

CITY COUNCIL MEETING
April 5, 2021
Virtual/electronic meeting via Zoom

5:00 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, April 5, 2021, in accordance with local ordinance #O-21-026, adopted February 16, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. Mayor Nikuyah Walker called the meeting to order at 5:01 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

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

- Section 2.2-3711(A)(7) for consultation with legal counsel and briefing by staff members pertaining to a pending lawsuit, and a separate matter involving probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body in each matter; and
- Section 2.2-3711(A)(8) for consultation with legal counsel regarding a process for the intended removal of the City's confederate statues.

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 6:42 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met in an electronic meeting on Monday, April 5, 2021, in accordance with local ordinance #O-21-026, adopted February 16, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. Mayor Nikuyah Walker called the meeting to order at 6:43 p.m. with the following members present: Mayor

Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

City Council observed a moment of silence.

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

ANNOUNCEMENTS

Dr. Denise Bonds, Blue Ridge Regional Health District Director shared an update on Covid-19 data, including the vaccine phased roll-out. She shared contact information for vaccination sign-ups: vaccinate.virginia.gov or call 1-877-VAX-IN-VA (1-877-829-4682). She answered questions from Mayor Walker.

RECOGNITIONS/PROCLAMATIONS

City Manager Chip Boyles recognized Diane Kuknyo for 27 years of service to the City of Charlottesville. She retired as Director of Social Services on April 1, 2021. Diane made a few remarks and Councilors thanked her for her service and leadership in the City of Charlottesville.

Mayor Walker read a proclamation for National Dance Week. Maria Daniel with iDance Ministry, representing the National Dance Foundation, made remarks in acceptance of the proclamation.

CONSENT AGENDA*

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

1. MINUTES: February 16 work session, closed meeting and regular meetings; February 19 special meeting
2. APPROPRIATION: COVID Homelessness Emergency Response Program (CHERP) – Homelessness Management Information System Grant Award - \$29,786 (2nd reading)

APPROPRIATION

COVID Homelessness Emergency Response Program (C.H.E.R.P.) H.M.I.S. Grant Amendment - \$29,786

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the C.H.E.R.P. Grant from the Virginia Department of Housing and Community Development in the amount of \$29,786.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$29,786 is hereby appropriated in the following manner:

Revenues

\$29,786 Fund: 209 IO: 1900402 G/L: 430120 Federal Pass Thru

Expenditures

\$29,786 Fund: 209 IO: 1900402 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$29,786 in funds from the Virginia Department of Housing and Community Development.

3. APPROPRIATION: COVID Homelessness Emergency Response Program (CHERP) Grant Award - \$806,594 (2nd reading)

**APPROPRIATION
C.H.E.R.P. Grant Amendment \$806,594**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the C.H.E.R.P. Grant from the Virginia Department of Housing and Community Development in the amount of \$806,594.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$806,594 is hereby appropriated in the following manner:

Revenues

\$806,594 Fund: 209 IO: 1900401 G/L: 430120 Federal Pass Thru

Expenditures

\$806,594 Fund: 209 IO: 1900401 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$806,594 in funds from the Virginia Department of Housing and Community Development.

Mayor Walker opened the floor for comments from the public on the Consent Agenda. There were no speakers.

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

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

City Manager Chip Boyles shared an update on the following community matters:

1. Regarding a question about the Police Department solicitation for purchase of weapons and off-duty holsters, he advised that the intent was to reduce inventory and move to a standardized weapon platform as well as provide appropriate holsters. Regarding the off-duty language, he clarified the “off-duty” misnomer and explained department procedure, advising of the various uses for the holsters.
2. Regarding school reconfiguration design and consulting services, he advised that the architectural and engineering services contract was awarded to local design firm VMDO, for \$1.47 Million. He summarized the project status.
3. He gave an update on the Riverview access point at Riverview Park, advising that the Parks and Recreation Department was working with community stakeholders.
4. He announced the hiring of Ashley Reynolds-Marshall to the position of Deputy City Manager for Racial Equity, Diversity and Inclusion (REDI). He shared that other key leadership positions would be filled soon. He announced that the City of Charlottesville has joined UVA with membership into the International Town and Gown Association, a group of which the City of Charlottesville was a founding member.

COMMUNITY MATTERS

Mayor Walker opened the floor for public comment.

1. Nancy Carpenter ceded her time to Mary Bauer, who spoke on behalf of the Charlottesville Human Rights Commission to request funding to provide counsel to tenants facing evictions.
2. Rosemary Miller asked that the city open the splash parks this summer.
 - City Manager Boyles advised that the State has not authorized the opening of splash parks at this time.
3. Christa Bennett, city resident, shared an update on the Walker Playground Project, including community and student engagement efforts. She shared that the City would need to help to address accessibility from the parking lot. She projected that the playground would be available for use in the summer.
4. Laurence Mann, city resident, spoke about negative impacts of a social media post from Mayor Walker.
5. Professor John Edwin Mason, city resident and former Vice Chair of the City's Blue Ribbon Commission on Race, Memorials and Public Spaces, spoke in support of removing Confederate monuments in the City of Charlottesville and the use of tarps for covering them until removed.
6. Shantell Bingham spoke about the urgency of tenants' right to counsel with the impending end of the eviction moratorium.

7. Tanesha Hudson read an email from May 2020 from Councilor Snook regarding management of city operations, which was received in a Freedom of Information (FOIA) request.
 - Mayor Walker commented on the creation of the role for the Deputy City Manager for Racial Equity, Diversity and Inclusion and other positions.
8. Don Gathers, city resident, spoke in support of the message behind Mayor Walker's poem shared on social media and spoke of disappointment in other Councilors' responses. He spoke about the honorary street designation notification and placement of signs for Black Lives Matter Boulevard. He asked about beginning discussions about the removal of confederate statues. He also spoke about the Acting City Attorney's actions surrounding the mayor's credit card use.
 - Councilor Hill added background information about the signage for Black Lives Matter Boulevard.
9. Kristin Szakos, city resident, spoke in support of removal of Confederate monuments in the City of Charlottesville, congratulated Assistant City Attorney Lisa Robertson, asked that the city find a creative way to dispose of the statues.
10. Robin Hoffman, city resident, spoke about supporting public access television and a Council periodical to support tourism. She also spoke about Covid vaccinations.

Councilor Snook clarified with Acting City Attorney Robertson the laws in place preventing the covering of statues. She advised that there is a period of time before the Supreme Court of Virginia orders would be final, and that there is a path forward.

Councilor Hill spoke about funding for eviction support and asked Mr. Boyles to comment. Mr. Boyles shared a recommendation to contract with the Legal Aid Justice Center in the eviction counseling funding, using American Recovery Program (ARP) funding.

Mayor Walker added remarks about keeping families out of the court system, and about other public comments.

Councilor Snook added that the County should be included in conversations regarding evictions. Mr. Boyles advised that he has reached out to the County to begin those discussions.

The meeting recessed at 8:14 p.m. and reconvened at 8:30 p.m.

ACTION ITEMS

PUBLIC HEARING/ORDINANCE: Designation of trees for protection under the Tree Conservation Ordinance (carried)

Mike Ronayne, City Arborist, made a presentation of the nominations made by the Tree Commission for trees to be protected by city ordinance.

Mayor Walker opened the public hearing.

- Marcia Geyer spoke about the tree preservation ordinance and the effort to protect six trees. She suggested that more effort be put into protecting the larger local tree canopy.

Mayor Walker closed the public hearing.

At the request of Councilor Hill, Mr. Ronayne provided clarification between the ordinance and local efforts to address tree canopy. Council agreed to move the item forward to the April 19 consent agenda.

PUBLIC HEARING/APPROPRIATION: Public Hearing on Budget/First Reading of FY 2022 Budget Appropriation (carried to April 13)

City Manager Boyles provided a summary of the City General Fund Budget, with revisions per Council requests, and updated revenues and expenditures. He presented amendments to the FY22 Capital Improvements Projects budget.

Mayor Walker opened the public hearing.

- Harold Folley spoke in support of the Public Housing Association of Residents (PHAR) Internship Program.
- Don Gathers supported comments from Mr. Folley and spoke in support of funding for Drug Court and the Therapeutic Docket.
- Jake Gold spoke in support of funding counsel for tenants facing eviction.
- Kate Fraleigh, city resident, spoke about the Charlottesville Police Department budget - particularly for bodyworn cameras.
- Jay James spoke in support of funding for Drug Court, the Therapeutic Docket, and the Bridge Ministry.

Mayor Walker closed the public hearing.

Councilors engaged in discussion. Mr. Boyles shared thoughts on future strategic planning for beginning the FY2023 budget process.

Council agreed to cancel the April 8, 2021 budget work session and move the item forward to the April 13 special meeting for a second reading and adoption.

ORDINANCE: Tax Rate/Tax Levy Ordinance for Calendar Year 2021 (carried to April 13)

Mr. Boyles shared that there were no proposed tax or fee changes recommended.

Mayor Walker asked about CHAP (Charlottesville Housing Assistance Program) and rent relief program increases.

Council agreed to move the item forward to the April 13 special meeting for a second reading.

ORDINANCE: City of Charlottesville COVID Ordinance request to repeal (carried)

Councilor Hill presented the request to repeal the local Covid-19 ordinance as various openings move forward at the State level.

Council agreed to move the item forward to the April 19 consent agenda for a second reading.

RESOLUTION: Comprehensive Plan Amendment – Starr Hill Neighborhood Community Vision Plan

Alex Ikefuna, Deputy Director for Neighborhood Development Services, shared background information for the Plan. He advised that on March 9 the Planning Commission held a joint public hearing with City Council and voted unanimously to amend the City's 2013 Comprehensive Plan to include the Starr Hill Vision Plan.

Yolunda Harrell, project consultant with New Hill Development Corporation, presented the Starr Hill Neighborhood Community Vision Plan, covering major themes and envisioned outcomes. Some benefits and foci of the Plan included: Centering Black Entrepreneurs, Ownership and Rental Housing, and Placemaking, Culture and Legacy.

Ms. Harrell spoke of the vision for creation of new housing and new home ownership opportunities, the creation of on-site and supply chain jobs, growing opportunities for churches to become a vital part of the community once again, and the opportunity to strengthen neighborhood connectivity and provide connectivity to the Downtown Mall using a pedestrian bridge across McIntire.

Councilors asked staff to explain the difference between Small Area Plan (SAP) and Vision Plan, as well as next steps. Mr. Ikefuna explained that the SAP would have detailed analysis of land use. Mr. Ikefuna listed options for next steps. He advised of existing funding in the Capital Improvement Program (CIP) budget for environmental work should Council decide to move forward.

Ms. Harrell and Shelli Brady of New Hill Development Corporation answered questions for Council regarding City Yard and the reasoning behind the Vision Plan. They discussed that they took into consideration what items could be accomplished in the immediate versus near future.

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

Councilor Snook expressed concern about adopting a plan that incorporates developing the largest parcel of City-owned land. Ms. Brady provided clarification and advised that the City would not be locked into a particular plan or development.

RESOLUTION

TO APPROVE AN AMENDMENT OF THE 2013 CITY COMPREHENSIVE PLAN FOR THE CITY OF CHARLOTTESVILLE TO INCLUDE THE STARR HILL VISION PLAN

WHEREAS, on March 9, 2021, after notice was given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the 2013 Comprehensive Plan for the City of Charlottesville, to include the contents of the proposed Starr Hill Vision Plan; and

WHEREAS, on March 9, 2021, the Planning Commission adopted a resolution recommending approval by the City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the recommended Comprehensive Plan Amendment, the City Council hereby adopts the June 26, 2020 Starr Hill Vision Plan as an amendment to the City's Comprehensive Plan. The Neighborhood Development Services staff shall post on the City's website notice of Council's adoption of this Update, along with a copy of the approval Update.

RESOLUTION: Harris Street Apartments, request to amend a Special Use Permit to increase residential density at 1221, 1223 and 1225 Harris Street

Brian Haluska, Principal Planner, introduced the item, advising that the applicant Cville Business Park LLC previously received a special use permit for additional density and height, and this request is for additional density to increase from 105 to 120 units. The Planning Commission in a March meeting unanimously recommended approval.

Councilors asked clarifying questions about land calculations, the reasoning for the item coming before Council again after the original plan was approved a year ago, about affordable units, about working with Charlottesville Redevelopment and Housing Authority (CRHA), and about the level of rents qualifying for the housing choice voucher program.

The developer Chris Virgilio added that the original footprint was reconfigured to fit more spaces and address the increasing costs of construction. Mr. Virgilio advised that there would be no issues with honoring vouchers for five units and that rents would be set at an affordable rate. Mayor Walker advised of the need for the developer and staff to provide clarity throughout the process.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote ADOPTED the resolution: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

RESOLUTION
AMENDING AND REENACTING A SPECIAL USE PERMIT FOR PROPERTY
LOCATED AT 1221, 1223 and 1225 HARRIS STREET

WHEREAS, landowner CVILLE BUSINESS PARK, LLC is the current owner (“Landowner”) of certain land identified on 2019 City Tax Map 34 as Parcels 90B, 90C, and 90.1 (City Real Estate Parcel Identification Nos. 340090B00, 340090C00, and 340090100, and current street addresses of 1221, 1223 and 1225, respectively) and having, collectively, an area of approximately 2.446 acres (106,547 square feet) (the “Subject Property”), and

WHEREAS, Landowner proposes to redevelop the Subject Property for a specific project, described as follows: a mixed use building at a height of up to six (6) stories, containing retail and commercial space on the ground floor facing Allied Street and Harris Street, respectively, containing up to 120 residential dwelling units above the ground floor, and containing underground parking (the “Project”), for an overall density within the area of the Subject Property of up to 50 dwelling units per acre (DUA); and

WHEREAS, the Subject Property is located within the Industrial Corridor zoning district;

WHEREAS, the Project is described in more detail within the Landowner’s drawings submitted in connection with SP19-00010, as modified by floor plans and elevation drawings dated January 21, 2021 submitted in connection with SP21-00001 (collectively, the “Application Materials”); and

WHEREAS, on March 9, 2021 the Planning Commission and City Council conducted a joint public hearing on the proposed SUP Amendment (SP21-00001) after notice and advertisement as required by law; and

WHEREAS, upon consideration of the comments received during the joint public hearing on SP21-00001, the information provided by the Landowner within the Application Materials, and

the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed amended Special Use Permit for the Project; and

WHEREAS, upon consideration of the Planning Commission’s recommendation, the Staff Report, public comments received at the public hearing, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed amended Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-457(b)(5)(a.), 34-458(b), and 34-480, an amended special use permit is hereby approved and granted to authorize one mixed use building, with a height of up to six (6) stories and containing up to 120 residential dwelling units above the ground floor, within the Subject Property, subject to the following conditions:

1. The specific development being approved by this special use permit (“Project”), as described within the Application Materials (including the modified floor plans and elevations dated January 21, 2021) shall have the following minimum attributes/ characteristics:
 - a. Not more than one building shall be constructed on the Subject Property (the “Building”). The Building shall be a six-story Mixed Use Building, containing up to 120 residential dwelling units, ground floor commercial floor area, and underground parking, with overall residential density of up to 50 DUA within the area of the Subject Property.
 - b. The highest point of the Building, as defined within City Code §34-1100(a), shall not exceed an elevation of 520 feet above sea level. Exclusions from measurement of building height shall be those referenced within §34-1101(a).
 - c. The ground floor areas along Harris Street and Allied Street shall be used and occupied, respectively, for retail and commercial uses. The square footages of floor area to be used for retail and commercial uses shall be no less than depicted in the January 21, 2021 floor plans and elevation drawings.
 - d. Underground parking shall be provided within a parking garage structure constructed underneath the Building.
 - e. The Landowner shall provide a preliminary traffic study of the immediate area surrounding the building, as well as traffic impact on Allied Street, Harris Street and the intersection of Harris Street and McIntire Road. The scope of the traffic study shall

be approved by the City Traffic Engineer prior to submission, and must be submitted to the City for review and comment prior to the approval of the final site plan for the project.

2. Within the Building, five (5) affordable dwelling units shall be provided for rental by low- or moderate-income persons, as follows: three (3) one-bedroom units and two (2) two-bedroom units. Each of these units shall be an “affordable dwelling unit” as defined in City Code §34-12 throughout a period of ten (10) years.
3. During the first two months for which dwelling units are leased within the Building, five (5) dwelling units shall be reserved for lease to persons who hold housing choice vouchers at rents for which the vouchers can be used. Prior to commencement of this initial leasing period, Landowner shall notify the Charlottesville Redevelopment and Housing Authority that the 5 reserved units are, or will be, available to persons with vouchers.

RESOLUTION: City Council Rules and Procedures amendments

City Manager Boyles advised that the item was brought forward based on credit card charges, with the Commonwealth’s Attorney opinion that the credit card policy in place was not adequate to be enforceable. He advised that staff has begun review of policies for staff and City Council.

Acting City Attorney Lisa Robertson provided additional details, including proposed language revisions discussed at a work session on March 23, 2021.

Mayor Walker spoke about citizen time spent sharing opinions and perspectives. She asked about various community engagement scenarios and rules around making purchases.

Acting City Attorney Robertson advised that Council as a body could vote to allow individual councilors to expend funds in support of City Council business. She spoke about reimbursable expenses related to duties of City Council, and she shared information about Dillon's Rule.

At the mayor’s request, Ms. Robertson and Clerk Thomas shared information from counterparts in Richmond regarding their budget line items. Councilor Hill guarded against comparing Charlottesville to Richmond, given the size difference and lack of districts.

Ms. Robertson provided clarification around the need for a Council-adopted policy.

Mayor Walker asked for agreement on start time for closed meetings, as the previous policy adopted a 5:00 p.m. start time; however, the clerk was notified to start closed meetings at 5:30 p.m. Councilor Snook advised that the meeting time was general. Clerk Thomas questioned

whether general times would need to be included in the policy and Mayor Walker indicated that times could be set as needed.

Council discussed inquiries to staff and the amount of time involved, use of decentralized buying versus submitting receipts for reimbursable expenses placed on a credit card, emergency travel expenses, and an unapproved payment request for a meeting attendee. Mayor Walker requested that Council look into paying lower income meeting attendees. She voiced that the policy was restrictive and paternalistic.

Councilor Payne voiced the need to have a policy in conformity with State law – seeking a route to provide compensation for participating community members; adopting a general expenditure policy; adopting line items in an approved budget, with individual councilors responsible for ensuring their expenditures adhere to State law.

Councilor Snook voiced a desire to remove the verbiage allowing individual councilor expenditures for selecting speakers or consultants. Councilors Payne and Hill agreed.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote ADOPTED Council Rules and Procedures as amended during discussion, and agreeing to adopt line items for Council discretionary expenditures as part of the FY 22 Budget: 3-2 (Ayes: Hill, Magill, Payne; Noes: Snook, Walker).

Councilors were instructed to provide a desired line item budget to Clerk Thomas by Friday, April 9, for consideration at the April 13 Special Meeting to adopt the FY22 City Budget.

GENERAL BUSINESS

REPORT: Orange Dot Report 4.0 - Family Self-sufficiency in the Charlottesville Region

Ridge Schuyler, Dean of the Division of Community Self-sufficiency Programs at Piedmont Virginia Community College, shared a summary of the Orange Dot Report 4.0 to address the economic struggles of families in Charlottesville.

Mr. Schuyler shared comparison data between Charlottesville and surrounding localities. A major contributing factor to lower median income is adults over 25 years old without a high school diploma in a locality that requires a diploma by default for most jobs. He advised that in Charlottesville, being poor shortens life span by twelve years. He shared information about the racial wealth gap, which was brought about intentionally, advising that unequal labor income is a major factor.

He shared action items for what more could be done:

- Increase local procurement
- Pilot Open Hiring (TM)
- Provide universal pre-K
- Offer low-interest loans/grants to pay life expenses while attending school
- Pair subsidized housing with opportunities for economic mobility wherever possible
- Build more \$800/month two-bedroom apartments for working families
- Create a community-wide employee assistance program
- Expand homeownership and wealth-building through purpose-built condos
- Make access to capital affordable by providing loan guarantees
- Lock shifts

Mayor Walker shared comments about the report and about the local approach to resolving problems. She advised that it may be more effective to give money directly to families.

OTHER BUSINESS

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote AUTHORIZED the City Attorney to retain outside legal counsel to assist the City Attorney's Office in defending the City's interest in a lawsuit pending within the Charlottesville Circuit Court, Case# CL21-116: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

MATTERS BY THE PUBLIC

- Tanesha Hudson spoke about City Council accountability, specifically regarding the departure of black leaders and the credit card policy.
- Joy Johnson spoke of disappointment in others' negative reactions to the poem posted by Mayor Walker on social media. She also spoke in support of Council providing financial support for low income individuals to attend meetings.
- Don Gathers spoke about adverse treatment of black people in positions of power.

The meeting adjourned at 12:58 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council