

## COUNCIL CHAMBERS – October 1, 2012

Council met in regular session on this date with the following members present: Ms. Galvin, Mr. Huja, Ms. Smith, and Ms. Szakos. Mr. Norris joined the meeting in progress.

### ANNOUNCEMENTS

Mr. Huja announced that today is Ms. Smith's birthday.

Mr. Huja announced the Tree Commission's first annual Tree Hunt. Go to [www.charlottesville.org/trees](http://www.charlottesville.org/trees) for instructions and an entry form.

Ms. Galvin announced an event, "Recognizing the History of Free and Freed Blacks in Charlottesville", on October 4 in Council Chambers. She also announced an opportunity for conversations with the sculptor of the Vinegar Hill sculpture on October 2 and 3 in various locations.

Ms. Szakos announced the National Citizen's Survey. Questionnaires will be mailed to a random sample of households and will be used to guide future vision, goal setting processes, and budget revisions. She also announced voter registration is open for absentee voting. For more information, call the voter registrar's office at 970-3250.

Ms. Smith announced the Charlottesville Community Career Conference on October 3 at the John Paul Jones Arena. Go to [www.charlottesville.org](http://www.charlottesville.org) to register. She also read a proclamation for Domestic Violence Awareness Month, which was submitted by the Shelter for Help in Emergency (SHE).

Ms. Szakos read a proclamation for National Hispanic Heritage Month. Ms. Olga Morse from *Forward Magazine* was present to accept.

Ms. Becky Clay Christensen and Mr. Steven Meeks presented an update on *Celebrate 250!* activities to Council There will be a Legacy Project meeting on October 10 at City Space. The 18<sup>th</sup> Annual Spirit Walk will be on October 19. The year will end with a gala on November 11. Go to John Paul Jones Arena or [ticketmaster.com](http://ticketmaster.com) to buy tickets. Mr. George Benford gave Council an update on the activities planned for the gala weekend. Ms. Phyllis Popkin shared a poem entitled *A Charlottesville Treasure!*

Mr. Huja announced that the Charlottesville Parks and Recreation Department received the Best New Environmental Sustainability Award at the recent annual conference of the Virginia Recreation and Park Society. The award was granted for the innovative use of goats to control invasive plants in Pen Park. Mr. Gensic was present to accept the award.

Mr. Norris said comments should not be allowed on the Moto Saloon SUP during Matters by the Public because a public hearing has already been held.

### **MATTERS BY THE PUBLIC**

Ms. Donna Blessing, 209 16<sup>th</sup> St. NE, read a letter from JABA regarding the Moto Saloon SUP.

Mr. Tom Millner, 107 1<sup>st</sup> St. S, said he was here to pledge his support for the Green Dot Project, which will be presented later this evening.

Ms. Bethany Hurley, 414 Oak St., said she is here as a Virginia Organizing (VOP) member, to speak about Medicaid expansion in Virginia. VOP is asking Municipal governments across the state to support Medicaid expansion.

Mr. Bill Lankford, 1400 E. Market St., presented a petition to Council regarding the Woolen Mills SUP.

Ms. Bailee Hampton, 505 Elliot Ave., said she recently attended the CRHA meeting last Monday. She was disappointed at the treatment of residents by Housing Authority staff. Council should pay attention to the conditions of the public housing community. She said there is no place for people who are not spending money on the Downtown Mall, and this is not a good use of public space.

Ms. Nancy Carpenter, 727 Denali Way, said she appreciated the new Jefferson Park Avenue bridge. She said she agreed with Ms. Hampton regarding the Downtown Mall.

### **COUNCIL RESPONSES TO MATTERS BY THE PUBLIC**

Mr. Huja thanked Mr. Norris for his advice on not allowing comments once a public hearing has been held. Ms. Smith said she did not agree with not allowing comment.

Ms. Smith thanked Ms. Hurley for bringing up the Medicaid issue, but we should work closely with Social Services and be aware of the impacts of the resolution on resources. She said our goal is to improve the atmosphere on the Downtown Mall so that everyone feels welcome.

Ms. Galvin said she would like to investigate a resolution regarding Medicaid. She said Mr. Jones will present Council with a more comprehensive report on the Downtown Mall Ambassador's Program. She appreciated Ms. Carpenter's remarks.

Ms. Szakos asked Ms. Hurley for a sample resolution on Medicaid.

## CONSENT AGENDA

On motion by Ms. Szakos, seconded by Ms. Smith, the following consent agenda items were approved: (Ayes: Mr. Huja, Ms. Szakos, Mr. Norris, Ms. Galvin, Ms. Smith; Noes: None.)

- a. Minutes for September 17
- b. APPROPRIATION: Albemarle County Reimbursement for the Central Library Mechanical/Air Handler Replacement Project - \$5,493.61 (2<sup>nd</sup> reading)
- c. APPROPRIATION: Albemarle County Reimbursement for the Central Library Elevator Project - \$25,746.33 (2<sup>nd</sup> reading)
- d. APPROPRIATION: Revenue Sharing – Appropriate \$100,000 and Transfer \$100,000 for Sidewalk Construction (2<sup>nd</sup> reading)
- e. APPROPRIATION: Skate Park Relocation – Appropriation of \$255,850 (2<sup>nd</sup> reading)
- f. APPROPRIATION: FY2013 Blue Ridge Commons Corporation Sponsorship Agreement with Charlottesville Police Department - \$86,000 (carried)
- g. APPROPRIATION: Victim Witness Assistance Program Grant--\$157,143 (carried)
- h. APPROPRIATION: Moore’s Creek Trail Proffer - \$20,000 (carried)
- i. APPROPRIATION: Personal Emergency Response System (PERS) for Public Housing Residents - \$3,120 (carried)
- j. APPROPRIATION: Crisis Intervention Team Coordinator – Appropriation of Grant and Other Funds (\$161,195) (carried)  
and  
RESOLUTION: Authority to Execute Memorandum of Understanding
- k. APPROPRIATION: 2013 Child Care Quality Initiative Grant - \$25,127 (\$21,232 state funds and required local match of \$3,895) (carried)
- l. RESOLUTION: Charlottesville-Albemarle Health Department Carry Over Request - \$29,549

## **REPORT/RESOLUTION: GREEN DOT CHARLOTTESVILLE PROJECT**

Ms. Frances Lengowski and Ms. Jennifer Rhoades from Emerging Leaders in Architecture (ELA) Class of 2012 presented to Council. Their research shows that 2,069 Charlottesville families do not earn enough money to be self-sufficient. Mr. Toan Nguyen and Mr. Bernard Whitsett are the community leaders in charge of this initiative. The Green Dot Project’s goals are to support small local businesses and help move families out of poverty. The website is [www.greendotcharlottesville.com](http://www.greendotcharlottesville.com) and provides more information on this initiative. ELA chose the IX Building as a pilot location to start work on their project.

Mr. Huja thanked Ms. Lengowski and Ms. Rhoades for their presentation. Mr. Norris asked the group to be sure they are linking with others in the community working on similar endeavors.

Ms. Szakos said she appreciated their enthusiasm, and the ability to implement and maintain momentum is going to be the key to success.

Ms. Galvin thanked those involved with the project. The data and detailed information the folks have collected is key to understanding what it means to have an operation like this. Developing business and outreach plans is important.

Ms. Smith said there is a lot of focus on a commercial kitchen and asked if there has been research to show we can support more caterers. Mr. Norris said a lot of the research has been done. Ms. Smith said the Jefferson School plans to have a kitchen, but CATEC already has these facilities. Be sure not to overbuild in one sector. Pay attention to market analysis that identify where job growth is available in our community.

Mr. Huja asked how long they will be working on the project. They said they are staying on until November. Mr. Huja said he hopes someone will follow up on these great ideas. Mr. Nguyen, Mr. Whitsett and Chef Ralph Brown spoke to Council about their plans to follow through on these ideas.

**REPORT/RESOLUTION: APPROVAL OF SPECIAL USE PERMIT (SUP) FOR A MUSIC HALL AT 1304 EAST MARKET STREET**

Mr. Brian Haluska presented to Council on the SUP for a music hall at 1304 East Market Street. Mr. Norris asked Mr. Haluska to describe the standard of review.

Mr. Haluska said the Planning Commission focuses on the planning aspects of this permit, particularly whether or not it is in compliance with certain regulations, whether it fits into the comprehensive plan, and zoning ordinance. However, the City Council has a more broad focus and can consider other matters, such as whether the proposed use will be harmonious with existing patterns of use and development within the neighborhood and whether the proposed use will conform to the City's comprehensive plan.

Mr. Haluska reviewed the conditions of the Planning Commission's approval of the SUP.

Ms. Smith asked if there is a precedent for SUPs for music halls. Mr. Haluska gave the Jefferson Theatre and the Southern, both of which are in the Downtown Mall corridor, as examples. Ms. Smith asked where music halls can exist in the city by right. Mr. Haluska said they can exist downtown. They are issued as provisional use permits.

Mr. Huja asked where music halls are permitted in the city. Mr. Tolbert said West Main North, West Main South, the Corner District, Preston Avenue area, Barracks Road Shopping Center area, South Street, and Downtown. They are by-right in almost every zoning classification we have, but Council chose to make them special use permits in manufacturing districts.

Ms. Galvin said she understood that the reason they do not allow music halls is because those areas are adjacent to residential areas. Mr. Tolbert said they have different characters than the others with much smaller lots and other differentiating factors.

Mr. Norris asked the applicant, Mr. Frankovich, if he had any information he had not had a chance to share with Council previously. Mr. Frankovich appealed to Council on behalf of his business. Ms. Szakos asked about parking. Mr. Frankovich said he has 65 total parking spaces, with a 150 occupancy limit.

Mr. Norris asked Mr. Tolbert what mechanisms are in place for measuring and regulating the impact of bass sounds. Mr. Tolbert said we have none.

Ms. Smith confirmed that the SUP goes with the space, not with the applicant. Mr. Tolbert said the SUP would apply to this space regardless of whether or not it changes hands. Ms. Smith said a lot of what we have heard is how much people like the Moto Saloon business, but Council should consider what is appropriate for that location, not whether the business is well-liked.

Mr. Norris asked if you should consider cumulative impacts of surrounding businesses. Mr. Tolbert said this would be difficult to do. Mr. Norris asked what updates there are in the Comprehensive Plan process, in light of the frustration of the Woolen Mills neighborhood with the way their neighborhood is zoned. He would like to see if there is a way to get this issue reflected in the Comprehensive Plan.

Ms. Galvin said we need to explore the right process on this. She thanked the Planning Commission for their work and said she believes they met the standards of review, but she disagrees with some of the determinations they made. She said a comprehensive plan is foundational and visionary, whereas zoning is an implementation tool. Granting an SUP for this location is not harmonious with the neighborhood and moves the community further away from their aspirations as outlined in the comprehensive plan. Because the applicant violated his certificate of occupancy, the greatest test of this occurred between February and July of this year. The underlying zoning that allows for an SUP is fundamentally inappropriate.

Ms. Szakos said she is opposed to granting an SUP, namely because it does not conform to the requirement for harmonious use.

Ms. Smith said this business obviously fills a niche. However, there are thriving restaurant/bar establishments, and she cannot support putting a music hall at the corner of a building where the zoning does not allow it.

Mr. Norris said it is not fair to say that there was a true testing period, because a lot of the complaints were not attributed to this venue. There were also very few calls for service during the February to July time period. The Planning Commission took a close look at this application and believed a music hall could operate under certain conditions. He asked if the applicant were to seek deferral, if there are conditions under which other Councilors would see this as an appropriate place for a music hall.

Ms. Szakos said she would encourage music halls at by-right locations, but not at this location. Ms. Galvin said we need to get our Comprehensive Plan updated as soon as possible and adjust our zoning to match. The community needs to be a part of the process. Ms. Smith said she does not believe there would be new information to inform this decision.

Mr. Huja said he agreed with Ms. Galvin's analysis in terms of criteria. He could see special use circumstances change for the future, but not right now.

Ms. Szakos moved to recommended denial of the application on the basis that it does not promote harmonious co-existence adjacent to the neighborhood. Mr. Huja asked for a more detailed motion.

On motion by Ms. Galvin, seconded by Mr. Huja, Council recommended denial based on the following reasons:

- 1) The proposed SUP is not harmonious with existing patterns of use and development within the neighborhood;
- 2) The proposed SUP will not substantially confirm with City's comprehensive plan;
- 3) The proposed SUP will have adverse impacts on surrounding neighborhoods, and there are no circumstances that will substantially mitigate these impacts.

(Ayes: Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos; Noes: Mr. Norris.)

Mr. Norris said he is concerned about the dynamic in the neighborhood and the discord that was created because of the circumstances. This is why community engagement is so important. He said he is voting against the motion because there were many people, including our Planning Commission, who felt there would be an advantage to having this location rezoned.

Ms. Smith encouraged Mr. Frankovich to continue making his business work as a restaurant/pub.

### **REPORT/RESOLUTION: DAVIS FIELD RFP**

Mr. Daly presented to Council. Earlier this year, the City purchased Davis Field for the purpose of expanding the park system and adding a rectangular athletic field to the City's inventory. Additionally, as part of that purchase, the City intends to offset a

portion of the expense of acquisition through a land lease of a portion of the property to a local youth athletic organization.

On motion by Mr. Norris, seconded by Ms. Smith, the resolution passed unanimously. (Ayes: Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos, Mr. Norris; Noes: None.)

**REPORT/RESOLUTION: STRATEGIC INVESTMENT AREA STEERING COMMITTEE**

Mr. Tolbert presented to Council. Several months ago Council allocated funding for a study, which has been named the Strategic Investment Area Study, to take a look at Urban Design and Economic Development issues for a large area south of Downtown. The area includes the Belmont and Ridge Street Neighborhoods, the Friendship Court Development, and three public housing properties: 6th Street, South 1st Street, and Crescent Halls. In addition, the project area includes new and established businesses and mixed use development. Cunningham/Quill has been selected as the contractor to provide the planning services for this study. They are ready to move forward with a committee created to provide input and advise Council. Mr. Tolbert reviewed the composition of the proposed committee as outlined in the resolution.

Ms. Szakos asked what the envisioned process is regarding the Belmont representative and the Ridge Street representative. Mr. Tolbert said they would be selected by the neighborhood association. Ms. Szakos asked if he would change the language to indicate that. Ms. Galvin said this may be too limiting.

Mr. Huja agreed with the composition, but most task forces are appointed by City Council. This appointment schematic is too complicated. Ms. Szakos said HAC is structured this way. Mr. Huja said the composition is excellent, but the selection process should be conducted by Council.

Ms. Smith asked for more information on what the hired firm will be doing. Mr. Tolbert explained their role. Ms. Smith said neighborhood representation is not strong enough. Ms. Smith said she would like representation from the schools. Mr. Huja said he is excited this takes a holistic approach to community improvement. Ms. Smith said she wants to make sure there is enough representation from the south side.

Council agreed to the following changes:

- 1) Add Parks and Recreation staff representative.
- 2) Add a representative from Clark and Jackson Via.
- 3) Council will approve the appointments of the committee as a whole.

On motion by Ms. Smith, seconded by Ms. Szakos, Council approved the resolution with the above mentioned additions. (Ayes: Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos, Mr. Norris; Noes: None.)

### **MATTERS BY THE PUBLIC**

Ms. Bailee Hampton, 505 Elliot Ave., said she is upset with the Council's decision on the Moto Saloon SUP. She said Council is effectively killing Mr. Frankovich's business.

The meeting was adjourned.