

## CERTIFICATIONS



## CITY COUNCIL AGENDA June 21, 2021

### Members

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

### 5:30 p.m. Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and commissions)

Virtual/electronic meeting

### 6:30 p.m. Regular Meeting

Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). Virtual/electronic meeting in accordance with a local ordinance amended and re-enacted April 19, 2021, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. 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](mailto: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 (SNOOK/HILL)**

### ANNOUNCEMENTS

### RECOGNITIONS/PROCLAMATIONS

### BOARD/COMMISSION APPOINTMENTS **APPROVED 5-0 (HILL/SNOOK)**

### CONSENT AGENDA\* **APPROVED 5-0 (HILL/MAGILL); Item #13 pulled by Walker for separate vote**

1. Minutes: April 19 work session, closed and regular meetings, May 3 closed and regular meetings, May 25 work session
2. Resolution: #R-21-080 Appropriating trail fund contribution from Milestone Partners for Meadow Creek Trail - \$12,043 (2nd reading)
3. Resolution: #R-21-081 Appropriating Virginia Department of Motor Vehicles Highway Safety Grant funds\_Alcohol and Impaired Driving - \$9,453 (2nd reading)
4. Resolution: #R-21-082 Appropriating funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) - \$23,056 (2nd reading)
5. Ordinance: #O-21-083 Amending and reordaining Charlottesville City Code Chapter 15, Article II, Section 15-39 (Motor Vehicles and Traffic) regarding Electric Power-assisted Bicycle License (2nd reading)
6. Ordinance: #O-21-084 Amending and reordaining Charlottesville City Code Chapter 31 (Utilities) to establish new Utility Rates and Service Fees for City gas, water and sanitary sewer (2nd reading)
7. Resolution: Appropriating funds for COVID Homelessness Emergency Response Program (CHERP) Grant Amendment - \$201,120 (1st of 2 readings)
8. Resolution: Appropriating funds Charlottesville Student Victim Outreach Program Department of Criminal Justice Services Victim of Crimes Act Grant - \$343,371 (1st of 2 readings)

9. Resolution: Appropriating funds for Department of Justice Office of Justice Programs Grant for Charlottesville Albemarle Family Treatment Court Program Expanded Services - \$827,973 (1st of 2 readings)
10. Resolution: Appropriating funds for FY21 Virginia Department of Criminal Justice Services Body-worn Camera Grant - \$100,000 (1st of 2 readings)
11. Resolution: #R-21-085 Approving the donation of a 1948 American LaFrance fire engine to the Charlottesville Professional Firefighters Association (1 reading)
12. Resolution\*: Climate Protection Program and Local Energy Alliance Program (LEAP) service agreement
  - a. Resolution: #R-21-086 Reallocating previously appropriated funds in the Gas Fund, Environmental Sustainability Cost Center to the Local Energy Alliance Program for support to the Climate Protection Program - \$44,718 (1 reading)
  - b. Resolution: #R-21-087 Establishing a Memorandum of Understanding between the City and the Local Energy Alliance Program (LEAP) for grant funds to support the Climate Protection Program and promote energy performance improvements (1 reading)
13. Resolution: #R-21-088 Approving the Albemarle Housing Improvement Program Contingency Plan FY 2021-2022 Minor Annual Action Plan Amendment (1 reading)  
 Item was pulled by Walker for separate vote  
**APPROVED 4-1 (HILL/MAGILL; Walker opposed)**

## CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

**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](http://www.charlottesville.gov/zoom).

## ACTION ITEMS

14. Public Hearing/Res.\*: #R-21-089 Approving a lease of City property to the Virginia Discovery Museum, Inc. (1 reading) **APPROVED 5-0 (HILL/SNOOK)**
15. Public Hearing/Res.: Appropriating FY 2021 Supplemental Federal Funding for Transit Capital and Operating Assistance - \$5,038,344 (1st of 2 readings)
16. Resolution: Appropriating funds for Conscious Capitalist Foundation Peace in the Streets Program off-cycle budget request - \$50,000 (1st of 2 readings)
17. Resolution: Appropriating funds for Conscious Capitalist Foundation - \$50,000 (1st of 2 readings)

## GENERAL BUSINESS

## OTHER BUSINESS and QUESTIONS FOR CITY MANAGER FOLLOW-UP

## MATTERS BY THE PUBLIC

\*Action Needed

**APPROPRIATION**

**Trail Fund Contribution from Milestone Partners for the Meadow Creek Trail project  
\$12,043**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, is receiving \$12,043 from Milestone Partners per terms of a contract; and

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, is working to construct the Meadow Creek Trail;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$12,043 is hereby appropriated in the following manner:

**Expenditures: \$12,043**

Fund: 426                      WBS: PR-001                      G/L Account: 599999

**Revenues: \$12,043**

Fund: 426                      WBS: PR-001                      G/L Account: 451020

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$12,043 from Milestone Partners.

Approved by Council  
June 21, 2021



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Kyna Thomas, MMC  
Clerk of Council

**RESOLUTION APPROPRIATING FUNDING FOR  
Virginia Department Motor Vehicles (DMV) Highway Safety Grant- Alcohol and Impaired  
Driving - \$9,453**

**WHEREAS**, the Police Department, through the City of Charlottesville, has received a Virginia Highway Safety Grant from the Commonwealth of Virginia Department Motor Vehicles in the amount of \$6,302 to be used for overtime and officer training, related to highway safety; and

**WHEREAS**, the Police Department will contribute vehicle maintenance and fuel, related to highway safety as an in-kind match in the amount of \$3,151.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$6,302, received from the Commonwealth of Virginia Department of Motor Vehicles (2021 Virginia Safety Grant) and the local match of \$3,151 is hereby appropriated in the following manner:

**Revenues – \$9,453**

\$6,302	Fund: 209	IO: 190414	G/L Account: 430120
\$3,151	Fund: 209	IO: 190414	G/L Account: 498010

**Expenditures – \$9,453**

\$4,804	Fund: 209	IO: 190414	G/L Account: 510060
\$ 398	Fund: 209	IO: 190414	G/L Account: 511010
\$1,100	Fund: 209	IO: 190414	G/L Account: 530140
\$3,151	Fund: 209	IO: 190414	G/L Account: 530271

**Transfer – \$3,151**

\$3,151	Fund: 105	Cost Center: 3101004000	G/L Account: 530271
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the reimbursement of \$6,302 from the Commonwealth of Virginia Department of Motor Vehicles (2021 Virginia Safety Grant).

Approved by Council  
June 21, 2021



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Kyna Thomas, MMC  
Clerk of Council

**RESOLUTION APPROPRIATING FUNDS FOR  
Edward Byrne Memorial Justice Assistance Grant (JAG) Grant # 2020-DJ-BX-0922 -  
\$23,056**

**WHEREAS**, the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2020 Local Formula awarded a grant to the Police Department, through the City of Charlottesville, to install additional security access points in unsecured areas of the Police Department;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a total of \$23,056.00 be appropriated in the following manner:

**Revenues – \$23,056.00**

\$23,056.00    Fund: 211                      Internal Order: 1900404                      G/L Account: 431110

**Expenditures – \$23,056.00**

\$23,056.00    Fund: 211                      Internal Order: 1900404                      G/L Account: 525263

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program.

Approved by Council  
June 21, 2021



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Kyna Thomas, MMC  
Clerk of Council

**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 15-39  
OF ARTICLE II OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 15-39 of Article II of Chapter 15 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

**ARTICLE II – LOCAL VEHICLE LICENSE**

**Sec. 15-39. - License required for mopeds, mobility devices, etc.**

- (a) On or after August 1, 2005, it shall be unlawful for the city-resident owner of any moped, ~~electric personal assistive mobility device, or electric power-assisted bicycle~~ to operate such vehicle or device, or permit its operation, unless the vehicle or device is currently licensed pursuant to the provisions of this section. For the purposes of this section the terms ~~moped, electric personal assistive mobility device, and electric power-assisted bicycle~~ shall mean and refer to the vehicles defined by ~~those~~ such terms within § 46.2-100 of the Virginia Code. Any such vehicles operated or parked on any city street and not displaying a current, valid license plate, sticker or decal issued by the city shall be reputably presumed to be operated in violation of this section. This licensing requirement shall not apply to any vehicles or devices owned by the city and operated by a public safety officer.

Approved by Council  
June 21, 2021



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Kyna Thomas, MMC  
Clerk of Council

**AN ORDINANCE  
AMENDING AND REORDAINING CHAPTER 31 (UTILITIES) OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES  
FOR CITY GAS, WATER AND SANITARY SEWER.**

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that:

**1. Sections 31-56, 31-57, 31-60, 31-61, 31-62, 31-153, 31-156 and 31-158 of Chapter 31, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:**

**CHAPTER 31. UTILITIES**

**ARTICLE II. GAS**

**DIVISION 2. TYPES OF SERVICE; SERVICE CHARGES**

**Sec. 31-56. Rates - Generally.**

The firm service gas rates based on monthly meter readings shall be as follows:

Basic Monthly Service Charge	\$ 10.00	
First 3,000 cubic feet, per 1,000 cubic feet	<del>\$9.0706</del>	<u>\$8.9908</u>
Next 3,000 cubic feet, per 1,000 cubic feet	<del>\$8.5264</del>	<u>\$8.5198</u>
Next 144,000 cubic feet, per 1,000 cubic feet	<del>\$7.6193</del>	<u>\$8.0489</u>
All over 150,000 cubic feet, per 1,000 cubic feet	<del>\$7.4379</del>	<u>\$7.5779</u>

**Sec. 31-57. Air conditioning.**

(a) Gas service at the rate specified in this paragraph (“air conditioning rate”) shall be available to customers who request such service in writing and who have installed and use air conditioning equipment operated by natural gas as the principal source of energy. The air conditioning rate will be ~~\$7.4271~~ \$7.3421 per one thousand (1,000) cubic feet of gas used per month.

(b) The director of finance may, when it is impracticable to install a separate meter for air conditioning equipment, permit the use of one (1) meter for all gas delivered to the customer, in which instance the director of finance shall estimate the amount of gas for uses other than air conditioning and shall bill for such gas at the rates provided in applicable sections of this division.

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**Sec. 31-60. Interruptible sales service (IS).**

(a) *Conditions. . . .*

(b) *Customer's agreement as to discontinuance of service. . . .*

(c) *Basic monthly service charge.* The basic monthly charge per meter for interruptible sales service ("IS gas") shall be sixty dollars (\$60.00).

(d) *Rate.* For all gas consumed by interruptible customers the rate shall be ~~\$7.3874~~ \$7.2178 per one thousand (1,000) cubic feet for the first six hundred thousand (600,000) cubic feet, and ~~\$6.5720~~ \$6.6937 per one thousand (1,000) cubic feet for all volumes over six hundred thousand (600,000) cubic feet.

(e) *Annual Minimum Quantity.* Interruptible rate customers shall be obligated to take or pay for a minimum quantity of one million two hundred thousand (1,200,000) cubic feet of gas annually. Each year, as of June 30, the director of finance shall calculate the total consumption of each interruptible customer for the preceding twelve (12) monthly billing periods, and shall bill any customer that has consumed less than the minimum quantity for the deficient amount at the rate of ~~\$7.3874~~ \$7.2178 per one thousand (1,000) cubic feet. Any new customer shall be required to enter into a service agreement with the City prior to the start of service. If an interruptible customer terminates service the annual minimum requirement shall be prorated on the basis of one hundred thousand (100,000) cubic feet per month for each month the customer has received service since the last June 30 adjustment.

(f) *Contract required. . . .*

**Section 31-61. Interruptible Transportation Service (TS).**

(a) *Generally. ...*

(b) *Rates.* The rates for interruptible transportation service ("TS gas") shall be as follows:

(1) ~~\$3.2293~~ \$2.6462 per decatherm for a customer receiving only TS gas, and

(2) ~~\$1.8842~~ \$1.5877 per decatherm, for customers who transport 35,000 or more decatherms per month ("large volume transportation customers"), regardless of whether such large volume transportation customer receives only TS gas, or also receives IS service.

(c) *Basic Monthly Service Charges. ...*

(d) *Special terms and conditions. ...*



- (e) *Extension of facilities. . . .*
- (f) *Billing month. . . .*
- (g) *Lost and unaccounted-for gas. . . .*
- (h) *Combined IS and TS customer using more than provided or scheduled by customer....*
- (i) *TS Customer providing more gas, or less gas, than customer's usage. ...*
- (j) *Other terms and conditions. . . .*

**Section 31-62. Purchased gas adjustment.**

In computing gas customer billings, the basic rate charges established under sections 31-56, 31-57, 31-60 and 31-61 shall be adjusted to reflect increases and decreases in the cost of gas supplied to the city. Such increases or decreases shall be computed as follows:

(1) For the purpose of computations herein, the costs and charges for determining the base unit costs of gas are:

- a. Pipeline tariffs;
- b. Contract quantities; and
- c. Costs of natural gas, in effect or proposed as of ~~March 1, 2019~~ April 1, 2021.

(2) Such base unit costs are \$4.2810 per one thousand (1,000) cubic feet for firm gas service and \$2.8498 per one thousand (1,000) cubic feet for interruptible gas service.

(3) In the event of any changes in pipeline tariffs, contract quantities or costs of scheduled natural gas, the unit costs shall be recomputed on the basis of such change in accordance with procedures approved by the city manager. The difference between the unit costs so computed and the base unit costs shall represent the purchased gas adjustment to be applied to all customer bills issued beginning the first billing month after each such change.

**ARTICLE IV. WATER AND SEWER SERVICE CHARGES**

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**Sec. 31-153. Water rates generally.**

(a) Water rates shall be as follows:

(1) Monthly service charge.

Water Meter Size (inches)	Fee
5/8	<del>\$5.00</del> \$5.50
3/4	<del>\$5.00</del> \$5.50
1	<del>\$12.50</del> \$13.75
1 1/2	<del>\$25.00</del> \$27.50
2	<del>\$40.00</del> \$44.00
3	<del>\$80.00</del> \$88.00
4	<del>\$125.00</del> \$137.50
6	<del>\$250.00</del> \$275.00
14	<del>\$1637.50</del> \$1801.25

	<u>May-September</u>	<u>October-April</u>
(2) Metered water consumption, per 1,000 cu. ft.	<del>\$65.31</del> \$70.08	<del>\$50.24</del> \$53.91

(b) This section shall not apply to special contracts for the consumption of water which have been authorized by the city council.

...

**Sec. 31-156. Sewer service charges generally.**

(a) Any person having a connection directly or indirectly, to the city sewer system shall pay therefor a monthly charge as follows:

(1) Monthly service charge

Water Meter Size (inches)	Fee
5/8	<del>\$5.00</del> \$5.50
3/4	<del>\$5.00</del> \$5.50
1	<del>\$12.50</del> \$13.75
1 1/2	<del>\$25.00</del> \$27.50
2	<del>\$40.00</del> \$44.00
3	<del>\$80.00</del> \$88.00
4	<del>\$125.00</del> \$137.50
6	<del>\$250.00</del> \$275.00
14	<del>\$1637.50</del> \$1801.25

(2) An additional charge of ~~eighty dollars and fourteen cents (\$80.14)~~ eighty one dollars and thirty-four cents (\$81.34) per one thousand (1,000) cubic feet, of metered water consumption.

(b) Any water customer not discharging the entire volume of water used into the city's sanitary sewer system shall be allowed a reduction in the charges imposed under this section, provided such person installs, at his expense, a separate, City-approved water connection to record water which will not reach the City sewer system. The cost and other terms of City Code

section 31-102 shall apply. For customers with monthly water consumption in excess of thirty thousand (30,000) cubic feet, where the director of finance considers the installation of a separate meter to be impracticable, the director may establish a formula which will be calculated to require such person to pay the sewer charge only on that part of the water used by such person which ultimately reaches the city sewers.

**2. The foregoing amendments shall become effective July 1, 2021.**

Approved by Council  
June 21, 2021



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Kyna Thomas, MMC  
Clerk of Council

**RESOLUTION**  
**APPROVING A DONATION OF 1947 AMERICAN LAFRANCE FIRE ENGINE**  
**TO THE CHARLOTTESVILLE PROFESSIONAL FIREFIGHTERS ASSOCIATION**

**WHEREAS**, the Charlottesville Professional Firefighters Association has requested the City to donate to it certain property, specifically a 1947 American LaFrance Fire truck (the “Fire Engine”); and

**WHEREAS**, the Fire Engine is currently in storage, and the City has no plans to re-use the Fire Engine for the provision of firefighting services, and staff estimates the value of the Fire Engine to be around (\$5000.00).

**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, based on information assembled and provided by Chief Hezedeon Smith, that the Charlottesville Professional Firefighters Association is a charitable association located within City limits and is therefore an entity to which the Council is expressly 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 the Fire Engine is hereby donated to the Charlottesville Professional Firefighters Association.

Approved by Council  
June 21, 2021



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Kyna Thomas, MMC  
Clerk of Council

*This resolution was re-certified by Clerk of Council Kyna Thomas on July 14, 2021 upon verification of a clerical error regarding the year model of the firetruck. The truck was verified to be a 1947 model by the Department of Motor Vehicles and there exists no 1948 model for donation; thus, the resolution now reflects 1947 instead of 1948 as submitted in materials for Council consideration.*

**RESOLUTION APPROPRIATING FUNDS FOR  
2021 Climate Protection Program Support Grant  
\$44,718**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$44,718 is hereby paid to LEAP from previously appropriated funds in the Gas Fund, Environmental Sustainability Cost Center as follows:

\$44,718      Fund: 631      Cost Center: 2711001000      G/L Account: 599999

Approved by Council  
June 21, 2021



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Kyna Thomas, MMC  
Clerk of Council

**RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to sign the following document, attached hereto, in form approved by the City Attorney or his designee.

Memorandum of Understanding (MOU) between the City and the Local Energy Alliance Program (LEAP) for grant funds to support the Climate Protection Program and promote energy performance improvements.

Approved by Council  
June 21, 2021

A handwritten signature in cursive script that reads "Kyna Thomas".

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Kyna Thomas, MMC  
Clerk of Council

**RESOLUTION**  
**Approval of Albemarle Housing Improvement Program Contingency Plan**  
**FY 2021-2022 Minor Annual Action Plan Amendment**

**BE IT RESOLVED**, that the Charlottesville City Council hereby approves the Albemarle for Housing Improvement Program Contingency Plan and the FY 2021 - 2022 Minor Action Plan Amendment of the 2018-2022 Consolidated Plan. This will assist the City and the subrecipient meet CDBG and HOME timeliness goals. All HOME funds are to be expended by the June 30, 2022 program deadline.

Approved by Council  
June 21, 2021



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Kyna Thomas, MMC  
Clerk of Council

**RESOLUTION**

**APPROVING A LEASE OF CITY PROPERTY TO THE  
VIRGINIA DISCOVERY MUSEUM, INC.**

**WHEREAS**, the Virginia Discovery Museum of Virginia, Inc. (“VDM”) (i) maintains its offices, and operates a museum, within certain premises at 524 East Main Street, Charlottesville, Virginia, and (ii) operates an outdoor children’s carousel, as the tenant under certain lease agreements with the City of Charlottesville, Virginia (City), and the term of such lease agreements will expire June 30, 2021; and

**WHEREAS**, the City and VDM desire to enter into a new five-year lease agreement for all of the space currently occupied by VDM, to take effect July 1, 2021, under the terms and conditions of a proposed Lease presented to and reviewed by this Council in conjunction with its consideration of this Resolution (“Proposed Lease”); and

**WHEREAS**, in accordance with Virginia Code Section 15.2-1800(B) City Council conducted a public hearing on the Proposed Lease and has determined that the Proposed Lease contains suitable terms upon which VDM’s tenancy may be approved; NOW, THEREFORE,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE** that the Proposed Lease with VDM is hereby approved, and the City Manager is hereby authorized: (i) to execute a final Lease with VDM, upon terms and conditions consistent with those set forth within the Proposed Lease and approved as to form by the City Attorney’s Office, and (ii) to act as the authorized agent of the City Council for the administration of the lease with VDM, for giving such approvals and notices, and for exercising such rights as may be authorized or reserved to the City within such Lease.

Approved by Council  
June 21, 2021



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Kyna Thomas, MMC  
Clerk of Council