

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

November 20, 2023

Council Chamber 4:00 PM

The Charlottesville City Council met on Monday, November 20, 2023. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Brian Pinkston and Leah Puryear. Councilor Michael Payne gave notice that he would like to join the meeting electronically. At the mayor's request, Mr. Payne stated that he was in Vienna, Virginia, traveling for personal family business. On motion by Pinkston, seconded by Puryear, Council voted 4-0 to approve electronic meeting participation by Councilor Payne (Ayes: Pinkston, Puryear, Snook, Wade; Noes: none).

On motion by Pinkston, seconded by Puryear, Council unanimously approved the meeting agenda.

REPORTS

1. PRESENTATION: Budget Presentations - Advocacy and Transit

Garland Williams, Director, presented the Charlottesville Area Transit (CAT) budget overview.

Todd Niemeier, Director, presented the Office of Human Rights budget overview.

Deputy City Manager Ashley Marshall introduced the Office of Equity and Inclusion's budget overview, and the following individuals reported on sub-areas:

- Paul Rudacille, Title II Americans with Disabilities Act (ADA) Coordinator;
- Roy Fitch, Employment and Financial Opportunity Manager with the Downtown Job Center; and
- Whitmore Merrick and Stacey Washington, Senior Peer Navigators with the Home to Hope program.

2. REPORT: City Manager Work Plan - Quarterly Update

City Manager Sam Sanders presented the City Manager's Work Plan quarterly update. The updated version of the Work Plan was made available on the city website. He announced the following staffing and department updates:

- Riaan Anthony as Interim Parks and Recreation Director
- Steven Hicks as Interim Public Works Director and Interim Deputy City Manager of Operations.
- A new Office of Emergency Management led by Jeremy Evans
- A new Office of Sustainability led by Kristel Riddervold
- Currently interviewing for the Deputy City Manager for Administration
- Advertising for the Deputy City Manager for Operations
- Title of the Deputy City Manager for Racial Equity Diversity and Inclusion changed to Deputy City Manager for Social Equity

The meeting recessed until 6:30 p.m.

BUSINESS SESSION

City Council began the business session by observing a moment of silence.

ANNOUNCEMENTS

Mayor Snook thanked the police department for the gentle handling of moving occupants out of Market Street Park on October 21. Regarding Officer Wood who was injured on the job, Mr. Snook reported that he is doing better, and he thanked him for his service to the community.

CONSENT AGENDA

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record and there were no speakers.

On motion by Pinkston, seconded by Puryear, Council voted unanimously to adopt the Consent Agenda.

3. MINUTES: October 10 joint Council-Planning Commission public hearings
4. RESOLUTION: Resolution to appropriate Victim Witness Assistance Program Grant - \$258,342 (2nd reading)

RESOLUTION to Appropriate Charlottesville Victim Witness Assistance Program Grant Funds - \$258,342

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$208,342; and

WHEREAS the City is providing a supplement in the amount of \$50,000, the source of which is the Commonwealth's Attorney's operating budget.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$208,342 is hereby appropriated in the following manner:

<u>Revenues</u>			
\$ 67,207	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$141,135	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 50,000	Fund: 209	Cost Center: 1414001000	G/L Account: 498010
<u>Expenditures</u>			
\$242,515	Fund: 209	Cost Center: 1414001000	G/L Account: 519999
\$ 15,827	Fund: 209	Cost Center: 1414001000	G/L Account: 599999
<u>Transfer</u>			
\$ 50,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of the Virginia Department of Criminal Justice Services.

5. RESOLUTION: Resolution to appropriate funding from the Supreme Court of Virginia Behavioral Health Docket Grant - \$67,792 (2nd reading)

**RESOLUTION to Appropriate
Albemarle-Charlottesville Therapeutic Docket Grant Award - \$67,792**

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$67,792 for the Albemarle- Charlottesville Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$174,488; and

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$67,792, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$67,792 Fund: Internal Order: #1900537 G/L Account: 430110 (State Grant)

Expenditures

\$67,792 Fund: Internal Order: #1900537 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$67,792 from the Supreme Court of Virginia.

6. RESOLUTION: Resolution to appropriate Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program funding - \$30,000 (2nd reading)

**RESOLUTION Appropriating
Virginia Department of Education Special Nutrition Program Child and Adult Care
Food Program funds - \$30,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$30,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

WHEREAS, the grant award covers the period from period October 1, 2023 through September 30, 2024;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$30,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

Revenue – \$ 30,000

Fund: 209

Internal Order: 1900539

G/L Account: 430120

Expenditures - \$30,000

Fund: 209

Internal Order: 1900539

G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$30,000 from the Virginia Department of Education Special Nutrition Program.

7. RESOLUTION: Resolution to appropriate Fire Department FY22 State Homeland Security Program Grant Award, \$51,764.00 (carried)
8. ORDINANCE: Ordinance for renewal of Ting Franchise Agreement (carried)

CITY MANAGER REPORT

City Manager Sam Sanders stated that his work plan will be posted to the city website.

Budget Director Krisy Hammill and City Treasurer Jason Vandever presented the quarterly financial snapshot, noting that the numbers represent a moment in time and will change throughout the year. As of September 30th, approximately 13% of the budgeted revenue for this fiscal year has been collected. Real Estate and Personal Property tax payments for the second half of 2023 are due on December 5th and represent two of the City's largest revenue sources. The Adopted Revenue budget for FY 24 totals \$228,433,246. Current revised projections indicate that revenues are tracking slightly above the budget, and revenue surplus of 3.62% or \$7.7 Million is anticipated. Mr. Vandever presented a monthly cash balance by investment type, managed investments portfolio composition, and managed portfolio maturity distribution and yields.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Jay Oschrin spoke about the need for improved bus service, sidewalk infrastructure and connected bike lanes. He shared several suggestions for improving bus ridership, service and training.

2. Roy Van Doorn, city resident, spoke about the impacts of increased density on real estate taxes.
3. Lisa Draine, city resident and city appointee to the Jail Board, spoke in opposition to city support of the Albemarle Charlottesville Regional Jail renovation, given the low population of the jail.
4. Kate Fraleigh ceded her time to Rosia Parker, city resident, who spoke about a sign-on letter by several community groups regarding conditions for occupants of the Albemarle Charlottesville Regional Jail, and in opposition to funding the jail renovations.
5. Ellen Contini-Morava, city resident, commented on the VERVE Planned Unit Development (PUD) project, stating various reasons why the design is contrary to city codes. She requested that Council reject the PUD application.
6. Ruby Cherian ceded her time to Demarcus Brown, city resident, member of the People's Coalition and employee of the Legal Aid Justice Center, who requested investment in "care instead of cages", regarding the proposed expansion of the Albemarle Charlottesville Regional Jail.
7. Darryl Jones, city resident, requested investment in "care instead of cages", regarding the proposed expansion of the Albemarle Charlottesville Regional Jail. He suggested investing instead in programs for young people to prevent gun violence.
8. Anne Benham, city resident, spoke about proposed rezoning for the JPA Neighborhood, and asked Council to discuss suggestions from the neighborhood before adopting the new Zoning Ordinance.
9. Syleethia Carr, city resident, spoke in opposition to city support of the Albemarle Charlottesville Regional Jail renovation, and suggested finding other uses for the funds to help individuals.
10. Natalie Oschrein, city resident, spoke in support of increased density. She expressed appreciation for the sidewalk on East High Street and encouraged completion of similar projects.
11. John Hossack, city resident, spoke about incongruencies between the Comprehensive Plan and the Draft Zoning Ordinance, specifically regarding Accessory Dwelling Units.
12. Ruby Cherian, Legal Fellow with Legal Aid Justice Center, read proposals from the sign-on letter entitled "Community Groups Oppose ACRJ Jail Renovation".
13. Kate Fraleigh, city resident, spoke about the Albemarle Charlottesville Regional Jail renovation item on the Action Items agenda, and shared information from presentations in other localities. She spoke of ways to lower the cost share by lowering incarceration rates, and recommended starting community engagement at the beginning of the design process.

ACTION ITEMS

9. RESOLUTION: Albemarle Charlottesville Regional Jail (ACRJ) Renovation Project Financing Strategy

Colonel Martin Kumer, Albemarle Charlottesville Regional Jail Superintendent, and Courtney

Rogers, Davenport Public Finance, presented the Jail Renovation Project Plan of Finance. The immediate funding request of \$4,150,380 is intended to fund pre-development costs (architectural, engineering, and other related costs) in order to prepare the authority for bidding the project. The Two-Part Plan of Finance is designed to minimize the incurrence of debt and related interest costs until the Authority has received bids for construction and a firm project cost is known.

- Part 1: Interim Financing - The Interim Financing provides only what is necessary to complete preliminary design and engineering costs so the project can be bid.
- Part 2: Permanent Financing/Grant Anticipation Note - After bids are received and Total Project Costs are known, the Permanent Financing is undertaken to fully fund Project Costs not eligible for the 25% reimbursement, and permanently finance the interim financing. Simultaneously, a Grant Anticipation Note (“GAN”) is undertaken to fund Project Costs eligible for the 25% reimbursement. The GAN would be paid off prior to maturity with funds provided by the 25% reimbursement once the project is complete.

The cost estimate provided by Moseley Architects is approximately \$49 million (i.e., no change from the January/February Presentations to localities). For the purposes of the analysis herein, we have assumed that \$48 million of costs are eligible for the 25% reimbursement by the Commonwealth (approximately \$12 million of Project Costs). However, the actual cost will not be known until the final design has been approved by the Board Authority and bids have been received. The analysis herein allocates projected payments on new debt service based on Inmate Days (i.e., usage of the Jail) – per the amended service agreement. The projected allocation based on FY 2024 estimates are as follows for local jurisdiction contributions (according to Inmate Days): Albemarle (45.39%), Charlottesville (39.87%), Nelson (14.74%).

Colonel Kumer answered questions from Council regarding community engagement, mental health resources, cost escalation, pre-incarceration diversion, existing conditions, and more.

On motion by Pinkston, seconded by Wade, Council voted unanimously to approve the resolution in support of the financing strategy for the Albemarle Charlottesville Regional Jail Renovation Project (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE,
VIRGINIA, APPROVING THE ISSUANCE OF OBLIGATIONS FOR
IMPROVEMENTS TO THE ALBEMARLE-CHARLOTTESVILLE REGIONAL
JAIL AUTHORITY FACILITIES**

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority (**the “Authority”**) is a public instrumentality of the Commonwealth of Virginia created pursuant to Article 3.1, Chapter 3, Title 53.1, Code of Virginia of 1950, as amended (**the “Act”**) by resolutions duly adopted by the governing bodies of the County of Nelson, the County of Albemarle and the City of Charlottesville, Virginia (**the “City” and, collectively, the “Member Jurisdictions”**) for the purpose of developing regional jail facilities, in particular, the regional

jail joint security complex located at 1600 Avon Street Extended, Charlottesville, Virginia **(the “Regional Jail”)** to be operated on behalf of the Member Jurisdictions by the Authority;

WHEREAS, the Authority and the Member Jurisdictions have entered into an Amended and Restated Service Agreement, dated June 9, 2022 **(the “Service Agreement”)**, in which the Authority has agreed to, design, construct and equip the Regional Jail and obtain financing therefor;

WHEREAS, the Authority has been authorized by the General Assembly of the Commonwealth of Virginia in 2023 to obtain significant funding **(the “Commonwealth Funds”)** for eligible costs of certain improvements to the Regional Jail **(the “Improvements”)**;

WHEREAS, the Authority proposes to issue a series of financing, including but not limited to, interim financing relating to the design and construction of the Improvements to the Regional Jail and subsequently issue its revenue notes and bonds to provide longer term financing of the same **(the “Obligations”)** a portion of which Obligations are to be repaid with the Commonwealth Funds;

WHEREAS, the Authority’s financial advisor, Davenport & Company LLC has advised the Authority that an interim financing of the Obligations would be in the best interests of the Authority given current market conditions and preliminary nature of cost estimates for the Improvements;

WHEREAS, Section 3.1 of the Service Agreement provides that in order for the Authority to issue the Obligations, the governing bodies of each of the Member Jurisdictions are required to approve of the issuance thereof;

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

1. It is determined to be in the best interests of the City and its citizens for the City Council as the governing body of the City, to approve the Authority’s issuance of the Obligations for interim financing of the Improvements in amount not to exceed \$4,500,000 by adoption of this resolution.
2. In consideration of the Authority’s undertakings with respect to the issuance of the Obligations, the Chair or Vice-Chair of the City Council, is hereby authorized and directed to execute and deliver such instruments and certificates as deemed appropriate and necessary for the issuance of such Obligations by the Authority, including but not limited to a support agreement or agreements relating to its obligations as a Member Jurisdiction under the Service Agreement.
3. The City Manager is hereby authorized and directed to take all proper steps on behalf of the City as may be required, in accordance with the plan of financing set forth above, including, but not limited to, certificates and documents relating to the issuance of the Obligations and the above-referenced support agreement or agreements.

4. Nothing contained herein is or shall be deemed to be a lending of the credit of the City to the Authority, or to any holder of any of the Obligations or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the City.
5. All actions previously taken by representatives or agents of the City in furtherance of the plan of financing of the Improvements and the issuance of the Obligations are hereby ratified and approved.
6. This resolution shall take effect immediately.

10. RESOLUTION: Resolution to Approve Appropriation for the Assignment of Contract to Acquire 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street (2nd reading)

City Manager Sanders stated that no changes have been made since the first reading of the item. City Attorney Jacob Stroman stated that with Council approval of the resolution, the payment could be wired the next day and on track to close by the end of the month.

On motion by Pinkston, seconded by Puryear, Council by a vote of 5-0 approved the resolution.

RESOLUTION

**Resolution to Approve Appropriation for the Assignment of Contract to Acquire 510 Caroline Avenue, 532 Caroline Avenue and 0 East High Street
Amount Not To Exceed \$6,000,000**

WHEREAS, the City of Charlottesville has agreed to enter into a contract pursuant to which the City will acquire title to 23.81 acres of property from the current owners of 0 Caroline Avenue, 10 Caroline Avenue, 532 Caroline Avenue and 0 East High Street;

WHEREAS, the City of Charlottesville requires appropriation of \$5,900,000 plus closing costs for the acquisition;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funds in an amount not exceed \$6,000,000 but necessary to pay purchase price plus the closing costs will be paid from the Capital Improvement Program Contingency Account:

Transfer From:

\$ 6,000,000	Fund: 426	WBS: CP-080	G/L Account: 599999
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Transfer To:

\$ 6,000,000	Fund: 426	Internal Order: TBD	G/L Account: 599999
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11. BY MOTION: Thomas Jefferson Planning District Commission (TJPDC) Proposed Legislative Program for 2024

David Blount, TJPDC, presented the Proposed Legislative Program for 2024.

Mayor Snook noted two positions in the legislative program which differ from Council's past positions. First, the legislative program's Environmental and Water Quality section includes a position opposing mandating expansion of the Chesapeake Bay Preservation Act's coverage area. In addition, the legislative program's General Government section includes a position that the principles of sovereign immunity for local governments and their employees should be maintained.

On motion by Pinkston, seconded by Payne, Council voted unanimously to approved the Thomas Jefferson Planning District Commission Proposed Legislative Program for 2024, with the two exceptions noted.

12. BY MOTION: City Council Proposed Legislative Positions for 2024

Mayor Snook summarized the City's legislative positions developed by the Council's Legislative Committee (Lloyd Snook and Leah Puryear), in consultation with the city attorney.

On motion by Pinkston, seconded by Payne, Council voted unanimously to approve the Statement of the City Council's 2024 Legislative Positions as presented by Council's Legislative Committee.

CHARLOTTESVILLE CITY COUNCIL STATEMENT OF LEGISLATIVE POSITIONS FOR THE 2024 REGULAR GENERAL ASSEMBLY SESSION

- A. Expand the Option for a One-Cent Local Sales Tax Increase for Construction and Renovation of Public-School Facilities to All Localities
- B. Continue Funding of Virginia's Home Visiting Programs
- C. Salaries for Members of Local Governing Bodies
- D. Funding for Regional Transit Authorities
- E. Amend Land Use Ordinance Advertisement Laws Which Unduly Restrict Council's Ability to Deliberate
- F. Allow Greater Flexibility for Certain Boards and Commissions to Conduct All-Virtual Meetings
- G. Increasing Affordable Housing Accessibility by Enhancing Tenant Rights

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Kate Fraleigh, city resident, spoke about double bunking in the local jail and average

length of stay. Operational beds and rated capacity beds are different numbers.

ADJOURNMENT

The meeting adjourned at 8:36 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT