

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

November 6, 2023 at 4:00 PM

Council Chamber, 605 E. Main Street

The Charlottesville City Council met on Monday, November 6, 2023. Mayor Lloyd Snook called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

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

REPORTS

1. PRESENTATION: Budget Presentations - Operations

City Manager Sam Sanders stated that this is a continuation of department budget briefings to City Council in preparation for the City Manager's budget presentation to City Council in March.

James Freas, Director, presented the Neighborhood Development Services overview.

Riaan Anthony, Deputy Director, presented the Parks and Recreation overview.

Avery Thompson, Management Analyst, presented the Department of Public Works update.

Lauren Hildebrand, Director, presented the Department of Utilities report.

With no closed meeting, the meeting recessed until 6:30 p.m.

BUSINESS SESSION

City Council began the business session with a moment of silence.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Recognizing Cyndi Richardson as 2023 Virginia State Crisis Intervention Team (CIT) Coalition Peer of the Year**

Mayor Snook presented the proclamation to Cyndi Richardson, who accepted with comments.

- **PROCLAMATION: 160th Anniversary of First Baptist Church West Main Street**

Vice Mayor Wade presented the proclamation, which was accepted by Don Gathers, a member of the church.

CONSENT AGENDA*

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

2. MINUTES: August 21 regular meeting, October 3 work session, October 11 work session

3. ORDINANCE: Amendment of Charlottesville City Code Sec. 15-75 to Comply with Recent Amendments to the Virginia Code Sec. 46.2-924(A) Requiring Drivers to Stop for Pedestrians in Crosswalks (2nd reading)

AN ORDINANCE AMENDING SECTION 15-75 (DUTY TO YIELD RIGHT-OF-WAY TO PEDESTRIANS), OF ARTICLE III (OPERATION OF VEHICLES GENERALLY), DIVISION 4 (RATES AND CHARGES), OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO CONFORM WITH THE NEW REQUIREMENTS OF CODE OF VIRGINIA, § 46.2-924, AS AMENDED

4. ORDINANCE: Amendment of Charlottesville City Code Sec. 15-435 to Permit a Towing Operator Fuel Surcharge Fee to Conform to Changes in State Law (2nd reading)

AN ORDINANCE AMENDING SECTION 15-435 (RATES AND CHARGES), OF ARTICLE IX (REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE PROPERTY), DIVISION 4 (RATES AND CHARGES), OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO CONFORM WITH THE NEW REQUIREMENTS OF CODE OF VIRGINIA, § 46.2-1233.1, AS AMENDED

5. RESOLUTION: Resolution to appropriate funds from the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS
Charlottesville/Albemarle Adult Drug Treatment Court Grant Award
\$240,000**

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Drug Treatment Court Docket Grant in the amount of \$240,000 for the Charlottesville/Albemarle Drug Court Treatment Court 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 \$140,717; and

WHEREAS, the grant award covers the period July 1, 2023 through June 30, 2024.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$240,000, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$240,000 Fund: 209 Internal Order: 1900536 G/L Account: 430120

Expenditures

\$240,000 Fund: 209 Internal Order: 1900536 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$240,000 from the Supreme Court of Virginia.

6. RESOLUTION: Resolution to appropriate funding from the FY22 State Criminal Alien Assistance Program (SCAAP) Grant for Albemarle Charlottesville Regional Jail - \$19,050 (2nd reading)

RESOLUTION APPROPRIATING FUNDS**State Criminal Alien Assistance Program (SCAAP) Grant for 2022 reimbursement
\$19,050**

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 \$19,050.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$14,859 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$4,191 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$19,050 Fund: 211 Internal Order: 1900511 G/L Account: 431110

Expenses

\$14,859 Fund: 211 Internal Order: 1900511 G/L Account: 530550

\$4,191 Fund: 211 Internal Order: 1900511 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$19,050 from the U. S. Bureau of Justice Assistance.

7. RESOLUTION: Resolution to appropriate funding from the FY23 Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant - \$382,352 (2nd reading)

RESOLUTION APPROPRIATING FUNDS**Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant
\$382,352**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$382,352;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$382,352 is hereby appropriated in the following manner:

Revenues

\$382,352 Fund: 209 IO: 1900532 (H.O.P.W.A.) G/L: 430120 Federal Pass-Thru State

Expenditures

\$382,352 Fund: 209 IO: 1900532 (H.O.P.W.A.) G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$382,352 in funds from the Virginia Department of Housing and Community Development.

8. RESOLUTION: Resolution to appropriate Victim Witness Assistance Program Grant - \$258,342 (carried)
9. RESOLUTION: Resolution to appropriate funding from the Supreme Court of Virginia Behavioral Health Docket Grant - \$67,792 (carried)
10. RESOLUTION: Resolution to appropriate Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program funding - \$30,000 (carried)
11. RESOLUTION: Resolution accepting Paynes Mill Road into the City street system

RESOLUTION

Accepting Paynes Mill into the City street system for maintenance

WHEREAS, the new portions of Paynes Mill, have been completed by Southern Stone LLC, and has asked the City to accept the streets of Paynes Mill RD into the City street system;

WHEREAS, City staff has inspected those street sections of Paynes Mill RD and recommends acceptance into its street system for maintenance; now, therefore

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, on recommendation of the City Engineer, that the new street of Paynes Rd, as shown on the attached drawing, are hereby accepted into the City street system for maintenance. The subject roadway has been built to the specifications and standards required by the city approved plan.

12. RESOLUTION: Resolution to Approve Mutual Aid Agreement for Fire and Rescue Services Between the City of Charlottesville and Albemarle County

RESOLUTION

**Approving and Authorizing Execution of Mutual Aid Agreement Between
The City of Charlottesville Fire Department and the
Albemarle County Department of Fire Rescue**

WHEREAS, the Charlottesville City Council finds it is in the best interest of the City of Charlottesville (“City”) to enter into a Mutual Aid Agreement (“Agreement”) with the County of Albemarle (“County”) to govern the continued rendering of assistance between the City and County of firefighting and emergency response services to preserve public safety and to prevent the loss of life and property within our respective communities; and

WHEREAS, the Agreement has been fully endorsed by the City’s Fire Department and the County’s Department of Fire Rescue, approved as to form by the City and County Attorneys, and signed by the City Manager and County Executive;

BE IT RESOLVED, the Charlottesville City Council hereby approves the Mutual Aid Agreement, and authorizes the City Manager to execute the Agreement on behalf of the City of Charlottesville.

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

On motion by Wade, seconded by Puryear, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the consent agenda.

CITY MANAGER REPORT

City Manager Sam Sanders provided an update on the alternative fuels study for Charlottesville Area Transit, proposing a presentation of recommendations at the January 16 Council meeting. Staff is working to schedule a site visit to Montgomery County, Maryland, to see a locality that has made a transformation in public transit. Regarding homelessness intervention, Mr. Sanders emphasized the priority and looking into overnight sheltering as needed for the near-term. For a longer-term housing solution, Mr. Sanders and staff are working to help fill a funding gap of \$1.4 Million for a permanent supportive housing project of 80 permanent units.

- **Presentation from PROS Consulting on the Parks & Recreation Comprehensive Master Plan.**

Will Bassett, Parks and Recreation, introduced Mike Svetz of Pros Consulting, who will develop the Parks and Recreation Master Plan. Mr. Svetz provided an overview of the Master Plan process and deliverables, and answered questions for Council.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Kettie Rupnik, Lankford Avenue resident, spoke about issues on Lankford Avenue, and she requested traffic calming improvements to reduce speeding and improve safety.
2. Maria Duster, C3 Climate Justice Policy Manager, spoke about the city's need to invest in zero-emissions buses and actions that the city can take to reduce carbon emissions.
3. Lucas Schatz, UVA student, spoke about City bus fuel alternatives.
4. Violet Wiley, a local high school student in Albemarle County, spoke about the need for the city to implement zero-emission public buses.
5. Sara Stephens, Lankford Avenue resident, spoke about issues on Lankford Avenue, and she requested traffic calming improvements such as speed humps to reduce speeding and improve safety.
6. Ryan McCall, city resident, spoke about the need for the city to convert to zero-emissions buses.
7. Asa Eslocker and his daughter, Lankford Avenue residents, spoke about issues on Lankford Avenue, and requested traffic calming measures to reduce speeding and improve safety.
8. Maria Kinnan, a high school student in Albemarle County, spoke about the need for the City to implement zero-emission public buses.
9. Brian Ang, UVA student, spoke about an alternative fuels plan for city transit buses, and the need for the city to incorporate zero-emissions battery electric buses.
10. Ellen Contini-Morava, city resident, spoke about Jefferson Park Avenue neighborhood concerns regarding the Draft Zoning Ordinance.
11. Jamell Bouie, Lankford Avenue resident, spoke about speeding issues on Lankford Avenue, and requested traffic calming measures such as speed bumps to reduce speeding and improve safety, and possibly making it a one-way street.
12. Kendall Poloma, UVA student, spoke about the city's dependency on natural gas, and a need for "greening" the housing stock with clean electric infrastructure, and eliminating the natural gas incentive.
13. Peter Krebs, Piedmont Environmental Council and city resident, spoke in support of the properties considered as 0 East High Street coming into the City's portfolio. He spoke about possible uses for the land and connectivity.
14. Mahdi Amani, a Lankford Avenue resident, spoke about speeding issues on Lankford Avenue, and requested traffic calming measures such as speed bumps and warning signs to reduce speeding and improve safety.
15. Ananya Medon, a high school student in Albemarle County, spoke about the need for the city to switch to the use of zero-emission public buses.
16. Kate Fraleigh, city resident, spoke about the proposed jail renovation plan. She spoke about the need for tax dollars to go toward incarceration prevention programs.

ACTION ITEMS

13. ORDINANCE: Ordinance to rezone property located at 630 Cabell Avenue

Dannan O'Connell, Senior Planner, presented the rezoning proposal.

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

AN ORDINANCE APPROVING A REQUEST TO REZONE LAND FRONTING ON CABELL AVENUE FROM MULTIFAMILY RESIDENTIAL (R-3) AND TWO-FAMILY RESIDENTIAL UNIVERSITY (R-2U) TO MULTIFAMILY RESIDENTIAL (R-3)

14. RESOLUTION: Resolution for City of Charlottesville participation in a joint amicus brief related to the Regional Greenhouse Gas Initiative (RGGI)

Kristel Riddervold, Environmental Sustainability Manager, presented the resolution request. City Attorney Jay Stroman, provided additional comments, and stated that taking this initiative is in line with the city's climate goals.

On motion by Pinkston, seconded by Payne, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the resolution. Mr. Payne emphasized the direct local effect from the withdrawal.

RESOLUTION SUPPORTING THE CITY OF CHARLOTTESVILLE'S PARTICIPATION IN A JOINT AMICUS BRIEF OPPOSING VIRGINIA'S WITHDRAWAL FROM THE REGIONAL GREENHOUSE GAS INITIATIVE

WHEREAS the Virginia General Assembly passed legislation in 2020 through which Virginia joined the Regional Greenhouse Gas Initiative (RGGI); and

WHEREAS RGGI is a cooperative, market-based effort among eleven mid-Atlantic and Northeastern states designed to reduce CO2 emissions from the power sector; and

WHEREAS in Virginia, RGGI funds two important programs (The Housing Innovation Energy Efficiency Fund and the Community Flood Preparedness Fund) that have provided significant funding to local projects related to energy efficient low-income housing and to flood resilience planning; and

WHEREAS recognizing the importance of a clean energy future, the City of Charlottesville has consistently expressed its support for Virginia's participation in RGGI through the passing of a related Resolution in June 2015, participation in public comment opportunities in 2022 and 2023, and inclusion of a specific related action in the 2023 Climate Action Plan; and

WHEREAS the Virginia State Air Pollution Control Board (APCB) has voted to withdraw Virginia from RGGI, thus discontinuing revenue streams that are having a beneficial impact in Charlottesville and communities across the Commonwealth; and

WHEREAS the Southern Environmental Law Center (SELC) recently filed a lawsuit in Fairfax County Circuit Court against the APCB and Virginia Department of Environmental Quality (DEQ) asserting that legislation cannot be undermined by administrative action; and

WHEREAS several Virginia localities are working together to file a joint amicus brief in support of SELC's lawsuit and to communicate the negative effect it will have on local communities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the City Attorney is authorized to sign a joint amicus brief supporting the Southern Environmental Law Center's position opposing Virginia's withdrawal from the Regional Greenhouse Gas Initiative.

15. RESOLUTION: Resolution Authorizing the City Manager to Enter Into an Assignment of Contract to Acquire 23.81 Acres of Property at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street and Enter into a Mutual Release

City Manager Sanders summarized the background of the site, for which a proposed controversial development was presented this year, and the process of bringing the resolution forward for Council to take action to purchase the site, including a single-family home. Councilors made comments in support of the purchase.

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

A RESOLUTION

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ASSIGNMENT OF CONTRACT TO ACQUIRE 23.81 ACRES OF PROPERTY LOCATED AT 0 CAROLINE AVENUE, 510 CAROLINE AVENUE, 532 CAROLINE AVENUE AND 0 EAST HIGH STREET AND TO ENTER INTO A MUTUAL RELEASE OF CLAIMS WITH SEVEN DEVELOPMENT, LLC AND RIVERSIDE MULTIFAMILY, LLC

WHEREAS, Seven Development LLC ("Seven") sought to develop a multifamily project known as 0 East High Street; and

WHEREAS, that development would have encompassed properties located at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street; and

WHEREAS, Charlottesville Planning Commission conducted a Code of Virginia 15.2-2232 review and found that certain public improvements for the project were not in substantial accord with the Comprehensive Plan; and

WHEREAS, Seven appealed the Planning Commission's determination to the City Council, and the City Council affirmed the Planning Commission's determination; and

WHEREAS, the Property is located in an environmentally sensitive area; and

WHEREAS, the Property is suitable for passive recreational uses; and

WHEREAS, the City Council believes the acquisition of the Property for the aforementioned public purpose is in the best interests of the City; and

WHEREAS, Seven has assigned its interests to Riverside Multifamily, LLC (“Assignor” or “Riverside”) to acquire the properties from Southern Ventures, Inc., Southern Vector, Inc. and Wendell Wood (“Sellers”); and

WHEREAS, City staff has negotiated an Assignment of Contract Agreement (“Assignment”) with the above-referenced parties pursuant to which the City will acquire 23.81 acres of property at 0 Caroline Avenue, 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street and addresses not yet determined (“the Property”) from the Sellers and pay an Assignment Fee to the Assignor, subject to City Council Approval; and

WHEREAS, it is in the best interests of the City to enter into a Mutual Release of Claims to resolve all issues between it and Seven, as well as its successor in interest Riverside with respect to the acquisition and the Code of Virginia Sec. 15.2-2232 review:

NOW, THEREFORE, BE IT RESOLVED that this Council authorizes the City Manager to enter into the Assignment of Contract with Assignor, Sellers and Seven in such form as approved by the City Attorney; and

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a Mutual Release of Claims with Seven and Riverside in such form as approved by the City Attorney.

16. RESOLUTION: Resolution to Approve Appropriation for the Assignment of Contract to Acquire 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street (carried)

Following discussion of the previous related agenda item, Council agreed to move the appropriation resolution to the Action Items portion of the November 20 meeting for second reading and vote.

OTHER BUSINESS

Councilor Payne requested as part of the follow up on Lankford Avenue concerns, to loop in Charlottesville Redevelopment and Housing Authority to expedite getting to a solution.

Vice Mayor Wade expressed a desire for staff to conduct a traffic study on Lankford Avenue.

Mayor Snook provided an update about an issue that a speaker brought forth a couple of months ago regarding Dominion Energy. He thanked Felix at Dominion for making the connection to help the citizen.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Mary Margaret Lee, UVA student, spoke about the implementation of battery electric buses about public transit fleet expansion, and the potential for a public service campaign to encourage more ridership.
- Hailey Mulligan, city resident, spoke about a public safety issue with the lack of lighting on Montebello Circle.
- Eli Cooke, UVA student and Charlottesville native, spoke about the negative health effects of diesel buses, and the need to implement battery-electric buses.
- Amanda Bilchik, a high school student in Albemarle County, spoke about climate justice and the need to reduce greenhouse gas emissions by implementing battery-electric buses.
- Josie Fishman, a local high school student, spoke about climate justice and the need to reduce greenhouse gas emissions by implementing battery-electric buses.
- Virginia Fleming, UVA student, spoke about the need for Charlottesville Area Transit to switch to battery-electric buses, expand its fleet, and use depot charging.
- Natalie Oschrin, city resident, spoke about improving streets and street design for the city, using roundabouts.
- Jay Oschrin, city resident, spoke about benefits of increasing residential density with the updated Zoning Ordinance. He expressed concerns with the Planning Commission's recommendation for R-NA zoning. He requested that the tax assessment strategy be adjusted.
- Andrew Hickson, Lankford Avenue resident, spoke about safety issues on Lankford Avenue, including speeding and gunfire. He requested safety measures such as speed humps.
- James Groves, city resident, spoke about the need to keep the city's climate goals in mind and for Charlottesville Area Transit to switch to battery-electric buses.

The meeting adjourned at 8:58 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council