

## **CHARLOTTESVILLE CITY COUNCIL MEETING**

**December 6, 2021**

**Virtual/electronic meeting via ZOOM**

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

The Charlottesville City Council met in an electronic meeting on Monday, December 6, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. At the conclusion of a 4:00 p.m. work session where four members of City Council were present: Mayor Nikuyah Walker and Councilors Heather Hill, Michael Payne and Lloyd Snook, Council voted to meet in closed session at 5:51 p.m. Clerk of Council Kyna Thomas noted that Vice Mayor Sena Magill would not be able to join the meeting because of a family emergency.

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1) and (A)(8) for the purposes of discussion and consideration of the appointment of individuals to City boards or commissions, and for consultation with legal counsel regarding disposition of statues and/or contracting for city management services.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill), 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 in an electronic meeting on Monday, December 6, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 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 6:32 p.m. and City Council observed a moment of silence.

Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker, Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook, and advising that Vice Mayor Magill would not be able to join the meeting because of a family emergency.

### **AGENDA APPROVAL**

On motion by Councilor Snook, seconded by Councilor Hill, Council by a vote of 4-0 approved the meeting agenda.

### **ANNOUNCEMENTS (and Update from Blue Ridge Health Department)**

Dr. Denise Bonds, District Health Director, provided an update on coronavirus. She advised that there is an upward trend in new cases, mostly from the Delta variant, and she provided information about a new Omicron variant. Dr. Bonds advised that vaccination is the best defense against the virus.

### **CONSENT AGENDA\***

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

1. MINUTES: October 18 work session, closed meeting and regular meeting; November 1 regular meeting, November 5 special meeting, November 30 emergency/special meeting
2. RESOLUTION: Appropriating Department of Conservation and Recreation Recreational Trail Grant funds for Construction of Meadow Creek Bridges - \$222,511.21 (2nd reading)

### **RESOLUTION APPROPRIATING**

#### **Department of Conservation and Recreation Recreational Trails Grant for Construction of Trail bridges over Meadow Creek - \$222,511.21**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has been awarded an additional \$178,008.97 from the Virginia Department of Conservation and Recreation to construct a bicycle and pedestrian bridge along Meadow Creek; and

**WHEREAS**, the City will fund the required local match to this grant in the amount of \$44,502.24 using previously appropriated fund in the Trails CIP fund (PR-001) account.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$222,511.21 is hereby appropriated in the following manner:

**Revenue**

\$178,008.97 Fund: 426                      WBS: P-00905                      G/L Account: 430120

**Transfer From**

\$44,502.24 Fund: 426                      WBS: PR-001                      G/L Account: 599999

**Expenditure**

\$222,511.21 Fund: 426                      WBS: P-00905                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$178,008.97 from the Virginia Department of Conservation and Recreation.

3. RESOLUTION: Appropriating reimbursement received in connection with the Charlottesville Circuit Court renovation and addition project - \$6,643.00 (2nd reading)

**RESOLUTION  
APPROPRIATING \$6,643.00 REIMBURSEMENT  
RECEIVED IN CONNECTION WITH THE CHARLOTTESVILLE  
CIRCUIT COURT RENOVATION AND ADDITION PROJECT**

**WHEREAS**, the City of Charlottesville has received a reimbursement payment from FPW Architects, a professional design professional consultant rendering services to the City for the Charlottesville Circuit Court Renovation and Addition Project (“Project”); and

**WHEREAS**, the reimbursement payment, in the amount of \$6,643.00, is requested to be returned to the account from which the expenses for the Project are being paid;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville THAT the amount of \$6,643.00 is hereby appropriated for Project expenditures, as follows:

**Revenues - \$6,643.00**

Fund: 426                      WBS Element: P-00918                      G/L Account: 451999

**Expenditures - \$6,643.00**

Fund: 426                      WBS Element: P-00918                      G/L Account: 599999

4. RESOLUTION: Appropriating funds for Edward Byrne Memorial Justice Assistance Grant - \$23,284 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS FOR  
Edward Byrne Memorial Justice Assistance Grant (JAG) Grant # 15PBJA-21-GG-01920-  
JAGX - \$23,284**

**WHEREAS**, the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2021 Local Formula awarded a grant to the Police Department, through the City of Charlottesville, to train three officers to become International Police Mountain Bike Association (IPMBA) certified instructors, to outfit additional patrol vehicles to transport bicycles, and outfit newly certified bicycle patrol officers with required equipment;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a total of \$23,284.00 be appropriated in the following manner:

**Revenues – \$23,284.00**

\$23,284.00	Fund: 211	Internal Order: 1900444	G/L Account: 431110
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**Expenditures – \$23,284.00**

\$4,452.00	Fund: 211	Internal Order: 1900444	G/L Account: 510060
\$345.00	Fund: 211	Internal Order: 1900444	G/L Account: 511010
\$9,658.00	Fund: 211	Internal Order: 1900444	G/L Account: 525266
\$2,265.00	Fund: 211	Internal Order: 1900444	G/L Account: 530102
\$2,864.00	Fund: 211	Internal Order: 1900444	G/L Account: 530103
\$1,000.00	Fund: 211	Internal Order: 1900444	G/L Account: 530105
\$2,700.00	Fund: 211	Internal Order: 1900444	G/L Account: 530140

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Justice Edward Byrne Memorial Justice Assistance Grant Program.

5. RESOLUTION: Appropriating contribution from Charlottesville City Schools to the School Small Cap funded program for School Security Projects - \$250,000 (2nd reading)

**RESOLUTION  
APPROPRIATING \$250,000 CONTRIBUTION FROM  
CHARLOTTESVILLE CITY SCHOOLS TO THE SCHOOL SMALL CAP  
FUNDED PROGRAM FOR SCHOOL SECURITY PROJECTS**

**WHEREAS**, the City of Charlottesville has received \$250,000 from Charlottesville City Schools to support school security projects;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville that the amount of \$250,000 is hereby appropriated for Project expenditures, as follows:

**Revenues - \$250,000**

Fund: 426                      WBS Element: SC-003                      G/L Account: 498900

**Expenditures - \$250,000**

Fund: 426                      WBS Element: SC-003                      G/L Account: 599999

- 6. RESOLUTION: Appropriating funds for Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for  
Virginia Juvenile Community Crime Control Act Grant  
(VJCCCA) - \$452,704**

**WHEREAS**, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice; and

**WHEREAS**, this grant requires local maintenance of effort funds in the amount of \$52,231 from Albemarle County and \$108,415 from the City; and

**WHEREAS**, the grant award covers the period from July 1, 2021 through June 30, 2022.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$452,704 is hereby appropriated in the following manner:

**Revenue – \$452,704**

\$292,058	Fund: 220	Cost Center: 3523001000	G/L Account: 430080
\$52,231	Fund: 220	Cost Center: 3523001000	G/L Account: 432030
\$108,415	Fund: 220	Cost Center: 3523001000	G/L Account: 498010

**Expenditures - \$452,704**

\$ 53,075	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$399,629	Fund: 220	Cost Center: 3523001000	G/L Account: 530010

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$292,058 from Virginia Department of Juvenile Justice, and \$52,231 from Albemarle County.

7. RESOLUTION: Appropriating American Rescue Plan (ARP) Funds from the Commonwealth for Utility Bill Assistance - \$359,879.30 (2nd reading)

**RESOLUTION APPROPRIATING  
American Rescue Plan (ARP) Funds from the Commonwealth for Utility Bill  
Assistance \$359,879.30**

**WHEREAS**, the City of Charlottesville has received award approval for \$359,879.30 from the American Rescue Plan from the Commonwealth of Virginia Department Housing and Development to use to assist utility customer bill arrearages of over 60 days owed between March 12, 2020 and August 31, 2021;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$359,879.30 is hereby appropriated in the following manner:

**Revenue-\$359,879.30**

Fund 207      I/O: 1900446                      G/L Account: 430127

**Expenditures - \$359,879.30**

Fund 207      I/O: 1900446                      G/L Account: 599999

8. RESOLUTION: Appropriating BAMA Works funds for Skate Park lighting - \$100,000 (2nd reading)

**RESOLUTION APPROPRIATING funding for  
Skate Park Lighting - \$100,000**

**WHEREAS**, the City of Charlottesville, through the through Parks and Recreation, has received match donations of 100,000 from BAMA Works to offset costs for Skate Park lighting.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, receive \$100,000 match funds from BAMA Works is hereby appropriated in the following manner:

**Revenue**

\$100,000      Fund: 426      WBS-P1034                                      G/L Account: 451020

**Expenditures**

\$100,000      Fund: 426      WBS-P1034                                      G/L Account: 599999

**BE IT FURTHER RESOLVED** by the Council of Charlottesville, that any future donations for Skate Park Lighting shall be added to increase the budget of this appropriation. This appropriation shall not be deemed to expire at the end of the fiscal year, but is hereby appropriated in the ensuing fiscal year unless altered by further action of this Council. Should the full amount necessary to install the Skate Park Lighting not be fully secured, then the donations received for the project will be returned to those individuals or organizations who made the donations, in the amount of the original donation.

9. **ORDINANCE:** Amending and reordaining Charlottesville City Code Chapter 14 (Licenses), Section 14- 24 (Tax Incentives for Technology Businesses) to extend the eligibility period for five years to December 31, 2026 (2nd reading)

**AN ORDINANCE AMENDING AND RE-ORDAINING CHAPTER 14 (LICENSES), SECTION 14-24 (TAX INCENTIVES FOR TECHNOLOGY BUSINESSES) TO EXTEND ELIGIBILITY PERIOD FOR FIVE YEARS TO DECEMBER 31, 2026**

10. **ORDINANCE:** Amending the Charlottesville Albemarle Convention and Visitors Bureau Agreement (2nd reading)

**AN ORDINANCE TO AMEND THE AGREEMENT TO OPERATE A JOINT CONVENTION AND VISITORS BUREAU**

11. **RESOLUTION:** Appropriating funds from Progressive and National General Insurance companies for a loss associated with City of Charlottesville Traffic assets - \$17,448.47 (carried)
12. **RESOLUTION:** Appropriating funds for Virginia Department of Transportation (VDOT) Bicycle and Pedestrian Safety Program for bicycle and pedestrian improvements at Preston Avenue and Harris Street - \$245,725 (carried)
13. **RESOLUTION:** Appropriating funds for the Virginia Community Flood Preparedness Grant – Stormwater Management Model of Moores Creek Watershed - \$307,000 (carried)
14. **RESOLUTION:** Appropriating 2020 Local Emergency Management Performance Grant (LEMPG) - \$7,500 (carried)
15. **RESOLUTION:** Transferring funds from the Facilities Repair Fund to the Capital Improvement Program Fund - \$90,000.00

**RESOLUTION APPROPRIATING FUNDS as a  
Transfer from the Facilities Repair Fund to the Capital Improvement Program Fund  
\$90,000.00**

**WHEREAS**, the City of Charlottesville is merging the funding in order to renovate two restrooms located in the City Warehouse;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following is hereby transferred from previously appropriated funds in the following manner:

**Transfer From**

\$90,000.00      Fund: 107      WBS: P-01059      G/L Account: 599999

**Transfer To**

\$90,000.00      Fund: 426      WBS: P-00992      G/L Account: 599999

16. RESOLUTION: Approving participation in the Virginia Opioid Litigation Settlement

- a. RESOLUTION: Approving participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, Amerisourcebergen, Janssen, and their related corporate entities

**RESOLUTION  
APPROVING PARTICIPATION BY THE CITY OF CHARLOTTESVILLE IN THE  
PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST  
MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND  
THEIR RELATED CORPORATE ENTITIES**

**WHEREAS**, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

**WHEREAS**, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and



**WHEREAS**, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville that the City's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities ("settling entities") is approved, and this Council hereby authorizes and directs the City Attorney to execute, on behalf of the City of Charlottesville and this Council, any and all documents necessary to effectuate the City's participation in the settlements, including any required release of claims against the settling entities.

- b. **RESOLUTION:** Approving participation in the Virginia Opioid Abatement Fund and approving the City's execution of the Virginia settlement Allocation Memorandum of Understanding

**RESOLUTION  
APPROVING PARTICIPATION BY THE CITY OF CHARLOTTESVILLE IN THE  
VIRGINIA OPIOID ABATEMENT FUND AND APPROVING THE CITY'S  
EXECUTION OF THE VIRGINIA SETTLEMENT ALLOCATION  
MEMORANDUM OF UNDERSTANDING**

**WHEREAS**, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

**WHEREAS**, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

**WHEREAS**, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic ("Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding" or "MOU") and the Council's approval of the MOU will allow the City to participate in and receive proceeds from the opioid settlements.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville that the City's participation in the Commonwealth of Virginia's Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding is approved, and the City Manager is hereby authorized to execute the MOU on behalf of the City. The City Manager and City Attorney are each hereby authorized by this Council to execute, on behalf of the City of Charlottesville and this Council, any other or additional documents that may be necessary to effectuate the City's participation in the MOU.

Councilor Hill noted scrivener's errors corrected since the initial publication of the agenda packet.

Krisy Hammill, Senior Budget and Management Analyst, clarified financial information about items 4, 5 and 6.

Mayor Walker commented about Item 10, requesting more diverse representation on the Board and the need to create an organization that is intentional about ensuring more equitable tourism.

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

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the Consent Agenda: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill).

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

Deputy City Manager Sam Sanders provided the following updates:

1. Regarding Kudzu taking over the John Warner Parkway, he followed up with Public Works. They are addressing the issue with a multi-step process, while prioritizing funding, and additional resources are needed.
2. Regarding a suggestion to rethink the loose leaf collection system, he referred to priorities that arose from a survey in 2018-2019 that helped to inform the decision to move from bag collection for several reasons: 1) environmental concerns from the use of plastic bags, 2) budgetary impacts, and 3) optimizing overall efficiency, including efficient usage of limited staff time. He advised that the program will continue to be evaluated.
3. Regarding Midway Manor, the City Manager's Office has stayed in contact with property managers, but the City is limited in what it can do and has exhausted the options that are available. He noted that property managers are aware of the expectation

to repair the elevators and get them in working condition. The City is aware that there is a plan to change out the elevators during the first quarter of 2022.

4. He announced the hiring of the new department directors: Dana Kasler - Parks and Recreation, and Stacey Smalls - Public Works.

Councilors Hill and Snook asked for further community education on the drainage systems affected by loose leaves, and blowing of air from the collection trucks.

## **COMMUNITY MATTERS**

1. Frank Bechter, city resident, requested that Council consider community creation of new names for the city's "1/2" streets, as he has had trouble in various capacities of completing forms and receiving mail.
2. Kate Fraleigh, city resident, spoke in support of a strong Police Civilian Review Board (PCRB) and the ordinance that was written December 3, 2021.
3. Lisa Draine, city resident, thanked Mayor Walker for her service. She spoke in support of donating the Stonewall Jackson statue to the LAX Art Center, the Lewis, Clark and Sacajawea (LCS) statue to the Lewis and Clark Exploratory Center, and the Robert E. Lee statue to the Jefferson School African American Heritage Center (JSAAHC) for the Swords into Plowshares project.
4. Kimber Hawkey, city resident, spoke in opposition to the 0 Nassau Street rezoning request.
5. John Hossack, city resident, spoke in opposition to the 0 Nassau Street rezoning request.
6. Marvin Morgan, city resident and pastor, spoke in support of the Swords into Plowshares proposal from the JSAAHC. He shared information about the symbolism of broken chains at the feet of the Statue of Liberty and unrealized freedoms in the United States. He related this to a request to remove two parking spaces in front of the Slave Block Memorial.
7. Anthony Guy Lopez, non-city resident and member of the indigenous community, spoke in support of donating the LCS statue to the Lewis and Clark Exploratory Center.
8. Alexandria Searls, Executive Director of the Lewis and Clark Exploratory Center, spoke in support of the disposition of the LCS statue to the Lewis and Clark Exploratory Center, for contextualization of the statue as was communicated as a priority through the statue removal process.
9. James Groves, city resident, spoke in opposition to the 0 Nassau Street rezoning request.
10. Don Gathers, city resident, thanked Mayor Walker for her service and encouraged others to get the Covid vaccine. He asked Council to approve the PCRB ordinance as presented and spoke in support of the Swords into Plowshares proposal and the disposition of the LCS statue to the Lewis and Clark Exploratory Center.
11. Andrew Shelton spoke in support of the Swords into Plowshares proposal and the donation of the LCS statue to the Lewis and Clark Exploratory Center. He spoke about an

article in Cville Tomorrow from November 23 regarding the Police Department's SWAT Team. He spoke in opposition to re- enabling the SWAT Team.

12. Mary Whittle, city resident, spoke in opposition to the 0 Nassau Street rezoning request.
13. Rose Abrahamson, descendant of Sacajawea, spoke in support of disposition of the LCS statue to the Lewis and Clark Exploratory Center.
14. Robin Hoffman, city resident, spoke in support of community college. She encouraged people to get vaccinated for Covid.
15. Grace Softdeer Hays, non-city resident and member of the indigenous community, spoke in support of disposition of the LCS statue to the Lewis and Clark Exploratory Center, acknowledging the current struggle of missing indigenous women and girls.
16. Mary Bauer, Chair of the Human Rights Commission (HRC), spoke in support of disposition of the Robert E. Lee statue to the JSAAHC for the Swords into Plowshares project. She highlighted portions of a letter from the HRC regarding equity for the City's Black employees at all levels of the pay structure.

Councilor Hill responded to comments about upzoning to clarify that Council has not voted on a new zoning plan. She also advised that the Historic Resources Committee is involved in a community engagement process for the Slave Block memorial.

Mayor Walker encouraged the public to be engaged throughout the 12-18 month process for changes to the Zoning Ordinance. She shared comments about SWAT and other specialized police units, and the need to have discussions about goals regarding demilitarization of police departments. She also made comments about the equity and inclusion as mentioned by Mary Bauer, and the challenge with the lack of a Human Resources Director.

The meeting recessed at 8:11 p.m. and reconvened at 8:27 p.m.

## **ACTION ITEMS**

### **9. ORDINANCE: Amending the Police Civilian Review Board Ordinance**

Councilor Snook provided a summary of the ordinance update. He advised that City Attorney Lisa Robertson provided comments regarding the December 3, 2021 ordinance draft, and those will be incorporated for final consideration when the item comes back to Council for a vote. He stated that the statute indicates a name change from Police Civilian Review Board to Police Civilian Oversight Board. Councilor Snook stated that from various conversations with members of City Council, it was agreed that the PCOB would not be given binding disciplinary authority.

Mayor Walker mentioned that procedures should be attached to the ordinance and that staff capacity and budget should be considered in approving such an ordinance. She made suggestions for wording changes, asked for clarification in several areas, and suggested an opt-out provision

for ride-alongs.

Councilors discussed aspects of the proposed ordinance such as who can file complaints, the PCRB budget and the board's unpredictable usage of legal counsel. Deputy City Manager Ashley Marshall and PCRB Executive Director Hansel Aguilar added context to the budget discussion, emphasizing also the unpredictability of complaint investigation expenses.

At the request of Councilor Hill, Mr. Aguilar provided a brief overview of his recommendations related to the resolution passed by City Council in November 2019.

Councilor Snook noted that Vice Mayor Magill has shared with him that she believes that those who should have standing to file a complaint are Complainants and direct witnesses.

Mr. William Mendez, member of the PCRB ordinance workgroup, stated that the ordinance was slated for discussion on the December 8 PCRB meeting for a status update.

In response to questions from Mr. Aguilar, City Attorney Robertson provided an explanation of a State statute that prohibits a law enforcement agency from sharing law enforcement records involving juveniles except for a list of people in the statute.

Discussion ensued about timing for the PCRB Annual Report. No definitive date was decided.

Mayor Walker encouraged councilors to watch the PCRB meeting for any items that may need to be considered and she asked whether draft operating procedures were available. Mr. Mendez mentioned that they were limited to meeting procedures.

The updated ordinance will come back to Council for vote on December 20, 2021.

**10. ORDINANCE: Approving the rezoning of land at 0 Nassau Street from R-2U (Two-Family Residential, University) to R-3 (Multifamily Residential) subject to preferred development conditions (1st of 2 readings)**

Matt Alfele, City Planner, provided a summary of the rezoning request, which was moved to City Council by the Planning Commission with a 7-0 vote.

Nicole Scro, applicant with Justin Shimp (owner of the property), made a presentation with visual representation, advising that the property would include 1-room and 2-room units.

Justin Shimp responded to questions from Councilor Payne regarding factoring in the flood plain and regarding the use of the greenhouse and playground. Ms. Scro advised that the playground is

mandatory, and the intention is for other community members to have access to the playground.

City Attorney Robertson provided information to support ensuring that specific things are provided.

Responding to Council questions Tony Edwards, the City's Flood Plain Administrator, provided information about flood plain designations, floodways, restrictions, elevations, and flood ordinance requirements.

Council agreed to move the item to the December 20 regular agenda so that Vice Mayor Magill could provide input. Mayor Walker requested that information about the level of engagement for the playground be clearly stated, and that the developer look at area median income (AMI) with understanding of the utilities.

**11. RESOLUTION: Approving a request to waive the Critical Slope requirements of City Code Section 34- 1120(b) to allow construction of a duplex at 0 Coleman Court (City Tax Map 49, parcels 112 and 112.2)**

Dannan O'Connell, City Planner, presented the request from Habitat for Humanity of the Greater Charlottesville Area. The proposal was considered at the November 9, 2021 Planning Commission meeting and approved with conditions. City staff also recommended approval with conditions.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill).

**RESOLUTION APPROVING THE REQUEST TO WAIVE  
THE CRITICAL SLOPE REQUIREMENTS  
OF CITY CODE SECTION 34-1120(b) TO ALLOW CONSTRUCTION OF A  
DUPLEX AT 0 COLEMAN COURT (CITY TAX MAP 49, PARCELS 112 AND 112.2)**

**WHEREAS** Greater Charlottesville Habitat for Humanity (“Landowner”) is the record owner of certain land identified on City Real Estate Tax Map 49 as Parcels 112 and 112.2, together currently addressed as “0 Coleman Court” (the “Property”), and the Landowner is requesting a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct a duplex on the Property; and

**WHEREAS** existing Critical Slopes located on the Property include 0.52 acres, or approximately 60.6 percent of the area of the parcels; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their November 9, 2021 meeting, subject to conditions set forth within the staff report prepared for that meeting;

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Property, to allow construction of a duplex by the Landowner, subject to the following conditions:

- (1) the limits of disturbance shall be staked in the field by a Professional Surveyor as a preliminary step, prior to installation of perimeter controls,
- (2) “Super Silt Fence” (chain linked backing) shall be installed along the entire limits of disturbance, where there is not existing or proposed impervious surfaces, and
- (3) The limits of disturbance (“LOD”) for the construction site, as established within the erosion and sediment control (E&S) plan for the construction, shall be expanded to provide for typical construction methods, or notes shall be provided within the E&S Plan describing limitations on modern construction equipment that will ensure that access will be within designated areas identified within the E&S plan for the construction (as depicted within the Landowner’s current plans, construction access from the front of the Property (the edge of the public right of way) to the rear boundary of the Property is provided only by 3 feet, between the limits of disturbance (LOD) and the building on the north side of the Property and 4.5 feet (with a 20% grade) on the south side of the Property, and there is a minimal 4.5 feet of area in the rear of the Property).

**12. ACTION ITEM: Approval of 2022 Council Legislative Positions**

**a. REPORT: Thomas Jefferson Planning District Commission (TJPDC) Proposed Legislative Positions (2022) – David Blount**

David Blount, legislative liaison with the Thomas Jefferson Planning District (TJPDC), presented the regional 2022 Legislative Program.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the proposed regional legislative program: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill).

**b. REPORT: City Council Proposed Legislative Positions (2022) – Lisa Robertson**

City Attorney Lisa Robertson presented the City 2022 Legislative Program.

Councilor Hill provided feedback on the formatting of the priorities for presentation to the General Assembly.

Mayor Walker commented about requirements for people running for City Council and the need to make a more equitable process.

Councilor Snook commented about the likelihood of certain items on the list not moving forward with the change in the State elected officials power structure.

Councilor Payne highlighted the importance of the grocery tax.

Council agreed to add an Executive Summary to the main document.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the proposed legislative program with recommended amendments for presentation: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill).

Mayor Walker recessed the meeting at 10:38 p.m. and reconvened at 10:45 p.m.

**13. ACTION ITEM: Approving the disposition of statues: Robert E. Lee, Thomas J. "Stonewall" Jackson, and Sacajawea-Lewis-Clark "Their First View of the Pacific"**

Deputy City Manager Marshall gave an overview of steps leading to this moment of decision for City Council regarding three statues previously located on City property: Robert E. Lee, Thomas J. "Stonewall" Jackson, and Sacajawea-Lewis-Clark "Their First View of the Pacific". The statues were discussed in the following order.

- a. Sacajawea-Lewis-Clark: Councilor Snook expressed interest in supporting the offer of \$325,000 from a party in Texas. Mayor Walker, Councilor Hill and Councilor Payne did not show support for that offer. Mayor Walker expressed the desire to follow through with a moral decision versus a financial decision. Councilors expressed support for efforts to ensure accountability in determining the long-term recontextualization of the statue with input from the familial descendants of Sacajawea and members of the indigenous community. Council agreed to explore further the possibilities of enforcing conditions that align with Council's intent and vote on a resolution on December 20. City Attorney Robertson advised that Council would need to discuss how to handle the base of the statue which is still in its original location, and give basic direction to guide transfer of ownership or lease of the statue.
- b. Jackson statue: Council expressed a desire for staff to reach out to LAX Arts Center to see if they would be willing to procure the Jackson statue without the Lee statue, and if so, Council would vote on a resolution on December 20.



- c. Lee statue: Council discussed a proposal from LAX Arts Center which included both the Jackson and Lee statues. Councilor Payne stated that the only option he would only consider for the Lee statue is the JSAAHC proposal. Councilor Hill proposed tabling the discussion until all five councilors could be present on December 20. Councilor Snook commented about the formulation of bronze and a possible problem with trying to repurpose the material with present methods. Mayor Walker suggested voting on disposition of the Lee statue at this meeting. Although councilors did not come to agreement to vote, they indicated a desire to vote on final disposition by year-end.

\*Council later in the meeting, after Matters by the Public decided to vote during this meeting.

On motion by Councilor Hill, seconded by Councilor Payne, Council by a vote of 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill) ADOPTED the resolution approving the final disposition of the Lee statue to The Jefferson School African American Heritage Center.

**RESOLUTION  
APPROVING A FINAL DISPOSITION OF THE STATUE OF  
CONFEDERATE GENERAL ROBERT E. LEE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE that the statue of Robert E. Lee is hereby donated, and ownership transferred, to The Jefferson School African American Heritage Center, a charitable institution or organization, in accordance with the provisions of Virginia Code §15.2-953. This disposition is final.

**GENERAL BUSINESS**

**14. DISCUSSION: Preliminary discussion about Collective Bargaining**

City Attorney Robertson introduced the item, providing background information and acknowledging the December 6, 2021 receipt of a revised proposed collective bargaining ordinance from the Amalgamated Transit Union seeking to represent Charlottesville's transit employees. She noted that based on State law City Council has 120 days from the original receipt date of November 1 to decide whether or not to enact the ordinance, which would place the decision deadline at March 1, 2022. She advised that the Human Resources Director and City Manager are key roles that would work on the Collective Bargaining ordinance and both of those positions are vacant.

Councilor Payne indicated support and a desire to know what type of budget allocation is

needed. He expressed concern about hiring a consulting firm. Councilors Hill and Snook indicated support and a need to determine what type of resources are needed.

Mayor Walker indicated support, with the understanding of the need to fill key roles in city leadership.

Deputy City Manager Sanders asked clarifying questions to:

- Confirm Council's sentiment in guiding the process by hiring a consulting firm or working with City leadership. Mayor Walker stated that it would depend on the expertise of the people filling the key City roles.
- Determine the scope for identifying how many bargaining units and which staff would be represented by a union. Mayor Walker and Councilor Payne advised that they would be in favor of more employees being represented. Councilor Payne expressed concern about some consulting firms that have a history of working to water down or diverting efforts of employees to collectively bargain or unionize.

## **OTHER BUSINESS**

Mayor Walker asked for an update on the Police Chief search. Attorney Roberts advised that staff would not be ready to address how the search will take place without a City Manager in place.

## **MATTERS BY THE PUBLIC**

Mayor Walker opened the floor for comments from the public.

- Kristin Szakos, city resident, asked Council to vote at this meeting on the disposition of Confederate statues rather than delay the vote. She spoke in support of the Swords into Plowshares proposal from the JSAAHC.
- Ramona Martinez, local artist, spoke in support of the Swords into Plowshares proposal from the JSAAHC, advising that the project is viable according to the research conducted by the committee.
- Linda Dukes urged Council to reconsider and vote at this meeting on disposition of the Confederate statues.
- Don Gathers urged Council to reconsider and vote at this meeting on disposition of the Lee statue rather than delay, given the value that the JSAAHC has brought to the community.
- Lena Seville urged Council to reconsider and vote at this meeting on disposition of the Lee statue.
- Mark Kavitt spoke in opposition to approving rezoning at 0 Nassau Street.
- Ang Conn, city resident, urged Council to reconsider and vote at this meeting on disposition of the Confederate statues, and honor the requests of indigenous people and Black descendants in the community.

With no additional speakers coming forward, Mayor Walker closed Matters by the Public and asked if there was a will from Councilors to vote at this meeting.

Councilor Payne advised that he would be willing to vote, as the vote would occur at this or the next meeting.

Councilor Hill stated that she was not opposed to voting but thought it would be nice to vote on disposition of all statues at once and to have all five councilors present for the vote. She advised that she did not think waiting would change the outcome.

Mayor Walker asked if there was a motion.

As stated in Item 13 above, the motion and vote read as follows:

On motion by Councilor Hill, seconded by Councilor Payne, Council by a vote of 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill) ADOPTED the resolution approving the final disposition of the Lee statue to The Jefferson School African American Heritage Center.

Mayor Walker adjourned the meeting at 12:13 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council