



CITY COUNCIL AGENDA

November 18, 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. Report: Budget Briefing: Organizational Excellence & Equity

5:30 PM CLOSED MEETING

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.

2. Minutes: November 4 regular meeting
3. Ordinance: Virginia Department of Social Services (V.D.S.S.) Temporary Aid to Needy Families (T.A.N.F.) Grants – \$69,312.67 (2nd reading)
4. Resolution: Resolution to appropriate Virginia Department of Criminal Justice Services Victims of Crime Act Grant Award FY24-\$123,000 (2nd reading)
5. Resolution: Resolution to appropriate \$20,000 for the Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program (2nd reading)
6. Resolution: Resolution authorizing Charlottesville Redevelopment and Housing Authority (CRHA) to create a Corporation and/or Limited Liability Corporation (LLC) (2nd reading)
7. Resolution: Resolution to appropriate funds from the Supreme Court of Virginia, Recovery Court Docket Grant in the amount of \$240,000 for the Charlottesville/ Albemarle Recovery Court (1 of 2 readings)
8. Resolution: Resolution to appropriate \$408,437 from the Opioid Abatement Authority Collaborative Partnership Grant (1 of 2 readings)
9. Resolution: Resolution for Charlottesville-Albemarle Health Department Carryover Request - \$74,625 (1 of 2 readings)

City Manager Report

- Report: Social Services Advisory Board Annual Report to City Council
- Report: City Manager Report

Action Items

10. Ordinance: Ordinance amending City Code Section 2-453(b.3-4) for Police Civilian Oversight Board composition (deferred from October 21)
11. Ordinance: Ordinance amending City Code Section 15-144 (Parking of buses, trucks, etc. between midnight and 6:00 a.m.) (1 of 2 readings)
12. Resolution: Resolution for revisions to Architecture Design Control District Design Guidelines: Chapter 5, Section E. Outdoor Cafes
13. Resolution: ~~Resolution for supplemental appropriation of \$7,571,300 in Federal, State, and Local Capital Grant funding (1 of 2 readings)~~

General Business

Community Matters (2)

Adjournment

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



Agenda Date:	November 18, 2024
Action Required:	None
Presenter:	Samuel Sanders, Jr., City Manager
Staff Contacts:	Samuel Sanders, Jr., City Manager
Title:	Budget Briefing: Organizational Excellence & Equity

Background

In August 2024, City Council adopted a Strategic Planning Framework to establish Strategic Outcome Areas to include: Climate Action, Economic Prosperity, Education, Housing, Organizational Excellence, Partnerships, Public Safety, Recreation, Arts & Culture, and Transportation. In addition, the Council added a Commitment to Justice, Equity, Diversity, and Inclusion. All of these form the foundation of Council's Vision: To be a place where everyone thrives.

As staff has been working to set strategies and actions, and develop key measures to test and frame the work, there has also been a focus on illuminating the financial health and vitality of the local government during its budget development periods. City Council recently formed a Finance Committee to consider more complicated financial matters affecting the local government. The addition of Budget Briefings in this budget cycle is meant to provide even more transparency into the various considerations and steps to developing the municipal budget.

Discussion

Budget Brief 1 is focused on the Council Strategic Outcome Areas: Organizational Excellence and Commitment to Justice, Equity Diversity, and Inclusion. The City Manager will brief the Council on specific considerations for items being considered for the proposed budget that fall within these two categories. Under Organizational Excellence, the key headings will be: Compensation & Benefits, Visioning, and Planning. Under the JEDI Commitment will be: homeless services, social equity, and ADA.

Budget Brief 2 (December 2) is focused on the Council Strategic Outcome Areas: Housing and Infrastructure. The City Manager will brief the Council on specific considerations for items being considered for the proposed budget that fall within these two categories. Under Housing, the key headings will be: Land Bank, Tax Abatement, and Affordable Housing Commitment. Under Infrastructure, the key headings will be: Public Service, Parks Master Plan, and internal systems management.

Budget Brief 3 (December 19) is focused on the Council Strategic Outcome Areas: Public Safety and Transportation. The City Manager will brief the Council on specific considerations for items being

considered for the proposed budget that fall within these two categories. Under Public Safety, the key headings will be: Fire Services, Alternative Response, and Emergency Management. Under Transportation, the key headings will be: staffing, network performance, climate action, and critical needs.

Alignment with City Council's Vision and Strategic Plan

This Budget Briefing Series will serve to engage the Council earlier in the process of crafting the fiscal budget. The presentations will frame the opportunities identified by staff to be responsive to the strategic priorities set by the Council.

Community Engagement

This presentation is part of a new 3-step process of budget formulation where key Strategic Outcome Areas are presented in an effort to prioritize them for inclusion in the budget and funded at what level. In December, the City Manager will host the Community Budget Forum, which is a direct opportunity for the public to weigh in on budget priorities.

Budgetary Impact

No budgetary impact at this time; however, decisions pertaining to the proposed FY26 budget could result from the discussion

Recommendation

Consideration of matters presented are intended to inform Council and the public on how the City Manager and staff are working through the priorities of developing the next fiscal budget. Where items can be prioritized over others will be helpful to the consideration of producing a balanced budget.

Alternatives

N/A

Attachments

1. Strategic Plan Framework ADA



City of Charlottesville

Strategic Plan Framework

Vision

To be a place where everyone thrives.

Commitment to Justice, Equity, Diversity, Inclusion

The City of Charlottesville is committed to implementing equitable practices and policies across all of its activities.



Strategic Outcome Areas



Climate Action

Charlottesville is a leader in improving the environment through implementation of its Climate Action Plan.



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 implementation of the Affordable Housing Plan.



Public Safety

Charlottesville provides comprehensive, trusted public safety services and treats everyone with respect and dignity.



Economic Prosperity

Charlottesville develops strategies and economic development opportunities that drive economic prosperity for all.



Organizational Excellence

Charlottesville's well-trained and dedicated staff deliver excellent services to the community.



Recreation, Arts, Culture

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



Education

Charlottesville supports a broad and well-integrated set of educational opportunities that includes Charlottesville City Schools (CCS), other youth serving organizations, career technical education (CTE) providers, and Piedmont Virginia Community College (PVCC).



Partnerships

Charlottesville creates avenues for meaningful collaborations with partners and key stakeholders, such as the County, UVA, and nonprofits, to magnify positive community outcomes.



Transportation

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



RAFTELIS



CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

November 4, 2024 at 4:00 PM
Council Chamber

The Charlottesville City Council met on Monday, November 4, 2024, at 4:00 p.m. 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 Snook, seconded by Pinkston, Council unanimously approved the meeting agenda.

REPORTS

1. REPORT: Charlottesville Area Alliance Annual Report

Sue Friedman and Kris Miller, Co-Chairs of the Charlottesville Area Alliance (CAA) Steering Committee, made the presentation and highlighted that CAA was awarded three consultants to assist in pursuing AARP's eight domains of a Livable Community. Misty Graves, Human Services Director, provided the 2023 Annual Report to Council. A major focus for CAA in 2024 was to conduct a bus stop audit for services friendly to older individuals, and the information will be shared in a final report by December. CAA was voted the #1 age-friendly community initiative in the state of Virginia by AARP.

2. REPORT: VDOT Portfolio Update

James Freas, Deputy City Manager for Operations introduced a proposal to revise the list of city projects within the Virginia Department of Transportation portfolio. Mr. Freas along with Public Works Director Steven Hicks, City Engineer Brennen Duncan, and Transportation Planner Ben Chambers reviewed a list of projects, previous estimates, scope changes, revised estimates, and recommendations for continuation or cancelation, with a desire to reallocate funds to bring remaining projects to completion. City Manager Sam Sanders spoke about the need to scale the project portfolio to a manageable workload.

Councilor Snook requested a quarterly or periodically available chart of projects and their status. Mr. Freas mentioned that the updated website is a step in the right direction and the chart should be something that staff can develop.

With no items for closed session, Mayor Wade recessed the meeting from 5:30 p.m. until 6:30 p.m.

BUSINESS SESSION

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

ANNOUNCEMENTS

Mayor Wade reminded the public about the "Telling Their Stories" educational event on November 9, hosted by The Veterans Committee of Central Virginia, commemorating the African American military experience. He also announced his participation along with Fire Chief Michael Thomas in the Blue Ridge Area Food Bank "Shop to Stop Hunger" event on Thursday November 7.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Lung Cancer Awareness Month**

Councilor Payne read a proclamation for Lung Cancer Awareness Month.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public.

1. Renee Byrd, city resident, spoke about a petition for a crosswalk at Elliot Avenue and 2nd Street for increased safety, and she suggested additional safety measures.
2. Kevin Cox, city resident, spoke in support of the petition for a marked crosswalk and other safety measures at Elliot Avenue and 2nd Street for increased safety.
3. David Walker Jr., city resident, spoke about homelessness in Charlottesville and other city challenges
4. Dan Schleifer, city resident, spoke about potential loopholes in the City's noise ordinance. He requested that City Council ask staff to develop an ordinance...
5. Aileen Bartels, city resident, spoke in support of the petition for a marked crosswalk at Elliot Avenue and 2nd Street and asked that pedestrian safety be prioritized.
6. Chelsea Braun, city resident, spoke in support of the petition for a marked crosswalk and other safety measures at Elliot Avenue and 2nd Street.
7. Rebecca Cobbs, city resident, spoke in support of the petition for a marked crosswalk and other safety measures at Elliot Avenue and 2nd Street.
8. Christina Rieflack, city resident, spoke in support of the petition for a marked crosswalk at Elliot Avenue and 2nd Street. She requested more proactive solutions for the city app (MyCville) and close call reporting.
9. Rory Stolzenberg, city resident, spoke about the decision-making process regarding the proposal to cancel some VDOT projects to right-size the city's portfolio, and he requested more transparency.
10. Elizabeth Bikowsky, city resident, spoke in support of the petition for a marked crosswalk at Elliot Avenue and 2nd Street. She spoke about the need for increased pedestrian safety in other areas.

CONSENT AGENDA

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record, and on motion by Pinkston, seconded by Snook, Council voted 5-0 to adopt the Consent Agenda.

3. MINUTES: October 21 regular meeting
4. RESOLUTION to Appropriate Community Development Block Grant COVID Relief Funds (CDBG-CV) from HUD, in the Amount of \$90,321.98 (2nd reading)

RESOLUTION TO APPROPRIATE FUNDS

Resolution to Appropriate CDBG-CV Covid Relief Funds from HUD, in the amount of \$90,321.98

WHEREAS the City of Charlottesville has been recognized as an entitlement community by the U.S. Department of Housing and Urban Development (HUD) and, as such, City Council has previously approved certain sums of federal grant receipts to support the city's Community Development Block Grant (CDBG) Fund; and

WHEREAS the City now has a balance of previously awarded CDBG-CV COVID relief funds from HUD that have not yet been appropriated within the city's local accounts; and

WHEREAS appropriating these funds will constitute an important step in making these funds available to support meaningful and high impact community development activities through the city's CDBG program, as approved by HUD;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the proposed appropriation of previously unappropriated CDBG-CV funds from HUD be approved and that the Office of Community Solutions is hereby authorized to work to identify worthy programs to be brought before Council for consideration.

BE IT FURTHER RESOLVED that, in support of this proposal, a new appropriation be made within the CDBG Fund by the respective amount shown below:

<i>Source</i>	<i>Revenue Account</i>	<i>Fund</i>	<i>GL</i>	<i>Amount</i>
CDBG-CV	3914004000	218	431110 Federal Grants	\$90,321.98

<i>Source</i>	<i>Expenditure Account</i>	<i>Fund</i>	<i>GL</i>	<i>Amount</i>
CDBG-CV	3914004000	218	55999 Lump Sum Appropriation	\$90,321.98

BE IT FURTHER RESOLVED that this appropriation is conditioned upon receipt of not less than \$90,321.98 in funds from the U.S. Department of Housing & Urban Development.

5. RESOLUTION to appropriate funds from the Virginia Department of Housing and Community Development - Virginia Homeless Solutions Program Grant amendment - \$93,564 (2nd reading)

RESOLUTION

Appropriating Funding in the Amount of \$93,564 To Be Received from the Virginia Homeless Solutions Program

WHEREAS, The City of Charlottesville, through the Office of Community Solutions, has been notified that it will be awarded a grant from the Virginia Department of Housing and Community Development for the Virginia Homeless Solutions Program (V.H.S.P.) in the amount of \$93,564,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that upon receipt of the funding from VHSP from the Virginia Department of Housing and Community Development, said funding, anticipated in the sum of \$93,564, is hereby appropriated in the following manner:

Revenues

\$93,564 Fund: 209 I/O: #1900566 G/L: 430120 State (Federal Pass-thru)

Expenditures

\$93,564 Fund: 209 I/O: #1900566 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$93,564 from the Virginia Department of Housing and Community Development.

6. RESOLUTION to appropriate funding from the Supreme Court of Virginia Behavioral Health Docket Grant - \$115,400.58 (2nd reading)

RESOLUTION

**Appropriating Albemarle-Charlottesville Therapeutic Docket Grant Award
\$115,400.58**

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$115,400.58 for the Albemarle-Charlottesville Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

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

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$186,538; and

WHEREAS, the grant award covers the period July 1, 2024 through June 30, 2025.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$115,400.58, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$115,400.58 Fund: Internal Order: #1900569 G/L Account: 430110 (State Grant)

Expenditures

\$115,400.58 Fund: Internal Order: #1900569 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$114,500.58 from the Supreme Court of Virginia.

7. RESOLUTION for the *2024 ReadyKids Youth Services* Proposal, a Major Amendment to the Program Year 2024-25 Annual Action Plan in the amount of \$50,000 (CDBG-CV) (2nd reading)

RESOLUTION

Resolution to Approve the *2024 ReadyKids Youth Services* Project and to Appropriate Associated CDBG-CV Covid Relief Funds, a Major Amendment in the Amount of \$50,000

WHEREAS the City of Charlottesville has been recognized as an entitlement community by the U.S. Depart of Housing and Urban Development (HUD) and, as such, City Council has previously approved certain sums of federal grant receipts to support the city's Community Development Block Grant (CDBG) Fund; and

WHEREAS the City now has the opportunity to support children and families in need of critical youth services growing out of the recent Covid pandemic; and

WHEREAS this project will support Council's Strategic Plan Framework vision of the City of Charlottesville as a community in which everyone thrives by strengthening partnerships between the City and its youth services providers and as a city committed to education and supportive of broad and

well-integrated educational opportunities;

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 within 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 revenue account indicated below, as follows:

<i>Expenditure Account(s)</i>	<i>Fund</i>	<i>Proposed Reductions</i>	<i>Proposed New Balance</i>
1900379	218	(\$1,807.22)	\$0.00
1900397	218	(26,753.89)	\$0.00
3914004000	218	(\$21,438.89)	\$94,925.71

<i>Revenue Account</i>	<i>Fund</i>	<i>CC</i>	<i>Proposed Addition</i>	<i>New Balance</i>
FY25 ReadyKids Youth Services CDBG-CV PY24+	218	1900572	\$50,000.00	\$50,000.00

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.

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

BE IT FURTHER RESOLVED that these appropriations are conditioned upon the receipt of not less than \$50,000.00 in CDBG-CV COVID relief funds from HUD for Program Year 2024-25 activities.

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

8. RESOLUTION for donation of antique fire engine to Old Dominion Historical Fire Society, Inc.

RESOLUTION

Donation of Antique Fire Engine to Old Dominion Historical Fire Society, Inc.

WHEREAS, in 2007 the Old Dominion Historical Fire Society (ODHFS) donated Engine 2, a 1929 Seagrave pumper, back to the Charlottesville Fire Department (CFD); and

WHEREAS, the engine's intended display has not been feasible, and the Engine has been stored in a

shipping container at the Ridge Street Fire Station for some time; and as the CFD lacks adequate storage space or a display area, and the Engine is no longer operational; and

WHEREAS, the ODHFS intends to donate the Engine to the Virginia Fire Service Museum in Roanoke, Virginia.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville that Engine 2, a 1929 Seagrave pumper, is hereby donated to the Old Dominion Historical Fire Society, Inc.

9. RESOLUTION for Compromise of Claim: Water and Wastewater Leak Credit of \$10,887.26 for University of Virginia Foundation

RESOLUTION

Approval of a Compromise of Claim in the Form of a Leak Credit of \$10,887.26 for Water and Wastewater Charges to the Utility Account of University of Virginia Foundation.

WHEREAS, the Director of Finance, City Attorney, and City Manager concur that circumstances associated with a leak at 1982 Arlington Boulevard warrant a credit in the amount of \$10,887.26 for water and wastewater charges, and in accordance with City Code Sec. 11-132(4), City Council has authority to grant such a compromise of claim; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the Director of Finance is hereby authorized to apply a credit of \$10,887.26 to the utility account of "University of Virginia Foundation".

10. RESOLUTION for Virginia Department of Social Services (V.D.S.S.) Temporary Aid to Needy Families (T.A.N.F.) Grants – \$69,312.67 (Carried)
11. RESOLUTION to appropriate Virginia Department of Criminal Justice Services Victims of Crime Act Grant Award FY24-\$123,000 (Carried)
12. RESOLUTION for Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$20,000 (Carried)

CITY MANAGER REPORT

James Freas, Deputy City Manager for Operations, announced safety improvements at 1st Street and Elliot Street as an immediate measure following a recent fatal event in the crosswalk. He stated that staff has been instructed to continue to evaluate and implement safety infrastructure within a short period of time.

City Manager Sanders announced the commencement of leaf collection in the city, and informed those who would like text alerts to message 434-771-0251. He announced two communication tools used by the City:

- City Scoop, a bi-weekly community newsletter will be available in November in hard copy and by email request.
- Inside Charlottesville, the City's public affairs television program airs on Charlottesville's TV10 Fridays and Sundays at 7:00 p.m. and on Saturdays and Mondays at 9:00 a.m.

City Treasurer Jason Vandever presented an overview of the City's retirement plan and the Retirement Commission. Budget Director Krisy Hammill presented the quarterly financial update. Commissioner of the Revenue Todd Divers answered Council questions about sales tax revenue.

ACTION ITEMS

13. PUBLIC HEARING and RESOLUTION for the 2024 Parks & Recreation Pollocks Branch Trail Bridge Accessibility Enhancements Project, a Minor Amendment to the Program Year 2024-25 Annual Action Plan, in the amount of \$55,527.91 (CDBG)

Anthony Warn, Grants Analyst, introduced the resolution for public hearing. The City of Charlottesville is an Entitlement Community (EC) as designated by the U.S. Department of Housing & Urban Development (HUD) and, as such, is the recipient of annual allocations of federal funds through the Community Development Block Grants (CDBG) program. These funds are provided to the city by HUD to support the city's ongoing community development and affordable housing activities. This proposal seeks to continue the city's history of using CDBG funds for meaningful and high impact community development activities by supporting the development of an accessible trail bridge in the Ridge Street/South First Street neighborhood.

Brenda Kelley, Redevelopment Manager, provided background details about planning and previous actions by Council to appropriate funds. Conceived as part of the larger Pollocks Branch Walkable Watershed Concept Plan first approved by Council in 2016. This new Pollocks Branch Trail Bridge will provide residents and visitors new safe, stable and accessible pedestrian connectivity to the creek and the emerging Rivanna Trails network, crossing the water at the end of Rockland Avenue and leading directly into CRHA's South First Street residential community. In addition, this neighborhood is expected to experience a significant growth in population with the redevelopment of the Charlottesville Redevelopment and Housing Authority's (CRHA) nearby South First Street residential complex. This trail and the bridge will also provide new and safe access to the developing Pollocks Branch greenway to Jordan Park. Responding to Councilor Payne, Ms. Kelley anticipated the project taking eight months for construction, but noted factors that could impact the timing.

Mayor Wade opened the public hearing.

- Peter Krebs, Piedmont Environmental Council, spoke in support of this resident-initiated project. He spoke about the walkable watershed as a pedestrian connection to downtown.

With no further speakers, Mayor Wade closed the public hearing.

Chris Gensic, Parks and Trails Planner, provided information about the process once the resolution is approved.

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

RESOLUTION

To Approve the 2024 Parks & Recreation Pollocks Branch Trail Bridge Accessibility Enhancements Project and to Appropriate Associated CDBG Funds, a Minor Amendment in the Amount of \$55,527.91

WHEREAS the City of Charlottesville has been recognized as an entitlement community by the U.S. Department of Housing and Urban Development (HUD) and, as such, City Council has previously approved certain sums of federal grant receipts to support the city's Community Development Block Grant (CDBG) program; and

WHEREAS the City now has the opportunity to remove a significant longstanding barrier to access and enhance connectivity to the city's recreational spaces and trails for residents and visitors to the city alike; and

WHEREAS this project will support Council’s Strategic Plan Framework vision of supporting access to recreational opportunities and greenspace;

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 within 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 revenue account indicated below, as follows:

<i>Fund</i>	<i>SAP Expenditure Account(s)</i>	<i>Proposed Reduction(s)</i>
218	P-00001-05-19	-\$26,513.05
218	3914001000	-\$29,014.86
Subtotal =		-\$55,527.91

<i>SAP Account Code</i>	<i>SAP Revenue Account</i>	<i>Proposed Addition(s)</i>
1900567	FY25 Pollocks Branch Trail Bridge P&R PY24+	\$55,527.91
Subtotal =		\$55,527.91

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.

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

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

14. ORDINANCE for Mas Canopy Footer Encroachment Agreement (2nd reading)

Benjamin Koby, City Planner, summarized the request, which was laid over from the October 21, 2024, City Council meeting. He reiterated that staff is generally against this type of encroachment request.

The applicant team answered questions from Council. regarding sidewalk repair, design elements, alternate designs, and existing conditions. Councilor Snook expressed concerns about past issues with encroachments. Councilor Oschrein stated a preference for the applicant to find another solution that does not require and encroachment.

On motion by Payne, seconded by Pinkston, Council by a vote of 3-2 approved the encroachment agreement. (Ayes: Payne, Pinkston, Wade; Noes: Oschrein, Snook)

**ORDINANCE AUTHORIZING ENCROACHMENT OF A CANOPY FOOTER
CONSTRUCTED PARTIALLY ON PROPERTY IDENTIFIED ON CITY TAX MAP 57 AS
PARCEL 22 AND HAVING THE ADDRESS OF 904-906 MONTICELLO RD**

**15. RESOLUTION authorizing Charlottesville Redevelopment and Housing Authority (CRHA) to
create a Corporation and/or Limited Liability Corporation (LLC)**

Alex Ikefuna, Director of Community Solutions, presented the request to create Westhaven Phase One, LLC, which will construct, operate and finance the construction of new apartment units on property at the current Westhaven public housing development. John Sales, CRHA Executive Director, provided details about the project and he emphasized the magnitude of management needed for relocating families during the project.

After discussion Council continued the item to the November 18 consent agenda pending City Attorney review of the resolution to review and confirm wording related to a separate LLC, and to make minor clerical corrections.

GENERAL BUSINESS

**16. BY MOTION: Thomas Jefferson Planning District Commission Proposed Legislative
Positions for 2025**

David Blount, TJPDC Legislative Liaison, presented the Planning District's proposed legislative positions for the 2025 General Assembly session. As in past years Council indicated approval of the TJPDC positions except for: General Government - "The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers", and Environmental and Water Quality - "We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area."

On motion by Snook, seconded by Payne, Council voted unanimously in support of the TJPDC legislative positions as discussed.

17. BY MOTION: City of Charlottesville Legislative Priorities for 2025

Councilor Snook presented the City's legislative priorities to be advocated during the 2025 General Assembly session and opened discussion for additional items. Kristel Riddervold, Director of Sustainability, provided context for recommendations she made related to sustainability. After Council agreed to include sustainability priorities, Councilor Snook stated that he would revise the final document.

On motion by Snook, seconded by Payne, Council voted unanimously in support of the City legislative priorities as presented and amended.

COMMUNITY MATTERS (2)

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

The meeting adjourned at 8:44 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	November 18, 2024
Action Required:	Appropriation of Grant Funds
Presenter:	Chris Engel, Director of Economic Development
Staff Contacts:	Jenny Biche
Title:	Virginia Department of Social Services (V.D.S.S.) Temporary Aid to Needy Families (T.A.N.F.) Grants – \$69,312.67 (2nd reading)

Background

Over the past several years, the City of Charlottesville, through the Office of Economic Development (OED), has been receiving matching grants from the Virginia Department of Social Services (VDSS) in order to provide workforce development training, business development training and supportive services to individuals residing in the City of Charlottesville living at or below 200% poverty. For fiscal year FY25 the following grant has been awarded:

1. VDSS Employment Advancement for TANF Participants Grant (BEN-24-060) – a \$69,312.67 grant awarded in 2024 for additional workforce development training programs

The grant is set up on a reimbursable basis and there is a required match of \$23,104.22 that is in-kind and will be sourced from WFD Program Manager's salary spent on overseeing and implementing the training programs.

Discussion

These grant funds go to support OED's ongoing workforce development training programs. Specifically, in FY25 the grant will fund the GO Cook, GO Solar, GO Facility Maintenance and a GO Healthcare initiative to be developed during the grant year. The GO Cook program, which trains individuals in the culinary arts and prepares them for careers in local food and hospitality establishments, will be supported. GO Cook has been run 18 times, resulting in 93 individuals being trained and assisted with job placement. GO Solar trains individuals to be North American Board of Certified Energy Practitioners Photovoltaic (NABCEP PV) Associate certified for a career in residential solar installation. It has completed 2 cohorts so far, resulting in 18 individuals trained and assisted with job placement. GO Facility Maintenance trains individuals to earn their Certificate for Apartment Maintenance Technician (CAMT -1) for a career in property maintenance. It will launch its first cohort this Spring and is estimated to train 8-10 individuals each cohort who will be assisted with job placement upon graduation. GO Facility Maintenance is planned to be offered twice a year. Finally, a GO Healthcare initiative will be developed to train individuals to receive a nationally recognized certification in the healthcare field. It is anticipated that the first cohort will be hosted in the Spring with an estimated 8-10 individuals trained and assisted with job placement upon graduation.

Alignment with City Council's Vision and Strategic Plan

This effort supports City Council's Economic Prosperity strategic outcome and aligns with the Office of Economic Development's Five-Year Strategic Plan for 2024-2028, specifically the Pathways for Opportunity goal.

Community Engagement

OED engages a variety of partners in delivering the City's workforce development services and its employment training programs. These programs are supported by numerous community agencies and organizations and include Albemarle County, Piedmont Virginia Community College, Virginia Career Works, CATEC, Downtown Job Center and employer partners.

Budgetary Impact

There is no impact to the general Fund. All funds will be budgeted and expensed in the Grants Fund.

Recommendation

Staff recommends approval and appropriation of grant funds.

Alternatives

If grant funds are not appropriated, more local dollars will have to be used for training or fewer low-income, underemployed City residents will be able to be trained.

Attachments

1. OED VDSS TANF Grant Appropriation Resolution (rev) 11.04.24 4856-2630-8852 v.1

RESOLUTION
Virginia Department of Social Services (V.D.S.S.) Temporary Aid to Needy Families
(T.A.N.F.) Appropriation of Grant Funds
\$69,312.67

WHEREAS, the City of Charlottesville has received a Temporary Aid to Needy Families grant from the Virginia Department of Social Services in the amount of \$69,312.67; and

WHEREAS, the funds will be used to support workforce and business development training programs, supportive services, and staffing provided by the Office of Economic Development; and

WHEREAS, the grant award covers the period from July 1, 2024 and June 30, 2025;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$69,312.67 is hereby appropriated in the following manner:

Revenue – \$69,312.67

\$69,312.67 Fund: 209 IO: 1900573 G/L: 430120 State/Fed pass thru

Expenditures - \$69,312.67

\$69,312.67 Fund: 209 IO: 1900573 G/L: 599999 Lump Sum

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$69,312.67 from the Virginia Department of Social Services.

Aye No
Payne
Pinkston
Snook
Wade
Oschrin

Approved by Council
November ____, 2024

Kyna Thomas, MMC
Clerk of Council

Suggested Motion: I move that the Resolution be pass and that the requested sum of \$69,312.67 is hereby appropriated.

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



Agenda Date:	November 18, 2024
Action Required:	Appropriation
Presenter:	Misty Graves, Director of Human Services
Staff Contacts:	Hunter Smith, Human Services Planner
Title:	Resolution to appropriate Virginia Department of Criminal Justice Services Victims of Crime Act Grant Award FY24-\$123,000 (2nd reading)

Background

The Virginia Department of Criminal Justice Services has awarded the Department of Human Services \$123,000 from its Victims of Crime Act (VOCA) program to provide trauma-focused, evidence-informed case management and clinical services. The Department of Human Services has received similar awards since 2019. This is a new award that follows the same programmatic structure and operates in the same format as previous award cycles.

Discussion

The City of Charlottesville's Department of Human Services' Evergreen Program increases access to trauma-informed intervention for victims within schools as well as low-wealth neighborhoods, expands access to mental health services for victims, and supports behavioral interventionist positions serving victims of crime. Funds will be used to hire one school-based interventionist, who will provide trauma and need assessments, service planning and delivery, coordination with other providers, and case management for up to thirty child victims each year. The school-based interventionist serves students at Buford Middle School. The FY25 award does include a 20% match of \$30,900 which is included in the Human Services Department budget.

Alignment with City Council's Vision and Strategic Plan

This project is strongly aligned with City Council's Strategic Plan Goal #2: Healthy and Safe City; specifically Goal #2.2: meet the needs of victims and reduce risk of recurrence.

Community Engagement

Community partners, including Charlottesville City Schools, were critical in the development of the original grant proposal to the Virginia Department of Criminal Justice Services. Families and youth involved in the first year of programming have helped influence its development.

Budgetary Impact

The Department of Human Services has been receiving grant funds for this program from the Department of Criminal Justice Services (DCJS) since 2019. The award period for this continuation

covers eligible expenses incurred from July 1, 2024 to June 30, 2025. This grant requires a cash match of 20% which is \$30,900.

Recommendation

Staff recommends appropriating the funds as written.

Alternatives

If grant funds are not appropriated, the grant funds awarded for FY 25 will have to be forfeited and the expenses incurred for this program in FY 25 will have to be covered using local funds.

Attachments

1. FY25 VOCA Appropriation Resolution (rev) 4877-8794-8532 v2

RESOLUTION
Appropriation of Charlottesville Student Victim Outreach Program Department of
Criminal Justice Services Victim of Crimes Act Grant
\$123,600

WHEREAS, the City of Charlottesville has been awarded \$123,600 from the Department of Criminal Justice Services;

WHEREAS, this award requires a 20% match in the amount of \$30,900;

WHEREAS, the funds will be used to support Evergreen, a program operated by the Department of Human Services. The grant award covers the period from July 1, 2024 through June 30, 2025;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$123,600 is hereby appropriated in the following manner:

Revenue – \$154,500

\$123,600	Fund: 209	Cost Center: 3413018000	GL Account: 430120
\$ 30,900	Fund: 209	Cost Center: 3413018000	GL Account: 498010

Expenditures - \$154,500

\$148,140	Fund: 209	Cost Center: 3413018000	GL Account: 519999
\$ 6,360	Fund: 209	Cost Center: 3413018000	GL Account: 599999

Transfer From

\$30,900	Fund: 213	Cost Center: 3413003000	GL Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$123,600 from the Department of Criminal Justice Services.

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



Agenda Date:	November 18, 2024
Action Required:	Staff recommends approval and appropriation of funds.
Presenter:	Riaan Anthony, Director of Parks & Recreation
Staff Contacts:	Annie Sechrist
Title:	Resolution to appropriate \$20,000 for the Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program (2nd reading)

Background

The City of Charlottesville, through Parks and Recreation, has received approval for a reimbursement of up to \$20,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children 18 and under attending our drop-in afterschool programs through their Child and Adult Care Food Program.

Discussion

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

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with Council's Strategic Plans for Recreation, Arts, Culture.

Community Engagement

N/A

Budgetary Impact

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

Recommendation

Staff recommends approval and appropriation of funds.

Alternatives

If money is not appropriated, the free dinner program will not be offered to youth, most of whom receive free or reduced meals during the school year.

Attachments

1. Appropriation of VDOE Special Nutrition Program Reimbursement Resolution

RESOLUTION

Appropriation of Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program Reimbursement in the amount of \$20,000

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$20,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

WHEREAS, the grant award covers the period from period October 1, 2024 through September 30, 2025;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$20,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

Revenue – \$ 20,000

Fund: 209 Internal Order: 1900575 G/L Account: 430120

Expenditures - \$20,000

Fund: 209 Internal Order: 1900575 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$20,000 from the Virginia Department of Education Special Nutrition Program.

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



Agenda Date:	November 18, 2024
Action Required:	Resolution
Presenter:	Alexander Ikefuna, Director, Office of Community Solutions , John Sales
Staff Contacts:	Alexander Ikefuna, Director, Office of Community Solutions
Title:	Resolution authorizing Charlottesville Redevelopment and Housing Authority (CRHA) to create a Corporation and/or Limited Liability Corporation (LLC) (2nd reading)

Background

The Charlottesville Redevelopment and Housing Authority's powers and duties are set out within Virginia Code Chapter 36, Chapter 1 (Housing Authorities Law). Pursuant to Va. Code §36-19(12) CRHA is authorized to do the following:

"With the approval of the local governing body or its designee, to form corporations, partnerships, joint ventures, trusts, or any other legal entity or combination thereof, on its own behalf or with any person or public or private entity."

Further, Virginia Code §36-21 specifies that" no housing authority shall construct or operate any [housing] project for profit ". Virginia Code §36-25 also states that "An authority may ... expend its funds such manner as the authority finds is consistent with the maintenance of the low-rent character of housing projects or the achievement of the purposes of this Housing Authorities Law. Finally, state law provides that "organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds [*either City Council's, or CRHA's funds*] are "public bodies" subject to the requirements of the Virginia Freedom of Information Act.

Discussion

CRHA requests City Council's approval of the following legal entities, which are not yet formed.

- **Entity 1: Westhaven Phase One, LLC (proposed name - not yet in existence)**
- **Entity 2: Westhaven Phase One Management LLC (Proposed name - not yet in existence)**

Westhaven Phase One, LLC will construct, operate, and finance the new construction of apartment units on property at the current Westhaven public housing development.

The CRHA is the "lessor" in a 99-year ground lease to the "lessee" (Westhaven Phase One, LLC) of the improvements being constructed on the property. In exchange for the ground lease, the CRHA holds a promissory note and a subordinate deed of trust in the amount based upon the appraised Fair Market Value of the land. Since the property is subject to a Land Use Restriction Agreement from HUD, the transfer of the land and the note and deed of trust had to receive approval from HUD in the context of the property's continued extended use as affordable housing for low and very low-income residents. In addition, the CRHA is the conduit for a Federal Home Loan Bank of Atlanta grant to the project. The grant will be made to an FHLB member Bank (Atlantic Union Bank) who will transfer the funds to the lessee, subject to a note and subordinate deed of trust which requires continued affordability for households with incomes at or below 50% of AMI. Westhaven Phase One, LLC also has recorded an Extended Use Agreement against the property in favor of VHDA requiring that residents at the property have incomes no higher than 60% of the AMI. This agreement will remain in effect for 30 years.

The mission of this entity is to serve as the owner/lessee of record of the project known as Westhaven Phase One which will provide affordable housing to very low-income citizens of Charlottesville. The use of Low-Income Housing Tax Credits as a primary source of finance for this project excludes the CRHA from the direct ownership of the property. The CRHA does not have any liability for paying federal income taxes and therefore cannot take advantage of the low-income housing tax credits. By entering into a limited liability company with other federal income taxpaying entities, namely the Housing Equity Fund of Virginia XXIII, LLC, the low-income housing tax credits can be utilized by the taxpaying entities in exchange for their capital investment in the project.

CRHA is legally connected in multiple ways to this entity and by regulation and resolution, the CRHA's governing board is ultimately responsible for all actions taken on its behalf. As previously described, the CRHA is the landlord of the property through its possession of the ground lease; it is a lender through the promissory notes and deeds of trust securing the leasehold value and Federal Home Loan Bank grant. The CRHA is also indirectly connected to the entity by virtue of its sole ownership of Charlottesville Community Development Corporation (CCDC), its instrumentality, which serves as the sole member of the Managing Member of the property owner, Westhaven Phase One Management, LLC, and is also a lender.

CRHA's instrumentality CCDC is the sole member of Westhaven Phase One LLC. Once the project has financing in place, the Managing Member may invite the Housing Equity Fund of Virginia to enter into the Company as the investor member for purposes of commodifying the low-income housing tax credits.

CRHA, through its control of the Managing Member will recapture full ownership of the property by purchasing the Investor and Special Member interests at the end of the initial compliance period. Housing Equity Fund of Virginia XXIII, L.L.C. and V ARM, LLC will relinquish their interests in accord with the Non-Profit Purchase Option and Right of First Refusal that was signed at closing. In practice, Housing Equity Fund and V AHM, LLC will exit the Company for a capital transaction fee of \$20,000.

Westhaven Phase One Management LLC will be responsible for the management of the property.

Alignment with City Council's Vision and Strategic Plan

This proposal aligns with the Affordable Housing Plan, and the following City Council's Strategic Plan Framework areas: Housing, Partnerships, Climate Action, and HUD-mandated 2023 – 2027 Consolidated Housing and Community Development Plan.

Community Engagement

A Redevelopment Committee comprised of residents, community members, City staff, CRHA staff and Board members have been involved in research, planning and design activities, and community engagement designed to provide guidance to the CRHA Board on redevelopment planning progress. The CRHA Board regularly discusses the status of redevelopment initiatives as well as taking actions on redevelopment milestones.

Budgetary Impact

This proposal has no budget implications. The City Council does provide substantial public funding to CRHA for its programs and redevelopment projects. CRHA understands that City Council has an interest in ensuring accountability for the use of public funds, and that Council has an obligation to ensure that its public funds are used for purposes authorized by state law. The Executive Director has provided information about public funding for each of the entities, in his answers to the questions in the "Discussion" section.

Recommendation

Approve the resolution to create a corporation and LLC for the redevelopment of Westhaven.

Alternatives

City Council may decline to approve the entities, in its discretion, which may negatively impact CRHA's ability to undertake the redevelopment of Westhaven.

Attachments

1. Draft Resolution CRHA LLC Formation 11.6.24v2

RESOLUTION
RATIFYING OR APPROVING THE FORMATION BY THE CHARLOTTESVILLE
REDEVELOPMENT AND HOUSING AUTHORITY (CRHA) OF CERTAIN ENTITY
IDENTIFIED AS LIMITED LIABILITY COMPANY (“LLC”)

WHEREAS, the Charlottesville Redevelopment and Housing Authority was created pursuant to the Virginia Housing Authorities Law (the “Act”), found in Chapter 1, Title 36, Code of Virginia of 1950, as amended (the “Virginia Code”), and is now existing and operating as a public body corporate and politic, and the Act empowers the CRHA to form corporations, partnerships, joint ventures, trusts, or any other legal entity or combination thereof, on its own behalf or with any person or public or private entity; and

WHEREAS, the CRHA, through various entities, has applied to the Virginia Housing program for Low Income Housing Tax Credits (“LIHTCs”) (formerly known as Virginia Housing and Development Authority (“VHDA”) program), in part to provide financially for the rehabilitation or development of affordable housing multi-family residential rental projects on various CRHA-owned properties, the funding of debt service and other reserve funds, and the payment of other transaction costs related to the award of LIHTCs to the projects; and

WHEREAS, to secure VHDA or Virginia Housing funding for its affordable housing redevelopment projects, certain entities must be created by CRHA to undertake the development and redevelopment of such projects; and

WHEREAS, Section 36-19(12) of the Virginia Code, requires, among other things, the approval by the local governing body of the formation by the CRHA of corporations, partnerships, joint ventures, trusts, or any other legal entity;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlottesville, Virginia, hereby ratifies the creation of the following LLCs, already created by the Charlottesville Redevelopment and Housing Authority, to enable the CRHA to secure VHDA or Virginia Housing funding for affordable housing development/redevelopment projects:

WESTHAVEN, LLC
WESTHAVEN MANAGEMENT COMPANY, LLC

FURTHER, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia, that the Charlottesville Redevelopment and Housing Authority is authorized to create the following LLC’s, to enable the CRHA to secure Virginia Housing funding for affordable housing development/redevelopment projects at Westhaven:

WESTHAVEN, LLC (or similar name)
WESTHAVEN MANAGEMENT, LLC (or similar name)

Approved by Council
November 18, 2024

Kyna Thomas, MMC
Clerk of Council

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



Agenda Date:	November 18, 2024
Action Required:	Appropriate \$240,000 from the Supreme Court of Virginia, Adult Recovery Grant
Presenter:	Christie Cash, Offender Aid and Restoration
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate funds from the Supreme Court of Virginia, Recovery Court Docket Grant in the amount of \$240,000 for the Charlottesville/ Albemarle Recovery Court (1 of 2 readings)

Background

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

Discussion

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

The total program budget is **\$388,691** and includes three funding sources:

- Supreme Court of VA - \$240,000
- City of Charlottesville: \$87,718, which has already been appropriated
- Albemarle County: \$60,973, which has already been appropriated

Alignment with City Council's Vision and Strategic Plan

The Supreme Court of Virginia, Recovery Court Docket Grant aligns with the City Council's Strategic Outcome Areas of Public Safety and Partnerships.

Public Safety: This relates to providing support for persons interacting with the legal or criminal justice system and the City of Charlottesville's priority Safety/Criminal Justice. Recovery Court directly affects the community by reducing recidivism among Recovery Court participants and graduates. Additionally, Recovery Court mitigates risk by reducing drug and alcohol use among program participants and graduates. Reduction of drug and alcohol use fosters participant rehabilitation, public safety, and participant accountability; all of which are factors in helping the community achieve its stated goals. Reduced recidivism results in reduced public costs associated with re-arrest and incarceration, a reduction in potential victims of crime, and an overall enhanced quality of life for community residents. As the writers of the Adult Drug Court Best Practice Standards state, "Drug Courts improve communities by successfully getting justice-involved individuals clean and sober, stopping drug-related crime, reuniting broken families, ... and preventing impaired driving" Not only is Recovery Court an effective agent of change, it is an extremely cost-effective approach. Numerous meta-analyses have concluded that Recovery Courts produce an average return on investment of \$2 to \$4 for every \$1 invested. Because of the above, ensuring that the 27-year-old Recovery Court program remains available to residents of the City of Charlottesville and Albemarle County will help the community achieve its goals.

Partnership: This grant continues an existing partnership between the City of Charlottesville and OAR as the City serves as the fiscal agent for these grant funds for OAR.

Community Engagement

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

Budgetary Impact

No additional City funding is required as the City's match for this grant, \$87,718, was appropriated as part of the FY 2025 Council Approved Budget as part of the City's contribution to Offender Aid and Restoration

Recommendation

Staff recommends the appropriation of \$240,000 from the Supreme Court of Virginia, Recovery Docket Grant

Alternatives

City Council may elect to not appropriate the \$240,000 for the Adult Recovery Docket Grant Program which will negatively impact the services OAR is able to provide as an alternative to incarceration for offenders.

Attachments

1. RES_\$240,000_FY25 Appropriation - DC

RESOLUTION
Appropriating \$240,000 to be Received from the Supreme Court of Virginia
Recovery Court Docket Grant

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

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

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$148,691; and

WHEREAS, the grant award covers the period July 1, 2024 through June 30, 2025.

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

Revenues

\$240,000 Fund: 209 Internal Order: 1900570 G/L Account: 430120

Expenditures

\$240,000 Fund: 209 Internal Order: 1900570 G/L Account: 530550

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

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



Agenda Date:	November 18, 2024
Action Required:	Approve and appropriate \$408,437 from the Opioid Abatement Authority Cooperative Partnership Grant
Presenter:	Susan Morrow - Offender Aid & Restoration
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate \$408,437 from the Opioid Abatement Authority Collaborative Partnership Grant (1 of 2 readings)

Background

The City of Charlottesville, on behalf of itself, Offender Aid and Restoration, Albemarle County, Fluvanna County, Orange County, Madison County, and Nelson County, has received an Opioid Abatement Authority Cooperative Partnership Grant in the amount of \$408,437 for the expansion of Peer Support and other services for the recovery court and specialty docket programs in the region. The expansion program will be operated by Offender Aid and Restoration (OAR). The City of Charlottesville serves as fiscal agent for the Opioid Abatement Authority Cooperative Partnership Grant.

Discussion

The 16th Judicial District of Virginia has a total of four Recovery Courts serving seven jurisdictions as well as one Therapeutic Docket serving two jurisdictions. The jurisdictions served included the City of Charlottesville, and the Counties of Albemarle, Fluvanna, Orange, Madison, and Nelson. Taken all together, the programs have the capacity to serve 160 individuals at any given time. All of the programs are operated and administered by OAR/Jefferson Area Community Corrections (OAR). Recovery Courts are supervised 12 to 14 month programs combining drug treatment and criminal case processing that serve as an alternative to incarceration for offenders. The Therapeutic Docket is similar to a Recovery Court but it is focused on mental health treatment. The programs use the power of the court to motivate offenders to achieve recovery through a collaborative system of intensive supervision, drug testing, substance abuse treatment and/or mental health treatment, and regular court appearances. The Expanded Specialty Docket Services grant will provide for better integration and coordination of all of the specialty dockets operated by OAR and will increase Peer Support services by embedding Peers in each of the programs.

The total program budget is **\$438,907** and includes six funding sources:

- Opioid Abatement Authority \$388,437
- Offender Aid and Restoration \$30,470 (as appropriated for Charlottesville Albemarle Recovery Court through Albemarle County Human Services Funding Process and the Vibrant Community Fund)
- Nelson County \$5,000
- Fluvanna County \$5,000
- Orange County \$5,000
- Madison County \$5,000

Alignment with City Council's Vision and Strategic Plan

This grant aligns with the City Council Strategic Plan Framework Outcome Area, Public Safety. This relates to providing support for persons interacting with the legal or criminal justice system and the City of Charlottesville's priority of Health and Safety. Specialty Dockets directly affect communities by reducing recidivism among participants and graduates. Reduced recidivism results in reduced public costs associated with re-arrest and incarceration, a reduction in potential victims of crime, and overall enhanced quality of life for community residents. Not only are Specialty Dockets effective agents of change, they are an extremely cost-effective approach. Numerous meta-analyses have concluded that Specialty Dockets produce an average return on investment of \$2 to \$4 for every \$1 invested. Because of the above, ensuring that local Specialty Docket programs provide adequate services to foster participant success will help the community achieve its goals.

Community Engagement

OAR is a direct service provider and is engaged daily with criminal offenders who are at a high level of risk for reoffending. By collaborating with the Court system, local treatment providers, local Sheriff's Departments, Police Departments, and other community providers our local Specialty Dockets provide these offenders with highly structured, rigorously supervised systems of treatment and criminal case processing that result in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Specialty Dockets through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending while they are in Specialty Dockets. If they successfully complete the program, participants may have their pending charges reduced or dismissed. If participants are unsuccessful and have to be terminated or separated from a program, they return to court to face their original charges. Successful Specialty Docket participants return the community's investment in them by maintaining crime free, productive lives, and behaving as good role models in the community.

Budgetary Impact

No additional City funding is required as the City's match for this grant is in-kind with the City acting as fiscal agent for the grant.

Recommendation

Staff recommends approval and appropriation.

Alternatives

N/A

Attachments

1. RES_\$408,437_FY25 Appropriation - OAA

RESOLUTION
To Appropriate Opioid Abatement Authority Cooperative Partnership Grant
Award COOP540106-0A01, Expanded Specialty Docket Services
\$408,437

WHEREAS, the Opioid Abatement Authority of Virginia awarded a Cooperative Partnership Grant for the Expansion of Specialty Docket Services in the amount of \$388,437 to the City of Charlottesville to fund expanded Specialty Docket services in Charlottesville, Albemarle, Nelson, Fluvanna, Orange, and Madison counties.

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

WHEREAS, the counties of Nelson, Fluvanna, Orange, and Madison are providing local matches for the grant in the amount of \$5,000 each; and

WHEREAS, the grant award covers the period July 1, 2024 through June 30, 2025.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$408,437, received as a grant from the Opioid Abatement Authority of Virginia and as matching funds from Nelson, Fluvanna, Orange, and Madison, is hereby appropriated in the following manner:

Revenues: \$408,437

Amount	Fund	Order	GL Code	
\$388,437	214	1900574	440040	Legal Settlements
\$ 5,000	214	1900574	432050	Revenue-Nelson
\$ 5,000	214	1900574	432035	Revenue-Fluvanna
\$ 5,000	214	1900574	432055	Revenue-Orange
\$ 5,000	214	1900574	432065	Revenue-Madison

Expenditures: \$408,437

Amount	Fund	Order	GL Code	
\$408,437	214	1900574	540369	Grant Pass-Thru

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$388,437 from the Opioid Abatement Authority of Virginia and \$5,000 each from Nelson, Fluvanna, Orange, and Madison.

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



Agenda Date:	November 18, 2024
Action Required:	Approve Authorization Resolution
Presenter:	Ryan McKay, MPA, Health Director, Blue Ridge Health District
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager Krisy Hammill, Director of Budget
Title:	Resolution for Charlottesville-Albemarle Health Department Carryover Request - \$74,625 (1 of 2 readings)

Background

The FY 2024 year-end settlement process for the Charlottesville-Albemarle Health Department resulted in a \$74,625 surplus to be potentially returned to the City. This resulted from (1) vacancy savings for several positions (2) higher than projected revenue. Ryan McKay, Health Department Director, is now requesting the City's permission to carry over those surplus funds into the current year's Health Department budget.

Discussion

The Health Department would like to use these carryover funds to cover the costs of Sexually Transmitted Infection (STI) testing kits. Grant funds previously used to purchase the kits are no longer available to local health departments. Test kits will be used at key locations and events throughout the City of Charlottesville.

STI lab test expenses: like the grant funding for kits, lab expenses are no longer supported by grant dollars. Funds will be used to support lab test expenses for City of Charlottesville residents

The Health Department is also seeking to use a portion of the carry over funds to make facility enhancements:

- Painting for the facility's clinical and Women, Infant, and Children (WIC) exam rooms; two lobby areas; and office spaces
- Renovations and upgrades for the two public-facing restrooms

Alignment with City Council's Vision and Strategic Plan

This request aligns with City Council's vision to be a place where everyone thrives by increasing resources for the health department to increase STI testing. In addition, this request aligns with the Strategic Outcome Area of Partnership as this request stems from an existing partnership between the City of Charlottesville and the Health Department.

Community Engagement

N/A

Budgetary Impact

This expenditure refund would come back as a revenue (refund of prior year's expenditures) to the General Fund in this year's budget (FY 2025). There would, however, be no direct impact on the City's appropriated budget this year, as the \$74,625 has already been appropriated and accounted for as an expenditure in last year's budget (FY 2024).

Recommendation

Staff recommends approval of the Health Department's request to use FY 2024 surplus local funds of \$74,625. The Health Department is making a similar request to Albemarle County.

Alternatives

City Council may elect to deny this request, which would result in the Health Department returning the funds to the City.

Attachments

1. Health Dept Carry Over_\$74,625_FY24

RESOLUTION
Authorization of Carryover for Charlottesville-Albemarle Health Department
\$74,625

WHEREAS, the Charlottesville-Albemarle Health Department ended the 2024 fiscal year with a surplus of \$74,625; and that this surplus is due to vacancy savings for several positions, as well as higher than projected revenue; and

WHEREAS, the Health Department intends to use these surplus funds to cover the costs of Sexually Transmitted Infection (“STI”) testing kits, as previous grant funds intended for this purpose are no longer available to local health departments; and that these test kits would be available at key locations and events throughout the City of Charlottesville; and

WHEREAS, previous grant funds are no longer available to cover the expense of processing STI testing kits, and other related laboratory expenses; and the Health Department intends to use surplus funds for this purpose; and

WHEREAS, the Health Department also seeks to use a portion of the surplus funds to make improvements to its facility, specifically by painting the facility’s lobby areas, office spaces, and examination rooms, and renovating two public-facing restrooms;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Charlottesville-Albemarle Health Department is authorized to carry over the sum of \$74,625 from Fiscal Year 2024 for the above-stated purpose.

Charlottesville Department of Social Services Advisory Board

ANNUAL REPORT TO CITY COUNCIL

The Social Services Advisory Board is pleased to present its 2024 Annual Report to City Council. We appreciate Council's support for the Charlottesville Department of Social Services' mission to join with the community in providing social services that meet essential needs, promote self-sufficiency, and enhance the quality of life for all residents.



The Department of Social Services administers Benefits Programs and Family Services for the citizens of Charlottesville.

Federal and state mandated **Benefits Programs** help low income families and individuals meet basic needs for food, shelter, and medical care.

Major programs include but are not limited to:

- Supplemental Nutrition Assistance Program (SNAP)
- Medicaid - also known as Cardinal Care
- Cash assistance payments: Temporary Assistance for Needy Families (TANF), Refugee Assistance and General Relief
- Workforce Development Programs consisting of: Virginia Initiative for Education and Work (VIEW) and SNAP Education and Training program (SNAP-E&T)
- Child Care Subsidy Program (CCSP)
- Low-Income Home Energy Assistance Program (LIHEAP): Percentage of Income Payment Program (PIPP) and Fuel/Cooling/Crisis components.
- Auxiliary Grant payments to providers

Family Services Programs provide assessment, intervention, and case management services through federal and state mandated programs.

Major programs include but are not limited to:

- Child Protective Services (CPS)
- Foster Care Prevention and In Home Services
- Foster Care
- Adoption
- Fostering Futures
- Adult Protective Services (APS)

Economic Impact of Services provided in the City of Charlottesville

The economic impact of providing these services totaled **\$140,063,368** in fiscal year 2023

Many of these funds were spent on rent, utilities, payments to medical providers and hospitals, purchases at grocery stores and gas stations, and purchases of clothing and school supplies, thereby increasing the economic impact to the community as the funds recycled through the local economy. The matching local costs for fiscal year 2023 totaled **\$3,798,075** for Social Services and **\$1,638,282** for the Children's Services Act (CSA).

- **\$102,771,672** in Medicaid and Family Access to Medical Insurance Security (FAMIS) payments to providers
- **\$13,586,908** in the Supplemental Nutrition Assistance Program (SNAP)
- **\$4,448,650** in Children's Services Act (CSA) payments to providers
- **\$6,136,639** in Staff, Administrative, and Operations costs
- **\$3,399,613** in Adoption Assistance payments to adoptive parents
- **\$362,245** in Title IV-E Foster Care payments to providers
- **\$1,078,199** in Child Care Subsidy Payments to providers
- **\$1,490,699** in Temporary Assistance to Needy Families (TANF)
- **\$45,069** Fostering Futures Foster Care Assistance
- **\$20,772** in Kinship Guardianship Assistance
- **\$507,787** in Low-Income Home Energy Assistance Program (LIHEAP)
- **\$131,308** in Auxiliary Grant payments to providers
- **\$174,518** Other Purchased Services for clients
- **\$206,861** in Central Service Cost Allocation
- **\$206,235** in Virginia Initiative for Education and Work (VIEW)
- **\$26,420** in Independent Living Services
- **\$20,839** in Refugee Assistance
- **\$12,525** in General Relief

Highlights from the Department's three divisions

Administration Division

The administration division is responsible for planning, budgeting and fiscal management, program coordination and evaluation, and personnel administration.

The department's director and management team make up the administration division along with financial staff.

The finance team works primarily in the office due to the nature of the work and the structure of their internal processes.

Kinship Financial System

The finance team along with staff from the Family Service's division funding team transitioned to the Kinship financial and case management system on July 1, 2024 for Children's Services Act (CSA) and IV-E foster care payments. This replaces the Harmony financial system that was no longer supported. The transition has not been as smooth as planned and has required additional technical support from the vendor and an outside contractor.

Benefits Division

Most division staff continue to work remotely with rotating coverage days in the office to support walk-in clients. The client entry team work primarily in the office to provide administrative support to citizens and staff.

13,169 citizens in the city received assistance from a benefits program in fiscal year 2024.

Medicaid Unwinding Work

On December 29, 2022, the Consolidated Appropriations Act 2023 (CAA2023) was enacted. This law separated the Federal Public Health Emergency (PHE) declaration from the Medicaid Continuous Coverage requirement as of March 31, 2023, meaning that states (Virginia) were no longer required to continue coverage regardless of changes in circumstances.

On April 1, 2023, Virginia resumed normal operations and began redetermining eligibility and local departments of social services (LDSS) began taking actions, including adverse actions (reducing coverage, closing coverage, and increasing patient pay). For Charlottesville, the division processed over 10,000 Medicaid case renewals within the allowable time frame set by the Center for Medicaid Services (CMS) and the Virginia Department of Social Services (VDSS).

SNAP EBT Skimming

The Consolidated Appropriations Act 2023 (CAA2023) authorized the replacement of some EBT benefits that were stolen through card skimming, card cloning, or other fraudulent methods nation-wide. This is applicable to benefits stolen during the period of October 1, 2022, through the end of December 20, 2024. The SNAP EBT replacement component became active effective July 17, 2023 for Virginia. Benefits staff have led multiple public outreach efforts to educate and build awareness in the community about the issue along with tips on how to protect EBT cards and guidance on how to replace stolen benefits.

Family Services Division

Family Services staff work a hybrid work schedule where they often complete documentation tasks at home and come into the office for meetings, trainings, and case discussions. Staff complete required monthly home visits with clients in their home or the community.

The division is seeing an increase in all program areas. The Child Protective Services (CPS) team has seen an increase in referrals and there has been a 33% increase in Foster Care cases over the past year. There are currently 78 children in foster care.

There has been increase in Adult Services cases which includes completing a screening for services. The division has also seen an increase in Adult Protective Services (APS) cases which tend to be more complex. The APS worker spends a lot of time engaging vulnerable adults to participate in services in order to improve their quality of life. However, not all adults are interested in being helped so it is important to be patient and consistent.

The child welfare and APS teams spend many hours trying to assist clients in the area of housing. Whether it is staying housed, finding suitable housing, or accessing community housing resources, workers are addressing housing instability at an increased rate. Unfortunately, there is not a lot of success in this area. Even if clients or families have vouchers, they struggle to find appropriate housing in Charlottesville or the surrounding areas. Staff are also addressing housing issues for families that are finding their way to Charlottesville with no prior connection or any resource to find and retain housing. These type of situations cause workers to make difficult decisions primarily due to the fact that Charlottesville does not have any family shelter availability.

Current and Future Challenges

Child Care Subsidy Program Waitlists

The Virginia Department of Social Services (VDSS) instituted waitlists for the child care subsidy program on July 1, 2024 due to funding availability. Any new applications received for child care through local departments of social services will be denied and placed on a waitlist. There are currently 13 children on the waitlist for Charlottesville. VDSS allocates funding to each locality based on population size and previous levels of enrollment. There is a need for more Child Care Subsidy providers in the City of Charlottesville. Several long-term providers have closed in the past year and the limited number of subsidy program providers in the City do not have openings. Department child care staff are partnering with the City Schools preschool program and the United Way to assist income eligible families.

Re-instatement of SNAP Interviews

Starting November 1, 2024, the SNAP program will reinstate program interviews for initial applications and renewals. VDSS secured a waiver from USDA's Food and Nutrition Services (FNS) to waive initial and renewal interviews during the COVID pandemic and then with the enactment of CAA2023 the department was able to continue this waiver through the Medicaid Unwinding work. The SNAP interview waiver ends on October 31, 2024. This will increase administrative work for Benefit Program Specialists due to scheduling interviews and conducting them timely and a re-education of clients to keep interview appointments to maintain their SNAP benefits.

Re-instatement of TANF Program Clocks

Due to the enactment of CAA2023, TANF (cash assistance) caseloads will decrease due to the reinstatement of the 24-month clock effective January 2023. Due to the COVID pandemic, starting in April 2020, TANF cases were not closed and TANF clocks were suspended including the 24-month clock and 60 month clocks. There are approximately 40 cases that will close by 12/31/2024 due to the expiration of the 24 month clock unless clients request their case to close earlier to save time on the 24-month clock.

Eligible clients are able to receive TANF benefits for 24 consecutive months. Once that time period ends, they have to wait 24 months to apply again. There is a lifetime limit of 60 months to receive TANF benefits.

New position request:

The department will be requesting a new position to be added to the adult services team as part of its FY26 budget submission. The detailed level of work that is needed for ongoing cases and the rising number of new investigations will exceed the team's ability to provide effective services. The board supports this request and hopes it is carefully considered by city council.

Succession Planning

The department has a multi-generational work force. There is a recognized need for succession planning and the board recommends that this be a priority for the new director. In calendar year 2024, the department has had 4 retirements to date including a Director with 30+ years of service as well as a finance employee with 25 years of service. 10% of the department's workforce will be eligible to retire in 2025 based on years of service and/or age. This includes 4 out of 6 Benefit Programs Supervisors.

Respectfully submitted by Charlottesville Department of Social Services Advisory Board Members:

- Cherry Stewart, Chair
- Maria Rincon, Vice Chair
- Darlene Ayars-Feazell
- Brian Pinkston, City Council
- Rebecca Schmidt
- Toya Trager
- Ashley Zhang



City Manager's Report

City Departments

11-18-2024

City Manager – Sam Sanders (he/him)

- 10/30 Spoke at the Ceremonial Groundbreaking for Vista 29, permanent rental housing in Albemarle County that will have 77 studio apartments and 3 one-bedroom apartments with supportive services. It will be a mixed-income community with a blend of units for homeless and low-income clients from Albemarle County and the City of Charlottesville.
- 10/30 Met with Region 10 leadership to discuss community needs and programming in the Charlottesville area; joined by Senator Deeds and Deputy Marshall.
- 11/6 Met with John Sales to discuss CRHA's (Charlottesville Redevelopment and Housing Authority) ongoing redevelopment program in the city, to include the City Housing Portfolio co-owned with the city and managed by CRHA.
- 11/7 I was honored to speak to members of our team who were being recognized for 10 to 35 years of service with the City of Charlottesville. This Service Recognition Luncheon is a part of a renewed commitment to engaging staff and celebrating achievement along the way.
- 11/7 Members of GFOA (Government Finance Officers Association) held their conference in Charlottesville at the Omni. They took a walk on The Mall with economic development director, Chris Engel, who led them to Council Chambers. I was able to speak to them about the city, the local government, and most importantly, the people who make it special. I asked them to spend money and come back to spend more.
- 11/7 Met with Bernard Whitsett and Kimberly Sheffield to discuss programming and other matters at the Jefferson School City Center.
- 11/11 Joined Mayor Wade, Vice Mayor Pinkston, Councilor Snook, and County Supervisors and Executives to mark Veteran's Day at the annual event held in the County Building and led by the Defense Affairs Committee. To all veterans, families, and active servicemembers, thank you for your service!
- This month, we kicked off Departmental Budget Meetings, an important opportunity for me and the Budget Team to hear the needs of our offices and departments in the execution of their work to serve the community. These meetings will continue into December as we work to settle on key matters ahead of my presentation of a balanced budget to council in the new year.
- Interviewed candidates for the Director of Social Services. Intend to extend an offer and announce the new director by the end of this month.

Deputy City Manager for Operations – James Freas (he/him)

- Served as a panelist during the Virginia Governor's Housing Conference on November 13 in Virginia Beach. I presented on Charlottesville's efforts to address equity and housing in zoning with Charlottesville's Comprehensive Plan and Development Code.
- Traveled to Champaign, Illinois with a delegation of people from Charlottesville, Albemarle, and UVA as well as our regional and state partners, to learn about the successes their transit agency has had in implementing hydrogen fueled busses as well as providing an integrated service for the public, schools, and university.

Neighborhood Development Services – Director Kellie Brown (she/her)

- The Charlottesville Planning Commission and Albemarle County Planning Commission held a Joint meeting on October 29, 2024. Staff from both localities and UVA provided a presentation on the Resilient Together project which is a collaborative process designed to ensure our community is strong, safe and healthy in the face of a changing climate.

Following the presentation, commissioners took the opportunity to provide feedback as well as discuss example resilience strategies. This is the first opportunity for this collaboration since before the pandemic and members look forward to future opportunities.

- NDS continued its monthly Neighborhood Walks series in the 10th & Page neighborhood on November 10th. The next Neighborhood Walk will take place in the Lewis Mountain neighborhood on December 8th at 2 PM, meeting at Foods of All Nations on Ivy Road.

Parks & Recreation – Director Riaan Anthony (he/him)

- Meadowcreek Golf Course recently hosted the Fall Scramble on October 19 and the Four Ball Championship from November 2–3.
- Fall is a stunning season to play golf at Meadowcreek! Reserve your tee time online at www.meadowcreekgolf.org.
- Registration for Winter/Spring programs opens Monday, December 2, at 10:00 a.m. Explore classes and sign up online through Parks and Recreation's Splash portal.
- The next Master Plan community meeting will take place on December 17 at 6:00 p.m. at the Carver Recreation Center. PROS Consulting will present key technical findings and framework plans for community review and feedback.
- All outdoor restrooms will be winterized and closed by December 30, reopening to the public by mid-April.
- Adaptive Recreation hosted a pumpkin carving event at Washington Park on Tuesday, October 29, in collaboration with the Rose Hill Neighborhood Association. Families enjoyed decorating pumpkins, sharing dinner, and music on the playground.
- In General Programming, the new session of classes, including art and gymnastics, kicked off this week. Spots are still available for School Day Out Camps and Winter Break Camps for school-aged youth.
- Athletics is wrapping up league softball, and youth basketball registration is currently open. Through a new partnership with HER Sports, middle school girls have a unique opportunity to participate.
- City Market concluded the 2024 season of Farmers in the Park last week and is excited to welcome the Holiday Market in November. Last week, City Market staff member Justin McKenzie presented to the Food Justice Network, highlighting that 66% of our vendors are women, and 24% self-identify as BIPOC.

Utilities – Director Lauren Hildebrand (she/her)

- The Department of Utilities has resources to help customers avoid the headaches of disruptive plumbing pitfalls during the holiday season and this coming winter. The arrival of the holidays brings an increase in food preparation, and Utilities wants to remind households of the importance of the proper disposal of fats, oils, and grease (FOG) produced by cooking and baking. FOG buildup can clog sewer and drainage pipes, resulting in messy and costly overflows, and Utilities is providing FREE FOG Kits in the lobby of City Hall to help customers properly dispose their FOG. And with the colder months of winter approaching, Utilities wants to emphasize the importance of winterizing

a home's plumbing. Preventing frozen pipes will save customers the hassle and inconvenience of costly repairs and interrupted service.

- More information on FOG and simple step-by-step instructions on measures that help prevent pipes from freezing can be found at www.charlottesville.gov/utilities.

Fire Department – Chief Michael Thomas (he/him)

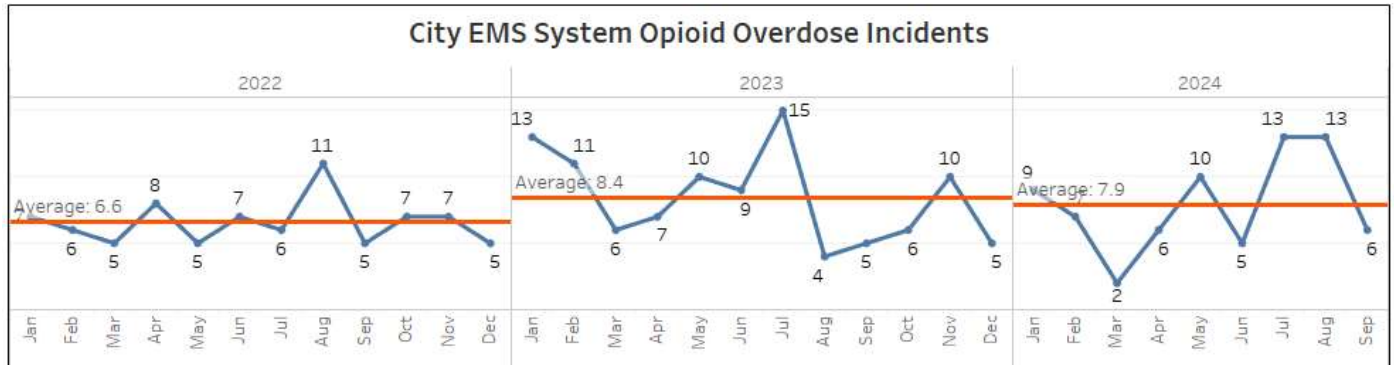
- On November 14th, CFD will proudly graduate 14 members of Recruit School 2024 at Charlottesville High School. After six months of rigorous, specialized training, the recruits have gained expertise in essential skills such as firefighting, emergency medical response, hazardous materials handling, and rescue operations. Beginning November 25th, the new graduates will transition to their shift assignments, taking the next step toward becoming fully certified firefighters/EMTs.

Key Operations Metrics

CFD Incident Comparison: FY23 to FY25 YTD July- October			
	FY 2023	FY 2024	FY 2025
EMS/Rescue	1,996	1,791	1,752
Fire	48	52	63
Other Type	870	797	1,016
Grand Total	2,914	2,640	2,830

Comparing the first four months of FY25 to the same period in FY24, CFD incidents are up by 7% across all categories.

Fire incidents increased by 21%, EMS incidents decreased by 2%, and all other types of incidents increased by 28%.



Opioid overdoses in the city declined in September. CFD and CARS are running an average of eight overdoses each month in 2024.

Information Technology – Director Steve Hawkes (he/him)

- We are happy to announce Lewis Chisholm, Technical Support Specialist was promoted to Senior Technical Support Specialist. He started in his new position on October 26 and as Senior Technical Support Specialist he is now the lead support specialist on the IT Helpdesk. Congratulations Lewis.
- Also in October the City's Network Team, Fred Felgenhauer, Jeremy Halterman, and Maria Weiss completed their Network Infrastructure Strategic Plan. The five-year plan provides a blueprint for addressing a number of enterprise City IT goals including updating the City's Wifi infrastructure and increasing connectivity speed to better support future technologies.

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



Agenda Date:	November 18, 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 (deferred from October 21)

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:	November 18, 2024
Action Required:	Approval of Ordinance
Presenter:	James Freas, Deputy City Manager
Staff Contacts:	Brennen Duncan, Traffic Engineer
Title:	Ordinance amending City Code Section 15-144 (Parking of buses, trucks, etc. between midnight and 6:00 a.m.) (1 of 2 readings)

Background

Currently, City Code Sec. 15-144 prohibits the overnight parking of certain vehicles on City rights-of-way between the hours of 12:00 midnight and 6:00 am. Specifically, the Code Section prohibits the parking of buses or vans designed to carry more than twelve passengers, trucks, vans, trailers, semitrailers, or recreational vehicles with more than two wheels per axle.

The revised code section seeks to expand the list of prohibited vehicles by adding: semi trucks, vehicles with antique plates, vehicles with farm use plates, boats, and recreational vehicles.

The revised code section would also prohibit the covering or tarping of a vehicle or trailer in such a manner that restricts or impedes inspection of the vehicle's license plate and state inspection within the City limits at any time.

The revised code section also contains a provision which would prohibit a person, business, or corporation from performing service or repairs on a vehicle parked on a public street within the City, or to store or park any motor vehicle left in the custody of a business on City rights-of way.

Discussion

The Code revision addresses issues that arise due to larger vehicles being parked on City rights-of-way, particularly in neighborhoods with limited on-street parking. Current City Code provisions prohibit the parking of inoperable or abandoned vehicles upon City rights-of way. City residents complain that people circumvent this prohibition by covering the vehicle with a tarp or cover. Authorizing City staff or police to remove these tarps could raise Fourth Amendment concerns of an unconstitutional search. A blanket prohibition on tarps is narrowly-tailored to allow the City to monitor and enforce the City's existing prohibition on inoperable or abandoned cars without violating residents' Constitutional rights.

The Code revision also supports the goals of the recent zoning code changes that removed many of the City's parking requirements. In order to better utilize our city's inventory of on street parking, this code change seeks to eliminate those functions that are used for storage purposes rather than daily parking demands.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

N/A

Budgetary Impact

N/A

Recommendation

Staff recommends approval of ordinance

Alternatives

N/A

Attachments

1. ORD - Amend Chapter 15-144 overnight parking 10.16.24

AN ORDINANCE TO AMEND CITY CODE
CHAPTER 15, SECTION 1449, PERSONNEL
~~SECTIONS 19-96 and 19-150~~

WHEREAS, certain neighborhoods within the City of Charlottesville have limited on-street parking, which is further exasperated by the parking of large vehicles or inoperable vehicles on City rights-of-way; and

WHEREAS, currently Section 15-144 of the Code of the City of Charlottesville prohibits the parking of certain vehicles on City rights-of-way between the hours of midnight and 6:00 am, including buses or vans designed to carry more than twelve passengers, trucks, vans, trailers, semitrailers, or recreational vehicles with more than two wheels per axle; and current members of the Charlottesville Fire Department (“CFD”) classified as firefighters/emergency medical services (EMS) providers and enrolled in the Defined Benefit (pension) plan receive a public safety supplement if they retire with at least twenty (20) years of service; and

WHEREAS, the current version of City Code Section 15-144 does not include certain other large vehicles, and does not prohibit the practice of covering or tarping vehicles, such that City staff is unable to determine whether a vehicle is inoperable; and

WHEREAS, the revised version of City Code Section 15-144 seeks to prohibit the overnight parking of certain other large vehicles, including boats, vehicles with antique plates, and vehicles with farm use plates; and seeks to prohibit the practice of covering or tarping cars in a manner that restricts inspection of the vehicles license plate and state inspection.

WHEREAS ~~the CFD intends to hire EMS-only employees and would like to extend the same public safety pension supplement under the same provisions to those employees; and~~

WHEREAS, ~~several localities across the Commonwealth have begun hiring “single-role” or “EMS-only” personnel to meet service and staffing demands; and~~

~~WHEREAS, the CFD made a presentation to the Retirement Commission on May 22, 2024, and the Commission determined that providing the public safety pension supplement to EMS-only employees is consistent with the intent of the retirement benefit and necessary to maintain competitive recruitment and retention practices; and~~

~~WHEREAS, the CFD has faced challenges with recruiting due to a shortage of firefighters and EMS providers, and current standards that require all CFD employees to be trained as firefighters and EMS providers may deter potential applicants, and providing an EMS-only position may attract a broader pool of candidates focused on EMS roles;~~

THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 1~~59~~ Personnel, Section ~~144s 19-96 and 19-150~~ of the Code of the City of Charlottesville, 1990, as amended, ~~be and hereby~~ is hereby amended and reenacted as follows:

Sec. 15-144. Parking of busses, trucks, etc., between midnight and 6:00 a.m.

No bus or van designed to carry more than twelve (12) passengers and no truck, van, trailer, semitrailer or recreational vehicle with more than two (2) wheels per axle shall be parked on any of the streets of the city between the hours of 12:00 midnight and 6:00 a.m. following of any day.

(Code 1976, § 16-39)

Sec. 15-144(revised). Parking of restricted vehicles

(1) No vehicles listed shall be parked on any of the streets of the city of Charlottesville between the hours of midnight and 6:00 a.m.

a. Semi trucks

b. Bus or van designed to carry more than (12) twelve passengers (exception for City School Busses or Vans)

c. Vehicles with antique plates

d. Vehicles with farm use plates

e. Boats

f. Recreational Vehicles

g. Trailers

h. Any vehicle with more than two (2) wheels per axle

(2) No vehicles or trailers shall be covered with a tarp or cover that would restrict inspection of the vehicles license plate and state inspection within the city streets at any time.

(3) It shall be unlawful for any person, business or corporation to perform service or repairs on a vehicle parked on a public street within the City, or to store or park on any public street, any motor vehicle left in the custody of any business; provided however, that this section shall not apply to emergency service or repairs; vehicle owners performing minor service or repairs on their respective vehicles otherwise legally parked and operative; or the accommodation for the immediate transfer, exchange or removal of a vehicle to or from a garage, repair shop, service or parking facility.

Legend: Deleted language

_____ New language

Aye No
Payne
_____, 2024
Pinkston
Snook
Wade
Oschrin

Approved by Council
November~~September~~

Kyna Thomas, MMC
Clerk of Council

Suggested Motion: I move that Chapter 1~~59 Personnel~~, Sections 1~~449-96 and 19-150~~, of the Code of the City of Charlottesville be amended and reenacted.

~~Legend: Deleted language~~
~~_____ New language~~

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



Agenda Date:	November 18, 2024
Action Required:	Approve resolution adopting revisions to the Architectural Design Control (ADC) Districts Design Guidelines: Chapter 5, Section E. Outdoor Cafés
Presenter:	Jeffrey Werner, Historic Preservation and Design Planner
Staff Contacts:	Jeffrey Werner, Historic Preservation and Design Planner Kellie Brown, Director of NDS Kate Richardson, Assistant Historic Preservation & Design Planner
Title:	Resolution for revisions to Architecture Design Control District Design Guidelines: Chapter 5, Section E. Outdoor Cafes

Background

On the Downtown Mall and The [University] Corner, the City leases segments of the public right of way to businesses to use as café spaces. Both areas are within City-designated ADC Districts and therefore subject to BAR design review. [\[See maps in Attachment 2 or GIS Link: Charlottesville City Cafés Dashboard\]](#) The ADC District Design Guidelines (“Design Guidelines”) for Outdoor Cafés were adopted by City Council in 2012. [\[Link: Chapter 5 Signs, Awnings, Vending, and Cafes\]](#) Per City Code Chapter 34, Sec. 5.1.5.C.1.v., the BAR is required to periodically review the design guidelines and recommend to City Council, for formal adoption, any updates or revisions.

In order to better align the guidelines with how the café spaces have evolved and allow time for Council to adopt any proposed revisions ahead of March 1, 2025, when café leases will next be renewed, preservation and design staff requested the BAR review the Design Guidelines for Outdoor Cafés and make a subsequent recommendation to City Council.

Following two advertised work sessions, at its meeting on October 15, 2024 the BAR voted (8-0) to recommend Council approve the proposed revisions to the Design Guidelines for Outdoor Cafés. [\[Link: October 15, 2024 BAR Staff Report- Agenda item E, 5.\]](#)

City Council is being asked to formally adopt, by resolution (see Attachment 1), the proposed revisions.

Discussion

Per City Code Chapter 28, Sec. 213, leased café spaces require an annual permit issued by the Zoning Administrator. For spaces within an ADC District, that permit requires a design review CoA for the elements within the leased space, such as furniture, planters, and railings. As currently applied, for cafes with elements that meet the guidelines, the CoA can be issued administratively (a *Minor Historic Review*, per Chapter 34,

Sec. 5.2.6.), with the option for a formal BAR review, if warranted (a *Major Historic Review*, per Chapter 34, Sec. 5.2.7.). Additionally, while café permits and leases [issued by zoning] are reviewed and renewed annually, the design review CoA has been a one-time approval, with updates required only if elements change, a space has a new lease, or there is a change in ownership of the business operating the café. That practice will continue.

On September 17, 2024, and October 1, 2024, the BAR held advertised work sessions regarding the guidelines for Outdoor Cafés. To help evaluate revisions to specific elements, the BAR established a list of broad, guiding principles, which are incorporated into the proposed guidelines. The overarching principle that guided the BAR's discussions: **Elements within leased cafe spaces should be subordinate to the experience and treatment of the surrounding public space.** The specific list of guiding principles is available in full detail within the October BAR staff report.

The proposed updates aim to address the evolution of outdoor cafés in Charlottesville by bringing the guidelines up to date in areas of lighting technology, current private use, public access, and to reaffirm the historic integrity of the districts in which these cafés are located. The text of the proposed changes is provided in Attachment 1.

Regarding the continued use of elements *inconsistent with the guidelines*: The BAR instructed staff to develop guidelines that can immediately mitigate obvious visual clutter (for example, tall elements that obstruct pedestrian views), while accommodating incremental adaptation such that businesses with currently leased spaces can continue to use existing furniture and enclosure railings. The proposed guidelines revisions strike that balance.

Elements inconsistent with the guidelines and currently in place within a leased space that can remain are as noted below:

- Railings/enclosures (provided they are ADA compliant).
- Tables and chairs, including dining counters, bars, and barstools.
- Service furniture and cabinets.
- Umbrellas, provided that open umbrellas are entirely within the leased space/enclosure. (Note: Height of umbrellas and location within the space are requirements of the zoning ordinance. This includes a requirement that the umbrella--frame and fabric, when opened or closed--is entirely within the leased space/enclosure.)
- Planters that meet the guidelines, provided they are located entirely within the leased space/enclosure. (Note: Location entirely within the space is a requirement of the zoning ordinance.)
- Wood, full/entire casks or barrels.
- Bizou (119 W Main Street): The existing tan and chrome chairs, such that any new or replacement chairs should be similar; not require the new be black or silvertone. *
- The Fitzroy (120 E Main Street): The existing black, composite material furniture such that any new or replacement should be of a similar material and color; not require the new be metal. *

*In the event of a change in ownership, a new lease will require a new CoA, and use of existing furniture may require a *Major Historic Review* by the BAR.

Elements inconsistent with the guidelines and currently in place within a leased space that must be removed:

- Overhead lighting that does not comply with the catenary lighting guidelines.
- Accent lighting and/or luminaries installed on railings or under counters. (Includes but is not limited to lanterns, LED strips, string lights)
- Half-barrel wood planters.
- Feed-trough (stock tank) planters.
- Pressure treated pine such as unfinished wood furniture, structures, or planters.
- Artificial plants on railings or in planters.
- Planters on railings, unless entirely within the leased space/enclosure.
- Visible storage of loose materials such as potting soil, sandbags, or coolers.
- Temporary decorations, unless for current holiday or special event.
- Space heaters. (Per City Code Chapter 28, Sec. 214.i., heaters must be approved by City staff.)
- Any non-confirming elements not specifically noted above.

CoA process for 2025: Prior to March 1, 2025, staff will prepare for each leased café space a summary and inventory of the existing elements, noting what is permitted or not permitted, including any elements that, while inconsistent with the guidelines, can remain, under the provisions stated. This summary and inventory will constitute a formal CoA and be recorded in NDS records and BAR archive. There will be no fee for this initial [administrative] Minor Historic Review; however, fees will be required for administrative CoA requests after this initial review and CoA, including requests to revise an approved CoA, and/or requests for a formal BAR review, under a Major Historic Review. Additionally, approved CoAs for existing spaces will be reevaluated annually without additional fees, provided no significant changes in the elements and/or no change in business ownership. Requests to continue after March 1, 2025 the continued use of an existing but inconsistent element prohibited by the guidelines will require a formal CoA application to the BAR. (Major Historical Review, per Chapter 34, Sec. 5.2.72.)

Alignment with City Council's Vision and Strategic Plan

This supports the City's Strategic Plan in recreation, arts, and culture as the proposed guidelines revision will provide, encourage, and support recreation, greenspace, art, and cultural programs and opportunities. Additionally, this supports the City's Strategic Plan in the area of Climate Action, as the proposed guidelines revision facilitates improving the environment through the selection of sustainable, quality materials for café space elements, and by recognizing the importance of maintaining the integrity of public landscapes and native species. [See Attachment 8.]

Community Engagement

On September 17 and October 1, 2024, the BAR held advertised work sessions re: the guidelines for Outdoor Cafes. A letter was delivered to each operator of a leased café space on the Downtown Mall and at The Corner notifying them of the October 15, 2024 BAR meeting (see attachment 3). During this October BAR meeting, two members of the public offered comments and stated their support of the proposed revisions. [Video excerpt of October 15, 2024 BAR discussion re: café guidelines: [Oct 15 2024 BAR re Cafe Guidelines.](#)]

Budgetary Impact

No budgetary impact.

Recommendation

On October 15, 2024, the Charlottesville Board of Architectural Review (BAR) at its advertised monthly meeting, voted (8-0) to recommend Council approve the proposed revisions to the ADC District Design Guidelines for Outdoor Cafés.

Mr. Gastinger moved to recommend City Council approve the proposed changes and updates to the Architectural Design Control District Design Guidelines regarding Outdoor Cafes, including the guidelines for Catenary Lights and the Guiding Principles for Outdoor Cafes. He further moved to recommend that Council concur with the BAR's recommendations regarding grandfathered and/or nonconforming* elements of existing cafes, with the following changes to the chart: [Note: The changes below are reflected in the draft text.]

1. That the tablecloths and seat cushions revision remove "cloth is preferred" and "compatible with other elements of the café". [Note: Reference to *Tablecloths and seat cushions* removed from guidelines.]
2. Under the *Planters* section we will keep them as a maximum of 30" wide and 36" in height, and that oversized planters are not grandfathered.

Seconded by Mr. Birle. Motion is Approved 8-0.

* Note: The BAR referred to *non-conforming* and *grandfathered* elements, which in the formal recommendations are referred to as existing but inconsistent elements that are or are not allowed under the revised guidelines.

Alternatives

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance (formally adopting the revisions to the ADC District Design Guidelines, Chapter 5, Section E. *Outdoor Cafés*);
- (2) by motion, request changes to the attached Resolution, and then approve the ADC District Guidelines revisions in accordance with the amended Resolution;
- (3) by motion, deny the requested ADC District Guidelines revisions, by which the current guidelines [adopted in 2012] would remain in effect.

Attachments

1. Attachment 00 Guide_CC Nov. 18 2024
2. Attachment 1 - Draft CC Resolution and proposed changes re Outdoor Cafes (10-31)
3. Attachment 2 - City outdoor cafes map
4. Attachment 3 - Letter to Cafe Space Operators 10-7-2024
5. Attachment 4 - Table of Design Elements (10-31)
6. Attachment 5 - Cville Zoning Code_2024 - ADC Districts 2.9.2
7. Attachment 6 - Cville Zoning Code_2024 - BAR
8. Attachment 7 - Comp Plan excerpts
9. Attachment 8 - Mall NRHP listing excerpts
10. Attachment 9 - U.S. Dept. of Interior - Secretary's Standards

Attachments Guide

Revision to Architectural Design Control (ADC) District Design Guidelines, Ch. 5 Sect. E: Outdoor Cafés

00- Cover Page

01- Draft City Council Resolution Approving Revisions to The Architectural Design Control Overlay Districts Design Guidelines Chapter 5, Section E (*Outdoor Cafés*) with text for current and proposed guidelines.

02- Maps of City Outdoor Cafés

03- Letter to café operators on the Mall and Corner

04- *Table of Design Elements*, noting *Current (2012) Guidelines* (in green) alongside the recommended revisions.

05- City Code Chapter 34. Sec. 2.9.2. Architectural Design Control District

06- City Code Chapter 34. Sec. 5.1.5. Board of Architectural Review

07- Charlottesville Comprehensive Plan – Excerpts re: Downtown Mall

08- Charlottesville Downtown Mall Historic District: Excerpts from the NRHP listing, 2023

09- The Secretary of the Interior's Standards for the Treatment of Historic Properties – Excerpts re: rehabilitations within a district.

Links:

- September 17, 2024 BAR staff report and minutes [[Link: September 2024 BAR](#)]
- October 1, 2024 BAR staff report and minutes [[Link: Work Session October 2024](#)]
- October 15, 2024 BAR staff report and minutes [[Link: October 2024 BAR](#)]
- City Code Chapter 28 - Streets and Sidewalks, Article VI. Sidewalk Cafés. [[Link: City Code Chapter 28 - Streets And Sidewalks](#)]

Attachment 1.

RESOLUTION APPROVING REVISIONS TO THE ARCHITECTURAL DESIGN CONTROL OVERLAY DISTRICTS DESIGN GUIDELINES CHAPTER 5, SECTION E (*OUTDOOR CAFÉS*)

WHEREAS, City Code Chapter 34, Section 2.9.2. establishes Architectural Design Control (“ADC”) Districts and City Code Chapter 34, Section 5.1.5.C. requires the City’s Board of Architectural Review (“BAR”) develop and recommend to City Council for its approval design guidelines for the City’s ADC Districts (“Design Guidelines”); and

WHEREAS, on September 17, 2024 and October 1, 2024, the BAR held advertised work sessions to review the Design Guidelines for Outdoor Cafés (Chapter 5, Section E., adopted by City Council on September 17, 2012); and

Whereas, on October 15, 2024 the BAR at its advertised monthly meeting voted (8-0) to recommend Council approve the proposed revisions to the Design Guidelines for Outdoor Cafés, and;

WHEREAS, this City Council finds and determines that:

(1) The proposed revisions to the Design Guidelines for Outdoor Cafés recommended by the BAR are consistent with the purposes and standards set forth within City Code Chapter 34, Division 2.9 (Overlay Districts) of the City’s Zoning Ordinance;

and

(2) The Design Guidelines for Outdoor Cafés have been developed in consultation with the City’s Director of Neighborhood Development Services, as required by City Code Chapter 34, Chapter 34, Section 5.1.5.C.;

NOW, THEREFORE, BE IT RESOLVED that the Architectural Design Control Districts Design Guidelines for Café Spaces (Chapter 5, Section E.) are hereby approved, as shown in the following, with new language being underlined and deleted language shown with strikeout.

Current (adopted 2012)

ADC District Design Guidelines Chapter 5 - Signs, Awnings, Vending and Cafés.

Section E. Outdoor Cafés

~~All elements, including chains, bollards, tables, chairs, planters, and trash containers, should be the same color, materials, and design character. Black, being the dominant color of mall elements, or silvertone metal are preferred. The use of treated lumber or unfinished wood anywhere on the mall is not allowed.~~

~~1. Fences, Chains, and Bollards~~

- a) ~~Should be wrought iron or black painted metal.~~
- b) ~~Should be kept well maintained.~~
- c) ~~Chain links shall be two inches in length or larger.~~
- d) ~~Bollards shall be at least 3 inches in diameter.~~

2. ~~Tables and Chairs~~

- a) ~~Should be wrought iron, black painted or silvertone metal. Other materials or colors require BAR approval.~~
- b) ~~Cloth tablecloths and removable seat cushions are permitted. Materials other than cloth, and color are subject to BAR approval.~~

3. ~~Planters~~

- a) ~~Should be compatible in terms of design, scale, and color with other elements of the café. The planter material shall be terra cotta or concrete. Other materials require BAR approval.~~

4. ~~Umbrellas~~

- a) ~~If used, may contain a maximum of one dark or neutral solid color that is compatible with the furniture.~~
- b) ~~The size of the umbrella should be in scale with the table. Oversize umbrellas may be permitted, but all parts must be contained within the café space.~~
- c) ~~No text is permitted on an outdoor café umbrella.~~

5. ~~Trash Containers~~

- a) ~~Black metal is preferred.~~
- b) ~~Should be located within the café enclosure.~~

Proposed revisions

ADC District Design Guidelines Chapter 5 - Signs, Awnings, Vending and Cafés.

Section E. Outdoor Cafés

(Note: In the published ADC District Design Guidelines, the formatting may change, and appropriate images added, but the text will not be revised.)

Guiding Principles for Outdoor Cafés

- The Downtown Mall NRHP District is individually listed on the Virginia Landmarks Register (VLR) and the National Register of Historic Places (NRHP).
- The Corner is within the VLR/NRHP-listed Rugby Road-University Corner Historic District.
- The brick-paved Mall and the sidewalks at The Corner are City-owned and important public spaces.
- Leased café spaces are not permanent: All elements—including but not limited to furniture, railings, or planters-- should be portable and easily moved manually.
- Within a café space the furniture, elements and materials should be compatible.
- Materials must be durable, high-quality. (Preference for metal; no plastic.)

- Prioritize pedestrian experience: Size and placement of railings, furniture, planters, plantings, and other elements should not create visual barriers.
- For unleased café spaces or when leased but not used for prolonged periods, all elements—including but not limited to furniture, railings, planters-- should be removed from the public right of way.
- Specific to the Mall:
 - Elements of the café spaces must respect the design intent of the Mall. (The Mall is Charlottesville's *living room*.)
 - Maintain sight lines on the Mall by minimizing visual obstructions within café spaces.
 - The fountains should be accessible, with clear space on all sides.
 - Placement of café elements should avoid, and not cause damage to, the Mall trees.

Guidelines for Design Elements

Café enclosures: Railings, bollards, chains, and planters.

- Materials and color: Wrought iron or metal. (See *Planters*.) Black.
- Dimensions: Maximum 36" height. Meet ADA and ABC requirements. Chains: 2" minimum link length. Bollard/Post (width): No minimum; 6" maximum.
- Design: No solid panels between top and bottom rails, including where dining counters are located at the railing. Enclosures must avoid contact with trees.

Dining Furniture: Tables and chairs; dining counters; bar-height counters and chairs.

- Materials and color: Wrought iron or metal, only. Other material requires BAR approval. Black or silver tone. Other colors require BAR approval.
- Dimensions: Furniture should be standard heights: Tables and dining counters (28" to 30"); chairs (16" to 18"); bar counters (41" to 43"); and bar chairs/stools (30"). Maximum table or counter length: 8-ft.
- Design: Shapes, colors, and designs should be generally compatible. No solid panels below dining furniture. Bar-height counters should not be located at the railings so as to create a visual barrier.

Service Furniture and Equipment: Shelves; cabinets; serving counters; host stands.

- Materials and color: Metal frame and shelves. Other material requires BAR approval. Black or silver tone. Other colors require BAR approval. Serving counters: muted colors.
- Dimensions: Max height: Shelves 6-ft; cabinets and serving counters 3-ft. Max length: 4-ft.
- Design: Shelves are open (framed; no solid sides or back). No permanent, enclosed storage cabinets. Rolling carts permitted, but not higher than 36", color is black, must be removed when café is closed.

Planters: On railing or free standing, including use as café enclosure.

- Materials and color: Avoid bright colors. Quality, durable material. Wood, if painted or with opaque stain. No plastic. No feed troughs/bunks. No wood barrels.
- Dimensions: Maximum 36" height, 30" width or diameter. If elevated, top of planter cannot exceed 36" above Mall floor.

- Design: Compatible with other elements of the café. If mounted on railings, top of planter cannot extend above railing. Empty planters may be permitted for decorative purpose, with approval. No lighting in planters.

Plants: In planters.

- Live only. No artificial plants. Recommend non-invasives.
- Preferably not taller than 5-ft above Mall floor; however, plants cannot be used to create a hedge.

Umbrellas:

- Materials and color: Umbrellas: Cloth. Stands: metal. Poles: wood or metal. Prefer solid colors. Variation requires BAR approval. Stands and weights must be black.
- Dimensions: Contained entirely within the café space.
- Design: No designs, signage, or text allowed on umbrella. Weights must be appropriate for the use. Shade cloths are not permitted.

Trash Containers:

- Materials and color: Metal. Black.

All elements, generally:

- Furniture will be of same material and design character.
- Black is preferred, but additional colors must be compatible. No bare galvanized metal.
- Well-made, quality material. Kept well-maintained; easily removed, will not stain or damage Mall floor. No elements may be anchored--permanently or temporarily--to the Mall floor or City property.
- Entirely within leased café enclosure/space (per City Code). No logos, text, or branding, except as allowed by Sign Ordinance.
- Coverings on the Mall floor— including rugs, mats, faux turf--are not permitted. No electrical wires or cords on the Mall floor.

Wood elements, generally:

- Materials and color: Painted or opaque stain. No unfinished wood. No wood barrels.

Temporary decorations, non-tabletop: Items such as flags, banners and pennants (Where permitted by City Code.)

- Not permanent, temporary only for holidays and special events. (See All Elements.)

Heaters: (Where permitted by City Code.)

- Materials and color: Metal. Black or silver tone.
- Dimensions: Pole mounted only. Maximum height 80". Maximum width 24".
- Other: Removed from café space when not in use, including propane tanks. Comply with Charlottesville Fire Department (CFD) and City requirements re: spacing from trees and umbrellas. No open flames permitted. Firepits and fire tables are not permitted.

Attachments to railings (café enclosures) and poles: Includes but is not limited to straps or wires that can be used to attach items to poles and rails.

- Preferably metal, black. Zip-ties, if black. No tape, string, or rope.
- Neatly installed - no sharp edges, such as that the ends of zip-ties are trimmed.
- No hanging planters.

Art pieces, statuary, and other similarly designed objects: (Where permitted by City Code.)

- May be permitted for decorative purpose, with BAR approval.
- No columns or posts. No inflatable objects.

Small decorative items: (Where permitted by City Code.)

- On table tops only. Removed when café is closed.
- Not permitted: Decorations suspended from poles, umbrellas, or railings.

Trees in Bosques

- No tables or service furnishings permitted within 2-ft of a tree trunk. Nothing may be attached to or wrapped around [contacting] the trees.

Lighting, generally:

- Table-top: Free standing, removable. Solar or battery. Candles, if allowed by CFD. Removed when café is closed.
- Lighting/luminaries not permitted: On railings/café enclosures, under counters, up-lighting.

Catenary lights: Overhead, on poles.

- Poles will be straight, round, painted black, and installed within the café enclosure; preferably attached to the café railing.
- Poles will have either shepherd's hooks or rings to support the lights.
- Pole heights will be at a sufficient height* such that suspended light cables will not be lower than 7'-0" at mid-span. (* Preferably not exceeding 9-ft.)
- Light cables will have black wire and sockets with bare bulbs (clear globes, either round or elongated); no holiday mini-lights, no LED tapes.
- Lights will have lamping that is dimmable, have a Color Temperature not exceeding 3,000K, and a Color Rendering Index not less than 80, preferable not less than 90. Colored [not white] and/or blinking lights are not permitted.
- Light cables will be connected only to the poles indicated on the CoA and generally follow a diagonal pattern (see below).
- Light cables will not contact or be connected to the trees, café umbrellas, or City lamp posts.
- Installed lengths (light sets connected in series) will not exceed manufacturer's specifications.
- Power sources (for ex., batteries) for the lights will be provided by café space licensee and located within the leased space. Power source will be screened, secure from tampering,

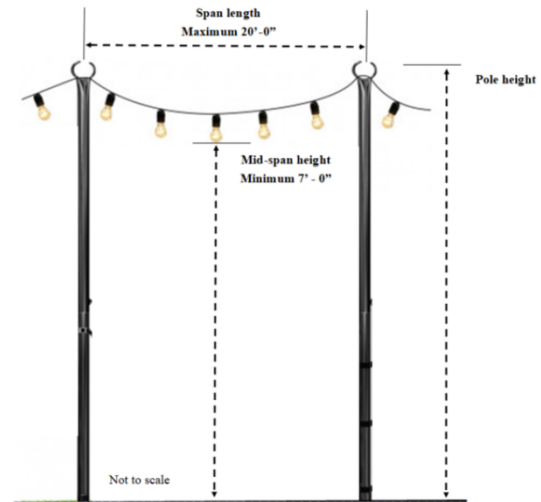
silent, meet applicable code requirements, and will be removed from café space when not in use or when being charged. Connection to City lamp posts/outlets and/or extension cords crossing the Mall from outside the café space are not permitted.

- Anchors, support cables, wires, cords, railing connectors, and other similar attachments not addressed above are not permitted without approval.

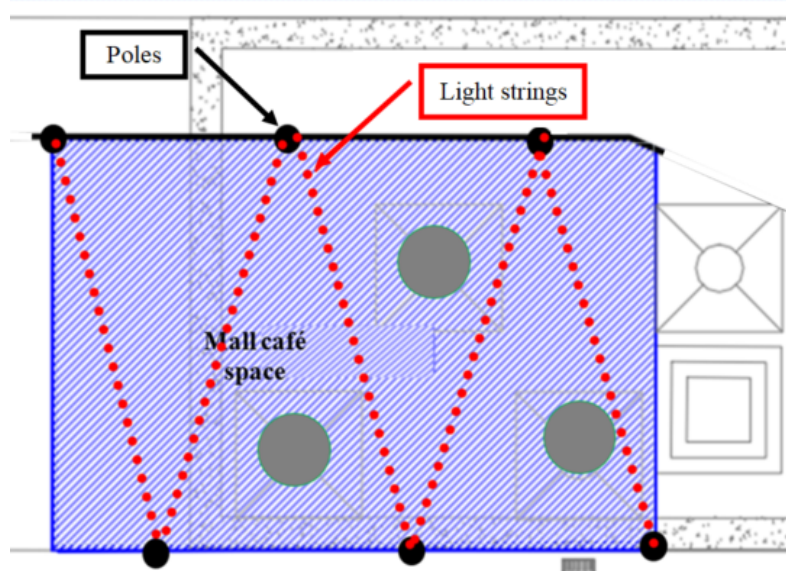
Appropriate pole types:



Dimensions:



Preferred Light String Alignment:



Elements not permitted:

- Screening: Trellis, Lattice.
- Outdoor, upholstered or oversized furniture.

City of Charlottesville Outdoor Cafés



City of Charlottesville
Department of Neighborhood Development Services

City Hall, Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182 - www.charlottesville.gov



October 7, 2024

Dear operator of a leased, City-owned café space:

At its meeting on **Tuesday, October 15, 5:30 pm at CitySpace, the City's Board of Architectural Review (BAR) will review proposed revisions to the ADC District Design Guidelines for outdoor cafes.** (Note: These guidelines apply only to cafés operated within the leased, City-owned spaces on the Downtown Mall and The Corner.)

Per the City Code, the BAR is required to periodically review the design guidelines and recommend to City Council any updates or revisions. The goal by mid-January, well ahead of March 1, 2025, when cafe leases are renewed, is to have Council's review and approval of the revised guidelines for cafés. (Note: Council's review will be during a regular, monthly public meeting.)

Attached are the current guidelines for outdoor cafes, adopted in 2012. The draft revisions will be posted on-line, ahead of the Oct. 15 meeting, at: www.charlottesville.gov/1077/Agendas-Minutes.

The BAR meeting on Oct. 15 will be a Hybrid Public Meeting. People can attend in-person at CitySpace (100 5th Street NE, Charlottesville, VA 22902) or participate on-line by Zoom Webinar. (Link will be posted on the City Calendar--www.charlottesville.gov--under the October 15 BAR meeting.) You are welcome to comment or ask questions during the meeting. You can also e-mail me prior to the meeting: wernerjb@charlottesville.gov.

The intent of this review is to better align the design guidelines with how the café spaces have evolved over time, including elements that are inadequately addressed (for ex, the 2012 guidelines do not address catenary lights) or, in some places, have been too rigid (for ex, the 2012 guidelines require planters be either terracotta or concrete). The revisions, as drafted, will *grandfather* existing, ADA-compliant metal railings and the overwhelming majority of the existing tables, chairs, and furniture. For new operators seeking to lease a café space or for proposed changes to existing cafés, the updated guidelines will fully apply.

Sincerely,

Jeff Werner, AICP
Historic Preservation and Design Planner

Current guidelines for café spaces, adopted 2012.

ADC District Design Guidelines, Chapter V: Signs, Awnings, Vending & Cafes

E. OUTDOOR CAFES

All elements, including chains, bollards, tables, chairs, planters, and trash containers, should be the same color, materials, and design character. Black, being the dominant color of mall elements, or silvertone metal are preferred. The use of treated lumber or unfinished wood anywhere on the mall is not allowed.

1. Fences, Chains, and Bollards

- Should be wrought iron or black painted metal.
- Should be kept well-maintained.
- Chain-links shall be two inches in length or larger.
- Bollards shall be at least 3 inches in diameter.

2. Tables and Chairs

- Should be wrought iron, black painted or silvertone metal. Other materials or colors require BAR approval.
- Cloth tablecloths and removable seat cushions are permitted. Materials other than cloth, and color are subject to BAR approval.

3. Planters

- Should be compatible in terms of design, scale, and color with other elements of the café. The planter material shall be terra cotta or concrete. Other materials require BAR approval.

4. Umbrellas

- If used, may contain a maximum of one dark or neutral solid color that is compatible with the furniture.
- The size of the umbrella should be in scale with the table. Oversize umbrellas may be permitted, but all parts must be contained within the café space.
- No text is permitted on an outdoor café umbrella.

5. Trash Containers

- Black metal is preferred.
- Should be located within the café enclosure.



Dark painted metal is preferred for outdoor cafe furniture.



Silver tone metal furniture is an alternative to dark colors.



Planter boxes soften the simple design and subdued color of this fence.

Cafe Spaces: Discussion Design Guidelines (draft 10/15/2024)								
Design Review: Cafe space elements subject to administrative CoA (Minor Historic Review). Appeals or special approvals require BAR review.								
Element	Current (2012) guidelines	Draft Revisions (10-15-2024) [Green indicates text from current guidelines.]						
		Allow	Material	Color	Dimensions	Design	Note	If existing in a leased cafe space in 2024 (See clarification in BAR staff report and Council memo.)
ABC enclosures: railings, bollards, chains, and planters	Wrought iron or black painted metal. Kept well-maintained. Chain-links min 2”. Bollard diameter min 3”.	Y	Wrought iron or metal. (See Planters.)	Black	Height: 36" maximum. Meet ADA and ABC requirements. Chains: 2" minimum link length. Bollard/Post (width): No minimum; 6" maximum.	No solid panels between top and bottom rails, including where dining counters are located at the railing.	Enclosures must avoid contact with trees.	Inconsistent, but allowed: All existing metal railings, provided they meet ADA requirements.
Dining Furniture (tables and chairs; dining counters; bar-height counters and chairs)	Wrought iron or black painted metal or silver tone metal. BAR approval for other materials or colors.	Y	Wrought iron or metal, only. Other material requires BAR approval.	Black or silver tone. Other colors require BAR approval.	Furniture should be standard heights: Tables and dining counters (28" to 30"); chairs (16" to 18"); bar counters (41" to 43"); and bar chairs/stools (30"). Maximum table or counter length: 8-ft.	Shapes, colors, and designs should be generally compatible.	No solid panels below dining furniture. Bar-height counters should not be located at the railings so as to create a visual barrier.	Inconsistent, but allowed: All. (Requires documentation by staff.)
Service Furniture and Equipment (shelves; cabinets; serving counters; host stands)		Y	Metal frame and shelves. Other material requires BAR approval.	Black or silver tone. Other colors require BAR approval. Serving counters: muted colors	Max height: Shelves 6-ft; cabinets and serving counters 3-ft. Max length: 4-ft.	Shelves are open (framed; no solid sides or back). Cabinets: No doors or closed storage;	No permanent, enclosed storage cabinets. Rolling carts permitted, but not higher than 36", color is black, must be removed when cafe is closed.	Inconsistent, but allowed: Existing metal and painted wood service stands. Inconsistent, not allowed: Unfinished wood, anywhere.
Tablecloths, seat cushions [see meeting 10.15.24]	Cloth tablecloths and seat cushions permitted. BAR approval for color, and other material.	Y	Cloth is preferred.			Compatible with other elements of the café.		
Planters (on railing or free standing, including use as ABC enclosure)	Compatible in design, scale, and color with other elements. Shall be terra cotta or concrete. BAR approval for other materials.	Y	Quality, durable material. Wood, if painted or with opaque stain. No plastic. No feed troughs/bunks. No wood barrels.	Avoid bright colors.	Maximum dimensions: 36" height; 30" width or diameter (Question: Should this be 24"?). If elevated, top of planter cannot exceed 36" above Mall floor.	Compatible with other elements of the café.	If mounted on railings, top of planter cannot extend above railing. Empty planters may be permitted for decorative purpose, with approval. No lighting in planters.	Inconsistent, not allowed: Metal feed troughs used as planters.
Plants (in planters)		Y	Live only. Recommend non-invasives.		Preferably not taller than 5-ft above Mall floor; however, plants cannot be used to create a hedge. [use images to illustrate]		No artificial plants.	Inconsistent elements must be removed.
Umbrellas (shade cloths are not permitted)	One color: dark or neutral solid, compatible with the furniture. Size in scale with the table. Oversize umbrellas permitted, must be entirely within café space. No text or signage.	Y	Umbrellas: Cloth. Stands: metal. Poles: wood or metal.	Prefer solid colors. Variation requires BAR approval. Stands and weights must be black.		Contained entirely within the café space. No designs, signage, or text allowed on umbrella. Weights must be appropriate for the use.		Inconsistent elements must be removed.
Trash Containers	Black metal preferred. Located in the café space.	Y	Metal	Black				
All elements, generally.	Same color, materials, and design character. Black or silver tone metal preferred.		Furniture will be of same material and design character.	Black is preferred, but additional colors must be compatible. No bare galvanized metal.		Well made, quality material. Kept well-maintained; easily removed, will not stain or damage Mall floor. No elements may be anchored--permanently or temporarily--to the Mall floor or City property.	Entirely within leased cafe enclosure/space (per City Code). No logos, text, or branding, except as allowed by Sign Ordinance. Coverings on the Mall floor--rugs, mats, faux turf, etc.--are not permitted. No electrical wires or cords on the Mall floor.	Inconsistent elements must be removed, except as noted.

Wood elements, generally.	No treated lumber or unfinished wood.	Y	No unfinished wood.	Painted or opaque stain.			No wood barrels.	Inconsistent, but allowed: Full barrels. Inconsistent, <u>not</u> allowed: Half [whiskey or wine] wood barrel planters. PTP work tables.
Lighting								
Catenary lights (overhead, on poles)		Y	Per draft policy		Max height 9-ft. (Review pole height re: available products)			Inconsistent elements must be removed.
Table-top		Y	Free standing, removable. Solar or battery. Candles, if allowed by CFD.				Removed when cafe is closed	
In planters		N						
On railings		N						Inconsistent elements must be removed.
Uplighting		N						Inconsistent elements must be removed.
Under counter (accent)		N						Inconsistent elements must be removed.
Temporary decorations (non-tabletop). Seasonal, special events. (Incl. flags, banners, pennants, etc.) *		Y				(See <i>All Elements</i> .)	Not permanent, temporary for holidays and special events.	Inconsistent elements must be removed.
Heaters *		Y	Metal	Black or silver tone	Pole mounted only. Maximum height 80". Maximum width 24".	Removed from cafe space when not in use, including propane tanks. Comply with CFD and City requirements re: spacing from trees and umbrellas.	No open flames permitted. Firepits and fire tables are not permitted.	
Attachments to railings (straps, wires, etc. used to attach items to poles and rails, etc.)		Y	Preferably metal. Zip-ties, if black. No tape, string, or rope	Black		Neatly installed, no sharp edges, zip-ties trimmed, etc.	No hanging planters.	Inconsistent elements must be removed.
Art pieces, statuary, etc. *		Y					May be permitted for decorative purpose, with approval. No columns or posts. No inflatable objects.	
Small decorative items.		Y	On table tops only. Not permitted: suspended from poles, umbrellas, or railing.				Removed when cafe is closed	
Signs		Only as permitted by sign ordinance						Inconsistent elements must be removed.
Trees in Bosques		No tables or service furnishings permitted within 2-ft of a tree trunk. Nothing may be attached to or wrapped around [contacting] the trees.						
Screening: Trellis, Lattice		N						
Outdoor, upholstered or oversized furniture		N						

* If permitted by City Code.

2.9.2. Architectural Design Control District (-ADC)

A. Intent

The City of Charlottesville seeks, through the establishment of historic districts and through the designation of individually significant properties, to protect community health and safety, to promote the education, prosperity and general welfare of the public through the identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, places and features with special historical, cultural and architectural significance. To achieve these general purposes, the City seeks to pursue the following specific purposes:

1. To preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of the City, the Commonwealth of Virginia, or this nation;
2. To ensure that, within the City's historic districts, new structures, additions, landscaping and related elements will be in harmony with their setting and environs;
3. To promote local historic preservation efforts through the identification and protection of historic resources throughout the City;
4. To document and promote an understanding of the social history of City neighborhoods, and to protect their cultural institutions;
5. To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of older structures in a safe and healthful manner, and by encouraging desirable uses and forms of development that will lead to the continuance, conservation and improvement of the City's historic, cultural and architectural resources and institutions within their settings; and
6. To promote tourism and enhance business and industry, and to promote an enhanced quality of life within the City, through protection of historic, cultural and archaeological resources.

B. Established Architectural Design Control Districts

The following areas have been determined by City Council to be of unique architectural or historic value, and are hereby designated as Architectural Design Control (ADC) Districts, the limits of which are shown on the City's zoning map. City Council has designated only certain buildings within these districts as "contributing structures." Those contributing structures are identified on a map included within the design guidelines for each district.

1. Downtown Architectural Design Control District
2. North Downtown Architectural Design Control District
3. Ridge Street Architectural Design Control District
4. West Main Street Architectural Design Control District
5. Wertland Street Architectural Design Control District
6. Corner Architectural Design Control District

7. Oakhurst-Gildersleeve Neighborhood Architectural Design Control District
8. Rugby Road, University Circle, Venable Neighborhood Architectural Design Control District

C. Additions to and Deletions from Architectural Design Control Districts

1. City Council may, by ordinance, from time to time, designate additional properties and areas for inclusion within an ADC District or remove properties from a ADC District. Any such action will be undertaken following the rules and procedures applicable to the adoption of amendments to the City's Development Code and official zoning map.
2. Prior to the adoption of any such ordinance, the City Council will consider the recommendations of the Planning Commission and the Board of Architectural Review (BAR) as to the proposed addition, removal or designation. The Planning Commission and BAR will address the following criteria in making their recommendations:
 - a. The historic, architectural or cultural significance, if any, of a building, structure or site and whether it has been listed on the National Register of Historic Places or the Virginia Landmarks Register, or are eligible to be listed on such registers;
 - b. The association of the building, structure or site with an historic person or event or with a renowned architect or master craftsman;
 - c. The overall aesthetic quality of the building, structure or site and whether it is or would be an integral part of an existing ADC district;
 - d. The age and condition of a building or structure;
 - e. Whether a building or structure is of old or distinctive design, texture and material;
 - f. The degree to which the distinguishing character, qualities or materials of a building, structure or site have been retained;
 - g. Whether a building or structure, or any of its features, represents an infrequent or the first or last remaining example of a particular detail or type of architecture in the City;
 - h. Whether a building or structure is part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exist a number of buildings or structures separated geographically but linked by association or history.
3. Before an area is designated as an ADC District, each structure will be determined to be either "contributing" or "non-contributing." This determination will be reconfirmed at least once every 15 years.

D. Certificate of Appropriateness

A Certificate of Appropriateness is required for certain projects in ADC Districts in accordance with [5.2.6. Minor Historic Review](#) and [5.2.7. Major Historic Review](#).

Attachment 6

1. Variances;
2. Floodplain Variances;
3. Appeals regarding Tree Removal Permits, Floodplain Permits, Sign Permits, Temporary Use Permits and Administrative Modifications.

5.1.5. Board of Architectural Review

A. General

The Board of Architectural Review has the following powers and duties under this Development Code.

B. Composition

1. The Board of Architectural Review (BAR) must be composed of 9 members.
2. Appointments to the BAR will be made by City Council, in the Council's discretion, for terms of 4 years, except that appointments to fill vacancies is for the unexpired remainder of the vacant term.
3. A member cannot serve for more than 2 consecutive 4-year terms, except for the members initially appointed to fill vacancies, who may serve for 2 full terms in addition to the vacant term to which they were originally appointed.
4. All appointees must be residents of the City; except that a person who resides outside the City, but who owns a business, or who owns commercial or residential property in an ADC District, HC District, or an IPP may be appointed to serve on the BAR.
5. The BAR must at least consist of the following members:
 - a. 2 licensed architects;
 - b. 1 member of the Planning Commission;
 - c. 2 owners of a business or commercial property in an ADC District, HC District, or an IPP;
 - d. 1 owner of residential property or a resident in an ADC District, HC District, or an IPP;
 - e. 1 landscape architect;
 - f. 1 historian or persons with substantial background in history or historic preservation; and
 - g. 1 licensed professional contractor or 1 historian or person with substantial background in history or historic preservation.

C. Authority

1. General

- a. In order to administer the provisions of the Architectural Design Control Districts and Individually Protected Properties the Board of Architecture Review (BAR) must:

- i. Recommend additional surveys of potential districts or properties, and recommend properties for inclusion in or deletion from ADC Districts or the City's list of Individually Protected Properties.
 - ii. Act in an advisory role to City Council and City Departments, Boards and Commissions.
 - iii. Disseminate information within the City on historic preservation issues and concerns.
 - iv. Develop a Preservation Plan with goals and recommendations for consideration by the Planning Commission, and from time to time the Board will update such plan.
 - v. Develop and recommend to the City Council for its approval design guidelines for the City's ADC Districts, consistent with the purposes and standards set forth in *Div. 2.9. Overlay Districts*. The BAR must develop the design guidelines after seeking input from business and property owners in the various districts. Guidelines developed by the BAR will become effective upon approval by City Council and thereafter will have the status of interpretive regulations. The BAR must undertake a comprehensive review and update the design guidelines at least once every 5 years.
- b. In order to administer the provisions of the Historic Conservation Districts the BAR must:
- i. Recommend surveys of potential HC Districts, and recommend properties for inclusion in, or deletion from, Historic Conservation Districts.
 - ii. Develop and recommend to the City Council for Council's approval design guidelines for the City's HC Districts, consistent with the purposes and standards set forth within *Div. 2.9. Overlay Districts*. The BAR must develop design guidelines after seeking input from business and property owners in the district. Design guidelines developed by the BAR will become effective upon approval by the City Council and thereafter will have the status of interpretive regulations. The BAR must undertake a comprehensive review and update the design guidelines at least once every 5 years.

2. **Approval Authority**

The Board of Architectural Review is responsible for final action regarding:

- a. Certificates of Appropriateness under Major Historic Review; and
- b. Appeals regarding Certificates of Appropriateness under Minor Historic Review.

5.1.6. **Administrator**

A. **General**

The Administrator is established as authorized in *Code of Virginia* § 15.2-2286 and has the following powers and duties under this Development Code:

- 1. The Administrator serves as the administrator of this Development Code unless otherwise stated.
- 2. The Director of Neighborhood Development Services is designated as the Administrator.

Attachment 7

Revisions to the Architectural Design Control (ADC) Districts Design Guidelines: Chapter 5, Section E. Outdoor Cafés

Charlottesville Comprehensive Plan

References to the Downtown Mall

- Goal 6. Maintain the economic vitality of the Downtown Mall area and foster it as a diverse and welcoming focal point hub of the region, with a vibrant historic district, arts and entertainment, shopping, dining, and cultural events.
 - Strategy 6.1 Study how the Downtown Mall can be more welcoming and inclusive for people of all social, cultural, racial, ethnic, and economic backgrounds, and take action on findings.
 - Sub-strategy: Continue to support and maintain the Downtown Mall, as not only the economic and cultural hub of the city, but as a historic, central place that encourages diversity through activities, residences, goods, and services.
- Goal 9. Systematically inventory and evaluate all historic, cultural, and natural resources, landscapes, and open spaces as critical elements that make Charlottesville special.
 - Strategy 9.4 Generate a Cultural Landscape Study and Management Plan for the Lawrence Halprin-designed Downtown Mall, to identify character-defining historic features, and prepare a treatment and maintenance plan to protect the Mall's historic character and features while supporting its current use.
- Goal 10. Educate current and potential property owners of historic resources, as well as the community in general, about the significance of historic properties.
 - Strategy 10.4 Promote the history of the Downtown Mall as well as other key sites of local significance through the use of art, technology, public events, and marketing promotion.

Attachment 9

Revisions to the Architectural Design Control (ADC) Districts Design Guidelines: Chapter 5,
Section E. Outdoor Cafés

National Register of Historic Places

Charlottesville Downtown Mall Historic District:

Excerpts from the NRHP nomination, 2023.

Link: [The Downtown Mall NRHP District](#)

The Mall reached its current expanse in four additional building campaigns that did not precisely follow the details of the original design but reflect its key concepts. Built and planted features include brick and granite paving, bosques of deciduous trees, fountains, streetlights, planters, seating, bollards, bike racks, signage, and public artworks. These built elements were designed and arranged to present specific opportunities for visitors.

- The fountains were designed to tempt visitors to pause in their movement along the Mall, giving the opportunity for social interaction. The gathering space around the three Main Street fountains is currently restricted, however, by dining area enclosures serving restaurants facing the Mall. The tree bosques are shifted north or south of the center line of the Mall, creating open space that draws visitors from one side to the other to create a meandering pathway. Central Place, a large open square with a fountain at East 2nd Street, as well as three additional smaller fountains and groups of benches within the tree bosques, were designed to allow visitors to withdraw from the flow of traffic to socialize or rest.
- Commercial establishments along the Mall have added impermanent elements such as sandwich board-type signs, small planters, and newspaper boxes, as well as tables, chairs, and post-and-chain or pipe-rail enclosures for permitted outdoor dining areas and vendor tables within the public space. These elements affect both the open character of the original design and the space available for the activities that the design encouraged, while also fostering the primary goal of pedestrianizing this portion of Main Street – bringing people back to downtown Charlottesville. While some details of its design have changed, the primary elements remain.
- In addition to the two-dimensional patterned ground, LHA employed three-dimensional features to add a vertical element to the Mall, to organize space, and to influence pedestrian movement.
- The trees provide shade in the summertime and create distinct outdoor “rooms,” bordered by gray granite, within the Mall’s length. Like other features of the LHA design, the bosques are located along the Mall’s center line, but weighted to one side or the other to encourage lateral movement.
- **Statement of Integrity:** The Downtown Mall Historic District was evaluated under the seven aspects of integrity as defined by the National Register of Historic Places (location, setting, design, materials, workmanship, feeling, association). The landscape continues to fulfill much of its original purpose – offering an attractive public space to bring residents

and visitors to the downtown area, providing housing for twenty-four-hour use, and spurring the local economy – and does so in its original location and setting along Main Street two blocks south of the Albemarle County Courthouse. [...] The spatial organization that the LHA design devised to influence movement along the Mall also remains, although the current use of public space for private dining areas hinders its original effect. The dining areas and the permanent locations of the chairs also detract from one of the Mall's intended functions – as a public gathering space for rest and social interaction. These alterations negatively affect materials and workmanship, as well as the design of the Downtown Mall, without obscuring the design intent. (It should be noted that the alterations that affect movement and public use are impermanent and reversible.) The feeling and association of the Mall as a pedestrian-centered location for public gathering, entertainment, and recreation, as intended by the LHA design, therefore remains strong, and the Charlottesville Downtown Mall retains integrity to its period of significance (1975 - 1981).

- **Statement of Significance:** The Mall manifests Halprin's utilization of a simple palette of materials and features based in part on local precedents to create a series of interconnected spaces that act as a stage for public life. [The Mall is] one of the few successful pedestrianized downtown streets still performing its original function. It is the only extant pedestrianized Main Street in Virginia that remains faithful to its original design. The Mall is also an outstanding example of Lawrence Halprin & Associates' urban landscapes and the only extant work by the firm in Virginia.

Attachment 8

Revisions to the Architectural Design Control (ADC) Districts Design Guidelines: Chapter 5, Section E. Outdoor Cafés

The Secretary of the Interior's Standards for the Treatment of Historic Properties

Recommendations for rehabilitation within a district. (Excerpts)

- Identifying, retaining, and preserving building and landscape features that are important in defining the overall historic character of the setting. Such features can include circulation systems, such as roads and streets; furnishings and fixtures, such as light posts or benches; vegetation, gardens, and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.
- Retaining the historic relationship between buildings and landscape features in the setting. For example, preserving the streets, changing landscape relationship between a town common or urban plaza and the adjacent houses, municipal buildings, roads, and landscape and streetscape features.
- Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, that are as unobtrusive as possible.
- Designing new features (such as parking areas, access ramps, or lighting), when required by a new use, so that they are as unobtrusive as possible, retain the historic relationships between buildings and the landscape in the setting, and are compatible with the historic character of the setting.