

**CITY COUNCIL REGULAR MEETING**

**Monday, February 3, 2020**

**Council Chamber**

**6:30 p.m.**

The Charlottesville City Council met in regular session on February 3, 2020, with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook.

Ms. Walker called the meeting to order at 6:31 p.m.

Ms. Hill announced the “Imagining a New Democracy Summit” being held in Council Chamber on February 6 and 7.

Ms. Magill shared announcements about a Community lunch at the Boys and Girls Club on February 8, a “Greens Cook-off” at the Jefferson School on February 8, and starting February 12 “The Road Forward to Know Your Government”, a series of six non-partisan local forums.

Mr. Snook announced the Grace Tinsley Scholarship Bash, a fundraiser to be held on February 22, at Carver Recreation Center.

Ms. Walker gave an update on the Home to Hope program and shared that several participants recently received jobs.

**CONSENT AGENDA**

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

- a. MINUTES: December 16, 2019 regular meeting; January 6, 2020 special meeting
- b. APPROPRIATION: Human Services Fund Balance for PACEM (People And Congregations Engaged in Ministry) Transportation Costs - \$20,000 (2nd reading)

Mr. Payne asked to remove this item from the Consent Agenda for a separate vote, referencing a conflict of interest as an employee of PACEM.

- c. APPROPRIATION: State Criminal Alien Assistance Program (S.C.A.A.P.) Grant for 2019 - \$4,478 (2nd reading)

**APPROPRIATION**

**State Criminal Alien Assistance Program (SCAAP) Grant for 2019 Reimbursement**

**\$4,478**

**WHEREAS**, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$4,478.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a total of \$3,492.84 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$985.16 be appropriated and passed through to Justice Benefits, Inc.

**Revenues**

\$4,478      Fund: 211      Internal Order: 1900328      G/L Account: 431110

**Expenses**

\$3,492.84      Fund: 211      Internal Order: 1900328      G/L Account: 530550  
\$985.16      Fund: 211      Internal Order: 1900328      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$4,478 from the U. S. Bureau of Justice Assistance.

- d. RESOLUTION: City Market sub-lease

**RESOLUTION  
APPROVING CITY MARKET SUBLEASE**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the proposed sublease between the City of Charlottesville and Skyview Parking, LLC, for a term beginning April 1, 2020, and concluding on December 19, 2020, is hereby approved.

- e. RESOLUTION: Afton Express Transit Service grant application

**RESOLUTION OF SUPPORT FOR  
THE AFTON EXPRESS TRANSIT SERVICE GRANT APPLICATION**

**WHEREAS**, the Strategic Highway Research Program II (SHRP II) Interstate 64 Corridor Plan developed by the Charlottesville Albemarle Metropolitan Planning Organization in December 2017 identified in Goal # 1: “further integrate transit into the corridor through supporting research and development of inter-regional transit options; and

**WHEREAS**, the SHRP II Interstate 64 Corridor Plan identified that 4,597 workers from Augusta County and the Cities of Waynesboro and Staunton travel daily into the Albemarle- Charlottesville area; and

**WHEREAS**, the Central Shenandoah Planning District Commission developed an I-81/I-64 InterRegional Public Transportation Feasibility Study (Feasibility Study) that identifies a plan to provide public transit services connecting stops in Staunton, Fishersville, Waynesboro, Charlottesville and Albemarle County with eight daily trips on Mondays through Fridays; and

**WHEREAS**, the Feasibility Study's recommended services estimate a removal of at least 21,000 single occupant vehicle trips per year from the corridor travel; and

**WHEREAS**, the cost to run this service from Fiscal Year 2021 through Fiscal Year 2024 is estimated at \$1,145,297, which includes a required local match of \$209,058 for this period; and

**WHEREAS**, each of the local governments and the University of Virginia are being requested to provide a portion of the required local match; and

**WHEREAS**, the City of Charlottesville's portion of the required match is a total of \$17,437 over the Fiscal Years 2021 through 2024; and

**WHEREAS**, the Charlottesville City Council recognizes the need to reduce single occupant vehicles within the Interstate 64 corridor reducing carbon emissions, reducing traffic congestion and destination parking, improving travel times and improving traffic safety.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, and general welfare, the Charlottesville City Council hereby supports the recommended Afton Express Transit Service Plan; and

**BE IT FURTHER RESOLVED THAT** the Charlottesville City Council supports the total contribution of \$17,437 toward the local match to provide the Afton Express Transit Services for Fiscal Years 2021 through 2024.

- f. **ORDINANCE:** Amending Sec. 2-5 of Chapter 2 of the Code of the City of Charlottesville - Financial disclosure by certain officers and employees (2nd reading)

**AN ORDINANCE AMENDING SECTION 2-5 OF CHAPTER 2 (ADMINISTRATION).  
Financial disclosure by certain officers and employees.**

Ms. Walker opened the floor for public comment on the consent agenda. No one came forward to speak.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED the Consent Agenda, pulling Item “b” for a separate vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

- b. APPROPRIATION: Human Services Fund Balance for PACEM (People And Congregations Engaged in Ministry) Transportation Costs - \$20,000 (2nd reading)

Mr. Payne asked to remove this item from the Consent Agenda, referencing a conflict of interest as an employee of PACEM.

### **APPROPRIATION**

#### **Department of Human Services Fund Balance for PACEM Transportation Costs \$20,000**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of up to \$20,000 in department fund balance, is hereby appropriated in the following manner:

**Revenues - \$20,000**

Fund: 213                      Cost Center: 3411001000                      G/L Account: 498011

**Expenditures - \$20,000**

Fund: 213                      Cost Center: 3411001000                      G/L Account: 599999

This item was pulled from the Consent Agenda for a separate vote at the request of Mr. Payne, whose statement of Conflict of Interest is on file with the Clerk of Council. On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED the resolution: 4-0-1 (Ayes: Hill, Magill, Snook, Walker; Noes: none; Abstentions: Payne).

**Special Announcement:**

Ms. Walker called Dr. Denise Bonds, Health Director of Thomas Jefferson Health District, forward to give an update on Novel Coronavirus (2019 nCoV). Dr. Bonds shared current information and projections, and advised residents to reference the following resources for more information: Virginia Department of Health, Centers for Disease Control, and the World Health Organization.

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

City Manager Tarron Richardson advised that staff is working within the next few weeks to address the issue raised about lights and flags in front of the Police Department.

### **COMMUNITY MATTERS:**

Ms. Valerie Long, representing Avon Court, LLC, asked Council not to move forward with the Strategic Investment Area (SIA) item on the agenda. They feel that it is not ready to move forward and she listed several reasons.

Mr. Lucas Critzer, Charlottesville resident, spoke about the Police Civilian Review Board, and the need for police accountability and transparency.

Ms. Kathleen Galvin, Charlottesville resident, spoke in support of form-based code and rezoning of the SIA.

Mr. Kyle Chatteleton, PhD student at University of Virginia, shared information about his dissertation work that he has been doing in relation to Charlottesville's response after the 2017 Summer of Hate. His comments for this meeting were related to sound-related elements. He advised that he plans to present various aspects of his work at future Council meetings.

Ms. Jackie Martin with Sentara Martha Jefferson, presented the MAPP2Health report for 2019, and highlights of the MAPP health needs assessment, including equity-based information and community data. March 25 MAPP celebration for the community. She thanked Ms. Walker for being the 2019 Council representative and welcomed Ms. Magill as the representative for 2020. She shared information about a MAPP community celebration event to be held on March 25 at 5:30 p.m. at the Jefferson School African American Heritage Center.

Ms. Elizabeth Stark, City resident, spoke about the Disproportionate Minority Contact report and she made recommendations based on how it pertains to the Police Civilian Review Board ordinance passed by Council in November 2019.

Mr. Ivan Khvatik spoke about the Disproportionate Minority Contact report and its relation to the Police Civilian Review Board ordinance passed by Council in November 2019. He asked for more measures to ensure that the police do not abuse their power.

Mr. Peter Krebs, citizen, spoke on behalf of the Piedmont Environmental Council. He shared support for the MAPP2Health program and report. He advised that the Bike Cville series has returned and the first ride will be held on February 22, encouraging bike safety, visibility, and camaraderie.

Mr. Downing Smith, resident near Locust Avenue, spoke about white paint that appeared in his and his neighbors' yards over the weekend. He was told that the engineering department

was mapping a route for a new water utility line and expressed frustration with a lack of communication about the project.

- Ms. Walker advised that Dr. Richardson would follow up.

Ms. Emily Little, Charlottesville resident, spoke about climate change and thanked Council for signing the “We Are Still In” letter. She asked Council to look at every decision through a climate lens.

Ms. Liz Russell, speaking on behalf of Preservation Piedmont, made several recommendations which were sent in electronically to Council regarding the form-based code rezoning item on the agenda. She asked that the text be amended to eliminate unnecessary complications.

Ms. Gloria Beard, City resident, asked about a snow removal program for the elderly, the potential for tax increases, about an arcade for the children, and street crossing times not being long enough. She also spoke in support of the Home to Hope program.

Ms. Diane Hillman, President of the Board of Directors of Congregation Beth Israel, spoke about the Hebrew Cemetery and concerns about the current and proposed rezoning that would potentially change aesthetics and the tranquil environment of the space.

Mr. Gaylord Johnson, Charlottesville resident, spoke about the lack of upkeep at Oakwood cemetery, and drainage issues causing the property to wash away.

Ms. Emerald Young, County resident, spoke about the Disproportionate Minority Contact report.

Ms. Tanesha Hudson spoke about rising real estate assessments and the housing market effects of development and the tech industry bringing higher paying jobs to the area.

The meeting recessed at 7:52 p.m.

The meeting reconvened at 8:09 p.m.

## **2. PUBLIC HEARING/APPROPRIATION: Year-end appropriations (2nd reading)**

Finance Director Chris Cullinan summarized the year-end appropriations report, including updates that were made following the January 21, 2020, first reading and the Council Budget Retreat.

On motion by Ms. Magill, seconded by Mr. Payne, and following discussion, Council by the following vote APPROVED amending the year-end appropriations for consideration during the public hearing: 4-1 (Ayes: Hill, Magill, Payne, Walker; Noes: Snook).

Mr. Snook spoke against moving year-end funds to the operating accounts, particularly \$130,000 to the Emergency Assistance Program Support.

Mr. Payne advised of an immediate need for the Emergency Assistance Program funding.

Ms. Hill voiced support for allocating funds to the Emergency Assistance Program, but relayed concerns about the amount.

Ms. Walker explained that the requested funds for the program had previously not been granted, and the funds from the year-end appropriation would fill an immediate need for people who are struggling. She advised that there has not previously been advocacy on staff's behalf for the funding.

Ms. Walker opened the Public Hearing:

Mr. Tom Gallagher suggested that Council carry forward the FY 2019 surplus to the FY 2021 budget.

Ms. Nancy Carpenter, City resident and administrator for the Emergency Assistance Program, spoke in favor of \$130,000 in funds going toward the Emergency Assistance Program.

Ms. Walker closed the public hearing.

On motion by Ms. Magill, seconded by Mr. Payne, Council by the following vote ADOPTED the year-end appropriations, as amended: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

### **FY 2019 Year End Appropriation**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the actions hereinafter set forth are herein authorized with respect to the accounts of the City listed herein, for the fiscal year ended June 30, 2018. The memo to Council dated February 3, 2020 is hereby made part of this appropriation.

#### **General Fund (105).**

(a) Departmental Appropriations.

The following amounts shall be permitted to be carried over and expended in the General Fund's respective cost centers or internal orders in the following fiscal year:

20141.	Citizen's Review Board.	\$50,000.
1631001000.	Citywide Reserve.	\$708,766.
1611001000.	Communications Department.	\$18,500.
2041001000.	Assessor's Office.	\$29,000.
3101001000.	Police Department.	\$96,000.

1011001000. Council Reserve.	\$300,000.
9743028000. Emergency Asst. Program Support.	\$130,000.
3111001000. Police Department – CIT.	\$23,536.

Total Section 1 (a). \$1,355,802.

(b) Additional Transfers and Appropriations.

9803030000. Transfer to Retirement Fund.	\$1,800,000.
9803030000. Transfer to Capital Projects Fund (Comp. Study).	\$1,250,000.
9803030000. Transfer to Capital Projects Fund (AP Software).	\$247,000.
9803030000. Transfer to Capital Projects Fund (CAHF).	\$700,000.
9803030000. Transfer to Capital Projects Contingency Fund.	\$500,000.

Total Section 1 (b). \$4,497,000.

**Facilities Repair Fund (107).**

- Courthouse Maintenance (P-00099) - \$20,908 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.
- Courthouse Construction (P-00783) - \$25,586 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

**Grants Fund (209).**

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

- \$924 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

**Capital Projects Fund**

- Charlottesville-Albemarle Rescue Squad (CARS) EMS Equipment Fund - \$83,423 – These funds represent the unspent contingency funds required as part of the Memorandum of Understanding and will be carried over from the General Fund to this account and used to fund equipment for the Charlottesville-Albemarle Rescue Squad (CARS).



- Compensation Study - \$1,250,000 (P-01032) - These funds will be used to commission a citywide Compensation study as discussed by staff and City Council during the F.Y. 20 budget discussions.
- Accounts Payable Automation Project - \$247,000 (P-01033) - Software will be purchased to automate the City's account payables process resulting in Citywide efficiency improvements.
- Charlottesville Affordable Housing Fund (CAHF) - \$700,000 (CP-084) – These funds will be transferred to the Charlottesville Affordable Housing Fund (CAHF).

**3. ORDINANCE: a) Establishing new form-based zoning regulations (carried); b) Amending the City's official zoning map to define boundaries of a new zoning district, "DE-SIA" and to classify land within the DE-SIA into three sub-classifications (Deferred)**

Mr. Brian Haluska, Principal Planner, presented the item, sharing background of the form-based code public engagement process, the Planning Commission report which was forwarded without recommendation but with comments on the text and map, and staff's desire to hear Council's intent.

City Attorney John Blair advised against adopting the zoning text and map separately. He shared that staff could make Zoning Text Amendment changes, present them to the consultants and come back to Council.

Mr. Haluska advised of an upcoming call with the consultants. He answered several questions from Councilors and requested direction from Council for moving forward, as the report came from the Planning Commission without a recommendation.

Mr. Blair clarified options for next steps and advised of pending legislation in the General Assembly that could affect affordable housing options and how form-based code is evaluated.

On motion by Ms. Magill, seconded by Ms. Hill, Council by the following vote DEFERRED action by Council and referred to the Planning Commission the Zoning Text Amendments and Zoning Map Amendments: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

Mr. Payne expressed concern about the future of this process and what type of feedback can be expected from the consultants.

Council had no objections to the fourteen text and map-related concerns presented.

Mr. Blair reminded Council of a February 20, 2020, land use and zoning worksession.

#### **4. Comprehensive Signage Plan for Dairy Central (Phase I)**

Mr. Jeff Werner, Preservation and Design Planner, presented a summary of the item, with staff recommending approval.

Mr. Payne made comments on the mural, which would face the 10<sup>th</sup> and Page Street neighborhood, explaining that neighbors have expressed concerns that the mural does not fit with the neighborhood. He advised that he does not support the submitted mural, but would support community engagement to find an appropriate mural.

Ms. Walker made comments about the perceived long-term negative impact of the Dairy Central project. She also expressed concerns about disparities in the signage approval process for certain types of business owners.

Ms. Magill advised that the item was presented at the neighborhood association meeting for input.

Mr. Werner advised that the required letters were sent to neighboring properties.

On motion by Ms. Hill, seconded by Ms. Magill, Council by the following vote APPROVED the resolution: 3-2 (Ayes: Hill, Magill, Snook; Noes: Payne, Walker).

#### **RESOLUTION APPROVING COMPREHENSIVE SIGNAGE PLAN FOR DAIRY CENTRAL EXTERIOR SIGNAGE PLAN DATED DECEMBER 17, 2019**

**WHEREAS**, the Charlottesville Board of Architectural Review reviewed a Comprehensive Signage Plan for the Dairy Central Phase I mixed use development at 946 Grady Avenue (hereinafter “the Property”) on November 19, 2019; and

**WHEREAS**, the Board of Architectural Review recommended approval of the Comprehensive Signage Plan with modifications; and

**WHEREAS**, a new Comprehensive Signage Plan was submitted for the Property on December 17, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the December 17, 2019 Comprehensive Signage Plan for the Property submitted to the Department of Neighborhood Development Services is hereby approved pursuant to Charlottesville City Code Section 34-1045.

**BE IT FURTHER RESOLVED** that the Council of the City of Charlottesville, Virginia finds that good cause exists to deviate from Chapter 34, Article IX, Division 4 of the Charlottesville City Code.

**BE IT FURTHER RESOLVED** by the Council of the City of Charlottesville, Virginia that the Comprehensive Signage Plan will serve the public purposes and objectives set forth within Charlottesville City Code Section 34-1021 as well, or better, than the signage that would otherwise be permitted for the Property.

## **5. Report of the Study of Disproportionate Minority Contact in the Adult Criminal Justice System**

Ms. Kaki Dimock, Director of Human Services, representing the research and planning team for the Disproportionate Minority Contact in the Adult Criminal Justice System report, provided a summary of the background leading to the report. She iterated that the data is incomplete and the project would be a seven to ten year process, requiring additional resources.

The consultants reviewed various points of disparity.

Mr. Fred Seaman, Executive Director of MGT Consulting Group, advised that the issues represented in the report are not isolated to Charlottesville.

Mr. Reginald Smith, MGT Consultant, shared information about the research process. He gave a comparison between the terms “disproportionality” and “disparity” in relation to the charge for this project, with disparity indicating different treatment solely because of race. Disparity indicated that events did not happen by chance.

Mr. Andre Spinaldi, MGT Statistician, spoke about the data. He advised that the consultants cannot conclude what is happening, but the disparity data is statistically significant enough to warrant investigation. He also advised that the data was collected regionally rather than splitting the data between Charlottesville and Albemarle County.

The consultants spoke about anecdotal data and perceptions, key findings, and the following recommendations:

- Increase and support meaningful re-entry programs
- Increase transparency of City and County police departments
- Develop, encourage and support special initiative programs
- Increase diversity in law enforcement
- Adopt programs that are alternatives to incarceration
- Provide additional training opportunities for law enforcement staff and other actors in the criminal justice system
- Review best practices from other municipalities addressing similar issues
- Increase access to data and increase data collected at each decision point in the criminal justice map
- Conduct additional research and build upon the findings and recommendations of this study

Councilors asked questions of Ms. Dimock and the consultants. Ms. Walker noted that those in the community who have the lived experience did not need the report to know that there is a disparity issue.

Mr. Neal Goodloe with the Community Criminal Justice Board came forward to answer a question about various types of bonds.

Councilors asked about next steps and who should be at the table moving forward, how to ensure a fully functioning Police Civilian Review Board, and what staffing is needed to enact change across City departments.

Ms. Walker asked questions about the County's involvement and how their involvement may have affected research for the City of Charlottesville data.

Ms. Dimock advised that staff and MGT need time to debrief about what went right and what went wrong, and to check in with the community for feedback. She advised that she would check with the planning team for possibly bringing an update to Council in late April, as well as consideration of a future worksession.

#### **OTHER BUSINESS:**

Ms. Hill referenced that the Council strategic planning process would be moving forward with individual meetings with a consultant.

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

Mr. Jeff Fogel spoke about the Disproportionate Minority Contact report and the need to speak about systemic racism. He advised that the recommendations did not address the problem that was proposed regarding racial disparity.

Mr. Harold Folley, City resident and organizer for the Legal Aid Justice Center, spoke about the Disproportionate Minority Contact report. He asked about revisiting the original proposed governing documents for the Police Civilian Review Board, and advised of distrust for Council following through with allowing the board to be effective.

- Ms. Walker provided clarification of the Executive Director position for the Police Civilian Review Board, the pending appointment of the new Civilian Review Board, and next steps
- Ms. Walker, Mr. Payne, and Mr. Snook made further comments. Councilors discussed a desire to attached names with adverse actions. Ms. Dimock guarded against linking names for the Disproportionate Minority Contact report.

Ms. Katrina Turner spoke about the Initial Civilian Review Board bylaws submitted, and advised that Council's adoption of amended Police Civilian Review Board bylaws took away the ability for the board to be effective.

Ms. Joy Johnson, City resident, spoke against the proposed park at 8<sup>th</sup> and Hardy Streets. She also spoke about root causes for people being incarcerated. She advised that besides racism, money is a root cause for keeping people in the criminal justice system. She advised that implicit bias training should be mandatory for City staff and others who serve people.

Mr. Brad Slocum spoke about the need to be direct in calling things what they are such as racism, anti-Semitism, and identifying people who perpetuate disparate behavior.

The meeting adjourned at 11:18. p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council