

CHARLOTTESVILLE CITY COUNCIL MEETING
September 6, 2022 at 4:00 PM
In person: Council Chamber, 605 E. Main Street
Virtual/electronic: Zoom

The Charlottesville City Council met in an electronic meeting on Tuesday, September 6, 2022, in accordance with a local ordinance amended and re-enacted on March 7, 2022, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Michael Payne, Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade. Councilor Sena Magill provided advance notice that she would need to participate electronically because of a medical procedure that would prevent her from attending in person. She participated from her home in Charlottesville.

On motion by Wade, seconded by Pinkston, Council voted unanimously to adopt the meeting agenda (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

REPORTS

1. REPORT: Airport Authority update

Melinda Crawford, CHO Airport CEO presented an update on the Charlottesville-Albemarle Airport Authority structure, airport operations, construction projects and funding. Responding to Council questions, Ms. Crawford stated that the Airport Master Plan was last updated in 2004 and will be updated within five years. She explained the reasoning for the elimination of direct flights to Chicago. Ms. Crawford stated that sustainability projects will be considered at the airport, including solar options. She also stated that shuttle service would need to be provided by a third-party contractor.

2. REPORT: Youth JEDI (Justice, Equity, Diversity, and Inclusion) and Climate Justice Ambassadors report on public transportation

The Justice, Equity, Diversity, and Inclusion (JEDI) Youth Ambassador Program was developed from a partnership between Piedmont Housing Alliance and Community Climate Collaborative to promote youth advocacy around climate and social justice issues.

The Ambassadors reported their findings on how public transport issues have impacted most people in the community, based on survey results from 50 Charlottesville resident respondents. Some issues that arose were:

- People not using public transportation because a stop is not close to them or the system is confusing;
- Time efficiency with uncertain arrival times as well as old and mis-dated charts;
- Other more reliable methods of transportation; and
- An app not widely known and not well-executed to serve users. Many people are unaware of a transit app.

One ambassador shared his personal experience of using Charlottesville Area Transit, noting the time-consuming trips to take care of general household needs. He emphasized the need for a

transit app that makes sense and he made several suggestions for the app:

- Take languages into account.
- User experience should be at the forefront.
- Make the app easier to find. The app name is SPOT instead of Charlottesville City Transit or other relative name.

Other suggestions for bus service:

- Place standard bus stop in all locations to protect people from weather.
- Keep in mind that not everyone has a cell phone.
- Update paper schedules at bus stops.
- Shorten wait times and make timing more reliable.
- Address the driver shortage.
- Consider climate issues and whether electric buses can be used.
- Ensure that the public is included and aware of changes.

Councilors affirmed the students' points and agreed that they are in line with what the general public has stated.

Councilor Magill asked for policy recommendations in writing.

Susan Kruse, Community Climate Collaborative Executive Director, and Tori Carter-Johnston, JEDI Manager at Piedmont Housing Alliance thanked Council for taking the time to listen to the students and challenged councilors to reach out to the youth.

3. REPORT: Albemarle-Charlottesville Regional Jail update

Colonel Martin Kumer, Albemarle-Charlottesville Regional Jail Superintendent, presented findings from the Facility Condition Assessment and the Community Based Corrections Plan. Some history of the facility:

- The current facility opened in 1975 to combine Albemarle County and Charlottesville City Jails
- The facility's rated capacity increased to 209 after two additions in the 1990s.
- Nelson County became the third Jail member in 1997 and the final expansion was completed, in 2000, bringing capacity to 329.
- Average Daily Population (ADP) has been as high as 600 in 2008 and as low as 265 in January 2022; the January 2022 ADP is the lowest in 20 years.
- The current authorized staffing level is 161 employees.

The proposed renovation and expansion area is approximately 56,000 square feet and will be contained within the current facility's 152,900 square feet. The renovation is intended to improve quality and experience for all consumers: inmates, employees, community and stakeholders.

CLOSED SESSION

On motion by Pinkston, seconded by Wade, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to meet in closed session as authorized by Virginia Code

Section 2.2-3711(A)(1), (A)(7) and (A)(8), for consideration of future appointments by Council to the City's planning commission and other boards and commissions, and legal consultation regarding compliance with requirements of Va. Code 15.2-2212 and City council ordinances and resolutions; and consultation and briefing by legal counsel regarding litigation (Charlottesville Circuit Court Case No. CL21-116) because consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City, and for legal advice on that litigation.

On motion by Pinkston, seconded by Wade, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none), 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.

BUSINESS SESSION

Council began the business meeting with a moment of silence.

ANNOUNCEMENTS

Councilor Pinkston announced CYM (Close Your Mouth and Listen) Day observed Monday, September 19 and presented by Mr. Alex-Zan.

Councilor Wade announced the Charlottesville Housing Affordability Program (CHAP) assistance program deadline extension until September 16.

Councilor Magill summarized comments and follow-up actions from the previous Council meeting.

RECOGNITION/PROCLAMATIONS

- **Recognition: Cyndi Richardson, recipient of the Dr. Fred Frese Crisis Intervention Team (CIT) People with Mental Illness Lived Experience of the Year Award by CIT International**
Vice Mayor Wade acknowledged the recent award granted to Cyndi Richardson.
- **Proclamation: Dr. Alvin Edwards Day (*presented August 27*)**
Vice Mayor Wade represented the City at an event on August 27 to recognize Dr. Alvin Edwards Day.
- **Proclamation: Minority Business Alliance 10-year anniversary**
Vice Mayor Wade proclaimed September 9, 2022 as Minority Business Alliance Day in recognition of their 10th anniversary. Kay Monroe, Vice Chair of the MBA, accepted the proclamation with remarks.
- **Proclamation: International Day of Democracy**
Mayor Snook proclaimed September 15, 2022, the International Day of Democracy. Kirk Bowers accepted the proclamation with remarks.

CONSENT AGENDA*

- 4. MINUTES: June 21 Council meeting, August 1 Council meeting
- 5. RESOLUTION: Refund of Business License Tax - \$5,719.45 (2nd reading)

RESOLUTION
Authorizing a refund of \$5,719.45 to a taxpaying entity or business,
for business license taxes paid in error for 2021

WHEREAS, the Commissioner of the Revenue has determined that a taxpaying entity or business paid 2021 Business License Tax to the City of Charlottesville in error; and

WHEREAS, that taxpaying entity or business has requested a refund of the amount paid in error; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$5,719.45; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$5,719.45, payable to that taxpaying entity or business.

- 6. RESOLUTION: Virginia Homeless Solutions Program (V.H.S.P.) Grant Award - \$539,369 (2nd reading)

RESOLUTION
Appropriating Funding in the Amount of \$539,369 To Be Received from
Virginia Homeless Solutions Program

WHEREAS, The City of Charlottesville, through the Department of Human Services, has been notified that it will be awarded an additional grant from the Virginia Housing Solutions Program (V.H.S.P.) Fund of the Virginia Department of Housing and Community Development, in the amount of \$539,369.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the additional VHSP funding from the Commonwealth, said funding, anticipated in the sum of \$539,369, is hereby appropriated in the following manner:

Revenues

\$443,321	Fund 209	Order 1900475	GL 430110
\$96,048	Fund 209	Order 1900475	GL 430120

Expenditures

\$539,369	Fund 209	Order 190475	GL 530550
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7. RESOLUTION: Belmont Bridge Replacement Project – Appropriation of \$2,697,398 (2nd reading)

**RESOLUTION APPROPRIATING \$2,697,398
for the Belmont Bridge Replacement Project**

WHEREAS, a total of \$2,697,398 in federal funds for the Belmont Bridge Replacement Project requires appropriation;

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

Revenues

\$2,697,398 Fund: 426 WBS: P-00436 G/L Account: 430120

Expenditures

\$2,697,398 Fund: 426 WBS: P-00436 G/L Account: 599999

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that \$2,697,398 noted above is conditioned upon the receipt of a fully execute Appendix A and receipt of the funds from the Virginia Department of Transportation (VDOT).

8. ORDINANCE: Amending City Code Section 30-6 to increase the threshold under which the City Treasurer may issue a refund for an erroneous assessment without direction from Council (2nd reading)

ORDINANCE TO AMEND AND REORDAIN SECTION 30-6 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, TO AUTHORIZE THE TREASURER TO APPROVE AND ISSUE ANY REFUND UP TO \$10,000 AS THE RESULT OF AN ERRONEOUS TAX ASSESSMENT

9. RESOLUTION: United Way reimbursement of Community Resource Hotline Staff Costs - \$26,333.76 (carried)

Mayor Snook invited comments on the Consent Agenda. No speakers came forward.

On motion by Pinkston, seconded by Payne, Council by the following vote ADOPTED the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

BOARD/COMMISSION APPOINTMENTS

On motion by Pinkston, seconded by Wade, Council by the following vote APPOINTED Airea Garland and Wes Bellamy to the Charlottesville Redevelopment and Housing Authority (CRHA): 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

CITY MANAGER REPORT

Interim City Manager Michael Rogers reported on the following:

- The intergovernmental half-day retreat recently held between City Manager executive staff and leadership from the University of Virginia and the County of Albemarle.
- Retention bonuses given to Fire and Sheriff's Department sworn officers.
- Addressing funding for Transportation challenges at a future meeting.
- Congratulations to the Fire Department for achieving accreditation.

Deputy City Manager Sam Sanders reported on:

- The conversion of the four-way intersection at Rugby and Rose Hill Drive. He stated that the four-way stop is temporary in response to providing safe routes to schools and to slow down traffic. Once the pedestrian signalization project is complete, the intersection will reconvert to a signaled intersection.
- Certain customers were notified of reimbursements for third-party expenses incurred related to Neighborhood Development Services.
- The new Climate Action Specialist, Emily Irvine and Building Code Official, Chuck Miller

Deputy City Manager Ashley Marshall reported on the following:

- The Office of Economic Development recognizes Minority Business Month in September and there will be a series of events celebrating business diversity in the Charlottesville community.
- Two financial projects in process: 1) Commissioner of the Revenue online business portal to support payment of business taxes, and 2) Office of Budget and Management having the FY2023 Budget edited to meet ADA compliance.
- The City of Charlottesville is one of twenty-nine inaugural cities in the City Health Dashboard "Put Us on the Map"

COMMUNITY MATTERS

1. Kevin Cox, city resident, spoke about traffic conditions on East High Street. He expressed concern about a derelict dirt path, loss of curbs in front of businesses, and danger for pedestrians at the intersections. He asked about a city plan to address the areas of concern.
2. Kate Fraleigh, city resident, spoke about jail renovation and she recommended spending resources on community-based programs instead of mental health beds for the jail.
3. Gloria Beard, city resident, spoke in support of community-based, non-police mental health care and against funding mental health beds for the Albemarle-Charlottesville Regional Jail.
4. Harold Folley read a letter from The People's Coalition to address mental health issues through funding community programs without using jail cells.
5. John Hossack, city resident, spoke about various issues related to the Comprehensive Plan.
6. Ang Conn, city resident, spoke against using jails for mental health treatment or rehabilitation. She requested that the City disinvest in jail renovations.

7. Rosia Parker, city resident, stated that International Democracy Day should be every day. She spoke about her attempt to hold a protest, Council's community engagement, and issues with the Police Civilian Oversight Board.
8. Adrienne Dent, city resident, shared her observations while volunteering as a school crossing guard. She expressed concern about driving speeds and the need for speed enforcement.
9. Katrina Turner, city resident, asked who the International Democracy Day was intended for. She stated that black and brown people in the community do not feel safe. She expressed concern about the City keeping the employee who participated in the January 6, 2021 US Capitol insurrection.
10. Rebecca Schectman, raised in Charlottesville, spoke against expansion of the ACRJ for mental health beds. She suggested other programs where city funds could be used to address mental health issues.
11. Carole Thorpe spoke in support of Ms. Turner's comments. She spoke in opposition to the International Day of Democracy proclamation, stating that the United States is a Republic.

ACTION ITEMS

10. PUBLIC HEARING/ORDINANCE: City Manager's Proposed Collective Bargaining Ordinance (carried to October 3)

Mr. Rogers summarized the August 15 introduction of the Collective Bargaining Ordinance (CBO) and Mayor Snook opened the public hearing:

- Matthew Ray, Transit operator, asked Council to amend to the ordinance to get rid of restrictions on bargaining for benefits, discipline and working conditions; to add binding arbitration, and to include supervisors for Transit. He stated that school bus drivers should be paid more than general transit drivers.
- Elizabeth Stark, city resident, asked Council to review the draft CBO and amend it to allow bargaining over disciplinary procedures. She suggested paying drivers more and giving them leverage in their jobs.
- Emily Yen, city resident, requested that Council adopt the amendments submitted to Council by the Amalgamated Transit Union (ATU).
- Daniel Summers, Charlottesville Area Transit (CAT) driver, spoke about the difficulties of being a school bus and public transit driver. He stated that changes need to be made sooner than later.
- Greg Weaver, city resident, spoke in support of a strong CBO granting bargaining rights to all non-police employees and giving particular attention to CAT drivers, increasing driver pay.
- Jen Doo, city resident, spoke in support of a stronger CBO, granting all employees the right to bargain immediately, as well as attracting and retaining employees.
- Brandon Collins, city resident, spoke in support of all employees except police having bargaining rights, control over disciplinary procedures and benefits, better working conditions across the board and better pay. He spoke in opposition to collective bargaining rights for police.

With no additional speakers, Mayor Snook closed the public hearing. Councilors provided feedback to the City Manager and consultant Robin Burroughs of Venable LLC.

Mr. Rogers stated his plan to bring the ordinance with any amendments back to City Council on October 3 for second reading and the vote.

Ms. Burroughs explained Virginia Code provisions related to binding arbitration and non- fiscal matters.

Council agreed by unanimous consent to move the item to the October 3 Action Agenda.

Mayor Snook recessed the meeting at 9:01 p.m. and reconvened at 9:11 p.m.

11. RESOLUTION: For consideration of ending the Locally-declared State of Emergency for COVID-19

City Attorney Lisa Robertson presented the resolution and reviewed previous actions taken by City Council in response to the locally declared State of Emergency. She expressed the desire for Council-appointed boards and commissions to be managed in a more standardized manner, FOIA-compliant, allowing for some flexibility. She stated that staff would bring procedures back for City Council to consider at the next meeting.

On motion by Pinkston, seconded by Payne, Council by the following vote APPROVED the resolution to end the locally emergency declared on March 12, 2020: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION Ending the Local Emergency Declared by the City Manager on March 12, 2020 in response to the Coronavirus 2019

WHEREAS on March 12, 2020, with the consent of City Council, the City Manager declared a local state of emergency, based on the threat presented by the Coronavirus 2019 pandemic (“COVID-19”) to the public health and safety of residents of the City of Charlottesville; and

WHEREAS in the judgment of City Council all necessary emergency actions have been taken; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT the emergency previously declared by the City Manager on March 12, 2020 in response to COVID-19 is hereby ended, and normal governmental authority (i.e., governmental authority not reliant on any emergency powers) shall resume in accordance with the following:

1. In accordance with the provisions of subparagraph C of Virginia Code §2.2-3708.3, all of the city’s various boards and commissions (with the exception of those specifically excepted

within the statute) may hold all-virtual meetings, and they are encouraged to do so. Boards and commissions which are eligible to hold all-virtual meetings may hold in-person meetings, or “hybrid” meetings, but may do so only with approval by the City Manager based on findings that:

- (i) an appropriate space is available on City premises,
- (ii) sufficient staff is available to support the meeting and to manage necessary protocols for the meeting, and
- (iii) appropriate measures can be implemented to minimize the potential spread of COVID-19 within any in-person meeting(s) (such as the wearing of masks, the spacing of seats, special cleaning procedures, etc.).

2. The City Manager, in consultation with the Clerk of Council and the City Attorney, is hereby directed to prepare a standard operating procedure (“SOP”), setting forth a uniform policy for all-virtual meetings of all city boards and commissions (other than those which are legal entities separate from the City of Charlottesville), as required by subparagraph C of Virginia Code §2.2-3708.3. All such boards and commissions shall follow this SOP when conducting all-virtual meetings.

3. Upon the expiration of the current Continuity of Government Ordinance on September 8, 2022 (#O-22-029), the governmental processes, procedures and meetings referenced in said ordinance shall be of no further effect; thereafter, all such processes, procedures and meetings shall be conducted in accordance with applicable federal and state laws and regulations, local ordinances, and deadlines stated therein.

12. RESOLUTION: Endorsing the application of the Albemarle Charlottesville Regional Jail Authority for a Community Based Corrections Plan Needs Assessment and Planning Study

Colonel Martin Kumer, ACRJ Superintendent, asked City Council to approve the Community Based Corrections Plan Needs Assessment and Planning Study resolution seeking 25% reimbursement. He stated that this does not bind the city or any jurisdiction to fully fund the Renovation and he will come back to ask City Council at a future meeting to fund its portion of the project.

Councilors discussed comments received from the public regarding the usage of jail facilities for mental health issues, noting that individuals are not incarcerated by authority of the jail. Councilors also acknowledged structural failures in the mental healthcare system.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

Endorsing the application of the Albemarle Charlottesville Regional Jail Authority for a Community Based Corrections Plan Needs Assessment and Planning Study

WHEREAS on August 2, 2022 the Albemarle Charlottesville Regional Jail Authority (ACRJ) adopted a resolution requesting the State Board of Local and Regional Jails to give its approval to a Community Based Correction Plan Needs Assessment and Planning Study, along with state funding for reimbursement of twenty-five percent (25%) of all eligible costs (subsequent to Governor and General Assembly Funding); and

WHEREAS in addition to the favorable votes cast by the City's members of the governing board of the ACRJ, this City Council desires to independently endorse the request made by ACRJ to the State Board; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that endorsement is hereby given for ACRJ's request to the State Board of Local and Regional Jails, made pursuant to Code of Virginia Section 53.1-81, for approval of the proposed Community Based Correction Plan Needs Assessment and Planning Study, along with state funding for reimbursement of twenty-five percent (25%) of all eligible costs (subsequent to Governor and General Assembly Funding).

13. ORDINANCE: Repealing Sec. 15-36 through Sec. 15-38 of the Charlottesville City Code to Eliminate Local Vehicle License Fees for Certain Motor Vehicles, Trailers, and Semi-Trailers

Jason Vandever, City Treasurer, presented the requested ordinance change, stating that the decal was primarily an enforcement mechanism. The physical decal requirement was eliminated in 2006, but the City did not eliminate the associated fee.

Councilor Payne questioned the urgency of this item coming before Council outside of the budget cycle. Councilors discussed the merits of regressive taxes and discussed potential fiscal demands.

On motion by Wade, seconded by Snook, Council by the following vote APPROVED the ordinance: 3-2 (Ayes: Magill, Snook, Wade; Noes: Payne, Pinkston)

ORDINANCE REPEALING SEC. 15-36 THROUGH SEC. 15-38 OF THE CITY CODE, THEREBY REPEALING VEHICLE LICENSE FEES FOR CERTAIN MOTOR VEHICLES, TRAILERS AND SEMI-TRAILERS

14. RESOLUTION: Approval of the Fifth Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (CSRAP) (tabled to September 19)

Alex Ikefuna, Director of Community Solutions summarized the request. John Sales, CRHA Executive Director and Consuela Knight, Housing Choice Voucher Program Manager presented CSRAP general information, partnerships, and guidelines for rental standards amounts. Mr. Sales

proposed changes to the documents submitted for the Council agenda packet.

Responding to a request from Councilor Pinkston, Mr. Sanders summarized the requests.

Council requested to see a revised resolution including the changes suggested by CRHA on the September 19 meeting agenda. The item was tabled to the September 19 City Council meeting.

15. RESOLUTION: Appropriating \$675,000 in Charlottesville Supplemental Rental Assistance program (CSRAP) Funding (FY23) for use in acquisition of property (carried)

Mr. Sanders presented the resolution to activate passive funds in the CSRAP in order to acquire naturally occurring affordable housing that is in jeopardy of transitioning into market-rate housing.

Mr. Sales proposed a renewable 99-year affordability period and the movement toward a land bank model.

Council agreed unanimously to carry the item to the September 19 Consent Agenda.

16. RESOLUTION: Appropriating \$107,203.32 for Jefferson School African American Heritage Center Rent Agreement (carried)

Vice Mayor Wade asked to pull the item and bring it back to a future agenda pending further discussions with the Jefferson School African American Heritage Center Executive Director and the Board. Council unanimously agreed to remove the item and continue it to potentially an October meeting; however, an exact date was not determined.

OTHER BUSINESS

Mayor Snook requested a presentation about East High Street pedestrian safety.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for public comment.

- Greg Weaver mentioned his prior comment about comparing the public transit system in Vancouver with Charlottesville. He stated that Vancouver transformed transit in their city and although they have the infrastructure in place, traffic is still an issue because of car-centrism.
- Shelby Edwards, Executive Director of the Public Housing Association of Residents (PHAR), spoke in support of CSRAP funding for the housing authority, and in support of the city's advocacy for residents at Midway Manor.

The meeting adjourned at 10:46 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council