

CITY COUNCIL REGULAR MEETING

September 21, 2020

Virtual/electronic Meeting via Zoom

The Charlottesville City Council met virtually/electronically on Monday, September 21, 2020, pursuant to the Continuity of Government ordinance passed by the Council of the City of Charlottesville on July 27, 2020, to prevent the spread of the novel coronavirus, commonly referred to as COVID-19.

5:30 PM CLOSED MEETING

Mayor Nikuyah Walker called the meeting to order at 5:32 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilor Heather Hill, Councilor Michael Payne and Councilor Lloyd Snook.

On motion by Councilor Hill, seconded by Councilor Payne, 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) to discuss the consideration of prospective candidates for the CAT Advisory Board, the Charlottesville-Albemarle Airport Commission, the Charlottesville Economic Development Authority, the Citizens Transportation Advisory Committee, the Community Policy and Management Team, the Human Rights Commission, the Minority Business Commission, the Monticello Area Community Action Agency Board, the Parking Advisory Panel, the Personnel Appeals Board, the PLACE Design Task Force, Region Ten Community Services Board, Sister Cities Commission, Social Services Advisory Board, Towing Advisory Board, Vendor Appeals Board, and the Water Resources Protection Program Advisory Committee, and
- as authorized by Virginia Code Section 2.2-3711(A)(3) for the discussion of the disposition of publicly held real property on East Main Street in the City of Charlottesville, Virginia, where discussion in an open meeting would adversely affect the negotiating strategy of the City of Charlottesville, Virginia.

On motion by Councilor Hill, seconded by Councilor Snook, 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.

The meeting adjourned at 6:30 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

Mayor Walker called the meeting to order at 6:31 p.m. with the following members in attendance: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilor Heather Hill, Councilor Michael Payne and Councilor Lloyd Snook.

On motion by Councilor Hill, seconded by Councilor Snook, Council unanimously approved the meeting agenda.

City Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Snook announced that he talked with Myra Anderson and they are interested in establishing the Mental Health Crisis Response Task Force with Councilor Snook and Vice Mayor Magill as Council representatives.

Mayor Walker announced the third annual CYM (Close Your Mouth) Day, presented by Mr. Alex-zan, with the purpose of having people listen to one another.

BOARD/COMMISSION APPOINTMENTS

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

Charlottesville Area Transit Advisory Board - Hanan Hameed and Ethan Heil

Charlottesville-Albemarle Airport Commission – Adam Seid and Roy Van Doorn

Charlottesville Economic Development Authority – J. Addison Barnhardt

Citizens Transportation Advisory Committee – Patrick Healy

Minority Business Commission – Bellamy Brown

Parking Advisory Panel – Jamel Bouie, Joan Fenton, Kirby Hutto, Jake Mooney, Danny Yoder

Sister Cities Commission – Nana Gharthey

Water Resources Protection Program Advisory Committee – Chris Gyurisin and Patrick Healy

CONSENT AGENDA*

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

2. MINUTES: August 17 closed and regular meetings, August 25 special meeting, August 27 special meeting

3. APPROPRIATION: Charlottesville-Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd reading)

APPROPRIATION

**Charlottesville/Albemarle Adult Drug Treatment Court Grant Award
\$240,000**

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Drug Treatment Court Docket Grant in the amount of \$240,000 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$124,725; and

WHEREAS, the grant award covers the period July 1, 2020 through June 30, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$240,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$240,000 Fund: 209 Internal Order: 1900369 G/L Account: 430120

Expenditures

\$240,000 Fund: 209 Internal Order: 1900369 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$240,000 from the Supreme Court of Virginia.

4. APPROPRIATION: Virginia Housing Solutions Program Grant Award - \$539,333 (2nd reading)

APPROPRIATION
Virginia Housing Solutions Program Grant Award
\$539,333

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the V.H.S.P. Grant from the Virginia Department of Housing and Community Development in the amount of \$539,333.

Revenues

\$455,982	Fund: 209	IO: 1900370	G/L: 430110 State Grant
\$83,218	Fund: 209	IO: 1900370	G/L: 430120 Federal Pass-Thru State

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$539,333 is hereby appropriated in the following manner:

Expenditures

\$539,333	Fund: 209	IO: 1900370	G/L: 530550 Contracted Services
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$539,333 in funds from the Virginia Department of Housing and Community Development.

5. APPROPRIATION: Virginia Behavioral Health Docket Grant Award - \$40,000 (carried)
6. APPROPRIATION: Fiscal Year 2021 Fire Programs Aid to Locality Funding (Firefund) - \$165,628.00 (carried)
7. APPROPRIATION: Urban and Community Forestry Grant - \$20,000.00 (carried)
8. APPROPRIATION: Housing Opportunities for People with AIDS/HIV (HOPWA) - \$288,172 (carried)

Mayor Walker opened the floor for public comment on the Consent Agenda:

- Jeff Fogel spoke about concerns with drug court.

Mayor Walker advised that she reached out to the Director of O.A.R. (Offender Aid and Restoration) to join the call. Director Ross Carew shared information about the collaborative effort with other agencies. Councilor Snook provided additional background information about the origin of drug court in Charlottesville. Council agreed to have a Drug Court Advisory Board report-out at the October 5 City Council meeting. Neal Goodloe, Criminal Justice Planner, added context to the origins of drug court.

Director of Human Services Kaki Dimock provided clarification for Mayor Walker on appropriations for Items #4 and #8.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote ADOPTED the Consent Agenda as presented: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

City Manager Tarron Richardson advised that there were no follow-up items from the September 8 City Council meeting. In response to contact from the public over the weekend regarding the SAFER (Staffing for Adequate Fire and Emergency Response) Grant received by the City for funding firefighter positions, Dr. Richardson addressed past news articles which portrayed him in a negative light. He made further statements about his budgeting practices and outcomes.

COMMUNITY MATTERS

Mayor Walker opened the floor for public comment.

Camilyn Leone of Crozet, Virginia, spoke in support of the Gregory Swanson Way honorary street designation proposal.

Myra Anderson, city resident, thanked Council for being in support of creating a mental health task force and iterated a need for the membership to be diverse. She voiced concerns about the Disproportionate Minority Contact report recommendations and holding decision-makers accountable.

Grey McLean, city resident, shared information about the impacts of climate change and asked the City to commit to a Climate Action Plan.

Jeff Fogel, city resident, spoke in support of a task force mentioned by Ms. Walker to address information in the Disproportionate Minority Contact report. He spoke about the departure of the City Manager and asked about the appointment of Mr. John Blair as Acting City Manager.

Marion Votaw asked about plans to address issues that may arise after the November 3rd Presidential election.

Harold Folley spoke about the Disproportionate Minority Contact report, and the need for the justice system to humanize black and brown people.

Tanesha Hudson thanked Dr. Richardson for the information that he shared about the SAFER Grant to hire firefighters. She made comments about the City Manager's departure.

Katrina Turner, city resident, spoke about comments from the previous Council meeting involving Mayor Walker and Dr. Richardson. She asked about targeted fines for protests during Covid-19, directing comments to Mayor Walker, who provided a response. Ms. Hill added comments regarding consistent enforcement of ordinances.

Carol Thorpe spoke about Dr. Richardson's performance contract and terms of his departure.

Don Gathers, city resident, shared thoughts that citizens have the right to question those in elected positions. He spoke about Dr. Richardson's departure and asked questions about the appointment of John Blair as Interim City Manager. He spoke about positive cases of coronavirus among university students.

Jay James, city resident and Assistant Director of the Bridge Ministry substance abuse and re-entry program offered support for those who have concerns with the drug court program.

Gloria Beard, city resident, asked about regulations around public demonstrations. She spoke about Police Civilian Review Board (PCRB) authority. She shared well wishes with Dr. Richardson.

Rosia Parker spoke about a march that she planned last month. She spoke about issues with consistency in enforcing the Covid-19 ordinance, and concerns with the permit process.

Zyahna Bryant, city resident and student at the University of Virginia, spoke in support of community engagement work done by Dr. Richardson, and requested that Council be more pointed and accurate in conversation to ensure consistency in enforcement of ordinances and to move Council meetings along more quickly.

Dr. Richardson offered that staff would bring the special events ordinance before City Council. He emphasized the importance of First Amendment rights. Councilor Snook added that Council does not make prosecutorial decisions. Police Chief Brackney shared perspective from the Police Department on special events regulations versus Covid-19 ordinance regulations. City Attorney Blair shared information about special events regulations, thresholds in the special events permitting process, the Covid-19 Declaration of Emergency, and a City ordinance about rights-of-way.

Robin Hoffman, city resident, spoke about marches over the summer and the use of distancing and about concerns with the novel coronavirus. She spoke in support of Dr. Richardson. She spoke about Covid-19 case reporting from schools and precautions that should be taken.

Joy Johnson shared thanks with Dr. Richardson. She advised Council members to support each other.

The meeting recessed at 8:44 p.m. and reconvened at 9:00 p.m.

ACTION ITEMS

PUBLIC HEARING/APPROPRIATION: CARES Act Funding appropriation - \$4.1M (1st of 2 readings)

This item was pulled from the agenda for presentation at a future meeting.

PUBLIC HEARING/RESOLUTION: Program Year July 1, 2019 through June 30, 2020 Consolidated Annual Performance and Evaluation Report (CAPER) and Setting Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for Program Year 21-22

Grants Coordinator, Erin Atak, introduced the public hearing and summarized the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) for the program year ending June 30, 2020. She summarized the priorities for program year ending June 30, 2021.

Mayor Walker advised that she would abstain from voting as she needed more time to review the details of the report.

Ms. Atak answered clarifying questions for Councilors related to funding allocation and priorities.

Mayor Walker opened the public hearing:

Mr. Brandon Collins spoke about public housing redevelopment and the addition of new affordable homes.

Mayor Walker closed the public hearing.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED the Program Year July 1, 2019 through June 30, 2020 Consolidated Annual Performance and Evaluation Report (CAPER) report and Set Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for Program Year 21-22: 4-0-1 (Ayes: Hill, Magill, Payne, Snook. Noes: None. Abstention: Walker).

RESOLUTION COUNCIL PRIORITIES FOR CDBG and HOME FUNDS FY 21-22

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, 2021; 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 2021;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the priorities and spending allowances for FY 2021-2022 shall be as follows:

- Council's priorities for the CDBG and HOME program for FY 21-22 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 21-22, \$61,249.28 CDBG entitlement shall be set aside for Economic Development
- For FY 21-22, \$61,249.28 CDBG entitlement shall be set aside for Housing Programs.
- For FY 21-22, 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 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: Extension of Ordinance for COVID-19 approved July 27, 2020

Mr. Blair shared a summary of the ordinance and addressed questions that were raised about public demonstrations. He added information about exceptions and about the recent Albemarle County ordinance extension.

Councilors agreed to amend the end date of the ordinance to coincide with the end date for the City Manager's Declaration of Emergency.

On motion by Councilor Hill, seconded by Councilor Magill, Council by the following vote APPROVED the Extension of Ordinance for COVID-19 approved July 27, 2020: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None). This ordinance passed on one reading with four-fifths vote.

AN ORDINANCE TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS, SARS-CoV-2, AND THE DISEASE IT CAUSES, COMMONLY REFERRED TO AS COVID-19

GENERAL BUSINESS

PUBLIC COMMENT: Council Strategic Plan Update

Mayor Walker shared information about the new dates for the Strategic Planning sessions: September 29, October 20, and October 27 from 11:00 a.m. - 5:00 p.m. each day. She then opened the floor for public comment on the strategic plan.

- Joy Johnson shared comments submitted by the Public Housing Association of Residents (PHAR).
- Brandon Collins shared additional comments submitted by the Public Housing Association of Residents (PHAR), and emphasized racial equity.
- Don Gathers spoke on behalf of PHAR and asked that whomever replaces Dr. Richardson prioritize affordable housing.

REPORT: Disproportionate Minority Contact Report Recommendations Follow-up

Kaki Dimock, Director of Human Services, provided a summary of report findings and areas for activity consideration. She advised of the need for additional data in order to complete a full evaluation across jurisdictions of the City of Charlottesville and the County of Albemarle, and reduce redundancies. Attorney Neal Goodloe provided answers to Councilor questions. Police Chief Brackney provided additional information and concerns about challenges.

Mayor Walker asked that budget figures for the implementation of recommendations be submitted by the second Council meeting in November with the City Budget process. Chief Brackney advised of significant costs related to data collection systems, and challenges with inter-agency data sharing. City Attorney Blair suggested involving the Procurement Department.

Mayor Walker suggested that the October 5th City Council meeting include an update about the Disproportionate Minority Contact Task Force convened by Mayor Walker and that the group provide an update every other month. Council agreed.

Mayor Walker recessed the meeting at 11:00 p.m. and reconvened at 11:10 p.m.

DISCUSSION: Discussion of Honorary Street Designation process

Mayor Walker started the discussion as follow-up to the September 8 agenda item at which applications for honorary street designations were considered.

Councilor Snook suggested that the Historic Resources Committee handle the process, including the evaluation of existing street names that should be changed.

Mayor Walker stated that the most recent applications received during the process given a deadline of August 31 should be considered at this meeting. She advised that the most recent application process was brought about in response to the murder of George Floyd in Minneapolis, MN, and should honor the black community in Charlottesville.

Councilor Hill asked that Council recuse itself from the process as it seems to have become personal.

Council discussed whether to make changes to the Honorary Street Designation policy, and incorporate previous efforts to make a deeper impact to honor people and history in public spaces.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote agreed to MOVE the Honorary Street Designation Policy and applications to the Historic Resources Commission for review and recommendations: 4-1 (Ayes: Hill, Magill, Payne, Snook. Noes: Walker).

REPORT: City Financial Report for August 2020

City Manager Tarron Richardson introduced the item and Ryan Davidson, Senior Budget and Management Analyst, shared details of General Fund Revenues and Expenditures through August 31, 2020.

Staff recommended presenting the second round of CARES Act funding during the September 29 Strategic Planning Retreat. Mayor Walker suggested starting the meeting early to allow for public comment. Council agreed on a 10:00 a.m. meeting start time on September 29.

OTHER BUSINESS

There were no additional business items.

MATTERS BY THE PUBLIC

Mayor Walker opened the floor for comments from the public:

Harold Folley applauded Council efforts to take action on the Disproportionate Minority Contact report. He spoke about also attaining data from UVA police records and about presenting related legislative needs to the General Assembly.

- City Attorney John Blair shared information about Legislative Agenda timeline.

Tanesha Hudson spoke about State Police driving City vehicles, and about the Honorary Street Designation policy as related to a request that she submitted in comparison with another requestor's submission. She spoke about Council micromanagement of the City Manager.

Carol Thorpe followed up on her points made earlier in the meeting. She advised that there was confusion around the honorary street designation call for applications. She thanked Dr. Richardson for his service.

Don Gathers thanked Dr. Richardson for his service and asked that people cease discussing how late Council meetings run. He advised that Council should handle the honorary street designation process instead of passing it to a committee.

The meeting adjourned at 12:09 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council