

CITY COUNCIL MEETING
October 19, 2020
Virtual/electronic meeting

5:00 PM - CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, October 19, 2020, in accordance with a local ordinance approved July 27, 2020 to ensure continuity of government and prevent the spread of disease. Mayor Nikuyah Walker called the meeting to order at 5:02 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 Magill, 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 and consideration of appointment of a city manager and for discussion and consideration of the appointment of individuals to the human rights commission, and
- as authorized by Section 2.2-3711(A)(8) for consultation with legal counsel and legal advice regarding a matter relating to the City's special events regulations.

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

The Charlottesville City Council met in regular session on Monday, October 19, 2020, with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilor Heather Hill, Councilor Michael Payne and Councilor Lloyd Snook. Mayor Walker called the meeting to order at 6:31 p.m.

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

City Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Hill shared an announcement about safe Halloween activities. She announced that the Charlottesville Skate Park, located in McIntire Park, was named “Best New Facility” by the Virginia Recreation & Park Society (VRPS) at its annual conference, and offered congratulations on behalf of City Council to the Parks and Recreation Department. She also announced that the period for loose leaf collection would begin November 2nd.

Mayor Walker announced that applications for the city’s boards and commissions would be accepted through December 11th. She also mentioned that Council, in an attempt to conclude meetings earlier, would hold meetings at 4:00 p.m. to hear staff reports on regular Council meeting days.

Councilor Payne announced an event on November 10 and 11 commemorating the African-American military experience telling the untold history, showing on local television and online outlets.

BOARD/COMMISSION APPOINTMENTS

On motion by Councilor Hill, seconded by Councilor Snook, Council by a 5-0 vote (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none.), APPROVED the following appointments to the Human Rights Commission: Mary Bower, Tobia Mundt, and Alex Oxford.

CONSENT AGENDA*

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

MINUTES: September 8 regular and closed meetings, September 11 special meeting, September 29 special meeting

APPROPRIATION: Battalion Chief Vehicle Insurance Reimbursement - \$36,649.68 (2nd reading)

APPROPRIATION
Battalion Chief's Vehicle Insurance Reimbursement
\$36,649.68

WHEREAS, Allstate Insurance Company is reimbursing the City of Charlottesville for a vehicle loss associated with an accident involving vehicle #3265;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$36,649.68 be appropriated in the following manner:

Revenues

\$36,649.68 Fund: 106 Cost Center: 3201001001 G/L Account: 451110

Expenditures

\$36,649.68 Fund: 106 Cost Center: 3201001001 G/L Account: 541040

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of funds from Allstate Insurance Company.

APPROPRIATION: Virginia Department of Social Services (VDSS) Temporary Aid to Needy Families (TANF) Grants – \$257,479.76 (2nd reading)

APPROPRIATION
Virginia Department of Social Services (V.D.S.S.) Temporary Aid to Needy Families (T.A.N.F.) Grants - \$257,479.76

WHEREAS, the City of Charlottesville has received a third renewal of grant funds from the Virginia Department of Social Services in the amount of \$50,000 requiring a \$7,500 local in-kind match provided by the Office of Economic Development through the Workforce Investment Fund; and

WHEREAS, the City of Charlottesville has received a second renewal of grant funds from the Virginia Department of Social Services in the amount of \$33,800 requiring a \$5,070 local in-kind match provided by the Office of Economic Development through the Workforce Investment Fund; and

WHEREAS, the City of Charlottesville has received a second renewal of grant funds from the Virginia Department of Social Services in the amount of \$173,679.76; and

WHEREAS, the funds will be used to support workforce and business development training programs, supportive services, and staffing provided by the Office of Economic Development; and

WHEREAS, the grant award covers the period from July 1, 2020 and June 30, 2021;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$257,479.76 is hereby appropriated in the following manner:

Revenue – \$57,500

\$50,000	Fund: 209	IO: 1900374	G/L: 430120 State/Fed pass thru
\$7,500	Fund: 209	IO: 1900374	G/L: 498010

Expenditures – \$57,500

\$57,500	Fund: 209	IO: 1900374	G/L: 599999 Lump Sum
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Transfer – \$7,500

\$7,500	Fund: 425	WBS P-00385	G/L: 561209 Transfer to State Grants Fund
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Revenue – \$38,870

\$33,800	Fund: 209	Cost Center: 1621003000	G/L: 430120 State/Fed pass thru
\$5,070	Fund: 209	Cost Center: 1621003000	G/L: 498010

Expenditures – \$38,870

\$38,870	Fund: 209	Cost Center: 1621003000	G/L: 599999 Lump Sum
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Transfer – \$5,070

\$5,070	Fund: 425	WBS: P-00385	G/L: 561209 Transfer to State Grants
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Revenue – \$173,679.76

\$173,679.76	Fund: 209	IO: 1900373	G/L: 430120 State/Fed pass thru
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Expenditures - \$173,679.76

\$173,679.76	Fund: 209	IO: 1900373	G/L: 599999 Lump Sum
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$257,479.76 from the Virginia Department of Social Services.

APPROPRIATION: Red Light Management Funds for Home to Hope for Reentry Services/Programming - \$20,000 (2nd reading)

**APPROPRIATION
Red Light Management Funds for Home to Hope - \$20,000**

WHEREAS, the City of Charlottesville has received funds from Red Light Management in the amount of \$20,000; and

WHEREAS, the funds will be used to support the Home to Hope program through the Office of Economic Development;

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

Revenue – \$20,000

\$20,000 Fund: 105 Cost Center: 1621004000 G/L: 451020

Expenditures – \$20,000

\$20,000 Fund: 105 Cost Center: 1621004000 G/L: 599999

APPROPRIATION: Victim Witness Assistance Program Grant - \$265,024 (carried)

APPROPRIATION: Annie E. Casey Foundation Grant Award - \$10,000 (carried)

APPROPRIATION: Housing Opportunities for People with AIDS/HIV (HOPWA) Covid Supplement- \$20,050 (carried)

REPORT: Rivanna Water and Sewer Authority - Rivanna Solid Waste Authority Quarterly Update

Mayor Walker opened the floor for comments from the public on the Consent Agenda and no one indicated a desire to speak.

On motion by Vice Mayor Magill, seconded by Councilor Hill, Council by the following vote APPROVED the Consent Agenda: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Acting City Manager John Blair shared an update on the following community matters:

- Regarding the number of drug court graduates, he confirmed that 425 was the cumulative number of graduates since program inception.
- Regarding climate change, he shared that the Climate Action Plan would be discussed later on the agenda.
- Regarding a concern about potential source of funds discrimination within the city, he spoke with Mr. Niemeier of the Human Rights Commission (HRC), who advised anyone with that issue to contact the Office of Human Rights. Mr. Blair also advised that the HRC would be considering ordinance revisions to possibly include language about funds discrimination.
- Regarding the last item on the consent agenda, he advised that Mr. Moyer agreed to give an in-person report for the next quarterly update.

COMMUNITY MATTERS

The following members of the public spoke during Community Matters:

1. Chris Meyer, city resident, asked Council to not include severance language in the contract for the next City Manager. He spoke about delay of contract award for the City Schools design contract and about climate action goals in relation to the gas utility.
2. Andres Clarens, professor of Environmental Engineering at UVA, spoke about the city's carbon neutrality goals.
3. Michele Mattioli, city resident, spoke about prioritizing climate action.
4. Jonathan Blank and his daughters spoke about climate action.
5. Roy Van Doorn spoke about City restaurant survival during the Covid-19 pandemic.
6. Brandon Collins spoke about redevelopment, affordable housing, and payment in lieu of taxes.
7. Tanesha Hudson spoke in support of eliminating large severance agreements in city personnel contracts, and about a request for use of city-managed space for tutoring children during virtual learning.
8. Nancy Carpenter thanked the initial members of the Police Civilian Review Board, citing upcoming Virginia legislation.
9. Robin Hoffman spoke about air quality control for restaurants, about the number of children who do not have access to computers, about people who are having a tough time dealing with the Covid-19 pandemic, and about art workshops that she plans to provide for children.

10. Don Gathers spoke in support of Police Civilian Review Board efforts.

ACTION ITEMS

ORDINANCE: Café Space Fee Waiver and Reduction (1 reading approval with 4/5 vote)

Chris Engel, Director of Economic Development presented the proposal.

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

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

The meeting recessed at 7:28 p.m. and reconvened at 7:45 p.m.

ORDINANCE: Authorizing a Grant of Public Funding to Subsidize Construction of For-Rent Affordable Housing to be Occupied by Persons of Low and Moderate Income as Part of a Redevelopment of Public Housing (carried):

- a. South First Street Phase One Redevelopment**
- b. Crescent Halls Redevelopment**

Brenda Kelley, Redevelopment Manager made the presentation.

Charlottesville Redevelopment and Housing Authority Executive Director John Sales shared funding concerns with Council.

Council engaged in discussion about sustainability, timing of requests, project scope, funding sources, and future liability.

Jeff Meyer with Charlottesville Community Development Corporation (CCDC) shared economic feasibility concerns should property tax implementation replace the current payment in lieu of taxes status.

Lisa Robertson, Acting City Attorney, spoke about the current arrangement and about non- appropriation clauses or the inability of Council to bind future Councils to such financial obligations. She also spoke about the complicated issues around property taxes, and about the use of performance agreements.

Krisy Hammill, Senior Budget and Management Analyst, shared information about bondable projects.

Chris Engel, Economic Development Director, added information to support the developer's payment history.

Council agreed to move the item forward to the November 2nd Consent Agenda, with staff making modifications as discussed.

RESOLUTION: Approving a Recovery Agreement between Charlottesville Redevelopment and Housing Authority and the United States Department of Housing and Urban Development and the City of Charlottesville

John Sales, Executive Director of the Charlottesville Redevelopment and Housing Authority (CRHA), presented the resolution request along with a report about mitigation efforts to address the CRHA "Troubled" status.

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

**RESOLUTION
APPROVING A RECOVERY AGREEMENT BETWEEN CHARLOTTESVILLE
REDEVELOPMENT AND HOUSING AUTHORITY AND THE UNITED STATES
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE CITY OF
CHARLOTTESVILLE**

WHEREAS, in May 2019, the City of Charlottesville was notified by the U.S. Department of Housing and Urban Development ("HUD") that Charlottesville Redevelopment and Housing Authority ("CRHA") has been designated "Troubled" for financial, physical and/or management indicators, or other deficiencies as HUD has identified; and

WHEREAS, in August 2019, HUD issued an Audit Report that identified specific deficiencies in operations. HUD requires each troubled agency to enter into agreements that establish performance targets to remedy deficiencies, set out strategies for meeting targets, provide for incentives and sanctions for effective implementation of the strategies leading to recovery of performance and attain an improved status of a least a Standard Performer; and

WHEREAS, HUD requests that the City of Charlottesville be a party to the Recovery Agreement and to take certain actions in the event CRHA's governing board does not effectively perform under the Recovery Agreement.

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

The Recovery Agreement proposed by HUD and CRHA is hereby approved, and City Council hereby authorizes the Mayor to execute the Recovery Agreement on behalf of the City of Charlottesville and City Council.

ORDINANCE: Authorization of a Forgivable Loan to Piedmont Housing Alliance to Support Redevelopment of Friendship Court for the Purpose of Producing New Housing for Low and Moderate Income Persons (carried)

Brenda Kelley, Redevelopment Manager, presented the report and request. Mr. Sunshine Mathon, Executive Director with Piedmont Housing Alliance, shared additional information regarding the development and along with Budget staff answered questions from Council.

Council agreed to move this item to the November 2nd Consent Agenda.

RESOLUTION: Approval of Performance Agreement to support Friendship Court Redevelopment efforts

Chris Engel, Director of Economic Development, presented the request. Staff provided answers to questions from Council.

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

**RESOLUTION OF THE
CITY COUNCIL
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Economic Development Authority of the City of Charlottesville, Virginia (**the “Authority”**), a political subdivision of the Commonwealth of Virginia (**the “Commonwealth”**), was established to promote the safety, health, welfare, convenience or prosperity of the inhabitants of the City of Charlottesville, Virginia (**the “City”**) by improving and rehabilitating a distressed area of the City which will enhance the tax base in the City and create opportunities for commercial and other economic development in the City; and

WHEREAS, the City Council of the City is empowered pursuant to Section 15.2-953 of the *Code of Virginia*, 1950, as amended (**the “Code”**), to make appropriations of public funds to the Authority for the purpose of promoting economic development in the City; and

WHEREAS, the Authority is empowered pursuant to Section 15.2-4901, *et seq.*, of the Code to, among other things, accept contributions, grants and other financial assistance from the City and make grants to any person, partnership, association, corporation, business, or governmental entity for the purposes of promoting economic development in the City; and

WHEREAS, the Authority, pursuant to that certain proposed Economic Development Performance Agreement (**the “Agreement”**) by and among the Authority and Piedmont Housing Alliance, a non-profit 501(c)(3) organization under the Internal Revenue code of 1986 as amended (**“PHA”**) on its own behalf and on behalf of a limited liability company of

which PHA serves as manager (**the “Developer”**), attached hereto as **Exhibit I**, is proposing to provide a certain financial incentive grant (**the “Grant”**) to the Developer in order to encourage and induce the Developer to invest a significant amount of money into real estate improvements, described as phase I of the planned development consisting of 106 units (**the “Investment”**) located in the City currently known as Friendship Court; and such phase I and 106 units are described and depicted on Exhibit A of the Agreement (**the “Property”**) along with the other requirements included in such Investment as set forth in Exhibit B to the Agreement; and

WHEREAS, the Authority, while recognizing that the City Council of the City (**the “City Council”**) is not empowered under Virginia law to make any binding commitment beyond the current fiscal year of the City, has requested that the City Council annually appropriate monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement; and

WHEREAS, there has been presented to this meeting a draft of the Agreement which sets forth the understanding and agreement between the Authority and the Developer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA:

1. The City Council finds and determines that the terms and conditions of the Agreement, including the provisions for the Grant, is consistent with the mission, goals and purposes of the Authority.
2. It is the current intention of the City Council to make sufficient annual appropriation of monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement.
3. The City Manager or any other officer charged with the responsibility of preparing the City budget is hereby authorized and directed to include in the City budget for each fiscal year of the City during the term of the Agreement a request that the City Council appropriate sufficient monies to the Authority for the purpose of promoting economic development in the City and funding certain financial obligations of the Authority pursuant to the terms of the Agreement during such fiscal year.
4. The City Manager is hereby authorized to acknowledge the City’s understanding of the Agreement and to execute such documents as he deems appropriate in relation to such Agreement.

5. All other acts of the City Manager, the Director of Economic Development or any other officer of the City relating to the purposes and intent of this resolution are hereby approved and ratified.
6. This resolution shall take effect immediately.

The meeting recessed at 10:30 p.m. and reconvened at 10:40 p.m.

RESOLUTION: Coronavirus Aid, Relief, and Economic Act (CARES) Funds – Second Allocation: Contingency Reserve Allocation - \$410,000

Acting City Attorney John Blair introduced the item, referencing the initial request that was considered at the October 5, 2020, City Council meeting.

Chris Cullinan, Director of Finance, provided financial details of the request.

Kaki Dimock, Director of Human Services, provided an update on a variety of programs and staff provided answers to questions from Council.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED the resolution with amendment: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

RESOLUTION

Coronavirus Aid, Relief, and Economic Act (CARES) Funds – Second Allocation Contingency Reserve Allocation - \$415,000

WHEREAS, the Charlottesville City Council appropriated \$625,000 of Coronavirus Aid, Relief, and Economic Act (CARES) funds to a Contingency Reserve Fund on October 5, 2020; and

WHEREAS, the Charlottesville City Council has requested those funds be used to fund requests from the Public Housing Association of Residents (\$110,000), Charlottesville Redevelopment and Housing Authority (\$80,000), the Conscious Capitalist Foundation (\$25,000) and the Black Community Wellness Center (\$200,000);

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$415,000.00 of the Contingency Reserve Fund shall be allocated in the following manner:

Transfer From:

Contingency Reserve

\$415,000 Fund: 208 Internal Order: 1900388 G/L Code: 599999

Transfer To:

Community Support

\$415,000 Fund: 208 Internal Order: 1900384 GL Code: 599999

GENERAL BUSINESS

There were no items of general business.

PUBLIC COMMENT: Council Strategic Plan Update

Mayor Walker announced the date changes for the second and third work sessions for the Strategic Plan update to November 20 and December 15. She then opened the floor for public comment on the City's strategic plan. No speakers came forward.

REPORT: City Financial Report through September 30, 2020

Ryan Davidson, Senior Budget and Management Analyst, shared the monthly financial update. Budget staff and the Commissioner of the Revenue answered Council questions about projections.

**REPORT: Climate Action Plan update; Report from Community Climate Collaborative;
Speaker: Pamela Boyce Simms - Climate Justice**

Susan Elliott, Climate Protection Program Manager, made a presentation regarding the Climate Action Plan development process.

Susan Kruse, Community Climate Collaborative (C3) Executive Director, introduced the Uncovering Energy Inequity Report: an Analysis of How Energy Burden is Distributed. She turned the presentation of findings over to Caetano de Campos Lopes, Director of Climate Policy with C3.

Ms. Pamela Boyce Simms spoke about climate justice and inclusivity of the most distressed members of the community in developing solutions.

DISCUSSION: Temporary City employees

John Blair, Acting City Attorney, introduced staff who would be available to answer questions for Council.

Michele Vineyard, Human Resources Director, presented a report on the status of Parks and Recreation temporary and seasonal staff during the Covid-19 pandemic. She provided clarification about the number of employees and number of positions, where some people may have held multiple positions. She shared instructions that were given to employees at the on-set of the Covid-19 pandemic and advised of how weekly pay was calculate for those temporary/seasonal staff who were instructed to stay home. She shared revenue loss information for the Parks and Recreation Department and about workforce reduction due to the cancellation of certain services and activities that were canceled indefinitely.

Mayor Walker expressed concerns about the report and about the handling of temporary employees. She asked about the potential for using the Employee Assistance Fund for employees. Mr. Blair advised that he, Deputy City Manager Letitia Shelton, and Ms. Vineyard would look into it.

OTHER BUSINESS

There were no other business items.

MATTERS BY THE PUBLIC

Brad Slocum, city resident, spoke about decreasing the reliance on supply chains for food and medicine to be more resilient as a community.

Jay James, city resident and Assistant Director for the Bridge Ministry, spoke about the proposal submitted by The Bridge Ministry for CARES funding.

Don Gathers spoke in support of Mayor Walker's stance on temporary employees. He thanked Council for support of the Housing Authority items supported earlier in the agenda. He thanked those who have shown support for Black Lives Matter.

Mayor Walker made closing comments.

The meeting adjourned at 1:20 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council