

CHARLOTTESVILLE CITY COUNCIL
June 15, 2020 Minutes
Virtual/electronic meeting

3:30 PM CLOSED MEETING

The Charlottesville City Council met electronically on Monday, June 15, 2020. The meeting was called to order at 3:35 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne and Mr. Lloyd Snook.

On motion by Ms. Hill, seconded by Mr. Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) to meet in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2-3712, specifically:

- as authorized by Virginia Code Section 2.2-3711(A)(1) for discussion of the performance of the Charlottesville City Manager; and
- as authorized by Virginia Code Section 2.2-3711(A)(7) for consultation with legal counsel from the City Attorney's Office concerning the matter of Payne, et al. v. City of Charlottesville, et al. and probable litigation concerning a First Amendment claim where discussion in open session would adversely affect the negotiating or litigating posture of the City of Charlottesville; and
- as authorized by Virginia Code Section 2.2-3711(A)(1) for discussion and consideration of prospective candidates for the following boards and commissions: Board of Architectural Review; Charlottesville Area Transit Advisory Board; Charlottesville Economic Development Authority; Charlottesville Redevelopment and Housing Authority Board; Citizen Transportation Advisory Committee; Historic Resources Committee; Human Rights Commission; Jefferson Area Community Criminal Justice Board; Jefferson Madison Regional Library Board; JABA Advisory Council on Aging; JABA Board for Aging Board of Directors; Measurements and Solutions Group; Parks and Recreation Advisory Committee; Piedmont Family YMCA Board of Directors; Piedmont Virginia Community College Board; PLACE Design Task Force; Planning Commission; Region Ten Community Services Board; Ridge Street Priority Neighborhood Task Force; Sister Cities Commission; Social Services Advisory Board; and Tree Commission; and
- as authorized by Virginia Code Section 2.2-3711(A)(29) to discuss the terms and scope of a contract for legal services where discussion in an open session would adversely affect the negotiating strategy of the public body.

On motion by Ms. Hill, seconded by Ms. Magill, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session, with one exception. Ms. Walker advised that she received an email during the meeting and shared with Councilors that the Charlottesville Redevelopment and Housing Authority was awarded the Governor's Vibrant Communities grant.

The meeting adjourned at 6:34 p.m.

6:30 PM REGULAR MEETING

The Charlottesville City Council held a virtual meeting for its regular session on June 15, 2020, in an effort to comply with social distancing guidelines surrounding the COVID-19 pandemic Declaration of Emergency.

Ms. Walker called the meeting to order at 6:35 p.m. with the following members in attendance: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne and Mr. Lloyd Snook.

On motion by Ms. Hill, seconded by Ms. Magill, Council by unanimous vote approved the meeting agenda.

Ms. Walker called for a Moment of Silence.

ANNOUNCEMENTS

Ms. Magill made an announcement about the June 19 tax deadline for personal property taxes and real estate taxes.

BOARD & COMMISSION APPOINTMENTS

On motion by Ms. Hill, seconded by Mr. Snook, Council by a vote of 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) APPROVED the following appointments to Boards and Commissions:

Appointments from March 16, 2020 delayed due to Coronavirus:

- **Charlottesville Economic Development Authority:** James Cauthen, Olivia Gabbay

- **Citizen Transportation Advisory Committee:** Lucas Beane, Joseph French, Ray Heron
- **Historic Resources Committee:** Rachel Lloyd, Philip Varner, Robert Woodside
- **JABA Advisory Council on Aging:** L.D. Perry, Christina Rees
- **JABA Board for Aging Board of Directors:** Richard Brugh, Elayne Phillips
- **Measurements and Solutions Group:** Marcia Wilds
- **Parks and Recreation Advisory Committee:** Jeffrey Fracher
- **PLACE Design Task Force:** Andrew Mondeschein (Multi-Modal Representative)
- **Ridge Street Priority Neighborhood Task Force:** Pat Lloyd, Audrey Oliver
- **Social Services Advisory Board:** Shayla Givens
- **Tree Commission:** Emily Cone-Miller, Jeff Jennings, Jeff Pacelli, Lynn Rush, Mark Rylander, Peggy Van Yahres

June 15, 2020 regularly scheduled appointments:

- **Board of Architectural Review:** Cheri Lewis
- **Charlottesville Area Transit Advisory Board:** Jonathan Kropko, Connor Kurtz, Anson Parker, Rabia Anne Sandage
- **Historic Resource Committee:** Alissa Diamond, Genevieve Keller, Jalane Schmidt
- **Human Rights Commission:** Jessica Harris, Laura Keppley
- **Jefferson Area Community Criminal Justice Board:** Hosea Mitchell
- **Jefferson-Madison Regional Library Board:** Kathy Johnson Harris
- **Piedmont Family YMCA Board of Directors:** Tom Bowe
- **Piedmont Virginia Community College Board:** Pam DeGuzman, Janet Morrow
- **Region Ten Community Services Board:** Helayna Banks
- **Sister Cities Commission:** Michael Grinnell (At-Large), Stella Mattioli (Poggio), Elizabeth Smiley (Besançon), Adrienne Ward (At-Large or Poggio)
- **Social Services Advisory Board:** Kathryn Gallanosa
- **Tree Commission:** Mark Zollinhofer

CONSENT AGENDA*

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

2. MINUTES: May 27 and May 29, 2020 closed meetings
3. APPROPRIATION: Supplemental State Funding for the Children’s Services Act - \$880,522.88 (2nd reading)

APPROPRIATION
Supplemental CSA Funding -\$880,522.88

WHEREAS, the Virginia Office of Children’s Services has approved supplemental funds for the purpose of serving children and families through June 30, 2020.

NOW, THEREFORE BE IT RESOLVED by the council of the City of Charlottesville, Virginia, that the sum of \$880,522.88 is hereby appropriated in the following manner:

Revenue-\$880,522.88

Fund 215 Cost Center: 3353001000 G/L Account: 430080

Expenditures-\$880,522.88

Fund 215 Cost Center: 3353001000 G/L Account: 540060

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$880,522.88 from the Virginia Office of Children’s Services.

4. APPROPRIATION: Department of Social Services Additional Funding for Adoption Assistance - \$625,000 (2nd reading)

**APPROPRIATION
Additional Funding for Adoption Assistance - \$625,000**

WHEREAS, the Charlottesville Department of Social Services has received \$625,000 from the Virginia Department of Social Services to provide assistance to adoptive families.

NOW, THEREFORE BE IT RESOLVED by the council of the City of Charlottesville, Virginia, that the sum of \$625,000 is hereby appropriated in the following manner:

Revenue-\$625,000

Fund 212 Cost Center: 9900000000 G/L Account: 430080 \$625,000

Expenditures-\$625,000

Fund 212 Cost Center: 3311007000 G/L Account: 540060 \$625,000

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$625,000 from the Virginia Department of Social Services.

5. APPROPRIATION: CARES Act funding designed to provide emergency assistance for Charlottesville Area Transit (CAT) and JAUNT. Total funding \$7,143,582 – CAT \$5,357,686 and JAUNT \$1,785,896 (2nd reading)

**APPROPRIATION
Transit Division Project Funds - \$7,143,582.00**

WHEREAS, the Federal Transit Administration a Coronavirus Aid Relief and Economic Security (CARES) Act allocation of \$7,143,582.00

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

Revenue (Operating)

\$5,357,686 Fund: 245 Cost Center: 2200037000

Expenditures (Operating)

\$5,357,686 Fund: 245 Cost Center: 2200037000

Revenue (JAUNT)

\$1,785,896 Fund: 245 Cost Center: 2821002000

Expenditures (JAUNT)

\$1,785,996 Fund: 245 Cost Center: 2821002000

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,143,582.00 from the Federal Transit Administration.

6. APPROPRIATION: Maintenance Vehicle Insurance Reimbursement – \$40,706.32 (carried)
7. APPROPRIATION: 2020 Energy and Water Management Program (EWMP) Fund - \$1,429.47 (carried)
8. APPROPRIATION: Grant Award from Virginia Department of Criminal Justice Services - \$242,770 (carried)
9. APPROPRIATION: Bureau of Justice Assistance (BJA) Coronavirus Emergency Supplemental Funding Program Fiscal Year 2020 - \$80,781 (carried)
10. ORDINANCE: Taxicab Driver Ordinance Amendment (2nd reading)

AN ORDINANCE AMENDING SECTION 32-3 OF CHAPTER 32 (VEHICLES FOR HIRE)

11. ORDINANCE: Ordinance Amendment to modify deadlines, modify public meeting and public hearing practices and procedures to address continuity of operations associated with the COVID-19 pandemic (may be passed with one reading by 4/5 vote)

Ms. Walker opened the floor for comments from the public on Consent Agenda items. The following people spoke:

- Mr. Neil Williamson spoke on Item #11, requesting that Council approve accepting all new development applications, without limitation.
- Mr. William Elder spoke about Item #10.
- Ms. Ashley Davies, Chair of CADRe, spoke about Item #11.

At the request of Ms. Hill, this item was pulled from the Consent Agenda for discussion at the end of the regular agenda.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED the Consent Agenda: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) and moved Item #11 to the end of the regular meeting for further discussion.

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

City Manager Tarron Richardson advised that there were no items to address from the June 1 City Council meeting. He noted the number of emails received from the public regarding defunding the police, and suggested that there will be some public work sessions to discuss services provided and what the public is requesting.

COMMUNITY MATTERS

Mayor Walker opened the floor for public comment.

Ms. Elizabeth Stark, City resident, asked Council to revert to the original Police Civilian Review Board bylaws, increased oversight in the near term, and a long-term plan for police reform, including defunding.

Ms. Ashley Davies, City resident, congratulated the city on the Vibrant Community award.

Mr. David Swanson endorsed comments from Ms. Stark and read a petition that was signed by over 500 residents regarding police oversight, banning militarized equipment, and de-escalation training.

Ms. Kate Fraleigh ceded her time to Mr. Jeff Fogel, who spoke about recent protests against racism, about the Disproportionate Minority Contact report, and the Police Civilian Review Board.

Ms. Tanesha Hudson spoke about the original bylaws of the Police Civilian Review Board, and gave a list of suggestions for the Police Department.

Mr. Brandon Collins, City resident and member of PHAR (Public Housing Association of Residents), spoke about CARES Act funding for housing.

Mr. Rory Stolzenberg spoke about recent protests, commended local police for their restraint, and asked about the presence of Virginia State Troopers.

- Mayor Walker and Chief Brackney responded.

Ms. Hayley Elszasz spoke in support of defunding the Charlottesville Police Department and the redirection of funds to programs that directly impact social and healthy family programs. She shared eight demands from the Defund CPD movement.

Mr. Don Gathers asked for reallocating funds from the police department, and about Police Civilian Review Board bylaws. He asked that Council consider postponing the summer meeting break.

Ms. JoJo Robertson spoke about dismantling the current Social Services foster care system as related to black and brown clients.

Ms. Adele Roof, citizen, spoke about demilitarization and defunding of the police, and asked Council to endorse the petition presented by David Swanson.

Ms. Nancy Carpenter spoke about community engagement for the Police Civilian Review Board and other City meetings. She also spoke against the presence of State Police near the recent protests.

Mr. Brad Slocum spoke about the deployment of police resources over the weekend of protests, particularly a plane looping around the Barracks Road area.

Mr. James Watson spoke about the re-start of school, and the unemployment status of many citizens, possibly leaving children at home for extended periods of time. He spoke about enacting the Peace Corps. He suggested that some funds from Transit be re-allocated to services for families and children.

Mr. Walt Heinecke spoke about Item #11 on the Consent Agenda, supporting a slower reopening in response to the pandemic. He spoke about reverting to the Police Civilian Review

Board original ordinance and bylaws. He spoke about fixing problems with the Human Rights Commission to deal with racial and housing discrimination.

Ms. Emily Dreyfus expressed concern about affordable housing, and asked Council to intervene. She also asked about programming for youth to decrease social isolation and decrease unstructured time.

Mayor Walker closed public comment as the allotted sixteen slots were filled.

Mr. Snook asked that Police Chief Brackney give information in response to demands and concerns from citizens regarding police, as well as the Disproportionate Minority Contact Report. Chief Brackney provided a response advising that the City of Charlottesville has not participated in the 1033 program and has not accepted equipment from the government or military since 2008 and in 2015 severed from the program, returning any and all equipment that had been acquired under her predecessor's tenure. She shared information about de-escalation, crisis intervention and other training for officers, as well as details about data that is made publicly available.

Ms. Walker commented about having authentic conversations regarding race and police.

Mr. Snook responded to a concern about his support of the Police Civilian Review Board.

Ms. Hill confirmed that the Police Civilian Review Board has been given approval to meet.

The meeting recessed at 8:27 p.m. and reconvened at 8:45 p.m.

ACTION ITEMS

APPROPRIATION: Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding - \$4,123,776 (carried to the June 18, 2020 City Council meeting)

Dr. Richardson introduced the item, sharing considerations made by department directors and management in developing the recommendation. Finance Director Chris Cullinan shared information about allowable uses for CARES Act funding. Dr. Richardson requested reconvening on Thursday, June 18, for the second reading.

Council confirmed with City Attorney John Blair that they would hold the second reading of this item during the open portion of the June 18 meeting at 11:00 a.m.

Director of Human Services Kaki Dimock shared information about the CARES Act funding request for human services.

Ms. Walker asked for clarification on funds being used for Operational Modifications. Dr. Richardson advised of needing to retrofit buildings to make them less touch-intensive. Deputy City Manager Paul Oberdorfer shared details of proposed building modifications.

RESOLUTION*: Approval of the Third Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (CSRAP)

Redevelopment Manager, Brenda Kelley, provided a summary of the request. Ms. LaToya Jackson, Housing Authority member, provided an annual update. Councilors asked clarifying questions.

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

RESOLUTION

APPROVING THE THIRD AMENDED GRANT AGREEMENT FOR THE CHARLOTTESVILLE SUPPLEMENTAL RENTAL ASSISTANCE PROGRAM

FOR THE FISCAL YEAR BEGINNING JULY 1, 2020

WHEREAS, on June 19, 2017 the City of Charlottesville approved the creation of a City-funded Supplemental Rental Assistance Program (“CSRAP”), and on April 8, 2019 City Council approved an allocation of \$750,000 from Capital Improvement Program funds and on June 1, 2020 City Council approved an allocation of \$900,000 from Capital Improvement Program funds to be used for the CSRAP program, which will be administered by CRHA; and

WHEREAS, the terms and conditions under which the Charlottesville Redevelopment and Housing Authority (“CRHA”) will administer the CSRAP Program are set forth within a written grant agreement effective for the fiscal year beginning July 1, 2020 which has been reviewed by City Council this same date;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia, **THAT**:

1. The CSRAP program shall be administered by CRHA in accordance with the terms and conditions set forth within the CSRAP grant agreement effective for the fiscal year beginning July 1, 2020, which is hereby approved by this City Council; and

2. The City Manager is authorized to execute the CSRAP grant agreement on behalf of the City of Charlottesville and the City Manager and City staff are authorized and directed to apply the funding allocated above to the CSRAP program in accordance with the terms set out within the CSRAP grant agreement.

Resolution*: Allocation of Charlottesville Affordable Housing Fund (CAHF) for programs in response to the COVID-19 pandemic - \$1,155,000

Mr. John Sales, Housing Program Coordinator, presented the report, detailing three proposed programs. Councilors asked clarifying questions.

On motion by Ms. Hill, seconded by Mr. Payne, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none).

RESOLUTION

**Allocation of Charlottesville Affordable Housing Fund (CAHF)
for programs in response to the COVID-19 pandemic.
\$1,155,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$1,155,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) for the creation and implementation of four (4) programs utilizing CAHF funding in response to immediate community needs due to the COVID-19 pandemic.

Fund: 426	Project: CP-084	G/L Account: 530670
Short-Term Homeless Rental Assistance Program (ST-HRAP)		\$264,000
Short-Term Re-Entry Housing Assistance Program (ST-RHAP)		\$264,000
Short-Term Landlord Rental Assistance Program (ST-LRAP)		\$264,000
Short-Term Homeowner Mortgage Assistance Program (ST-HMAP)		\$363,000

ORDINANCE: Ordinance Amendment to modify deadlines, modify public meeting and public hearing practices and procedures to address continuity of operations associated with the COVID-19 pandemic (may be passed with one reading by 4/5 vote)

At the request of Ms. Hill, this item was pulled from the Consent Agenda for discussion at the end of the regular agenda.

Director for Neighborhood Development Services, Alex Ikefuna, shared background information for the request.

Council asked clarifying questions and discussed ways to provide flexibility to Neighborhood Development Services regarding acceptance for applications, and the desire to continue a mandate for community engagement.

Mr. Ikefuna reiterated Council's ordinance requiring developers to conduct community engagement meetings and he shared concerns related to social distancing requirements and employee safety.

Mr. Blair made comments to address community concerns about a "development moratorium". He explained that the actions of Council during the Covid-19 pandemic have not created a development moratorium.

On motion by Ms. Hill, seconded by Mr. Snook, Council by a vote of 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) APPROVED a resolution to extend its electronic meeting policy through July and August, as needed, for the boards and commissions that were previously approved: Board of Architectural Review, Board of Equalization, Community Development Block Grant Task Force, Housing Advisory Committee, Human Rights Commission, Planning Commission, Police Civilian Review Board, and Retirement Commission. Council added approval for one virtual meeting each of the Tree Commission, Sister Cities Commission, and Community Policy and Management Team through August, as staff is able to accommodate.

On motion by Ms. Magill, seconded by Mr. Payne, Council by a vote of 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) APPROVED the following Ordinance amendment.

AMENDMENT TO ORDINANCE TO MODIFY DEADLINES, MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH THE PANDEMIC DISASTER

On motion by Ms. Hill, seconded by Mr. Payne, Council by a vote of 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none), directed Neighborhood Development Services (NDS) to accept and hold new development applications and payments, with the understanding that NDS would present options to City Council on July 20, 2020, regarding community engagement.

GENERAL BUSINESS

There were no General Business items.

OTHER BUSINESS

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED that pursuant to Charlottesville City Code Section 2-213(d) the City Attorney's Office is authorized to retain Taxing Authority Consulting Services: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none).

Mr. Blair advised that this request is in reference to a suit concerning the Business License Occupancy Tax.

MATTERS BY THE PUBLIC

Ms. Walker opened the floor for comments from the public.

Mr. Brandon Collins, City resident and representative for PHAR, expressed concern that the City could do more for housing and rent relief efforts with the CARES Act funding received.

Ms. Tanesha Hudson spoke about distrust of the Police Chief and race issues in the City.

Mr. Don Gathers spoke about an honorary street naming request that he submitted.

Mr. Rory Stolzenberg spoke about a possible joint work session between the Planning Commission, City Council and consultants to discuss housing issues. He advised Council of an email that he sent to Council, including photos of the presence of State Troopers and aircraft over the previous weekend near a protest site, contradicting comments from Chief Brackney earlier in the meeting. He submitted a verbal Freedom of Information request.

With no additional speakers coming forward, Ms. Walker closed public comment.

The meeting adjourned at 11:32 p.m.