

CHARLOTTESVILLE CITY COUNCIL MEETING

December 19, 2022 at 4:00 p.m.

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met on Monday, December 19, 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 present: Michael Payne, Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade. Councilor Sena Magill sent notice earlier in the day that she would not be able to attend.

On motion by Wade, seconded by Pinkston, Council voted unanimously to adopt the meeting agenda, moving the Police Civilian Oversight Board items to the end of meeting for discussion: 4- 0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

REPORTS

1. DISCUSSION: Reprecincting

Anne Hemenway, Vice Chair of the Electoral Board, shared background information and stated reasons why Charlottesville was flagged by the State Board of Elections. After the 2020 election Charlottesville was tagged as a locality with a precinct with over 4,500 active voters. This did not require a change, but alerted election officials that the precinct was growing. She listed ongoing issues at other polling places related to size, parking availability and other logistic issues. The reprecincting project started several years ago but was impacted by the Covid-19 pandemic and timing for the General Election.

Katrina Callsen, city attorney assigned to the Registrar Office, shared the timeline for action items related to reprecincting, including a public hearing, with the earliest date to go into effect April 7. She stated that the 2021 Voting Rights Act is the governing document for this process.

Taylor Yowell, Voter Registrar, provided clarity to answer Council questions and presented the proposed precinct map. She stated that the map could be accessed by the general public online through the City GIS (Geographic Information System) through the Open Data Portal. Ms. Yowell stated that a precinct cannot be created with more than 5,000 active voters. Based on feedback, proposed changes were included to address walkability. The Voter Registrar has attended neighborhood association meetings and intends to continue.

Councilors requested a public information campaign. Staff indicated that the ordinance is intended to come before Council for first reading on January 17, 2023.

CLOSED SESSION

On motion by Pinkston, seconded by Wade, Council voted 4-0 (Ayes: Payne, Pinkston,

Snook, Wade; Noes: none; Absent: Magill) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), (A)(3) (A)(7) and (A)(8), for

- Discussion or consideration of prospective candidates for appointment to boards and commissions, and of the possibility of an assignment or appointment of outside legal counsel for pending litigation or other legal matters;
- Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (100 Rio Road East);
- Consultation with legal counsel regarding the above referenced matters, and regarding a procedural matter relating to the proposed mid-year budget amendments; and
- Consultation with legal counsel pertaining to litigation pending within the City of Charlottesville Circuit Court, including Civil Case Nos. 21-617, 22-234, and various other pending challenges to Council zoning decisions

On motion by Pinkston, seconded by Payne, Council certified by the following vote: 4-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill), 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 the plastic bag tax that will go into effect January 1, 2023.

Mayor Snook announced that Tommy Theodose, former coach of the Lane High School football coach, passed away over the weekend. Mr. Theodose coached the first integrated state championship team in 1963 and the football stadium at Charlottesville High School was named after him.

BOARD/COMMISSION APPOINTMENTS

On motion by Wade, seconded by Pinkston, Council APPOINTED members to various boards and commissions by the following vote: 4-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill)

- Charlottesville Albemarle Convention and Visitors Bureau - Daniel Shay
- Historic Resource Commission – William m Burgen, Larry Riley
- Human Rights Commission – Mary Bauer, Jessica Harris, Wolfgang Keppley, Suzanne Lynn
- Personnel Appeals Board - John Delahaney

- Region Ten Community Service Board - David Opper
- Rivanna Solid Waste Authority - Mike Gaffney
- Rivanna Water and Sewer Authority - Mike Gaffney
- Sister Cities Commission - Kimberly Hayes
- Youth Council - Navah Khurgel

Mayor Snook encouraged the public to apply to fill vacancies on boards and commissions.

CONSENT AGENDA*

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

- 2. MINUTES: November 7 Council meeting, November 21 Council meeting**
- 3. ORDINANCE: Amending the 2018 City/County Courts Memorandum of Agreement and approving a 40-year lease (2nd reading)**
- 4. RESOLUTION: Transferring Capital Funds from City/County fund (P-00834) for renovations to Washington Park Pool - \$350,000 (2nd reading)**
- 5. ORDINANCE/RESOLUTION: Police Civilian Oversight Board Matters**

At the request of Vice Mayor Wade the item was moved to Action Items for discussion.

- a. ORDINANCE: Amending Chapter 2, Article XVI of the City Code (PCOB) (2nd reading)**
 - b. RESOLUTION: Approving Operating Procedures for the PCOB (1 reading; tabled from December 5)**
- 6. RESOLUTION: Appropriating Bond Proceeds for the Woodland Drive subdivision - \$192,453.98 (carried)**

On motion by Pinkston, seconded by Wade, Council by the following vote ADOPTED the Consent Agenda: 4-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

CITY MANAGER REPORT

Interim City Manager Michael Rogers shared the following updates.

- Mr. Rogers and Michael Kochis, the newly appointed police chief, held a press conference on December 6.
- Human Resources held an employee forum regarding the new personnel management policy.
- The Budget Department received the Government Finance Officers Association award for budget presentation for the 18th year.
- The Social Services Dept was chosen as Champions Employer of the Year for 2021- 2022.
- The National Community Survey will be open until December 23.

- Regarding inclement weather preparation, meetings have been held and the city is prepared.
- Lisa Robertson, City Attorney, will be leaving the City as of December 28. An acting City Attorney will be appointed from among City staff.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Giorgio Carta, city resident, expressed concerns about the lack of lighting on the Belmont bridge and the response that he received from Public Works staff. He requested that lights be installed as soon as possible.
2. James Groves, city resident, suggested that the city establish financial support for a transition to more efficient environmentally friendly energy systems by enabling a green bank and CPACE (Commercial Property Assessed Clean Energy) financing.
3. Robin Hoffman, city resident, lauded the amount of engagement for Charlottesville Public Access television at the Grand Illumination event. She stated that she sent requests to the city for signage in the East High neighborhood because of unsafe conditions and incidents.
4. Stuart Walton, city resident, spoke about the Mountain View Planned Unit Development, and asked about sidewalk placement.

ACTION ITEMS

7. PUBLIC HEARING/RESOLUTION: Public Hearing and Resolution of Appropriation to Amend the Fiscal Year 2023 Budget (carried)

Chris Cullinan, Director of Finance, summarized the resolution and shared background information for the development of the FY22 budget.

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

Council unanimously agreed to carry the item to the January 3 Consent Agenda.

8. PUBLIC HEARING/ORDINANCE: Private drainage easements (2) 2100 Avon Court (carried)

City Attorney Lisa Robertson presented the request. She stated that the property is owned by the City and the industrial development is subject to the County zoning ordinance, but the developer needs easements granted by the City. Because this easement is for a period of more than 5 years, a bid process was required.

Mayor Snook opened the public hearing, inviting public comments and bids. With no speakers coming forward Mayor Snook closed the public hearing and bids.

Council agreed by consensus to carry the item to the January 3 Consent Agenda.

9. PUBLIC HEARING/ORDINANCE: Temporary Aerial Easement 1223-1225 Harris Street (carried)

City Attorney Lisa Robertson presented the request. Because this property use is for a period of less than 5 years, no bid process was required.

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

Council agreed by consensus to carry the item to the January 3 Consent Agenda.

10. ORDINANCE: Considering a Zoning Map Amendment for the Mount View PUD (Planned Unit Development) (2nd reading)

Carrie Rainey, City Planner, reviewed the request, which was initially presented during the December 5 City Council meeting, and she answered councilor questions.

Justin Shimp, Shimp Engineering, addressed questions about groundwater and management, vehicle and pedestrian connectivity for the development.

Kelsey Schlein, Shimp Engineering, addressed questions about a buffer between the development and existing homes.

Vice Mayor Wade suggested using native plants for the buffer, working with Master Gardeners.

On motion by Pinkston, seconded by Payne, Council by the following vote ADOPTED the ordinance: 4-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

ORDINANCE APPROVING A REZONING, SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS, OF PROPERTY LOCATED AT 908 ST. CLAIR AVE, 1133 OTTER ST, 1221 LANDONIA CIRCLE, AND 1201 LANDONIA CIRCLE TO ESTABLISH A PLANNED UNIT DEVELOPMENT (“MOUNT VIEW PUD”)

11. RESOLUTION: Considering a Sidewalk Waiver Request for the Mount View PUD (Planned Unit Development) (Tabled to date uncertain)

Following the previous ordinance discussion, the Tabled to a date uncertain

ITEMS MOVED FROM CONSENT AGENDA:

5. ORDINANCE/RESOLUTION: Police Civilian Oversight Board Matters

Vice Mayor Wade requested to move the item to Action Items for discussion. Mayor Snook suggested amendments in response to community input.

a. ORDINANCE: Amending Chapter 2, Article XVI of the City Code (PCOB) (2nd reading)

On motion by Payne, seconded by Pinkston, Council by the following vote ADOPTED

the ordinance: 4-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

**ORDINANCE AMENDING AND REENACTING CHAPTER 2
(ADMINISTRATION), ARTICLE XVI (POLICE CIVILIAN REVIEW BOARD)**

12. RESOLUTION: Approving Operating Procedures for the PCOB (1 reading; tabled from December 5)

On motion by Payne, seconded by Pinkston, Council by a vote of 4-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill), APPROVED amendments to the PCOB operating procedures, adding the language suggested by Mayor Snook:

1. on p. 104, ¶2(e), add "Any evidentiary determination by the Hearing Examiner may be appealed to the full Board."
2. on p. 116, ¶N, insert "paragraph III.A. of" between "with" and "the".

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

**RESOLUTION
To Approve Operating Procedures for the
City's Police Civilian Oversight Board**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, pursuant to Section 2-360 of the City Code, and as required by Section 9-601(D) of the Virginia Code, THAT that Operating Procedures are hereby approved for the Charlottesville Police Civilian Oversight Board.

GENERAL BUSINESS

The City Manager presented a resolution to hire outside counsel where needed upon the departure of the City Attorney.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

**RESOLUTION
Authorizing the City Manager and the Acting City Attorney
To Retain Outside Legal Counsel**

BE IT RESOLVED by the Charlottesville City Council that the City Manager and any attorney serving as Acting City Attorney are hereby authorized, upon their mutual agreement, to retain outside legal counsel to assist the Office of the City Attorney with any pending litigation involving the City of Charlottesville or Charlottesville City Council, or with any matter requiring the provision of legal advice to the City government or City Council, subject to the City Manager's determination that funding is available for the services of such outside legal counsel.

BE IT FURTHER RESOLVED that the City Manager and any attorney serving as Acting City Attorney, are hereby authorized to jointly execute on behalf of the City of Charlottesville an agreement in the nature of an engagement letter, to engage outside legal counsel upon such terms and conditions, as they deem in the best interests of the City.

OTHER BUSINESS

Council asked for follow-up on the Belmont Bridge lighting.

Vice Mayor Wade asked for follow-up on making a requirement for use of native plants during the development approval process when screening is involved.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Lakeshia Washington, city resident, shared that on December 21 the Haven will have its homeless memorial program. She requested that Council discuss in the budget process how to support homeless individuals as well as affordable housing as the work continues on the zoning rewrite.
- John Hossack, city resident, expressed concerns about the Mount View development.
- Robin Hoffman, city resident, spoke about traffic issues concerning the East High Street neighborhood.

Mayor Snook adjourned the meeting at 8:28 p.m.

By Order of City Council

By Kyna Thomas, Clerk of Council