (4) Criminal investigative files; or
 - (5) Any other information that the board has deemed confidential.
- (f) *Records to remain department records.* The chief of police, as the custodian of the original records of which copies may be provided to the board by the department, shall be responsible for decisions as to whether copies of such records (or information contained in such records) may be publicly disclosed, subject to the direction and control of the city manager. Nothing in this paragraph shall preclude the city manager from including with the standard operating procedure required by subsection 2-452(e) guidelines for public disclosure of certain types of information contained within department records. In the standard operating procedure required by subsection 2-452(e), the city manager shall issue guidelines for what information may be included in board reports or otherwise publicly disclosed.

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



Agenda Date:	October 7, 2024
Action Required:	Resolution
Presenter:	Alexander Ikefuna, Director, Office of Community Solutions
Staff Contacts:	John Sales Alexander Ikefuna, Director, Office of Community Solutions Antoine Williams, Housing Program Manager
Title:	Resolution for permanent affordable housing acquisition by the Charlottesville Redevelopment and Housing Authority at 212 5th Street, 217 5th Street SW and 407 Harris Road

Background

The Charlottesville Redevelopment and Housing Authority (CRHA) is proposing to acquire 212 5th Street, 217 5th Street, SW and 407 Harris Road, a two-family unit, and two multi-family housing for preservation as a permanent low-income housing. The properties are currently rental units with low-income tenants. The Fifth Street properties are occupied, and 407 Harris Road is currently vacant because the owner wants to sell it. This is prime opportunity to acquire multiple units of naturally occurring affordable housing that were on the market and likely would no longer be affordable after purchase.

Discussion

This proposal would potentially pre-empt the tendency for the properties to slip to another buyer, resulting in a rent increase. The City and CRHA have an opportunity at this point to acquire and indefinitely preserve these properties as affordable units.

Property information:

407 Harris Road

- Assessed Value: \$392,800 /Expected Sales Price: \$475,000
- Appraised Value: \$490,000
- Multi-Family Home: A/3 Bedrooms/2 bath
- Currently renting for: \$1,500/month
- Market Rent: \$2,600/month
- Multi-Family Home Unit B/2 Bedroom/2 bath
- Currently renting for: Vacant
- Proposed Rent: \$1,800/month

- Market Rent: \$2,200/month

212 5th Street, SW

- Assessed Value: \$1,111,300 Expected Sales Price: \$2.2 million
- Appraised value: \$2.1 million
- Multi-Family/9 Units
- Current Rent: \$1,200/month
- Market Rent: \$2,200/month

217 5th Street, SW

- Assessed Value: \$778,200 Expected Sales Price: \$ Part of 212 5th Street SW
- Appraised Value: 1 million
- Multi-Family/4 Units
- Current Rent: \$1,200/month
- Market Rent: \$2,200/month

Council would need to approve a reallocation of previously awarded funds and appropriate them for this designated purpose. CRHA proposes to use unspent FY2023 – 2024 funds they have been awarded to support the Charlottesville Supplemental Rental Assistance Program (CSRAP). CRHA is proposing to increase the rents for the voucher holders which will have no impact on the tenants financially. The rent for units that do not have a voucher will increase by 10% annually like Dogwood.

Council provides \$900,000 per year for CSRAP. There is approximately \$234,402 left in the 2023-2024 fiscal year in CSRAP balance, enough to assist CRHA in bridging its funding gap of \$475,000. The total acquisition cost is \$2.675 million. The city will grant \$234,000 to support the acquisition and CRHA will provide the remaining balance of \$241,000, while the Federation of Appalachian Housing Enterprises (FAHE), a (CDFI) will finance the \$2.2 million.

Alignment with City Council's Vision and Strategic Plan

This request aligns with the following:

Affordable Housing Plan Guiding principles: Racial equity and comprehensive approach,

Comprehensive Plan Guiding Principles

- Equity & Opportunity – All people will be able to thrive in Charlottesville.
- Community Culture and Unity – Charlottesville's rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued, and respected.

The following 2023 City Council Strategic Plan Framework Areas: Housing and Partnerships.

Community Engagement

There have been several community engagement meetings and activities conducted as part of the comprehensive plan update and affordable housing planning process. City staff has also been engaged with CRHA on a regular basis regarding redevelopment activities, including exploring proactive ways to preserve and spur affordable housing development; one of which is this proposal to acquire 212 5th Street, 217 5th Street SW and 407 Harris Road for sustainable and permanent affordable housing.

Budgetary Impact

The resolution requests Council's approval to reprogram \$234,000 in funds previously appropriated from the City's Capital Improvement (CIP) Fund for the CSRAP voucher program to be used for these property acquisitions.

Recommendation

The City Manager and Staff recommend that the City Council approve the proposed request to use part of CSRAP fund for the acquisition of 212 5th Street, 217 5th Street SW and 407 Harris Road for permanent affordable housing.

Recommended motion: "I move the RESOLUTION approving staff request to use \$234,000 of already allocated CSRAP fund for the acquisition of 212 5th Street, 217 5th Street SW and 407 Harris Road for permanent affordable housing."

Alternatives

Council may elect not to approve the recommendations, which would have a negative effect on the City's goal of preserving and increasing permanent affordable housing.

Attachments

1. CRHA 5th Street and Harris Rd Acquisitions 10.2.24

RESOLUTION

Appropriating \$234,000 OF THE FY2023-24 CSRAP budget allocation to be used by CRHA for acquisition of 212 5th ST, 217 5th St. SW and 407 Harris Road as permanent units of affordable housing.

WHEREAS pursuant to Virginia Code §36-19 (2) and (4) the Charlottesville Redevelopment and Housing Authority has the power and authority to acquire real estate for residential use, and to operate buildings for residential occupancy; and

WHEREAS pursuant to Virginia Code §36-6 and §36-7 the City of Charlottesville is authorized to lend or donate money to CRHA to enable CRHA to carry out its purposes; and

WHEREAS CRHA is requesting the City Council to provide the amount of \$234,000 to fund the acquisition of residential buildings located at 212 5th Street, 217 5th Street. SW and 407 Harris Road, and the requested amount of funding is available within the City's FY2023-24 unspent budget for the CSRAP Program; and

WHEREAS City Council desires that its donation of funding be used to acquire dwelling units that will be permanently reserved for use as affordable dwelling units; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT the amount of \$234,000 from the FY2023-24 Budget for the CSRAP Program, will be transferred and hereby appropriated to a new account to be donated to the Charlottesville Redevelopment and Housing Authority ("CRHA") for use in acquiring land and buildings (together, "Real Estate") located at 212 5th Street, 217 5th Street, SW and 407 Harris Road. It shall be a condition of this appropriation that, immediately following the recordation of an instrument conveying title to the Real Estate to CRHA, CRHA shall record a covenant restricting the use of the Real Estate to residential uses and requiring that all dwelling units located on the Real Estate will be affordable dwelling units. The City Manager will provide CRHA with a declaration of covenants to accomplish the land use restriction, which shall be executed by CRHA and recorded on the same date as the instrument by which CRHA obtains title to the Real Estate.

Transfer from:

Fund: 426	Funded Program: P-01019	GL Code: 599999
-----------	-------------------------	-----------------

Transfer to:

Fund: 426	Internal Order: 2600049	GL Code: 599999
-----------	-------------------------	-----------------

BE IT FURTHER RESOLVED BY THE CITY COUNCIL THAT hereby authorize the City Manager to prepare and negotiate a detailed grant agreement with CRHA. This agreement should ensure that specific terms are met, including:

- The creation of covenants that permanently preserve affordability.
- Regular status reports from CRHA on the properties acquired, tenant outcomes, and the prioritization of CSRAP beneficiaries in unit assignments.

Approved by Council
October 7, 2024

Kyna Thomas, MMC
Clerk of Council

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



Agenda Date:	October 7, 2024
Action Required:	Acknowledge receipt of report
Presenter:	n/a
Staff Contacts:	Samuel Sanders, Jr., City Manager Kyna Thomas, Clerk of Council
Title:	Bennett's Village 2024 report to City Council

Background

On April 1, 2024, the Charlottesville City Council approved by resolution a Memorandum of Understanding (MOU) between the City of Charlottesville and Bennett's Village, a nonprofit community organization which aims to create an all-abilities, fully accessible playground for the Central Virginia area.

Discussion

Bennett's Village has submitted the 2024 report to City Council, as outlined in Article B, Section VII of the MOU signed April 11, 2024.

Alignment with City Council's Vision and Strategic Plan

The Bennett's Village project aligns with the City's strategic outcome areas for "Recreation, Arts, and Culture", "Partnerships", and the "Commitment to Justice, Equity, Diversity, and Inclusion"; while submission of the report aligns with the strategic outcome area for "Organizational Excellence".

Community Engagement

Budgetary Impact

Recommendation

Acknowledge receipt of report

Alternatives

Attachments

1. BV_2024 Report to City of Charlottesville
2. BV_2024 Treehouse budget vs. actual



Bennett's Village

a place for ALL to play

Bennett's Village Project Report to City Council
September 2024

Major milestone achievements:

- We updated our MOA with the City
- We held a groundbreaking event for the treehouse in the spring
- We are nearing completion of major treehouse construction
 - Elements left to be completed (later this fall)
 - Signage
 - Windows
 - Sensory wall
 - Bench
 - Fencing below (not part of original scope but in discussion with Parks and Recreation)
 - Planting with native species
- We sent out an RFP and are in the process of signing a contract with Mahan, Rykiel Associates to complete construction documents for all future phases.
- We are working with Parks and Recreation regarding the addition of an accessible bathroom with an adult changing station and a wheelchair battery charging station under the current bathroom facility
- We are also working with Parks and Recreation on the creation of an accessible pathway in the woods behind the treehouse.

The construction fencing by the treehouse will come down by September 30th. If we have passed off on all safety requirements, we will turn over the structure to Parks and Recreation and have a soft opening of the treehouse at that time. Any outstanding elements to be completed will be outlined in an agreement with Parks and Recreation

Programming achievements:

- We held a wonderful event in August to begin painting the rocks for the Community Rock Snake, which will be installed this fall and will remain a permanent feature in the Bennett's Village Play Space.
- Last spring we once again worked with the UVA Batten School class, Practical Non-Profit fundraising, where students used Bennett's Village as a case study, helping to plan our treehouse groundbreaking event and do some work with lapsed donors.
- We participated in VIA's Family Festival and Community Walk
- This fall we are working with a group of students from UVA's School of Education and Human Development taking an Adaptive Technology class to talk about ways to be more inclusive for those with communicative disorders. We are partnering with Parks and Rec to co-sponsor an event put on an inclusive storytime event with these students in the treehouse on October 30th

Fundraising efforts:

We have raised the funds to pay for the construction documents that will be created by the team put together by Mahan, Rykiel, & Associates.

So far this year we have raised \$320,000 with another \$180,000 in pledged funds.

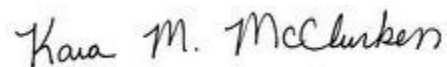
Budget vs. Actual expenditures for Treehouse

See [attached report](#)

Current/future endeavors:

- Complete artistic elements and plantings in and around treehouse
- Create construction documents with Mahan Rykiel Associates
- Create fundraising and outreach materials for next phases of project
- Expand fundraising capacity to raise money for future phases of the project
- Hold official celebration- "Party in the Park" Sunday, April 27, 1-5pm (with Parks and Recreation) celebrating the ways Bennett's Village and the City of Charlottesville is making Pen Park more accessible via the treehouse, the accessible bathroom, and the accessible path.

Respectfully submitted,



Kara M. McClurken,
President, Bennett's Village

Budget for Inclusive Treehouse -- Bennett's Village			
FUNDING NEED	BUDGET	ACTUAL (as of 9/15/2024)	NOTES
DESIGN AND FEES			
Bennett's Village Concept Designs	\$40,000.00	\$40,000.00	Finished and paid for with individual donations
Treehouse Architect--construction documents	\$25,000.00	\$25,000.00	Paid for and reimbursed via \$25,000 grant from Virginia Outdoors Foundation once permit is granted
Structural engineering		\$3,340.00	additional work needed to move work forward with permit
Geotechnical engineering (included in architect's fees)			Geotech report and perc test
Site plan amendment	\$5,000.00	\$5,000.00	Paid for via 2022 grant from BamaWorks
Electrician for Treehouse	\$5,000.00	\$5,000.00	In kind donation from Design Electric
Land survey	\$3,000.00	\$3,000.00	Completed, paid partially with \$1,500 grant from Albemarle County Rotary Club and the rest from donations
Permitting	n/a		Waived since Parks and Rec named as applicant
SUBTOTAL FOR DESIGN AND FEES	\$78,000.00	\$81,340.00	
CONSTRUCTION AND MATERIALS			2024 expenses
Contract with Uhler for materials and labor	\$321,000.00	\$230,949.00	Includes site preparation--as of 9/05
Amount of above contract already paid	-\$5,445.00	\$5,445.00	Amount of above contract already paid
Concrete Sidewalk Connection	\$10,000.00		Concrete, includes base stone and rebar (100 LF x 5 LF = 500 SF of materials and labor)
Wood Fence/Guardrail Along Connection	\$5,000.00		Custom-built wood fence at 100 LF with concrete footers
Signage	\$2,500.00		
Insurance for BV during construction	\$16,000.00	\$19,056.88	includes performance bond for contractor and BV insurance
Sensory elements	\$5,000.00	\$79.65	
SUBTOTAL FOR CONSTRUCTION AND MATERIALS	\$354,055.0	\$255,530.53	
CONSTRUCTION CONTINGENCY COSTS			
Contingency @10% : Construction and Materials	\$35,405.50		
SUBTOTAL FOR CONTINGENCY	\$35,405.50		
TOTAL TREEHOUSE COSTS	\$467,460.50	\$336,870.53	
2023 expenses (already paid)	\$78,000.00		
2024 expenses to be paid	\$389,460.50		