

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, August 18, 2014, AT 5:00 p.m. IN THE Second Floor Conference Room.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code

BY ORDER OF THE MAYOR

BY Paige Rice

SECOND FLOOR CONFERENCE ROOM – August 18, 2014

Council met in special session on this date with the following members present: Ms. Smith, Ms. Galvin, Mr. Huja, Ms. Szakos, Mr. Fenwick.

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos; Noes: None), to meet in closed session for (1) Discussion and consideration of prospective candidates for appointment to City boards and commissions, and interviews of candidates for appointment to the Planning Commission, and a discussion of the performance evaluation of the City Manager, all as authorized by Va. Code sec. 2.2-3711 (A) (1); (2) Consultation with legal counsel regarding the negotiation of the terms and conditions for the acquisition of a public utility easement on McIntire Road, where discussion in an open meeting would adversely affect the City’s negotiating strategy, as authorized by Va. Code sec. 2.2-3711 (A) (3) and (7); and, (3) Consultation with legal counsel regarding the defense of pending lawsuits against the City involving (a) the City’s solicitation ordinance, and (b) the construction contract for the Fontaine Avenue Fire Station, where discussion in an open meeting would adversely affect the City’s litigating posture, as authorized by Va. Code sec. 2.2-3711 (A) (7).

On motion by Ms. Szakos, seconded by Ms. Smith, Council certified by the following vote (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; 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.

COUNCIL CHAMBERS – August 18, 2014

CALL TO ORDER

Council met on this date with the following members present: Ms. Smith, Ms. Galvin, Mr. Huja, Ms. Szakos, Mr. Fenwick.

AWARDS/RECOGNITIONS & ANNOUNCEMENTS

Mr. Huja said September 5, 2014, is National Payroll Week, and the City has issued a proclamation in recognition.

Ms. Smith read a proclamation in honor of Women's Equality Day. Ms. Kobby Hoffman and Ms. Sharon Utz were present to accept the proclamation and thanked Council for their long time support in recognizing Women's Equality Day.

Mr. Fenwick announced the Sounds of Summer at Belmont Park on Saturday, August 23 from 6:00 p.m. – 8:00 p.m. He also announced UVA move-in days on Friday, August 22 and Saturday, August 23. CAT routes may experience delays.

Ms. Galvin announced the first day of school for the City is Wednesday, August 20. She also announced new pavement markings for cyclists. For more information, please go to www.charlottesville.org/safestreets.

Ms. Szakos announced that on Thursday morning at 8:00 a.m., the Clerk of Court will be able to issue marriage licenses to gay couples, unless a stay is ordered. She also announced that the next Council meeting will be held on Tuesday, September 2 due to the Labor Day holiday.

Ms. Szakos announced the unveiling of the model for the recently commissioned Vinegar Hill monument on Wednesday at 7:00pm at the Ebenezer Baptist Church and Thursday at 7:00pm at the Jefferson School African American Heritage Center. The community is invited to attend. For more information, contact Charlene Green at 434-970-3115.

Ms. Szakos thanked the Police Chief for his efforts towards making sure the incident in Ferguson would not happen in Charlottesville.

Ms. Smith announced TOUCH the Band is going to perform on Friday, September 12, from 8:30 p.m. – 11:30 p.m. at the Carver Recreation Center. Call 970-3053 to purchase tickets.

Ms. Szakos announced that Ms. Smith was appointed by the governor to the Advisory Committee on Juvenile Justice by the Governor of Virginia.

Mr. Huja announced Ms. Szakos was appointed vice chair of the NLC Council on Youth, Education and Families.

Ms. Galvin acknowledged the life of police officer Wayne Bettinger and read a memorial. Mr. Huja asked for a moment of silence in memory.

On motion by Ms. Smith, seconded by Mr. Fenwick, the following appointments were made to City Boards and Commissions: to the Planning Commission, Tanea Dowell, Genevieve Keller, and Jody Lahendro; to the CDBG 10th & Page Task Force, Tim Paladino; to the Jefferson Area Community Criminal Justice Board, Meagan Dye; to the Jefferson-Madison Regional

Library, Peter McIntosh; to the Parks and Recreation Advisory Board, Mary Alissa Wilson; to the PLACE Design Task Force, Galin Boyd; to the Region Ten Community Services Board, Claudia Allen. (Ayes: Ms. Smith, Mr. Fenwick, Mr. Huja, Ms. Szakos, Ms. Galvin; Noes: None.)

MATTERS BY THE PUBLIC

Ms. Johanna Woodchild, 416 Mosley Dr., said she is against the use of pesticides in City parks and on school grounds. She asked Council to ban the use of pesticides to make the City safer for our children.

Mr. David Blount, legislative liaison for the locality and planning district region, spoke about the development of the next legislative program for 2015. He reviewed potential priorities and said he is looking to meet with Councilors in mid-fall.

Dr. Rick Turner, on behalf of the Albemarle Charlottesville NAACP, said the way Ferguson, MO has responded to the death of Michael Brown is disturbing, and people are angry. He said the stop-and-frisk policy of the City stops more Blacks than Whites, and that makes us not so different from Ferguson. He encouraged citizens to photograph or videotape police officers who stop Black men.

Ms. Bonnie Stevens, Albemarle County resident, said there was a man with a holstered pistol on his hip on the second Sunday in July on the Downtown Mall. She was not comfortable and filed a complaint with the Charlottesville Police Department. She said open carry laws are dangerous on the Downtown Mall. She proposed a courtesy policy to discourage open carry on the Downtown Mall.

Mr. John Cruickshank, 324 Parkway St., said on July 21 he presented the Sierra Club petition asking Council to end the use of pesticides in City parks and schoolyards. Over 750 supporters have now signed the petition. He said he met with Mr. Jones and City staff, and he has further documents and reports showing the harmful effects of pesticides.

Mr. Mark Kavit, 400 Altamont St., said he was able to speak with Mr. Tolbert and now has an understanding of why certain things that were supposed to be done were not done in the past two months regarding notifications about property changes.

Ms. Christine Palazzolo, Douglas Ave., said she is opposed to the pending rezoning of the parcel on Lyman from R-1 to Downtown Extended (DE). She said she represents residents of the North Belmont neighborhood who are directly affected by this proposal. The Belmont Carlton Neighborhood Association has never been in support of this proposal, and it gives a blank check to commercial developers. She asked those opposed to stand; several in attendance did so.

Ms. Lena Seville, 808 Altavista Ave., said she has been learning about zoning as a member of her neighborhood association's board. She thanked City staff member Carrie Rainey for her assistance in explaining the different types of zonings. She said access points to Lyman St. are

strictly through neighborhoods. She said she is disappointed that no one representing bike/pedestrian interests was at the meeting about the Garrett Street stairs proposal. There is room for a better pedestrian experience.

Mr. Mark Brown, 2515 Brunswick Rd., said he supports the concept of studying the potential for a BID on the Downtown Mall. He asked Council to figure out a way to make something happen.

Ms. Ida Lewis, 605 13th Street NW, asked for bus service to be restored to Grady Ave.

Mr. Louis Shultz, 1809 E. Market St., said this is the 21st time he has come to Council accusing staff of violating City and state code and violated civil rights statutes. He said the August 4 Council meeting was required by law and was cancelled illegally.

Ms. Allison Ruffner, 735 Graves St., said she observed more walkable communities in her travels and asked Council to consider a long-term view for making the City more walkable and bike/motorcycle friendly.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Ms. Szakos said she is looking forward to the report Council will receive about pesticides. In response to Mr. Blount, she said Councilors will be concerned that any budget cuts coming down the line do not take out of localities that have already experienced cuts from the state. She said it is not illegal to videotape a police officer, although she is not certain that it is necessary to do so. She said she would also be frightened to see someone walking around in a heavily populated area with an open carry gun, but that is protected by second amendment rights. She said we should look at what we can do, but there is a limit. Council is concerned about bus service around Grady, especially in the summer, and they are trying to work towards a solution. She said most Councils take a meeting off in the summer. Council has heard Mr. Shultz but has made a decision to decline to hold a hearing regarding accusations about Steephill Street. She said it is great when people go to other communities and come back with a different perspective, so she thanked Ms. Ruffner for sharing that experience.

Ms. Smith said pesticide use is a very important issue. She thanked Ms. Ruffner for her comments on motorcycle and scooter riders and said we should look into allowing them to park with cars, allowing double duty on some of the parking spaces. She said the Ferguson episode is a real wake-up call, and accountability is important. She asked for a follow-up of our adult contact statistics.

Mr. Fenwick said there is support on Council to ban pesticide. He thanked Dr. Turner for reminding the community of what our responsibilities are. He said open carry is out of place in the City, and he will approach anyone who is carrying a gun on the Downtown Mall and ask them what they are doing. He said we have a lot of work to do on citizen engagement and communication. He thanked residents for coming to defend their neighborhood against rezoning on Lyman Street. He said he wants more information about what the Downtown Mall does for the City.

Ms. Galvin said we do not have bad police or a bad chief, but we do need to catch those who are not trained very well. Our police department is being proactive and working to pull together a forum to educate themselves and the public on what our strategies are. She said she is interested to know what a courtesy policy means regarding open carry on the Downtown Mall. She said working towards improvement on communication never stops. She said she hopes for a solution to the Grady Avenue bus situation. Charlottesville is almost getting too dense for cars but not dense enough for a real high-efficiency transportation service. We are in a transition phase, and we need to be educated and fund our intentions when it comes to being walkable and bike-friendly.

Mr. Huja said he agrees with his colleagues.

CONSENT AGENDA

- a. **Minutes for July 21**
- b. **APPROPRIATION: Appropriation of Insurance Recovery Reimbursement - Environmental Division's Nissan Leaf - \$2,095.75 (2nd reading)**

[Appropriation of Insurance Recovery Reimbursement](#)

- c. **APPROPRIATION: Department of Behavioral Health and Developmental Services, Thomas Jefferson Area Crisis Intervention Team Mentorship Program - \$90,000 (2nd reading)**

[Department of Behavioral Health and Developmental Services, Thomas Jefferson Area CIT Mentorship Program](#)

- d. **APPROPRIATION: Virginia Commission of the Arts Challenge Grant - \$5,000 (2nd reading)**

[Virginia Commission of the Arts Challenge Grant](#)

- e. **APPROPRIATION: Strategies for Youth Training - \$27,778 (carried)**

[Strategies for Youth Training](#)

- f. **APPROPRIATION: Peace Lutheran Church Donation for Ongoing Recruitment of Foster Families - \$3,900 (carried)**

[Peace Lutheran Church Donation for Ongoing Recruitment of Foster Families](#)

- g. **APPROPRIATION: Check and Connect Student Engagement Continuation Grant - \$64,860 (carried)**

[Check and Connect Student Engagement Continuation Grant](#)

- h. APPROPRIATION: Adoptions Through Collaborative Partnerships Grant - \$84,000 (carried)**

[Adoptions Through Collaborative Partnerships Grant](#)

- i. APPROPRIATION: Albemarle County Reimbursement for Gordon Avenue Library Exterior Envelope Project - \$1,325 (carried)**

[Albemarle County Reimbursement for Gordon Avenue Library Exterior Envelope Project](#)

- j. APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (carried)**

[Virginia Juvenile Community Crime Control Act Grant](#)

Ms. Szakos noted item j, VJCCCA, is half of a million dollars coming into our community to help implement the recommendations that came out of the Disproportionate Minority Contact (DMC) report.

Ms. Smith thanked the Department of Social Services for the grant to promote adoptions. This department has done remarkable things over the past years to support children in the foster care system.

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

PUBLIC HEARING / RESOLUTION: Council Priorities for FY 15-16 Community Development Block Grant (CDBG) and HOME Funds

[Council Priorities for FY 15-16 Community Development Block Grant \(CDBG\) and HOME Funds](#)

Ms. Melissa Thackston presented to Council. She reviewed staff recommendations as outlined in the Council materials.

On motion, the public hearing was opened. Having no speakers, the public hearing was closed.

Mr. Huja said the recommendations given by the staff should be adopted as suggested. Ms. Smith said we should keep 10th and Page as the priority neighborhood. Ms. Szakos agreed. She asked if the amount will be reduced regularly and asked how the formula is computed on the federal level. Ms. Thackston said the trend is a relatively level to slow decline. Ms. Galvin thanked Ms. Thackston for providing the chart showing patterns across time. She asked for more

refinement on what the Economic Development monies go for, because so many programs are using these funds. She would like to use some of the funds to get solid work experience for a resident of the community. Ms. Thackston said the Economic Development money can only go towards businesses.

Ms. Szakos made a motion to adopt the staff recommendations. Ms. Smith seconded the motion.

Mr. Fenwick said he supports the recommendations. Ms. Smith said the committee should refer to the five year consolidated plan when they are developing their recommendations. She asked if the money can be used to buy a park. Ms. Thackston said it can be.

The resolution passed unanimously. (Ayes: Ms. Szakos, Ms. Smith, Ms. Galvin, Mr. Fenwick, Mr. Huja; Noes: None.)

RESOLUTION: Garrett Street Stairs Closure and Rehabilitation

[Garrett Street Stairs Closure and Rehabilitation](#)

Mr. Tolbert presented to Council. The Planning Commission and the SIA Report recommended that the stairs be kept open and maintained. While staff is sympathetic to Ms. Watson's reasoning for the request, it is important to maintain public access and connectivity in that area.

Mr. Tolbert outlined staff's recommendations for improvements.

Mr. Fenwick said this is an effort to control behavior, and he asked what the guarantee is that behavior would change if this work was completed. Mr. Tolbert said there is none.

Ms. Galvin asked about stepping up patrol and increasing maintenance for the Parks Department. Mr. Tolbert said it is now on their regular schedule.

Ms. Szakos asked Ms. Rainey to talk them through her design. Ms. Rainey described the design and said it was an effort at crime control by landscape design. Council asked about ramping, and Ms. Rainey explained why this would not work due to the required number of switchbacks.

Mr. Fenwick moved that staff execute the plan in stages to see if certain steps will work to change behaviors without having to fund the entire project. Having no second, the motion died.

Ms. Leah Watson, applicant and resident at 204 Ridge St., said the City has a problem in this area. She said she would prefer the second option that she worked on with the City Engineer for eight months. She said this is a safety issue and is important for the community.

Mr. Huja asked Ms. Watson if she was ok with no fence on the south side. Ms. Watson said yes. Ms. Szakos said she understands Ms. Watson's preference is to buy the property, but

short of that, she asked if there was anything about the hand drawn plan that could be modified to make it better. Ms. Watson said the plan makes it more difficult to get in and out of her driveway, and she believes plantings will make the situation worse by inviting people to hang out in this area.

Ms. Smith said there is potential future value in this land, and it would be short sighted to sell. Ms. Szakos said she can imagine this may be part of a future network of connectivity. She said staff should increase the schedule for maintenance in that area.

Ms. Galvin said we should not give up public right-of-way and asked to tie additional policing and regular maintenance of this area to the motion.

Ms. Szakos moved to adopt the staff proposal with increased monitoring for one year, police reports every three months, trash removal and maintenance of plantings, and a bike tray. Ms. Galvin seconded the motion. The motion passed unanimously. (Ayes: Ms. Szakos, Ms. Galvin, Ms. Smith, Mr. Huja, Mr. Fenwick; Noes: None.)

Council took a brief recess.

ORDINANCE: County Office Building Rezoning (carried)

[County Office Building Rezoning](#)

Mr. Haluska presented to Council on the County Office Building rezoning request to D-3. Staff recommended rezoning a portion of the property from Preston Ave. to Central City. The Planning Commission recommended zoning Downtown North with the entrance corridor overlay remaining.

Ms. Smith moved the ordinance recommending rezoning property located at 401 from residential to B-1 commercial district. Ms. Szakos seconded. The motion carried.

ORDINANCE: Lyman Street Rezoning

[Lyman Street Rezoning](#)

Mr. Haluska gave Council an overview and said staff has reviewed the application and recommends the application be approved.

Mr. Brown reviewed the procedures for considering proposed modifications of the proffer. He confirmed that proffers are binding with the zoning and convey with the property.

Ms. Szakos asked if we can require access to this property from Avon. Mr. Haluska said staff is hesitant to agree to anything that requires the permission of a third party.

Ms. Galvin said the intent of the Downtown Extended zoning designation is supposed to be designed to encourage mixed use development along significant routes of access. She questioned whether Lyman Street qualified as a significant route of access.

Ms. Smith said the current zoning in the neighborhood is not appropriate, and she moved that we deny the request for rezoning of either parcel. Mr. Fenwick seconded the motion, because he does not feel this is in the best interest of the community as a whole.

Mr. Huja said he thinks this would be a great place for recreation for the neighborhood and hopes staff will explore that option.

Ms. Galvin said the Downtown Extended corridor zoning designation is not appropriate for this area no matter how you look at it.

Council voted to deny the request for rezoning. (Ayes: Ms. Szakos, Ms. Galvin, Ms. Smith, Mr. Huja, Mr. Fenwick; Noes: None.)

ORDINANCE: Rugby Road Conservation District (carried)

Ms. Scala presented to Council. Council is being asked to approve the overlay district. The City has two types of regulatory designations, architectural design control (ADC) districts and historical districts. This would be the less restrictive of the two regulatory types.

Ms. Szakos moved to amend adding a zoning overlay district. Ms. Smith seconded the motion. The ordinance carried.

Ms. Galvin asked what a neighborhood association would do if expertise is not available to them on a project they are interested in. Ms. Scala said neighborhoods need to know enough to express interest in the first place. Mr. Huja said this is a budget decision. Ms. Galvin said this is something we need to discuss for the future.

REPORT: Downtown Mall Update

[DTM Update](#)

Mr. Ellis gave an update on ongoing efforts to enhance the Downtown Mall. He reviewed the work of the various workgroups, including enhanced services coordination for health and human services, a cheat sheet for referrals, the recent hire of a workforce center manager, an inventory of existing lighting on the mall and side streets, new directional and informational signs, additional cigarette receptacles, an email address for reporting maintenance issues to central locations, a survey of downtown businesses who have cameras, and training for the Downtown Mall ambassadors.

Mr. Bob Stroh, co-chair of the Downtown Business Association, presented to Council on how they can allow the Downtown Mall to become more competitive. They requested to hire someone to investigate a Business Improvement District (BID) installed in the downtown area.

He explained the BID's purpose and function and requested that this be a forgivable loan in case the BID implementation is unsuccessful.

Mr. Fenwick asked Mr. Brown about lending money. Mr. Brown said he recommended using CEDA to provide funding in the form of a loan, rather than the City providing it directly. Ms. Szakos asked if we can loan money to CEDA. Mr. Brown said yes, and suggested Council may want to view this as a grant rather than a loan.

Mr. Stroh said the DBAC has been able to secure other sources of revenue and he expects that they will be able to continue to do so.

Ms. Smith asked why Lee Park was included. Mr. Stroh said they would not be paying into the BID, but it fronts on E. Market. She asked if the BID would have control over public space. Mr. Stroh said a process outlines what current services are being provided and what services will continue or may be augmented with BID resources. Ms. Smith reiterated that she wants the City to retain decision making power about services on the Downtown Mall.

Ms. Szakos said when people are hired to conduct the process, include interviews with Councilors so they can give input on what to include in the process.

Mr. Watts said if Council wishes to move forward with this process, staff will return to Council at a later Council meeting to seek approval for proceeding with an approval from CEDA.

Ms. Szakos asked staff to look at a loan to the DBA from CEDA so they can figure out how to pay it back.

Ms. Smith asked who the fiduciary agent would be. Mr. Stroh said DBAC could accept the money, but a new organization would eventually take its place.

Council voiced their unanimous support for moving forward on getting a motion on the table for the BID.

OTHER BUSINESS

Mr. Fenwick said he was involved in an incident on the Downtown Mall a week and a half ago. He asked Region 10 to brief Council on the mental health assets they have available to citizens.

Ms. Smith said at the last Rivanna Riverbasin Commission meeting, Streamwatch distributed their report, and she shared copies with Council.

MATTERS BY THE PUBLIC

Mr. Alex Hancock, Eton Rd., said he was amazed that the City is willing to spend \$70,000 for one property owner regarding Garrett Street stairs. He said the City should provide assistance with any property owner questions.

Mr. Watson, husband of Ms. Leah Watson, said when you have to call the police 70 times in 18 months for your property, it is frustrating. He said Council did not let his wife speak.

COUNCIL RESPONSE

Ms. Szakos said although Ms. Watson did not get the response she was hoping for, Council did allow her to speak for quite a while. She told Mr. Hancock that the Garrett Street stairs issue affects public safety.

Ms. Smith said we value this public space and want to make it better.

Ms. Galvin said she regrets that it took so long to come to a decision, but Council has committed funds and will monitor this closely.

Ms. Galvin said as we are moving forward with small area plans and community planning, we are increasing staff capacity to provide more design assistance. Over time, we will get a better built environment.

Meeting adjourned.

A handwritten signature in cursive script that reads "Gaige Rice". The signature is written in black ink and is positioned above a solid horizontal line.

Clerk of Council