

**COUNCIL CHAMBER - June 3, 2019****ROLL CALL**

The Charlottesville City Council met in regular session on June 3, 2019, with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Dr. Wes Bellamy, Ms. Kathy Galvin, and Mr. Mike Signer.

Ms. Walker called the meeting to order at 6:30 p.m.

**ANNOUNCEMENTS / PROCLAMATIONS**

Ms. Hill announced that this is the last week of absentee voting for June 11<sup>th</sup> Democratic Primary to decide on the primary nominees for City Council and the House of Delegates for the fall elections. She provided the stipulations for absentee voting and advised anyone with questions to call the Registrar Office at (434) 970-3250.

Dr. Bellamy made an announcement on behalf of Ms. Maxine Holland, regarding Juneteenth events starting June 14, 2019, at the Jefferson School African American Heritage Center.

Dr. Bellamy announced a graduation ceremony held at Mt. Zion First African Baptist Church on Sunday, June 9, 2019, at 9:30 a.m. with keynote speaker Mayor Levar Stoney of Richmond, Virginia.

Dr. Bellamy announced the “Run These Streets” four-miler on Saturday, June 29<sup>th</sup>, with online registration at [www.wecodetooctown.com/runthesestreets](http://www.wecodetooctown.com/runthesestreets).

Ms. Walker announced the 2<sup>nd</sup> Annual “Get Your Healthy on with Mayor Walker”, a 13-week training program culminating with and race day on Saturday, August 31, 2019 at Foxfield at 8:00 a.m. Interested individuals were encouraged to email [getfitctown@gmail.com](mailto:getfitctown@gmail.com). She advised that Ragged Mountain Running Shop would be offering assistance to participants who need help purchasing athletic shoes and Red Light Management would be offering assistance with training and race fees.

Ms. Hill requested a moment of silence for those affected by the Virginia Beach municipal building tragedy.

Ms. Hill read a proclamation for National Gun Violence Awareness Day – June 7, 2019. She presented the proclamation to representatives from local group Moms Demand Action for Gun Sense In America.

Dr. Bellamy read a proclamation for the Delta Sigma Theta Sorority, Inc. - Charlottesville Alumni Chapter 50<sup>th</sup> Anniversary. Chapter President, Aleta Childs, accepted the proclamation and thanked City Council for honoring the chapter.

**CONSENT AGENDA**

Ms. Walker opened the floor for public comments on the consent agenda.

Maxicelia Robinson, Administrative Assistant to the Clerk of Council, read the following items into the record

- a. **MINUTES: May 6, 2019 special and regular meetings, May 8, 2019 worksession regarding the Agency Budget Review Team process**
- b. **APPROPRIATION: Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC - \$4,247.50 (2nd reading)**

Appropriation of funding for CPA-TV from The Ryal Thomas Show, LLC

**APPROPRIATION  
FUNDING FOR CPA-TV FROM THE RYAL THOMAS SHOW, LLC - \$4,247.50**

**WHEREAS**, the City of Charlottesville entered into a license agreement with The Ryal Thomas Show, LLC;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$4,247.50 to be received per the agreement is hereby appropriated as follows:

**Revenues - \$4,247.50**

\$4,247.50 Fund: 105 Internal Order: 2000146 G/L Account: 450030

**Expenditures - \$4,989**

\$4,247.50 Fund: 105 Internal Order: 2000146 G/L Account: 599999

**BE IT FURTHER RESOLVED**, that future lease proceeds to CPA-TV will be hereby considered as a continuing appropriation and shall automatically appropriate upon receipt of funds.

- c. **APPROPRIATION: 2019-2020 Community Development Block Grant funding - \$395,052.82 (2nd reading)**

2019-2020 Community Development Block Grant funding - \$395,052.82

Upon request of Ms. Walker, this item was considered for a separate vote at the end of the Consent Agenda.

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE'S 2019-2020 COMMUNITY DEVELOPMENT  
BLOCK GRANT - \$395,052.82**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2019-2020 fiscal year in the total amount of **\$395,052.82** that includes new entitlement from HUD amounting to \$393,152, and previous entitlement made available through reprogramming of \$1,900.82.

**WHEREAS**, City Council has received recommendations for the expenditure of funds from the CDBG Task Force, the SAT, the Belmont Priority Neighborhood Task and the City Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore;

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

**PRIORITY NEIGHBORHOOD**

Belmont Priority Neighborhood	\$244,950.82
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**ECONOMIC DEVELOPMENT**

Community Investment Collaborative Scholarships	\$12,500
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**PUBLIC SERVICE PROGRAMS**

OED GO Utilities	\$20,498
TJACH – Coordinated Entry System	\$29,237
Literacy Volunteers – Basic Literacy Instruction	\$9,237

**ADMINISTRATION AND PLANNING:**

Admin and Planning	\$78,630
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<b>TOTAL</b>	<b>\$395,052.82</b>
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**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$395,052.82 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to

enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**d. APPROPRIATION: 2019-2020 HOME Investment Partnership funding - \$120,382.75 (2nd reading)**

Upon request of Ms. Walker, this item was considered for a separate vote at the end of the Consent Agenda.

2019-2020 HOME Investment Partnership funding - \$120,382.75

**APPROPRIATION OF FUNDS FOR  
THE CITY OF CHARLOTTESVILLE’S 2019-2020  
HOME FUNDS - \$120,382.75**

**WHEREAS**, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2019-2020 fiscal year;

**WHEREAS**, the region is receiving an award for HOME funds for fiscal year 19-20 of which the City will receive \$73,603 to be expended on affordable housing initiatives such as homeowner rehab and downpayment assistance.

**WHEREAS**, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the a surplus of match from previous appropriations from the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$18,400.75. Project totals also include previous entitlement made available through program income of \$28,379. The total of the HUD money, program income, and the local match, equals \$120,382.75 and will be distributed as shown below.

<b>PROJECTS</b>	<b>HOME EN</b>	<b>PI</b>	<b>MATCH</b>	<b>TOTAL</b>
AHIP-Homeowner Rehab	\$73,603	\$28,379	\$18,400.75	\$120,382.75
<b>Total</b>	<b>\$73,603</b>	<b>\$28,379</b>	<b>\$18,400.75</b>	<b>\$120,382.75</b>

\* includes Program Income which does not require local match.

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$73,603 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between

the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**e. APPROPRIATION: Virginia Housing Solutions Program Grant Award -\$16,500  
(2nd reading)**

Virginia Housing Solutions Program Grant Award -\$16,500

**APPROPRIATION  
V. H. S. P. Grant \$16,500**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has received the V. H. S. P. Grant from the Virginia Department of Housing and Community Development in the additional amount of \$16,500;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the additional sum of \$16,500 is hereby appropriated in the following manner:

Revenues:

\$16,500      Fund: 209      IO: 1900313      G/L: 430110 State Grant

Expenditures:

\$16,500      Fund: 209      IO: 1900313      G/L: 530550 Contracted Services

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of an additional \$16,500 in funds from the Virginia Department of Housing and Community Development.

**f. APPROPRIATION: Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage - \$41,092 (2nd reading)**

Greenstone on 5th Corporation Sponsorship Agreement for Enhanced Police Coverage - \$41,092

**APPROPRIATION**

**Greenstone on 5th Sponsorship Agreement for Enhanced Police Coverage - \$41,092**

**WHEREAS**, the City of Charlottesville entered into an agreement with Greenstone on 5<sup>th</sup> Corporation to fund enhanced police coverage for the area of Greenstone on 5<sup>th</sup> Apartments, including salary, equipment, technology and related administrative expenses associated with provisions of such enhanced coverage.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$41,092, to be received as a donation from Greenstone on 5<sup>th</sup> Corporation.

**Revenues - \$41,092**

\$41,092	Fund: 105	Internal Order: 2000113	G/L Account: 451999
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**Expenditures - \$82,184**

\$37,598	Fund: 105	Internal Order: 2000113	G/L Account: 510090
\$3,494	Fund: 105	Internal Order: 2000113	G/L Account: 599999

**g. ORDINANCE: Repeal of Charlottesville City Code Section 17-8 (2nd reading)**

Repeal of Charlottesville City Code Section 17-8

**AN ORDINANCE REPEALING SECTION 17-8 OF CHAPTER 17 (OFFENSES-MISCELLANEOUS)**

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Consent Agenda less items “c” and “d”: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Mr. Signer, and Ms. Galvin; Noes: None).

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED Consent Agenda items “c” and “d”: 4-1 (Ayes: Ms. Hill, Dr. Bellamy, Mr. Signer, and Ms. Galvin; Noes: Ms. Walker).

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)**

Dr. Richardson provided responses on the following matters:

1. He announced a public discussion about the trolley pilot project on Tuesday, June 25, 2019, from 12:00 p.m. – 1:00 p.m. in the Neighborhood Development Services conference room.

2. In response to complaints about accessibility of the magistrate's office, he advised that the contact information on the webpage was updated, and the broken link was fixed.
3. He addressed concerns about parking on 10th Street and advised that residents are allowed a total of four permits per household and two guest permits, with the first two permits being free and \$25.00 for each additional permit. According to the City Code, in order to become a parking permit area, 75% of affected residents within a specific block would have to give consent to have parking permits, and the petitioner must complete a City issued petition and submit it between May 1st and February 28th.
4. He advised that the crosswalk at 10th and Main Streets was repainted, new signage would be placed at the intersection, and existing signage would be moved to make more visible. The speed trailer placed there captured the speed of vehicles between May 13th and May 27<sup>th</sup> and average speed of vehicles traveling there was 23 miles per hour in a 25 miles per hour zone.
5. Pertaining to the lights under the bridge, staff looked at the Amtrak parking lot. A contractor resolved the issues for the private property owner. He noted that the fixture was not a part of City property. He advised that staff notified Dominion Power of tunnel light outage on 8th Street, and a crew was assigned to assess conditions today.
6. In response to questions about the Police Department having no misconduct, he explained that the definition of "misconduct" is administered by the Department of Criminal Justice Services and the Chief of Police is required to report any violation to the Department of Criminal Justice Services within 48 hours if the officer in violation one of the six categories pertaining to misconduct within the state statute. There is no separate City of Charlottesville policy regarding misconduct as it is State law.
7. In response to construction permit concerns regarding a development on Main Street, staff has spoken to the contractor, and the permitted working hours are from 6:00 a.m. to 10:00 p.m. Recent feedback suggests that the developer has been working within the specified time frame; the City will periodically check in to ensure adherence.
8. Following up on a suggestion to use the Blacksburg/Alexandria model to collect taxes for AirBnB, the Commissioner of Revenue Office provided information that his office has collected \$1,000,000+ in transient occupancy tax since creating the separate licensing category, and received \$360,000+ in 2018 using current methodology. Only two of 189 jurisdictions in the Commonwealth signed tax collection agreements with AirBnB, and the Commissioner of the Revenue asked that anyone operating an untaxed AirBnB or Home Stay be reported. The requirements for operating an AirBnB and HomeStay are listed on Commissioner of the Revenue webpage.
9. Dr. Richardson is working to meet with individuals who came to the previous meeting who had complaints against the Police department to ensure follow-up.

Ms. Galvin thanked Dr. Richardson for his prompt response to concerns about the 8th and Main Street intersection.

Dr. Richardson advised that the trees in the 8th and Main area will also be trimmed for visibility in the near future.

## **COMMUNITY MATTERS**

Mr. David Swanson thanked City Council and City Treasurer Jason Vandever for their work on divestment. He encouraged approval of the divestment resolution. He also petitioned Council to divest the retirement fund.

Mr. Tray Biasioli, City resident, expressed support of divestment. He urged the City to align its investments with its values, and advised that divestment is financially prudent. He expressed concern that the City's goals in the resolution do not align with the City's policies which make it challenging to meet the purposed climate goals and will adversely affect the City. He asked Council to consider not using City funds to subsidize fossil fuel infrastructure in the City.

Mr. Tony Russell, City resident, provided Council with a hand out about fossil fuels. He discussed the effects of fossil fuel and suggested that emissions be cut by 50% to have any measureable effect on stabilizing CO2 levels. Mr. Russell asked that Council support the divestment resolution.

Ms. Katrina Turner, City resident, expressed discontent with how complaints about a particular officer was handled. She feels that complaints submitted by Caucasian people about this officer were handled much more thoroughly than complaints submitted by African Americans about the same officer. She asked that Council open an investigation into the complaints made against this particular officer.

Ms. Kate Fraleigh, City resident, asked that Council support a strong CRB with paid staff so that the oversight is thorough. She spoke about the complaint process in the police department and components that are less than transparent. A CRB will help instill trust with the community and provide an independent oversight function.

Ms. Cat McCue applauded the City's attempt to address the issues in the community with Unity Days. She commended all of the staff working on the events and asked Council to support Unity Days funding.

Mr. John Hall, Fry's Spring resident, asked for an inexpensive solution to government-subsidized affordable housing. He announced his solution PACE (People and Communities Engaged) in the city parks for overnight campers. He has shared his petition with Councilors and advised that he collected 500 signatures to support this initiative. Council denied Mr. Hall the opportunity to discuss his campaign run for City Council.



Ms. Kay Slaughter, City resident, provided Council with a handout referencing the Drewary J. Brown Bridge. Ms. Slaughter petitioned Council to re-design signage for the bridge as it is a local monument honoring citizens who worked for justice and equality. She presented ideas for more prominent signage and complained that other signs in the area overshadow the bridge signage.

Ms. Walker asked for clarification of whether the bridge was a part of West Main Street and in the consultant contract. Ms. Galvin confirmed.

Ms. Galvin asked Dr. Richardson to verify whether the input from the Bridge Builders was being incorporated in the design. Dr. Richardson said that he would check into it.

Mr. Tony Wasch, City resident, petitioned Council to place a yield sign in front of the Exxon Station on 5<sup>th</sup> Street. Mr. Wasch explained that not having a sign poses a traffic threat. Drivers exiting 64 onto 5<sup>th</sup> Street turning right toward Wegmans do not yield in the turn lane, which causes a traffic hazard.

Sarah Lanzman asked for Council's support on divestment and asked that Council also consider divesting the retirement fund.

Ms. Tanesha Hudson voiced concern about the complaint process with the police department. She voiced that Drewary J. Brown Bridge should go into West Haven, the low income neighborhood adjacent to it. She reported complaints that the residents of The Flats and The Standard are throwing their trash in to West Haven. She expressed that black monuments are not adequately commemorated. She spoke about inequity in traffic studies and expressed concerns about the effects of gentrification.

Dr. Bellamy asked Council to consider in the immediate future the use of Equity funds and/or Discretionary funds to address African-American historical commemorations, and he asked to have these items on a Council agenda in the coming months.

Mr. Cliff Hall read a Bible scripture and talked about obstacles preventing his fiancée from leaving Turkey for Charlottesville. He advised that he has outlined his agenda on Facebook if she does not return to Charlottesville.

Ms. Ang Conn petitioned the City of Charlottesville to establish an ordinance requiring gender segregated single stall bathrooms located in public spaces to be changed to gender inclusive single stall bathrooms in all City-owned and operated buildings in honor of PRIDE month.

Dr. Bellamy asked that this petition be brought forth as a future agenda item.

Mr. Blair remarked that he is not aware of any prohibition in Virginia. Additionally, City Council may present the request to the City Manager as the Manager is in charge of all City property and the decision rests with him.

Mr. Matthew Christensen commended Council on their support of Unity Days. As a committee member for Unity Days, he expressed that he was looking forward to the upcoming events. Mr. Christensen asked Council to support funding for Unity Days.

Ms. Mary Carey expressed her feelings for the disrespect of black monuments in Charlottesville. She voiced her concern with Council abstaining from a vote when Councilor Signor was absent, but choosing to vote when Councilor Bellamy was absent.

Mr. Don Gathers petitioned Council to honor persons of color and Native Americans who sacrificed for the Charlottesville community and at-large. He asked that Council review the recommendations from the Blue Ribbon Commission, and advised everyone to vote during the June primaries.

Ms. Tamika Durrett shared the story of her son's school bus attack and expressed the trauma that she and her son have faced since the attack. She explained that the child that attacked her son received minimal punishment, that school staff did not respond appropriately, and that she has filed two police reports.

Ms. Walker explained that she had received Ms. Durrett's message and that she has researched the incident and will be in contact with Ms. Durrett.

Ms. Galvin asked Dr. Richardson if City government is involved with school transportation. Dr. Richardson confirmed and said that communication has been made regarding the incident and there would need to be additional follow-up.

Mr. Signer advised that the City also indirectly funds the school bullying program.

The meeting went into recess at 7:50 p.m.

The meeting reconvened at 8:12 p.m.

## **PUBLIC HEARING/ ORDINANCE: Utility Rate Report FY2020 (carried)**

### PH-ORD Utility Rates City

Ms. Lauren Hildebrand, Director of Utilities, and Mr. Chris Cullinan, Director of Finance, came forward to introduce the item.

Ms. Walker asked how the funds from the 25% increase from UVA that started in 2019 are being utilized.

Mr. Cullinan responded that the contract with UVA was made in 1981 and rates set were less than the full City rates. Documentation from 1981 does not describe how the rates were set, and in the transition of UVA paying the full rate the initial proposal was for two years a 3-year phase-in in increments of 25% to 75% to 100% was agreed upon. With the increase in rates, UVA is paying more of their actual cost. Previously customers were subsidizing UVA's rates; the increase adds additional revenue to utilities and allows all customers to pay their proportionate share. The funds collected by the University are funding the water and waste water infrastructure.

Ms. Walker opened the Public Hearing.

Ms. Rebecca Quinn said that she has addressed utility rates in an email to Council and referenced a staff memo saying that utilities do not operate on a for-profit basis and that utilities rates are calculated annually to bring each fund to a break-even point. Ms. Quinn asked what accounts for the increase in the gas rate. She also asked if Council has seen a break-down of how much of the average residential bill goes towards operational costs. Her observation is that gas payers pay disproportionately more towards operations. She expressed discontent with the payments-in-lieu-of-taxes on the gas bill that is deposited into the general fund. She contended that gas and utilities is operating on a for-profit basis, stating that the deposits into the general fund are considered profits because they exceed operating costs, and disproportionately impact lower income households.

Ms. Dede Smith questioned the utility payment-in-lieu-of-taxes because the city charges taxes on utilities. She said that the combination of utility PILOT, taxes, and the monthly charge adds up to about 36% of actual charges. She expressed how this affects housing costs and residents. She said that PILOT goes into the general fund versus going into the water, sewer, and gas fund and makes utility bills unnecessarily high.

Mr. Jim Moore presented Council with a notice that he is giving to his tenants. He stated that he tries to keep his rental rate below market rates, and expressed discontent with the utility rate increase. Mr. Moore said Council indirectly raised the real estate tax on two of his units by 34 percent within the last two years. He asked Council to consider how the rate increase affects lower cost renters. He asked why sewer rates are higher than water rates and about some number discrepancies in the report. Mr. Moore suggested for cost savings to consider the LEAP programs and advertising for non-renewal fossil fuel source.

Ms. Walker closed the public hearing.

Dr. Bellamy asked for a response to Ms. Smith's "for-profit" question.

Mr. Cullinan responded that PILOT represents that if utilities were operated by a private firm in the City they would pay real estate tax, personal property tax, etc.; they would owe this to the City for their course of business. He advised that Utilities across the country and in Virginia charge PILOT. The City had this fee analyzed and the reviewers confirmed that the PILOT is a common practice. Mr. Cullinan said Council can choose not to include the PILOT, but it would create a six million dollar gap in the budget.

Ms. Walker asked if it was legal to tax certain areas or groups, for instance Albemarle County or UVA, and not City residents.

Mr. Blair advised that he does not believe there is any authority on how the PILOT is levied.

Following further discussion, at the request of Ms. Walker, Council agreed to move the Utility Rate Report to the June 17 consent agenda.

**APPROPRIATION: Appropriation of Human Services Balance for FY 2019 Expenses - \$400,000 (carried)**

Appropriation of Human Services Balance for FY 2019 Expenses - \$400,000

Ms. Kaki Dimock, Acting Assistant City Manager, came forward to introduce the item. She explained that the funds will go back into the fund balance and that in FY 2020 the funds will also go back into the fund balance; therefore, the appropriation will act as a loan.

Responding to a question from Ms. Walker, Ms. Dimock advised that the rise in foster care cases is a national trend despite foster care preventive services. She also noted that there are a disproportionate number of African American children in foster care. They are focusing on increasing the number of African American foster care families in the program.

**APPROPRIATION\*: Unity Days Planning and Funding Transfer - \$100,000**

Unity Days Planning and Funding Transfer - \$100,000

Mr. Brian Wheeler, Director of Communications, and Charlene Green, Manager for the Office of Human Rights, came forward to introduce the item.

Dr. Bellamy explained that the events of Unity Days do not necessarily appeal to his demographic, and he suggested that more funds will need to be allocated in order to bring high-profile Hip Hop artists to Charlottesville.

Ms. Green elaborated on the different types of Unity Days events and asked if any of the people interested in the events Dr. Bellamy mentioned have presented a proposal to the Unity Days committee.

Mr. Wheeler also shared information about the University of Virginia participation.

On a motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote APPROVED the Unity Days Planning and Funding Transfer of \$100,000: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer).

**RESOLUTION**  
**Fund Transfer to Support Unity Days Marketing and Programming - \$100,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$100,000 is hereby transferred from currently appropriated funds in the Citywide Reserve account in the General Fund for the support of marketing and programming of Unity Days activities.

**Transfer From:**

Fund 105                      Cost Center: 1631001000      I/O: NONE                      G/L Account: 599999

**Transfer To:**

Fund 105                      Cost Center: 1611001000      I/O: 2000147                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation of funds shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuring fiscal year unless altered by further action of City Council.

**RESOLUTION\*: Divestment - Operating Budget**

Divestment - Operating Budget

Mr. Jason Vandever, City Treasurer, came forward to introduce the item. In response to a question from Ms. Galvin, he affirmed that divestment would not affect the City's fiscal stability.

Mr. Signer expressed that he disagreed with the weapon systems aspect and of divestment.

On motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote APPROVED the Resolution: 4-1 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin; Noes: Mr. Signer).

**RESOLUTION**  
**SUPPORTING THE DIVESTMENT OF CITY OPERATING FUNDS**  
**IN ANY COMPANY INVOLVED IN THE PRODUCTION OF FOSSIL FUELS**  
**OR THE PRODUCTION OR UPGRADING OF WEAPONS AND WEAPONS SYSTEMS**

WHEREAS, the Charlottesville City Council formally declares its opposition to investing City funds from the General Operating Fund in any entities that are involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems, whether conventional or nuclear, and including the manufacture of civilian arms; and,

WHEREAS, pursuant to City Code Section 11-64 and the Virginia Security for Public Deposits Act ( Virginia Code Section 2.2-4400 et seq.), and the Virginia Investment of Public Funds Act (Virginia Code Section 2.2-4500 et seq.), the City Treasurer has sole discretion over the investment of City operating funds; and,

WHEREAS, the City Treasurer has a duty to invest all City funds with the primary objectives of safety, liquidity, and yield; and,

WHEREAS, the primary investment objectives for operating funds of safety, liquidity, and yield can be achieved while supporting the Council's opposition to investing City funds in direct security investments of any entity involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems; and,

WHEREAS, the City Treasurer has publicly expressed his support for the divestment of City operating funds from direct securities of any entity involved in the production of fossil fuels or the production or upgrading of weapons and weapons systems.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia that it declares its support and encouragement of any and all persons acting on behalf of City investment activity in regards to City operating funds, to divest all City operating funds from direct security investments in any entity engaged in the production of fossil fuels or the production or upgrading of weapons and weapons systems within 30 days.

**RESOLUTION\*: Transfer of FY 2020 City of Promise Funding to ReadyKids - \$81,837 (carried)**

City of Promise Funding

Ms. Kaki Dimock, Acting Assistant City Manager, came forward to introduce the item.

Ms. Walker asked if the amount being requested is going towards the salary of the Interim Director. Ms. Dimock explained that \$2,000-\$3,000 would be for programmatic funding, \$7,600 would be used toward utilities and maintenance for the City of Promise building, and the remainder would go toward the Interim Director salary.

Council agreed to place the item on the next consent agenda.

**RESOLUTION\*: Special Use Permit (SUP) 1617 Emmett Street drive-thru**

Special Use Permit (SUP) 1617 Emmett Street drive-thru Resolution

Mr. Joey Winter, City Planner – Neighborhood Development Services, came forward to introduce the item.

Ms. Hill verified that the bank that preceded the coffee house had a directive. Mr. Winter agreed.

Ms. Galvin expressed that the definition of commercial in the Hydraulic Small Area Plan is different than stated and more pedestrian-oriented and she advised that she opposes the resolution because it does not conform to the Hydraulic Small Area Plan, stating specifics.

On the motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED the Resolution to adopt the Special Use Permit 1617 Emmett Street drive-thru: 4-1 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Mr. Signer; Noes: Ms. Galvin).

**RESOLUTION  
APPROVING A SPECIAL USE PERMIT  
TO AUTHORIZE THE ESTABLISHMENT AND OPERATION OF A RESTAURANT  
WITH A DRIVE-THROUGH WINDOW  
AT 1617 EMMET STREET (RT. 29) NORTH**

**WHEREAS**, Riverbend Development, Inc. (“Applicant”), as contract purchaser with authorization of current landowner Wells Fargo Bank, N.A., has requested City Council to approve a special use permit pursuant to City Code § 34-796, specifically to authorize the establishment of a coffee shop restaurant with a drive-through window (the proposed “Special Use”) at 1617 Emmet Street, identified on City Tax Map 40C as Parcel 2 (Tax Map Parcel Id. # 40C002000) (“Subject Property”). The Subject Property is within the City’s Highway Corridor Mixed Use (“HW”) zoning district, subject to Entrance Corridor Overlay; and

**WHEREAS**, the proposed Special Use is described and depicted within the Application materials submitted in connection with zoning application number SP19-00001, and the proposed Special Use is allowed by special use permit within the HW zoning district, pursuant to City Code 34-796; and

**WHEREAS**, the Planning Commission has reviewed the Application materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on May 14, 2019, the Planning Commission voted to recommend that City Council should approve the requested Special Use, subject to certain conditions recommended for Council’s consideration; and

**WHEREAS**, upon consideration of the comments received during the public hearing, and of the Planning Commission’s recommendations, the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, and additional site layout materials submitted by the Applicant after the public hearing for review by City Council, this Council finds and determines that granting the requested special use permit subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §34-796, a special use permit is hereby approved and granted to authorize a drive-through

window to be established and operated on the Subject Property for and in connection with the coffee shop restaurant described and depicted within the Application materials for SP19-00001, subject to the following conditions:

1. No alteration of any existing building, structure or canopy on the Subject Property shall be commenced prior to the landowner obtaining a certificate of appropriateness from the City's entrance corridor review board as required by City Code §§34-306 et seq.
2. The final site plan for the Special Use shall depict the type, size and location of additional signage and pavement markings (to include both lane lines and text) to designate the vehicular travelways for the drive-through window as well as non-drive-through vehicular traffic. All vehicular traffic within the Subject Property shall be one-way traffic.
3. maintain on the Subject Property a handicapped access lane that extends to and connects with the sidewalk along Angus Road.

### **RESOLUTION\*: Sunrise Planned Unit Development (PUD) Road Acceptance**

#### Sunrise PUD Road Acceptance-Habitat

Mr. John Blair, City Attorney, came forward to introduce the item.

Mr. Blair clarified that the resolution is to authorize the City Manager and City Attorney to negotiate with Habitat for Humanity to take over the permeable pavement stormwater management function under City control.

Ms. Walker verified that if preliminary negotiations do not work out with other entities involved then the City will not need to enter into negotiations. Mr. Blair agreed.

Dr. Richardson stated that this is an older project that lacked proper coordination across departments and that the City will have to incur certain costs because of the way the project was orchestrated.

Ms. Walker asked about the City approvals. Mr. Blair stated there has been three separate City approvals - Planned Unit Development in 2009, Site Plan and Subdivision approvals.

Mr. Blair cited the original terms of the agreement from 2009. He also said that staff has been acting based on the interpretation of the agreement in approving portions of the project.

Ms. Walker asked if Habitat was still collecting money from the homeowners. Mr. Blair affirmed. Ms. Walker asked that when negotiating with Habitat that the terms of the agreement include a plan to pay a portion of funds that Habitat is receiving from the project to help resolve problems of the project.



Ms. Galvin stated that the design features of the project are part of a City policy called The Streets That Work Plan of 2016.

Ms. Walker asked about the maintenance aspect to the policy.

Ms. Galvin proposed that the street in question become a public street. She said that the City would be responsible for the maintenance and assume the maintenance cost as City street.

Ms. Hill voiced that the City is now responsible to act on the agreement.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Resolution: 5-0 (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin, Mr. Signer).

Ms. Walker requested information on if the homeowners are paying any cost for the permeable pavers.

**RESOLUTION  
ACCEPTING RESPONSIBILITY FOR MAINTENANCE OF CERTAIN  
STORMWATER MANAGEMENT FACILITIES WITHIN THE SUNRISE  
PLANNED UNIT DEVELOPMENT**

**WHEREAS**, in 2009 the Charlottesville City Council approved the Sunrise Planned Unit Development (“PUD”). Streets proposed by Sunrise Park LLC within the PUD Development Plan were narrower than the standard width, included on-street parking lanes to provide the required number of parking spaces for the units within the development, and proposed pervious paving materials within the parking lanes; these three design features conflicted with the City’s parking requirements and standard public street specifications. The PUD Development Plan included the following statement: “Nothing in the PUD Development Plan will be interpreted to prohibit the design team from working with the City Engineer to modify the City’s street standards to allow internal streets to be dedicated for public use.”

**WHEREAS**, the City’s Subdivision Agent granted final approval for a subdivision plat which dedicated the streets within the Sunrise PUD for public use, and that Subdivision Plat was recorded in the City’s land records several years ago. However, recordation of a subdivision plat does not create any obligation upon the City to pay for any paving, improvements or construction, and the City has not, to date, accepted the improved (paved) PUD streets into the City’s public street system for maintenance.

**WHEREAS**, under the ordinances, standards and specifications in effect as of the date this Resolution is adopted, the streets within the Sunrise PUD do not meet public street standards; however, Sunrise Park LLC is now asking the City to accept the constructed streets into the public street system for maintenance; and

**WHEREAS**, state law required the PUD Development to be constructed in accordance with a Stormwater Management Plan approved in accordance with state and local laws, which require provision of facilities for management and treatment of the quantity and quality of stormwater. Following completion of the development, all such stormwater management facilities must be maintained by the owners of land within the development. Sunrise Park LLC obtained approval of a Stormwater Management Plan which identified the permeable pavement within the PUD street parking lanes as one of the stormwater management facilities to be permanently maintained by a responsible party—generally, the owner(s) of land within the development.

**WHEREAS**, the City’s Water Protection Ordinance requires that, in the event a person desires to cede or transfer responsibility for maintenance, repair and replacement of a stormwater management facility to the City, that person and the City must enter into a written contract, and prior to execution of that contract, the City Council must, by resolution, accept the responsibility proposed to be ceded or transferred; the purpose of this resolution is to set forth the terms under which City Council will accept responsibility for maintenance of the pervious paving within the street right of way proposed to be transferred.

**WHEREAS**, this Charlottesville City Council is willing to accept responsibility for maintenance of the pervious pavement within the parking lanes and sidewalks within the Sunrise PUD, but only if: **(i)** Sunrise Park LLC remains bound to complete the entire PUD Development in accordance with the approved stormwater management plan for the PUD, **(ii)** the City is held harmless from all impacts of construction activities within uncompleted portions of the PUD on the permeable pavement, within a written indemnification agreement satisfactory to the City Attorney, and **(iii)** following a formal offer dedicating the streets and sidewalks within the Sunrise PUD right-of-way for public use, the City accepts the streets and sidewalks and title is transferred to the City of Charlottesville;

**NOW THEREFORE, BE IT RESOLVED** by the Charlottesville City Council that it will accept responsibility for maintenance, repair and replacement of the permeable pavement within the parking lanes and sidewalks of the right-of-way within the Sunrise PUD Development, effective on the date on which all of the following conditions have been satisfied:

1. All erosion and sediment control (E&S) plans, and any agreement-in-lieu-of-a plan, required pursuant to Chapter 10 of the City Code for construction activities within Phase 4 of the Stormwater Management Plan (Lot 15 as designated within the site plan for the PUD Development), shall include measures specifically designed to protect the permeable pavement from damage, silt, sedimentation, oil/ petroleum spills, hazardous materials spills, and other reasonably foreseeable impacts of construction activities.
2. The Stormwater Management Plan and/or the Stormwater Pollution Prevention Plan for the Sunrise PUD shall be modified or amended, as may be necessary: **(i)** to reflect

the fact that the permeable pavement has been installed prior to completion of all construction activities within the Sunrise PUD and to correctly identify the numbered phases of construction activity, **and (ii)** to reflect any change in legal responsibility for completion of all requirements of the Stormwater Management Plan, the Stormwater Pollution Prevention Plan, or Virginia State Construction General Permit coverage, so that at no time will there be any lapse in coverage under the Construction General Permit and there will at all times be and remain a person that is legally responsible for compliance with and completion of all requirements of the Stormwater Management Plan or the Stormwater Pollution Prevention Plan for the Sunrise PUD. The City shall not be required to approve any final release of stormwater management or erosion and sediment control bonds posted by Sunrise Park LLC in accordance with VSMP/VESCP regulations, until a Notice of Termination of construction general permit coverage has been approved in accordance with state regulations and city ordinances.

3. The City shall be provided with a supplemental E&S bond, in the form of a cash bond or letter of credit (“Supplemental Bond”) in an amount deemed by the City Engineer to be sufficient to cover the cost of repairing, replacing and/or cleaning the permeable pavement in the event that the protective measures are insufficient under any circumstances, or otherwise fail, in whole or in part, prior to final completion of all requirements of the Erosion and Sediment Control Plan for the Sunrise PUD (“Final Completion”). The Supplemental Bond shall be provided by the person (including, without limitation, any corporation or limited liability company) who is permitted to conduct land disturbing activity within Lot 15 of the PUD Development.
  - If the E &S measures are insufficient under any circumstances, or otherwise fail, in whole or in part, to protect the permeable pavement, then the City shall have the right, following reasonable written notice to the land disturber, to repair or replace the damage or clean the permeable pavement, as may be necessary, at the sole expense of the land disturber. Funds from the Supplemental Bond shall be released to the City upon request to pay the cost thereof. Thereafter, the Land Disturber shall immediately replenish the line of credit, so that the full amount of funds required to be posted as the Supplemental Bond will remain available to the City for subsequent use prior to Final Completion.
  - No action by the City to replace, repair or clean the permeable pavement prior to Final Completion shall preclude the City from taking any action(s) to enforce the requirements of the E&S Plan, or the Stormwater Management Plan for the Sunrise PUD.
4. Sunrise Park LLC and the permitted land disturber engaging in construction activities within Lot 15 of the Sunrise PUD shall each execute a written agreement satisfactory to the City Attorney, indemnifying and holding the City of Charlottesville harmless

from and against all claims, contributions and responsibilities, financial or otherwise, for maintenance, operation or repair of any stormwater management facility(ies) within the Sunrise PUD (other than the permeable pavement within the on-street parking lanes and sidewalks, following City Council's acceptance of the Sunrise PUD streets and sidewalks into the public system for maintenance).

5. Sunrise Park LLC shall prepare a formal offer of dedication of the land within the boundaries of the platted right-of-way within the Sunrise PUD to the City. The formal offer of dedication shall be in a form approved by the City Attorney, and shall be accompanied by a deed and plat suitable for recordation within the City's land records which can be recorded in the land records of the Circuit Court and will transfer clear title to the City, as indicated by a title report and binding title commitment issued by a title company satisfactory to the City Attorney.
6. Within 90 days prior to the date of any City Council meeting at which Council will be requested to authorize the City Attorney to accept conveyance of title to the land and improvements located within the Rights of Way of the Sunrise PUD, the City Engineer shall verify in writing that the permeable paving within the street right-of-way proposed to be dedicated for public use and conveyed to the City has been permanently installed and is functioning to a level of effectiveness mutually agreed to by the Engineer and Sunrise Park LLC.

**BE IT FURTHER RESOLVED THAT**, when all of the conditions referenced above within this Resolution have been satisfied, Sunrise Park, LLC may submit a written request to the City Attorney's Office for a certification of compliance. Following certification of compliance by the City Attorney, the City Manager is authorized to place on a City Council agenda a resolution authorizing the City Attorney to accept conveyance of title to the streets and sidewalks within the Sunrise PUD, and a resolution accepting the improved streets and sidewalks within the Sunrise into the City's public system for maintenance.

## **REPORT: Legislative update**

### Legislative Agenda Report

Ms. Lisa Robertson, Chief Deputy City Attorney, presented the report.

Ms. Robertson advised that there may be things in the report that will require local ordinances and tax codes that may need to be adjusted.

Ms. Robertson suggested that Council begin to meet with her in July/August 2019. She asked for a minimum of a two Council member committee. Councilors Bellamy and Galvin volunteered.

Mr. Blair asked Councilors if they would be interested in meeting with legislators for a work session to discuss Council's agenda. Ms. Galvin agreed.

Ms. Walker asked how the policies that Council presents to state legislators be handled with potentially newly elected officials. Mr. Blair said that whomever is elected in November has the authority to introduce the bill.

Ms. Hill voiced interest in working alongside local municipalities who share interest in certain bills being presented to state legislators.

Ms. Robertson explained that the Council subcommittee should discuss their interests and begin reaching out to other entities to discuss joint public meetings.

Ms. Walker said she is also interested in participating.

Ms. Robertson advised that she or David Blount of the Thomas Jefferson Planning District Commission would contact the Council subcommittee in July to schedule a meeting.

## **OTHER BUSINESS**

Ms. Hill asked that Council provide Ms. Dimock feedback for the Agency Budget Review Team process. Ms. Galvin preferred that Council discuss the information before providing it to Ms. Dimock. Council decided to provide Ms. Dimock with feedback by Friday, June 7th.

Ms. Galvin asked for an update for the historical slave block marker from the Preservation Planner.

Ms. Walker asked if the City holidays are on the fiscal year or calendar year. Mr. Blair responded that the holidays are in the ordinance and personnel policy. Ms. Walker expressed interest in changing the celebration of Thomas Jefferson's birthday on April 13<sup>th</sup> with Freedom and Liberation Day. Dr. Bellamy expressed support. Mr. Blair advised that he would prepare an agenda item within the next two Council meetings.

## **MATTERS BY THE PUBLIC**

Mr. John Hall explained that the Lewis and Clark statue inscription does not mention Sacajawea and commissioned Council to commemorate her appropriately.

Mr. Brad Slocum thanked Council for supporting Unity Days. He mentioned that the topic of engaging younger people for Unity Days is discussed frequently at committee meetings and that there is a need to explore other events and venues that will attract the younger demographic.

Mr. Cliff Hall spoke of a journalistic campaign against him and spoke about childhood friends in regards to race relations.

The meeting adjourned at 10:10 p.m.