

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 2, 2021
Action Required:	Report
Presenter:	Charles P. Boyles, II, City Manager Emily Pelliccia, Deputy Fire Chief & COVID-19 Incident Commander Kyna Thomas, Clerk of Council Brian Wheeler, Director of Communications
Staff Contacts:	Emily Pelliccia, Deputy Fire Chief & COVID-19 Incident Commander Kyna Thomas, Clerk of Council Brian Wheeler, Director of Communications
Title:	Update on reconstitution of services for City government operations

Background:

The City's COVID-19 Incident Management Team anticipates that it may be able to recommend later this month that the City return to normal operations effective at 8 a.m. Tuesday, September 7, 2021. This agenda item is intended to allow staff to receive feedback from City Council and the public about the timing of the reopening of City Hall and the return to in-person public meetings.

The City Council has authorized actions necessary to address the COVID-19 Pandemic using various legal processes and procedures.

- (1) **Continuity of Government Ordinance, as authorized by Virginia Code §15.2-1413.** This Ordinance allows a locality to take actions that, in its discretion, it deems necessary to assure continuity of government during a disaster. A continuity of Government Ordinance (CGO) may not continue in effect for longer than six (6) months at a time. Originally City Council adopted the CGO on March 25, 2020 (#O-20-049) and amended and extended it on September 8 (#O-20-117), October 19, 2020 (#O-20-135) and April 19, 2021 (#O-21-053). The CGO will expire October 19, 2021.
- (2) **Other Ordinances and Resolution(s).**
 - a. Resolution #R20-035 (3/12/2020) authorizing the City Manager to Declare a Local Emergency. (On that same date, the City Manager, in his capacity as Director of Emergency Management, issued the Public Safety Order that serves as the actual Declaration).
 - b. Resolution #R-20-045 (3/16/2020) granting the Haven permission to operate without regard to certain zoning (special use permit) conditions until such time as City Council discontinues the local state of emergency.
 - c. #O-20-047 (3/16/2020): Ordinance Extending Mandatory Review Periods.

A reopening approved by City Council would require the repeal of the ordinances described above.

Discussion:

The City remains in a local state of emergency related to the COVID-19 Pandemic.

- Substantial numbers of people remain unvaccinated. Only half (53.3%) the people within the BRHD are fully vaccinated, and about 38% of people still haven't received a single dose.
- Public health officials indicate that the COVID-19 Delta strain is very contagious and may trigger more serious illness in those who are not fully vaccinated.
- We are not comfortable ending the local state of emergency at the local level prior to September. We believe that continuing actions to reduce gatherings in indoor settings are necessary, until such time as we see whether the Governor's implementation of less restrictive state policy remains effective.
- Most local government business takes place indoors. In particular, indoor gatherings for public meetings at which numerous people are in attendance, presents the greatest risk of transmission of the virus. Public meetings held in City Hall may place vaccinated and unvaccinated individuals in close proximity over many hours.
- City Council has to take action to lift the state of emergency and rescind the continuity of governance ordinance before City Hall is fully reopened.

The City Manager believes it is prudent to delay a full reopening of City Hall until our staff and workspaces are fully prepared to be in close contact with the public again. Waiting until at least September 7, 2021 allows for additional people to be fully vaccinated and allows us to monitor new cases, and the severity of new cases, throughout the summer months while people begin interacting more frequently in group settings. The City will conduct additional outreach to staff and public related to the importance for obtaining vaccinations for all ages.

- City Council supports efforts at the state level to cautiously return to normal economic and social activities. However, even as the Governor oversees state-level policy relative to the entire Commonwealth, we are responsible at the local level for making sure that our own activities do not result in circumstances that present a risk of harm to individuals participating in government meetings or doing business with the City.
- The City Manager has encouraged department directors to evaluate continued telecommuting options for some employees in positions where this approach has been deemed efficient and effective throughout the pandemic.
- We think it best that, while opening up outdoor recreational programs and outdoor special events/gatherings, it is essential that we continue to limit indoor gatherings within public buildings consistent with information that is known about the greatest risk of transmission of the virus.
- We do not wish to mandate local businesses or restaurants to maintain restrictions on indoor gatherings, but we do want to encourage voluntary restrictions and want to lead by example through August.

Under Virginia Code §44-146.21 the City's locally-declared state of emergency will continue in effect until City Council determines, in its judgment, that "all emergency actions have been taken." Separately, Va. Code §15.2-1413 authorizes City Council, during a disaster, to enact an ordinance

that provides a method to assure continuity in local government operations (with resumption of normal government operations by the end of a six-month period)—notwithstanding any contrary provision of [state] law, general or special. Since the local COVID-19 emergency/ disaster continues, City Council must re-enact a CGO for another 6-month period. The current CGO will expire October 19, 2021.

Return to In-Person Meetings

Once the locally declared state of emergency is lifted, state law will require all public bodies to have a quorum in-person for its public meetings. Only City Council has passed an electronic participation policy which can be invoked in limited circumstances.

The City of Charlottesville can continue to use virtual meeting technology to expand opportunities for meaningful public participation in our local government meetings.

The Communications Department recommends using Zoom videoconferencing for a limited number of public bodies including City Council (6 boards). By targeting a subset of more prominent boards and commissions, we will set clear expectations about which meetings have Zoom availability for the public while the others return to an in-person only format. Special events like town halls, public hearings, and workshops could also include virtual participation options. Continued availability of Zoom would also support City employees who wish to participate in these meetings virtually.

“Hybrid meetings” (a mix of in-person and remote participants over Zoom), with high quality audio and video for broadcast and streaming, require two Communications staff per meeting (a Zoom Host and a Producer to operate cameras/audio). Typically, the staff liaison to a board has other duties during a public meeting (e.g. participant, taking minutes).

A detailed proposal describing the hybrid meeting approach is attached for feedback from Council and the public.

Alignment with City Council’s Vision and Strategic Plan:

The reopening of City Hall and the recommendations to continue offering a virtual participation option for six boards and commissions contributes to Goal 5 of the Strategic Plan, to be a well-managed and responsive organization, and objectives 5.3, to provide responsive customer service, and 5.4, to foster effective community engagement.

Community Engagement: Staff have prepared this agenda item for the public’s consideration and feedback through a public comment opportunity at this meeting and throughout August.

Budgetary Impact: N/A

Recommendation: We recommend that Council receive another update from staff at its monthly work session on August 24, 2021. If Council determines on that date that the local disaster/ emergency declaration can be ended because all emergency actions have been taken, then it can repeal the Continuity of Government Ordinance. We also recommend City Council provide feedback on the proposal from the Communications Department regarding the approach for

holding some hybrid public meetings beginning on September 7, 2021 and that City Council revise its meeting procedures to reflect the opportunity for continued virtual participation by the public.

Alternatives:

City Council could defer a decision on the return to normal operations. The current Continuity of Governance ordinance expires October 19, 2021.

Attachments:

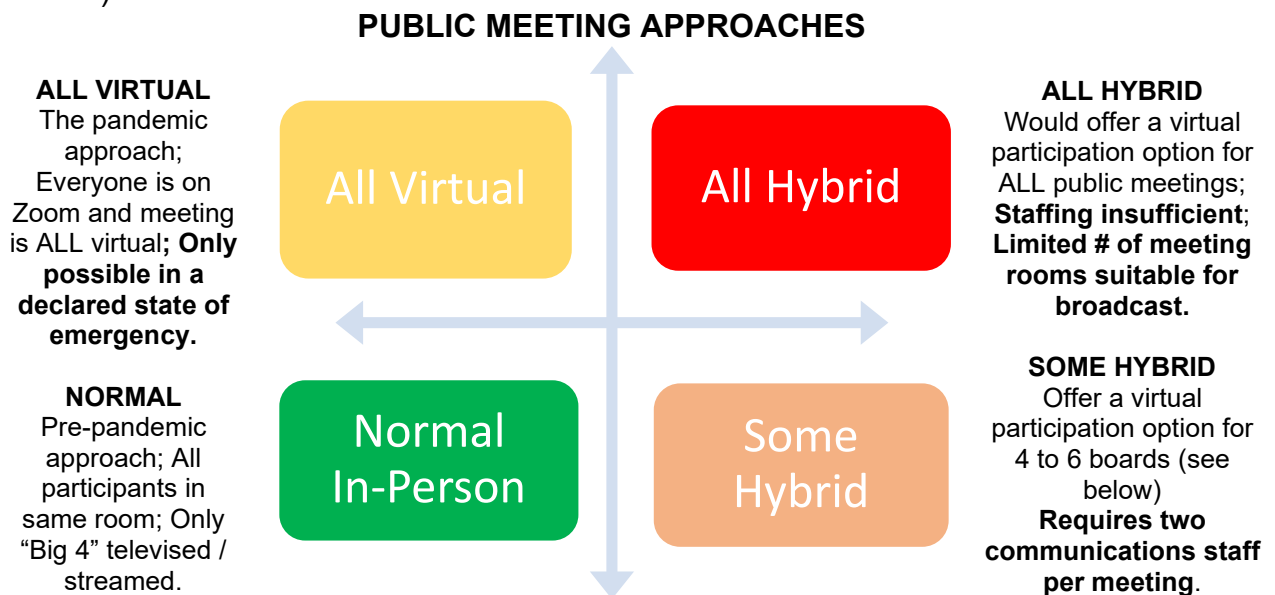
1. Proposal for conducting hybrid meetings for six boards and commissions, including City Council.
2. Proposed revisions to Council Meeting Procedures to support virtual participation.

Public meeting approaches for the City of Charlottesville after the Coronavirus (COVID-19) pandemic

The City of Charlottesville can use virtual meeting technology to expand opportunities for meaningful public participation in our local government meetings.

The Communications Department recommends using Zoom videoconferencing for a limited number of public bodies including City Council (6 boards). By targeting a subset of more prominent boards and commissions, we will set clear expectations about which meetings have Zoom availability for the public while the others return to an in-person only format. Special events like town halls, public hearings, and workshops could also include virtual participation options. Continued availability of Zoom would also support City employees who wish to participate in these meetings virtually.

“Hybrid meetings” (a mix of in-person and remote participants over Zoom), with high quality audio and video for broadcast and streaming, require two Communications staff per meeting (a Zoom Host and a Producer to operate cameras/audio). Typically, the staff liaison to a board has other duties during a public meeting (e.g. participant, taking minutes).



The “Big Four” are the ones we have traditionally televised:
Council; Planning Commission; BAR; and CRHA

Under the SOME HYBRID approach, up to two more boards could be added to the broadcast schedule for a “Group of Six”:
e.g. PCRB; Human Rights

RECOMMENDED PUBLIC MEETING POSTURE: SOME HYBRID

Following the Some Hybrid approach would mean most meetings of the group of 6 boards and commissions, including work sessions, would now have an expectation of being hybrid meetings. However, sub-committee meetings would only be held in-person in City Hall and would not have hybrid support. In other words, we would commit to hosting a hybrid meeting just once a month for the Police Civilian Review Board and Human Rights Commission (i.e. their regular monthly meetings).

I. Hybrid meetings with Zoom webinars, live streaming, and live television

Venues: City Council Chambers and the City Space Large Conference Room

Both facilities are broadcast ready with multi-camera video production equipment. Previously used rooms like the NDS Conference Room and the Second Floor Conference Room, while equipped with cameras, are not suitable for live broadcast hybrid meetings.

The “Big Four”

- City Council meetings (ALL except closed meetings)
- Planning Commission (regular meetings and work sessions)
- Board of Architectural Review (regular monthly meeting)
- Charlottesville Redevelopment and Housing Authority (regular monthly meeting)

Plus two more making a “Group of Six” boards holding hybrid meetings

- Human Rights Commission (regular monthly meeting)
- Police Civilian Review Board (regular monthly meeting)

II. Traditional in-person meetings (no Zoom access, no streaming, no television)

- All other boards and commissions not included in the “Group of Six”
- Sub-committee meetings of all Boards and Commissions
- Staff advisory committees

OTHER CONSIDERATIONS

Quorum in-person

It is important to note that state law will require all public bodies to have a quorum in-person after the locally declared state of emergency is lifted. Once the local state of emergency is terminated by City Council, individual members of a public body may participate in a public meeting electronically, only if the public body has adopted a written policy allowing that.

Prior to COVID, City Council adopted an electronic participation policy, as required by Va. Code §2.2-3708.2(C), which will need to be updated to reflect changes in the law. Effective July 1, 2021, an individual member of City Council may notify the chair (mayor) that he/she is unable to attend a meeting, either due to a disability or medical condition or for a personal reason. If the absence is for a personal reason, the specific nature of the personal reason must be specified. (Personal absences are allowable for an

individual member for up to 25 percent of the meeting held by the public body each year. For City Council, this would be up to 3 meetings per year, at minimum.)

COVID-19 Health & Safety

After the locally declared state of emergency is lifted, there will be no social distancing requirements and all meeting room seats will be available for public and officials as before the pandemic. The unvaccinated public will be encouraged to wear facemasks at in-person meetings. City employees and officials will follow the current City masking guidelines for interactions with public.

SUGGESTED ROLES & RESPONSIBILITIES IN A HYBRID MEETING

Mayor/Chair

- Recognizes speakers during public comment opportunities
- Monitors Zoom attendee list for raised hands
- When there is a queue of speakers both in-person and virtual, recognizes speakers on an alternating basis

Clerk/Staff Liaison

- Checks venue availability and reserves room (Hybrid meetings should only be broadcast from either Council Chambers or City Space)
- Advertises meetings and publishes agenda, packet, and minutes
- Ensures Communications Dept. schedules webinar and that link is included on website calendar
- Responds to public inquiries about how to participate via Zoom
- Ensures that remote staff participants are invited to be Zoom panelists
 - The Clerk/Staff Liaison will maintain a list of essential personnel (i.e. City employees) who are required to participate in-person. Others may participate via Zoom. The Essential Personnel List shall be approved by the City Manager (or Mayor for Council staff) for the six boards holding hybrid meetings.
- May also be a full participant in board meeting (e.g. PCRB Executive Director)
- Activates Civic Clerk recording of meeting video (to be expanded beyond Council to include 7 additional boards)
- Takes meeting minutes (unless delegated to a board member)
- Runs timer for all speakers (unless delegated to Zoom host)
- Determines if PowerPoint presentations will be used and directs presenter to provide materials in advance

Zoom host (Communications Dept.)

- Schedules and manages Zoom webinar
- Manages and sends Zoom invitations for virtual panelists, if any, as board members must meet in-person
- Activates/deactivates microphones for virtual attendees
- Backup facilitator for recognizing speakers participating via Zoom (i.e. if Mayor/Chair opts not to monitor participant list on Zoom)
- Manages PowerPoint presentations for remote presenters
- Loads PowerPoint presentations for in-person presenters on Presentation PC

Producer (Communications Dept.)

- Manages audio/video production
- Schedules and manages Boxcast and TV10 broadcasts
- Manages lower thirds and other on-screen graphics
- Ensures timer is visible to all attendees, chair and speaker
- Ensures any computers using Zoom in meeting room have audio/video disabled

FACILITATING PUBLIC INPUT IN HYBRID MEETINGS

Community Matters (City Council)

- Council hears from a total of up to 16 people during Community Matters.
 - Speakers (including those signing up in advance) may be in-person, on Zoom via computer, or on Zoom via telephone, and Mayor will need to be able to find them in those queues in coordination with Zoom host.
 - The advanced sign-up process allows for up to eight speakers.
 - The in-person sign-up sheet at meeting accommodates eight additional speakers, however, if there are virtual participants who wish to speak, they will not have access to the sign-up sheet.

Recommendation: Change in-person sign-up sheet to be limited to FOUR additional speakers and leave open four slots for virtual participants on an alternating basis with in-person speakers. This process would help set expectations for public about their likelihood of being able to speak.

- If virtual slots are not used, call on additional speakers in-person.
- Allow any speaker to cede time to another speaker regardless of the next speakers location (in-person or virtual).

Regular public input opportunities (appears on agenda as regular item)

- Speakers may be in-person, on Zoom via computer, or on Zoom via telephone, and Mayor/Chair will need to be able to find them in those queues in coordination with Zoom host.
- Mayor/Chair should alternate between in-person and virtual speakers.

Formal public hearings (e.g. Council, Planning Commission, BAR, BZA)

- Sign-up sheets are provided at the front of the meeting room. Speakers will be called from that list, as time permits, alternating with virtual participants who raise their hands in the Zoom webinar.

City of Charlottesville - Proposed Public meeting posture beginning September 7, 2021
Hybrid meetings allow public participation via Zoom, a mix of in-person and virtual participants

8/2/2021

		REGULAR MEETINGS		WORK SESSIONS		SPECIAL or COMMITTEE MEETINGS	
		Hybrid Meeting with TV+Streaming	In-Person Only Meetings	Hybrid Meeting with TV+Streaming	In-Person Only Meetings	Hybrid Meeting with TV+Streaming	In-Person Only Meetings
Group of Six Big Four	City Council	X		X		X	
	Planning Commission	X		X			X
	BAR	X			X		X
	CRHA	X			X		X
	Human Rights	X			X		X
	Police CRB	X			X		X
All Other Boards and Staff Advisory Bodies			X		X		X

NOTES:

- >> Regular meetings of "Big Four" have historically been televised; Proposal is to add two additional bodies to the broadcast schedule, all with hybrid meeting support
- >> Hybrid meetings can ONLY be held in **Council Chambers** or **City Space's Large Conference Room**
- >> City Hall's Second Floor Conference Room is no longer available for public meetings (alternates include meetings rooms in basement, NDS, and Parks & Rec)
- >> For all hybrid meetings, Communications Department provides a Zoom webinar and Host, and a Producer
- >> All CLOSED meetings of a public body are in-person only
- >> As an outside agency, CRHA may make other choices about offering/staffing hybrid meetings when they are not in a regular meeting in Council Chambers.

SUGGESTED REVISIONS TO COUNCIL PROCEDURES

Note: Other boards holding hybrid meetings should revisit their own bylaws or operating procedures regarding public comment guidelines.

Current procedures for City Council: <https://www.charlottesville.gov/691/Council-Meeting-Procedures>

Proposed revisions:

D. Matters by the Public, Public Hearings & Other Comment Opportunities

1. *Matters by the Public* - Time shall be reserved during each regular City Council meeting for Matters by the Public. The purpose of Matters by the Public is to offer individuals an opportunity to state a position, provide information to City Council, comment on the services, policies and affairs of the City, or present a matter that, in the speaker's opinion, deserves the attention of City Council. Regular City Council meetings and work sessions will be held in a hybrid format allowing both in-person participation and remote (or virtual) participation via a Zoom webinar (via computer or telephone). Virtual participants will be audio only (no video).
 1. At Council's regularly scheduled meetings, two opportunities will be afforded for members of the public to address Council. One Matters by the Public session will be offered early in the meeting, which shall be called "Community Matters", prior to taking up matters on a consent agenda, action items agenda, or items for discussion agenda. At this first period, up to sixteen (16) individuals may speak, as follows:
 1. Up to 8 individuals selected randomly from a list of people who have signed up in advance, and
 2. Up to 4 individuals who have registered on the sign-up sheet available at the front of the room prior to the meeting on a first-come/first-served basis, and
 3. Up to 4 individuals who are participating virtually who raise their hand in the Zoom webinar

A second Matters by the Public session will be offered as the final item on a regular meeting agenda. The Mayor will alternate between in-person and virtual participants who have raised their hand in the Zoom webinar.
 - b. Each person who speaks during a Matters by the Public session will be limited to a maximum time of three minutes.
 1. Speakers may concede their allotted time; the person whose name is written on the speaker sheet must be the person who begins speaking, although they may be accompanied by others to the podium and may share their time with them. Each speaker shall begin by clearly stating his or her name and place of residence (or, if speaking on behalf of a business, by giving the location of the business).
 2. Written materials presented at Matters by the Public must be given to the Clerk prior to speaking and will be distributed to the Council. For

distribution of hard copies to Councilors, eight copies should be provided; however, electronic distribution is preferred and may be emailed to the City Council. PowerPoint presentations cannot be accommodated during Matters by the Public.

3. After an individual completes his or her remarks to Council, any Councilor or the City Manager may respond as they see fit. To assure the orderly progress of the meeting, the presiding officer shall ensure that, collectively, responses to any individual's remarks will not exceed a period of approximately two minutes.
4. Remarks that cannot readily be addressed within the Councilors' response time may be referred to the City Manager by the Mayor, with a request that the City Manager bring back a response at the meeting immediately following the present meeting.

Public hearings - From time to time, Council will conduct public hearings on specific topics as required by law or as Council otherwise deems appropriate. The purpose of a public hearing is for Council to receive public comments on a specific topic.

- . Sign-up sheets are provided at the front of the room. Speakers will be called from that list, as time permits, alternating with virtual participants who raise their hands in the Zoom webinar. Virtual participants will be audio only (no video).
 - a. After all speakers on the sign-up list and in the Zoom webinar have been called, other individuals will be invited to speak, until everyone who wishes to speak on the topic has had a chance to do so.
 - b. During a public hearing, each speaker must limit his or her comments to the specific application or matter for which the public hearing has been scheduled.
 - c. No person may speak more than once during any public hearing. Each person who speaks during a public hearing will be limited to a maximum time of three minutes.
 - d. Prior to opening a Public Hearing, Council may, by motion, limit the number of speakers who will be heard, and/or reduce the time for each speaker to two minutes, upon determining that the session could not be commenced in a timely manner.

Town Hall meetings - Town Hall meetings are generally conducted in an open format. Council may conduct a Town Hall meeting in a manner that is free-form (no limit on the time for making a comment or stating a question, or for Councilors' responses) or Council may establish an agenda or list of topics that will apply for a particular Town Hall meeting, and times or guidelines for speakers' questions and Councilors' responses. Council may offer a virtual participation option for a Town Hall (e.g. via a Zoom webinar). Virtual participants will be audio only (no video). Any parameters that will apply to a Town Hall will be established by the Mayor prior to the meeting or by vote of Council after calling the Town Hall meeting to order and prior to opening the floor. Prior to commencing the session, attendees shall be notified of any applicable time limits or speaker guidelines, either by posted signs, a written agenda or verbal announcement by Council at the beginning of the meeting.

Written Comments - To provide an additional mechanism to communicate with Council, a "Submit a Comment to City Council" form is provided on the City website for electronically submitting comments. These comments are distributed to all Council members. Citizens may also contact Councilors via their City email addresses (available on the City's website) or by written correspondence sent in care of the Clerk of Council.

Consent Agenda Comments - After the Clerk of Council concludes reading the Consent Agenda, the Mayor will ask if anyone in attendance at the City Council meeting (both in-person and virtually via a Zoom webinar) wishes to speak on matters listed on the Consent Agenda. Speakers will be limited to a maximum of three minutes and their remarks shall be limited to matters listed on the Consent Agenda. The Mayor will alternate between in-person and virtual participants who have raised their hand in the Zoom webinar. Virtual participants will be audio only (no video).