

CHARLOTTESVILLE CITY COUNCIL MEETING

August 16, 2021

Virtual/electronic meeting via Zoom

5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, August 16, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Nikuyah Walker called the meeting to order at 5:31 p.m. and Clerk of Council Kyna Thomas called the roll, noting 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 Vice Mayor Magill, 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)(1) and 2.2-3711(A)(7) and (A)(8), for the purpose of discussion, briefings by the city manager and chief of police, and consultation with legal counsel, regarding recent disciplinary actions resulting in three separations from employment within the police department, probable litigation as a result of two related grievances, and discussion of related personnel issues faced by the city manager and chief of police in the performance of their duties when implementing discipline for police officers; and,
- Section 2.2-3711(A)(7), for consultation with legal counsel regarding Civil action No. CL 21-116, pending in Charlottesville Circuit Court.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:53 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, August 16, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic.

Mayor Walker called the meeting to order at 6:53 p.m. and shared that the Closed Session went longer than expected.

City Council observed a moment of silence and Mayor Walker asked that during the moment of silence people reflect on continued healing from the events of August 12, 2017.

Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

AGENDA APPROVAL

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

ANNOUNCEMENTS

Dr. Denise Bonds, Blue Ridge Health District Director, provided an update on Coronavirus, advising of a recent trend of increasing cases involving the Delta variant of coronavirus in the area. She encouraged unvaccinated people to get vaccinated, and she also shared recommendations for mask wearing. She also shared an update about a third dose of vaccine recommended for immunocompromised individuals.

Teletha Howard, Community Healthcare Worker, shared information about outreach efforts to get more people vaccinated against the coronavirus.

Mayor Walker expressed concern about sending children back to school without mandates for the types of masks to wear. She also spoke about approaches to vaccine hesitancy.

CONSENT AGENDA*

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

1. MINUTES: June 8, 2021 Election Results Certification, June 21 work session, closed meeting and regular meeting, July 19 work session
2. RESOLUTION: Amending the FY2020-2021 Community Development Block Grant and HOME Investment Partnerships Program Minor Action Plan Budget (carried)

- a. Resolution: Amendment to Community Development Block Grant account \$85,843.66
 - b. Resolution: Amendment to HOME Investment Partnership Program \$21,384.80
 - c. Resolution: Approving the FY 2020-2021 Minor Annual Action Plan Amendment
3. RESOLUTION: Approving a refund to a nonprofit entity for Business License Taxes paid 2017, 2018, 2019, 2020 and 2021 - \$63,009.25

RESOLUTION
AUTHORIZING REFUND TO TAXPAYING ENTITY OF BUSINESS
LICENSE TAXES PAID FOR 2017, 2018, 2019, 2020, AND 2021

WHEREAS, the Commissioner of the Revenue has determined that a local 501(c)(3) nonprofit entity was incorrectly assessed for and paid 2017, 2018, 2019, 2020, and 2021 Charlottesville business license tax on gross receipts that were exempt from local business license taxation; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$63,009.25; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$63,009.25, payable to 501(c)(3) NONPROFIT ENTITY.

4. ORDINANCE: Amending and re-enacting the Code of the City of Charlottesville, 1990, as amended, in order to remove masculine and/or feminine language and to substitute gender-neutral pronouns (carried)

Mayor Walker opened the floor for comment on the Consent Agenda. No speakers came forward.

Mayor Walker asked clarifying questions regarding Items #3 and #4. Commissioner of the Revenue Todd Divers and Grants Coordinator Erin Atak provided clarification.

On motion by Vice Mayor Magill, seconded by Councilor Snook, who added clarification about Item #4, 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 and to COUNCILORS

City Manager Chip Boyles had no items for follow-up from previous meetings.

COMMUNITY MATTERS

Mayor Walker opened the floor for public comment.

1. Marta Keane provided an overview of feedback from the JABA (Jefferson Area Board for Aging) Client Satisfaction Survey.
2. Deonte Johnson, student government leader at the University of Virginia, requested that an early voting site be established near UVA.
 - o Councilors discussed that voting issues would be under the Registrar's purview and that most UVA housing is in Albemarle County
3. Mary Bauer, Chair of the Human Rights Commission, read a statement from the Commission regarding August 12 commemoration and future action. She followed up with requests regarding funding for renters' right to counsel when facing eviction.
4. Mary Pettis, Charlottesville bus driver, asked for the right to unionize.
5. Marcia Geyer, city resident, spoke about providing masks for school children.
6. Tanesha Hudson advised that some people at the BCBA basketball tournament contracted Covid on vacation, not at the tournament. She spoke about the lack of economic development in the Black community. She spoke about re-evaluating payments to non-profit organizations and redirecting funds to support employees. She also suggested re-opening in-person City Council meetings.
7. Charles Neer spoke in opposition to Item #6 on the agenda, an ordinance proposal for 1206 Carlton Avenue, and asked Council to reject the rezoning request.
8. Katrina Turner, city resident, shared concerns about a statement made by Bellamy Brown at the Police Civilian Review Board meeting on August 12, 2021.
9. Greg Wright, city firefighter, spoke in support of the right for city employees to collectively bargain.

The meeting recessed at 8:30 p.m. and reconvened at 8:45 p.m.

ACTION ITEMS

- 5. PUBLIC HEARING/ORDINANCE: Closing, vacating and discontinuing certain utility easements within the public rights of way for the following public streets located in Albemarle County, Virginia (1 reading, waiving second reading)**

Lauren Hildebrand, Director of Utilities, presented the request.

Mayor Walker opened the public hearing. With no speakers coming forward Mayor Walker closed the public hearing.

On motion by Councilor Snook, seconded by Councilor Hill, Council by the following vote APPROVED the ordinances for closing, vacating and discontinuing certain utility easements within the public rights of way for the following public streets located in Albemarle County, Virginia: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

- a. Ordinance*: Varick Street and Marin Court within the Dunlora Park Subdivision

ORDINANCE CLOSING, VACATING AND DISCONTINUING CERTAIN UTILITY EASEMENTS WITHIN THE PUBLIC RIGHTS OF WAY FOR VARICK STREET AND MARIN COURT, PUBLIC STREETS WITHIN THE DUNLORA PARK SUBDIVISION LOCATED IN ALBEMARLE COUNTY, VIRGINIA

- b. Ordinance*: Archer Avenue and Stella Lane within the Brookhill Subdivision

ORDINANCE CLOSING, VACATING AND DISCONTINUING CERTAIN UTILITY EASEMENTS WITHIN THE PUBLIC RIGHTS OF WAY FOR ARCHER AVENUE AND STELLA LANE, PUBLIC STREETS WITHIN THE BROOKHILL SUBDIVISION LOCATED IN ALBEMARLE COUNTY, VIRGINIA

- c. Ordinance*: Glenleigh Road within the Highland Park Subdivision

ORDINANCE CLOSING, VACATING AND DISCONTINUING CERTAIN UTILITY EASEMENTS WITHIN THE PUBLIC RIGHTS OF WAY FOR GLENLEIGH ROAD, PUBLIC STREET WITHIN THE HIGHLAND PARK SUBDIVISION LOCATED IN ALBEMARLE COUNTY, VIRGINIA

6. ORDINANCE: Approving a rezoning application at 1206 Carlton Avenue, per recommendation of the Planning Commission (2nd reading)

Matt Alfele, City Planner, provided a summary of the presentation made at the August 2, 2021 City Council meeting. Councilors had no additional questions.

On motion by Vice Mayor Magill, seconded by Councilor Snook, Council by the following vote APPROVED the rezoning ordinance: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

AN ORDINANCE REZONING PROPERTY LOCATED AT 1206 CARLTON AVENUE FROM R-2 (RESIDENTIAL TWO-FAMILY) TO R-3 (RESIDENTIAL MULTIFAMILY)

7. RESOLUTION: Approving a Special Use Permit at 1206 Carlton Avenue, per recommendation of the Planning Commission (2nd reading)

This item was tabled from the August 2, 2021 City Council meeting, pending action on the related rezoning request. Councilors had no additional questions.

On motion by Councilor Snook, seconded by Councilor Payne, Council by the following vote APPROVED the resolution: 3-2 (Ayes: Magill, Payne, Snook; Noes: Hill, Walker).

RESOLUTION

APPROVING A SPECIAL USE PERMIT TO AUTHORIZE INCREASED DENSITY AND REDUCED SETBACKS FOR CONSTRUCTION OF AN 8-UNIT MULTIFAMILY DWELLING AT 1206 CARLTON AVENUE

WHEREAS, landowner Management Services, Inc. has made application for a special use permit, to obtain additional residential density, and reduction of certain building setback requirements, for a specific project; and

WHEREAS, the Project will be developed within a development site having an area of approximately 0.26 acre, or 11,325 square feet, located at 1206 Carlton Avenue (“Subject Property”), which is further identified on City Tax Map 57 as Parcel 127 and which has a zoning district classification of “R-3” (Multifamily Residential); and

WHEREAS, the project that is the subject of this application is generally described within the following application materials dated January 18, 2021, submitted to the City on March 18, 2021, including: (i) application materials dated January 18, 2021, and related narrative; and (ii) a proposed preliminary site plan dated March 12, 2021, depicting a multifamily dwelling to be constructed within the Subject Property (collectively, “Application Materials”); and

WHEREAS, the Application Materials represent that the purpose of the Special Use Permit is to facilitate the development of a multifamily dwelling containing eight (8) one- and two- bedroom dwelling units (the “Project), and that the Project cannot be developed without an

increase in the allowable residential density from 21 dwelling units up to 31 dwelling units per acre, as authorized by City Code 34-420, and a reduction in the side yard setback applicable to the Subject Property from a required 13 feet (minimum) to 8 feet (minimum), as authorized by City Code 34-162(a); and

WHEREAS, on July 13, 2021 the Planning Commission and the City Council conducted a joint public hearing on the proposed special use permit, following notice as required by Virginia Code 15.2-2204 and applicable provisions of the City's zoning ordinance; and

WHEREAS, following the joint public hearing, the Planning Commission reviewed the Application Materials, and the City's Staff Report pertaining thereto, and then the Planning Commission voted to recommend that City Council should approve the proposed special use permit for the Project; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the Planning Commission's recommendation, and the Staff Report, 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 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 Sec. 34-480, a special use permit is hereby approved for the purpose of allowing development of the Project at the Subject Property, subject to the following conditions:

1. The Project may be developed at a residential density of up to thirty-one (31) dwelling units per acre, within the area of the Subject Property.
2. Two large canopy trees will be provided along the frontage with Carlton Avenue.
3. The design, height, and other key characteristics of the development shall remain essentially the same, in all material aspects, as described within the Application Materials, including the following:
 - a. a single (1) residential building on the Subject Property, containing eight (8) one- and two-bedroom dwelling units;
 - b. southeast side yard setback of eight (8') feet;
 - c. vehicular traffic pattern shall be one-way traffic, with control devices as approved by the City's Traffic Engineer;
 - d. pedestrian circulation pattern shall be independent from the vehicular traffic pattern;
 - e. vegetative screening of the parking along the property line; and

- f. the improved parking lot shall be located behind the building and shall not be visible from Carlton Avenue

Except as may be necessary to obtain approval of a final site plan in accordance with requirements of City ordinances or regulations, or with all of the conditions of these special use permit conditions: any change in the Project as it was represented within the Application shall require a modification of this SUP.

8. RESOLUTION: Requesting the City Manager to develop a Collective Bargaining Ordinance for the City of Charlottesville (1 reading)

City Manager Chip Boyles made a presentation, sharing information about a multitude of considerations for Council and the City Manager regarding collective bargaining.

Councilors added comments to request that the ordinance have an employee focus and be carried out in a thoughtful way to fit the needs locally, and that timelines should be communicated.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote agreed NOT to adopt the proposed Collective Bargaining Ordinance received by City Council on March 6, 2021: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

On motion by Councilor Hill, seconded by Councilor Payne, Council by the following vote APPROVED the resolution requesting the City Manager to develop a Collective Bargaining Ordinance: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**RESOLUTION
REQUESTING THE CITY MANAGER TO DEVELOP A
COLLECTIVE BARGAINING ORDINANCE FOR THE
CITY OF CHARLOTTESVILLE**

WHEREAS the Virginia General Assembly, within Virginia Code Sec. 40.1-57.2, expressly authorizes local governing bodies to enact ordinances authorizing City officials to recognize labor unions or employee associations as bargaining agents for certain public officers or employees; to collectively bargain with or enter into collective bargaining contracts with such unions or associations; and to provide for procedures for the certification and decertification of exclusive bargaining representatives; and

WHEREAS this City Council supports the development of a collective bargaining ordinance, but does not yet have sufficient information upon which to base any decision about specific provisions that it might desire to set forth within an ordinance; now, therefore,

BE IT RESOVLED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

1. The City Manager shall commence work to assemble and deliver to City Council information and analysis regarding City Council's options for collective bargaining models, sample ordinances, and the anticipated fiscal impacts of various options. The City firefighters' March 6, 2021 proposed ordinance shall be among the sample ordinances that will be studied, analyzed and considered during this process.
2. The City Manager shall present to City Council on September 13, 2021 a timeline and list of deliverables and decision points to be made by Council, as necessary to facilitate preparation of a collective bargaining ordinance in tandem with the development and adoption of the City's FY 2023 Budget.
3. To the extent that contractual services are necessary or desirable to support the work that this Council is asking t e City Manager to perform, the City Manager is hereby authorized to procure those services.

GENERAL BUSINESS

City Manager Boyles announced that the application period for the Human Resources position closed on Friday, August 13.

OTHER BUSINESS and QUESTIONS FOR CITY MANAGER FOLLOW-UP

There were no other business items or follow-up questions for the City Manager.

MATTERS BY THE PUBLIC

Mayor Walker opened the floor for comments from the public.
No speakers came forward.

The meeting adjourned at 9:12 p.m.

BY Order of City Council

BY Kyna Tomas, Clerk of Council