

CHARLOTTESVILLE CITY COUNCIL MEETING

March 20, 2023 at 4:00 p.m.

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met on Monday, March 20, 2023. The meeting was held in hybrid format with Council members and public seating in Council Chamber, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order at 4:03 p.m., and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston. Councilor Leah Puryear was absent and gave advance notice that she had a scheduling conflict prior to being appointed to City Council.

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

REPORTS

1. PRESENTATION: Decarbonization Study Kickoff

Lauren Hildebrand, Director of Utilities, began the presentation with background on the decarbonization initiative.

The City of Charlottesville's natural gas utility is one of three municipally owned gas utilities in the Commonwealth of Virginia. The City of Charlottesville has provided reliable natural gas to the residents and businesses of Charlottesville and Albemarle County, including the University of Virginia, for over 150 years. The City operates and maintains a natural gas distribution system comprised of 340 miles of natural gas main lines and serves over 21,500 customers. The City of Charlottesville, Albemarle County and other local municipalities have made commitments to community-wide greenhouse gas emissions reduction goals. On July 1, 2019, City Council adopted the goal of a 45% reduction in community-wide greenhouse gas emissions by 2030 and a goal of carbon neutrality by 2050. Both reduction measures will be based on the 2011 inventory year. Albemarle County has made the same level of emissions reduction commitments, measured from its 2008 inventory year. As a result of the City of Charlottesville owning, operating and maintaining a natural gas utility, the utility's role and responsibilities regarding community-wide greenhouse gas reductions must be thoroughly evaluated. The Department of Utilities solicited the expertise of an outside consulting firm, Black & Veatch Corporation, in order to responsibly and accurately determine how the gas utility can be a part of the solution in achieving and aligning itself with the community's greenhouse gas reduction goals.

Dr. Hua Fang, Managing Director, provided introductory information about Black & Veatch Corporation. She explained the decarbonization goals, objectives, scope of work, and timeline. The Study will determine the legality, under federal, state and local laws, of potentially discontinuing the natural gas system, and/or discontinuing future residential, commercial, industrial connections to the gas system. If one or both of these scenarios are determined to be legal, the impact to existing and future customers and the City of Charlottesville will be evaluated. The Study will also model various scenarios in which the City's gas utility can achieve

or exceed the greenhouse gas emissions reduction goals. The modeling will evaluate cost impacts and resiliency implications to customers by looking at technology and energy efficiency improvements in order to reduce greenhouse gas emissions. In addition, the study will evaluate and make recommendations to improve the Charlottesville Gas Energy Efficiency Program and the operations and maintenance of the natural gas system. The anticipated completion of the project is one year from this City Council meeting date.

Councilors Pinkston and Payne requested periodic updates on the project. Dr. Fang stated that she would be able to report quarterly, and the final deliverable will be a report.

Vice Mayor Wade requested that the study indicate what resources would be needed to support Charlottesville capacity to carry out the goals.

2. REPORT: Charlottesville Redevelopment and Housing Authority update on sustainability and status with the Department of Housing and Urban Development

John Sales, Charlottesville Redevelopment and Housing Authority (CRHA) Executive Director, introduced Dr. Gina Merritt with Northern Real Estate Urban Ventures, who made the presentation providing an update to the CRHA Sustainability Plan. The Sustainability Study process will incorporate physical conditions assessment, market analysis, best practice research, road map, conceptual designs, and redevelopment strategy.

Mr. Sales stated that CRHA is dedicated to redeveloping Westhaven and open to Avon/Levy redevelopment but expects that it would be expensive. Just managing existing housing is not enough to address housing needs. He mentioned a new mode of operation using transitional vouchers. The Sustainability Study is expected to be completed in June or July 2023.

Vice Mayor Wade requested that the Study include a definition of "affordable housing".

Mr. Sales answered questions from Council and shared a handout pro forma for development acquisition. He listed barriers to housing for people with vouchers.

Regarding CRHA's status with the Department of Housing and Urban Development (HUD), Mr. Sales stated that since his tenure, the status has exited from Trouble status and upgraded into Physical Substandard status because of the physical condition of old buildings and other challenges. He expects CRHA to exit substandard status because they have implemented a maintenance plan that requires quarterly inspections. The financial score and management score both showed improvements, subsequent to new financial practices put in place.

Council requested an agenda item on the April 3 agenda for consideration in order to work within the timeline established.

CLOSED SESSION

On motion by Pinkston, seconded by Payne, Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Puryear) to meet in closed session:

- as authorized by Virginia Code Section 2.2-3711(A)(1), to discuss the following appointments: Board of Architectural Review, Charlottesville Affordable Housing Fund Committee, Charlottesville Economic Development Authority, Community Development Block Grant Task Force, Citizen’s Transportation Advisory Committee, Community Policy and Management Team, Historic Resources Committee, Housing Advisory Committee, Jefferson Area Community Criminal Justice Board, Jefferson-Madison Regional Library Board, Local Board of Building Code Appeals, Minority Business Commission, Region Ten Community Services Board, Social Services Advisory Board, Towing Advisory Board, Tree Commission, Vendor Appeals Board, and Youth Council

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

City Council began the Business Session by observing a moment of silence.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Women's History Month**

Mayor Snook proclaimed March as Women’s History Month.

BOARD/COMMISSION APPOINTMENTS

On motion by Pinkston, seconded by Payne, Council by the following vote APPOINTED members to board and commission seats: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Puryear).

- Board of Architectural Review – Kevin Badke
- Charlottesville Affordable Housing Fund Committee – LD Perry
- Charlottesville Economic Development Authority – Steven Johnson, Jay O’Donnell
- Citizen’s Transportation Advisory Committee – Patrick Healy, Ethan Heil, Sarah Medley
- Jefferson-Madison Regional Library Board – Anne Hemenway
- Minority Business Commission – Teira Farley, Nicole Hawker
- Region Ten Community Services Board - Francesca Diggs
- Tree Commission – JD Brown, Susan McKinnon, Tyler Miller, Jeff Pacelli, Makshya Tolbert

CONSENT AGENDA*

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

- 3. MINUTES: February 21 regular meeting; March 6 regular meeting, March 9 Budget Work Session**

4. RESOLUTION: Settlement for Opioid Related Claims (2nd reading)

RESOLUTION

A RESOLUTION OF THE CHARLOTTESVILLE CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY MANAGER AND THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Charlottesville, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City of Charlottesville's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City of Charlottesville, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU") by resolution dated December 6, 2021, and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals;

WHEREAS, the City Manager's Office requests the authority to execute the attached Participation Agreement and to participate in the proposed settlements in order to recover the City's share of the funds that such settlement would provide; and

WHEREAS, the City Attorney's Office has reviewed the available information about the proposed settlements and the attached Participation Agreement and has approved such documents as to form and recommends that the City can participate in the settlements in order to recover its share of the funds that the settlement would provide.

NOW THEREFORE BE IT RESOLVED that the Charlottesville City Council, this 20th day of March, 2023, hereby authorizes the City Manager to execute the attached Participation Forms and approves of the City's participation in the proposed

settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the City Manager and the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.

Mayor Snook opened the floor for public comment on the Consent Agenda. No speakers came forward.

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

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Susan Kruse, Executive Director of the Community Climate Collaborative, spoke in support of the First United Methodist Church (FUMC) appeal to install solar panels.
2. Matthew Gillikin, on behalf of Livable Cville, spoke in favor of solar panels for FUMC. He also requested a review of the Board of Architectural Review guidelines. Regarding the Zoning rewrite project, he expressed thanks.
3. Martha Smythe, city resident, asked for clarification on what numbers are used for the calculation of taxes. She also endorsed the appeal of the FUMC for solar panels.
4. Peter Krebs, Piedmont Environmental Council and city resident, spoke in support of the grants for Moores Creek being discussed later in the meeting.
5. Rory Stolzenberg, city resident, expressed support of the FUMC appeal of the BAR denial of a Certificate of Appropriateness. He recommended that the BAR review and update their guidelines.
6. Kimber Hawkey, city resident, spoke about the calculation of real estate taxes and some perceived inconsistencies. She asked for clarity. She spoke about seating in Council meetings.
7. Robin Hoffman, city resident, spoke about the BAR denial of solar panels on FUMC. She encouraged people to join the Chamber of Commerce.
8. Lisa Torres, city resident, spoke about the local crisis of gun violence and requested accountability in setting aside funding to support local youth.
9. Katrina Turner, city resident, asked about the opening of Council Chamber without a seat reservation list.
10. Rosia Parker, city resident, spoke about violence as an outcome resulting from the impacts of trauma. She demanded that the City of Charlottesville do something to help children succeed.

ACTION ITEMS

- 5. APPEAL: Appeal of BAR (Board of Architectural Review) denial of Certificate of Appropriateness: First United Methodist Church solar panel project**

Jeff Werner, Historic Preservation and Design Planner serving as staff for the BAR, introduced the appeal. He stated that the BAR approved 15 solar panel projects before denying this project. On January 18, 2023, the City's Board of Architectural Review by a vote of 4-3 denied a certificate of appropriateness (CoA) for installation of rooftop photovoltaic/solar panels at 101 East Jefferson Street, pursuant to the details set forth within City application BAR 22-10-02. The parcel is within the North Downtown ADC District and the structures are designated as contributing.

The owner of 101 East Jefferson Street on January 30, 2023, appealed the BAR's decision to City Council, pursuant to City Code §34-285(b).

Bill Owens, the architect shepherding the solar panel project, presented the appeal on behalf of FUMC. He stated that the BAR's decision was based on outdated criteria. ADC guidelines were last updated in 2012 and BAR guidelines were last updated in 2011. He suggested that BAR guidelines should be brought into alignment with the City of Charlottesville's values and goals related to climate action and sustainable energy. The solar panel project grew out of the congregation's desire for good stewardship, and they sought a weather-tight solution to prevent leaking underneath the solar panels.

Alex Joyner, pastor at FUMC, spoke about the congregation's desire to be good stewards of the existing building instead of building a modern facility.

Fred Schneider, FUMC member, spoke about the historic church building, and the need to balance preservation goals with the needs of the occupant.

Breck Gastinger, Chair of the BAR, stated that historic preservation is a sustainability practice. He described the factors that were considered in the BAR's deliberations. There were concerns about preservation of the slate roof and the lifecycle of the panels which would require replacing slate shingles with asphalt shingles.

Councilors asked clarifying questions.

On motion by Payne, seconded by Pinkston, Council by the following vote APPROVED the Certificate of Appropriateness for solar panels on First United Methodist Church at 101 East Jefferson Street: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Puryear).

6. PUBLIC HEARING: Proposed real estate tax rate for the FY 2024 City Manager's Proposed Budget

Interim City Manager Michael Rogers summarized the Fiscal Year 2024 Budget Proposal, which did not include a proposal for an increase to the real estate tax rate.

Mayor Snook opened the public hearing.

- Tom Gallagher, city resident, presented a graph to City Council demonstrating a typical tax versus inflation over several years and comparing typical inflation to the inflation of real estate values. He requested a reduction in the tax rate, expressing concern for residents

living on fixed income and low income.

- Jane Evans, city resident, spoke about the increase in property taxes over the last few years and she requested a tax rate reduction.
- Holly Mason, city resident, spoke in favor of a real estate tax reduction.
- John Hossack, city resident, spoke in opposition to the existing tax rate and in support of a reduction.
- Kimber Hawkey, city resident, spoke in support of a tax rate reduction and an increase in tax relief for elderly and disabled programs.
- Brandon Collins, city resident, spoke in support of the proposed tax rate to fund services.

7. PUBLIC HEARING/RESOLUTION: Approving Lease Agreement with Albemarle Charlottesville Historical Society for lease of 200 Second Street NE

Brenda Kelley, Redevelopment Manager with the Office of Community Solutions, presented the request. She summarized lease terms and answered clarifying questions for City Council.

Tom Chapman acknowledged that the Albemarle-Charlottesville Historical Society agreed to the terms presented to Council.

Mayor Snook opened the public hearing.

- Phyllis Lefler, Chair of the ACHS, made comments in support of the five-year lease agreement.
- Professor Ervin Jordan, city resident, archivist and historian, and member of the ACHS, spoke in support of the lease agreement.

The mayor closed the public hearing.

Councilor Payne asked about making the space more available for public use. Mr. Chapman said that work is in progress to make the space more inviting, and he noted that there have been several public uses of the space.

On motion by Payne, seconded by Pinkston, Council by the following vote APPROVED the lease of property at 200 Second Street, NE to the Albemarle Charlottesville Historical Society: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Puryear).

RESOLUTION

Approving a lease of property at 200 Second Street, NE to the Albemarle Charlottesville Historical Society

WHEREAS, the Albemarle County Historical Society d/b/a Albemarle Charlottesville Historical Society desires to lease certain City-owned property for a term of five (5) years, and City Council has considered the terms of the proposed lease, and has

conducted a public hearing in accordance with the requirements of Virginia Code Sec. 15.2-1800(B); NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lease of City-owned property located at 200 Second Street, NE, Charlottesville, Virginia, to the Albemarle County Historical Society d/b/a Albemarle Charlottesville Historical Society, presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the approved lease on behalf of City Council.

8. RESOLUTION: Appropriating funding from the Virginia Land Conservation Fund for Moores Creek Parkland Acquisition - \$175,000 (carried)

Chris Gensic, Park and Trail Planner presented the appropriation request.

Vice Mayor Wade requested that the garden space remain accessible. Council unanimously agreed to move the resolution to the April 3 Consent Agenda for second reading and vote.

9. RESOLUTION: Appropriating funding from the Land and Water Conservation Fund for Moores Creek Parkland Acquisition - \$175,000 (carried)

Chris Gensic, Park and Trail Planner presented the appropriation request.

Council unanimously agreed to move the resolution to the April 3 Consent Agenda for second reading and vote.

GENERAL BUSINESS

10. WRITTEN REPORT: Land Use and Environmental Planning Committee Semi-Annual Report (written report only)

This report was submitted as written-only.

In 1986, the Planning and Coordination Council (PACC) was established with the purpose of promoting cooperation in planning and community development among the City of Charlottesville, Albemarle County and the University of Virginia (UVA). As an advisory body, PACC fostered cooperative planning and provided guidance and recommendations for decisions made by the City, the County and UVA.

In November 2019, City Council, the Albemarle County Board of Supervisors and UVA approved dissolution of the PACC and established the Land Use and Environmental Planning Committee (LUEPC) in order to broaden PACC's collaboration beyond land use and to include environmental topics and sustainability. Also, LUEPC would allow professional staff to develop solutions on a continuous basis with regularly scheduled reports to leadership of all three entities. LUEPC is intended to be a vehicle to collaborate and coordinate land use and development plans and projects and to consider environmental and infrastructure issues facing the community.

LUEPC met virtually for the second half of 2022. The committee continued concentrating on

project discussion and coordination. The agendas for the monthly meetings were developed around themes – either geographical areas or specific topics. LUEPC’s Semi-Annual Report for the second half of 2022 was compiled and includes the highlights of the meetings.

Councilor Payne stated for the record that he was uncomfortable with having no public body to evaluate the planning future of UVA.

OTHER BUSINESS

Councilor Payne stated that he agreed with comments from the public about the removal of restrictions for seating in Council Chamber. Mr. Rogers stated that he will present an item for Council consideration at the April 3 meeting.

Mayor Snook expressed concern about errors on the City’s GIS (Geographic Information System). He requested a data cleanup and suggested that a summer intern could work on the system.

Vice Mayor Wade stated that the project would require more than a summer intern and that a company may be able to conduct a quality check.

COMMUNITY MATTERS (2)

- Robin Hoffman, city resident, spoke about roof leaking from solar panels.
- Rosia Parker, city resident, expressed concerns about the posting of vacancies for the Police Civilian Oversight Board.
 - Mayor Snook clarified that the resignations were publicized as well as vacancies advertised.

With no additional speakers coming forward, Mayor Snook adjourned the meeting at 8:49 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council