

CHARLOTTESVILLE CITY COUNCIL MEETING

February 7, 2022 at 4:00 PM

Virtual/electronic meeting via ZOOM

Call to Order/Roll Call

The Charlottesville City Council met in an electronic meeting on Monday, February 7, 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 Wade, seconded by Magill, Council voted 5-0 to ADOPT the meeting agenda (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

REPORTS

1. REPORT: Modernizing the Charlottesville Fire Department

Dr. Hezedeane Smith, Fire Chief, began the presentation with information about critical incidents which required Fire Department response from 2021-2022. He advised that as an all-hazards response provider, the Charlottesville Fire Department (CFD) is embracing the forces that are impacting 21st Century fire and emergency medical services. He reiterated the CFD Strategic Plan through 2023 and advised that the department is in the middle of re-accreditation. Chief Smith shared data about a variety of emergency calls, appropriate life safety resources, and response timeliness. He provided an explanation of Proximity Dispatch and the focus on equity and efficiency in the service model, working with community partners.

Following the presentation, Councilors asked questions related to proximity dispatch, response differences between ALS (Advanced Life Support) and BLS (Basic Life Support) ambulances, any changes in budget requests, and the Chief's sense of Charlottesville's status. Chief Smith advised that the FY2023 budget did not include equipment replacement, but staffing ambulances would be the focus. He advised that he perceives that the fire service is resource-rich and in a good position to support local partnerships. Deputy Chief Joe Powers spoke about Community Risk Reduction efforts in the city, establishing strategic community partnerships, and figuring the right public engagement.

Lucas Lyons, CFD Data Analyst, responding to a question from Councilor Payne shared that drug overdoses increased in 2020 and 2021, although the emergency department would have more data on the type of overdoses. He added that overdose increases seem to be seasonal. Chief Smith shared information about a program that he helped to implement in Orlando related to leave-behind kits for support of persons with incidents of overdose.

Regarding facilities and the Capital Improvement Budget, Chief Smith emphasized that the dilapidated Bypass station needs to come out of the ground and that the Ridge Street station is due for updates. He asked for support of salary increases to make pay equitable for Fire Department employees and indicated that six new firefighters are needed. Deputy Chief Michael Rogers added information about future budget funds needed for engine and other equipment replacement.

Krisy Hammill advised that some expenses have been treated as bondable expenses because of their large amount rather than included as annual expenses to prepare for recurring equipment replacements.

Mayor Snook mentioned that January 27, 2022 was proclaimed Stephen Walton Day for Mr. Walton's 50 years of service to the City of Charlottesville, currently as Assistant Fire Marshal.

CLOSED MEETING

On motion by Payne, seconded by Magill, 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)(1) and (A)(8), for consideration of prospective candidates for appointment by Council to City boards and commissions, and for consultation with legal counsel regarding a zoning application pending for Council's consideration.

On motion by Payne, seconded by Magill, 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.

EVENING MEETING

Having established quorum with all councilors present at 6:30 p.m., Council observed a moment of silence.

ANNOUNCEMENTS (and Update from Blue Ridge Health Department)

Councilor Magill announced:

- Teen Dating Violence Month and Shelter for Help in Emergency (SHE) upcoming virtual workshops: February 7, February 21 and March 7
- Alex-Zan in celebration of Black History Month presents A Tribute to The All Burley Reunion and its founder, Mary "Tater" Nightengale, a 1960 Burley graduate, on February 17, 2022

Dr. Denise Bonds provided an update on Covid-19 in the Blue Ridge Heath District. She advised that the transmission level in the District continues to be high, although trending downward. She emphasized the importance of vaccines in fighting the spread of disease. She also noted fewer deaths in areas where the population has a higher percentage of vaccinated people. She provided a chart to show health inequities with Covid, specifically with cases, hospitalizations and vaccinations. Regarding safety, Dr. Bonds emphasized the importance of getting vaccinated, including the booster, upgrading the mask type to a surgical or medical mask, keeping physical distance (six feet being best), and washing hands. She shared advice for people who are infected or exposed, and listed testing and vaccination locations.

Responding to a question regarding in-person meetings, Dr. Bonds advised that safety would depend on risk level in the area, whether the facility has installed air filters or upgraded ventilation systems, whether the meeting could take place outside, how many people are expected in the meeting, and community compliance with other mitigation strategies such as mask wearing and distancing. She mentioned that lower levels of spread in the community help to protect the hospitals from being overwhelmed.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Black History Month 2022**

Vice Mayor Wade read the proclamation recognizing Black History Month. The 2022 national Black History Month theme was “Black Health and Wellness”.

- **RECOGNITION: Benefit Programs Specialist (BPS) Appreciation Month**

Mayor Snook read the resolution of Appreciation from the Commonwealth of Virginia State Board of Social Services. Mary Jane Skidmore, Chief of Benefit Program Division, shared local data regarding Social Services efforts. Councilors thanked Benefit Programs staff.

BOARD/COMMISSION APPOINTMENTS

On motion by Magill, seconded by Wade, Council by a vote of 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) appointed members to the following boards and commissions:

- Charlottesville Albemarle Convention and Visitors Bureau (CACVB): Walter Burton and Angelic Jenkins
- Human Rights Commission: Jeanette Abi-Nader, Ernest Chambers, Kathryn Laughon and Erika Robinson
- Replacing Vice Mayor Wade with Councilor Pinkston on the Social Services Advisory Board due to a scheduling conflict

On motion by Magill, seconded by Wade, Council by a vote of 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) removed Dawn Pryor from the Region Ten Board for inactivity, as requested by Region Ten and as set forth in the board's Bylaws.

On motion by Magill, seconded by Wade, Council by a vote of 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) appointed Councilor Magill as city representative to the National Association of Counties Grant Workgroup for Evidence-based Decision Making (EBDM), one of five pilot localities in the country.

CONSENT AGENDA*

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

2. MINUTES: December 20 closed and regular meetings; January 11 special meeting
3. 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 (2nd reading)

ORDINANCE TO AMEND AND RE-ENACT 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 CAFÉ 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

4. RESOLUTION: Appropriating funding for American Rescue Plan for eligible local activities (2nd reading)

RESOLUTION APPROPRIATING FUNDING FOR American Rescue Plan for Eligible Local Activities - \$1,094,653

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$1,094,653 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

City funded portion of Sheriff bonuses.	\$12,918.
Café rental fee waiver/revenue replacement.	\$227,735.
Pathways Fund and Community Hotline Assistance.	\$776,000.
Juvenile and Domestic Court cleaning.	\$58,000.
Take home COVID tests for City employees.	\$20,000.

TOTAL.

\$1,094,653.

Revenues - \$1,094,653

Fund: 207 Cost Center: 9900000000

G/L Account: 430120

Expenditures - \$1,094,653

Fund: 207	I/O: 1900423	G/L Account: 599999	\$12,918
Fund: 207	I/O: 1900452	G/L Account: 599999	\$227,735
Fund: 207	I/O: 1900421	G/L Account: 599999	\$720,000
Fund: 207	I/O: 1900441	G/L Account: 599999	\$56,000
Fund: 207	I/O: 1900451	G/L Account: 599999	\$58,000
Fund: 207	I/O: 1900450	G/L Account: 599999	\$20,000

5. Item #5 was removed prior to the meeting.

Mayor Snook opened the floor for comments on the Consent Agenda. There were no speakers.

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

CITY MANAGER REPORT

Interim City Manager Michael Rogers began a follow-up discussion to the February 3 Budget Work Session. Senior Budget and Management Analyst Krisy Hammill and Deputy City Managers Ashley Marshall and Sam Sanders presented the following topics:

1. Revisit Budget Projections and New Requests
2. Tax Comparisons
3. Tax Implications
4. Tax Relief Programming
5. Key Decision Points
6. Possible Spend Scenario

Council guided staff to advertise a 10-cent real estate tax increase, with the understanding that the approved tax rate could not exceed 10 cents per every \$100 of assessed value.

Mr. Sanders advised that he put together an internal workgroup to address issues on 5th Street.

COMMUNITY MATTERS

1. Susan Sherman, Director of the Charlottesville Free Clinic, spoke about city funding for the Free Clinic, which has decreased in recent years and asked for continued funding.
2. Marcia Geyer, city resident, spoke about the rise in home assessments, and encouraged Council to keep future budget expenses manageable and sustainable.

3. Robin Hoffman, city resident, spoke about the city budget and about improvements needed for bus depots.
4. Drew Lambert, high school student and member of Snow Crew, spoke about City Code 28-25 Removal of Snow, Sleet and Ice, and the burden it places on certain residents. He suggested a waiver form for residents in need of snow removal help.
5. Jeff Fogel, city resident, spoke in support of increasing the real estate tax rate and expanding qualifications for CHAP (Charlottesville Housing Affordability Program).
6. Andrea Massey, speaking on behalf of CLIHC (Charlottesville Low-Income Housing Coalition), asked Council to strengthen the tax relief program for affordable housing. She encouraged increasing the real estate tax by 10 cents to raise funds for housing relief programs.
7. James Groves, city resident, spoke about flood risks related to the rezoning request for 0 Nassau Street, and asked Council to deny the request.
8. Andrew Shelton, city resident, spoke in support of the rezoning request at 0 Nassau Street to provide more housing.
9. Chris Meyer, city resident, said that he was encouraged by the announcement to publish up to a 10-cent real estate tax increase. He shared ideas about how funds could be used.
10. Tanesha Hudson spoke about financial restrictions in place for housing that was intended to be affordable.
11. Joan Albiston, resident of the Willoughby subdivision, thanked City Traffic Engineering for working to make 5th Street safer. She spoke in support of the speed limit reduction and requested a designated turn signal for the 5th Street-Harris intersection.
12. Dede Smith, city resident, spoke about the rise in housing assessments and asked for a public presentation and public hearing on the Rivanna Water pipeline project.
13. Josh Carp, city resident, encouraged Council to read through prior reports about affordable housing, reminding Council of its \$10 Million per year commitment.
14. Peter Krebs, city resident and member of the Piedmont Environmental Council, urged Council to approve the Urban Rivanna River Corridor Plan, and the speed reduction on 5th Street as well as other improvements.
15. Richard Allan spoke in support of installing a replica sign at the site of the Slave Auction Block near Court Square and removing two parking spaces in front of the site. He referenced a possible lawsuit.
16. Kimber Hawkey, city resident, asked Council to reconsider raising the real estate tax rate in the same year as a significant increase in assessments. She spoke in opposition to the rezoning request at 0 Nassau Street.

The meeting recessed at 9:24 p.m. and reconvened at 9:30 p.m.

ACTION ITEMS

6. **RESOLUTION: Consideration of a proposed amendment to the 2021 Comprehensive**

Plan to incorporate contents of the Urban Rivanna River Corridor Plan

Sandy Shackelford, Thomas Jefferson Planning District (TJPDC), made the presentation, summarizing action to date, and revisions since the last Planning Commission meeting.

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

RESOLUTION

Approving an Amendment to the City Comprehensive Plan by Incorporation – The Urban Rivanna River Corridor Plan

WHEREAS, on January 11, 2022, after notice was given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the 2021 Comprehensive Plan for the City of Charlottesville, to include the contents of the proposed Urban Rivanna River Corridor Plan; and

WHEREAS, on January 11, 2022, the Planning Commission adopted a resolution recommending approval by the City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the Comprehensive Plan Amendment, the City Council hereby adopts the Urban Rivanna River Corridor Plan, dated December 2021, with amendments as recommended by the Planning Commission on January 11, 2022, as an amendment to the City's Comprehensive Plan. The Neighborhood Development Services staff shall post on the City's website notice of Council's adoption of this Update, along with a copy of the approval.

7. ORDINANCE: Amending and reordaining Section 15-99 of Chapter 15 (Motor Vehicles and Traffic) of the Code of the City of Charlottesville, 1990, as amended, to reduce the speed limit on 5th Street S.W. (carried)

Brennen Duncan, Traffic Engineer, summarized the request.

Council agreed to move the item to the February 22 meeting consent agenda.

8. ORDINANCE: Approving the rezoning of land at 0 Nassau Street from R-2 (Two-Family Residential,) to R-3 (Multifamily Residential) subject to proffered development conditions (3rd reading)

Jack Dawson, City Engineer, made a presentation regarding floodplain management and

answered questions for Council.

Mayor Snook noted that most concerns he has heard involve site plan concerns rather than zoning concerns.

Nicole Scro, representing the applicant, provided a brief presentation.

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

AN ORDINANCE APPROVING A REZONING OF LAND FRONTING ON NASSAU STREET FROM R-2 (TWO-FAMILY RESIDENTIAL) TO R-3 (MULTIFAMILY RESIDENTIAL) SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS

9. RESOLUTION: Amending the FY2018-2019 CDBG Substantial Action Plan to reprogram funds

Erin Atak, Grants Coordinator, summarized priorities adopted by City Council in September 2021, advising that the Action Plan would be submitted to the US Department of Housing and Urban Development on February 8 for review.

In response to questions from Mayor Snook regarding a request from Habitat for Humanity, Ms. Atak and Alex Ikefuna agreed that timeliness would be an issue in incorporating the Habitat request.

Councilor Payne expressed concern about the process for this request, with staff presenting only one option for Council consideration to meet the timeliness issue.

Deputy Chief Powers addressed several of the Fire Department uses for the CDBG funding, which would address fire safety in homes. Chief Smith spoke about the inclusion of chest compression devices for emergency service vehicles.

Councilors agreed to meet minimum requirements for timeliness and instructed staff to bring the remainder back for a competitive process.

On motion by Wade, seconded by Pinkston, Council by the following vote modified the proposed Substantial Action Plan Amendment to allocate \$140,585.49 to the activities outlined in the staff report: 4-1 (Ayes: Magill, Pinkston, Snook, Wade; Noes: Payne, noting dissatisfaction with the overall process).

On motion by Pinkston, seconded by Pinkston, Council by the following vote Approved the resolution adopting the FY2018-2019 Substantial Plan Amendment as modified: 4-1 (Ayes: Magill,

Pinkston, Snook, Wade; Noes: Payne, noting dissatisfaction with the overall process).

RESOLUTION

Approval of FY 2018-2019 Substantial Action Plan Amendment \$140,585.49

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 activities will be added into the 2018-2019 Annual Action Plan to meet HUD spending deadlines under 24 CFR 570.902(a).

GENERAL BUSINESS

There were no items for general business discussion.

OTHER BUSINESS

For City Manager follow-up, Councilor Payne requested a report on the Rivanna central pipeline for public benefit.

MATTERS BY THE PUBLIC

- Joy Johnson commented on the CDBG process, advising that the information about the prior presentation was known for some time. She stated that affordable housing and schools should not be pitted against each other. She asked that public comment at the end of the meeting not be eliminated.
- Tanesha Hudson spoke about the need to be intentional about what is defined as affordable housing. She spoke about the purpose of Matters by the Public.
- Mark Kavitt commented on 5th Street safety and correcting driver behavior. He spoke about resident rights in a floodplain area.
- Dee Gathers, city resident, spoke about difficulty in finding the calendar on the city website, about the desire for Council to provide feedback to speakers, and about real estate assessment increases especially in low income areas.
- Gloria Beard applauded the Snow Crew from Albemarle County High School and asked how the city plans to address the same issue with snow clearance. She spoke about the real estate assessment increase. She expressed concern about the elevator malfunction at Midway Manor.
- Ang Conn followed up on concerns about Covid in the regional jail and asked Council to visit the facility. She advised that the city may want to review the practices of housing entities to which the city provides funds. Regarding feedback, she advised that the community expects a response when asking questions during the meeting.
- Don Gathers asked about zoning as related to the Dairy Market in the 10th and Page Street neighborhood, asking whether anyone was made aware of redistricting. He suggested condemning the blighted Dewberry property downtown and repurposing it.

Mayor Snook made comments about assessments by neighborhoods as mentioned by Mr. Gathers, advising that there is no technical definition for neighborhoods to which real estate assessments would apply. He made comments about City limitations regarding the Dewberry structure downtown.

The meeting adjourned at 11:36 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council