

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



Agenda Date:	July 19, 2021
Action Required:	Approve Appropriation
Presenter:	Jeff Werner, Preservation and Design Planner
Staff Contacts:	Alex Ikefuna, NDS Director Jeff Werner, Preservation and Design Planner
Title:	<b>Resolution Appropriating Previously Approved Funds to the Albemarle Charlottesville Historical Society for the purpose of identifying the individuals interred in the unmarked graves at Pen Park and their descendants - \$2,500</b>

**Background:**

In December 2019, City Council approved funding for an archeological investigation to determine the presence of human graves outside the walls of a cemetery located at Pen Park. In November 2020, following completion of that work, staff reported to Council the likelihood of 43 unmarked and unrecorded graves outside the walls of the three, enclosed family plots, with the evidence suggesting the majority, if not all, of the graves are most likely those of individuals enslaved at Pen Park.

Council instructed staff that prior to marking or memorialize these graves, that an effort be made to identify possible descendants and consult with them. This matter was reported in the media and has been discussed openly by City Council and by the HRC; however, no possible descendants have yet come forward and staff lacks the resources to properly conduct the necessary research. Staff discussed this with the Albemarle Charlottesville Historical Society (ACHS) and subsequently established a collaborative effort to initiate that research, for which the City would make a \$2,5000 contribution to the ACHS.

**Discussion:**

An ACHS intern will be preparing an article about the cemetery for the ACHS magazine, with City staff providing information and input. Publication of the article will generate awareness of the site, with the hope that the story resonates with possible descendants, who then come forward. Additionally, the ACHS intern will collaborate on the informal research efforts by Dr. Shelley Murphy, Sam Towler, and other local historians regarding the identities of enslaved persons buried there and finding possible descendants. The intern will serve as a liaison with the researchers--coordinating regular updates; sharing germane information with others, others, helping them prioritize promising leads; and developing a repository for and organizer of the

information developed from that research.

It is acknowledged this initial effort will yield incomplete results, but it will generate a valuable data base and form the basis for future research. From that, future research can be better planned focused, and provide opportunities for grant funding towards that research. The goal this summer is to begin to fill in the blanks, to work with any identified descendants, and to begin the discussion on an appropriate way for the City to memorialize the individuals buried in the unmarked graves at 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 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:**

The goal of this effort is to begin that outreach into the community through the publication of an article and, we hope, to identify and contact possible descendants.

### **Budgetary Impact:**

No new funding is necessary for this project. The \$2,500 will be allocated from previously appropriated funds already allocated for historic surveys and related research.

### **Recommendation:**

Staff recommends that Council approve the resolution authorizing the \$2,500 contribution to the Albemarle Charlottesville Historical Society .

### **Alternatives:**

Should the contribution not be appropriated, the City will lose an opportunity to collaborate with the Albemarle Charlottesville Historical Society in the effort to identify individuals interred in the unmarked graves at Pen Park and, subsequently, identify and contact possible descendants.

**Attachments:**

1. Draft resolution: Allocation of City funds to the Albemarle Charlottesville Historical Society for the purpose of identifying the individuals interred in the unmarked graves at Pen Park and their descendants.
2. November 2, 2020 staff update to City Council.

**RESOLUTION APPROPRIATING PREVIOUSLY APPROVED FUNDS TO  
The Albemarle Charlottesville Historical Society for the purpose of identifying the  
individuals interred in the unmarked graves at Pen Park and their descendants.  
\$2,500**

**WHEREAS**, following the City-funded examination of possible unmarked graves at the Penn Park Cemetery, staff on November 2, 2020 reported to Council the likelihood of 43 unmarked and unrecorded graves outside the walls of the three, enclosed family plots, with the evidence suggesting the majority, if not all, of the graves are most likely those of individuals enslaved at Pen Park;

**WHEREAS**, Council directed staff that, prior to marking or memorialize these graves, an effort be made to identify and consult with possible descendants;

**WHEREAS**, staff has an opportunity to collaborate with the Albemarle Charlottesville Historical Society on research related to Council’s direction:

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$2,500 from the New Historic Surveys fund be allocated to the Albemarle Charlottesville Historical Society for the purpose of researching the identities of individuals interred in the unmarked graves at Pen Park and, subsequently, identifying and contacting possible descendants.

**Expenditure**

\$2,500            Fund: 426                    WBS: P-00484                    G/L Account: 540010

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:	<b>Update on unmarked burials near the Gilmer/Craven/Hotopp Cemetery at Pen Park</b>

**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\* 1786, changed ownership several times, with the occupants being the Gilmer family (from 1777\*1786 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. (\*Dates corrected after November 2020 presentation to Council.)

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.<sup>1</sup> 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

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<sup>1</sup> 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.

outside the Hotopp section, possibly representing the graves of enslaved individuals or other 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.)

