



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

ANNOUNCEMENTS

RECOGNITIONS/PROCLAMATIONS

CONSENT AGENDA*

1. Minutes: Pending
2. Ordinance: City of Charlottesville COVID Ordinance repeal (2nd reading)
3. Ordinance: Designation of trees for protection under the Tree Conservation Ordinance (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 - Reprogramming of Funds for FY 2020-2021 \$64,097.82
 - b. Resolution*: FY 2020 - 2021 Minor Action Plan Amendment of the 2018-2022 Consolidated Plan
5. Appropriation: Virginia Department of Criminal Justice Services (DCJS) Coronavirus Emergency Supplement Funding (CESF) Fiscal Year 2021 - \$50,000 (1st of 2 readings)
6. Appropriation: Firehouse Subs Public Safety Grant \$26,971.10 (1st of 2 readings)
7. Resolution: Donation of 1967 City Hall sign to the Albemarle Charlottesville Historic Society (1 reading)
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.: First Amendment Monument lease (1 reading)
10. Ordinance: Continuity of Government Ordinance re-enactment (1 reading)
11. Appropriation: House Bill 5005, Item 408 #1c: Public Safety and Homeland Security, Department of Criminal Justice Services – Local Police Department Funding - \$67,913 (1st of 2 readings)

GENERAL BUSINESS

OTHER BUSINESS

MATTERS BY THE PUBLIC

*Action Needed

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 5, 2021
Action Required:	First Reading: Ordinance to Repeal the City’s COVID Ordinance
Presenter:	Heather Hill, City Councilor
Staff Contacts:	Charles P. Boyles, II, City Manager Lisa Robertson, Chief Deputy/Acting City Attorney
Title:	Repeal of Local COVID Public Health Ordinance

Background:

In 2020 the Charlottesville City Council enacted a local ordinance to prevent the spread of the Novel Coronavirus (“Covid 19”) pursuant to authority set forth in state law and Section 14 of the City Charter. Recently, on **December 10, 2020** and again on **February 16, 2021**, City Council amended its local ordinance to bring it into closer conformance with the Executive Orders issued by the Governor of Virginia. However, separately from the Governor’s Executive Orders the City’s local ordinance continues to impose local restrictions on the numbers of persons allowed at food establishments and requires a warning to a property owner or tenant prior to enforcing any state-imposed restrictions on the size of a gathering.

Discussion:

Councilor Hill requests that Council revisit the question of whether the City’s local ordinance should be repealed. Councilor Hill is concerned that as things progress relative to reopening in the coming months, there will continue to be confusion and discrepancies between what is being directed at the state and local level, making maintaining our own local ordinance growingly more cumbersome.

(Note: separately, on April 19, 2021 the City’s current Continuity of Government Ordinance will expire unless extended by City Council. We plan to present a proposed, revised Continuity of Government Ordinance for consideration on that date).

Alignment with Council Vision Areas and Strategic Plan:

Each of Council’s Alternatives, below, can be said to align with one or more Council Vision Areas.

Community Engagement: N/A

Budgetary Impact: N/A

Recommendation: None at this time.

Alternatives:

- (1) No change (no action required): City Council may, after discussing the matter, decide not to repeal or change the existing ordinance in any way.

- (2) Repeal the Current Ordinance (adopt an Ordinance to repeal the existing Ordinance, per City Code §2-100): if Council wishes, it could repeal the current local ordinance, and allow activities and gatherings subject only to the Governor's Executive Orders. (**Attachment A** to this Memo is an Ordinance repealing the current Ordinance). This Ordinance would require two readings, per City Code Sec. 2-97.

Attachment (1):

Attachment A: Ordinance repealing the local COVID Ordinance

ATTACHMENT A

**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).

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	April 5, 2021
Action Required:	Public Hearing/Ordinance
Presenter:	Mike Ronayne, Urban Forester Parks and Recreation
Staff Contacts:	Mike Ronayne, Urban Forester Parks and Recreation
Title:	Designation of Trees per the Tree Conservation Ordinance

Background:

On November 4, 2013 the City Council passed a tree conservation ordinance that permitted the designation of public or private trees as protected under one of four categories:

1. Heritage tree means any tree that has been individually designated by city council to have notable historic or cultural interest.
2. Memorial tree means any tree that has been individually designated by city council to be a special commemorating memorial.
3. Specimen tree means any tree that has been individually designated by city council to be notable by virtue of its outstanding size and quality for its particular species.
4. Street tree means any tree that has been individually designated by city council and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Attached are six trees forwarded for designation under this program. The first tree is a large white ash located at the rear courtyard of the Albemarle/Charlottesville Historical Society. This tree is proposed for designation as a specimen tree. Another proposed tree is the large American elm at Clark Elementary School proposed for designation as a Specimen Tree. This large tree resides to the Monticello Av. side of the school. The next tree is a post oak for Specimen Tree consideration in the Maplewood Cemetery. This large post oak is in the central part of the cemetery. The next tree is a large sycamore in Riverview Park for Specimen Tree consideration. This sycamore is along the paved trail and on the banks of the Rivanna River. The next tree for consideration is the large shumard oak planted in memory of Leroy Snow for designation as a Memorial Tree. The shumard oak resides alongside of the 250 Bypass near the exit for Rugby

Rd. The last tree for consideration is the southern red oak in Oakwood Cemetery. This tree is proposed for ordinance protection as a Specimen Tree. This southern red oak is located near the north end of the cemetery close to Oak St. and is the largest oak in the in the cemetery.

Pursuant to section 18-9(b)(2) Council is required to conduct a public hearing on these requests and pass an ordinance if the designation is to be given. The Tree Commission and City Arborist findings along with the original applications are attached.

Discussion:

In 2012 the Tree Commission began to work, in earnest, on a tree conservation ordinance that would afford protection to trees that had a unique or unusual set of attributes or conditions. After working extensively with the City Attorney, individuals and organizations such as the Charlottesville Area Tree Stewards and a careful and thoughtful review of the Commonwealth enabling legislation a proposed ordinance was forwarded to City Council and approved November 4, 2013.

The program is voluntary in nature and requires that all public tree nominations originate with the Tree Commission while private trees may only be nominated only by the owner of the property on which the tree resides. The nomination then undergoes a review by the City Arborist as to condition and verification of species. The Tree Commission then considers all these findings and makes a determination whether or not to forward the nomination to the City Council on a quarterly basis. The nomination requested for consideration has been through this exhaustive process.

The provisions of this ordinance, pursuant to the enabling legislation, shall not apply to:

- (1) Work conducted on federal or state property;
- (2) Emergency work to protect life, limb or property;
- (3) Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;
- (4) Activities with minor effects on trees, including but not limited to, home gardening and landscaping of individual homes; and
- (5) Commercial, silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

Upon designation the ordinance notes that:

A property owner shall undertake reasonable efforts to preserve and protect any trees designated pursuant to this article. No heritage, memorial, specimen or street tree may be removed or intentionally damaged in a way that could destroy the tree unless authorized by city council. City council may authorize the removal or other action upon making a determination that: (i) there is an overriding need for public improvements which necessitate removal of the tree; or (ii) not removing the tree will cause severe hardship to

the property owner.

Any person or entity that knowingly violates any provision of this article shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Civil penalties shall be imposed by the issuance of a civil summons returnable in the general district court

Alignment with Council Vision Areas and Strategic Plan:

The initiative supports City Council’s “Green City” vision. It contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving, and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Community Engagement:

There has been no extensive community engagement on these proposed designations; however, during the submittal process there has not been public opposition.

Budgetary Impact:

There is no anticipated budgetary impact.

Recommendation:

The Tree Commission recommends and requests that these three trees be designated as requested and staff can find no reason that should not occur.

Alternatives:

Council could take no action on the designation of these trees.

Attachments:

Ordinance

- | | |
|---------------|--|
| Attachment 1 | Tree Commission Cover letter |
| Attachment 2 | Photograph of White Ash Tree at Historical Society |
| Attachment 3 | Tree Conservation Nomination Form and Tree Commission Report |
| Attachment 4 | Tree Report prepared by City Arborist |
| Attachment 5 | Map of Tree Location |
| Attachment 6 | Photograph of American Elm at Clark Elementary School |
| Attachment 7 | Tree Conservation Nomination Form and Tree Commission Report |
| Attachment 8 | Tree Report prepared by City Arborist |
| Attachment 9 | Map of Tree Location |
| Attachment 10 | Photograph of Post Oak at Maplewood Cemetery |

Attachment 11	Tree Conservation Nomination Form and Tree Commission Report
Attachment 12	Tree Report prepared by City Arborist
Attachment 13	Map of Tree Location
Attachment 14	Photograph of Sycamore at Riverview Trail
Attachment 15	Tree Conservation Nomination Form and Tree Commission Report
Attachment 16	Tree Report prepared by City Arborist
Attachment 17	Map of Tree Location
Attachment 18	Photograph of Shumard Oak at 250 Bypass
Attachment 19	Tree Conservation Nomination Form and Tree Commission Report
Attachment 20	Tree Report prepared by City Arborist
Attachment 21	Map of Tree Location
Attachment 22	Photograph of Southern Red Oak at Oakwood Cemetery
Attachment 23	Tree Conservation Nomination Form and Tree Commission Report
Attachment 24	Tree Report prepared by City Arborist
Attachment 25	Map of Tree Location

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.

Charlottesville Tree Commission

March 18, 2021

Kyna Thomas
Clerk of Council
605 E. Main St.
2nd Floor
Charlottesville, VA 22902

Dear Ms. Thomas:

Pursuant to Chapter 18, Article II, of the Code of Ordinances, the Tree Commission nominates for conservation the six trees set forth in the attached documentation. All of the trees are on City property and are nominated with the designation indicated:

- White Ash, McIntire Building—*Specimen Tree*
- Elm, Clark School—*Specimen Tree*
- Sycamore, Riverview Park, Chesapeake St at Riverside Ave—*Specimen Tree*
- Bur-Post Oak, Maplewood Cemetery—*Specimen Tree*
- Southern Red Oak, Oakwood Cemetery—*Specimen Tree*
- Shumard Oak, Rugby Rd at 250 Bypass—*Memorial Tree, Street Tree*

The Commission intends to work with the City Arborist in the year ahead to identify and nominate additional trees, especially specimens. These nominations underscore the importance of an extra degree of preservation effort for the most significant trees in our urban forest.

Please let me know should you or members of Council have questions or require additional information.

Sincerely,

Brian Menard

Brian Menard
Chair

Nomination Trees

March 2020

1. White Ash, Heritage and or Specimen

Address:	Albemarle County Historical Society, 200 Jefferson St
Common Name:	Ash, White
Latin Name:	Fraxinus americana
Circumference:	16', diameter 5.1'
Height:	95'



Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to ehmand@charlottesville.org.

Application Number: _____

Date Received: _____

Nominator: Name (Print) Peggy Van Yahres for Tree Commission
E-Mail: vanyahresp@gmail.com
Phone: 4349536636
Signature: Peggy Van Yahres

Tree to be nominated:

Address:

Albemarle County Historical Society, 200 Jefferson St

Location description (if address unknown: Please include sketch below if needed). _____

Common name or Latin name of tree (if known):

Fraxinus americana

Category of Tree (check one): Public: Private (If selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

This tree is 63" DBH and 16' 9" in circumference.

There are photos from 1906 in the library, showing this Ash towering over the buildings back then.

Courtyard renovation occurred in 1993, cutting into tree roots. Former City Arborist Tim Hughes said this old Ash has made peace with what has been built around it. In 2002 City of Charlottesville started treating for Emerald Ash Borer. Tucked away in its secret garden, now a World Peace Garden.

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print)
 E-Mail:
 Phone:

If Private Tree:	Requested	Received
Owner Affidavit :	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

All Nominations:	Assigned	Returned
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	

Nominator Notified: _____
Owner Notified: _____

Loaded in GIS: _____

City Arborist's Report prepared by Mike Ronayne

ISA Certified Arborist # MA-5342-A

November 12th 2019

Tree Nomination for Ordinance Protection: White Ash (*Fraxinus americana*) at Albemarle Charlottesville Historical Society, 200 2nd St. NE, Charlottesville, VA

Nominated by: Peggy Van Yahres

Considerations

Size- The white ash at the Albemarle Charlottesville Historical Society was measured at diameter at breast height (4.5' above ground) and found to be 62" in diameter. The tree is estimated to be 85' in height with a 65' crown spread. The tree has a live crown ratio of approximately 50% which is good.

Species — Ash is listed in the *Mid- Atlantic Species Rating Guide* which is used as the industry standard for Tree Appraisal as having a species rating of 25-80. Ash have previously been widely used in the landscape. Ash trees are susceptible to a variety of insect and disease issues such as ash yellow and rust. Ash trees also now must be treated for emerald ash borer biannually which is an additional maintenance consideration. This was one of the first trees on the emerald ash borer management plan and was last treated in 2018 and is to be treated again in 2020. It is unknown how old the ash is. Due to these factors I believe a species rating of 45 out of 100 is appropriate.

Condition —It is observed that one lead has missing bark and a visible cavity. Throughout the interior of canopy there are a few broken stubs from previous branch failures. There are three cables observed that were installed to further reduce the risk of breakage among major leads. Overall the tree appears to be in good general health. Due to these factors the tree receives a condition rating of .80 out of 1 which is good.

Location — This tree is located at the rear of the Historical Society in at the end of a courtyard in a flowerbed. The tree is in an ideal location downtown and compliments the historic buildings. This tree has grown very large despite its limited rooting area surrounded by brick walls. Due to these factors the tree receives a location rating of .8 out of 1 which is good.

Conclusion

This ash tree adds outstanding aesthetic value to the landscape and adds to the perception of the historic downtown area. It is paramount that the tree continue to be preventatively treated for emerald ash borer. It should be noted that further ordinance protection would limit disturbances or renovations to adjacent hard structures. Due to these considerations I feel that this tree would benefit from further ordinance protection.

Ash behind Historical Society



Legend



Proposed Specimen Tree

2. Elm, Specimen

Address: Clarke school, 1000 Belmont Ave

Common Name: Elm, American

Latin Name: *Ulmus americana*



Tree Conservation - Nomination Form

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The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to ehmand@charlottesville.org.

Application Number: _____ Date Received: _____

Nominator: Name (Print) Peggy Van Yahres for Tree Commission
E-Mail: vanyahresp@gmail.com
Phone: 4349536636
Signature: Peggy Van Yahres

Tree to be nominated:

Address:

1000 Belmont Ave Clark School

Location description (if address unknown: Please include sketch below if needed). _____

Common name or Latin name of tree (if known): _____

Category of Tree (check one): Public: Private (if selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

It's DBH is 56' and circumference is 15' 2". This wonderful Elm is surviving Dutch Elm disease. City of Charlottesville treats it every 3-5 years. It shades George Rogers Clark School, built in 1931. So it could be around 84 years old.

If Private Tree the following information must also be received or the nomination cannot be processed:

Owner: Name (Print)
E-Mail:
Phone:

If Private Tree:	Requested	Received
Owner Affidavit :	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

All Nominations:	Assigned	Returned
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	_____

Nominator Notified: _____
Owner Notified: _____

Loaded in GIS: _____

City Arborist's Report prepared by Mike Ronayne

ISA Certified Arborist # MA-5342-A

November 13th 2019

Tree Nomination for Ordinance Protection: American Elm (*Ulmus americana*) at
Clark Elementary School, 1000 Belmont Av., Charlottesville, VA

Nominated by: Peggy Van Yahres

Considerations

Size- The American elm at Clark Elementary School was measured at diameter at breast height (4.5' above ground) and found to be 56" in diameter. The tree is estimated to be 55' in height with a 70' crown spread. The tree has a live crown ratio of approximately 45% which is fair.

Species — American elm is listed in the *Mid- Atlantic Species Rating Guide* which is used as the industry standard for Tree Appraisal as having a species rating of 35-70. American elms make a hardy urban tree and were extremely popular prior to the arrival of Dutch elm disease which devastated elms across the country. As a result of the nonnative, introduction of Dutch elm disease, various cultivars of American elm continue to play a role in our urban forests. This American elm has been treated preventively for Dutch elm disease for many years and will continue to be treated. It is unknown how old the elm is. Due to these factors I believe a species rating of 60 out of 100 is appropriate.

Condition – The elm has generally good main branching structure despite having multiple leads. Some tip die-back suggests declining vigor but would not be uncommon for an elm of this age and size. The tree appears to be in good general health. The tree's root plate is covered in English ivy and vinca ground cover but appears to be cut back from the tree trunk previously. The tree was last treated for Dutch elm disease in 2017 and will be treated again in 2020. Due to these factors the tree receives a condition rating of .85 out of 1 which is good.

Location – This tree is located at the southwest side of Clark Elementary School in a flowerbed and is an integral part of the planting area. The tree overhangs the faculty parking lot, sidewalks and flowerbed. This tree has a barrier to keep people out of the flowerbed area and limit disturbances. The tree accents the streetscape as well as the building. The tree sits high on the bank from Monticello Av. which makes it seem larger. Due to these factors the tree receives a location rating of .9 out of 1 which is excellent.

Conclusion

This American elm tree frames the Clark Elementary School and Monticello Av. It is paramount that the tree continue to be preventatively treated for Dutch elm disease. It should be noted that further ordinance protection would limit disturbances or renovations to adjacent hard structures and flowerbed. Due to these considerations I feel that this tree would benefit from further ordinance protection.

Elm at Clark Elementary



3. Post Oak, Specimen



An unusual hybrid, a huge Bur-Post Oak in the middle of the cemetery

Address:	Lexington Ave at Maple St (Maplewood Cemetery)
Common Name:	Oak, Bur-Post
Latin Name:	<i>Quercus stellata</i>
Circumference:	15.7' diameter: 5'

Tree Conservation - Nomination Form

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The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: specimen, heritage, memorial, and street trees. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted _____ sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to Ronaynem@charlottesville.org

Application Number: _____ Date Received: _____
Nominator: Name (Print) Brian Menard For Tree Commission
E-Mail: bpmenard@mindspring.com
Phone: 434 963 9961
Signature: [Handwritten Signature]

Tree to be nominated:
Address: Lexington Ave at Maple St
Location description (if address unknown: Please include sketch below if needed).
Maplewood Cemetery
Common name or Latin name of tree (if known): Quercus macrocarpa

Category of Tree (check one): Public: Private (If selected see added requirements below) _____

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

This specimen oak tree is 15.7' in ^{circumference} ~~diameter~~ and 5' DBH and sits in the most prominent and highest elevation in Mapkwood Cemetery. Its canopy extends over many burial plots and the Mason-Minor vault, the sole crypt in the cemetery.

This is an unusual interbred oak that has characteristics of both the Bur and the Post Oak.

GPS coordinates 38.032773, -78.473898

If Private Tree the following information must also be received or the nomination cannot be processed:

Owner: Name (Print) _____

E-Mail: _____

Phone: _____

City Arborist's Report prepared by Mike Ronayne

ISA Certified Arborist # MA-5342-A

October 24th 2019

Tree Nomination for Ordinance Protection: Post Oak (*Quercus stellata*) at
Maplewood Cemetery, 425 Maple St. Charlottesville VA

Nominated by: Brian Menard

Considerations

Size- The post oak at Maplewood was measured at diameter at breast height (4.5' above ground) and found to be 60" in diameter. The tree is estimated to be 70' in height with a 65' crown spread. The tree has a live crown ratio of approximately 65% which is excellent.

Species — Post oak is listed in the *Mid- Atlantic Species Rating Guide* which is used as the industry standard for Tree Appraisal as having a species rating of 60-90. Oaks in general are valuable to the landscape due to their longevity, strong wood and tolerance of urban environments. It is unknown how old the post oak is. Post oaks are native to Charlottesville and are generally tolerant of native insects but can be susceptible to internal heart rot. Due to these factors I believe a species rating of 75 out of 100 is appropriate.

Condition – This tree has response growth from where the tree has healed over previous pruning cuts. The tree has generally good form with a large, expansive crown. The crown has small, proportionate deadwood and appears to be healthy. No visible cavities are observed from the ground. The tree has two large leads that have been cabled with three steel cables and three Cobra systems to reduce the risk of breakage. It is also evident that the tree has had lightning protection installed. There is also substantial English ivy vines growing up the tree which appear to have been cut repeatedly in the past. Due to these factors the tree receives a condition rating of .70 out of 1 which is fair.

Location – This tree is located alone in the center of the historic Maplewood Cemetery at the highest point in the cemetery. The tree is in an ideal location in the cemetery. This tree has adequate soil volume in this location. It is difficult to determine when the grave sites under the post oak were last disturbed and difficult to determine the extent to the root zone of the tree. Due to these factors the tree receives a location rating of .9 out of 1 which is excellent.

Conclusion

This stately post oak at Maplewood has exceptional spread and diameter and is in the most ideal location in the cemetery. The English ivy and deadwood can be removed but the two major leads will still keep condition rating fair.

The majority of the root zone of this tree is on privately owned plots. "Reference in Code Sec. 18-11(2) to "emergency work to protect life, limb or property" is interpreted to allow access to burial plots within the critical root zone of the tree for the purpose of interment as well as repair or replacement of grave markers."

This tree would further benefit by being recognized by ordinance protection.

Maplewood Cemetery



Legend



Proposed Specimen Tree

4. Sycamore, Specimen

Address: Riverview Park, Chesapeake St at Riverside Ave

Common Name: Sycamore

Latin Name: *Platanus occidentalis*

Circumference: 8.6', diameter 2.7'



Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to Ronaynem@charlottesville.org.

Application Number: _____ Date Received: _____

Nominator: Name (Print) Peggy Van Yahres
E-Mail: vanyahresp@gmail.com
Phone: 434 953 6636
Signature: Peggy Van Yahres

Tree to be nominated:

Address: Riverview Park

Location description (if address unknown: Please include sketch below if needed).

Common name or Latin name of tree (if known): Sycamore

Category of Tree (check one): Public: Private (If selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species. X

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

This is one of the biggest Sycamores in the Park, right next to a trail, just before ¼ mile post. It's DBH is about 43" and circumference, about 11' 6".

Having trees along trails and sidewalks is a priority for the Tree Commission.

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print)
 E-Mail:
 Phone:

If Private Tree:	Requested	Received
Owner Affidavit:	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

All Nominations:	Assigned	Returned
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	

Nominator Notified: _____
Owner Notified: _____

Loaded in GIS: _____

City Arborist's Report prepared by Mike Ronayne

ISA Certified Arborist # MA-5342-A

November 26th 2019

Tree Nomination for Ordinance Protection: Sycamore (*Platanus occidentalis*) at
Riverview Trail, 298 Riverside Av., Charlottesville VA

Nominated by: Peggy Van Yahres

Considerations

Size- The sycamore along the Rivanna Trail was measured at diameter at breast height (4.5' above ground) and found to be 45" in diameter. The tree is estimated to be 65' in height with a 55' crown spread. The tree has a live crown ratio of approximately 45% which is fair.

Species — Sycamore is listed in the *Mid- Atlantic Species Rating Guide* which is used as the industry standard for Tree Appraisal as having a species rating of 45-70. Sycamore is prone to anthracnose but is otherwise a fairly hardy, fast growing tree. Sycamores are native to Charlottesville and are a common floodplain species. Due to these factors I believe a species rating of 65 out of 100 is appropriate.

Condition – This tree has good branching structure and no visible cavities from the ground. The crown has some deadwood larger than 2" diameter. No visible defects are observed in the main trunk or root flare. Crown is overall well balanced. It is unknown what impacts the paved trail may have had on existing conditions at time of installation. Due to these factors the tree receives a condition rating of .9 out of 1 which is good.

Location – This tree is located on the banks of the Rivanna River along the paved trail and north of the quarter mile marker in Riverview Park. Tree is also adjacent to paved trail. For these reasons the tree receives a location rating of .45 out of 1 which is poor.

Conclusion

The tree is also in an unplanned location naturally occurring on the river bank. This tree also has reduced accessibility to the public and the tree is not a functional part of the landscape or design. Despite the poor location rating, the tree is a good specimen and ordinance protection would benefit this tree.

Riverview Park - Sycamore



5. Shumard Oak, Memorial (Leroy Snow) Street Tree

Address: Rugby Rd Entrance onto 250 Bypass
Common Name: Oak, Shumard
Latin Name: *Quercus shumardii*
Circumference: 11', diameter 3.3'



Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: specimen, heritage, memorial, and street trees. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to ehmand@charlottesville.org.

Application Number: _____

Date Received: _____

Nominator: Name (Print) Rosanne Simon
E-Mail: rsimon_96@msn.com
Phone: 977-3562
Signature: Rosanne Simon

Tree to be nominated:

Address: Rugby Avenue entry onto 250 by-pass

Location description (if address unknown: Please include sketch below if needed). _____

Common name or Latin name of tree (if known): Shumard Oak: Quercus shumardii

A tree that should get more attention than it does, but it's located on a smallish triangular shaped piece of land between on and off ramps to the 250 by-pass.

A lovely specimen, graceful and stately, providing much-needed shade and restful to the eye.

Category of Tree (check one): Public: Private (If selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

— This tree was planted in honor of Leroy Show by Snow's Nursery and has stood proudly over the 250 by-pass since it was built. The tree would have been happier situated in the park, but improvement to the traffic pattern meant that it would become sentinal over the ever-busy traffic flow across Charlottesville.

John Mann, landscape manager for Parks and Rec of Charlottesville, has observed that this Shumard Oak holds its leaves longer than any other tree in Charlotteville, even beating out the beech known for their leaf retention in the fall. For that fact alone, this tree deserves recognition.

If Private Tree the following information must also be received or the nomination cannot be processed:

Owner: Name (Print)
E-Mail:
Phone:

If Private Tree:	Requested	Received
Owner Affidavit:	<input type="text"/>	<input type="text"/>
NDS Review:	<input type="text"/>	<input type="text"/>
Public Works Review:	<input type="text"/>	<input type="text"/>

All Nominations:	Assigned	Returned
Arborist Report Received:	<input type="text"/>	<input type="text"/>
Commission Report Received:	<input type="text"/>	<input type="text"/>
Recommendation Formulated:	<input type="text"/>	<input type="text"/>
Action to Forward:	<input type="text"/>	<input type="text"/>
Council Action Date:	<input type="text"/>	<input type="text"/>

Nominator Notified:
Owner Notified:

Loaded in GIS:

City Arborist's Report prepared by Mike Ronayne

ISA Certified Arborist # MA-5342-A

October 25th 2019

Tree Nomination for Ordinance Protection: shumard oak (*Quercus shumardii*) at
Westbound 250 Bypass exit ramp for Rugby Rd.

Nominated by: Rosanne Simon

Considerations

Size- The shumard oak along the 250 bypass at the westbound exit ramp was measured at diameter at breast height (4.5' above ground) and found to be 46" in diameter. The tree is estimated to be 60' in height with a 55' crown spread. The tree has a live crown ratio of approximately 80% which is excellent.

Species — Shumard oak is not listed in the *Mid- Atlantic Species Rating Guide* which is used as the industry standard for Tree Appraisal but other oaks have a species rating of 60-90 which would be appropriate for shumard oak also. Oaks in general are valuable to the landscape due to their longevity, strong wood and tolerance of urban environments. The shumard oak is between 30-40 years old. Shumard oaks are native to Virginia. Shumard oaks tend to be long lived and durable species in Charlottesville. Due to these factors I believe a species rating of 80 out of 100 is appropriate.

Condition – This tree has some small deadwood which is normal. This tree has a large live crown ratio and many scaffold limbs with limited included bark. The tree has a very healthy root flare, root plate and the trunk does not have any signs of decay. Due to these factors the tree receives a condition rating of .95 out of 1 which is excellent.

Location – This tree is located along the exit ramp from the 250 Bypass to Rugby Rd. This street tree is located in a lawn area that was previously a flowerbed. The tree frames the street and exit ramp and helps calm traffic. For these reason the tree receives a .7 out of 1 which is fair.

Conclusion

This stately was dedicated to Leroy Snow upon its installation. The tree appears to have benefited from being installed on a previous flowerbed and has put on considerable growth. This tree would benefit from further ordinance protection along the 250 Bypass.

Shumard Oak - 250 Bypass



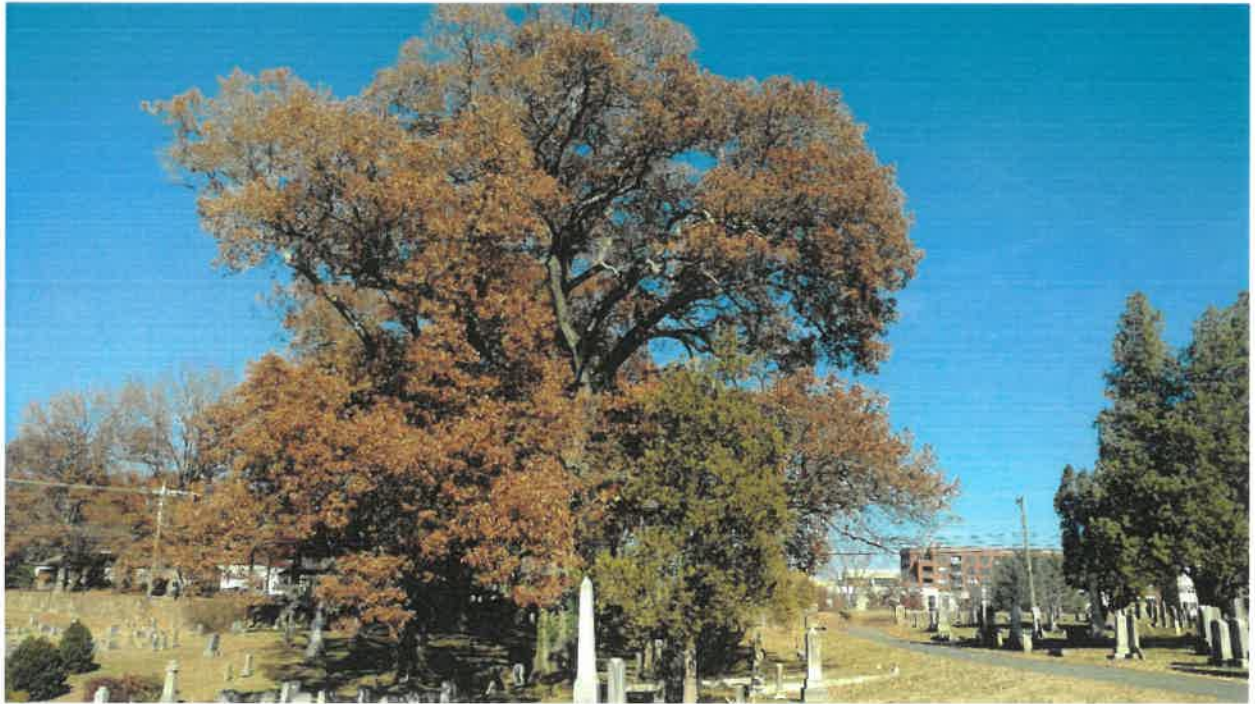
6. Southern Red Oak, Specimen

Address: Oakwood Cemetery, Forest Ridge Rd

Common Name: Oak, Southern Red

Latin Name: *Quercus falcata*

Circumference: 17.5' diameter: 5.6'



Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted _____ sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to Ronaynem@charlottesville.org

Application Number: _____ Date Received: _____
Nominator: Name (Print) Brian Menard For Tree Commission
E-Mail: bmenard@windspring.com
Phone: 434 963 9961
Signature: [Handwritten Signature]

Tree to be nominated:

Address: Forest Ridge Rd

Location description (if address unknown: Please include sketch below if needed). Oakwood Cemetery

Common name or Latin name of tree (if known): Quercus fulcata

Category of Tree (check one): Public: Private (If selected see added requirements below) _____

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

This specimen oak tree is 17.5' in ^{circumference} diameter and 5.6' DBH and is among the largest in a grove of very fine oak trees. This Southern Red Oak's canopy shades numerous burial plots in one of the city's several historic cemeteries

GPS coordinates: 38.025155, -78.497423

If Private Tree the following information must also be received or the nomination cannot be processed:

Owner: Name (Print) _____

E-Mail: _____

Phone: _____

City Arborist's Report prepared by Mike Ronayne

ISA Certified Arborist # MA-5342-A

November 15th 2019

Tree Nomination for Ordinance Protection: Southern Red Oak (*Quercus falcata*) at
Oakwood Cemetery, 1st Street S., Charlottesville, VA

Nominated by: Brian Menard

Considerations

Size- The southern red oak at Oakwood Cemetery was measured at diameter at breast height (4.5' above ground) and found to be 65" in diameter. The tree is estimated to be 70' in height with an 80' crown spread. The tree has a live crown ratio of approximately 65% which is good.

Species — Southern red oak is listed in the *Mid- Atlantic Species Rating Guide* which is used as the industry standard for Tree Appraisal as having a species rating of 50-90. Oaks in general are ideal urban trees for their longevity, strong wood and tolerance of urban environments. In our region southern red oak is subject to bacterial leaf scorch and is not available commercially in the landscape. It is unknown how old the oak is. Due to these factors I believe a species rating of 60 out of 100 is appropriate.

Condition – The southern red oak has good main branching structure despite having some overextended leads. There is some deadwood larger than 2" diameter that is not uncommon for a southern red oak of this maturity. There is also a cavity that has closed considerably along the main lead. The tree appears to be in good overall health. The root plate appears healthy but does exist in burial plots and access areas in the cemetery. The tree also has lightning protection installed which shows this tree has been recognized as valuable and has been cared for in the past. Due to these factors the tree receives a condition rating of .85 out of 1 which is good.

Location – This tree is located at the north side of Oakwood Cemetery and shades numerous plots. The tree is part of a grove of several large southern red oaks that remain and is the largest in that part of the cemetery. Due to these factors the tree receives a location rating of .8 out of 1 which is good.

Conclusion

The majority of the root zone of this tree is on privately owned plots. "Reference in Code Sec. 18-11(2) to "emergency work to protect life, limb or property" is interpreted to allow access to burial plots within the critical root zone of the tree for the purpose of interment as well as repair or replacement of grave markers."

This tree would further benefit by being recognized by ordinance protection.

Oakwood Cemetery



Legend



Proposed Specimen Tree

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 19, 2021
Action Required:	Resolutions
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator
Title:	FY2020-2021 Community Development Block Grant Minor Action Plan Amendment and Budget Amendment

Background:

This agenda item includes project reprogramming recommendations, and minor action plan approval for the Community Development Block Grant (CDBG) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

On May 4, 2020, the City Council approved award of \$78,538.13 in CDBG funds to Albemarle Housing Improvement Program (AHIP) for Homeowner Rehabilitation activity, with spending effective July 1, 2020. Those funds were required to meet a 65% spend rate by April 1, 2021. As of April 1st, AHIP reported and invoiced at a 18.38% spend rate.

On January 14, 2021, the City of Charlottesville was found to be noncompliant, for the second consecutive year, with the CDBG timely expenditure requirements. HUD has noted that the City of Charlottesville's lack of timely performance as a deficiency. All contract extensions for the CDBG and HOME program have been suspended.

The CARES Act modifies some CDBG program rules and authorizes the Secretary of HUD to grant waivers and alternative requirements. Accordingly, FR-6218-N-01 describes how requirements of the CDBG program are modified for CDBG-CV grants, fiscal year 2020 CDBG grants, and fiscal year 2019 CDBG grants under the Department of Housing and Urban Development Appropriations Act.

Discussion:

City staff has identified an immediate program for funding to solve the City's timeliness concerns by June 30, 2021. The City has unexpended 2020 CDBG entitlement funds totaling \$64,097.82 from the delayed AHIP Homeowner Rehabilitation activity. These funds can be reprogrammed back into the 2020-2021 CDBG program budget to fund the partially funded COVID related Charlottesville Redevelopment and Housing Authority (CRHA) Rental Relief program.

To meet HUD deadlines, reprogrammed funds must be spent by June 30, 2021. CRHA Rental Relief program was recently signed into contract on March 5, 2021 for \$244,950.82 and have surpassed their spend rate. This is ahead of the projected spending schedule as outlined within Schedule III of the CDBG Subrecipient contract. Staff and HUD have identified CRHA's COVID Rental Relief program as an eligible activity for the City to meet HUD spending requirements. All public service CDBG dollars are required to be spent by June 30, 2021. Funds are proposed to provide immediate COVID-19 rental assistance to public housing residents to provide rental payments for a three-month period.

Community Engagement:

The AHIP approval was part of the Action Plan that was advertised for a thirty-day comment period (March 26th – April 26th 2020) before being sent to HUD for approval. The Action Plan was also sent to Charlottesville Neighborhood community members and Housing Directors Council for public comment. Comments received were incorporated into the Action Plan. HUD approved the Action Plan on August 14, 2020.

The CRHA approval was part of the Substantial Action plan amendment that was advertised for a HUD authorized expedited 5-day public comment period between February 1, 2021 through February 5, 2021; and a virtual public hearing was held at City Council on February 16, 2021. HUD authorized an expedited 5-day public comment period on April 2, 2020 for COVID-19 specific activities to prevent, prepare for, and response to the coronavirus with the goal to quickly appropriate funds to eligible activities.

If council approves the request, then an approval will be submitted to HUD as a minor Action Plan Amendment for the 2020-2021 fiscal year. The full action plan can be viewed on the City Website through the following [link](#). Minor Action Plan Amendments do not require a public hearing.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to have **Economic Sustainability, A Center for Lifelong Learning, Quality Housing Opportunities for All, and A Connected Community**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

Budgetary Impact:

None

Recommendation:

Staff recommends approval of the resolution to amend the CDBG budget to decrease the appropriation to AHIP and to increase the appropriation to CRHA.

Alternatives:

No alternatives are proposed.

Attachments:

Resolution to Amend CDBG Reprogramming

Resolution for FY 2020-2021 Minor Action Plan Amendment

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

Approved by Council
April 19, 2021

Kyna Thomas, CMC
Clerk of Council

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.

Approved by Council
April 19, 2021

Kyna Thomas, CMC
Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 19, 2021
Action Required:	Appropriation of Funding
Presenter:	Stephen Knick, Captain, Charlottesville Police Department
Staff Contacts:	RaShall Brackney, Chief, Charlottesville Police Department Stephen Knick, Captain, Charlottesville Police Department
Title:	Virginia Department of Criminal Justice Services (DCJS) Coronavirus Emergency Supplement Funding (CESF) Fiscal Year 2021 - \$50,000

Background:

The Virginia Department of Criminal Justice Services (DCJS) has made \$6.5 million of federal Coronavirus Emergency Supplemental Funding Grant (CESF) funds available to assist eligible applicants in preventing, preparing for, and responding to the coronavirus. The \$6.5 million is approximately 60% of the \$10,832,775 CESF grant awarded to the Commonwealth of Virginia.

The City of Charlottesville, through the Police Department, has received approval for reimbursement up to \$50,000 from the Virginia Department of Criminal Justice Services (DCJS) for the FY21 Coronavirus Emergency Supplemental Funding (CESF) program to purchase law enforcement equipment.

Discussion:

The Charlottesville Police Department applied for \$50,000 of funding for the purchase of up to three multi-purpose message boards with speed radar technology. The department requested this funding due to the continuing struggles with the physical, economic, and emotional impacts of the coronavirus.

Since March 2020, we have experienced an increase in vehicle related incidents, gunshot related incidents and firework related calls for service. All of which present threats to the health and safety of our residents. To proactively address this issue, funding was requested to implement multi-purpose message board technology with speed radar capabilities as needed throughout our community. These mobile communication devices provide law enforcement with an additional communication tool to provide our residents, community and motorists with localized alerts and hazard notices both safely and effectively.

Notification of award approval was received on September 8, 2020. The amount awarded is \$50,000 and requires no local match.

Alignment with City Council’s Vision and Strategic Plan:

The CESF award supports Goal 2 of the Strategic Plan, a healthy and safe city. With this funding, CPD will be able to enhance its ability to provide socially distanced localized communications both effectively and proactively.

The funding also aligns with Goal 2.4, to reduce the occurrence of crime, traffic violations and accidents in the community. By staging message boards in locations with high rates of incidents, our residents and motorists are made aware of a localized concern without a physical law enforcement presence, which may lead to a decrease in incidents in that area.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Should the City decline to approve the appropriation request, the department would be ineligible to participate in the grant program.

Attachments:

Appropriation

APPROPRIATION

**DCJS FY21 Coronavirus Emergency Supplemental Funding Program
Grant # 20-A5055CE20
\$50,000**

WHEREAS, the City of Charlottesville, through the Police Department, has received the Virginia Department of Criminal Justice Services FY 2021 Coronavirus Emergency Supplemental Funding grant in the amount of \$50,000 to be used to prevent, prepare for and respond to the Coronavirus.

WHEREAS, the grant award covers the period from January 20, 2020 to September 30, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$50,000, received from the Virginia Department of Criminal Justice Services, is hereby appropriated in the following manner:

Revenue

\$ 50,000 Fund: 209 I/O: 1900400 G/L: 431110 Federal Grants

Expenditure

\$ 50,000 Fund: 209 I/O: 1900400 G/L: 520900 Mach/Equip/Furn (NC)

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$50,000 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance.



Agenda Date:	April 19, 2021
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept.
Staff Contacts:	Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept.
Title:	Firehouse Subs Public Safety Foundation Grant - \$26,971.10

Background:

The mission of the Firehouse Subs Public Safety Foundation is to impact the lifesaving capabilities, and the lives of local heroes and their communities. This is accomplished by providing lifesaving equipment and prevention education tools to first responders and public safety organizations.

Discussion:

The Charlottesville Fire Department submitted a grant application to the Firehouse Subs Foundation requesting a grant for 10 sets of firefighter’s protective clothing at \$2697.11 each, totaling \$26,971.10. The 10 sets of gear awarded by the foundation will help to offset the costs of outfitting the 15 firefighters hired in through the federal SAFER grant program.

Alignment with Council Vision Areas and Strategic Plan:

The Firehouse Subs Foundation Grant award supports the City’s mission “We provide services that promote equity and an excellent quality of life in our community” by providing supplemental funding to assist with offsetting the costs to outfit 10 firefighters with firefighters protective clothing.

The monetary assistance from this grant also aligns with Goal 2.1, Reduce adverse impact from sudden injury and illness and the effects of chronic disease by helping to support the departments cancer risk reduction initiatives (issuing each firefighter two sets of protective clothing), as well as elements within Goal 5 - A Well-managed and Responsive Organization.

Community Engagement:

N/A

Budgetary Impact:

As no match is required, there is no direct impact.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If we are unable to accept the award, the department will have to utilize additional operating funds to order/issue these 10 sets of firefighter's protective clothing.

Attachments: Appropriation

APPROPRIATION

Firehouse Subs Public Safety Foundation Grant - \$26,971.10

WHEREAS, the Firehouse Subs Public Safety Foundation has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for 10 sets of firefighter protective clothing;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$26,971.10 be appropriated in the following manner:

Revenues - \$26,971.10

\$26,971.10 Fund: 105 Cost Center: 3201006000 G/L Account: 451022

Expenditures - \$26,791.10

\$26,791.10 Fund: 105 Cost Center: 3201006000 G/L Account: 520060

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the Firehouse Subs Public Safety Foundation Grant.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	April 19, 2021
Action Required:	Approval of a Resolution
Presenter:	Jeff Werner, Historic Preservation & Design Planner
Staff Contacts:	Jeff Werner, Historic Preservation & Design Planner Alex Ikefuna, NDS Director
Title:	Proposed Donation of Bronze Sign to the Historical Society

Background:

In early March 2021, Parks and Rec staff located in storage two, bronze signs that had formerly been on the current City Hall building, which was constructed in 1967.¹ The signs were moved to Surplus Property. It was determined the signs were not intended for a re-use or re-installation. Historic Preservation staff was then asked if the signs had any historic value, otherwise they would be made available for public auction. Historic Preservation staff contacted the Albemarle Charlottesville Historical Society (ACHS) who expressed interest in obtaining one of the signs—letter attached.



Approximately, each sign is 3” x 18” x 60” and weighs 150 pounds. Bronze, as scrap metal, is valued at approximately \$2.10 per pound. Therefore, each sign has a value of approximately \$315. Per City Code Section 2-98, donation of surplus property valued in excess of \$100 requires City Council approval.

Discussion:

Section 2-98(a) of the Charlottesville City Code specifies that “for every ordinance or resolution...donating any property of the city, where the value of such property is one hundred dollars (\$100.00) or more, a vote of a majority of all members elected to the council shall be necessary and the "ayes" and "noes" shall be entered on the minutes of the council.”

¹ The bronze signs were removed from City Hall in 2004/2005 and replaced with the existing.

Per the attached letter, the ACHS is *requesting the donation of one of the signs to the ACHS Museum Collection for the purpose of preservation. This historic sign would become part of the permanent museum collection and would be used for public display and exhibits at the McIntire Building. We have several other signs from local businesses already in our collection, as well as a framed painting of the City seal, so this “City Hall” sign would be a historically important and relevant addition to our collection.*

The signs are not *historic*, in the traditional sense, nor are they directly related to a particular event, period, or individual in the City’s history. However, they are architectural components of the City’s civic architecture and, in time, will contribute to community’s understanding of its past.

Note: The ACHS is a 501(c)(3) founded in 1940 and, since 1994, has operated out of the original McIntire Library building, located at 200 2nd Street NE. Formerly the Albemarle County Historical Society, in 2018 the organization was renamed the Albemarle *Charlottesville* Historical Society.

Alignment with City Council’s Vision and Strategic Plan:

From the City’s Comprehensive Plan, *Historic Preservation & Urban Design*.

Resource Inventory. Goal 4.5: Survey and evaluate all City-owned property, including schools and parks, for historic and design significance and integrity.

From the City Council Vision Statement.

Our community has world-class performing, visual, and literary arts reflective of the unique character, culture, and diversity of Charlottesville. Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources. Through City partnerships and promotion of festivals, venues, and events, all have an opportunity to be a part of this thriving arts, cultural, and entertainment scene.

From the City’s Strategic Plan.

Goal 3.5 Protect historic and cultural resources. The historic and cultural resources in the city are economic development and tourism assets. They also represent a testament to the community’s past. The preservation of these resources is critical to protect the character of the city. The strategies and policies to preserve and sustain these resources include education, urban design, resource inventory, neighborhood conservation, resource protection, entrance corridor and other regulatory review, and technical assistance to property owners.

Community Engagement:

There was no community discussion related to this request.

Budgetary Impact:

If made available for auction or sold for scrap value, each sign might produce \$315+/- in revenue, which will not be realized if one is donated to the ACHS.

Recommendation:

Staff recommends approval of the donation and adoption of the attached resolution.

Alternatives:

Council may decline the donation, upon which the sign will be disposed of as surplus property.

Attachments:

- Proposed Resolution.
- Albemarle Charlottesville Historical Society letter, dated March 30, 2021. Request for donation.
- David T. Brown P.E., Director of Public Works email, dated March 31, 2021. Confirmation there is no planned City use for the bronze signs.
- City policy re: donation of City-owned property.
- Albemarle Charlottesville Historical Society *Deed of Gift* form.

**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.

Approved by Council
April 19, 2021

Kyna Thomas, CMC
Clerk of Council

ALBEMARLE CHARLOTTESVILLE HISTORICAL SOCIETY founded 1940

200 Second Street NE • Charlottesville, Virginia 22902



BOARD OF DIRECTORS

Angus Arrington IV
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Shelley V. Murphy
Katherine Slaughter
Daniel Smythe
Sam Towler

Executive Director
C. Thomas
Chapman

March 30, 2021

Chip Boyles
Charlottesville City Manager
City Hall
605 East Main Street
Charlottesville, VA 22902

Dear Mr. Boyles:

On behalf of the Albemarle Charlottesville Historical Society, I am writing regarding the two “City Hall” signs owned by the City that are currently under consideration to be released as surplus. ACHS requests that the City consider donating one of the signs to the ACHS Museum Collection for the purpose of preservation. This historic sign would become part of the permanent museum collection and would be used for public display and exhibits at the McIntire Building. We have several other signs from local businesses already in our collection, as well as a framed painting of the City seal, so this “City Hall” sign would be a historically important and relevant addition to our collection.

Thank you for considering our proposal to care for this artifact.

Sincerely,



C. Thomas Chapman
Executive Director
executivedirector@albemarlehistry.org

From: Brown, David T <browndt@charlottesville.gov>
Sent: Wednesday, March 31, 2021 2:36 PM
To: Grooms, Vernice <GROOMSV@charlottesville.gov>; Werner, Jeffrey B <wernerjb@charlottesville.gov>
Subject: RE: City Hall Signs - Surplus Property

Jeff,

In follow up to Vernice's correspondence, please accept this correspondence as a confirmation that there is no planned use for either of the signs and were recommended for surplus.

Thank you
David

David T. Brown P.E.
Director of Public Works
City of Charlottesville
305 4th Street NW
Charlottesville, VA 22903
O: 434.970.3703
browndt@charlottesville.gov



CITY DONATION PROCEDURES

<https://www.charlottesville.gov/1297/City-Donation-Procedures>

If the donation is worth less than \$100, consult Procurement and Risk Management to determine if there is enabling legislation and to facilitate the process.

The following is intended to provide general guidelines to promote consistent treatment of requests received by the City for the donation of City-owned property (excluding real property) worth over \$100.

1. Request to Donate City-Owned Property

Any request to donate City-owned property shall be in writing and accompanied by the name and address of the person making the request, a description of the property, the proposed use of the property or the reason for the requested donation, and if the City has a current or planned use of the property. All requests are to be submitted to Finance/Procurement & Risk Management.

2. Staff Review

Finance/Procurement & Risk Management will coordinate with the Office of the City Attorney to verify there is enabling legislation to make the donation and notify the department head or designee of the finding. Finance/Procurement & Risk Management will provide the department with the estimated sale value of the surplus. If a determination is made that there is enabling legislation to donate the property, departments may request approval from the City Manager to proceed with the donation. The request the department makes to the City Manager must include the estimated sale value of the surplus. If approved by the City Manager, continue to step 3.

3. Council Review

The requesting department will draft a memorandum and resolution to be presented to Council. The estimated sale value/revenue of the surplus shall be included in the Budgetary Impact section of the memorandum to Council. The department will coordinate with the Budget and Performance Management Director who will coordinate with the Clerk of Council to request placement on a City Council agenda for consideration.

4. Approval

The donation of City-owned property where the value is equal to or greater than \$100 can only be authorized by a resolution passed by majority vote of City Council after one reading.

5. Disposition

If approved by Council, Finance/Procurement & Risk Management will coordinate with key City staff and the donee to process the donation paperwork and remove the property from the City's assets listing as appropriate.

If you have questions or need further information please contact the Warehouse @ 970-3865.



ALBEMARLE CHARLOTTESVILLE Historical Society

McIntire Building · 200 Second Street NE · Charlottesville · Virginia 22902-5245

ACHS Acc. #

DEED OF GIFT

I/We, the City of Charlottesville, Virginia, hereby give to the Albemarle County Historical Society Inc., d/b/a the Albemarle Charlottesville Historical Society, a Virginia nonprofit corporation of Charlottesville, Virginia, absolute and unconditional ownership of the following, together with all copyright (in all media by any means now known or hereafter invented) and any associated rights which I/we have, with the understanding that the Albemarle Charlottesville Historical Society may keep or dispose of any property included in this Deed of Gift as it sees fit:

One (1) cast bronze sign, approximately 3” x 18” x 60” and weighing approximately 150 pounds, lettered “CITY HALL.” This sign and a second, identical sign, were cast during the c1967 construction of City Hall (605 East Main Street) and installed on the east (7th Street NE) façade of the building. The signs were removed c2004/2005.



In witness whereof, I/we have signed this Deed on the ____ day of _____, 202__.

Charles P Boyles, II, City Manager, City of Charlottesville

Donor Signature(s)

605 East Main Street, Charlottesville, VA 22902

Address

434-970-3101

Telephone

boylesc@charlottesville.gov

E-mail

Accepted and received this ____ day of _____, 202__ on behalf of the Albemarle

Charlottesville Historical Society by _____.

ACHS Representative

ACHS Representative Signature

Revised October 2020

MEMORANDUM

TO: THE HONORABLE CHARLOTTESVILLE CITY COUNCIL

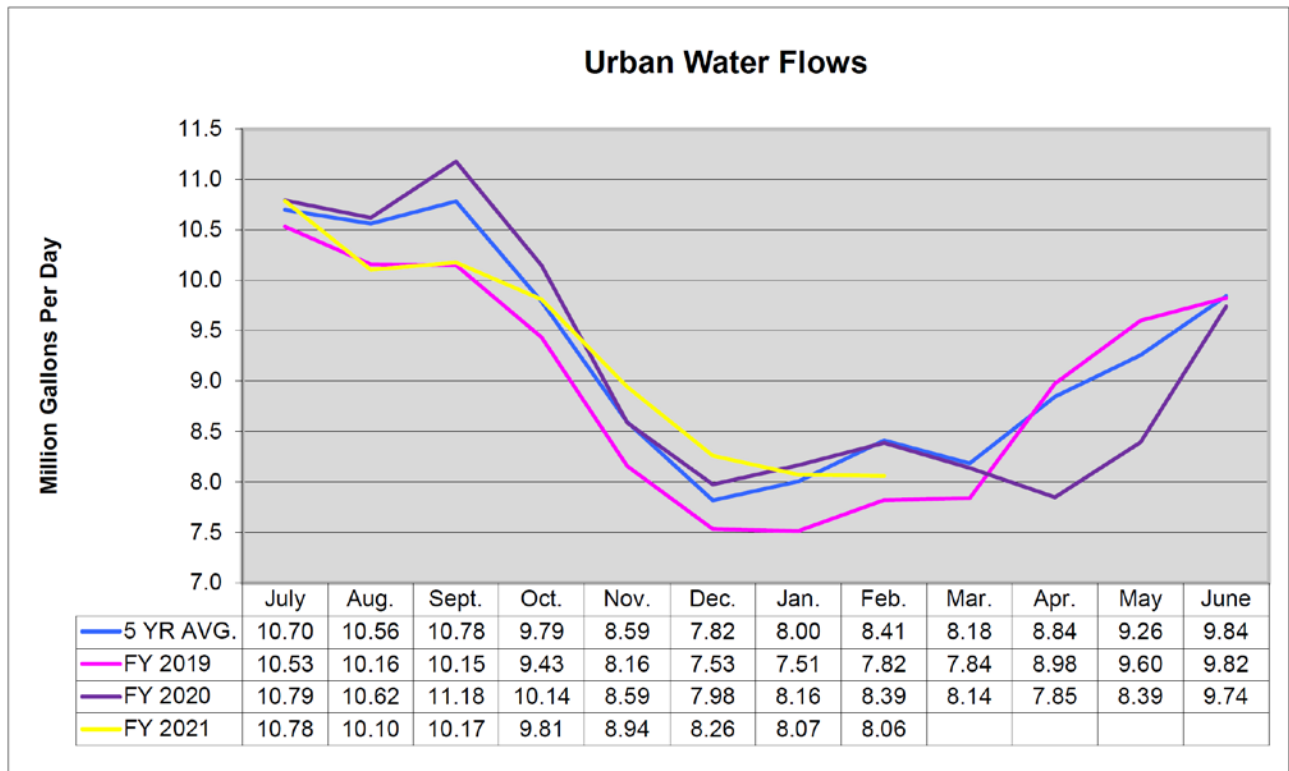
**FROM: BILL MAWYER, EXECUTIVE DIRECTOR
RIVANNA WATER & SEWER AUTHORITY
RIVANNA SOLID WASTE AUTHORITY**

SUBJECT: QUARTERLY UPDATE

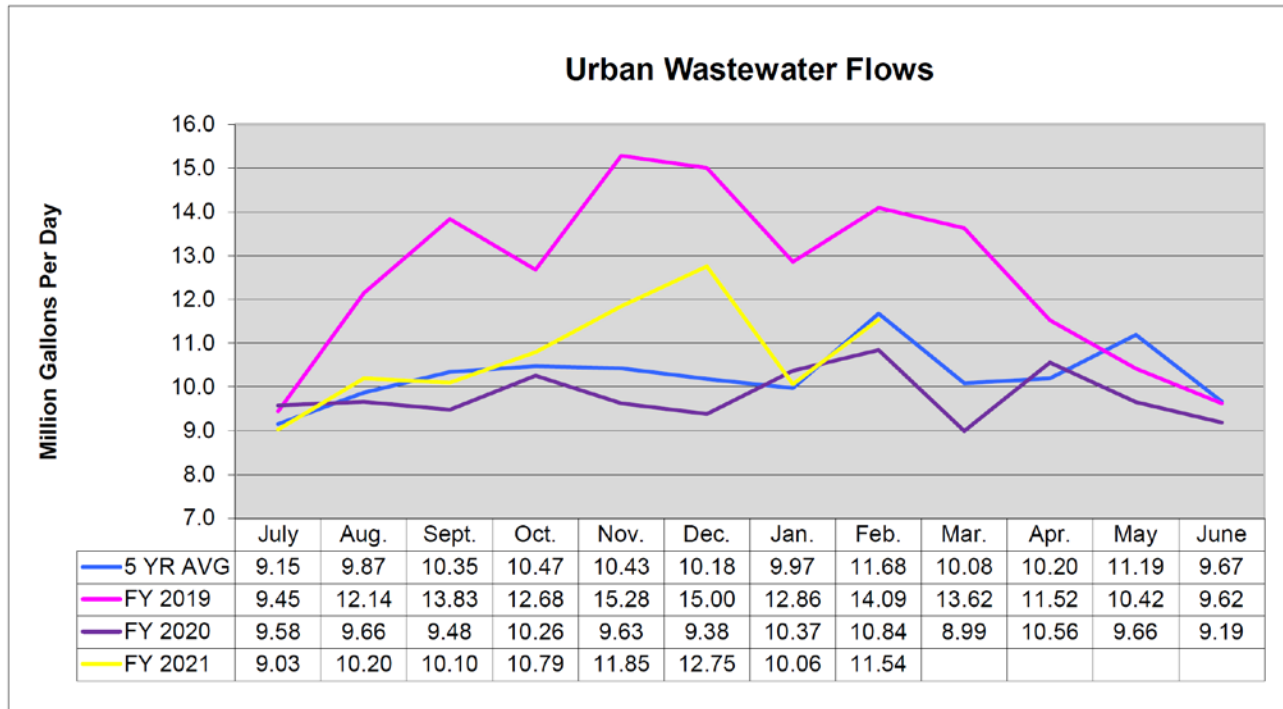
DATE: APRIL 2021

This quarterly update is to provide general information on the drinking water supply and treatment, wastewater collection and treatment, and solid waste programs managed by the Rivanna Authorities, as follows:

1. The production of drinking water for the Urban area (Charlottesville and adjacent developed areas of Albemarle) averaged 8.06 million gallons per day (mgd) in February 2021, which was slightly below the five-year average for February (8.41 mgd), as shown by the following graph:



2. Urban wastewater flow for February 2021 (11.54 mgd), including flows from Crozet, was very close to the five-year average for February (11.68 mgd), as shown by the following graph:



3. A general overview of significant current and upcoming Capital Improvement projects is provided below. Costs for these projects are typically shared between the City (48%) and the Albemarle County Service Authority (52%).

A. Water Treatment Plant Improvements

Scope: Replace equipment which has reached end-of-service life at the South Rivanna and Observatory Water Treatment Plants. Increase water treatment capacity from 7.7 to 10 million gallons per day at the Observatory Water Treatment Plant.

Completion: 2020 - 2023

Cost: \$43 million

B. Sugar Hollow Dam – Gate Replacement and Intake Tower Repairs

Scope: Replace the inflatable rubber device that sits on top of the concrete dam and regulates the normal water level in the reservoir. The gate is over 20 years old, and has reached the end of its service life. Concrete repairs will be made on the intake tower.

Completion: October 2020 – July 2021

Cost: \$1.7 million

C. Exterior Lighting Improvements, Moores Creek Wastewater Treatment Facility

Scope: Replace exterior lighting fixtures and poles on the 80 acre facility to improve safety and compliance with Albemarle County lighting requirements.

Completion: April 2021 – February 2022

Cost: \$0.9 million

D. South Rivanna to Ragged Mountain Reservoir Pipeline

Scope: Acquire easements and construct a pipeline to transfer untreated water between the South Rivanna and Ragged Mountain reservoirs, as required by the Community Water Supply plan completed in 2012.

Completion: 2027 - 2033
 Cost: \$80 million: 80% ACSA / 20% City

E. Ragged Mountain Reservoir to Observatory Water Treatment Plant Water Pipeline and Pump Station

Scope: Replace two untreated water pipelines which have been in service for more than 70 and 110 years, respectively. Replace two water pump stations which have exceeded their service lives or will require significant upgrades to adequately support the treatment capacity of the upgraded Observatory Water Treatment Plant.

Completion: 2023 - 2027
 Cost: \$24 million

F. Urban Area “Central” Waterline

Scope: Water piping improvements to increase capacity and maintain pressure in the urban drinking water system. Preliminary planning for this 5 mile long piping project indicates the new pipe will be located in streets south of the city’s center.

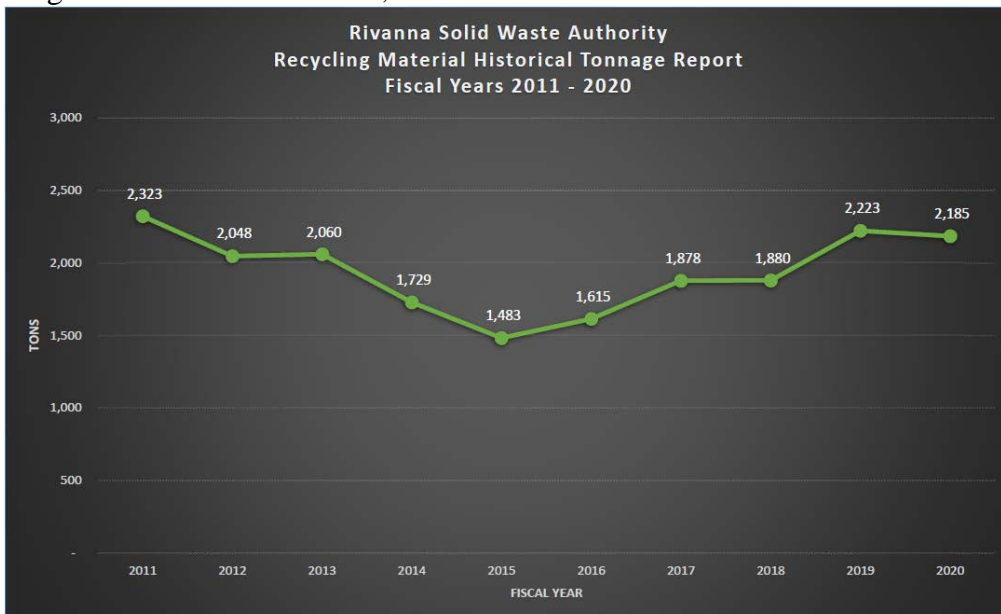
Completion: 2023 - 2027
 Cost: \$13 M

G. Upper Schenks Branch Wastewater Piping Replacement, Phase II

Scope: Replace sewer piping installed in the mid 1950’s in conjunction with the City’s sewer upgrade program to increase system capacity. The new underground piping would be located near McIntire Road.

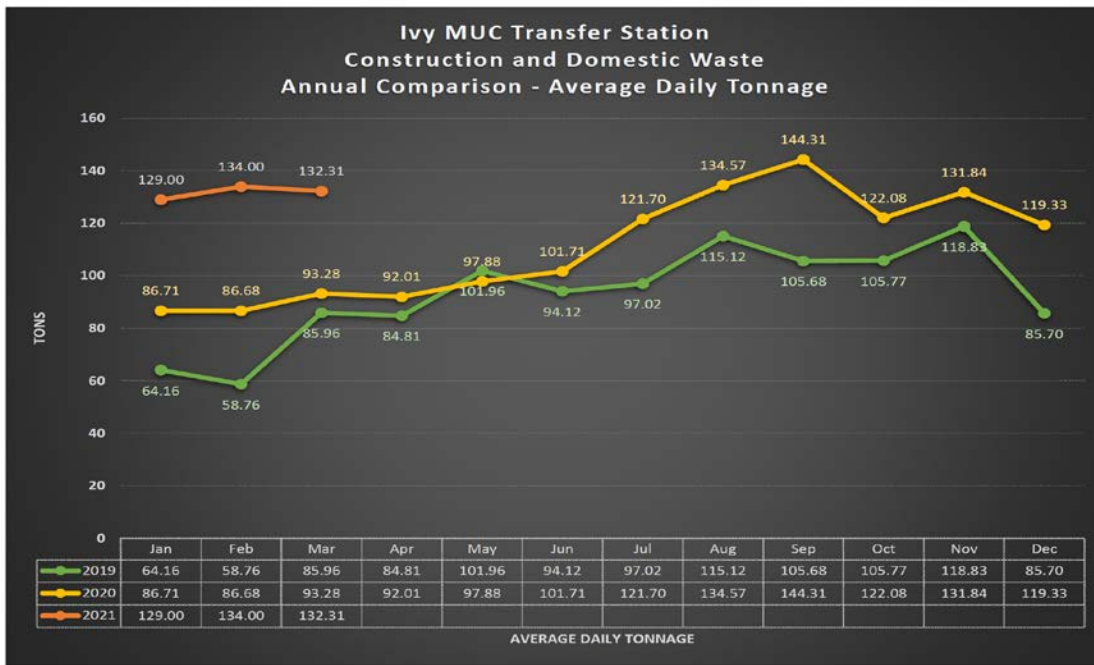
Completion: TBD
 Cost: \$4 million: 100% City

4. The recycling program at the McIntire Recycling Center (MRC) and the Paper Sort processing facility continues to be a very popular service for our community. Tonnage from mixed paper, cardboard (including pizza boxes), glass, plastics, metals, compostable food waste and cooking oil continues to increase, as shown below:



A. Collection of oyster shells was added to our services at the MRC in 2019. As one of the Environmental Stewardship tactics in our Strategic Plan, our staff will bag oyster shells collected at the MRC and transport them to the VCU Rice Center located in Charles City, VA for reseedling with oyster larvae and placement in the Chesapeake Bay. Oysters reportedly can filter 50 gallons of water each day. Additional information about this program is available at <https://ricerivers.vcu.edu/>.

5. By increasing the number of days/week the Ivy Transfer Station is open and lowering the disposal fee from \$66/ton to \$52/ton, refuse volume has increased from 85.96 tons per day in March 2019 to 132.31 tons per day in March 2021, as shown below:



6. Southern Convenience Center

Planning is underway for a recycling and bagged residential refuse collection center to be located in southern Albemarle County.

Completion: January - August 2022

Cost: \$1.1 million: 100% County

Please let me know if you have any questions.

cc: RSWA Board of Directors
 RWSA Board of Directors

CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA MEMO



Agenda Date:	April 19, 2021
Action Required:	Public Hearing; Approval of Resolution
Presenter:	Lisa Robertson, Chief Deputy/ Acting City Attorney
Staff Contacts:	Lisa Robertson
Title:	Lease of First Amendment Monument (Community Chalkboard) to The Bridge Progressive Arts Institute

Background:

In 2005, the City of Charlottesville leased a portion of the Downtown Mall in front of City Hall to the Thomas Jefferson Center for the Protection of Free Expression (“TJ Center”) for the purpose of authorizing the installation of a monument celebrating the First Amendment. The lease gave the TJ Center control of slightly over 120 square feet of the Downtown Mall, including the First Amendment Monument (a/k/a Community Chalkboard) and required the TJ Center to maintain the monument. In 2019, the TJ Center wound up its operations and donated most of its assets to the University of Virginia’s School of Law. As it concluded its operations, rather than remove the monument (as required by its lease) the TJ Center located a new organization interested in taking charge of it.

Discussion:

The Bridge Progressive Arts Institute (hereinafter “Bridge”) desires to assume responsibility for the Community Chalkboard, under terms similar to those of the TJ Center’s lease. A copy of the proposed lease to the Bridge is attached to this Agenda Memo. The lease is for a five-year term. The Bridge agrees to repair and maintain the First Amendment Monument, including a weekly cleaning. The Bridge will maintain a \$1,000,000 liability insurance policy.

The Bridge reserves the right to conduct up to six of its own special events within the leased area each calendar year. The Bridge will be required to obtain a Special Events permit from the City, if required by the City’s Special Events regulations.

On a day-to-day basis, the general public will continue to have a right of access to use the leased premises, and to use chalk to write messages on the First Amendment Monument.

Budgetary Impact: None.

Alternatives: The Council could decline to adopt the Resolution.

Attachments:

- (1) Resolution
- (2) Proposed Lease

Recommendation: Approval.

Suggested Motion:

“I move to adopt the Resolution to Approve a Lease of the First Amendment Monument (Community Chalkboard) and related premises to the Bridge Progressive Arts Institute.”

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

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 Institute (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.

LEASE

THIS LEASE made this ____ day of _____, 2021 by and between **THE CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia ("Lessor") and **The Bridge Progressive Arts Initiative**, a private, non-profit institution organized pursuant to the Virginia Nonstock Corporation Act on January 2, 1990 ("Lessee").

WITNESSETH:

WHEREAS, the Lessor is the owner of the premises that are the subject of this Lease, which premises include an existing concrete and slate monument commonly referred to either as the First Amendment Monument or the Community Chalkboard ("Leased Premises"); and

WHEREAS, the Lessee's mission is to bridge diverse communities through the arts, and Lessee desires to lease the Leased Premises for the purpose of operating and maintaining the existing Community Chalkboard in furtherance of its mission to provide charitable services to residents of the City of Charlottesville; and

WHEREAS, the parties desire to enter into a formal, written agreement specifying their respective obligations and responsibilities relative to the Leased Premises and the structures and improvements located therein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

§1. THE PREMISES

Lessor agrees to lease and Lessee agrees to rent an area of the Downtown Mall located in front of City Hall, containing approximately 121 square feet, in the location identified on the drawing attached hereto as "**Exhibit A**" ("Leased Premises"), together with all structures and improvements located on and within said Leased Premises. *[Note: the referenced exhibit will be attached prior to signatures]*

§2. LEASE TERM

(A) Term. This Lease shall be for a term of five (5) years, commencing on the date as of which the Charlottesville City Council adopts a Resolution approving this Lease ("Commencement Date"). One or more successive lease term(s) may be approved by mutual agreement of the parties, in the same manner as this Lease, as indicated by subsequent resolution(s) of the Charlottesville City Council.

(B) Termination by Lessor Upon Default. At any time, upon a material breach of this Lease by the Lessee, the Lessor may give written notice to the Lessee setting forth the nature of the breach, requesting cure within ten (10) calendar days from the date of the notice, and notifying the Lessee that a failure to cure within the 10-day period shall entitle the Lessor to immediate termination of this Lease. If the Lessee fails within the 10-day period to initiate a cure, or to diligently prosecute the cure to completion, the Lessor shall be entitled to terminate this Lease.

(C) Termination for Convenience. Each party shall have the right to terminate this Lease for its convenience, after first giving one hundred eighty (180) days' advance written notice to the other party.

§3. RENT

Lessee shall pay to Lessor the sum of One Dollar (\$1 .00) per annum, payable in advance, on or before the Commencement Date, for the entire five-year initial term.

§4. REAL ESTATE TAXES

During the term of this lease, Lessee shall pay real estate taxes, if any, assessed or imposed on the Leased Premises by governmental authority.

§5. USE OF PREMISES

(A) The purpose of this Lease is to allow the Lessee to operate, repair and maintain the Community Chalkboard, and to allow the Lessee to conduct a certain number of events within the Leased Premises, as set forth within Section 5(D), below. The Lessee shall not use the Leased Premises for any other purpose without the prior written consent of the Lessor.

(B) Lessee shall repair and maintain the Community Chalkboard; however, Lessee shall not alter its design, appearance, materials of construction, or structure without the advance approval of both the City's Board of Architectural Review and City Council. Throughout the Lease Term, the Community Chalkboard shall be maintained as a concrete wall covered with panels of slate, which will serve as a board on which visitors may write using chalk only, along with a slate panel on which the First Amendment will be inscribed and a lectern or podium.

(C) Lessee shall be responsible for erecting and maintaining appropriate sign(s), in compliance with City ordinances regulating signs. Any signs erected within the Leased Premises will be consistent with the concept of the Community Chalkboard, and at least one sign will identify the purpose, means, manner in which the public is intended to use the monument.

(D) Lessee may conduct events within the Leased Premises to facilitate individuals' exposure to diverse speech and creative expression, and/ or to advance the mission of Lessee's organization; however, Lessee shall be limited to six (6) events per calendar year for which the City's Special Events Regulations require a permit. At least thirty (30) days prior to any event to be conducted within the Leased Premises, Lessee shall contact the City's Special Events Coordinator to inquire whether or not a permit will be required and to give the City advance notice that an event is planned to take place.

All of Lessee's events will be scheduled so as not to conflict with any events conducted within the nearby Pavilion, by the Lessee of the Charlottesville Economic Development Authority pursuant to a separate lease dated September 20, 2004. If the Lessee wishes to use amplified sound in connection with any event, Lessee will comply with the limits established in Charlottesville City Code Section 16-10(a), (b) and (d). If Lessee proposes to serve alcoholic beverages at an event, the Lessee shall obtain a special events permit from the City and shall also be solely responsible for obtaining all approvals, licenses or permits required by the Commonwealth of Virginia.

(E) The Lessee shall offer a telephone number at which Lessee may be contacted, and a location at which electronic messages can be sent to Lessee, each of which shall be posted prominently on a sign within the Leased Premises. The purpose of these means of communication are to enable members of the public to contact the Lessee with questions or complaints regarding the use or maintenance of the Community Chalkboard. The Lessee shall promptly handle and respond to such contacts and inquiries and shall not refer them to the Lessor. Nothing in this paragraph shall preclude Lessee's representative from contacting Lessor's representative to obtain information necessary for Lessee to respond to an inquiry or complaint.

(F) The Lessee shall repair and maintain the Community Chalkboard throughout the Term of this Lease, at its sole expense. Lessor shall be under no obligation to make any repairs or to perform any

maintenance of the Community Chalkboard. Lessee shall at all times keep and maintain the Leased Premises and the Community Chalkboard in good order, condition, appearance and repair. The Lessee shall be solely responsible for maintaining the Leased Premises, the Community Chalkboard, and other structures and appurtenances within the Leased Premises free and clear of conditions that may constitute a hazard to persons visiting the Leased Premises. Lessor shall be responsible for repairing any brick pavers within the Leased Premises, and shall have a right of entry to the Leased Premises for the purpose of making such repair. Lessor shall coordinate its entry with Lessee's representative, in advance. Upon discovering a brick paver that requires repair, Lessee shall promptly notify Lessor's representative.

(1) The Lessee shall keep all of the Leased Premises clean and free of rubbish, trash, litter, waste paper and filth.

(2) The Lessor shall have no obligation or responsibility to repair or replace the Community Chalkboard or any related improvements within the Leased Premises, in the event they are damaged or destroyed by fire or other casualty, or any act of vandalism.

(3) At least once per week, Lessee shall clean Community Chalkboard. This weekly maintenance shall include, without limitation: washing/ wiping all slate surfaces to render them clean and free of all chalk or other markings, removal of flyers and posters, no less frequently than once per week. Within twenty-four (24) hours of discovering any damage to the Community Chalkboard (e.g. chipped concrete or slate; surface defacement, such as marks made by non-chalk materials such as spray paint; etc.) Lessee shall initiate action to repair and restore the Community Chalkboard to its condition prior to the damage or defacement, and the Lessee shall diligently pursue such action so that it will be completed within a reasonable time. The Lessee will be allowed courtesy access to the Lessor's water source at no charge for the purposes of the weekly maintenance and cleaning.

(G) Electricity. The Lessee will be responsible for payment of any electricity charges incurred by the City as a result of Lessee's use of electrical outlets within the Leased Premises or any nearby City building or facility. Upon presentation by the City of a bill for electricity charges, Lessee shall promptly remit payment to the City.

§6. SURRENDER

Upon the expiration or earlier termination of this Lease, Lessee shall quit and surrender the Leased Premises to the Lessor in good order and condition, free of the Community Chalkboard and all related structures and improvements. Lessee shall be solely responsible for the full cost of demolition, removal and disposal of debris. In the event that the Lessee fails to satisfy this obligation within 30 days after the date on which the Lease expires or is terminated, Lessor shall be entitled to remove and dispose of the Community Chalkboard and all related improvements, and to recover from Lessee all costs and expenses incurred by Lessor to restore the Leased Premises; upon receipt of an invoice from the City therefor, Lessee shall remit payment to the City within thirty (30) days of the date of the invoice.

Notwithstanding the foregoing:

(A) If the Lessee terminates the Lease pursuant to Sections 2(B) or 2(C) of this Lease, Lessee shall also restore the pavement within the Leased Premises as nearly as possible to the condition of the adjacent pedestrian sidewalk or plaza, using materials and plans approved in advance by the Lessor's Representative;

(B) If the Lease Term expires pursuant to Section 2(A) of this Lease and there is no mutual agreement for an additional Lease Term, Lessor shall be responsible for fifty percent of the total costs incurred by the Lessee to remove the Community Chalkboard, related structures and improvements; or

(C) If the Lease Term expires pursuant to section 2(A) after Lessor has given notice of its intention not to enter into a subsequent Lease term, Lessor shall be responsible for the full cost of removal and disposal of the Community Chalkboard and all related improvements.

§7. INSURANCE

Prior to the Commencement Date, Lessee shall obtain and thereafter, Lessee shall maintain throughout the Lease Term, at no cost or expense to the Lessor, a public liability insurance policy (including premises liability) covering bodily injury and property damage arising out of or in connection with public use of the Leased Premises, the Community Chalkboard and related structures and improvements, including, without limitation, any accidents occurring within in or about the Leased Premises. Coverage shall be provided in an amount no less than one million dollars \$1,000,000, combined single limit. Lessee may at any time during the term of the Lease request the Lessor to consider lowering the required coverage amount; upon receipt of such a request the Lessor will in good faith review the required coverages with its own liability insurance provider, but Lessor shall not be obligated to approve a reduction.

The Lessee's insurance policies shall name, or be endorsed to name, the Lessor, its officials, officers and employees, as additional insured parties. Upon commencement of this Lease, and upon each anniversary of the Commencement Date thereafter, Lessee shall provide the City with written documentation, satisfactory to the City, verifying the required insurance coverage.

§8. INDEMNIFICATION OF LESSOR

Lessee shall reimburse the Lessor for, and shall indemnify and hold Lessor, its officials, officers and employees, harmless from and against all costs, damages, claims, liabilities, expenses (including reasonable attorneys' fees). losses and court costs suffered by Lessor based on or arising out of (i) the use and occupancy of the Leased Premises by Lessee; (ii) any negligent act or omission of Lessee; and (iii) any breach of Lessee's obligations under this Lease, including failure to surrender and restore the Leased Premises upon the expiration or earlier termination of the Lease.

§9. ASSIGNMENT AND SUBLEASE

Lessee's obligations under this Lease may not be assigned or transferred, and the Leased Premises may not be subleased, either in whole or in part, except with the Lessor's prior written approval.

§10. PARTIES' DESIGNATED REPRESENTATIVES

(A) Lessor's designated representative, for purposes of all notices and communications required by this Lease, shall be the City's Director of Parks and Recreation. U.S.P.S. Mailing Address: P.O. Box 911, Charlottesville, Virginia, 22902. Telephone: 434-970-3260. Currently, the Director is Todd Brown (email: brownt@charlottesville.gov). The City's Special Events Coordinator is an employee of the Department of Parks and Recreation; contact information is available on the City of Charlottesville website (currently: <https://www.charlottesville.gov/460/Special-Event-Permits>)

(B) Lessee's designated representative, for purposes of all notices and communications required by this Lease, shall be Lessee's Director. U.S.P.S. Mailing Address: 209 Monticello Road, Charlottesville, Virginia, 22902. Telephone: 434-218-2060. Currently the Director is Alan Goffinski (email: director@thebridgепai.org).

§11. MISCELLANEOUS

(A) Integration. The provisions of this Lease contain represents the entire and integrated agreement between the Lessor and Lessee as to the Leased Premises and the structures and improvements located therein. The provisions of this Lease supersede all prior agreements, representations or understandings, written or oral, between the parties with respect to any of the matters set forth herein.

(B) Modifications. This Lease may be amended only by written instrument signed by both the Lessor and Lessee and approved by Resolution of the Charlottesville City Council.

(C) Severability. If any provision of this Lease, or the application thereof, is determined to be invalid or unenforceable, all other provisions shall remain valid and enforceable.

(D) Waiver. No provision of this Lease shall be waived except by written agreement of the parties. No waiver agreed to on one occasion shall be deemed a waiver of that provision as to any other or subsequent occasion, unless otherwise specifically stated in writing. No waiver of any provision shall affect or alter any other provisions of this Lease. No failure of the Lessor to insist upon strict compliance by the Lessee with any provision of this Lease shall operate to release, discharge, waive, modify, change or affect any of the Lessee's obligations hereunder.

E. Binding Effect. This Lease shall be binding upon and inure to the benefit of the parties, their successors and assigns.

IN WITNESS WHEREOF, the parties have caused this Lease to be executed, and each party represents and warrants that the undersigned individual whose signature appears on its behalf has been duly authorized to bind said party to the agreements and obligations set forth herein:

LESSOR: THE CITY OF CHARLOTTESVILLE, VA

By: _____

Date: _____

Its: City Manager
Authorized by City Council Resolution (4/19/2021)

LESSEE: THE BRIDGE PROGRESSIVE ARTS INSTITUTE

By: _____

Date: _____

Its: Director

APPROVED AS TO FORM:

Office of the City Attorney, By: _____

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 19, 2021
Action Required:	Adoption of Ordinance on First Reading by 4/5 Vote
Presenter:	Lisa Robertson, Chief Deputy/ Acting City Attorney
Staff Contacts:	Charles P. Boyles, II, City Manager; Lisa Robertson; Brian Wheeler
Title:	Updated Continuity of Government Ordinance (For the period 4/19/2021 through 10/19/2021)

Background:

The City Council has authorized actions necessary to address the COVID-19 Pandemic using various legal processes and procedures.

- (1) **Local Public Health Ordinance, as authorized by City Charter §14(5).** Over the course of the past year, the City has maintained a special local ordinance establishing more restrictive requirements, in some regards, than those set out in the Governor’s Executive Orders (“Local Public Health Ordinance”).

Separately, on your 4/19/2021 agenda you are also considering an ordinance that would repeal your Local Public Health Ordinance, in favor of following the restrictions and guidelines within the Governor’s Executive Orders.

- (2) **Continuity of Government Ordinance, as authorized by Virginia Code §15.2-1413.** The Proposed Continuity of Government Ordinance attached to this Agenda Memo allows City Council to authorize actions that it deems necessary to assure continuity of government during the continuing state of disaster that has been declared at state and local levels. (A continuity of Government Ordinance (CGO) may not continue in effect for longer than six (6) months at a time. Originally City Council adopted the CGO on March 25, 2020 (#O-20-049) and amended and extended it on September 8 (#O-20-117) and October 19, 2020 (#O-20-135)). The previously

enacted CGO will expire if you do not reenact it on your 4/19/2021 agenda.

(3) **Other Ordinances and Resolution(s).**

- a. Resolution #R20-035 (3/12/2020) authorizing the City Manager to Declare a Local Emergency. (On that same date, the City Manager, in his capacity as Director of Emergency Management, issued the Public Safety Order that serves as the actual Declaration).
- b. Resolution #R-20-045 (3/16/2020) granting the Haven permission to operate without regard to certain zoning (special use permit) conditions until such time as City Council discontinues the local state of emergency.
- c. #O-20-047 (3/16/2020): Ordinance Extending Mandatory Review Periods

Discussion:

Under Virginia Code §44-146.21 the City’s locally-declared state of emergency will continue in effect until City Council determines, in its judgment, that “all emergency actions have been taken.” So long as the locally declared state of emergency/ disaster continues, Va. Code §15.2-1413 authorizes City Council to enact an ordinance that provides a method to assure continuity in local government operations (with resumption of normal government operations by the end of a six-month period)—notwithstanding any contrary provision of [state] law, general or special. Since the local COVID-19 emergency/ disaster continues, City Council must also re-enact a CGO for another 6-month period if it wishes to allow actions to be taken to protect City employees and members of the public during their day-to-day interactions.

The CGO primarily deals with how public meetings may take place, extension of mandatory deadlines, and fees for City-owned areas used by businesses as outdoor cafés. The attached proposed Ordinance brings the various ordinances enacted by Council into one integrated CGO that will be effective for up to 6 months after its adoption. Relative to the outdoor café spaces, the attached proposed Ordinance would extend the fee reduction through October 2021.

The attached ordinance authorizes public meetings to continue to occur only via electronic means for so long as the locally declared state of emergency continues.

Alignment with Council Vision Areas and Strategic Plan: N/A

Community Engagement: N/A

Budgetary Impact: N/A

Recommendation: We recommend adoption of the attached Continuity of Government Ordinance, to be effective through October 19, 2021 unless City Council sooner determines that the local disaster/ emergency declaration can be terminated because all emergency actions have been taken.

Alternatives: None of which staff is aware at this time.

Attachment (1): Proposed Continuity of Government Ordinance

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.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 19, 2021
Action Required:	Appropriation of Funding
Presenter:	RaShall Brackney, Police Chief Charlottesville Police Department
Staff Contacts:	RaShall Brackney, Police Chief Charlottesville Police Department
Title:	House Bill 5005, Item 408 #1c: Public Safety and Homeland Security, Department of Criminal Justice Services – Local Police Department Funding - \$67,913

Background:

The City of Charlottesville Police Department has received \$67,913 from the Department of Criminal Justice as designated by HB5005, Item 408 #1c: Public Safety and Homeland Security to be used for recruitment and retention. No local match is required.

Discussion:

During the 2020 Special Session of the General Assembly, Item 408 #1c was approved in conjunction with HB5005. The approval calls for funds appropriated to be distributed by the Department of Criminal Justice Services to local police departments statewide based on their respective percentage shares of the most recent headcount of sworn law enforcement officers employed by each local police department. These funds shall be used for the purpose of attracting and retaining the most qualified local police department sworn personnel and support costs associated with criminal justice reform. A \$500 allotment will be provided to each officer. The City of Charlottesville received this funding on January 11, 2021.

Alignment with City Council’s Vision and Strategic Plan:

This funding will support Goal 2 of the Strategic Plan, to be a safe, equitable, thriving, and beautiful community. It specifically supports Goal 2.1, to provide an effective and equitable public safety system.

Community Engagement: N/A

Budgetary Impact:

This has no impact on the General Fund. These funds do not require a City match and have already been dispersed by the Department of Criminal Justice Services.

Recommendation: Staff recommends approval and appropriation of state funding.

Alternatives: Appropriation approval could be denied.

Attachment(s):

Appropriation: HB5005 (Conference Report) Bill Order – Item 408 #1c

APPROPRIATION

**House Bill 5005, Item 408 #1c: Public Safety and Homeland Security, Department of Criminal Justice Services – Local Police Department Funding
\$67,913**

WHEREAS, the City of Charlottesville has received \$67,913 from the Department of Criminal Justice as designated by HB5005, Item 408 #1c: Public Safety and Homeland Security to be used for recruitment and retention.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$67,913 hereby be appropriated as follows:

Revenues - \$67,913

Fund: 105 Cost Center: 3101004000 G/L Account: 430030

Expenditures - \$67,913

Fund: 105 Cost Center: 3101004000 G/L Account: 510150