

**COUNCIL CHAMBER - November 4, 2019****ROLL CALL**

The Charlottesville City Council met in regular session on this date with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Dr. Wes Bellamy, Ms. Kathy Galvin and Mr. Mike Signer.

**ANNOUNCEMENTS/PROCLAMATIONS**

Ms. Hill announced two upcoming public meetings being conducted by the Parks and Recreation Department regarding the Rugby Avenue Trail and Greenleaf Park Playground, and the community forest plan for the 142 acre acquisition adjacent to Ragged Mountain.

Ms. Galvin announced the Native American panel discussion being held on November 15 at Carver Recreation Center to discuss the disposition of the Lewis, Clark and Sacajawea statue on West Main Street.

Dr. Bellamy announced the DMV Connect at CitySpace on November 25; the Above and Beyond the Call of Duty event at the Jefferson School to recognize the African American military experience for Veterans Day; and the 5k Turkey Trot on Saturday, November 16, with all proceeds going toward a turkey giveaway on November 24 at the Jefferson School.

**CONSENT AGENDA\***

Ms. Walker opened the floor for public comment on the consent agenda.

Mr. Jeff Fogel, City resident, spoke about drugs and mental health, and item “b”, advising that people have to plead guilty in order to benefit from the behavioral treatment program. He advised that punishment is the goal of these programs.

City Manager Tarron Richardson provided additional information about the Virginia Behavioral Health Docket program.

Ms. Walker added that diversionary programs should be viewed for punitive measures to make sure they are helpful.

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

**a. MINUTES: September 16, 2019 Special and Regular meetings**

Minutes-Sept.16, 2019 special meeting

Minutes-Sept 16, 2019 regular meeting



the Albemarle-Charlottesville Regional Jail and \$1,707.60 be appropriated and passed through to Justice Benefits, Inc.

**Revenues**

\$14,230      Fund: 211      Internal Order: 1900315      G/L Account: 431110

**Expenses**

\$12,522.40      Fund: 211      Internal Order: 1900315      G/L Account: 530550

\$ 1,707.60      Fund: 211      Internal Order: 1900315      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$14,230 from the U. S. Bureau of Justice Assistance.

**e. RESOLUTION: Waiver of CAT Fees for Election Day**

Agenda summary; resolution

**RESOLUTION  
TO WAIVE CHARLOTTESVILLE AREA TRANSIT FARE FEES ON  
ELECTION DAY**

**BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia, that the Charlottesville Area Transit (CAT) bus system shall not impose a fare on riders on November 5, 2019, in observance of Election Day.

**f. ORDINANCE: Releasing a gasline easement - Oakleigh development on Rio Road (2nd reading)**

Agenda summary; Ordinance; deed; plat

**AN ORDINANCE AUTHORIZING THE RELEASE OF A NATURAL GAS EASEMENT  
GRANTED TO THE CITY BY OAKLEIGH ALBEMARLE, LLC**

**g. ORDINANCE: Vacating a public utility easement on a property at Emmet Street and Barracks Road (2nd reading)**

Agenda summary; Ordinance; deed; plat

**AN ORDINANCE AUTHORIZING THE RELEASE OF A PUBLIC UTILITY  
EASEMENT GRANTED TO THE CITY ACROSS PROPERTY AT EMMET STREET  
AND BARRACKS ROAD (CVS PROJECT)**

**h. ORDINANCE: Repealing Chapter 31 Section 31-103 (Buck Mountain) surcharge for water connections (2nd reading)**

Agenda summary; Ordinance; joint resolution

## **AN ORDINANCE REPEALING SECTION 31-103 OF CHAPTER 31 (UTILITIES)**

On motion by Ms. Hill, seconded by Ms. Walker, Council by the following vote APPROVED the Consent Agenda, with the request from Ms. Walker that the State Criminal Alien Assistance Program not require Immigration and Customs Enforcement (ICE) notifications: 5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker; Noes: none).

## **CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)**

Dr. Richardson confirmed that the Social Services Advisory Board annual report would be given at the November 18 City Council meeting.

He shared that the audible signals project at Preston Avenue and Rose Hill Drive would be completed in late 2019 primarily due to conduit work and scheduling.

He also advised that Charlottesville Area Transit (CAT) fees would be waived on Election Day and that a formal resolution was placed on the agenda for the record.

Dr. Richardson introduced new Human Resources Director, Michele Vineyard.

## **COMMUNITY MATTERS**

Mr. Robert Myers spoke about the Downtown monuments. He offered comments from “In Defense of General Lee”, an op-ed from The Washington Post.

Mr. George Worthington, County resident and convener for Dementia Friendly Central Virginia, spoke about services for dementia and the lack of information, which prevents people and their caregivers from engaging in the community. He advised that the organization is offering training to businesses to become dementia-friendly.

Mr. Tony Wasch Jr., spoke about the holiday tradition of the Christmas tree being located at the center of the Downtown Mall. He advised that having the tree at the end of the Mall near City Hall is not a favorable location because of the lack of foot traffic.

Mr. Jeffrey Fogel, Belmont resident, ceded his time to Ms. Kim Rolla of the Legal Aid Justice Center, who spoke about ten proposed amendments to the Police Civilian Review Board (CRB) proposal. She reviewed each amendment.

Ms. Adeola Ogunkeyede of the Legal Aid Justice Center spoke about proposed CRB amendments 6 – “Institute a minimum 1-year trial period for the Auditor position”, and 8 – “Mandate the Executive Director produce a special annual report on the auditor trial period and future auditing recommendations.”

Ms. Mary Carey spoke in support of the Legal Aid amendment proposals for the CRB, and about the need for transit near Grady Avenue. She encouraged everyone to vote on November 5th.

- Dr. Richardson advised that he is working with Transit Director Garland Williams to return transit to various neighborhoods.

Mr. Walt Heinecke, City resident, spoke about proposed CRB amendments 1, 2, and 3.

Ms. Kate Fraleigh, City resident, spoke about proposed CRB amendments 4, 5, 3, and 7.

Ms. Tanesha Hudson ceded her time to Ms. Katrina Turner, who continued with CRB amendments 9 and 10.

Ms. Gloria Beard, member of the Initial CRB, spoke about the need for establishing the CRB, and in support of an Auditor position and Executive Director for the CRB.

Ms. Rosia Parker asked about cameras under the bridge in the Westhaven area. Dr. Richardson advised that he would contact her to discuss. She asked what would happen with housing now that the Redevelopment and Housing Authority Director is leaving. She spoke about the amount of work done by the Initial CRB.

- Dr. Bellamy advised that the Housing Authority will be presenting a comprehensive report at the November 18 Council meeting.

Ms. Robin Hoffman spoke about the importance of working on infrastructure and she discussed the Charlottesville community media center.

Mr. John Edward Hall of the Fry's Spring neighborhood, advised that he would be the director of the CRB. He also spoke about the use of technology for justice reform. He also spoke about the expansion of City Hall.

Mr. Quinton Harrell spoke as a local businessman and volunteer. He advised that his volunteerism revolves around the uplifting of the African-American community. He spoke in support of New Hill Development Corporation as a new economic engine to create black wealth in the community.

Mr. Harold Folley of the People's Coalition spoke about the CRB and the work done by the People's Coalition to set forth the proposed amendments.

Ms. Walker closed Community Matters.

Dr. Bellamy asked for report on the Sankofa Center.

The meeting recessed at 7:51 p.m.

The meeting reconvened at 8:09 p.m.

**PUBLIC HEARING/RESOLUTION\*: City Charter amendments**

Agenda summary; amendments; resolution

Mr. Blair introduced the item, advising that the Charter which was granted to the City Council in 1946 had no comprehensive revision since 1972. He noted several general updates: 1) removal of gendered terms; 2) removal of specific State Code section references; 3) reflecting the current practice of City Council elections in November instead of May; 4) reflecting an elected instead of appointed School Board; 5) replacement of specific bonding limits wording with general bonding wording; and 6) update to wording regarding filling a vacancy in the event of a councilor resignation.

Councilors had no questions.

Ms. Walker opened the public hearing.

With no one coming forward to speak, the public hearing was closed.

On motion by Dr. Bellamy, seconded by Ms. Hill, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker; Noes: none).

**RESOLUTION REQUESTING AMENDMENT TO THE  
CHARLOTTESVILLE CITY CHARTER**

**WHEREAS**, the General Assembly granted the City of Charlottesville a Charter in 1946;  
and

**WHEREAS**, the City of Charlottesville advertised and conducted a public hearing on November 4, 2019, pursuant to Virginia Code Section 15.2-202;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the Council requests the 2020 session of the Virginia General Assembly adopt the amendments to the City of Charlottesville Charter presented to the Council on November 4, 2019; and

**BE IT FURTHER RESOLVED** by the Council of the City of Charlottesville, Virginia that the City Attorney shall forward a copy of this Resolution, the proposed Charter amendments, a publisher's affidavit demonstrating the public hearing was advertised, and a certified copy of the November 4, 2019 Council meeting minutes to the City's representatives in the General Assembly.

**ORDINANCE\*/RESOLUTIONS\*:**

Mr. Blair reviewed technical amendments and changes made between the October 21st and November 4<sup>th</sup> meetings. Councilors agreed that the CRB seat that represents an organization could live or work in the City. Ms. Galvin expressed that the Executive Director should live in the City.

Ms. Walker reviewed the ten amendments received from the People's Coalition and Legal Aid Justice Center, and advised of changes that Council will add to Mr. Blair's changes. Dr. Bellamy advised, for the record, that he was in favor of adding all of the recommendations in #4 from the People's Coalition/Legal Aid document.

Councilors discussed the budgeting and timing for hiring an Auditor, and reasons why names of applicants and finalists for the Executive Director position would not be posted publicly.

Ms. Galvin read a resolution on the professional qualifications for the Executive Director position, crafted by Ms. Galvin and Ms. Hill.

Mr. Blair advised of the procedure for adding the resolution.

Ms. Galvin expressed desire to amend the Executive Director resolution to include a resolution of professional qualifications. Ms. Hill was in support.

Ms. Walker opened a ten-minute public comment period.

Ms. Kate Fraleigh, asked about procedures for approving the auditor position.

Ms. Adeola Ogunkeyede advised of the differences between an Executive Director and an Auditor, and the need to keep those functions separate. She advised that the proposed qualification resolution would limit the possibility of finding a qualified candidate.

Mr. Walt Heinecke advised that Councilors should follow through on commitments made in 2017 regarding racial justice and racial inequity.

**a) 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 (2nd reading)**

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Ordinance as amended and directed City Attorney John Blair to amend the Ordinance and bylaws to reflect that the seat designated for a representative from an organization that advocates for racial or social justice on behalf of historically disadvantaged communities could be filled by someone who lives or works in the City, plus additional technical amendments: 5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker. Noes: none).

**b) Resolution authorizing Police Civilian Review Board Executive Director to prepare a June 2020 report to City Council**

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED the amendment proposed by Dr. Bellamy to add flexibility to the Executive Director reporting requirements: 5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker. Noes: none).

Ms. Walker asked if members of the initial CRB had concerns about what was presented by Ms. Galvin.

Mr. Josh Bowers indicated that the criteria listed in Ms. Galvin's proposal does appear to be in line with the proposal from the People's Coalition and Legal Aid Justice Center.

Mr. Guillermo Ubilla advised that it is difficult to answer without taking time to review the document.

No vote was taken on the amendment presented by Ms. Galvin. Ms. Galvin asked that the proposed resolution be added to the minutes.

**“RESOLUTON on the Professional Qualifications for and Responsibilities of the Executive Director of the Police Civilian Review Board (PCRB) - (Submitted by Galvin, Hill 11/4/19)**

**WHEREAS**, the Initial Police Civilian Review Board (PCRB) report of July 2, 2019 provided the Council of the City of Charlottesville with an overview of the professional staffing requirements for the Executive Director position and firmly stated that “the executive director position is foundational and fundamental” to the “oversight mission” of the PCRB; and

**WHEREAS**, there are many facets to an Executive Director's work that cannot be fully addressed by a board comprised of civilian volunteers requiring support, training, and procedural guidance;

**BE IT RESOLVED**, that the Council of the City of Charlottesville directs the City Manager to ensure that at a minimum, the position of Executive Director for the PCRB, shall have the qualifications and professional expertise to be responsible for executing the following tasks in the following manner:

1. Organizing board operations and developing and administering procedures and policies; pursuant to the PCRB bylaws and ordinance adopted by this Council on November 4, 2019;
2. Coordinating community outreach and facilitating the PCRB's ability to” go to the community;”
3. Serving as an in-house board resource, inclusive of organizing and developing necessary training(s) to ensure that PCRB board members are made privy to highly sensitive



- departmental files and personnel information and given support to ensure that members handle all materials competently and with the requisite circumspection;
4. Serving as an initial point of contact and conducting complaint intake and processing in a responsive, professional and confidential manner that is sensitive to the complainant's circumstances which may involve trauma;
  5. Analyzing police data and writing evidence-based reports, memoranda of understanding, resolutions, requests for proposal for outside professional expertise in areas such as evidence-based research and independent police department auditing, and job descriptions for an independent police department auditor; and
  6. Possessing in-depth knowledge of and experience with police processes and working with police data as well as, "trauma-informed training" and a working knowledge of the importance of providing a safe, physical space where confidential information exchanges with complainants can take place."

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Ordinance with the amendments as presented by Mayor Walker: 4-1 (Ayes: Galvin, Hill, Signer, Walker. Noes: Bellamy).

**c) Resolution listing Charlottesville Police Department policies pursuant to Charlottesville City Code Section 2-458**

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the resolution, as amended: 4-1 (Ayes: Galvin, Hill, Signer, Walker. Noes: Bellamy).

**d) Resolution approving Police Civilian Review Board Bylaws**

Agenda summary; Ordinance; bylaws; resolutions

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the By-laws with amendments as proposed by Mayor Walker: 4-1 (Ayes: Galvin, Hill, Signer, Walker. Noes: Bellamy).

The meeting recessed for five minutes.

**RESOLUTION\*: Planning and Coordination Council (PACC) Dissolution**

Agenda summary; proposal to redefine PACC; Oct. 3 presentation to Planning Commission; resolution

Mr. Blair gave a brief presentation about the origins and purpose of PACC, and the new proposal for the Land Use and Environmental Planning Committee (LUEPEC), a staff-oriented body that would address land use, environmental and infrastructure projects for the City and County. LUEPEC would not be subject to the public meeting requirements of FOIA, but would be subject to the public records requirements.

Mr. Chip Boyles, Executive Director for the Thomas Jefferson Planning District Commission (TJPDC), shared that trying to create the ability for the three entities to address common issues beyond land use planning has led to the desire to dissolve PACC and initiate LUEPEC.

Ms. Hill added that the PACC was limited in scope, and the items presented were items that Council was already aware of.

Ms. Walker shared that PACC meetings had not been productive or transparent.

Mr. Boyles added that transparency was an issue because the entities alternated responsibility for agendas and the administration of meetings. The TJPDC has agreed to be the repository for agendas and shared information, and manage a website.

Ms. Galvin suggested broadening the scope of PACC rather than dissolving.

Mr. Signer gave background of his experience with the PACC.

On motion by Dr. Bellamy, seconded by Ms. Hill, Council by the following vote APPROVED the resolution to dissolve PACC: 4-1 (Ayes: Bellamy, Hill, Signer, Walker. Noes: Galvin). Ms. Galvin advised that she could not agree with the dissolution; Mr. Signer advised of his reluctance to vote for the resolution.

### **RESOLUTION SUPPORTING THE PLANNING AND COORDINATION COUNCIL'S DISSOLUTION**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the Council hereby supports the dissolution of the Planning and Coordination Council and the establishment of the Land Use and Environmental Planning Committees to coordinate development, land use, environmental, and infrastructure issues between the University of Virginia, the City of Charlottesville, and Albemarle County.

### **REPORT: Tree Commission's annual "State of the Forest" report**

#### Report

Mr. Michael Ronayne, Urban Forester, introduced the State of the Forest annual report.

Mr. Paul Josey, Chair of the Tree Commission, made a presentation. He advised that Council can help by budgeting for annual tree planting and preservation. The Tree Commission is requesting a Forestry position to review what departments are doing to contribute to tree canopy. He advised how the Tree Commission can provide service by reviewing site plans.

## **REPORT: Presentation from New Hill Development Corporation**

### Report

Ms. Yolunda Harrell presented the Starr Hill Small Area Plan (SAP). She reviewed the objectives and process, and advised that the next phase is implementation.

Ms. Shelley (?) spoke about Character Zones and land boundaries for Starr Hill, and advised of the need to pay attention to scale and form in development within and around Starr Hill, particularly the residential area.

Ms. Harrell reviewed three focus areas: City Yard, Starr Hill residential neighborhood, and Jefferson School.

Dr. Bellamy asked for demographics of engagement efforts. Ms. Harrell and Mr. John Sarbay advised that over 100 groups were involved as well as African-American residents and entrepreneurs; then the scope broadened to potential partner organizations. The community engagement process went from April to September 2019.

Dr. Bellamy asked about yield on return for the funding granted for the Starr Hill Small Area Plan. Ms. Harrell advised that the potential of the Small Area Plan will be the return on the investment. Mr. Jones from LISK described the opportunity to partner with New Hill Development and others to amass the private sector financial stack. He advised the real return on investment is a plan that investors can aggregate around.

Mr. Signer asked about partnerships with anchor employers. Mr. Jones gave an example.

On motion by Ms. Galvin, Council unanimously agreed to extend the meeting 30 minutes to 12:00 a.m.

After further Council discussion, Ms. Galvin requested that Council pass a resolution to have the Starr Hill Plan sent to the Planning Commission for review for incorporation into the City's Comprehensive Plan.

Mr. Alex Ikefuna, Director of Neighborhood Development Services, advised of how the Starr Hill Plan would fit into the existing Comprehensive Plan, and the process for plans review by the Technical Review Team, comprised of City staff from each department.

Mr. Blair advised that he would compose a resolution to provide direction at the November 18, 2019, City Council meeting.

## **OTHER BUSINESS**

Ms. Walker opened discussion regarding the Native American panel discussion to be held on November 15th. She gave information about the lodging and arrangements for the weekend

of the worksession, and suggested paying a stipend/honorarium of \$3500 to Sacajawea familial descendant Rose Abrahamson or dividing the amount among the four Shoshone participants.

Dr. Richardson advised that the amount being less than \$10,000, the funding could come from the Strategic Initiatives Fund.

Council unanimously agreed to pay the \$3500; \$1000 to Rose Abrahamson and \$2500 divided evenly among the rest of the participants.

#### **MATTERS BY THE PUBLIC**

Mr. Brad Slocum spoke about the Tree Commission presentation, particularly about the parking garage, and about the direct health effects of eliminating the tree canopy.

Mr. Rory Stolzenburg spoke about the Tree Commission presentation and the perception of priorities.

The meeting adjourned at 12:02 a.m.