

## **CHARLOTTESVILLE CITY COUNCIL MEETING**

**July 18, 2022 at 4:00 PM**

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

**Virtual/electronic: Zoom**

The Charlottesville City Council met in an electronic meeting on Monday, July 18, 2022, in accordance with a local ordinance amended and re-enacted on March 7, 2022, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Sena Magill, Michael Payne, Brian Pinkston, and Mayor Lloyd Snook. Vice Mayor Juandiego Wade gave prior notice of his absence due to international travel and lack of access to electronic communication.

On motion by Magill, seconded by Pinkston, Council voted unanimously to amend the agenda to move the resolution “Reconstituting the Charlottesville Planning Commission to Achieve Staggered Terms” from the Consent Agenda and the Boards and Commissions appointments to the end of the Action Items for discussion.

### **REPORTS**

#### **1. Discussion: Presentation of American Rescue Plan Recommendations**

Interim City Manager Michael C. Rogers summarized the City’s previously received and appropriated American Rescue Plan funds. With a balance of funds remaining, Mr. Rogers proposed allocations for 2022- 2023 to support economic development, internal infrastructure, public safety, and human service programs.

Deputy City Managers Ashley Marshall and Sam Sanders, Economic Development Director Chris Engel and Finance Director Chris Cullinan provided additional information to answer Council questions.

Mr. Rogers stated that the updated report will be presented to Council for consideration on August 1, 2022.

#### **CLOSED SESSION (Boards and Commissions; legal consultation)**

On motion by Pinkston, seconded by Magill, Council voted 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), (A)(7) and (A)(8), for consideration of future appointments by Council to the City’s planning commission and other boards and commissions, and legal consultation regarding compliance with requirements of Va. Code 15.2-2212 and City council ordinances and resolutions; and consultation and briefing by legal counsel regarding litigation (Charlottesville Circuit Court Case No. CL21-116) because consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City, and for legal advice on that litigation.

On motion by Pinkston, seconded by Magill, Council certified by the following vote: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade), that to the best of each

Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

## **BUSINESS SESSION**

Having established a quorum, City Council began the business meeting with a moment of silence.

## **ANNOUNCEMENTS**

Councilor Payne announced the 14th annual Summer Think Shop by Mr. Alex-Zan with this year's theme "Ridin' with YOGO".

## **RECOGNITIONS/PROCLAMATIONS**

- **PROCLAMATION: Parks and Recreation Month**

Mayor Snook proclaimed July as Parks and Recreation Month. Victor Garber, Parks and Recreation Deputy Director accepted the proclamation with remarks.

## **BOARD/COMMISSION APPOINTMENTS**

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the following Boards and Commissions appointment: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: None; Absent: Wade).

- Community Policy and Management Team (CPMT) - Andre Key

## **CONSENT AGENDA\***

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

2. MINUTES: April 18 Council meeting, May 2 Council meeting, May 16 Council meeting, May 24 special meeting, June 6 Council meeting
3. RESOLUTION: Establishing a pool of funds in the amount of \$50,000, to be used for payment of refunds to licensed City businesses engaged in the same business activity as that considered by the Virginia Supreme Court on June 9, 2022 in Record Number 210414 (2nd reading)

## **RESOLUTION**

**Establishing a pool of funds in the amount of \$50,000, to be used for payment of refunds to licensed businesses engaged in the same business activity as that considered by the Virginia Supreme Court on June 9, 2022 in Record Number 210414**

**WHEREAS**, the Supreme Court of Virginia has determined that City's Business License Ordinance Classification of "any other repair, personal or business service not specifically included in any other subclassification under this section" does not apply to a specific business activity engaged in by one particular business entity located within the City; and

**WHEREAS**, the Supreme Court of Virginia determined that the City's current Business License Ordinance does not contain a suitable alternative license category for the specific business activity in question; and

**WHEREAS**, on the basis of the Supreme Court's ruling, the Commissioner of the Revenue has determined that a specific business entity conducting business in Charlottesville paid 2015, 2016, 2017, and 2018 Business License Tax to the City of Charlottesville in error, and that the Commissioner is required to correct the assessment pursuant to Virginia Code §58.1-3980; and

**WHEREAS**, the business entity that prevailed in the Court proceedings has requested a refund of the amount paid in error; and

**WHEREAS**, the Commissioner of the Revenue has certified that a refund of taxes paid is due to that entity in the amount of \$3,304.21; and

**WHEREAS**, other similar entities may come forward requesting refunds on the basis of the Court's ruling, some of which will exceed \$2,500; 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 for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$3,304.21 to the entity that was the subject of the Supreme Court decision rendered June 9, 2022 (Record Number 210414); and

**BE IT FURTHER RESOLVED** that City Council hereby approves and directs refunds to be issued to other business entities located in the City, who are determined by the Commissioner of Revenue, with the concurrence of the City Attorney to be, or to have been, engaged in the same business activity as that considered by the Supreme Court in Record Number 210414, without presenting each such matter to City Council, so long as, collectively, the additional refunds do not exceed \$46,695.79. When approved in this manner, the Treasurer shall be authorized to issue any additional refund(s) corrected by the Commissioner of Revenue, with the concurrence of the City Attorney, contemplated by this Resolution. The pool of funds authorized by this resolution shall come from GL# 410150 (business license tax revenue) or from GL# 1631001000 (Citywide reserve) as necessary.

4. RESOLUTION: Authorizing a refund of \$8,132.19 to a taxpaying entity or business, for business license tax paid in error for 2022 (carried)
5. RESOLUTION: Approving Settlement of Disputed Real Estate Assessment (Omni Hotel) (carried)
6. RESOLUTION: COVID Homelessness Emergency Response Program-Community Development Block Grant Amendment - \$250,816 (carried)
7. RESOLUTION: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$250,000 (carried)

8. RESOLUTION: State Criminal Alien Assistance Program (SCAAP) Grant for 15PBJA-20-RR-00381- SCAA for \$4,748 (carried)

Mayor Snook opened the floor for public comment on the Consent Agenda. There were no speakers.

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

### **CITY MANAGER REPORT**

Interim City Manager Michael Rogers reviewed an extensive written City Manager report. He reported that:

- the Crescent Hall bus stop would not be moved;
- he will present the proposed Collective Bargaining Ordinance at 4:00 p.m. on August 15;
- he has selected labor relations consultant Venable LLP from Washington, DC; and
- the firm PoliHire from Washington DC was selected to help with the police chief hiring process.

Deputy City Manager Ashley Marshall announced the following personnel hires: Steve Hawkes, Director of Information Technology; Caroline Rice, Public Engagement Coordinator in the Office of Communications; and Kyle Erving, Public Safety Information Officer in the Office of Communications. She announced that:

- the Office of Equity and inclusion along with the Office of Human Rights will host the second virtual Groundwater session led by the Equity Institute on Aug 25;
- the Department of Social Services is accepting applications for cooling assistance; and
- Social Services, Home to Hope and the Downtown Jobs Center are participating in the weekly one-stop community events to support formerly incarcerated citizens as they return to the community.

Deputy City Manager Sam Sanders announced the following personnel hires and promotions: Michael Thomas, Deputy Chief of Community Risk Reduction in the Fire Department; Jonathan Dean, Public Service Manager in Public Works; and Tim Morris, Deputy Director of Utilities. He also presented an overview on Safe Routes to Schools efforts to address a reduction in school transportation available for students and an increase in students walking to school. The presentation addressed the following areas:

- A focus on the driver shortage at Charlottesville Area Transit
- Collaborating with Albemarle County Public Schools on efficiencies
- Engaging JAUNT for driver sharing possibilities
- Continues revision of the internal approach to transportation planning and project execution
- Adding capacity to better spend currently stalled or slow spending Capital Improvement Plan allocations to deliver on existing plans.

## COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Kirk Bowers, Albemarle County resident, member of the Piedmont Group of the Sierra Club, spoke about an event for International Day of Democracy. He asked for September 15 to be proclaimed as Democracy Day. Mayor Snook informed him to send the request to [council@charlottesville.gov](mailto:council@charlottesville.gov) for consideration.
2. Matthew Ray, Charlottesville Area Transit (CAT) operator, spoke in support of a strong collective bargaining ordinance. He also requested Union access to City facilities at CAT.
3. Mary Pettis, CAT retiree, spoke in support of a collective bargaining ordinance for CAT staff, drivers and school bus drivers.
4. Daniel Summers, CAT employee, spoke in support of a collective bargaining ordinance.
5. Matthew Gillikin, Livable Cville and city resident, spoke in support of Safe Routes to Schools efforts and encouraged outsourcing some of the work to outside agencies willing to help. He spoke about shifting city funds designated for downtown parking to address affordable housing.
6. Carole Thorpe, Albemarle County, asked about security planning for the 5th anniversary of the Unite the Right rally violence.
7. Shelby Edwards, PHAR (Public Housing Association of Residents) Executive Director and city resident, announced Westhaven Community Day on August 6. She thanked the city for not moving Crescent Halls bus stop and she stated that Midway Manor residents are having trouble getting responses from their management company.
8. John Ertl, ATU (Amalgamated Transit Union), spoke in support of a collective bargaining ordinance for transit and requested consideration for the use of city facilities for union meetings.
9. Katrina Turner, city resident, spoke about a city employee who attended the January 6 insurrection at the U.S. Capitol, and about her comments from the previous Council meeting. She asked about investigations into police officers who took leave January 4-6, 2021. She asked about Unity Days.
10. Todd Divers, Commissioner of the Revenue, announced that the CHAP (Charlottesville Homeowner Assistance Program) is up and running with an application deadline of September 1. He advised applicants to call 434-970-3160.
11. Tanesha Hudson spoke about the hiring of police officers from other areas for weekend work. She spoke about response time to emails, about the need to have Unity Days and about the need for equitable treatment of pay increases.
12. Chris Meyer, city resident, expressed thanks for the written City Manager Report. He commented on several observations from the report including decarbonization and Safe Routes to Schools, requesting enforcement in school zones.
13. Lakeshia Washington, city resident and Habitat for Humanity employee, spoke about the vacant positions in the city that affect services for families working toward homeownership, such as the permit programs.

14. Joy Johnson, city resident, expressed disappointment in the lack of Unity Days events. She spoke about a CAT/JAUNT program requiring that applications be physically brought to CAT instead of electronic submission. She also stated that Council needs to define "Affordable" in talking about affordable housing.
15. Nancy Carpenter, city resident, spoke in agreement with housing needs expressed by other speakers. She spoke about the need for seed money for a low barrier shelter.
16. John Sales, Charlottesville Redevelopment and Housing Authority Executive Director stated that Council should listen to the Office of Community Solutions regarding housing affordability. He stated that income limits recently changed, and that housing has become less affordable. He asked Council to consider what types of housing they are incentivizing.

Mayor Snook addressed comments directed to him about Unity Days.

## **ACTION ITEMS**

### **9. PUBLIC HEARING/ORDINANCE: Plastic Bag Tax (carried; public hearing to be advertised for the 2nd reading, prior to vote)**

Deputy City Manager Sanders presented the proposed plastic bag tax ordinance, program and implementation. During the 2020 General Assembly session, Virginia localities received enabling authority to impose a disposable plastic bag tax within their jurisdictional limits. The City of Charlottesville continues to be keenly concerned about the equity impact of such a tax. The legislation allows localities to impose a five cent (\$.05) per bag tax on disposable plastic bags provided by certain retailers.

Recommendations from organizations advocating for this tax focus on the potential benefit of creating a local source of funding dedicated to environmental cleanup and litter/ pollution mitigation. Specifically, the argument that pollution and litter disproportionately impact low wealth communities. Further, the ability to provide funding for reusable bags and environmental education efforts are intended to mitigate the cost burden from such a tax.

The enabling legislation does include stipulations on the use of the associated revenues. Revenues from this tax must be used for programs supporting the following: 1) environmental cleanup; 2) litter and pollution mitigation; 3) environmental education efforts; and/or 4) to provide reusable bags to SNAP or WIC benefit recipients.

With approval, the city hopes to implement the program January 1, 2023. Council agreed to have the public hearing, second reading and vote at the August 1 Council meeting.

### **10. ORDINANCE: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (2nd reading)**

City Attorney Lisa Robertson summarized the item, which was originally scheduled for the June 21 City Council meeting but was correct for presentation at this meeting.

Councilor Magill stated that she will not vote in favor of vacating easements until a comprehensive and fair approach is developed to allow all property owners to access the

easements beside their properties, including paper streets and alleys.

On motion by Pinkston, seconded by Magill, Council by the following vote DEFERRED the item to August 15 to allow Vice Mayor Wade to give input and for councilors to decide how they want to vote: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

**11. RESOLUTION: 1000 Monticello Road, Special Use Permit for additional residential density (1 reading)**

Brian Haluska, Principal Planner, presented the Special Use Permit (SUP) request.

Kelsey Schlein representing the applicant Shimp Engineering, PC, and Kevin Schafer, designer, answered Council questions regarding rent affordability compared to fair market rate.

Mr. Payne noted for the record that if lease terminations and evictions happen at this site, there will be a net loss of affordable housing.

The applicant asked to defer the SUP until Council can vote with an odd number of participants.

On motion by Pinkston, seconded by Magill, Council by the following vote DEFERRED the item to August 15 to allow Vice Mayor Wade to give input and vote: 3-1 (Ayes: Magill, Pinkston, Snook; Noes: Payne; Absent: Wade).

**12. RESOLUTION: 923 Harris Street, Special Use Permit for increased residential density**

Brian Haluska presented the Special Use Permit request. He stated that three of the four conditions were presented to the Planning Commission. He provided an update to Condition 4, stating that "building" should be replaced with "landscaping plan".

Several councilors expressed concern about losing business industrial space.

On motion by Payne, seconded by Pinkston, Council by the following vote APPROVED the resolution: 3-1 (Ayes: Magill, Payne, Pinkston; Noes: Snook; Absent: Wade).

**RESOLUTION**

**Granting a Special Use Permit for Property Located at 923 Harris Street  
(City Tax Map 35, Parcel 112)**

**WHEREAS** 923 Harris Street, LLC ("Landowner") is the owner of certain land identified on Tax Map 35 as Parcel 112, currently addressed as "923 Harris Street" (the "Property"), and the Landowner, through its authorized representative, is requesting a Special Use Permit for increased residential density (the "Project"); and

**WHEREAS** the Applicant seeks a Special Use Permit under City Code Secs. 34-458 and 34-480 to increase residential density up to 62 DUA; and

**WHEREAS** the Property is located within the Industrial Corridor zoning district, a district in which, according to the Use Matrix set forth within City Code Secs. 34-458 and

34-480 increased density up to 64 DUA may be authorized by City Council by means of a special use permit; and

**WHEREAS** the Project is described in more detail within the Landowner’s application materials submitted in connection with SP22-00004, 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 June 14, 2022; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their June 14, 2022 meeting; and

**WHEREAS** upon consideration of the Planning Commission’s recommendation, the City Staff Report, 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 regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

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

- (1) Up to 62 dwelling units per acre (DUA) are permitted on the Property,
- (2) The height of the building within the Project shall not exceed fifty (50) feet, consisting of four floors above one floor of structured parking.
- (3) The required parking for the Project shall be reduced by one space, for a total requirement of seven (7) on-site spaces for the Project depicted within the Application Materials, subject to any further reductions as the Project may be eligible for by provisions within the City Code.
- (4) The building constructed within the Project shall be substantially similar to the landscaping plan within the exhibits submitted with the Application Materials referenced above within this Resolution.

**13. RESOLUTION: Appropriation to Transfer Funds from the Council Strategic Initiatives Account to the Office of Equity and Inclusion - \$197,181**

Krisy Hammill, Director of Budget presented the request and summarized the origin of the funding decision. Responding to Councilor Magill, Deputy City Manager Marshall stated that some of the funding will be used for professional development and education as well as funding equity programs for the public.

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



**RESOLUTION**  
**Appropriating the Amount of d from the Council Strategic Initiatives Fund  
to the Office of Equity and Inclusion**

**WHEREAS**, The Charlottesville City Council, designated funding from the Council Strategic Initiative Fund monies to be used to begin organizational equity work amount of \$197,181.00;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$197,181.00 is hereby appropriated in the following manner:

**Transfer from:**

\$197,181.00                      Fund: 105                      Cost Center: 1011001000                      G/L: 599999

**Transfer to:**

\$197,181.00                      Fund: 105                      Cost Center: 1671001000                      G/L: 599999

**14. RESOLUTION: Reconstituting the Charlottesville Planning Commission to Achieve Staggered Terms**

This item was moved from the Consent Agenda to be discussed as an Action Item. City Attorney Lisa Robertson stated that by State law, Planning Commission positions are to be staggered; however, for various reasons related to the appointment schedule through the years, five positions are set to expire at the same time in 2022; therefore, the seats must be re-staggered.

On motion by Magill, seconded by Pinkston, Council by the following vote APPROVED the reconstitution of the Planning Commission, appointing individuals as specified in the adopted resolution: 4-0 (Ayes: Magill, Payne, Pinkston, Snook; Noes: none; Absent: Wade).

**RESOLUTION**  
**Reconstituting the Charlottesville Planning Commission and appointing or  
reappointing its members for staggered terms**

**WHEREAS** Section 15.2-2212 of the Code of Virginia (1950), as amended, (“Va. Code”) requires local planning commissions to be constituted in accordance with certain specifications, including certain categories of membership (including a requirement that at least half of the membership must be owners of real property); and

**WHEREAS** pursuant to City Code §2-237 of the City Code, the Charlottesville Planning Commission consists of seven members; however, the intervals for staggering of the terms of the seven commissioners no longer comply with statutory requirements, which specify terms staggered at one-year intervals, divided equally or as nearly equal as possible between the membership;

**WHEREAS** pursuant to the Three-Party Agreement executed among the City, the University of Virginia (UVA), and Albemarle County in 1986, the City agreed to include a representative of UVA as a non-voting member of the planning commission; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville that the Charlottesville Planning Commission is hereby reconstituted and its membership re-appointed, and three individuals are hereby appointed to “Interim Terms” to allow for the terms of the planning commission members to be staggered in the manner required by Virginia Code §15.2-2212, as follows:

Seat 1.	Interim Term (ending August 31, 2023)	Appointee: Hosea Mitchell
Seat 2.	Regular Term (ending August 31, 2023)	Appointee: Rory Stolzenberg
Seat 3.	Regular Term (ending August 31, 2024)	Lyle Solla-Yates –reappointed
Seat 4.	Interim Term (ending August 31, 2024)	Liz Russell – reappointed
Seat 5.	Interim Term (ending August 31, 2025)	Appointee: Karim Habbab
Seat 6.	Regular Term (ending August 31, 2026)	Appointee: Carl Schwarz
Seat 7.	Regular Term (ending August 31, 2026)	Appointee: Phil D’Oronzio
Seat 8.	UVA <i>ex officio</i> , per 1986 3-Party Agreement (not appointed by Council)	

## **GENERAL BUSINESS**

**15. REPORT:** Youth Council Report (written only)

**16. REPORT:** Rivanna Authorities Quarterly Report (written only)

## **OTHER BUSINESS**

Councilor Payne requested follow-up on human resource issues regarding a specific employee mentioned earlier in the meeting. Mayor Snook commended staff for efforts to address Safe Routes to Schools.

## **COMMUNITY MATTERS (2)**

- Shelby Edwards advised that PHAR will help residents at Midway Manor to organize as they are receiving no response from the management company. She spoke about the responsibility for affordable housing.
- Joy Johnson requested Council follow up on the definition of affordability. She asked for followup on the reason why CAT does not accept online applications for disability services. She asked Council to have a work session regarding housing affordability for the lower income residents.
- Luisa Candalario, city resident, expressed concern that the city has not prepared events for Unity Days during the 5th anniversary year of the Unite the Right rally.

The meeting adjourned at 9:04 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council