

## **CHARLOTTESVILLE CITY COUNCIL MEETING**

**February 21, 2023 at 4:00 p.m.**

**In person: Council Chamber, 605 E. Main Street**

**Virtual/electronic: Zoom**

The Charlottesville City Council met on Tuesday, February 21, 2023. 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 other communicable diseases, 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: Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade.

On motion by Pinkston, seconded by Wade, Council by the following vote ADOPTED the meeting agenda as amended to add a resolution regarding the hiring of an executive search firm to conduct the search for a City Manager: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none).

### **REPORTS**

#### **1. REPORT: Polco National Community Survey Presentation**

Interim City Manager Michael C. Rogers opened with a summary and introduced Joseph Dell'Olio, Senior Survey Associate with National Research Center for Polco.

Mr. Dell'Olio presented results from the National Community Survey for Charlottesville and compared to national benchmarks. This was the fifth time conducting The National Community Survey in Charlottesville, previous surveys having been conducted in 2012, 2014, 2016 and 2018. Mr. Dell'Olio reported results related to the quality of community livability:

- Overall economic health
- Overall quality of the transportation system
- Overall design or layout of residential and commercial areas
- Overall quality of the utility infrastructure
- Overall feeling of safety
- Overall quality of natural environment
- Overall quality of parks and recreation opportunities
- Overall health and wellness opportunities
- Overall opportunities for education, culture and the arts
- Residents' connection and engagement with their community

Council followed up with questions and Mr. Rogers stated that the information from this report will inform the Strategic Plan.

#### **2. REPORT: State of the Forest - Tree Commission**

Steve Gaines, Urban Forester, introduced members of the Tree Commission - Peggy van Yahres, outgoing Chair and Jeff Aten incoming Chair, who presented the State of the Forest annual

report.

The report indicated worsening heat islands in the city and declining tree canopy. The Tree Commission recommended:

- 1) Support of the Comprehensive Plan goal to “Require that zoning changes preserve and enhance natural resources and sensitive environmental areas, designated flood plain areas, steep slopes, rivers, and streams.
- 2) Regarding the Zoning rewrite:
  - Increase requirements for planting new trees and protecting existing trees
  - Establish consequences for public tree damage and incentives for saving trees
  - Eliminate “no setback waivers” which prohibit street tree plantings
  - Encourage new development on degraded land
  - Do not increase density on forests and offer environmentally sensitive lands
  - Protect critical slopes and other environmentally important sites
- 3) Fund the Tree Commission’s FY24 Capital Improvement Plan requests:
  - \$100,000 for new tree plantings
  - \$100,000 for ash tree removals
  - \$75,000 for reduction of invasive plants in parks
  - \$100,000 for preservation and replacement of Downtown Mall trees
- 4) Improve the City’s Organization to better manage natural resources
- 5) Expanding the charge of the Tree Commission

### **3. REPORT: City of Charlottesville Environmental Standards**

James Freas, Director of Neighborhood Development Services, presented information regarding the Environmental Regulatory Program. Four objectives of the program are to:

- 1) Strengthen the City’s water quality protection program with a focus on riparian areas where there are parallel benefits of floodplain management, habitat protection, and tree canopy preservation.
- 2) Ensure that the City’s environmental protection program does not unintentionally disincentivize and redirect development out of the City or result in inequitable land use patterns by balancing environmental and development benefits, targeting regulations to where they can have the greatest environmental benefits, and making the requirements predictable, achievable, and enforceable.
- 3) Promote development that aligns with the City’s developing flood resiliency and climate adaptation plan strategies, which could include green design practices for sites and buildings.
- 4) Match the regulatory program to the City’s staffing capacity and available resources.

Councilors provided feedback.

## **CLOSED SESSION**

Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) to close this open meeting and convene in a closed session, as authorized by Virginia Code Section 2.2-3711(A)(1), for the discussion and consideration of appointing members to the following Charlottesville public bodies:

1. Charlottesville City Council,
2. Charlottesville Affordable Housing Fund Committee
3. Community Development Block Grant (CDBG) and HOME Task Force
4. Housing Advisory Committee (rescinding appointment), and
5. Police Civilian Oversight Board.

On motion by Pinkston, seconded by Wade, Council certified by the following vote: 4-0 (Ayes: 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**

### **Council Seat Announcement and Swearing In**

On motion by Vice Mayor Wade, seconded by Councilor Pinkston, City Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none), appointed Leah Puryear to fill the City Council seat left vacant by Sena Magill.

Clerk of Court Llezelle Dugger administered the Oath of Office, noting term dates of February 27, 2023, through December 31, 2023, and she provided a copy of the Oath to the Clerk of Council.

Councilors and Ms. Puryear made remarks.

## **ANNOUNCEMENTS**

Mayor Snook spoke about meetings scheduled to talk about the modules for the Zoning Ordinance rewrite, and he commended Wes Bellamy for organizing the fundraiser to help the family of Skeeter Smith.

## **BOARD/COMMISSION APPOINTMENTS**

On motion by Pinkston, seconded by Wade, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) APPOINTED members to the Police Civilian Oversight Board: Charles Fleming, Susan Krischel, George Dillard (non-voting member with law enforcement experience), Lakeshia Washington, Patricia Jones Turner (social justice representative), and reappointing James Watson. The mayor mentioned that terms were being looked at to have term rotation on an annual basis versus the 18-month interval as initially set up.

Council agreed to rescind the appointment of Elise Noyes, whom they appointed on February 6 to the Housing Advisory Committee because she did not meet qualifications.

On motion by Pinkston, seconded by Wade, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) APPOINTED Helen Sporkin and Richard Fravel to the Charlottesville Affordable Housing Fund.

On motion by Pinkston, seconded by Wade, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) APPOINTED Sylethia Carr, Jacquana Mason and Helen Sporkin to the Community Development Block Grant-HOME Investment Partnership Task Force.

**4. RESOLUTION: Charlottesville Affordable Housing Fund Committee membership, replacing Resolution #R-23-012**

Council did not vote on this resolution.

**5. RESOLUTION: Appointing the membership of the Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Task Force, Pursuant to City Code Section 2-417 (1 reading)**

Council did not vote on this resolution.

**CONSENT AGENDA\***

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record. No one from the public came forward to speak about any of the items.

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

6. MINUTES: February 6 Council meeting, February 8 joint Council-School Board work session, February 10 and 13 special meetings
7. RESOLUTION: Appropriating funds for Safe Routes to School Program (SRTS) Non-Infrastructure Grants - \$ 229,803 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for  
Safe Routes to School Program (SRTS) Non-Infrastructure Grants \$229,803**

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for education, encouragement, evaluation and enforcement programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$183,842;

WHEREAS, the two year SRTS award is a 80% reimbursement program requiring a 20% match of \$45,961. It will come from in kind donations and volunteer services from Charlottesville Area Mountain Bike Club NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

REVENUE

\$183,842                      Fund: 209              Cost Center: 3901008000                      G/L: 430120

EXPENDITURES

(expenditures and salary)

\$79,842                      Fund: 209              Cost Center: 3901008000                      G/L: 599999

\$104,000                      Fund: 209              Cost Center: 3901008000                      G/L: 519999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$183,842 from the Virginia Department of Transportation.

**8. RESOLUTION: Appropriating Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for operations of the therapeutic docket program (2nd reading)**

**RESOLUTION**

**Appropriating the Grant for Charlottesville - Albemarle Therapeutic Docket Grant Award in the amount of \$61,500**

**WHEREAS**, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for the Charlottesville-Albemarle Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

**WHEREAS**, the City of Charlottesville serves as the fiscal agent for this grant program; and

**WHEREAS**, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$167,200; and

**WHEREAS**, the grant award covers the period September 1, 2022 through June 30, 2023.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$61,500, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

**Revenues**

\$61,500              Fund: Internal Order: #1900499              G/L Account: 430110 (State Grant)

**Expenditures**

\$61,500              Fund: Internal Order: #1900499              G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$61,500 from the Supreme Court of Virginia.

**9. RESOLUTION: Appropriating State Criminal Alien Assistance Program (SCAAP) Grant for 2021 reimbursement in the amount of \$7,743 (2nd reading)**

**RESOLUTION APPROPRIATING  
State Criminal Alien Assistance Program (SCAAP) Grant for 2021 reimbursement -  
\$7,743**

**WHEREAS**, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$7,743.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a total of \$6,040 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$1,703 be appropriated and passed through to Justice Benefits, Inc.

**Revenues**

\$7,743      Fund: 211      Internal Order: 1900509      G/L Account: 431110

**Expenses**

\$6,040      Fund: 211      Internal Order: 1900509      G/L Account: 530550

\$1,703      Fund: 211      Internal Order: 1900509      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$7,743 from the U. S. Bureau of Justice Assistance.

**10. RESOLUTION: Appropriating funds for appraisal services at 0 East High Street - \$3,800 (2<sup>nd</sup> reading)**

**RESOLUTION APPROPRIATING FUNDING FOR  
Appraisal Services at 0 East High Street - \$3,800**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$3,800 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund for appraisal services at 0 East High Street.

\$3,800      Fund: 105      Cost Center: 10110010000

**11. RESOLUTION: Appropriating funds for the purchase of Charlottesville Area Transit radio equipment - \$237,000 (2nd reading)**

**RESOLUTION**

**Appropriating the Amount of \$237,000 from the CIP Contingency funds for the Purchase of Charlottesville Area Transit Radio Equipment**

**WHEREAS**, the radio equipment compatible with the regional emergency communication system does not meet the Federal Transit Administration’s (FTA) Buy America guidelines and;

**WHEREAS**, Charlottesville Area Transit (CAT) cannot apply any federal FTA funding for the purchase or installation of new radio equipment;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following is hereby transferred from CIP Contingency funds in the following manner:

**Transfer From**

\$237,000            Fund: 426            WBS: CP-080            G/L Account: 599999

**Transfer To**

\$237,000            Fund: 426            Internal Order: 1000008            G/L Account: 599999

**12. RESOLUTION: Considering a Special Use Permit for the Three Notch'd Brewery Expansion**

**RESOLUTION**

**Granting a Special Use Permit for a Small Brewery at 522 2nd Street SE Application SP22-00011**

**WHEREAS** Three Notch’d Brewing Company, LLC (“Applicant”) represents the owners of certain land identified within the City of Charlottesville real estate records by Real Estate Parcel Identification No. 280208100 (the “Subject Property”), which has frontage on 2<sup>nd</sup> Street SE and Monticello Avenue; and

**WHEREAS** the Subject Property is located in the Downtown Extended Mixed Use Corridor zoning district, and according to the Use Matrix set forth within City Code 34-796, small breweries are a permissible use of the Subject Property only if authorized by City Council by special use permit; and

**WHEREAS** the proposed small brewery is described in more detail within the application materials dated September 21, 2022, submitted in connection with SP22-00011, as required by City Code 34-158 (the “Application Materials”); and

**WHEREAS** the City Council and the Planning Commission conducted a joint public hearing on January 10, 2023, following public notice given in accordance with applicable law; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their January 10, 2023 meeting, subject to conditions recommended within the Staff Report; now, therefore,

**BE IT RESOLVED by the Council for the City of Charlottesville, Virginia**, that a Special Use Permit is hereby granted to allow a small brewery to be established on the Subject Property subject to the following conditions:

1. No expanded brewery production (beyond 15,000 barrels per year) is permitted on the subject property until:
  - a. The Utilities Department confirms existing sanitary sewer facilities can adequately handle the increased biological oxygen demand generated by the expansion in brewery production, or
  - b. Facilities on the subject property are upgraded to address the increased biological oxygen demand, and the Utilities Department confirms the upgraded facilities will adequately handle the increased demand.

**13. RESOLUTION: Appropriating funds for reimbursement of United Way Community Resource Hotline Staff Costs - \$45,559.02 (carried)**

**14. RESOLUTION: Authorizing Signature Authority for Virginia Department of Transportation (VDOT)**

#### **RESOLUTION**

#### **AFFIRMING THE CITY OF CHARLOTTESVILLE, VIRGINIA'S COMMITMENT TO FUND THE LOCALITY SHARE OF PROJECTS PURSUANT TO AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND TO PROVIDE SIGNATURE AUTHORITY**

**WHEREAS**, the City of Charlottesville, Virginia (the "City") is a recipient of Virginia Department of Transportation ("VDOT") funds under various grant programs for transportation- related projects; and

**WHEREAS**, in order to receive VDOT funds under said grant programs, the governing body of a locality must, by resolution, provide assurance to VDOT of its commitment to funding its local share; now therefore,

**BE IT RESOLVED, by the Council for the City of Charlottesville, Virginia**, that the City commits to provide funding sufficient to meet its local share of preliminary engineering, right- of-way, and construction (as applicable) of the project(s) under agreement with VDOT in accordance with each project's financial document(s); and,

**BE IT FURTHER RESOLVED, that the City Manager for the City of Charlottesville, Virginia**, and/or his designees is authorized to execute all agreements and/or addendums on behalf of the City for any approved projects with VDOT.



In witness whereof, the forgoing was adopted by City Council of Charlottesville, Virginia on February 21, 2023.

**15. RESOLUTION: Supporting redevelopment of 1025 Park Street A & B (formerly MACAA Redevelopment)**

**RESOLUTION**

**Financial Resolution Supporting 1025 Park Street A & B (f/k/a MACAA) Parcel Number: 470007100**

**NOW, THEREFORE BE IT RESOLVED** that the Council of the City of Charlottesville, Virginia hereby commits up to \$3,770,000 in the form of grants for the development of 1025 Park Street A & B (f/k/a MACAA redevelopment project) subject to Piedmont Housing Alliance satisfying the conditions of a Memorandum of Understanding agreed to by the City and Piedmont Housing Alliance. The commitment of up to \$3,770,000 will help to subsidize 1025 Park Street A & B which in turn will create approximately 86 newly constructed affordable housing units in the City of Charlottesville. This commitment will be made to Piedmont Housing Alliance.

**CITY MANAGER REPORT**

Mr. Rogers spoke about the train derailment in Ohio and stated that he has a report from the Fire Department; he read a statement from the city's Emergency Manager regarding the City of Charlottesville's readiness to respond during any need for emergency management.

**COMMUNITY MATTERS**

Mayor Snook opened the floor for comments from the public.

1. Matthew Gillikin on behalf of CLIHC (Charlottesville Low Income Housing Coalition), spoke about a book *Homelessness is a Housing Problem*, and the increase of homelessness as indicated by the most recent Point-in-Time (PIT) count. He gave copies of the book to Council members and asked them to pass it along once they finish reading it, as well as implement lessons so that homelessness "will be rare, brief and non-recurring".

**ACTION ITEMS**

**16. By Motion: 507 Ridge Street - BAR Denial of a Certificate of Appropriateness for Demolition of Cottage/Shed (BAR 22-11-03)**

Jeff Werner, Preservation Design Planner and staff representative for the Board of Architectural Review (BAR), summarized the appeal and the appeal process as outlined in the City Code. He noted that Council may consider factors that were not under the purview of the review criteria for the BAR.

Clayt Lauter, appellant, presented what he considered a win-win for the City. The proposal

was to demolish the current appurtenant structure and construct an accessory dwelling unit to house his aging parent.

Breck Gastinger, Chair for the BAR, read a statement into the record:

" Members of City Council:

- The BAR carefully considered the demolition application on two occasions (Nov 15 and Dec 20, 2022), aided by client presentations and a thorough staff report.
- The proposed demolition is of a small structure behind the significant Gianniny-Bailey House on Ridge Street. Though small, this shed is both old (1895) and unique, and has been identified as a contributing structure in the Ridge Street Architectural Design Control District and the National Register's Ridge Street Historic District. The city historical survey from 1994 identifies this as one of 3 remaining servants' quarters in the District. It is unclear that any others remain today. Sometimes, these seemingly insignificant structures can be an important thread of our community history. The relationships between this building and the larger historic home reflect past social relationships that are part of Charlottesville. The city's ADC District Design Guidelines and the Secretary of Interior's Standards for Historic Preservation are clear that demolition of such structures should be a last resort and only when there is a benefit to the public and other alternatives have been exhausted.
- The applicant demonstrated little interest in preserving the structure, either in its current location or by other means. Nor was the BAR presented documentation prepared by a qualified professional who evaluated the condition and integrity of this building and made clear that demolition was required.
- After careful consideration of the application and the standards within the city code and the Design Guidelines, the BAR voted 4 – 2 to deny the CoA."

On motion by Pinkston, seconded by Payne, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) APPROVED the Certificate of Appropriateness for demolition of a cottage/shed at 507 Ridge Street. Councilor Payne encouraged the applicant to have the shed documented, as he indicated that he would with the architectural history value discussed by the BAR. Council acknowledged that historic preservation in this case would be overburdensome to the property owner. Vice Mayor Wade thanked the BAR and noted the restricted parameters within their review guidelines.

#### **17. RESOLUTION: Appropriating funds in support of BEACON's Kitchen Project - \$500,000 (2nd reading, amended)**

Chris Engel, Director of Economic Development, summarized the language revisions to the resolution, which were requested during the February 6 City Council meeting.

On motion by Pinkston, seconded by Payne, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) APPROVED the resolution in support of BEACON's kitchen project.

**RESOLUTION**

**New Hill Development Corporation - BEACON's Kitchen Project \$500,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$500,000 is hereby authorized to be allocated from currently appropriated funds in the ARP Strategic Investment Account (\$500,000) to New Hill Development Corporation upon the drafting of an approved Donation Agreement between the City of Charlottesville and New Hill Development Corporation and pursuant to said Agreement, the City Manager is hereby authorized to execute the Donation Agreement with New Hill Development Corporation.

\$500,000                      Fund: 207                      I/O:1900491

**18. RESOLUTION: Authorizing City Council to engage an executive search firm to assist in the selection of a new City Manager and for the Mayor to execute documents related thereto**

Mayor Snook explained that the Request for Quotes received five responses and Council interviewed two firms.

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

**RESOLUTION**

**Authorizing City Council to Engage the Executive Search Firm POLIHIRE to Assist the Charlottesville City Council in the selection of a new City Manager and for the Mayor to Execute Documents Related Thereto.**

**WHEREAS** the City of Charlottesville, Virginia (the "City") is currently served by an Interim City Manager; and

**WHEREAS** the City issued a Request for Quotations ("RFQ") to assist the Charlottesville City Council in the selection of a new City Manager (the "Services"); and

**WHEREAS** the Services are more fully described in RFQ #23-56; and

**WHEREAS** the Interim City Manager has recused himself from all aspects of procuring said Services;

**WHEREAS** City Council has the power to award a contract to procure the Services pursuant to City Code Sec. 2-36; and

**WHEREAS** City Council desires to engage the firm of POLIHIRE to provide said Services; and

**WHEREAS** City Council has the power to authorize the Mayor of the City of Charlottesville to execute documents necessary to engage POLIHIRE to provide said Services pursuant to City Code Sec. 2-36; now therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that City Council shall engage POLIHIRE to assist the Charlottesville City Council in the selection of a new City Manager; and

**BE IT FURTHER RESOLVED** that the Mayor for the City of Charlottesville is authorized to execute documents, approved as to form by the City Attorney, to retain POLIHIRE to assist the Charlottesville City Council in the selection of a new City Manager.

#### **OTHER BUSINESS**

Vice Mayor Wade asked for follow-up regarding whether the traffic signal at Water Street and Nations Bank (3<sup>rd</sup> Street) is necessary.

#### **COMMUNITY MATTERS (2)**

Mayor Snook opened the floor for public comment. No speakers came forward.

The meeting adjourned at 7:46 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council