

CITY COUNCIL AGENDA
Tuesday, February 18, 2020



5:00 p.m. **Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Boards & Commissions; legal consultation)

6:30 p.m. **Regular Meeting - CALL TO ORDER**
Council Chamber

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

- 1. CONSENT AGENDA*** (Items removed from consent agenda will be considered at the end of the regular agenda)
- a. MINUTES: January 6, 2020 Regular meeting; January 21, 2020 Special and Regular meetings; January 23, 2020 Council Budget Retreat; January 24, 2020 Council Retreat
 - b. APPROPRIATION: Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2019 - \$25,072 (1st of 2 readings)
 - c. APPROPRIATION: Byrne/JAG – Youth Engagement Programs Grant- \$99,291 (1st of 2 readings)
 - d. RESOLUTION: Support for South 1st Street Phase 2 Redevelopment (1 reading)
 - e. RESOLUTION: Adoption of Council meeting rules and procedures as amended (1 reading)
 - f. RESOLUTION: Commonwealth's Attorney Summer Law Clerk – Transfer of Funds \$12,000 (1 reading)
 - g. RESOLUTION: Refund of Tax Payment to Transient Occupancy Tax Taxpayer - \$164,618.53 (1 reading)
 - h. ORDINANCE: Proposed Amendment to City Code Section 15-435 (b) – vehicle immobilization rates (1st of 2 readings)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration available for up to 8 spaces; pre-registered speakers announced by Noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

- 2. RESOLUTION*:** Sunrise Planned Unit Development (VHDA application by property owner) (1 reading)
- 3. REPORT:** Trolley pilot study
- 4. REPORT:** United Way oral presentation
- 5. REPORT:** Office of the City Assessor overview
- 6. REPORT:** Office of Human Rights/Human Rights Commission report

OTHER BUSINESS

MATTERS BY THE PUBLIC
*ACTION NEEDED

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CITY COUNCIL REGULAR MEETING
Monday, January 6, 2020
Council Chamber
6:30 p.m.

The Charlottesville City Council met in regular session on January 6, 2020, with the following members present: Ms. Heather Hill, Ms. Sena Magill, Mr. Michael Payne, Mr. Lloyd Snook, and Ms. Nikuyah Walker.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following voice vote appointed City Manager Tarron Richardson as presiding officer of the Organizational Meeting: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

Dr. Richardson reviewed the process for election of mayor and vice mayor, and opened the opportunity for Councilors to make comments on the position of mayor. Each Councilor was given five minutes to make comments. Dr. Richardson invited nominations for the position of mayor.

Mr. Payne's nomination of Ms. Walker was seconded by Ms. Magill. With no other nominations, Dr. Richardson closed nominations and called for a voice vote for election of mayor. Council by the following vote elected Ms. Nikuyah Walker to the role of mayor: 3-2 (Ayes: Magill, Payne, Walker; Noes: Hill, Snook).

Dr. Richardson opened the floor for comments on the position of vice mayor. Councilors were given five minutes each to speak. Dr. Richardson invited nominations for the position of vice mayor.

Ms. Snook's nomination of Ms. Hill was seconded by Ms. Magill.
Mr. Payne's nomination of Ms. Magill was seconded by Ms. Walker.
Ms. Walker's nomination of Mr. Payne was seconded by Ms. Magill.

Closing nominations, Dr. Richardson asked Clerk of Council Kyna Thomas to call the roll for a voice vote. Council by a 4-1 vote elected Ms. Sena Magill to the role of vice mayor as follows:

Votes for Ms. Magill (Payne, Hill, Magill, Walker)
Votes for Ms. Hill (Snook)

The meeting recessed at 7:00 p.m.

Mayor Walker reconvened the meeting at 7:15 p.m.

On motion by Ms. Magill, seconded by Mr. Payne, Council by the following vote amended the agenda, adding Item 8 – "Resolution Opposing Military Intervention in Iran" to the end of the regular agenda: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

Ms. Magill announced availability of the annual Harambee Family Events Calendar from Mr. Alex-Zan. She announced the free Martin Luther King, Jr. program being held on January 20th.

On motion by Ms. Hill, seconded by Mr. Snook, Council by a 5-0 vote (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None), appointed Councilors to the following Boards and Commissions:

Charlottesville Area Transit Advisory Board - SNOOK

Charlottesville Community Scholarship Program - SNOOK

Charlottesville Redevelopment & Housing Authority - WALKER

Historic Resources Committee - HILL

Housing Advisory Committee - PAYNE

Hydraulic Road Planning –N/A

Legislative Committee – SNOOK, MAGILL

Measurements & Solutions Group – ON HOLD

Piedmont Housing Alliance - PAYNE

PLACE Design Task Force - SNOOK

Retirement Commission - HILL

School Capital Projects – WALKER, HILL

Social Services Advisory - MAGILL

Water Resources Protection Program Advisory Committee – MAGILL [Correction: this board does not have a Council seat.]

Charlottesville Albemarle Regional Jail - WALKER

Charlottesville Albemarle Convention and Visitors Bureau – WALKER, HILL

Darden Towe Park – HILL, SNOOK

Jefferson Area Board for Aging Board of Directors - HILL

Jefferson Area Community Criminal Justice - MAGILL

LEAP Governance Board - PAYNE

Mobilization for Action through Planning - MAGILL

Metropolitan Planning Organization – SNOOK

Regional Housing Partnership – PAYNE (SNOOK, alt.)

Regional Transportation Partnership – WALKER, SNOOK

Rivanna Corridor Planning Steering Committee – HILL, PAYNE

Rivanna River Basin Commission – HILL, PAYNE
Rivanna Solid Waste Authority – SNOOK
Rivanna Water and Sewer Authority – SNOOK
Thomas Jefferson Planning District Committee – PAYNE
Virginia Career Works-Piedmont – HILL
Virginia First Cities – MAGILL (SNOOK, alt.)

CONSENT AGENDA

Ms. Thomas read the following Consent Agenda items into the record:

- a. MINUTES: November 4 Regular meeting, November 13 Budget Worksession, November 15 Special meeting, November 18 Special and Regular meetings, December 2 Special meeting
- b. APPROPRIATION: Runaway Emergency Shelter Program Grant - \$209,444 (1st of 2 readings)
- c. RESOLUTION: Honorary street naming – Winneba Way (1 reading)

RESOLUTION Honorary Street Name Designation 6 ½ Street SW to Winneba Way

WHEREAS, City Council adopted a policy for Honorary Street Name Designation; and

WHEREAS, City Staff has reviewed the application for appropriateness and verified the historical information; and

WHEREAS, Charlottesville City Code Section 28-4 provides City Council with the authority to name and rename streets including the authority for honorary renaming of streets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that 6 ½ Street SW, shall be given the honorary name WINNEBA WAY.

- d. RESOLUTION: Supporting the Eviction Crisis Act and Authorizing the mayor to send a letter to Senators Warner and Kaine in support of the Act (1 reading)

RESOLUTION SUPPORTING THE EVICTION CRISIS ACT AND AUTHORIZING THE MAYOR TO SEND A LETTER TO SENATORS WARNER AND KAINE IN SUPPORT OF THE ACT

WHEREAS, the Charlottesville City Council recognizes that an affordable housing crisis is affecting the nation's cities; and

WHEREAS, the Charlottesville City Council recognizes that a component in the affordable housing crisis is a nationwide increase in evictions; and

WHEREAS, United States Senators Michael Bennet and Robert Portman have introduced the Eviction Crisis Act in the United States Senate; and

WHEREAS, the Charlottesville City Council supports the enactment of the Eviction Crisis Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a copy of this Resolution shall be delivered to United States Senators Mark R. Warner and Timothy M. Kaine.

BE IT FURTHER RESOLVED, that the Mayor of the City of Charlottesville is authorized to sign and deliver a copy of the correspondence attached to this Resolution.

- e. **ORDINANCE:** Amend Section 2-6 of the Charlottesville City Code to add Christmas Eve holiday (2nd reading)

AN ORDINANCE AMENDING SECTION 2-6 OF CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990) – LEGAL HOLIDAYS

- f. **ORDINANCE:** Amending Section 9-27 of the Charlottesville City Code to change the name Recreation Center precinct to Key Recreation Center precinct (2nd reading)

AN ORDINANCE AMENDING SECTION 9-27 OF CHAPTER 9 (ELECTIONS) – FIRST WARD

- g. **REPORT:** Rivanna Authorities Quarterly Update

Ms. Walker opened the floor for public comment on consent agenda items.

Ms. Rosia Parker asked for more information on the Runaway Emergency Shelter Program. Ms. Walker shared general information about the program.

Ms. Walker spoke about the Eviction Crisis Act and asked that Councilors and staff become informed about local practices and their impact on local families to address issues locally.

On motion by Ms. Hill, seconded by Mr. Payne, Council by the following vote **APPROVED** the consent agenda: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Dr. Richardson advised that Council just approved the letter of support being sent to Senators Kaine and Warner in support of the Eviction Crisis Act.

COMMUNITY MATTERS

Ms. Susan Kruse, City resident and Executive Director for the Charlottesville Climate Collaborative (C3) spoke about the Climate Action Plan and asked Council to authorize the Commercial PACE (Property Assessed Clean Energy) program in the commercial sector.

Mr. Roy Van Doorn, member of the Downtown Business Association, spoke in support of a safe and vibrant downtown and about four items in particular: 1) Digital Parking Availability Signage, 2) Lighting, 3) New Water Street parking deck for more than just parking, and 4) the Dewberry.

Mr. Matthew Hopper Hollick, student at UVA Law School, residing in the Barracks Road area, spoke in support of the Special Use Permit for Chick-fil-A. He advised that as a pedestrian, it would not be a hindrance to pedestrian connectivity.

Mr. Jeff Fogel, Belmont resident, spoke about a City camera surveillance program. He advised that he sent a letter to the City Manager, requesting information to determine the purpose of the cameras and whether there have been racial implications. His main concern was transparency.

- Ms. Walker advised that there were three cameras outside of Westhaven and one at the entrance to the Prospect neighborhood. One camera was off-line.

Ms. Mary Carey, City resident, spoke about poor conditions in public housing and the need to receive a response from Councilors rather than waiting on the City Manager's report at Council meetings.

Mr. Paul Long, Ridge Street resident, spoke about public transportation, requesting full service for Charlottesville Area Transit on Sundays and holidays. He asked for a bench at Midway Manor to help the elderly and disabled.

Ms. Tanesha Hudson spoke about public discourse and directed comments to Ms. Hill. She ceded the rest of her time to Ms. Ang Conn, who spoke about the Police Department camera program and asked whether cameras were also placed in predominantly white neighborhoods.

Mr. Mason Pickett spoke about his experience being on the street holding signs.

Mr. Brandon Collins, Charlottesville resident, spoke about First Amendment rights and in support of the newly seated Council. He spoke in support of First South Street items on the

agenda, and the work that Council is doing for affordable housing, and asked for full funding of the Charlottesville Affordable Housing Fund.

Ms. Rosia Parker spoke about making Charlottesville a better place to live. She also spoke about the Police Department use of cameras in low income neighborhoods. She asked for a bench to honor the memory of Sage Smith. She asked about better conditions for public housing.

- Ms. Walker shared information about the disposition of the Sage Smith project, and the family's decision to not install a bench.

Mr. Harold Folley, City resident, spoke about Council making the Civilian Review Board (CRB) as strong as it can. He asked about the Disproportionate Minority Contract (DMC) report. He also spoke in support of Chick-fil-A on Barracks Road.

- Ms. Walker and Dr. Richardson advised that the DMC report would be presented in February.
- Ms. Hill advised of next steps for the CRB appointment process.
- Ms. Walker advised that she and the City Manager have been in discussion about equity programs.

Mr. Walt Heinecke shared that the process for selecting City Council officers gives hope. He encouraged building a strong CRB. He asked for reconsideration of the 7th Street parking garage, and the use of those funds for affordable housing. He asked Council to entertain reparations in Vinegar Hill – reverse redlining, where non-black owned businesses surrounding Vinegar Hill would contribute a portion of gross income to a community development fund.

Mr. Scott Bandy, Fry's Spring resident, asked Council about plans to reintroduce posting the Council Vision on the walls of Council Chamber.

- Ms. Walker advised of a pending retreat in February to discuss Council's Vision.

Mr. Thomas Bninski, Fontaine Avenue resident, spoke about pedestrian and bicycle safety initiative, and advised that the plan for a planting strip would be destructive to the current neighborhood aesthetic, and would be an unnecessary expense.

Mr. Ben Dornberg, County resident, spoke about the Jail Board voluntarily calling ICE (Immigration and Customs Enforcement) on residents, and asked Council to take action to compel the board to halt the practice.

- Ms. Walker advised that City members voted to not support reporting to ICE.

Ms. Joy Johnson spoke in support of the First South Street neighborhood design project, with twelve residents being part of the process of designing their own community. She applauded the women for their work.

2. RESOLUTION: Special Use Permit for establishment and operation of a restaurant with a drive-through window at 1000 Emmet Street North (Federal Realty Investment Trust, contract purchaser Chick-fil-A, Inc.) (1 reading)

Mr. Joey Winter, City Planner in Neighborhood Development Services, presented the resolution. He advised of the two reasons why the item came before City Council as a Special Use Permit (SUP). The Planning Commission recommended approval at its December 10, 2019, meeting.

Mr. Winter answered Council questions about next steps, site plan review, and how the project fits into the Comprehensive Plan.

Ms. Walker spoke about traffic concerns expressed by citizens. She advised that a two-lane drive-thru is the company's response to traffic concerns.

Mr. Payne and Mr. Snook shared opinions of whether the project comports with the Zoning Ordinance. Mr. Blair provided clarification of the provision for a Special Use Permit, and whether the conditions within the SUP mitigate or conform to the heightened use proposed in the SUP.

Mr. Ryan Yauger with Bohler Engineering, representing the developer, spoke about efforts to address concerns expressed by the public.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED the resolution: 4-1 (Ayes: Hill, Magill, Snook, Walker; Noes: Payne)

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE THE ESTABLISHMENT AND OPERATION OF A RESTAURANT
WITH A DRIVE-THROUGH WINDOW AT 1000 EMMET STREET NORTH**

WHEREAS, Chick-fil-A, Inc., by its agent John Martinez, ("Applicant"), with the endorsement of Federal Realty Investment Trust ("Property Owner") has requested City Council to approve a special use permit pursuant to City Code §34-796, to authorize the establishment of a restaurant with a drive-through window (the proposed "Special Use") at 1000 Emmet Street North, identified on City Tax Map 1 as Parcel 1 (real estate parcel identification # 010001000) ("Subject Property"). The Subject Property is within the City's Urban Corridor (URB) Mixed Use zoning district; and

WHEREAS, the requested Special Use is generally described within the Applicant's application materials submitted in connection with SP19-00008 (the "Application Materials"), and the Special Use is allowed by special use permit within the URB zoning district, pursuant to City Code §34-796; and

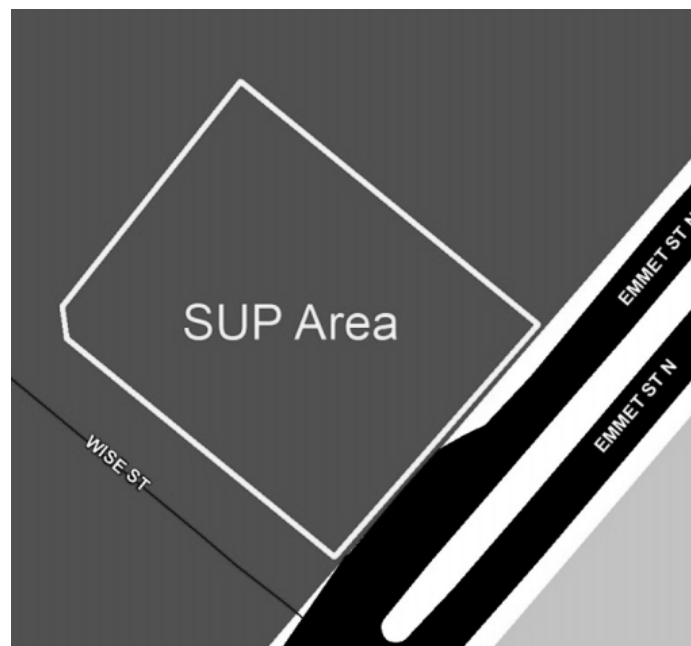
WHEREAS, the existing building at the Subject Property is proposed to be demolished/ removed to allow for establishment of the Special Use and related buildings and improvements; and

WHEREAS, following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on December 10, 2019, the Commission voted to recommend that City Council should approve the requested Special Use, subject to certain development conditions recommended by the Commission as being suitable regulations and safeguards; and

WHEREAS, upon consideration of the comments received during the joint public hearing; the Staff Report; and the Planning Commission’s recommendations, as well as the factors set forth within §34-157 of the City’s zoning ordinance, this Council finds and determines that granting the requested special use permit, subject to suitable regulations and safeguards, would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §34-796, a special use permit is hereby approved and granted, subject to conditions, as follows:

1. The proposed Special Use, as described and represented within the Application Materials, is hereby authorized to be established on approximately 0.801 acre (approx. 34,892 square feet) of the Subject Property, in the general or approximate location depicted below:



2. The following development conditions shall apply to the use and development of the Subject Property for the Special Use:

- a. An accessible pedestrian route from the public sidewalk on Emmet Street North to the primary entrance of the restaurant shall be provided. The City Engineer shall have the authority to require specific safety measures within the final site plan for the Special Use, in order to protect pedestrian traffic in this route from vehicle traffic related to the drive through window use, in accordance with accepted engineering and safety requirements.
- b. A pedestrian route from the internal parking area of the Barracks Road Shopping Center to the west of the Special Use Permit area to the primary entrance of the restaurant shall be provided.
 - i. This route shall allow for safe pedestrian access across Wise Street and/or the internal vehicular travelways of Barracks Road Shopping Center.
 - ii. Within the Special Use Permit area, this route shall be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, to the maximum extent feasible.
 - iii. The City Engineer shall have the authority to require specific safety measures within the final site plan for the Special Use, in order to protect pedestrian traffic in this route from vehicular traffic related to the drive-through window.
 - iv. This condition does not require the developer to change grade or otherwise modify any existing pavement except where the existing pavement will have already been disturbed by demolition of the existing use or construction of the Special Use.
- c. Buildings and structures constructed or established as part of the Special Use shall be subject to the following setbacks: along the Special Use site's primary street frontage (i.e., along Emmet Street North): Five (5) feet, minimum; ninety-two (92) feet, maximum.

3. In addition to the above-referenced conditions, the Special Use authorized by this SUP, and all buildings, structures, improvements and uses located on the Subject Property, shall comply with all other applicable provisions of Chapter 34 (Zoning) of the Code of the City of Charlottesville.

3. RESOLUTION: Fontaine Avenue Streetscape conceptual design plan (1 reading)

Mr. Kyle Kling, Transportation Project Manager with the Department of Public Works, and project manager for the Fontaine Avenue Streetscape Project, introduced the item.

Mr. Owen Peery, and Ms. Amy Nelson, consultants with RK&K Engineers, made the presentation. Properties affected include UVA property, businesses and some residential.

Ms. Hill asked about the impacts on current infrastructure.

Ms. Walker asked about the number of properties that could be impacted by imminent domain. Mr. Peery advised that few of the properties are residential. Ms. Walker advised that it would have been helpful to have information about Albemarle County's plan.

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

**RESOLUTION
APPROVING AN AMENDMENT TO THE CITY COMPREHENSIVE PLAN
BY INCORPORATING THE FONTAINE AVENUE STREETSCAPE
PROJECTS PREFERRED CONCEPTUAL DESIGN**

WHEREAS, on December 10, 2019, after notice given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the Comprehensive Plan for the City of Charlottesville (2013), to include the contents of the preferred conceptual design of the Fontaine Avenue Streetscape Project ("Comprehensive Plan Amendment"); and

WHEREAS, on December 10, 2019, the Planning Commission adopted a resolution recommending approval by City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the Comprehensive Plan Amendment, the City Council hereby adopts the preferred conceptual design of the Fontaine Avenue Streetscape Project as an amendment to the City's Comprehensive Plan and authorizes commencement of final design. Neighborhood Development Services staff shall post on the City's website notice of Council's adoption of this update, along with a copy of the approved update.

4. RESOLUTION: Special Use Permit (SUP) for Private Outdoor Recreational Facilities and Reduced Setbacks at 900-1000 1st Street S (1 reading)

Ms. Carrie Rainey, City Planner with Neighborhood Development Services, presented the request.

Ms. Walker advised that the process for this project, the community engagement, and the learning that has occurred has set a great standard for projects going forward.

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

**RESOLUTION
GRANTING A SPECIAL USE PERMIT
TO AUTHORIZE PRIVATE OUTDOOR RECREATIONAL FACILITIES AND
REDUCED BUILDING SETBACKS WITHIN THE PROPOSED “1ST STREET
SOUTH APARTMENTS” DEVELOPMENT (PHASE 2) WITHIN 7.398 ACRES OF
LAND IDENTIFIED ON CITY TAX MAP 26 AS PARCEL 115**

WHEREAS, landowner Charlottesville Redevelopment and Housing Authority (CRHA) through its development partner Riverbend Development Affordable Housing Group LLC (together, “Applicant”) has submitted an application seeking: **(i)** pursuant to City Code §34-420, approval of a special use permit (SUP) to allow certain private, outdoor recreation facilities to be established within a multifamily development to be constructed on the land identified on City Tax Map 26 as Parcel 115, having an area of consisting of approximately 7.938 acres, the project being further identified within the SUP application materials as “Phase 2 of the 1st Street South Apartments” (hereinafter, this 7.938 acre site is referred to as the “Subject Property”), and **(ii)** establishing uniform required yards (minimum building setbacks) of five (5) feet within the Subject Property; and

WHEREAS, the Subject Property is assigned to the “R-3” (multifamily residential) zoning district classification and, pursuant to §34-420 and §34-366 of the City Code, private outdoor recreation facilities are allowed with a special use permit, and as part of its consideration of any special use permit City Council may, pursuant to §34-162(a), reduce the required yards specified by §34-353(a); and

WHEREAS, in order to satisfy a portion of the requirements of City Code §34-366 for recreational areas and facilities, Applicant seeks approval of an SUP authorizing private, outdoor recreational facilities (parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.) within the Subject Property; and

WHEREAS, the Planning Commission has reviewed this application as required by City Code Sec. 34-160(b), and following a joint public hearing duly advertised and conducted in accordance with law by the Planning Commission and City Council on December 10, 2019, the Planning Commission voted to recommend that Council should approve the requested SUP, and that Council should also reduce the required yards specified by City Code §34-353(a), all subject to suitable regulations and safeguards; and

WHEREAS, upon consideration of the Planning Commission’s recommendation, the Staff report, comments received at the public hearing, and the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit, subject to suitable conditions, would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit (SUP) is hereby approved, subject to all of the following:

- a. This SUP shall be applicable to the use and development of the 7.938 acre site currently identified on 2019 City Tax Map 26 as Parcel 115 (Real Estate Parcel Identification No. 260115000)("Subject Property");
- b. "Private outdoor recreational facilities" (parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.) are hereby authorized to be established within the Subject Property, subject to the requirements of this SUP, the requirements of City Code Sec. 34-366, and any other applicable requirements of state or local law;
- c. All outdoor lighting fixtures within any outdoor recreation areas shall be full cut-off luminaires;
- d. Within the Subject Property, the requirements of City Code §34-353(a), as to required yards, are modified as follows: the minimum required front, side and rear yards shall be five (5) feet for all buildings and structures;
- e. No land disturbing activity or construction shall be commenced within the Subject Property until all of the following have occurred: (i) approval by City Council of a critical slope waiver for development within the Subject Property; (ii) approval of a final site plan and related bonds for development within the Subject Property; and (iii) all permits and approvals required by applicable state and local codes have been issued or granted, including, without limitation, permits and approvals required by City Code chapters 10, 29, and 34.

5. RESOLUTION: Critical Slope Waiver Request at 900-1000 1st Street S (1 reading)

Ms. Carrie Rainey, City Planner with Neighborhood Development Services, presented the request.

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

RESOLUTION APPROVING A REQUEST FOR WAIVER OF CRITICAL SLOPES PROVISIONS PURSUANT TO CITY CODE SECTION 34- 1120(B)(6) FOR 900-1000 FIRST STREET SOUTH (CRHA)

WHEREAS, Charlottesville Redevelopment and Housing Authority (CRHA), owner of property designated on City Tax Map 26 as Parcel 115, addressed as 900-1000 First Street South (the "Subject Property"), through its development partner Riverbend Development Affordable Housing Group LLC (together, "Applicant"), seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b) to allow for construction of multi-family dwelling dwellings, parking lots, and related improvements on the Subject Property (the "Project"); and

WHEREAS, the Planning Commission considered this request at its regular meeting on December 10, 2019, and recommended approval of the request for a waiver of the critical slopes requirements as requested within the Application, pursuant to City Code Sec. 34-1120(b), subject to certain conditions; and

WHEREAS, upon consideration of the information, materials and specific request provided by the Applicant, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d) that the public benefits of allowing disturbance of the critical slopes in connection with the Project outweigh the public benefits of requiring critical slope areas to remain undisturbed; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the Applicant's request for a waiver of the critical slopes requirements for the above- described Project is hereby granted, subject to the following conditions:

1. Landowner shall satisfy all state law and local erosion and sediment control requirements; however, in addition, landowner shall provide erosion and sediment control measures that exceed minimum requirements of state law, in order to mitigate potential impacts to undisturbed critical slopes areas, per Section 34-1120(b)(1)(a) – (c), including, but not limited to:

- a. Silt fence with wire reinforcement and six (6) feet stake spacing; and
- b. other measures in excess of minimum state law requirements, as may be determined by the City Engineer to be necessary to protect Pollocks Branch from sedimentation.

2. The approved encroachment boundaries are those generally depicted within the Application materials—an area containing approximately 1.01 acres. The critical slope area outside of the approved encroachment boundaries shall be clearly marked in the field, and the approved stormwater management plan and construction plan shall each include a note requiring such limits of disturbed area to remain as established for the duration of construction and land disturbing activities.

3. In addition to state law and local requirements for stabilization of disturbed land areas, final stabilization of the critical slopes areas disturbed shall be permanent measures to include replanting of native tree and shrub species for restabilization of the critical slopes and potential wildlife habitat.

4. Prior to commencing any land disturbing activity within the Project site, Landowner shall install a fixed, immovable barrier to protect root zones of each existing tree, at the drip line, for trees that have been identified within the approved final site plan as trees to be preserved, consistent with City Code Sec. 34-866(a). This root protection barrier shall remain in place until final completion of all construction.

6. RESOLUTION: Extension of FY 20 Charlottesville Affordable Housing Fund Allocation to Virginia Supportive Housing for the development of the Crossing II (1 reading)

Mr. John Sales, Housing Program Coordinator, presented the extension request. He advised that Virginia Supportive Housing and the Charlottesville Redevelopment and Housing Authority (CRHA) were not able to come to an agreement by the original deadline of December 31, 2019.

Ms. Hill asked for notification should the project not follow through so that funds may be reallocated.

Mr. Payne asked about a timeline. Ms. Julie Anderson with Virginia Supportive Housing advised that she has not seen a Request for Proposal (RFP) from CRHA. She said that the information would be known before March in order to inform Council.

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

RESOLUTION

Extension of FY 20 Charlottesville Affordable Housing Fund Allocation to Virginia Supportive Housing for the development of the Crossing II

WHEREAS, the City of Charlottesville allocated \$750,000 of the Charlottesville Affordable Housing Fund to Virginia Supportive Housing for the purpose of developing a supportive housing community on the Avon/Levy property owned by the Charlottesville Redevelopment and Housing Authority (CRHA) located within the City of Charlottesville; and

WHEREAS, between October 7, 2019 and December 31, 2019, Virginia Supportive Housing was required to have a voucher commitment in place from CRHA and/or other voucher administering agencies before receiving any funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the voucher commitment contingency date for the Virginia Supportive Housing project The Crossings II is extended through March 15, 2020 or before VSH's deadline for submission for Low Income Housing Tax Credits, whichever occurs sooner.

7. RESOLUTION: City Council Regular Meeting Schedule for 2020 (1 reading)

Mr. John Blair, City Attorney, presented the item. Ms. Hill proposed skipping the July 6th meeting. Other Councilors concurred.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED the resolution, as amended: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

RESOLUTION
Approval of City Council Regular Meeting Schedule for 2020

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following dates are approved for regularly scheduled Council meetings for 2020:

Monday, January 6, 2020	July 6, 2020 - <i>No meeting (Summer break)</i>
<i>Tuesday, January 21, 2020</i>	July 20, 2020
February 3, 2020	August 3, 2020
<i>Tuesday, February 18, 2020</i>	August 17, 2020
March 2, 2020	<i>Tuesday, September 8, 2020</i>
March 16, 2020	September 21, 2020
April 6, 2020	October 5, 2020
April 20, 2020	October 19, 2020
May 4, 2020	November 2, 2020
May 18, 2020	November 16, 2020
June 1, 2020	December 7, 2020
June 15, 2020	December 21, 2020

Italics indicate an adjusted date due to a holiday.

BE IT FURTHER RESOLVED that these dates will be published on the City's calendar at www.charlottesville.org and posted at the Clerk of Council's office; and

BE IT FURTHER RESOLVED that should Council desire to amend the schedule during the year, they may do so with a majority vote; should such a change occur, it will be publicized with a City press release, updated on the City's calendar, and posted at the Clerk of Council's office.

8. RESOLUTION: Opposing Military Intervention in Iran and Supporting Senator Kaine's Resolution Directing the Removal of United States Armed Forces from Hostilities Against Iran Without Congressional Authorization

This item was added to the agenda. City Attorney John Blair presented the resolution.

After a motion from Ms. Magill, seconded by Mr. Payne, Mr. Snook made comments guarding against City Council making resolutions suggesting that others take action. He advised of the need to pass resolutions for Council action. Ms. Hill agreed. Both advised that they would abstain. Mr. Payne made comments about the gravity of actions referenced in the Resolution.

By the following vote, Council APPROVED the resolution: 3-0-2 (Ayes: Magill, Payne, Walker; Noes: none; Abstentions: Hill, Snook)

**RESOLUTION
OPPOSING MILITARY INTERVENTION IN IRAN AND SUPPORTING SENATOR
KAINÉ'S RESOLUTION DIRECTING THE REMOVAL OF UNITED STATES ARMED
FORCES FROM HOSTILITIES AGAINST IRAN WITHOUT CONGRESSIONAL
AUTHORIZATION**

WHEREAS, the Charlottesville City Council adopted a resolution on January 17, 2012 requesting the United States Congress refrain from entering new military ventures in Iran; and

WHEREAS, on January 3, 2020, Iranian General Qasem Soleimani died as a result of a United States military action; and

WHEREAS, on January 3, 2020, United States Senator Timothy M. Kaine introduced a Senate Joint Resolution to direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that it requests the United States Congress to refrain from entering new military ventures in Iran and to adopt the Senate Joint Resolution introduced by Senator Timothy M. Kaine.

OTHER BUSINESS

- 1) Mr. Blair introduced a resolution regarding legislation introduced by Delegate Sally Hudson in the Virginia House of Delegates and Senator Creigh Deeds in the Virginia Senate.

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

**RESOLUTION
IN SUPPORT OF LEGISLATION PATRONED BY DELEGATE HUDSON AND
SENATOR DEEDS**

WHEREAS, the statue of Robert E. Lee in the City of Charlottesville's Market Street Park was the site of a violent white supremacist demonstration on August 12, 2017; and

WHEREAS, the City of Charlottesville desires to remove the statue of Robert E. Lee from Market Street Park and the statue of Thomas J. Jackson from Court Square Park; and

WHEREAS, Delegate Sally L. Hudson and Senator R. Creigh Deeds will patron bills in the Virginia House of Delegates and Virginia Senate to provide Virginia cities, counties, and towns with plenary authority to remove Confederate statuary from public parks; and

WHEREAS, the City of Charlottesville's 2020 Legislative Position Statement urges the Virginia General Assembly to amend Virginia Code Section 15.2-1812 to remove references to Confederate monuments and memorials.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia the legislation patroned by Delegate Hudson and Senator Deeds; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to Delegate Kaye Kory, the Chair of the House of Delegates' Counties, Cities and Towns Committee and to Senator Lynwood W. Lewis, Jr., the Chair of the Senate's Local Government Committee.

- 2) Ms. Hill asked about having a facilitator for the Council Retreat and Strategic Planning Retreat. Councilors agreed that a facilitator would be used for the Strategic Planning meeting for two consecutive days in February.

MATTERS BY THE PUBLIC

Ms. Walker opened the floor for public comment.

Mr. Brad Slocum spoke about safe crossings for Fontaine Avenue and about landscaping. He spoke about how passing local resolutions can impact other localities.

With no other public comment, Ms. Walker adjourned the meeting at 9:26 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

January 21, 2020
Charlottesville City Council Special Meeting

A special meeting of the Charlottesville City Council was held on Tuesday, January 21, 2020, at 5:00 p.m. in the Second Floor Conference Room, City Hall, 605 E. Main Street, Charlottesville, Virginia.

The meeting was called to order at 5:10 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook.

On motion by Ms. Hill, seconded by Mr. Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: None) to meet in closed session as authorized by Va. Code Sections 2.2-3711 and 2.2-3712, specifically:

- as authorized by authorized by Virginia Code Section 2.2-3711(A)(1) for the discussion and consideration of appointing members to the following Charlottesville boards and commissions: Community Development Block Grant Task Force; Police Civilian Review Board; Ridge Street Neighborhood Priority Task Force; Measurements and Solutions Group; and Sister Cities Commission.

On motion by Ms. Hill, seconded by Ms. Magill, Council certified by the following vote (Ayes: Hill, Magill, Payne, Snook, Walker. 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.

The meeting was adjourned at 6:13 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY COUNCIL REGULAR MEETING
Tuesday, January 21, 2020
Council Chamber
6:30 p.m.

The Charlottesville City Council met in regular session on January 21, 2020, with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook.

Ms. Walker called the meeting to order at 6:30 p.m.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote appointed members to the following boards and commissions: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

Community Development Block Grant Task Force

1. Kem Spaulding

Ridge Street Priority Neighborhood Task Force

1. Kathy Johnson Harris (Ridge Street resident)
2. Kettie Rupnik (Ridge Street resident)
3. Chris Meyer (business owner)

Measurements and Solutions Group

1. Dashad Cooper (community member)
2. Matthew Ellison (data analysis / At-large)
3. Walter Heinecke (community organizing)
4. Billy Hunt (data analysis / At-large)
5. Ryan LaRochelle (Data analysis / At-large)
6. Joe Szakos (community organizing)
7. Kevin Healy (data analysis / At-large / community member)

Sister Cities Commission

1. Daman Irby (Higher education representative from UVA)

On motion by Mr. Snook, seconded by Ms. Magill, Council by the following vote added Item #3 – “We Are Still In” letter to General Assembly to the regular meeting agenda: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None)

CONSENT AGENDA

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

- a. MINUTES: December 2, 2019 Regular meeting; December 16 Special meeting

b. APPROPRIATION: Runaway Emergency Shelter Program Grant - \$209,444 (2nd reading)

APPROPRIATION
Runaway Emergency Shelter Program - \$209,444

WHEREAS, the City of Charlottesville has been awarded \$200,000 from the Department of Health and Human Services Administration for Children and Families with cash match of \$9,444 provided by the Human Services Fund and in-kind match of \$12,778 provided by ReadyKids;

WHEREAS, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between the Human Services Department and ReadyKids. The grant award covers the period from September 30, 2019 through September 29, 2020;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$209,444 is hereby appropriated in the following manner:

Revenue – \$209,444

\$200,000	Fund: 211	Internal Order: 1900344	G/L Account: 431110
\$ 9,444	Fund: 211	Internal Order: 1900344	G/L Account: 498010

Expenditures - \$209,444

\$ 69,948	Fund: 211	Internal Order: 1900344	G/L Account: 519999
\$125,000	Fund: 211	Internal Order: 1900344	G/L Account: 530010
\$ 14,496	Fund: 211	Internal Order: 1900344	G/L Account: 599999

Transfer - \$9,444

\$ 9,444 Fund: 213 Cost Center: 3413003000 G/L Account: 561211

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Department of Health and Human Services Administration for Children and Families.

- c. APPROPRIATION: Human Services Fund Balance for PACEM (People And Congregations Engaged in Ministry) Transportation Costs - \$20,000 (1st of 2 readings)
- d. APPROPRIATION: State Criminal Alien Assistance Program (S.C.A.A.P.) Grant for 2019 - \$4,478 (1st of 2 readings)

- e. RESOLUTION: Legislative Theater Workshop and Belonging and Cultural Democracy Workshop (1 reading)

**RESOLUTION PERMITTING USE OF
COUNCIL CHAMBERS ON
FEBRUARY 6 AND 7, 2020**

WHEREAS, the Charlottesville City Council’s Chambers, located at 605 East Main Street, Charlottesville, Virginia are under the direct control of the Charlottesville City Council; and

WHEREAS, the Council Chambers are only used for official local or state government meetings or functions or for Community Events.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Charlottesville, Virginia finds that the Legislative Theater Workshop scheduled for February 6, 2020 from 6:00 p.m. to 8:30 p.m. and the Belonging and Cultural Democracy Workshop scheduled for February 7, 2020 from 11:00 a.m. to 1:30 p.m. are community events pursuant to Charlottesville City Code Section 28-29 designed to consider alternative modes for listening and participation between the city government and its cities; and

BE IT FURTHER RESOLVED that the Legislative Theater Workshop and Belonging and Cultural Democracy Workshop directly relate to the relationship between the Council and the residents it serves, are open to the public, and may use the Council Chambers for the aforementioned hours.

- f. ORDINANCE: Amending Sec. 2-5 of Chapter 2 of the Code of the City of Charlottesville - Financial disclosure by certain officers and employees (1st of 2 readings)

Ms. Walker opened the floor for comments from the public on the Consent Agenda. No one came forward to speak.

Mr. Payne asked to pull item “c” for separate vote. He read a disclosure statement to recuse himself from voting on this item as an employee of PACEM.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED the consent agenda minus Item “c”: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED Item “c”: 4-0-1 (Ayes: Hill, Magill, Snook, Walker; Noes: None; Abstentions: Payne per disclosure of conflict of interest).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Dr. Richardson had no items to report from the last meeting, but advised that Mr. Garland Williams, Charlottesville Area Transportation Director is looking into options for the transit system, and into expanding Sunday service.

COMMUNITY MATTERS

Mr. William Atwood suggested getting rid of the Zoning Code and making the entire city an R-2 use. He spoke further about creative options for housing.

Mr. Wilson Hunter spoke about flags being flown incorrectly above the Police Department.

Mr. Garrett Trent, City resident, spoke in support of placing surplus funds into the Charlottesville Affordable Housing Fund (CAHF).

Ms. Alysa Duncan, student at Piedmont Virginia Community College (PVCC), spoke about the city bus system and made several requests to enhance service for at PVCC.

Ms. Kate Fraleigh spoke about surplus funds going toward the Police Civilian Review Board (PCRB), and thanked the City for having policies listed on the police website. She spoke about the police camera program and asked for specified information from the cameras that were placed near predominantly minority neighborhoods. She thanked Ms. Thomas for PCRB website access and asked about applications being posted for PCRB applicants. She spoke in support of affordable housing.

Ms. Angel Turner, City resident, thanked Council for funds going toward affordable housing. She shared her personal story as related to becoming a homeowner through Habitat for Humanity, and statistics about home ownership in Charlottesville.

Mr. Mason Pickett spoke in support of cameras in the community. He spoke about the economy.

Ms. Vicki Bravo, City resident and representative for IMPACT (Interfaith Movement Promoting Action by Congregations Together), spoke about the use of surplus funds for the CAHF.

Ms. Robin Hoffman, City resident, spoke about the Second Amendment demonstration in Richmond, as people who were interviewed spoke about Charlottesville.

Ms. Susan Kruse, Executive Director for the Charlottesville Climate Collaborative and City resident, spoke in support of the We Are Still In initiative, a commitment to climate action.

Ms. Rosia Parker spoke about cameras in the community. She asked why cameras were taken down.

Ms. Tanesha Hudson spoke about due process as related to cameras in the community. She added that police should be held accountable to use their body cameras. She spoke in support of open interviews for Police Civilian Review Board positions.

Mr. Elliott Harding, City resident, spoke about the Rumors of War commissioned statue by Kehinde Wiley in Richmond, Virginia, and recommended that Council reach out to him for placing a statue in Charlottesville. He spoke about the Second and Fourth Amendments and equal protection.

Mr. Harold Folley, organizer for the Legal Aid Justice Center, asked Council to revisit the Initial CRB proposed bylaws regarding policy change.

Ms. Walker closed public comment.

2. APPROPRIATION: Year-end appropriations (1st of 2 readings)

Mr. Chris Cullinan, Director of Finance, joined by Budget staff, Ryan Davidson and Krisy Hammill, presented the report. He advised that the Unallocated Fund Balance in Excess of the Target and Reserves for Fiscal Year 2019 was \$5,829,266.

Ms. Hill and Ms. Magill asked a clarifying question regarding reserves.

Ms. Walker shared comments on each line item.

Mr. Payne asked about the Compensation Study and the goal.

Mr. Snook also made comments on the salary study.

Ms. Hill voiced concern about using one-time funds for ongoing allocations.

Ms. Walker shared additional information about the Emergency Fund.

In response to a question from Ms. Hill, Dr. Richardson advised against piecemealing compensation studies.

Discussion ensued around City funds being available for unexpected expenses.

Mr. Snook asked for the balance of the Equity Fund. Mr. Davidson advised that the funds are down to about \$64,000. Mr. Snook asked about the criteria for expenditure of funds from the Equity Fund, and Mr. Davidson advised that there is no particular documentation for a process.

Ms. Walker asked Human Resources Director Michele Vineyard to share her thoughts. Ms. Vineyard advised that short-term fixes over time have been the cause for the current salary

disparity situation. Ms. Walker asked if there was support for staff to look at current data. Dr. Richardson asked for clarification on where to focus staff efforts as the priority presented to him initially was to do a compensation study.

Guidance was given for staff to come back on February 3rd with additional information regarding Social Services programs. Ms. Magill asked for information on starting an emergency fund for employees.

This item moved forward to the February 3, 2020, City Council meeting for a Public Hearing and second reading.

3. RESOLUTION: “We Are Still In” letter to General Assembly (1 reading)

This item was added to the Agenda.

Mr. Snook read the resolution.

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

RESOLUTION ENDORISING THE WE ARE STILL IN LETTER TO THE VIRGINIA GENERAL ASSEMBLY

WHEREAS, on June 19, 2017, the Charlottesville City Council adopted a Resolution endorsing the principles of the 2015 Paris Agreement within the United Nations Framework Convention on Climate Change; and

WHEREAS, the Virginia General Assembly is considering a number of pieces of legislation that address the Regional Greenhouse Gas Initiative, clean energy standards, greater customer access to cleaner energy, and policies and programs that reduce transportation-related emissions; and

WHEREAS, the Charlottesville City Council’s 2020 Statement of Legislative Positions includes a number of provisions relating to clean energy including participation in the Regional Greenhouse Gas Initiative; and

WHEREAS, “We Are Still In” is a coalition of cities, universities, states, tribes, businesses, healthcare organizations, and faith groups that oppose the United States’ withdrawal from the 2015 Paris Agreement; and

WHEREAS, We Are Still In is urging city and town councils in Virginia to endorse the attached letter to be sent to the Virginia General Assembly endorsing clean energy standards, greater customer access to cleaner energy, policies and programs that reduce transportation-related emissions, and to join the Regional Greenhouse Gas Initiative.

NOW, THEREFORE, BE IT RESOLVED that the Council of Charlottesville, Virginia hereby endorses the “We Are Still In” letter attached to this Resolution and asks the Mayor of Charlottesville to sign the correspondence on behalf of the Council and to send a copy to Delegate Sally L. Hudson and Senator R. Creigh Deeds.

OTHER BUSINESS

Mr. Peter Thompson, Executive Director of The Center at Belvedere, a senior center, shared a report with statistics for those served. He shared that the new location would open in April 2020. He advised that the goal is to help seniors remain independent as long as possible. Growth in services provided to local seniors has caused the non-profit organization to request public funding. He shared how the new space will be directly configured to meet the City’s strategic goals as set forth three years ago.

MATTERS BY THE PUBLIC

Ms. Walker opened the floor for public comment. With no one coming forward to speak, the meeting adjourned at 9:29 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

January 23, 2020
FY 2021 Budget Work Session
AFRICAN AMERICAN HERITAGE CENTER

City Council met on this date with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne and Mr. Lloyd Snook.

Ms. Walker called the meeting to order at 1:08 p.m. and turned the meeting over to Dr. Tarron Richardson, who introduced Budget and Management Department staff Ryan Davidson and Krisy Hammill, and Financial Advisor Kevin Rotty.

Mr. Davidson reviewed the Budget Retreat Agenda:

1. Budget Process
2. Strategic Plan Update
3. Budget Guidelines
4. Long-term Financial Policies and Debt
5. Revenue Discussion
6. Expenditure Discussion
 - a. Community Agency Funding Discussion

Mr. Davidson reviewed important dates:

- February 11
 - Real Estate Tax Rate (and rollback rate) advertisement will be sent to paper for publication per State requirement that must occur 30 days before the real estate tax rate public hearing (publish on February 15)
 - FY 2021 Proposed Budget must also be completed (ad includes % change to the budget from current year)
 - Other changes to local taxes require a 7 day advertisement and separate public hearing
- March 2 – Proposed City Operating and Capital Budget and Adopted School Budget Formally Presented to Council
- March 16 – First Budget and Tax Rate Public Hearings
- April 6 – Second Budget Public Hearing/Budget and Tax Levy First Reading
- April 14 – Budget and Tax Levy Second Reading and Final Approval

Council discussed changing the dates of several proposed worksessions.

Ms. Hammill gave an overview of the strategic plan and requested that Council approve the use of the current Strategic Plan through the 2021 Budget, as City Operations are intertwined with the existing Strategic Plan. Council approved. Ms. Hammill reviewed budget guidelines and the City's long-term financial policies.

Financial Advisor Kevin Rotty shared information about the City's outstanding debt and bond ratings, advising that they go hand in hand. He advised that Charlottesville has maintained the highest possible general obligation credit ratings:

- Aaa from Moody's Investors Service since 1973

- AAA by Standard & Poor's since 1964

Mr. Rotty reviewed rating agency factors and shared a list of other Virginia municipalities that have the same rating. Some other areas that Mr. Rotty discussed were:

- Forecasted impact of proposed CIP
- Historic and future borrowing plans
- Estimated debt service
- Funding options for increased debt service
- Potential tax rate impact

Councilors asked questions about debt service, general funds transfers, and investment of funds.

Mr. Davidson led the discussion about revenues, which included:

- Major FY 2020 revenue drivers
- Meals tax trends
- Lodging tax trends
- Sales tax trends
- Business License tax (BPOL)
- Personal Property tax
- Real estate tax
- FY 2021 revenue strategies:
 - Ensuring that imposed fees are appropriate and cover to the extent possible service being provided
 - Use of one-time revenue and fund balances only for one-time expenses
 - Looking at areas where user fees can be better aligned

Dr. Richardson began the discussion on expenditures. Some of the expenditure strategies for FY 2021 are:

- Continue to look for and implement areas of efficiencies that result in cost savings
- Look at areas of savings that occur year to year for permanent savings
- Look at services that can be eliminated, reduced and/or altered based on performance data and outcomes

The meeting recessed at 2:38 p.m.

The meeting reconvened at 2:59 p.m.

Mr. Davidson reviewed major FY 2021 expenditure considerations:

1. Employee compensation and benefits
2. Schools operating budget request
3. Increased CIP transfer
4. Increased debt service transfer
5. Other departmental requests

Ms. Kaki Dimock, Human Services Department Director, shared information about funding for community agencies, and changes made to the process. She shared the five broad funding areas:

Education/Youth, Jobs/Wages, Community/Public Safety, Affordable Housing, and Health. The composition of the review team was changed to reflect more lived experience with poverty and nonprofit consumers, and participants are paid for their participation. Ms. Dimock advised that the workgroup determined that future funding would not depend on past funding for nonprofits.

Council discussed the process for funding the needs of nonprofit organizations in alignment with City goals, and asked clarifying questions. Further discussion continued about the use of the Measurements and Solutions council-appointed board, and how to objectively prioritize funding.

Questions arose about the Council Strategic Initiatives Fund, which includes the Equity Fund, as well as the use of surplus funds to replenish City reserves.

Ms. Dimock shared information about the Community Service Emergency hotline.

Council gave general guidance to staff in preparation for the February 6 Budget Worksession,

Ms. Walker opened the floor for public comment. There were no comments.

The meeting adjourned at 5:12 p.m.

BY ORDER OF THE CITY COUNCIL

BY Kyna Thomas

January 24, 2020
City Council Worksession
AFRICAN AMERICAN HERITAGE CENTER

City Council met for a retreat on Friday, January 24, 2020, at the Jefferson School African American Heritage Center, with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook.

Ms. Walker called the meeting to order at 9:14 a.m.

Council approved the proposed agenda, adding appointments to two Boards – Metropolitan Planning Organization, and the Measurements and Solutions Board.

On motion by Ms. Hill, seconded by Ms. Magill, Council by the following vote appointed Michael Payne to the Metropolitan Planning Organization and Nikuyah Walker to the Measurements and Solutions Board: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

Council discussed how to handle emails that come in to City Council as a group and agreed on allowing staff to respond to action items, while following up with Council. City Manager Tarron Richardson advised that Council can communicate with staff to ask questions, but direction to staff should be given from internal leadership. Council discussed the ways to bring forward innovative ideas. Discussion ensued about the process for information gathering and use of staff time.

Council reviewed primary roles of City Council and the City Manager. They discussed Council communications, including regular check-ins and communications with one another and with the City Manager.

Council discussed roles and communications relative to assigned boards and commissions, and how to communicate with each other highlights from board and committee meetings. Discussion ensued about whether to use a repository for notes, announce at the beginning of a Council meeting or share while checking in with one another. The idea of a notes repository was not supported, and Councilors committed to keeping each other informed through routine communication.

Clerk of Council Kyna Thomas reviewed major budget items for the City Council budget. Council discussed travel related to conferences and meetings, exploratory work, payment for meals, and criteria for reimbursement. While Councilors generally evenly split a \$15,000 travel budget, it was understood that mayoral expenses would likely be greater than other councilors. Expenses that would exceed an individual Councilor's \$3,000 budget would be brought to the group for discussion.

Council agenda development was discussed and Councilors Hill and Magill advised that they would like to receive a draft of future working agendas, as is normally sent to the Mayor and City Manager for agenda development. Staff advised that the draft agenda is a working document to the extent that items listed for draft may not be included in the final agenda; therefore, advising to view it as a resource only.

Mr. Blair suggested adding the following sections to the Council Meeting Agenda:

- Motion to Approve the Agenda , and
- Appointments (before Announcements/Proclamations). This would be a time to announce appointments to boards and commissions.

Mr. Blair reviewed Council Rules of Procedure related to removing items from the Consent Agenda for separate vote.

Council discussed parameters around public comment. Ms. Walker advised that Matters by the Public at the end of the meeting is for purposes of wrap-up, so people may have the chance to speak multiple times. Council agreed that people could speak multiple times as appropriate for the section of the meeting.

The meeting recessed for lunch from 12:43 p.m. to 1:27 p.m.

As the meeting reconvened, Council discussed items related to Council meeting management and the need for consistent worksessions. The consensus was to keep regular meetings at the same time as currently held. They also discussed reasons why meetings may go late.

Ms. Walker opened the floor for public comment. No one came forward to speak.

Public comment was closed.

Council, along with Mr. Blair, discussed attendance at Planning Commission meetings, and consideration of second public hearings relative to changes in scope between Planning Commission and City Council. No changes were made.

Council discussed ways to be responsive to the public. Regarding neighborhood associations, Dr. Richardson advised that he has quarterly meetings with neighborhood association leaders and is working to make that process stronger. Councilors discussed the possibility of conducting town hall meetings. Council agreed to hold two town hall meetings in different neighborhoods during the year, possibly in May and the Fall.

Regarding the role and scope of Boards, Commissions, and Task Forces, Ms. Magill suggested that some boards could be merged for efficiency, as some boards appear to be subcommittees of others, and share the same members.

Regarding other engagement opportunities, Council discussed the use of social media to communicate Council actions, including the use of post-Council videos. The Communications Department would help to coordinate videos on an alternating schedule for Councilors.

Office hours were discussed, but no decision made.

Ms. Hill asked how Councilors wanted to share the load of attending community events, and noted that all Councilors do not need to attend each event, but many events should have the presence of a Councilor.

Council discussed protocols for responses to constituents, such as replying individually to express thanks, and allowing staff to follow up on action items. They discussed fielding comments during public meetings, and roles and responsibilities of City staff and Council to respond to local media.

During discussion about developing updated Strategic Plan, Ms. Walker advised that Ms. Selena Cozart would be available to facilitate the Strategic Planning meeting in February. Ms. Walker advised that she is taking the lead on meeting with Ms. Cozart and will keep Councilors and staff informed.

The meeting recessed at 3:10 p.m. and reconvened at 3:29 p.m.

Ms. Hill introduced the next section: Scheduling and Identifying Topics for 2020 Work Sessions, including (but not limited to):

- Land Use and Zoning (Housing) on February 20
- Long-Range Planning (Current Zoning/Adopted Small Area Plans, Comprehensive Plan/Housing Strategy/Zoning Rewrite)
- Achieving Emissions Reduction Target – Dr. Richardson advised that he will talk with Kristel Riddervold during the following week.

Ms. Walker shared that others had not expressed the need to have a worksession around issues of equity. Other Councilors agreed that it was determined that all plans would be reviewed through an equity lens.

Council decided to hold regular worksessions on the 4th Tuesday of the month from 3:00 p.m. – 6:00 p.m., starting April 28, allowing public comment at the end:

- April 28, Dogwood Vietnam Memorial Access; Progressive Taxation
- May 26, Achieving Emissions Reduction Target
- June/July - to be determined based on Strategic Planning outcomes
- August, potential Town Hall

Councilors asked Dr. Richardson for perspective on staff capacity and budget capacity to carry out Council priorities. He advised that staffing structures are being evaluated and will be enhanced over time. He advised of the preference to hire a quality workforce as opposed to choosing from a limited applicant pool.

Ms. Walker opened the floor for public comment.

- Ms. Crystal Passmore thanked Council for addressing emissions goals and advised that it is important to have the emissions worksession as early as possible.

With no further comments from the public, Mayor Walker closed public comment and adjourned the meeting at 4:32 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 18, 2020
Action Required:	Appropriation of Funding
Presenter:	Megan Arevalo, Budget Analyst, Charlottesville Police Department
Staff Contacts:	Megan Arevalo, Budget Analyst, Charlottesville Police Department Joe Hatter, Police Captain, Charlottesville Police Department
Title:	Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2019 - \$25,072

Background:

The City of Charlottesville, through the Police Department, has received approval for The U.S. Department of Justice, Office of Justice Program's Bureau of Justice Assistance 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$25,072 with no local match required.

Discussion:

The U.S Department of Justice (DOJ) provides funding for the Edward Byrne Memorial Justice Assistance Grant to assist state and local law enforcement with a broad range of activities. The Charlottesville Police Department will use the funding for enhancements to the Roll-Call room. JAG funds will be used to purchase a channelized Bi-Directional Amplifier (BDA) signal booster, three Smart TV/Interactive Whiteboards, a virtual desktop computer with multi-user access features and funding for accessories, cables and wiring.

Alignment with City Council's Vision and Strategic Plan:

This funding will support Goal 2 of the Strategic Plan, to be a safe, equitable, thriving, and beautiful community. It specifically supports Goal 2.1, to provide an effective and equitable public safety system.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. These grant funds do not require a City match and will be expensed and reimbursed to a separate internal order in a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

If the appropriation is not approved, the department will not be able to proceed with the improvements to the Roll-Call Room.

Attachments:

Appropriations

APPROPRIATION

**2019 Edward Byrne Memorial Justice Assistance Grant (JAG)
Grant # 2019-DJ-BX-0775
\$25,072**

WHEREAS, the City of Charlottesville, through the Police Department, has received the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$25,072 to be used for approved law enforcement equipment.

WHEREAS, the grant award covers the period from period October 1, 2018 through September 30, 2022

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$25,072, received from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, is hereby appropriated in the following manner:

Revenue

\$ 25,072 Fund: 211 I/O: 1900348 G/L: 431110 Federal Grants

Expenditure

\$ 25,072 Fund: 211 I/O: 1900348 G/L: 525263 Law Enforcement Supplies

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$25,072 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 18, 2020
Action Required:	Appropriation of Funding
Presenter:	Megan Arevalo, Budget Analyst, Charlottesville Police Department Brian Williams, Associate Professor of Public Policy, University of Virginia
Staff Contacts:	Megan Arevalo, Budget Analyst, Charlottesville Police Department Joe Hatter, Police Captain, Charlottesville Police Department
Title:	Byrne/JAG – Youth Engagement Programs - \$99,291

Background:

The City of Charlottesville, through the Police Department, has received approval for The U.S. Department of Justice, Office of Justice Program's Bureau of Justice Assistance Byrne/JAG Youth Engagements Programs Award in the amount of \$99,921 with no local match required.

Discussion:

The U.S Department of Justice (DOJ) provides funding for the Edward Byrne Memorial Justice Assistance Grant to assist state and local law enforcement with a broad range of activities. The Charlottesville Police Department will use the funding for a Blue, Youth & U (BY&U) Engagement Project which is designed to facilitate positive relationships between secondary (middle and high school) and post-secondary (UVA students) students with police officers who serve the City of Charlottesville and the University of Virginia. In particular, participants will include officers from the Charlottesville Police Department, University of Virginia Police Department and students from Buford Middle School, Charlottesville High School and the University of Virginia.

The objective of the Blue, Youth & U Engagement Project is a listening and learning exchange where all participants will come to appreciate the perspectives of others and recognize and surmount historical, individual, society and institutional obstacles that negatively impact community policing efforts. Towards this end, the Blue, Youth & U Engagement Project is designed to explore, formulate, and implement a series of activities to encourage and enhance law enforcement engagement with secondary and post-secondary student and ultimately improve police-community relations.

Alignment with City Council’s Vision and Strategic Plan:

This funding will support Goal 2 of the Strategic Plan, to be a safe, equitable, thriving, and beautiful community. It specifically supports Goal 2.1, to provide an effective and equitable public safety system.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. The grant funds do not require a City match and will be expensed and reimbursed to a separate internal order in a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

If the appropriation is not approved, the department will not be able to proceed with the program.

Attachments:

Appropriations

APPROPRIATION

**Virginia Department of Criminal Justice Assistance Byrne/JAG
Grant # 20-A4904AD16
\$99,291**

WHEREAS, the City of Charlottesville, through the Police Department, has received the Virginia Department of Criminal Justice Assistance Byrne/JAG in the amount of \$99,291 to be used for approved youth engagement program expenses.

WHEREAS, the grant award covers the period from period January 1, 2020 through June 30, 2021

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$99,291, received from the Virginia Department of Criminal Justice Assistance Byrne/JAG, is hereby appropriated in the following manner:

Revenue

\$ 99,291	Fund: 211	I/O: 1900349	G/L: 431110 Federal Grants
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Expenditure

\$ 25,278	Fund: 211	I/O: 1900349	G/L: 519999 Sal to/Fr Oth Trans
\$ 43,687	Fund: 211	I/O: 1900349	G/L: 530010 Professional Services
\$ 18,800	Fund: 211	I/O: 1900349	G/L: 530180 Equipment Rental
\$ 2,500	Fund: 211	I/O: 1900349	G/L: 520010 Office Supplies
\$ 9,026	Fund: 211	I/O: 1900349	G/L: 599999 Lump Sum Appropr

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$99,291 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 18, 2020
Action Requested:	Resolution
Presenter:	Brenda Kelley, Redevelopment Manager
Staff Contacts:	Dr. Tarron Richardson, City Manager Brenda Kelley, Redevelopment Manager, City Manager's Office
Title:	Support for South 1st Street Phase 2 Redevelopment

Background:

During the spring and summer of 2018, a two-part Request for Development Partner was issued by the Charlottesville Redevelopment and Housing Authority (CRHA) as a first step to begin active redevelopment of many of their properties. Following review of proposals and recommendation by the Redevelopment Committee, the CRHA Board approved entering into an Agreement with a selected Development Team at their September 2018 Board meeting. A Memorandum of Understanding (contract) with the Development Team was adopted and executed by the CRHA Board on January 7, 2019. The current top priorities of redevelopment include renovation of Crescent Halls and development of new housing on the vacant land on the South 1st Street site. In June 2019, approval of Low Income Housing Tax Credits (LIHTC) applications were received for the renovation of 105 units at Crescent Halls and construction of 62 new units of affordable and public housing on South 1st Street (aka Phase 1).

Following the June 2019 LIHTC approvals for redevelopment, CRHA proceeded with a significant resident-led planning and design process for Phase 2 of South 1st Street. This is the area north of the South 1st Street Phase 1 area, east of South 1st Street and south of Elliott Avenue. The site plan proposes demolition of existing public housing units and new construction of approximately 113 residential units plus office space and community space. An application for Site Plan approval has been submitted to the City; City Council has approved a critical slopes waiver and a Special Use Permit (SUP); and an application for Low Income Housing Tax Credit (LIHTC) funding in March 2020 is anticipated.

Discussion:

Applications for Virginia Housing Development Authority (VHDA) LIHTC program are due in March 2020. A requirement by VHDA for the LIHTC application is a resolution by City Council

that corresponds to any financial commitment(s) made for the redevelopment project. CRHA's LIHTC application for South 1st Street Phase 2 will be evaluated and scored based on criteria defined in the 2020 Qualified Allocation Plan (QAP). LIHTCs are critical to the financing of the redevelopment of South 1st Street and it is a competitive application process. The City's support, both financially and in declaration, helps to ensure the application receives the highest possible score.

Alignment with City Council's Vision and Strategic Plan:

The overall redevelopment of public housing supports City Council's visions of Quality Housing Opportunities for All; A Green City; Community of Mutual Respect; and Smart, Citizen-Focused Government.

Strategic Plan Goals:

- Goal 1.3: Increase affordable housing options
- Goal 2.3: Improve community health and safety outcomes by connecting residents with effective resources (aligning health care with provision of housing for the elderly and disabled)

Comprehensive Plan Goals:

- Goal 3: Grow the City's housing stock for residents of all income levels
- Goal 3.1: Continue to work toward the City's goal of 15% supported affordable housing by 2025.
- Goal 3.6: Promote housing options to accommodate both renters and owners at all price points, including workforce housing.
- Goal 4.1: Continue to support the use of appropriate tax credit proposals submitted by private and non-profit developers within the locality to create affordable rental units, as consistent with Housing Advisory Committee policy.
- Goal 5: Support projects and public/private partnerships (i.e., private, non-profits, private developers and governmental agencies) for affordable housing, including workforce housing and mixed-use, and mixed-income developments.
- Goal 5.7: Support housing programs at the local and regional level that encourage mixed-income neighborhoods and discourage the isolation of very low and low income households.
- Goal 7: Offer a range of housing options to meet the needs of Charlottesville's residents, including those presently underserved, in order to create vibrant residential areas or reinvigorate existing ones.
- Goal 7.1: To the greatest extent feasible ensure affordable housing is aesthetically similar to market rate.
- Goal 8.3: Encourage housing development where increased density is desirable and strive to coordinate those areas with stronger access to employment opportunities, transit routes and commercial services.
- Goal 8.7: Encourage the incorporation of green sustainable principles (e.g. LEED, EarthCraft Virginia, Energy Star, etc.) in all housing development to the maximum extent feasible both as a way to be more sustainable and to lower housing costs.

Community Engagement:

A Redevelopment Committee comprised of residents, community members, and CRHA and City staff, and appointed by the CRHA Board of Directors, meets regularly and provides research, planning, community engagement and guidance to the CRHA Board on redevelopment planning progress. The CRHA Board regularly discusses the status of redevelopment activities as well as taking action on redevelopment milestones at their public meetings.

A public site plan conference was held on November 16, 2019.

Budgetary Impact:

This request does not encumber any additional funding from the City budget. It provides acknowledgement that up to \$3,000,000 in funding may be provided in future proposed City budget processes for South 1st Street Phase 2 redevelopment. Funding may be allocated over more than one budget year.

Recommendation:

Staff recommends City Council approve the attached Resolution supporting redevelopment of South 1st Street Phase 2.

Alternatives:

City Council could choose to not approve the supporting Resolution, which could have a negative impact on the LIHTC application.

Attachments:

Resolution

RESOLUTION

Financial Resolution Supporting South 1st Street Parcel Number: 260115000

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Charlottesville, Virginia hereby commits up to \$3,000,000 in the form of grants for the redevelopment of South 1st Street Phase 2. The commitment of up to \$3,000,000 will help to subsidize this project which in turn will create approximately 113 new or replacement affordable housing units in the City of Charlottesville. This commitment is currently programmed into the City of Charlottesville's Capital Improvement Program over a two-year period beginning on July 1, 2020 and concluding on June 30, 2022. This commitment will be made to Charlottesville Redevelopment and Housing Authority.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 18, 2020
Action Required:	Resolution
Staff Contacts:	John Blair, City Attorney
Presenter:	John Blair, City Attorney
Title:	Amend Council Meeting Rules and Procedures

Background:

On February 16, 2016, the City Council adopted Meeting Rules and Procedures (hereinafter “Meeting Procedures”) for its internal governance. The Council adopted a number of changes to its Meeting Procedures on February 5, 2018. On September 17, 2018, the Council amended its Meeting Procedures to place the Consent Agenda earlier in the meeting.

Discussion:

At its January 23 and 24, 2020 retreat, the Council discussed some proposed amendments to its Meeting Procedures. In addition to those changes, the City Attorney’s Office has suggested some technical amendments. The proposed amendments are:

1. One proposed amendment permits the Mayor to cancel a City Council meeting in the event of inclement weather.
2. Proposed amendments to the Order of Business add items for the approval of the agenda and for boards and commissions appointments. The City Manager’s response to Community Matters will also be adjusted to the current practice of having that item take place after the Consent Agenda.
3. The Consent Agenda process will be clarified to reflect current practice. Currently, there are Consent Agenda items that a Councilor may wish to have a separate vote upon, but they do not wish for further discussion. This is usually the case when a Councilor may oppose one item on the Consent Agenda, but favors the remainder of the Consent Agenda. The proposed amendments allow one Councilor to remove a specific item from the Consent Agenda for a separate vote. However, two Councilors are still required to remove an item from the Consent Agenda for further discussion. The current Meeting Procedures would move those items to the end of the regular meeting. This rule would not be amended.
4. The process for the Council’s Organizational Meeting to elect the Mayor and Vice-Mayor is proposed to be added to the Meeting Procedures. While the City Code and City Charter

prescribe an organizational meeting and the election of a Mayor and Vice-Mayor, they do not prescribe a process. This rule would provide the process.

5. On August 20, 2018, the Council enacted a policy for electronic participation by Councilors. Currently, that policy is a standalone policy. In order for this policy to be easily accessible to the Council and the public, this amendment would add the policy to Council's Meeting Procedures.

Budgetary Impact:

There is no budgetary impact.

Attachments:

Proposed amendments to the Council's Meeting Rules and Procedures

**RESOLUTION APPROVING AMENDMENTS
TO THE CHARLOTTESVILLE CITY COUNCIL'S
MEETING RULES AND PROCEDURES**

WHEREAS, the Charlottesville City Council adopted Meeting Rules and Procedures on February 16, 2016; and

WHEREAS, Section 12 of the Charlottesville City Charter permits the Charlottesville City Council to adopt rules for its internal governance; and

WHEREAS, the Charlottesville City Council wishes to amend its Meeting Rules and Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that it hereby adopts the amendments to its Meeting Rules and Procedures as presented.

Charlottesville City Council Meeting Rules and Procedures

These *Charlottesville City Council Meeting Rules and Procedures* are designed to help City Council conduct its affairs in a timely and efficient manner, while encouraging a robust and meaningful dialogue with members of the community.

A. Meetings

1. Regular meetings of the City Council will begin at 6:30 p.m. on the first and third Mondays of each month (or the following day if that Monday is a legal holiday) in City Council Chambers (Second Floor, City Hall). Council will adopt a schedule for its regular meetings at its first regular meeting in January each year.

2. Council may hold additional meetings at other locations and times, or may change the location and time of a regularly scheduled meeting as it deems appropriate. In the case of inclement weather, the Mayor may cancel a meeting of the City Council. Notice of additional meetings or changes to the location or time of a regularly scheduled meeting will be provided to the public and press as required by the Virginia Freedom of Information Act (FOIA).

a. "Town Hall Meetings" may be regularly scheduled meetings, such as the "Our Town" meeting series, or may be scheduled as a special meeting by Council on a particular topic. A town hall meeting is a type of meeting at which Councilors answers questions from the public.

b. "Work Sessions" are meetings at which Council may discuss one or more specific topics in depth among themselves, or at which Council desires to receive an in-depth presentation from staff or an outside party on a particular topic. Council may vote on matters discussed at a Work Session (FOIA does not prohibit voting,) but generally the purpose of a Work Session is to inform Councilors on a topic and for Councilors to give staff or others general direction. Work Sessions may take place within a regular meeting or may be scheduled as a special meeting.

3. Special meetings, closed meetings, and emergency meetings may be scheduled and held in addition to the schedule of regular meetings. Notification requirements for special meetings, closed meetings and emergency meetings are governed by the Virginia Code.

a. For special meetings, the purpose and nature of the meeting will dictate whether public comment will be allowed. Time for public comment may or may not be allocated depending on the nature of the meeting and at the discretion of Council.

b. Closed meetings generally take place at 5:~~30~~00 p.m. before the regular Council meeting. The only items Council may consider in closed meetings are those permitted by the Virginia Freedom of Information Act and identified in the motion convening the closed meeting.

B. Agenda and Materials

1. The City Manager shall ensure a proposed agenda is prepared for the Mayor's consideration nine business days before the meeting. The agenda of every regular Council meeting is approved by the Mayor. Any Council member desiring to add items to the proposed agenda should submit them to the City Manager and the Mayor ten business days before the meeting. Last minute submissions are discouraged but may be added to a regular meeting agenda, subject to a vote of

Council at the meeting approving a change [addition] to the published agenda. This may occur from time to time when a matter that requires action expeditiously was not known in time to be presented during the normal agenda development process. Citizens may suggest an item for consideration on a Council meeting agenda by submitting the suggestion in writing to the Clerk of Council at least ten business days prior to the meeting.

2. The Order of Business at each regular meeting of Council shall be as follows:

- a. 6:30 p.m. Call to Order, Pledge
- b. Approval of the Agenda
- b. Special Recognitions by the Mayor or Council (if any), Awards and Proclamations (Council may also project awards, recognitions, and announcements on the television/video screens in lieu of reading/ announcing them.)
- d. Boards and Commissions Appointments
- ~~e. City Manager's Response~~
- d. Consent Agenda (including, without limitation: approval of minutes; routine ordinances or resolutions; final/second readings of appropriations, ordinances or resolutions; other routine items)
- f. City Manager's Response to Community Matters
- e. Community Matters (formerly Matters by the Public) (Limited to 16 speakers, maximum; see Section D of these Procedures)
- f. Action Items, and any related Public Hearings (items on which action is requested from Council)
- g. General Business for Discussion, and any related Public Hearings (items on which Council will conduct a public hearing, hold a discussion among themselves, receive a presentation, etc., but on which no action will be taken at that meeting)
- h. Matters by the Public

3. The City Manager, in consultation with the Mayor, shall provide background materials for the Council and the public. Agenda and background materials for upcoming City Council meetings shall be made available for public review in the Clerk of Council's Office and on the City's website, concurrent with Council's receipt of the same, and no later than Wednesday before the meeting.

4. Any materials in addition to the background materials prepared by the City Manager shall be distributed to the Council by the Clerk of Council no later than Friday before the meeting. Council may defer any item for which all relevant information has not been provided in a timely manner.

5. Agenda Items

- a. *Consent Agenda*: the consent agenda may be used for eligible items and may include, but is not limited to, routine and noncontroversial appropriations, grant applications, contracts, resolutions, ordinances, second readings, and the minutes. After the consent agenda is read by the Clerk of Council, the Mayor will ask if any member of the public wishes to address Council about an item on the consent agenda. ~~a~~Any item may be removed at the request of ~~any one or two Councilors~~ members. If a Councilor requests a separate vote on an item, but does not wish to have further discussion on the item, the item will be voted upon after the remainder of the consent agenda is acted upon. If any two Councilors request that an item be removed from the consent agenda for further discussion, the item ~~Any item removed from the consent agenda~~ shall be added to the end of the regular agenda for discussion. Those items not removed from the consent agenda shall be acted upon by a single vote of Council.

- b. Agenda items shall be heard in the order in which they appear on the agenda. With the consent of two other Councilors, the Mayor may postpone or take out of sequence agenda items from the order listed on the agenda.
- c. Each agenda item shall be given an approximate time limit. Generally, the total time allocated to any agenda item that does not include a scheduled public hearing shall not exceed twenty (20) minutes, unless the Mayor, in consultation with the City Manager, determines otherwise.
- d. Opening presentations for agenda items shall be limited to ten (10) minutes, unless the Mayor, in consultation with the City Manager, determines otherwise.
- e. For each agenda item, staff or an appropriate designee will present the item to Council, after which Councilors may ask clarifying questions of staff if necessary. If a public hearing is scheduled, the public hearing will be conducted before any motion is initiated by a Councilor.

C. Transaction of Business

1. General.

- a. Unless otherwise specifically provided by law, Council may conduct business and vote upon any matter properly before it, at any meeting at which a quorum is present.
- b. Informal discussion of a subject is permitted while no motion is pending.
- c. In making motions and transacting its business, Council shall follow the rules set forth within these Meeting Procedures. If a question of procedure arises that cannot be resolved by the provisions within these Procedures, the Parliamentarian will consult Robert's Rules of Order and apply them to a resolution of the question.

2. Motions, generally.

- a. Any member, including the presiding officer, may make a motion. A member may make only one motion at a time.
- b. Except as otherwise noted, all motions require a second; a motion dies for lack of a second.
- c. Except as otherwise noted, each member is required to obtain the floor, by addressing the presiding officer, before making motions or speaking.

3. Substantive Motions.

- a. A substantive motion is any motion that deals with the merits of an item of business and that is within the Council's legal powers, duties and responsibilities.
- b. A substantive motion is out of order while another substantive motion is pending.

4. Procedural Motions.

- a. A procedural motion is a motion that Council may use to "act upon" a substantive motion, by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.
- b. Only the following procedural motions, and no others are in order. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available:
 - i. Appeal a Procedural Ruling of the Presiding Officer (an appeal is in order immediately after a decision is announced and at no other time; the maker need not be recognized by the presiding officer, the motion does not require a second, and if made in a timely manner, the motion may not be ruled out of order.)

- ii. Motion to Adjourn
- iii. Take a brief recess
- iv. Suspend the rules
- v. Defer consideration of a Substantive Matter (“lay on the table”; “postpone”; “defer”)
- vi. Call the question (not in order until each member has had an opportunity to speak once; the motion is not amendable or debatable)
- vii. Motion to amend (a motion may be amended no more than twice; once a motion has received a second, it is up to the entire group to decide whether or not it should be changed by amendment; prior to receiving a second, a motion may be amended with the permission of the person who made the motion)
- viii. Substitute motion (no more than one substitute motion may be made; if a substitute motion is adopted and replaces the original motion, no further substitute motions may be made)
- ix. Withdrawal of motion (a motion may be withdrawn by its maker any time before it is amended, or before the presiding officer puts the motion to a vote, whichever occurs first)
- x. Motion to reconsider (must be made no later than the next succeeding regular meeting, by a member who voted with the prevailing side; this motion may not be used in a land use decision involving a rezoning or a conditional use permit)

5. Debate.

- a. In the event that conflicts arise among members as to the order for speaking, the presiding officer shall apply the following rules: the maker of a motion is entitled to speak first, if he or she wishes to do so; a member who has not spoken on an issue shall be recognized before someone who has already spoken.
- b. The presiding officer may participate in the debate prior to declaring a matter ready for a vote.
- c. Council members shall not engage in electronic communications among themselves during a meeting, regarding any motion that is on the floor for debate.
- d. In making a motion, a member shall endeavor to state the basis of the motion within a period not more than 5 minutes. In debating a motion, or in proposing amendments or substitute motions, each member shall try to state the basis of that procedural motion within a period of less than 3 minutes. In asking a question of a speaker, Council members should take not more than 3 minutes to phrase the question.
- e. In debate, speakers shall be collegial in their language and shall avoid all reference to personalities. No member shall interrupt another without the consent of the member who has the floor, except when making a point of order.

6. Voting

- a. The Mayor shall call the question, either: (i) after a motion to call the question has received a second and has been voted upon, or (ii) at their ~~his or her~~ discretion, any time after each member has had at least one opportunity to speak during debate. After the vote is taken, the Mayor shall announce that the motion is adopted or failed and the vote count.
- b. If any member abstains from voting, the reason for the abstention shall be included in the minutes of the meeting.
- c. In the event that a substantive matter does not require a recorded vote, then the Mayor may call for approval of that matter by voice vote or acclamation. (Generally this process should be used only when a matter is simple, clear to all present and requires no discussion.)

7. Mayor as Presiding Officer

The Mayor shall preside at all meetings of City Council (“presiding officer”). The Vice Mayor shall be the presiding officer in the Mayor's absence.

Meetings of City Council shall be governed according to these Meeting Procedures, except where provided otherwise by the Virginia Code or the Code of the City of Charlottesville. Matters not addressed within by one of those sources shall be resolved in accordance with Robert’s Rules of Order.

- a. The City Attorney shall serve as the Parliamentarian for the purposes of interpreting these Meeting Procedure, and the Code of Virginia (1950), as amended, and Robert’s Rules of Order, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Councilors.
- b. No rule set forth within these Meeting Procedures can be suspended except by the consent of four Council members. Suspension of the rules may be made by a motion. (*City Code section 266*)
- c. At each Council meeting, the presiding officer shall preserve order and decorum, and shall have the authority:
 - i. To rule motions in or out of order, including any motion not germane to the subject under discussion;
 - ii. To determine whether a speaker is unreasonably disturbing the meeting, and to entertain and rule on objections from other members on this ground;
 - iii. To entertain and answer questions of procedure;
 - iv. To call a brief recess at any time;
 - v. To adjourn in an emergency.
- d. A decision by the presiding officer on any matter listed in c.i. through c.iii. above may be appealed to Council upon motion of any member. Such a motion is in order immediately after the presiding officer announces his or her decision, and at no other time.
- e. The presiding officer shall ensure that individuals address their comments to City Council at appropriate times, in accordance with the meeting agenda. Otherwise, no person shall address City Council until leave to do so has been granted by the City Council or until invited to do so by the Mayor. Remarks shall at all times be addressed directly to Council, and not to staff, the audience, or the media. (*City Code sec. 271*)
- f. Remarks and actions that disrupt the Council meeting, and remarks from persons other than Councilors, the City Manager or City Attorney, which are outside the purpose of Matters by the Public or a Public Hearing (see *section D* below), a staff report, or other presentation associated with an agenda item, are not permitted. The presiding officer shall call an individual to order when that individual goes afoul of these rules. The following are examples of remarks and behavior that are not permitted:
 - i. Interrupting a speaker who is addressing Council at the speaker’s microphone or a speaker who has otherwise been invited to address Council during Matters by the Public or a Public Hearing;
 - ii. Interrupting a Councilor who is speaking;

- iii. Shouting, and talking (either individually or in concert with others) in a manner that prevents a speaker or a Councilor from being heard or that otherwise hinders the progress of the meeting;
- iv. Blocking paths for emergency exit from the meeting room; engaging in any conduct that prevents a member of the audience from seeing or hearing Councilors during a meeting; standing on chairs or tables within the Council meeting room;
- v. Threats of violence toward Councilors, City staff or members of the public;
- vi. Engaging in conduct that is a criminal offense under the City Code or the Virginia Code;
- vii. Campaigning for elected office;
- viii. Promotion of private business ventures.

8. During a City Council meeting the presiding officer shall have control of the Council Chambers and the connecting halls and corridors within City Hall, and any other venue where a Council meeting is being held. In case of any conduct described in section f, above, the presiding officer may take measures deemed appropriate, including but not limited to suspending the meeting until order is restored, ordering areas to be cleared by the Sergeant at Arms, or requiring any individual to exit the meeting room and adjacent premises (connecting halls and corridors.)

9. Any person who has been expelled from a Council meeting shall be barred by the Mayor from reentering the Council meeting from which he or she was expelled, subject to appeal to Council or motion passed by Council.

D. Matters by the Public, Public Hearings and Other Comment Opportunities

1. *Matters by the Public* – Time shall be reserved during each regular City Council meeting for Matters by the Public. The purpose of Matters by the Public is to offer individuals an opportunity to state a position, provide information to City Council, comment on the services, policies and affairs of the City, or present a matter that, in the speaker’s opinion, deserves the attention of City Council.

a. At Council’s regularly scheduled meetings, two opportunities will be afforded for members of the public to address Council. One Matters by the Public session will be offered early in the meeting, which shall be called “Community Matters”, prior to taking up matters on a consent agenda, action items agenda, or items for discussion agenda. At this first period, up to sixteen

(16) individuals may speak, as follows:

- i. up to 8 individuals selected randomly from a list of people who have signed up in advance, and
- ii. up to 8 individuals who have registered on the sign-up sheet available at the front of the room prior to the meeting on a first-come/first-served basis.

A second Community Matters ~~by the Public~~ session will be offered as the final item on a regular meeting agenda.

b. Each person who speaks during a Matters by the Public session will be limited to a maximum time of three minutes.

- i. Speakers may concede their allotted time; the person whose name is written on the speaker sheet must be the person who begins speaking, although they may be accompanied by others to the podium and may share their time with them. Each speaker

shall begin by clearly stating his or her name and place of residence (or, if speaking on behalf of a business, by giving the location of the business).

- ii. Written materials presented at Matters by the Public must be given to the Clerk prior to speaking and will be distributed to the Council. For distribution of hard copies to Councilors, eight copies should be provided; however, electronic distribution is preferred and may be sent to council@charlottesville.org. Power point presentations cannot be accommodated during Matters by the Public.
- iii. After an individual completes his or her remarks to Council, any Councilor or the City Manager may respond as they see fit. To assure the orderly progress of the meeting, the presiding officer shall ensure that, collectively, responses to any individual's remarks will not exceed a period of approximately two minutes.
- iv. Remarks that cannot readily be addressed within the Councilors' response time may be referred to the City Manager by the Mayor, with a request that the City Manager bring back a response at the meeting immediately following the present meeting.

2. *Public hearings* – From time to time, Council will conduct public hearings on specific topics as required by law or as Council otherwise deems appropriate. The purpose of a public hearing is for Council to receive public comments on a specific topic.

- a. Sign-up sheets are provided at the front of the room. Speakers will be called from that list, as time permits.
- b. After all speakers on the sign-up list have been called, other individuals will be invited to speak, until everyone who wishes to speak on the topic has had a chance to do so.
- c. During a public hearing, each speaker must limit his or her comments to the specific application or matter for which the public hearing has been scheduled.
- d. No person may speak more than once during any public hearing. Each person who speaks during a public hearing will be limited to a maximum time of three minutes.
- e. Prior to opening a Public Hearing, Council may, by motion, limit the number of speakers who will be heard, and/or reduce the time for each speaker to two (2) minutes, upon determining that the session could not be commenced in a timely manner.

3. *Town Hall meetings* – Town Hall meetings are generally conducted in an open format. Council may conduct a Town Hall meeting in a manner that is free-form (no limit on the time for making a comment or stating a question, or for Councilors' responses,) or Council may establish an agenda or list of topics that will apply for a particular Town Hall meeting, and times or guidelines for speakers' questions and Councilors' responses. Any parameters that will apply to a Town Hall will be established by the Mayor prior to the meeting or by vote of Council after calling the Town Hall meeting to order and prior to opening the floor. Prior to commencing the session, attendees shall be notified of any applicable time limits or speaker guidelines, either by posted signs, a written agenda or verbal announcement by Council at the beginning of the meeting.

4. *Written Comments* – To provide an additional mechanism to communicate with Council, a "[Submit a Comment to City Council](#)" form is provided on the City website for electronically submitting comments. These comments are distributed to all Council members. Citizens may also contact Councilors via their City email addresses (available on the City's website) or by written correspondence sent in care of the Clerk of Council.

5. *Consent Agenda Comments*-After the Clerk of Council concludes reading the Consent Agenda, the Mayor will ask if anyone in attendance at the City Council meeting wishes to speak on matters listed on the Consent Agenda. Speakers will be limited to a maximum of three

minutes and their marks shall be limited to matters listed on the Consent Agenda.

E. Recess

1. During regular meetings, Council will take a brief recess every two hours. The presiding officer will announce the recess at an appropriate time, or any member may, by point of order, remind the presiding officer that a brief recess is due.
2. The Council's goal at regular meetings is to adjourn no later than 11:00 p.m.

F. Other

1. In the interests of efficient management, if Council members seek answers from City staff, they should generally attempt to do so through the City Manager. In any event, when asking questions of staff, Council members should advise City Manager of same.
2. Members of the City Council, including the Mayor, shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do. No member of City Council may purport to speak on behalf of the City on matters that have not been voted on by Council or that do not represent official City policy unless authorized by the City Manager.
3. If a Councilor chooses to convene a public meeting that employs any City resources (including meeting spaces and staff attendance), and that might be attended by two or more Councilors, he or she shall advise other Councilors at least one day in advance of the time and place of the meeting.
4. Council members shall respect and adhere to the Council/Manager structure of Charlottesville City government as outlined in the Charlottesville City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards and Commissions, and the public. Except as provided by the City Code, Council members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
5. At the first meeting of January in each even numbered year, an Organizational Meeting shall be conducted to select the Mayor and Vice-Mayor. The City Manager shall preside at the Organizational Meeting. The City Manager shall accept nominations from Councilors for the position of Mayor. The City Manager will then accept a motion to close the nomination process. After a motion to close the nomination process is approved by the Council, each Councilor will be provided five minutes to speak about the Mayoral nominees. After all Councilors have concluded their remarks, the Clerk of Council will then call the roll and each Councilor shall state their choice for the position of Mayor. At the conclusion of the Council's Mayoral election, the City Manager shall accept nominations from Councilors for the position of Vice-Mayor. The City Manager will then accept a motion to close the nomination process. After a motion to close the nomination process is approved by the Council, each Councilor will be provided five minutes to speak about the Vice-Mayoral nominees. After all Councilors have concluded their remarks, the Clerk of Council will then call the roll and each Councilor shall state their choice for the

position of Vice-Mayor. The Mayor and Vice-Mayor shall be elected for terms of two years.

G. Miscellaneous

1. Persons with disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434) 9703182. Persons are encouraged to make requests in advance.
2. All regular City Council meetings are broadcast live on Charlottesville's TV10. Streaming video of the meetings is available for viewing online at the time of the meeting and as an archived video on the next business day following a meeting. Archived meetings can be downloaded in audio or video format from the City [website](#). [Charlottesville TV 10](#) runs repeats of the most recent meeting throughout the month on Mondays, Wednesdays, and Fridays at 7:00 p.m. and Tuesdays, Thursdays, and Saturday mornings at 9:00 a.m. until the next meeting is held. A DVD copy of the meeting may be requested the week after the meeting; a nominal fee may apply. Contact the Clerk of Council at clerk@charlottesville.org or (434) 970-3113 to inquire.
3. These City Council Meeting Rules and Procedures will be posted on the City's website.
4. These Council Meeting Rules and Procedures are adopted by the Council pursuant to ~~Section 12~~ of the Charter of the City of Charlottesville and supersede prior rules. The rules and procedures set forth within this document do not create substantive rights for third parties or participants in proceedings before City Council, and City Council reserves the right to suspend or amend the rules in the manner provided in the City Code. The failure of City Council to strictly comply with the provisions of this document shall not invalidate any action of City Council.

H. Policy for Electronic Participation by Councilors

1. Purpose and Applicability. It is the policy of the City Council of the City of Charlottesville that individual members of the Council may participate in Council meetings by electronic means as permitted by Virginia Code Section 2.2-3708.2. The purpose of the policy is to comply with the requirements of Section 2.2-3708.2 of the Code of Virginia and to allow for and govern participation by one or more Councilors in Council meetings by electronic communication means. All proceedings pursuant to this policy shall be performed in accordance with Virginia Code Section 2.2-3708.2 as that statute may hereafter be amended. This policy shall apply to the entire City Council membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
2. Quorum Required. The City Council may consider a request for participation by electronic communication means only if a quorum of the Council is physically assembled at the primary or central meeting location, and there is an arrangement for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
3. Permissible Reasons for Electronic Participation. Participation by a Councilor in a meeting by electronic communication means shall only be allowed due to an emergency, a personal matter, or disability. Each Councilor shall be limited each calendar year to participation by electronic means in two meetings for personal matters.
4. Approval. Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a Councilor's participation from a remote location is challenged, then the City Council shall vote whether to allow such participation. If the City council votes to disapprove the

Councilor's participation because such participation would violate this policy, such disapproval shall be recorded in the Council's minutes with specific reasons cited for the disapproval.

5. Approval Process. No Councilor may participate in a meeting by electronic communications means unless the Councilor requests and the Council approves the participation in accordance with this policy.

a. A Councilor may request to participate in a meeting by electronic communication means if the Councilor notifies the Mayor and the Clerk of Council on or before the day of the meeting that the Councilor is unable to attend due to the following:

i. Personal: an emergency or personal matter, provided that the Councilor identifies with specificity the nature of the emergency or personal matter, or

ii. Temporary or Permanent Disability: a temporary or permanent disability or other medical condition that prevents the Councilor's physical attendance.

b. The Councilor must also notify the Clerk of Council of the remote location from which the Councilor would participate by electronic communication means.

c. At the meeting, the Clerk of Council shall announce the information received from the absent Councilor. If the Council member's request is in all respects compliant with this policy, then any of the quorum of Councilors physically assembled at the central meeting location shall make a motion to approve or disapprove the absent Councilor's request.

d. Upon adoption of a motion to approve the Councilor's participation by electronic communication means, the Councilor shall be allowed to fully participate in the meeting by electronic communication means.

e. If the Councilor's participation by electronic communication means is approved, the Clerk of council shall record in the meeting minutes:

i. the motion;

ii. the vote thereon;

iii. the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition; and

iv. the remote location from which the Councilor participates in the meeting.

f. If the Councilor's participation by electronic communication means is disapproved, whether by adoption of a motion to disapprove or rejection of a motion to approve, the Clerk of Council shall record in the meeting minutes:

i. the motion;

ii. the vote thereon;

iii. the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition;

iv. the remote location from which the Councilor would participate in the meeting; and

v. the specific aspect of this policy that would be violated by the Councilor's proposed participation by electronic communication means, as summarized by the quorum of Councilors physically present.

Passed by Council September 17, 2018 _____, 2020

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 18, 2020
Action Required:	Resolution
Presenter:	Nikuyah Walker, Mayor Joseph D. Platania, Commonwealth's Attorney John C. Blair, II, City Attorney
Staff Contacts:	Joseph D. Platania, Commonwealth's Attorney John C. Blair, II, City Attorney
Title:	Commonwealth's Attorney Summer Law Clerk – Transfer of Funds \$12,000

Background:

The Commonwealth's Attorney would like to provide a stipend of \$12,000 for an eight week summer clerkship to a second year law student. The City will transfer these funds out of Council's Strategic Initiative Account to the Commonwealth's Attorney's salaries budget.

Discussion:

The Office of the Commonwealth's Attorney desires to attract a broader applicant pool for its summer clerkship. Many law students from disadvantaged backgrounds are discouraged from accepting summer clerkships with public sector employers because these clerkships do not traditionally offer compensation. A paid clerkship can assist the Commonwealth's Attorney in his efforts to attract a broader applicant pool for the summer clerkship.

In addition to the stipend provided by the City of Charlottesville, the University of Virginia is agreeing to provide rent-free housing to the individual selected for the clerkship.

The clerkship will be for a period of eight weeks, and it is intended to provide the law student with a comprehensive overview of prosecutorial skills as well as to introduce the student to the Office of the Commonwealth's Attorney's progressive criminal justice initiatives such as drug and mental health treatment courts.

Alignment with City Council's Vision and Strategic Plan:

This appropriation supports City Council's Strategic Plan Objective 5.2 to "Recruit and cultivate a high quality and diverse workforce."

Budgetary Impact:

The current balance of the Council Strategic Initiatives Fund, which includes the \$300,000 added to the Equity Fund as part of the FY19 Year End Appropriation, is \$364,512.63. If approved funds will be transferred from the previously appropriated funds in City Council's Strategic Initiative account to the Commonwealth Attorney's salaries budget.

Alternative:

To not approve funding for the summer law clerk.

Attachment:

Resolution

RESOLUTION
Commonwealth's Attorney Summer Law Clerk – Transfer of Funds
\$12,000

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funding from the City Council Strategic Initiatives account is transferred to the Commonwealth Attorney's budget for the summer law clerk internship position in the following manner:

Transfer From:

\$12,000 Fund: 105 Cost Center: 1011001000 G/L Account: 599999

Transfer To:

\$12,000 Fund: 105 Cost Center: 1401001000 G/L Account: 519999

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 18, 2020
Action Required:	Approval of Refund of Tax Payment
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Todd Divers, Commissioner of the Revenue Jason Vandever, City Treasurer
Title:	Refund of Tax Payment to TOT Taxpayer

Background:

From January 2017 through October 2019 taxpayer over-reported and paid transient occupancy tax to the City of Charlottesville that should have been paid to another jurisdiction. After re-filing the proper gross receipts and verification by the Commissioner of the Revenue, it was determined that a refund was due.

Discussion:

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is required in accordance with Code of Virginia 58.1-3918. The identity of the taxpayer is withheld in accordance with the provisions of State Code §58.1-3. The refund has been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

Alignment with City Council's Vision and Strategic Plan:

n/a

Budgetary Impact:

The refund will reduce current year Transient Occupancy Tax (GL 410040) by \$164,618.53.

Recommendation:

Approval of the tax refund.

Alternatives:

n/a

Attachments:

Council Resolution

RESOLUTION
AUTHORIZING REFUND TO TRANSIENT OCCUPANCY TAX FILER
OF TRANSIENT OCCUPANCY TAX PAID FOR 2017-2019
\$164,618.53

WHEREAS, the Commissioner of the Revenue has determined that a transient occupancy tax payer filed amended returns; and

WHEREAS, the transient occupancy taxes for calendar years 2017-2019 were paid on time and as filed; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid and interest is due in the amount of \$164,618.53; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$164,618.53 to the transient occupancy taxpayer.

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CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	February 18, 2020
Action Required:	Approve resolution to amend the City Code, Sec. 15-435 (b) Immobilization.
Presenter:	Andrew Knuppel, Parking Advisory Panel, Chair
Staff Contacts:	Rick Siebert, Parking Manager
Title:	Proposed Amendment to City Code §15-435 (b) – vehicle immobilization rates

Background:

Currently private property owners have two options for handling vehicles unlawfully parked on their property. They may have the offending vehicle towed or immobilized. Chapter 15, Article IX. of the City Code controls this process. Based on the current city code, towing is the only practical option.

The city has heard numerous complaints from out of town visitors and local residents who have experienced having their vehicle towed while parked. This unpleasant experience leaves a poor impression and can influence future decisions to visit.

At the request of a property owner the council appointed Parking Advisory Panel was asked to investigate if there are better alternatives to vehicle towing.

Discussion:

The city transportation code does provide for vehicle immobilization, commonly called booting, as a legal alternative to towing. Immobilization is, however, currently impractical. Sec. 15-435 of the code sets the maximum fee of twenty-five dollars (\$25.00) for the release of a vehicle that is immobilized. In contrast, the hookup and initial towing fee shall not exceed \$125.00. While the amount of the tow fee makes towing commercially practicable, the immobilization release fee is so low this service is not a practical alternative. It is simply not practical to install a boot, remove the boot and provide 24-hour on-call service for \$25.00. As a result private property owners that choose to enforce their lots use towing.

At the direction of the Parking Advisory Panel, staff researched the issue. At least two national businesses were identified that could offer this service in Charlottesville if the maximum boot fee was raised to \$100.00. Both of these businesses use new self-release boot technology and 24-hour national call centers. With immobilization in place vehicle owners simply need to call and provide

a credit card and they are given instructions to release the device. This typically takes 15 minutes after returning to your car. The device needs to be returned to a local location within 3 to 4 business days.

A number of property owners have indicated that they might prefer to have offending vehicles immobilized rather than towed if the service was affordable and available because immobilization is a much more customer friendly alternative to towing.

Community Engagement:

Discussion with City Council appointed members of the Parking Advisory Panel and some private property owners that currently use tow services.

Budgetary Impact:

None.

Recommendation:

Staff recommends approval of the attached change to the City code.

Alternatives:

None.

Attachments:

Amended city code Sec. 15-435 (b).

AN ORDINANCE AMENDING AND REORDAINING SECTION 15-435 (b), OF CHAPTER 15 OF THE CODE OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING TO A CHANGE TO RATES AND CHARGES FOR THE IMMOBILIZATION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE PROPERTY

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 15-435 (b) of Article IX of Chapter 15 (Motor Vehicles and Traffic) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

Chapter 15 – MOTOR VEHICLES AND TRAFFIC

ARTICLE IX. – REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE PROPERTY

Sec. 15-435. – Rates and charges.

(b) *Immobilization.* An operator may charge a vehicle owner a maximum fee of ~~twenty five dollars (\$25.00)~~ one hundred dollars (\$100.00) for the release of a vehicle when it is immobilized. No other fee of any type may be charged.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 18, 2020
Action Required:	Adoption of Resolution
Presenter:	John Blair, City Attorney
Staff Contacts:	Lisa Robertson, Chief Deputy City Attorney Carrie Rainey, NDS Urban Planner
Title:	Resolution Supporting VHDA-Supported Housing Development (Sunrise PUD)-City RE Parcel 560085W00

Background:

In 2009 City Council adopted an ordinance approving the Sunrise Planned Unit Development (“Sunrise PUD”). The boundaries of the Sunrise PUD include an entire city block, bounded by Carlton Avenue, Rives Street, Nassau Street, and Midland Street. As amended in 2011 the PUD Development Plan allows for a mixed-use, mixed-income development. The developer who obtained the original approvals was Sunrise Park LLC, of which Habitat for Humanity of Greater Charlottesville is, or was, a member. In 2018 Sunrise Park LLC conveyed the parcel of land identified as City Real Estate Tax Parcel Id. No. 560085W00 to Sunrise Cville LLC, located in the NE quadrant of the development site. (See Figure 1, next page)

If any councilors would like to review more details of the Sunrise PUD Development Plan, or the proffered development conditions as amended in 2011, the NDS staff report including those details can be accessed on the city’s website:

<https://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/development-ordinances/city-planning-commission/agendas/2011-agendas/may-10-2011>

Discussion:

Sunrise Cville LLC proposes to construct a 22-unit mixed-income apartment complex at the intersection of Carl Smith Street and Sunrise Park Lane (“Project”). Sunrise Cville LLC has applied for financing through the Virginia Housing Development Authority’s (VHDA) Mixed-Income program. To qualify for VHDA mixed-income financing, state law requires City Council to adopt a resolution supporting development of the mixed-income Project. The benefit of this program to City is its inclusion of affordable housing as a percentage of the total housing allowed. The HUD median household income for the City of Charlottesville FY 2019 is \$89,600. For this loan, the requirement is for at least 20 percent of the dwellings to be leased to persons making no more than \$71,680 (80 percent of the City’s median income), and the remaining 80 percent of the dwelling units will not be restricted.

Note: Sunrise PUD was established through a rezoning process that included proffered development conditions. The more deeply affordable dwelling units required by the proffers were to be satisfied within the NW, SW and SE quadrants of the development area (developed by Sunrise Park LLC).

In order for Sunrise Cville LLC to obtain the VHDA financing, VHDA requires City Council to make a finding that providing residential housing and supporting facilities that serve people of low to moderate income will be enhanced, if a portion of the units within the Project are occupied or held available for occupancy by people who are not of low and moderate income. (See the attached Resolution)

Figure 1



Alignment with Council Vision Areas and Strategic Plan:

- SP Goal 1: (Inclusive Community of Self-Sufficient Residents)
- Vision(s): quality housing opportunities for all; a connected community
- 2025 Council Affordable Housing Goals: the housing to be constructed by Sunrise Cville LLC is “supported affordable housing” as defined in Council’s AH Goals adopted in 2010. Approval of the resolution will promote the construction of new supported affordable housing units within the City, within a larger development that provides new housing at multiple tiers of affordability/ household incomes.

Community Engagement:

The development plans for Sunrise PUD, including amendments, were publicly advertised and reviewed via public hearing processes.

Budgetary Impact:

None. There are no costs to the city associated with the mixed-income project and no city debt will be created through the VHDA financing applied for by the developer.

Recommendation:

Staff recommends approval of the attached Resolution

Alternatives:

Council could decline to adopt the attached Resolution; however, that would result in a loss of VHDA financing for Sunrise Cville LLC and would impede completion of the development within the Sunrise PUD (originally approved in 2009).

Attachment:

Proposed Resolution

RESOLUTION

WHEREAS, the City Council of the City of Charlottesville desires to make the determination required by Section 36-55.30:2(B) of the Code of Virginia, 1950, as amended, in order for the Virginia Housing Development Authority to finance the economically mixed housing development project proposed by Sunrise Cville LLC within the Sunrise Planned Unit Development in Charlottesville, Virginia (the “Project”),

NOW, THEREFORE, BE IT RESOLVED THAT the Charlottesville City Council hereby finds and determines that:

(1) The ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced if a portion of the units within the Project are occupied or held available for occupancy by persons and families who are not of low and moderate income; and

(2) Private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the surrounding area of the Project and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in the area.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 18, 2020
Action Required:	None/Informational
Presenter:	Garland W. Williams, Director, Charlottesville Area Transit
Staff Contacts:	Garland W. Williams, Director, Charlottesville Area Transit
Title:	Temporary Detour of the Free Trolley Route – Ridership Update

Background:

At the request of Midway Manor residents, City Council authorized Charlottesville Area Transit (CAT) to install a 90 day temporary detour to the free Trolley route. The temporary detour commenced Sunday, October 6, 2019. During this temporary period, CAT recorded the daily boardings and alightings.

Discussion:

The Trolley operates between downtown Charlottesville and the campus of the University of Virginia. (Refer to Appendix A for Map.) This route operates on a 15-minute frequency and is fare-free for all riders. The Trolley features the highest frequency and ridership of any route in the CAT system.

City Council authorized a temporary detour to allow CAT to measure the impact of the pattern change on ridership and operations. During the 90 day temporary detour, CAT required all Trolley operators to radio in boardings and alightings per trip. The chart below will highlight the change in ridership year-over-over.

Trolley Ridership - FY 2020													
FY20	Jul-19	Aug	Sep	Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun-20	
TOTAL	41,754	43,376	62,501	59,799	42,127	31,850	33,929	0	0	0	0	0	315,336
Trolley Ridership - FY 2019													
FY19	Jul-18	Aug	Sep	Oct	Nov	Dec	Jan-19	Feb	Mar	Apr	May	Jun-19	
TOTAL	43,154	43,675	59,699	60,351	48,338	40,669	51,281	157,556	59,197	69,919	40,146	32,398	706,383

Additionally, Appendix B will provide the daily boardings and alightings at Midway Manor.

It is important to note that the Trolley has experienced frequent delays due to parked vehicles and delivery trucks on South Street and 2nd Street SW.

Budgetary Impact:

There is no impact to the General Fund.

Recommendation:

Staff recommends that the temporary detour be removed on Saturday, May 16, 2020. This will allow time to explore additional ways to service Midway Manor that don't negatively impact ridership and provide time to advertise any adjustment to other routes.

Alternatives:

Council may choose not to remove temporary detour.

Attachments:

Appendix A – MAP

Appendix B – Daily On & Off counts at Midway Manor

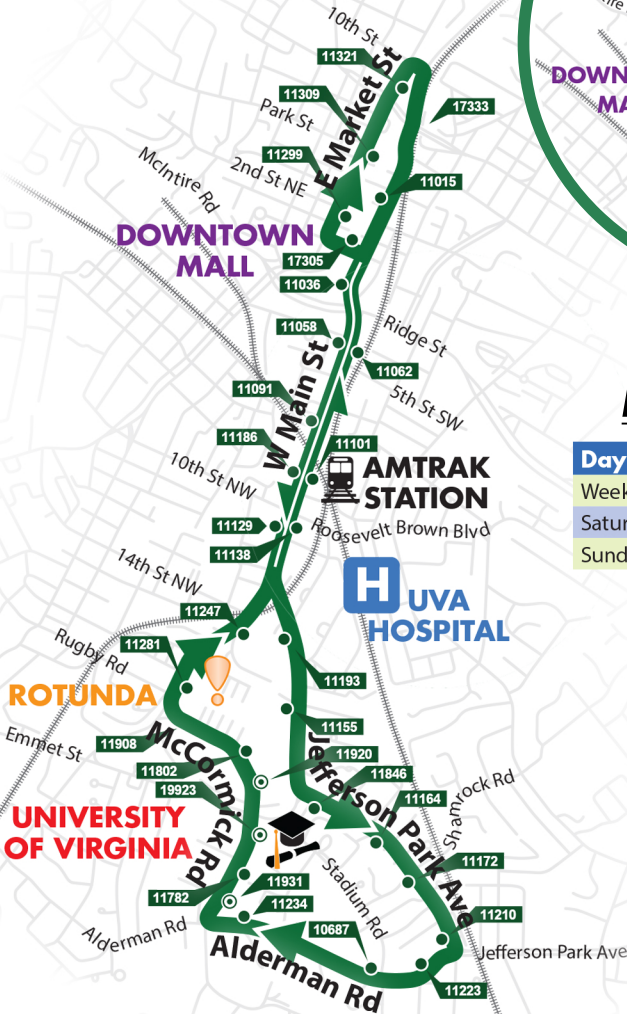
Appendix A

DETOUR



(Temp Stop) Midway Manor

Day	Avg. On	Avg. Off
Weekday	3	18
Saturday	1	20
Sunday	0	3



ROTUNDA

UNIVERSITY OF VIRGINIA

JVA HOSPITAL

AMTRAK STATION

DOWNTOWN MALL

DOWNTOWN MALL

APPENDIX B

TROLLEY DETOUR - MIDWAY MANOR

On and Off daily counts

# Day	DATE	Service Day	ON	OFF
1	10/6/2019	Sunday	0	0
2	10/7/2019	Monday	3	0
3	10/8/2019	Tuesday	1	10
4	10/9/2019	Wednesday	5	8
5	10/10/2019	Thursday	2	19
6	10/11/2019	Friday	7	33
7	10/12/2019	Saturday	1	21
8	10/13/2019	Sunday	0	0
9	10/14/2019	Monday	5	13
10	10/15/2019	Tuesday	3	20
11	10/16/2019	Wednesday	3	4
12	10/17/2019	Thursday	0	28
13	10/18/2019	Friday	1	45
14	10/19/2019	Saturday	2	11
15	10/20/2019	Sunday	0	5
16	10/21/2019	Monday	5	25
17	10/22/2019	Tuesday	2	45
18	10/23/2019	Wednesday	3	18
19	10/24/2019	Thursday	0	30
20	10/25/2019	Friday	6	26
21	10/26/2019	Saturday	1	27
22	10/27/2019	Sunday	0	0
23	10/28/2019	Monday	8	45
24	10/29/2019	Tuesday	6	54
25	10/30/2019	Wednesday	3	21
26	10/31/2019	Thursday	3	22
27	11/1/2019	Friday	10	36
28	11/2/2019	Saturday	0	42
29	11/3/2019	Sunday	0	0
30	11/4/2019	Monday	3	16
31	11/5/2019	Tuesday	4	16
32	11/6/2019	Wednesday	2	38
33	11/7/2019	Thursday	4	22
34	11/8/2019	Friday	2	27
35	11/9/2019	Saturday	1	14
36	11/10/2019	Sunday	0	2

37	11/11/2019	Monday	4	14
# Day	DATE	Service Day	ON	OFF
38	11/12/2019	Tuesday	6	26
39	11/13/2019	Wednesday	8	27
40	11/14/2019	Thursday	5	18
41	11/15/2019	Friday	4	48
42	11/16/2019	Saturday	2	39
43	11/17/2019	Sunday	0	4
44	11/18/2019	Monday	4	10
45	11/19/2019	Tuesday	5	21
46	11/20/2019	Wednesday	2	30
47	11/21/2019	Thursday	0	30
48	11/22/2019	Friday	3	46
49	11/23/2019	Saturday	0	14
50	11/24/2019	Sunday	0	4
51	11/25/2019	Monday	10	28
52	11/26/2019	Tuesday	2	37
53	11/27/2019	Wednesday	2	NO DATA
54	11/28/2019	Thursday	0	NO DATA
55	11/29/2019	Friday	3	29
56	11/30/2019	Saturday	0	19
57	12/1/2019	Sunday	0	NO DATA
58	12/2/2019	Monday	3	20
59	12/3/2019	Tuesday	1	23
60	12/4/2019	Wednesday	3	NO DATA
61	12/5/2019	Thursday	1	10
62	12/6/2019	Friday	5	NO DATA
63	12/7/2019	Saturday	3	7
64	12/8/2019	Sunday	0	8
65	12/9/2019	Monday	1	6
66	12/10/2019	Tuesday	1	NO DATA
67	12/11/2019	Wednesday	1	32
68	12/12/2019	Thursday	1	39
69	12/13/2019	Friday	1	10
70	12/14/2019	Saturday	0	5
71	12/15/2019	Sunday	0	NO DATA
72	12/16/2019	Monday	0	NO DATA
73	12/17/2019	Tuesday	1	0
74	12/18/2019	Wednesday	1	25
75	12/19/2019	Thursday	2	11
76	12/20/2019	Friday	1	NO DATA
77	12/21/2019	Saturday	0	NO DATA

78	12/22/2019	Sunday	1	NO DATA
# Day	DATE	Service Day	ON	OFF
79	12/23/2019	Monday	0	NO DATA
80	12/24/2019	Tuesday	3	NO DATA
81	12/25/2019	Wednesday	NO SERVICE	NO SERVICE
82	12/26/2019	Thursday	0	13
83	12/27/2019	Friday	8	NO DATA
84	12/28/2019	Saturday	7	NO DATA
85	12/29/2019	Sunday	0	NO DATA
86	12/30/2019	Monday	7	NO DATA
87	12/31/2019	Tuesday	0	5
88	1/1/2020	Wednesday	2	NO DATA
89	1/2/2020	Thursday	3	NO DATA
90	1/3/2020	Friday	7	NO DATA
91	1/4/2020	Saturday	1	NO DATA
92	1/5/2020	Sunday	1	NO DATA
93	1/6/2020	Monday	2	13
94	1/7/2020	Tuesday	1	26
95	1/8/2020	Wednesday	8	10
96	1/9/2020	Thursday	3	24
97	1/10/2020	Friday	4	15
98	1/11/2020	Saturday	1	11
99	1/12/2020	Sunday	1	NO DATA
100	1/13/2020	Monday	1	9
101	1/14/2020	Tuesday	3	8
102	1/15/2020	Wednesday	3	16
103	1/16/2020	Thursday	1	25
104	1/17/2020	Friday	3	NO DATA
105	1/18/2020	Saturday	2	53
106	1/19/2020	Sunday	0	7
107	1/20/2020	Monday	3	38
108	1/21/2020	Tuesday	1	25
109	1/22/2020	Wednesday	3	18

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REPORT PLACEHOLDER

The following reports are oral presentations for the February 18, 2020 Regular Meeting:

4. United Way presentation
5. Office of the City Assessor overview
6. Office of Human Rights/Human Rights Commission report