

CHARLOTTESVILLE CITY COUNCIL MEETING

October 3, 2022 at 4:00 PM

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met on Monday, October 3, 2022. The meeting was held in hybrid format with Council members and limited public seating in Council Chamber to mitigate health risks related to coronavirus, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors physically present: Michael Payne, Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade. Councilor Sena Magill provided advance notice to the mayor and clerk that she would need to attend electronically because for medical reasons that would prevent her from attending in person.

On motion by Payne, seconded by Pinkston, Council voted 4-0 to approve Magill's participation by electronic means due to a medical condition which prevents her from attending in person.

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

REPORTS

1. REPORT: Piedmont Virginia Community College update and introduction of President Runyon

Jean Runyon, President of Piedmont Virginia Community College (PVCC), introduced herself. She joined PVCC on July 1, 2022. Ms. Runyon provided an update on PVCC, distributed hard copies of the annual report, and announced that PVCC is celebrating its 50th anniversary.

2. REPORT: Charlottesville Climate Action Plan

Kristel Riddervold, Environmental Sustainability Division Manager, introduced the Climate Action Plan and team members.

Susan Elliott, Climate Protection Program Manager, presented the "Charlottesville Acting on Climate Together" report and acknowledged the Climate Action Plan as a living document where annual updates will be provided.

After Ms. Elliott and Ms. Riddervold answered councilor questions, Mayor Snook requested from the City Manager a plan for a way forward by November 1.

CLOSED SESSION

On motion by Pinkston, seconded by Payne, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A) (A)(7) and (A)(8), for

- Consultation with legal counsel and briefing by staff pertaining to pending litigation (federal court case #3:22-CV-35, Western District of Virginia), where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the City and various city officials;
- Consultation with legal counsel regarding proposed agreements for use, access, management, construction, improvement or maintenance of land and facilities within Pen Park and McIntire Park.

On motion by Pinkston, seconded by Payne, 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.

BUSINESS SESSION

City Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Payne announced a "Get Out and Vote" event by the Green Grannies at Ix Art Park on October 22.

Mayor Snook announced that the City of Charlottesville was seeking donations for a holiday tree for the December 2 Grand Illumination event on the Downtown Mall.

BOARD and COMMISSION APPOINTMENTS

On motion by Wade, seconded by Pinkston, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to appoint Danny Shea to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB).

CONSENT AGENDA*

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

3. MINUTES: August 15 Council meeting
4. RESOLUTION: Virginia Department of Social Services (VDSS) Temporary Aid to Needy Families Grants - \$100,000 (2nd reading)

RESOLUTION
Appropriating the amount of \$100,000 Received from TANF Grants

WHEREAS, the City of Charlottesville has received a fourth renewal of grant funds from the Virginia Department of Social Services in the amount of \$100,000.00; and

WHEREAS, the funds will be used to support workforce and business development training programs, supportive services, and staffing provided by the Office of Economic Development; and

WHEREAS, the grant award covers the period from July 1, 2022 and June 30, 2023;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that, upon receipt of these additional grant funds from the Virginia Department of Social Services, the sum of \$100,000.00 is hereby appropriated in the following manner:

Revenue – \$100,000.00

\$100,000.00 Fund: 209 IO: 1900476 G/L: 430120 State/Fed pass thru

Expenditures - \$100,000.00

\$100,000.00 Fund: 209 IO: 1900476 G/L: 599999 Lump Sum

5. RESOLUTION: Housing Opportunities for People with AIDS/HIV Grant Amendment - \$3,981 (2nd reading)

RESOLUTION
Appropriating Supplemental Funding in the Amount of \$3,981 Received from Virginia Department of Housing and Community Development for H.O.P.W.A.

WHEREAS, The City of Charlottesville, through its Department of Human Services, has received a supplemental H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$3,981, for expenditure during the period July 01, 2020 to April 30, 2023.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the supplemental grant funds from the Virginia Department of Housing and Community Development, the sum of \$3,981 is hereby appropriated in the following manner:

Revenues

\$3,981 Fund: 209 IO: 1900339 (H.O.P.W.A.) G/L: 430120 Federal Pass-Thru State

Expenditures

\$3,981 Fund: 209 IO: 1900339 (H.O.P.W.A.) G/L: 530550 Contracted Services

6. RESOLUTION: Blue Ridge Area Coalition for the Homeless (BRACH) reimbursement of funds for staff costs to support the Homeless Information Line - \$15,381.60 (2nd reading)

RESOLUTION

Appropriating the Amount of \$15,381.60 Received from Blue Ridge Area Coalition for the Homeless, as reimbursement of Homeless Information Line staff costs

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received reimbursement from Blue Ridge Area Coalition for the Homeless in the amount of **\$15,381.60**;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of **\$15,381.60** is hereby appropriated in the following manner:

Revenues

\$15,381.60 Fund: 213 Cost Center: 3411001000 G/L: 451022

Expenditures

\$15,381.60 Fund: 213 Cost Center: 3411001000 G/L: 599999

7. RESOLUTION: Appropriation of \$656,000 of CARES funding for Charlottesville Area Transit (2nd reading)

RESOLUTION

Appropriating the amount of \$656,000 in CARES Act Funding Received by the City from the Federal Transit Administration

WHEREAS in March 2020 the City of Charlottesville, for Charlottesville Area Transit (CAT) received an allocation of \$5,357,686 in federal CARES Act funding from the Federal Transit Administration; and

WHEREAS CAT has identified several projects that it wishes to undertake within the remaining balance of the CARES Act funding;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that, upon receipt of the sum of \$656,000 from the Federal Transit Administration, that sum is hereby appropriated for expenditure by CAT within Fiscal Year 2023, for the following purposes:

- Engaging a transit consultant to complete a Transit Strategic Plan required by the Commonwealth of Virginia,
- Engaging a safety and security consultant to complete a tabletop safety exercise as required by the U.S. Department of Homeland Security,

- Engaging an outside law firm to complete a payroll audit of personnel within CAT (by authority of City Code 2-156),
- Engaging AECOM to provide project management services, FTA compliance services (including satisfaction of NEPA requirements) for capital and amenities projects,
- Engaging a consultant to assist with analysis and software selection required to launch micro-transit services in Albemarle County.

Revenue – \$656,000

\$656,000.00 Fund: 245 IO: 2200039 G/L: 431130 Federal COVID Rev

Expenditures - \$656,000

\$656,000.00 Fund: 245 IO: 2200039 G/L: 599999 Lump Sum

8. RESOLUTION: Appropriation from Charlottesville Area Transit local funding to Thomas Jefferson Planning District Commission to support the Governance Study - \$30,000 (2nd reading)

RESOLUTION

Appropriating the amount of \$30,000 to the Thomas Jefferson Planning District Commission

WHEREAS the Thomas Jefferson Planning District Commission has been asked to engage a consultant to explore the feasibility and possible governance and funding options for a regional transit authority, in furtherance of the 2022 Regional Transit Vision Plan recommendation that a regional authority be formed; and

WHEREAS this Council, at the recommendation of the City Manager and the City’s Transit Director, desire to support the work of the consultant to be engaged by TJPDC; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$30,000 is hereby appropriated to support the work of the TJPDC, as set forth above.

Expenditures - \$30,000.00

\$30,000.00 Fund: 245 Cost Center: 2801001000 G/L: 540100

9. RESOLUTION: Appropriating Charlottesville Supplemental Rental Assistance Program (CSRAP) funding for the acquisition of 818 Montrose Avenue - \$355,000 (2nd reading)

RESOLUTION

Appropriating \$355,000 OF THE FY23 CSRAP budget allocation to be used by CRHA for acquisition of 818 Montrose Avenue as permanent units of affordable housing

WHEREAS pursuant to Virginia Code §36-19 (2) and (4) the Charlottesville

Redevelopment and Housing Authority has the power and authority to acquire real estate for residential use, and to operate buildings for residential occupancy; and

WHEREAS pursuant to Virginia Code §36-6 and §36-7 the City of Charlottesville is authorized to lend or donate money to CRHA to enable CRHA to carry out its purposes; and

WHEREAS CRHA is requesting the City Council to provide the amount of \$355,000 to fund the acquisition of residential buildings located at 818 Montrose Avenue, and the requested amount of funding is available within the City's FY23 budget for the CSRAP Program; and

WHEREAS City Council desires that its donation of funding be used to acquire dwelling units that will be permanently reserved for use as affordable dwelling units; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT the amount of \$355,000 is hereby appropriated from the FY23 Budget for the CSRAP Program, to be donated to the Charlottesville Redevelopment and Housing Authority ("CRHA") for use in acquiring land and buildings (together, "Real Estate") located at 818 Montrose Avenue. It shall be a condition of this donation that, immediately following the recordation of an instrument conveying title to the Real Estate to CRHA, CRHA shall record a covenant restricting the use of the Real Estate to residential uses, and requiring that all dwelling units located on the Real Estate will be affordable dwelling units. The City Manager will provide CRHA with a declaration of covenants to accomplish the land use restriction, which shall be executed by CRHA and recorded on the same date as the instrument by which CRHA obtains title to the Real Estate.

10. RESOLUTION: Appropriating Fiscal Year 2023 Fire Programs Aid to Locality (Firefund) - \$186,776.00 (carried)

11. RESOLUTION: Appropriating Funding from the Virginia Department of Social Services for the Supplemental Nutrition Assistance Program Education & Training Program (SNAP E&T) Laptop Loaner Program - \$15,400 (carried)

12. RESOLUTION: Appropriating American Rescue Plan funds from the Commonwealth for Utility Bill Assistance - \$29,524.18 (carried)

Mayor Snook invited public comment on the Consent Agenda. No speakers came forward.

On motion by Pinkston, 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 referenced the written report provided in the meeting packet. He then announced a shift in the compensation structure for transit staff, and shared information about the new base pay and pay increases. He announced the resignation of Fire Chief Hezedeon Smith and stated that he and Deputy City Manager Sanders will meet with Chief Smith during the week to discuss transition to identify and acting chief as well as developing a process for recruitment and selection of a new chief.

A new City Hall ambassador program was launched at the main entrance to City Hall, where visitors besides those conducting business with the Commissioner of the Revenue and Treasurer offices will be greeted and receive a visitor badge in order to access their appointment area. Those having business with Neighborhood Development Services may access that area from the Market Street entrance.

The City Manager Office (CMO) has been in constant communication with the police department about any incidents that occur within the community, including those involving gun violence. Mr. Rogers stated that he was aware of incidents of gun violence that occurred within the month, and that Charlottesville and Albemarle police departments are working together to address the uptick of gun violence in the community. He addressed the recent "swatting" incidents at local schools and schools around the Commonwealth of Virginia, where public safety personnel responded to threats which were discovered to be hoaxes. The CMO is engaging an emergency manager to work alongside emergency responders.

Mayor Snook commended Chief Smith for his work during his time with Charlottesville Fire Department. He acknowledged recent Battalion Chief promotions, including the first black Battalion Chief in the department's history, Lance Blakey. Vice Mayor Wade noted that Blakey is the first African American person to hold the position of Battalion Chief in the department's 166-year existence.

Mr. Pinkston requested that the City Manager follow up with more ways to address gun violence.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Susan Kruse, Community Climate Collaborative (C3) Executive Director, commended city staff for their work on developing the Climate Action Plan (CAP). She requested more definition for the community feedback procedure. She requested that the City Manager Office and City Council set clear funding priorities for implementing the CAP as soon as possible.
2. Caetano de Campos Lopez, C3, spoke about the Climate Action Plan, highlighting goals that he classified as relevant or irrelevant.
3. Katie Ebinger, city resident and Climate Policy Analyst for C3, spoke about the Climate

Action Plan, specifically regarding energy and transportation.

4. Margaret Rose Byrne, county resident, spoke about increasing public transportation ridership to address climate change. She noted accessibility issues facing transit riders and pedestrians.
5. James Groves, city resident and Co-chair of the Cville 100 Climate Coalition encouraged hiring a data analyst to track the Climate Action Plan progress. He made several other suggestions for strengthening the Climate Action Plan.
6. Bill Emory, city resident, spoke about the need to protect the Rivanna River with River Corridor Zoning reform. He requested that Council exercise Eminent Domain for the area proposed for building apartments at the basin, and transfer stewardship of the property to the Department of Parks and Recreation.
7. Robin Hoffman, city resident, spoke about "the green space invasion", and requested preserving the health of the Rivanna River.
8. Elizabeth Stark, city resident, spoke about the challenges of getting children to school at Walker Upper Elementary School and Charlottesville High School.

ACTION ITEMS

13. PUBLIC HEARING/ORDINANCE: Air Rights Conveyance to University of Virginia for Pedestrian Bridge over Emmet Street (2nd reading)

James Freas, Director of Neighborhood Development Services, provided a summary of the proposed project.

Mayor Snook opened the public hearing.

- Martha Smythe asked about remuneration for the conveyance.

Mayor Snook closed the public hearing.

Councilor Pinkston disclosed that he works in Facilities Management at UVA, which is managing the work; however, he is not directly involved in the project and believes that these facts will not prevent him from voting on the issue.

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

ORDINANCE CONVEYING AIR SPACE OVER EMMET STREET TO THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA

14. ORDINANCE: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (3rd reading; deferred from August 15)

City Attorney Lisa Robertson summarized the request, stating that the owners of the property at 321 6th Street SW are asking the City to convey to them a strip of property

adjacent to their lot which was platted near the year 1888 as part of a 20-foot right-of-way. She described additional related land use actions nearby.

A utility service line within the right of way services the property across the street from the applicant; however, it may not be on the portion of the property where vacation was requested. She stated that staff was updating and reviewing procedures for providing information to applicants about responses and processes.

Councilor Magill asked questions about procedures and circumstances when compensation may be involved. After discussion Council unanimously agreed to TABLE the item indefinitely, with the city attorney preparing a report on rights-of-way procedures at the November 7 meeting at 4:00 p.m.

15. PUBLIC HEARING/ORDINANCE: City Manager's Proposed Collective Bargaining Ordinance (2nd reading)

Mr. Rogers summarized the September 15 introduction of the Collective Bargaining Ordinance and subsequent actions, and the series of amendments proposed at that meeting. He commended all contributors in the process to bring forth the Collective Bargaining Ordinance.

Robin Burroughs, Venable LLP, provided an overview of ordinance revisions.

Mayor Snook opened the public hearing.

- John Ertl, city resident representing the Amalgamated Transit Union (ATU), spoke in support of the amended ordinance.
- Robin Hoffman, city resident, spoke in support of the amended ordinance.
- Dr. Emily Yen, city resident and representative for the Virginia Education Association, spoke in support of the amended ordinance.
- Kate Fraleigh, city resident, spoke in opposition to including the police department in the first round of approved bargaining units.
- Jay Dorsey, President of Local 2363 for Fire, spoke in support of the amended ordinance.
- Brandon Collins, city resident, spoke in support of the amended ordinance, with the exception of recognizing a police union.
- Matthew Ray, Charlottesville Area Transit (CAT) worker, spoke in support of the amended ordinance.
- Jeffrey Fogel, city resident, spoke in support of unions, except for the police.
- Elizabeth Stark, city resident, spoke in support of the amended ordinance, requesting to exclude police from the ordinance.

Mayor Snook closed the public hearing.

Councilors discussed issues regarding police that were raised during the public hearing. They recognized the amended ordinance as a good compromise.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED a motion to amend the Collective Bargaining Ordinance presented to City Council for the first reading on August 15, 2022, to include all of the Amendments numbered (1) through (30), as summarized within the “Executive Summary of Revisions to Draft Collective Bargaining Ordinance”: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

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

ORDINANCE TO AMEND CHAPTER 19 OF THE CITY CODE (PERSONNEL) TO ADD A NEW ARTICLE VII AUTHORIZING COLLECTIVE BARGAINING WITH LABOR UNIONS OR OTHER EMPLOYEE ASSOCIATIONS

GENERAL BUSINESS

16. REPORT: Land Use and Environmental Planning Committee Semi-Annual Report (written report only)

OTHER BUSINESS

Councilor Payne asked for follow-up on the requested East High Street developments. Mayor Snook mentioned that the update should come to the Planning Commission.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Kate Fraleigh, city resident, asked questions about the use of government money and earning interest on American Rescue Plan funds.

Mayor Snook suggested giving the Finance Department time to find the answers.

The meeting adjourned at 9:04 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council