

***The following is an unofficial and unpolished transcript of an item at the November 18, 2024 meeting of the Charlottesville City Council created by Town Crier Productions for inclusion in the December 2, 2024 edition of the newsletter. This is not a product of the City of Charlottesville but was created after the draft minutes yielded an incomplete account of the discussion.***

Juandiego Wade: The next item on the agenda is ordinance amending the city code for parking of buses, trucks, et cetera, between midnight and 6am is the first of two readings.

Brennen Duncan: Good evening, Mayor and City Council members. Brendan Duncan, I'm the city Engineer here for the City of Charlottesville. I'm doing this almost in my previous capacity as a city traffic engineer, though this has been an issue that the city's been kind of struggling with for a while on some of this. But really, the new zoning code is really what kind of brought this to light.

So I just want to start with kind of the overall goal that we have with rewriting this section. I think it's important to keep in mind as we walk through, you know, some of the different aspects of this. You know, with the changes to the new zoning code and potential for large influx of vehicles needing to utilize street parking, it's a staff's goal to remove uses on the street that are essentially being used as storage, personal storage. We want that street parking to be used for the active turnover of vehicles. So there are several different additions to this.

First one I want to focus on is tarped vehicles. This is one we've been probably struggling with the longest. We have a part of the ordinance that speaks to disabled vehicles, vehicles that have expired tags and that kind of stuff. But what we found is it's actually a Fourth Amendment search and seizure issue with city's attorney's office that the police officers can't lift up a tarp that's covering a vehicle to determine whether or not it actually is a disabled vehicle type of thing. So really, this part of the ordinance is focused on that just allowing us to, you know, enforce our current regulations.

It's not necessarily saying that they can't have a tarp, it just. It's a. You can't have a tarp in which, you know, prohibits the visual inspection of that. So if you wanted to do a clear tarp, if you wanted to have some kind of clear, you know, part over just that part of your car, so they can see the license plate, they can see the inspection sticker, all that would still be allowed, but it's really for that enforcement of that. The other one is service repairs. We have several places in town where we've gotten complaints over the years where, you know, vehicle service stations don't have enough space on their own lot, so they just continually park, you know, vehicles that are waiting to be serviced on the city street. Again,

that's not really the purpose of on street parking. It's intended for active turnover of vehicles and not storage of vehicles that are waiting there. So that's included. Several of the things are just existing in the current ordinance. So semi trucks, buses, vans, vehicles were more than two axles. So that hasn't changed. We left that as is farm use tags. Hopefully that's self explanatory. We don't have too many farms in the city of Charlottesville. So just putting that in there so that, you know, people have abused some of these in the past. And so it just gives our enforcement a way to, you know, enforce that. Antique plates. Antique plates are something that actually the state code speaks to. They're as the state code reads, and it's 46.27 30, if you're interested, that license plates for antique motor vehicles and antique trailers shall not be used for general transportation purposes, including but not limited to daily travel to and from owner's place of employment. The city code or the. Sorry, the state code for this is pretty explicit that this is intended, you know, antique plates are intended for show vehicles. You know, stuff that, you know, it's your old grandpa's truck or whatever that, you know, it's sentimental. You may take it to shows or show it off every so often. Not an everyday commuter vehicle. We also have a lot of antique plates that have been called out that they have antique plates on them and the car never moves. Again, it's more of a storage thing than anything. And with those you don't have to get inspections, you don't have to do any of that. So again, getting back to the disabled vehicle standard, it makes it very difficult for enforcement of that statute based on if they have an antique vehicle tag that's just sitting in the road. Again, we're not prohibiting any of these on your driveway or anything like that. It's just parking them on the city street. The last few are more, you know, resident storage items. So boats, RVs and trailers. Again, if we're trying to, you know, reintroduce active parking turnover, those are uses that are more personal storage. We wouldn't allow somebody just to park a shed in the roadway and use it for that purpose. So, you know, it's kind of the same thing.

Brennen Duncan: Do you have a question, Natalie?

Natalie Oschrin: Well, I was just actually thinking about those pods which are often parked in a parking space in front of a house.

Brennen Duncan: Yep. So I'll actually get to that in a second. So that was kind of all of. I just wanted to run through kind of the individual use cases. Remy, if you can go on to the next...

Brennen Duncan: I don't know. It's not working. It won't let me advance. She can advance it. So this is the existing code. Again, it's pretty minimal. It just speaks to the 12 passenger vehicles, trucks, vans, trailer, semi trailer, or recreational vehicle with two or more wheels or two or more wheels per axle. So really that's like a dually type trailer and that like larger vehicles and then. Yeah, so that's. That's our current statute.

Brian Pinkston: So could I. Yeah, just clarity there. So when it says no truck, it's no truck with more than two wheels per axle, Correct?

Brennen Duncan: Okay, yeah. Not no trucks. It's. It's all one sentence there. So it's no trucks with more than two wheels per axle. So if you've got a dually or something like that, technically that's not a lot.

Brennen Duncan: Correct. I believe it. You can get the temporary up to 30 days at a time. So.

Natalie Oschrin: And presumably if it's still attached to the vehicle that brought it there, it still would need to get a temporary.

Brennen Duncan: That's my understanding. Unless we were to amend something in the code to change that.

Brian Pinkston: Yeah, I'm struggling with this one. When I was reading it, I mean, Councilor Oschrin is beginning to help me see the light on parking being a really, really bad thing. Sorry, I'm not trying to tease you.

Natalie Oschrin: No, I love to hear that it's working.

Brian Pinkston: You're helping me. I just. I know we're hoping, and we met the other day with Mr. Freas and Mr. Sanders about all these things you guys are going to be working on. I remembered later on, one thing that I didn't see on the list was parking initiative, like, you know, permanent parking throughout the city where the mayor and I live, there are people that have, you know, pop up campers, you know, on the road in a small little rv. And I mean, there's plenty of space for people to be. And I think too, of small businesses. I know one of the things that we want to do with at some point, commercial uses in residential spaces. This seemed like it could cut against. Cut against that. When I look at. One of the things I worry about is when we use the most egregious offence. If you could go to the next slide, I guess the one with all the tarps, I mean, that's clearly egregious. I mean, the tarping piece, I totally get. I'm with that 100%. But this is more like something that's just been abandoned as opposed to a person who's got a small boat or whatever that's on the road. I mean, in some places, you know, I guess Belmont, for example, there's just not enough room for, you know, where we live, the streets are a little bigger. So I don't know, I'm torn on this. I guess if there was a city wide sort of layout of where people could buy and sell, you had almost like a market, you know, of permitting, which I guess at some point we want to get to, I could see this making sense for across the city. But it just seems like a little. It seems a little too onerous to me.

Michael Payne: And I actually share a lot of those concerns. I think there's a lot of positive things to move in this direction. I also agree there's. We all know there's egregious examples of basically abandoned vehicles that have been somewhere for years. But I do worry. One, there's areas of the city where off street parking is tight and there's areas where it's not an issue at all, as Brian mentioned, where people do have RVs or various things. And I guess I'm just worried this completely blanket universal approach, you're just going to hassle people who have a small business vehicle, potentially like a food truck or something that they're using during the day and they find an area where it's not an issue to park it. Or quite frankly, working class people who have a car that needs an inspection repair and it failed and they don't have the money at the moment and they put a tarp over it, not for 10 years, but maybe for a month or so until they get the money for the repair. Because they don't want the police to be ticking them constantly for having an out of date inspection or places where people have an RV or something. That is not an issue. And I'm just worried whether it is a valuable or wise use of anyone's time for the police to be going around ticketing everybody for expired inspections or vehicles that aren't an issue. I'm just wondering if there's a more measured way in terms of like there's a way to put a notice that if someone doesn't respond to it, to figure out is it really an abandoned vehicle or is it something else? Cause I just worry I could see this turning into basically just hassling working class people with more and more fines and tickets for expired registrations or expired vehicle inspections, which.

Juandiego Wade: Yeah, yeah, I mean, I don't think the police would do it if it wasn't complaints. And people complain to us and we, you know, contact staff and say, what can you do? And they say, well, we need to amend the ordinance. And so here we are. So I don't think it's, you know, maybe, you know, you know, I don't see it happen a lot, but I see that, you know, my former planner in me said we need tools to deal with this. But, you know. Anyway. So what are your thoughts, Madeleine?

Natalie Oschrin: Before I get into my thoughts on the subsidy, I just want to clarify that I believe in the first paragraph it says exasperated, and it should say exacerbated.

Juandiego Wade: But it may be.

Brennen Duncan: Might have been a reference to how staffed here.

Natalie Oschrin: Yeah, it almost fits. But I just think exacerbated is probably what that was supposed to be.

Brennen Duncan: Probably.

Natalie Oschrin: So. Just wanted to point that out first. Secondarily, I am of the belief that private stuff storage on a public right of way is a privilege anyway. It's not something we

guarantee. In fact, there's cities that, lovely cities that don't allow any on street parking whatsoever. And those are really nice places to be. So I am generally not inclined to support things that make it easier for. Yes. This kind of mess that we see in this particular image. But I am sympathetic to, for your example, a food truck that has to be parked somewhere overnight that maybe doesn't fit in a home garage and they don't have an open driveway or something like that. So I would be interested in maybe seeing some kind of permit system for that sort of thing that's more than just the temporary permit, like for the pod. But otherwise I'm generally in support of this.

Juandiego Wade: Lloyd, you have any thoughts?

Lloyd Snook: Yeah, a couple of them. Hold on just a second.

Juandiego Wade: He's pulling up his legal briefs.

Lloyd Snook: No, I was trying to do. My phone was ringing at the same time. My thoughts are, first of all, purely a technical thing. In paragraph 2 of the revised 15, 144, you need an apostrophe on vehicles. And I don't know whether you intend vehicles to be plural and possessive or singular and possessive, but either way it needs an apostrophe, whether it's apostrophe s or S apostrophe. The second thing I would note, I see a lot of cars driving around with antique plates. It's not. I don't think it's true that people who have antique plates on their car aren't driving them, aren't using them regularly. And if you're assuming that to be the case as one of the reasons behind this change, I think that that's probably wrong. As far as food trucks and so on, I don't. As I interpret the statute, a food truck would not be a restricted vehicle for these purposes. It's not a semi truck, it's not a bus or van. It's not a vehicle with antique plates or farm use plates, a boat, an RV or a trailer, or have more than two wheels per axle. Most of them. Some of them might. But one of the things to think about is one of the things that struck me as I was listening to all this discussion is that we in the zoning ordinance adopted a number of rules and regulations that basically were intended to prevent people from parking in their front yards. And so if we have made it impossible for them to park in their front yards or to limit the number of vehicles that can be parked in a yard, and we're also saying, and you can't put them on the street either, I wonder what we're doing there. It seems to me that we're being a little, you know, we're just being very restrictive. Maybe the intent is to be just that restrictive, but it's. It's an odd kind of juxtaposition. I'm just curious where the real push for this has come from. Is it specifically from the police department? Is it. I mean, who, who, who's really asking for this?

Brennen Duncan: Yeah, I mean, the. The tarped vehicles is really. That one has been requested from the police department. The rest of them are planning and traffic staff.

Again, looking at the zoning code and complaints that we've gotten over the years, whether it be for RVs that are parked in front of people's houses, that they don't even live there, and they just park them to trailers just being left, and there's no parking available on tight streets. Same thing with boats. And kind of, to Natalie's point, a fundamental question of should the city right of way be used for storage of personal effects? So, again, this is more. We put all the different uses we could possibly think of on there. I mean, you all are the decision makers. You can take none of them. You can take all of them. You can cherry pick which ones. We can change wording if you'd like to allow certain uses for whatever. But, you know, if, as the zoning code sees itself forth over the next several years, we. There will become an issue with parking in different neighborhoods. You're 100% correct. Some neighborhoods you can drive down and there's, you know, one car parked on the street and 50 parking spaces available. I 100% agree that you know, that is there are also areas in the city where they have permit parking now and we have more requests for parking than there are spaces available on that street. So, you know, trying to limit. And maybe this comes down to we need to have different parking zones and this only applies to certain parking zones. That's another thing that if you'd like us to go back and investigate more, we can do that. But, you know, this was an effort to be fair across the city and just say that this is the way it is. But, you know, I do recognize that, you know, it is different in different neighborhoods.

Natalie Oschri: I quickly. I had a memory of the no parking in the front yard clause that Councilor Snook mentioned, and my memory was that that was stricken and I actually just had confirmation that the front yard is up to two units in any R zone can park in the front yard in a driveway. So that that has been allowed. That's no longer a thing that people can't do is turn their yard into a driveway.

Juandiego Wade: Correct. What's council pleasure on this? You know?

Brian Pinkston: Well, I definitely support. Not. Definitely support not letting cars be tarped and abandoned. If we need a resolution to say you can't cover your vehicle's, you know, identification tags or whatever, then I certainly support that. Abandoned vehicles. It seems like there's something to be said about that. Were we planning to do something with like, parking across the city in terms of.

Brennen Duncan: Yeah, we've been. Definitely been talking about that, but between myself and Ben Chambers, we're still trying to finalise, you know, it's going to probably be a larger, pricier study to really figure out what to do with permit parking and just parking across the city in general. So we're still formulating that exactly what that's going to look like before we kind of bring that to management and council.

Brian Pinkston: Yeah, as of now, I'm not inclined to support this, but if we want to defer it to next week and have some more time to think about it and talk amongst ourselves.

Natalie Oschrin: Is this one of two readings or. Yeah, this is one of two readings.

Juandiego Wade: So I'm. I'm inclined to support it, but, you know.

Michael Payne: Yeah, it sounds like maybe it should be moved for the second reading on the regular agenda at the moment, I'm probably still inclined not to support it. Again, from the perspective of just empowering more people to get hit with fines and tickets, that I think is. I'm not seeing the benefit outweighing the cost that is, particularly for working class people.

Natalie Oschrin: I'd be interested in exploring the idea of Maybe a permit system for some of those potentially larger, like, food trucks. I don't know how often that scenario comes up, but just in case, I'm also a little bit. The antique vehicle thing might be something to consider as well, where maybe that's. There's some kind of exception. If you're like, no, I actually do drive it around.

Brennen Duncan: Well, and again, to Lloyd's point, we do see them driving all over town. It is technically illegal to do that, to just drive it as your personal vehicle that you're driving. Like, it's very explicit.

Natalie Oschrin: Oh, really?

Brennen Duncan: Yeah, it's very explicit in the state code that it is intended as a recreational show vehicle type tag. The fact that people drive it. Again, I'm not going to be the one enforcing it, but either they're parking a vehicle for long periods of time in the right of way, or it's just sitting there, or they're using it kind of for an illegal use and driving it every day. So that was kind of why that was that.

Natalie Oschrin: I'm not as concerned about that. But perhaps we could strict some kind of balance with the scenario that Councilor Payne is envisioning, where if someone does get a fine for a inspection delinquency and they are able to come back within 45 days and say, no, look, I got it inspected, there's an ability for them to waive that fine so that maybe that won't be such a concern.

Brennen Duncan: Yeah, and I don't want to speak for the police, but I think the intent of this is not for them to drive around looking for these. This is really more if they're getting complaints about certain vehicles on certain streets, you know, over a period of time that, hey, you know, this. This car hasn't moved in six months. And it's gotten, you know, that. That's really the intent of this. It's not, you know, hey, my neighbour, you know, I don't like him and, you know, you need to come give him a ticket or even just, you know, searching

out vehicles on a daily basis. One, we don't have the staff for that in the police department to go out and make rounds of every street in the city. And like we do on the downtown, you know, parking around the downtown. I mean, that's a job in and of itself. So.

Natalie Oschrin: Yeah, but that all being said, I generally do support this sort of initiative.

Juandiego Wade: Lloyd, where are you?

Lloyd Snook: Undecided? Lukewarm. Not sure beyond that.

Juandiego Wade: Okay. Okay, so we're going to bring it back in two weeks, okay?