

## **CHARLOTTESVILLE CITY COUNCIL**

**May 3, 2021**

**Virtual/electronic meeting via Zoom**

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

The Charlottesville City Council met in an electronic meeting on Monday, May 3, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. Mayor Nikuyah Walker called the meeting to order at 5:31 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

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

- Section 2.2-3711(A)(1) for discussion and consideration of prospective candidates for employment, and for discussion and consideration of the removal of an individual previously appointed to the Region Ten Community Services Board.

Councilors took a break at 5:50 p.m.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:32 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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

#### **CALL TO ORDER and ROLL CALL**

The Charlottesville City Council met in an electronic meeting on Monday, May 3, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. Mayor Nikuyah Walker called the meeting to order at 6:32 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael

Payne and Lloyd Snook.

City Council observed a moment of silence.

### **AGENDA APPROVAL**

On motion by Councilor Snook, seconded by Vice Mayor Magill, Council unanimously approved the meeting agenda.

### **ANNOUNCEMENTS**

Dr. Denise Bonds shared an update on Covid-19 data. She focused attention on data related to race and noted that Charlottesville ranked #5 in the state for the percentage of residents vaccinated. Albemarle County ranked #1. She shared information about outreach efforts to reach target populations.

### **RECOGNITIONS/PROCLAMATIONS**

Mayor Walker presented the following proclamations:

- **Proclamation: Bike Month 2021**

- **Proclamation: Community Action Month**

Mr. Michael Osario thanked Mayor Walker for the proclamation.

- **Proclamation: Professional Municipal Clerk Week, May 2-8, 2021**

Clerk of Council Kyna Thomas accepted the proclamation and Councilors made remarks commending Ms. Thomas and the work of the Clerk's Office.

- **Proclamation: National Emergency Medical Services Week, May 16-22, 2021**

Vice Mayor Magill offered thanks to Emergency Medical Services professionals.

- **Proclamation: Joy Johnson Day - May 3, 2021**

Ms. Joy Johnson accepted the proclamation and acknowledged her predecessors and all who have helped to work toward the same community causes. Councilors thanked Ms. Johnson and encouraged her to continue the great work.

### **CONSENT AGENDA\***

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

1. MINUTES: March 15 Work Session, March 17 Community Budget Forum, March 23 Special Meeting, March 23 Work Session
2. APPROPRIATION: Virginia Department of Criminal Justice Services (DCJS) Coronavirus Emergency Supplement Funding (CESF) Fiscal Year 2021 - \$50,000 (2nd reading)

**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.

3. **APPROPRIATION: Firehouse Subs Public Safety Grant \$26,971.10 (2nd reading)**

**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.

4. APPROPRIATION: House Bill 5005, Item 408 #1c: Public Safety and Homeland Security, Department of Criminal Justice Services – Local Police Department Funding - \$67,913 (2nd reading)

**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

5. APPROPRIATION: Supplemental Appropriation of State Operational Funding for Charlottesville Area Transit - \$265,025 (carried)
6. APPROPRIATION: Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$25,000 (carried)
7. APPROPRIATION: CARES Act Round 2 Funding for Utility Customer Bill Arrearage Assistance – \$15,766.58 (carried)
8. RESOLUTION: Budget Amendment for FY2021-2022 Community Development Block Grant and HOME program allocations (1 reading)

**RESOLUTION**

**AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT  
Reprogramming of Funds for FY 2021-2022**

**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 on January 19, 2021; and

**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 appropriated to the respective accounts shown as follows:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
218		Ridge Street Priority Neighborhood		\$6,247.20	\$156,247.20
218		Administrative and Planning (20% EN)		\$1,561.50	\$85,435.20
		<b>TOTALS:</b>			

**RESOLUTION  
AMENDMENT TO HOME INVESTMENT PARTNERSHIPS PROGRAM ACCOUNTS  
FY 2021-2022**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the HOME Investment Partnerships Program (HOME) funds on January 19, 2021; and

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the HOME 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 appropriated to the respective accounts shown as follows:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
210		HOME Match		\$995.72	\$21,144.22
210		LEAP Assisted Home Performance		\$3,982.88	\$23,224.88
		<b>TOTALS:</b>			

9. RESOLUTION: Safe Routes to Schools non-infrastructure grant application

**RESOLUTION**  
**Supporting Safe Routes to School (“SRTS”) Projects**

WHEREAS, obesity is one of the most serious threats to American public health, ranking third among preventable causes of death in the United States;

WHEREAS, motor vehicle crashes are also a leading cause of death and injury to children;

WHEREAS, between 1969 and 2009 the percentage of children walking and biking to school dramatically declined from 48 percent to 13 percent;

WHEREAS, the Safe Routes to School program, created by Congress in 2005, aimed to increase the number of children engaged in active transportation when traveling to school by funding (1) infrastructure projects, located within two miles of a public school, that directly increase safety and convenience for public school children walking and/or biking to school, and (2) non-infrastructure projects designed to encourage public school children to walk and bicycle to school;

WHEREAS, Safe Routes to School projects are a proven, effective approach to increasing the number of children actively traveling to school by foot or bike;

WHEREAS, Safe Routes to School projects provide important health, safety, and environmental benefits for children, including reducing risk of obesity/chronic disease and pedestrian/bicycle injuries as well as improving air quality;

WHEREAS, the need for Safe Routes to School projects is especially strong in low-income areas, which suffer from a disproportionately high incidence of both childhood obesity/chronic disease and pedestrian and bicycle injuries and often have inferior pedestrian and bicycle infrastructure;

WHEREAS, Safe Routes to School projects make it safer and more convenient for all residents to walk and bike to destinations, further promoting public health;

WHEREAS, a goal of the City of Charlottesville’s current Comprehensive Plan, Bicycle and Pedestrian Master Plan, Complete Streets Resolution and Healthy Eating Active Living Resolution supports active transportation options, which can be met in part by implementation of Safe Routes to School projects;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville affirms its commitment to active transportation and supporting Safe Routes to School infrastructure and non-infrastructure projects.

10. RESOLUTION: Authorizing publication of notice of City Council's intention to remove, relocate, contextualize or cover statues of Confederate Generals Lee and Jackson currently located within City parks, and to hold a Public Hearing thereon

**RESOLUTION**

**AUTHORIZING PUBLICATION OF NOTICE OF CITY COUNCIL'S INTENTION TO REMOVE, RELOCATE, CONTEXTUALIZE OR COVER STATUES OF CONFEDERATE GENERALS LEE AND JACKSON CURRENTLY LOCATED WITHIN CITY PARKS, AND TO HOLD A PUBLIC HEARING THEREON**

WHEREAS, the Charlottesville City Council intends to remove, relocate, contextualize or cover the statues of Confederate General Robert E. Lee and Stonewall Jackson installed, respectively, within Market Street Park and Court Square Park (together, the "Statues"); now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

1. THAT the Clerk of Council shall cause notice of City Council's intent to remove, relocate, contextualize or cover the Statues to be published within a newspaper having general circulation within the City. Such notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than thirty (30) days after the date of publication of the notice, and

2. THAT the City's Board of Architectural Review is hereby requested to consider City Council's stated intent to remove, relocate, contextualize or cover the Statues prior to the public hearing date specified in the published newspaper notice.

11. ORDINANCE: Approving CitySpace as Central Absentee Precinct for June 8, 2021 Primary Election

**ORDINANCE APPROVING CITY SPACE AS CENTRAL ABSENTEE PRECINCT FOR JUNE 8, 2021 PRIMARY ELECTION**

12. ORDINANCE: Amending the Charlottesville City Code to allow the Police Civilian Review Board to obtain General Legal Counsel Services (1 reading)

**AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 2 (ADMINISTRATION), ARTICLE XVI (POLICE CIVILIAN REVIEW BOARD), SECTION 2-457 (POLICE CIVILIAN REVIEW BOARD LEGAL COUNSEL) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990) AS AMENDED, TO**

**EXPAND THE SCOPE OF MATTERS ON WHICH THE POLICE CIVILIAN  
REVIEW BOARD MAY CONSULT  
WITH LEGAL COUNSEL OTHER THAN THE CITY ATTORNEY'S OFFICE**

Mayor Walker opened the floor for comments on the Consent Agenda and the following individuals spoke:

- Kristin Szakos spoke about Item #10, in support of removing Confederate statues from city parks and urged Council to act swiftly.
- Larycia Hawkins, UVA professor and descendant of enslaved ancestors, spoke about politics and symbols as related to Item #10 and in support of removing Confederate statues from city parks.
- Cali Gaston spoke about Item #10, in support of removing Confederate statues from city parks.
- Don Gathers spoke about Item #10, in support of removing Confederate statues from city parks.
- Lena Seville spoke about Item #10, in support of removing Confederate statues from city parks.
- Adrienne Dent spoke about Item #10, in support of removing Confederate statues from city parks.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the Consent Agenda, removing Item #8 for a separate vote per request from Mayor Walker: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none).

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED Item #8 regarding the Budget Amendment for FY2021-2022 Community Development Block Grant and HOME program allocations: 4-1 (Ayes: Hill, Magill, Payne, Snook. Noes: Walker).

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

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

1. A notice would be published for a June 7 public hearing on the Lee and Jackson statues in City parks.
2. He received information earlier in the day for American Rescue Plan from the Housing and Urban Development HOME funds that the City was awarded a grant in the amount of \$270,000 to spend on affordable housing programs within the City. He advised that the City would likely issue a Request for Proposals (RFP) for help with projects.



3. He was still awaiting the total dollar amount that the City would be receiving in American Rescue Plan funds as well as regulations around how the funds may be used, adding that the Congressional Act requires that the first payment be made by May 12.
4. Staff was continuing to work on special events permits, carefully monitoring citizen rights regarding public demonstrations and protest events, as well as safety while the community still faces conditions of Covid-19.
5. Staff was working on scheduling a work session on the Charlottesville Housing Affordability Program (CHAP) and progressive taxation.
6. Applications closed Friday, April 30 for Executive Director position for the Police Civilian Review Board. Sixty-four applications were received.
7. He has resumed City Manager meetings with neighborhood associations.

### **COMMUNITY MATTERS**

Mayor Walker opened the floor for public comment. The following individuals spoke:

1. Leonard Schoppa, city resident, spoke about the draft Land Use Plan asking a few neighborhoods to take on the burden of density. He opposed exclusionary zoning.
2. Maddy Green, member of Charlottesville Redevelopment and Housing Authority (CRHA), read a portion of a report from the CLIHC (Charlottesville Low Income Housing Coalition), applauded Joy Johnson on her recent recognition and spoke in support of inclusionary zoning.
3. Emily Dreyfus ceded her time to Walt Heinecke, city resident, who spoke about his view of what a racially equitable city would look like. He advised that policies should reflect the commitment to deeply affordable housing.
4. Jennifer Koch, consultant representing Cville Plans Together, shared information about upcoming events related to the City's Comprehensive Plan and advised that more information could be found at [cvilleplanstogether.com](http://cvilleplanstogether.com).
5. Stacy Miller echoed comments about inclusionary zoning. She spoke in opposition to the critical slope waiver for 915 6th Street SE and noted erosion and safety concerns.
6. Kate Fraleigh, city resident, speaking on behalf of the People's Coalition, encouraged Council action to strengthen the Police Civilian Review Board.
7. Peter Krebs, city resident, thanked the mayor for the Bike Month proclamation, and shared information about an upcoming event sponsored by the Piedmont Environmental Coalition. He spoke in support of Safe Routes to Schools projects and in support of the recognition for Joy Johnson.
8. Rosia Parker, city resident, spoke about gang violence. She advised that young people need an outlet.

9. Tanesha Hudson spoke about gang violence and about the security company that is no longer monitoring in the Westhaven neighborhood. She suggested community policing and a collective approach with police. She spoke about race relations in the city and toward Black city leaders.

Councilor Hill asked about resources that could address gun violence, bringing different stakeholder groups together.

Mayor Walker advised that Chief Brackney met with John Sales at CRHA to continue the discussion of what policing should look like in the public housing environment. She advised of the need for investment in outlets for youth in the Black community.

Councilor Payne spoke about the housing plan, the need for land use and community wealth building strategy.

Mayor Walker asked Acting City Attorney Lisa Robertson to explain to the public the reasoning for following state-enabling legislation regarding monuments rather than acting immediately. Ms. Robertson provided an explanation.

The meeting recessed at 8:35 p.m. and reconvened at 8:50 p.m.

## **ACTION ITEMS**

**PUBLIC HEARING/RESOLUTION\*: \$18,000,000 Bond Issue (maximum amount) and New Debt \$8,000,000 Refunding Bond Issue (maximum amount) - \$26,000,000 Total**

Krisy Hammill, Senior Budget and Management Analyst, provided a summary of the resolution. She noted the City's AAA bond rating and historically low interest rates.

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

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

**RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000, TO FINANCE THE COSTS OF CERTAIN PUBLIC IMPROVEMENT PROJECTS, PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTESVILLE,**

**VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000, PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF SUCH BONDS, AND PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY**

**PUBLIC HEARING/RESOLUTION\*: Approval of Community Development Block Grant Annual Action Plan FY 21-22**

Erin Atak, Grants Coordinator, summarized the request.

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

Vice Mayor Magill asked about capacity and Ms. Atak advised that all has been taken care of regarding capacity.

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

**RESOLUTION**

**Approval of FY 2021-2022 Annual Action Plan**

**BE IT RESOLVED**, that the Charlottesville City Council hereby approves the FY 2021 - 2022 Action Plan of the 2018-2022 Consolidated Plan as presented at the May 3, 2021, City Council meeting. No funds by agencies will be spent until HUD issues final approval of the Annual Action Plan.

**RESOLUTION\*: Special Use Permit for Lyndhall Apartments, 64 University Way – Landowner Neighborhood Investments, LLC**

Carrie Rainey, Senior Planner, provided a summary of the request and advised of Planning Commission feedback from their meeting on April 13, 2021.

The applicant, Chris Henningsen with Neighborhood Properties, made a presentation and answered questions for Council.

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

**RESOLUTION**  
**APPROVING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT**  
**64 UNIVERSITY WAY (LYNDHALL APARTMENTS)**

**WHEREAS**, landowner Neighborhood Investments, LLC (“Landowner”) is the current owner of certain land identified within the City’s real estate records by Real Estate Parcel Identification No. 050048000, currently having a street address of 64 University Way, and having an area of approximately 0.34 acre (14,810 square feet) (the “Subject Property”); and

**WHEREAS**, Landowner proposes to renovate the existing multifamily dwelling (“Building”) located on the Subject Property, to increase the number of dwelling units within the Building, and seeks a special use permit to authorize an overall residential density of 48 dwelling units per acre (DUA) within the area of the Subject Property, together with certain changes to the parking and landscaping within the Subject Property (collectively, the “Project”); and

**WHEREAS**, the Subject Property is located within the R-3 (Residential, medium-density residential) zoning district, a district in which, according to the Use Matrix set forth within City Code 34-420, additional residential density may be authorized by City Council by means of a special use permit; and

**WHEREAS**, the Project is described in more detail within the Landowner’s application materials submitted in connection with SP21-00003, as required by City Code §34-158 (collectively, the “Application Materials”); and

**WHEREAS**, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on April 13, 2021; and

**WHEREAS**, upon consideration of the comments received during the joint public hearing, the information provided by the Landowner within the Application Materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed Special Use Permit for the Project subject to suitable regulations and safeguards; and

**WHEREAS**, upon consideration of the Planning Commission’s recommendation, the Staff Report, comments received at the public hearing, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable regulations and safeguards 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**, that a special use permit is hereby approved and granted to authorize residential density of up to 48 dwelling units per acre for a Project to be constructed within the Subject Property, subject to the following conditions:

1. Upon completion of the Project, the Building shall contain, in the aggregate, no more than 16 dwelling units, and not more than 24 bedrooms.
2. Pursuant to §34-162(a):
  - a. the side setbacks required by City Code §34-353(a) are hereby modified; all side setbacks shall be 10 feet, minimum;
  - b. the off-street parking offset requirements required by City Code §34-972(b)(6) are hereby modified to require no minimum setback;
  - c. the off-street parking requirements of City Code §34-984 are hereby modified to reduce required off-street parking spaces by two (2) spaces.
3. Outdoor lighting shall be provided only at building entrances. All outdoor lighting and light fixtures shall be full cut-off luminaires. Light spillover from luminaires onto public streets or abutting lots shall not exceed one-half (0.5) foot candle. A spillover shall be measured horizontally and vertically at the property line or edge of public right of way or public easement, whichever is closer to the luminaire.
4. A total of at least sixteen (16) bicycle parking spaces shall be provided within the area of the Subject Property, as follows:
  - a. At least eight (8) bicycle lockers,
  - b. At least eight (8) outdoor bicycle parking spaces on site.
5. The specific Project for which additional residential density is authorized by this special use permit is the Project described within the Application Materials, including, without limitation: the design, Building height, Building footprint, parking areas, landscaping and other characteristics described or depicted within the site plan exhibit dated January 15, 2021, included among the Application Materials. Except as may otherwise be required in order to comply with requirements of the zoning ordinance or the City's Standards and Design Manual, or with other conditions of this special use permit: any change in the material aspects of the Project that is inconsistent with the representations made within the Application Materials shall require a modification of this Special Use Permit. Without limiting the foregoing, the following are deemed material aspects of the Project for purposes of this special use permit approval:

- a. The number of dwelling units and bedrooms within the renovated Building, as authorized by the overall density approved within this special use permit,
- b. The height and footprint of the existing Building, and
- c. The size, location and configuration of the outdoor patio proposed to be established on the south side of the Building.

6. No construction or improvements shall be commenced prior to approval of a final site plan for the Project and approval of a permit authorizing land-disturbing activities pursuant to Section 10-9. For purposes of Chapter 10 of the City Code, demolition activities shall be planned and built into the erosion & sediment control plan and stormwater management plan (if required), as part of the overall plan for the development of the Subject Property, and no such demolition shall be undertaken as a stand-alone activity.

#### **RESOLUTION\*: Critical Slope Waiver for 915 6th Street SE**

Carrie Rainey, Senior Planner, provided a summary of the request and shared Planning Commission feedback from their meeting on April 13, 2021.

The applicant, Justin Shimp, made a brief presentation and answered questions for Council about items including site disturbance, tree canopy and erosion.

Jack Dawson, City Engineer, discussed conditions of the erosion and sediment control in relation to inspection and enforcement.

Alex Ikefuna, Deputy Director of Neighborhood Development Services, advised that sidewalk issues would be addressed with Small Investment Area (SIA) funds.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the resolution: 3-2 (Ayes: Hill, Magill, Snook. Noes: Payne, Walker).

#### **RESOLUTION APPROVING A REQUEST FOR WAIVER OF CRITICAL SLOPES PROVISIONS PURSUANT TO CITY CODE SECTION 34-1120(B)(6) FOR 915 6<sup>th</sup> STREET, S.E.**

**WHEREAS**, Rayonix, LLC is the owner (“Landowner”) of certain property having an address of 915 6<sup>th</sup> Street, S.E., further identified within City real estate records by Real Estate Parcel Identification No. 270036000 (the "Property"), and Landowner seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) to allow for construction

of a multi-family residential development containing one building with 21 one- and two-bedroom multi-family residential units and a surface parking lot on the Property (the “Project”); and

**WHEREAS**, the Planning Commission considered this request at their regular meeting on April 13, 2021, and recommended approval of the request for a waiver of the critical slopes requirements, pursuant to City Code Sec. 34-1120(b)(6); and

**WHEREAS**, upon consideration of the information and materials provided by the Landowner, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d)(ii) that due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE** that the request by Rayonix, LLC for a waiver of the critical slopes requirements for the above-described Project, is hereby granted, conditioned upon the following:

1. The following erosion and sediment control measures shall be required, in excess of standard minimum requirements, in order to mitigate potential impacts to the undisturbed critical slope areas, tributary stream, and adjacent properties during land disturbance activities, per Section 34-1120(b)(1)(a)-(c):
  - a. super silt fence (i.e., silt fence with chain-link backing) shall be installed wherever the erosion and sediment control plan specifies perimeter silt fencing;
  - b. at no time shall concentrated water be directed toward any area(s) of critical slope(s);
  - c. erosion and sediment control shall be provided in a minimum of four (4) stages. The first stage shall consist of initial/ preliminary controls and outfall construction. The second stage shall include establishment of a sediment trap and conveyances. The sequence shall dictate that no disturbance of any critical slope(s) area(s) (beyond what is necessary for establishment of perimeter controls and conveyances) shall occur until after the sediment trap has been established and is functioning properly;
  - d. Any and all land disturbing activity, in either sequence or space, planned or unforeseen, including, without limitation, activity necessary to establish the sediment trap, conveyances to the established sediment trap, or perimeter controls, shall be immediately stabilized with sod (for pervious areas, utilities within impervious areas should have other “same day stabilization” measures provided);

2. Trees removed from areas of critical slope(s) shall be replaced within those areas, at a three-to-one ratio (“Habitat Replacement Trees”). The Habitat Replacement Trees shall be locally native tree species appropriate for the site conditions. No tree(s) planted in any area(s) that contain buildings, parking lots, sidewalks, or other built improvements shall be counted as any Habitat Replacement Tree(s). The specific number and species of Habitat Replacement Trees will be determined by the applicant and the City based on available space and site conditions, and the size, location and species of all Habitat Replacement Trees shall be specified within the landscaping plan required by Sections §§34-861 et seq. of the Charlottesville City Code, as amended.

### **RESOLUTION\*: Consent to Appointment of City Attorney**

City Manager Chip Boyles recommended appointment of Acting City Attorney/Chief Deputy City Attorney Lisa Robertson to the position of City Attorney for the City of Charlottesville.

Councilors Snook, Hill and Magill made comments supporting Ms. Robertson's record.

Mayor Walker made a statement regarding recent communications that have caused her to reflect on the appointment.

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

### **GENERAL BUSINESS**

There were no items of general business.

### **OTHER BUSINESS**

Councilor Hill asked about aligning representation for the Schools reconfiguration working group, as she and Mayor Walker are the current representatives. Mayor Walker advised that she would be happy to serve on the project group. The group would like for a current councilor to serve on the work group and project group for continuity.

Mayor Walker asked about voting on a requested allocation of \$1100 to support Juneteenth activities.

On motion by Councilor Snook, seconded by Councilor Hill, Council voted 5-0 to amend the agenda to add a vote on appropriating \$1100 from the Council Strategic Initiatives Fund to support a Juneteenth celebration.



On motion by Councilor Snook, seconded by Councilor Hill, Council by the following vote APPROVED the appropriation of \$1100 from the Council Strategic Initiatives Fund to support a Juneteenth celebration.

### **MATTERS BY THE PUBLIC**

- Tanesha Hudson spoke about the power of privilege. She spoke against the appointment of Lisa Robertson as City Attorney.
- Larycia Hawkins, UVA professor, commended the work of the Public Housing Association of Residents (PHAR), and spoke about housing affordability challenges.
- Don Gathers shared concerns about transparency in the hiring process for the City Attorney.
- Rosia Parker asked Council to act as quickly as possible to remove confederate statues from City parks. She spoke about the condition of the park near 8th Street and about danger with 8th Street traffic.
- Nancy Carpenter spoke in support of removal of confederate statues, and she spoke about concerns for future development of Preston Plaza. She shared information with Mr. Boyles about quarterly neighborhood association meeting contacts and concerns in Rosehill. She also spoke about reaching out to residents via means other than Zoom.

Councilor Hill and Mayor Walker followed up with comments about the City Attorney position.

Councilor Snook followed up to a comment from Ms. Hudson regarding contracts.

The meeting adjourned at 10:21 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council