

## **CHARLOTTESVILLE CITY COUNCIL MEETING**

**June 21, 2021**

**Virtual/electronic meeting via Zoom**

### **5:30 PM CLOSED MEETING**

The Charlottesville City Council met in an electronic meeting on Monday, June 21, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Nikuyah Walker called the meeting to order at 5:09 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1), for discussion and consideration of prospective candidates for appointment by City Council to various boards and commissions of the city government.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none), 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.

The meeting adjourned at 6:31 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

### **6:30 PM REGULAR MEETING**

The Charlottesville City Council met in an electronic meeting on Monday, June 21, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic.

Mayor Walker called the meeting to order at 6:32 p.m. and City Council observed a moment of silence.

Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor

Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

### **AGENDA APPROVAL**

On motion by Councilor Snook, seconded by Councilor Hill, Council unanimously approved the meeting agenda.

### **BOARD/COMMISSION APPOINTMENTS**

On motion by Councilor Hill, seconded by Councilor Snook, Council by a vote of 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) APPROVED the appointment of the following individuals to City boards and commissions:

- Charlottesville-Albemarle Airport Commission (Matthew Murray)
- Historic Resources Committee (Jessica Livingston)
- Housing Advisory Committee (Gary Palmer)
- Jefferson-Madison Regional Library Board (Meredith Cole)
- Minority Business Commission (Antwon Brinson, Karen Woody)
- Monticello Area Community Agency Board (Georgia Garrett)
- Piedmont Family YMCA Board of Directors (Anne Hemenway)
- Piedmont Virginia Community College Board (Leslie Favel)
- Retirement Commission (David Hughes)
- Sister Cities Commission (Nana Ghartey)
- Social Services Advisory Board (Rebekah Menning, Zuhayr Shaikh)
- Towing Advisory Board (Buzz Becker, Ashley Cullop)
- Tree Commission (Jacqueline Dugery)
- Youth Council (Nicole King)

### **CONSENT AGENDA\***

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

1. MINUTES: April 19 work session, closed and regular meetings, May 3 closed and regular meetings, May 25 work session
2. RESOLUTION: Appropriating trail fund contribution from Milestone Partners for Meadow Creek Trail - \$12,043 (2nd reading)

**APPROPRIATION RESOLUTION**  
**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.

3. RESOLUTION: Appropriating Virginia Department of Motor Vehicles Highway Safety Grant funds \_Alcohol and Impaired Driving - \$9,453 (2nd reading)

**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).

4. RESOLUTION: Appropriating funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) - \$23,056 (2nd reading)

**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
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**Expenditures – \$23,056.00**

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

5. ORDINANCE: 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)

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

6. ORDINANCE: 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)

**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**

7. RESOLUTION: Appropriating funds for COVID Homelessness Emergency Response Program (CHERP) Grant Amendment - \$201,120 (carried)
8. RESOLUTION: Appropriating funds Charlottesville Student Victim Outreach Program Department of Criminal Justice Services Victim of Crimes Act Grant - \$343,371 (carried)
9. RESOLUTION: Appropriating funds for Department of Justice Office of Justice Programs Grant for Charlottesville Albemarle Family Treatment Court Program Expanded Services - \$827,973 (carried)
10. RESOLUTION: Appropriating funds for FY21 Virginia Department of Criminal Justice ServicesBody- worn Camera Grant - \$100,000 (carried)
11. RESOLUTION: Approving the donation of a 1948 American LaFrance fire engine to the Charlottesville Professional Firefighters Association

*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**  
**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 Hezedeane 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.

12. RESOLUTION: Climate Protection Program and Local Energy Alliance Program (LEAP) service agreement

- a. RESOLUTION: 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

**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

- b. RESOLUTION: 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

#### **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.

13. RESOLUTION: Approving the Albemarle Housing Improvement Program Contingency Plan FY 2021- 2022 Minor Annual Action Plan Amendment

#### **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.

Mayor Walker opened the floor for comment on the Consent Agenda:

- Kate Fraleigh, city resident, spoke in opposition to Item #10.

Mayor Walker asked for additional information on Item #9 regarding funds for the Department of Justice Office of Justice Programs Grant for Charlottesville Albemarle Family Treatment Court Program Expanded Services. Social Services Director Sue Moffett provided an explanation.

Mayor Walker requested a separate vote on Item #13 and asked for additional information about the repairs and communication with the previous owner. Mr. Cory Demchak provided an explanation.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED the Consent Agenda, pulling Item #13 at the request of Mayor Walker: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED Item #13 Albemarle Housing Improvement Program Contingency Plan FY 2021-2022 Minor Annual Action Plan Amendment: 5-0 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

### **CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS**

City Manager Chip Boyles shared an update on the following community matters:

1. Notices were published and mailed to nearby battlefields for expressions of interest in acquiring Confederate statues from the City. To date three statements of interest were received.
2. City staff continue to work with Midway Manor to get the elevator working again.
3. The City's Home to Hope is undergoing transition and Deputy City Manager Ashley Marshall has taken the lead on continuing the program.
4. The Department of Human Services is working with the American Rescue Plan (ARP) final regulations and with continuing state rental assistance programs of both CARES and the ARP to continue financial assistance to prevent rental evictions.
5. City Hall and city operations continue to increase hours of operations, with full operation expected to begin in early September, at which time all public meetings including board and commission meetings would be expected to meet in person
6. Hiring continues for city operations.

Mayor Walker asked if full operations would allow some city staff to continue to work remotely. Mr. Boyles advised that departments would determine feasibility of remote work based on workloads and operations, and this would go on indefinitely.

Vice Mayor Magill asked for consideration of staff members who could present to City Council remotely as technology allows.

There was further discussion about governance of in-person meetings.



## COMMUNITY MATTERS

Mayor Walker opened the floor for public comment.

1. Cali Gaston spoke in support of removing statues of Confederate generals Lee and Jackson from City parks.
2. Roy Van Doorn, speaking on behalf of the Virginia Restaurant Lodging and Travel Association - Charlottesville Chapter spoke about use of American Rescue Plan funds for the tourism and hospitality industry.
3. Tracey Hopper, city resident, spoke in support of the Police Civilian Review Board ordinance and expanded authority approved by the Virginia General Assembly.
4. Dr. Emily Yen, city resident, spoke in support of a collective bargaining ordinance as related to the Municipal Public Sector Bargaining Bill.
5. Nancy Carpenter, city resident, advised of the ending of the moratorium on evictions. She shared information relating eviction risk with Covid vaccine access.
6. Adrienne Dent spoke in support of removing statues of Confederate generals Lee and Jackson from City parks and asked that only institutions or organizations with a history of engaging in dismantling racist narratives be considered. She spoke in support of the Peace in the Streets response to a rise in gun violence and asked Council to consider more funding. She thanked numerous people for the Juneteenth event programming.
7. Kate Fraleigh, city resident, spoke about the police oversight board and the need for a board independent from the police department to review complaints. She spoke in support of a Police Civilian Review Board local ordinance being prepared for presentation to Council in the near future.
8. Don Gathers, city resident, spoke about the disposition of the statues of Confederate generals Lee and Jackson from City parks. He also spoke about the end of the eviction moratorium and collective bargaining.
9. Marcia Geyer shared information about a Jim Crow museum for the disposition of the statues of Confederate generals Lee and Jackson.

Councilor Payne requested that the City Manager provide information about funding to help fight the ending of the eviction moratorium. Mr. Boyles advised that a request would come before Council to use American Rescue Plan funds.

## ACTION ITEMS

### **14. PUBLIC HEARING/RESOLUTION: Approving a lease of City property to the Virginia Discovery Museum, Inc.**

David Brown, Director of Public Works, presented the proposal.

Mayor Walker opened the public hearing.

- Jessica Phillips, Vice Chair and legal counsel for the Board of the Virginia Discovery Museum advised that she was available to answer questions from Council or the public.

Mayor Walker closed the public hearing.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote the Approving a lease of City property to the Virginia Discovery Museum, Inc.: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**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.

**15. PUBLIC HEARING/RESOLUTION: Appropriating FY 2021 Supplemental Federal Funding for Transit Capital and Operating Assistance - \$5,038,344 (carried)**

Garland Williams, Transit Director, presented the request.

Councilor Payne asked whether the buses would add capacity or replace existing fleet and Mr. Williams advised that four of the requested eleven buses would be new and the others would replace aging vehicles.

Mayor Walker asked whether additional staffing would be needed, and Mr. Williams advised that staffing was addressed during the budget process.

Vice Mayor Magill made comments about the timing for ordering buses and Mr. Williams advised that the buses would be ordered following Council approval of the resolution and would take 18-24 months to receive the vehicles.

Councilor Snook asked about the cost curves related to electric buses and how much infrastructure would be needed to accommodate CNG technology. Mr. Williams advised that a study would be conducted to evaluate whether the model would work and be reliable for Charlottesville.

Mayor Walker opened the public hearing. With no speakers coming forward, Mayor Walker closed the public hearing.

Councilors highlighted positive aspects of the proposal: automatic passenger counters, potential for continued fare-free rides, more efficiency, and added capacity.

Councilors agreed to move the item forward to the July 19 Consent Agenda for a second reading.

**16. RESOLUTION: Appropriating funds for Conscious Capitalist Foundation Peace in the Streets Program off-cycle budget request - \$50,000 (carried)**

Kaki Dimock, Director of Human Services, presented the request. She noted that using credible messengers, the Conscious Capitalist Foundation program model called Healthy, Wealthy, and Wise, a transformative mentoring curriculum was identified as a promising practice by the National Institute for Criminal Justice Reform. The credible messenger approach is associated with positive outcomes in engaging in services and programs; reductions in re-arrest and violations; increased compliance with court and school conditions; and improved collaboration between system stakeholders and the broader community.

Robert Gray and Derek Rush of Conscious Capitalist Foundation shared information about the correlation in populations being served on the preventive side and on the intervention/corrective side and answered a question from Councilor Hill about what would happen if not fully funded.

Martize Tolbert of the Fountain Fund and Conscious Capitalist Foundation spoke about the work

of Peace in the Streets. He spoke of the hotline already in place as well as other work in progress.

Nicholas Feggans of Peace in the Streets shared information about a Happy Saturdays initiative and partnering with other community agencies who traditionally have not been able to reach the target communities.

Mayor Walker mentioned holding the second reading prior to Council's July 19 meeting. Ryan Davidson asked for clarification from City Attorney Lisa Robertson regarding allocating funds from the Council Strategic Initiatives Fund to allow this item to be approved with one reading.

Council agreed to move the item to the June 24 City Council Special Meeting for a second reading and vote.

**17. RESOLUTION: Appropriating funds for Conscious Capitalist Foundation - \$50,000  
(carried)**

Kaki Dimock, Director of Human Services, presented the request.

Council agreed to move the item to the June 24 City Council Special Meeting for a second reading and vote.

**GENERAL BUSINESS**

There were no items of general business.

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

There were no other business items or questions for the City Manager.

**MATTERS BY THE PUBLIC**

Mayor Walker opened the floor for comments from the public.

- Wolfgang Keppley spoke about the exit of the ADA Coordinator and asked that the position and retention be prioritized.

The meeting adjourned at 8:44 p.m.

BY Order of City Council

BY Kyna Tomas, Clerk of Council