

CHARLOTTESVILLE CITY COUNCIL MEETING

June 7, 2021

Virtual/electronic meeting via Zoom

5:30 PM CLOSED MEETING

The Charlottesville City Council met electronically on Monday, June 7, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021 to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Walker called the meeting to order at 5:30 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

On motion by Councilor Hill, seconded Vice Mayor Magill, 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 the performance of the City Manager; and
- Section 2.2-3711(A)(8), for the purpose of consultation with legal counsel regarding the proposed removal, relocation, contextualization or covering of the Lee and Jackson statues.

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

The Charlottesville City Council met electronically on Monday, June 7, 2021, in accordance with a local ordinance amended and re-enacted on April 19, 2021 to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Walker called the meeting to order at 6:33 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

City Council observed a moment of silence.

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

ANNOUNCEMENTS

Dr. Denise Bonds, Blue Ridge Regional Health District Director shared an update on Covid-19 data, advising that vaccines have helped to reduce cases and hospitalizations. She shared Phase 3 goals to reach by July 4, 2021. Mayor Walker announced that this would be the last regular monthly report from Dr. Bonds regarding Covid-19 unless another update was deemed necessary.

RECOGNITIONS/PROCLAMATIONS

City Manager Chip Boyles recognized Diane Kuknyo for 27 years of service to the City of Charlottesville. She retired as Director of Social Services on April 1, 2021. Ms. Kuknyo made a few remarks and Councilors thanked her for her service and leadership in the City of Charlottesville.

Mayor Walker read a proclamation for National Dance Week. Maria Daniel with iDance Ministry, representing the National Dance Foundation, made remarks in acceptance of the proclamation.

CONSENT AGENDA*

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

1. MINUTES: April 5 closed and regular meetings
2. RESOLUTION: Appropriating funds for the Belmont Bridge Replacement Project – \$4,280,739 (2nd reading)

APPROPRIATION

Belmont Bridge Replacement Project - \$4,280,739

WHEREAS, a total of \$4,280,739 in state funds for the Belmont Bridge Replacement Project requires appropriation; and

NOW, THEREFORE BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenues

\$4,280,739

Fund: 426

WBS: P-00436

G/L Account: 430080

Expenditures

\$4,280,739

Fund: 426

WBS: P-00436

G/L Account: 599999

BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that \$4,280,739 noted above is conditioned upon the receipt of a fully executed Appendix A and receipt of the funds from the Virginia Department of Transportation (VDOT).

3. **ORDINANCE:** Establishing a Grant Program to Promote and Preserve Home Ownership by Low and Moderate Income Persons within the City of Charlottesville (2nd reading)

AN ORDINANCE TO ESTABLISH A GRANT PROGRAM TO PROMOTE AND PRESERVE HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME PERSONS WITHIN THE CITY OF CHARLOTTESVILLE

4. **RESOLUTION:** Confirming City Council's intent to halt action on the East Market Street parking structure

RESOLUTION

Stating City Council's Intent Not to Construct a Parking Structure at 7th and East Market Streets

WHEREAS, on December 17, 2018, Albemarle County and the City of Charlottesville signed a memorandum of agreement ("Agreement") to develop a joint court complex located at 350 Park Street in downtown Charlottesville; and

WHEREAS, the Agreement contemplates special parking for the County courts, either within a new parking garage structure to be constructed on property owned jointly by the City and the County on land situated at 7th and Market Streets ("Parking Structure"), or via alternative arrangements specified within Section 2.G of the Agreement; and

WHEREAS, by resolution adopted in December 2019 City Council directed staff to proceed with development of the Parking Structure, however this City Council is of the opinion that alternative parking arrangements may now be in the best interests of the general public;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT the City Manager is directed to cancel all pending procurement transactions and to cease all other activities previously commenced to facilitate development of the Parking Structure.

5. RESOLUTION: Approving Pavilion Naming Request

RESOLUTION

WHEREAS, the City of Charlottesville entered into a Lease Agreement dated December 15, 2003 with the Charlottesville Economic Development Authority (CEDA), formerly known as the Charlottesville Industrial Development Authority, for the lease of property at the east end of the Downtown Mall; and

WHEREAS, by Sublease, Easement and Management Agreement dated September 30, 2004 (the “Sublease”), the CEDA sublet the property to Charlottesville Pavilion, LLC, which constructed and operates an amphitheater (currently known as the Charlottesville Pavilion, and hereinafter referred to as “Amphitheater”) on the leased property; and

WHEREAS, Section 4.1.4 of the Sublease specifically permits Charlottesville Pavilion LLC to select the name of the Amphitheater, provided they receive written approval in advance from CEDA and the City for any name selected; and

WHEREAS, Charlottesville Pavilion, LLC has requested written approval from CEDA and the City of Charlottesville to re-name the Amphitheater as “Ting Pavilion”; now, therefore,

BE IT RESOLVED that the Charlottesville City Council hereby consents to the request by Charlottesville Pavilion, LLC to adopt “Ting Pavilion” as the official name of the Amphitheater.

6. RESOLUTION: Authorizing CenturyLink Communications LLC License Agreement

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that this Council hereby authorizes the City Manager, or his designee, to sign the following documents, in form approved by the City Attorney:

Underground Right-of-Way License Agreement between the City of Charlottesville and the County of Albemarle, as Licensors, and CenturyLink Communications, LLC, as Licensee, for the installation and maintenance of underground fiber optic cable at an agreed upon location in Darden Towe Park for a period of five years.

Underground Right-of-Way License Agreement between the City of Charlottesville, as Licensor, and CenturyLink Communications LLC, as Licensee, for the installation and maintenance of underground fiber optic cable at an agreed upon location in the Meadow Creek Golf Course for a period of five years.

7. RESOLUTION: Amending the Community Development Block Grant (CDBG) FY21-22 Budget

RESOLUTION
The City of Charlottesville’s 2021-2022 Amendment to
Community Development Block Grant Account

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 2021-2022 fiscal year in the total amount of \$427,176 from HUD, dated February 25, 2021, and;

WHEREAS, City Council has received recommendations for the expenditure of funds from the CDBG/HOME Taskforce, the SAT; and has conducted a public hearing thereon as provided by law;

WHEREAS, the City of Charlottesville has been notified of the formula calculation error of the Community Development Block Grant (CDBG) program stemming from HUD field offices, dated May 13, 2021, with the corrected entitlement of \$433,471;

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 Funds for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

| Fund | Account Code | Purpose | Proposed Revised Addition | Proposed Revised Appropriation |
|-------------|---------------------|---|----------------------------------|---------------------------------------|
| 218 | | Ridge Street Priority Neighborhood | \$5,036.00 | \$161,283.20 |
| 218 | | Administrative and Planning (20% Entitlement Award) | \$1,259.00 | \$86,694.20 |

8. RESOLUTION: Appropriating trail fund contribution from Milestone Partners for Meadow Creek Trail - \$12,043 (carried)

9. RESOLUTION: Appropriating Virginia Department of Motor Vehicles Highway Safety Grant funds_Alcohol and Impaired Driving - \$9,453 (carried)
10. RESOLUTION: Appropriating funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) - \$23,056 (carried)
11. RESOLUTION: Allocating City Funding for a donation of \$15,000 to the nonprofit, charitable institution or association called “A Playground for Walker”

RESOLUTION

Allocating City Funding for a donation of \$15,000 to the nonprofit, charitable institution or association called “A Playground for Walker”

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, pursuant to authority set forth within Va. Code §15.2-953, that a charitable donation in the amount of fifteen thousand dollars (\$15,000.00) is hereby approved to be made to the non-profit entity called “A Playground for Walker” organized under the laws of the Commonwealth of Virginia (Virginia State Corporation Identification No. 08507386), said donation of funds to be used exclusively for and in support of the installation of playground equipment on City-owned land located at 1564 Dairy Road, Charlottesville, Virginia.

BE IT FURTHER RESOLVED that the aforesaid amount shall be paid to A Playground for Walker from currently-appropriated funds within the City’s budget, as follows:

Donation:

\$15,000.00 Fund: 426 Internal Order: SC-003 GL Code: 540100

12. ORDINANCE: Amending and reordaining Charlottesville City Code Chapter 15, Article II, Section 15-39 (Motor Vehicles and Traffic) regarding Electric Power-assisted Bicycle License (carried)

Mayor Walker opened the floor for comments from the public on the Consent Agenda. There were no speakers.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote ADOPTED the Consent Agenda, pulling Item #7 at Mayor Walker’s request for a separate vote: 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 #7, which was pulled at Mayor Walker's request for a separate vote: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

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

1. Splash pads at Tonsler Park opened over the weekend and vaccinations were provided during the basketball tournament. Washington and Crow pools were open on a first-come, first-served basis along with three splash pads.
2. He provided an update on Midway Manor that one elevator was operating and staff was looking for ways to work with property managers to ensure long-term operation.
3. City staff has worked to reopen City departments in a phased approach. In response to a question from Mayor Walker, he advised that many staff would have the option to telecommute.
4. Staff are working on plans for spending American Rescue Plan funds received and future funds.

COMMUNITY MATTERS

Mayor Walker opened the floor for public comment. She advised that people who could not stay for the public hearings could speak at this time.

1. Nancy Carpenter, city resident, shared concerns about the capacity of the Economic Development Department to continue management of the Home to Hope program with the exit of the program manager. She also spoke of concerns about Midway Manor accessibility issues faced by residents. She spoke about depletion of Pathways emergency funding.
2. Anthony Artuso, city resident, asked Council to hold off on approving the Future Land Use Plan and he listed several reasons related to strategic approach.
3. Adrienne Dent, city resident, spoke in support of the resolution in Item #14.
4. Hunter Smith, speaking for members of the business community, spoke in support of the resolution in Item #14.
5. Jess Walters, city resident, spoke in support of the resolution in Item #14.
6. Katrina Turner, city resident, asked for follow-up on a personal case involving police and the Human Rights Commission.
7. Ramona Martinez, local artist, spoke in support of the resolution in Item #14.

8. Philip Andrew Hamilton, candidate for the House of Delegates, spoke in opposition the resolution in Item #14 and suggested adding Union monuments to honor others who fought in battle.
9. Zyahna Bryant, city resident, spoke in support of the resolution in Item #14.
10. Scott Wawner, native of Charlottesville now living in Albemarle County, spoke in opposition to the resolution in Item #14 and suggested using other options mentioned in the Blue Ribbon Commission report.
11. Bruce Williamson spoke in support of the resolution in Item #14.
12. Robert Fudge, Albemarle County resident, spoke in support of the resolution in Item #14.
13. Bruce Bayless spoke in opposition to the resolution in Item #14.
14. Daniel Fairley, city resident, spoke in support of the resolution in Item #14.
15. Natalie Romero spoke in support of the resolution in Item #14 and suggested not contextualizing.
16. Walter Heinecke, city resident, spoke about a report in the Daily Progress regarding causes for recent violence in the community. He spoke about a connection between economic inequality and violence.

The meeting recessed at 8:09 p.m. and reconvened at 8:25 p.m.

ACTION ITEMS

13. PUBLIC HEARING/ORDINANCE: Amending and reordaining Charlottesville City Code Chapter 31 (Utilities) to establish new Utility Rates and Service Fees for City gas, water and sanitary sewer (carried)

Chris Cullinan, Director of Finance, and Lauren Hildebrand, Director of Utilities, presented the report.

Mayor Walker opened the public hearing.

- Brad Slocum suggested that Council consider ways to help citizens divest from gas infrastructure in their homes and subsidize alternatives.
- Natalie Romero suggested giving more resources and subsidies to the community to help people pay bills.

Mayor Walker closed the public hearing.

Council agreed to move the item forward to the June 21 consent agenda.

14. PUBLIC HEARING/RESOLUTION: Approving removal, relocation, contextualization or covering of statues of Confederate Generals Lee and Jackson currently located within City parks

City Manager Chip Boyles provided a report on the background and a summary of the request to remove, relocate, contextualize or cover statues of Confederate Generals Lee and Jackson currently located within City parks.

Mayor Walker opened the public hearing.

The following people spoke in support of or opposition to the resolution:

1. Kat Maybury, support
2. Gail Hyder Wiley, support
3. Andrew Shelton, support
4. Seth Houston, support
5. Daniel Miller, support
6. Kathryn Laughon, support
7. Jane Smith, support
8. Joe Szakos, support
9. Gregory Weaver, support
10. Leslie Middleton, support
11. Kristin Szakos, support
12. Linda Dukes, support
13. Cali Gaston, support
14. Kori Price, support
15. Brad Slocum, support
16. Frank Dukes, support
17. Amanda Moxham, support
18. Miranda Elliott Rader, support
19. Ben Doherty, support
20. Nancy Carpenter, support
21. Edward Smith, opposition
22. Donald Gathers, support
23. Lena Seville, support
24. Nic McCarthy-Rivera, support
25. Larycia Hawkins, support
26. Brandon Collins, support
27. Tanesha Hudson, general comments about Council treatment of black leaders, advising that the issues are deeper than moving statues.
28. Zakk Brown, opposition
29. Ibbly Han, support

30. Lashundra Bryson, support
31. Elizabeth Shillue, support
32. Yolonda Adams, support
33. Gloria Beard, support
34. Ang Conn, support
35. Katrena Cooper, support
36. Kimberly Lowe, opposition, agreed with contextualizing the monuments
37. Paula Belton, opposition
38. DeTeasa Gathers, support
39. Katrina Turner, support
40. Sarah Kelley, support
41. Walter Heinecke, support
42. Wendy Hayslett, opposition, spoke of delivering the statues to the Shenandoah Battlefield Foundation
43. Andrea Massey, support

Several speakers suggested transforming the statues into new art or tokens, and guarded against relocating the monuments to continue occupying public space. Some speakers suggested destroying the monuments.

Mayor Walker closed the public hearing and Councilors shared remarks. Including speakers who were approved to speak during Community Matters, there were 55 speakers for the public hearing.

On motion by Councilor Payne, seconded by Councilor Snook, Council by the following vote ADOPTED the resolution approving the removal, relocation, contextualization or covering of statues of Confederate Generals Lee and Jackson currently located within City parks: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

RESOLUTION
**TO REMOVE, RELOCATE, CONTEXTUALIZE OR COVER A STATUE/
SCULPTURE OF ROBERT E. LEE LOCATED IN MARKET STREET PARK AND A
STATUE/ SCULPTURE OF STONEWALL JACKSON LOCATED IN COURT SQUARE
PARK**

WHEREAS in 2017 the Charlottesville City Council (“City Council”) publicly expressed its desire and stated its intentions to remove, relocate, contextualize or cover statues/ sculptures of Confederate Generals Robert E. Lee and Thomas J. “Stonewall” Jackson located, respectively, in Market Street Park and Court Square Park within the City (together, the “Statues”), such desires and intentions having been expressed in various resolutions previously approved by City Council; and

WHEREAS City Council desires to update and restate its previously expressed intentions and plans regarding the Statues and the public parks in which they are located; and

WHEREAS on June 7, 2021 City Council conducted a public hearing and received public comment regarding Council's intent to remove, relocate, contextualize or cover the Statues; and

WHEREAS City Council has considered the public comments received at the public hearing, the input of the City's Board of Architectural Review, the analysis and recommendations of City Council's Blue Ribbon Commission (December 2016 Final Report), and the various findings and matters set forth within resolutions adopted by City Council in 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT:

1. The statue/sculpture of Confederate General Robert E. Lee shall be removed from Market Street Park, and the statue/sculpture of Confederate General Thomas J. "Stonewall" Jackson shall be removed from Court Square Park. This authorization for removal of each statue/sculpture (together, the "Statues") includes all related components and appurtenances, such as pedestals, plaques, signs, or panels.

2. For a period of thirty (30) days ("Offer Period") City Council hereby offers the Statues for relocation and placement to any museum, historical society, government or military battlefield that may express an interest in acquiring the Statues, or either of them, for such purpose. This Offer Period shall commence on the date this Resolution is approved and shall expire at midnight on July 8, 2021. Throughout the Offer Period City Council's offer shall be published on the home page of the City's website and on the City's webpage for bids and proposals, along with a form to be utilized by entities to express interest in acquiring the Statues, or either of them. All expressions of interest by any museum, historical society, government or military battlefield shall be submitted directly to the City Manager, who is hereby authorized to discuss with any such interested entity(ies), on behalf of City Council, the terms upon which the entity(ies) propose to acquire the Statues, or either of them.

In the event City Council approves an agreement with a museum, historical society, government or military battlefield for acquisition, relocation and placement of the Statues, or either of them, then the Statues, or either of them, may be relocated in accordance with the terms of the agreement.

3. If City Council has not, prior to July 8, 2021, approved an agreement with another entity for relocation and placement of the Statues, or either of them, then at any time on or after July 8, 2021:
 - a. the City Manager may carry out a removal of the Statues, or either of them, for placement in storage;
 - b. at the City Manager's option, removal of the Statues, or either of them, may be carried out in stages, including, without limitation, removal of any component or appurtenance (such as pedestals, plaques, signs, or panels) separately from the main statue(s)/sculpture(s);
 - c. the City Manager may cover the Statues, or either of them, prior to removal;
 - d. the City Manager may take any other action with respect to the Statues, or either of them, within the scope of his authority; and/or
 - e. City Council may authorize a final disposition of the Statues, or either of them.

4. Prior to removal, the Statues, or either of them, may be contextualized in accordance with a plan approved by City Council after review and comment by the City Manager, the board of architectural review (pursuant to City Code §34-288(3)), and the City's Historic Resources Committee.

5. The City Manager may develop a capital improvements project for a master redesign and improvement of the public parks and other public spaces within the area referred to on the National Register of Historic Places as the Charlottesville and Albemarle County Courthouse Historic District (which project may include, but is not limited to, actions or recommendations set forth in previous resolutions of City Council). Notwithstanding any direction given by City Council within any previous resolution(s), no design services or improvements for such a project shall be procured or commenced until a project scope has been established and all projected costs for public engagement, design services and construction costs have been presented to City Council for consideration within the Capital Improvements Plan for FY2022-2023 or a subsequent fiscal year. Nothing within this requirement shall preclude the City Manager or the City's Director of Parks and Recreation from making non-capital improvements or changes within either Market Street Park or Court Square Park, where funding for the improvements or changes is available within the Parks and Recreation Department's operational budget for the fiscal year in which the improvements or changes are installed.

GENERAL BUSINESS

There were no items of General Business.

OTHER BUSINESS

There were no other business items for consideration.

MATTERS BY THE PUBLIC

Mayor Walker opened the floor for public comment:

- Philip Andrew Hamilton, city resident, spoke about changing the glorification of the Lost Cause to an education focus. He suggested diversifying monuments and to provide more representation.
- Zyahna Bryant spoke about the late Dr. Hollie Edwards. She spoke about the legal process for removal of the statues and about the community effort to have the statues removed. She also addressed Councilor Hill about an encounter.
- Donald Gathers, city resident, asked that Council immediately cover the statues.
- Paula Belton, non-resident of Virginia, asked that the statues not be covered.
- Ang Conn, city resident, asked that Council immediately cover the statues.
- Nya Bryant addressed Councilor Hill about an encounter.
- Katrina Turner, city resident, asked that Council immediately cover the statues.
- John-Henry Cottrell, of California, spoke about the Civil War and stated that the statues of Confederate generals in Charlottesville have value.
- Nancy Carpenter spoke about lessons taught in history books regarding the Civil War.
- Larycia Hawkins shared contextualization of black soldiers fighting on both sides in the Civil War, referencing a previous speaker's comments. She spoke about correcting history.
- Tanesha Hudson followed up on previous comments and about the exit of city leaders in position to help racial equity.

The meeting adjourned at 11:14 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council