

## CERTIFICATIONS



## CITY COUNCIL AGENDA September 7, 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-Police Civilian Review Board and Human Rights Commission; personnel)

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 (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 **Item #15 Added: APPROVED 5-0 (SNOOK/HILL)**

## ANNOUNCEMENTS

## RECOGNITIONS/PROCLAMATIONS

## CONSENT AGENDA\* **APPROVED 4-1 (MAGILL/SNOOK; Walker opposed)**

1. Minutes: July 19 closed and regular meetings, July 27 work session, August 2 regular meeting
2. Resolution: Amending the FY2020-2021 Community Development Block Grant and HOME Investment Partnerships Program Minor Action Plan Budget (2nd reading)
  - a. Resolution: Amendment to Community Development Block Grant account #R-21-119 \$85,843.66
  - b. Resolution: Amendment to HOME Investment Partnership Program \$21,384.80 #R-21-120
  - c. Resolution: Approving the FY 2020-2021 Minor Annual Action Plan Amendment #R-21-121
3. Ordinance: Amending and re-enacting the Code of the City of Charlottesville, 1990, as amended, in order to remove masculine and/or feminine language and to substitute gender-neutral pronouns (2nd reading) #O-21-122
4. Resolution: Appropriating Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) Grant funds to the Thomas Jefferson Area Coalition for the Homeless (TJACH) - \$288,172 (1st of 2 readings)
5. Resolution: Appropriating funds from the Thomas Jefferson Area Coalition for the Homeless (TJACH) to the Department of Human Services - \$10,000 (1st of 2 readings)
6. Resolution: Appropriating funds for the Virginia Behavioral Health Docket Grant - \$49,000 (1st of 2 readings)

- 7. Resolution: Appropriating funds for the Charlottesville-Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (1st of 2 readings)
- 8. Resolution: Appropriating Bama Works Grant funds for the recruitment and retention of Black, Indigenous and People of Color (BIPOC) Foster Families - \$5,000 (1st of 2 readings)
- 9. Resolution: Amending and reauthorizing funds to construct a Bike and Pedestrian Bridge for McIntire Park - \$50,000 (1 reading)  
#R-21-123
- 10. Resolution: Appointing the City Voting Representative to Jaunt, Inc. Shareholders' Meetings (1 reading)  
#R-21-124
- 11. Resolution: Approving the City Manager's hiring recommendation for the Police Civilian Review Board Executive Director  
#R-21-125

## 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

- 12. Ordinance: Amending and re-enacting Charlottesville City Code Chapter 19 Section 19-59 to change the length and number of terms for members of the City's Retirement Commission (1st of 2 readings)
- 13. Resolution\*: Approving major design features from Design Public Hearing for the Barracks Road-Emmet Street Smartscale Improvement Project (1 reading)  
#R-21-126  
**APPROVED 5-0 (SNOOK/HILL)**
- 14. Resolution\*: Update on the disposition of the Lewis, Clark and Sacajawea and confederate statues, and ratification of Council's July 10, 2021 decision (1 reading)  
#R-21-127  
**APPROVED 5-0 (HILL/MAGILL)**
- 15. Motion\*: Appointing an Interim ADA Coordinator (1 reading)  
**APPROVED 5-0 (SNOOK/HILL)**

### GENERAL BUSINESS

### OTHER BUSINESS

### MATTERS BY THE PUBLIC

\*Action Needed

**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, all funds not expended by the Subrecipient by June 30, 2021 shall be reprogrammed; therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG (218) 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:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
218	1900362	Community Investment Collaborative	\$12.71		
218	1900361	Ridge Street Priority Neighborhood Taskforce		\$12.71	\$85,843.66
		<b>TOTALS:</b>	<b>\$12.71</b>	<b>\$12.71</b>	<b>\$85,843.66</b>

**RESOLUTION**  
**AMENDMENT TO HOME INVESTMENT PARTNERSHIPS PROGRAM**  
**Reprogramming of Funds for FY2020-2021**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the HOME Investment Partnership Program funds; and

**WHEREAS**, pursuant to section III sub-item B of HOME Sub-recipient Agreements all invoices for the project must be submitted for reimbursement by June 30, 2021; and

**WHEREAS**, pursuant to section 2 of the Cooperation Agreement for the TJPDC under the HOME Investment Partnership Program, funds not committed will be made available to Subrecipients under the Consortium Agreement; therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the HOME (210) 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:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
210	1900366	Habitat for Humanity of Greater Charlottesville	\$21,384.80		
		<b>TOTALS:</b>	<b>\$21,384.80</b>		

**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 HOME and budget will be reflected into the 2020-2021 Annual Action Plan.

**ORDINANCE**  
**TO AMEND AND RE-ENACT THE CODE OF CHARLOTTESVILLE, 1990, AS**  
**AMENDED, IN ORDER TO REMOVE MASCULINE AND/OR FEMININE**  
**LANGUAGE AND TO SUBSTITUTE GENDER NEUTRAL PRONOUNS**

**WHEREAS** the Charlottesville City Code contains mostly masculine pronouns; and

**WHEREAS** current social awareness of transgender and gender nonconforming identities has brought to light the importance of non-binary gender inclusivity; and

**WHEREAS** amending the Charlottesville City Code to include gender-neutral pronouns by eliminating any gender preference language within the Code of Charlottesville will reflect gender equality and gender inclusivity; now, therefore,

**BE IT ORDAINED** by the Council for the City of Charlottesville:

1. **The recitals and findings contained in the preamble to this ordinance are adopted by reference and incorporated as if fully set forth in this section.**

2. **The Municipal Code Corporation is hereby authorized to degenderize and update pronouns throughout the Code of Charlottesville (1990), as amended, subject to approval by the City Attorney, which authorization shall include review and editing of future proposed ordinances. In exercising this authorization the Municipal Code Corporation shall be guided by the following protocols:**

Change the term "he" to "they"

Change the term "she" to "they"

Change the term "his" to "their"

Change the term "hers" to "their"

**Change the phrase "his or hers" to "their"**

Change the term "her" to "them"

Change the term "him" to "them"

Change the term "himself" to "themselves"

Change the term "herself" to "themselves"

Change the term "man" or "woman" to "individual"

**Change the phrase "man made" to "human caused"**

Change the term "men" or "women" to "individuals"

**Change the term "chairman" to "chair"**

Change the term "policeman" to "police officer" (not found in current Code)

Change the term "policewoman" to "police officer" (not found in current Code)

Change the term "policemen" to "police officers" (not found in current Code)

Change the term "policewomen" to "police officers" (not in current Code)

Change the term "workman" to "worker" (not found in current Code)

Change the term "workmen" to "workers" (not found in current Code)

Change the term "fireman" to "firefighter" (not found in current Code)

Change the term "firemen" to "firefighters" (not found in current Code)

Provided, however, that, where a particular term, such as “women”, is part of a reference to or the title of a federal, state or local program, the term shall not be changed within that title (e.g., City Code §§22-32(a)(7) and 30-284(b)(4)).

**3. Throughout the Code of Charlottesville (1990), as amended, in effect on the date on which this ordinance is adopted, said Code shall be amended with gender neutral terminology in accordance with the above-referenced protocols, and such amended Code is hereby re-enacted, in its entirety, to include the above-referenced gender neutral terminology.**

**RESOLUTION AMENDING AND REAUTHORIZING  
Funds to construct a Bike and Pedestrian Bridge for McIntire Park  
\$50,000**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, is no longer obligated to provide match to the VDOT Recreational Access grant fund for the McIntire Park Bike Access project; and

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, is working to construct the McIntire Park Trail and Bridge;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$50,000 is hereby transferred in the following manner:

**Transfer From**

\$50,000      Fund: 426                      WBS: P-01005                      G/L Account: 599999

**Transfer To**

\$50,000      Fund: 426                      WBS: P-00673                      G/L Account: 451020



**RESOLUTION**  
**APPOINTMENT OF CITY VOTING REPRESENTATIVE TO THE JAUNT, INC.**  
**SHAREHOLDERS' MEETINGS**

**WHEREAS**, Jaunt Inc. is a public service corporation organized in 1975 and owned by the City of Charlottesville and the Counties of Albemarle, Fluvanna, Louisa and Nelson serving these communities and the areas of Buckingham, Greene and Amherst Counties; and

**WHEREAS**, Jaunt, Inc. utilizes local, state, federal and contract funding to provide over 300,000 passenger trips a year with its fleet of 85 vehicles; and

**WHEREAS**, Jaunt, Inc. is governed by a Board of Directors appointed by its member localities with officers appointed by the owner Shareholder members at an annual meeting; and

**WHEREAS**, the City has four appointed citizen representatives on the Board of Directors and eligible for officers of the Board of Directors: and

**WHEREAS**, the City of Charlottesville appoints a representative of either an appointed Board Member or the Charlottesville City Manager to represent the City as a voting proxy during this and any Shareholder meetings; and

**WHEREAS**, City staff recommends the appointment of the City Manager as the Shareholder Proxy; and now

**THEREFORE, BE IT RESOLVED** this 7<sup>th</sup> day of September, 2021 by the Council of the City of Charlottesville, Virginia that the City Manager is appointed to represent the City as the voting proxy for this and future Jaunt, Inc. Shareholder Meetings and until such time as this representation is amended by the City Council .

**RESOLUTION**  
**Approving the City Manager's Hiring Recommendation for the**  
**Police Civilian Review Board Executive Director**

**WHEREAS**, the City Manager wishes to hire Mr. Hansel Aguilar as the Charlottesville Police Civilian Review Board Executive Director, pursuant to Chapter 2 Section 2-465 of the Code of the City of Charlottesville (1990) as amended; and

**WHEREAS**, Mr. Aguilar has agreed to accept hiring and appointment as Executive Director of the Police Civilian Review Board, upon certain terms and conditions set forth in writing and accepted by Mr. Aguilar on August 10, 2021

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, pursuant to Section 2-456 of the Code of the City of Charlottesville (1990), as amended, the City Manager's appointment of Mr. Hansel Aguilar as Executive Director of the City's Police Civilian Review Board is hereby approved.

**RESOLUTION  
BARRACKS ROAD/EMMET STREET SMARTSCALE IMPROVEMENT  
PROJECT DESIGN PUBLIC HEARING APPROVAL**

**WHEREAS**, a Design Public Hearing was conducted virtually via ZOOM on July 7, 2021 by representatives of the City of Charlottesville and the Commonwealth of Virginia Department of Transportation after due and proper notice for the purpose of considering the proposed design of the Barracks Road/Emmet Street Smartscale Improvement Project under State project number of 0029-104-336, C501, P101, R201 in the City of Charlottesville, at which hearing aerial photographs, drawings, environmental documentation and other pertinent information were made available for public inspection in accordance with state and federal requirements; and

**WHEREAS**, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and

**WHEREAS**, representatives of the City of Charlottesville were present and participated in said hearing; and

**WHEREAS**, the Council had previously requested the Virginia Department of Transportation to program this project; and

**WHEREAS**, the Council fully deliberated and considered all such matters; now

**THEREFORE BE IT RESOLVED** that the Council of the City of Charlottesville hereby approves the major design features of the proposed project as presented at the Public Hearing with the following changes:

1. Signalize the southbound right turn slip lane on Emmet St. (matching plan to signalize the northbound right turn slip lane).
2. Add an additional sharrow (shared lane) marking on the westbound approach to the Barracks/Emmet signal.
3. Minimize impacts to existing holly trees that exist at the Buckingham Road intersection.

**BE IT FURTHER RESOLVED** that the City of Charlottesville will acquire and/or furnish all right-of-way necessary for this project and certify the same to the Virginia Department of Transportation and Federal Highway Administration at the appropriate time.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute, on behalf of the City of Charlottesville, all necessary agreements required in conjunction with acquiring such rights of way, as well as all other associated standard agreements for construction activities.

**RESOLUTION**

**TO RATIFY CITY COUNCIL'S JULY 10, 2021 DECISION TO REMOVE AND RELOCATE A CITY-OWNED STATUE DEPICTING MERIWETHER LEWIS, WILLIAM CLARK AND SACAJAWEA**

**WHEREAS** for some time, the Charlottesville City Council has publicly expressed its desire, and has stated its intention, to remove and relocate a statue/ sculpture depicting Sacajawea, Meriwether Lewis, and William Clark currently located on West Main Street in the City (hereinafter, referred to as the "LCS Statue"), such desires and intentions having previously been expressed by Resolution adopted by City Council on November 15, 2019; and

**WHEREAS** on July 10, 2021, unforeseen circumstances arose, when the contractor engaged in the process of removing other statuary within the City notified City staff that it would finish that work in substantially less than the full day that had been anticipated, and the contractor offered that, since the personnel, cranes and other equipment had already been mobilized for a full day, for a fixed-price, the contractor would remove and relocate the LCS Statue at no additional cost to the City; and

**WHEREAS** on July 10, 2021, in order to take advantage of an opportunity to save hundreds of thousands of public dollars, the circumstances presented to City Council by the aforesaid contractor required immediate action by City Council; therefore, the Mayor called a special/ emergency meeting of City Council upon public notice, reasonable under the circumstances, and said notice was given contemporaneously to the public and members of city council; and

**WHEREAS** pursuant to Section 14 of the municipal Charter for the City of Charlottesville, this City Council has broad and express authority, without the requirement for a public hearing, to control and manage the City's personal property; and

**WHEREAS** this City Council now desires to ratify its decision to remove and relocate the LCS Statue;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT** the City's July 10, 2021 removal of the LCS Statue from its original location on West Main Street, and its relocation on July 10, 2021 to a storage location owned/ co-owned by the City of Charlottesville, is hereby ratified.