

CITY COUNCIL REGULAR MEETING
Monday, March 16, 2020
Council Chamber
6:30 p.m.

The Charlottesville City Council met in regular session on March 16, 2020, with the following members physically present: Mayor Nikuyah Walker, Ms. Heather Hill, and Mr. Lloyd Snook.

City Attorney John Blair certified per Section 2.2-3708.2 of the Virginia State Code that Vice Mayor Sena Magill was not physically present due to a medical condition, and wished to participate electronically. On motion by Ms. Hill, seconded by Mr. Snook, Council voted unanimously to allow electronic participation by Ms. Magill. Vice Mayor Magill stated that she was participating from her residence in the City of Charlottesville.

Ms. Walker called the meeting to order at 6:31 p.m. and acknowledged that Council would be deviating from normal meeting procedures in order to accommodate remote participation during public comment in an effort to comply with social distancing requirements surrounding the COVID-19 pandemic.

On motion by Mr. Snook, seconded by Ms. Hill, Council unanimously approved the meeting agenda.

ANNOUNCEMENTS:

Ms. Hill recognized the Commissioner of the Revenue office for the 2nd Annual Commissioners and Cans drive to support the Blue Ridge Area Food Bank, collecting enough food and funds to provide 266 meals.

Ms. Hill made an announcement regarding the closure of certain offices on the first floor of City Hall for walk-in services as a precaution for COVID-19 health concerns. She provided options for conducting business with those offices.

Ms. Hill advised that Council would not be appointing board and commission members, as Council works to manage the impending health crisis of COVID-19, and all meetings of City boards and commissions have been canceled until further notice.

Ms. Walker shared information about the new Support Cville website (www.supportcville.com), a one-stop community resource for those seeking information, support, or ways to help or donate resources during the Coronavirus/COVID-19 pandemic.

CONSENT AGENDA:

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

Transfer From:

\$3,500 Fund: 105 Cost Center: 3901005000 G/L Account: 599999

Transfer To

Revenue

\$3,500 Fund: 426 Project: P-00819 G/L Account: 498010

Expense

\$3,500 Fund: 426 Project: P-00819 G/L Account: 599999

d. RESOLUTION: Harris Street Apartments special use permit (2nd reading)

**RESOLUTION
APPROVING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT
1221, 1223 and 1225 HARRIS STREET**

WHEREAS, landowner Cville Business Park, LLC is the current owner ("Landowner") of certain land identified on 2019 City Tax Map 34 as Parcels 908, 90C, and 90.1 (City Parcel Identification Nos. 340090800, 340090C00, and 340090100, and current street addresses of 1221, 1223 and 1225, respectively) and having, collectively, an area of approximately 2.446 acres (106,547 square feet) (the "Subject Property"), and

WHEREAS, Landowner proposes to redevelop the Subject Property by constructing a mixed use building at a height of up to six (6) stories, containing retail space on the ground floor facing Allied Street, up to 105 residential dwelling units, and underground parking (the "Project"); and

WHEREAS, the Subject Property is located within the Industrial Corridor zoning district;

WHEREAS, the Project is described in more detail within the Applicant's application materials dated submitted in connection with SP19-00010 and a site plan exhibit dated December 16, 2019, as required by City Code §34-158 (collectively, the "Application Materials"); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on February 11, 2020; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the information provided by the Landowner within its Application Materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed Special Use Permit for the Project; and

WHEREAS, upon consideration of the Planning Commission's recommendation, the Staff Report, public comments received at the public hearing, as well as the factors set forth

within Sec. 34-157 of the City's Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, the Applicant voluntarily offered a condition at the City Council's March 2, 2020 meeting regarding affordable dwelling units as well as units reserved for housing choice voucher holders and that condition is incorporated into the Special Use Permit; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-457(b)(5)(a.), 34-458(b), and 34-480, a special use permit is hereby approved and granted to authorize one mixed use building, with a height of up to six (6) stories and containing up to 105 residential dwelling units, within the Subject Property, subject to the following conditions

1. The specific development being approved by this special use permit ("Project"), as described within the December 16, 2019 site plan exhibit submitted as part of the Application Materials, as required by City Code §34-158(a)(1), shall have the following minimum attributes/ characteristics:

- (1) Not more than one building shall be constructed on the Subject Property (the "Building"). The Building shall be a six-story Mixed Use Building, containing up to 105 residential dwelling units, ground floor commercial floor area, and underground parking.
- (2) The highest point of the Building, as defined within City Code §34-1100(a), shall not exceed an elevation of 520 feet above sea level. Exclusions from measurement of building height shall be those referenced within §34-1101(a).
- (3) The commercial space on the ground floor of the Building shall be designed, occupied and used for retail uses, facing Allied Street. The ground floor area to be used and occupied for retail uses shall be no less than that depicted in the December 16, 2019 site plan exhibit submitted as part of the Application Materials.
- (4) Underground parking shall be provided within a parking garage structure constructed underneath the Building.
- (5) The applicant shall provide a preliminary traffic study of the immediate area surrounding the building, as well as traffic impact on Allied Street, Harris Street and the intersection of Harris Street and McIntire Road. The scope of the traffic study shall be approved by the City Traffic Engineer prior to submission, and must be submitted to the City for review and comment prior to the approval of the final site plan for the project.

2. The Landowner shall provide three one-bedroom and two two-bedroom dwelling units located within the Building shall be affordable dwelling units as defined in Charlottesville City Code Section 34-12(c) for a period of ten years.

3. During the first two months for which the Building leases dwelling units, the Landowner shall reserve five units for lease by housing choice voucher holders.

e. RESOLUTION: Reallocation for asset management system - \$1,250,367

**RESOLUTION
Enterprise Land Management (ELM) and Enterprise Asset Management
(EAM) System Project Funding Resolution - \$1,250,367**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funding for the use of the procurement and installation of a new Enterprise Land Management (ELM) & Enterprise Asset Management (EAM) System is hereby transferred in the following manner:

Transfer From:

| | | | |
|-----------|-----------|-------------|---------------------|
| \$615,663 | Fund: 426 | WBS: SS-009 | G/L Account: 599999 |
| \$522,218 | Fund: 426 | WBS: CP-080 | G/L Account: 599999 |

Transfer To

| | | | |
|-------------|-----------|--------------|---------------------|
| \$1,137,881 | Fund: 426 | WBS: P-00946 | G/L Account: 599999 |
|-------------|-----------|--------------|---------------------|

BE FURTHER IT RESOLVED, that remaining funding (\$112,485.59) in the CIP account (P-00946) originally appropriated for the replacement of the NDS Permitting Software Replacement project will be reprogrammed and used for the procurement and installation of a new Enterprise Land Management (ELM) and Enterprise Asset Management (EAM) System.

BE FURTHER IT RESOLVED, this appropriation serves to appropriate the total project costs to implement the full system for use by NDS, Public Works and Parks and Recreation. Project costs relating to any changes in project scope or cost will require further approval from Council. Further, any implementation costs related to Utilities will be presented to Council for approval through a separate appropriation.

f. RESOLUTION: Landlord Risk Reduction Fund

**RESOLUTION
Modification of the Charlottesville Landlord Risk Reduction Fund (CLRRF)**

WHEREAS, on November 20, 2017 the Council of the City of Charlottesville approved the adoption of the Charlottesville Landlord Risk Reduction Fund program pursuant to Charlottesville City Charter section 50.7;

WHEREAS, City Council approved \$75,000 in funding from the Charlottesville Affordable Housing Fund to reduce private market landlord concerns regarding rental income loss due to property damage, preserve the number of rental units available in the City to low-

income households, and increase the number of City landlords willing to lease affordable rental units to low-income families;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the Charlottesville Landlord Risk Reduction Fund Program Modification is hereby approved.

g. RESOLUTION: Amendment to Charlottesville Supplemental Rental Assistance Program (CSRAP) Agreement

RESOLUTION
Approving the Second Amended Charlottesville Supplemental Rental Assistance Program (CSRAP) Agreement

WHEREAS, on June 19, 2017 the City of Charlottesville approved the creation of a City-funded Supplemental Rental Assistance Program (CSRAP), and on May 6, 2019 City Council approved an allocation of \$945,000 from previously-appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to be used for the CSRAP program, which will be administered by CRHA; and

WHEREAS, the terms and conditions under which the Charlottesville Redevelopment and Housing Authority (CRHA) will administer the CSRAP Program and set forth within a written agreement which has been reviewed by City Council this same date;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia, **THAT**:

1. The CSRAP program shall be administered by CRHA in accordance with the terms and conditions set forth within the Second Amended CSRAP grant agreement, which is hereby approved by this City Council; and
2. The City Manager is authorized to execute the Second Amended CSRAP grant agreement on behalf of the City of Charlottesville and the City Manager and City staff are authorized and directed to apply funding allocated to the CSRAP program in accordance with the terms set out within the CSRAP grant agreement.

h. RESOLUTION: Street name change (Levy/Garrett)

RESOLUTION

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the right of way currently designated as Levy Avenue, located between 9th/Avon Street and 6th Street SE in the Belmont neighborhood, shall hereinafter be officially named Garrett Street as recommended by staff.

i. RESOLUTION: Approval to apply for Safe Routes to Schools grant

**RESOLUTION
Supporting Safe Routes to School ("SRTS") Projects**

WHEREAS, obesity is one of the most serious threats to American public health, ranking third among preventable causes of death in the United States;

WHEREAS, motor vehicle crashes are also a leading cause of death and injury to children;

WHEREAS, between 1969 and 2009 the percentage of children walking and biking to school dramatically declined from 48 percent to 13 percent;

WHEREAS, the Safe Routes to School program, created by Congress in 2005, aimed to increase the number of children engaged in active transportation when traveling to school by funding (1) infrastructure projects, located within two miles of a public school, that directly increase safety and convenience for public school children walking and/or biking to school, and (2) non- infrastructure projects designed to encourage public school children to walk and bicycle to school;

WHEREAS, Safe Routes to School projects are a proven, effective approach to increasing the number of children actively traveling to school by foot or bike;

WHEREAS, Safe Routes to School projects provide important health, safety, and environmental benefits for children, including reducing risk of obesity/chronic disease and pedestrian/bicycle injuries as well as improving air quality;

WHEREAS, the need for Safe Routes to School projects is especially strong in low-income areas, which suffer from a disproportionately high incidence of both childhood obesity/chronic disease and pedestrian and bicycle injuries and often have inferior pedestrian and bicycle infrastructure;

WHEREAS, Safe Routes to School projects make it safer and more convenient for all residents to walk and bike to destinations, further promoting public health;

WHEREAS, a goal of the City of Charlottesville's current Comprehensive Plan, Bicycle and Pedestrian Master Plan, Complete Streets Resolution and Healthy Eating Active Living Resolution supports active transportation options, which can be met in part by implementation of Safe Routes to School projects;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville affirms its commitment to active transportation and supporting Safe Routes to School infrastructure and non-infrastructure projects.

j. RESOLUTION: Starr Hill Vision Plan Extension

**RESOLUTION
TO EXTEND NEW HILL DEVELOPMENT CORPORATION'S
PLANNING COMMISSION TIMEFRAME**

WHEREAS, on November 18, 2019, the Charlottesville City Council approved a Resolution directing the Charlottesville Planning Commission to conduct a public hearing within one hundred and twenty (120) days regarding the addition of New Hill Development Corporation's (hereinafter "New Hill") Starr Hill Small Area Plan to the Charlottesville Comprehensive Plan; and

WHEREAS, New Hill worked with the City of Charlottesville's Department of Neighborhood Development Services (hereinafter "NDS") in preparation for the Planning Commission public hearing; and

WHEREAS, the collaboration between New Hill and NDS resulted in a mutual decision to present a Starr Hill Vision Plan instead of a Starr Hill Small Area Plan to the Charlottesville Planning Commission; and

WHEREAS, this decision to present a vision plan rather than a small area plan will require a new time frame.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the Planning Commission shall conduct a public hearing on New Hill Development Corporation's proposed Starr Hill Vision Plan by August 31, 2020.

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

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote ADOPTED the Consent Agenda, removing item "d" for a separate vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote ADOPTED Consent Agenda item "d: RESOLUTION: Harris Street Apartments special use permit (2nd reading)": 3-2 (Ayes: Hill, Payne, Snook; Noes: Magill, Walker). Ms. Walker expressed concern that approving the special use permit without a commitment from the developer to assist in major areas of concern for housing, and the developer being able to use the acreage where the Habitat Restore sits to increase the number of units being built is problematic for her.

CITY MANAGER RESPONSE TO COMMUNITY MATTERS:

City Manager Tarron Richardson shared updates for the following items:

1. Regarding a concern about drainage issues at Oakwood Cemetery, staff inspected the area and found that the soggy ground was a groundwater issue as a result of a natural spring and not a drainage issue.
2. Regarding the concern from Mr. Gathers about parking permits in neighborhoods, Dr. Richardson advised that he would need to bring the topic for further discussion with Council at a later date during budget discussions about fees after the adoption of the annual budget.
3. Regarding providing updates to police personnel on Police Department construction, weekly updates are being provided; however, reports are about two weeks behind and will be back on track.

Dr. Richardson provided an update on the Novel Coronavirus (COVID-19) in the Thomas Jefferson Health District and advised that the City of Charlottesville would begin operations on March 17, 2020, with only essential personnel reporting to work. He encouraged the public to make use of all telephonic, online, and dropbox means to conduct business with the City of Charlottesville. He advised that person-to-person contact is discouraged, and he shared information about accessing essential services provided by Neighborhood Development Services.

COMMUNITY MATTERS

Ms. Walker opened public comment.

Mr. Richard Shackelford, Crescent Halls resident and Vice Chair of PHAR (Public Housing Association of Residents) spoke about public housing renovations and the displacement of residents.

Mr. John Hall spoke about a Second Chance Artisans and Farmers proposal for the City's Home to Hope program.

Ms. Elaina Mangione asked for immediate relief and forgiveness of Charlottesville meals tax for local restaurants and hospitality businesses, due to effects of COVID-19 on the community.

- Ms. Hill read a statement from the Commissioner of the Revenue regarding the remission of meals tax, and the intended use of meals tax, advising that the Commissioner of the Revenue Office has discretion for collection of certain penalties and interest.

Mr. Clifford Hall, Haven resident, spoke about mentorship.

Ms. Molly Conger, participating remotely, read a comment on behalf of Luis Oyola, who was having internet trouble. The comment asked about access to public assistance for immigrants during the COVID-19 pandemic.

Ms. Meredith Polson, homeowner on Brown Street, participating remotely, spoke about limited parking and flooding on Brown Street and the need to widen the street for safety reasons instead of adding signs for no parking.

Ms. Lindsey Daniels, City resident, participating remotely, spoke about meals tax forgiveness, and asked that Council order restaurants within a mile radius of a confirmed COVID-19 case to close so that they could apply for relief.

With no additional speakers, Ms. Walker closed public comment.

2. Public Hearing: Proposed Real Estate Tax Rate for FY2021

Mr. Blair explained that the last day for Council to legally adopt a budget is June 30, 2020, in order to have funds available for FY 2021.

Ms. Walker opened the public hearing.

Mr. Walt Heinecke, City resident, spoke in support of a real estate tax increase.

Mr. Jason Halbert spoke in support of keeping the tax rate steady.

Ms. Walker closed the public hearing.

Council and Mr. Blair asked budget staff for clarification of the deadline for setting the tax rate. Budget staff advised that they would follow up.

3. Public Hearing: City Manager's Proposed Budget for FY2021

Dr. Richardson made a brief presentation.

Council discussed options for remote meetings in order to continue the budget cycle, while also acknowledging that the budget process would need to be flexible, given recent circumstances of the COVID-19 pandemic.

Dr. Richardson shared that the City Budget could be found on the City website: www.charlottesville.org.

Ms. Walker opened the budget public hearing.

Mr. Jay James, Assistant Director of The Bridge Ministries, shared information about their program and asked for City support, advising that for each person served, the City saves money.

Ms. Walker recessed the meeting at 7:55 p.m. before beginning remote participation for the public hearing.

Ms. Walker reconvened the meeting at 8:11 p.m. and resumed the public hearing with remote participants.

Mr. Jason Halbert, participating remotely, spoke in support of an extended budget process. He spoke about budget transparency and considerations submitted by his neighborhood association and others. He also spoke about the need to address climate change in the budget.

Ms. Donna Shaunesy, City resident and Chair of the local Sierra Club, participating by phone, spoke about the need to address climate change in the budget.

Ms. Emily Little, City resident, participating by phone, spoke about the Coronavirus pandemic and the need for climate change preparedness with funding in the budget to strengthen the environmental sustainability of the city.

Mr. Peter Krebs, City resident, participating by webinar, encouraged residents to take care of themselves and each other during the Coronavirus pandemic. He also spoke in support of adding bicycle and pedestrian infrastructure funding in the budget.

Mr. Walt Heinecke, City resident, participating by webinar, spoke about budget expenditures related to the City's commitment to affordable housing. He also spoke about parking, asking that Council reconsider building a parking structure. He spoke about funds for Starr Hill.

Ms. Jennifer Phillips, spouse of a City Fire Department employee, spoke about the need to fund additional firefighter positions in the budget.

Ms. Lisa Torres, City resident, parent, and School Board member, spoke on behalf of the Charlottesville City Schools, requesting full funding of the City Schools budget request.

Ms. Tanesha Hudson spoke about the effects of COVID-19 on low income residents and requested considerations for supporting schools, healthcare and affordable housing.

Ms. Walker closed the public hearing.

Councilors shared additional thoughts about priorities of climate change and affordable housing. Mr. Snook shared the difficulty of adding new initiatives during the budget process.

OTHER BUSINESS

Mr. Blair gave a brief overview of additional resolutions and ordinances for Council to consider.

Council reviewed a resolution and two ordinances authorizing or excusing certain actions to be taken consistent with the City's emergency operations in connection with COVID-19.

On motion by On motion by Ms. Hill, seconded by Mr. Payne, Council by the following vote ADOPTED the resolution removing February 5, 2007 Special Use Permit conditions 1-3 to allow The Haven to modify operations during the COVID-19 declared emergency: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

**RESOLUTION
AUTHORIZING OR EXCUSING CERTAIN
ACTIONS TO BE TAKEN CONSISTENT WITH THE CITY'S EMERGENCY
OPERATIONS IN CONNECTION WITH COVID-19**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA THAT:

1. **Shelter operated by The Haven at 112 West Market Street**: The Haven operates a shelter care facility at 112 West Market Street, pursuant to a Special Use Permit granted on February 5, 2007. Effective upon the adoption of this Resolution, and continuing until the City Council discontinues the local state of emergency dated March 20, 2020, The Haven is hereby granted permission to operate without regard to Special Use Permit conditions 1-3:
 1. Operation of the shelter shall be limited to the hours of 7:00 a. m. to 7:00 p.m.;
 2. Overnight accommodations will not be provided;
 3. Except for related office and storage uses, the operation of the shelter is limited to the lower or basement level of the premises; and this Council hereby grants amnesty for any zoning violations that arise out of this permission.

On motion by On motion by Ms. Hill, seconded by Mr. Payne, Council by the following vote ADOPTED the ordinance extending the rent relief application and affidavit deadline for elderly and disabled individuals to submit applications pursuant to Charlottesville City Code Section 25-59: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

**ORDINANCE EXTENDING DEADLINE FOR ELDERLY AND DISABLED
INDIVIDUALS TO SUBMIT APPLICATIONS PURSUANT TO
CHARLOTTESVILLE CITY CODE SECTION 25-59.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA THAT:

2. **Rent Relief Application Deadline**: the deadline for elderly and disabled individuals to submit applications and affidavits to the City for the rent relief program is May 1, pursuant to City Code Chapter 25, Section 25-59. Notwithstanding the provisions of Sec. 25-59(a), the City's Commissioner of Revenue is hereby authorized to extend the deadline for filing applications and affidavits to June 1, 2020, and no medical doctor's statement shall be required to accompany any affidavit received for this year's rental relief applications.

Pursuant to Charlottesville City Code Section 2-97, this Ordinance was passed with the requisite four-fifths votes necessary to adopt an Ordinance on the date of its introduction.

On motion by On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote ADOPTED the ordinance extending mandatory review periods: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

ORDINANCE EXTENDING MANDATORY REVIEW PERIODS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, THAT

3. **Non-essential zoning application deadlines:** for so long as the declared local state of emergency dated March 12, 2020, remains in effect City Council hereby waives any mandatory review periods imposed by the Charlottesville City Code, as follows: City Council waives all mandatory review periods that are less than 60 days, and no application shall be “deemed approved” if staff or a City board or commission cannot meet a deadline of less than 60 days.

Pursuant to Charlottesville City Code Section 2-97, this Ordinance was passed with the requisite four-fifths votes necessary to adopt an Ordinance on the date of its introduction.

On motion by Mr. Snook, seconded by Magill, Council by the following vote APPROVED a resolution requesting Governor Northam to sign House Bill 66: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: None).

RESOLUTION REQUESTING GOVERNOR NORTHAM TO SIGN HB 66

WHEREAS, Virginia House Bill 66 prohibits health insurance companies from charging their customers more than fifty dollars for a thirty day supply of prescription insulin drugs; and

WHEREAS, the Virginia House of Delegates and the Senate of Virginia have each voted to adopt House Bill 66;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Charlottesville, Virginia, supports House Bill 66 and recommends that Governor Ralph S. Northam sign House Bill 66.

Mr. Payne asked staff to consider what the City could do to mitigate financial impacts to citizens during the COVID-19 emergency.

Mr. Snook reiterated the limited power of City Council during a declared emergency.

MATTERS BY THE PUBLIC

Ms. Walker opened the floor for public comment.

Ms. Marsha Geyer spoke about utility cut-offs addressed by the State. She spoke about climate change impacts on low-income residents.

The meeting adjourned at 9:23 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council