

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

October 16, 2023 at 4:00 p.m.
Council Chamber, 605 E. Main St.

The Charlottesville City Council met in a regular meeting on Monday, October 16, 2023. Mayor Lloyd Snook called the meeting to order at 4:03 p.m. and Clerk of Council Kyna Thomas called the roll, noting four councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne and Brian Pinkston. Councilor Leah Puryear gave advance notice of her absence for travel.

On motion by Pinkston, seconded by Wade, Council voted 4-0 to adopt the meeting agenda as presented with the addition of an item to consider possible amendments to Council's Policies and Procedures to be conducted immediately following the moment of silence at the Business Session of the meeting.

REPORTS

1. PRESENTATION: Budget Presentations - Human Needs

City Manager Sanders stated that this is a continuation of department budget briefings to City Council.

Director Misty Graves presented the Human Services Department update.

Chief of Family Services, Jenny Jones, presented the Social Services Department update.

Director Alex Ikefuna presented the Department of Community Solutions update.

2. REPORT: Decarbonization Study Project Update

Lauren Hildebrand, Director of Utilities, introduced consultants from Black & Veatch, stating that Charlottesville is the only public utility currently pursuing a decarbonization study and consultants expect to complete the study by March 2024. 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 of these reduction measures will be based on the 2011 inventory year.

Dr. Hua Fang, Managing Director at Black & Veatch, presented the update on Objectives and Scope of Work.

Ailene Carrier, Project Manager for Black & Veatch, presented the six-phase Project Approach:

1. Kick-off & Project Plan
2. Review of Regs, Laws & Codes
3. System Modeling
4. Energy Efficiency Evaluation
5. Methane Emissions Assessment
6. Final Report

The project is currently in Phases Two and Three. The City of Charlottesville is reducing its greenhouse gas (GHG) footprint via three different programs: 1) Purchase of Carbon Offsets of 7,500 MMBtus per day, offsetting 25% of GHG emissions from the City's natural gas supply per day; 2) Energy Efficiency programs for attic insulation, programmable thermostats, the LEAP program; and 3) Replacement of legacy cast iron pipes with HDPE plastic pipe via a \$7.1 Million federal grant.

Councilor Pinkston encouraged reaching out to local large users of natural gas such as the University of Virginia and Sentara Martha Jefferson.

CLOSED MEETING

On motion by Pinkston, seconded by Wade, Council voted 4-0 to convene a closed meeting for consideration of two matters: 1. as authorized by Code of Virginia Section 2.2-3711(A)(8), for consultation with the City Attorney regarding legal matters requiring the provision of legal advice, specifically, matters related to public comment at Council meetings; and 2. as authorized by Code of Virginia Section 2.2-3711(A)(3) for discussion or consideration of the acquisition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Council, specifically, possible acquisition of property for recreational purposes.

On motion by Pinkston, seconded by Wade, Council certified by a recorded vote of 4-0 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 meeting were heard, discussed, or considered in the closed meeting.

BUSINESS SESSION

City Council began the business portion of the meeting with a moment of silence.

ANNOUNCEMENTS

Councilor Payne announced the One Stop Shop on November 9 at Carver Recreation Center, a free monthly event open to all community members. Information will be provided about: rent and utility relief, medical and mental health care, substance use counseling, financial literacy and support, career counseling, education and apprentice services, access to legal support, and information about DMV services.

BY MOTION: Consideration of possible amendments to City Council's Policies and Procedures

Mayor Snook announced that Council will consider temporary suspension of public comment by Zoom. He invited speakers to comment in Council Chamber, and stated that Virginia law requires that governing bodies offer an opportunity for public comment once per quarter.

On motion by Wade, seconded by Pinkston, Council APPROVED by a vote of 4-0 a suspension until further action of City Council's Rules and Procedures regarding remote public

comment, to allow for public comment only in person in Council Chamber. Mayor Snook gave the following instructions for public comment: 1. State your name and address; 2. Do not interrupt a Councilor who is speaking; 3. Do not shout or speak in a way that interferes with the progress of the meeting; 4. Do not threaten violence, or engage in illegal conduct; 5. No campaigning for public office or promoting business ventures; 6. No using profanity, vulgarity or language constituting incitement; 7. During the comments on the consent agenda, speak only to the items on the agenda; 8. Refrain from personal attacks against Councilors, City staff or members of the public; 9. Refrain from intimidating behavior, as well as applause, cheers, jeers or boos; and 10. Stop speaking when your time has expired.

CONSENT AGENDA

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

3. MINUTES: August 7 regular meeting, August 29 joint Planning Commission-City Council joint work session, September 27 work session
4. RESOLUTION: Resolution to Appropriate funds from the Bureau of Justice Assistance FY 2022 Patrick Leahy Bulletproof Vest Partnership - \$16,942 (2nd reading)

RESOLUTION

Appropriating funds from the Bureau of Justice Assistance Fiscal Year 2022 Patrick Leahy Bulletproof Vest Partnership - \$16,942

WHEREAS, the City of Charlottesville, through the Police Department, has received from the Bureau of Justice Assistance Fiscal Year 2022 Patrick Leahy Bulletproof Vest Partnership an award of up to \$16,942 to reimburse the Police Department for 50% of National Institute of Justice (NIJ) compliant armored vests which are ordered after April 1, 2022, provided that reimbursement requests are made before August 31, 2024, or until all available funds have been requested.

WHEREAS, the grant award covers the period from April 1, 2022 through August 31, 2024.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$16,942, received from the Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership, is hereby appropriated in the following manner:

Revenues – \$16,942

\$16,942 Fund: 105 Internal Order: 3101004000 G/L Account: 431110

Expenditures – \$16,942

\$16,942 Fund: 105 Internal Order: 3101004000 G/L Account: 525263

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$16,942 from the Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership.

5. RESOLUTION: Resolution to Appropriate Virginia Department of Emergency Management (VDEM) Emergency Management Performance Grant - \$7,500 (2nd reading)

RESOLUTION

Appropriating the amount of 7,500 to be expended for the City's share of a State Local Emergency Management Performance Grant (LEMPG)

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass-through funds;

WHEREAS, the grant award covers the period from July 1, 2023 through June 30, 2024;

WHEREAS, the City of Charlottesville will be required to provide matching funds (\$7,500) and that amount is available within the Emergency Management existing budget;

WHEREAS, the total funds, in the amount of \$15,000, will be used to offset the Emergency Management Coordinator's salary;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500, be received as grant funding be appropriated in the following manner:

Revenues – \$7,500

\$7,500 Fund: 105 Cost Center: 1691001000 G/L: 430120

Expenditures – \$7,500

\$7,500 Fund: 105 Cost Center: 1691001000 G/L: 510010

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management.

6. RESOLUTION: Resolution to Appropriate VDOT TAP funding for Meadow Creek Trail and Bridges - \$800,000 (2nd reading)

RESOLUTION APPROPRIATING

TAP Grant for Construction of Meadow Creek Trail Bridge - \$800,000

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded an additional \$800,000 from the Virginia Department of Transportation to construct a bicycle and pedestrian bridge over Meadow Creek near Greenbrier Drive;

Revenue

\$800,000 Fund: 426 WBS: P-00995 G/L Account: 430120

Expenditures

\$800,000 Fund: 426 WBS: P-00995 G/L Account: 599999

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$800,000 is hereby appropriated in the following manner:

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$800,000 from the Virginia Department of Transportation.

7. RESOLUTION: Resolution to appropriate Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (2nd reading)

RESOLUTION

Appropriating the sum of \$452,704 received from the Commonwealth as a Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.)

WHEREAS, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice; and

WHEREAS, this grant requires local maintenance of effort funds in the amount of \$52,231 from Albemarle County and \$108,415 from the City; and

WHEREAS, the grant award covers the period from July 1, 2023 through June 30, 2024.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that upon receipt of the sum of \$452,704 from the Commonwealth of Virginia, that sum is hereby appropriated in the following manner:

Revenue – \$452,704

\$292,058	Fund: 220	Cost Center: 3523001000	G/L Account: 430080
\$52,231	Fund: 220	Cost Center: 3523001000	G/L Account: 432030
\$108,415	Fund: 220	Cost Center: 3523001000	G/L Account: 498010

Expenditures - \$452,704

\$103,704	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$349,000	Fund: 220	Cost Center: 3523001000	G/L Account: 599991

All funds hereby appropriated shall be accounted for and expended only in accordance with requirements of the VJCCCA grant program.

8. RESOLUTION: Resolution to appropriate funds from the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (carried)
9. RESOLUTION: Resolution to appropriate funding from the FY22 State Criminal Alien Assistance Program (SCAAP) Grant for Albemarle Charlottesville Regional Jail - \$19,050 (carried)
10. RESOLUTION: Resolution to appropriate funding from the FY23 Housing Opportunities for Persons with AIDS/HIV (HOPWA) Grant - \$382,352 (carried)

Mayor Snook opened the floor for comments from the public. No speakers came forward and on motion by Pinkston, seconded by Wade, Council ADOPTED the Consent Agenda by unanimous vote.

CITY MANAGER REPORT

Deputy City Manager Hicks announced the Office of Environmental Sustainability received recognition for water efficiency and water conservation efforts. He stated that beginning November 13 all permitting and site plans reviews will be brought into the electronic system operated in Neighborhood Development Services, and that the City will work to educate the development community on the process. He announced job openings for the Charlottesville Area Transit team, and stated that Public Works has begun preparing for inclement weather.

Deputy City Manager Marshall announced that applications are open for Holiday Market vendors; the annual Downtown Safe Halloween festival on October 28; and the virtual Resilient Together kick-off meeting on November 16.

City Manager Sam Sanders announced that PACEM overnight shelter services will begin a week early on October 21, and the Salvation Army announced that it will support PACEM by providing use of its warm room as needed. He thanked community partners who stepped in to help when he asked: Pastor Joyner at First United Methodist Church, PACEM, the Region Ten PAC team, and the city's internal workgroup focused on housing. Mr. Sanders referenced a press release that he issued on October 13 acknowledging that conditions for reinstating operating hours at Market Street Park have been met and operating hours will resume on October 21 at 11:00 p.m.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Matthew Ray, city resident and Charlottesville Area Transit employee, shared results of an employee survey regarding transit working conditions.
2. Susan Kruse, Executive Director of Community Climate Collaborative (C3) and city resident, spoke about future fuel for the transit system and the need for decarbonization.
3. John Hossack, city resident, spoke about a disclosure made by a Planning Commissioner at a recent meeting. He requested that Charlottesville adopt a code of ethics. He made comments

about the Draft Zoning Ordinance.

4. Katie Ebinger, C3, spoke about the natural gas decarbonization study update from earlier in the meeting and about findings by C3.
5. Robert Stewart McAdams, County of Albemarle resident, spoke about global warming and the need for zero-emissions buses for the city, particularly battery electric buses.
6. Jonathan Baker, city resident, spoke favorably about Charlottesville's clean technology energy sector. He shared observations about the natural gas Decarbonization Study update from earlier in the meeting.
7. Jock Yellott, city resident, thanked the city manager for reinstating the operating hours at Market Street Park. Regarding Council's decision to suspend public comment via Zoom, he stated that it seems necessary given the potential anonymity of Zoom participants, and suggested that the policy could be refined going forward. He also spoke about shootings in the city, and in support of the Flock camera program introduced by the police.
8. Emily Little, city resident, asked Council to commit to things within the city's scope of control such as battery electric buses and cleaner energy.
9. Ang Conn spoke in opposition to reinstatement of operating hours at Market Street Park and proposed creation of a tiny home community in the park.
10. Grey McLean, city resident, shared observations about the natural gas Decarbonization Study update from earlier in the meeting, particularly costs, the lack of information about battery electric vehicle incentives, liability, and framing of the decision.
11. Michael Goodwin, city resident, spoke about the lack of ridership on Charlottesville Area Transit. He suggested eliminating the CAT system and establishing a stipend to support people with rideshare needs. He spoke in favor of reinstating operating hours at Market Street Park, and stated that earlier closing hours would be favorable.
12. Caetano de Campos Lopes, C3, shared observations about the natural gas Decarbonization Study update from earlier in the meeting. He suggested a robust decarbonization plan, which includes community engagement and equity.
13. Eloris Holmes, city resident, asked about a personal situation regarding Virginia Power that has been ongoing since April, and asked for referral to resources. Mayor Snook took her contact information to forward to an individual at the power company.
14. Don Gathers, city resident, expressed disagreement with Council's decision to eliminate virtual comments for the meeting. He spoke about various ways to go about providing reparations for Black people.
15. Richard Parks, city resident, spoke about the Market Street Park homeless encampment and the attraction of houseless individuals to places like Charlottesville that provide services to the unhoused population.
16. Destiny Moore, city resident, spoke about the lack of housing affordability in the city making it difficult for even people who work to find sustainable housing.

ACTION ITEMS

11. ORDINANCE: Amend Charlottesville City Code Sec. 15-75 to Comply with Recent Amendments to the Virginia Code Sec. 46.2-924(A) Requiring Drivers to Stop for Pedestrians in Crosswalks (carried)

City Attorney Jacob Stroman stated that effective July 1, 2023, the General Assembly has made it law for people in vehicles to stop instead of yielding to pedestrians in crosswalks. This action will update the City Code to comply with State law.

Council by unanimous consent moved the item to the November 6 consent agenda for second reading and vote.

12. ORDINANCE: Amendment of City Code Sec. 15-435 to Permit a Towing Operator Fuel Surcharge Fee to Conform to Changes in State Law (carried)

City Attorney Jacob Stroman stated that effective July 1, 2023, the General Assembly has made it law to permit a towing operator fuel surcharge fee. This action will update the City Code to comply with State law.

Council by unanimous consent moved the item to the November 6 consent agenda for second reading and vote.

GENERAL BUSINESS

13. WRITTEN REPORT: Rivanna Authorities Quarterly Report

Council acknowledged the written report.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

- Mayor Snook read an email message from Katherine Laughon, who was pre-registered to speak earlier in the meeting but was unable to attend in person. Ms. Laughon requested a delay in enforcement of operating hours at Market Street Park.
- Roscoe Boxley, city resident and formerly a resident of the Market Street Park encampment, thanked the city manager for lifting the operating hours at the park and for adding portable toilets. He spoke about limitations at PACEM and the Warm Room at The Salvation Army have limits, and that many people walk a fine line with cost of living affordability. He spoke about volatile conditions everywhere and encouraged solutions by working together.
- Misha Goldberg, city resident, spoke in opposition to reinstatement of the operating hours at Market Street Park. They requested delaying the reinstatement to allow more transition time and requested that the city help the unhoused residents with the process. Regarding suspending Zoom comment, they requested allowing the public to weigh in on the decision.
- Gaetano de Campos Lopes, read written comments from Maria Duster, C3, regarding the need for equity and more community engagement in the Decarbonization Study.
- Ellen Contini-Morava, city resident, spoke in opposition to the decision from the Planning

Commission regarding a 12-story student high-rise Planned Unit Development on the corner of JPA, Emmet and Stadium Road, stating that the project is out of compliance with the City's Comprehensive Plan.

- A gentleman by the name of Red from the Market Street Park encampment, spoke about the respectful way that park residents have kept up the park.
- Don Gathers, city resident, asked for reconsideration of the change to Zoom public comment participation and reconsideration of the decision to reinstate operating hours at Market Street Park.
- Deirdre Gilmore, city resident, spoke about campers at Market Street Park and asked Mr. Sanders to go into the park to meet with inhabitants, and to extend the lifted curfew.
- Ann Benham, city resident, spoke about the development at Emmet Street and Stadium Road, and she asked Council to consider environmentally friendly restrictions before approving.
- Susan Kruse, C3 and city resident, stated that she walks by Market Street Park daily and has not had a bad experience. Regarding studies, she asked Council to hold consultants to a higher standard than has currently been seen. She noted incomplete information.
- Michael Goodwin, city resident, spoke about safety as related to criminal incidents on Market Street. He suggested creating permanent housing instead of tents for currently unhoused residents.

Mayor Snook announced the Council work session on the Zoning Ordinance on October 25, and the next regular City Council meeting on November 6.

The meeting adjourned at 8:22 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council