

CITY COUNCIL MEETING
August 3, 2020
Virtual/electronic Meeting

5:30 PM CLOSED MEETING

The Charlottesville City Council met on Monday, August 3, 2020, at 5:30 p.m. The meeting was called to order by Vice Mayor Magill at 5:33 p.m. with the following members present: Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne and Mr. Lloyd Snook. Mayor Walker gave advance notice of her absence.

On motion by Ms. Hill, seconded by Mr. Snook, Council voted 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none) to meet in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- as authorized by Virginia Code Section 2.2-3711(A)(8) for consultation with legal counsel from the Charlottesville City Attorney's Office regarding the Police Civilian Review Board, the City's bonding authority, and the acceptance of right-of-way into the City's street maintenance system; and

- as authorized by Virginia Code Section 2.2-3711(A)(1) to discuss and consider the appointment of members to the Charlottesville Planning Commission, the Charlottesville Police Civilian Review Board, and the Charlottesville Redevelopment and Housing Authority.

On motion by Ms. Hill, seconded by Snook, Council certified by the following vote: 4-0 (Ayes: Hill, Magill, Payne, Snook; 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 adjourned at 6:30 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met in regular session on August 3, 2020, with the following members present: Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook. Mayor Walker gave advance notice of her absence.

Ms. Magill called the meeting to order at 6:30 PM.

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

Council observed a moment of silence.

ANNOUNCEMENTS

Mr. Sonny Saxton from the regional Emergency Operations Center (EOC) and Mr. Ryan McKay, Senior Policy Analyst for Thomas Jefferson Health District presented the regional COVID scorecard.

BOARDS & COMMISSIONS

Ms. Hill announced that Council would be interviewing for several boards and commissions seats.

CONSENT AGENDA*

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

2. ORDINANCE: Amending Section 2-6 of Chapter 2 (Administration) of the Code of the City of Charlottesville, to add June 19 as an Official City Holiday (2nd reading)

AN ORDINANCE AMENDING SECTION 2-6 OF CHAPTER 2 (ADMINISTRATION) – Legal Holidays

3. ORDINANCE: Flint Hill Planned Unit Development (PUD): consideration of a rezoning application, critical slope waiver, and right-of-way realignment (2nd reading)

- a. Ordinance to amend and re-enact the Zoning Map for the City of Charlottesville, to reclassify certain property from R-1S to Planned Unit Development ("Flint Hill PUD")

ORDINANCE TO AMEND AND RE-ENACT THE ZONING MAP FOR THE CITY OF CHARLOTTESVILLE, TO RECLASSIFY CERTAIN PROPERTY FROM R-1S TO PLANNED UNIT DEVELOPMENT ("FLINT HILL PUD")

- b. An Ordinance closing, vacating and discontinuing portions of Flint Drive and Keene Court within the area of the proposed Flint Hill PUD

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING PORTIONS OF FLINT DRIVE AND KEENE COURT WITHIN THE AREA OF THE PROPOSED FLINT HILL PUD

- c. Resolution granting a Critical Slope Waiver for a development project described in Rezoning Application ZM20-00001 (“Flint Hill Planned Unit Development”)

RESOLUTION
GRANTING A CRITICAL SLOPE WAIVER FOR A DEVELOPMENT PROJECT
DESCRIBED IN REZONING APPLICATION ZM20 -00001
(“FLINT HILL PLANNED UNIT DEVELOPMENT”)

WHEREAS, Belmont Station, LLC (“Landowner”), by its member Charlie Armstrong, has filed three related applications (“Applications”): one seeking a rezoning (Application ZM18-00003) in order to change the zoning district classification for property identified on the City of Charlottesville’s 2019 Tax Map 20 as Parcels 200259310, 200259301, 200259290, 200259280, 200259270, 200259260, 200259370, 200259380, 200259350, 200259340, 200259330, 200259320, and a portion of Parcel 200196000 (collectively, the various parcels are referred to herein as the “Subject Property”); the second, a request for a critical slope waiver (Application P20-0008), to allow for the specific development project described in the rezoning application (“Project”); and the third (Application P20-0011), to request vacation of Keene Court and Flint Drive to accommodate the Project; and

WHEREAS, the purpose of the rezoning application is to allow construction of a specific planned residential development within the Subject Property, described and referred to within an Ordinance of City Council approving Application ZM20-00001, and this specific Project cannot be developed without City Council’s approval of the requested Critical Slopes Waiver; and

WHEREAS, on June 9, 2020, the Planning Commission considered the requested Critical Slope waiver and voted to recommend that the Critical Slopes Waiver be granted; and

WHEREAS, based on the representations, information, and materials included within the materials submitted by the Landowner with its various Applications, including its Application for a Critical Slopes Waiver; and upon consideration of the information and analysis set forth within the Staff Report(s), the factors set forth in City Code §34-1120(b), this City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d.)(i) that the benefits of allowing disturbance of critical slopes in connection with the Project outweigh the public benefits of the undisturbed slopes;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, **THAT** the request by the Landowner for a waiver of the critical slopes requirements (Application P20-0008) is **GRANTED** for and in connection with the above-

referenced Project, subject to the Landowner's compliance with the following conditions in its use and development of the Land for construction of the Project:

Critical Slope Waiver Conditions

1. The Applicant shall design SWM measures to provide as much water quality treatment on site as the Applicant deems practical given the constraints of the site, with a minimum of 75% of the required treatment occurring on site.
2. The Applicant shall provide chain link supported silt fence above critical slope areas for enhanced protection of slopes during construction.
3. In the onsite biofilter the Applicant shall provide an additional one foot depth of gravel sump across the bottom of the biofilter, above and beyond what is required in standard design, to provide the opportunity for additional stormwater storage and potential for additional infiltration and groundwater recharge.

4. APPROPRIATION: Virginia Housing Solutions Program Supplemental COVID-19 Grant Award - \$243,276 (2nd reading)

APPROPRIATION

Virginia Homeless Solutions Program Grant - \$243,276

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the V. H. S. P. Grant from the Virginia Department of Housing and Community Development in the amount of \$243,276.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$243,276 is hereby appropriated in the following manner:

Revenues

\$243,276 Fund: 209 IO: 1900352 G/L: 430127 State COVID

Expenditures

\$243,276 Fund: 209 IO: 1900352 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$243,276 in funds from the Virginia Department of Housing and Community Development.

5. APPROPRIATION: Emergency Food and Shelter Program-CARES Act funding - \$7,099 (2nd reading)

**APPROPRIATION
Emergency Food and Shelter Program \$7,099**

WHEREAS, the Charlottesville Department of Human Services has receives \$7,099 from the Emergency Food and Shelter Program - C.A.R.E.S. Act funding,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$7,099 is hereby appropriated in the following manner:

Revenues

\$7,099 Fund: 210 IO: 1900367 G/L: 451022 Other Grant Funding

Expenditures

\$7,099 Fund: 210 IO: 1900367 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$7,099 from the Emergency Food and Shelter Program – C.A.R.E.S. Act funding.

6. APPROPRIATION: Open Society Foundation Emma Lazarus Campaign on Cities Grant - \$250,000 (2nd reading)

**APPROPRIATION
Open Society Foundation Emma Lazarus Campaign on Cities Grant Award - \$250,000**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the Emma Lazarus Campaign on Cities grant award from the Open Society Foundation in the amount of \$250,000,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$250,000 is hereby appropriated in the following manner:

Revenues

\$250,000 Fund: 210 IO: 1900359 G/L: 451022 Other Grant Funding

Expenditures

\$250,000 Fund: 210 IO: 1900359 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$250,000 in funds from the Open Society Foundation Emma Lazarus Campaign on Cities.

7. APPROPRIATION: Safe Routes to School Non-Infrastructure Grant Award - \$95,000 (carried)

8. APPROPRIATION: Community Development Block Grant Coronavirus (CDBG-CV) Funding, FY 20-21 - \$246,699 (carried)

9. APPROPRIATION: Office of the Registrar CARES funding for 2020 Presidential election - \$64,229 (carried)

10. APPROPRIATION: BAMA Works Grant for Supporting Aspirations - Improving Resiliency for Vulnerable Families - \$6,000 (carried)

11. RESOLUTION: Emergency Communications Center request to retain funds - \$463,074

RESOLUTION

Authorization of Retention of Fund Balance in Excess of 25% for Charlottesville-UVA-Albemarle County Emergency Communications Center - \$463,074

WHEREAS, the City of Charlottesville, Virginia, entered into an agreement on January 20, 1984, between the County of Albemarle, City of Charlottesville, and University of Virginia, to develop the joint Emergency Communications Center (ECC); and

WHEREAS, an addendum to that agreement in January 2013, focused on operational, capital, and 800 MHz funding support, stipulated the ECC may retain an additional year-end fund balance that exceeds 25% of the Center's total annual operating budget for alternative purposes, subject to the approval of the Participants;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$463,074 be retained by the Charlottesville-UVA-Albemarle County Emergency Communications Center to be used for the purposes approved by the ECC Management Board.

12. RESOLUTION: Honorary street naming request - Black Lives Matter Avenue

On motion by Ms. Magill, seconded by Ms. Hill, Council by unanimous vote moved this item to the end of the meeting for discussion.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED the Consent Agenda, pulling Item #12 for later discussion: 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

City Manager Tarron Richardson addressed questions from the July 20, 2020 City Council meeting.

- Regarding removal of applicants with military training experience from the pool of candidates, he advised that the Code of Virginia Section 15.2-1509, honorably discharged veterans are given preference in consideration for local government hiring.
- Regarding support for the Frontline Workers Fair Treatment Charter, he advised of City efforts in each area, with the exception of the open hiring practice, which could potentially lead to EEOC violations. Dr. Richardson answered Council asked questions.

COMMUNITY MATTERS

Reverend Ralph Brown, City resident, spoke about the proposed street name change at cross-streets Rosser Avenue and Grady Avenue, named after Confederate generals. He shared a quote from Grady which expressed support for white supremacy. Mr. Brown requested renaming the streets after his father, the late C H Brown, who built homes in the same area and over 150 homes in the Charlottesville area.

Ms. Jean Gratz, City resident, spoke about the speed limit in the city, particularly related to the 35 miles per hour exception on Cherry Avenue. She requested that all two lane undivided streets have a 25 miles per hour limit with no exceptions.

Mr. Bret Lansdell, from Ashburn, Virginia, spoke in opposition to any further local gun control legislation and in support of the rights of concealed carry permit holders.

Mr. Philip van Cleave, President of the Virginia Citizens Defense League, spoke in opposition to a local gun control ordinance.

Ms. Nancy Carpenter, City resident, spoke as an individual about frustration with a perceived lack of support from City Council for the Police Civilian Review Board (PCRB).

Mr. Liam Spiers, City resident, spoke in opposition to a local firearms ordinance presented at the July 20, 2020, City Council meeting.

Mr. Don Gathers, City resident, asked Council to pass a local firearms ordinance for City buildings. He spoke about his original request to designate an honorary street name of Black Lives Matter Boulevard and shared the symbolism of the location request.

Ms. Elizabeth Stark with the Charlottesville DSA and the People's Coalition, and local resident, spoke about upcoming City evictions and the need for City Council to enact legislation to halt evictions. She also spoke about Council support for the PCRB.

Ms. Dorenda Johnson, City resident, spoke as an individual about frustration with a

perceived lack of support from City Council for the PCRB.

Mr. Harold Folley, City resident, representing The People's Coalition, spoke about frustration with a perceived lack of support from City Council for the PCRB.

Ms. Gloria Beard, City resident, member of The People's Coalition and the initial PCRB, spoke about the desire of the initial board to meet with the current board. She spoke about crosswalk lights that need to be re-timed to allow more time for pedestrians to cross: 10th and Main Street intersection, and Preston Avenue near Washington Park.

Ms. Sarah Burke, City resident, spoke as a member of the initial PCRB, and echoed comments from Ms. Nancy Carpenter and Ms. Dorenda Johnson.

Mr. Walt Heinecke, City resident, spoke about frustration with a perceived lack of support from City Council for the PCRB.

Ms. Tanesha Hudson spoke about frustration with a perceived lack of support from City Council for the PCRB.

Ms. Katrina Turner spoke as a member of the initial PCRB, about frustration with City Council support for the Board. She requested that the PCRB be given more time for conducting their regular meetings.

Ms. Ang Conn advised of her concern about the Listening Session on Policing in Charlottesville being held on August 4, and that the PCRB was not invited to participate.

Ms. Magill shared information about the Listening Session on Policing in Charlottesville being held on August 4, advising that the session is a starting point for City Council to hear from more of the public. Ms. Hill and Mr. Snook added context, acknowledging the nationwide concerns with policing, the opportunity for public comment, and the impetus to hear more about the requests for defunding police. Mr. Payne provided a response regarding comments made about Council support for the PCRB, and a need to re-examine bylaws passed by the previous Council.

Vice Mayor Magill recessed the meeting at 8:17 p.m. and reconvened at 8:32 p.m.

ACTION ITEMS

ORDINANCE: Rezoning property at 909 Landonia Circle from B-1 (Business / Commercial) to B-2 (Business / Commercial) (carried)

City Planner Joey Winter introduced the request with recommendation of approval from staff and the Planning Commission, advising that staff received no public comment in favor or against the proposed project, and that the applicant provided a proffer statement.

Councilors discussed other possible by-right uses should the zoning be changed, given the size of the parcels.

The applicant, Mr. Gordon Sutton, shared that other uses would be unrealistic. Mr. Aaron Revere, with the applicant, shared further information about next steps in anticipation of

approval of the car wash which has operated for over three decades. The applicant offered to amend the proffer table to add an additional use of hotels/motels to not be allowed upon rezoning.

Council unanimously agreed to move the item to the first meeting in September for public hearing.

PUBLIC HEARING/APPROPRIATION: Belmont Bridge Replacement Project – \$15,263,257.41 (carried)

Jeanette Janiczek, Urban Construction Initiative (UCI) Program Manager, introduced the request. This item was advertised in the Daily Progress as a public hearing as the amount exceeds one percent of the City's General Fund budget.

Ms. Hill asked about the project timeline. Ms. Janiczek advised that on-site activity could start in early 2021.

Ms. Magill opened the floor for a public hearing. The following people spoke:

- Mr. Shaun Tubbs commented that he did not know that this was a public hearing. Mr. Blair advised that the public hearing was advertised in the Daily Progress.
- Mr. Brandon Collins, City resident, encouraged the City to be aggressive in promoting the types of jobs that Charlottesville low income residents could get for this project, in coordination with the Charlottesville Redevelopment and Housing Authority.

Ms. Janiczek advised of restrictions around hiring, and the efforts made to reach out to local programs based on the type of funding received.

Council unanimously agreed to move the item forward to the August 17 consent agenda.

GENERAL BUSINESS

REPORT: JAUNT initiatives update from Brad Sheffield (oral presentation)

Mr. Brad Sheffield shared an overview of the JAUNT OnDemand transportation program, a more flexible solution to serving ridership needs.

DISCUSSION: Honorary street naming request - Black Lives Matter Avenue

Council pulled this item from the Consent Agenda as a result of feedback received earlier in the day from a requestor who were not satisfied with the compromise for Black Lives Matter Avenue, and the multitude of requests for honorary street designations received in a short amount of time. Council advised that a more comprehensive approach would be needed for the Honorary Street Designation process. Council discussed possible revisions to the current Honorary Street Name Designation process. Ms. Hill advised that she would not be comfortable

making a recommendation at this time.

After further discussion about logistics and elevating local history, on motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote adopted a motion to set a deadline of August 31 for receiving all honorary street naming requests for calendar year 2020, suspending the current policy: 4-0 (Ayes: Hill, Magill, Payne, Snook; Noes: none).

OTHER BUSINESS

There were no other business items to consider.

MATTERS BY THE PUBLIC

Mr. Don Gathers advised that the opportunity to speak on this item was not allowed once the item was removed from the consent agenda. Council advised that there was time during Community Matters, at which time Mr. Gathers did speak. He advised that the suggested location was not in line with his request.

Ms. Tanesha Hudson spoke about equity in the Honorary Street Designation system.

Reverend Ralph Brown asked for clarification on the process for submittal of Honorary Street Name Designations.

The meeting adjourned at 9:46 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council