



CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

August 5, 2024 at 4:00 PM

Council Chamber

The Charlottesville City Council met on Monday, August 5, 2024. Mayor Juandiego Wade called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston, and Councilors Natalie Oschrin, Michael Payne, and Lloyd Snook.

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

REPORTS

1. REPORT: ADA Transition Plan Update

Paul Rudacille, ADA Coordinator, made the presentation. Under the Americans with Disabilities Act (ADA) Title II, state and local governments must engage in self-evaluation and transition plan creation. In April 2023 the City of Charlottesville awarded a professional services contract to Precision Infrastructure Management (PIM) to engage in a self-evaluation and to deliver an updated ADA Transition Plan to move towards current and full ADA compliance by the City.

The ADA Transition Plan has several objectives: 1) to conduct a self-evaluation to identify potential barriers impeding the participation of individuals with disabilities in the city's programs, services and activities; and 2) to create the updated Transition Plan which is an actionable, trackable method for addressing those barriers. The Plan details any structural/programmatic changes that would be undertaken to achieve access and specifies a time frame for their completion. It functions as a master plan and shows that the city has identified and plans to work on issues in good faith. The public may notify the city about an access issue through the MyCville app or by emailing the ADA Coordinator at ada@charlottesville.gov.

The scope of the work to complete the self-evaluation and the transition plan includes:

- All facilities that are used or accessed by members of the public
- All public-facing programs and services
- City website
- Policies and standard operating procedures
- Public right-of-way and city-maintained roads

City Manager Sanders reiterated the findings and the great deal of work, time and money that will be required to make necessary improvements.

CLOSED MEETING

On motion by Pinkston, seconded by Snook, Council voted unanimously to close the open meeting and convene in closed session pursuant to Virginia Code 2.2-3712 as authorized by the Virginia Freedom of Information Act, as follows:

- Section 2.2-3711(A)(1) for discussion and consideration of assignment, appointment, performance, demotion, salary, discipline, and/or resignation of a specific named employee of the public body; and
- Section 2.2-3711(A)(1) for discussion and consideration of prospective candidates to be interviewed for the Planning Commission; and
- Section 2.2-3711(A)(1) for discussion and consideration of prospective candidates to be interviewed for the Police Civilian Oversight Board.

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

BUSINESS SESSION

Council began the business session with a moment of silence.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Farmers Market Week**

Councilor Pinkston presented the proclamation to Cecile Gorham, who accepted on behalf of the Ix Market and the City Market. She announced a Farmers Market public forum on August 6 at Central Library.

- **PROCLAMATION: Soul of Cville 2024**

Mayor Wade presented the proclamation to Khalilah Jones, who accepted with remarks on behalf of the event organizers.

COMMUNITY MATTERS

Mayor Wade opened the floor for comments from the public.

1. Rory Stolzenberg, city resident, spoke about concerns with Water Street Parking Garage Lease Agreement, asking Council to delay a decision and take more time to consider the cost and benefits. on the Resolution to Appropriate funding to the Parking Fund.
2. Ian Baxter, city resident, spoke about the downtown mall and his concerns about recent language used by organizations to describe its conditions and criminalizing some who use the public space.
3. Kerry Rock, city resident, spoke about safety concerns in the Rose Hill neighborhood.
4. Don Gathers, city resident, spoke about the agenda item regarding City Council pay increases, requesting that Council reconsider and address community needs before giving themselves a raise.
5. Rebecca Walton McFalls, city resident, spoke about the need for public seating along the downtown mall.

6. John Via, city resident, spoke about letters he received regarding cutting the bushes at his home.
7. Greer Achenbach, Friends of Downtown Cville, spoke about solutions for issues on the Downtown Mall and a willingness to work with partners to address the issues.
8. Anna requested that 4th Street be blocked off on August 12th to protect those who wish to honor Heather Heyer. She requested that the area be made into a green space. She spoke in support of Habitat for Humanity buying Carlton Mobile Home Park and suggested that the root cause of homelessness be addressed.
9. Edward Gaynor, city resident, spoke about concerns with the original language in a petition by Friends of Downtown regarding addressing Downtown Mall conditions. He cautioned against listening to dog whistles and criminalizing unhoused people.
10. Josie, city resident, spoke about the displacement of families at Carlton Mobile Home Park, and the need to preserve deeply affordable housing.
11. Andrew Shelton, city resident, spoke about homelessness and the original language in a petition by Friends of Downtown regarding addressing Downtown Mall conditions, and he spoke against and criminalizing unhoused people.
12. Natasha Scott, city resident, spoke as a member of the homeless community and expressed a need for outreach and services for the homeless population.
13. Mike Parisi, city resident, spoke in support of the Carlton Mobile Home Park agenda item and asked Council to take time in making the decision about the Water Street Garage. He spoke in support of Council salary increases and requested that Council pay appointees to boards and commissions.
14. Jacqueline, Albemarle County resident, spoke about language used in a petition by Friends of Downtown regarding the homeless population on the Downtown Mall. She spoke about protecting rights of unhoused people and those at risk for becoming unhoused, including the preservation of Carlton Mobile Home Park.
15. Todd Divers, Commissioner of the Revenue, announced the Commissioners and Cans Food and Funds Drive.
16. Emily Dreyfus, city resident, thanked Council and community partners for working on a solution for Carlton Mobile Home Park. She made comments about affordable housing in general.

CONSENT AGENDA*

Clerk Thomas read the following items into the record, and on motion by Payne, seconded by Oschrein, Council by the following vote approved the Consent Agenda: 5-0 (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: None).

2. MINUTES: April 15 regular meeting, May 6 regular meeting
3. RESOLUTION to appropriate Virginia Department of Criminal Justice Services Victims of Crime Act Grant Award FY24-\$123,614 (2nd reading)

**RESOLUTION APPROPRIATING FUNDING for
Charlottesville Student Victim Outreach Program Department of Criminal Justice
Services Victim of Crimes Act Grant - \$123,614**

WHEREAS, the City of Charlottesville has been awarded \$123,614 from the Department of Criminal Justice Services;

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 1st, 2023 through June 30th, 2024;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$123,614 is hereby appropriated in the following manner:

Revenue – \$123,614

Fund: 209 Cost Center: 3413018000 G/L Account: 430120

Expenditures - \$123,614

Fund: 209 Cost Center: 3413018000 G/L Account: 519999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$123,614 from the Department of Criminal Justice Services.

4. Amend and re-enact city ordinance(s) enabling the Emergency Medical Services Agreement with the Charlottesville Albemarle Rescue Squad (C.A.R.S.) (2nd reading)

AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 12 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, VIRGINIA (1990), AS AMENDED, TO RECOGNIZE THE CHARLOTTESVILLE-ALBEMARLE RESCUE SQUAD AND CHARLOTTESVILLE FIRE COMPANY AS COMPONENT PARTS OF THE CITY'S FIRE DEPARTMENT

5. ORDINANCE authorizing a grant of public funding to subsidize the Sixth Street Redevelopment Project of the Charlottesville Redevelopment and Housing Authority (2nd reading)

ORDINANCE AUTHORIZING A GRANT OF PUBLIC FUNDING TO THE CHARLOTTESVILLE REDEVELOPMENT AND HOUSING AUTHORITY FOR THE CONSTRUCTION OF AFFORDABLE FOR-RENT HOUSING UNITS LOCATED AT 707-713 SIXTH STREET, CHARLOTTESVILLE, VIRGINIA IN A NOT-TO-EXCEED AMOUNT OF THREE MILLION DOLLARS (\$3,000,000.00) FOR HOUSEHOLDS OF LOW AND MODERATE AREA MEDIAN INCOME LEVELS.

6. ORDINANCE to authorize a forgivable loan to Virginia Supportive Housing for Premier

Circle PSH - \$750,000 for redeveloping 405 Premier Circle into 80 permanent affordable units (2nd reading)

ORDINANCE AUTHORIZING A FORGIVABLE LOAN TO VIRGINIA SUPPORTIVE HOUSING TO SUPPORT THE PREMIER CIRCLE PROJECT FOR THE PURPOSE OF PRODUCING NEW HOUSING UNITS FOR HOMELESS PERSONS AND VERY LOW- INCOME HOUSEHOLDS

7. RESOLUTION to appropriate EPA Clean School Bus Program rebates - \$420,000 (carried)
8. RESOLUTION to appropriate \$7,120,650.00 from the United States Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) Natural Gas Distribution Infrastructure & Safety Modernization (NGDISM) grant program (carried)

CITY MANAGER REPORT

City Manager Sanders congratulated the planners of Westhaven Days. He announced National Night Out on August 6 and the reopening of the City Hall lobby.

ACTION ITEMS

9. **PUBLIC HEARING and ORDINANCE to vacate gas and waterline easements – Garden Street and Former Walnut Street (requesting waiver of 2nd reading)**

Lauren Hildebrand, Director of Utilities, presented the ordinance.

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

On motion by Pinkston, seconded by Payne, Council by the following vote adopted the ORDINANCE VACATING CERTAIN UTILITY EASEMENTS LOCATED AT TMP 57-20 IN THE CITY OF CHARLOTTESVILLE, VIRGINIA, waiving the second reading: 5-0 (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: None).

10. **PUBLIC HEARING and ORDINANCE to increase the salaries of City Council Members pursuant to 15.2-1414.6 of the Virginia Code (carried)**

Eden Ratliff, Deputy City Manager for Administration, presented the ordinance proposal. The City Council proposed legislative positions for the 2024 General Assembly included a section regarding salaries for local governing bodies.

Delegate Catrina Callsen carried the bill and during the 2024 Legislative Session, the General Assembly amended Virginia Code § 15.2-1414.6 to allow for an increase to the salaries paid to members of City Council based on the population of the locality. Charlottesville is authorized to increase the Mayor's annual salary from \$20,000 to \$37,000. City Councilor salaries may be increased from the current annual salary of \$18,000 to a maximum of \$34,000. In addition, City

Council may, by ordinance, adjust the annual salary in any year or years by an inflation factor not to exceed five percent. This salary increase may not take effect until July 1 after the next regularly scheduled general election of council members, which would make the effective date July 1, 2026.

Council engaged in discussion. Councilor Snook did not agree with taking full advantage of what the General Assembly has allowed, and he suggested increasing Council salaries to \$22,500 and Mayor to \$25,000. Councilor Pinkston supported the full increase and setting a marker to increase salaries periodically for inflation. Councilor Payne stated that County governments can set their salaries and the restriction was just on city councils. He supported the full increase and stated that it will make the seats more attainable for a wider variety of people who want to participate. Councilor Oschrein echoed statements from Pinkston and Payne. Mayor Wade spoke in support of the increase as an opportunity to increase diversity on city council and encourage a wider range of people to run for Council seats. He requested keeping it on the action agenda for discussion at the next meeting.

Mayor Wade opened the public hearing.

- Andrew Shelton, city resident, spoke in support of the salary increase and the opportunity for more people to afford to serve.
- Don Gathers, city resident, questioned City Council setting their own salaries. He suggested shifting the \$81,000 differential to pay appointees to boards and commissions.
- Maria spoke in support of the salary increase and the opportunity for more people to afford to serve. She stated that salary is only one barrier to serving, and that campaign financing is another barrier.

Mayor Wade closed the public hearing.

Council unanimously agreed to carry the ordinance to the August 19, 2024, meeting for second reading and vote on the Action Agenda.

11. ORDINANCE: Proposed amendments to the Charlottesville Human Rights Ordinance - Code of the City of Charlottesville, Chapter 2, Article XV (2nd reading)

Todd Niemeier, Director of the Office of Human Rights, reviewed the ordinance amendments at the July 15 City Council meeting and was available to answer questions for Council. There were no additional questions.

On motion by Pinkston, seconded by Payne, Council by the following vote adopted the proposed amendments to the Charlottesville Human Rights Ordinance: 5-0 (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: None).

AN ORDINANCE AMENDING AND REENACTING CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, ARTICLE XV (HUMAN RIGHTS) TO UPDATE THE ORDINANCE TO EXPAND THE

COMMISSION'S DUTIES AS AUTHORIZED BY THE VIRGINIA HUMAN RIGHTS ACT (VIRGINIA CODE TITLE 2.2, CHAPTER 39), THE VIRGINIA FAIR HOUSING LAW (VIRGINIA CODE TITLE 36, CHAPTER 5.1), and VIRGINIA CODE, TITLE 15.2, CHAPTER 9, §15.2-965, AS AMENDED.

12. ORDINANCE: Approving Financial Assistance to Support Residential Rental Housing at Carlton Mobile Home Park for Persons of Low and Moderate Income and Authorizing the City Manager to Execute and Deliver a Support Agreement in Connection with the Same.

Eden Ratliff, Deputy City Manager for Administration, briefed Council about a partnership opportunity for the purchase of Carlton Mobile Home Park. Owners of the Carlton Mobile Home Park ("the Park"), a 6-acre mobile home park located in the City of Charlottesville serving 67 units, provided notice to the tenants of the Park that an offer to purchase the Park was received.

Piedmont Housing Alliance ("PHA") and the Greater Charlottesville Habitat for Humanity, Inc. ("GCHH") asked the City to provide financial support to assist their efforts to secure financing for the purpose of purchasing and redeveloping the Park. The sale of the Park to another buyer would likely jeopardize the continued use of the property for low to moderate income housing. PHA and GCHH have until August 6, 2024, to make an offer to purchase the Park. The parties intend to obtain outside financing to purchase the Park and requested that the City provide annual support over the next five years for a total amount not to exceed \$8.7 Million, in the event that they effectively purchase and become bona fide owners of the Park.

Krisy Hammill, Director of Budget, presented financial options and stated that the FY 2025 City Budget would need to be amended.

Sunshine Mathon, PHA, stated that Council's contribution commitment upfront is intended to be the full City contribution; however, with the rapidly moving process, that could change.

Councilors spoke in support of staff and community efforts to arrive at a creative solution.

Dan Rosensweig, Habitat for Humanity of Greater Charlottesville, answered a question from Council regarding whether the homes would remain as mobile homes, and he recounted results of resident meetings, where an agreement was reached to keep the mobile home park for at least 3 years without raising rent rates, but the ultimate outcome would be redevelopment. The purchase contract includes a deed restriction to keep rents stabilized for three years.

On motion by Payne, seconded by Oschrein, Council by a vote of 5-0 adopted the ORDINANCE APPROVING FINANCIAL ASSISTANCE TO SUPPORT RESIDENTIAL RENTAL HOUSING AT CARLTON MOBILE HOME PARK FOR PERSONS OF LOW AND MODERATE INCOME AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A SUPPORT AGREEMENT IN CONNECTION WITH THE SAME, waiving the second reading (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

13. RESOLUTION to confirm the selection of a preferred alternative design for access

control at Cedar Hill Drive as part of the Hydraulic Road/District Avenue roundabout project

Ben Chambers, Transportation Planning Manager, presented the alternative design options for access control at Cedar Hill Drive.

On motion by Pinkston, seconded by Payne, Council by a vote of 5-0 approved the resolution to confirm the selection of Option B as the preferred alternative design for access control at Cedar Hill Drive as part of the Hydraulic Road/District Avenue roundabout project (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

**A RESOLUTION
TO CONFIRM THE SELECTION OF A PREFERRED ALTERNATIVE FOR
ACCESS CONTROL AT CEDAR HILL DRIVE AS PART OF THE DISTRICT
AVENUE ROUNDABOUT AT HYDRAULIC ROAD PROJECT**

WHEREAS, the City of Charlottesville (hereafter “City”) is a municipal corporation duly organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the City Council is the legislative body of the City; and

WHEREAS, the Charlottesville-Albemarle Metropolitan Planning Organization (CAMPO), in cooperation with the Virginia Department of Transportation (VDOT) and the Thomas Jefferson Planning District Commission (TJPD) completed a comprehensive Long Range Transportation Plan (“2045 LRTP”) in May 2019; and

WHEREAS, the Hydraulic Small Area Plan was adopted as an amendment to the Charlottesville Comprehensive Plan on May 7, 2018; and

WHEREAS, the Council of the City of Charlottesville adopted a resolution endorsing the submission of the District Avenue Roundabout (at Hydraulic Road) project as a SMART SCALE application as part of a package of applications to be submitted by the Charlottesville Albemarle Metropolitan Planning Organization (CAMPO) in August 2022; and

WHEREAS, the Commonwealth Transportation Board unanimously agreed to the funding of selected SMART SCALE applications, including the District Avenue Roundabout project, in May 2023; and

WHEREAS, the existing conditions at the intersection of Cedar Hill Drive and Hydraulic Road control access from that intersection southbound into the Meadows neighborhood; and

WHEREAS, the Virginia Department of Transportation (VDOT) project management team has developed two design alternatives for consideration that treat the access to Cedar Hill Drive differently; and

WHEREAS, VDOT held a Citizen Information Meeting on June 4, 2024, at the Holiday Inn-University Area on Emmet Street to solicit feedback on the two design alternatives; and

WHEREAS, the majority of the feedback received on the two design alternatives was from residents in the Meadows neighborhood who would be most directly impacted by either alternative; and

WHEREAS, the majority of the feedback received on the two design alternatives was in favor of the alternative that would only allow northbound access from Cedar Hill Drive into the roundabout and remove the southbound access from the roundabout onto Cedar Hill Drive, creating a one-way connection, which is described as “Alternative B” by VDOT;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the Council fully endorses the selection of Alternative B (One-way connection for Cedar Hill Road at Hydraulic Road) as the preferred alternative for the District Avenue Roundabout (at Hydraulic Road) project.

ADOPTED on this the 5th day of August 2024 by Charlottesville City Council.

14. RESOLUTION approving the acquisition of land near Grove Road and the western portion of McIntire Park and placement of an open space conservation easement of such park land - 0 Grove Road

Chris Gensic, Park and Trail Planner presented the request and answered questions for Council.

On motion by Pinkston, seconded by Payne, Council by a vote of 5-0 approved the resolution for the acquisition of land near Grove Road and the western portion of McIntire Park and placement of an open space conservation easement of such park land at 0 Grove Road (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

**RESOLUTION
APPROVING THE ACQUISITION OF LAND NEAR GROVE ROAD
AND THE WESTERN PORTION OF McINTIRE PARK AND PLACEMENT OF
OPEN SPACE CONSERVATION EASEMENT ON SUCH PARK LAND**

WHEREAS, Susan R. Hoover and Angus Arrington (the “Owner”) are the owners of land designated on City Real Estate Tax Map 41A as Parcel 94, and have indicated a willingness to convey a portion of the subject land to the City of Charlottesville for creation of parkland; and

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

All that lot or parcel of land designated as City Real Estate Tax Map Parcel 41A094000, less and except a ten-foot (10’) wide strip of land at the northern boundary of Parcel 94, to be retained by Owner and combined with City Tax Map Parcel 41A093000, as shown on a plat dated June 12, 2024, made by TRC Engineers, Inc. (the “Plat”); and

WHEREAS, Owner has agreed to convey to the City the Property for the purchase price of \$55,000; and

WHEREAS, funds are available for the purchase and development of the Property through a Virginia Outdoors Foundation grant managed by the Parks and Recreation Department in the amount of \$50,000; and

WHEREAS, funds are available for the purchase and development of the Property through the Parks and Recreation Department Capital Improvement Plan (CIP) Trails and Land Acquisition funds in the amount of \$5,000; and

WHEREAS, the Department of Parks and Recreation seeks approval from City Council to proceed with the purchase of the above-described Property at a purchase price of \$55,000, with funding supplied by use of funds from the Virginia Outdoors Foundation and through the Parks and Recreation fund; and

WHEREAS, use of such funding shall require the recording of an open space conservation easement on the combined parcels referenced herein to the benefit of Virginia Outdoors Foundation; and

WHEREAS, the resulting open space easement shall trigger the collection of a three-dollar recording fee for all property conveyances from the date of the easement filed in Charlottesville Circuit Court to the benefit of Virginia Outdoors Foundation upon recording; and

WHEREAS, a public hearing to receive public input on the approval of the grant and the purchase of the property was held on May 16, 2022; and

WHEREAS, a draft sales Agreement has been approved as to form by the City Attorney's Office; and

WHEREAS, the City Manager, or their designee, is hereby authorized to sign the draft agreement, or other agreement provided it is in a substantially similar form, and to proceed with the steps necessary to acquire and convey said land; now, therefore,

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

15. RESOLUTION approving land acquisition for park and open space use - 0 Cedar Hill Road

Chris Gensic, Park and Trail Planner presented the request and answered questions for Council.

On motion by Pinkston, seconded by Payne, Council by a vote of 5-0 approved the resolution approving land acquisition for park and open space use at 0 Cedar Hill Road (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION
APPROVING THE ACQUISITION OF LAND AT 0 CEDAR HILL ROAD

WHEREAS, the City of Charlottesville seeks to expand publicly available areas for park and open space purposes; and

WHEREAS, WEBER PROPERTY MANAGEMENT LLC (the “Owner”) is the owner of an approximately 0.22 acre parcel of vacant land designated as Parcel ID 40C102100, located on Cedar Hill Road (0 Cedar Hill Road), and has indicated a willingness to convey the subject land to the City of Charlottesville for creation of park and open space; and

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

ALL that certain lot or parcel of land, lying and being situate in the City of Charlottesville, Virginia, containing 0.22 acre, more or less, and being designated and described as Lot A, Block C, Section 2, of The Meadows Subdivision, as shown on plat made by Dominion Development Resources, LLC, dated August 9, 2006, and entitled “Plat Showing Subdivision of Tax Map 40C Parcel 103, The Meadows – Section 2, Lot 8, City of Charlottesville, Virginia”, a copy of which plat attached to Certificate of Plat recorded in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia in Deed Book 1104, Pages 151 and 154.

BEING a part of the same real estate conveyed to Weber Property Management, LLC by Deed from Jeff A. Bialy and Nicola J. Bialy, husband and wife, dated June 8, 2005 in the Clerk’s Office, Circuit Court, City of Charlottesville, Virginia in Deed Book 1033, Page 782.

WHEREAS, Owner has agreed to convey to the City the Property for the purchase price of \$100,000; and

WHEREAS, funds are available for the purchase of the Property through existing property acquisition funds managed by the Parks and Recreation Department; and

WHEREAS, the Department of Parks and Recreation seeks approval from City Council to proceed with the purchase of the above-described Property at a purchase price of \$100,000, with funding supplied by existing property acquisition funds managed by the Parks and Recreation Department; and

WHEREAS, upon acquisition, the property at 0 Cedar Hill Road will be added into the public park system; and

WHEREAS, a draft sales Agreement has been approved as to form by the City Attorney’s Office; and

WHEREAS, the City Manager, or their designee, is hereby authorized to sign the draft agreement, or other agreement provided it is in a substantially similar form, and to proceed with the steps necessary to acquire and convey said land; now, therefore,

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

16. RESOLUTION approving land acquisition for trail and open space use - 0 Rialto Street

Chris Gensic, Park and Trail Planner presented the request and answered questions for Council.

On motion by Pinkston, seconded by Oschrein, Council by a vote of 5-0 approved the amended resolution approving land acquisition for trail and open space use at 0 Rialto Street, removing location references to Interstate 64 and State Route 780 (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

**RESOLUTION
APPROVING THE ACQUISITION OF LAND AT 0 RIALTO STREET**

WHEREAS, the City of Charlottesville seeks to expand publicly available areas for park, and trail uses, recreational enjoyment, and forest and stream preservation and restoration purposes; and

WHEREAS, RIALTO BEACH LLC (the "Owner") is the owner of land designated as a portion of Parcel ID 590379000, located on Moores Creek, and has indicated a willingness to convey the subject land to the City of Charlottesville for creation of trail(s) and open space; and

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

TAX MAP PARCEL NUMBER: Part of 590379000

ALL that parcel of tract of land located in the City of Charlottesville, Virginia on both sides of Moore's Creek shown as New Park Parcel containing 1.064 acres on a plat by Roudabush, Gale & Assoc., Inc. dated November 1, 2023, revised May 10, 2024 and recorded in the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia, as Instrument No. _____.

BEING a portion of the property conveyed to Rialto Beach, LLC, a Virginia limited liability company, be deed from Coleway Development, LLC, a Virginia limited liability company, dated May 22, 2008, recorded May 22, 2008, in the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia, as Instrument No. 2008002402.

WHEREAS, Owner has agreed to convey to the City the Property for the purchase price of \$10,000; and

WHEREAS, funds are available for the purchase and development of the Property through existing property acquisition funds managed by the Parks and Recreation Department (Account Trail P-00662); and

WHEREAS, the Department of Parks and Recreation seeks approval from City Council to proceed with the purchase of the above-described Property at a purchase price of \$10,000, with funding supplied by existing property acquisition funds managed by the Parks and Recreation Department; and

WHEREAS, upon acquisition, the property at 0 Rialto Street will be added into the public park system; and

WHEREAS, a draft sales Agreement has been approved as to form by the City Attorney's Office; and

WHEREAS, the City Manager, or their designee, is hereby authorized to sign the draft agreement, or other agreement provided it is in a substantially similar form, and to proceed with the steps necessary to acquire and convey said land; now, therefore,

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

17. RESOLUTION approving amendments related to the City's interest in Water Street Parking Garage

Chris Engel, Director of Economic Development, presented the resolution and agreement and answered question for Council. The City by virtue of its membership in the Water Street Parking Garage Condominium Association (WSPGCA) entered into a 99-year ground lease for the land under the Water Street Parking Garage in 1991. At the time this enabled new structured parking to be built at a key location in an effort to support the growing downtown mall area. The ground rent during the early years of the lease was favorable to the WSPGCA and below market value. As of 2014, and every ten years thereafter, the rent resets based on the appraised value of the land as if unimproved. In 2014, the rent reset triggered litigation involving the property owner, the association, the City, and others. In 2018, the City entered into an agreement to lease the remaining 317 parking spaces so that the facility could be uniformly managed. In early 2024, the property owner presented an appraisal indicating a significant increase in the ground lease rent. In an effort to avoid litigation and make this increase more gradual the association and tenant sought to negotiate an alternative solution.

The amendments remove the opportunity for future appraisal disputes, provide known costs and allow current parking operations to continue uninterrupted. The option agreement provides the City a twenty-year timeframe to assess the need for and desirability of municipally owned and

operated parking facilities and determine if ownership is appropriate at that time. It also ends the City's rent obligation to the WSPGCA as of 2044.

On motion by Pinkston, seconded by Snook, Council by a vote of 5-0 approved the resolution approving amendments related to the City's interest in Water Street Parking Garage (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

Approving the execution of several amendments related to the City's interest in the Water Street Parking Garage and the Water Street Parking Garage Condominium Association (WSPGCA)

WHEREAS, the City, by virtue of its membership in the Water Street Parking Garage Condominium Association ("WSPGCA"), entered into a 99-year ground lease for the land under the Water Street Parking Garage in 1994, which enabled the construction of a parking facility to support the growing Downtown Mall area; and

WHEREAS, the WSPGCA's governing documents provide that the base rent for the land underneath the Water Street Parking Garage (the "Garage") must be renegotiated every ten years, based on the appraised value of the land as if the land was unimproved; and

WHEREAS, in 2014, this renegotiation process led to significant litigation involving the City, the WSPGCA, the Charlottesville Parking Center ("the CPC" or "Landlord"), and other involved parties; and

WHEREAS, the WSPGCA is currently renegotiating the base rent for the land underneath the Garage, and this renegotiation is likely to result in a significant increase in the base rent, or litigation, or both; and

WHEREAS, the parties have currently negotiated a settlement agreement intended to prevent future disagreements between the parties which includes the following terms:

1. An amendment to the ground lease that sets the annual rent for the period from July 1, 2024 to June 30, 2044.
2. An amendment to the parking space lease that extends the term to June 30, 2044 and sets the annual rent for the period from July 1, 2024 to June 30, 2044.
3. An option for the City to purchase the land (subject to the ground lease mentioned above) and the parking spaces (subject to the above-mentioned lease) effective July 1, 2044. If the City does not exercise this option, then Charlottesville Parking Center will purchase the City's parking spaces.

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the terms of the settlement agreement between the City of Charlottesville, as part of the WSPGCA, and the

CPC are hereby approved, and the City Manager is authorized to execute any necessary documents, in form approved by the City Attorney's Office.

18. RESOLUTION to Appropriate funding to the Parking Fund - \$1,400,000 (carried)

Director Chris Engel presented the appropriation resolution, which is based upon Council's approval of the resolution authorizing amendments related to the City's interest in Water Street Parking Garage.

Council unanimously agreed to carry the item to the August 19, 2024, meeting for second reading and vote on the consent agenda.

COMMUNITY MATTERS (2)

Mayor Wade opened the floor for comments from the public.

- Rory Stolzenberg, city resident, spoke in opposition to the decision made regarding the parking garage without asking further financial questions.

The meeting adjourned at 8:59 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council