

# CHARLOTTESVILLE CITY COUNCIL MEETING

January 18, 2022

Virtual/electronic meeting via ZOOM

## 4:00 PM WORK SESSION

The Charlottesville City Council met in an electronic meeting on Tuesday, January 18, 2022, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order at 4:01 p.m. and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Sena Magill, Michael Payne and Brian Pinkston.

On motion by Magill, seconded by Wade, Council voted 5-0 to ADOPT the meeting agenda (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

## REPORTS

### 1. REPORT: Transit presentation and work session

Transit Director Garland Williams made a presentation on the Charlottesville Area Transit (CAT) 2022 State of Transit. The presentation included information about existing staffing, ridership and demographics, infrastructure, routes and costs, as well as recommendations for achieving goals in the focus areas of reliability, ridership, frequency, and quality of service.

Mr. Williams noted the Guiding Principles that influence operations:

- **Equity:** Historically disadvantaged communities must gain access to resources and opportunities to thrive.
- **Economic Development:** A highly functioning transit system can encourage economic development.
- **Accessibility and Mobility:** Provide greater transportation access and a broader range of mobility options for greater Charlottesville.
- **Poverty Reduction:** A highly functioning transit system can assist with lifting individuals out of poverty.

Councilors asked a variety of questions and Mr. Williams expressed the types of policy decisions that would help Transit to move forward with planning to move toward 15-minute fixed route service, adding alternative-fueled vehicles to the fleet, and positioning CAT to become a regional transit authority.

## **CLOSED MEETING**

On motion by Magill, seconded by Payne, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; 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) and (A)(8)** for consultation with legal counsel regarding the pending litigation filed in Charlottesville Circuit Court, *Doe v. City Council* (filed 12/15/2021), and in U.S. District Court, Western District of Virginia, Case No. 3:21-cv-00045, because such consultation would adversely affect the negotiating or litigating posture of the City, and for consideration of prospective candidates proposed by the Robert Bobb Group to perform the duties of Interim City Manager and consultation with legal counsel regarding implementation of the contract with the Robert Bobb Group.

On motion by Magill, seconded by Wade, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; 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.

## **6:30 PM REGULAR MEETING**

Having established quorum with all councilors present, Council observed a moment of silence.

## **ANNOUNCEMENTS**

Councilor Magill announced: 1) a criminal justice behavioral health grant awarded from NACo (National Association of Counties) to form a small group including an appointed elected official from the City of Charlottesville and one from Albemarle County to establish a strategic framework for reducing reliance on incarceration to address local public safety and health challenges; and 2) an update on Covid mitigation efforts in the Albemarle-Charlottesville Regional Jail

Councilor Payne announced that people could order Covid test kits at [www.usps.com](http://www.usps.com).

## **RECOGNITIONS/PROCLAMATIONS**

Mayor Snook had three items for recognition:

1. He commended Councilor Payne for attending the groundbreaking for Piedmont Housing Alliance and for representing Council on the PHA Board.
2. He acknowledged Councilor Magill's appointment to chair the 2022 University Committees Council, a National League of Cities Committee.
3. He recognized Ed Gatewood, City Council Member from 1976-1980, who passed away

December 29, 2021. Councilor Magill stated that university communities face unique problems.

**CONSENT AGENDA\***

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

**2. RESOLUTION: Authorizing refund to taxpaying entity of Business License Tax paid for 2020 - \$4,939.20**

**RESOLUTION  
AUTHORIZING REFUND TO TAXPAYING ENTITY OF BUSINESS LICENSE  
TAXES PAID FOR 2020**

**WHEREAS**, the Commissioner of the Revenue has determined that on July 31, 2020, Entity relocated its business to another jurisdiction after having timely filed and paid its 2020 Charlottesville City Business License; and

**WHEREAS**, Entity subsequently requested a pro-rated refund on the 2020 business license tax paid to the City of Charlottesville; and

**WHEREAS**, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$4,939.20; 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 \$4,939.20, payable to Entity.

**3. RESOLUTION: Authorizing refund to taxpaying entity of Business License Tax paid for 2020 - \$10,261.20**

**RESOLUTION  
AUTHORIZING REFUND TO TAXPAYING ENTITY OF BUSINESS LICENSE  
TAXES PAID FOR 2021**

**WHEREAS**, the Commissioner of the Revenue has determined that Entity paid 2021 Business License Tax to the City of Charlottesville in error; and

**WHEREAS**, Entity has requested a refund of the amount paid in error; and

**WHEREAS**, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$10,261.20; 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 \$10,261.20, payable to Entity.

- 4. ORDINANCE: Amending and re-enacting the provisions of Chapter 28 (Streets and Sidewalks), Article VI (Sidewalk Cafes) of the Code of the City of Charlottesville (1990) as amended, to establish the City Treasurer as the city official responsible for collecting rents from sidewalk cafe operators; and to waive rents due and owing to the City under the provisions of City Code Section 28-214(c)(2) for 2020 and 2021 (carried)**
- 5. ORDINANCE: Consideration of the Park Street Christian Church Planned Unit Development requests (2nd reading)**
  - a. Rezoning of approximately seven (7) acres of land, including one lot identified within City tax records as 1200 Park Street, Tax Map and Parcel 470002120 from R-1 to PUD (Planned Unit Development) (2nd reading)

**AN ORDINANCE APPROVING REZONING APPLICATION ZM21-00004 APPROVING A REQUEST TO REZONE THE PARCEL OF LAND LOCATED AT 1200 PARK STREET, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (“PARK STREET PUD”) SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS**

- b. Park Street Christian Church PUD Critical slopes waiver (2nd reading)

**RESOLUTION APPROVING THE REQUEST TO WAIVE THE CRITICAL SLOPE REQUIREMENTS OF CITY CODE SECTION 34-1120(b) TO ALLOW CONSTRUCTION OF A PLANNED UNIT DEVELOPMENT AT 1200 PARK STREET (CITY TAX MAP 47, PARCEL 212)**

**WHEREAS** Park Street Christian Church (“Landowner”) is the record owner of certain land identified on City Real Estate Tax Map 47 as Parcel 212, currently addressed as “1200 Park Street” (the “Property”), and together with the Piedmont Housing Alliance (the “Applicant”), the Landowner is requesting a Waiver of the Critical Slopes requirements of City Code Sec. 34- 1120(b)(6)(b) in connection with the plan to construct a Planned Unit Development on the Property; and

**WHEREAS** existing Critical Slopes located on the Property include 2.83 acres, or approximately 38.1 percent of the area of the parcels; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their December 14, 2021 meeting, subject to conditions set forth within the staff report prepared for that meeting;

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Property, to allow construction of a duplex by the Landowner, subject to the following conditions:

- 1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of Erosion and Sediment (“E&S”) controls. The first phase shall include “Initial/Preliminary Controls”. Outfalls from any proposed traps shall be established with rigorous independent E&S controls, early in the sequence, prior to the establishment of a sediment trap and associated conveyances.
- 2) Any channels/diversions that convey ‘clear’ water shall be stabilized with sod on the ‘clear water’ side immediately after installation.
- 3) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- 4) Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other “same day stabilization”).
- 5) At no time shall concentrated water be directed toward the critical slopes without adequate conveyance down and beyond the slopes to an acceptable outfall.

**6. RESOLUTION: Appropriating funds for the Runaway Emergency Shelter Program Grant - \$209,444 (carried)**

Mayor Snook opened the floor for comments on the consent agenda.

- Cecilia Mills spoke about the MACAA and Park Street Planned Unit Developments happening at the same time, and out of concern for the potential for developers to not follow through on promises.

On motion by Magill, seconded by Payne, Council by the following vote APPROVED the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS**

Deputy City Manager Sam Sanders reported:

1. The Human Rights Commission expects to provide a status report on Slave Auction Block efforts on February 7.
2. Storm operations have been significantly impacted by Covid, and city staff are working to

resolve various issues as well as to prepare for upcoming weather events.

Deputy City Manager Ashley Marshall reported on the proactive efforts of the Department of Social Services staff during recent weather events, including partnerships with local agencies to ensure that individuals in need would have the best outcomes possible.

Mayor Snook commended Public Works staff for work during recent storms.

## **COMMUNITY MATTERS**

1. Emily Little, city resident, spoke about transportation and encouraged climate mitigation through electrifying buses in Charlottesville.
2. Kate Fraleigh, city resident, recommended not fixing the 5th Street fatality issue by using camera systems.
3. Susan Kruse of the Community Climate Collaborative (C3) asked Council to take action supporting a climate and energy letter to the General Assembly regarding clean energy buses.
4. Greg Weaver spoke about equity in transit, about the need to increase bus frequency to improve ridership, and about strategy for increasing the electric bus fleet.
5. Patricia Johnson, city resident, expressed concerns about the MACAA Planned Unit Development project.
6. Marcia Geyer, city resident, spoke about the type of buses to be added to CAT's fleet and urged Council to consider climate protection in decision making.
7. Caetano de Campos Lopes advised that C3 will launch the ACT (Act on Clean Transit) campaign, aligned in many ways with the vision of Transit Director Garland Williams. He encouraged Council to consider additional alternative solutions including microtransit.
8. William Emory spoke about tree canopy as related to the MACAA and Park Street Planned Unit Development projects.
9. Ang Conn, city resident, acknowledged staff work during the most recent winter weather event. She spoke about a Covid outbreak at the Albemarle-Charlottesville Regional Jail.
10. Tanesha Hudson spoke about affordable housing and the need for density, as well as equity with placing trees in Black neighborhoods as well as removing rotten trees to prevent downed power lines.
11. Nancy Carpenter spoke about possible uses for American Rescue Plan funds for addressing safety during winter weather.
12. John Hossack spoke about public engagement during the zoning rewrite process, and about concerns with the traffic analysis for the MACAA project.
13. Donna Shaunesey, city resident, speaking as Chair of the Sierra Club, asked Council to approve the Transit feasibility study.
14. Gloria Beard, city resident, asked if there were people in place to help senior citizens clean their sidewalks. She asked about funding for AHIP (Albemarle Housing Improvement Program).

15. Rory Stolzenberg commended Council for action in support of local restaurants. He spoke about a Streeteries program that other communities have implemented.

The meeting recessed at 7:43 p.m. and reconvened at 7:48 p.m.

## **ACTION ITEMS**

### **7. RESOLUTION\*: Appointment of an Interim City Manager**

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

#### **RESOLUTION APPROVING PERSONNEL OF THE ROBERT BOBB GROUP TO PERFORM THE DUTIES OF CITY MANAGER ON AN INTERIM BASIS**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT the Robert Bobb Group, having previously been awarded a contract to provide interim city manager services to the City government, has offered Michael C. Rogers as its key personnel to be assigned by the firm to perform the duties of city manager, and this Council hereby approves **Michael C. Rogers** to be the person who shall perform the duties of city manager during the term of the contract and who shall have all of the executive and administrative authority and duties set forth in Section 5.01 of the City Charter, the Charlottesville City Code, and the general laws of the Commonwealth of Virginia.

Mr. Robert Bobb of the contracted Robert Bobb Group shared resume information to introduce Mr. Michael C. Rogers as the new Interim City Manager, with an effective date of January 31, 2022.

Mr. Michael C. Rogers made remarks.

Councilors made comments about the selection of Mr. Rogers.

### **8. ORDINANCE: Consideration of a rezoning request for approximately 9 acres of land, including multiple lots identified within City tax records as Tax Map and Parcel 470007100, 470011000 and 470008000 for a Planned Unit Development, also referred to as the MACAA PUD (2nd reading)**

Dannan O'Connell, Planner with the Department of Neighborhood Development Services introduced the second reading of the proposed Planned Unit Development and recommended approval of the rezoning with the included proffers. He noted an amendment needed to the ordinance to remove the wording "a portion of".

Brennen Duncan, Traffic Engineer, shared a traffic report that was provided to City Council following the January 5 City Council meeting.

Mr. O'Connell, Mr. Duncan, Mr. Jonathan Showalter (Timmons Group engineer), and Mr. Thomas Ruff (Timmons Group traffic engineer) answered questions from Council.

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the ordinance, as amended: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

**AN ORDINANCE APPROVING REZONING APPLICATION ZM21-00003 A REQUEST TO REZONE LAND FRONTING ON PARK STREET AND THE ROUTE 250 BYPASS FROM R-1 (LOW DENSITY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS**

**9. RESOLUTION: Appropriation of American Rescue Plan funds (carried)**

Chris Cullinan, Director of Finance, made the presentation.

Councilor Payne acknowledged the investment in Pathways funds and asked about the allocation for downtown mall improvements.

Mr. Cullinan recognized Human Services staff for Pathways work.

Council agreed to move the item forward to the February 7 Council meeting for vote.

**10. RESOLUTION\*Approving names for newly acquired and developed parklands**

Chris Gensic, Parks and Trails Planner, made the presentation, reviewing Parks Advisory Board recommended park names.

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

**RESOLUTION**

**Approving Names for Newly Acquired and Developed City Parklands**

**WHEREAS**, in accordance with the Parkland Naming Policy, names for parklands recommended by the Parks and Recreation Advisory Board are to be approved by City Council,

**AND WHEREAS**, the Parks and Recreation Advisory Board approved by votes the names listed below

**NOW, THEREFORE BE IT RESOLVED**, that the City of Charlottesville approves the following names recommended by the Parks and Recreation Advisory Board for new parklands.

The properties and proposed names are as follows:

- 32 acres along Moores Creek near Azalea Park – **Azalea Park West**



- 20 acres along Moores Creek near Jordan Park and Avon Street – **Mill Park**
- 142 acres (+ 5 additional acres) adjacent to Ragged Mtn – **Heyward Community Forest**
- 8-acre addition to Northeast Park with rectangular field – **Unity Field at Northeast Park**
- 42 acres of land north of McIntire Park and Melbourne Road – **Butterfly Greenway**
- Pocket Park at corner of 8<sup>th</sup> and Albemarle near Westhaven – **Jenkins Park**

**11. RESOLUTION\*: Charlottesville Redevelopment and Housing Authority 6th Street site**

Alex Ikefuna, Interim Director for the Department of Community Solutions, presented a request from CRHA regarding a proposed development at 715 6th Street SE.

**a. Designating CRHA 6th Street site as a Revitalization Area**

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

**RESOLUTION**

**Revitalization Area Certification for CRHA 6<sup>th</sup> Street site/715 6<sup>th</sup> Street SE  
Parcel Number: 270019000**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the CRHA 6<sup>th</sup> Street site is located within a Revitalization Area, defined by the Virginia Housing Development Authority as any area that 1) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; AND 2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

**b. Financial resolution supporting 6th Street site**

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the ordinance, as amended: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

**RESOLUTION**

**Financial Resolution Supporting CRHA 6<sup>th</sup> Street - Phase 1  
Parcel Number: 270019000**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that it hereby commits up to \$3,000,000 in the form of grants for the redevelopment of Phase 1 of the redevelopment of the 6<sup>th</sup> Street site (715 6<sup>th</sup> Street SE) subject to the Charlottesville Redevelopment and Housing Authority satisfying the conditions of a Memorandum of Understanding agreed to by the City and the Charlottesville Redevelopment and Housing Authority. The commitment of up to \$3,000,000 will help to subsidize this first phase of the project which in turn will create approximately 50 new affordable housing units in the City of Charlottesville. This commitment will be made to the Charlottesville Redevelopment and Housing Authority.

**12. RESOLUTION: Approving an FY 2018-2019 Community Development Block Grant Substantial Action Plan Amendment of the 2018-2022 Consolidated Plan**

Alex Ikefuna, Interim Director for the Department of Community Solutions, made the presentation. He advised of the challenges with the Franklin Street Sidewalk Project and referenced a prior discussion about restructuring the CDBG Task Force program. Staff asked for an amendment to the Substantial Action Plan in order to be able to spend funds in a timely manner.

Deputy City Manager Sanders provided additional information about the objective of this action item, which would be for shovel-ready projects.

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

**RESOLUTION**  
**Approving the FY 2018-2019 Community Development Block Grant**  
**Substantial Action Plan Amendment**  
**of the 2018-2022 Consolidated Plan**

**BE IT RESOLVED** that the Charlottesville City Council hereby approves the FY 2018 – 2019 Substantial Action Plan Amendment of the 2018-2022 Consolidated Plan. The reprogrammed 2018 CDBG budget will be added into the 2018-2019 Annual Action Plan to meet HUD spending deadlines under 24 CFR 570.902(a). No changes to the HOME budget will be made at this time.

**13. ACTION ITEM: Consideration of endorsing a letter to the General Assembly regarding Climate and Energy Policy**

Mayor Snook summarized the letter.

On motion by Payne, seconded by Pinkston, Council by the following vote APPROVED the letter endorsement: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

## **GENERAL BUSINESS**

### **14. REPORT: Rivanna Authorities Quarterly Update/Annual Report**

Bill Mawyer, Rivanna Authorities Executive Director, presented the Drinking Water/Wastewater and Refuse/Recycling Programs update.

### **15. REPORT: Update on the zoning rewrite process**

James Freas, Director of Neighborhood Development Services, presented an update on the zoning re-write project as part of Cville Plans Together. On November 15, 2021 Council adopted the new Charlottesville Comprehensive Plan. The Cville Plans Together process will be divided into three parts to develop a new Zoning Ordinance to advance implementation of the Comprehensive Plan:

Part 1: Identify zoning ordinance changes that are needed, and proposed approach

Part 2: Draft zoning ordinance

Part 3: Adopt zoning ordinance

He shared a proposed timeline and advised that advised that the team is looking for member to replace Councilor Heather Hill.

The project will kick-off in the last week of January 2022 and commence through winter/spring of 2023. Community engagement will be an essential aspect of the work and the newly adopted Community Engagement chapter of the Comprehensive Plan will be used as a guide.

## **OTHER BUSINESS**

Councilor Payne asked for follow up on a sidewalk clearing program to help elderly or disabled individuals during inclement weather. Deputy City Manager Sanders advised that the city does not have a system. The Albemarle County High School Rowing Team is running a program for snow assistance and is keeping a list for those who need assistance.

Mayor Snook asked about trees impeding on utility lines. Mr. Sanders described efforts to follow up with the utility provider for a request on Agnese Street.

## **MATTERS BY THE PUBLIC**

- Ang Conn spoke about conditions impacting incarcerated individuals at the Albemarle-Charlottesville Regional Jail. She also spoke about housing choice vouchers being revoked due to unavailability of accessible housing. She requested that Council provide a response during public comment.
- Tanesha Hudson spoke about protection for citizens related to dangerous trees and power lines and addressed particular parcels. She spoke about increasing density vertically to address

affordability.

- Mark Kavit complimented city snow removal efforts and spoke about the Albemarle County High School Rowing Team snow clearing efforts.
- Nancy Carpenter spoke about the community engagement component of the presentation made by Mr. Freas, advising that many people will not be comfortable meeting in person. She suggested the use of city technology to help people in various neighborhoods engage.

The meeting adjourned at 10:13 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council