

CHARLOTTESVILLE CITY COUNCIL MEETING

September 20, 2021

Virtual/electronic meeting via Zoom

5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, September 20, 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.

Concluding a 4:00 p.m. work session where all councilors were present, the closed meeting began at 6:02 p.m.:

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), for the purpose of discussion of the appointment of individuals to fill vacancies that exist on sixteen (16) city boards or commissions.

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 6:31 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, September 20, 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 6:32 p.m. and City Council observed a moment of silence. 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

Vice Mayor Magill moved to approve the agenda, seconded by Councilor Snook.

Mayor Walker proposed the following amendments:

- 1) add the discussion of the firing of the police chief. Without a second, the amendment died;
- 2) add discussion about the hiring of a new police chief, seconded by Councilor Payne and supported 5-0 by Council; and
- 3) add discussion of the Police Civilian Review Board Chair. Without a second, the amendment died.

On motion by Vice Mayor Magill, seconded by Councilor Snook, Council by the following vote approved the meeting agenda as amended: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

ANNOUNCEMENTS

Ryan McKay with Virginia Department of Health - Blue Ridge Health District, provided an update on COVID-19 cases and the Delta variant, with a call to action for people to get vaccinated and wear masks.

Vice Mayor Magill announced Hispanic and LatinX Heritage Month, September 15 through October 15.

Mayor Walker announced that today was the 4th annual CYM (Close Your Mouth) Day by Mr. Alex-Zan. She also announced an event on September 30 at the Ting Pavilion - The Legacy of Black Wall Street by Deborah Draper.

BOARD/COMMISSION APPOINTMENTS

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPOINTED the following individuals to boards and commissions: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none).

- Albemarle-Charlottesville Regional Jail Authority – Lisa Draine
- Charlottesville-Albemarle Airport Commission – Brian Johnson and Matthew Murray
- Community Development Block Grant Task Force – Conner Brew
- JAUNT Board of Directors – Erik Larson
- Monticello Area Community Action Agency Board – Sarah Shalf
- Region Ten Community Services Board – Jacqueline Webber
- Youth Council – Zanayah Bryant and Chistopher Proncino

CONSENT AGENDA*

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

- 1. MINUTES: August 16 closed and regular meetings
- 2. ORDINANCE: Amending and re-enacting Charlottesville City Code Chapter 19 Section 19-59 to change the length and number of terms for members of the City's Retirement Commission (2nd reading)

AN ORDINANCE TO AMEND AND RE-ENACT THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, CHAPTER 19 (PERSONNEL), ARTICLE III (RETIREMENT PLAN COMMISSION), SECTION 19-59 (APPOINTMENT AND TERMS; FILLING OF VACANCIES), TO CHANGE THE LENGTH AND NUMBER OF TERMS FOR MEMBERS OF THE CITY'S RETIREMENT COMMISSION

- 3. RESOLUTION: Appropriating Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) Grant funds to the Thomas Jefferson Area Coalition for the Homeless (TJACH) - \$288,172 (2nd reading)

**RESOLUTION TO APPROPRIATE FUNDS for
H.O.P.W.A. Grant \$288,172**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$288,172;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$288,172 is hereby appropriated in the following manner:

Revenues

\$288,172 Fund: 209 IO: 1900372 (H.O.P.W.A.) G/L: 430120 Federal Pass-Thru State

Expenditures

\$288,172 Fund: 209 IO: 1900372 (H.O.P.W.A.) G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of the Virginia Department of Housing and Community Development.

4. RESOLUTION: Appropriating funds from the Thomas Jefferson Area Coalition for the Homeless (TJACH) to the Department of Human Services - \$10,000 (2nd reading)

**RESOLUTION TO APPROPRIATE FUND FOR
Expansion of Pathways Community Resource Navigation - TJACH Grant
\$10,000**

WHEREAS, the Human Services Department of the City of Charlottesville has been awarded \$10,000 from the Thomas Jefferson Area Coalition for the Homeless; and

WHEREAS, the grant award covers the period from August 16, 2021 through August 15, 2022.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$10,000 is hereby appropriated in the following manner:

Revenue – \$10,000

\$10,000 Fund: 213 Cost Center: 3411001000 G/L Account: 451020

Expenditures - \$10,000

\$10,000 Fund: 213 Cost Center: 3411001000 G/L Account: 510010

5. RESOLUTION: Appropriating funds for the Virginia Behavioral Health Docket Grant - \$49,000 (2nd reading)

**RESOLUTION TO APPROPRIATE FUNDS FOR THE
Charlottesville - Albemarle Therapeutic Docket Grant Award
\$49,000**

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$49,000 for the Charlottesville - Albemarle Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

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

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$109,450; and

WHEREAS, the grant award covers the period September 1, 2021 through June 30, 2022.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$49,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$49,000 Fund: Internal Order: #1900428 G/L Account: 430110 (State Grant)

Expenditures

\$49,000 Fund: Internal Order: #1900428 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$49,000 from the Supreme Court of Virginia.

6. RESOLUTION: Appropriating funds for the Charlottesville-Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd reading)

**RESOLUTION TO APPROPRIATE FUNDS FOR
Charlottesville/Albemarle Adult Drug Treatment Court Grant Award
\$240,000**

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

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

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

WHEREAS, the grant award covers the period July 1, 2021 through June 30, 2022.

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

Revenues

\$240,000 Fund: 209 Internal Order: 1900431 G/L Account: 430120

Expenditures

\$240,000 Fund: 209 Internal Order: 1900431 G/L Account: 530550

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

7. RESOLUTION: Appropriating Bama Works Grant funds for the recruitment and retention of Black, Indigenous and People of Color (BIPOC) Foster Families - \$5,000 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for
Changing the Narrative Black Male Achievement Bama Works Fund Grant
\$5,000**

WHEREAS, the Human Services Department of the City of Charlottesville has been awarded \$5,000 from the Bama Works Fund; and

WHEREAS, the grant award covers the period from July 1, 2021 through June 30, 2022.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$5,000 is hereby appropriated in the following manner:

Revenue – \$5,000

\$5,000 Fund: 213 Cost Center: 3413002000 G/L Account: 451022

Expenditures –\$5,000

\$5,000 Fund: 213 Cost Center: 3413002000 G/L Account: 599999

8. RESOLUTION: Appropriating VDOT funds for VDOT Highway Safety Improvement (HSIP) Grant for Washington Park to Madison Avenue Trail - \$88,350 (carried)
9. RESOLUTION: Appropriating funds for Virginia Department of Social Services (V.D.S.S.) Temporary Aid to Needy Families (TANF) Grants - \$257,479.76 (carried)
10. ORDINANCE: Amending and reenacting the Transient Occupancy Tax of the Code of the City of Charlottesville (1990), to conform the City’s process for collection and reporting of

Transient Occupancy Tax with Changes in State Enabling Legislation (carried)

11. ORDINANCE: Amending and reenacting the Meals Tax to Clarify that Meals Tax Reports are Due from the Sellers to the City Every Month (carried)

Mayor Walker opened the floor for comment on the Consent Agenda.

- Jeff Fogel spoke about Item #6, asking Council to provide an explanation for approving the funds.
- Tanesha Hudson agreed with Mr. Fogel about Item #6, advising that the program mainly affects people of color.

Councilors made responsive remarks.

On motion by Councilor Hill, seconded by Councilor Snook, 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 provided a response to questions raised by Mayor Walker at the last City Council meeting regarding the termination of the Police Chief.

Mayor Walker asked additional questions and made comments regarding individuals of other local law enforcement agencies and the need to have an understanding of what the complaints were against Charlottesville Police Department leadership.

Councilor Payne added that he would want more explanation of the motivations behind the employment termination and the future direction of Police Department leadership.

COMMUNITY MATTERS

Mayor Walker opened the floor for public comment.

1. Sara Rimm-Kaufman, city resident, spoke in support of the BUCK Squad violence interruptor services.
2. Myra Anderson, city resident, spoke about several concerns: city shootings as related to mental health, termination of Chief Brackney's contract, and the silence of other councilors when Mayor Walker wanted to place the termination discussion on the Council agenda.
3. Jeffrey Fogel, city resident, spoke about City Manager Boyles's handling of the Police Chief's termination.
4. Nancy Carpenter read a letter that she sent to City Council regarding removal of Police Civilian Review Board (PCRB) Chair Bellamy Brown from his position. She asked for a public hearing regarding the PCRB Chair.

5. Gregory Weaver, city resident, spoke about transit emissions, the Future Land Use Map and climate justice.
6. Tanesha Hudson spoke about the termination of the Police Chief.
7. Carol Carter, city resident, spoke in support of the land lease for the Botanical Garden of the Piedmont.
8. Kate Fraleigh spoke in support of funding for the BUCK Squad.
9. Katrina Turner spoke about a personal case involving police, advising that she received a report that she was awaiting for five years.
10. Robin Hoffman spoke in support of the Botanical Garden of the Piedmont and spoke favorably about former Chief of Police RaShall Brackney. She congratulated Andrea Copeland for her emcee role and spoke in support of Covid vaccinations.
11. Gudrun Campbell, city resident and high school student, spoke about the City reaching its climate goals and provided several action items.
12. Peter McIntosh, city resident, spoke in support of the land lease for the Botanical Garden of the Piedmont.
13. Mike Fox and Katie Fox of Moms Demand Action spoke in support of funding for the BUCK Squad.
14. David Manka, city resident, spoke in support of funding for the BUCK Squad violence interruptor program.
15. Don Gathers, city resident, spoke about City Manager Boyles's handling of the Police Chief's termination and a subsequent decision related to equity in leadership.
16. Forrest Calland, local emergency doctor, spoke about the Fire Department presentation at the 4:00 p.m. work session. He spoke of the need to establish an Emergency Medical Service Interagency Council.

Mayor Walker made follow-up comments regarding several speaker comments.

The meeting recessed at 8:59 p.m. and reconvened at 9:15 p.m.

ACTION ITEMS

- 12. PUBLIC HEARING/RESOLUTION: Reviewing program performance and setting priorities for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for Program Year 2022-2023**

Erin Atak, Grants Coordinator, presented the report and recommendations.

Mayor Walker asked clarifying questions. After discussion with Ms. Atak, Ms. Walker opened the public hearing.

- Joy Johnson, city resident, spoke about the purpose of CDBG funds and a concern that higher income neighborhoods are applying for CDBG funds. She recommended that sidewalks could be built using Capital Improvement Plan funds.
- Tanesha Hudson requested that Council review the neighborhoods that have benefited from CDBG dollars.
- Ang Conn agreed with both previous speakers.

Mayor Walker closed the public hearing.

Per request by Councilor Hill, Ms. Atak provided information about priority neighborhoods for previous years.

Councilors discussed the need to be strategic about using the funds for their intended purpose.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED the resolution: 4-1 (Walker opposed with questions about the use of HOME funds).

RESOLUTION

Setting City Council Priorities for Community Development Block Grant and HOME Investment Partnership funds for FY 2022-2023

WHEREAS, the City of Charlottesville is a U.S. Department of Housing and Urban Development (HUD) Entitlement Community for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs and as such expects to receive an award of funding July 1, 2022; and

WHEREAS, in accordance with the City of Charlottesville’s Citizen Participation Plan for HUD funding, the CDBG Task Force composed of citizen and community representatives will need to review potential projects and make recommendations for funding in Spring 2022;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the priorities and spending allowances for FY 2022-2023 shall be as follows:

- Council’s priorities for the CDBG and HOME program for FY 22-23 shall be access to affordable housing (including but not limited to low income housing redevelopment), workforce development (including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City’s GO programs), microenterprise assistance, access to quality childcare, homeowner rehabilitation, and down payment assistance.

- For FY 22-23, \$244,950.82 CDBG entitlement shall be set aside for Belmont Priority Neighborhood Franklin Street Sidewalk.
- For FY 22-23, the Priority Neighborhood shall be Ridge Street and the allocation shall be \$150,000 of the total CDBG entitlement. If the CDBG entitlement received is less than the estimate amount of \$150,000 this amount will be decreased accordingly.
- The CDBG Admin and Planning budget shall be set at 20% of the total CDBG entitlement.

13. RESOLUTION*: Approving a long-term lease of a portion of McIntire Park to the Botanical Garden of the Piedmont (1st of 2 readings; public hearing on 2nd reading)

City Manager Boyles presented the proposal for a forty-year lease as a landlord-tenant lease. Councilors asked questions which were answered by Mr. Boyles, City Attorney Robertson and Chris Gensic.

Jill Trischman-Marks of the Botanical Garden of the Piedmont shared additional information about the future of the Garden programming and results of community outreach.

14. RESOLUTION*: Ratifying or approving the formation by the Charlottesville Redevelopment and Housing Authority (CRHA) of certain entities identified as Limited Liability Companies (LLCs)

Jeff Meyer of the Virginia Community Development Corp (VCDC), presented the resolution on behalf of the CRHA.

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

**RESOLUTION
RATIFYING OR APPROVING THE FORMATION BY THE CHARLOTTESVILLE
REDEVELOPMENT AND HOUSING AUTHORITY (CRHA) OF CERTAIN
ENTITIES IDENTIFIED AS LIMITED LIABILITY COMPANIES (“LLCs”)**

WHEREAS, the Charlottesville Redevelopment and Housing Authority was created pursuant to the Virginia Housing Authorities Law (the “Act”), found in Chapter 1, Title 36, Code of Virginia of 1950, as amended (the “Virginia Code”), and is now existing and operating as a public body corporate and politic, and the Act empowers the CRHA to form corporations, partnerships, joint ventures, trusts, or any other legal entity or combination thereof, on its own behalf or with any person or public or private entity; and

WHEREAS, the CRHA, through various entities, has applied to the formerly known as Virginia Housing and Development Authority (“VHDA”) program or the now known as Virginia Housing program for Low Income Housing Tax Credits (“LIHTCs”), in part to provide financing for the rehabilitation or development of affordable multi-family residential rental projects on various CRHA- owned properties, the funding of debt service and other reserve funds and the payment of other transaction costs related to the award of LIHTCs to the projects; and

WHEREAS, to secure VHDA or Virginia Housing funding for its affordable housing redevelopment projects, certain entities need to be created by CRHA to undertake the development of such projects; and

WHEREAS, Section 36-19(12) of the Virginia Code, requires, among other things, the approval by the local governing body of the formation by the CRHA of corporations, partnerships, joint ventures, trusts, or any other legal entity; and

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Charlottesville, Virginia, hereby ratifies the creation of the following LLCs, already created by the Charlottesville Redevelopment and Housing Authority, to enable the CRHA to secure VHDA or Virginia Housing funding for affordable housing redevelopment projects:

SOUTH FIRST PHASE ONE, LLC

SOUTH FIRST PHASE ONE MANAGEMENT, LLC

SOUTH FIRST PHASE TWO, LLC

SOUTH FIRST PHASE TWO MANAGEMENT, LLC

CRESCENT HALLS RENO, LLC

CRESCENT HALLS RENO MANAGEMENT, LLC

FURTHER, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Charlottesville Redevelopment and Housing Authority is authorized to create the following LLCs, to enable the CRHA to secure Virginia Housing funding for an affordable housing redevelopment project at South Sixth Street (Phase One):

SOUTH SIXTH PHASE ONE, LLC (or similar name)

SOUTH SIXTH PHASE ONE MANAGEMENT, LLC (or similar name)

FURTHER, BE IT RESOLVED that the Council of the City of Charlottesville, Virginia, does not ratify the creation of CRHA ASSET MANAGEMENT, LLC, already created by the Charlottesville Redevelopment and Housing Authority, for affordable housing redevelopment.

15. RESOLUTION: Considering an off-cycle budget request from the BUCK Squad - \$50,000 (carried)

City Manager Chip Boyles presented the off-cycle budget request, placed on the agenda by request of three City Councilors.

Herb Dickerson, Executive Director of the BUCK Squad, spoke and suggested that funding for this initiative should be a line item in the City budget.

Councilor Snook made comments in favor of the work done by the BUCK Squad.

Councilor Hill spoke in favor of funding the request.

Councilor Payne asked questions about what partnerships with residents of public housing would look like. Mr. Dickerson advised that they are in touch with victims and shooters, and that the program is not directed to low income housing "projects" but they have spoken with the CRHA Executive Director.

Tommy Everett, BUCK Squad Treasurer, advised that the program is labor-intensive.

Kimberly Hayes, BUCK Squad Board Chair, provided background of the initial request of the BUCK Squad services. She advised that increased funding would allow for more visibility of members.

Council agreed to move the item forward to the October 4 meeting for a second reading.

GENERAL BUSINESS

16. ADDED: Discussion of hiring the next Police Chief

Mr. Boyles reviewed his intended process for reviewing candidates for Interim Police Chief within the next couple of weeks and using the same committee to develop the Request for Proposal to present to the search firm for a national search for a new Police Chief.

Mayor Walker made comments about the difficulty of hiring for the position.

Councilor Payne shared a desire to compose the right panel to acquire a Police Chief whose vision aligns with the needs of the community.

In response to questions from Mayor Walker, Mr. Boyles emphasized the need to select the correct search firm.

In response to a question from Ms. Walker, Ms. Robertson shared City Code language for the hiring of a Police Chief. Ms. Walker advised that Council should consider implementing a Charter change whereby the City Manager would need approval from City Council to also terminate certain positions. Ms. Robertson provided a response regarding the differences between City and County government, and employment structure, referencing authorities granted in the City Charter.

Ms. Magill asked for clarification about making changes to the City Charter.

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.

- Tanesha Hudson spoke about the City Charter as related to the City Manager, about the potential of a search firm to work with the City, about the process for hiring an Interim Police Chief, and about the departure of nine city leaders in 2021.
- Robin Hoffman spoke about mail delivery in Woolen Mills, about the upcoming General Election, and in support of the Botanical Garden of the Piedmont, C3 and LEAP.
- Ang Conn spoke about the lack of discussion on policing. She suggested that the police system should be dismantled, and funding reallocated to community programs. She recommended removal of Bellamy Brown from the PCRB. She read a comment from Bellamy Brown's social media and expressed that she is awaiting numbers for people who turned in housing vouchers.
- Don Gathers asked community members to rally around Fire Chief Smith. He urged Council to do what is needed to fix the PCRB.
- Katrina Turner spoke about the community's need to know what happened in the termination of the Chief of Police, and whether citizen complaints against police are considered. She advised that Bellamy Brown needs to be removed from the PCRB.
- Joy Johnson spoke about a statement from the President of the Police Benevolence Association at the last City Council meeting. She thanked the mayor for her persistence. She spoke of issues of systemic racism.

In response to comments, Councilor Snook shared that his campaign was not about civility, but about working together.

Mayor Walker spoke of an opinion article by Bryant Bibbs regarding the Charlottesville Police Department, advising that there is no systemic racism. She shared stories about family members who have been affected and made closing remarks about racism and power structures.

The meeting adjourned at 11:24 p.m.

BY Order of City Council

BY Kyna Tomas, Clerk of Council