

CERTIFICATIONS



**CITY COUNCIL AGENDA
April 19, 2021**

Members

Nikayah Walker, Mayor
Sena Magill, Vice Mayor
Heather D. Hill
Michael K. Payne
J. Lloyd Snook, III

**5:30 p.m. Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code
(Boards and Commissions; Personnel employment)**

Virtual/electronic meeting

6:30 p.m. Regular Meeting

Register at www.charlottesville.gov/zoom. Virtual/electronic meeting in accordance with local ordinances to ensure continuity of government and prevent the spread of disease. NOTE: Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

CALL TO ORDER

MOMENT OF SILENCE

ROLL CALL

AGENDA APPROVAL **APPROVED 5-0 (HILL/SNOOK)**

ANNOUNCEMENTS

RECOGNITIONS/PROCLAMATIONS

CONSENT AGENDA* **APPROVED 5-0, pulling Item #2 for separate vote (HILL/MAGILL)**

1. Minutes: March 1 regular meeting, March 4 budget work session, March 11 joint budget work session with City Schools
2. Ordinance: City of Charlottesville COVID Ordinance repeal (2nd reading)
#O-21-047 **Pulled by Walker for separate vote.
APPROVED 4-1 (HILL/MAGILL; Walker opposed)**
3. Ordinance: Designation of trees for protection under the Tree Conservation Ordinance
#O-21-048 (2nd reading)
4. Appropriation*: Reprogramming FY2020-2021 Community Development Block Grant funds and Minor Action Plan Amendment (1 reading)
 - a. Resolution*: Amendment to Community Development Block Grant account -
#R-21-049 Reprogramming of Funds for FY 2020-2021 \$64,097.82
 - b. Resolution*: FY 2020 - 2021 Minor Action Plan Amendment of the 2018-2022
#R-21-050 Consolidated Plan
5. Appropriation: Virginia Department of Criminal Justice Services (DCJS) Coronavirus Emergency Supplement Funding (CESF) Fiscal Year 2021 - \$50,000 (carried)
6. Appropriation: Firehouse Subs Public Safety Grant \$26,971.10 (carried)
7. Resolution: Donation of 1967 City Hall sign to the Albemarle Charlottesville Historic Society (1 reading)
#R-21-051
8. Report: Rivanna Authorities Quarterly Report

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

ACTION ITEMS

9. Public Hearing/Res.: #R-21-052 **First Amendment Monument lease (1 reading)**
APPROVED 5-0 (HILL/SNOOK)
10. Ordinance: #O-21-053 **Continuity of Government Ordinance re-enactment (1 reading)**
APPROVED 5-0 (HILL/MAGILL)
11. Appropriation: House Bill 5005, Item 408 #1c: Public Safety and Homeland Security, Department of Criminal Justice Services – Local Police Department Funding - \$67,913 (carried)

GENERAL BUSINESS

OTHER BUSINESS

MATTERS BY THE PUBLIC

*Action Needed

ORDINANCE
REPEALING THE CITY’S ORDINANCE TO PREVENT THE SPREAD OF THE
NOVEL CORONAVIRUS, SARS-CoV-2, AND THE DISEASE IT CAUSES,
COMMONLY REFERRED TO AS COVID-19
(AS AMENDED THROUGH FEBRUARY 16, 2021)

BE IT ORDAINED by the Council of the City of Charlottesville that this Council hereby repeals, in its entirety, the Ordinance adopted by City Council to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, commonly referred to as Covid-19, as such Ordinance was adopted by Council and amended from time to time (most recently amended and reenacted on February 16, 2021).

ORDINANCE
DESIGNATING CERTAIN TREES AS PROTECTED TREES UNDER THE CITY'S
TREE CONSERVATION ORDINANCE

WHEREAS, the City of Charlottesville (the City) adopted a Tree Conservation Ordinance on November 4, 2013 to preserve certain significant trees within the City of Charlottesville; and

WHEREAS, per Section 18-5 *et seq.* of the City Code (Tree Conservation Ordinance), the City Arborist and Tree Commission may make recommendations to Council on a quarterly basis to consider designation of certain trees as Heritage, Memorial, Specimen, or Street trees; and

WHEREAS, the Tree Commission has nominated and recommends that the following trees be afforded protection through the Tree Conservation Ordinance:

- (1) White Ash (*Fraxinus americana*) at McIntire Building, as a Specimen Tree;
- (2) American Elm (*Ulmus americana*) at Clark School, as a Specimen Tree;
- (3) Bur-Post Oak (*Quercus stellata*) at Maplewood Cemetery, as a Specimen Tree;
- (4) Sycamore (*Platanus occidentalis*) at Riverview Park, Chesapeake Street at Riverside Avenue, as a Specimen Tree;
- (5) Shumard Oak (*Quercus shumardii*) At Rugby Road at 250 Bypass, as a Memorial Tree and Street Tree; and
- (6) Southern Red Oak (*Quercus falcata*) at Oakwood Cemetery, as a Specimen Tree.

WHEREAS, the City Arborist concurs with the recommendations of the Tree Commission; and

WHEREAS, City Council has considered the report and recommendation of the City Arborist and the Tree Commission, and conducted a public hearing on April 5, 2021;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville that:

1. The nominated White Ash at McIntire Building, the Elm at Clark School, the Sycamore at Riverview Park, the Bur-Post Oak at Maplewood Cemetery, and the Southern Red Oak at Oakwood Cemetery are hereby designated as Specimen Trees; and
2. The nominated Shumard Oak at Rugby Road/250 bypass is hereby designated as a Memorial Tree and Street Tree.

RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT
Reprogramming of Funds for FY 2020-2021

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) funds; and

WHEREAS, pursuant to section 3 of CDBG Sub-recipient Agreements these funds have not met HUD spending deadlines and need to be reprogrammed, and therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby reappropriated to the respective accounts shown as follows:

| Fund | Account Code | Purpose | Proposed Revised Reduction | Proposed Revised Addition | Proposed Revised Appropriation |
|-------------|---------------------|---------------------------------------|-----------------------------------|----------------------------------|---------------------------------------|
| 218 | 1900364 | Albemarle Housing Improvement Program | \$64,097.82 | | |
| | | | | | |
| 218 | 1900399 | CRHA Rental Relief | | \$64,097.82 | \$64,097.82 |
| | | TOTALS: | \$64,097.82 | \$64,097.82 | \$64,097.82 |

RESOLUTION
Approval of FY 2020-2021 Minor Annual Action Plan Amendment

BE IT RESOLVED, that the Charlottesville City Council hereby approves the FY 2020 - 2021 Minor Action Plan Amendment of the 2018-2022 Consolidated Plan. The reprogrammed CDBG and budget will be added into the 2020-2021 Annual Action Plan.

**RESOLUTION
APPROVING A DONATION OF SURPLUS PROPERTY
TO THE CHARLOTTESVILLE ALBEMARLE HISTORICAL SOCIETY**

WHEREAS, the Charlottesville Albemarle Historical Society has requested the City to donate to it certain property, specifically a bronze sign containing the words “City Hall” originally purchased by the City in the late 1960’s (the “Sign”); and

WHEREAS, the Sign is currently in storage, the City has no plans to re-use the sign, and staff estimates the value of the sign to be three hundred dollars (\$300.00); and

WHEREAS, this City Council has authority pursuant to Virginia Code Sec. 15.2-951 to dispose of personal property, and City Council also has authority pursuant to Virginia Code Sec. 15.2-953 to make donations of property to certain charitable institutions, associations or nonprofits; and

WHEREAS, it is the determination of this City Council that the Charlottesville Albemarle Historical Society is a nonprofit entity to which the Council is authorized to make donations of property pursuant to Virginia Code Sec. 15.2-953; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE that a bronze sign, containing the words “City Hall”, originally purchased by the City in the late 1960’s, is hereby donated to the Charlottesville Albemarle Historical Society.

**RESOLUTION
TO APPROVE A LEASE OF THE FIRST AMENDMENT MONUMENT
("COMMUNITY CHALKBOARD") AND RELATED PREMISES TO THE BRIDGE
PROGRESSIVE ARTS INITIATIVE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE that, having conducted a public hearing on the proposed lease of approximately 121 square feet of land on the Downtown Mall, in front of City Hall, to the Bridge Progressive Arts Initiative (inclusive of all monuments, structures and improvements therein located) this Council hereby approves the proposed lease, upon the terms and conditions set forth within the lease agreement presented to this Council for consideration on April 19, 2021. The City Manager is hereby authorized to execute the Lease on behalf of the City.

ORDINANCE

**TO ASSURE CONTINUITY OF GOVERNMENT DURING THE COVID-19
PANDEMIC DISASTER
BY ENACTING TEMPORARY CHANGES IN CERTAIN DEADLINES, MODIFYING
PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES, AND
AUTHORIZING OTHER EMERGENCY ACTIONS NECESSARY TO ASSURE SAFE
AND EFFICIENT GOVERNMENT OPERATIONS**

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, the Governor’s Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster, as defined by Virginia Code § 44-146.16, arising from the public health threat presented by a communicable disease anticipated to spread, and this public health emergency continues to be recognized as an emergency and a disaster through the Governor’s Fourth Amended Executive Order Seventy Two and Order of Public Health Emergency Nine (March 23, 2021, made effective April 1, 2021); and

WHEREAS, the Governor’s Executive Orders order implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, by Public Safety Order dated March 12, 2020, the City Manager/ Director of Emergency Management declared a state of local emergency based a threat to the public

health and safety of the residents of Charlottesville resulting from the communicable and infectious COVID-19 virus, which threat was and continues to be an emergency as defined in Virginia Code § 44-146.16; and

WHEREAS, the Council finds that the COVID-19 virus constitutes a real, substantial and continuing threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16, said virus being a “communicable disease of public health threat;” and

WHEREAS, by Ordinance # O-20-135 City Council amended and extended its continuity of government ordinance previously enacted by Council on March 25, 2020, as amended and re-enacted on September 8, 2020 and October 19, 2020, and City Council now desires to amend and re-enact its continuity of government ordinance to address the needs of City government operations as anticipated during the next six months;

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of City Council may convene solely by electronic means to address the emergency; and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) allow properly claimed exemptions provided under either under that Act or any other statute; and

WHEREAS, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this Ordinance is enacted in response to the disaster caused by the COVID-19 pandemic; it promotes public health, safety and welfare and is consistent with the laws of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia:

1. **THAT** the continuing COVID-19 pandemic makes it unsafe for public bodies to conduct their meetings in accordance with normal practices and procedures, because such practices and procedures require the physical presence of members of a public body and members of the public within the same room and meeting facilities may not allow adequate measures to be taken in accordance with public health requirements and guidelines. For the purposes of this Ordinance the term “public body” means the City Council, and every board, commission, or agency of the City of Charlottesville, including any committee, subcommittee, or other entity, however designated, created by City Council to perform delegated functions of City Council or to advise the City Council (each, individually, a “Public Body”); and

2. **THAT** in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of the City government during the continuing COVID-19 emergency and disaster:

- a. Any meeting or activities which normally would require the physical presence of a quorum of members of a Public Body may be held only through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location, and
- b. The City Manager is hereby authorized to restrict the number of electronic meetings each Public Body may conduct each calendar month, based on the capacity and availability of the City staff who are capable and qualified to support the meeting to ensure compliance with this Ordinance, and
- c. Prior to holding any such electronic meeting, the Public Body shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment, and
- d. Any such electronic meeting of a Public Body shall state on its agenda the location at which members of the public can obtain information as to the means by which the public may access and participate in such electronic meeting, and
- e. Any such electronic meeting of a Public Body shall be open to electronic participation by the public and closed to in-person participation by the public, and each electronic meeting shall be conducted in a manner designed to maximize public participation, and
- f. A video recording of all electronic meetings shall be made available on the City's website within 3 business days following each electronic meeting, and
- g. With respect to any matter which requires a public hearing, the public hearing may be conducted by an open public comment period called for during an electronic meeting, as well as by submission of written comments to the Clerk of City Council prior to, during and for five (5) business days after the electronic meeting. Notice of the public hearing

shall be posted on the City's website at least 5 business days prior to the date of the public hearing.

- h. The minutes of all electronic meetings shall conform to the requirements of law, shall identify how the meeting was conducted, the identity of the members participating, and shall specify what actions were taken at the meeting. A Public Body may approve minutes of an electronic meeting at a subsequent electronic meeting; and
- i. Any provision of Va. Code §2.2-3708.2 requiring the Public Body's approval of electronic participation due to a member's personal matter or medical condition shall not apply for the duration of the local emergency declaration.

3. **THAT** the following fees relating to use of City property are adjusted:

- a. The café permit fee assessed pursuant to Charlottesville City Code Sec. 28-214(c) be and hereby is waived for the months of March and April 2020, and
- b. The café permit fee assessed pursuant to Charlottesville City Code Sec. 28-214(c) be and hereby is reduced by fifty percent (50%) for the months of May through December 2020 and the months of January through October 2021, and
- c. The City Manager may grant a credit to any café permit holder who paid the full amount of its café permit fees during any of the months referenced in 3.a or 3.b, above, said credit to be calculated in accordance with 3.a and 3.b, above and applied within a permit year designated by the City Manager, and
- d. The rental fee assessed pursuant to Charlottesville City Code Sec. 28-5 and City Council's approved fee schedule (fees for City parking spaces used for outdoor dining)

shall be reduced by fifty percent (50%) for the months of May through December of 2020 and January through October of 2021.

IT IS FURTHER ORDAINED THAT, notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Body or any City officers (including Constitutional Officers) or City employees, within a period of 60 or fewer days, shall be suspended during this emergency and disaster. The Public Bodies, and the City's officers and employees, are encouraged to take all such action as is practical and appropriate to meet those deadlines; however, failure to meet any such deadlines shall not constitute or be deemed to be a default, violation, approval, official recommendation or other action.

IT IS FURTHER ORDAINED THAT any scheduled non-emergency public hearings and action items of a Public Body may be postponed to a date certain if, in the judgment of the Public Body, it would be in the best interests of the public to do so, provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED THAT this Ordinance shall not operate to preclude any authority whose governing board is appointed by this City Council from making its own decisions and rules regarding the conduct of its meetings either electronically or by means of having a quorum physically assembled, so long as those meetings are in compliance with applicable Executive Orders of the Governor of Virginia and any local ordinance which may be enacted by this Council to impose restrictions necessary to prevent the spreading of the COVID-19 virus within the City of Charlottesville; however, any such authority may also elect to conduct its meetings electronically as a Public Body within the purview of this Ordinance.

IT IS FURTHER ORDAINED THAT actions authorized by this Council within Resolution # R-20-045 (special zoning accommodations for The Haven), or within any

ordinance(s) provided to facilitate the safe conduct of elections within the City of Charlottesville, are hereby ratified and continued, in accordance with the terms set forth in said Resolution or ordinances.

IT IS FURTHER ORDAINED THAT the continuity of government ordinance adopted on March 25, 2020, as amended and re-enacted on September 8, 2020 and October 19, 2020, is hereby repealed.

IT IS FURTHER ORDAINED THAT a continuing emergency exists, and the City Manager's Declaration of a local emergency, authorized by resolution of this City Council on March 12, 2020 (#R-20-035) remains in effect; the various actions referred to within this Ordinance are necessary to be taken to address the emergency, and this Ordinance shall be effective immediately upon its adoption.

IT IS FURTHER ORDAINED THAT pursuant to Charlottesville City Code §2-96, by a four-fifths vote of City Council, this Ordinance is enacted on the date of its introduction, and this Ordinance shall remain in full force and effect until midnight on October 20, 2021 unless City Council sooner: (i) adopts an ordinance to repeal this Ordinance and to end the locally-declared emergency, or (ii) adopts an ordinance to amend and re-enact this Ordinance, as may be necessary to authorize actions necessary to address the state of emergency continuing beyond October 19, 2021.