

CHARLOTTESVILLE CITY COUNCIL MEETING

February 6, 2023 at 4:00 PM

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met on Monday, February 6, 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 other communicable diseases, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order at 4:05 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: 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: 3-0 (Ayes: Pinkston, Snook, Wade; Noes: none; Absent: Payne).

Councilor Michael Payne joined the meeting at 4:07 p.m.

REPORTS

1. REPORT: Gravesites at Pen Park: Update on unmarked burials

Jeff Werner, Historic Preservation and Design Planner, presented background information on the project as follow-up to a presentation made to City Council in November 2020.

From the agenda memo: “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 Neighborhood Development Services 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. 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. The marked and unmarked burials at Pen Park are family cemeteries.”

Tom Chapman, Executive Director of the Charlottesville-Albemarle Historical Society, presented research related to the unmarked burials at Pen Park, and family names associated with individuals enslaved at Pen Park: Anderson, Blue, Christian, Churchman, Dabney,

Dickerson, Ferguson, Flemming, Gibbons, Gilmore, Ivory, Miller, Morton, Newton, Payne, Rone, Swann, Wales, Willis, Woolfork, Wormley. They acknowledged that the list of names may not be exhaustive. Mr. Chapman listed next steps for the City as owner and steward of the park and burial site; Descendants (This is their family cemetery.); and Research (transitioning to Historical Society):

- identify and protect the burial site
- interpretive marker
- support descendant research
- work with descendant families re: rights and privileges
- maintenance plan that respects the burials
- research, interpret and present history of entire park.

2. REPORT: United Way of Charlottesville update

Ravi Respeto, United Way CEO, presented elements of the organization's FY23-27 Strategic Plan, stating the overarching goal "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."

She gave an overview of the following United Way goals and the programs enacted to reach those goals:

- Goal 1: Help lift 1,800 families - including 630 Black families - out of poverty in Thomas Jefferson Planning District by 2027.
- Goal 2: Increase by 10% kindergartners from economically-disadvantaged families who pass development benchmarks by 2027; increase the number of Black kindergartners who pass by 20%.
- Goal 3: Build a more connected community through a deepened understanding of race and equity.

Programs:

- A More Equitable Charlottesville
- Family Investment Program
- Driving Lives Forward
- Go2Grow
- Early Learners Scholarships
- Preschool Development
- Mixed Delivery Grants
- Ready Regions Blue Ridge
- Santa Fund
- Community Table
- Impact Grants

CLOSED SESSION

On motion by Pinkston, seconded by Wade, Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) to close this open meeting and convene in a 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 public bodies:

1. Police Civilian Oversight Board, and
2. Charlottesville City Council.

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 Payne highlighted the vigil held in memory of Eldridge Smith, who was a recent victim of gun violence in Charlottesville. Vice Mayor Wade shared the impact that Mr. Smith had on him as a mentor and his impact in the community.

RECOGNITIONS/PROCLAMATIONS

- **Presentation to Sena Magill**
Mayor Snook presented a service plaque to former Council Member Sena Magill.
- **Congenital Heart Disease Awareness Week, February 7-14**
Mayor Snook proclaimed the week of February 7-14 as Congenital Heart Disease Awareness Week. Casey Fletcher expressed words of appreciation for the proclamation and shared a personal story.
- **Black History Month**
Vice Mayor Wade proclaimed February as Black History Month.

BOARD/COMMISSION APPOINTMENTS

Mayor Snook announced the March 10 quarterly deadline for boards and commissions applications to fill vacancies.

CONSENT AGENDA*

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

3. MINUTES: January 3 Council meeting, January 17 Council meeting, February 2 Budget Work Session
4. RESOLUTION: Appropriating Grant Funds for improvements at 10th Street NW and Grady Avenue - \$500,106 (2nd reading)

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 BPSF 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

5. RESOLUTION: Appropriating funds for Safe Routes to School Program (SRTS) Non-Infrastructure Grants - \$ 229,803 (carried)
6. RESOLUTION: Appropriating Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for operations of the therapeutic docket program (carried)
7. RESOLUTION: Considering a Special Use Permit request for 345 US 250 Bypass (250 Bypass Fire Station)

RESOLUTION
Granting a Special Use Permit for Property Located at 345 US 250 Bypass (Tax Map and Parcel/Tax Status: 450001000 Real Estate Tax Exempt) Application SP22-00008

WHEREAS the City of Charlottesville, Virginia (the “City”) is the owner of certain land located and currently addressed as 345 US 250 Bypass and identified on Tax Map and Parcel/Tax Status as 450001000 (Real Estate Tax Exempt), and includes McIntire Park, the Brooks Family YMCA, and the existing City Fire Station #1 (the “Property”),

WHEREAS the City Senior Project Manager (the “Applicant”) is requesting a Special Use Permit (“SUP”) to allow for construction of a new 8,000 square foot fire station to the south of an existing stub road on the Property (the “Project”); and

WHEREAS the Property is currently zoned R-1 (Single-Family Residential) and under R-1 zoning classification, municipal offices or other government buildings may be authorized with a Special Use Permit and are deemed substantially compliant with the Comprehensive Plan in accordance with by § 15.2-2232 of the Code of Virginia; and

WHEREAS the current City Fire Station #1 is a legal non-conforming use, with no Special Use Permit on file for this site; and

WHEREAS the Applicant seeks a Special Use Permit Under City Code Sec. 34-158 to allow for construction of the Project; and

WHEREAS the Project is described in more detail within the Charlottesville Public Works, Facilities Development Division’s Staff Report and application materials submitted in connection with SP22-00008, as required by City Code Sec. 34-158 (collectively, the “Application Materials”); and

WHEREAS the Planning Commission and the City Council conducted a joint public hearing, after notice and advertisement as required by law on, January 10, 2023; and

WHEREAS the Planning Commission considered and recommended approval of this application by a vote of 7-0 (which includes the Special Use Permit and substantial compliance with the Comprehensive Plan; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the Application Materials, comments received at the public hearing, as well as factors set forth within 34-157 of the City’s Zoning Ordinance and §15.2-2232 of the Code of Virginia, this Council finds and determines that granting the proposed Special Use subject to suitable regulations and safeguards would contribute to the City Council’s Vision and Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment and Item 3.2: Provide reliable and high quality infrastructure, and would serve the public necessity, convenience, general welfare or good zoning practice; now therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

(1) That the Applicant’s Critical Slope Waiver filed and accompanying this SUP request be granted.

8. RESOLUTION: Considering a Critical Slope Waiver request for 345 US 250 Bypass (250 Bypass Fire Station)

RESOLUTION
APPROVING A REQUEST FOR WAIVER OF CRITICAL SLOPES PROVISIONS
PURSUANT TO CITY CODE SECTION 34-1120(b) FOR PROPERTY LOCATED
AT 345 US 250 Bypass
(Tax Map and Parcel/Tax Status: 450001000 Real Estate Tax Exempt)
Application P22-0091

WHEREAS the City of Charlottesville, Virginia (the “City”) is the owner of certain land located and currently addressed as 345 US 250 Bypass and identified on Tax Map and Parcel/Tax Status as 450001000 (Real Estate Tax Exempt), and includes McIntire Park, the Brooks Family YMCA, and the existing City Fire Station #1 (the “Property”),

WHEREAS the City Senior Project Manager (the “Applicant”) is requesting a waiver of the critical slopes requirement of City Code Sec. 34-1120(b) in connection with the construction of a new 8,000 square foot fire station to the south of an existing stub road on the Property (the “Project”); and

WHEREAS the Planning Commission held a hybrid virtual and in person joint public hearing with City Council on January 10, 2023 to give the public an opportunity to comment; and

WHEREAS the Planning Commission considered and recommended approval of the request to waive the critical slopes requirements, pursuant to City Code §34-1120(b) by a vote of 7-0, upon a finding that the public benefits of allowing disturbance of the critical slope outweigh the public benefits of the undisturbed slope; 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) that the benefits of allowing the disturbance of the critical slopes in connection with the development project outweigh the public benefits of the undisturbed slopes; and

WHEREAS upon further consideration of the Planning Commission’s recommendation, the Application Materials, comments received at the public hearing, as well as factors set forth within the Application Materials, this Council finds and determines that granting the proposed critical slope waiver subject to suitable regulations and safeguards would contribute to the City Council’s Vision and Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment and Item 3.2: Provide reliable and high quality infrastructure, and would serve the public necessity, convenience, general welfare or good zoning practice; now therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the request by the Applicant, for a waiver of the critical slopes requirements for the above-described Project to be developed on the Property, is hereby granted.

9. RESOLUTION: Appropriating State Criminal Alien Assistance Program (SCAAP) Grant for 2021 reimbursement in the amount of \$7,743 (carried)
10. RESOLUTION: Appropriating funds for appraisal services at 0 East High Street - \$3,800 (carried)

Mayor Snook opened the floor for comments on the Consent Agenda and no speakers came forward.

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

CITY MANAGER REPORT

Interim City Manager Michael Rogers stated that the monthly report was in the agenda packet and there was no information to add.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Ruth Hill, crossing guard and resident of Palmyra, VA, spoke in support of adding cameras in school zones.
2. John Hall, city resident, spoke about annexing the University of Virginia in order to defray taxes for residents.
3. Mark Kavitt, city resident, spoke in favor of the use of speed cameras to manage traffic.
4. Kevin Cox, crossing guard and city resident, spoke in support of the need for traffic control, including speed enforcement cameras in school zones, traffic cameras, and Stop-sign activated cameras on school buses. He thanked
5. Peter Krebs, city resident and Piedmont Environmental Council representative, spoke in support of greater speed enforcement in school zones, better infrastructure, and he spoke in support of the 10th Street and Grady Avenue project.
6. Robin Hoffman, city resident, spoke about the death of Eldridge Smith and the need for gun legislation. She supported comments made by crossing guard Ruth Hill earlier in the meeting and requested that the city do something about signage in school zones.
7. Chris Meyer, city resident, commented about the city budget and the increasing demand on school infrastructure. He stated that the school population has become more full at Jackson Via Elementary School and the number of students with English as a second language has increased. He suggested finding ways to get UVA to contribute more funding locally...

ACTION ITEMS

11. **PUBLIC HEARING/RESOLUTION: Approving a Lease Agreement with Omni Hotel for an outdoor cafe area at 212 Ridge- McIntire Road / 235 West Main Street**

Brenda Kelley, Office of Community Solutions, presented the request regarding an outdoor cafe area on public right-of-way.

Mayor Snook opened the public hearing. With no speakers coming forward, the mayor closed the public hearing.

On motion by Pinkston, seconded by Wade, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none), APPROVED the following resolution:

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.

12. PUBLIC HEARING: Re-precincting the City of Charlottesville (1st reading January 17; 2nd reading March 6)

Taylor Yowell, Voter Registrar, summarized the purpose of the public hearing. Vice Mayor Wade suggested coordinating the precinct changes with schools since they also use their spaces for teacher development days.

Mayor Snook opened the public hearing. With no speakers coming forward, the mayor closed the public hearing.

Ms. Yowell stated that affected voters, if Council passes the ordinance on March 6, will receive notice of the changes.

13. PUBLIC HEARING: Accepting public comments on filling the City Council seat vacated by Sena Magill as of January 12, 2023

Mayor Snook explained the process thus far for filling the Council seat vacancy. The six finalists for the City Council seat were given up to eight minutes to speak in the following order:

- Leah Puryear
- Alex Bryant
- Kristin Szakos
- Kathy Galvin
- Natalie Oschrin
- Lisa Larson-Torres

Mayor Snook opened the public hearing, giving speakers up to two minutes each.

- Mark Kavitt, city resident, spoke in support of Kathy Galvin.
- Lakeshia Washington, city resident, spoke in support of Natalie Oschrin, Lisa Torres and Kristin Szakos, who provided responses to a survey from the Charlottesville Low Income Housing Coalition.
- John Hall, city resident, made general comments.
- Don Gathers, city resident, spoke about transparency in the process and in support of Kristin Szakos.
- Allexis Cooper, city resident, spoke about affordable housing as a focus for the new councilor.
- Marcia Geyer spoke in support of Kathy Galvin and Kristin Szakos.
- Barbara Myer spoke in support of Lisa Larson-Torres and suggested that a former councilor should not be appointed.

With no additional speakers coming forward, Mayor Snook closed the public hearing. He announced the City Council special meeting on February 10th for interviewing candidates, and a decision to be announced on February 21st. He commended all twenty applicants and thanked the six finalists for speaking.

14. RESOLUTION: Appropriating funds in support of BEACON's Kitchen Project - \$500,000 (carried)

Chris Engel, Director of Economic Development, provided an overview of New Hill Development Corporation and introduced Yolunda Harrell (NHD President).

Ms. Harrell presented BEACON (Black Entrepreneurial Advancement and Community Opportunity Network). She shared how the BEACON Kitchen Incubator Project fits into NHD's Vision and Mission. The model lends itself to start-ups and existing businesses. The project was submitted for review and analysis to the Weldon Cooper Center, with results showing that the project has a significant return on investment.

Mr. Engel stated staff's recommendation for support of the project and resolution, as a one-time investment. Presenters answered questions for Council.

Council discussed edits needed to the resolution prior to the second reading and vote on February 21.

Council unanimously agreed to carry the item to the February 21 meeting for second reading

and vote on Action Items.

15. RESOLUTION: Considering a Comprehensive Sign Plan 701 East Water Street

Read Brodhead, Zoning Administrator, presented the Comprehensive Sign Plan for 701 East Water Street and answered questions from Council.

On motion by Payne, seconded by Pinkston, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none), APPROVED the following resolution with staff recommendations:

**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.

16. RESOLUTION: Considering the use of speed cameras in School Zones

Brennen Duncan, Traffic Engineer, presented the request. He stated that a quarter of students now are in the walking zone for schools.

Adrienne Dent, school crossing guard, read a letter on behalf of several school crossing guards, recommending three locations to install cameras in school zones to operate during school hours: 1) Monticello Avenue at Clark Elementary School, 2) Cherry Avenue at Johnson Elementary School, and 3) Cherry Avenue at Buford Middle School.

Mr. Duncan referenced enabling legislation, and explained costs as well as the processes for installing cameras, reviewing violations, and enforcement.

Mayor Snook suggested an amendment to the resolution to include the wording "for the school zones near" and "The cameras are to be used only when warnings of a reduced speed limit in the school zone are activated".

On motion by Pinkston, seconded by Wade, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none), APPROVED the following resolution as amended:

**RESOLUTION
TO APPROVE USE OF SPEED CAMERAS IN SCHOOL ZONES**

WHEREAS, the Code of Virginia 46.2-882.1 "Use of photo speed monitoring devices in highway work zones and school crossing zones" allows for state or local law-enforcement agencies to place and operate speed monitoring devices in school crossing zones for the purpose of recording violations,

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

Approve the use of speed cameras on Monticello Avenue for the school zone near Clark Elementary and on Cherry Avenue for the school zones near Buford Middle School and Johnson Elementary.

These cameras are to be used only when the school zone signs that warn of a lower speed limit are activated.

17. RESOLUTION: Appropriating funds for the purchase of Charlottesville Area Transit radio equipment - \$237,000 (carried)

Garland Williams, Transit Director, presented the request for funding.

Council unanimously agreed to carry the item to the February 21 Consent Agenda for second reading and vote.

COMMUNITY MATTERS (2)

There were no requests to speak.

Mayor Snook adjourned the meeting at 9:17 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council