



CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

October 7, 2024 at 4:00 PM

Council Chamber

The Charlottesville City Council met on Monday, October 7, 2024. Vice Mayor Brian Pinkston called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Vice Mayor Brian Pinkston and Councilors Natalie Oschrein and Lloyd Snook. Mayor Juandiego Wade gave prior notice of his absence to attend a conference.

On motion by Snook, seconded by Oschrein, Council approved the meeting agenda 3-0 (Ayes: Oschrein, Pinkston, Snook; Noes: none; Absent: Payne, Wade). Councilor Payne joined the meeting at 4:03 p.m.

REPORTS

1. PRESENTATION: Charlottesville Area Transit (CAT) Dashboard

Transit Director Garland Williams presented the Charlottesville Area Transit Service Performance Dashboard, which was launched on the city website at 4:00 p.m., coinciding with the beginning of the City Council meeting. CAT contracted with Nelson/Nygaard, a transportation consulting firm to filter Automatic Passenger Count data and make it available in an understandable format on the public-facing dashboard. Mr. Williams asked the community to provide feedback after using and viewing the database. He answered Council questions, announced bus service improvements and he corrected an announcement about removing service to the hospital, advising that service to the hospital has not been decreased.

City Manager Sam Sanders reiterated the location of the CAT Service Performance Dashboard on the city website. He congratulated CAT on being recognized by C3 (Community Climate Collaborative) as a Community Changemaker partner, recognizing CAT's climate action work. Mr. Williams stated a goal of zero emissions by the year 2050.

2. PRESENTATION: Land Bank presentation and discussion

Antoine Williams, Housing Program Manager, made a presentation about land banks. The concept of establishing a land bank in Charlottesville is directly tied to the City's 2021 Affordable Housing Plan, which encourages the City to explore the use of a land bank as a tool for achieving housing affordability, supporting affordable housing development, and addressing long-standing racial disparities in homeownership. The Plan highlights the role of a land bank in acquiring and managing underutilized or tax-delinquent properties and facilitating their redevelopment into affordable housing units. The creation of a land bank was proposed by the Charlottesville Housing Advisory Committee (HAC) as a tool to address Charlottesville's unique and evolving housing challenges. Mr. Williams presented three potential land bank structures for consideration: 1) a public authority, 2) designation of an existing nonprofit, and 3) a stand-alone nonprofit.

Members from HAC were in attendance and answered questions from Council regarding issuance of bonds, overlapping work performed by other entities such as the Charlottesville Housing and Redevelopment Authority, the reasons for recommending a stand-alone board, and potential board composition. Mr. Williams stated that the assigned city attorney is researching further. City Council, by State statute, would appoint members to a land bank board and funding for the land bank entity would need to combine public and private funds.

Deputy City Manager James Freas posed several questions for Council consideration regarding the goals of the land bank entity, the amount of independence, and level of autonomy. City Manager Sanders posed questions to clarify staffing requirements, the expected pace of transactions, the desire for lived

experience seats on the board, and the impact on the City's bonding capacity. Council engaged in discussion about an overall housing plan and land trusts versus land banks. Councilors were generally in favor of a tool such as a land bank to address affordable housing issues in the City of Charlottesville.

CLOSED MEETING

On motion by Payne, seconded by Snook, Council voted 4-0 (Ayes: Oschrin, Payne, Pinkston, Snook; Noes: none; Absent: Wade) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(3) for discussion and consideration of the disposition of two different publicly held real properties where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

On motion by Payne, seconded by Oschrin, Council certified by the following 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: 4-0 (Ayes: Oschrin, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

BUSINESS SESSION

City Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Snook announced an October 5th mayoral proclamation presented to Elizabeth "Betz" Gleason, former City Councilor from 1980-1988, on the occasion of her 100th birthday.

Councilor Payne announced the October 30th application deadline for filling vacancies on City boards and commissions.

Councilor Oschrin congratulated "Loop de 'Ville" organizers and participants. She expressed condolences for a pedestrian fatality in which 64-year-old Mamawa Simai was killed in a crosswalk after being struck by a vehicle.

COMMUNITY MATTERS

Vice Mayor Pinkston opened the floor for comments from the public.

1. Peter Krebs, city resident, spoke about a successful Loop de Ville event and the ongoing need for infrastructure to improve pedestrian safety, in the wake of the death of Mamawa Simai who was hit by a vehicle in a crosswalk at Elliot Avenue and South First Street.
2. Daniel Miller, city resident, spoke about traffic-calming and traffic safety needs in Belmont.
3. Nikuyah Walker, city resident, spoke about affordable housing and affordability in the Kindewood development for those people for whom redevelopment was intended to help. She asked Council to review the contract as well as the underlying reasons why an older woman (Mamawa Simai) needs to work.
4. Aileen Bartels, city resident, spoke about the need to improve pedestrian safety in the wake of the death of Mamawa Simai.
5. Roscoe Boxley, city resident, spoke about different reasons that homelessness exists and the need to address it.
6. Tyler Miller, city resident, spoke about the need for additional infrastructure to improve pedestrian and

traffic safety on Elliot Avenue. He asked for a moment of silence for Mamawa Simai.

7. Bill Emory, city resident, asked Council to retract the VDOT functional reclassification of streets in the Woolen Mills neighborhood, discouraging making easier travel for motor vehicles and requesting that Council maintain the integrity of the neighborhood's shared space for various modes of transportation.
8. Frankie Allen, city resident, spoke about traffic safety as a public health concern. She suggested infrastructure changes.
9. Guinevere Higgins, member of the Bike and Pedestrian Committee, spoke about the recent tragedy on Elliot Avenue and South First Street, referring to the tragedy as a policy issue.
10. Kathryn Laughon read a statement on behalf of Livable Cville about the need for infrastructure to improve pedestrian safety, in the wake of the death of Mamawa Simai at Elliot Avenue and South First Street.
11. Mario Mareta, city resident, spoke about safety concerns with his living situation, stating that neighbors are using drugs and threatening him. He stated that he has contacted police and still needs help. (Police Chief Michael Kochis was in attendance and stated that he would talk with Mr. Mareta.)
12. Clifford Michael Hall, city resident, spoke about life, liberty and the pursuit of happiness.
13. Mo van de Sompel, city resident, spoke about the need to lower speed limits throughout the city and increase enforcement of traffic laws.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record. On motion by Snook, seconded by Oschrein, Council unanimously adopted the Consent Agenda.

1. MINUTES: May 20 regular meeting, September 16 regular meeting, September 17 joint City Council and Board of Supervisors meeting
2. RESOLUTION to appropriate insurance claim reimbursement for The Avon Fuel Station Replacement Project - \$65,000 (2nd reading)

RESOLUTION

Albemarle County Reimbursement for the Avon Fuel Station Replacement Project

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

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

Transfer From

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

Transfer To

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

3. RESOLUTION to appropriate Victim Witness Assistance Program Grant funds - \$257,024 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for
Charlottesville Victim Witness Assistance Program Grant - \$257,024**

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

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

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

Revenues

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

Expenditures

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

Transfer

\$ 33,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$224,024 from the Virginia Department of Criminal Justice Services.

4. RESOLUTION to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - \$500,000 (2nd reading)

RESOLUTION

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

WHEREAS, the City of Charlottesville through the Department of Historic Resources has received a grant award of \$500,000 to be given to the Jefferson School African American Heritage Center (JSAAHC) to be used to support operating cost and for staffing for the Center for Local Knowledge.

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

Revenues - \$500,000

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

\$500,000	Fund: 209	Internal Order: 1900568	G/L Code: 540100
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$500,000 from the Virginia Department of Historic Resources.

5. ORDINANCE to adopt Fire Safety Code Fee Schedule (2nd reading)

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

6. RESOLUTION to appropriate Virginia State Police HEAT FY 25 Equipment Reimbursement Funding - \$12,500 (Carried)
7. RESOLUTION for a Special Exception Permit at 113 West Main Street Resolution for Golf Maintenance Equipment Replacement

**Resolution Approving a Special Exception Permit for
Property Located at 113 West Main Street**

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

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

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

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

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

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

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

8. RESOLUTION appropriating funds for Carlton Mobile Home Park - \$379,000 (Carried)

CITY MANAGER REPORT

City Manager Sam Sanders acknowledged the recent tragedy which led to the death of Mamawa Simai and acknowledged that Council will need to make financial decisions based on their priorities. He asked Deputy City Manager James Freas to highlight some of the City's ongoing efforts and commitment to prioritize bicycle and pedestrian safety.

Mr. Freas, Deputy City Manager for Operations, echoed the sentiments expressed by Mr. Sanders. He highlighted the Move Safely Blue Ridge program, an ongoing regional project to identify street safety issues and solutions for them regionally. He encouraged Council and the public to visit the website www.movesafelyblueridge.com and to make their voices heard. He stated that the City is preparing to conduct a study of citywide speed limits to inform Council and make recommendations. Mr. Freas stated that there has been a struggle to fill the vacant Traffic Engineer position for the city, and that contracting with an outside firm has been considered. He has asked the city's transportation team to come together to discuss solutions for addressing the Elliot Avenue and South First Street crosswalk where the fatal incident occurred.

Mr. Sanders listed future work sessions that will address infrastructure and FY26 budget issues for Council to prioritize.

ACTION ITEMS

9. PUBLIC HEARING and ORDINANCE establishing the Commercial Property Assessed Clean Energy (C-PACE) financing program (Carried)

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

Pursuant to Va. Code § 15.2-958.3, once the City has enrolled in the C-PACE program, owners of commercial and/or multi-unit residential buildings could receive financing for certain eligible improvements, including: energy usage efficiency systems; water usage efficiency systems; renewable energy production facilities; resiliency improvements to increase a structure's capacity to withstand a natural disaster; stormwater management improvements, environmental remediation, electric vehicle infrastructure. These loans can be used for new construction, or the renovation/retrofitting of a currently existing structure. The minimum loan amount that may be financed for each project is fifty thousand dollars (\$50,000.00). Each C-PACE loan, inclusive of principal, interest, and any financed fees, costs, or expenses, will be secured by a voluntary special assessment lien on the Property that is the subject of the loan. This loan would "run with the land," and responsibility for the loan would transfer to the new property owner if the property were sold before the loan is repaid.

Vice Mayor Pinkston opened the public hearing. With no speakers coming forward, the public hearing was closed. Council agreed to carry the ordinance to the October 21 Council meeting for second reading and vote on the consent agenda.

10. PUBLIC HEARING and ORDINANCE for 240 Stribling Avenue Planned Unit Development Proffer Amendment (Carried)

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

Applicant Charlie Armstrong with Southern Development provided additional information and answered questions for Council.

Vice Mayor Pinkston opened the public hearing.

- Nikuyah Walker, city resident, asked about the reasons for the amendment and stated that Council needs to ask more questions.

With no additional speakers, the public hearing was closed.

Council asked questions and engaged in discussion. The applicant stated that the affordable units will be built as townhomes. He indicated the change would give the developer more freedom to meet their affordability requirements which would create more certainty moving forward on both projects. Mr. Alfele stated that the requested changes are part of the proffer statement, and that the city would gain two housing units at a lower AMI (Area Median Income).

Council agreed to carry the ordinance to the October 21 Council meeting for second reading and vote on the consent agenda.

11. ORDINANCE amending City Code Section 2-453(b.3-4) for Police Civilian Oversight Board composition (Carried)

Deputy City Manager Eden Ratliff presented the ordinance amendment request to broaden the scope of who can serve on the Police Civilian Oversight Board. Mr. Ratliff stated that he will confer with the PCOB at their October 10, 2024, meeting.

Council unanimously agreed to move the item to the October 21 meeting for second reading and consideration of a vote.

12. RESOLUTION for permanent affordable housing acquisition by the Charlottesville Redevelopment and Housing Authority at 212 5th Street, 217 5th Street SW and 407 Harris Road

Alex Ikefuna, Director of the Department of Community Solutions, presented the resolution. The Charlottesville Redevelopment and Housing Authority (CRHA) is proposing to acquire 212 5th Street, 217 5th Street, SW and 407 Harris Road, a two-family unit, and two multi-family housing for preservation as a permanent low-income housing. The properties are currently rental units with low-

income tenants. The Fifth Street properties are occupied, and 407 Harris Road is currently vacant because the owner wants to sell it. This is prime opportunity to acquire multiple units of naturally occurring affordable housing that were on the market and likely would no longer be affordable after purchase. The City and CRHA have an opportunity to acquire and indefinitely preserve these properties as affordable units. Council provides \$900,000 per year for CSRAP. There is approximately \$234,402 left in the 2023-2024 fiscal year in CSRAP balance, enough to assist CRHA in bridging its funding gap of \$475,000. The total acquisition cost is \$2.675 million. The city will grant \$234,000 to support the acquisition and CRHA will provide the remaining balance of \$241,000, while the Federation of Appalachian Housing Enterprises (FAHE), a (CDFI) will finance the \$2.2 million.

On motion by Snook, seconded by Payne, Council by a vote of 4-0 approved the resolution for acquisition of 212 5th Street, 217 5th Street SW and 407 Harris Road (Ayes: Oschrein, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

RESOLUTION

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

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

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

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

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

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

Transfer from:

Fund: 426

Funded Program: P-01019

GL Code: 599999

Transfer to:

Fund: 426

Funded Program: 2600049

GL Code: 599999

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

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

GENERAL BUSINESS

13. WRITTEN REPORT: Bennett's Village 2024 report to City Council

Vice Mayor Pinkston acknowledged receipt of the required annual report. Councilor Payne stated that Bennett's Village raised \$320,000 and an additional \$180,000 in pledged funds.

COMMUNITY MATTERS (2)

Vice Mayor Pinkston opened the floor for comments from the public.

- Nikuyah Walker, city resident, continued statements from earlier in the meeting regarding the Kindewood development. She stated that what the nine-member advisory panel stated that they wanted was not in line with what a majority of low-income residents wanted, and that many residents are rent-burdened. She also expressed concern about concentrating lower income families in one area rather than diversifying the neighborhood. Regarding traffic and pedestrian safety, she discouraged increasing traffic citations, considering impacts to Black, Brown and low-income individuals.

Mr. Sanders mentioned that in addition to other efforts, consideration is being given for a technical temporary replacement for the Traffic Engineer - someone with a specialized skillset. Responding to Councilor Snook, Mr. Freas explained the reclassification of streets as mentioned by resident Bill Emory earlier in the meeting. Mr. Freas stated that the city controls its streets and a reclassification by VDOT does not equate to intention from the City to redesign the roads. Reclassification opens additional funding for the roads; however, he will research further the scope of reclassification.

The meeting adjourned at 8:30 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council