

September 16, 2019
Charlottesville City Council Regular Meeting

ROLL CALL

The Charlottesville City Council met in regular session on Monday, September 16, 2019, at 6:30 p.m. in the City Hall Council Chamber, 605 E. Main Street, Charlottesville, Virginia, with the following members in attendance: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Dr. Wes Bellamy, Ms. Kathy Galvin, and Mr. Mike Signer.

Ms. Walker called the meeting to order at 6:37 p.m.

ANNOUNCEMENTS / PROCLAMATIONS

Ms. Walker announced the annual Close Your Mouth (CYM) Day, originated by Mr. Alex-Zan, and asked everyone to participate in a minute of silence.

City Manager Tarron Richardson introduced the new Charlottesville Area Transit (CAT) Director, Garland Williams and new Executive Director for the Charlottesville Albemarle Convention and Visitors Bureau (CACVB), Ms. Courtney Cacatian.

Dr. Bellamy read an announcement regarding the 60th Anniversary Commemoration of the Charlottesville Twelve being held on September 28 at Buford Middle School.

Ms. Galvin announced the birth of Dr. Bellamy's daughter.

CONSENT AGENDA*

Ms. Walker opened the floor for comments from the public regarding the consent agenda.

Mr. John Hall spoke about Item "1c", advising that the criminal justice system is in need of repair. He asked Council to match the \$300,548 grant amount.

Clerk of Council, Kyna Thomas, read the following consent agenda items into the record:

- a. MINUTES: August 15 Form Based Code joint worksession; August 19 Special meeting**
- b. APPROPRIATION: Funding for Virginia Temporary Assistance to Needy Families Employment and Training (VTET) pilot program - \$50,000 (carried)**
- c. APPROPRIATION: Charlottesville/Albemarle Adult Drug Treatment Court Substance**

Abuse and Mental Health Services Administration Grant Award - \$300,548 (carried)

d. APPROPRIATION: Refund of Tax Payment to East Market Street LLC - \$16,173.30 (carried)

e. APPROPRIATION: Virginia Department of Historic Resources (VDHR) 2019-2020 Certified Local Government grant funding for 10th and Page Neighborhood Historic Resources Survey - \$31,590 (carried)

f. APPROPRIATION: Albemarle County funding for Albemarle County Resident Workforce Development Training - \$13,395 (carried)

g. APPROPRIATION: FY 2020 Fire Programs Aid to Locality Funding (Firefund) - \$158,343 (2nd reading)

APPROPRIATION

**Fiscal Year 2020 Fire Programs Aid to Locality Funding (Firefund)
\$158,343**

WHEREAS, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$158,343.00 be appropriated in the following manner:

Revenues - \$158,343

\$158,343 Fund: 209 I/O: 1900010 G/L Account: 430110

Expenditures - \$158,343

\$158,343 Fund: 209 I/O: 1900010 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$158,343 from the Virginia Department of Fire Programs.

**h. APPROPRIATION: Safe Routes to School Non-Infrastructure Grant Award - \$93,125
(2nd reading)**

APPROPRIATION

Safe Routes to School Program (SRTS) Non-Infrastructure Grants
\$89,900

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$74,500;

WHEREAS, the SRTS program is a 80% reimbursement program requiring a 20% match from the City, of which \$15,400 will come from Neighborhood Development and the remainder will be in-kind contributions;

REVENUE

\$74,500	Fund: 209	Cost Center: 3901008000	G/L Account: 430120
\$15,400	Fund: 209	Cost Center: 3901008000	G/L Account: 498010

EXPENDITURES

\$67,400	Fund: 209	Cost Center: 3901008000	G/L Account: 519999
\$22,500	Fund: 209	Cost Center: 3901008000	G/L Account: 599999

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

TRANSFER FROM

\$15,400 Fund: 105 Cost Center: 3901001000 G/L Account: 561209

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$74,500 from the Virginia Department of Transportation.

i. APPROPRIATION: Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) - \$240,642 (carried)

j. APPROPRIATION: Virginia Housing Solutions Program Grant Award - \$484,785 (carried)

k. RESOLUTION: Amendment to Alley Policy

**RESOLUTION
APPROVING UPDATED PROCEDURES FOR THE ALTERATION OF
STREETS, ALLEYS, PUBLIC RIGHTS-OF-WAY AND PUBLIC EASEMENTS**

WHEREAS, on July 16, 2018, the Charlottesville City Council (hereinafter “Council”) directed City staff to evaluate the City’s existing policies and procedures that address requests to alter or vacate certain streets, alleys, public rights-of-way and public easements; and

WHEREAS, City staff completed its evaluation and presented a report to City Council on April 15, 2019 and on May 6, 2019 Council voted by motion to approve staff’s recommendations as set forth within the April 15, 2019 report; and

WHEREAS, the Department of Neighborhood Development Services (NDS) has identified procedural clarifications that are necessary in order to assure the most expeditious resolution of applications seeking the alteration or vacation of certain streets, alleys, public rights-of-way and public easements, and recommends that Council consider and approve revisions to the procedures previously approved on May 6, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the attached updated “*City Council Procedures for Consideration of Applications Seeking Alteration or Vacation of Public Easements, or of Certain Public or Private Streets/ Alleys or Public Rights of Way*” are hereby approved, and shall be implemented by staff effective as of the date of approval of this Resolution; and

BE IT FURTHER RESOLVED that adoption of this Resolution shall serve as the vote required by City Code §2-97, authorizing the approval of certain ordinances upon one reading of City Council, as set forth within the Procedures (2019).

BE IT FURTHER RESOLVED that any application proposing to alter or vacate a street, alley, or public right-of-way subject to these approved procedures, where the proposed alteration or vacation receives 1.75 or more points on the Scoring Rubric attached to the approved Procedures will be deemed denied by City Council.

l. RESOLUTION: Authorize Transit Director to Sign Federal Transit Administration Documents on Behalf of the City

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Manager, or his designee, is hereby authorized to sign the following document, in form approved by the City Attorney or his designee.

Designation of Signature Authority for the Transit Award Management System (TRAMS), authorizing the City Transit Director to execute applications and grant awards, and other transit-related documents on behalf of the City of Charlottesville.

m. ORDINANCE: Amend Charlottesville-Albemarle Convention and Visitors Bureau Operating Agreement (2nd reading)

AN ORDINANCE TO AMEND THE AGREEMENT TO OPERATE A JOINT CONVENTION AND VISITORS BUREAU

n. ORDINANCE: Release of Portion of a Gas Line Easement - Shops at Stonefield (2nd reading)

AN ORDINANCE AUTHORIZING THE RELEASE OF A PORTION OF A NATURAL GAS EASEMENT GRANTED TO THE CITY BY OCT STONEFIELD PROPERTY OWNER, LLC

o. ORDINANCE: Valley Road, Monroe Avenue and Jefferson Park Avenue Easements (2nd reading)

AN ORDINANCE TO VACATE CERTAIN EASEMENTS NEAR VALLEY ROAD AND TO GRANT EASEMENTS FOR FIBER OPTIC AND WATER LINES IN JEFFERSON PARK AVENUE AND MONROE LANE TO THE UNIVERSITY OF VIRGINIA

p. ORDINANCE: Amendment to the text of the City's Zoning Ordinance, City Code Section 34-896, to modify access requirements for various uses. (2nd reading)

AN ORDINANCE AMENDING AND RE-ENACTING THE CODE OF THE CITY OF CHARLOTTESVILLE, CHAPTER 34 (ZONING), ARTICLE VIII, DIVISION 4 (ACCESS AND PEDESTRIAN WAYS), SECTION 34-896 (ACCESS), AS AMENDED, TO REMOVE PROVISIONS THAT CONFLICT WITH THE STATE FIRE CODE, THE

CITY'S STANDARDS AND DESIGN MANUAL AND THE PROVISIONS OF CITY CODE 34-975 ([PARKING] ACCESS AND CIRCULATION)

On motion by Ms. Hill, seconded by Mr. Signer, Council by the following vote APPROVED the Consent Agenda minus Item "o", which was pulled by Ms. Walker for a separate vote: 5-0 (Ayes: Walker, Hill, Bellamy, Galvin, and Signer. Noes: None).

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED Consent Agenda Item "o", which was pulled by Ms. Walker for a separate vote: 4-1 (Ayes: Hill, Bellamy, Galvin, and Signer. Noes: Walker).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

There were no items to report.

COMMUNITY MATTERS

Ms. Mary Carey asked if the trolley pilot would go through. Dr. Richardson advised yes. Ms. Carey asked for an apology from Ms. Galvin for misspeaking about Vinegar Hill and Starr Hill being one and the same. Ms. Galvin gave no response.

Ms. Nancy Carpenter spoke in support of a strong Police Civilian Review Board (PCRB) and asked City Council to approve the bylaws and to fully fund the staffing request.

Mr. Thomas Olivier spoke for Advocates for a Sustainable Population (ASAP), regarding climate action and environmental crises. He encouraged living sustainably. He announced a City and County sustainability challenge developed by ASAP.

Mr. Harold Folley, organizer for Legal Aid ceded his time to Ms. Edith Good. Ms. Good asked Council to implement a permanent PCRB, passing its bylaws and fully funding the staffing request.

Nelson spoke about the Charlottesville Police Department. He made a complaint about a recent meeting with the Police Chief at which the City Manager was present.

Mr. John Hall proposed better OAR pre-trial services for those accused of crime.

Mr. Mason Pickett, Albemarle County resident, spoke about the recognition of 1619 as related to slave history, and issues with parenting.

Ms. Brooke Ray, with the International Rescue Committee (IRC) and member of the Food Justice Network, spoke about the Food Equity initiative. She and Ms. Rosa Key gave details of

the SNAP challenge issued to better engage the community on what food equity looks like by trying to provide three meals a day for \$3.18.

Ms. Keita Mills from the Food Justice Network and Mr. Bimal Chhetri, representing the IRC, gave a presentation about food equity resources. They shared a list of programs and resources to support the SNAP Challenge, and more information can be found at www.foodjusticeville.org.

Ms. Robin Hoffman spoke about the Open House at the Charlottesville Community Media Center at York Place. She shared a signup sheet for people interested in using Charlottesville public access television.

Ms. Tanesha Hudson spoke about the court verdict to keep confederate statues and asked whether Council is considering contextualizing the statues. She advised of a citizen complaint regarding parking in front of his house. She advised that Council should fully implement the PCRB. She spoke about accountability for the police department City Council.

Mr. Scott Byer, Urban Affairs Analyst for Forbes and city resident, spoke of interest in urban issues and opening a consulting firm. He spoke about the affordable housing crisis, and of elastic and inelastic metro areas, sharing that Charlottesville is increasingly becoming inelastic.

Ms. Rosia Parker spoke about the PCRB and consideration of what the individuals coming from Fairfax on September 19 would bring to the table. She asked about the leftover funding from the initial CRB funds and whether they would be disbursed to the members of the board. She asked about funds for refurbishing Westhaven and she advised of adverse effects on herself because of the lack of oversight by the Housing Authority.

- Ms. Walker added comments regarding the need for funding of public housing modernization and redevelopment.
- Dr. Bellamy added information about the magnitude of work being done by the Charlottesville Redevelopment and Housing Authority.
- Ms. Hill spoke about the need for across the board maintenance for housing developments.
- Ms. Walker asked that Dr. Bellamy follow up with the Housing Authority to answer questions related to repairs and updates needed, which units are not occupied and why.

Ms. Emily Dreyfus, community organizer with the Legal Aid Justice Center and advisory council member of Public Housing Association of Residents (PHAR), spoke about the urgency of public housing redevelopment. She advised that Form Based Code (FBC) would cause more displacement of public housing residents as housing prices would likely rise, and asked that Council place FBC on the backburner. She encouraged having comprehensive plans in place to prevent displacement. She encouraged people to sign up for the Community Bridges Race fundraiser and support the PHAR team.

- Ms. Walker shared her opinion that FBC is not the best option for providing future affordable housing.
- Ms. Galvin spoke of FBC zoning mixed-use coding in the Downtown Extended Zoning corridor.

Ms. Hill advised of a comment received in email about the real estate tax relief program for the elderly.

Ms. Walker closed the Community Matters portion of the meeting and the meeting went into recess at 8:03 p.m.

The meeting reconvened at 8:22 p.m.

PUBLIC HEARING/RESOLUTION*: Review of Program Performance and Setting Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for Program Year 19-20 (1st of 1 reading)

Ms. Erin Atak, new Grants Coordinator for the City, introduced the Public Hearing and gave the purposes of the recommendation. She reviewed the Consolidated Annual Performance and Evaluation Report (CAPER) performance highlights and CDBG-HOME priorities.

Ms. Hill asked about the timeline.

Ms. Walker asked that in the future, percentages are broken out regarding those being served. She asked why only two people received down payment assistance instead of the goal of eight. Ms. Missy Creasy of Neighborhood Development Services, advised that there were only two applicants. Ms. Walker asked about the \$50,000 decrease toward the priority neighborhood in relation to the \$200K. Ms. Atak advised that the total grant funding amount has decreased over the years, yet the amount allocated to the priority neighborhood remained the same, so an adjustment was made in order to provide funding to other Citywide program requests. Ms. Creasy also advised of spending timeliness deadlines. Ms. Walker asked about appointments for the task force. Ms. Walker asked about advertisement for public comment period and asked staff to make it more robust.

Ms. Galvin asked for clarification about numbers for persons assisted. Ms. Atak advised that the Priority Neighborhood Project is still ongoing and numbers will be updated upon completion. Ms. Galvin referenced correspondence received (9/16) from PHAR, requesting that two particular areas become priority. Ms. Creasy and Mr. Alex Ikefuna, Director for Neighborhood Development Services, advised that the application is broad and does not preclude applicants from applying and that there has to be a fair application process.

Ms. Walker opened the public hearing.

- Mr. Don Gathers spoke on behalf of PHAR and read correspondence sent to City Council earlier in the day via email.
- Ms. Emily Dreyfus added the services budget for CDBG funding. She encouraged the grants to prioritize public housing.
- Ms. Olivia Gabbay spoke about the need for prioritizing the redevelopment of public housing and those areas of the most urgent need.

Ms. Walker closed the public hearing.

On motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote APPROVED the resolution, as amended: 5-0 (Ayes: Walker, Hill, Bellamy, Galvin, and Signer. Noes: None).

**RESOLUTION
COUNCIL PRIORITIES
FOR CDBG and HOME FUNDS FY 20-21**

WHEREAS, the City of Charlottesville is a U.S. Department of Housing and Urban Development (HUD) Entitlement Community for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs and as such expects to receive an award of funding July 1, 2020; and

WHEREAS, in accordance with the City of Charlottesville's Citizen Participation Plan for HUD funding, the CDBG Task Force composed of citizen and community representatives will need to review potential projects and make recommendations for funding in Spring 2020;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the priorities and spending allowances for FY 2020-2021 shall be as follows:

- Council's priorities for the CDBG and HOME program for FY 20-21 shall be access to affordable housing (including but not limited to low income housing redevelopment), workforce development (including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City's GO programs), microenterprise assistance, access to quality childcare, homeowner rehabilitation, and down payment assistance.
- For FY 20-21, \$45,000 CDBG entitlement shall be set aside for Economic Development

- For FY 20-21, the Priority Neighborhood shall be Ridge Street and the allocation shall be \$150,000 of the total CDBG entitlement. If the CDBG entitlement received is less than the estimate amount of \$150,000 this amount will be decreased accordingly. The next Priority Neighborhood shall be Ridge Street.
- The CDBG Admin and Planning budget shall be set at 20% of the total CDBG entitlement.
- The Public Services budget shall be set at 15% of the total CDBG entitlement.

ORDINANCE: Rental Relief for Elderly and Disabled (carried)

Mr. Todd Divers, Commissioner of the Revenue, made the presentation.

Regarding Item #4 on the meeting agenda, changes to the Real Estate Tax Program, Mr. Divers advised that changes are being made so that the elderly are not adversely affected by moving to the Charlottesville Housing Affordability Program (CHAP) and losing the benefit of a free trash sticker.

Ms. Hill asked for review of income thresholds to peg the increases in taxes and to have more data regarding annual adjustments during the budget process. Mr. Divers will provide additional data during his annual budget proposal presentation.

Mr. Divers advised that his office is working on a tweak to the language in the real estate tax application so that a notarized affidavit would no longer be necessary and applicants could just submit a statement.

Council unanimously agreed to move this item to the Consent Agenda for the October 7th meeting.

ORDINANCE: Changes to Real Estate Tax Relief Program for Elderly and/or Disabled (carried)

This item was discussed with the previous Ordinance item. Council unanimously agreed to move this item to the Consent Agenda for the October 7th meeting.

ORDINANCE*: Amending and Re-enacting City Code Chapter 18, Article III – Special events (3rd reading)

City Attorney John Blair made the presentation. He reminded Council that the first reading was July 1, 2019, and the second reading was on August 5, 2019. He advised that with

the amount of feedback received, he has met with members of the public as well as reviewed emails that have come in to Council. Mr. Blair reviewed highlights of the changes.

Mr. Signer spoke of the memorandum for regulations that is separate from the Ordinance, and asked that the two work together to be more understandable to the public. He asked about changing wording from "a warning shall be given" to "a warning may be issued." Dr. Bellamy agreed.

On motion by Mr. Signer, seconded by Dr. Bellamy, followed by Council discussion, Council by the following vote DENIED changing the suggested wording from "shall" to "may": 2-3 (Ayes: Bellamy, Signer. Noes: Hill, Walker, Galvin).

On motion by Ms. Galvin, seconded by Dr. Bellamy, Council by the following vote APPROVED the Ordinance, as amended: 4-1 (Ayes: Hill, Bellamy, Galvin, and Signer. Noes: Walker). Ms. Walker explained her position for her vote. Ms. Galvin thanked Mr. Blair for his work on this item.

ORDINANCE AMENDING AND RE-ENACTING CHAPTER 18 (PARKS AND RECREATION), ARTICLE III (PERMITS FOR ONSTRATIONS) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990) AS AMENDED

REPORT: Public Comfort Station for downtown – Oral report only

Deputy City Manager Paul Oberdorfer gave the oral report, recommending a trial period for portable restrooms overnight. He advised of issues with utilities and locations on the Downtown Mall. The City owns little property that would suit this cause.

Ms. Galvin mentioned the possibility of The Haven being a host location for a more permanent restroom. She also referenced the Portland Lieu project and asked if the City could engage in conversations with The Haven. Dr. Richardson advised that he will have the discussion.

Ms. Hill advised of the need of signage for the facility.

Ms. Walker suggested that the chosen location would not alleviate the issues being raised and the needs of the public. She asked about having conversation with the tech building at the end of the mall.

OTHER BUSINESS

Ms. Walker raised the opportunity to sponsor travel to the Sister City of Winneba, Ghana. She advised that the 2018 delegation of 56 travelers had a rewarding experience. Mr. Nanna Ghartey, President of the Winneba Foundation, gave additional information about the origin of trips to Winneba, commemorating 400 years of the first enslaved people landing in Jamestown, Virginia.

The Winneba Foundation submitted a request for \$15,000 from the Council Equity Fund to support low income residents to travel to Winneba. He advised that these trips are educational on the origins and legacy of slavery and that the level of interest in the trip is high. A portion of the trip cost would be used to leverage other funds.

Ms. Walker gave an update about happenings since the 2018 trip.

Dr. Bellamy echoed that the \$15,000 would be well-used.

Ms. Galvin asked for clarification on the Sister Cities program mission and policies, and she asked that this information come back for future discussion. She asked whether this request is for a special event to commemorate the 400th anniversary of the 1619 landing of enslaved people in Jamestown, Virginia, or whether there would be an ongoing need for support.

Mr. Gharthey asked Ms. Galvin to review the initial Memorandum of Understanding for the Sister City relationship with Winneba.

Ms. Walker advised that the Sister City relationships have always been about cultural exchange and resources.

Ms. Galvin asked for a more robust budget conversation and how the Sister Cities Commission budget is intended to be used.

Mr. Gharthey advised that the deadline for funding would be the end of October since the first delegation is scheduled to go in December.

Mr. Signer advised of concerns for off-budget cycle requests from the Equity Fund, and the setting of a precedent with funding items beyond the budget cycle.

Dr. Bellamy mentioned that this is the type of initiative for which the Equity Fund was created.

More Council discussion ensued.

Mr. Signer asked for a breakdown of allocations that have been made from the Equity Fund.

Mr. Blair noted the need for two readings to appropriate funds, October 7 and 21, in order to meet the suggested deadline.

Dr. Bellamy recommended that the request be added to the next Council agenda. Other Councilors agreed.

MATTERS BY THE PUBLIC

Mr. Don Gathers advised that where there has been a lack of equality, there is an opportunity to provide equity in regards to the Winneba Foundation request for \$15,000.

Ms. Nancy Carpenter spoke about public restroom facilities on the downtown mall. She advised that businesses should allow downtown patrons to use the restrooms. She suggested that a location away from City Hall would be best since restrooms at the Visitors Center are cordoned off during special events.

The meeting adjourned 9:56 p.m.