



CITY COUNCIL AGENDA February 6, 2023

J. Lloyd Snook, III, Mayor
Juandiego Wade, Vice Mayor
Michael K. Payne, Councilor
Brian R. Pinkston, Councilor
(Councilor vacancy)
Kyna Thomas, Clerk

4:00 PM OPENING SESSION

Register at www.charlottesville.gov/zoom. The public may view this portion of the meeting electronically by registering in advance for the Zoom webinar or on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

Call to Order/Roll Call

Agenda Approval

Reports

1. Report: Gravesites at Pen Park: Update on unmarked burials
2. Report: United Way of Charlottesville update

5:30 PM CLOSED SESSION pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions; Personnel)

6:30 PM BUSINESS SESSION

This portion of the meeting will accommodate a limited number of in-person public participants in City Council Chamber at City Hall as we employ a hybrid approach to public meetings. Registration is available for a lottery-based seating selection at www.charlottesville.gov/1543/Reserve-a-Seat-for-City-Council-Meeting. Reservation requests may also be made by contacting the Clerk of Council office at clerk@charlottesville.gov or 434-970-3113.

Moment of Silence

Announcements

Recognitions/Proclamations

- Recognition: Presentation to Sena Magill
- Proclamation: Congenital Heart Disease Awareness Week, February 7-14
- Proclamation: Black History Month

Board/Commission Appointments

Consent Agenda*

3. Minutes: January 3 Council meeting, January 17 Council meeting
4. Resolution: Appropriating Grant Funds for improvements at 10th Street NW and Grady Avenue - \$500,106 (2nd reading)
5. Resolution: Appropriating funds for Safe Routes to School Program (SRTS) Non-Infrastructure Grants - \$ 229,803 (1 of 2 readings)
6. Resolution: Appropriating Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for operations of the therapeutic docket program (1 of 2 readings)
7. Resolution: Considering a Special Use Permit request for 345 US 250 Bypass (250 Bypass Fire Station) (1 reading)

- 8. Resolution: Considering a Critical Slope Waiver request for 345 US 250 Bypass (250 Bypass Fire Station) (1 reading)
- 9. Resolution: Appropriating State Criminal Alien Assistance Program (SCAAP) Grant for 2021 reimbursement in the amount of \$7,743 (1 of 2 readings)
- 10. Resolution: Appropriating funds for appraisal services at 0 East High Street - \$3,800 (1 of 2 readings)

City Manager Report

- Report: February update

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting.

Action Items

- 11. Public Hearing/Res.: Approving a Lease Agreement with Omni Hotel for an outdoor cafe area at 212 Ridge-McIntire Road / 235 West Main Street (1 reading - Public Hearing)
- 12. Public Hearing: Re-precincting the City of Charlottesville (1st reading January 17; 2nd reading March 6)
- 13. Public Hearing: Accepting public comments on filling the City Council seat vacated by Sena Magill as of January 12, 2023
- 14. Resolution: Appropriating funds in support of BEACON's Kitchen Project - \$500,000 (1 of 2 readings)
- 15. Resolution: Considering a Comprehensive Sign Plan 701 East Water Street (1 reading)
- 16. Resolution: Considering the use of speed cameras in School Zones (1 reading)
- 17. Resolution: Appropriating funds for the purchase of Charlottesville Area Transit radio equipment - \$237,000 (1 of 2 readings)

General Business

Other Business

Community Matters (2)

Adjournment

THIS MEETING PACKET WILL BE UPDATED ON FRIDAY, FEBRUARY 3.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



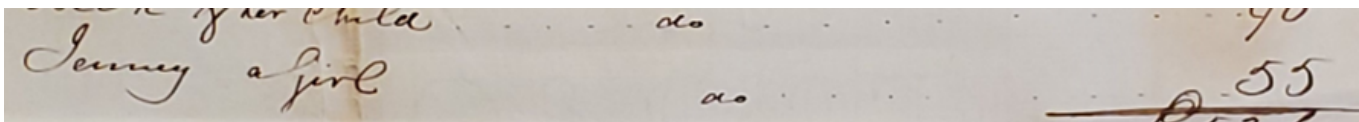
Agenda Date: February 6, 2023
Action Required: None. Update only.
Presenter: Jeffrey Werner, Historic Preservation and Design Planner
Staff Contacts: Jeffrey Werner, Historic Preservation and Design Planner
Title: Gravesites at Pen Park: Update on unmarked burials

Background

The City acquired Pen Park in the 1970s. Pen Park, as it was named by Dr. George Gilmer who acquired the property in 1786, changed ownership several times; however, only three families--the Gilmers (from 1786 to 1812), the Cravens (from 1819 to 1845), and the Hotopps (from 1866 to early 1900s)--established cemeteries there.

In 2019, Council authorized the use of \$9,319 from NDS Small Area Plans to fund the archeological evaluation of possible unmarked graves at Gilmer/Craven/Hotopp Cemetery at Pen Park. (The final project cost was \$6,991.) In July 2020, Rivanna Archeological Services, working with NAEVA Geophysics Inc., conducted an examination using Ground Penetrating Radar (GPR). Evaluation of the GPR data suggested the likelihood of 43 unmarked and unrecorded graves outside three family plots. Evidence strongly suggests those buried here had been enslaved at Pen Park. The Gilmer and Cravens owned enslaved people. The Hotopp family employed individuals who may have been enslaved at Pen Park, if not elsewhere, and/or possibly related to those enslaved there. [See attached update to Council from November 2, 2020.]

Since early 2021, staff has partnered with the Albemarle Charlottesville Historical Society to research the identities of those enslaved at Pen Park and, when connections can be made, to identify possible living descendants. The Waller family of Charlottesville was the first family staff contacted. That connection began with Jenney, a girl, as she is identified on an 1804 chancery note listing Dr. George Gilmer's slaves.



We now know her as Ginny Rouser, likely born 1800, we cannot be certain where, but she was enslaved at Pen Park and later acquired by Gilmer's son, Peachy, who owned West Leigh, near Ivy. For decades the Wallers have held family reunions at Pen Park, never knowing their deep connection to it. We cannot know if any of the Waller's ancestors are interred here—or the ancestors of any descendants we identify; however, we know they were enslaved here. So, if not buried here, we can

be certain they shared their lives with those who are.

The November 2020 staff report noted Gilmer acquired Pen Park in 1777. Another deed suggests he acquired it in 1786. Staff decided to use the latter date. See page 26 of the RAS report. The 43 anomalies detected by GPR are consistent with human burials; however, it is likely there are additional graves not detected by the GPR and it is likely that some of the detected anomalies are not graves. However, taken together, all of the evidence indicates, without doubt, the presence of multiple unmarked and unrecorded human graves in the area examined.

Discussion

First and foremost, the marked and unmarked burials at Pen Park are family cemeteries. The February 6 presentation will update Council on other family connections made and the ongoing research by the ACHS to identify the enslaved individuals and descendant families. Staff will also review what has been done at the site (for ex. the area of unmarked graves has been roped off and a sign installed), the additional steps planned, and further actions that might be considered.

The City has an obligation to delineate the area with unmarked burials and assure the area is permanently recorded and protected from future disturbance. [Note: Evidence suggests the burials do not extend beyond the area examined in 2020; however, that is not a certainty] Additionally, the City should take appropriate steps should burials extend beyond the area currently roped off. The City should consider ways to interpret and present this site; however, memorialization within the burial area should be left to the descendant families. [For example, while Daughters of Zion Cemetery is a City cemetery, part of Oakwood, a similar arrangement with that descendant group might serve as a template for Pen Park.]

Second, the discovery of the unmarked graves is significant because it reinforces a shared understanding of the presence of and vital role that enslaved African Americans played in the establishment and development of pre-Emancipation Albemarle County and central Virginia. Just as importantly, it is also the beginning of telling an inclusive and more accurate history of the development of the Pen Park plantation, from its late eighteenth-century origins through to the twentieth century. Staff will review suggestions and opportunities for researching, interpreting, and presenting a complete history of Pen Park.

Links to videos related to this work.

Forgotten History of Pen Park, June 22, 2021. City and ACHS staff presentation hosted by the Jefferson-Madison Regional Library

<https://www.youtube.com/watch?v=BY5kU4uqSzl>

Pen Park Update: Forgotten No More, February 9, 2022. City and ACHS staff presentation hosted by the Jefferson-Madison Regional Library

<https://www.youtube.com/watch?v=uD-3Q6nrsKw>

Forgotten no more: Descendants of family enslaved at Pen Park plantations visit their unmarked graves for the first time. By Tamica Jean-Charles. Charlottesville Tomorrow. February 11, 2022, Updated August 3, 2022

Video: <https://youtu.be/lk0hJx9ge7A>

Article: [Charlottesville Tomorrow - Pen Park - Feb and Aug 2022](#)

The Gilmer, Craven, and Hotopp plots remain in use and descendants have a right to access and use their plots. In 1916 was the last burial in the Craven section. In 1991, George Gilmer, Jr. was

interred in his family's plot (his wife's remains will also be placed there). In 2008, Dorothy Hotopp Wilber was buried in her family's plot.

Alignment with City Council's Vision and Strategic Plan

Council's *Vision 2025*:

Charlottesville cherishes and builds programming around the evolving research and interpretation of our *historic heritage and resources*.

City *Strategic Plan*:

Goal 3.5: Protect historic and cultural resources.

Additionally, from the recommendations of the BRC on Race, Memorials, & Public Spaces:

Highlighting and Linking Historic Places: [...] council provide financial and planning support for historic resource surveys of African American, Native American and local labor neighborhoods and sites, seeking National Register listing and zoning and design guideline protection, where appropriate.

Community Engagement

This matter has been reported in the media—locally, nationally, and even internationally. City and ACHS staff continue efforts to contact possible descendants and to circulate this story, with the hope that possible descendants contact us. In fact, this presentation is an opportunity for continued outreach, possibly more so than as an update for Council.

Budgetary Impact

No new funding is necessary for this project.

Recommendation

No immediate action by Council is necessary; however, from this discussion, we anticipate there will be questions that will require follow-up and, likely, corresponding actions and/or decisions.

Alternatives

Attachments

1. December 9, 2019 memo to City Council Approval for usage of Small Area Plan funding for the examination of possible burials near the GilmerCrave
2. November 2, 2022 memo to City Council Update on unmarked burials near the GilmerCravenHotopp Cemetery at Pen Park, including Rivanna Archeologica

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



Agenda Date:	December 2, 2019
Action Required:	Approve Resolution
Presenter:	Jeff Werner, Preservation and Design Planner
Staff Contacts:	Alex Ikefuna, NDS Director Jeff Werner, Preservation and Design Planner
Title:	Approval for usage of Small Area Plan funding for the examination of possible burials near the Gilmer/Craven/Hotopp Cemetery at Pen Park - \$9,319

Background:

Staff is seeking City Council approval to use \$9,319 in funding previously appropriated to the Small Area Plans project to fund an initial, non-invasive archeological investigation to determine the presence of human graves outside the walls of a cemetery located at Pen Park. There are no stones or records to indicate these are burials, however a 2003 study of the cemetery completed for the City’s Department of Parks and Recreation advised that the visible depressions may indicate graves of persons who had been enslaved at Pen Park. Staff recently consulted with qualified experts who visited the site and it is recommended that the City take steps to determine if these depressions are, in fact, human burials and the extent of any additional burials that may not be evident on the surface. If present, the City would take appropriate steps to keep them from being disturbed.

Discussion:

Acquired by the City several decades ago, Pen Park is 280-acre, City park featuring recreational activities including picnic shelters, a playground, tennis courts, and the 18-hole Meadowcreek Golf Course. Approximately 800-feet southeast of the course’s Club House is a cemetery of three family plots that have long existed on the property. Within the three plots there are at least 30 known interments, spanning from the late-18th century to the most recent burial in 2008. At the north end, a low brick wall encloses the Gilmer plot; in the center, within a stone wall is the Craven family plot; at the south end, an iron fence borders the Hotopp family plot. (The Gilmers occupied the property, Pen Park, from 1786 to 1812. The Cravens, from 1819 to the mid-1800s. The Hotopps, from 1866 to the early 1900s.)

On August 20, 2019 staff was contacted by a member of the Gilmer family regarding the condition of the cemetery at Pen Park. Not being familiar with this site, staff researched the cemetery and found two qualified reports that suggested the possibility of slave burials outside of the family plots. (See attachments.)

On September 2, 2019 archeologists from Rivanna Archeological Services visited the site and outside the Craven section noticed six to eight depressions aligned east-west. In their professional opinion the depressions were “suspicious” and “worth determining” if they indicate human burials and, if there are graves, determining if there are others, outside the family plots, that are not apparent from the surface evidence. (Among their related work, RAS was involved in the work at Daughters of Zion Cemetery, in 2012 the examination of slave burials at UVA, and in 2016 the evaluation of a slave cemetery in Roanoke.)

Recommended Evaluation:

Using Ground Penetrating Radar (GPR), examine an initial *Area of Interest* extending on a 25 foot wide zone surrounding the north, west, and south sides of the cemetery enclosure and extending to a maximum width of 55 feet on the east side of the enclosure. This survey area will be covered as completely as vegetation and other immovable obstructions allow by close-interval (2 – 3 feet) GPR transects oriented parallel to the long axis of the cemetery. GPR data returns recorded digitally during the survey will be examined in both profile and plan view visualizations to enable the detection of GPR “anomalies” potentially consistent with expectations for the geophysical signatures of unmarked grave shafts.

Following the completion of GPR survey and data analysis, archeologist will undertake controlled, shallow excavations that will investigate two or more surface and/or GPR anomalies potentially indicative of unmarked grave shafts. The purpose of the archaeological test excavations is to provide more definitive evidence concerning the presence/absence of unmarked graves outside of the cemetery enclosure and is not intended to provide a full and accurate delineation of the overall extent of unmarked graves. Archaeological excavation will be extend only to a depth sufficient to determine the presence of grave shafts (< 12 inches) and does not intend or anticipate disturbing human remains and/or burial furniture that may be present.

If the examinations indicate burials that extend beyond the initial Area of Interest, additional discussion will be necessary to revise the scope of work and associated costs.

This process can only affirm the location of likely human burials. The grave shafts will not be disturbed nor will any human remains be disinterred. The research proposed here is in full compliance with the standards and guidelines for archaeological investigations established by the Secretary of the Interior (48 FR 44716-44742), and Section 106 of the National Historic Preservation Act (36 CFR Part 800) as well as guidelines for cultural resources surveys promoted by the Virginia Department of Historic Resources (VDHR 2011). (Note: The attached proposal fully explains the regulatory and professional protocols that will be followed.)

Furthermore, this evaluation cannot and will not determine the identity or race of any interred bodies. The available evidence strongly suggests that any graves located here are those of people once enslaved on this property. However, if graves are located, regardless of the race or identity of those interred, they are located on city-owned property and should be treated with respect and steps should be taken to prevent their disturbance.

Alignment with City Council’s Vision and Strategic Plan:

- Council’s *Vision 2025*:
 - Charlottesville cherishes and builds programming around the evolving research and interpretation of our *historic heritage and resources*.

- *City Strategic Plan:*
 - Goal 3.5: Protect historic and cultural resources.
- Additionally, from the recommendations of the BRC on Race, Memorials, & Public Spaces:
 - Highlighting and Linking Historic Places: [...] council provide financial and planning support for historic resource surveys of African American, Native American and local labor neighborhoods and sites, seeking National Register listing and zoning and design guideline protection, where appropriate.

Community Engagement:

This matter was discussed briefly by the Historic Resources Committee, but there has been no community dialogue. Furthermore, the sensitive nature of burials sites requires discretion.

Budgetary Impact:

No additional funding will need to be appropriated for this project. Funding for the recommended archeological evaluation will come from previously appropriated Capital Improvement Program funds in the Small Area Plans project.

Recommendation:

Staff recommends that Council approve the resolution authorizing the usage of \$9,319 from the Department of Neighborhood Development Services Small Area Plans fund for the initial archeological evaluation; instruct staff to coordinate and monitor that work; update Council on findings; and, should burials be confirmed, request from the Historic Resources Committee recommendations on possible next steps.

Alternatives:

Should these funds not be appropriated, there will be no confirmation that there are unmarked graves, possibly of formerly enslaved individuals, outside the established and recorded boundaries of a cemetery located on City property. Without identification and, if necessary, delineation and formal recording, any existing graves will not be protected from later disturbance.

Attachments:

1. Resolution
2. Map and photos of site
3. Excerpt from *African-American Cemeteries in Albemarle and Amherst Counties*
4. Excerpt from *Preliminary Site Evaluation, Charlottesville City Cemeteries*, study completed in 2003 by Lynette Strangstad for the Department of Parks and Recreation
5. Rivanna Archaeological Services, LLC proposal, October 28, 2019, *Ground Penetrating Radar Survey and Archaeological Ground-Truthing Excavations at the Pen Park (Gilmer-Craven-Hotopp) Cemetery Charlottesville, Virginia*

RESOLUTION

**Approval for usage of Small Area Plans funding for the examination of possible burials
near the Gilmer/Craven/Hotopp Cemetery at Pen Park
\$9,319**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville,
Virginia that the sum of \$9,319 be allocated from previously appropriated funds in the Small
Area Plans project for an examination of possible burials, believed to be of formerly enslaved
persons, near the Gilmer/Craven/Hotopp Cemetery at Pen Park.

Fund: 426

Project: P-00819

G/L Account: 530670

Pen Park Cemetery Examination \$9,319

Approved by Council
December 2, 2019



Kyna Thomas, CMC
Clerk of Council

Gilmer/Craven/Hotopp Cemetery, Pen Park

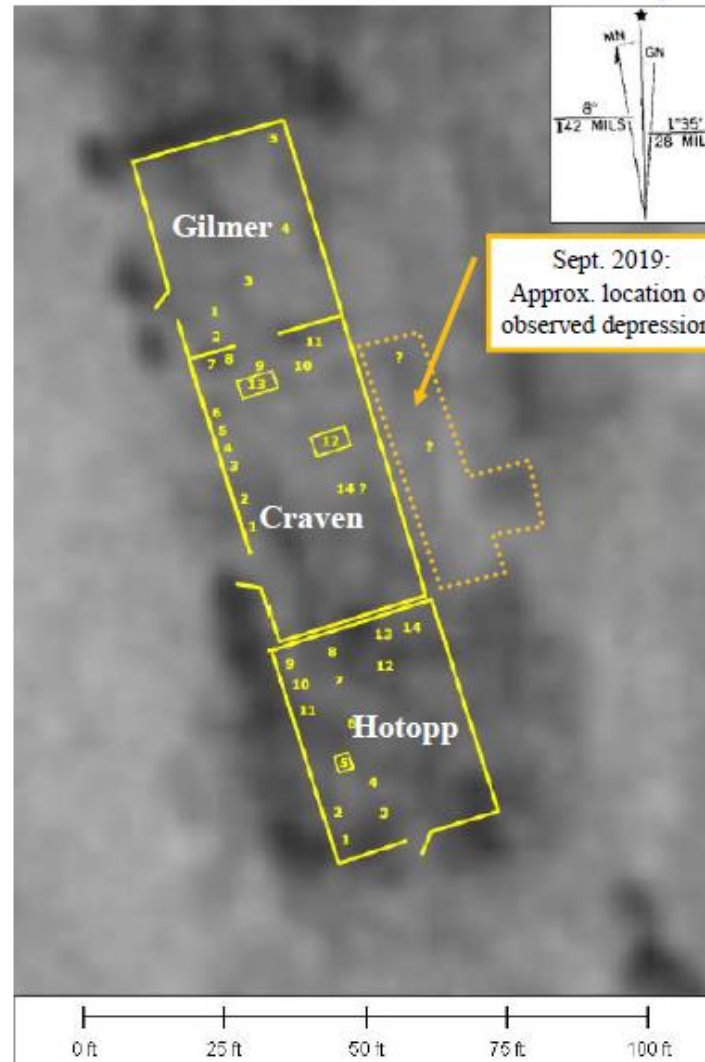


Sept. 2019: Approximate location of observed depressions—east of and outside walls of the Craven section.



Source: Bob Vernon, CVHR

Burials at Pen Park Cemetery



Gilmer Cemetery

- 1 Lucy, wife of Dr. George Gilmer; 16 May 1751-22 Apr 1800
- 2 George Gilmer, MD; 19 Jan 1742-29 Nov 1795
- 3 Mildred Gilmer Wirt; 15 Aug 1772-17 Sep 1799
- 4 Francis Walker Gilmer; 9 Oct 1790-25 Feb 1826
- 5 George Gilmer, Jr.; 7 May 1925-18 May 1991

Craven Cemetery

- 1 Sarah Ann L. Crawford; 29 Nov 1830-22 Feb 1847
- 2 William C. Crawford; 25 Jan 1845-4 Jul 1846
- 3 Dr. William S. Whitehurst; 6 Apr 1823-7 Nov 1844
- 4 Lucretia Whitehurst; d. 25 Feb 1860, aged 65
- 5 Arthur Whitehurst; d. 6 Dec 1857, aged 67
- 6 Sarah Taliaferro Lewis Craven; 26 Dec 1842-25 Jul 1843
- 7 Elizabeth N. Craven; d. 19 Dec 1819, aged 43
- 8 John Alexander Craven; 11 Feb 1839-2 Feb 1840
- 9 unreadable
- 10 Lewellyn Craven; d. 5 Jun 1825, aged 25
- 11 Mary Maria Craven; d. 20 Aug 1817, aged 1 yr 8 mo & 12 da
- 12 George W. Craven; 28 Jan 1815-10 May 1852
- 13 John H. Craven; 19 Mar 1774-7 Feb 1845
- 14 grave depression

Hotopp Cemetery

- 1 Emma F. Isemann; 26 Sep 1866-4 Apr 1913
- 2 Frederick E. Hotopp; 23 Dec 1881-18 Jan 1907
- 3 Heinrich Adolph Hotopp; 23 Dec 1875-5 Nov 1902
- 4 Emma F. C. Hotopp; 29 Aug 1842-15 Mar 1914
- 5 Wilhelm Friedrich Hotopp; 13 Dec 1832-4 May 1898
- 6 Christine A. Kamlah; 1 Jan 1801-13 Dec 1880
- 7 Agnes, dau of W. & E. Hotopp; 28 Feb 1868-21 Jan 1870
- 8 Johanna A. Hotopp; 26 Mar 1800-19 Jun 1867
- 9 Pauline Agness, dau of W.D. & A.P. Duke; 1 Jul 1906-5 Jan 1907
- 10 footstone, (no headstone?)
- 11 Wm. H. Hotopp; 14 Apr 1863-7 Jan 1927
- 12 Doris L. Hotopp; 13 Apr 1883-6 Sep 1883
- 13 E.L. & H.I. Isemann [twins?]; 11 Jan 1895-12 Jan 1895
- 14 Arthur M. Tessmann, Jr.; 29 Jul 1926-10 Aug 1926

Gilmer/Craven/Hotopp Cemetery, Pen Park

September 6, 2019 (JWerner photos)

Looking west, from outside the family plots, towards the Craven section of cemetery. Yellow lines indicate depressions observed outside of wall.



Attachment 3. Excerpt from African-American Cemeteries in Albemarle and Amherst Counties

From *African-American Cemeteries in Albemarle and Amherst Counties*:

(www2.vcdh.virginia.edu/cem/db/cemetery/details/PPK/): “The cemetery is included here because there is an oral tradition that slaves were buried outside of the ‘family plot.’ Moreover, unmarked depressions in association with periwinkle are visible along the outside edge of the metal and stone boundary. Although there is no proof that these mark the burials of enslaved individuals, several of the white families who lived here owned slaves. One ante-bellum burial practice was to bury slaves within or adjacent to white cemeteries.”

Attachment 4. Excerpt from Preliminary Site Evaluation, Charlottesville City Cemeteries

From a 2003 study completed for the City’s Department of Parks and Recreation by Lynette Strangstad: *Preliminary Site Evaluation, Charlottesville City Cemeteries*

“In Addition, numerous apparent grave depressions were noted outside the enclosures of Pen Park. Periwinkle and century plant were also found outside, underscoring the likelihood of multiple burials beyond the enclosures. It is essential that these likely slave graves be included as part of the Pen Park cemetery site.

Dowsing and/or GPR are essential here to determine how many graves are here and where they are located. Once located, graves should be mapped. When true perimeters are established, the entire area must be included as part of the cemetery and effectively set aside from the surrounding golf course. A buffer zone around the graves should be included, both to protect the graves from incursion from the recreational site and also to preserve the site as a burial site. A fence or other enclosure would help to protect this important part of Pen Park.”

Attachment 5. Rivanna Archaeological Services, LLC proposal, October 28, 2019.



Ground Penetrating Radar Survey and Archaeological Ground-Truthing Excavations at the Pen Park (Gilmer-Craven-Hotopp) Cemetery Charlottesville, Virginia

Proposal and Cost Estimate
October 28, 2019

Introduction

Rivanna Archaeological Services (RAS) is pleased to submit this proposal and cost estimate to coordinate a short program of ground penetrating radar (GPR) survey coupled with archaeological ground-truthing excavations at the Gilmer-Craven-Hotopp Family Cemetery located within Pen Park in Charlottesville, Virginia. The GPR survey will be conducted on terrain immediately surrounding all sides of the ca. 130-ft by 30-ft cemetery enclosure with a particular focus on the eastern side where surface indications suggest the presence of unmarked burials, possibly of enslaved periods, outside of the walls of the historic burial ground. The total area to be examined by GPR is approximately 12,800 square feet (0.28 acre) (**Figure 1**).



Figure 1: Aerial photograph over Pen Park showing the location of the Gilmer-Craven-Hotopp Family Cemetery and the proposed GPR survey area.

Field Research Design

Ground-Penetrating Radar Survey

The GPR survey, data processing, and analysis will be performed by NAEVA Geophysics (Charlottesville, Virginia) according to the methods, equipment, and standards detailed in their “Proposal for Geophysical Investigation” appended to this document. Briefly, GPR survey as outlined in Figure 1 will focus on a 25-ft-wide zone surrounding the north, west, and south sides of the cemetery enclosure and extending to a maximum width of 55 ft on the east side of the enclosure. This survey area will be covered as completely as vegetation and other immovable obstructions allow by close-interval (2 – 3 ft) GPR transects oriented parallel to the long axis of the cemetery. GPR data returns recorded digitally during the survey will be examined in both profile and plan view visualizations to enable the detection of GPR “anomalies” potentially consistent with expectations for the geophysical signatures of unmarked grave shafts. GPR survey requires that vegetation be mowed/cropped as low as possible at the time of survey and this proposal assumes that the City of Charlottesville will ensure that all turf and other vegetation within the proposed GPR survey area will be mowed no more than one week in advance of the GPR survey.

Archaeological Test Excavations

Following the completion of NAEVA’s GPR survey and data analysis, RAS will undertake controlled, shallow excavations that will investigate two or more surface and/or GPR anomalies potentially indicative of unmarked grave shafts. The purpose of the archaeological test excavations is to provide more definitive evidence concerning the presence/absence of unmarked graves outside of the cemetery enclosure and is not intended to provide a full and accurate delineation of the overall extent of unmarked graves. Archaeological excavation will extend only to a depth sufficient to determine the presence of grave shafts (< 12 inches) and does not intend or anticipate disturbing human remains and/or burial furniture that may be present.

Total excavation area will not exceed 50 square feet and will be comprised of two 3-ft by 8-ft excavation units oriented parallel to the long axis of the cemetery and perpendicular to the presumed prevailing, roughly east-west orientation of inhumations. Excavation will be carried out manually with shovel and trowel and will include screening of all removed soil through ¼-inch wire mesh to ensure recognition and recovery of artifacts that might be present. Excavation will extend only to the upper surface of natural, red clay subsoil—anticipated at a depth of 8 – 10 inches below existing grade—at which point the outlines of back-filled grave shafts, if present, should be recognizable based on differences in soil color, texture, and compaction.

Archaeological excavations will be manually backfilled and compacted upon completion. If grave shafts are encountered during this work, prior to backfilling RAS will cover their upper, exposed surface with permeable landscaping fabric and set temporary stakes marking these feature/s. Turf removed at the onset of excavation will be replaced as possible, however the City of Charlottesville may wish to re-sod or re-seed and straw the areas disturbed by excavation.

Protocol for the Inadvertent Discovery of Human Remains

Although grave shafts not evidenced by surface indications may well be discovered within the work area, given the shallow nature of archaeological excavation proposed in this work plan, RAS does not anticipate that human remains will be encountered or disturbed during field work.

Rivanna Archaeological Services LLC

410 E. Water Street, Suite 1100, Charlottesville VA 22902
Tel: 434-293-3108; Fax: 434-293-3183; Email: info@rivarch.com

Furthermore, it is not this project's intent to recover or to relocate human remains interred in or adjacent to the Gilmer-Craven-Hotopp Cemetery at Pen Park. Nevertheless and solely as a precaution against the unlikely event that human remains are encountered, RAS will not initiate any aspect of the cemetery delineation research design described herein until the project has successfully secured a Permit for Archaeological Excavation of Human Remains from the Virginia Department of Historic Resources. Securing this permit in advance of fieldwork ensures that the delineation work plan receives an additional layer of review and oversight while also enabling RAS staff to handle and manage inadvertently encountered human remains in the unlikely event of their discovery.

Should human remains or possible human remains be encountered during field work associated with cemetery delineation, RAS will initiate the following action plan:

- 1) Immediately halt all excavation and other work within 25 feet of the discovered remains, record the location on project maps, record the conditions and items of discovery with photographs and notes, secure all human remains and any associated artifacts within a sealed container, cover the discovery area with plastic sheeting, and mark the perimeter with barricade tape;
- 2) Similarly record, cover, and mark with barricade tape all spoil piles that may contain additional human remains;
- 3) Contact Virginia Department of Historic Resources and City of Charlottesville staff (Neighborhood Development and Parks & Recreation departments) to notify them of the unanticipated discovery of human (or potentially human) remains and to seek guidance on the temporary care of the recovered material; if so directed, contact and/or provide assistance to law enforcement personnel in further securing the location;
- 4) As directed, facilitate examination of all recovered bone by a qualified physical anthropologist and/or a State Medical Examiner;
- 5) If approved by VDHR and other project stakeholders, RAS will initiate controlled, manual cleaning and shallow excavation across the discovery area to delineate potential surviving burial features and to determine whether additional human remains are, or are likely to be, present in near-surface contexts;
- 6) In consultation with VDHR and other project stakeholders, RAS will develop, as directed, a broader work plan that more fully considers further examination of the discovery locale, the temporary treatment of human remains, and that establishes through consultation and deliberation a suitable place and process for the reinternment of inadvertently recovered human remains and associated burial artifacts.

Documentary Research

This project will draw heavily on existing historical studies of the Pen Park estate and associated Gilmer-Craven-Hotopp Family Cemetery, including research already completed by RAS staff in association with other projects. Documentary research is anticipated to concern primarily secondary sources sufficient to provide a general historical context for the cemetery. Limited research into primary sources may be conducted but will not be extensive or exhaustive.

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Laboratory Processing, Analysis, and Artifact Curation

Minimal quantities of artifacts or other objects of enduring material culture are anticipated to be collected during this project. Should marker stones or other significant funerary or memorial objects be encountered during archaeological fieldwork, every effort will be made to leave them in or return them to their original locations. Small artifacts recovered during excavation and screening of surface soils will be returned to RAS's lab in Charlottesville for cleaning, analysis, and cataloging following the completion of fieldwork.

Reporting and Project Documentation

Following completion of fieldwork, Rivanna Archaeological Services will prepare a brief technical report summarizing the history of the Pen Park plantation property, the background and objectives of the current project, and presenting its findings, conclusions, and recommendations regarding future treatment and management of the Gilmer-Craven-Hotopp Family cemetery and immediately surrounding area. The report will be illustrated, as needed, with photographs and scaled drawings. The report will be provided in both printed and bound (one copy) and digital (pdf) format. One printed and bound and one digital copy of the report will also be provided to the Virginia Department of Historic Resources for inclusion in the Department's archives. In addition, a Virginia Department of Historic Resources site form will be completed for the cemetery project using the VDHR's online V-CRIS system.

Investigation Standards and Relevant Project Experience

The research proposed here is in full compliance with the standards and guidelines for archaeological investigations established by the Secretary of the Interior (48 FR 44716-44742), and Section 106 of the National Historic Preservation Act (36 CFR Part 800) as well as guidelines for cultural resources surveys promoted by the Virginia Department of Historic Resources (VDHR 2011). One or more archaeologists meeting or exceeding the Secretary of the Interior's minimum professional requirements and with significant first-hand experience with cemetery delineation will be present at all times during all components of the field research design proposed here, including the initial stage of tree and debris clearing. Past projects undertaken by Rivanna Archaeological Services in which machine-assisted wide-area clearing of surface soils has been employed to identify human burials and delineate cemetery boundaries include the following:

As detailed in the accompanying itemized budget, RAS will coordinate GPR survey, archaeological test excavations, and reporting for a total cost, inclusive of NAEVA's work, of **\$9,319.00**.

Rivanna Archaeological Services LLC

410 E. Water Street, Suite 1100, Charlottesville VA 22902
Tel: 434-293-3108; Fax: 434-293-3183; Email: info@rivarch.com

**Ground Penetrating Radar Survey and Archaeological Ground-Truthing Excavations
at the Gilmer-Craven-Hotopp Cemetery
Pen Park, Charlottesville, Virginia
Acceptance of Proposal and Fee**

By my signature below, I accept the scope of work, work schedule, and **\$9,319.00** fee detailed herein for a Ground Penetrating Radar survey, archaeological test excavations, and associated reporting the grounds of Pen Park in Charlottesville, Virginia. I further agree that payment for these services will be made in full to Rivanna Archaeological Services, LLC within 30 days of receipt of invoice. Invoices not paid within 30 days of receipt will be assessed a late payment fee of \$250. Any legal costs and any other expenses that may be incurred by Rivanna Archaeological Services to recover payment for work performed under this agreement will be borne by City of Charlottesville.

Signature: _____

Title: _____

Date: _____



**GPR and Archaeological Investigations
Pen Park
Charlottesville, Virginia**

Cost Estimate
October 28, 2019
submitted to City of Charlottesville

Component	Task	Personnel	Hours	Rate	Cost
RAS Project Planning & Administration					
	Planning & Administration	Project Archaeologist	2	\$75.00	\$150
				<i>subtotal</i>	\$150

Background Research

	Document Acquisition & Review	Project Archaeologist	8	\$75.00	\$600
				<i>subtotal</i>	\$600

RAS Archaeological Fieldwork

	Unit Excavation (48 sq.ft.)	Project Archaeologist (1)	24	\$75.00	\$1,800
		Field Technician (2)	48	\$36.00	\$1,728
				<i>subtotal</i>	\$3,528

NAEVA Fieldwork, Data Processing, Reporting

(proposal attached)

	Travel	two-person crew	1	\$100.00	\$100
	GPR Field Survey	two-person crew	4	\$160.00	\$640
	GPR Equipment Cost		0.5-day	\$600/day	\$300
	GPR Data Processing		4	\$90.00	\$360
	Materials Charge			LS	\$40
	Reporting		2	\$80.00	\$160
				<i>subtotal</i>	\$1,600

RAS Report Preparation

	Analysis & Write-up	Project Archaeologist	40	\$75.00	\$3,000
	Graphics	GIS / Graphics Tech.	6	\$61.00	\$366
	VDHR Site Form completion	Project Archaeologist	1	\$75.00	\$75
				<i>subtotal</i>	\$3,441

Summary of Estimated Costs

RAS Planning & Coordination	\$150
Background Research	\$600
RAS Fieldwork	\$3,528
NAEVA Fieldwork, Data Processing, Reporting	\$1,600
RAS Report Preparation	\$3,441
TOTAL PROJECT COST	\$9,319

October 24, 2019

Dr. Stephen Thompson
 Rivanna Archaeological Services, LLC
 410 E. Water Street, Suite 1100
 Charlottesville, VA 22902
 434-293-3108 (office) | 434-981-9466 (mobile)

RE: Proposal for Geophysical Investigation

Dear Dr. Thompson:

NAEVA Geophysics Inc. is pleased to submit for your review the following scope of work associated with a geophysical investigation to be conducted at Pen Park, in Charlottesville, Virginia. The purpose of the survey is to attempt to detect the presence and map the locations of historic burials in the area immediately adjacent to the marked Gilmer-Craven-Hotopp cemetery.

A ground penetrating radar (GPR) survey will be conducted in the area outlined in blue below, covering a total of approximately 0.28 acres. Closely spaced parallel transects will be surveyed across the areas to attempt to image burials in the area of interest.



Proposed GPR Survey Area

GPR
 MAGNETICS
 ELECTROMAGNETICS
 SEISMICS
 RESISTIVITY
 UTILITY LOCATION
 UXO DETECTION
 BOREHOLE CAMERA
 STAFF SUPPORT

VIRGINIA
 P.O. Box 7325
 Charlottesville
 Virginia 22906
 (434) 978-3187
 (434) 973-9791 Fax

NEW YORK
 225 N. Route 303, Suite 102
 Congers, New York 10920
 (845) 268-1800
 (845) 268-1802 Fax

The aerial imagery shows the presence of vegetative canopy, precluding the use of Real Time Kinematic (RTK) GPS for data location. NAEVA will use measuring tapes, pin flags and spray paint for ground control, with fiducial marks placed in the data for local coordinates. NAEVA will mark the corners of the surveyed area, however we will not record the locations of the surveyed area using GPS or other methods.

GPR depth penetration is affected by soil type, soil moisture, and the presence of conductive fluids. In general, dry sandy soils offer the best penetration, while wet clay soil permits only very shallow penetration. Residual clay soil developed over Piedmont metamorphic rocks is typically not conducive to deep penetration of GPR signals. Detection of a burial site is dependent on contrasts between the soil and the remains or enclosure, which may be affected by the condition of the materials. Interference from cultural sources such as steel reinforced concrete, underground utilities, power lines, nearby surface metal, tree roots, etc. may degrade the GPR signal.

NAEVA will use a Sensors and Software Noggin Plus GPR system, equipped with a 250 MHz antenna. The Noggin system uses shielded antennas making it well suited for use in urban environments. Data will be stored in the electronics consoles of the instruments for later review and processing.

Below are the estimated costs for this scope of work:

Item	Rate	Cost
1 Hour Travel	\$100/hour	\$ 100.00
4 Hours labor (crew of 2)	\$160/hour	\$ 640.00
1/2 Day GPR	\$300/ half day	\$ 300.00
4 Hours Data Processing	\$90/hour	\$ 360.00
Materials Charge	LS	\$ 40.00
2 Hours Report	\$80/hour	\$ 160.00
TOTAL		\$ 1,600.00

CONSIDERATIONS

The above estimated cost is based on the information provided; assumes smooth and level ground, sparse vegetation, minimal snow cover, and easy vehicle access. Please also note the following considerations.

Investigations Using Ground Penetrating Radar (GPR)

- GPR is affected by site conditions such as the building material and moisture content, therefore, the depth of penetration and usefulness of GPR data cannot be known until our arrival on site.
- If NAEVA is awarded this contract and a subcontract with your company is required, please fax a copy of the agreement to:

Mr. John J. Breznick
NAEVA Geophysics Inc.
Post Office Box 7325
Charlottesville, Virginia 22906
(434) 978-3187 and (434) 973-9791 Fax

Please allow time for contract negotiation.

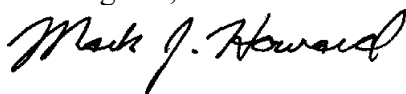
- The terms and conditions on the reverse side of purchase orders are considered contracts and sufficient time should be allowed for their negotiation.
- No purchase orders which include terms and conditions or subcontracts will be accepted after the fieldwork begins.
- Once fieldwork has commenced, no additional terms or conditions may be appended to this proposal.

Billing

- This estimate does not include stand-by time, which will be charged at the normal labor rate.
- Payment terms are net 30 days. Late payments are subject to 1.5% monthly fee.
- Unless otherwise notified, this project will be billed on a time and materials basis.

Thank you for the opportunity to submit this proposal. We look forward to working with you soon. Please call me if I may answer any questions.

Best Regards,



Mark Howard
Senior Geologist/Project Manager
NAEVA Geophysics, Inc.
Charlottesville, Virginia

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 2, 2020
Action Required:	Report
Presenter:	Jeff Werner, Preservation & Design Planner, Department of Neighborhood Development Services (NDS) Ben Ford, Ph.D., Principal, Rivanna Archaeological Services
Staff Contacts:	Jeff Werner, Preservation & Design Planner, NDS Alex Ikefuna, Director, NDS
Title:	Update on unmarked burials near the Gilmer/Craven/Hotopp Cemetery at Pen Park

Background:

On December 2, 2019, City Council approved a resolution authorizing the use of \$9,319 from the Department of Neighborhood Development Services Small Area Plans CIP fund to study the archeological evaluation of possible unmarked graves outside the enclosed family plots at the Gilmer/Craven/Hotopp Cemetery at Pen Park. With that approval, Council requested an update on the findings, after which options for next steps would be explored.

The City acquired Pen Park in the 1970s. *Pen Park*, as it was named by Dr. George Gilmer who acquired the property in 1777, changed ownership several times, with the occupants being the Gilmer family (from 1777 to 1812), the Craven family (from 1819 to 1845), and the Hotopp family (from 1866 to 1904). While others owned and occupied Pen Park for brief periods, the Gilmers, Cravens, and Hotopps are the only families to establish cemeteries there.

The City retained the services of Rivanna Archeological Services (RAS) who, on July 15, 2020, coordinated with NAEVA Geophysics Inc. to conduct an examination of the site using Ground Penetrating Radar (GPR). Evaluation of the GPR data suggests the likelihood of 43 unmarked and unrecorded graves outside the walls of the three family plots, roughly in three rows and primarily to the east, *behind* the family plots.¹ The majority lie outside the Gilmer and Craven sections. Both families enslaved individuals and the evidence suggests these graves are most likely those of individuals enslaved at Pen Park. There are at least four apparent graves directly outside the Hotopp section, possibly representing the graves of enslaved individuals or other

¹ See page 26 of the RAS report. The 43 anomalies detected by GPR are consistent with human burials; however, it is likely there are additional graves not detected by the GPR and it is likely that some of the detected anomalies are not graves. However, taken together, all of the evidence indicates, without doubt, the presence of multiple unmarked and unrecorded human graves in the area examined.

individuals who lived on the property and were employed by the family. Three apparent graves are not within the cluster immediately east of the family plots cluster and are therefore difficult to interpret—one at the northeast corner of the Gilmer plot and two located several yards south of the Hotopp plot.

The GPR evidence indicates patterns in the subsurface anomalies—sizes, depths, alignment in rows, and an east-west orientation—consistent with human burials. Despite the strength of the GPR data, the number of likely graves can only be estimated. A precise determination of the number and location of graves would require physical disturbance of the upper layer of soil; however, RAS recommends—and staff concurs—that the GPR findings are conclusive enough to establish the presence of human graves, without physical disturbance, and that the area examined should be delineated and protected.

Discussion:

With these findings, staff has initiated or will initiate the following steps:

- Coordinate with the Department of Parks and Recreation to keep golf carts off the areas with unmarked graves. (See area indicated in Figure #1 on page 1 of the RAS report.)
- Coordinate with the Department of Parks and Recreation to record on the Pen Park site plan the location of the area within which unmarked graves were located, such that this area is not disturbed by any future work or activity. (See area indicated in Figure #17 on page 26 of the RAS report.)
- Outreach: Issue a press release about the findings and include a request to the community for any information about the unmarked graves—from oral histories, family traditions, etc. Seek assistance in community outreach through local groups such as the Preservers of the Daughters of Zion Cemetery, Jefferson School African American Heritage Center, Central Virginia History Researchers, and the Burke Brown Steppe Chapter of the Afro-American Historical and Genealogical Society.

Moving forward, staff recommends that Council consider the following:

- Number and locate unmarked graves: The archeologist and staff recommend that the area east of the family plots not be disturbed; however, Council may request further examination to provide a precise determination. (See detailed discussion below.)
- Identities: The community will likely ask if these individuals can be identified (i.e. DNA testing). Any attempt to do so would require invasive disturbance of the graves and the results would be speculative, at best. Staff does not recommend such an effort; however, should Council want more information, there are experts who can provide it.
- Research: The goal of the examination was to determine the existence of unmarked graves. This goal has been achieved. The project did not include exhaustive archival and documentary research that could provide information about the identities of who these individuals might be. Council could request that research.
- Remembrance: Council should request the Historic Resources Committee (HRC) provide recommendations on how to memorialize and interpret this site. While disrupted by the public health emergency, in developing an appropriate narrative for Court Square, the HRC was planning to engage descendants of enslaved persons. A similar approach would be appropriate.

Additional suggestions (from RAS report):

Parks and Rec Planning

- Treatment of the vegetation at the Pen Park cemetery: The area surrounding the Pen Park cemetery enclosure is currently planted in sod but also contains large shrubs and trees. The City should consider creating management practices that address this vegetation. For example, should new plantings in the area of the newly identified burials be allowed? When a tree dies or needs to be removed, the City should make sure that disturbances are minimal and that stump grinding does not occur.
- Use of golf carts: The City may want to consider how golf carts are used in the vicinity of the Pen Park cemetery. Because of the adjacent 14th tee, golf carts frequently stop east of and adjacent to the Pen Park cemetery. Should the area containing the newly discovered burials be a restricted area where temporary parking of golf carts is prohibited? Should a more formal parking area for golf carts be created next to the 14th tee?
- Maintenance of the asphalt cart path: An asphalt surfaced golf cart path passes approximately 50 feet to the east of the Pen Park cemetery. The City should consider developing a policy for future repair and new construction of the golf cart path in the vicinity of the Pen Park cemetery.
- Maintenance of adjacent utilities: A sprinkler control box is located approximately 40 feet east of the brick enclosed Gilmer section of the Pen Park cemetery. Other buried utility lines may be located nearby. The City should consider developing a policy for future repair and new construction associated with water and electrical lines in the vicinity of the Pen Park cemetery.
- Public access to/use of the Pen Park cemetery:
 - **Developing an Event Policy:** The discovery of additional previously unidentified burials, most likely interments of enslaved African Americans held by the Gilmer, Craven and other families, as well as the potential future memorialization of the site, may mean that future visitors wish to hold commemorative events at the Pen Park cemetery. The City should consider the development of an event policy for the Pen Park cemetery that will take into account reasonable access to the park as well as potential conflicts with the use of the golf course.
 - **Public Access to the Pen Park cemetery:** The discovery of additional previously unidentified burials, as well as the potential future development of an educational and interpretive program in this location, may mean that more people will come to visit the Pen Park cemetery. The City should ensure that there is adequate public access to the Pen Park cemetery in the future. Currently the only access is via a concrete-surfaced pedestrian path. The City should consider the construction of a limited handicap access parking area, located in an appropriate place, that will allow all visitors adequate access to the site and which will facilitate the hosting of future commemorative events.

It should be noted that the three family plots remain in use. Descendants of the Gilmer, Craven, and Hotopp families have a right to access and use their plots. 1916 was the last burial in the Craven section. In 1991, George Gilmer, Jr. was interred in his family's plot (his wife's remains will also be placed there). In 2008, Dorothy Hotopp Wilber was interred in the Hotopp family plot.

Additional Archaeological Research

Should the City of Charlottesville want to determine the precise location and number of all of the graves outside of the Pen Park cemetery, additional archaeological investigations would be recommended. While the GPR survey has identified a total of 43 potential grave shafts adjacent to the Pen Park cemetery, additional archaeological investigations have the ability to 1) confirm that each potential grave shaft is in fact a human interment and to locate additional human interments not previously identified by the GPR survey; 2) to pin point the precise location of each human interment; and 3) to further define the full spatial extent of the newly identified burials. Confirming the identify of potential grave shafts and knowing the full extent of the burials adjacent to and outside of the Pen Park enclosure will be helpful in planning for any future memorialization of the site, as well as for developing guidelines for the future use and maintenance of the vicinity.

The recommended additional archaeological investigations *will not excavate individual grave shafts or knowingly disturb or relocate any human remains*. However because any excavation within or adjacent to the Pen Park cemetery has the potential to recover human remains, it is recommended that any future archaeological work east of the Pen Park cemetery occur with oversight from the Virginia Department of Historic Resources. It is recommended that the City secure a Permit for Archaeological Excavation of Human Remains from the Virginia Department of Historic Resources. Securing this permit in advance of any future archaeological fieldwork ensures that the cemetery delineation work plan receives an additional layer of review and oversight. Additionally, the permit enables the archaeological consultant to manage inadvertently encountered human remains in the unlikely event of their discovery.

The goal of additional archaeological excavation adjacent to the Pen Park cemetery should be the positive location and identification of each human interment, and the full definition of the extent of burials. The most accurate means of identifying all human interments and defining the extent of burials within a cemetery is to remove the topsoil from the project area. At the interface of the topsoil and the underlying naturally occurring subsoil, the tops of the grave shafts will be recognizable by their shape as well as the coloring and disturbed nature of the fill soils they contain, differentiating them from the surrounding naturally occurring red clay subsoil. Archaeological investigations should consist of shallow, controlled excavation that will extend only to a depth sufficient to visually identify each burial, generally less than 1-foot below grade. This work can be conducted with the assistance of a backhoe with a smooth edged bucket enabling the shallow excavation and removal of topsoil over a large area. Extant trees within the project area will be avoided leaving small 'islands' of turf where tree roots will be protected. Archaeological excavation and removal of topsoil should extend to a point approximately 25 feet beyond the last identified burial, or to a point where excavation is no longer possible, thereby defining a reasonable boundary for the previously unidentified burials. Once all human interments are positively located and identified, a surveyor should be brought in to accurately locate each burial and any relevant cultural features within the project area. Once the individual grave shafts have been accurately mapped by a surveyor, a permeable landscape fabric should be placed on top of the burials and the project area soils replaced. The area composing the newly identified burials, as well as any future memorialized area, should be entered as part of the legal record for Pen Park.

Alignment with City Council’s Vision and Strategic Plan

- Council’s *Vision 2025*:
 - Charlottesville cherishes and builds programming around the evolving research and interpretation of our *historic heritage and resources*.
- *City Strategic Plan*:
 - Goal 3.5: Protect historic and cultural resources.
- Additionally, from the recommendations of the Blue Ribbon Commission on Race, Memorials, & Public Spaces:
 - Highlighting and Linking Historic Places: [...] council provide financial and planning support for historic resource surveys of African American, Native American and local labor neighborhoods and sites, seeking National Register listing and zoning and design guideline protection, where appropriate.

Community Engagement

See the public outreach items noted in the *Discussion*. (Staff contacted the Preservers of the Daughters of Zion Cemetery and discussed ways to reach out to the descendant community.)

Budget Impact

No budget impact relative to the completion of this report. Additional actions, including those presented above, may require additional funding. These can be presented and discussed at a future meeting.

Recommendation

At this time, staff does not recommend any action by Council at the November 2, 2020 meeting. Given the scale, solemn nature, and sensitivity of this discovery, we recommend a period of reflection and discussion prior to any decision-making. We suggest that Council take the time to review the report and visit this site—staff can be available to provide insight and answer questions—and then plan for a thorough discussion at a future Council meeting.

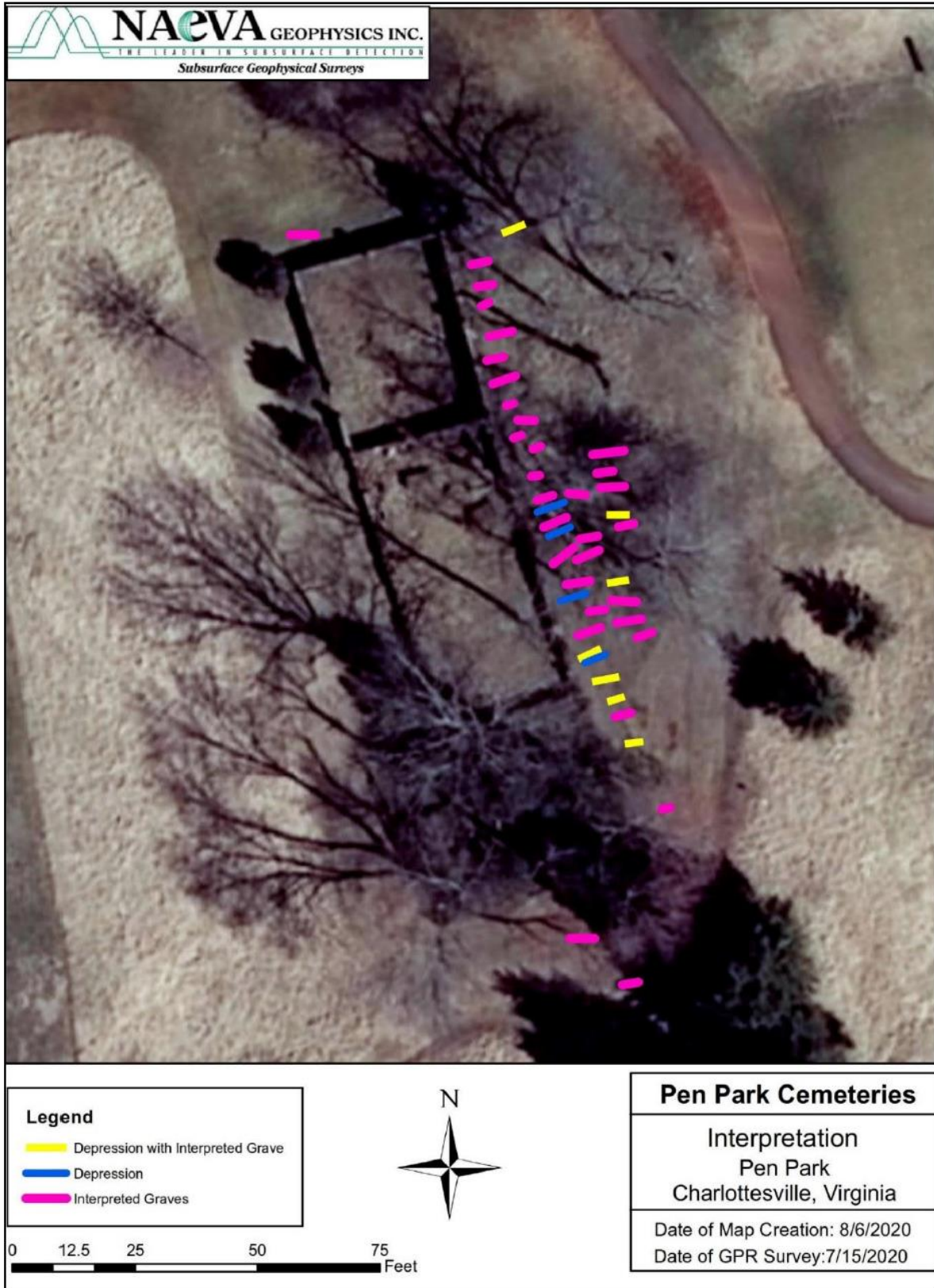
Alternatives

Council may decide to initiate action on items presented in the *Discussion*.

Attachments

- Map: Pen Park cemetery and GPR identified potential grave shafts. (Fig. #15, RAS report.)
- Rivanna Archeological Services report, *The Pen Park Cemetery Survey*, dated October 15, 2020. (RAS report includes the Geophysical Investigation Report, dated October 9, 2020.)

Pen Park cemetery and GPR identified potential grave shafts. (Fig. #15, RAS report.)



The Pen Park Cemetery Survey

(VDHR 002-0190)
City of Charlottesville

Produced for the City of Charlottesville, Virginia

Produced by Rivanna Archaeological Services, LLC
Charlottesville, Virginia



Report Author: Benjamin P. Ford, Ph.D.
Principal, Rivanna Archaeological Services, LLC

October 15, 2020

MANAGEMENT SUMMARY

Since 2000, several depressions have been noted in the ground surface adjacent to and east of the Pen Park cemetery. At the request of the City of Charlottesville, in September of 2019 Rivanna Archaeological Services staff visited Pen Park Cemetery and confirmed the presence of the unusual depressions. Based on their size, orientation and clustering, it was believed that they could be unmarked burials.

In order to determine more conclusively the nature of the surface depressions, Rivanna Archaeological Services proposed a two-tiered research design composed of a Ground Penetrating Radar survey surrounding the entire Pen Park cemetery, as well as ground-truthing of a limited number of surface features and radar anomalies designed to verify the identity of the potential burials.

On July 15, 2020, NAEVA Geophysical Inc. conducted a Ground Penetrating Radar survey on a ca. 0.28-acre project area surrounding the Pen Park cemetery enclosure. Based on profile and plan view visualizations, NAEVA identified a total of 43 potential grave shafts located predominantly east of the Pen Park cemetery. An analysis of the Ground Penetrating Radar findings documented that the 43 newly identified grave shafts were located to the rear and behind the Pen Park cemetery, were arranged in at least three rows, and that the grave shafts extended the whole length of the Gilmer, Craven and Hotopp family sections. It is believed that this population of individuals likely represents enslaved African Americans owned by the Gilmer, Craven and other families, as well as possibly African Americans employees and their families associated with the 1866 – 1904 Hotopp farm and vineyard operation at Pen Park.

Because of the certainty that the surface depressions and Ground Penetrating Radar anomalies represented a significant sized burial ground, the limited excavation and ground-truthing originally proposed as part of the research design was abandoned. It was recommended that the City of Charlottesville acknowledge and memorialize the additional 43 burials in some way, and that plans be developed to guide the future use of the cemetery by the public and the continued use of the adjacent Meadowcreek Golf facility.

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PROJECT AREA DESCRIPTION

The Pen Park cemetery project area is located in the City of Charlottesville’s Pen Park, a 280-acre park overlooking the Rivanna River and containing the Meadowcreek Golf Course. The project area is an approximately 12,800 square foot (0.28 acre) area surrounding the Pen Park cemetery, a brick, stone and iron fence enclosure composed of three sections containing members of the Gilmer, Craven and Hotopp families.

The area surrounding the Pen Park cemetery is covered in sod with plantings of large deciduous and evergreen shrubs and trees. Elevation of the project area is approximately 400 feet asl, and the ground slopes down slightly to the south and east. The project area is underlain by the Catoctin greenstone formation, a northeast-southwest oriented band of igneous rock.¹ Soils in the project area are a Yadkin clay loam with slope between 2 and 7%. The soils are generally located on terraces and are not considered prime farmland.²



Figure #1: Pen Park showing project area surrounding cemetery (red outline) at lower right.

¹ Wilbur A. Nelson, *Geology and Mineral Resources of Albemarle County*, pp: 24-27. Bulletin No. 77, Virginia Division of Mineral Resources. (Charlottesville: Virginia Division of Mineral Resources, 1962).

² U.S.D.A. Natural Resources Conservation Services, *Web Soil Survey*. Electronic resource, Accessed September 21, 2020. <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

PROJECT BACKGROUND AND OBJECTIVES

Rivanna Archaeological Services, LLC [RAS] was contacted by the City of Charlottesville in late August of 2019 regarding the presence of several potential graves located outside of and adjacent to the east side of the existing Pen Park cemetery enclosure. On September 3, 2019, RAS staff visited the Pen Park cemetery to conduct a preliminary examination of the ground surface surrounding the existing enclosure. RAS staff confirmed the presence of a limited number of east-west oriented oblong depressions along the east side of the Pen Park cemetery, surface indications that suggested the presence of unmarked graves.

Based on the strong potential for the presence of unmarked graves outside of the Pen Park cemetery, RAS developed a research design that proposed a Ground Penetrating Radar (GPR) survey surrounding the Gilmer-Craven-Hotopp family enclosure, coupled with limited archaeological excavations designed to ground-truth a limited number of surface indications and/or GPR anomalies. The goal of the project was to determine if the several potential graves were in fact human interments and to gain a greater understanding of the quantity and extent of potential graves in this area.

PREVIOUS RESEARCH

Historical Research

A limited amount of historical research has been conducted on the Pen Park property and its associated Gilmer, Craven and Hotopp cemeteries. This research was largely driven by local events including the purchase of the then 134-acre Pen Park estate by the City of Charlottesville in 1971, student research through the Historic Preservation Program of the University of Virginia School of Architecture in the late 1990s, and a conditions and preservation survey of cemeteries maintained by the City of Charlottesville in 2003.

In response to a request for information following the purchase of Pen Park, in December of 1972 President of the Albemarle County Historical Society John Nalle produced a three-page letter that summarized the property's the eighteenth- and nineteenth-century ownership. It was in late 1971 that the City of Charlottesville acquired the initial 134-acre parcel at Pen Park to be developed as a new park. The interest in this purchase stimulated research on the history of the property as an aid to future development.³

As part of a comprehensive study of the Rivanna River, graduate students in the Community Public History and Planning Seminar in the Historic Preservation Program of the University of Virginia conducted research on individual sites along this important Albemarle County drainage. Pen Park was one of the sites selected for archival research. Shelly Pellish, a graduate student, summarized the history and development of the Pen Park estate and also presented preservation issues and promoted interpretive initiatives.⁴

Jeanne Siler, an intern with the City of Charlottesville in the summer of 2001, compiled information on the history and development of Pen Park from a variety of primary and secondary sources. In addition, Siler also interviewed Nancy Gilmer and Dorothy Hotopp Wilbur, descendants of the Gilmer and Hotopp families, on their memories of the Pen Park property and the family cemeteries there.⁵

In 2003 Lynette Strangstad issued a report based on a survey of Maplewood, Oakwood, Daughters of Zion and the Pen Park cemeteries. The report documented existing conditions and outlined general maintenance and conservation issues. The report issued general recommendations including that each cemetery be researched, mapped and documented and that a preservation plan be developed for each. In particular, Strangstad noted the presence of potential unmarked graves indicated by oblong east-west oriented depressions located outside of the Pen Park cemetery enclosures.⁶

³ Charlotte Tucker, History – A Vital Element in Planning. *The Daily Progress*, January 13, 1972; John M. Nalle, President, Albemarle County Historical Society to Mrs. Charlotte Tucker, Assistant Editor, *The Jefferson Journal*, December 11, 1972. Albemarle Charlottesville Historical Society, Charlottesville, Virginia.

⁴ Shelly Pellish, Pen Park. Notes on Brown Bag Lunch presented to the Albemarle County Historical Society, May 3, 1999. Albemarle Charlottesville Historical Society, Charlottesville, Virginia.

⁵ Jeanne Siler, *History of Pen Park and Its Cemeteries*, n.d. [2001]. Ms. in possession of the City of Charlottesville.

⁶ Lynette Strangstad, *Preliminary Site Evaluation, Charlottesville City Cemeteries, Charlottesville, Virginia*, np. Prepared for the City of Charlottesville, Virginia. Prepared by Stone Faces and Sacred Spaces, Mineral Point, Wisconsin, 2003.

Archeological Research

In the mid-1970s, C. G. Holland conducted an opportunistic survey of Albemarle County lands. In Between 1975 and 1978, Holland surveyed the exposed soils of the former Pen Park and identified four prehistoric sites consisting mostly of lithic debris and scatter (Figure #2 / Table #1).

Table #1: Archaeological and Architectural Sites identified within Pen Park.

<i>VDHR Site No.</i>	<i>Site Name</i>	<i>Prehistoric / Historic</i>	<i>Site Type</i>	<i>Chronological Period</i>
44AB0025	n/a	P	Camp	1606 – 15000 BCE
44AB0026	n/a	P	Camp	3001 – 6500 BCE
44AB0027	n/a	P	Camp	3001 – 6500 BCE
44AB0056	n/a	P	Camp, temporary	3001 – 6500 BCE
44AB0090	n/a	P	Camp	1606 – 15000 BCE
002-0190	Pen Park	H	Cemetery	1786 - Present



Figure #2: Map showing vicinity of Pen Park and its architectural and archaeological resources.

Upon the City of Charlottesville's acquisition of an additional 32 acres from Esther Wayland in 1979, the new parcel underwent a reconnaissance level archaeological survey. The survey consisted of a walkover of plowed fields at the northern end of the project area, as well as opportunistic excavation of shovel test pits on 30-foot intervals in the southern end of the project area. A single archaeological site was identified (44AB0090) consisting of quartz debris and shatter, a quartz biface and several quartz biface fragments scattered over a 2-acre area (Table #1).⁷

⁷ James R. Wood, A Cultural Resource Reconnaissance of the Charlottesville, Virginia, Pen Park Land Acquisition, p4. Prepared for the Virginia Research Center for Archeology and the Virginia Commission of Outdoor Recreation. Prepared by James Madison University, Archeological Research Center, 1980.

HISTORICAL CONTEXT

The following represents a preliminary history of the Pen Park property that focuses on the period of development between 1777 and the present, and particularly the Gilmer, Craven and Hotopp family tenure. The goal is to provide an accurate social and physical history of the property and to develop an adequate context for understanding if there may be additional unmarked interments outside of and surrounding the Gilmer, Craven and Hotopp family cemeteries.

Gilmer Family (1777 – 1812)

The land within which Pen Park is contained was originally a 400-acre tract of land patented in 1733 by Charles Lynch and located on the “south side of the Rivanna River.”⁸ Sixteen years later in 1749, Lynch sold the 400-acre parcel, along with an adjacent 245-acre parcel he had patented in 1748, to Robert Adams a nearby landholder.⁹ In 1773 Adams sold the 645 acres he acquired from Lynch, as well as an additional 430 acres, to John Harvie.¹⁰ Neither Lynch, Adams or Harvie are believed to have resided on the 400-acre parcel, although the land was likely cleared and cultivation begun in the mid-to-late eighteenth century.

Dr. George Gilmer acquired what would become Pen Park in 1786. In that year he purchased from John Harvie a 565-acre parcel located “on the Rivanna River.” The parcel included the original 400-acre Charles Lynch tract and a 137-acre tract originally patented by Harvie’s brother, Richard, in 1781.¹¹ Soon after his purchase, it is believed that George Gilmer and his family settled on the property overlooking the Rivanna River. Family history states that Gilmer named the property Pen Park after the Bristol, England estate of John Harmer. Gilmer had been educated in Bristol, England in the mid-eighteenth century and likely stayed with the Harmer family at their Pen Park home.¹²

It is George Gilmer who built the first residence at Pen Park shortly after his purchase. Based on a late nineteenth-century photograph (Figure #3), Professor K. Edward Lay describes the Pen Park domicile as an ‘H-plan’ structure, one that likely began as an eighteenth-century single-story residence, and was developed over time with the construction of an adjacent much larger two-story nineteenth-century residence with a connecting hyphen.¹³

⁸ Virginia Land Patent Book 15:47, June 20, 1773. Richmond, Library of Virginia.

⁹ Albemarle County Deed Book [ACDB] 1:160. Clerk’s Office, Albemarle County Courthouse, Charlottesville, Virginia.

¹⁰ ACDB 6:86.

¹¹ ACDB 9:309.

¹² Ruth D. Gilmer, Pen Park, p2-3. Gilmer Family file. Albemarle Charlottesville Historical Society, Charlottesville, Virginia.

¹³ K. Edward Lay, *The Architecture of Jefferson Country, Charlottesville and Albemarle County, Virginia*, pp: 56, 62. (Charlottesville: University Press of Virginia, 2000).



Figure #3: Pen Park residence, taken in the late nineteenth century. Note the 'H-shape' to the residence with the smaller older structure (at left) located behind the newer younger structure (at right) and hyphen connecting them.

The year after his acquisition of what would become Pen Park, Albemarle County Personal Property Tax Records document that Gilmer was charged tax on a total of 50 enslaved African Americans, 18 over the age of 16, and 32 under the age of 16. Gilmer was also charged tax on 14 horses and 39 cattle.¹⁴ In 1790, Gilmer was charged taxes for 27 enslaved individuals, and five years later in 1795 he was charged taxes for 34 enslaved individuals (Table #2).¹⁵

¹⁴ Albemarle County Personal Property Tax Records [ACPPTR], 1787. Richmond, Library of Virginia.

¹⁵ ACPPTTR, 1790; ACPPTTR 1795.

Table #2: Enslaved African Americans owned by the Gilmer Family, 1787 – 1812.¹⁶

Year	Name	Enslaved Under 16	Enslaved Over 16	Total Enslaved
1787	George Gilmer	32	18	50
1788	George Gilmer	8	18	26
1789	George Gilmer	10	18	28
1790	George Gilmer	5	22	27
1791	George Gilmer	7	25	32
1792	George Gilmer	6	26	32
1793	George Gilmer	7	29	36
1794	George Gilmer	12	27	39
1795	George Gilmer	8	26	34
1796	George Gilmer Estate	8	29	37
1797	Mrs. Lucy Gilmer	10	28	38
1798	George Gilmer Estate	5	34	39
1799	George Gilmer Estate	11	30	41
1800	George Gilmer Estate	7	28	35
1801	George Gilmer Estate	7	28	35
1802	George Gilmer (Jr.)	2	8	10
	Peachy Gilmer	0	3	3
1803	George Gilmer (Jr.)	2	9	11
	Peachy Gilmer	1	3	4
1804	George Gilmer (Jr.)	2	13	15
	Peachy Gilmer	1	2	3
1805	George Gilmer (Jr.)	1	13	14
	Peachy Gilmer	0	2	2
1806	George Gilmer (Jr.)	0	11	11
	Peachy Gilmer	0	4	4
1807	George Gilmer (Jr.)	1	10	11
1808	George Gilmer (Jr.)	1	10	11
1809	George Gilmer (Jr.)	1	11	12
1810	George Gilmer (Jr.)	2	10	12
1811	George Gilmer (Jr.)	3	9	12
1812	George Gilmer (Jr.)	2	11	13

George Gilmer died in December of 1795. His will, made out in March of that year, left his Pen Park estate to his wife Lucy for her natural state, as well as “half of all slaves such as she may choose.”¹⁷ After Lucy’s death in 1799, Pen Park was operated and maintained by William Wirt, a son-in-law, and his wife Mildred Gilmer. Mildred also died in 1799 and Wirt subsequently removed to Richmond.

Following the death of George Gilmer in 1795, his real and personal estate was divided between his ten children (Thomas, Mildred, George, Peachy, John, James, Harmer, Lucy, Francis, and Susanna). In 1797 Mildred Wirt and her husband William filed for their share but Mildred’s death in 1799 abated the cause.¹⁸ In January of 1803 George and Peachy Gilmer, both over the age of 21, received their

¹⁶ ACPPTR, 1787 – 1812.

¹⁷ Albemarle County Will Book, 3:265. Clerk’s Office, Albemarle County Courthouse, Charlottesville, Virginia.

¹⁸ William Wirt et ux vs. George Gilmer, Albemarle County Chancery Records, Index 1800-014. Library of Virginia, Richmond, Virginia.

share of the estate's enslaved African Americans.¹⁹ In 1804 John Gilmer filed a chancery suit against the other Gilmer heirs to divide the real and personal property of the George Gilmer estate and receive his share. In January of that year, commissioners assigned by the Albemarle County court divided the remaining enslaved African Americans formerly owned by George Gilmer into six lots based on the value assigned to them. A total of 57 individuals, men, women and children were itemized, valued and divided (Table #3).²⁰

Table #3: Division of the Enslaved African Americans owned by George Gilmer, 1804.

Lot	Name / Association	Value Assigned	# Individuals	
Lot 1	Mountain Fanny, a woman	L 35	1	
	Malinda her child, a girl	L 55	1	
	Urseley her child, a girl	L 35	1	
	Richmond Fanny and child	L 80	2	
	Archer her child, a boy	L 65	1	
	Lucy, girl of Priscilla's	L 55	1	
	John, Cesars son	L 105	1	
	John, Ellimont	L 105	1	
	Lot 2	Harry, a man	L 45	1
Rachel, a woman his wife		L 45	1	
Breechia, a boy and child of Rachel		L 65	1	
China, a girl and child of Rachel		L 40	1	
Riland, a boy and grandchild of Rachel		L 30	1	
Anderson, a boy and son of Rachel		L 20	1	
Clarinda, a woman and child of Rachel		L 80	1	
Polly and child		L 90	2	
Sam, a man		L 75	1	
Carey, a boy and child of Hannahs		L 40	1	
Lot 3		Scaton and child	L 100	2
		Priscilla a girl, her child	L 55	1
		Patsy, a girl, her child	L 40	1
	Albert, a boy, her child	L 35	1	
	Mary and child	L95	2	
	Billy, a man	L110	1	
	Cesar, a man	L 70	1	
	Aggy, a woman and wife to Cesar	L 35	1	
	Lot 4	Jack, a man	L 110	1
Suckey, his wife and child		L 90	2	
Wilson, a boy and child of Suckey		L 30	1	
Eady, a girl and child of Suckey		L 15	1	
Mary (of Pen Park), a woman		L 85	1	
Davy, a man		L 105	1	
Polly, a woman		L 80	1	
Sealia, a girl, daughter of Cuffy		L 30	1	
Old Dole, worse than nothing by		L 0.10	1	
Lot 5		Tener, a woman and her child	L 95	2
	Elianor, a girl, her child	L 45	1	
	Lousey, a boy, her child	L 30	1	

¹⁹ The papers in this chancery cause were too decayed to read the names of the enslaved allotted to George and Peachy. See George Gilmer vs. John Gilmer etc. Albemarle County Chancery Records, Index 1807-002. Library of Virginia, Richmond, Virginia.

²⁰ John Gilmer vs. George Gilmer, etc. Albemarle County Chancery Records, Index No. 1805-004. Library of Virginia, Richmond, Virginia.

	Cuffy, a man	L 110	1
	Israel, a boy and child of Cuffys	L 65	1
	Dilea, a girl and child of Cuffys	L 60	1
	Isaac, a man	L 115	1
Lot 6	Hannah and child	L 95	2
	Nelson, a boy her child	L 55	1
	James, a boy her child	L 21	1
	Bob, a man	L 115	1
	Molley, an old woman	L 20	1
	Tamer, a woman	L 85	1
	Beck, her child	L 90	1
	Jenney, a girl	L 55	1

The Albemarle County lands owned by the George Gilmer estate were ordered to be divided between the remaining eight children in 1807. Pen Park was inherited by Francis W. Gilmer. The Gilmer children, particularly George Gilmer Jr., continued to farm the Pen Park plantation into the early nineteenth century. Francis W. Gilmer sold the core of Pen Park, containing the primary residence and adjacent 400 acres of land to Richard Sampson in 1812. Excepted from the 400-acre sale was a one-acre graveyard “which shall be laid off as the said Francis W. Gilmer ...shall determine together with a right of way thereto.”²¹ Although less wealthy than the Gilmers, during his tenure at Pen Park Richard Sampson is documented on being taxed for 13 enslaved African Americans in 1815, and 9 in 1818.²²

Craven Family (1819 – 1845)

John H. Craven purchased the 400-acre Pen Park plantation from Richard Sampson in 1819.²³ Craven had moved to Albemarle County around 1800. In 1811 he purchased a mill seat in partnership with James Dinsmore from George Swink and George Gilmer, the son of Dr. George Gilmer of Pen Park.²⁴ The mill seat was located at the confluence of Meadow Creek and the Rivanna River and was part of the Dr. George Gilmer Pen Park estate divided up by his children. Craven and Dinsmore developed this industrial center as the Park Mills, a three-story structure measuring 36 by 50 feet and valued at \$10,000 in 1812.²⁵

Craven was known as an exceptional farmer. He was one of several individuals who were founding members of the Albemarle Agricultural Society established in 1817. Craven could not have farmed without an enslaved labor force. The 1820 U.S. Census documents that John H. Craven owned 44 enslaved African American. A decade later in 1830, Personal Property tax records document that Craven was taxed on 37 enslaved individuals. By 1840 the U.S. Census recorded that Craven owned 53 enslaved African Americans.²⁶

²¹ ACDB 18:253.

²² ACPPTR 1815; ACPPTR 1818.

²³ ACDB 21:358.

²⁴ ACDB 17:359.

²⁵ Policy issued to John H. Craven and James Dinsmore. Mutual Assurance Society Insurance Records, 1812. No. R5V46N566.

²⁶ Fourth U.S. Census, 1820. Population Statistics, Albemarle County, Virginia; Personal Property Tax Records, Albemarle County, Virginia, 1830; Sixth U.S. Census, 1840. Population Statistics, Albemarle County, Virginia. Craven

John H. Craven died in 1845. A year earlier, Craven had deeded his Pen Park property in trust to Alexander Rives and James W. Saunders to secure several debts. After his death, the debts were still not satisfied and Pen Park was put up for auction. An advertisement for the sale of Pen Park described the property in detail.

Extensive Sale of Choice Lands in Albemarle – Pen-Park, the celebrated seat of the late John H. Craven, is in market.

In pursuance of the provisions of a deed of trust, of record in the Clerk's Office of the County court of Albemarle, executed to us by John H. Craven, to secure certain debts therein mentioned, we shall proceed, on Friday the 30th day of May next, or, if prevented by bad weather, then on the next fair day, to expose to public sale on the premises, that valuable, well known and highly improved estate, PEN-PARK, situate with in about a mile of the town of Charlottesville, and two and a half miles of the University of Virginia. This farm, comprising between four and five hundred acres, is beautifully situated in a bend of Rivanna River, with a fine exposure to the South and East. It has been long celebrated for he productiveness of its soil, and the high state of improvement, to which it was brought under the successful husbandry of its late proprietor. The farm buildings are of the most commodious and substantial character. There are also large and thriving orchards of the most select fruit. The dwelling-house is large and convenient and occupies a gradually swelling eminence in the centre of the farm – commanding the most striking views of the rich landscape, and picturesque scenery surrounding it. On both sides of this farm are valuable quarries of sand-stone, which have already been usefully employed in the construction of fences and out-buildings, and which, being very accessible, and easily worked, constitutes the cheapest material for permanent enclosures. It may be confidently affirmed, that no farm of superior – if, indeed, of EQUAL – advantages, is to be found in the neighborhood, so favorably known for the fertility of its soil, the salubrity of its climate, and the character of its society.²⁷

In May of 1845, the property was sold to Stapleton C. Sneed. A month later Sneed, likely serving as a land agent, turned around and sold Pen Park, then a 460-acre tract, to one Benjamin Pollard. In each case, the 1-acre cemetery was excepted from the sale.²⁸

Pollard, Schafer and Early Families (1845 – 1866)

From 1845 to 1866, a series of short-term owners purchased and cultivated the Pen Park plantation. Benjamin Pollard owned Pen Park for three years until he sold it to Charles W. Pollard in 1848, likely a relative. Charles W. Pollard owned Pen Park for only four years before selling it to Zebulon D. Shafer in 1852. Shafer held Pen Park for six years before he sold it to William T. (Buck) Early in 1858 (Figure #4).²⁹

also owned the Rose Hill plantation in Albemarle County and many of the enslaved African Americans recorded between 1820 and 1840 could have been living at this plantation as well.

²⁷ Richmond Enquirer, Vol. 43, No. 5, May 23, 1845.

²⁸ ACDB 42:491; 42:488.

²⁹ ACDB 46:46; 53:265; 57:262.



Figure #4: Detail, *Map of Albemarle County from Surveys and Reconnaissances made under the Direction of Albert H. Campbell, Capt. P. Eng. & Chief, showing the Pen Park residence of William T. Early. Lt. C. S. Dwight, 1864.*

Hotopp Family (1866 – 1904)³⁰

Immigrants from Germany in 1850, brothers Wilhelm (William) and Heinrich (Henry) Hotopp acquired the then 410-acre Pen Park estate from William T. Early in 1866 (Figure #5). Three years later in 1869, Henry conveyed his share of Pen Park to William.³¹ William Hotopp originally planted a 2-acre vineyard at Pen Park. This was expanded substantially to 60-acres by the end of the nineteenth century. To support his Pen Park vineyard, Hotopp also built a wine cellar and barn on the property. William Hotopp, along with several others, formed the Monticello Wine Company in 1873, a cooperative serving regional grape growers.

³⁰ Twenty year old Julia Hotopp, a resident of Pen Park and daughter of William Hotopp, claimed to have been assaulted by an unidentified African-American man on July 11, 1898. Hotopp's claim led to the public lynching of John Henry James at Wood's Crossing in Albemarle County on July 12, 1898.

³¹ ACDB 61:305; 64:210.



Figure #5: Detail, *A Map of Albemarle County, Virginia, From Original Surveys*, showing the William Hotopp [Hotopp] Pen Park residence overlooking the Rivanna River. Green Peyton, 1875.

William Hotopp's viticultural experiment was received positively by the local media. "Mr. Hotopp is progressing very satisfactorily with his experiment in grape culture at Pen Park. So far everything promises well."³² By the late 1860s, his progress in planting different varieties, the slow but gradual expansion of his vineyard, and the relative success of his grapes received additional attention and spurred other farmers to plant both grapes and other fruit for local consumption and export.

In the Spring of 1866, Mr. Hotopp bought the farm he now owns within one and a half miles of Charlottesville and in March of that year planted an experimental vineyard of something under two acres to determine what varieties were best adapted to our soil and climate. The kinds experimented with were Concord, Delaware, Norton's Virginia, Clinton, Hartford Prolific, Ives Seedling, Diana, Alvey, Iona, Catawba, Isabella, Creveling, Adirondack, Rebecca, Israella, Taylor's Bullitt, Rogers' Hybrid No. 12, Cynthianna, Herbemont and a few other varieties not important to be mentioned. The object of this experimental vineyard was to test the value of the different varieties enumerated, both for fruit and wine, so as to deduce from actual experience the knowledge necessary to pursue the business of vine-dressing, on the safest and surest basis. ...Mr. Hotopp's main experiment was upon a strong red gravelly soil with a south eastern exposure. ...Mr. Hotopp has placed in cultivation about 14 acres in the

³² Charlottesville Daily Chronicle, July 9, 1867.

various stages of 4th, 3rd, 2nd and 1st year. ...It is the intention of Mr. Hotopp to plant 60 acres gradually as he can supply himself with plants of his own raising.³³

A report in the Virginia Commissioner of Agriculture for 1879 noted that the "vineyard of Mr. William Hotopp" possessed 29 acres of vines in production, six acres in Concord, two acres in Delaware, one half acre in Rivira, w acres in Ives, 5 acres in Clinton, 2 acres in Diana and Catawba, one half acres in Louisiana, and eleven acres in Norton's Virginia.³⁴

Throughout the late nineteenth century, the success of the Hotopp farm and Pen Park vineyard would not have been possible without the farm laborers and vineyard workers he employed. The 1880 U. S. Census of Agriculture recorded that Hotopp paid a total of \$800 in wages in 1879 to employees working on his farm and vineyard. An 1886 report of the Bureau of Statistics noted that William Hotopp employed seven African-American men in 1886 on his vineyard and farm. U. S. Census records document that in 1870 and 1880 the Hotopps had six African-American domestic servants living and working in their household. In addition, at least three to four other African-American households, located adjacent to the Hotopps and likely living on the Pen Park estate, were occupied by African-American families in which the occupation of the male head of household was listed as 'works on farm,' or 'day laborer.'³⁵

William Hotopp died in 1898. A suit between his heirs followed and in October of 1898 a decree of the Circuit Court of Albemarle County declared that Pen Park would be sold. A day later, the 410-acre Pen Park property, was sold to his seven children for \$40,000.³⁶ The outcome of a second suit between the Hotopp heirs in 1903 decreed that the property was again required to be sold. In 1904, Pen Park was auctioned in front of the Albemarle County courthouse. The property was described as "the valuable and historic 'Pen Park' farm and vineyard, on the Rivanna River.Excellent dwelling, with handsome grounds and good farm buildings on the land; also the noted Pen Park vineyard and wine cellar, from which the well known Hotopp wines have been produced. The farm contains 410 acres, of which some 60 or 70 are in vineyard, about 50 in woodland, and the balance in productive and well-improved farming land."³⁷

A handbill posted before the June 6th 1904 auction described the Pen Park property in detail.

Public Sale of Famous Farm near Charlottesville, Va. – Monday, June 6th, 1904, Court day, at 12 o'clock M., in front of the court house of Albemarle County, the historic 'Pen Park' farm, once the home of the Gilmores [sic] and also the residence at one time of William Wirt. The property consists of some four hundred and seven acres of land, of which a portion is splendid Rivanna bottom, the residue is upland of which there are perhaps 50 acres in wood. Thearable land, partly in grass and partly in vineyard (there

³³ Grape Culture in Albemarle. Charlottesville Chronicle, October 14, 1869.

³⁴ Thomas Pollard. Third Annual Report of the Commissioner of Agriculture, pp: 133. (Richmond: R. E. Frayser, 1879).

³⁵ Tenth U.S. Census, 1880. Non-Population Statistics, Productions of Agriculture, Albemarle County, Virginia; John D. Imboden, Virginia, p: 177. In United States Treasury Department, Report on the Internal Commerce of the United States, by William F. Switzler, Chief of the Bureau of Statistics, Treasury Department. (Washington D.C.: Government Printing Office, 1886); Ninth U. S. Census, 1870. Population Statistics, Albemarle County, Virginia; Tenth U. S. Census, 1880. Population Statistics, Albemarle County, Virginia.

³⁶ ACDB 112:214.

³⁷ Public Sale of Noted Farm and Vineyard, Richmond Times Dispatch, July 2, 1903, p6.

being some 60 or 75 acres of the latter) is all in a high state of cultivation and is of excellent quality. The farm was owned by William Hotopp at the time of his death and it was there that the celebrated Hotopp Wine was manufactured. There is a large dwelling house on the place containing some 12 or 13 rooms (with a large cellar underneath the dwelling suitable for the storage of wine) and the property has on it all of the usual outbuildings, including several cabins for tenants, needed for a comfortable home and profitable farm. The 'Pen Park' cliff on the river contains a large quantity of rock admirably adapted for building purposes. This property is about two miles from Charlottesville on the north of the City, and Rio station on the Southern railway is about one mile to the north of the farm. Besides the vineyard mentioned above there is a quantity of other fruit on the place, such as apples, peaches, pears, etc.³⁸

In June of 1904, the then 407-acre Pen Park estate was sold out of the Hotopp family to the partnership of C. E. Hughes and Robert L. Thomas (Figure #6). The deed of sale did not include the 1-acre Pen Park graveyard.³⁹

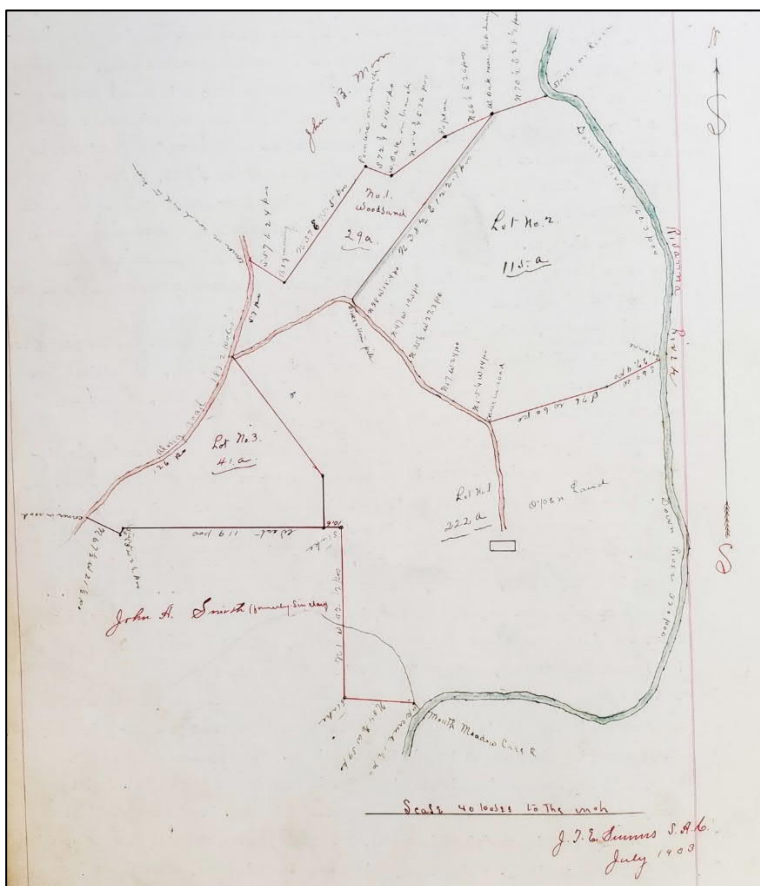


Figure #6: Plat of Pen Park estate. J. T. E. Simms, S. A. C., July 1903.

³⁸ Public Sale of Famous Farm. Handbill, May 19, 1904. Clara M. Hotopp, etc. vs. Emma Hotopp, etc. Albemarle County Chancery Records, Index 1905-035 (original: 1905-033 Cc).

³⁹ ACDB 130:377.

Pen Park in the Twentieth Century (1904 - 1966)

Like many former large estates of the period, the 407-acre Pen Park property was subdivided and resold several times during the early twentieth century. After acquiring C. E. Hughes' share, Robert L. Thomas sold the 407-acre Pen Park to William L. Flannagan and O. T. Allegre in 1909.⁴⁰ Flannagan and Allegre held on to Pen Park for a few years and in 1913 divided the 407 acres into four lots. They sold the 60-acre lot 1, including the Pen Park 'mansion house,' to W. G. Payne. They then divided the bulk of the property between themselves. Allegre received Lots 2 and 3, and Flannagan received Lot 4 (Figure #7).⁴¹

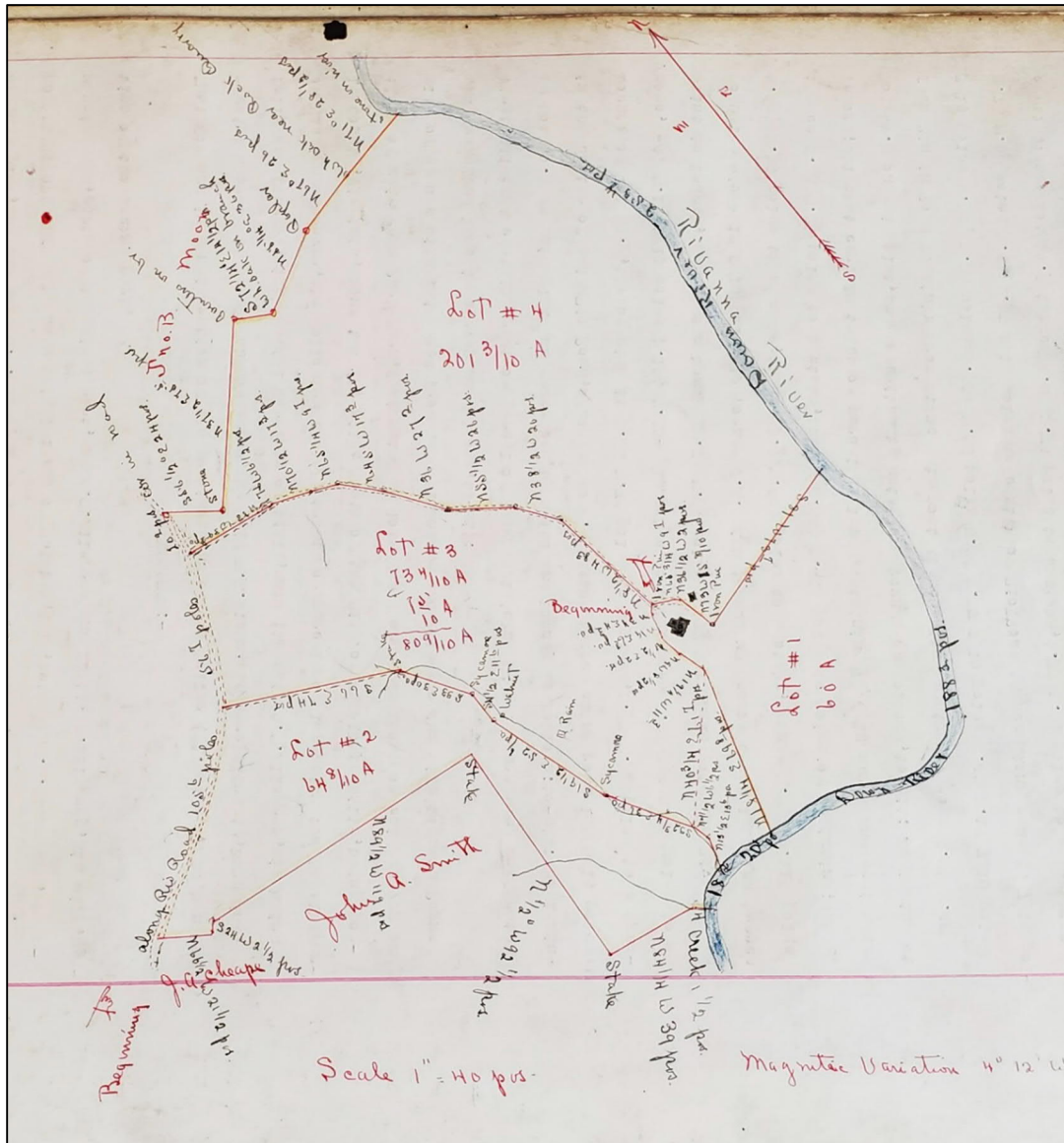


Figure #7: Plat showing division of the former Pen Park estate. M. M. Van Doren, October 1, 1913.

⁴⁰ ACDB 141:157.

⁴¹ ACDB 153:440, 153:442. The Pen Park residence reportedly burned to the ground in the first decade of the twentieth century.

Over the course of 1918, F. Y. Newton acquired both the Payne parcel (lot 1 – 60 acres), and the Allegre parcels (lot 2 – 68 8/10 acres; and lot 3 – 80 9/10 acres).⁴² In 1920 he redivided the residual Pen Park estate and sold a new 107-acre parcel to Robert F. Wayland. The parcel, identified as “part of a tract known as Pen Park including the mansion house and other improvements thereon,” included lots 16, 17 and 18 on a new plat (Figure #8).⁴³

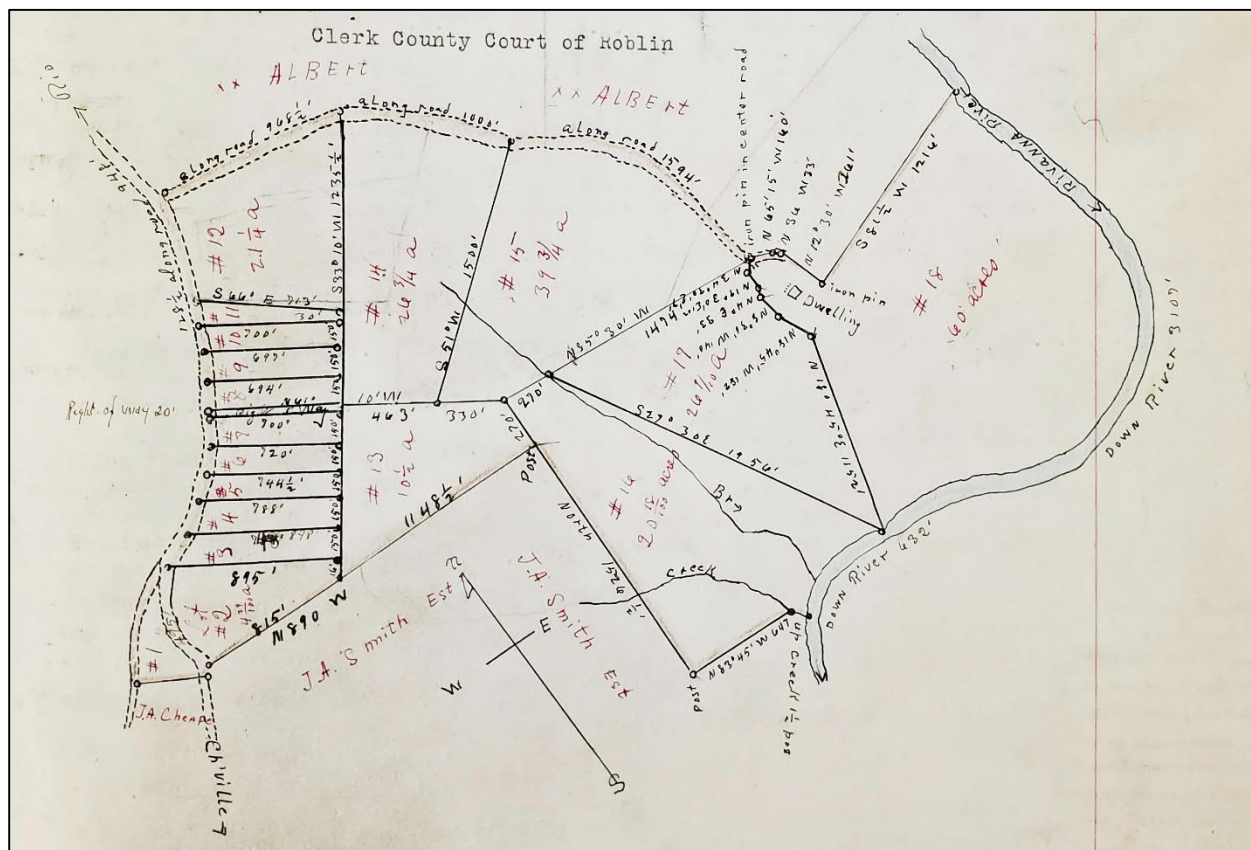


Figure #8: Plat of the division of the former Pen Park estate. M. M. Van Doren, C. E., September 28, 1920.

The son of Robert F. Wayland, Rosser L. Wayland, acquired additional lands including lots #14 and 15 on the 1920 plat in 1925 (Figure #8).⁴⁴ The Wayland family owned lands composing the former Pen Park estate for nearly half a century utilizing it as pasture for a dairy farm as well as limited cultivation of crops. In 1929 Robert F. Wayland sold the then 137-acre Pen Park parcel to his wife, Dora, and five children “in equal shares as tenants.” The Wayland Dairy farm would supply milk to Charlottesville and Albemarle County throughout the second quarter of the twentieth century.⁴⁵

A Park for the City of Charlottesville (1966 – Present)

Rosser L. Wayland and other Wayland heirs sold two tracts totaling 133.69 acres, encompassing the core of historic Pen Park, to the Piedmont Development Corporation in 1966. In August of 1971, the

⁴² ACDB 167:26; 167:28.

⁴³ ACDB 174:401.

⁴⁴ ACDB 189:532, 533.

⁴⁵ ACDB 175:247; 206:191.

Piedmont Development Corporation sold the same parcels to Trustees for a group called the Pen Park Land Trust. In September of 1971 the Pen Park Land Trust sold the 133-acre core of historic Pen Park to the City of Charlottesville.⁴⁶ The City of Charlottesville would continue to acquire additional small tracts in 1973 and 1979 from the Wayland family increasing the holdings of its new park overlooking the Rivanna River.⁴⁷

The Pen Park Cemetery

No sources were identified during archival research documenting the dates of establishment and physical expansion of the Pen Park cemetery. The earliest reference to a cemetery on the land occurs in 1812 when a 1-acre parcel, to be laid off in the future, is reserved from the sale of the Pen Park estate. This early reference to a burial ground at Pen Park likely derives from the deaths and burials of George Gilmer (1795), Mildred Gilmer (1795), and Lucy Gilmer (1800), as well as the deaths of enslaved African Americans owned by the Gilmer family between 1786 and 1812.

The Pen Park cemetery possesses three distinct partitions, a northern enclosure constructed of brick and containing Gilmer family members and related descendants; a central enclosure constructed of stone and containing Craven family members and related descendants; and a southern enclosure constructed of an iron fence and containing Hotopp family members and related descendants. Online sources identify at least 37 individuals, members of the Gilmer, Craven and Hotopp families buried within the Pen Park cemetery.⁴⁸



Figure #9: DAR and Gilmer family members at the Pen Park cemetery for the dedication of a marker to Dr. George Gilmer, 1927.

⁴⁶ ACDB 415:322; 493:156; 493:626.

⁴⁷ ACDB 529:55; 687:325.

⁴⁸ Pen Park Gilmer Estate Cemetery. Find A Grave.com. Accessed September 21, 2020. Online resource: <https://www.findagrave.com/cemetery/search?cemetery-name=Pen+Park-Gilmer+Estate+Cemetery&cemetery-loc=&only-with-cemeteries=cemOnly&locationId=>

In 1927, the Daughters of the American Revolution erected a grave marker honoring Dr. George Gilmer in the Gilmer section of the Pen Park cemetery (Figure #9).⁴⁹

The earliest photograph of the Pen Park cemetery suggests that it has not changed much in the last century. An aerial photograph from 1937, when the property was under pasture and cultivation by the Wayland family, shows that the Pen Park cemetery was an area possessing and surrounded by trees. Perhaps just as importantly the area kept in trees, left uncultivated, and presumed to be defined as cemetery space included a large area east and south of but adjacent to the cemetery enclosure (Figure #10).



Figure #10: Detail, 1937 aerial photograph, showing the Pen Park domestic complex with the main residence (blue circle), and tree shrouded cemetery (red outline).

The then dilapidated brick enclosure surrounding the Gilmer family section of the Pen Park cemetery was restored in 1975 as part of a regional U. S. Bicentennial project. The enclosure was rebuilt by the U. S. Army Foreign Science and Technology Center.⁵⁰

⁴⁹ Address of George Gilmer, June 10, 1927. Ms-446-c. Mrs. George (Ruth) Gilmer Papers. Albemarle Charlottesville Historical Society, Charlottesville, Virginia.

⁵⁰ Daily Progress, October 5, 1975.

RESEARCH DESIGN

As originally proposed, the Pen Park cemetery research design was composed of two phases of fieldwork, an initial Ground Penetrating Radar survey, and a phase of limited archaeological excavation or ground-truthing. The GPR survey was conducted immediately surrounding all sides of the ca. 130-foot by 30-foot cemetery enclosure with a particular focus on the eastern side where surface indications suggested the presence of unmarked burials, possibly of enslaved African Americans, outside of the historic burial ground. The total area to be examined by GPR, excepting areas of dense plantings, was approximately 12,800 square feet or 0.28 acres. NAEVA, a Charlottesville-based geophysical contractor, undertook the GPR survey on Wednesday, July 15, 2020.

Following the completion of NAEVA's GPR survey and data analysis, RAS was scheduled to undertake controlled, shallow excavations that would investigate two or more areas where surface indications and/or GPR 'anomalies' suggested the presence of potential unmarked grave shafts. The shallow excavations were intended to remove the overlying topsoil to a point where the underlying red clay subsoil was visible, generally a depth of less than one foot. At this point, disturbances dug into the red clay subsoil would be visible, and cultural features such as grave shafts would stand out based on their color and textural differences. The purpose of the archaeological test excavations was to provide more conclusive evidence concerning the presence or absence of unmarked graves outside of the cemetery enclosure and was predicated on the discovery of only a few 'anomalies.'

However, following a review of the preliminary examination of the ground surface surrounding the Pen Park cemetery, as well as the quantity and patterning of the potential grave shafts identified by the GPR survey, it was determined that there was more than enough evidence to conclusively state that there were a significant number of unmarked human interments present outside of the Pen Park cemetery. The limited archaeological excavations were abandoned, and the remaining labor focused on conducting archival research that would contextualize the findings and producing a technical report.

PRELIMINARY EXAMINATION OF THE GROUND SURFACE

On September 3, 2019, Rivanna Archaeological Services, LLC staff visited the Pen Park cemetery to conduct a preliminary examination of the ground surface surrounding the brick and stone enclosure. The examination was conducted in an approximately 25-foot perimeter surrounding the Pen Park cemetery enclosure. Along the east side of the Craven and Hotopp sections of the Pen Park cemetery, several east-west oriented oblong depressions were noted (Figure #11). The depressions appeared to be located east of and adjacent to the stone and iron fence enclosures, and also appeared to be generally clustered near one another. No grave markers were noted anywhere surrounding the Pen Park cemetery, or in association with the identified surface depressions.



Figure #11: East side of Pen Park cemetery looking north and showing flagged oblong east-west oriented depressions in the ground surface indicating potential burials. Soils visible in photograph are disturbances by animals.

GROUND PENETRATING RADAR (GPR) SURVEY

The GPR survey, data processing, and analysis was conducted by NAEVA Geophysics (Charlottesville, Virginia) according to the methods, equipment, and standards detailed in their technical report 'Geophysical Investigation Report: External Area Around Pen Park Cemetery, Charlottesville, Virginia' attached to this document as Appendix One.

Methods

The GPR survey focused on an approximately 0.28-acre project area encompassing a 25-foot zone surrounding the north, west, and south sides, and approximately 50 feet on the east side of the Pen Park cemetery enclosure (Figure #12). With the exception of areas of dense plantings, the 0.28-acre survey area was covered as completely as possible by close-interval (0.5 meter) GPR north-south oriented transects, parallel to the long axis of the cemetery (Figures #13 and 14). The north-south orientation of the transects was chosen to enhance the identification of potential east-west oriented human interments.



Figure #12: GPR Survey area (blue shading) surrounding the Pen Park cemetery.



Figure #13: GPR Survey along the east side of the Pen Park cemetery.



Figure #14: GPR Survey north of the Pen Park cemetery.

GPR utilizes high frequency electromagnetic energy to image objects below ground. An electromagnetic pulse is emitted which travels through the ground and is reflected upon encountering materials with differing electrical properties. GPR 'anomalies' are identified in soils based on differing electrical properties when compared to the surrounding natural soils. Grave shafts and other disturbed cultural contexts generally contain moister soils than the surrounding undisturbed soils. Moist soils possess a higher electrical conductivity than drier soils. Potential grave shafts, as well as other natural and cultural features, have the ability to be identified in the GPR data based on their ability to retain greater moisture. However as graves and other cultural features deteriorate over time the soils they contain possess less moisture and begin to resemble the surrounding natural soils.

The relative size and shape of GPR 'anomalies' can also be mapped. In GPR transects that are set on a north-south axis, perpendicular to the traditional east-west oriented burial, grave shafts can be seen as oblong, rectangular-shaped features in one or more transects placed at close intervals

GPR data returns recorded digitally during the Pen Park cemetery survey were examined by NAEVA in both profile and plan view visualizations to enable the detection of GPR 'anomalies,' areas of disturbed soils containing more moisture than the surrounding undisturbed soils, features that are potentially consistent with expectations for the geophysical signatures of unmarked grave shafts. A brief report describing the objectives, site location, equipment used, methods of survey and analysis, and results was issued by NAEVA Geophysics (See Appendix One).

Findings

The GPR Survey identified a total of 43 potential grave shafts outside of and surrounding the Pen Park cemetery enclosure. The potential grave shafts were concentrated predominantly along the east side of the Gilmer, Craven and Hotopp enclosures (n = 40), with three potential grave shafts located north of the Gilmer enclosure (n = 1), and south of the Hotopp enclosure (n = 2). The potential grave shafts located along the eastern side of the Pen Park cemetery appeared to be arranged in three distinct rows (Figure #15). Seven of the GPR identified potential grave shafts overlapped with surface depressions identified during the preliminary field examination. Four additional surface depressions did not register a GPR 'hit.'

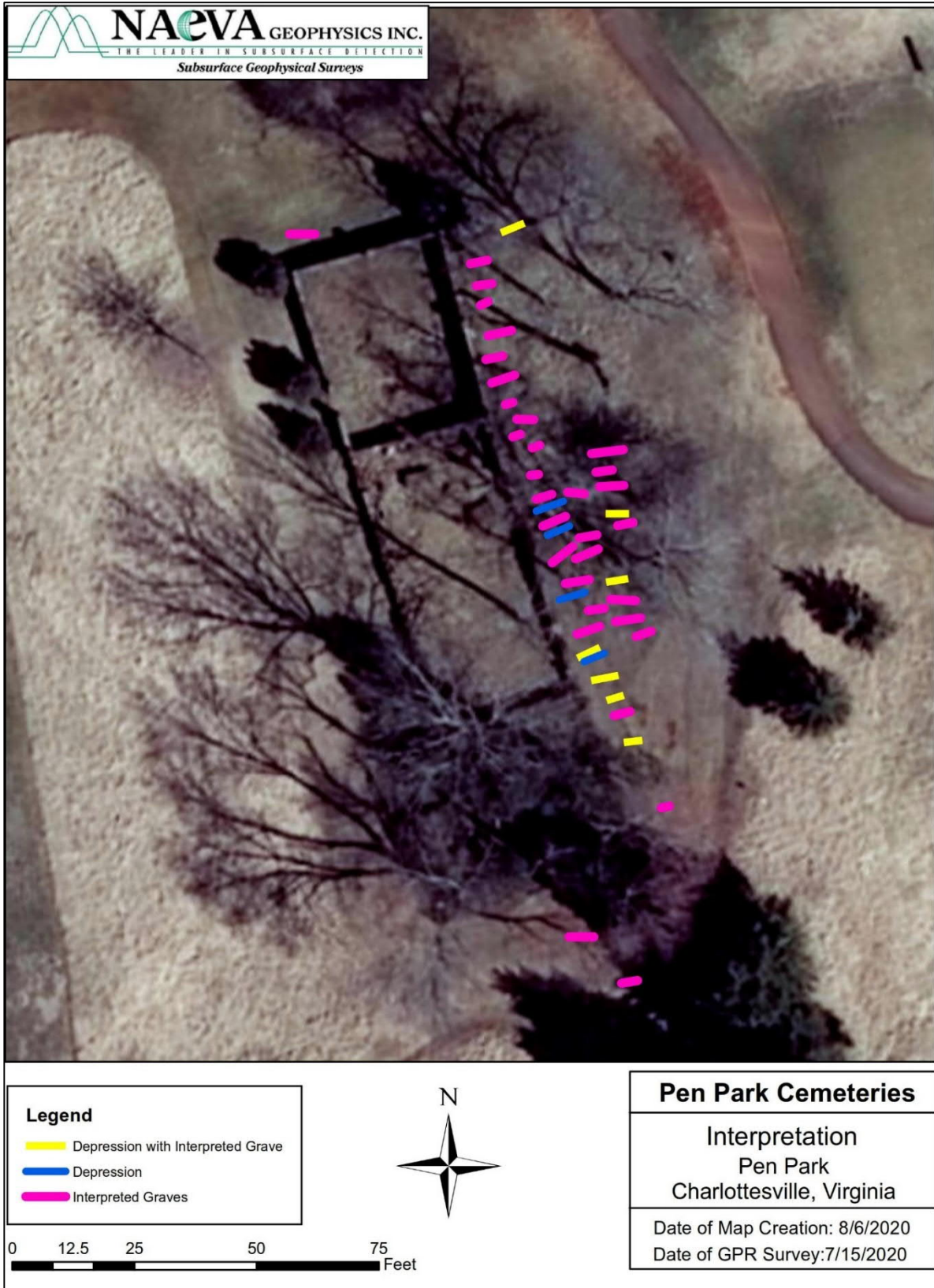


Figure #15: Map showing Pen Park cemetery and GPR identified potential grave shafts.

DISCUSSION AND ANALYSIS

The number, location and patterning of both visually identified surface depressions, and GPR identified potential grave shafts, convincingly documents the use of the area outside and predominantly east of the Pen Park cemetery enclosure for human burials by a large population over a significant period of time.

Size and Shape of Pen Park Cemetery

The earliest photograph of the Pen Park cemetery shows that it was a tree-covered polygon in 1937. The area of trees may or may not have been fenced, however it is clear from the aerial photo that this area was not cultivated like the surrounding soils. The fact that it was intentionally left uncultivated suggests that the entire polygon was identified as cemetery space (Figure #16).



Figure #16: Pen Park cemetery showing the area kept in trees in 1937 (red outline, at left) and the same area in 2018 (red outline, at right).

The shape of the area in trees in 1937 was a trapezoid, generally following the north, west and south sides of the existing cemetery enclosure, but extending far beyond the east side of the enclosure. The fact that the east side was the only side of the cemetery defined space that did not follow the line of the enclosure suggests that this too was acknowledged as sacred space (Figure #17).



Figure #17: Pen Park cemetery in 2018 showing long rectangular enclosure and area kept in trees (red outline) in 1937. Note the area east of the enclosure kept in trees in 1937 *includes* the area where a large number of potential graves were identified.

Number of Human Interments

The number of potential grave shafts identified through the GPR survey and the preliminary visual examination of the ground surface surrounding the Pen Park cemetery should be interpreted as the best possible results for the methods used. As previously noted, the identification of GPR 'anomalies' depends upon the differing electrical properties of grave shafts as compared to the surrounding natural soils, as well as their interpreted profile (size, shape, location and depth, etc.). It is important to acknowledge however that there may in fact be additional unidentified grave shafts that do not show

surface indications and which did not possess enough difference in electrical properties to be seen in the GPR data. Likewise, there may be GPR 'anomalies' identified as potential grave shafts that are, in fact, other cultural or natural features.

As previously noted, the GPR survey identified a total of 43 potential grave shafts located predominantly along the east side of the Pen Park cemetery. This number includes those potential grave shafts identified only by surface depressions (n = 4), those GPR anomalies identified as potential grave shafts (n = 32), and potential grave shafts identified by both surface depressions and GPR data (n = 7).

The number of potential grave shafts identified outside of the Pen Park cemetery is considerably larger than anticipated when compared to the relatively few surface depressions identified during the preliminary field examination. The size of this population, and the presence of two to three rows of individuals, suggests that the interments may have occurred over a long period of time.

Identification of the Population

One of the more significant questions to be answered is to determine who is buried outside of the Pen Park cemetery. In the absence of any inscribed grave markers and / or any burial records, the names of the individuals buried adjacent to and outside of the Gilmer, Craven and Hotopp cemetery enclosures remains elusive. An examination of the historical context for the establishment and development of the Pen Park estate however provides some evidence as to whom the population may represent.

It is clear that the persons documented as having been buried within the Gilmer, Craven and Hotopp sections of the Pen Park cemetery are all white individuals. Headstones mark their precise location and provide name, birth, death and relationship information. Future research into state death records for Albemarle County may also document many of these interments. In contrast, none of the potential grave shafts identified outside of and adjacent to Pen Park cemetery possess markers, either fieldstones or other more formal inscribed headstones.

The chances that 43 individuals associated with the prominent white families who owned Pen Park are buried outside of the existing cemetery enclosure without markers and lacking burial records seems unlikely given the well-marked and well-recorded interments within the Gilmer, Craven and Hotopp enclosures. Therefore if the 43 potential grave shafts are not likely members of the white Gilmer, Craven and Hotopp families, then they likely represent the burials of enslaved African Americans, and/or African Americans who lived and worked on the Pen Park estate between 1866 and 1904.

U. S. Census and Albemarle County Personal Property Tax Records document that the Gilmer and Craven families possessed significant numbers of enslaved African Americans during the periods in which they owned and resided at Pen Park. Dr. George Gilmer, and the George Gilmer estate, possessed 26 to 41 enslaved individuals between 1786 and 1801, while John H. Craven possessed 37 to 53 enslaved individuals between 1819 and 1845. The significant enslaved population living and working at Pen Park from the late eighteenth through the mid-nineteenth century means that there would also have been a significant number of enslaved African American deaths due to age, disease and enslavement.

Likewise, following Emancipation, the establishment of the Hotopp vineyard and wine making facility at Pen Park, as well as the operation of a farm throughout the last three decades of the nineteenth century, necessitated a number of laborers to perform the required tasks. An 1886 report of the Bureau of Statistics noted that William Hotopp employed seven African-American men in 1886 on his vineyard and farm. In addition, the 1870 and 1880 census record that the Hotopps had six African American individuals living in their household and listed as domestic servants. The presence of African American laborers and domestic help and their families associated with Pen Park between 1870 and 1900 suggests that burials outside of the Pen Park cemetery could have occurred in the post-Emancipation period as well.⁵¹

Black and White Cemeteries in Pre-Emancipation Virginia

Enslaved African Americans had little control over how and where they buried their loved ones. Enslaved burials in Virginia typically followed a limited number of options. They are found: 1) buried in the same cemetery as their white owner, 2) buried outside of and adjacent to the white cemetery; and 3) buried in a separate, distinct cemetery. Many different examples of burial patterns have been documented in Albemarle County. At the University of Virginia, enslaved African Americans were buried adjacent to and outside of the formal stone wall enclosed white cemetery. At Dunlora, the plantation and residence of Samuel Carr⁵² 1.5 miles north of Pen Park on the Rivanna River, enslaved African Americans were buried in a separate cemetery located approximately 0.3 miles southwest of the white cemetery. At Pen Park, it appears that enslaved African Americans were buried outside of but adjacent to the white cemetery. This typical burial pattern may have continued well into the post-Emancipation period.

Pen Park Cemetery Burial Patterns

Analysis of the spatial patterning of the 43 potential grave shafts located outside of the Gilmer, Craven and Hotopp enclosures enhance the interpretation of the Pen Park cemetery. The most obvious spatial pattern is that the predominant number of potential grave shafts are located adjacent to and along the east side of the Pen Park cemetery. A significant majority (40 of 43 or 93%) of the burials follow this pattern.⁵³ This spatial pattern may be a direct result of the historic designation of a 'front' and 'rear' to the Pen Park cemetery. For both the Gilmer and Craven sections, the two pre-Emancipation sections in the Pen Park cemetery, the primary entrances to the brick (Gilmer) and stone (Craven) enclosure are located on the west side. The west side of the Pen Park cemetery is also the more level of the two long sides, as the east side falls off subtly to the south and east. This would mean that west side was the formal front of the cemetery, and that the east side was the back of the cemetery. The GPR survey did not identify any potential grave shafts located along the west or front of the Gilmer, Craven or Hotopp enclosures. The location of approximately 93% of the potential grave shafts to the east, or rear, of the Pen Park cemetery is significant and likely represents an intentional decision to place enslaved African Americans in this location.

⁵¹ John D. Imboden, Virginia, p: 177. In United States Treasury Department, Report on the Internal Commerce of the United States, by William F. Switzler, Chief of the Bureau of Statistics, Treasury Department. (Washington D.C.: Government Printing Office, 1886).

⁵² Samuel Carr (b. 1771 – d. 1855) was a contemporary of both Dr. George Gilmer and John H. Craven.

⁵³ Two of the potential grave shafts are located south of the Hotopp enclosure, one is located north of the Gilmer enclosure.

The several potential grave shafts located east of and adjacent to the Hotopp enclosure, the southern most of the three enclosures, is interesting. These five potential grave shafts appear to reflect the presence of the Hotopp enclosure, a cemetery which was not established until 1866 at the earliest, and most likely in June of 1867 with the death of Johanna H. A. Hotopp. If these potential grave shafts are indeed reflecting the presence of the Hotopp cemetery and enclosure, then this would mean that these interments date to the post-1866 period and may reflect the deaths of African Americans living and working at the Pen Park vineyard and farm.

An examination of the map of potential grave shafts documented that most of the GPR identified burials (designated pink and blue in Figure #15) appeared to be clustered nearly exclusively east of the Gilmer and Craven sections, while most of the burials possessing surface indications such as oblong depressions (designated yellow and blue in Figure #15), appear to be clustered east of the Craven and Hotopp sections of the Pen Park cemetery. Much like the Gilmer, Craven and Hotopp sections that proceed in age from north to south, the potential grave shafts adjacent to and east of the Pen Park cemetery may follow a similar progression in time. Very few of the burials identified by GPR also possess surface indications (n = 4) suggesting that over time, their surface signature (e.g. oblong depressions) may have been filled in. Likewise, burials that do possess a surface indication, may be more recent in time.

The absence of any headstone or footstone markers associated with the 43 potential grave shafts is potentially significant. It was common for most eighteenth and nineteenth-century white and black burials to possess some kind of grave marker, even if only a fieldstone. The complete absence of grave markers suggests that many have been removed over time, either in an effort to erase this portion of the cemetery, or for the care and maintenance of the sod.

RECOMMENDATIONS

The recommendations below are tailored to address possible 'next steps' that the City of Charlottesville might take regarding the 43 potential grave shafts located adjacent to and outside of the Pen Park cemetery.

Memorialization

It is recommended that the City of Charlottesville memorialize, in some way, the presence of the 43 individuals buried outside of the Pen Park cemetery enclosure. It is believed that these interments are those of enslaved African Americans owned by the Gilmer, Craven and other families, as well as possibly African Americans associated with the Hotopp vineyard and farm during the 1866 – 1904 period. Memorialization may include erecting signage with compelling text and graphics. Memorialization may also involve the construction of some form of enclosure that visually separates the 43 potential burials from the surrounding golf course. The area composing the newly identified burials, as well as any future memorialized area, should be surveyed and mapped and entered as part of the legal record for Pen Park.

Guidelines for the Future Use and Treatment of the Pen Park Cemetery

Prior to the GPR Survey, it was believed that all of the human interments at Pen Park were contained within the existing cemetery enclosure. Now that it is known that a significant number of additional previously unidentified burials are present predominantly along the east side of the cemetery, it is recommended that the City of Charlottesville consider the development of new policy and guidelines on how this area is to be maintained by park staff and used by the public in the future.

Among the considerations relevant to the use and maintenance of the surrounding public golf course are the following:

- Treatment of the vegetation at the Pen Park cemetery: The area surrounding the Pen Park cemetery enclosure is currently planted in sod but also contains large shrubs and trees. The City should consider creating management practices that address this vegetation. For example, should new plantings in the area of the newly identified burials be allowed? When a tree dies or needs to be removed, the City should make sure that disturbances are minimal and that stump grinding does not occur.
- Use of golf carts: The City may want to consider how golf carts are used in the vicinity of the Pen Park cemetery. Because of the adjacent 14th tee, golf carts frequently stop east of and adjacent to the Pen Park cemetery. Should the area containing the newly discovered burials be a restricted area where temporary parking of golf carts is prohibited? Should a more formal parking area for golf carts be created next to the 14th tee?
- Maintenance of the asphalt cart path: An asphalt surfaced golf cart path passes approximately 50 feet to the east of the Pen Park cemetery. The City should consider developing a policy for future repair and new construction of the golf cart path in the vicinity of the Pen Park cemetery.
- Maintenance of adjacent utilities: A sprinkler control box is located approximately 40 feet east of the brick enclosed Gilmer section of the Pen Park cemetery. Other buried utility lines may

be located nearby. The City should consider developing a policy for future repair and new construction associated with water and electrical lines in the vicinity of the Pen Park cemetery.

Among the considerations relevant to the use of the Pen Park cemetery by the public are the following:

- Developing an Event Policy: The discovery of additional previously unidentified burials, most likely interments of enslaved African Americans held by the Gilmer, Craven and other families, as well as the potential future memorialization of the site, may mean that future visitors wish to hold commemorative events at the Pen Park cemetery. The City should consider the development of an event policy for the Pen Park cemetery that will take into account reasonable access to the park as well as potential conflicts with the use of the golf course.
- Public Access to the Pen Park cemetery: The discovery of additional previously unidentified burials, as well as the potential future development of an educational and interpretive program in this location, may mean that more people will come to visit the Pen Park cemetery. The City should ensure that there is adequate public access to the Pen Park cemetery in the future. Currently the only access is via a concrete-surfaced pedestrian path. The City should consider the construction of a limited handicap access parking area, located in an appropriate place, that will allow all visitors adequate access to the site and which will facilitate the hosting of future commemorative events.

Additional Archaeological Research

Should the City of Charlottesville want to determine the precise location and number of all of the graves outside of the Pen Park cemetery, additional archaeological investigations would be recommended. While the GPR survey has identified a total of 43 potential grave shafts adjacent to the Pen Park cemetery, additional archaeological investigations have the ability to 1) confirm that each potential grave shaft is in fact a human interment and to locate additional human interments not previously identified by the GPR survey; 2) to pin point the precise location of each human interment; and 3) to further define the full spatial extent of the newly identified burials. Confirming the identify of potential grave shafts and knowing the full extent of the burials adjacent to and outside of the Pen Park enclosure will be helpful in planning for any future memorialization of the site, as well as for developing guidelines for the future use and maintenance of the vicinity.

The recommended additional archaeological investigations will not excavate individual grave shafts or knowingly disturb or relocate any human remains. However because any excavation within or adjacent to the Pen Park cemetery has the potential to recover human remains, it is recommended that any future archaeological work east of the Pen Park cemetery occur with oversight from the Virginia Department of Historic Resources. Solely as a precaution against the unlikely event that human remains are encountered, it is recommended that the City secure a Permit for Archaeological Excavation of Human Remains from the Virginia Department of Historic Resources. Securing this permit in advance of any future archaeological fieldwork ensures that the cemetery delineation work plan receives an additional layer of review and oversight while also enabling the archaeological consultant to manage inadvertently encountered human remains in the unlikely event of their discovery.

The goal of additional archaeological excavation adjacent to the Pen Park cemetery should be the positive location and identification of each human interment, and the full definition of the extent of burials. The most accurate means of identifying all human interments and defining the extent of burials

within a cemetery is to remove the topsoil from the project area. At the interface of the topsoil and the underlying naturally occurring subsoil, the tops of the grave shafts will be recognizable by their shape as well as the coloring and disturbed nature of the fill soils they contain, differentiating them from the surrounding naturally occurring red clay subsoil. Archaeological investigations should consist of shallow, controlled excavation that will extend only to a depth sufficient to visually identify each burial, generally less than 1-foot below grade. This work can be conducted with the assistance of a backhoe with a smooth-edged bucket enabling the shallow excavation and removal of topsoil over a large area. Extant trees within the project area will be avoided leaving small 'islands' of turf where tree roots will be protected. Archaeological excavation and removal of topsoil should extend to a point approximately 25 feet beyond the last identified burial, or to a point where excavation is no longer possible, thereby defining a reasonable boundary for the previously unidentified burials. Once all human interments are positively located and identified, a surveyor should be brought in to accurately locate each burial and any relevant cultural features within the project area. Once the individual grave shafts have been accurately mapped by a surveyor, a permeable landscape fabric should be placed on top of the burials and the project area soils replaced. The area composing the newly identified burials, as well as any future memorialized area, should be entered as part of the legal record for Pen Park.

REFERENCES CITED

Albemarle County, Virginia.

- Var. Deed Books [ACDB]. Clerk's Office, Albemarle County Courthouse, Charlottesville, Virginia.
- Var. Will Books. [ACWB]. Clerk's Office, Albemarle County Courthouse, Charlottesville, Virginia.
- Var. Personal Property Tax Records. [ACPPTR]. Richmond, Library of Virginia.
- Var. Chancery Court records. Richmond, Library of Virginia.

Charlottesville Chronicle.

- 1869 Grape Culture in Charlottesville. October 14, 1869.

Charlottesville Daily Chronicle.

- 1867 July 9, 1867.

Charlottesville Daily Progress.

- 1975 October 5, 1975.

Commonwealth of Virginia.

- 1773 Virginia Land Patent Book 15:47, June 20, 1773. Richmond, Library of Virginia.

Find A Grave.

- 2020 Pen Park Gilmer Estate Cemetery. Find A Grave.com. Accessed September 21, 2020. Online resource: <https://www.findagrave.com/cemetery/search?cemetery-name=Pen+Park-Gilmer+Estate+Cemetery&cemetery-loc=&only-with-cemeteries=cemOnly&locationId=>

Gilmer, George.

- 1927 Address of George Gilmer, June 10, 1927. Ms-446-c. Mrs. George (Ruth) Gilmer Papers. Albemarle Charlottesville Historical Society, Charlottesville, Virginia.

Gilmer, Ruth D.

- n.d. Pen Park. Gilmer Family file. Albemarle Charlottesville Historical Society, Charlottesville, Virginia.

Imboden, John D.

- 1886 Virginia. In United States Treasury Department, Report on the Internal Commerce of the United States. William F. Switzler, Chief of the Bureau of Statistics, Treasury Department. Washington D.C., Government Printing Office.

Lay, K. Edward.

- 2000 The Architecture of Jefferson Country, Charlottesville and Albemarle County, Virginia. Charlottesville: University Press of Virginia.

Mutual Assurance Society Insurance Records.

- 1812 Policy issued to John H. Craven and James Dinsmore. No. R5V46N566.

Nalle, John M.

- 1972 John M. Nalle, President, Albemarle County Historical Society to Mrs. Charlotte Tucker, Assistant Editor, The Jefferson Journal, December 11, 1972. Albemarle Charlottesville Historical Society, Charlottesville, Virginia.

Nelson, Wilbur A.

- 1962 Geology and Mineral Resources of Albemarle County. Bulletin No. 77, Virginia Division of Mineral Resources. Charlottesville, Virginia Division of Mineral Resources.

Pellish, Shelly.

- 1999 Pen Park. Notes on Brown Bag Lunch presented to the Albemarle County Historical Society, May 3, 1999. Albemarle Charlottesville Historical Society, Charlottesville, Virginia.

Pollard, Thomas.

- 1879 Third Annual Report of the Commissioner of Agriculture. Richmond, R. E. Frayser.

Richmond Enquirer.

- 1845 Vol. 43, No. 5, May 23, 1845.

Richmond Times Dispatch.

- 1903 Public Sale of Noted Farm and Vineyard, July 2, 1903, p6.

Siler, Jeanne.

- 2001 History of Pen Park and Its Cemeteries, n.d. [2001]. Ms. in possession of the City of Charlottesville.

Strangstad, Lynette.

- 2003 Preliminary Site Evaluation, Charlottesville City Cemeteries, Charlottesville, Virginia. Prepared for the City of Charlottesville, Virginia. Prepared by Stone Faces and Sacred Spaces, Mineral Point, Wisconsin.

Tucker, Charlotte.

- 1972 History – A Vital Element in Planning. The Daily Progress, January 13, 1972;

U. S. Bureau of Census.

- 1820 Fourth U.S. Census, 1820. Population Statistics, Albemarle County, Virginia.

- 1840 Sixth U.S. Census, 1840. Population Statistics, Albemarle County, Virginia.
- 1870 Ninth U. S. Census, 1870. Population Statistics, Albemarle County, Virginia.
- 1880 Tenth U.S. Census, 1880. Non-Population Statistics, Productions of Agriculture, Albemarle County, Virginia.

U.S.D.A. Natural Resources Conservation Services.

Web Soil Survey. Electronic resource, Accessed September 21, 2020.
<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

Wood, James R.

- 1980 A Cultural Resource Reconnaissance of the Charlottesville, Virginia, Pen Park Land Acquisition. Prepared for the Virginia Research Center for Archeology and the Virginia Commission of Outdoor Recreation. Prepared by James Madison University, Archeological Research Center.

GPR
MAGNETICS
ELECTROMAGNETICS
SEISMICS
RESISTIVITY
UTILITY LOCATION
UXO DETECTION
BOREHOLE CAMERA
STAFF SUPPORT

Geophysical Investigation Report

External Area Around Pen Park Cemeteries Charlottesville, Virginia

Date of Investigation:
July 15, 2020

OCTOBER 9, 2020

Prepared for
The City of
Charlottesville, Virginia



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Appendices

APPENDIX A. DEPTH SLICES, INTERPRETATION AND COMPOSITE IMAGES

1 INTRODUCTION

1.1 Background and Objectives

NAEVA Geophysics Inc. (NAEVA) was contracted by the City of Charlottesville to conduct a geophysical investigation for the area surrounding three adjacent historic family cemeteries in Pen Park which contain graves of the Gilmer, Craven and Hotopp families. The purpose of the geophysical investigation was to attempt to ascertain if depressions found outside the walls of these cemeteries are in fact unmarked graves. NAEVA proposed utilizing ground penetrating radar (GPR) to attempt to image the subsurface at the site to answer the question.

1.2 Site Location and Description

The portion of the cemetery that was examined with GPR was roughly a 25-foot buffer outside the walls of the cemetery with the eastern side extending further out to encompass all visible depressions. The survey covered 0.26 acres (**Figure 1**). For the most part the site is in an open area with trees on the east and south sides. The surface is vegetated with mowed grass. Surrounding the cemetery is the Pen Park golf course. The eastern side has a paved road for golf carts and a utility in the northeast corner of the collection area. A few depressions were observed on the eastern side. Their positions were recorded with high accuracy real time kinematic (RTK) GPS and later plotted with potential graves found with GPR.

A grid was established using metric tape measures, with the southwestern corner designated at 0N, 0E. A series of parallel profiles were collected with GPR at a spacing of 0.5 m to cover the collection area. **Figure 1** shows the portion of the cemetery that was examined.



Figure 1: Area of investigation

2 EQUIPMENT

2.1 Sensors and Software GPR

Ground penetrating radar is a common tool to locate unmarked graves. For this project NAEVA used a Sensors and Software GPR system. GPR utilizes the propagation and reflection of high frequency electromagnetic (EM) energy to image subsurface structures and objects. The GPR transmitter emits a pulse, which then travels through the ground and is partially reflected when it encounters an interface of two materials with differing electrical properties. The remaining energy continues downward, perhaps encountering other reflectors, or eventually dissipating due to spreading losses or attenuation in conductive materials. The GPR receiving antenna is connected to the console electronics, which digitizes the signal. The travel time of the reflected energy is very accurately measured (in nanoseconds), as well as the relative amplitude of the signal. The amplitude of the returning signal is a function of the contrast in electrical properties of the materials, and the depth. Conductive materials, including clay, very rapidly attenuate GPR energy, limiting depth penetration.

A Sensors and Software Noggin Plus system with a 250 MHz antenna was initially tested on this site by running over depressions of the east side that were believed to be graves and over known graves within the Gilmer family portion of the cemetery. During testing it was determined the GPR system would be successful at imaging burials at the site.

Data were collected in a North – South direction using a 0.5-meter line spacing to cover the area of investigation. Survey line direction was oriented N-S to maximize the possibility of multiple traverses over E-W oriented burials. Stacked GPR pulses into the ground were triggered using a wheel odometer connected to the GPR electronics spaced at 16 stations for every 10 cm traveled. Straight line profiling across the survey area was accomplished using guide ropes laid perpendicular to the direction of travel, painted with bands of alternating color as a visual cue.

2.2 Trimble RTK GPS

A Trimble R8 RTK GPS base station and rover were used to obtain real-time positions of features of interest and to properly position data in the processing stage. The GPS base station was used in conjunction with one rover mounted on a range pole to record the locations of depressions within the survey area and to record the coordinates of the collection area so data could be georeferenced in the processing stage. The GPS rover received real-time corrections broadcast to the roving GPS unit via a radio link using a Trimble TDL450 radio modem transmitting at 2 watts. This system provides positional corrections at a rate of 1 hertz (Hz), with an expected accuracy of 2 cm horizontal and 3 cm vertical when the required minimum of 5 satellites are available. Data quality derived from a satellite can depend on overhead canopy, local topography, the elevation of the satellite in the sky, weather, and other factors.

A control point was measured by NAEVA for use as a base station by collecting static readings and uploading the data to the National Geodetic Survey's OPUS system. Data was later shifted to match the corrected base station location.

3 RESULTS

3.1 Summary of Data Processing

GPR data were processed using Sensor and Software's EKKO Project program. Hyperbolic velocity calibration was used to determine the speed of the electromagnetic waves passing through the subsurface. For this site, a value of 0.28 ft/ns was used. The profile time axis was able to be converted to depth using this speed constant for the site. Profiles were processed using DC removal and background subtraction filters, which removed noise in the data. A SEC2 gain was employed to compensate for signal attenuation. Within EKKOProject, profile data was dewowed, and a migration and envelope applied. The above processes turn the profiles into amplitude response profiles that can be gridded and have slices cut through the investigation area at varying depths. Color contour maps of the gridded GPR data at 0.5ft intervals are presented in **Appendix A**.

3.2 GPR Analysis

The GPR data were collected in a series of parallel traverses, oriented grid N-S. Subsurface features with straight edges are best defined with GPR if the survey line is oriented perpendicular to the axis of the target. Since graves were expected to be oriented in an East – West orientation, GPR lines were only collected in a North – South direction.

GPR anomalies seen in the data correspond to differences in conductivity with the surrounding soil. Suspected grave shafts can be seen in the data in some places since the disturbed soil retains slightly higher moisture content than undisturbed soil. The suspected graves also retain more moisture than surrounding soil as they decay which is the response seen in the data. As less and less of a grave remains intact, the closer the response resembles the surrounding soil, which deduces the response seen by the GPR.

After corrections were done to the data, each GPR profile was examined for grave like features and potential associated grave shafts. The criteria used to pick potential graves included hyperbola depths of at least 2.5 ft, hyperbola widths of at least 2.25 ft. When encountered, these features were marked on the profiles. Adjacent profiles were examined anytime a potential grave was seen in the data in order to confirm a potential

grave both continued onto adjacent profiles and maintained the same depth. Features not oriented roughly E-W were rejected as potential grave locations. With the age and likelihood these graves did not contain caskets, but burial shrouds, any feature that continues through at least 3 profiles, was at the right depth, and was roughly orientated E-W was considered a potential grave location. Some potential graves also show a grave shaft. Only features that met the criterial within the profile data were used to discern potential grave locations. Depth slices were only used as a visual aide.

In **figure 2**, a GPR response simulator created the expected signature of an intact modern grave. Boxlike reflectors in the subsurface with tails coming off either side is representative of the kind of features marked in the profiles. Pristine grave responses like **Figure 2** were not present in the survey area presumably because these individuals were not buried in caskets and natural decay over time has left very little in terms of remains.

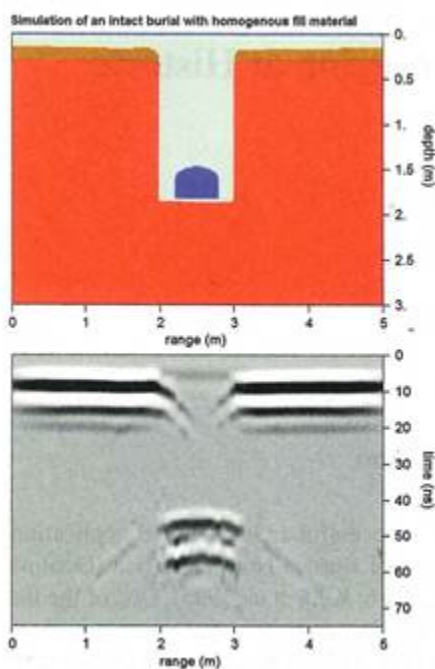


Figure 2 Modeled GPR data over intact grave site (Goodman, Piro 2013)

NAEVA also looked to data collected in the walled in Gilmer portion of the cemetery that still contained grave stones in order to find a better representation of the response of graves that fit the same time period and geologic conditions experienced by graves outside the walls. **Figure 3** shows a profile from the Gilmer portion of the cemetery that passes over a known grave with the peak of the hyperbola marked with a blue dot.

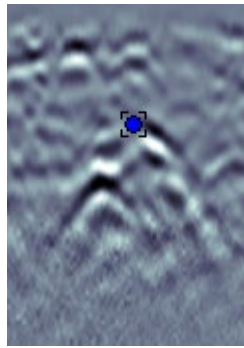


Figure 3: An example of known grave found in the Gilmer portion of the cemetery

Identified burials outside the walls of the cemetery varied in response due to varying ages and how they were buried. **Figures 4** and **5** show examples of the kind of hyperboles that were picked as potential graves. Figure 4 shows a strong response at the right depth and the size of the hyperbola matched well to what was seen in the Gilmer Cemetery. Similar size and depth hyperbolas were seen in adjacent profiles at the same location.

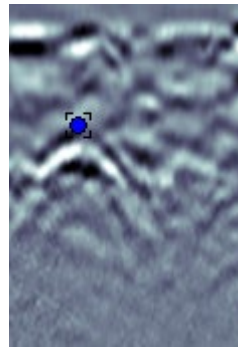


Figure 4: A potential grave outside the cemetery

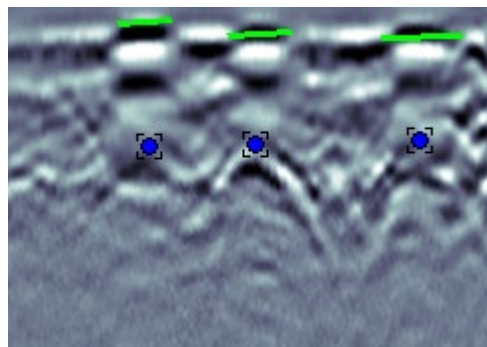


Figure 5: Three potential graves outside the cemetery with grave shafts

Figure 5 is more representative of graves outside the walls of the cemetery. Hyperbolas were still present yet responded with less amplitude. Surprisingly, many of these were accompanied by the remains of grave shafts directly above the hyperbola. The

green lines show the top of grave shafts while the blue dots mark the top of potential graves. These hyperbolas also fit the criteria by having the right depth, size, orientation (E-W), and correlative adjacent profiles.

The GPR data were gridded and contoured, and are displayed in **Appendix A**. Each slice has a thickness of approximately 0.5 feet, based off a GPR velocity of 0.28 ft/ns, ranging from the surface (Slice 1) down to a maximum of 5 feet (Slice 10). The GPR provided useful data to a depth of approximately 5 feet at this site. Depths are shown at the bottom right hand corner of each slice figure. In addition, a 3D transparent image of the data can also be found in **Appendix A**.

Gridded and contoured data was also exported into Geosoft to create a transparent 3D representation. All depth data was combined, and low amplitude data was made transparent. High response areas show up as orange. Suspected graves do not show up well since the remaining response is low. However, the higher response grave shafts mostly clustered next to the Craven portion of the Cemetery show up well in the composite image. The composite amplitude map can be found in **Appendix A**.

In the area investigated, we interpret that approximately 43 graves are present, with the majority being in two rows on the eastern side. An interpretation of grave locations can be found in **Appendix A**.

6 CONCLUSIONS

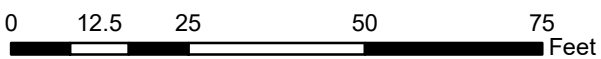
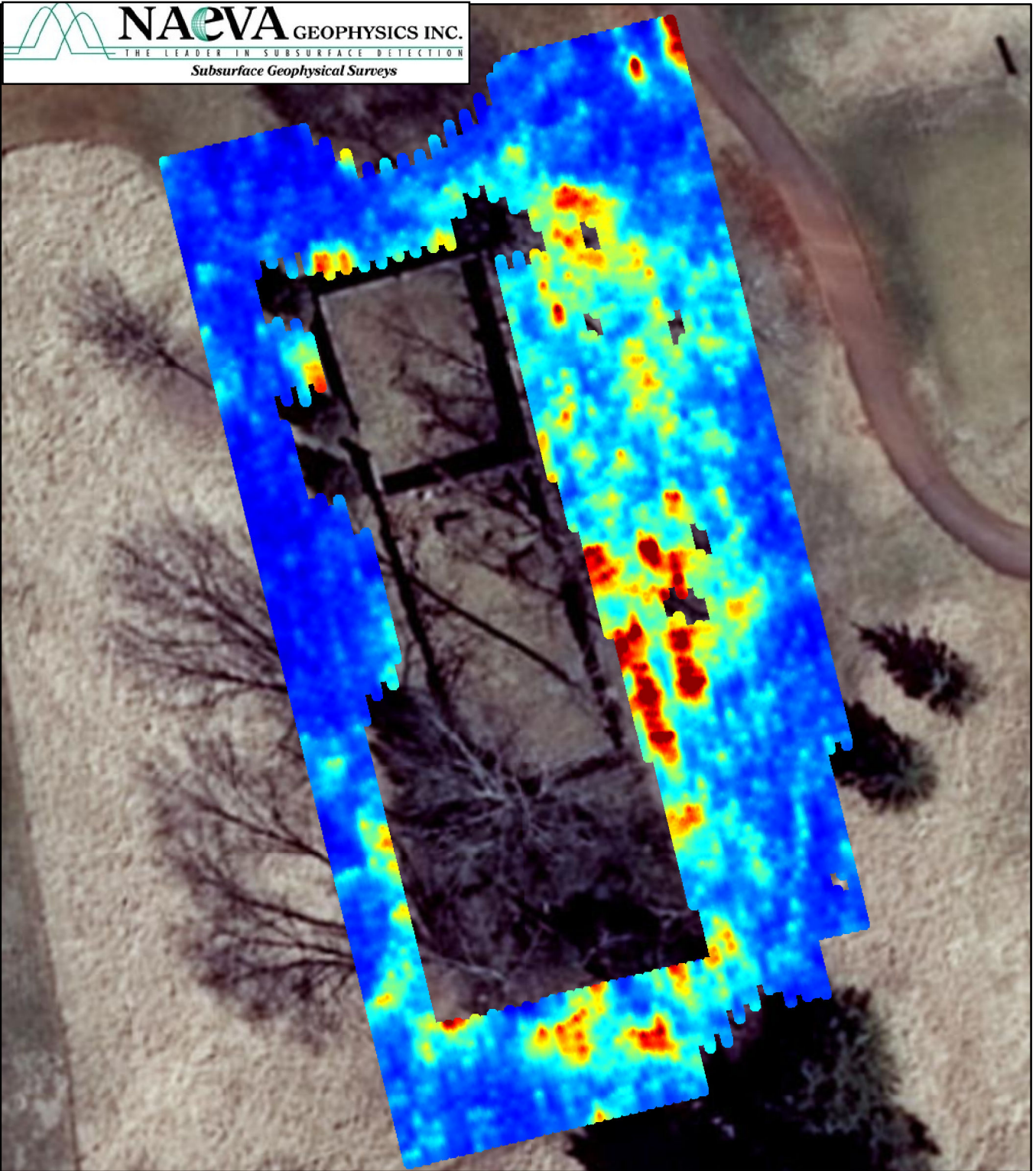
GPR data suggests as many as 43 graves in the study area that are clustered mostly on the eastern side of the survey near the walls of the family cemeteries. These graves presumably are of varying ages and states of decay. Some graves still look well preserved like the one imaged in **Figure 4**, however most are nearing the point where very little remains. Some graves may already be at the point where they are not detectable to geophysical methods.

7 REFERENCES

Goodman, Dean, Piro, Salvatore, GPR Remote Sensing in Archaeology, 2013

Appendix A

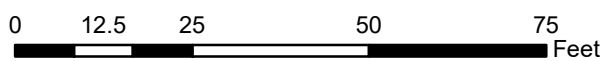
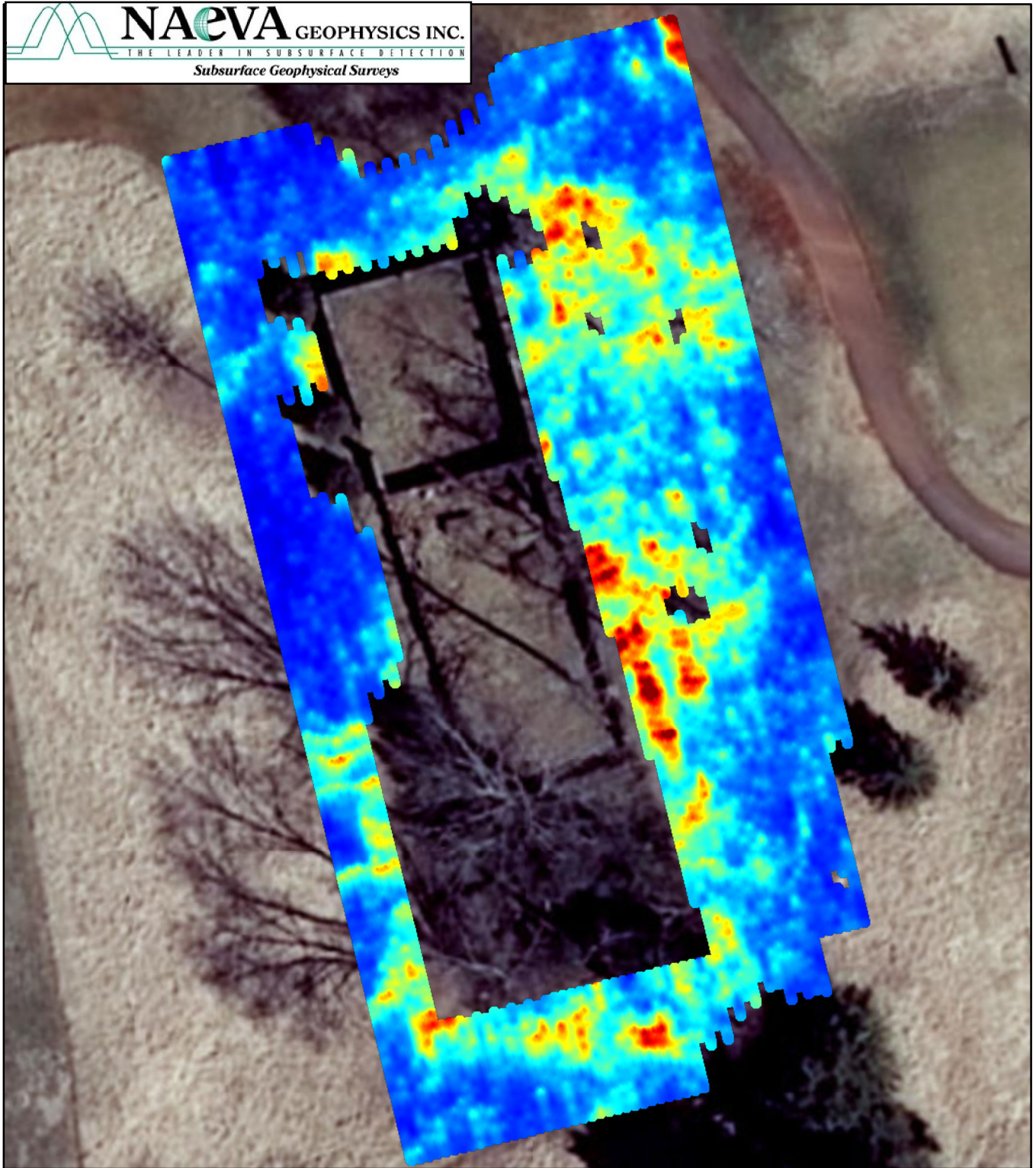
GPR Slices and Interpretation



Pen Park Cemeteries

Slice 1 (0.0 to 0.5 ft)
 Pen Park
 Charlottesville, Virginia

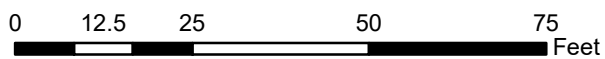
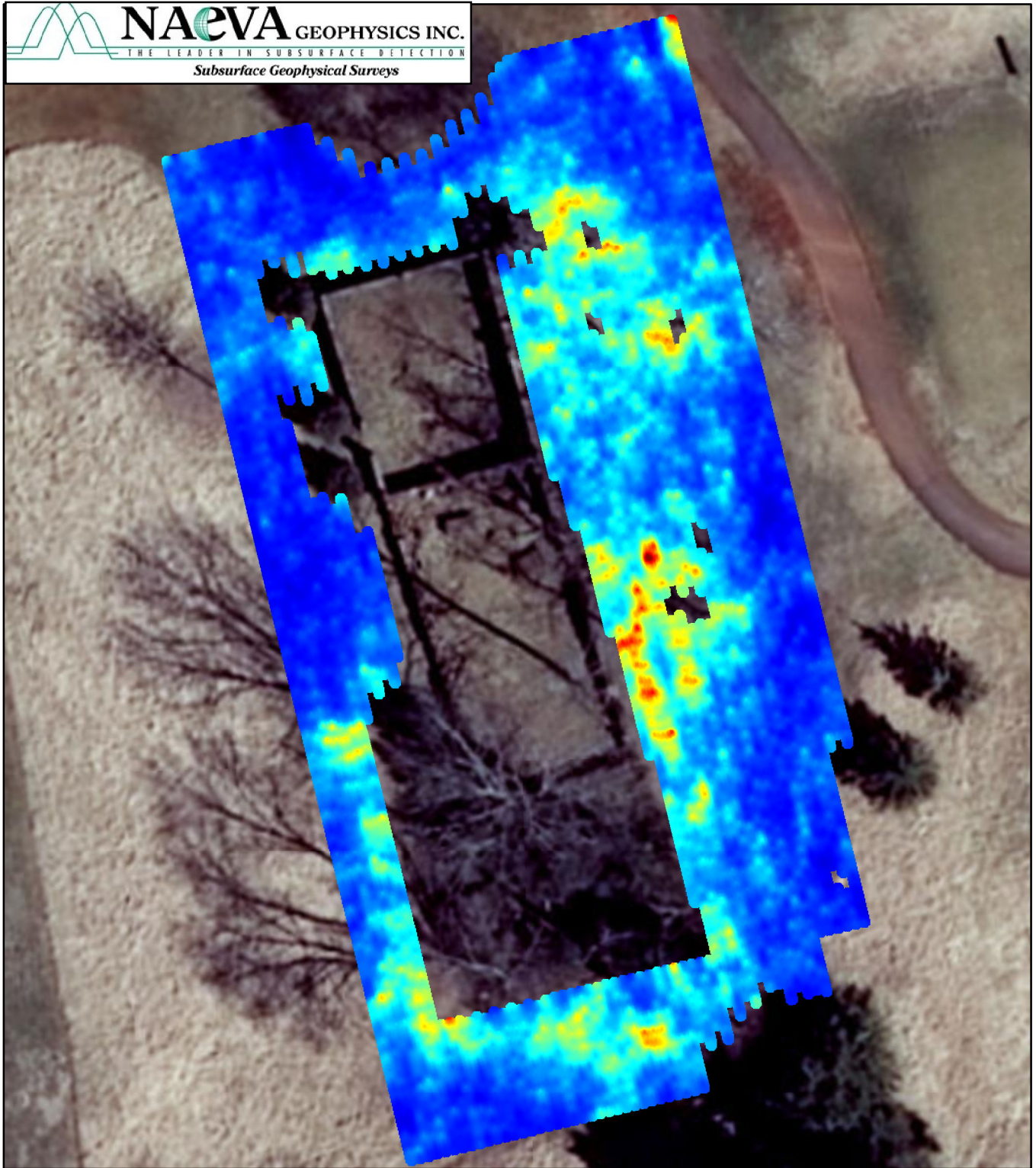
Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Slice 2 (0.5 to 1.0 ft)
 Pen Park
 Charlottesville, Virginia

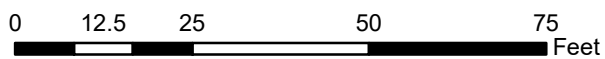
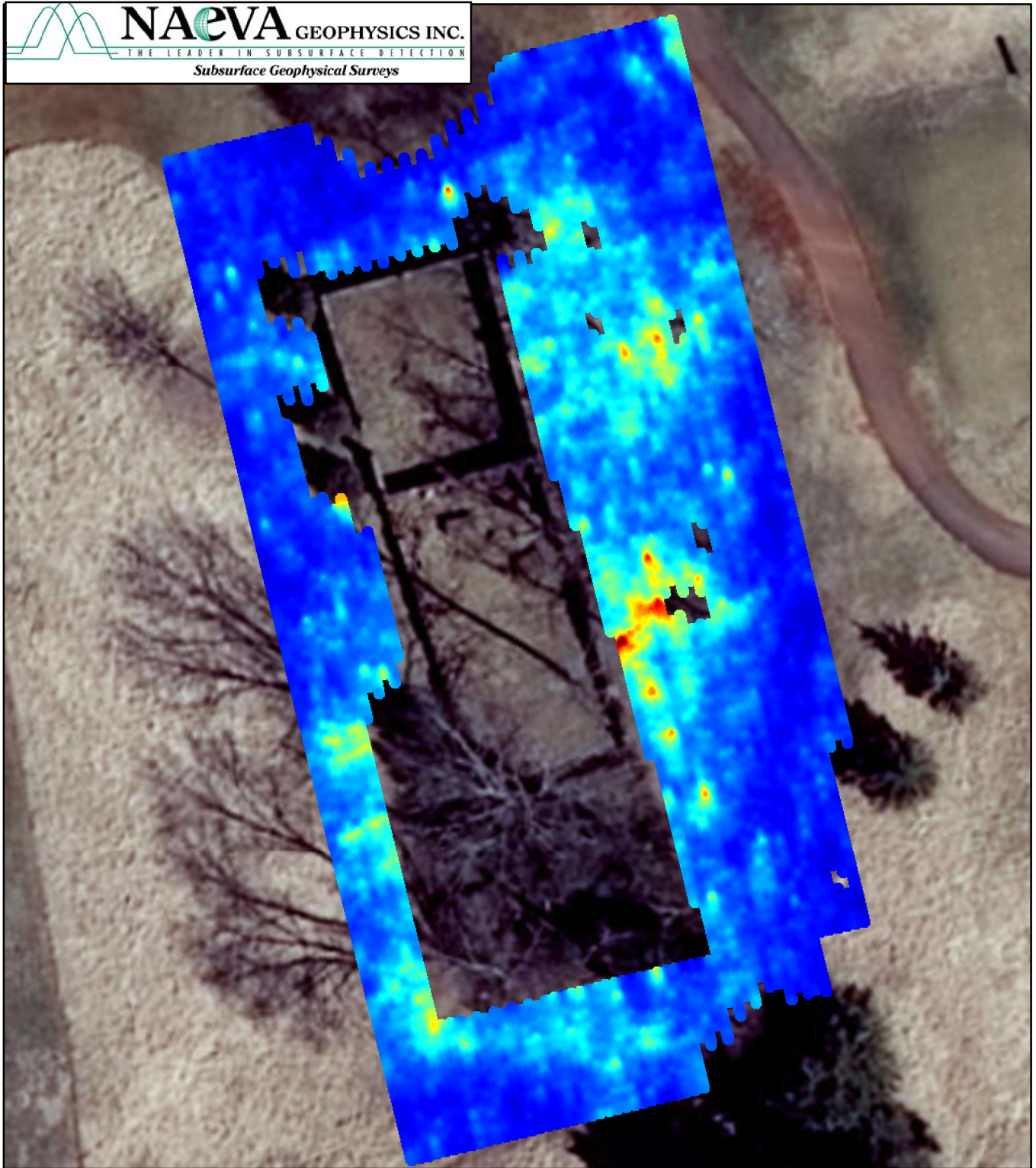
Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Slice 3 (1.0 to 1.5 ft)
 Pen Park
 Charlottesville, Virginia

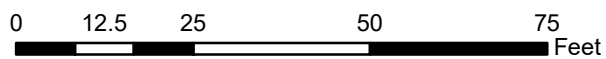
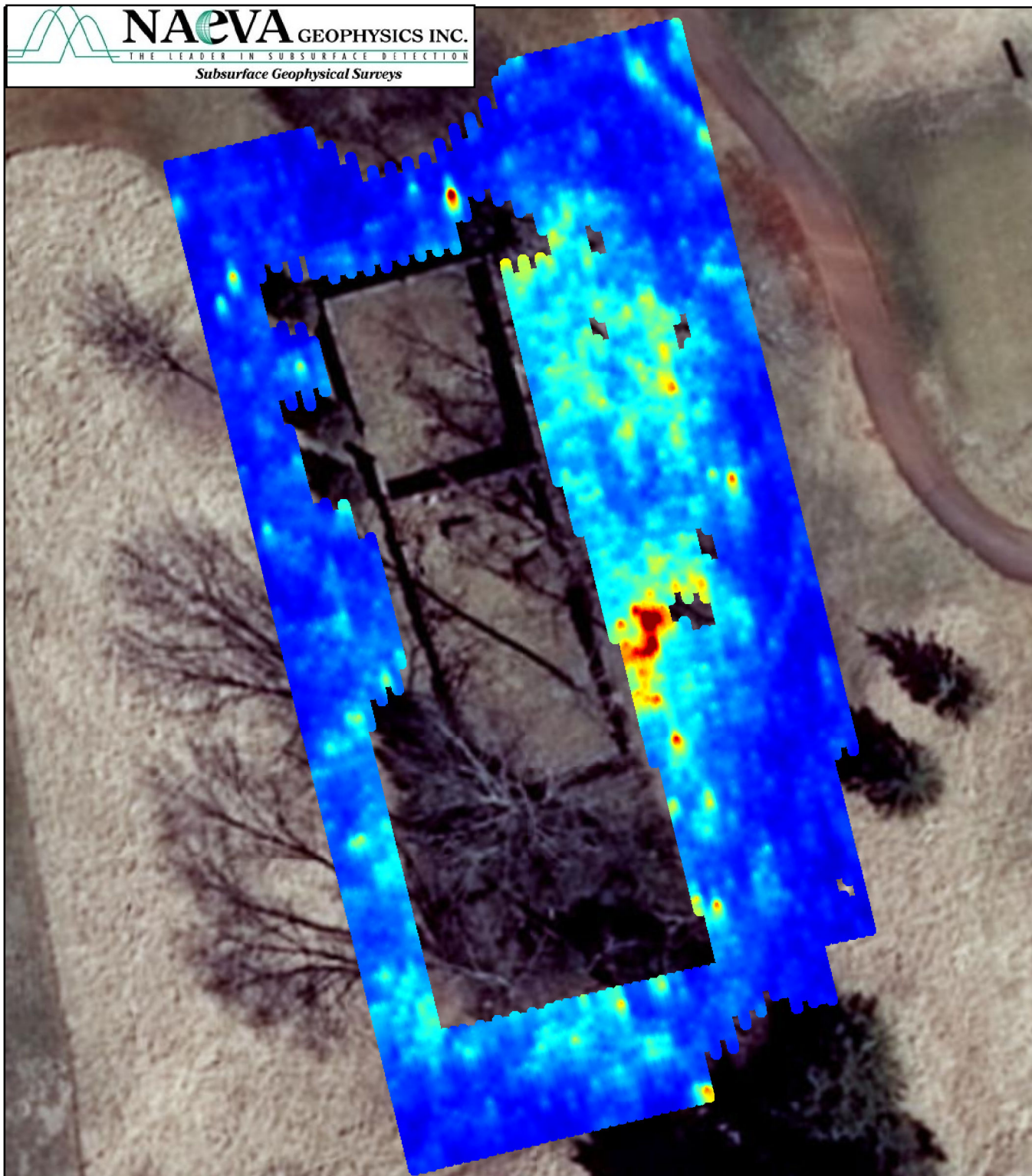
Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Slice 4 (1.5 to 2.0 ft)
 Pen Park
 Charlottesville, Virginia

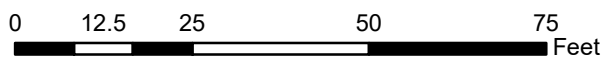
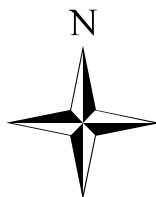
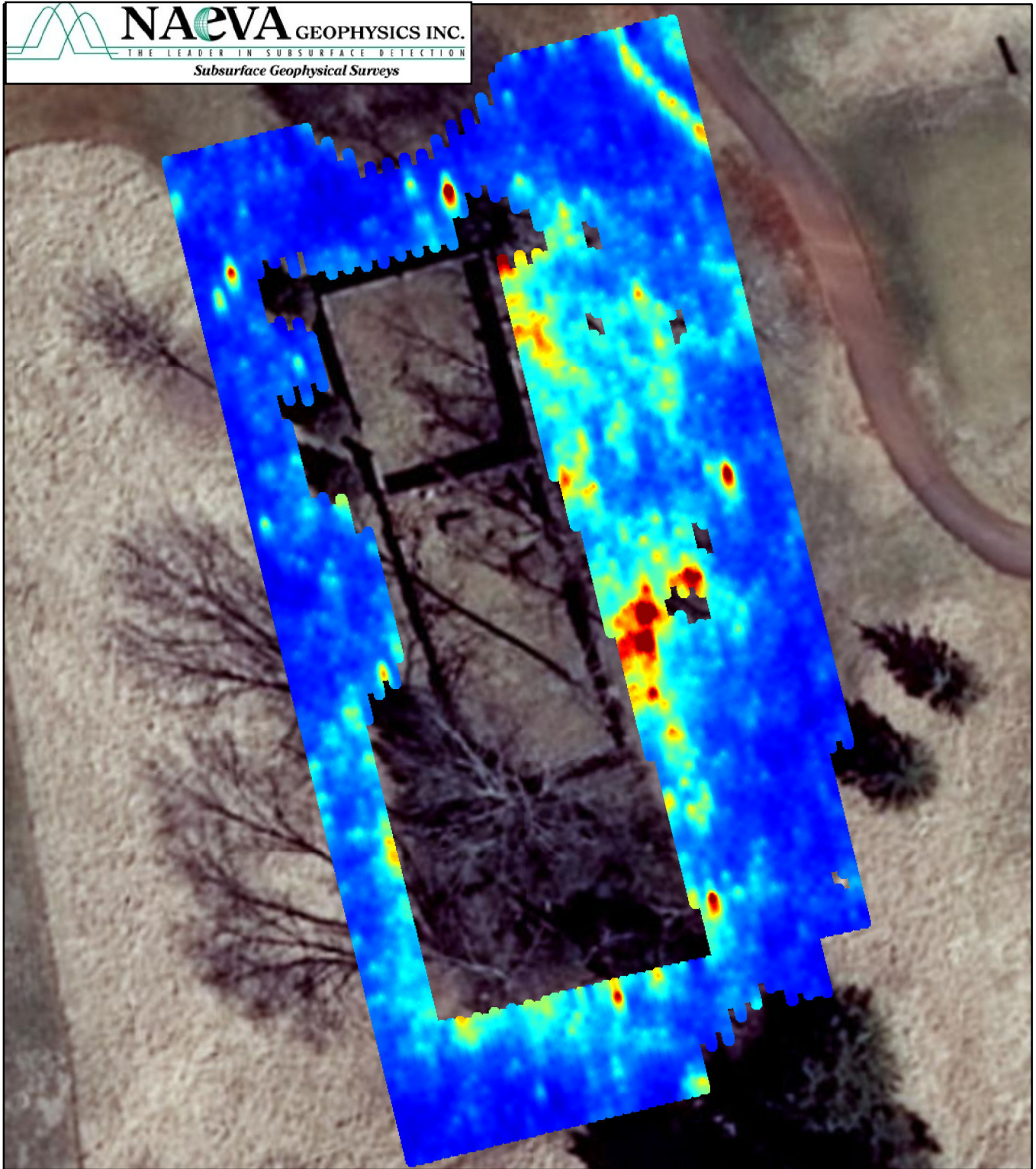
Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Slice 5 (2.0 to 2.5 ft)
 Pen Park
 Charlottesville, Virginia

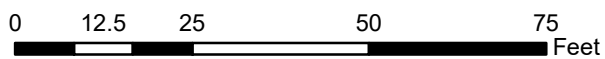
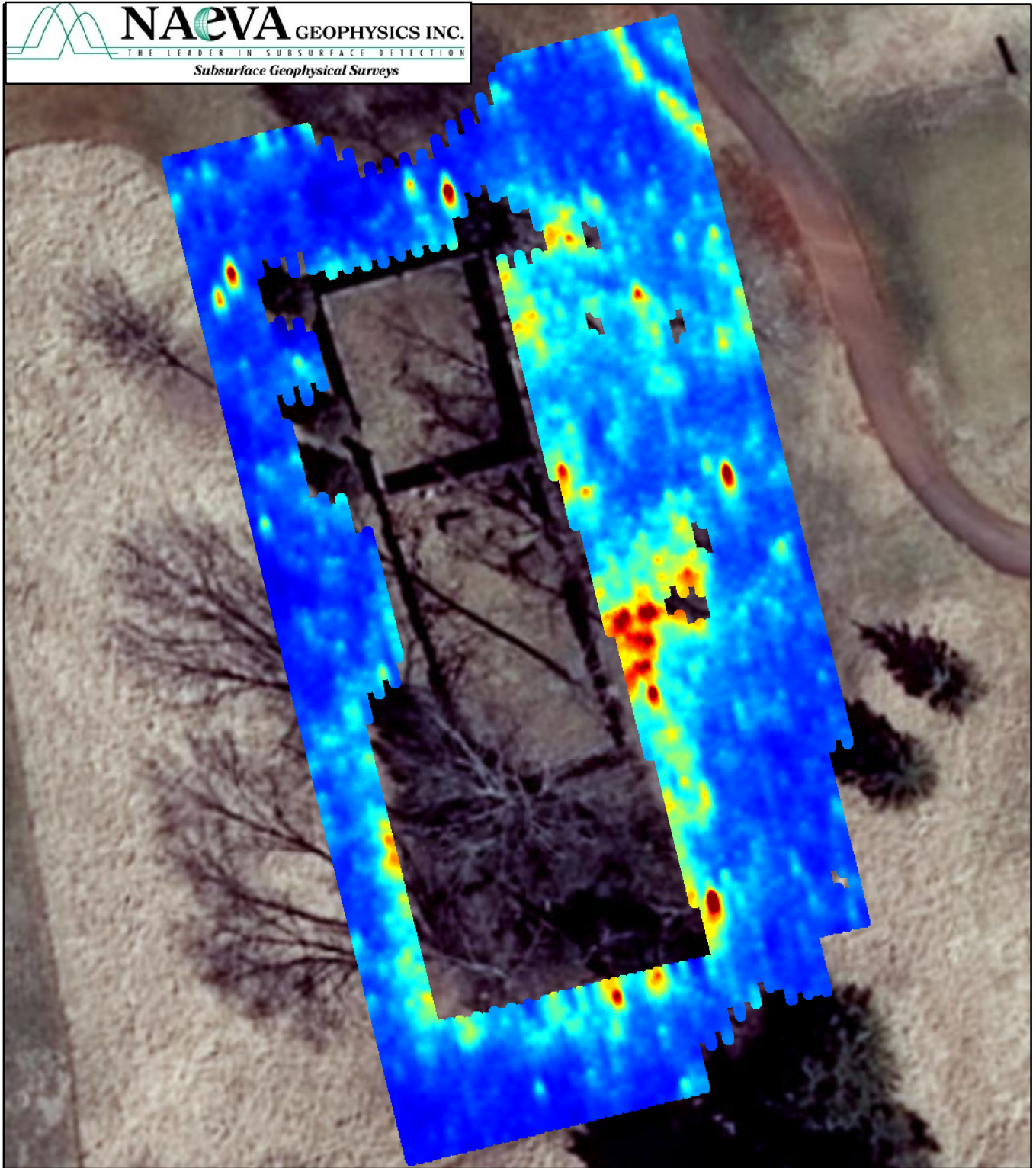
Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Slice 6 (2.5 to 3.0 ft)
 Pen Park
 Charlottesville, Virginia

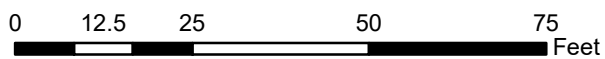
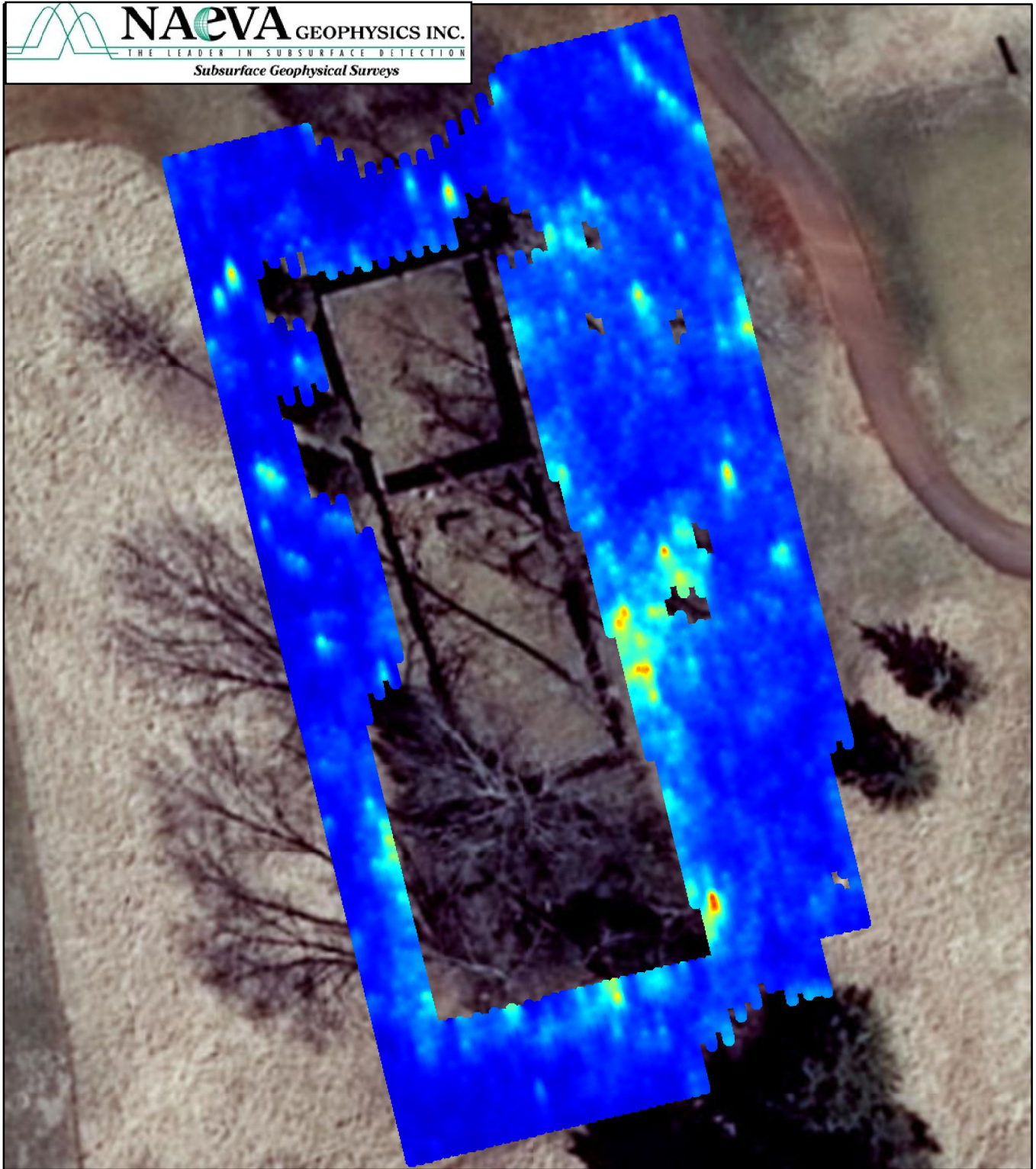
Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Slice 7 (3.0 to 3.5 ft)
 Pen Park
 Charlottesville, Virginia

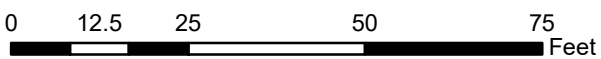
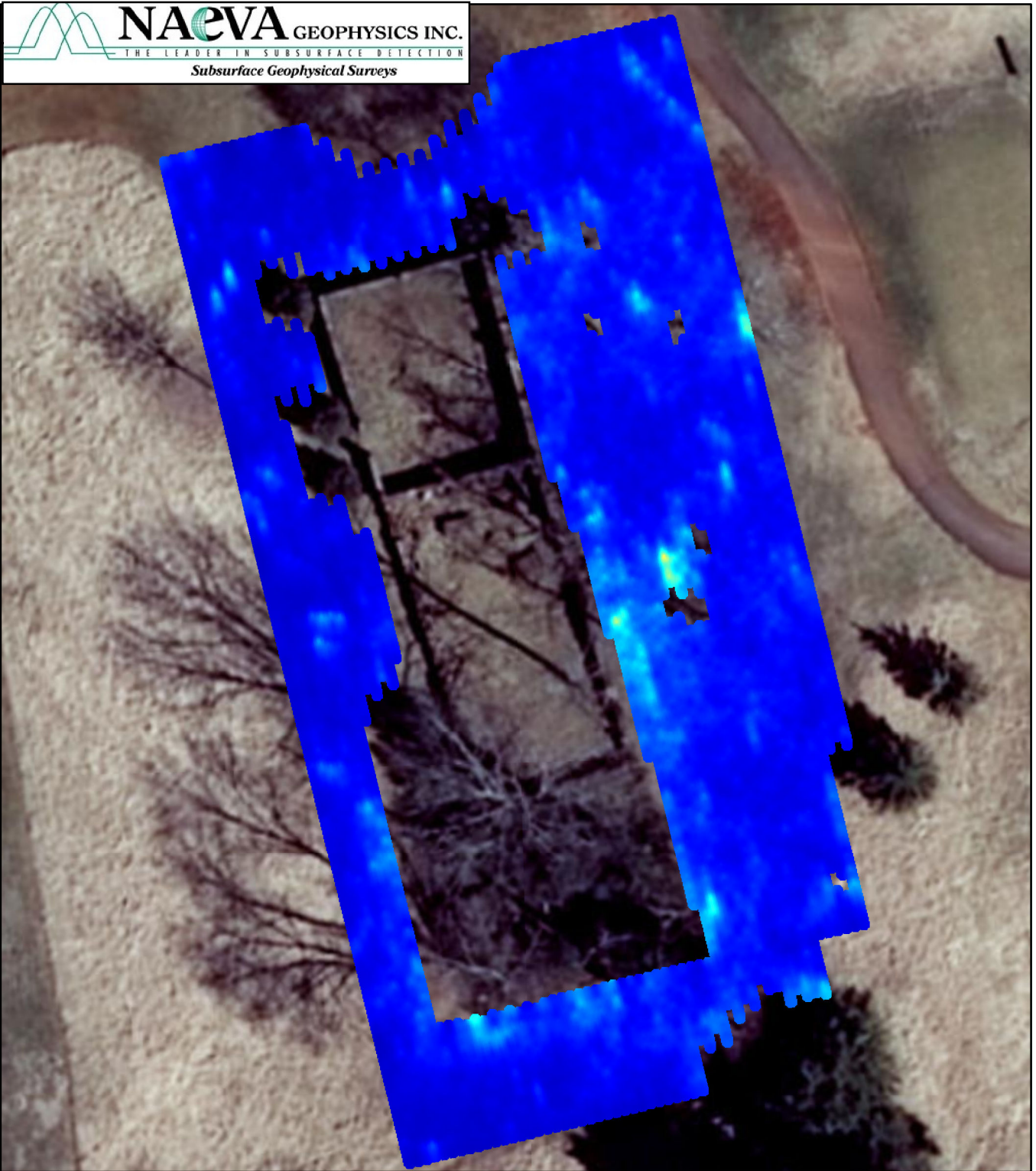
Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Slice 8 (3.5 to 4.0 ft)
 Pen Park
 Charlottesville, Virginia

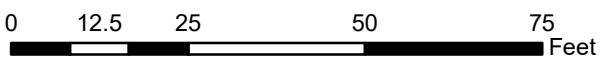
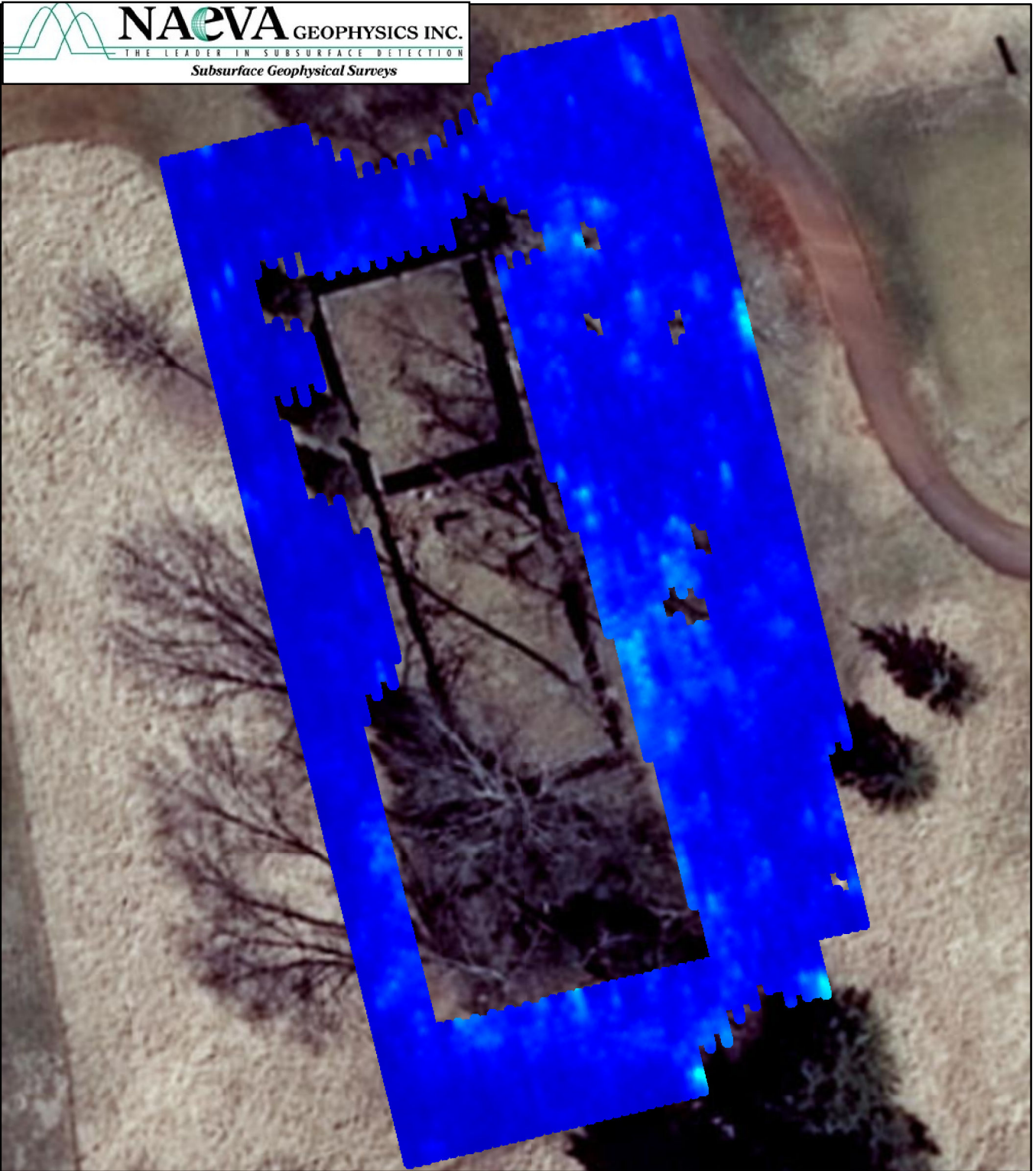
Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Slice 9 (4.0 to 4.5 ft)
 Pen Park
 Charlottesville, Virginia

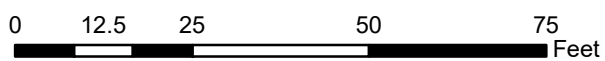
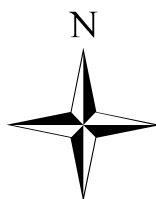
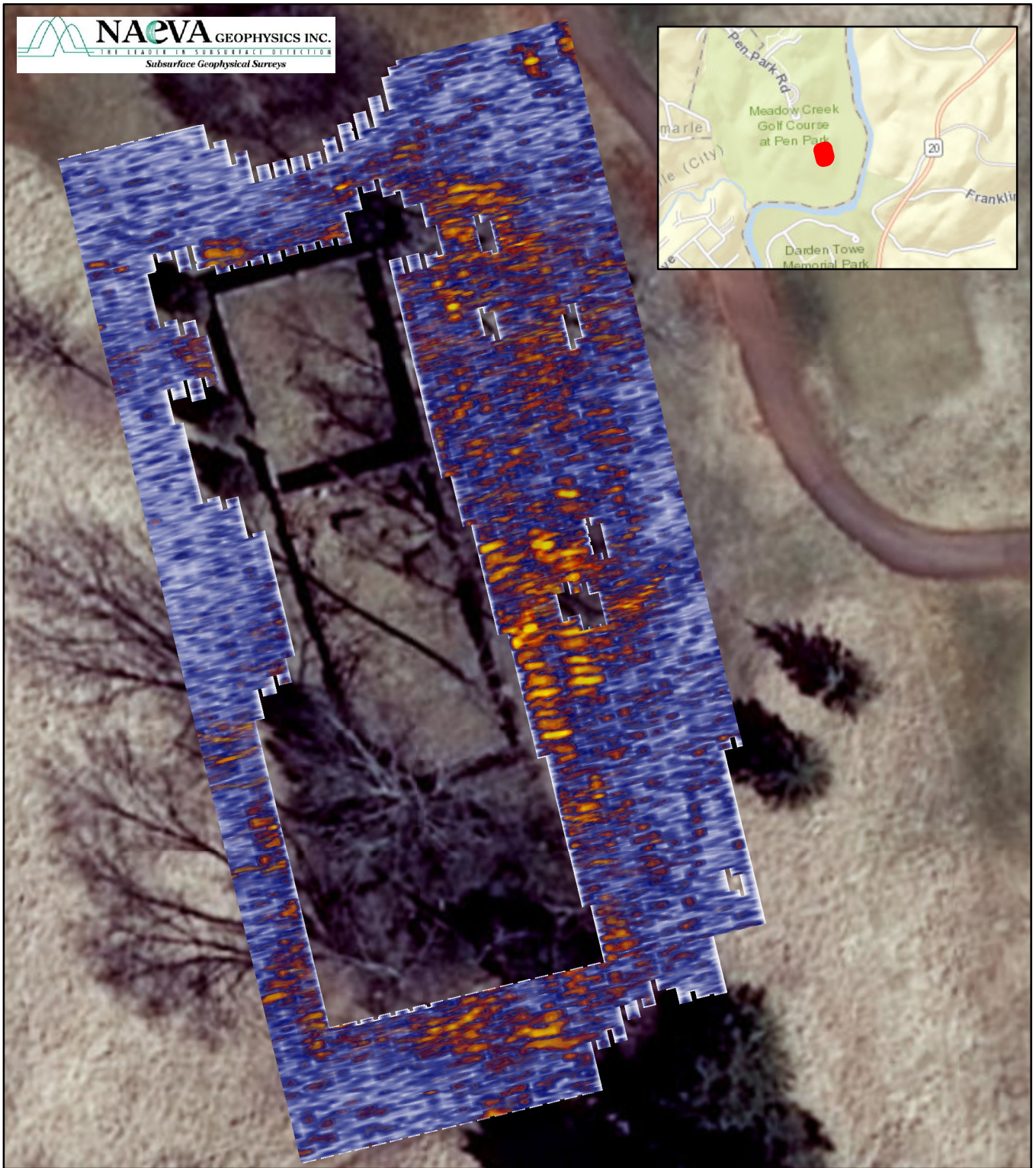
Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Slice 10 (4.5 to 5.0 ft)
 Pen Park
 Charlottesville, Virginia

Date of Map Creation: 8/6/2020
 Date of GPR Survey: 7/15/2020



Pen Park Cemeteries

Composite GPR Amplitude Map

Pen Park
 Charlottesville, Virginia

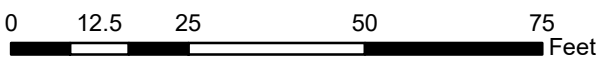
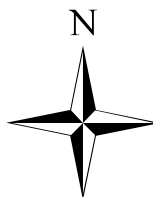
Date of Map Creation: 10/11/2020

Date of GPR Survey: 7/15/2020



Legend

- Depression with Interpreted Grave
- Depression
- Interpreted Graves



Pen Park Cemeteries
Interpretation Pen Park Charlottesville, Virginia
Date of Map Creation: 8/6/2020 Date of GPR Survey: 7/15/2020



RAVI RESPETO | CEO
UNITED WAY OF GREATER CHARLOTTESVILLE

FY 23-27 STRATEGIC PLAN

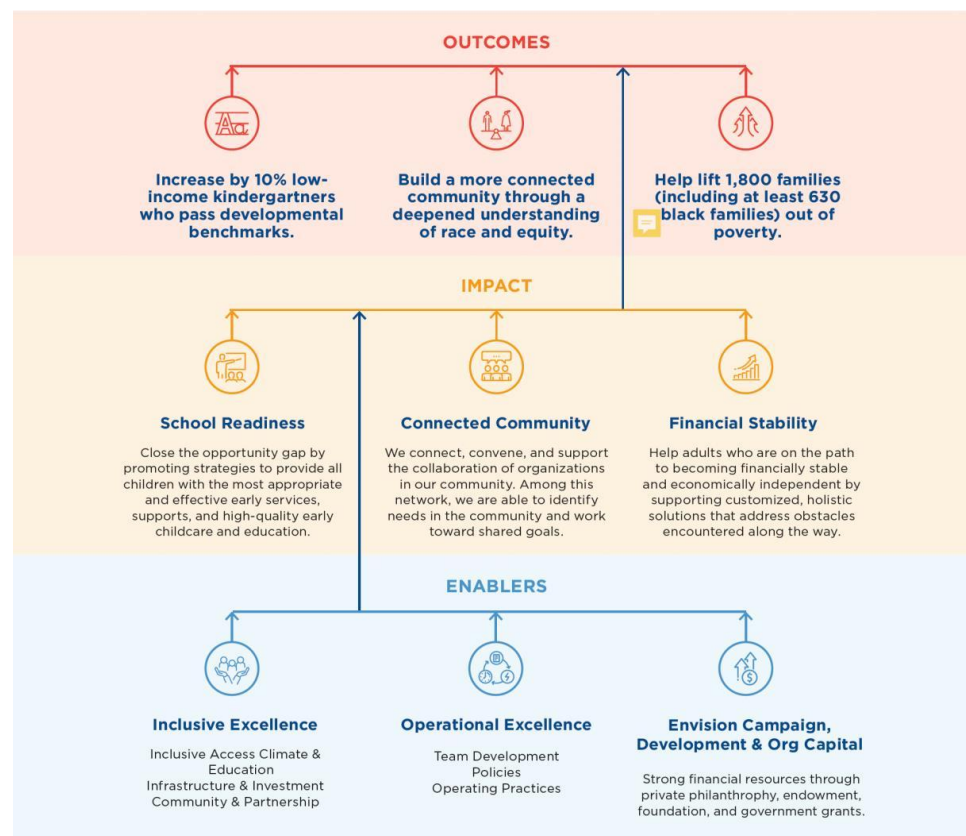


OUR VISION: A STRONG, EQUITABLE COMMUNITY WHERE EVERY PERSON THRIVES

Strategic Plan

2023-2027

The over-arching goal is to eliminate barriers for minority and economically-disadvantaged populations and enable them to achieve financial stability and thrive economically. This may be achieved through coordinated service delivery among peer agencies supported by task force coalitions focused on long-term, systems-level change. Through this, we may begin to eliminate a dependency on these services such that individuals can thrive economically and become financially stable.





ENVISION

A MORE EQUITABLE CHARLOTTESVILLE

Let's Write a New Narrative
for Our Community

A More Equitable Charlottesville

ENVISION: A More Equitable Charlottesville is a cross-sector initiative of United Way of Greater Charlottesville (UWGC) that builds upon our organization's primary impact areas—Financial Resiliency, School Readiness, and Connected Communities—to leverage the power and expertise across Charlottesville's social impact sector in a coordinated approach to address generational poverty.



GOAL ONE

Help lift 1,800 families—including at least 630 Black families—out of poverty in Thomas Jefferson Planning District (TJPD) by 2027.

GOAL TWO

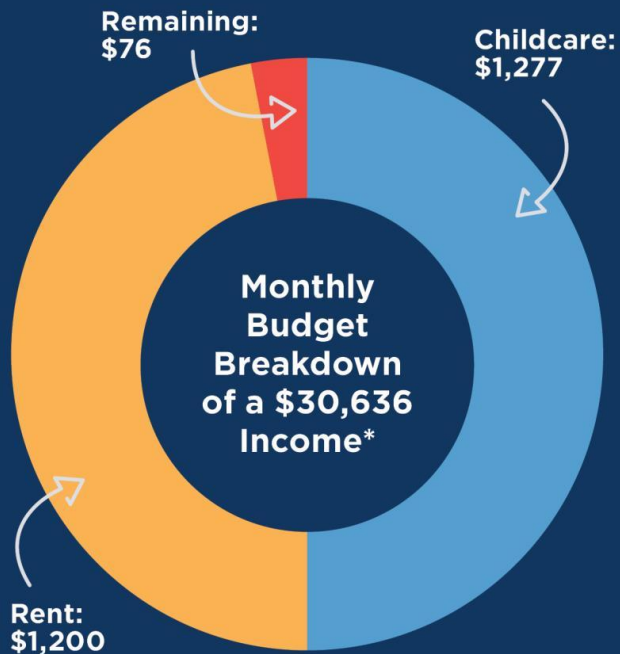
Increase by 10% kindergartners from economically-disadvantaged families who pass developmental benchmarks by 2027; increase the number of Black kindergartners who pass by 20%.

GOAL THREE

Build a more connected community through a deepened understanding of race and equity.

Poverty in Charlottesville

17% of families in our region cannot afford the essentials of life.



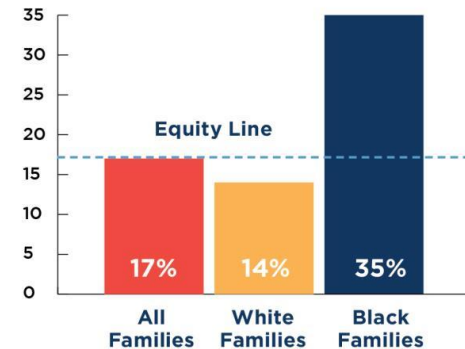
*Local jobs in this salary range include Certified Nurse Assistant, Receptionist, and Groundskeeper.

Left: United Way of Greater Charlottesville, 2021

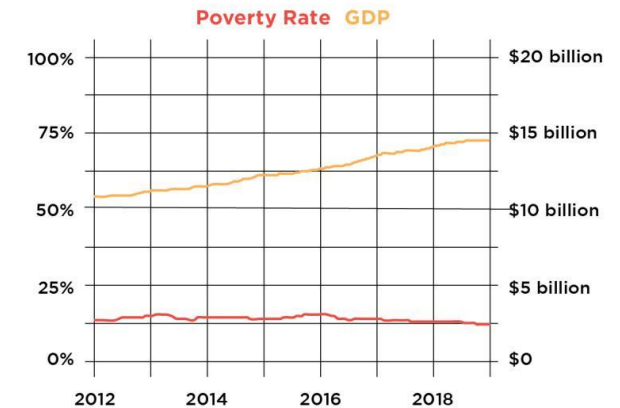
Top Right: Network2Work@PVCC, 2021

Bottom Right: United States Census Bureau, 2019

Percentage of Families in the Charlottesville Region Making Less than \$35,000 a Year



Poverty Rate & GDP of Thomas Jefferson Planning District



Key Poverty Indicators

a Focus on Equity



HOUSING



24%

of Black families own their home

50%

of White families own their home

1 in 4 Black homeowners moved or lost their home between 2000 and 2018.

Charlottesville Low-Income Housing Coalition, 2020



ACCESS TO CAPITAL

12.4%

the denial rate for Black loan applicants



4.5%

the denial rate for White loan applicants



Federal Financial Institutions Examination Council, 2021



EARLY EDUCATION

104%

lower scores for Black children than White children on kindergarten literacy assessments

145%

more likely to fail kindergarten literacy assessments if economically-disadvantaged

United Way of Greater Charlottesville, 2021



HEALTH

9%

shorter life span for Black individuals than White individuals



74.7 YRS
average life expectancy of Black individuals

81.2 YRS
average life expectancy of White individuals

Thomas Jefferson Health District, 2019



Goal One

Help lift 1,800 families—including 630 Black families—out of poverty in TJPD by 2027

2019:

Nine Core Members Convened

Charlottesville's Financial Resiliency Task Force (FRTF) is a collaboration of nine core organizations serving the Greater Charlottesville community.

UWGC Role:

Backbone & Service Provider

UWGC serves as the centralized organizer of responsibilities for the work of FRTF.

Distinguishing Factors of the FRTF Approach



Target population via financial resiliency metrics



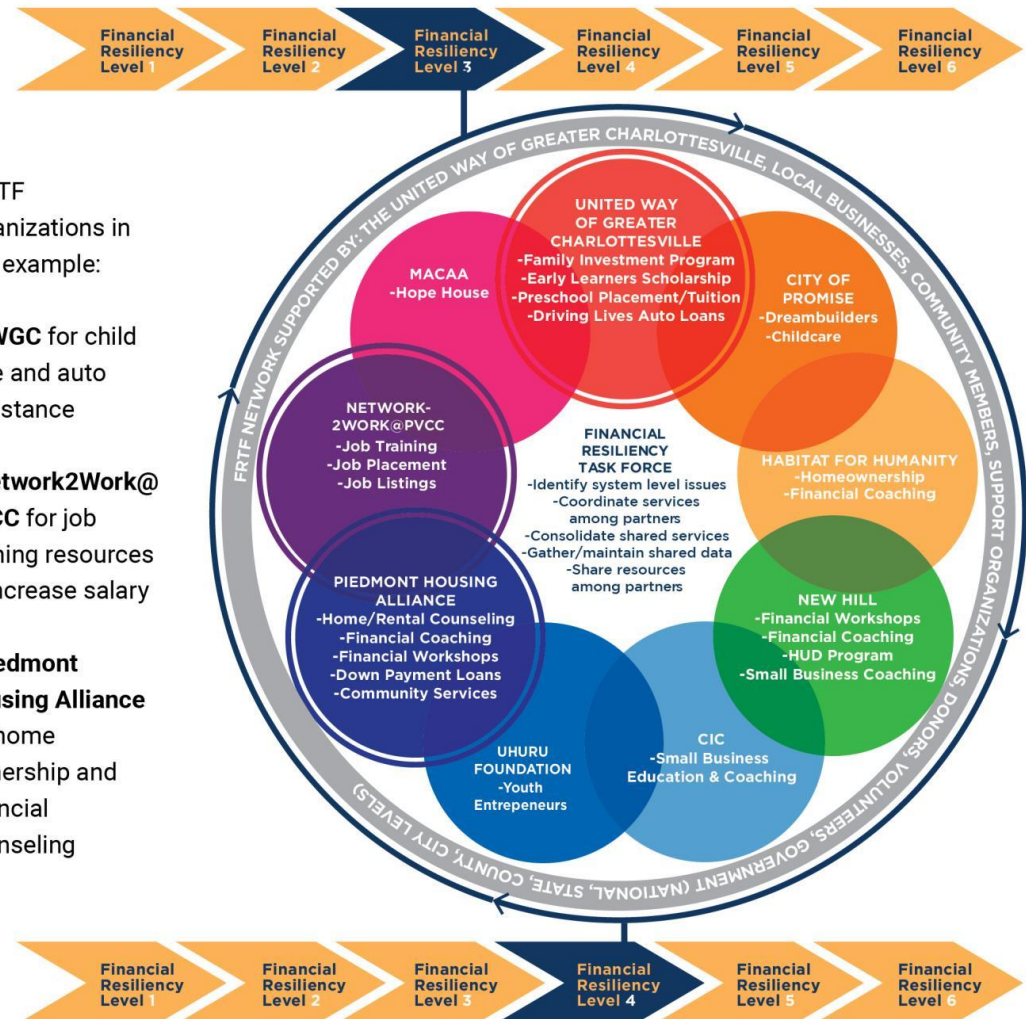
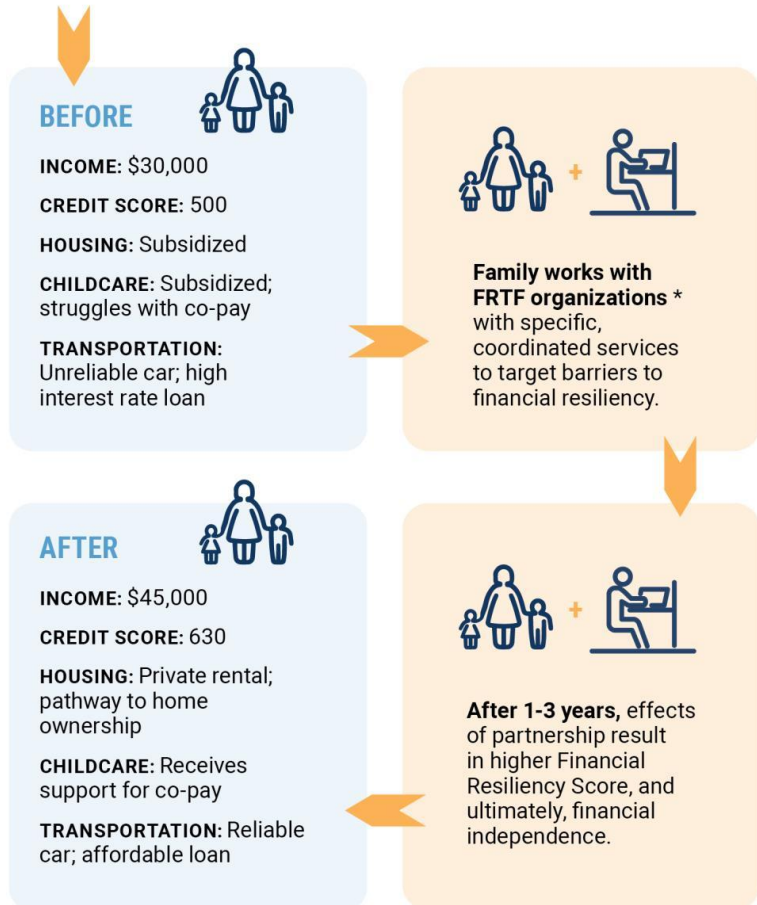
Shared data between partners & 3-year client commitment



Personalized goals and support for families

The FRTF Process

Family of 3 (Mother + 1 Child + Toddler)



ENVISION Pilot: Year One Results

A Snapshot of Key Indicators for 2021 Participants

While ENVISION is focused foremost on Greater Charlottesville, partners will seek to determine meta-patterns in data collection and evaluation with intent to scale the program to other regions.

11 TOTAL FAMILIES

1 SINGLE GRANDMOTHER | 8 SINGLE MOTHERS | 2 MARRIED COUPLES

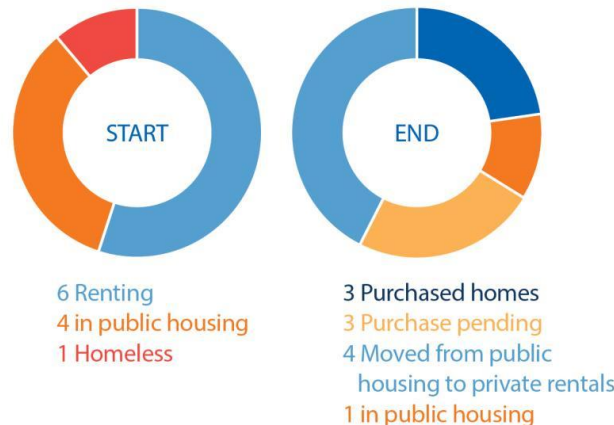
AT END OF FY21

13% INCREASE
in average credit
score (from 542
to 611)

12% INCREASE
in average monthly
income (from
\$2,467 to \$2,750)

19% INCREASE
in average hourly
wages (from
\$14.58 to \$17.37)

HOUSING



HEALTHY DEBT

\$281,708 to \$996,456

Total increase, including 3 mortgages, 3 reliable used vehicles financed through Driving Lives Forward, 2 new vehicles

BAD DEBT

\$80,211 to \$34,282

Total decrease

FAMILY INVESTMENT PROGRAM



Habitat for Humanity preparing up to 20 nominations:

Up to 15 participants from the Pathways program

- Program prepares participants for home ownership program
- FIP participation allows creation of family action plan to move to new tier of financial stability prior to home ownership by decreasing debt/increasing income

Up to 5 participants from Southwood

- These families have been approved for apartments in redevelopment based on their down payment/mortgage capacity
- Because of family size, they have the opportunity to “buy up” to a larger townhome or stand-alone home
- Participating in FIP will allow family to increase down payment/mortgage capacity via matched savings





Meet Kizzy

“No matter how hard we worked or how many jobs we had, we just couldn’t keep up with the rent.”

- **Before: In search of a “forever” home**
 - Single mother of 3
 - Hotel housekeeper
- **FRTF Collaborative Services (2018-2021)**
 - Financial coaching
 - Matched savings
 - Affordable line of credit
 - Support for continuing education
- **After: Purchased first home! (March 2021)**
 - Owns private cleaning business
 - Preparing for medical billing/coding exam

DRIVING LIVES FORWARD



Driving Lives Forward connects economically-disadvantaged families with reliable vehicles and affordable auto loan financing, providing not only safe transportation, but, importantly, a way to establish sustaining employment and create or improve credit history – critical for access to affordable capital. This unique partnership relies on an equity framework to support families and individuals in the removal of transportation barriers as they seek progress on the road to economic resiliency.



DRIVING LIVES FORWARD: CLIENT STORY



Applied for a car loan with Carter Myers at 15.95% interest, \$2,000 down and a monthly payment of \$443 for a 2016 Sonata at \$17,648.

Referred to DLF, received \$2,000 down payment assistance, 5% loan, and reduced monthly payment of \$314 for 48 months, a monthly savings of \$161.

Former Network2work client who recently earned a Certified Nursing Technician license & new job at UVA working evening and night shifts, so a vehicle is required.

Increased her income to \$15/hour with benefits and moved from public housing to a rental unit.

DLF will allow a greater margin in monthly income but will still be tight for a single mother with rent, car insurance and car payment; 69% of monthly income prior to utilities, food, medical, taxes, gas, repairs, living expenses associated with having a child in school.





Goal Two

Increase by 10% kindergartners from economically-disadvantaged families who pass developmental benchmarks by 2027; increase the number of Black kindergartners who pass by 20%

Increase the number of children receiving early education

- Go2Grow
- Early Learners Scholarships

Elevate quality of early education providers

- Preschool Development
- Mixed Delivery Grants

Identify, develop, and leverage resources to meet rising costs

- Ready Regions Blue Ridge (\$2M for 21 localities)

READY REGION BLUE RIDGE



In December 2021, UWGC was awarded the lead agency for Ready Region Blue Ridge, a geographic region covering 21 Virginia localities. The intent of Ready Regions is to bring access to early education to every child in Virginia regardless of race, ethnicity, economic status or place of residence.

The Virginia Department of Education and the Virginia Early Childhood Foundation have oversight of the program.



Ready Region Will Help Every Virginia Community Be:

Accountable:

Virginia's early education system must prepare children for success

Parent-Centered:

Families must be engaged in designing a system that works for them

Responsive:

Parents must be able to choose the childcare they want and need

Reliable:

Early education programs need supports to delivery quality services

Bold:

Every community in VA should be a place where families can thrive

READY REGION BLUE RIDGE



Who will be Included?

READY
REGIONS

Lead organizations must partner with **school divisions, social and human services, quality improvement networks, early education programs,** and other public and private organizations involved in the early childhood system.

Region	Lead Organizations
1 - Southwest	United Way Southwest Virginia
2 - West	United Way Roanoke Valley
3 - Southside	Smart Beginnings Danville Pittsylvania
4 - Central	Smart Beginnings Greater Richmond
5 - Southeastern	EVMS Minus 9 to 5
6 - Chesapeake Bay	Smart Beginnings Virginia Peninsula
7 - Capital Area	Fairfax County Office for Children
8 - North Central	Coming soon!
9 - Blue Ridge	United Way of Greater Charlottesville



MIXED DELIVERY



The Mixed Delivery Program allows for parent choice among high quality options that meet the needs of their child and family. This program, now codified by Virginia as a sister program to the Virginia Preschool Initiative, works to address inequities in early education by increasing access and funding for preschool slots in private early care and education programs. UWGC was allocated 77 slots in FY22 and has been allocated 127 slots for the FY23 renewal period. New in FY23 is an Infant-Toddler Mixed Delivery Pilot funded by the VA Department of Education. UWGC is one of three organizations in the state selected for this pilot and has been allocated 75 of the 200 pilot slots.

FY22 PROGRAM STATISTICS



\$30,500

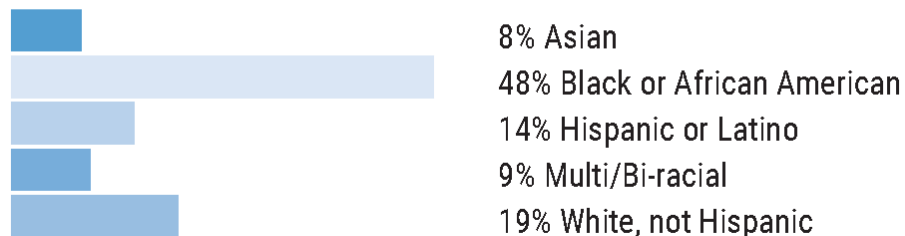
Median household income of a Mixed Delivery Program family



77%

Percentage of students at or below 200% of federal poverty level

RACE/ETHNICITY BREAKDOWN

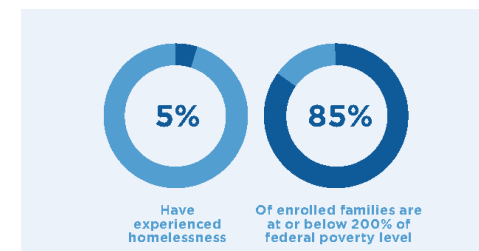
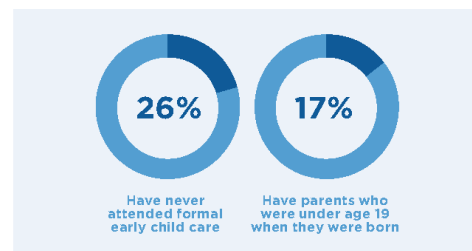
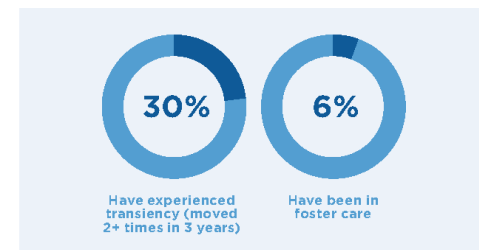
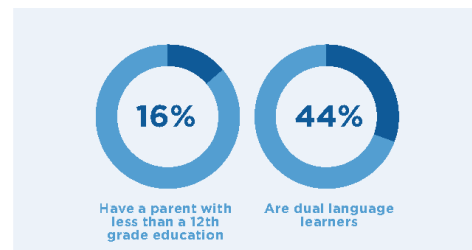


COORDINATED ENROLLMENT



UWGC developed its Coordinated Enrollment, or single-point-of-entry program, that was deployed in all public preschool programs in Charlottesville/Albemarle for the current school year. Applications for all 3 and 4 year-olds wanting to enroll in the Charlottesville or Albemarle School System's public preschool programs, MACAA Head Start or the community Mixed Delivery program managed by UWGC were accepted and processed for eligibility through this online system last spring.

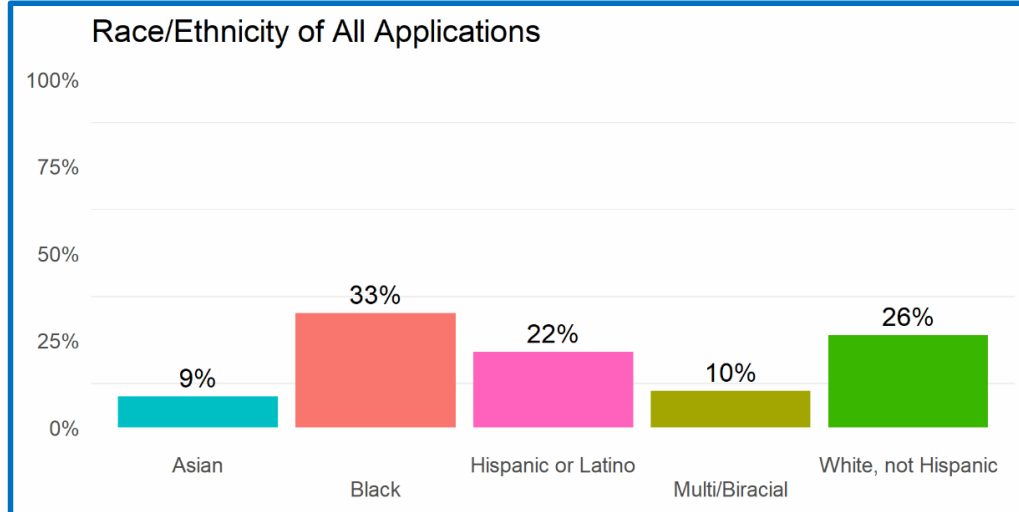
The single-point-of-entry allows a parent a convenient and efficient way to apply. In addition, navigators are available for parents who require assistance or who may have questions about the programs and eligibility.



COORDINATED ENROLLMENT: BY THE #s



COORDINATED ENROLLMENT – School Years 21/22 and 22/23



Other Indicators

# of families experiencing homelessness:	40
# of parents under age 19 at child's birth:	33
# of single parent households:	1,084
# of parents with <12 th grade education:	310

****Total applications: 2,377 over 2 years***

EARLY LEARNER SCHOLARSHIPS



Cost of care continues to increase and continues to be exacerbated by COVID. Pre-COVID, the cost of infant care rose from \$40+ per day to \$50+per day. Now infant rates range from \$55-\$63/day with one provider recently increasing their rate to \$73/day, costing families \$14,300 to \$16,380 per year. A single parent making \$28,000 per year will pay 53%-60% of their annual income for infant care without financial assistance. Many parents resort to friends and family for childcare, keeping their children out of the high-quality environment that will help minimize the impact of living in poverty and help these children arrive at kindergarten better prepared to learn.

38 scholarships maintained for FY22

54 families benefitted from scholarships

Average annual income < \$28,000

125% of Federal Poverty level



SANTA FUND

FOR SCHOOLKIDS

Annual partnership with
Daily Progress & WINA
(separate from UWGC annual campaign)

Provides essentials like clothing, shoes,
medicine, eyeglasses, and school
supplies/books for schoolchildren in
need in our community.

\$213,525

FY23 total raised



SantaFund

FOR SCHOOLKIDS

IMPACT GRANTS



Financial Stability Impact Funding

PROJECT	INVESTMENT	BENEFICIARIES	STRATEGY
New Hill Development Corp	\$25,000	275	Financial literacy & asset-building for adults
Piedmont Housing Alliance Housing & Financial Coaching	\$25,000	825	Financial literacy & asset-building for adults
Habitat for Humanity Pathways to Housing	\$30,000	27	Financial literacy & asset-building for adults
Community Investment Collaborative Entrepreneurship Program	\$30,000	85	Employment & improved-employment pathways for adults

TOTAL GRANT INVESTMENT
\$210,000

TOTAL GRANTS FUNDED
7

School Readiness Impact Funding

PROJECT	INVESTMENT	BENEFICIARIES	STRATEGY
Piedmont YMCA Early Learning Center	\$30,000	108	High quality early care & education interventions including socio-emotional skill-building under the age of five (evidence-based or best-practice)
MACAA Extended Day & Summer Enrichment Program	\$30,000	117	High quality early care & education interventions including socio-emotional skill-building under the age of five (evidence-based or best-practice)
Child Health Partnership	\$40,000	500	Evidence-based home-visiting

FY22 BENEFICIARIES
1,937

No MBA grants awarded in FY22 (MBA COVID Assistance grant in FY21 and back to UWGC/MBA awards FY23)

Goal Three

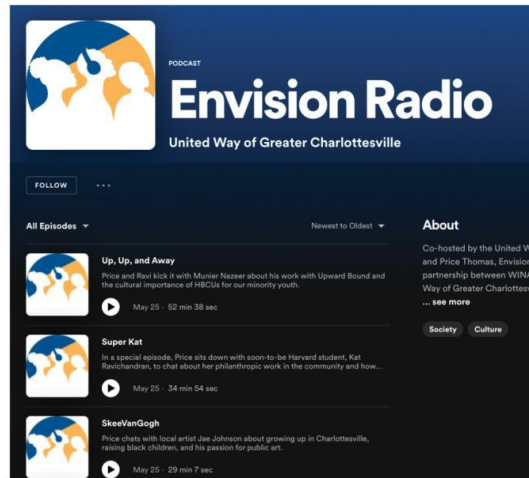
Build a more connected community through a deepened understanding of race and equity

Community Table



Community Table brings people together a share a meal and have conversations about race and equity.

Envision Radio



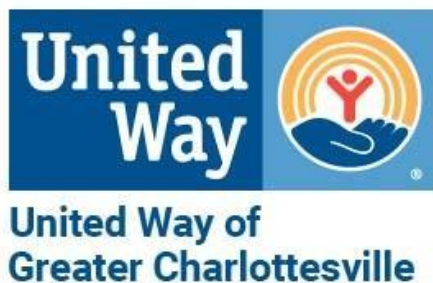
ENVISION Radio hosts candid conversations with Black community leaders about economic mobility and opportunities in education, business, and health.

Color Cville



Color Cville introduces our youngest learners to the complex history of our hometown through the pages of a print and digital coloring book.

FALL PARTNERSHIPS



Nearly 11,000 local families spend 97% of their monthly resources on childcare and rent, leaving only \$76 a month to cover remaining expenses.

Category	Amount
RENT	\$1,200
CHILD CARE	\$1,277
LEFT	\$76

What does it take to help lift 1800 local families out of poverty? Let's write a new narrative for our community. Together.

Quick, scan the code below before they tear your ticket to learn more about ENVISION and check out expanded digital content

United Way of Greater Charlottesville | @unitedwaycville | www.envisionville.org





**THANK YOU FOR YOUR SUPPORT OF,
AND INVESTMENT IN, OUR WORK!**

CITY OF CHARLOTTESVILLE



PROCLAMATION

CONGENITAL HEART DISEASE AWARENESS WEEK FEBRUARY 7-14, 2023

WHEREAS, Congenital Heart Disease (CHD) is the most prevalent birth defect in the United States, affecting one in every 100 births; and

WHEREAS, each year in the United States, more than 40,000 babies are born with CHD; 800 babies born annually in Virginia with a congenital heart defect of which 400 will need heart surgery within their first year of life; and

WHEREAS, there is no known cure for CHD, as it is a lifelong disease that requires ongoing specialized care; and

WHEREAS, the health and well-being of congenital heart patients is of paramount importance; UVA Health Systems has performed over 53 pediatric heart transplants since 2013; and

WHEREAS, thanks to the advancement of science and medicine, 85% of individuals born with CHD now live past the age of 18; and

WHEREAS, even with these advancements, fewer than 10% of adults with CHD are receiving the recommended care they need; and

WHEREAS, medical research can provide more identifiable means of the origins and symptoms of CHD; and

WHEREAS, it is crucial that individuals planning a family, fetal clinicians, obstetric physicians, pediatricians, and all those in the medical field have a greater understanding of the potential for CHD; and

WHEREAS, Congenital Heart Disease Awareness Week provides the opportunity for patients and families affected by CHD to share their experiences and knowledge so that the general public may be aware of how this defect affects lives;

NOW THEREFORE, I, Lloyd Snook, Mayor, do hereby proclaim February 7-14, 2023, "Congenital Heart Disease Awareness Week" in Charlottesville, Virginia, and encourage everyone to learn more about CHD and its effects on our friends, family, and community.

Signed and sealed this 6th day of February 2023.

J. Lloyd Snook, III, Mayor

CITY OF CHARLOTTESVILLE



PROCLAMATION

BLACK HISTORY MONTH 2023

WHEREAS, February has been set aside nationally as a time to remember and learn about the contributions of Black Americans to the formation of our country; and

WHEREAS, during February we bring focus to the stories of Black Americans who have helped build our Nation and our City, who have advanced the cause of freedom and civil rights, and who have strengthened our families and our community; and

WHEREAS, when we examine our Nation's history and the history of Charlottesville, which continues to be written, we discover countless stories that inspire us – stories of the triumph of the human spirit; the triumph over cruelty rooted in ignorance, prejudice and bigotry; and the triumph of everyday people rising above seemingly insurmountable circumstances to achieve greatly; and

WHEREAS, we commit to work with intention to address past injustices that have hurt the Black community – racist laws, policies and practices that were intended to displace, intimidate and financially harm Black citizens. We acknowledge our collective responsibility to break down barriers to equity and inclusion; and

WHEREAS, as we celebrate Black History Month, we teach our children, our neighbors, and all Americans to rise above complacency and to be champions for human dignity, fairness, equity and equality; and

WHEREAS, we take this time to rededicate ourselves to affirming the promise of the Declaration of Independence, “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”; and

WHEREAS, in the City of Charlottesville we resolve to teach the true history of all our people, in both our public schools and our public spaces; and

WHEREAS, Black lives do matter in Charlottesville, Virginia. Black people are valued and vital members of the community; Black culture is woven into the fabric of the community; and we work to attract, welcome and retain a diverse population;

NOW THEREFORE, We, the City Council of the City of Charlottesville, Virginia, hereby proclaim February as BLACK HISTORY MONTH. We call on the people of Charlottesville to join us in learning about and honoring Black achievement and the Black experience in our community and throughout the country, and we encourage support of Black History Month programs.

Signed and sealed this 6th day of February 2023.

J. Lloyd Snook, III, Mayor

CHARLOTTESVILLE CITY COUNCIL MEETING

January 3, 2023 at 4:00 PM

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met on Tuesday, January 3, 2023. The meeting was held in hybrid format with Council members and limited public seating in Council Chamber to mitigate health risks related to coronavirus, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order at 4:02 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Sena Magill, Michael Payne, Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade.

On motion by Pinkston, seconded by Payne, Council voted unanimously to adopt the meeting agenda with amendments, moving Items 5 and 8 from the Consent Agenda to the end of the meeting for discussion: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

REPORTS

1. PRESENTATION: Move2Health Equity

Deputy City Manager Sam Sanders introduced the item, stating that the initiative fits in with transportation planning focus areas for the City.

Jackie Martin and Gregg Winston, Co-chairs of the Move2Health Equity Coalition, shared background on the Coalition and the purpose of looking at root causes of obesity and other health issues.

Peter Krebs, Piedmont Environmental Coalition, listed several organizations and individuals involved in the Move2Health Equity initiative. He shared the results from the Mobility Survey. The presentation included: project background, purpose, methods, who responded, what they said (divided by neighborhood), and recommendations.

Recommendations:

- Pair the Comprehensive Plan with an updated Mobility Plan that:
 - Prioritizes safe routes to school, food, shopping, parks and healthcare
 - Connects people within and between neighborhoods
 - Finds creative ways to overcome discontinuities
 - Factors Urban Albemarle
 - Has measurable and timely deliverables
- Gets the basics right
 - Crosswalks and adequate sidewalks, especially at busy commuter routes
 - Remove obstructions
 - Routes must be continuous and protected/low-stress to be useful
- Create a more practical transit system
 - Work toward the unconstrained vision plan
 - If not practical (or until then) improve frequency to food, retail and healthcare

Mr. Sanders and Mr. Krebs answered councilor questions.

CLOSED SESSION

On motion by Pinkston, seconded by Payne, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), for the discussion and consideration of appointing members to the following Charlottesville boards and commissions: Police Civilian Oversight Board.

On motion by Pinkston, seconded by Magill, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; 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.

BUSINESS SESSION

City Council observed a moment of silence.

ANNOUNCEMENTS

Vice Mayor Wade announced the Continuing His Dream and His Works event by Alex-Zan and Charlottesville Parks and Recreation on Martin Luther King, Jr. Day.

Mayor Snook announced the Martin Luther King Community Choir performance at the community celebration on January 22.

Councilor Payne announced the Annual Harambee Family event calendar by Alex-Zan and he reminded the public that the plastic bag tax went into effect January 1.

CONSENT AGENDA*

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

2. MINUTES: December 5 minutes

3. ORDINANCE: Private drainage easements (2) 2100 Avon Court (2nd reading)

ORDINANCE GRANTING PRIVATE DRAINAGE EASEMENTS TO AVON COURT HOLDINGS, LLC

4. ORDINANCE: Temporary Aerial Easement 1223-1225 Harris Street (2nd reading)

ORDINANCE GRANTING A TEMPORARY AERIAL EASEMENT TO C-VILLE BUSINESS PARK, LLC FOR CONSTRUCTION OF "CITY'S EDGE" APARTMENTS

5. RESOLUTION: Resolution of Appropriation to Amend the Fiscal Year 2023 Budget (2nd reading)

Council moved this item to the end of the meeting for discussion.

6. RESOLUTION: Designation of Park Street site as a Revitalization Area

RESOLUTION

Designating Property Located at 1200 Park Street (City Real Estate Parcel No. 470002120) as a Revitalization Area

WHEREAS City Council hereby finds and determines that an area of property located at 1200 Park Street within the City of Charlottesville, further identified by Real Estate Parcel Identification No. 470002120 within the City’s real estate assessment records, satisfies the following criteria: **(i)** the industrial, commercial or other economic development of such area will benefit the city, but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; **and (ii)** private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area, but such construction will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, pursuant to the authority set forth within Virginia Code Section 36-55.30:2(A), Virginia THAT the area of property located at 1200 Park Street (Real Estate Parcel Identification No. 470002120) is hereby designated as a Revitalization Area.

7. RESOLUTION: Resolution of Support for the Virginia America 250 Commission (VA250)

RESOLUTION

Expressing Support of the City of Charlottesville for the Virginia America 250 Commission

WHEREAS the Charlottesville City Council is dedicated to the furtherance of economic development and tourism in Charlottesville;

WHEREAS the Virginia America 250 Commission (VA250) was created in 2020 by the General Assembly, for the purpose of preparing for and commemorating the 250th anniversary of Virginia’s participation in American independence;

WHEREAS VA250 has requested that each locality form a committee to aid in planning for the commemoration period, and Albemarle County, the City of Charlottesville and the Town of Scottsville will form a local VA250 committee (“Local Committee”); and

WHEREAS the purpose of the Local Committee is to plan and coordinate programs occurring within the locality, and to communicate regularly with VA250; and

WHEREAS the City Council wishes to undertake this endeavor with VA250 to promote and

commemorate this important historic milestone; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Council hereby expresses its support for the Virginia America 250 Commission and their efforts to commemorate the 250th anniversary of Virginia's participation in American independence, and City Council hereby requests the Executive Director of the Charlottesville Albemarle Convention and Visitors Bureau to form a committee on behalf of the City of Charlottesville, Albemarle County, and the Town of Scottsville, to aid in the planning for the commemoration period.

8. RESOLUTION: Critical Slope Waiver Application request at 0, 208-210, 228 Monte Vista Avenue, and 0 Belleview Street (Azalea Springs Subdivision)

Council moved this item to the end of the meeting for discussion.

Mayor Snook invited public comment on the Consent Agenda. There were no speakers.

On motion by Magill, seconded by Payne, Council by the following vote ADOPTED the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

CITY MANAGER REPORT

Interim City Manager Michael Rogers reported:

- The January 17 swearing in for Police Chief Michael Kochis
- The hiring of Labor Relations Manager Jimmy Morani
- Proposals being received on January 11 for the role of Labor Relations Administrator, with a selection being made by the end of January
- The emphasis on filling vacancies, with Victoria Fallec hired as a Recruiter in the Human Resources Department
- Strategic Planning proposals were narrowed to two from seven received, with a decision expected this week. The 4-month process will begin in February and the new plan to take effect July 1.

Deputy City Manager Ashley Marshall reviewed efforts with community partners to keep the unhoused community safe and warm during extremely cold weather. She encouraged those in need of assistance to call the Homeless Intake Hotline.

Deputy City Manager Sam Sanders reported that lighting on the Belmont Bridge has been installed and was ordered prior to the previous meeting where the lighting concern was expressed. He stated that the CAHF (Charlottesville Affordable Housing Fund) RFP (request for proposals) was released today with \$835,000 available for housing providers to apply for funding to add to the affordable housing stock. He announced that the Downtown Mall Committee application period has concluded and once selected, the committee will begin on the work plan.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. James Groves, city resident, shared data regarding climate change.
2. Jean Hiatt, city resident, spoke in opposition to the critical slope waiver request for the Azalea Springs development, and asked Council to follow the expert recommendations from the Tree Commission and Preservation Arborist.
3. Nicole Scro, Plan Use Attorney, spoke about the Zoning Text Amendment item on the agenda, requesting that the elimination of the two-acre minimum be applied to all zoning districts.
4. Katherine Slaughter, former mayor and retired environmental attorney, spoke in opposition to the critical slope waiver request for the Azalea Springs development.
5. Joan Albiston, city property owner on Azalea Drive, spoke in opposition to the Azalea Springs critical slope waiver request.

ACTION ITEMS

9. PUBLIC HEARING/RESOLUTION: Approving a Lease Agreement with McGuffey Arts Associates, Inc. for the lease of 201 2nd Street NW (tabled to January 17, 2023)

Brenda Kelley, Office of Community Solutions, presented the request. She shared information on the new standardized format for lease agreements with the City, and read conditions specific to the McGuffey Arts Associates, Inc. proposed lease agreement. She answered clarifying questions for Council.

McGuffey Arts Center staff made a presentation. Amanda Liscouski presented information about programming, operations, and partnerships of McGuffey Arts Center, with a Diversity, Equity and Inclusion Committee developed this year. Judy McLeod, city resident and founding member of the McGuffey Arts Center, provided additional background information and stated that McGuffey is reviewing its policies, especially to address diversity, equity, inclusion and justice. McGuffey representatives answered additional questions for Council. Rebekah Wostrel, Vice President of the McGuffey Council, explained McGuffey's perspective on service provision for mowing and snow or ice removal. The presented materials indicated that McGuffey agreed to the City providing these services at a cost.

Mayor Snook opened the public hearing.

1. Estela Knott, member of McGuffey Arts Center and artist of Mexican descent, spoke in support of programming at the Center, specifically cultural arts opportunities including the Cville Sobroso Festival and the Dia de Los Muertos event.

Mayor Snook closed the public hearing and Council discussed landlord-tenant relationships for City-owned properties. Council agreed to defer the item to the January 17 Consent Agenda, pending further information regarding annual costs for mowing and snow or ice removal.

10. RESOLUTION: Establishing days, times and places of Regular Meetings of the Charlottesville City Council during Calendar Year 2023

On motion by Magill, seconded by Pinkston, Council by the following vote APPROVED the 2023 regular City Council meeting calendar, with amendment to remove the July 3 meeting: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

**RESOLUTION
Establishing Days, Times and Places of Regular Meetings of the
Charlottesville City Council During Calendar Year 2023**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, THAT pursuant to Virginia Code Sec. 15.2-1416, the regular meetings of the Charlottesville City Council shall be conducted on the following days, times, and places during calendar year 2023:

DATES		
January 3, 2023 <i>Tuesday</i>	May 1, 2023 <i>Monday</i>	September 18, 2023 <i>Monday</i>
January 17, 2023 <i>Tuesday</i>	May 15, 2023 <i>Monday</i>	October 2, 2023 <i>Monday</i>
February 6, 2023 <i>Monday</i>	June 5, 2023 <i>Monday</i>	October 16, 2023 <i>Monday</i>
February 21, 2023 <i>Tuesday</i>	June 20, 2023 <i>Tuesday</i>	November 6, 2023 <i>Monday</i>
March 6, 2023 <i>Monday</i>	July 17, 2023 <i>Monday</i>	November 20, 2023 <i>Monday</i>
March 20, 2023 <i>Monday</i>	August 7, 2023 <i>Monday</i>	December 4, 2023 <i>Monday</i>
April 3, 2023 <i>Monday</i>	August 21, 2023 <i>Monday</i>	December 18, 2023 <i>Monday</i>
April 17, 2023 <i>Monday</i>	September 5, 2023 <i>Tuesday</i>	

TIME: 4:00 p.m. work session;
5:30 p.m. closed meeting (if any);
6:30 p.m. business meeting upon conclusion of the closed meeting agenda

LOCATION: City Hall Council Chamber
605 E. Main Street
2nd Floor
Charlottesville, VA

Electronic participation via Zoom, with registration available at:
www.charlottesville.gov/zoom

BE IT FURTHER RESOLVED THAT any regular meeting may be adjourned from day to day, or from time to time, or from place to place, not beyond the day and time fixed by this resolution for the next regular meeting, until the business before this City Council is completed. Notice of any regular meeting continued in this manner shall be reasonable under the circumstances and shall be given as provided in subsection D of Virginia Code Section 2.2-3707.

BE IT FURTHER RESOLVED THAT, in the event that the Mayor, or the Vice Mayor if the Mayor is unavailable or otherwise unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regular meeting, that regular meeting shall be continued to the next business day on which the said hazardous conditions no longer exist. Such finding and declaration shall be communicated to all city councilors and to the press as promptly as possible, along with the date and time on which the continued meeting will commence. All public hearings and other agenda matters previously advertised shall be conducted at the continued meeting with no further advertisement.

11. RESOLUTION: Adopting the Amendment and Re-enactment of the November 15, 2021 Comprehensive Plan for the City of Charlottesville, as amended (carried)

James Freas, Director of Neighborhood Development Services, summarized the amendments. Council unanimously agreed to carry the item to the January 17 meeting for second reading and vote.

12. RESOLUTION: Initiating a Zoning Text Amendment - Planned Unit Development

James Freas, Director of Neighborhood Development Services, summarized the request, noting that this resolution does not indicate approval of the project, but will send the project to the Planning Commission for their consideration.

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

**RESOLUTION
Initiating an amendment to the Zoning Text within
Section 34-492 of the City Code**

WHEREAS upon consideration of matters set forth within a report received from the Director of Neighborhood Development Services, initiation of a zoning text amendment is desirable, in order to commence debate and consideration within the context of a public hearing process of an amendment of City Code Sec. 34-492, to eliminate minimum acreage (2 acres) required for a planned unit development within the Urban Mixed Use Corridor zoning district; and

WHEREAS this Council finds that consideration of the proposed zoning text

amendment set forth within the Discussion Draft is required by 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 zoning text amendment process is hereby initiated pursuant to City Code 34-41(a)(1), for consideration of an amendment to Section 34-492 of the Code of the City of Charlottesville (1990) that would eliminate the minimum acreage (2 acres) required for a planned unit development within the Urban Mixed Use Corridor zoning district; and

BE IT FURTHER RESOLVED THAT the proposed zoning text amendment is hereby referred to the Charlottesville Planning Commission for its recommendations, and to be scheduled for a joint public hearing with City Council. Based on the Planning Commission's deliberations, and based on input received during the public hearing process, the Planning Commission shall report its findings and recommendations back to City Council within 100 days after their first regular meeting following the adoption of this resolution.

13. RESOLUTION: Extending the Dockless Mobility Sharing System Permit for Veo Ride, Inc.

Ben Chambers, Transportation Planning Manager, presented the 90-day extension request, with staff recommending approval through March 31, 2023.

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

RESOLUTION

Extending an Agreement with VEO Ride, Inc. for Dockless Scooter Service to the City of Charlottesville

WHEREAS the City of Charlottesville (hereafter "City") is a municipal corporation duly organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS the City Council is the legislative body of the City; and

WHEREAS the City has entered into an agreement with Veo Ride, Inc. ("Veo") permitting Veo to operate its dockless scooter service in Charlottesville since 2020 (the "Agreement"), with the goals of reducing single-occupancy vehicle use, and improving the mobility, safety, and equity of the City's transportation network; and

WHEREAS the Agreement is set to expire as of December 31, 2022, and Veo has requested a 90- day extension of its 2022 permit, through March 31, 2023; and

WHEREAS approval of an extension to the Agreement would allow the City to identify and implement strategies to address ongoing issues with dockless scooter and e-bike parking, including identifying locations for parking corrals in high-usage areas; and

WHEREAS Veo has also requested a reassessment of the City's current permit regulations, with the purpose of potentially restructuring fees, fleet size restrictions, and performance-

based bonuses to better align with permitting policies in peer cities that Veo conducts business with;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that:

Section 1. The City hereby extends the Agreement with Veo for ninety (90) days, to expire on March 31, 2023.

Section 2. This resolution shall take effect immediately upon its passage.

Passed and Adopted by the Council on this 3rd day of January 2023.

14. RESOLUTION: Expressing support for the TJPDC Allocation Plan for HOME – American Rescue Plan (ARP) funding

Alex Ikefuna, Office of Community Solutions, presented the request for Council support to complete the TJPDC (Thomas Jefferson Planning District Commission) allocation plan to send to the U.S. Department of Housing and Urban Development (HUD) for HOME-ARP funding, which would allocate \$347,404.92 to the City of Charlottesville.

Council engaged in discussion. Ian Baxter, TJPDC, and Sam Sanders clarified the dollar amounts allocated to localities.

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

RESOLUTION

Expressing Council Support for the TJPDC Allocation Plan for HOME – AMERICAN RESCUE PLAN (ARP) FUNDING

WHEREAS, the City of Charlottesville is a U.S. Department of Housing and Urban Development (HUD) Entitlement Community for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs and as such expects to receive its share of the \$2,452,270 in HOME ARP funding of \$347,404.92 through the Thomas Jefferson Planning District Commission following HUD approval of the Regional Allocation Plan; and

WHEREAS, in accordance with the City’s Citizen Participation Plan and HUD regulations, the City will issue a Request for Proposal to solicit potential applicants to develop affordable housing for the qualifying populations; and

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the City Council supports the transmission of the Thomas Jefferson PDC Allocation Plan to HUD for approval.

#5. *MOVED from Consent Agenda.* RESOLUTION: Resolution of Appropriation to Amend the Fiscal Year 2023 Budget (2nd reading)

Councilor Payne advocated for amending the resolution to adjust the \$1,000,000 proposed for the City Manager Strategic Initiatives fund to invest in a land acquisition fund for affordable housing. Discussion ensued about allocating funds to a land bank and determining a fund amount to attract a new City Manager.

On motion by Payne, seconded by Magill, Council by the following vote AMENDED the resolution, reallocating \$500,000 from the City Manager Strategic Initiatives Fund and earmarking the funds for a land acquisition fund: 4-1 (Ayes: Magill, Payne, Pinkston, Wade; Noes: Snook).

On motion by Payne, seconded by Magill, Council by the following vote approved the resolution as amended: 5-0 APPROVED (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

To Amend the City Budget Adopted for Fiscal Year 2023 (“Year End” Appropriation)

WHEREAS the Charlottesville City Council has received and reviewed the results of the year-end audit for Fiscal Year 2022, which identified a surplus of appropriations over expenditures; and

WHEREAS the City Council desires to amend the budget previously adopted for Fiscal Year 2023, to increase the amount of authorized expenditures by a total of \$22,917,915.01 and, since this Budget Amendment exceeds one percent (1%) of the total expenditures shown in the currently-adopted budget, City Council conducted a public hearing on the proposed amendment following public notice given in accordance with Virginia Code §15.2-2507(A); now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the expenditures hereinafter set forth are hereby authorized and appropriated within the accounts of the City for the uses listed below, for the Fiscal Year ending June 30, 2023. The details explaining the purposes for which the following expenditure amounts are authorized, shall be as set forth within the City Council agenda memo dated December 19, 2022, which agenda memo is incorporated into this Resolution by reference.

I. GENERAL FUND.

The following amounts shall be permitted to be carried over and expended in the General Fund’s respective cost centers or internal orders in the following fiscal year and shall remain as continuing appropriations unless further altered by Council:

Department of Social Services Software Replacement.	\$110,000.
Procurement eSourcing Software.	\$100,000.

2 Additional Buses – Route 6 Equity Initiative.	\$1,000,000.
SAFER Grant Match.	\$2,109,000.
School Reconfiguration \$54M Bond Scenario (additional cash needed to get to \$68.8M).	\$600,000.
School Reconfiguration \$54M Bond Scenario (year 2 of additional debt service).	\$1,947,112.
School Reconfiguration \$54M Bond Scenario (year 3 of additional debt service).	\$1,947,113.
Meadowcreek Trail – Section 3.	\$700,000.
CAT – additional funding for 30 minute routes.	\$2,000,000.
New City Manager Fund.	\$500,000.
Land for Affordable Housing	\$500,000.
Council Strategic Initiatives.	\$325,000.
Upgrade of SAP.	\$1,000,000.
Fuel Price Volatility.	\$150,000.
Language Access Pilot Program.	\$100,000.
Standards and Design Manual.	\$142,142.71.
Pathways Fund.	\$575,000.
Emergency Management Mobile AEDs.	\$150,000.
Working Capital Fund for Meadowcreek Golf Course.	\$300,000.
Class and Compensation Study – One Time Uses.	\$2,000,000.
Transfer to Capital Improvement Contingency Fund.	\$6,662,547.30.

Total Section I. \$22,917,915.01.

II. FACILITIES REPAIR FUND.

Courthouse Maintenance (P-00099) - \$7,245.50 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.

Courthouse Construction (P-00783) - \$9,610.98 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

Total Section II. \$16,856.48.

III. GRANTS FUND.

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

\$1,375.39 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

Total Section III. \$1,375.39.

IV. SCHOOLS GAINSHARING.

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City.

For the year ending June 30, 2022, the Schools had an operating surplus of \$1,042,414.50. The Schools, with staff concurrence, recommend the full amount be transfer to the FY24 Capital Improvements Program to offset increased costs for the schools reconfiguration project.

Total Section IV. \$1,042,414.50.

#8 *MOVED from Consent Agenda.* RESOLUTION: Critical Slope Waiver Application request at 0, 208-210, 228 Monte Vista Avenue, and 0 Belleview Street (Azalea Springs Subdivision)

Matt Alfele, City Planner, presented the waiver request, drawing a distinction between tax plotted lots and platted lots. The critical slope waiver is requested for 22 of the Planned Unit Development lots and the remainder of the site can be developed by-right. Mr. Alfele answered questions for Council and Council discussed tree preservation.

Scott Collins, civil engineer with the applicant Stanley Martin Homes, provided additional context for the request, and Council discussion ensued.

Laura McCarthy, President of Stanley Martin Homes in Charlottesville made comments about developing neighborhoods, community outreach efforts, maintaining tree canopy, addressing walkability and existing neighborhood aesthetics.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the critical slope waiver for the Azalea Springs Subdivision; 3-2 (Ayes: Pinkston, Snook, Wade; Noes: Magill, Payne). Mayor Snook read the ten conditions recommended by the Planning Commission as part of the resolution.

RESOLUTION

Approving a Critical Slope Waiver for the Azalea Springs Subdivision

WHEREAS Stanley Martin Companies, LLC (“developer”), as the owner of property located at 0, 208-210, and 228 Monte Vista Avenue, and at 0 Belleview Street, and that is further identified within the City’s real estate assessment records by Parcel Identification Nos. 200142000, 200126000, 200147000, 200131200, 200125000, 200146000, 200130001, 200122000, 200145000, 200129000, 200121000, 200144000, 200127001, 200148000, and 200143000, seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) to allow construction of a residential development project referred to as the Azalea Springs Subdivision (the “Project”); and

WHEREAS in order to construct the Project as desired, and presented in their development application, the developer will need to disturb 93.1% of the critical slopes currently existing within the development site (of that 93.1%, 63.7% of the critical slopes require a waiver from City Council; the remaining critical slopes areas are exempt per City Code Sec. 34-1120(b)(7)(c)); and

WHEREAS the Planning Commission held their regular meeting on December 12, 2022 and recommended approval of the request to waive the critical slopes requirements, pursuant to City Code §34-1120(b)(6)(d); and

WHEREAS upon consideration of the information and materials provided by the applicant and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d)(i) that: the benefits of allowing disturbance of the critical slopes in connection with the Project outweigh the public benefits of the undisturbed slopes, and that a waiver would not be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or to adjacent properties, or contrary to sound engineering practices; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia THAT a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) is hereby granted, for the residential development Project described within the materials presented to City Council on January 3, 2023, referred to as the Azalea Springs Subdivision, subject to the following conditions:

1. The applicant shall work with the City's Urban Forester during site plan review to create a tree protection/preservation plan for approximately seventy-seven (77) trees as presented in the application materials. The applicant shall perform all protection/preservation measures as identified in this plan. The tree preservation/protection plan will include a monitoring program to ensure compliance throughout the construction period. The plan shall also include provisions, such as easements, deed restrictions, or other legally binding measures to ensure preservation of trees in perpetuity.
2. The applicant shall, through easement, deed restriction, or other legally binding document, ensure no development or tree removal within the 0.6 acres "Public Amenity Area" as presented in the application materials. This documentation shall be enacted prior to approval of a Final Site Plan.
3. The applicant shall memorialize the "landscape screening" as presented in the application materials prior to approval of a final site plan. Planting within the screening area shall be a mixture of deciduous and evergreen trees, and the remaining trees will be large and medium deciduous trees as stated in the application materials.
4. In addition to providing the minimum tree cover requirements as required by code, the applicant shall preserve approximately seventy-seven (77) trees as shown in the application materials. The preserved trees shall not count towards the minimum tree cover requirement.
5. Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls. The first phase shall include "Initial/Preliminary Controls". Outfalls from any proposed traps shall be established with rigorous independent ESC controls, early in the sequence, prior to the establishment of a sediment trap and associated conveyances.

6. Any channels/diversions that convey 'clear' water shall be stabilized with sod on the 'clear water' side immediately after installation.
7. "Super Silt Fence" (chain linked backing) shall be installed where perimeter silt fence is specified.
8. Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other "same day stabilization").
9. At no time shall concentrated water be directed toward the critical slopes without adequate conveyance down and beyond the slopes to an acceptable outfall.
10. The Final Plan should include a Virginia Stormwater Management Plan that includes a design for onsite water quality provided by a facility, or facilities, designed in accordance with the BMP Clearinghouse "2013 Draft Design Specifications for Practices 1-15", or a proprietary Manufactured Treatment Device acceptable to DEQ at the time the Final Plan is submitted. The facility or facilities should provide 110 percent of the onsite Phosphorus removal required as determined with an accurately completed VRRM spreadsheet for the project.

OTHER BUSINESS

Councilor Payne read a prepared statement on behalf of Councilor Magill announcing her resignation from City Council, with her expected last day in office January 11, 2023.

Mayor Snook reviewed the Virginia Code statute regarding filling a vacant seat on City Council. The appointed person will hold office through the end of the calendar year, the remainder of Councilor Magill's term. Applications for the appointed seat will be accepted by January 30, with public comments at the February 6 meeting and a potential decision by February 21.

Councilor Pinkston moved to implement the process described by Mayor Snook for filling the vacant Council seat. Vice Mayor Wade seconded the motion and Council by a vote of 5-0 APPROVED the process to fill the Council seat vacated by Sena Magill (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

Councilors expressed thanks and well wishes to Councilor Magill.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Tanesha Hudson commented about the approval of the Azalea Springs development, and about Councilor Magill's resignation.

The meeting adjourned at 10:19 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING

January 17, 2023 at 4:00 PM

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met on Tuesday, January 17, 2023. The meeting was held in hybrid format with Council members and limited public seating in Council Chamber to mitigate health risks related to coronavirus, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Michael Payne, Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade.

On motion by Pinkston, seconded by Wade, Council by the following vote ADOPTED the meeting agenda, with amendment to move Item 7 from the Consent Agenda to the end of the meeting for discussion: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none).

REPORTS

1. **PRESENTATION: Central Virginia Regional Housing Partnership introduction and strategic plan overview**

Ned Gallaway, Chair of the Thomas Jefferson Planning District Commission (TJPDC) and Chair of the Regional Housing Partnership (RHP), began the presentation by sharing background information and advisory board makeup.

Kevin Smith, Vice Chair of the RHP, reviewed local housing data.

Ian Baxter, TJPDC, shared deliverables and announced a regional housing summit on March 24.

Council engaged in discussion.

2. **REPORT: Albemarle-Charlottesville Regional Jail Authority: Jail Renovation Project - Plan of Finance**

Deputy City Manager Ashley Marshall introduced presenters from Davenport & Company, Financial Advisor to the Albemarle-Charlottesville Regional Jail Authority.

Courtney Rogers and Roland Kooch presented the Jail Renovation Project Finance Plan. The presentation covered topics related to the Two-Part Plan of Finance:

- Overview of the jail funding process
- Timetable and estimated cashflow impact for:
 - Part 1: The Interim Financing; and
 - Part 2: The Permanent Financing

- The Projected budgetary/Cashflow impact to each Member Jurisdiction; and,
- Next steps.

Colonel Martin Kumer, ACRJ, summarized the purpose of the renovations. Council engaged in discussion.

POLICE CHIEF SWEARING IN

Interim City Manager Michael C. Rogers introduced the swearing in ceremony for new Chief of Police Michael Kochis. Clerk of Circuit Court Llezelle Dugger issued the oath of office. City Council members and Mr. Rogers made follow-up comments. Chief Kochis thanked Council, Interim Chief Tito Durette and a host of others.

CLOSED SESSION

On motion by Pinkston, seconded by Wade, Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), for the discussion and consideration of appointing members to the following Charlottesville boards, commissions and committees:

1. Police Civilian Oversight Board,
2. Charlottesville Housing Advisory Committee, and
3. Charlottesville Affordable Housing Fund Committee.

On motion by Pinkston, seconded by Wade, Council certified by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; 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.

BUSINESS SESSION

City Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Pinkston announced that he was invited to attend an informal memorial for a recent shooting in Belmont and he thanked and commended the Belmont community.

Mayor Snook stated that he attended two events for Martin Luther King, Jr. Day and will participate in another during the upcoming weekend.

BOARD and COMMISSION APPOINTMENTS

Mayor Snook stated that positions vacated by Councilor Magill needed to be filled.

On motion by Wade, seconded by Pinkston, Council by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) appointed Brian Pinkston as the City Council representative to the Albemarle Charlottesville Regional Jail Board and Juan Wade to the Workforce Development Board, Virginia Career Works of the Piedmont.

3. RESOLUTION: Appointing the membership of the Charlottesville Housing Advisory Committee

Mayor Snook stated that not enough applications were received to fill all seats.

On motion by Pinkston, seconded by Wade, Council by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) appointed members to the Housing Advisory Committee.

RESOLUTION

Appointing the membership of the City Council Housing Advisory Committee

WHEREAS on April 4, 2022, by resolution #R-22-038 the Charlottesville City Council amended and re-established the city council advisory body known as “The Housing Advisory Committee (HAC)”, and

WHEREAS City Council desires to appoint the initial membership of the council housing advisory committee, and to make the appointments in a manner that will stagger the initial terms; **now, therefore,**

BE IT RESOLVED by the Council of the City of Charlottesville that the following individuals are hereby appointed to serve on the City Council Housing Advisory Committee (HAC), for the terms specified below:

Seats	Expiration of Initial Term	Name
Asterisk (*) denotes eligibility requirements		
Charlottesville Redevelopment and Housing Authority* (1) (*representative must be a current board member or executive director)	12/31/2025 (3 years)	<u>Representative:</u> John Sales, Executive Director
Non-profit entity* (*entity must be engaged in constructing or renting AHUs; representative must be a current board member or executive director) (2)	12/31/2024 (2 years)	<u>Representative:</u> Sunshine Mathon
	12/31/ 2023 (1 year)	<u>Representative:</u> Corey Demchak

Real Estate Professionals* (3) (*must be a RE broker, lender, for-profit developer, architect, etc.)	12/31/2025 (3 years)	Phil D’Oronzio
	12/31/2024 (2 years)	Dan Rosensweig
	12/31/2023 (1 year)	
At-large community members* (2) (* must reside within the City limits)	12/31/2025 (3 years)	Abigail Palco
	12/31/2024 (2 year)	Josh Hughes
Affordable Housing Beneficiaries* (3) (*must be a current resident of an affordable dwelling unit)	12/31/2025 (3 years)	Joy Johnson
	12/31/2024 (2 years)	
	12/31/ 2023 (1 year)	Elise Noyes

BE IT FURTHER RESOLVED that each of these appointments is made subject to the provisions of City Code Chapter 2, Article I, Sec. 2-8 (limitation on terms). Upon the expiration of the initial terms specified above, all subsequent appointments and re-appointments shall be for two (2) year terms. Pursuant to City Code Sec. 2-8(c), an individual initially appointed to a term of less than two (2) years may thereafter serve four complete terms of two (2) years each.

BE IT FURTHER RESOLVED that, if an individual appointed to serve in a seat which has an eligibility requirement, and the individual becomes ineligible during their appointed term, that individual’s seat shall be deemed to be vacant, and City Council will appoint an eligible individual to fill the unexpired portion of the term.

4. RESOLUTION: Appointing the membership of the Charlottesville Affordable Housing Fund Committee

Mayor Snook stated that not enough applications were received to fill all seats.

On motion by Pinkston, seconded by Wade, Council by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) appointed members to the Housing Advisory Committee.

RESOLUTION

Appointing the membership of the Charlottesville Affordable Housing Fund Committee

WHEREAS on April 4, 2022, by resolution #R-22-039 the Charlottesville City Council established a new advisory body, to be known as “The Charlottesville Affordable Housing Fund Committee”, and

WHEREAS City Council desires to appoint the initial membership of the committee, and to make the appointments in a manner that will stagger the initial terms; **now, therefore,**

BE IT RESOLVED by the Council of the City of Charlottesville that the following individuals are hereby appointed to serve on the Charlottesville Affordable Housing Fund Committee, for the terms specified below:

Seats	Expiration of Initial Term	Name
Asterisk (*) denotes eligibility requirements		
At Large Community Members (3)	12/31/2025 (3 years)	Philip D’Oronzio
	12/31/2024 (2 years)	S. Lisa Herndon
	12/31/ 2023 (1 year)	
Affordable Housing Beneficiaries* (3) (*must be a current resident of an affordable dwelling unit)	12/31/2025	
	12/31/2024	
	12/31/2023	
City Staff* (3) (*must be a full-time city employee)	12/31/2025	
	12/31/2024	
	12/31/2023	

BE IT FURTHER RESOLVED that each of these appointments is made subject to the provisions of City Code Chapter 2, Article I, Sec. 2-8 (limitation on terms). Upon the expiration of the initial terms specified above, all appointments and re-appointments shall be for two (2) year terms. Pursuant to City Code Sec. 2-8(c), an individual initially appointed to a term of less than two (2) years may thereafter serve four complete terms of two (2) years each.

BE IT FURTHER RESOLVED that, if an individual appointed to serve as an affordable housing beneficiary, or a city staff representative, becomes ineligible during their appointed term, that individual’s seat shall be deemed to be vacant, and City Council will appoint an eligible individual to fill the unexpired portion of the term.

CONSENT AGENDA*

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

- 5. MINUTES: December 19 meeting**
- 6. RESOLUTION: Adopting the Amendment and Re-enactment of the November 15, 2021 Comprehensive Plan for the City of Charlottesville, as amended (2nd reading)**

RESOLUTION

Amending and Re-enacting the Comprehensive Plan for the City of Charlottesville

WHEREAS on Tuesday, December 13, 2022 the Charlottesville City Council and the Charlottesville Planning Commission held a joint public hearing on proposed amendments and a proposed re-enactment of the Comprehensive Plan for the City of Charlottesville, dated November 15, 2021, as amended to date (the “Comprehensive Plan”), after notice of intention to do so was published in accordance with the requirements of Virginia Code §15.2-2204(A); and

WHEREAS, after the public hearing on December 13, 2022, the Planning Commission unanimously recommended approval of the proposed amendments and re-enactment of the Comprehensive Plan and directed that said plan be transmitted to City Council for consideration (the “Certified Plan”); and

WHEREAS as required by Sec. 15.2-2225 of the Code of Virginia, a link to the Certified Plan was posted on the City’s website on which the Planning Commission generally posts, information and the Certified Plan has been available to the public; and

WHEREAS City Council desires that the proposed amendments be made, to-wit: (i) amendments to Chapter 4 (Land Use, Urban Form, and Historic & Cultural Preservation) and to Chapter 5 (Housing), to add provisions promoting manufactured housing as a source of affordable housing, and (ii) amendment to Chapter 7 (Environment, Climate and Food Equity), to add the City’s Climate Action Plan as a component of the Comprehensive Plan, thereby expanding the City’s action strategies related to climate change mitigation through greenhouse gas emissions reductions, and providing guides for action that address equity, focus on co-benefits, and plan for community engagement and capacity building; and

WHEREAS City Council finds and determines that, with the amendments desired by Council as described above, the Certified Plan has been made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory within the City which will, in accordance with present and future probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the City’s inhabitants; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville THAT the aforesaid Certified Plan is hereby adopted, re-enacted and re-ordained as the official Comprehensive Plan for the City of Charlottesville pursuant to Virginia Code Sec. 15.2-2226 and shall hereafter continue to be known and referred to as the City’s “Comprehensive Plan (2021)”.

7. RESOLUTION: Approving a Lease Agreement with McGuffey Arts Associates, Inc. for the lease of 201 2nd Street NW (1 reading; tabled from January 3 pending lease revision)

During approval of the agenda this item was moved to the end of the meeting for discussion.

8. RESOLUTION: Appropriating Bond Proceeds for the Woodland Drive subdivision - \$192,453.98 (2nd reading)

RESOLUTION

Appropriating the Sum of \$192,453.98 received from Development Bond Proceeds

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of **\$192,453.98** is and shall be appropriated for expenditure by the Department of Public Works, in the following manner:

Revenues – \$192,453.98

\$192,453.98 Fund: 426 Internal Order: P-00679 G/L Account: 451999

Expenditures – \$192,453.98

\$192,453.98 Fund: 426 Internal Order: P-00679 G/L Account: 451999

Mayor Walker opened the floor for comments from the public on the Consent Agenda. The following individuals spoke:

- Susan Kruse, Director of Community Climate Collaborative (C3), spoke in support of Item 6.
- Katie Ebinger with C3 spoke in support of Item 6.

On motion by Pinkston, seconded by Wade, Council by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) **ADOPTED** the Consent Agenda.

CITY MANAGER REPORT

Interim City Manager Michael Rogers stated that with the transition of City Attorney Lisa Robertson, the law firm of Sands Anderson will serve in the Interim City Attorney role.

Two project managers will service the City. Regarding land use matters, the Sharon Pandex firm was selected to work with Planning on Zoning Ordinance issues.

Krisy Hammill, Director of Budget, presented the quarterly financial report for FY2023.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Lisa Draine, city resident and Charlottesville city resident representative to the ACRJ, requested that City Council think hard before approving the jail renovation project. She suggested using the funds instead for other community priorities and certain improvements to

the jail.

2. Robin Hoffman, city resident, supported comments from Ms. Draine. She made positive statements about events for Martin Luther King, Jr. Day.
3. Nicholas Ko, city resident, Veterans for Political Innovation, spoke in support of Rank Choice Voting (RCV) in Charlottesville. He requested a public meeting to discuss RCV.
4. Josh Carp, city resident, spoke about a car crash on Ivy Road that killed a cyclist. He encouraged action to create more traffic safety.
5. William "Buzz" Becker, city resident, spoke as Citizen Representative for the Towing Advisory Board to make Council aware that the board is defunct and he listed reasons, stating that a Towing Coordinator is needed.

ACTION ITEMS

9. ORDINANCE: Re-precincting the City of Charlottesville (carried to public hearing February 6 and 2nd reading March 6)

Anne Hemenway, former Electoral Board Member and co-chair of the re-precincting project, explained the reason for re-precincting, stating that the City of Charlottesville was flagged in 2020 by the State Election Office because Johnson Precinct had over 4,000 active voters during the Presidential election. This flagging did not require re-precincting but prompted the Electoral Board and the Voter Registrar's Office to review the precinct situation. Some findings were that numbers of voters per precinct varied and there were complaints about walkability as well as ongoing issues with certain precincts becoming too small for the growing number of voters. Ms. Hemenway reviewed suggested changes and community outreach efforts, and stated that approximately 40 percent of voters will be impacted.

Taylor Yowell, Voter Registrar and co-chair of the re-precincting project, presented the final proposed map.

Katrina Callsen, attorney, confirmed the process for approving the ordinance, which includes a 30-day public comment period before the second reading of the ordinance on March 6, 2023.

Vice Mayor Wade requested a voter education campaign regarding the updates. Ms. Yowell gave an overview of planned outreach activities.

Council unanimously agreed to hold the public hearing at the February 6 meeting and the second reading on March 6.

10. RESOLUTION: Appropriating Grant Funds for improvements at 10th Street NW and Grady Avenue - \$500,106 (carried)

Jerry Allen, Transportation Project Manager, presented the appropriation request, stating that

funds will be used to improve ADA compliance. Mr. Allen and Jack Dawson, City Engineer, answered questions for Council. Construction is expected to be complete by the end of 2024.

Council unanimously agreed to carry the item to the February 6 Consent Agenda for second reading and vote.

GENERAL BUSINESS

11. REPORT: Rivanna Authorities Quarterly Update

Bill Mawyer, Rivanna Authorities Executive Director, presented an overview of the Rivanna Water and Sewer Authority Board (RWSA) and the Rivanna Solid Waste Authority Board (RSWA) composition and operations.

#7. *MOVED from Consent Agenda.* RESOLUTION: Approving a Lease Agreement with McGuffey Arts Associates, Inc. for the lease of 201 2nd Street NW (1 reading; tabled from January 3 pending lease revision)

Brenda Kelley, Office of Community Solutions, provided clarifying information to Council regarding the lease as requested at the January 3 City Council meeting.

Amanda Liscouski provided data regarding residency at McGuffey Arts Center (a non-stock not-for-profit organization).

On motion by Pinkston, seconded by Payne, Council by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) APPROVED the resolution for the McGuffey Arts Association lease.

RESOLUTION

Approving a lease of property at 201 2nd Street, NW to the McGuffey Arts Association

WHEREAS, the McGuffey Arts Association, Inc., desires to lease certain City-owned property for a term of five (5) years, and City Council has considered the terms of the proposed lease, and has conducted a public hearing in accordance with the requirements of Virginia Code Sec. 15.2-1800(B); NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lease of City-owned property located at 201 2nd Street, N.W., Charlottesville, Virginia, to the McGuffey Arts Association, Inc., presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the approved lease on behalf of City Council.

OTHER BUSINESS

Mayor Snook reiterated the process for applying for consideration of appointment to the City Council seat vacated by Councilor Sena Magill, stating that applications will be due by January 30; either January 31 or February 1, applicant names will be released to the public; February 6 solicit comments from the public; and a decision by February 21.

Mayor Snook reminded the City Manager to follow up on the Towing Advisory Board concern raised earlier in the meeting.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- James Groves, city resident, spoke about climate change concerns and asked Council to consider climate change numbers when considering requests for development.
- Robin Hoffman, city resident, expressed concern about sidewalks and signage issues on East High Street.

Asked by Mayor Snook, Deputy City Manager Sanders provided an update on a coordinated effort to make improvements on East High Street.

The meeting adjourned at 8:25 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Appropriation of Grant Funds
Presenter:	Jack Dawson, City Engineer
Staff Contacts:	Jerry Allen, Transportation Project Manager
Title:	Appropriating Grant Funds for improvements at 10th Street NW and Grady Avenue - \$500,106 (2nd reading)

Background

On September 6, 2016, City Council approved a Resolution of Support to apply for Pedestrian Safety Improvements Funding under the Virginia Department of Transportation (VDOT) Highway Safety Improvement Program (HSIP) Bicycle and Pedestrian Safety Program (BPSP). The purpose of the BPSP is to evaluate proposals addressing non-motorized crashes and risks in Virginia. Proposals target the reduction in the number and severity, or the risk of and exposure to crashes. The intent of the BPSP is to promote proposals that address a known safety or accommodation issue, are smaller in scale, and can be completed quickly.

In June 2017, the city received notice that a number of intersection projects that were submitted received funding in FY22/23. The intersection of 10th St NW and Grady Ave at Preston Ave is one of the intersections that was identified for pedestrian crossing improvements. New pedestrian curb ramps, sidewalk(s), median refuges, and revised pedestrian crossings will reduce pedestrian crossings widths, increase visibility of pedestrians, reduce pedestrian time within the roadway, and minimize out of distance pedestrian travel. VDOT has granted the city \$500,106 to start these improvements.

In March 2019, City Council approved the Resolution to commit funds to this project.

Discussion

The projects that were submitted for HSIP BPSP funding in 2016 were identified based on the results of the Timmons Group ADA Pedestrian Signal study and the Streets that Work Plan recommendations. Each intersection will be reconstructed with ADA compliant curb ramps, pedestrian pushbuttons, and crosswalk and bicycle pavement marking improvements.

In June 2017, staff was notified that the following intersections were awarded for FY20-23:

- a. ~~Monticello/Ridge - \$209,500~~
- b. Monticello/2nd Street - \$338,230
- c. Cherry/Ridge - \$265,230
- d. Preston/Harris - \$245,725

e. Grady/10th - original \$291,000 combining above Monticello/Ridge funds \$209,500 by VDOT, Current TOTAL: \$500,106

The City of Charlottesville selected the intersection of 10th St NW and Grady Ave at Preston Ave based on it being a Tier 1 ADA deficient intersection where none of the features met current ADA requirements. The city hired an engineering consultant firm to conduct the study of the intersection and confirm its deficiencies as they pertain to pedestrians and cyclist.

The northern crossing of Preston Avenue at 10th Street NW is located at the crest of a hill and near a high-speed section of Preston Avenue. The crossing is an important connection between the Legal Aid Justice Center, Washington Park and a transit stop. This intersection is a significant barrier for residents of the 10th and Page and Venable neighborhoods to access the park. The commercial land uses on the eastern side of the intersection ((coffee shop, brewery, restaurant) are experiencing redevelopment pressures. The addition of the newly renovated Dairy Central Market and its business has increased the need for safe pedestrian access from the north side.

The initial scope of the project involves the installation of new pedestrian curb ramps on all corners of the intersection to meet ADA compliance and align properly with pedestrian crosswalks. The existing pavement markings for pedestrians within the intersection will need to be removed/replaced. New pavement markings for relocated pedestrian crosswalks and stop bars are included. The project also involves installing pedestrian curb ramps and sidewalk(s) to facilitate less out of distance pedestrian travel between the north and south sides of the street where there is frequent and high-volume multi-modal demand on the right-of-way. The addition of a median sidewalk will increase visibility of pedestrians, reduce pedestrian crossing widths, and minimize out of distance pedestrian travel.

Alignment with City Council's Vision and Strategic Plan

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 1, 3, and 5 of the Strategic Plan, to be an inclusive, self-sufficient community, a healthy and safe city, and a responsive organization.

The initiative further implements recommendations within the ADA Transition Plan (2013), Comprehensive Plan (2013), Bicycle and Pedestrian Master Plan (2015), Streets that Work Plan (2016) and supports the City's Healthy Eating Active Living (HEAL) Resolution.

Community Engagement

The BPSP projects draw heavily from the recommendations included in the Streets that Work Plan, which had extensive community outreach. A full account of the public engagement process is available in the 2016 Streets That Work design guidelines. Additionally, it is the practice of Public Works' project management team to conduct public outreach based on the federal and state requirements as applicable. Community members will continue to be engaged throughout the design and construction process.

Budgetary Impact

No additional City funding needs to be appropriated as the BPSP funding does not require a local match.

Recommendation

Staff recommends approval and appropriation of VDOT grant.

Alternatives

If grant funds are not appropriated, the project will not be implemented and the City will remain in non-compliance with the Americans with Disabilities Act.

Attachments

1. 113916 Resolution Appropriating HSIP BPSP 1.2023

RESOLUTION

**Appropriating the amount of \$500,106
Received by the City from the Highway Safety Improvement Program**

WHEREAS, the Highway Improvement Program (HSIP) provides Federal funding for intersection improvements that target the reduction in the number and severity, or the risk of and exposure to crashes, and has awarded the City of Charlottesville \$500,106 for such improvements;

WHEREAS, the BPSP program is a 100% reimbursement program requiring the City to meet all federal guidelines to qualify; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the sum of \$500,106.00 from the Commonwealth of Virginia HSIP Bicycle and Pedestrian Safety Program, said sum shall be appropriated as follows:

Revenue – \$500,106

\$500,106.00 Fund: 426 WBS: P-01092 G/L: 430120

Expenditures - \$500,106

\$500,106.00 Fund: 426 WBS: P-01092 G/L: 519999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Appropriation of Grant Funds
Presenter:	Kyle Rodland, Safe Routes to School Coordinator
Staff Contacts:	Kyle Rodland, Safe Routes to School Coordinator Ben Chambers, Transportation Planning Manager
Title:	Appropriating funds for Safe Routes to School Program (SRTS) Non-Infrastructure Grants - \$ 229,803 (1 of 2 readings)

Background

This is the 7th year that the Virginia Department of Transportation (VDOT) has awarded the City of Charlottesville with a Safe Routes to School (SRTS) Non-Infrastructure (Activities and Programs) Grant. This \$229,803 grant will be used to fund education, encouragement, evaluation and enforcement programs related to Safe Routes to School from October 2022 through September 2024. The Non-Infrastructure Grant will also be used to fund a SRTS coordinator who works within the school division to promote and facilitate Safe Routes to School activities.

Discussion

As part of the grant application, the City was required to update the Safe Routes to School (SRTS) Activities and Programs Plan (APP), a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e. walking or bicycling) as they travel to and from school. The plan details the number of students living within ¼ to 2 miles of their school and demonstrates the potential benefits that can be accrued from a coordinate SRTS program (nearly 30% of students live within ½ mile of school and nearly 70% live within 1 mile of school). The SRTS APP was originally created through a team-based approach that involved key community stakeholders and members of the public in both identifying key behavior-related to barriers to active transportation and, using the four non- infrastructure related E's (education, encouragement, enforcement and evaluation) to address them.

The APP update reflects minimal changes from last year's plan, but emphasizes lessons learned since our Coordinator was hired in October 2016. The following short-term recommendations were developed to enhance the program:

- Institute bike riding, repair, and safety curriculum
- Develop a division-wide SRTS website
- Facilitate biking and walking incentive program
- Regularly host walk- and bike-to-school days
- Consistently host annual Bicycle Rodeos

- Conduct bike safety check
- Student Transportation Committee
- Expand the bike helmet give-away program
- Administer student travel tallies
- Keep records of participation in workshops, biking and walking trains, bike rodeos, afterschool clubs, and other events

The SRTS Activities and Programs Plan will continue to serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school. The grant will allow the City to continue to fund a Safe Routes to School Coordinator and the supplies needed to implement the recommendations included in the APP.

The grant requires a 20% match (\$45,961). We anticipate receiving in-kind donations from the Charlottesville Area Mountain Bike Club for bicycle fleet maintenance.

As a reimbursable grant, costs will be incurred in the State Grant Fund and reimbursed by VDOT.

Alignment with City Council's Vision and Strategic Plan

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City" ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 1 and 3 of the Strategic Plan, to be an inclusive, self-sufficient community and a healthy and safe city.

The initiative further implements recommendations within the Comprehensive Plan (2013), Bicycle and Pedestrian Master Plan (2015) and supports the City's Healthy Eating Active Living (HEAL) Resolution.

Community Engagement

This grant application implements one of the programming recommendations included in the Bicycle and Pedestrian Master Plan (adopted 2015), which included significant public involvement. Further, city staff from Neighborhood Development Services worked with staff from the Thomas Jefferson Health District and Charlottesville City Schools (Physical Education and Pupil Transportation) to create a Safe Routes to School Task Force in 2016 that was responsible for outlining elements of a city-wide Safe Routes to School Activities and Programs Plan (APP). The task force included representatives from city schools, community organizations, multiple city departments (NDS, Public Works, Parks and Recreation), as well as health and enforcement disciplines. The APP was developed by the task force with input from parents (via Parent Survey) and further discussed/refined at public meeting in February 2016. The Bicycle and Pedestrian Advisory Committee provided feedback on the APP annually. A parent survey will be conducted in the 2022-2023 school year to better understand some of the barriers and challenges of walking and biking school.

Budgetary Impact

There is no impact to the General Fund. The total appropriation is \$183,842, which will be recorded and expensed from a grant fund.

Recommendation

Staff recommends approval and appropriation of the grant funds.

Alternatives

If grants funds are not appropriated, Safe Routes to School programming will continue in an ad- hoc fashion with assistance from community partners and parent volunteers.

Attachments

1. Resolution_FY2023-2024 SRTS Non-Infrastructure Grant Appropriation

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



Agenda Date: January 11, 2023

Action Required: Appropriation of Grant Funds

Presenter: Kyle Rodland, Safe Routes to School Coordinator

Staff Contacts: Ben Chambers, Transportation Planning Manager
Kyle Rodland, Safe Routes to School Coordinator

Title: **Safe Routes to School Non-Infrastructure Grant Award - \$229,803**

Background:

This is the 7th year that the Virginia Department of Transportation (VDOT) has awarded the City of Charlottesville with a Safe Routes to School (SRTS) Non-Infrastructure (Activities and Programs) Grant. This \$229,803 grant will be used to fund education, encouragement, evaluation and enforcement programs related to Safe Routes to School from October 2022 through September 2024. The Non-Infrastructure Grant will also be used to fund a SRTS coordinator who works within the school division to promote and facilitate Safe Routes to School activities.

Discussion:

As part of the grant application, the City was required to update the Safe Routes to School (SRTS) Activities and Programs Plan (APP), a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e. walking or bicycling) as they travel to and from school. The plan details the number of students living within

¼ to 2 miles of their school and demonstrates the potential benefits that can be accrued from a coordinate SRTS program (nearly 30% of students live within ½ mile of school and nearly 70% live within 1 mile of school). The SRTS APP was originally created through a team-based approach that involved key community stakeholders and members of the public in both identifying key behavior-related to barriers to active transportation and, using the four non-infrastructure related E's (education, encouragement, enforcement and evaluation) to address them.

The APP update reflects minimal changes from last year's plan, but emphasizes lessons learned since our Coordinator was hired in October 2016. The following short-term recommendations were developed to enhance the program:

- Institute bike riding, repair, and safety curriculum
- Develop a division-wide SRTS website
- Facilitate biking and walking incentive program
- Regularly host walk- and bike-to-school days
- Consistently host annual Bicycle Rodeos
- Conduct bike safety check
- Student Transportation Committee
- Expand the bike helmet give-away program
- Administer student travel tallies
- Keep records of participation in workshops, biking and walking trains, bike rodeos, afterschool clubs, and other events

The SRTS Activities and Programs Plan will continue to serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school. The grant will allow the City to continue to fund a Safe Routes to School Coordinator and the supplies needed to implement the recommendations included in the APP.

The grant requires a 20% match (\$45,961). We anticipate receiving in-kind donations from the Charlottesville Area Mountain Bike Club for bicycle fleet maintenance.

As a reimbursable grant, costs will be incurred in the State Grant Fund and reimbursed by VDOT.

Alignment with City Council's Vision and Strategic Plan:

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City" ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 1 and 3 of the Strategic Plan, to be an inclusive, self-sufficient community and a healthy and safe city.

The initiative further implements recommendations within the Comprehensive Plan (2013), Bicycle and Pedestrian Master Plan (2015) and supports the City's Healthy Eating Active Living (HEAL) Resolution.

Community Engagement:

This grant application implements one of the programming recommendations included in the Bicycle and Pedestrian Master Plan (adopted 2015), which included significant public

involvement. Further, city staff from Neighborhood Development Services worked with staff from the Thomas Jefferson Health District and Charlottesville City Schools (Physical Education and Pupil Transportation) to create a Safe Routes to School Task Force in 2016 that was responsible for outlining elements of a city-wide Safe Routes to School Activities and Programs Plan (APP). The task force included representatives from city schools, community organizations, multiple city departments (NDS, Public Works, Parks and Recreation), as well as health and enforcement disciplines. The APP was developed by the task force with input from parents (via Parent Survey) and further discussed/refined at public meeting in February 2016. The Bicycle and Pedestrian Advisory Committee provided feedback on the APP annually. A parent survey will be conducted in the 2022-2023 school year to better understand some of the barriers and challenges of walking and biking school.

Budgetary Impact:

There is no impact to the General Fund. The total appropriation is \$183,842, which will be recorded and expensed from a grant fund.

Recommendation:

Staff recommends approval and appropriation of the grant funds.

Alternatives:

If grants funds are not appropriated, Safe Routes to School programming will continue in an ad-hoc fashion with assistance from community partners and parent volunteers.

Attachments:

Safe Routes to School Activities and Programs Plan <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/transportation/bicycle-and-pedestrian/safe-routes-to-school>

Appropriation Resolution

**RESOLUTION APPROPRIATING FUNDS for
Safe Routes to School Program (SRTS) Non-Infrastructure Grants
\$ 229,803**

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$183,842;

WHEREAS, the two year SRTS award is a 80% reimbursement program requiring a 20% match of \$45,961. It will come from in kind donations and volunteer services from Charlottesville Area Mountain Bike Club

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

REVENUE

\$183,842	Fund: 209	Cost Center: 3901008000	G/L: 430120
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EXPENDITURES

(expenditures and salary)

\$79,842	Fund: 209	Cost Center: 3901008000	G/L: 599999
\$104,000	Fund: 209	Cost Center: 3901008000	G/L: 519999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$183,842 from the Virginia Department of Transportation.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Appropriation of grant funds
Presenter:	Susan Morrow - Offender Aid and Restoration, Jen Scott - Offender Aid and Restoration
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	Appropriating Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for operations of the therapeutic docket program (1 of 2 readings)

Background

The City of Charlottesville, on behalf of the Charlottesville-Albemarle Therapeutic Docket program, has received a Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for operations of the therapeutic docket program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Supreme Court of Virginia Behavioral Health Docket Grant.

Discussion

In its fourth year of operation, the Charlottesville-Albemarle Therapeutic Docket program is a supervised 8 to 12 month treatment program that serves as an alternative to incarceration for offenders. The Therapeutic Docket is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult misdemeanor offenders who suffer from serious mental illness. The program uses the power of the court to assist non-violent offenders to achieve wellness and recovery through a combined system of intensive supervision, medication management, mental health treatment, and regular court appearances.

The total program budget is \$228,700 and includes three funding sources:

Supreme Court of VA:	\$61,500
City of Charlottesville:	\$110,000, (previously appropriated)
Albemarle County:	\$57,200, (previously appropriated)

Alignment with City Council's Vision and Strategic Plan

This relates to the City of Charlottesville's priority area of safety/criminal justice. The Therapeutic Docket is a valuable, less expensive alternative to incarceration for certain criminal offenders with serious mental illness which utilizes a blend of court-ordered supervision, mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and enhance personal accountability and mental health and wellness among participants.

Community Engagement

The Therapeutic Docket is a direct service provider and is engaged daily with non-violent criminal offenders with serious mental illness who are at a high level of risk for reoffending and have a high level of need due to mental illness. By collaborating with the Court system, Region Ten Community Services Board and Partner for Mental Health, the Therapeutic Docket provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Therapeutic Docket through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the General District Court. If they successfully complete the program, which takes a minimum of 6 months, participants may have their pending charges dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Therapeutic Docket participants return the community's investment in them by improving their mental health status, maintaining compliance with treatment regimens, including medications, and reducing their criminal behaviors in the community.

Budgetary Impact

No additional City funding is required as the City's match for this grant, \$110,000, was appropriated within the FY 2023 Council Approved Budget as part of the City's contribution to Offender Aid and Restoration.

Recommendation

Staff recommends approval and appropriation.

Alternatives

Council could choose to not approve the grant.

Attachments

1. Resolution_FY23 TD Appropriation 1900499

RESOLUTION
Appropriating the Grant for Charlottesville - Albemarle Therapeutic Docket Grant
Award in the amount of \$61,500

WHEREAS, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for the Charlottesville - Albemarle Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$167,200; and

WHEREAS, the grant award covers the period September 1, 2022 through June 30, 2023.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$61,500, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

Revenues

\$61,500 Fund: Internal Order: #1900499 G/L Account: 430110 (State Grant)

Expenditures

\$61,500 Fund: Internal Order: #1900499 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$61,500 from the Supreme Court of Virginia.

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



Agenda Date:	February 6, 2023
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Dannan OConnell, Planner
Staff Contacts:	Dannan OConnell, Planner
Title:	Considering a Special Use Permit request for 345 US 250 Bypass (250 Bypass Fire Station) (1 reading)

Background

Scott Hendrix, City Senior Project Manager, is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-158 to allow for a new City fire station on the Subject Property. The Subject Property is owned by the City of Charlottesville and includes McIntire Park, the Brooks Family YMCA, and the existing City Fire Station #1. The applicant is proposing to construct a new 8,000 square foot station to the south of an existing stub road.

The Subject Property is currently zoned R-1 (Single-Family Residential). Under the R-1 zoning classification, municipal offices or other government buildings are permitted with a Special Use Permit. The current City Fire Station #1 is a legal non-conforming use, with no Special Use Permit on file for this site. Development of the Subject Property as shown requires disturbance of critical slope areas. Therefore, the applicant has submitted a Critical Slope Waiver (P22-0091) to accompany this SUP request.

Discussion

The Planning Commission held a hybrid virtual and in-person joint Public Hearing with City Council on January 10, 2023 on this matter. The Planning Commission and City Council had the following comments on concerns:

- Questions regarding trail paving and pedestrian accessibility to the new fire station
- Impacts to tree canopy and the surrounding McIntire Park area

The applicants clarified that the new station is designed to minimize land disturbance, and will be publicly accessible and connected to the existing City trail system. The Commission was very supportive of the new fire station, and recommended approval without a proposed condition regarding vacating the existing stub road from the City right-of-way. This was suggested to avoid potential legal delays regarding public right-of-way vacations.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 24:00 mark.

[Link to Recording of Public Hearing](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 42.

[Link to Staff Report and Application Materials](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Special Use Permit request, the project could contribute to Goal 3: A Beautiful and Sustainable Natural and Built Environment, Item 3.2: Provide reliable and high quality infrastructure.

Community Engagement

The applicant held a community meeting on August 24, 2022. Several members of the public were in attendance at the meeting.

Staff has received no emails or phone calls expressing concerns with the development.

On January 10, 2023 the Planning Commission and City Council held a joint Public Hearing. The Public Hearing was a hybrid meeting with the public able to join online and in person. During the Public Hearing three members of the public participated, voicing support for the new station and questions regarding facility upgrades and traffic impacts.

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 7-0 to recommend the application be approved.

Suggested motion: "I move the RESOLUTION granting a Special Use Permit for Property located at 345 US 250 Bypass."

Alternatives

City Council may deny or indefinitely defer the requested Special Use Permit:

- (1) Denial: "I move to deny the Special Use Permit requested within zoning application no. SP22-00008"
- (2) Deferral: "I move to defer Council action on zoning application no. SP22-00008"

Attachments

None

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Dannan OConnell, Planner
Staff Contacts:	Dannan OConnell, Planner
Title:	Considering a Critical Slope Waiver request for 345 US 250 Bypass (250 Bypass Fire Station) (1 reading)

Background

Scott Hendrix, City Senior Project Manager is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for a development of a new City fire station and supporting infrastructure. The applicant is proposing to construct a new 8,000 square foot station to the south of an existing stub road, eventually replacing the existing City Fire Station #1. Through this process the applicant is proposing to disturb critical slopes (as defined in section 34-1120(b)). In order to keep the existing fire station in operation until its replacement is completed, the new building will be located to the south, encroaching into nearby critical slopes. Existing critical slopes areas located on this Property include 4.24 acres or 2.9 percent of the site. 0.08 acres of critical slopes will be disturbed.

Discussion

The Planning Commission held a hybrid virtual and in-person joint Public Hearing with City Council on January 10, 2023 on this matter. The Planning Commission and City Council had the following comments or concerns:

- Questions regarding the chosen location of the new station
- Noting that the existing critical slopes are man-made along existing roads

The applicants clarified that the new station is designed to minimize land disturbance, and the old station must be kept in operation to provide services until the new facility is complete. The Commission was very supportive of the new fire station, and recommended approval of the waiver with no recommended conditions.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 34:00 mark.

[Link to Recording of Public Hearing](#)

Staff note: The full application for this project can be found at the following link. Materials start on

page 69.

[Link to Staff Report and Application Materials](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Special Use Permit request, the project could contribute to Goal 3: A Beautiful and Sustainable Natural and Built Environment, Item 3.2: Provide reliable and high quality infrastructure.

Community Engagement

Under the City's Zoning Code, a Critical Slope Waiver Application does not require a Public Hearing or community engagement meeting. However, the applicant did hold a community meeting for a Special Use Permit for the Subject Property on August 24, 2022. Several members of the public were in attendance at the meeting.

Staff has received no emails or phone calls expressing concerns with the development.

On January 10, 2023 the Planning Commission and City Council held a joint Public Hearing. The Public Hearing was a hybrid meeting with the public able to join online and in person. During the Public Hearing three members of the public participated. No comments or concerns were related to the critical slope waiver request.

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 7-0 to recommend the application be approved.

Alternatives

City Council may deny or indefinitely defer the requested Critical Slope Waiver:

- (1) Denial: "I move to deny the Critical Slope Waiver requested with application P22-0091"
- (2) Deferral: "I move to defer Council action on Critical Slope Waiver P22-0091"

Attachments

None

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Appropriation of Grant Funds
Presenter:	Gail Hassmer, Chief Accountant
Staff Contacts:	Gail Hassmer, Chief Accountant Ashley Marshall, Deputy City Manager
Title:	Appropriating State Criminal Alien Assistance Program (SCAAP) Grant for 2021 reimbursement in the amount of \$7,743 (1 of 2 readings)

Background

The City of Charlottesville has received the State Criminal Alien Assistance Program Grant (SCAAP), on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$7,743. These are federal funds to reimburse the Albemarle-Charlottesville Regional Jail for Fiscal Year 2021 expenses of housing convicted alien inmates. Albemarle County is appropriating funds received under the same program that will also be passed through to the Regional Jail.

Discussion

The State Criminal Alien Assistance Program (SCAAP) provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating certain undocumented criminal aliens. The award amount is based on the number of undocumented persons incarcerated at the Albemarle-Charlottesville Regional Jail. As this is not a one-time grant, the Jail will receive future payments from the City as they are granted.

Alignment with City Council's Vision and Strategic Plan

These funds align with Council's Vision for a Smart, Citizen-Focused Government -- Acceptance of these funds will support quality services at our Regional Jail and will help ensure that services are provided in the most efficient and cost effective way to citizens. These funds also support Goal 2: Be a safe, equitable, thriving and beautiful community, and Objective 2.1. Provide an effective and equitable public safety system

Community Engagement

N/A

Budgetary Impact

There is no budgetary impact as 78% of these funds will be passed through directly to the Regional Jail. The remaining 22% will be sent to Justice Benefits, Inc., which provides administrative support for the regional jail.

Recommendation

Staff recommends that Council appropriate the funds.

Alternatives

Attachments

1. SCAAP_Regional Jail Appropriation Reimbursement \$7743

**RESOLUTION APPROPRIATING
State Criminal Alien Assistance Program (SCAAP) Grant for 2021
reimbursement - \$7,743**

WHEREAS, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$7,743.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$6,040 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$1,703 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$7,743	Fund: 211	Internal Order: 1900509	G/L Account: 431110
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Expenses

\$6,040	Fund: 211	Internal Order: 1900509	G/L Account: 530550
\$1,703	Fund: 211	Internal Order: 1900509	G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,743 from the U. S. Bureau of Justice Assistance.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Approval
Presenter:	Samuel Sanders, Jr., Deputy City Manager
Staff Contacts:	Samuel Sanders, Jr., Deputy City Manager James Freas, Director of NDS
Title:	Appropriating funds for appraisal services at 0 East High Street - \$3,800 (1 of 2 readings)

Background

Discussion

The appraisal will provide an estimated market value for the parcel at 0 East High as well as associated parcels - parcel ids 500144000, 500143100, 500143000 and 500133100. The appraisal will include sufficient information to understand the basis for the provided value taking into account market value for undeveloped land, the allowed uses of the property under zoning, and the costs associated with the necessary improvements to the property in order for it to be developable. The appraisal will be completed in 6 to 8 weeks from project initiation.

Alignment with City Council's Vision and Strategic Plan

The proposed expenditure aligns with the Council vision to be a Green City and with Goal 3 of the Strategic Plan for a "A Beautiful and Sustainable Natural and Built Environment."

Community Engagement

None

Budgetary Impact

The appraisal will cost \$3,800 drawn from previously appropriated funds in the Council's Strategic Initiatives Fund.

Recommendation

Staff recommends approval of the expenditure.

Alternatives

If Council does not approve the use of the funds from the Council Strateg

Attachments

1. East High Appraisal Appropriation

**RESOLUTION APPROPRIATING FUNDING FOR
Appraisal Services at 0 East High Street
\$3,800**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$3,800 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund for appraisal services at 0 East High Street.

\$3,800

Fund: 105

Cost Center: 10110010000



City Manager's Report

February 2023

UPDATES FROM INTERIM CITY MANAGER MICHAEL ROGERS

- The firm Raftelis has been selected as the Strategic Planning Consultant to update the current strategic plan. The firm will lead the planning process with internal and external stakeholders over the next four months.
- The Economic Development Authority has launched its strategic planning process using Renaissance, a firm out of Austin Texas. The economic development strategic plan will support the city-wide strategic plan, though they are being developed on different cycles.
- The Compensation study will be delivered on February 15. The consultant Gallagher will report the results at a future Council meeting.
- The selection of the Labor Relations Administrator is down to two firms and after negotiation there will be a selection imminently. After selection immediate steps will be taken to kick off petitions and elections for the three authorized unions.
- The City Manager held a citizen Budget Forum at Carver Recreation Center on January 31.
- Following action by the City Council and the County Board of Supervisors in December, the amended Memorandum of Agreement related to the co-located General District Court and the associated parking access has been fully executed. The County will assume control on the 7th Street surface parking lot during weekday business hours for use by court staff and visitors beginning February 1, 2023. Previous users of the lot were given 45 days' notice and have been offered alternative parking options. Preliminary work on the new court complex in Court Square is now underway.

UPDATES FROM DEPUTY CITY MANAGER ASHLEY MARSHALL

- 2022 National Community Survey
 - The Office of the City Manager would like to thank the members of the community who responded to the Polco National Community Survey either by mail, or through the internet website. The Survey closed on December 27, 2023 and results will be presented to the City Council and the Community at Council's February 21st 4pm workshop session.

UPDATES FROM DEPUTY CITY MANAGER SAMUEL SANDERS

- Pupil Transportation
 - To date, nearly 500 school kids are not assigned to bus routes and transit staff, schools staff, and the city manager's staff continue to work on the issue.
 - CAT continues to hire personnel for both Transit and Pupil Services with the recent base pay increase to \$21/hr. We are training and putting new drivers on the road as quickly as possible.
 - Our Safe Routes to Schools priorities remain active as we work to support school requests for improvements that are aimed at delivering kids to school safely; we anticipate this continuing through this Summer and intend to double down our regular SRTS work with added capacity for this work.
 - CAT is preparing an RFP to secure a backup provider to support pupil services in the Fall. The goal will be to ensure we have enough drivers for all routes to be in service.

- CAT is also working with Albemarle County Schools with hopes of aligning special needs services to relieve duplicate driver scenarios so both systems can gain additional efficiency. – for CAT that would mean another driver to activate a paused route.
- CAT needs drivers. \$21/hr is the top of the greater regional market.
- Plastic Bag Tax Update
 - City-sponsored reusable plastic bags are being distributed to WIC- and SNAP-eligible households through the Department of Social Services.
 - DSS is also hosting special bag giveaway days at a variety of locations.
 - Community Solutions staff is working with The Sierra Club and others to arrange for reusable bag collections and re-distribution to households needing bags.
 - City staff will monitor our supply of bags and hope to bring additional ideas for council to consider once we begin to receive the tax revenues and can program those dollars further.
 - Recent complaints of stores charging and not charging correctly are being reported to the state Taxation Department who has compliance powers on this matter.

CITY MANAGER'S OFFICE UPDATES

- **Office of the City Manager** – Executive Assistant Terry Bentley (she/her)

The Office of the City Manager would like to remind the public that they continue to provide support as the main information line for the community. To reach them, please call 434-970-3333, but also the public should be aware that the phone tree system is active to ensure quick transfer to the proper departments.
- **Office of Budget and Management** – Director Krisy Hammill (she/her)

The Office of Budget and Management is hard at work on the Fiscal Year 2024 Budget. Please be sure to check out the City's Budget webpage. There you will find all the latest public information pertaining to the budget. Information on the current year's budget and the FY2024 Budget Process can be found at: <https://charlottesville-va.civilspace.io/en/projects/charlottesville-fy24-city-budget>
- **Office of Communications & Public Engagement** – Deputy Director David Dillehunt (he/him)

The 25th Annual Grand Illumination event and TV broadcast was a success, utilizing most every member of the Communications Office. For the December 2022 event, there is an estimated attendance of roughly 3,500 members of our community and visitors. Further, the Communications team came in nearly \$2,000 under budget! We would like to thank our Presenting Sponsor – [UVA Credit Union](#) for their continuous support of our annual holiday event. Additional thanks go to our Holiday Music Sponsor – [Ting](#); and our Community Supporter – [Dominion Power](#). In additional staffing news, Caroline Rice is now in charge of the “Cville 360” employee newsletter and released the latest edition to City staff earlier in January 2023. Remy Trail continues to handle all of the CitySpace hybrid meetings. Kyle Erving, our Public Safety Information Officer, is currently working with Chief Kochis and Acting Chief Thomas on determining various departmental needs. Finally, our Community Media Center is operating full-time with regular usage by citizens. There are roughly 35 active members and Deputy Director David Dillehunt continues to support their regular needs as well as our weekly broadcasting schedules.
- **Office of Community Solutions** – Director Alex Ikefuna (he/him)
 - The Office of Community Solution (OCS) is happy to announce the addition of Taylor Harvey-Ryan, Grants Program Manager to its team. Ms. Taylor Harvey-Ryan started work with the city on January 30, 2023. She will provide administrative and technical support to city departments and agencies regarding preparation of proposals and grant applications. Ms. Ryan was formally Housing Program Manager for the Virginia Department of Housing and Community Development. We are thrilled to have her join the City Team.

- The 2023 Charlottesville Affordable Housing Fund (CAHF) Notice of Fund Availability will close on January 31, 2023. The fund is designed to support creation of affordable housing in Charlottesville. This will conclude the city’s 2023 Notice of Funding Availability for Housing-Related Activities.
 - OCS is working on centralized clearinghouse and tracking system for City property leases, acquisition, and disposition.
 - The City of Charlottesville and Thomas Jefferson Planning District Commission (TJPDC) Consortium are currently preparing the 2023 - 2027 HUD-mandated Consolidated Housing and Community Development Plan, which will be completed in May of 2023. The current 2018 – 2022 Plan is scheduled to expire on June 30, 2023. This multi-year plan is required for all “Entitlement Communities” in the United States.
- **Office of Economic Development** – Director Chris Engel (he/him)

The City of Charlottesville’s Office of Economic Development has concluded its thirtieth vacancy study. First conducted in July 2008, this study provides a detailed glimpse into the economic health of the City. This report only studies retail properties within the six City shopping centers: Barracks Road, Downtown Mall, McIntire Plaza, Preston Plaza, Seminole Square, and The Corner. Overall, the total vacancy rate for the six shopping centers is 4.68%, which is down from 7.21% recorded during the January 2022 study. The full report can be found on the OED website. Additionally, the City’s Economic Development Strategic Planning effort officially kicked off recently with the first meeting of a 16-member steering committee. Resonance, the selected consultant to develop a comprehensive economic development strategic plan to help guide the City’s development activities for the next five years, led the meeting and made their first visit to the City. The plan is expected to leverage existing assets and envision a future that builds a more inclusive, resilient business and entrepreneurial community. In addition to the data analysis work being done now, a community business survey will be released in early February. The project is expected to conclude in July 2023.
 - **Office of Human Rights** – Director Todd Niemeier (he/him)

The Office of Human Rights has continued to provide excellent services to the community. For calendar year 2022 the office conducted over 4,300 incoming and outgoing contacts, including 2,500 contacts that were classified as providing community navigation services that are outside of the office’s normal charge through the City’s ordinance. In calendar year 2022, inquiries based in the Charlottesville Human Rights ordinance focused on housing issues, with employment discrimination concerns as second, and public accommodation concerns as third. Race and disability remain the top protected classes most often cited inquiries and complaints received by the office. As of January 2023, the office currently has nine (9) open complain cases and two (2) new complaints pending assessment. The Office is currently preparing its Calendar Year 2022 annual report with an anticipated completion date of March 1, 2023, and will present that report to the City Council and public in spring of 2023. Administrative

Updates: Currently the Office continues to work with the federal Housing and Urban Development department as they work to become a Fair Housing Assistance Program. Staffing Updates: The Office of Human Rights has begun hiring for their Intake and Administrative Specialist – the opening closed on January 20, 2023. Intern Ginny Helmadollar continues to provide administrative support to the Commission even while studying abroad this semester in France, and Intern Lily Gates continues to provide hybrid individual service provision support to the Office while attending her final semester at UVA. Outreach Updates: Victoria McCollough, Community Outreach & Administrative Specialist, continues to connect with and develop relationships with community partners, including participation in weekly meetings to support our community’s homeless population and monthly meetings with service providers to get updates on public housing, re-entry after incarceration, and addiction recovery support. She also continues to provide individual service follow ups, navigation, and is working on new educational materials.

- **Human Rights Commission:** The Human Rights Commission would like to welcome Suzanne Lynn (she/her) to the Commission as she was appointed by City Council in December 2022. Her term will begin on March 1, 2023. Jessica Harris (she/her) was reelected as Human Rights Commission Chair and Ernest Chambers (he/him) was re-elected as Vice-Chair by their peers on January 19, 2023. Congratulations to Jessica and Ernest – the Office looks forward to continuing to work with you both. Finally, the Commission is planning an annual retreat and strategic planning meeting for early March 2023.

- **Office of Equity and Inclusion**

- **Americans with Disability Act (ADA)**– ADA Coordinator Paul Rudacille (He/Him)
The City of Charlottesville’s ADA Coordinator can be reached by email at ada@charlottesville.gov or by phone at 434-970-3182. Information is on our website about the ADA grievance procedures, and our ADA complaint procedures at <https://charlottesville.org/274/Americans-with-Disabilities-Act-ADA-Coor>
- **Home to Hope Program** – Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)
The Home to Hope Peer Navigators participated in the recent One Stop Shop held by The Fountain Fund and OAR on January 12, 2023. The event was held at Carver Recreation Center, and additional One-Stop events are being planned to continue through the Winter months at that location. Further, the Home to Hope team participated in the soft Launch of UVA’s Pipelines & Pathways employment program on January 17, 2023 at Carver Recreation Center. More information on the program can be found at: <https://prescouncil.president.virginia.edu/pipelines-and-pathways>
 - The Home to Hope program is free of charge for members of the community who are reentering the community after “time-served.” For assistance please email Home to Hope at hometohope@charlottesville.org, call them at 434-970-3601, visit their office on the Pedestrian Mall at 507 E. Main Street, or you can fill out an

intake form on-line at: <https://www.surveymonkey.com/r/HometoHopeIntake>

- **Downtown Job Center** – Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)
The Downtown Job Center was in attendance at the first of many Goodwill Site Visit Monthly Meetings that took place on January 12th. The feature presenter was PepsiCo. Further, the Downtown Job Center participated in the soft Launch of UVA’s Pipelines & Pathways employment program on January 17, 2023 at Carver Recreation Center. The Center’s Lead – Roy Fitch Jr. – is a member of the working group for Pipelines & Pathways whose goal is to increase the number of disadvantaged community residents hired by the University, decrease their rate of turn over, and increase the number of incumbent Academic Division and UVA Health workers who advance up the income ladder. More information on the program can be found at: <https://prescouncil.president.virginia.edu/pipelines-and-pathways>
 - The City of Charlottesville Downtown Job Center is now located on the Pedestrian Mall at 507 E. Main Street. Assistance is free of charge to anyone who visits the center. For more information, please call then at 434-970-3933 or visit Tuesday-Thursday from 9:30-4:30pm. Mondays and Wednesdays are by appointment.

CITY DEPARTMENTAL UPDATES

- **Charlottesville Area Transit** – Director Garland Williams (he/him)
 - CAT is working with Albemarle County to launch a Microtransit Program later this year.
 - CAT is working to transition to radio operations that put it in alignment with other emergency personnel in the region.
 - The Alternative Fuels Study will be complete in the Spring.
- **Charlottesville Fire Department** – Interim Chief Michael Thomas (he/him)
 - The Charlottesville Fire Department is actively working on the smoke alarms, carbon monoxide detectors, and rangehood fire stops community outreach program associated with the Community Development Block Grant. Thus far we have installed 55 new smoke alarms, 443 carbon monoxide detectors, and 419 stovetop fire stops. This is a city-wide initiative; however, the focus has been on Westhaven, 10th and Page, 6th Street, and Madison Avenue. This effort will continue until all devices have been installed in the community.
 - The Charlottesville Fire Department is in the beginning stages of implementing the IROL program. Letters have been sent to vendors that will be participating in the program. Training for vendors and Fire Marshals will be conducted on February 15th. The projected start date to receive fire inspection reports will be March 1st.
 - In the first six months of FY23, the Charlottesville Fire Department has responded to **4341** calls for service:
 - Fire incidents 74
 - EMS incidents 2884
 - Other calls for service 1383
 - Recruit School #8 graduation is projected to take place in May.
 - We are currently working on the awarded S.A.F.E.R grant audit with the Finance Department.
 - Hiring- The application process for the Charlottesville Fire Department is planned for February 6th through March 6th.
- **Charlottesville Police Department** – Chief Michael Kochis (he/him) [Report submitted on 1/19/23]

The Charlottesville Police Department would like to welcome again Chief Michael Kochis to the department and community, as well as thank Major LaTroy Durette for his work as Acting Chief. The Department has begun its 90-day transition plan, which includes meetings, program briefings and an all-staff town hall. Incidents: Recently the Charlottesville community experienced two shootings within three days in the area of Cherry and Prospect Ave. (no injuries). After the last shooting on January 18th, Chief Kochis and the CPD command staff conducted a command walk in the area and met with several residents who live on Prospect Ave. The conversations were very

productive and yielded a better understanding of the challenges faced in the area. Residents requested that officers spend more time in their neighborhood getting to know residents and build relationships. In response to that request, Chief Kochis has implemented a "walk and talk" detail where two officers will be assigned to the area either on foot or bicycles. These officers have been advised that the primary purpose is to meet with and speak to build dialog and trust between officers and the community. This detail will run for two weeks. *[Please note that this report was submitted on January 19th to meet publishing deadlines and does not intentionally leave out any incidents that occurred after January 19, 2023, but their omission is simply due to the submission deadlines for Council packets]*

- **Emergency Management** – Coordinator Jeremy Evans (he/him)
 - The city's Emergency Operations Plan (EOP) is now complete and under review by the City Manager. The next step is to present to council approval before submitting to the Virginia Department of Emergency Management.
 - Several grants with an emergency management focus have been submitted on behalf of the city:
 - The Building Resilient Infrastructure and Communities Grant (BRIC) for generator replacements to city facilities. This grant was submitted to FEMA in mid-January. Hoping to hear a result by late summer.
 - The Local Emergency Management Programs Grant (LEMPG) is a 50/50 grant match for \$15,000. The city would spend \$7,500, and the grant would cover the additional \$7,500 towards EM projects in the city.
 - The Chesapeake Gateways grant. This grant is a no-match grant that would award the city \$50,000. The NPS Chesapeake Gateways focuses on advancing equity, inclusion, accessibility, and community engagement across two strategic themes: Advance a Major Inclusive Interpretive Initiative with an Equity Lens and Promote Resilient Communities & Landscapes Through Tourism, Sustainability, Conservation & Local Economies.
 - The Emergency Shelter Upgrade Grant, which will be used to potentially replace generators at city shelter sites. Those are to be determined. This grant was submitted in mid-January with hopes of hearing results by late summer.
- **Human Resources** – Director Mary Ann Hardie (she/her)

The Department would like to extend a warm welcome to Jimmy Morani, the City's Labor Relations Manager and Victoria Falleck, the City's new Human Resources Recruiter.

 - The Department of Human Resources continues to work on completing many hires in multiple departments. Please go to our website to see all openings and encourage eligible applicants to apply: <https://www.charlottesville.gov/695/Employment-with-the-City-of-Charlottesvi>
- **Department of Human Services** – Director Misty Graves (she/her)

HIRING: We have selected a candidate for the Hotline Supervisor position and will start onboarding in the next few weeks. This position will provide additional support to the Community Resource Line (Pathways Program) as well as the Homeless Information Line. We will be posting for a Human Services Planner position later this month.

ENGAGEMENT: The Department of Human Services will partner with the UVA Masters of Public Policy program to update the "Stepping Stones Report" last published in 2019 (posted on the web here: <https://www.charlottesville.gov/1623/Stepping-Stones-Report>) to report on community well-being metrics for Children and Families in Charlottesville/Albemarle. Staff will present to students on Feb. 9th. Youth programming staff from our department has also been invited to a Community Wellbeing event hosted by the Boys and Girls Club on Feb. 9th.

TRAINING: 13 members of the Department's Leadership Team has attended the first in a three-part series from Equity in the Center titled: We Can Get There From Here: Exploring Racial Liberation In a Time of Change. One Jan. 4th, one of our staff co-facilitated with a DSS staff member an introduction to Stress First Aid for the City of Charlottesville LEAD team to mitigate, prevent, and recover from stress injuries in the workplace.

- **Department of Information Technology** – Director Steve Hawkes (he/him)

The Department has successfully completed two major projects: the “H: Drive” to Microsoft OneDrive and the “J: Drive” migration. Both projects were major undertakings by and because of the two projects the organization is much better positioned for teamwork and collaboration.

Cybersecurity: The Department has recently completed its staff phishing email training campaign. Results showed a 15% failure rate among staff, which is an improvement over the previous campaign’s 20% failure rate. The Department will continue emphasizing cybersecurity training and pushing out phishing email training campaigns. Further, in January 2023 the Department held a tabletop Security Team exercise mimicking a Cybersecurity incident. In the exercise we learned a great deal and will be making updates to our Incident Response Plan (IRP) to address gaps in the IRP.

City Education: The Department is proud to announce that in conjunction with the City iTeam the first WIFM or “What's In It For Me” workshop was completed on January 18. Twenty-nine (29) city employees throughout the organization learned more about key features in Microsoft Teams and then participated in small groups labs to help provide hands-on experience. The second part of the Microsoft Teams WIFM will be held on February 15. The goal of the WIFM’s is to help staff better leverage many of the enterprise software tools licensed to the City.

Applications: A new alerting system, CivicReady, is being implemented. The new system will automatically enroll all City phones and City email addresses so that every staff member will be alerted City closures or delayed openings due to inclement weather or emergency. Additional scenarios will be added to the system over time. The Applications Team is also working on enhancing the existing help desk system to include our PC inventory. This is a long-needed enhancement and will be a major benefit to the PC replacement program.

Staffing: The department would like to welcome Ray Liu, our new Software Engineer who began in January 2023 and we will soon be interviewing candidates for the vacant Technical Support Specialist position.

Additional Information: Additional top priority projects being worked on include the SAP Upgrade, re-engineering our processes for new employees and new PCs, and addressing sensitive and stale electronic files throughout the organization.

- **Neighborhood Development Services** – Director James Freas (he/him)
 - NDS released the first module of the Cville Plans Together zoning rewrite on Friday, Feb 3. Details on the module and on upcoming community engagement opportunities can be found on the project website - <https://cvilleplanstogether.com/>. This module includes the proposed zoning districts and zoning map. Planning Commission will be discussing this draft at their work session on Feb 28 and Council is welcome to attend.
 - The TJPDC has been identified as a recipient of a Safe Streets for All planning grant. The City was an active partner in developing this application and will be very involved in the development of this plan, with a focus on what we can accomplish to enhance transportation safety on Charlottesville’s streets. Following development of this plan, the City will be eligible for federal construction funds for projects identified in the plan. The amount of the grant is \$857,600, making it the 2nd highest award in the state.

- **Parks & Recreation** – Director Dana Kasler (he/him)
 - Golf will be partnering again with The First Tee Blue Ridge to provide youth programs at Meadowcreek Golf Course. More info coming soon.
 - Garden Plot Renewals and Registration Began. More info at: [Garden Plots | Charlottesville, VA](#)
 - Shelter registration has begun.
 - Tree planting project will begin in March.
 - Carver held our 1st Annual Winter Ball on Sat., Jan. 21. We had over 100 people and 40 participants from Adaptive Recreation
 - Summer Camp Registration opens on Monday, March 6 for City Residents and Monday, March 20 for Non-residents.
 - Youth basketball had an enrollment of 354 kids for the winter season.

- **Police Civilian Oversight Board** – Deputy City Manager Ashley Marshall (she/her)

The Police Civilian Oversight Board continues to meet and discuss priorities as a new Executive Director is hired. The Office of the City Manager and the PCOB Chair William Mendez are working closely together to secure its next Executive. The process is moving into the second interview phase, where both Chair Mendez and Member James Watson will participate in the process along with key city staff including members of the Department of Human Services and Home to Hope.

- **Public Works** – Director Stacey Smalls (he/him)
 - Engineering:

- Belmont Bridge Replacement continues in construction phase. Currently installing NE stairs, north tunnel extension, south street curb lines, moving private utilities. Old bridge structure has been completely removed. Traffic flows are now on the new deck surface. Anticipated completion of construction early 2024.
- Dairy Road Bridge Replacement will be the city's first Design-Build project and design development phase will be initiated this year with the assistance of AMT consulting engineers. It's fully funded with State of Good Repair funds.
- Environmental Sustainability:
 - Charlottesville's first Climate Action Plan formally adopted as an amendment to the 2021 Comprehensive Plan.
 - APWA Mid-Atlantic Honorable Mention award the new Community Engagement category for our Climate Action Plan
 - Grant concept paper submitted for DOE's Renew America's Schools funding opportunity (projected \$8.8M project focused on Charlottesville High School and including both energy efficiency and renewable energy (solar PV) generation). Full application due April 21, 2023.
- Facilities Development:
 - Buford School Project will go out to bid on February 6th. Bids will be expected by March 14th. Based on bid prices, Public Works will require swift decisions from Charlottesville Public Schools and City Council on options based on any foreseen escalations that exceeded our original estimate for construction.
- Facilities Maintenance:
 - APWA Mid-Atlantic Project of the Year Award for Structures Less than \$5 Million – Smith Recreation Center Indoor Air Quality Renovations
- **Utilities** – Director Lauren Hildebrand (she/her)
 - The Department of Utilities' Annual Customer Satisfaction Survey is now open. Utilities values customer feedback and welcomes the opportunity to gather information that helps us continue, and build on, our range of services, programs, and initiatives. Customers will be able to access the survey link through Utilities' electronic newsletter and on our website at www.charlottesville.gov/utilities. Paper copies of the survey are available upon request by contacting Utilities Outreach at (434) 970-3686. All responses will be kept completely confidential. Thank you in advance for your participation!
 - The Department of Utilities has selected the engineering firm Black & Veatch to conduct the Decarbonization Study for our natural gas utility. Black & Veatch brings substantial experience in consulting and engineering and has prepared similar studies for other organizations in the United States. **An initial kick-off presentation**

of the scope of work for the Decarbonization Study will be held by Black & Veatch at the City Council Work Session on March 20th at 4PM.

- The Department of Utilities knows that for many people the start of a new year means a list of resolutions. And if your list includes streamlining the way you pay bills, Utilities can help. Utilities offers payment options that help simplify your expenses, such as the Budget Plan. The Budget Plan estimates your early cost for utilities and divides that total into 12 equal installments. These installments become your “level payment amount” for each billing month. Periodically, your account is reviewed to determine if your level payment amount needs to adjust to achieve a zero balance at the end of your budget year. To learn more about this and other available payment options visit, www.charlottesville.gov/billpay or contact the Utility Billing Office at (434) 970-3211.

- **Social Services** – Director Sue Moffett (she/her)

The Department is proud to announce that Family Services Specialist Lynzi Williams has been promoted to the position of Family Partnership Coordinator. Programing: The Department received 634 applications for Fuel Assistance between 10/11 and 11/14. We were able to approve 88% of them. The Department is currently accepting applications for the Crisis Energy Assistance Program.

- Should any member of the Charlottesville community need assistance please contact the Department of Social Services at 434-970-3400 for additional information/ Comuníquese con el Departamento de Servicios Sociales al 434-970-3400 para obtener información adicional.

APPOINTEES AND ELECTED OFFICIAL UPDATES

- **Circuit Court** – Honorable Lizelle Dugger, Clerk of Circuit Court (she/her)
No update at this time
- **Commissioner of the Revenue** – Commissioner Todd Divers (he/him)
No update at this time
- **Finance Office** – Director Chris Cullinan (he/him)
No update at this time
- **Treasurer’s Office** - Treasurer Jason Vandever (he/him)
After completion of the second half the 2022 tax billing cycle, the Treasurer's office has begun notifying taxpayers of past due balances. Additionally, the office is working on semi-annual mailings for new Dog Licenses and continue our work with DMV Select and U.S. Passport Services. Finally, the office continues to work improving online payment options and cashiering solutions with Neighborhood Development Services, Parks and Recreation, and the Commissioner of the Revenue's Office.
- **Voter Registrar** – Registrar Taylor Yowell (she/her)
No update at this time

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Approve Resolution following Public Hearing
Presenter:	Brenda Kelley, Redevelopment Manager
Staff Contacts:	Samuel Sanders, Jr., Deputy City Manager
Title:	Approving a Lease Agreement with Omni Hotel for an outdoor cafe area at 212 Ridge-McIntire Road / 235 West Main Street (1 reading - Public Hearing)

Background

Since 2010, the Omni Hotel has leased a portion of the public right-of-way for an outdoor café between the pedestrian walkway and the Omni Hotel. The most current lease, entered into in 2016, expired in January 2021. Because this lease expired and was not extended through a new lease agreement and the Tenant remained on the property, the lease effectively became a month-to-month lease.

The Omni Hotel has submitted an application to Neighborhood Development Services to revise the outdoor patio area. Construction is expected to start in the summer and be completed by the end of the year. When the construction is completed, this Lease Agreement will come back for City Council approval for a lease amendment to revise the limits of the leased area and the amount of square footage.

Discussion

The general terms of the Lease Agreement are:

Lease period: 1 year, with renewal provision for four additional one year terms
Lease rate: \$5.00 per square foot per year, due on the first day of every renewal

term (February 1st)

Tenant Responsibilities: maintain the property; remove all food dishes and utensils after each customer; thoroughly clean the entire area after the close of each business day; routine maintenance and repair

Additional provisions:

- Any tents or other similar structures must first receive approval and inspection
- Space heaters may be utilized provided in compliance with all applicable building and fire codes
- Musical entertainment limited to unamplified performance and such activity shall not be conducted between 12:00 midnight and 11:00am

- Any proposed modifications or alterations must be approved by the Board of Architectural Review (BAR)

Alignment with City Council's Vision and Strategic Plan

The provision supports City Council's vision of Economic Sustainability. This program aligns directly with Strategic Plan Goal 4.3: Grow and retain viable businesses.

Community Engagement

This Lease Agreement has been reviewed by Omni Charlottesville Virginia Corporation representative(s).

Budgetary Impact

This request does not require any funding from the City budget.

Recommendation

Staff recommends that City Council approve the attached Resolution following Public Hearing.

Alternatives

City Council could choose to not approve this Resolution which could result in a negative impact to the operations of the Omni Hotel.

Attachments

1. Resolution OMNI Lease Agreement 020623
2. Omni Terrace Cafe Lease Dec2022

Suggested motion: “I move the Resolution approving the Lease Agreement with Omni Charlottesville Virginia Corporation”

RESOLUTION

Approving a lease of public right-of-way at 212 Ridge-McIntire Road/235 West Main Street to Omni Charlottesville Virginia Corporation

WHEREAS, Omni Charlottesville Virginia Corporation, desires to lease certain City-owned property for a term of one year, with renewal options for up to four additional one year terms; and

WHEREAS, City Council has considered the terms of the proposed lease, and has conducted a public hearing in accordance with the requirements of Virginia Code Sec. 15.2-1800(B); NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lease of City-owned property located at 212 Ridge-McIntire Road/235 West Main Street, Charlottesville, Virginia, to Omni Charlottesville Virginia Corporation presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the approved lease on behalf of City Council.

Approved by Council
February 6, 2023

Kyna Thomas, CMC
Clerk of Council

LEASE

THIS LEASE AGREEMENT made and entered into the 1st day of February, 2023, between the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation (hereinafter "City" or "Lessor") and the OMNI CHARLOTTESVILLE VIRGINIA CORPORATION, a Virginia corporation, (hereinafter "OMNI" or "Lessee").

WHEREAS the Lessee, who operates the Omni Hotel at 212 Ridge-McIntire Road/235 West Main Street, desires to lease a 502 square foot portion of the City-owned public right of way for West Main Street adjacent to the hotel (the "Property" or "leased Property") for an outdoor cafe, as shown on the attached drawing ("Exhibit A"); and,

WHEREAS the City's zoning administrator, fire code official, and director of utilities, respectively, have verified that the Property: (i) is located outside of the established pedestrian walkway and fire lanes; (ii) there are no City utility lines located within the Property area; and (iii) the Board of Architectural Review has previously approved the design of the proposed outdoor café; and,

WHEREAS in accordance with Virginia Code Sec. 15.2-1800(B), City Council has conducted a public hearing to give the public an opportunity to comment on this proposed lease; and,

WHEREAS the City finds that leasing the Property to the Lessee for an outdoor café contributes to the vitality of the Downtown Pedestrian Mall;

NOW, THEREFORE, in consideration of the mutual benefits hereunder accruing and the mutual obligations herein acknowledged, the parties set forth their agreement for a lease of the Property upon the following covenants, terms and conditions.

1. The Leased Property: The Lessor hereby leases to the Lessee and the Lessee hereby leases from the Lessor approximately five hundred and two (502) square feet of real property located between the southern property line of the Omni Hotel and the Downtown Pedestrian Mall, as designated on the attached survey drawing dated December 3, 2004 (the "leased Property").

2. Term: The term of this Lease shall be for one (1) year, beginning February 1, 2023 and ending January 31, 2024. Unless sooner terminated as provided herein, the parties may mutually agree to renew the lease for up to four (4) additional one year terms, under such terms and conditions as may be agreed to by the parties.

3. Rent: The annual rent for the Property leased herein shall be five dollars (\$5.00) per square foot of the leased Property. Such rent shall be due and payable on the commencement date of this Lease and on the first day of every renewal term.

4. Use of the Leased Property: The leased Property shall only be used for the purpose of an outdoor café operated in conjunction with the restaurant located in the Omni Hotel at 235 West Main Street.

- a) The use and operation of the outdoor café shall comply with all provisions of state and local building codes and health laws and regulations regarding the service and preparation of food and, if applicable, in accordance with the regulations of the Virginia Department of Alcoholic Beverage Control.
- b) No tents or other similar structures shall be erected or utilized over or within the leased Property, unless first approved by the city's board of architectural review and inspected by the city's building code official, if required.
- c) Space heaters may be utilized within the leased Property so long as the use and operation of any such heater is in compliance with all applicable building and fire codes and does not present a threat to the health, safety or welfare of the public.

5. Maintenance: The Lessee shall maintain the leased Property in a clean and sanitary condition, shall promptly remove all food dishes and utensils after each customer has left, and shall thoroughly clean the entire area within the leased Property after the close of each business day. The Lessee shall be responsible for routine maintenance and repair of the leased Property and improvements thereon during the term of this Lease. All tables, chairs and equipment located within an outdoor café shall be maintained at all times in good, clean condition.

6. Musical Entertainment: Musical entertainment in the Cafe area shall be limited to unamplified vocal or instrumental performances and such activity shall not be conducted between 12:00 midnight and 11:00 a.m. of any day.

7. Alterations: The City's zoning administrator has verified that the design and appearance of the outdoor café have been approved by the Board of Architectural Review ("BAR"). Lessee agrees that any proposed modification or alteration of the design or appearance of the outdoor café must be reviewed and approved by the BAR prior to implementation.

8. Non-Discrimination: The Lessee shall have the right to limit access and occupancy of the leased Property to paying customers of the outdoor café who are behaving in a lawful manner and shall use the same policies, practices or standards for denial of access or service as the Lessee exercises within the indoor portion of the restaurant of which the café is a component. Notwithstanding the foregoing, no person shall be denied access or service to the cafe on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, status as a veteran, or disability.

9. Insurance: The Lessee shall obtain and keep in force throughout the term of this Lease, and any renewal, public liability insurance with coverage in the amount of at least One Million Dollars (\$1,000,000) combined single limit. The City shall be named an "additional insured" with respect to such insurance. Prior to the commencement of this Lease and any renewal the City may require the Lessee to provide documentation satisfactory to the City's Risk Manager demonstrating compliance with this insurance requirement.

10. Indemnification: The Lessee hereby agrees to indemnify and hold harmless the City of Charlottesville (including, without limitation, its officers, officials and employees) from and against all claims for damages or injuries of any kind whatsoever, including all costs related thereto, arising directly or indirectly out of the Lessee's use or operation of the outdoor café within the area of the leased Property.

11. Assignment/Sub-Lease: This Lease may not be assigned by either party, nor may the Property be subleased, without the prior written consent of the other party.

12. Termination:

- a) This Lease may be terminated by mutual agreement of the parties.
- b) The Lessee may terminate this Lease by providing written notice of such termination to the Lessor at least thirty (30) calendar days prior to the effective date of termination.
- c) The Lessor may terminate this Lease (i) for Lessee's violation of any provision of this Lease, including nonpayment of Rent, or (ii) for Lessee's failure to comply with any mandatory requirement of local, state or federal law, or (iii) if the leased Property has not been substantially utilized as an outdoor café for a period of six (6) months. Lessor shall give written notice to Lessee of the basis of a termination under this subparagraph and shall allow Lessee thirty (30) calendar days to remedy the violation or failure to comply. If Lessee fails to remedy the violation or to bring the operation of the Cafe into compliance with applicable law within the 30-day period, this Lease shall terminate without further notice to Lessee.

In the event of termination or expiration of the Lease, the Lessee, at its sole expense, shall remove all structures, equipment and improvements from the leased Property, and shall return the leased Property to the condition existing immediately prior to the commencement of the Lease.

13. Notices: Any notices required by or sent pursuant to this Lease, and any correspondence regarding this Lease, shall either be hand-delivered or mailed by U.S. Mail, first class, postage pre-paid to the following:

To the Lessor:

City Manager
P. O. Box 911
Charlottesville, VA 22902

To the Lessee:

Paul H. Maher, General Manager
Omni Charlottesville Hotel
235 West Main Street
Charlottesville, VA 22902

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____

Date: _____

Print Name: _____

Title: _____

TENANT: OMNI CHARLOTTESVILLE VIRGINIA CORPORATION

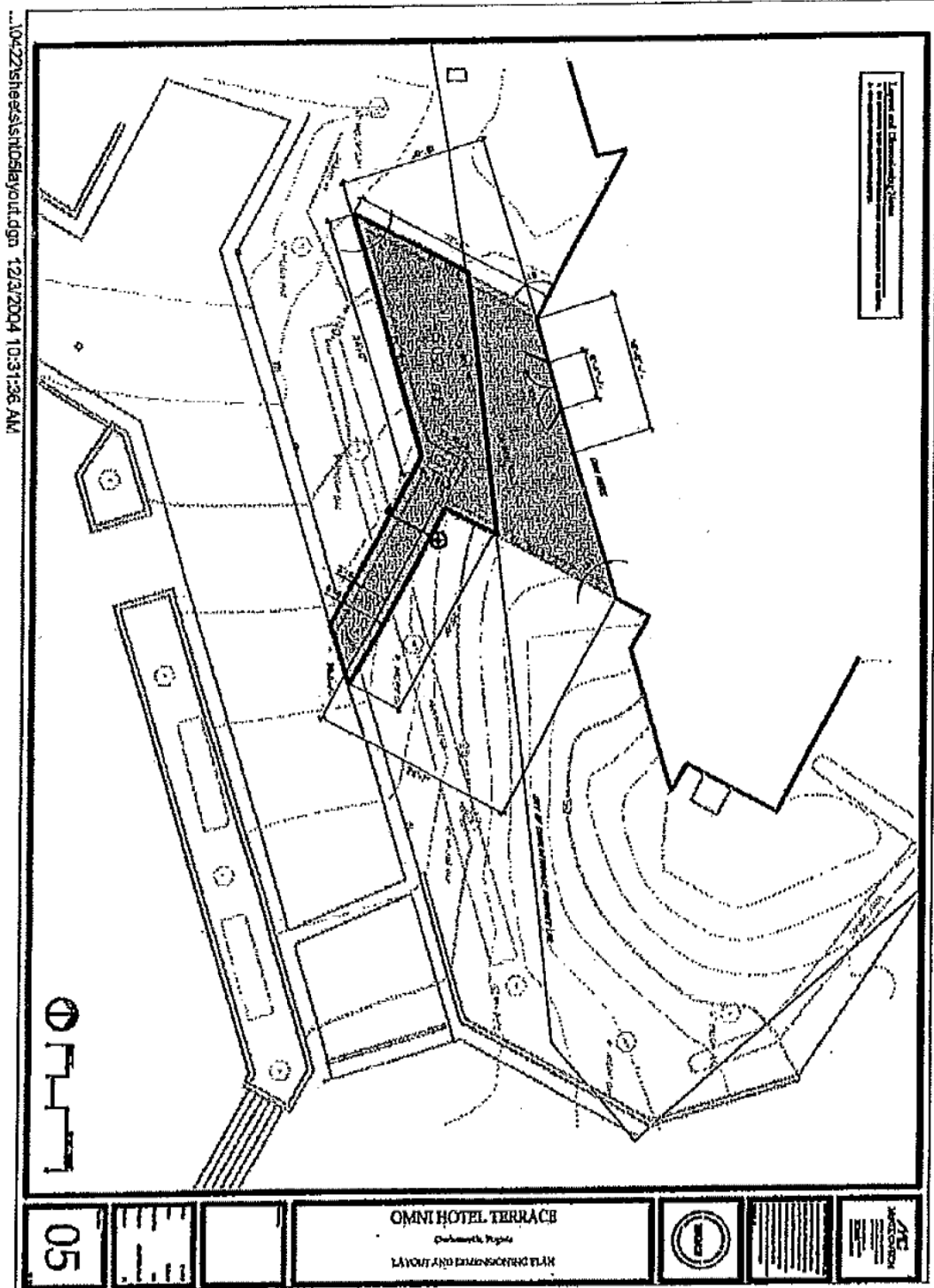
By: _____

Date: _____

Print Name: _____

Title: _____

Exhibit A



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Public hearing to inform ordinance enactment
Presenter:	Taylor Yowell, Voter Registrar, Electoral Board
Staff Contacts:	Taylor Yowell, Voter Registrar Katrina Callsen
Title:	Re-precincting the City of Charlottesville (1st reading January 17; 2nd reading March 6)

Background

Pursuant to Va. Code § 24.2-307, Council must be notified and undertake a precinct boundary revision process, “whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000.” Any newly established or redrawn precinct shall have no more than 5,000 registered voters. During the 2020 presidential election, one precinct (Johnson) had over 4,500 voters. The General Registrar is required to bring a plan to Council to address the large number of voters at that precinct. Five other Charlottesville precincts currently have over 4000 registered voters and are approaching the same statutory consideration. In addition to the legal requirement to consider reprecincting, large increases in voter registration since 2010 have created consistent logistical issues with two current polling places (Tonsler and Alumni Hall). The growing number of registered voters, distribution of voters exceeding the statutory guidelines, and building capacity issues and concerns at Tonsler and Alumni Hall required the City of Charlottesville Electoral Board and the City of Charlottesville Registrar’s Office to review the current precinct map and propose changes.

Va. Code Ann. § 24.2-307 permits the City Council to establish by ordinance as many precincts as it deems necessary. The City is also authorized by statute to increase or decrease the number of precincts and alter precinct boundaries subject to the terms of Va. Code Ann. §§ 24.2-305- 24.2-310.1.

In 2021 a Reprecincting Committee (the “Committee”) consisting of several community members, the Electoral Board Chair and the City Registrar, met to discuss the current polling places, number of voters at those places, where the population growth has occurred since 2010, where development is either underway or in the proposal state, and possible new polling places. The Committee reconvened in late summer 2022 after the State Elections Office removed its bar on reprecincting activity after mandatory federal redistricting was completed.

The Committee arrived at the attached proposed Map which eliminates Tonsler and Alumni Hall as polling places, proposes Jackson Via Elementary School and Charlottesville High School as new

polling places, redraws precinct boundaries to distribute voters among the precincts, and amends ward descriptions to encapsulate those changes.

Discussion

In August 2022, the Committee agreed that, while the registered active voters in the City of Charlottesville increased significantly, because approximately 20-40% vote early and no longer come to the polling places on election day, the total number of precincts (9) should remain the same. Due to the cramped space, consistent parking issues and severe traffic back-up at certain times of every voting day, the Committee agreed to propose the retirement of Tonsler Park Recreation facility as a polling place. Further, due to the fact that Alumni Hall is a private facility where scheduling issues arise and due to its lack of proximity to a large percentage of the voters who use the polling place, the Committee also proposed the retirement of Alumni Hall as a polling place.

Based on a physical tour of the City Schools and the City of Charlottesville Public Schools' willingness to use the schools as on-going and reliable polling places, the Committee proposes the use of Jackson Via Elementary School and Charlottesville High School as new polling places. Both schools have a large percentage of voters who can walk to the polling place, have ample parking, and accessible transportation routes.

Once the nine proposed polling places were established, the Committee, with the guidance of the staff of the Registrar's Office, realigned the Charlottesville voters around these nine polling places. The existing polling places being Herman Key Recreation Center, Carver Recreation Center, Venable Elementary School, Walker Middle School, Clark Elementary School, Buford Middle School and Johnson Elementary School, and the two proposed new polling places being Charlottesville High School and Jackson Via Elementary School. Committee members have also attended neighborhood meetings to discuss the proposed changes, including the retirement of Tonsler and Alumni Hall and the addition of Jackson Via Elementary School and Charlottesville High School as new polling places.

In realigning the voters to the proposed nine precincts, 55% of voters will not see a change in their polling place; they will remain in the same voting place. Each of the nine precincts, as proposed, currently have fewer than 4000 voters assigned to it, allowing for the possible expansion of those numbers due to proposed development in different parts of the City of Charlottesville.

Every voter assigned to a different polling place will receive numerous notifications of the new polling place, as required by Virginia law. In addition, the Registrar's Office will send out press releases and public service announcements regarding the changes if approved by City Council. The Registrar's Office will assist any voter with where they need to be if they decide to vote at the new precinct on Election Day.

Both Charlottesville High School and Jackson Via Elementary School are public education facilities. Permanently retiring Tonsler Park Recreation Center and Alumni Hall as Election Day polling places and permanently adding Charlottesville High School and Jackson Via Elementary School would have no expected negative operational or financial impact. To the contrary, retiring Alumni Hall, a private facility, will save the Registrar's Office \$1,375 each Election Day. Both Charlottesville High School and Jackson Via Elementary Schools will more easily accommodate large numbers of voters on election day. Both have considerably larger and more accessible parking capacities than Tonsler Park and Alumni Hall and both are directly on CAT transit lines. In addition,

the larger spaces at both Charlottesville High School and Jackson Via Elementary School will more easily accommodate the equipment needed to process the ballots and provide election officials and election workers with better ventilation and more space in which to work and take breaks.

To proceed with the changes, Council must amend City Code Chapter 9 to reflect changes in both ward and precinct boundaries. The Council must also comply with the requirements of the Voting Rights Act of Virginia (Va. Code Ann. § 24.2-125- Va. Code Ann. § 24.2-131). The next steps are providing the public with notice of the proposed changes and an opportunity for further input, initiating a public comment period, conducting a public hearing, completing a second reading of the proposed ordinance and voting on the changes at a March Council Meeting. The proposed ordinance amendments, if approved without changes, would go into effect in early April. The General Registrar would like to present Council with the proposed precinct changes and provide information on the process, compliance with the Voting Rights Act, and answer questions at this time.

Alignment with City Council's Vision and Strategic Plan

A Well-Managed and Responsive Organization.

Community Engagement

The Reprecincting Committee engaged stakeholders and community members in a variety of ways when drawing the proposed precinct maps. There are also several upcoming opportunities for public input. There will be an extended public comment period, a public hearing, an additional reading of the ordinance, a waiting period during which affected voters may challenge changes, and ultimately all affected voters will receive notice via direct mail and additional outreach methods. Public notice will also be provided on the city website and via publication as dictated by statutory requirements.

Budgetary Impact

N/A

Recommendation

Receive information. Staff recommends that Council approve the ordinance after the public comment period.

Suggested Motion: "I move that the Council approve the Ordinance amending and re-ordaining City Code Chapter 9 on Elections."

Alternatives

Council may reject or amend the ordinances. The Council may suggest alternatives to the proposed maps.

Attachments

1. Precinct Ordinance Changes_2023
2. Precinct_Map_Roads_Proposed Finalpdf

**AN ORDINANCE AMENDING AND RE-ORDAINING CHAPTER 9 (ELECTIONS),
SECTION 9-1 (DESIGNATION AND BOUNDARIES OF WARDS), SECTION 9-27
(FIRST WARD), SECTION 9-28 (SECOND WARD), SECTION 9-29 (THIRD WARD),
AND SECTION 9-30 (FOURTH WARD), TO CHANGE THE PRECINCT BOUNDARIES
AND VOTING PLACES.**

Sec. 9-1. - Designation and boundaries of wards.

(a) *Generally.* The territory within the city shall be divided into four (4) wards whose boundaries shall be as prescribed in this section.

~~(b) *First ward.* The first ward shall embrace all the territory in the eastern part of the city which is not embraced within the boundaries of the second ward and the third ward.~~

~~(c) *Second ward.* The second ward shall embrace all territory lying within the following boundaries: beginning at the intersection of Main Street and 2nd Street, N.E., thence west along the centerline of Main Street to the intersection of the centerline of 10th Street, N.W.; thence north along the centerline of 10th Street, N.W. to the centerline of Page Street, thence along the centerline of Page Street west to the intersection of the centerline of 11th Street NW; thence in a northern direction along the centerline of 11th Street, N.W. to the centerline of Grady Avenue; thence in a northwestern direction along the centerline of Grady Avenue to the centerline of Rugby Road; thence in a northwesterly direction along the centerline of Rugby Road to the junction of the centerline of Hydraulic Road and Rugby Road; thence along the centerline of Hydraulic Road to the southeastern corner of the intersection of U.S. Route 29 North and Hydraulic Road; thence along the eastern margin of U.S. Route 29 North, north to the corporate limits; thence in an easterly direction along the corporate limits to the southern margin of Virginia Highway 631; thence along the corporate limits south until the intersection with Park Street; thence continuing along the corporate limits to the confluence of the Rivanna River and Meadow Creek, thence along the centerline of Meadow Creek in a western direction to the intersection with the western boundary of Pen Park (City Tax Map 48B, Parcel 1), thence in a southern direction along that boundary to the centerline of Megan Court; thence in a southern direction along the centerline of Megan Court to the centerline of Locust Lane; thence in a southeastern direction along the centerline of Locust Lane to the centerline of Locust Avenue; thence in a southwesterly direction along the centerline of Locust Avenue to the centerline of the U.S. Route 250 Bypass; thence in a northwestern direction along the centerline of the U.S. Route 250 Bypass to the centerline with McIntire Road; thence in a southern direction along the centerline of McIntire Road to the intersection of the centerline of Nelson Drive; thence along the centerline of Nelson Drive to the intersection of the centerline of 2nd Street, N.E.; thence along the centerline of 2nd Street, N.E. to the point of beginning.~~

~~(d) *Third ward.* The third ward shall embrace all territory lying within the following boundaries: beginning at the intersection of Main Street and 2nd Street, N.E., thence west along Main Street to the intersection of the centerline of Jefferson Park Avenue; thence in~~

a southwestern direction along the corporate limits to the intersection with Fontaine Avenue, thence in a southern direction continuing along the corporate limits to the centerline of Old Lynchburg Road, thence continuing along the corporate limits in an eastern direction to intersection with the centerline of 6th Street SE, thence north long the centerline of 6th Street SE to the centerline of Rougemont Avenue; thence along the centerline of Rougemont Avenue in a western direction to the centerline of Hartmans Mill Road; thence along the centerline of Hartmans Mill in a northern direction to the centerline of 1st Street South.; thence in a northeastern direction along the centerline of 1st Street South to the southwest corner of Parcel 218 (Crescent Halls) of City Tax Map 28, thence along the southern boundary of said Parcel to the southeast corner, thence north along the eastern boundary of said Parcel to the centerline of 2nd Street SE; thence north along the centerline of 2nd Street SE to the beginning.

~~(e) *Fourth ward.* The fourth ward shall embrace all the territory in the western part of the city which is not embraced within the boundaries of the second ward and the third ward.~~

~~(b) *First Ward.* The first ward shall embrace all the territory in the eastern part of the city which is not embraced within the boundaries of the second ward, the third ward, or the fourth ward.~~

(c) *Second Ward.* The second ward shall embrace all territory lying within the following boundaries: South of the centerline of Rugby Road and Rugby Avenue; South of the centerline of U.S. Route 250 Bypass which is East of Rugby Avenue and West of McIntire Road; South of the boundary of the Walker Precinct where it meets the corporate limits; East of the Western corporate limits; North of the Southern boundary along West Main Street at the intersection of JPA until the intersection of West Main Street and Ridge Street.

(d) *Third Ward.* The third ward shall embrace all territory lying within the following boundaries: beginning at the intersection of Garrett Street and 2nd Street, S.E., thence west along Garrett Street to the intersection of Garrett and Ridge Street, thence North on Ridge Street to the intersection on West Main Street and Ridge Street; thence in a Western direction on Main Street following the boundary of the second ward; in a Southwestern direction along the corporate limits to the intersection where Fontaine Avenue meets the corporate limits on the Eastern side, thence in a southern direction continuing along the corporate limits to the centerline of Old Lynchburg Road, thence continuing along the corporate limits in an Eastern direction to intersection with 6th Street SE, thence North along of 6th Street SE to the intersection of 6th Street SE and Elliott Avenue; thence along the Elliott Avenue in a Western direction to the intersection of 1st Street South; thence North along 1st Street South until it intersects with 2nd Street Southeast; thence North on Second Street Southeast until Garrett Street.

(e) Fourth Ward. The fourth ward shall embrace all the territory in the northern part of the city which is not embraced within the boundaries of the first ward and the second ward.

(Code 1976, § 8-1; 4-16-90; 4-4-11(1), § 1)

State Law reference— ~~Wards generally, Code of Virginia, § 15.1-803. At-large and district elections; reapportionment and redistricting of districts or wards; limits, Code of Virginia, § 24.2-304.1.~~

ARTICLE II. - ELECTION DISTRICTS AND VOTING PLACES

Sec. 9-26. - Generally.

Each ward of the city shall constitute two (2) election precincts, as defined in this article, except in the third ward, which shall constitute three (3) election precincts. Elections in each district in each ward shall be held at such voting places as may from time to time be designated by the council. The voting places, as now constituted, shall be so continued unless and until changed by the council, but no change shall be made in any voting place within sixty (60) days next preceding any general election.

(Code 1976, § 8-2; 4-4-11(1), § 1)

State Law reference— ~~Duty of council to establish election districts or precincts and voting places~~ Requirements for county and city precincts, Code of Virginia, § 24.2-307.

Sec. 9-27. - First ward.

~~(a) *Clark precinct.* The Clark precinct of the first ward shall embrace all territory in the first ward lying south of the centerline of the Chesapeake & Ohio Railway Company right-of-way. The voting place for this precinct shall be the Clark Elementary School.~~

~~(b) *Key Recreation precinct.* The Key Recreation precinct of the first ward shall embrace all territory in the first ward lying north of the centerline of the Chesapeake & Ohio Railway Company right-of-way. The voting place for this precinct shall be the Herman Key Recreation Center at 800 East Market Street.~~

(a) *Key Recreation precinct.* The Key Recreation precinct of the First Ward shall embrace all territory in the First Ward lying North of the centerline of Garrett Street and North of the Chesapeake & Ohio Railway Company right-of-way, beginning at Avon Street; South of the US 250 Bypass from McIntire Road to the Eastern corporate limits; and East of Ridge/McIntire Road. The voting place for this precinct shall be Herman Key Recreation Center at 800 East Market Street.

(b) *Clark precinct.* The Clark precinct of the First Ward shall embrace all territory in the First Ward lying South of the centerline of the Chesapeake & Ohio Railway Company right-of-way from Avon Street to the Eastern corporate limits and South of the centerline of Garrett Street to the Southern corporate limits. It shall be bound on the West side by 6th Street SE, 1st Street S and 2nd Street SE, as detailed in the designation of boundaries for the First Ward. The voting place for this precinct shall be Clark Elementary School at 1000 Belmont Avenue.

(Code 1976, § 8-2; 9-5-89; 12-3-90; 2-7-00(1); 8-20-01; 9-3-02; 4-4-11(1), § 1; 1-6-20(2))

Sec. 9-28. - Second ward.

~~(a) *Carver precinct.* The Carver precinct of the second ward shall embrace all territory in the second ward lying south of the centerline of Rugby Avenue and south of the centerline of that portion of the U.S. Route 250 Bypass which is east of Rugby Avenue and west of McIntire Road. The voting place for this precinct shall be the Carver Recreation Center located at 233 Fourth Street, N.W.~~

~~(b) *Walker precinct.* The Walker precinct of the second ward shall embrace all territory in the second ward lying north of the centerline of Rugby Avenue and north of the centerline of that portion of the U.S. Route 250 Bypass which is east of Rugby Avenue and west of Locust Avenue. The voting place for this precinct shall be the Walker Upper Elementary School.~~

(a) *Carver precinct.* The Carver precinct of the Second Ward shall embrace all territory in the Second Ward lying South of the centerline of Rugby Road & Rugby Avenue and lying South of the centerline of U.S. Route 250 Bypass between Rugby Avenue and McIntire Road. The Eastern boundary is Ridge/McIntire Road, the Southern boundary is W Main Street, and the Western boundary is Venable precinct. The voting place for this precinct shall be the Carver Recreation Center at 233 Fourth Street NW.

(b) *Venable precinct.* The Venable precinct of the Second Ward shall embrace all territory in the Second Ward lying East and North of the Western corporate limits; West of the intersections of 10th Street & Page Street and 11th Street & Page Street; and South of Grady Ave until meeting Rugby Road, including University Circle and Snavely, Abbott and Ribble. The voting place for this precinct shall be Venable Elementary School at 406 14th Street NW.

(Code 1976, § 8-2; 4-4-11(1), § 1; 7-5-11; 1-22-13)

Sec. 9-29. - Third ward.

~~(a) *Benjamin Tonsler precinct.* The Benjamin Tonsler precinct of the third ward shall embrace all the territory in the third ward lying east of the line running along the centerline of Roosevelt Brown Boulevard, 9th Street, S.W., Forest Hills Avenue and Cherry Avenue (between Forest Hills Avenue and Rock Creek), and east of Rock Creek and 5th Street, S.W. The voting place for this precinct shall be the Tonsler Park Recreation Center on Cherry Avenue.~~

~~(b) *Johnson precinct.* The Johnson precinct of the third ward shall embrace all territory in the third ward lying west of the centerline of 5th Street, S.W. between the corporate limits and Rock Creek, and west of Rock Creek between 5th Street S.W., and Cherry Avenue; and south of a line beginning at the intersection of Rock Creek and Cherry Avenue, thence continuing southwest along the centerline of Cherry Avenue to Shamrock Road; thence northwest along the centerline of Shamrock Road to the Southern Railway right of way,~~

~~thence southwest along the railroad right-of-way to Jefferson Park Avenue, thence north along the centerline of Jefferson Park Avenue to the centerline of Maury Avenue, thence north along the centerline of Maury Avenue to the corporate limits. The voting place for this precinct shall be the Johnson Elementary School at 1645 Cherry Avenue.~~

~~(e) *Buford precinct.* The Buford precinct shall embrace all territory in the third ward lying west of the centerline of Roosevelt Brown Boulevard and 9th Street, S.W. to its intersection with Forest Hills Avenue, and north of a line running west from 9th Street, S.W. along the centerline of Forest Hills Avenue to Cherry Avenue, thence west along the centerline of Cherry Avenue to Shamrock Road, thence northwest along the centerline of Shamrock Road to the Southern Railway right-of-way, thence southwest along the railroad right-of-way to Jefferson Park Avenue, thence north along the centerline of Jefferson Park Avenue to the centerline of Maury Avenue, thence north along the centerline of Maury Avenue to the corporate limits. The voting place for this precinct shall be Buford Middle School at 1000 Cherry Avenue.~~

(a) *Jackson-Via precinct.* The Jackson-Via precinct of the Third Ward shall embrace all the territory in the Third Ward lying South of the Chesapeake & Ohio Railway Company track and West of where the track intersects with Jefferson Park Avenue Extended. The precinct shall continue South of the centerline of Cleveland Ave and shall also include; Witton, Hurst, Dalton and Norwich and everything East of 5th Street SW and South of Elliott meeting the Clark precinct boundaries on the East side.

(b) *Johnson precinct.* The Johnson precinct of the Third Ward shall embrace all territory in the Third Ward lying South and East of the Western corporate limits; West of Brandon Ave and Valley Road Extension; and North of the centerline of Cleveland Avenue, with the exception of Witton, Hurst, Dalton and Norwich. The voting place for this precinct shall be the Johnson Elementary School at 1645 Cherry Avenue.

(c) *Buford precinct.* The Buford precinct of the Third Ward shall embrace all territory in the Third Ward lying South of West Main Street; East of Valley Road Extension; West of 5th Street SW up to Cherry Avenue; West of the centerline of 1st Street S; and North of Elliott Avenue. The Southern border follows along the Jackson-Via, Johnson, and Clark precinct boundaries. The voting place for this precinct shall be Buford Middle School at 1000 Cherry Avenue.

(Code 1976, § 8-2; 6-1-98(1); 8-20-01; 3-7-05; 4-5-10(1); 4-4-11(1), § 1; 8-15-16(1))

Sec. 9-30. - Fourth ward.

~~(a) *Venable precinct.* The Venable precinct of the fourth ward shall embrace all territory in the fourth ward lying east of the centerline of Rugby Road between University Avenue and Grady Avenue, and south of the centerline of Grady Avenue between Rugby Road and 11th Street, N.W. The voting place for this precinct shall be Venable Elementary School.~~

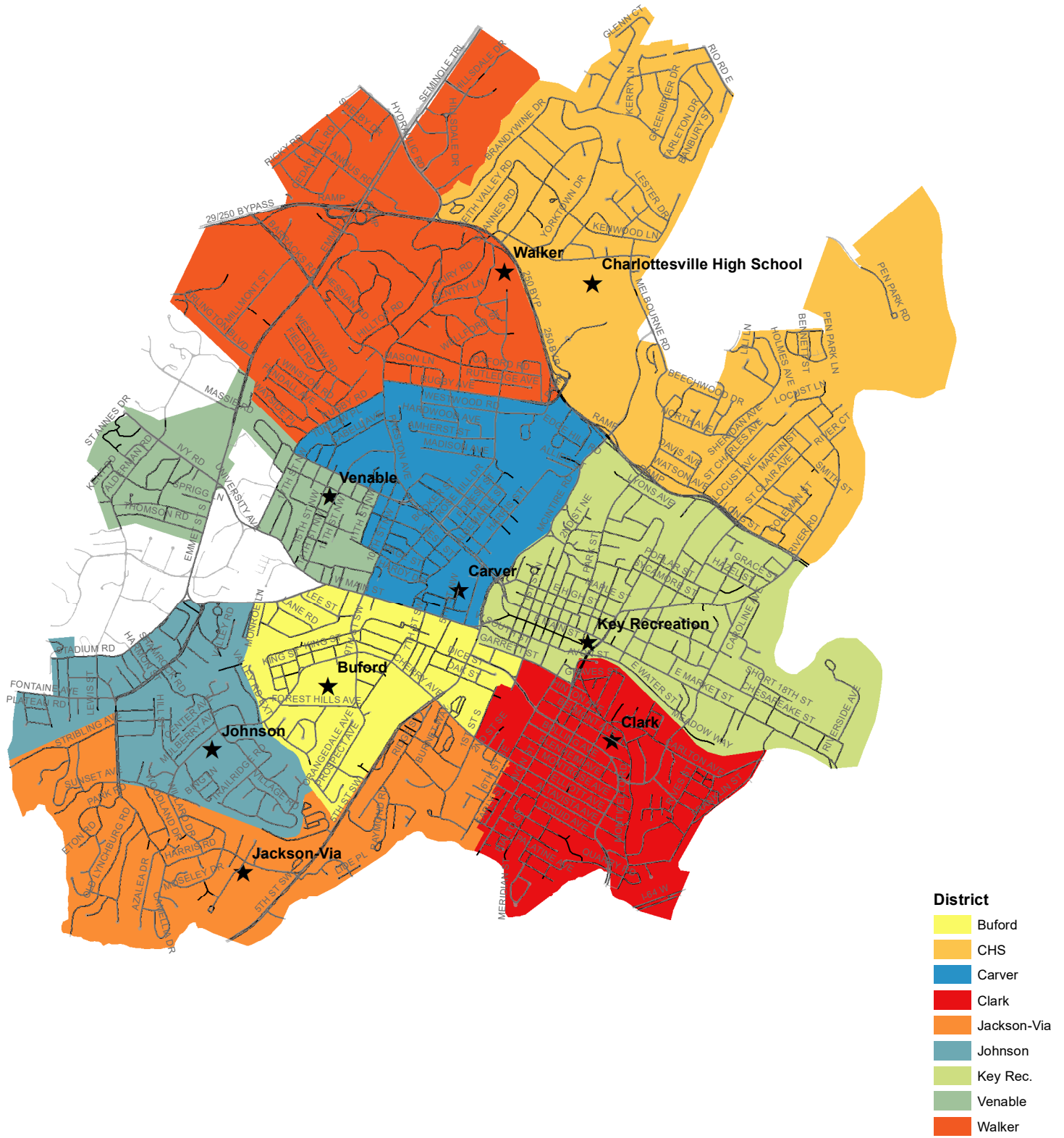
~~(b) *Alumni Hall precinct.* The Alumni Hall precinct of the fourth ward shall embrace all territory in the fourth ward lying south of the centerline of Hydraulic Road and west of the centerline of Rugby Road. The voting place for this precinct shall be Alumni Hall located on Emmet Street.~~

(a) *Charlottesville High School precinct.* The Charlottesville High School precinct of the Fourth Ward shall embrace all territory in the Fourth Ward lying South and West of the North & Northeast corporate limits and North of the U.S. Route 250 Bypass where it meets Hydraulic Road; East of Hydraulic Road until it meets Meadow Creek; and East of Meadow Creek, until it meets the Northern corporate limits. The voting place for this precinct shall be the Charlottesville High School at 1400 Melbourne Road.

(b) *Walker precinct.* The Walker precinct of the Fourth Ward shall embrace all territory in the Fourth Ward lying South & East of the Northern & Western corporate limits; North of the centerline of Rugby Road and Rugby Avenue; South of the centerline of the U.S. Route 250 Bypass where it meets Hydraulic Road; West of Hydraulic Road until it meets Meadow Creek; and West of Meadow Creek bound by the Northern corporate limits. The voting place for this precinct shall be the Walker Upper Elementary School Gymnasium at 1699 Rose Hill Drive.

(Code 1976, § 8-2; 9-5-89; 2-5-90; 4-4-11(1), § 1)

Proposed Precinct Map



The geographic data layers produced by the City of Charlottesville are provided as a public resource. The City makes no warranties, expressed or implied, concerning the accuracy, completeness or suitability of this data, and it should not be construed or used as a legal description. The information displayed is a compilation of records, information, and data obtained from various sources, and the City is not responsible for its accuracy or how current it may be. Every reasonable effort is made to ensure the accuracy and completeness of the data. Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is



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



Agenda Date:	February 6, 2023
Action Required:	Public hearing
Presenter:	Lloyd Snook-Mayor
Staff Contacts:	Kyna Thomas, Clerk of Council
Title:	Accepting public comments on filling the City Council seat vacated by Sena Magill as of January 12, 2023

Background

On January 3, 2023, City Council Member Sena Magill tendered her resignation, stating that her last day in service would be January 11, 2023. Councilor Magill's resignation leaves a vacancy for the remainder of a four-year term ending December 31, 2023.

Discussion

Virginia Code § 24.2-228 states: "Interim appointment to local governing body or elected school board; elected mayor. A. When a vacancy occurs in a local governing body or an elected school board, the remaining members of the body or board, respectively, within 45 days of the office becoming vacant, may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy."

Twenty applications were received by the deadline.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

An application form was advertised and made publicly available for interested registered voters in the City of Charlottesville to apply for appointment to the vacated City Council seat. The Clerk of Council served as the point of contact for interested applicants and others seeking information, and applications were shared on the City of Charlottesville website.

Budgetary Impact

State code sets salary limits for members of city councils based on population. City Council members other than the mayor receive an annual salary of \$18,000 for the part-time nature of the position.

Recommendation

Receive public comment

Alternatives

Virginia Code § 24.2-228 states: "If a majority of the remaining members of the body or board cannot agree, or do not act, the judges of the circuit court of the county or city may make the appointment."

Attachments

None

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Approve resolution
Presenter:	Chris Engel, Director of Economic Development, Yolunda Harrell - New Hill Development Corporation
Staff Contacts:	Chris Engel, Director of Economic Development Michael Rogers, City Manager
Title:	Appropriating funds in support of BEACON's Kitchen Project - \$500,000 (1 of 2 readings)

Background

New Hill Development Corporation (NHDC) is an African American-led nonprofit Community Development Corporation (CDC) formed in 2018 with the goal of strengthening the Black community in Charlottesville through financial coaching, entrepreneurial support, economic development and asset building. In 2019 NHDC conducted extensive community engagement as part of its process to create a Vision Plan for the Starr Hill neighborhood. Born out of that plan was the idea to create an incubator for Black-owned businesses. In 2020, NHDC began developing plans for the Black Entrepreneurial Advancement and Community Opportunity Network (BEACON). BEACON is a business incubator and accelerator to advance opportunities for Black entrepreneurs. Given the large number of restaurants and hospitality related entities in the Charlottesville area already, the decision was made to focus first on creating a shared-use commercial kitchen to be known as BEACON's Kitchen.

Discussion

Research has indicated that there is a robust local and regional food system centered around Charlottesville, supplied by over 4,500 local farming operations and covering 800,000 acres of vegetables, orchards, berries, and honeybees. However, there is no large shared-use commercial kitchens/processing facilities between Richmond and Roanoke where regional farmers can produce value-added products, avail themselves of co-packing services, and rent much needed dry, cooled, and frozen storage space. The absence of a fully equipped commercial kitchen facility is limiting regional farmers from increasing product production, manufacturing value-added products at scale, diversifying their product lines, and selling outside their local markets.

NHDC proposes to fill this gap by, renovating, and equipping a 11,300 square foot shared-use commercial kitchen serving restaurant, hospitality, as well as value-added producers in the area. The kitchen will include packaging equipment, as well as production equipment. When fully built out, it is expected that up to 16 food businesses will be able to operate simultaneously. NHDC has negotiated a long-term rental agreement at an ideal location for the kitchen in Kathy's Shopping

Center located at 221 Carlton Road in Charlottesville. While this project is led by the principals of NHDC, it is also supported by a strong team of pro bono professional advisors that include: an individual to serve as owner's rep during construction, an architect, a kitchen designer, a chef, a marketing and graphic design firm, a financial adviser, a grant writer as well as the Community Investment Collaborative and the Small Business Development Center. NHDC as a 501(c)3 nonprofit organization will oversee the project and operate the shared-use commercial kitchen.

BEACON's kitchen will be open to any interested member. However, analysis of other shared kitchens in Virginia indicates that 75% of its user-businesses will be owned by minorities and women. The kitchen will have 24-hour access and will use a monthly or hourly subscription model so that producers and small businesses can economically access just those services they need. This flexibility is important to producers with seasonal produce. It is also important for value-added product producers for whom developing a non-shared kitchen is cost prohibitive. Commercial real estate rental rates areas in Charlottesville are currently higher than many similar areas in the state and availability of space is very limited. It is estimated that using the BEACON model will save businesses approximately two-thirds of the costs associated with operating a stand-alone facility. We believe this approach will spur new value-added products, create new jobs, and develop additional markets for agricultural production in our area.

To better assess the impact of the facility, NHDC commissioned the Weldon Cooper Center at the University of Virginia to conduct an economic impact analysis. The study estimated that by the fifth year of operation 90 jobs would be created due to the facility and \$2.2 million local tax revenues would be generated annually as a result (Note: the study region included the City and the County of Albemarle and thus the revenues accrued solely to the City would be some portion of the total).

The funding needed to make this project a reality is estimated to be \$2.2 million. To date, this project has received early support from the Governor's DHCD Business Resurgence Award \$150,000 (October 2021), GO Virginia \$189,000 (June 2022), University of Virginia Economic Development \$10,000 (February 2022), Charlottesville Economic Development Authority pledge of \$25,000 matching funds for GO Virginia grant (June 2022 award), County of Albemarle Economic Development Authority pledge of \$25,000 for GO Virginia matching funds (June 2022 award), Letter of Commitment for a \$500,000 revolving loan from the Community Investment Collaborative (March 2022), Governor's Agriculture and Forestry Industries Development Fund – Infrastructure Grant Program with matching funds pledged by the Charlottesville Economic Development Authority of \$50,000 (December 2022) and \$200,000 in additional private pledges. The above amounts total over \$1.2 million, just over half of the estimated total needed for full funding. NHDC is actively seeking to raise additional funds to help close the funding gap. The Charlottesville Area Community Foundation is assisting. A funding commitment to the project by the City will be critical to unlocking additional grants as well as philanthropic funding. NHDC's operating pro forma for the kitchen includes sufficient working capital over the first five years to ensure the project stabilizes. Once stable the identified revenue streams are expected to cover expenses thus eliminating the need for ongoing financial support.

Staff believes this project has the potential to be transformative and should receive city support. It meets a recognized demand in a strong and growing sector of the economy. It promotes the opportunity for job and wealth creation particularly in the Black and minority business community. And it has a demonstrated positive return on investment to the City with an increase in business activity and local taxes generated.

Alignment with City Council's Vision and Strategic Plan

This action aligns with the Council's Vision for economic sustainability. This action aligns with the City Council's Strategic Plan Goal Four: A Strong Diversified Economy.

Community Engagement

The Vision Plan for the Starr Hill neighborhood had significant engagement from city residents, business leaders and local government representatives.

Budgetary Impact

There is no impact to the General Fund. What is proposed is a onetime investment with equal funding from the remaining ARP Revenue Recovery Contingency (\$250,000) and the City's Strategic Investment Account (\$250,000).

Recommendation

Staff believes this project represents a unique opportunity to grow the economy and assist in developing minority owned businesses. Should Council agree and wish to support the effort, staff recommends that the attached resolution signaling the City's intent to financially contribute to the project be approved and upon verification of similar support from private sources authorizes the City Manager to execute a grant agreement of up to \$500,000 with New Hill Development Corporation.

Alternatives

Attachments

1. Support of BEACON's Kitchen Project - RESOLUTION

RESOLUTION

**New Hill Development Corporation - Black Entrepreneurial Advancement
and Community Opportunity Network's Kitchen \$500,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$500,000 is hereby paid from currently appropriated funds in the ARP Revenue Recovery Contingency (\$250,000) and the City's Strategic Investment Account (\$250,000) to New Hill Development Corporation pursuant to a Donation Agreement, acceptable to the City Manager, to be executed between the City of Charlottesville and New Hill Development Corporation.

\$250,000 Fund: 207 I/O:1900498

\$250,000 Fund: 425 WBS: P-00167

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Resolution approval
Presenter:	Read Brodhead, Zoning Administrator
Staff Contacts:	Read Brodhead, Zoning Administrator
Title:	Considering a Comprehensive Sign Plan 701 East Water Street (1 reading)

Background

The Property, located 701 E Water Street, contains several offices including its primary tenants Hantzmon Wiebel, Merkle and UVIMCO. The Property also contains a large parking garage with entrances on E Market Street and 10th Street NE. The property owner would like to erect two directory signs at each entrance to provide more visibility for all the businesses in the 85,000 square foot office building. The property is located within the Downtown (D) mixed use zoning district. Section 34-1032 of sign ordinance limits the total aggregate area of all signage to just 100 square feet for the parcel. Despite the fact that the property is permitted to have up to 6 signs per section 34-1031 of the Zoning Ordinance, clearly the aggregate size limitation stifles the ability for the Applicant to increase the amount of signage by adhering to the regulations set forth in the Zoning Ordinance.

Per Sec 34-1045, applicants for a development subject to Site Plan review or within an Entrance Corridor Overlay may request approval of a Comprehensive Signage Plan (CSP). City Council may approve a CSP upon a determination that there is good cause for deviating from the sign ordinance and the CSP will serve the public purposes and objectives at least as well, or better, than signage allowed by right.

Discussion

The Applicant has submitted a Comprehensive Signage Plan (CSP) in an effort to increase the total aggregate amount of signage permitted and to allow more than one freestanding sign on the property.

The property has frontage on 4 separate streets in the Downtown zoning district, all of which are classified as primary streets. Section 34-1031 of the Zoning Ordinance states that a principal establishment may have no more than two (2) signs per primary street frontage; therefore this building is entitled to have a total of 8 signs. Two other code sections, however, limit the size and type of signage that this parcel is entitled to have. Section 34-1032 limits the total area of all signs on the parcel to no more than 100 square feet and section 34-1038(b) allows only one freestanding sign per parcel. The applicant has elected to apply for a Comprehensive Signage Plan (CSP) in order to add 4 freestanding signs to the parcel in addition to what is allowed.

Four identical directory signs are being proposed; each measuring six feet tall by 26” inches wide. Each sign will have 10 tenant panels measuring 4” x 26”, which were designed so that the text can be read by passing motorists. Two signs would be placed at each exit/entrance and angled so motorists traveling in either direction will be able to read the text. The signs would not be internally or externally illuminated. Similar signs were recently approved as part of a comprehensive sign plan at the new Sentara building located at 920 E High Street.

Staff recommends that only 2 of the 4 directory signs requested be permitted - 1 for each entrance/exit into the parking garage. The signs could be installed perpendicular to the street so motorists can see both sides of the sign. This outcome would be consistent with the Sentara (920 E High Street) application that was approved by City Council on August 1, 2022.

Alignment with City Council's Vision and Strategic Plan

Approval of this CSP aligns with Council's vision for Economic Sustainability [excerpt]:

- The City has facilitated significant mixed and infill development within the City.

Community Engagement

This Application is only required to receive approval by City Council.

Budgetary Impact

Approval of this CSP will have no budgetary impact.

Recommendation

Staff recommends that only 1 directory sign be permitted for each entrance/exit into the parking garage. The sign could be installed perpendicular to the street so motorists can see both sides of the sign. This outcome would be consistent with the Sentara (920 E High Street) application that was approved by City Council on August 1, 2022.

Alternatives

City Council may approve the CSP with modification/conditions or deny the CSP. If the CSP is denied, the applicant may either revise and resubmit the CSP or proceed with all signage being subject to the strictest provisions of Section 34 of the City Code.

Attachments

1. Comprehensive Signage Plan
2. 701 E Water - rendering of site
3. RESOLUTION APPROVING COMPREHENSIVE SIGNAGE PLAN FOR 701-final

(SHOP COPY)

RECEIVED

OCT 07 2022



Sign Application and Permit

Please return to: City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, VA 22902
Telephone (434) 970-3182 FAX (434) 970-3359

NEIGHBORHOOD DEVELOPMENT SERVICES

For directional signs on the Downtown Mall, please include \$125 permit fee per sign. For all other signs, please include \$75 permit fee per sign. For an Optional Comprehensive Sign Package, please include a single fee of \$250.

Project Name/Description	Parcel Number
Address/Location	530112200
Property Owner Name	Applicant Name
701 E. WATER ST	Brian Draper
701 E. WATER ST LLC	

A. Property Owner Information
 Address 650 Peter Jefferson Pkwy Ste 230 Charlottesville 22911
 Phone Number 434-244-0748
 Email N/A

D. Sign Description
 Type: *Freestanding 4 Projecting from wall _____
 Flat against wall 0 *Monument _____ Other _____
 *New signs with concrete footings/foundations are required to get a building permit before any concrete placement. Contact NDS at 434-970-3182.

B. Property Owner Permission
 I, the undersigned, owner of the property on which this sign is to be erected, have read this application and hereby give my consent for this sign to be erected on my property building.
 Signed [Signature]

Size: Width see Attachments x Height _____ = _____
 Total Sq Ft. (Area may be measured using up to 8 straight, intersecting lines.)
 Max height to top of sign: _____
 Min clearance to bottom of sign: _____
 Lighted? N (Y/N) Internal _____ External _____

C. Applicant's Information
 I, the undersigned, agree to abide by all conditions of the City Sign Ordinance and Building Code in the erection of this sign, and understand that my permit can be revoked at any time for just cause.
 Signed [Signature]
 Print Name Brian Draper
 Company Name American Made Signs LLC
 Address 407 Earhart St ste B cville
 Phone Number 434-971-7446
 Email permits@americanmadesigns.com

Attach a drawing of your sign that includes: exact location on building; dimensions; materials; colors; wording/logos; and lighting.
F. Sign Location Information
 Street Address 701 E. WATER STREET
 Is this sign replacing a previous sign, either for your business or a previous business? N (Y/N)
 If yes, attach a list of the signs being replaced and the size of each.
 Where on the property is the sign to be located? FRONT AND SIDE
 Are there other signs on the property? N (Y/N)
 If yes, attach a list of these other signs and their sizes, even if they are not for your business

For Office Use Only	Sign Permit No _____	Approvals
Tax Map _____	Parcel _____	Zoning Administrator _____
BZA Case No _____	Date _____	Preservation and Design Planner (EC or ADC districts only)
BAR No _____	Date _____	Date _____
Conditions of Approval _____		
Amount Paid _____	Cash/Check # _____	Date Paid _____ Received by _____



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Sign Proof

Comprehensive Signage Plan

The purpose of this Comp Plan is to identify the companies in the adjacent office building. This parking garage has zero signage and is a private parking lot strictly for the employees, maintenance and customers of 701 East Water Street.

Since there are two different entrances to the parking garage, signage is needed at both locations. Traffic direction is both ways at both entrances, so the tenant panels could not be read from both angles without stopping in the road, blocking traffic to read.

Both signs at both entrances would be placed at a 30 degree angle for best viewing. While the overall size of the freestanding directory signs are small. The tenant panels must remain at the current size to ensure readability from a vehicle. If the panels were any smaller, it would cause traffic back ups and the possibility of people parking and walking up to the directory to read.

The parking garage sits on the corner of three roads of moderate traffic. A site survey concluded that this is the best viable plan for this project.

701 E. Water Street

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Sign Proof

Sign to be made of Aluminum and Steel.

Address will be white vinyl.

The square mesh will be perforated aluminum for an accent

Tenant panels are on stand offs for easy changing.

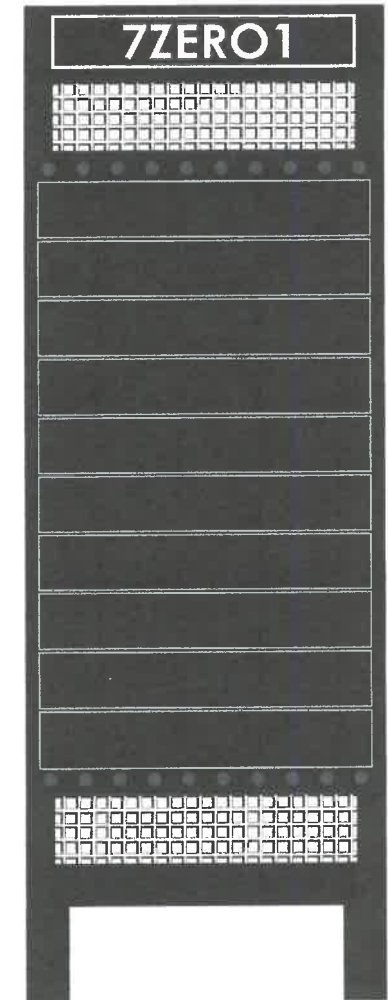
Round circles are faux screw heads for accent.

Mounted in concrete with base plates.

Colors to be Black and White only.

Architectural style.

Tenant panels will only display current tenants in building.



701 E. Water Street

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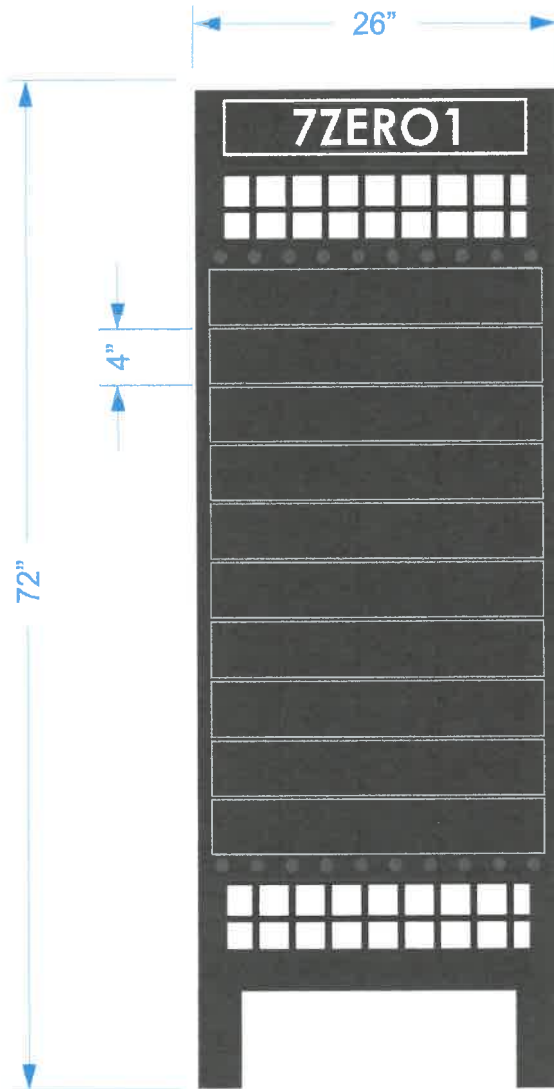
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Sign Proof



Example Tenant Panels

- MERKLE, INC
- HANTZMON WIEBEL
- LEXIS NEXIS

SIGN A

701 E. Water Street

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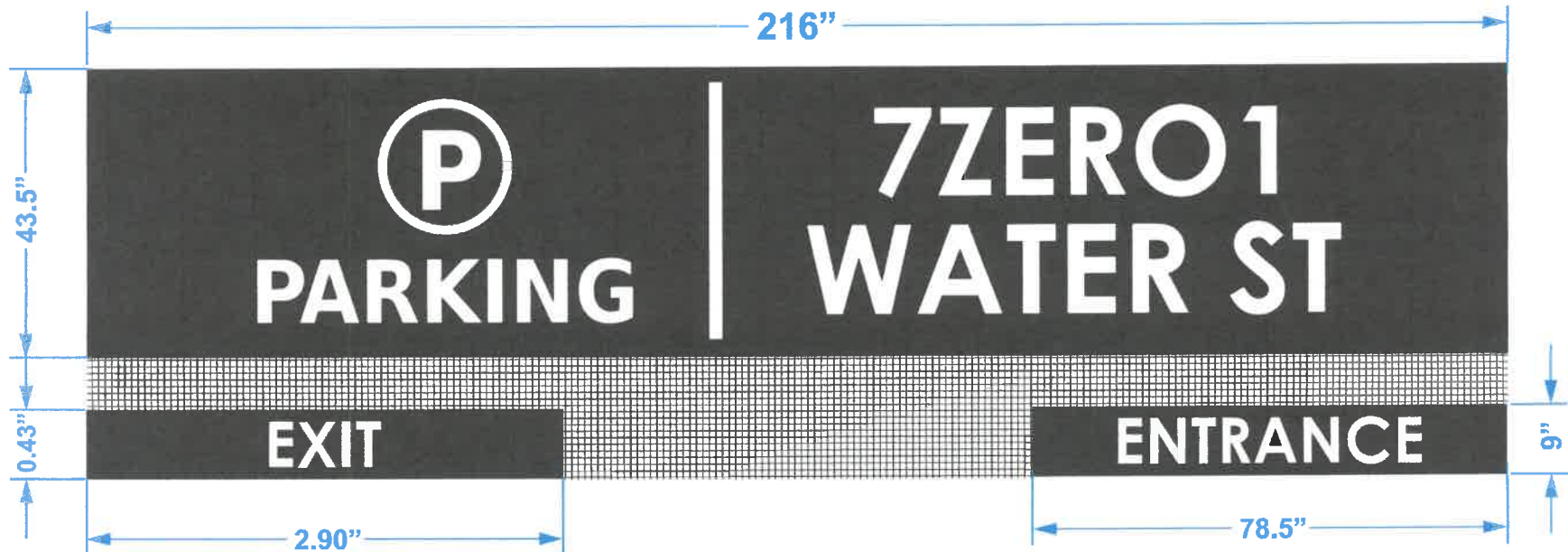


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Sign Proof

Signs are to be made of 6mm (1/4") ACM and painted black with stencils.
 The square holes are perforated aluminum painted black to match the accents of the other signage.

Permit Not Required



701 E. Water Street

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Sign Proof

Wall Signage is to clearly mark address of location as well as stating it's a parking area and traffic direction. Colors and style will match the free standing signs so it's uniformed.

Permit Not Required

Existing



Proposed



SIGN B

701 E. Water Street

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Sign Proof

(A) Freestanding Sign

(B) Wall Sign (Permit Not Required)



701 E. Water Street

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Sign Proof

Proposed. No Signs Exist



701 E. Water Street

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Sign Proof

Proposed. No Signs Exist



701 E. Water Street

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Sign Proof



This building has multiple entrances and is 85,000 SQ FT interior with 3.49 Acres of Land. The exterior signs are dominated by two main tenants. All the other tenants in the space do not have any kind of signage to identify that they are in the building. When visitors park in the parking garage, they would be able to easily find which tenants are in the building and know it's the correct parking lot.



Existing Signage on Building
701 E. Water Street

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Suggested motion: “I move the Resolution approving a Comprehensive Signage Plan for 701 East High Street be adopted.”

RESOLUTION APPROVING COMPREHENSIVE SIGNAGE PLAN FOR 701 East High Street

WHEREAS, the City staff reviewed the Comprehensive Signage Plan proposed for 701 East High Street, and recommended approval of the plan if certain modifications were to be made such that only one (1) directory sign shall be permitted for each entrance/exit into the parking garage and will be installed perpendicular to the street at that location; and

WHEREAS, when approved those modifications shall be incorporated into a revised Comprehensive Signage Plan on 701 East High Street for review and approval; and

WHEREAS, in accordance with City Code Sec. 34-1045(c), City Council has determined that:

- (1) There is good cause for deviating from a strict application of the requirements of Section 34-1020, et seq. (City Code Chapter 34, Article IX, Division 4 – Signs), and
- (2) The comprehensive signage plan, as proposed, with the modifications provided by staff, will serve the public purposes and objectives set forth within City Code Section 34-1021 at least as well, or better, than the signage that would otherwise be permitted for the subject development; now, therefore;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that this Council hereby approves the Comprehensive Signage Plan for 701 East High Street subject to the modifications referenced herein as to the number of directory signs (one per entrance/exit) and the placement of such signs perpendicular to the street.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Approve the resolution for use of speed cameras on Monticello Avenue for Clark Elementary and on Cherry Avenue for Buford Middle School and Johnson Elementary.
Presenter:	Brennen Duncan, Traffic Engineer
Staff Contacts:	Brennen Duncan, Traffic Engineer
Title:	Considering the use of speed cameras in School Zones (1 reading)

Background

The State Legislature and Governor approved the use of speed cameras for school zones and construction zones in 2020. § 46.2-882.1. *Use of photo speed monitoring devices in highway work zones and school crossing zones; civil penalty.*

With the bus driver shortage and the need to expand walk zones for all of the city schools, many of the crossing guards have felt the need for enhanced measures to ensure the safety of the increased number of students walking to school along some of our busiest corridors.

Discussion

In talking with other jurisdictions that have implemented, or plan to implement speed cameras for use in school zones, the consensus seems to be the use of a third-party vendor. This relieves some of the requirements of managing the program from staff, introduces more levels of checks and balances before any ticket is issued, as well as relieves the city from much of the up-front and ongoing costs of the camera hardware in order to operate the program.

As staff understands, the procedure in which tickets are generated would start with a review of the video by the 3rd party vendor. Once they have established that they think an infraction has occurred, they contact the DMV and cross reference the make/model of the vehicle to the tags and receive the owner information. The next step would be to then forward all of the information to CPD for confirmation/denial of the infraction before returning back to the 3rd party for the ticket to be mailed out to the offender.

The cameras can be set up to only be in service during the time in which students at school or be even more restrictive and only be active for the 1hr before and after student pick-up and drop-off.

Currently, staff, the school administration and school crossing guards are only proposing the use of the cameras in three identified locations 1) Monticello Avenue for Clark Elementary 2) Cherry Avenue for Buford Middle School and 3) Cherry Avenue for Johnson Elementary. These locations were

selected based on the number of children walking, number of observed violations by the crossing guards, as well as the volume and speed of traffic along those roadways. These locations could be expanded in the future by council action depending on the success of the program and desire of the greater community to enforce the speed limits around the school zones and protect some of our most vulnerable residents.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Budgetary Impact

The program will be self-funded with minimal impact on the city's budget.

Recommendation

Approve the resolution

Alternatives

Deny the resolution

Attachments

1. Crossing Guard Letter to Council

Dear City Council,

We together, the crossing guards of Charlottesville City Schools, request the City introduce speed cameras to enforce school zone speed limits. These cameras, legalized for school zone speed enforcement by the Virginia General Assembly in 2020, present the best solution to improve safety for our students moving to and from school.

The division's expansion of walk zones at the beginning of this school year resulted in a dramatic increase of students walking to school. Eleven hundred (1,100) students are not eligible for bus service. This is eight hundred (800) more pupils than previous years.

On a daily basis we witness drivers speeding through our school zones while students walk, bike and scooter to and from school. Speed is a major contributor to traffic and pedestrian deaths. We do not want this fact to be made reality on our streets or with our kids. We feel helpless to stop the reckless, unregulated driving which threatens student safety daily. We love our kids. While on duty and monitoring many variables to ensure student's safe crossing, we have no capacity to capture license plates or vehicle information sufficient for enforcement or accountability. Because the Charlottesville Police Department remains very understaffed, we understand that the possibility of intermittent officer support for traffic enforcement in school zones is not yet a dependable option.

It is our hope that speed cameras in school zones (with [appropriate signage](#)) will raise awareness among drivers and incentivize adherence to traffic laws. We request that the city pilot these cameras in three locations. In these locations we witness consistent speed violations during school hours: Monticello Avenue at Clark Elementary School; Cherry Avenue at Johnson Elementary School; and Cherry Avenue at Buford Middle School.

We understand that some community members may have concerns regarding photo-traffic enforcement. To be clear, our intent is to improve student safety. We ask for cameras operating to enforce speed only in school zones and only during the school zone hours. To mitigate the financial impact on low-income members of our community, we suggest alternatives to cash fines for a first violation, for instance a required traffic safety course.

In implementing these cameras for school zone speed enforcement, Charlottesville would be joining the City of Alexandria, Arlington County, the City of Fairfax, as well as other communities throughout Virginia, Washington, D.C. and Maryland. The [City of Alexandria's page about the cameras](#) offers a helpful overview.

We appreciate the City's existing work this school year toward bike and pedestrian improvements across the City and its support of Safe Routes to Schools. Thank you for considering this additional method for increasing the safety of our students.

Sincerely,

Adrienne Dent - Crossing Guard, on behalf Charlottesville City Schools Crossing Guards
(Janice Ball, Kevin Cox, Ruth Hill, Vizena Howard, Anita Johnson, Robert Jones, Greg Ochenschlager, Shaune Robinson, Jaime Wayne)

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Purchase, donate, and install new radio equipment for Charlottesville Area Transit
Presenter:	Garland Williams, Director of Transit
Staff Contacts:	Garland Williams, Director of Transit
Title:	Appropriating funds for the purchase of Charlottesville Area Transit radio equipment - \$237,000 (1 of 2 readings)

Background

In FY2022, the Regional Public Service Radio System upgraded the emergency communication system to a new Interoperable Radio Structure with expanded coverage. The update of the regional radio system required a number of city departments to replace their outdated legacy communication equipment. The City of Charlottesville selected radio equipment models that do not meet the Federal Transit Administration's (FTA) Buy America guidelines; therefore, Charlottesville Area Transit (CAT) cannot apply any federal FTA funding for the purchase or installation of new radio equipment to upgrade to the new emergency communication system.

CAT is the last city department that must replace its radio equipment before the old legacy communication system stops working. Without the ability to apply federal funding to the purchase of new radio equipment, CAT will need the city to purchase, donate, and install new radio equipment in order for the transit system to be able to communicate with other city and regional agencies through the emergency communication system. The total funding need to complete this communication upgrade is \$237,000.

Discussion

Annually CAT receives federal funding for operations and for the purchase of capital items that are allowable under the FTA Buy America guidelines. The purchase of radio equipment for CAT is a special circumstance, but the ongoing maintenance of the radio equipment can be funded with federal funding.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

CAT will follow the guidelines of the Federal Transit Administration (FTA) in upgrading its radio equipment.

Budgetary Impact

The City will allocate \$237,000 to purchase, donate, and install new radio equipment for CAT

Recommendation

Staff recommends the City of Charlottesville purchase new radio equipment and complete CAT's migration to the new emergency communication system by donating the equipment and funds for installation.

Alternatives

No motion or other action is required if City Council declines to implement the staff recommendation.

Attachments

None