

COUNCIL CHAMBER - October 21, 2019

ROLL CALL

The Charlottesville City Council met in regular session on this date with the following members present: Mayor Nikuyah Walker, Vice Mayor Hill, Dr. Wes Bellamy, Ms. Kathy Galvin and Mr. Mike Signer. Ms. Walker called the meeting to order at 6:41 p.m.

ANNOUNCEMENTS/PROCLAMATIONS

Ms. Hill announced the deadline for boards & commissions applications.

Dr. Bellamy made an announcement about a historic marker unveiling on October 23rd to commemorate the desegregation of Charlottesville schools.

Ms. Galvin read a Request for Proposals notice for 2020 CDBG and HOME funding.

Ms. Walker announced that Ms. Letitia Shelton, Deputy City Manager, was acting in place of Dr. Richardson.

Ms. Galvin announced the ribbon cutting on October 23rd for the oyster shell recycling bin at the McIntire Recycling Center.

Dr. Bellamy announced a co-sponsored Latin music festival at IX Art Park on November 2nd.

CONSENT AGENDA*

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

a. MINUTES: September 9 City/County joint meeting; September 12 Budget Worksession

Minutes - September 9, 2019 City/County joint meeting

Minutes - September 12, 2019 Budget Worksession

b. APPROPRIATION: Parks & Recreation Gift Guide Memorials Account - \$3,260 (carried)

Agenda memo; appropriation

c. APPROPRIATION: State Criminal Alien Assistance Program - \$14,230.00 (carried)

Agenda memo; appropriation

d. RESOLUTION: Accepting streets within the Sunrise Park Planned Unit Development (PUD) into the City's street system

Agenda memo; resolution; June 3, 2019 resolution; Sept. 23, 2019 correspondence

**RESOLUTION
Accepting Sunrise Park Lane and Carl Smith Street
Into the City Street System for Maintenance**

WHEREAS, the Sunrise Park Lane and Carl Smith Street rights-of-way have been constructed in the Sunrise Park PUD and Sunrise Park, LLC, has asked the City to accept these streets into the City street system; now, therefore,

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, that Sunrise Park Lane and Carl Smith Street, as shown on the attached plat made by Roudabush, Gale & Associates, Inc. dated July 15, 2019, are hereby accepted into the City street system for maintenance.

e. RESOLUTION: Piedmont District Baptist Association Off-cycle Funding Request - SAT Preparation Course - \$2,000

Agenda memo; resolution

**RESOLUTION
City Funding for SAT Preparation Workshops on Saturday, October 12, 2019 and
Saturday October 26, 2019 - \$2,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$2,000 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to Piedmont District Baptist Association in support of the SAT preparation workshops taking place on October 12, 2019 and October 26, 2019.

\$2,000 Fund: 105 Cost Center: 10110010000

f. RESOLUTION: Initiation of Zoning Ordinance Amendment: Strategic Investment Area - Form Based Code

Agenda memo; resolution

**RESOLUTION
TO INITIATE AMENDMENT OF THE CITY'S ZONING
ORDINANCE TO ADOPT A FORM BASED ZONING CODE FOR
PHASE I OF THE STRATEGIC INVESTMENT AREA**

WHEREAS, the Charlottesville City Council hereby finds that the public necessity, convenience, general welfare or good zoning practice requires consideration of zoning map amendments and zoning text amendments, to reclassify certain land within the City's Strategic Investment Area ("Phase I") into a new zoning (form-based-code) district;

NOW, THEREFORE, be it resolved by the City Council of the City of Charlottesville that the zoning ordinance amendments referred to above are hereby initiated by City Council, and the amendments are hereby referred to Planning Commission in accordance with the requirements of Virginia Code §15.2-2285(B) for review, and for a joint public hearing to be conducted with City Council in November 2019. In accordance with Va. Code §15.2-2285(B) the Planning Commission will report its findings and recommendations back to City Council within 100 days of this Resolution.

- g. RESOLUTION: Rivanna Water and Sewer Authority's Observatory Water Treatment Plant, Raw Water Pumping and Piping Upgrade Cost and Capacity Allocation Agreement**

Agenda memo; resolution; proposed agreement

RESOLUTION

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

An Agreement among the City of Charlottesville, the Albemarle County Service Authority, and the Rivanna Water and Sewer Authority regarding the Observatory Water Treatment Plant, Raw Water Pumping and Piping Upgrade Cost, and Capacity Allocation.

- h. ORDINANCE: Ordinance Repealing Chapter 31 Section 31-103 (Buck Mountain) Surcharge for water connections (carried)**

Agenda memo; Ordinance; joint resolution

- i. ORDINANCE: PEG Bandwidth VA, LLC - Telecommunications Franchise (2nd reading)**

Agenda memo; Ordinance

AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO PEG BANDWIDTH VA, LLC, ITS SUCCESSORS AND ASSIGNS TO USE THE STREETS AND OTHER PUBLIC PLACES OF THE CITY OF CHARLOTTESVILLE, VIRGINIA FOR ITS POLE, WIRES, CONDUITS, CABLES AND FIXTURES, FOR A PERIOD OF FIVE (5) YEARS

- j. ORDINANCE: Release of Portion of Sewer Easement - McIntire Plaza (2nd reading)**

Agenda memo; Ordinance; deed; plat

AN ORDINANCE AUTHORIZING THE RELEASE OF A PORTION OF A SANITARY SEWER EASEMENT GRANTED TO THE CITY ACROSS PROPERTY ON ALLIED STREET (McINTIRE PLAZA)

- k. REPORT: Rivanna Authorities Quarterly Update (written only)**

Report

At the request of Ms. Walker, Items e and f were pulled for discussion.

On motion by Ms. Hill, seconded by Mr. Signer, Council by the following vote ADOPTED the consent agenda minus Items e and f: 5-0 (Ayes: Walker, Hill, Bellamy, Galvin, Signer; Noes: none).

On motion by Ms. Galvin, seconded by Dr. Bellamy, Council by the following vote ADOPTED consent agenda Items e and f: 4-1 (Ayes: Hill, Bellamy, Galvin, Signer; Noes: Walker).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Ms. Shelton addressed the following matters from the October 7 City Council meeting:

1. Human Services is reviewing the feasibility of notifying family members to take care of children of mothers or fathers who are temporarily incarcerated.
2. Regarding moving the John West placard at 10th Street NW and West Main Street to Hardy Drive, staff is researching the property where the placard currently resides to determine if it is private property.

3. The request for an audio signal at Preston and Rose Hill is being evaluated by staff, with findings to be reported to the City Manager by the end of the following week.

COMMUNITY MATTERS

Mr. Jeff Fogel, resident, ceded his time to Mr. Richard Koontz, who spoke in support of the Civilian Review Board (CRB).

Ms. Katrina Turner spoke in support of the CRB and gave background information on the initial CRB.

Ms. Kim Rolla, Attorney with the Legal Aid Justice Center ceded her time to Ms. Tonya Jackson, who shared her adverse experience with Charlottesville Police.

Nelson spoke about complaints that he has with the Chief of Police, and in support of the CRB.

Ms. Abby Guske shared her time with Mr. Don Gathers, who spoke in support of the CRB. He also spoke about the special use permit process and shared his opinion that the public should have an opportunity to speak if the developer is able to speak on the night of a vote.

Mr. Harold Folley advised that the People's Coalition supports a fully funded CRB. He ceded his time to Ms. Gloria Beard, who shared background information about the work put into the formation of the initial CRB bylaws. She spoke of the effects of gentrification.

Mr. Dave (no last name given) spoke about a statement made by Interim City Manager Mike Murphy regarding the initial CRB proposal. He demanded a public hearing to go over the differences between the comprehensive bylaws proposal from the initial CRB and the draft proposed for Council vote.

Mr. Andy Orbon spoke in favor of a strong CRB and the People's Coalition request for full funding. He also spoke about school reconfiguration and needed maintenance at Walker Upper Elementary in light of the recent proposal for a City Center Complex. He asked that school reconfiguration remain priority. He mentioned the need for a playground at Walker Upper Elementary.

Ms. Kate Fraleigh, City resident, pointed out five missing areas in the proposed bylaws and the need for the board to be representative of people who are experiencing disparate policing. She spoke about the need for transparency in the process to hire an Executive Director.

Mr. Walt Heinecke, City resident, spoke against the changes made to the bylaws and ceded his time to Mr. Josh Bowers, member of the initial Civilian Review Board, who advised that the initial board put in a lot more work than is shown in the proposal set before Council for vote.

Ms. Rosia Parker spoke in opposition to the CRB proposal set before Council, and in support of a strong CRB as proposed by the initial CRB. She shared her personal adverse experience with Charlottesville Police.

Ms. April Brah spoke as a poor disabled veteran, and asked that the CRB include oversight for all city first responders, and funding be included for sensitivity training for all first responders.

Ms. Leslie Harris Scott, City resident, spoke about the child welfare study from 2018 on the City website, particularly about disparities in outcomes for children of color. She advised of her family's struggle with the Charlottesville Department of Social Services and the foster care system.

Mr. Michael Payne, City resident, spoke in support of the draft bylaws submitted by the initial CRB. He noted concern about areas that seemed to be missing. He asked that the CRB be fully funded and fully staffed.

Ms. Nancy Carpenter spoke in support of the bylaws submitted by the initial CRB.

Ms. Robin Hoffman spoke about using Charlottesville Public Access TV (CPA-TV) as a forum for freedom of speech. She advised of an event at York Place on October 23rd.

Ms. Walker addressed comments about transparency and internal policy review.

The meeting recessed at 7:54 p.m.

The meeting reconvened at 8:20 p.m.

PUBLIC HEARING/ORDINANCE: Releasing a gasline easement - Oakleigh development on Rio Road (carried)

Agenda memo; Ordinance; deed of vacation of easement

Ms. Lauren Hildebrand presented the report.

Ms. Walker opened the public hearing. With no one coming forward to speak, the public hearing was closed. After discussion, Council agreed to move the item to the consent agenda for November 4, 2019.

PUBLIC HEARING/ORDINANCE: Vacating a public utility easement on a property at Emmet Street and Barracks Road (carried)

Agenda memo; Ordinance; deed; plat

Ms. Lauren Hildebrand presented the report.

Ms. Walker opened the public hearing. With no one coming forward to speak, the public hearing was closed. After discussion, Council agreed to move the item to the consent agenda for November 4, 2019.

ORDINANCE: Ordinance adding Article XVI (Police Civilian Review Board) Ordinance and By-Laws to Chapter 2 (Administration) of the Code of the City of Charlottesville, 1990, as amended (carried)

Mr. Blair made a presentation. He addressed the Bylaws and Ordinance, advising that the Ordinance is enabled by the Bylaws. He addressed concerns from the public about policy review. He asked whether there were other specific policies that should be reviewed by the CRB before its enactment by the Police Department. He addressed the Auditor position which was not proposed for immediate hiring, but would be an opportunity for the Executive Director to come to Council with a proposal, including budgetary proposal.

Dr. Bellamy suggested offering a 10-minute public response period after Council discussion. Councilors advised that they should have a chance to have discussion about the item.

Discussion ensued using the Council memo as a guide.

Councilors were in support of the Auditor function, but needed to discuss the timing of hiring the position and finding the funds to hire the Executive Director. Mr. Blair reviewed the timeline for hiring the Executive Director and setting the Board members. Councilors agreed that the current City Council should appoint the Board, and the goal was set to make appointments at the City Council meeting on December 16.

Ms. Walker made a suggestion of giving the CRB funding to hire a consultant to serve the auditor function. Mr. Blair advised that the Ordinance and Bylaws are written without a consultant. After discussion, Council agreed that allowing the Executive Director to hire professional auditing services with an interim report due mid-year. Mr. Blair advised of off-budget funding for the Executive Director. Ms. Galvin advised that direction for the Executive Director desired skill set should be outlined in the resolution. Mr. Blair advised that job descriptions are a function of the City Manager.

Council agreed that the Executive Director should be confirmed by the City Council.

Mr. Blair advised that allowing the CRB to retain its own legal counsel for some of its functions would be in the interest of public trust and to avoid the appearance of conflict. The CRB Executive Director, CRB Chair, and City Attorney would work together to retain legal counsel for the CRB. Mr. Blair recommended an amount of \$10,000 for the end of the fiscal year to cover these costs.

Council agreed to move the item forward to the November 4, 2019, City Council meeting agenda for vote.

RESOLUTION*: Resolution to establish reporting requirements for the Police Civilian Review Board's Executive Director.

Agenda memo; Ordinance; Bylaws; Resolution

Council agreed to consider this item upon approval of the Ordinance adding Article XVI (Police Civilian Review Board) Ordinance and By-Laws to Chapter 2 (Administration) of the Code of the City of Charlottesville, 1990, as amended.

Ms. Walker opened the floor for public comment on the CRB.

Mr. Josh Bowers spoke about the Auditor position. He advised that a consultant may not be viable without a Memorandum of Understanding. He also spoke of the limited jurisdiction proposed for the CRB.

Mr. Guillermo Ubilla spoke about the initial packet submitted by the initial CRB. He advised that the initial proposal did not list which policies should be reviewed because the CRB should review all Police Department policies. He advised that the requirement for police to respond to complaints received by the CRB is missing.

Ms. Adeola Ogunkeyede spoke in response to the concern that there may not be enough initial work to justify two full-time equivalent positions – Executive Director and Auditor. She advised that data is created at every police interaction and she encouraged bringing the initial CRB back into the conversation for moving forward.

Ms. April Brah advised that the process should be expedited and Council should hold special meetings to handle this.

Mr. Walt Heinecke advised that this item should not be moved to the next Consent Agenda. He guarded against talking about hiring processes before the process and structure of the program are in place. He advised Council to go back to the initial proposal and suggested hiring an Auditor for a trial period of two years.

RESOLUTION*: East High Streetscape - Resolution Approving Design Public Hearing

Agenda memo; resolution; conceptual design; design public hearing transcript and comments

Mr. Brian McPeters, PE, Kimley-Horn and Associates, Inc., gave the project overview and requested approval of design modifications as a result of public hearing feedback.

As a result of the comments received, the project team suggested the following changes:

- 1) Replacement of understory trees with canopy trees along 9th Street between E. Market Street and Jefferson Avenue.
- 2) Adjustment of the planting pallet to provide more variety of species with a focus on native species.
- 3) Increased bike lane width to six feet (6') along 9th Street from E. High Street to the existing CFA Institute entrance.

On motion by Ms. Galvin, seconded by Ms. Hill, followed by discussion, Council by the following vote APPROVED the East High Streetscape Resolution Approving Design Public Hearing: 5-0 (Ayes: Walker, Hill, Bellamy, Signer, and Galvin; Noes: none).

**RESOLUTION
EAST HIGH STREETScape PROJECT
DESIGN PUBLIC HEARING APPROVAL**

WHEREAS, a Design Public Hearing was conducted on June 12, 2019 in the City of Charlottesville by representatives of the City of Charlottesville and the Commonwealth of Virginia Department of Transportation after due and proper notice for the purpose of considering the proposed design of the East High Streetscape project under State project number of U000- 104-298 (UPC 10948) and Federal project number of NHPP-5104(254) in the City of Charlottesville, at which hearing aerial photographs, drawings, environmental documentation and other pertinent information were made available for public inspection in accordance with state and federal requirements; and

WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and

WHEREAS, representatives of the City of Charlottesville were present and participated in said hearing; and

WHEREAS, the Council had previously requested the Virginia Department of Transportation to program this project; and

WHEREAS, the Council fully deliberated and considered all such matters; now

THEREFORE BE IT RESOLVED that the Council of the City of Charlottesville hereby approves the major design features of the proposed project as presented at the Public Hearing with the following changes:

- 1) Replacement of understory trees with canopy trees along 9th Street between E. Market Street and Jefferson Avenue.
- 2) Adjustment of the planting pallet to provide more variety of species with a focus on native species.

- 3) Increased bike lane width to six feet (6') along E. High Street from 9th Street to the existing CFA Institute entrance.

BE IT FURTHER RESOLVED that the City of Charlottesville will acquire and/or furnish all right-of-way necessary for this project and certify the same to the Virginia Department of Transportation and Federal Highway Administration at the appropriate time.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute, on behalf of the City of Charlottesville, all necessary agreements required in conjunction with acquiring such rights of way, as well as all other associated standard agreements for construction activities.

REPORT*: Review of 2020 Thomas Jefferson Planning District Commission (TJPDC) and City Council Legislative Positions

Agenda summary; report

Mr. Blair introduced Mr. David Blount of TJPDC, who reviewed highlights of Legislative Agenda changes for 2020.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote ADOPTED the 2020 Thomas Jefferson Planning District (TJPD) Program: 5-0 (Ayes: Walker, Hill, Bellamy, Signer, and Galvin; Noes: none).

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote ADOPTED the Charlottesville City Council Legislative Program for the 2020 General Assembly session: 5-0 (Ayes: Walker, Hill, Bellamy, Signer, and Galvin; Noes: none).

OTHER BUSINESS

There were no items for Other Business.

MATTERS BY THE PUBLIC

With no additional matters by the public, Ms. Walker adjourned the meeting at 10:52 p.m.