

CHARLOTTESVILLE CITY COUNCIL MEETING

October 17, 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 Magill contacted City Council and the Clerk requesting to participate from her home in Charlottesville virtually due to a medical condition that prevents her from attending in person.

On motion by Pinkston, seconded by Wade, Council by the following vote approved electronic participation by Magill: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none), and she was marked present.

On motion by Pinkston, seconded by Wade, Council unanimously approved the meeting agenda.

WORK SESSION

1. DISCUSSION: FY2024 City Budget Development

Interim City Manager Rogers introduced the purpose for the item, which was to give City Council an opportunity to give input earlier in the budget development process. Budget Director Krisy Hammill led the FY2024 Budget development discussion. She shared the Budget Development public meeting calendar and Council indicated a preference to hold the Community Budget Forum on Thursday, March 23, 2023. Ms. Hammill reminded the public of the budget transparency tool on the city website.

After the slideshow presentation, Council engaged in discussion. Individual councilors shared their priorities.

CLOSED SESSION

On motion by Pinkston, seconded by Wade, 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 discussion or consideration of the current contract for city management services by the Robert Bobb Group, for consideration of the appointment of a permanent city manager, and for consultation with legal counsel regarding those matters.

On motion by Pinkston, 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

BUSINESS SESSION

City Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Payne announced Climate Action Plan community engagement opportunities.

Councilor Magill expressed condolences to the Albemarle-Charlottesville Regional Jail and to the family of Mrs. Gequetta Murray-Key, who passed away on October 11. Mrs. Murray-Key was employed by the Albemarle-Charlottesville Regional Jail for 15 years and served as Associate Superintendent.

Mayor Snook announced the October 30Ivy Creek Natural Area restoration marker dedication.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Metastatic Breast Cancer Awareness Day - October 13, 2022**

Mayor Snook recognized October 13 as Metastatic Breast Cancer Awareness Day

CONSENT AGENDA*

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

2. MINUTES: September 6 Council meeting
3. RESOLUTION: Appropriating Fiscal Year 2023 Fire Programs Aid to Locality (Firefund) - \$186,776.00 (2nd reading)

RESOLUTION

Appropriating the amount of \$186,776.00 received from the Virginia Fire Fund for Expenditure in Fiscal Year 2023

WHEREAS, the City's Fire Department has received notification that the City of Charlottesville has received an allocation of aid-to localities, in the amount of \$186,776.00, from the Virginia Fire Programs Fund, which may be used to pay for training, protective clothing and equipment, and other expenditures authorized within Code of Virginia Section 38.2-401(B);

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that, upon receipt of this aid from the Commonwealth, a total of \$186,776.00 is appropriated for expenditure in accordance with the provisions of Virginia Code Sec. 38.2-401(B), using the following funds and accounts:

Revenues - \$186,776

\$186,776 Fund: 209 I/O: 1900010 G/L Account: 430110

Expenditures - \$186,776

\$186,776 Fund: 209 I/O: 1900010 G/L Account: 599999

4. 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 (2nd reading)

RESOLUTION

Appropriating Funding Received from the Virginia Department of Social Services for the SNAP E&T Laptop Loaner Program in the amount of \$15,400

WHEREAS, the Charlottesville Department of Social Services has received an allocation of \$15,400 in the Fiscal Year 2023 budget from the Virginia Department of Social Services to be used for purchasing laptops for clients participating in the SNAP E&T program who do not have computers.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$15,400, upon receipt by the City, is hereby appropriated for expenditure within the FY23 budget in the following manner:

Revenue – \$15,400

Fund: 212 Cost Center: 9900000000 G/L Account: 430080 \$15,400

Expenditures - \$15,400

Fund: 212 Cost Center: 3301009000 G/L Account: 520990 \$15,400

5. RESOLUTION: Appropriating American Rescue Plan funds from the Commonwealth for Utility Bill Assistance - \$29,524.18 (2nd reading)

RESOLUTION

Appropriating the Amount of \$29,524 of American Rescue Plan Funds Received from the Commonwealth of Virginia for Residential Utility Bill Assistance

WHEREAS the City of Charlottesville has received a second award from the Commonwealth of Virginia of American Rescue Plan Funds dedicated for financial assistance with residential utility bills;

WHEREAS the assistance is limited to residential customers with arrearages greater than 60 days for the time period between March 12, 2020 and August 31, 2021;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$29,524.18 is hereby appropriated in the following manner, for expenditure in accordance with federal ARP requirements:

REVENUES

Fund 207 I/O 1900446 G/L Account 430127

EXPENDITURES

Fund 207 I/O 1900446 G/L Account 599999

6. RESOLUTION: Approving Compromise of Claim: Wastewater Leak Credit \$31,516.31 for 525 Ridge Street - Management Services Corporation

RESOLUTION

Approval of a Compromise of Claim in the Form of a Leak Credit of \$31,516.31 for Wastewater Charges to the Utility Account of 525 Ridge Street – Management Services Corporation

WHEREAS, the Director of Finance, City Attorney, and City Manager concur that circumstances associated with a leak at 525 Ridge Street warrant a credit in the amount of \$31,516.31 for wastewater charges, and in accordance with City Code Sec. 11-132(4), City Council has authority to grant such a compromise of claim; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the Director of Finance is hereby authorized to apply a credit of \$31,516.31 to the utility account of 525 Ridge Street – Management Services Corporation.

7. RESOLUTION: Update Council Meeting Procedures to update electronic participation provisions

RESOLUTION

Approving Amendments to the City Council Rules and Procedures

BE IT RESOLVED by the Council of the City of Charlottesville, THAT City Council's Rules and Procedures are amended to incorporate the most-current flexibility allowed by the Virginia Freedom of Information Act, allowing use of various means of electronic communication for conducting City Council meetings.

8. RESOLUTION: Resolution to Appropriate Funds for the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (carried)
9. RESOLUTION: Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.)- \$452,704 (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 reported the following:

- The Charlottesville Fire Department recognized National Fire Prevention Week October 9-15 and visited various neighborhoods to share fire safety and escape plan information.
- Restroom facilities will be available to the public at York Place (112 West Main Street) beginning November 1, and the city is working to reopen the Downtown Transit Center,

making restroom facilities available at the east end of the Downtown Mall.

- Nine trees posing a safety risk on the Downtown Mall will be removed and eventually replaced.
- An internal committee focused on the Downtown Mall will conduct exploratory work to identify various priorities for the Mall and will come back to Council with a request to appoint citizen members to help formulate a list of recommendations for preserving the Mall for another 50 years.
- The process for hiring the city's first Emergency Management Coordinator concluded and Jeremy Evans, Captain with Charlottesville Fire Department, was selected. This position will report to the Deputy City Manager of Operations.
- Deputy Chief Michael Thomas was selected to serve as Interim Fire Chief upon departure of Chief Hezedeane Smith, assuming responsibility October 21.
- He thanked Chief Smith for successful succession planning and wished him well as he assumes the Fire Chief role in Polk County, Florida.

Quarterly Financial Update

Krisy Hammill, Director of Budget, provided a financial summary for the first quarter of Fiscal Year 2023.

Jason Vandever, City Treasurer, provided an update on the city's investment portfolio.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Anthony Haro, Blue Ridge Area Coalition for the Homeless, spoke in support of funding proposed in Agenda Item #19.
2. Tanesha Hudson, thanked City Manager Rogers for announcing the first black Deputy Chief Michael Thomas in the history of the Charlottesville Fire Department, who will become Interim Fire Chief. She commended Chief Hezedeane Smith for a job well done and she recognized Lance Blakey as the first black Battalion Chief. She expressed concerns about too few police working at night, and she stated that pay is not competitive with neighboring localities.
3. Rosia Parker, city resident, expressed disappointment at the departure of Hansel Aguilar, Executive Director of the Police Civilian Oversight Board. She was concerned about having the voice of the people heard. Regarding recent gun violence, she stated that more activities are needed.

ACTION ITEMS

10. PUBLIC HEARING/ORDINANCE: Vacation of Public Utility Easement at 209 Maury Avenue

City Attorney Lisa Robertson presented the request.

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

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

ORDINANCE VACATING AN EXISTING PUBLIC UTILITY EASEMENT ON LOTS IDENTIFIED ON CITY TAX MAP 17 AS PARCELS 18.4, 18.5 AND 18.6, AND ACCEPTING A DEDICATION OF 0.018 ACRE OF ADDITIONAL PUBLIC STREET RIGHT OF WAY ALONG STADIUM ROAD

11. ORDINANCE: To amend, re-ordain and re-enact Section 14-19 of the City Code, to clarify the businesses subject to taxation at the rate specified within Subclassification H of Section 14-19

Todd Divers, Commissioner of the Revenue, presented the request.

On motion by Payne, seconded by Pinkston, Council by the following vote ADOPTED the ordinance, passing on one reading with at least 4/5 affirmative vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

ORDINANCE TO AMEND, RE-ORDAIN AND RE-ENACT SECTION 14-19 OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO CLARIFY THE BUSINESSES SUBJECT TO TAXATION AT THE RATE SPECIFIED WITHIN SUBCLASSIFICATION "H" OF SECTION 14-19.

12. ORDINANCE: To amend, re-ordain and re-enact Chapter 30, Article 9 of the City Code (Transient Occupancy Tax), to incorporate state legislative changes pertaining to collection of tax revenues from lodging intermediaries, and to update definitions of terms used in Article 9

Mr. Divers presented the request and answered clarifying questions for Council.

On motion by Payne, seconded by Pinkston, Council by the following vote ADOPTED the ordinance, passing on one reading with at least 4/5 affirmative vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

ORDINANCE TO AMEND AND RE-ORDAIN CHAPTER 30 (TAXATION), ARTICLE IX (TRANSIENT OCCUPANCY TAX), OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO INCORPORATE STATE LEGISLATIVE CHANGES PERTAINING TO COLLECTION OF TAX REVENUES FROM LODGING INTERMEDIARIES, AND TO UPDATE DEFINITIONS OF TERMS USED IN ARTICLE IX

13. ORDINANCE: To amend, re-ordain, and re-enact Chapter 30, Article 17 of the City Code (Cigarette Tax)

Mr. Divers presented the request.

On motion by Pinkston, seconded by Wade, Council by the following vote ADOPTED the ordinance, passing on one reading with at least 4/5 affirmative vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

ORDINANCE TO AMEND, RE-ORDAIN, AND RE-ENACT CHAPTER 30, ARTICLE XVII OF THE CITY CODE (CIGARETTE TAX), TO REFLECT THE CITY'S MEMBERSHIP IN THE BLUE RIDGE CIGARETTE TAX BOARD

14. ORDINANCE: To amend, re-ordain, and re-enact Chapter 30, Article 4 of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) (tabled)

Mr. Divers presented the request.

Mayor Snook and Mr. Divers discussed certain ordinance terminology and calculations. After discussion Council unanimously agreed to table the item to the November 7 Action Agenda for a second reading and vote.

15. RESOLUTION: Appropriating \$700,000 from the CIP Contingency to Avon Fuel Station Replacement Project (carried)

Michael Goddard, Facilities Development Manager, presented the request. He stated that the fuel station is in a state of becoming uninsurable. A recent accident rendered a fuel pump unusable.

Mr. Pinkston asked questions about decommissioning the site, alternative options for fueling, partnering with the County, and he requested information about the seven-year payback.

Mr. Rogers stated that replacing the tank is an operational necessity.

Council unanimously agreed to carry the item to the November 7 Consent Agenda for second reading and vote.

16. RESOLUTION: Dogwood Housing Loan Extension

Deputy City Manager Sam Sanders presented the loan extension request along with background information.

On motion by Pinkston, seconded by Payne, Council by the following vote APPROVED a substitute resolution for consideration to replace the resolution that was published in the agenda packet: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

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

RESOLUTION

Extending the Time for Repayment by Dogwood Properties, LLC of an outstanding Affordable Housing Loan from the City

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, THAT the affordable housing loan agreement with Dogwood Properties is extended through October 31, 2027, under the same terms as the existing loan agreement.

17. RESOLUTION: Approving Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) Guidelines

City Attorney Lisa Robertson presented a summary of the request to allow implementation of PPEA Guidelines. She noted that typos in the Guidelines would be corrected. Regarding the fee, she clarified that staff's recommendation is \$1500.

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

RESOLUTION
Approving Guidelines for the Consideration and Approval of
Proposals Public Private Partnerships

WHEREAS, the Charlottesville City Council concurs with and adopts the findings of the Virginia General Assembly, set forth within Virginia Code Sec. 56-575.2 (A)(1) through (5), including the finding that there exist inadequate resources to develop new education facilities and other public infrastructure and government facilities, and public-private partnerships can meet those needs by improving delivery schedules, lowering costs, and providing other benefits; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville that the PPEA Guidelines proposed to Council October 17, 2022 are hereby approved and adopted.

18. RESOLUTION: Appropriating \$107,203.32 for Jefferson School African American Heritage Center Rent Agreement (carried)

Mr. Sanders presented the appropriation request to cover rent from December 1, 2022 to June 30, 2023. This payment covers the beginning phase of the new rental agreement that the Jefferson School African American Heritage Center (AAHC) will execute to occupy space within the Jefferson School City Center. The funding is intended to go directly to the AAHC for them to remit payment on their own behalf. The reason for bringing forward the request at this moment was to provide City Council the space to conduct Strategic Planning session to determine how it will engage in funding requests and investment arrangements with non-profit organizations.

Council unanimously agreed to carry the item to the November 7 Consent Agenda for a second reading and vote.

19. RESOLUTION: Appropriating American Rescue Plan (ARP) Funds \$565,000 (carried)

Chris Cullinan, Director of Finance, presented the appropriation request.

Mr. Snook asked about the long-term expectation for the Premier Circle housing solution. Mr. Anthony Haro explained that the long-term expectation is that the property will be developed as permanent supportive housing and affordable housing.

Mr. Pinkston asked about current usage at Premier Circle. Mr. Haro explained the set-up as non-congregate emergency sheltering and spoke about the possibility of a year-round shelter. Mr.

Jason Whitehead explained PACEM operations.

Mr. Payne asked about a cost associated with emerging needs and permanent public housing beyond the amount in the presented resolution and Mr. Haro stated that he would bring the information back to Council.

Council unanimously agreed to carry the item to the November 7 Consent Agenda for a second reading and vote.

20. RESOLUTION: Appropriating Funds for Bag Distribution in Connection with Plastic Bag Tax - \$20,000 (carried)

Mr. Sanders presented the appropriation request, which would provide funds for the purchase of reusable grocery bags for SNAP and WIC-eligible households at the onset of the plastic bag tax on January 1, 2023.

Council unanimously agreed to carry the item to the November 7 Consent Agenda for second reading and vote.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Tanesha Hudson asked why the Equity Fund did not receive continual funding. She spoke about the avoidance of conflicts of interest in working with organizations using the PPEA Guidelines. She stated that public housing needs improvement in order to improve gun violence.

Adjournment

The meeting adjourned at 8:57 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council