

**NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Tuesday, January 20, 2015, AT 6:00 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 – January 20, 2015**

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, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None), to meet in closed session for (1) 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, and consultation with legal counsel for legal advice regarding the acquisition of real property on West Main Street for a public purpose, both as authorized by Va. Code sec. 2.2-3711 (A) (3) and (7); and, (2) Discussion and consideration of the acquisition of real property on St. Clair Avenue and Melbourne Road, both for public park or trail purposes, where discussion in an open meeting would adversely affect the City’s bargaining position or negotiating strategy, as authorized by Va. Code sec. 2.2-3711 (A) (3).

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 - January 20, 2015**

**CALL TO ORDER**

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

## **AWARDS/RECOGNITIONS & ANNOUNCEMENTS**

Chief Charles Werner announced the Fontaine Fire Station and Training Center has been recognized as one of the best fire stations in the United States. Mr. Paul Erickson, chief architect, presented an award certificate to Mayor Huja and Chief Werner.

Ms. Smith announced that Charlottesville advanced to the semi-finals in the \$5 million Georgetown University Energy Prize competition. She encouraged residents to stay tuned and look for Energize!Charlottesville to find ways to participate.

Mr. Fenwick announced the BACON Club placed 2nd in the world at Friday's competition at MIT/NASA. Charlottesville High School teacher Matt Shields, Principal Jill Dahl, and members of the competition team were present.

Mr. Fenwick announced the Charlottesville Cardinals wheelchair basketball team is ranked #13 in the country and encouraged residents to attend their games.

Ms. Szakos announced an open house this Thursday at the Carver Recreation Center regarding the Skate Park at the east side of McIntire Park.

## **MATTERS BY THE PUBLIC**

Mr. Huja reviewed the ground rules for participating in Matters by the Public.

Mr. Melvin Walker, 922 Hansken St., said the ABC Store is not causing problems; this is about the neighborhood.

Ms. Cynthia Richardson, 322 6<sup>th</sup> Street SW, an officer of the Fifeville Neighborhood Association, said she supports the ABC Store. This is a displacement and is a larger issue that needs to be solved. She said the loiterers people complain about are members of their community and have been very helpful to her in her times of need.

Mr. Patel Vasant, co-owner of the convenience store at 600 W. Main St., said the ABC Store should be kept open, as his business is dependent upon it.

Mr. Amirh Adwol, co-owner of the convenience store at 600 W. Main St., said his business customer base depends on the ABC Store.

Mr. Raymond Mason, 717 Cynthiana Ave., submitted a petition with 475 signatures in support of keeping the ABC Store open. He asked Council to rescind their initial resolution because it was a rash decision made without all the information.

Ms. Carmelita Wood, 825 Orangedale Ave., and Mr. Mike Singer, President and Vice President of the Fifeville Neighborhood Association, said the ABC Store debate is healthy for their neighborhood, and they hope it encourages deeper participation in the West Main redevelopment conversation. Community policing needs revision. She read a resolution passed

by the Fifeville Neighborhood Association regarding steps the Police Department should take to better serve the community.

Ms. Jackie Lombardo, 313 Parkway St., member of the Sierra Club, asked the City to stop using pesticides. Because of the adverse health effects on children, it is classified by the EPA as a carcinogenic or neurotoxic agent.

Ms. Barbara Cruickshank, 324 Parkway St., said she supports the Parks and Recreation Department's plan to adopt a strategy to reduce chemical use on City properties.

Ms. Erin Monaghan, 213 Huntley Ave., Co-Chair of the Charlottesville Democratic Committee, read a request of Council to form an MOA with the Electoral Board and the Registrar's Office.

Ms. Barbara Null, 1619 Brandywine Dr., Chair of the Charlottesville Republican Committee, read a resolution requesting an audit of management controls in the wake of the Registrar's Office misuse of public funds.

Mr. Mike Basile, 765 Taylor's Gap Rd., President of the Jefferson Area Tea Party, supported the proposed audit of the City Manager's practices. He said Mr. Heyden and Mr. Shultz cut in line and were disrespectful to others who had been waiting to sign up to speak before them.

Mr. John Heyden, Westwood Rd., said he was denied his First Amendment rights and said he will take the City to Federal Court as he has in the past. He said he has prepared court documents with all Councilors named except for Ms. Galvin. Other speakers were allowed to speak without limit, and he was not. He said he has filed a complaint with the Office of Human Rights.

Mr. Louis Shultz, 1809 E. Market St., said although Ms. Smith supports developing a script to remind citizen of their rights during contact with the police, she takes part in denial of rights as a Councilor. He accused staff of violating City and state code and civil rights statutes.

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

Ms. Szakos asked for allowance for additional one or two speakers. Mr. Huja said there will be additional time to speak at the end of the meeting.

Ms. Szakos said she appreciated speakers regarding the ABC Store. The resolution was not binding, so Council has not taken any real action. She thanked the neighborhood association representatives for speaking about community policing. She said Council is looking at this in policy and in the budget. She is interested in the idea of an evidence-based assessment tool. She said there is work on a new policy to add transparency to the police department's handling of complaints. She recommended that speakers send correspondence electronically to [council@charlottesville.org](mailto:council@charlottesville.org) instead of bringing paper copies to the meeting. She said Mr.

Heyden should not have been heckled, but he was in fact allowed to speak. He also went over his time this evening, and she asked that he respect the rules of order as well.

Ms. Smith said it is refreshing to see bipartisanship. She liked the idea of a memorandum and said we should see where the requests align. She asked Mr. Jones about where the audits currently being conducted stand. Mr. Jones said a cell phone audit found no further discrepancies. Additional layers of internal controls have been added to avoid such an issue going forward, which was announced back in the fall. An outside auditor also examines internal controls annually. Ms. Smith said she is in favor of a written pesticide policy, and we have a great model in Albemarle County. She thanked the Fifeville Neighborhood Association speakers for addressing community policing. This is an active discussion. She thanked those who have rallied about the ABC Store. She thinks Council rushed a resolution and does not think Council understood the weight the statewide ABC Board would give to a local resolution.

Ms. Galvin thanked speakers for bringing attention to the policy gaps regarding the Board of Registrar and the City government and would also like to see where the resolutions align. The Council and the City Manager are concerned, and the City Manager has been acting on it. There does need to be tangible change in the form of policy. She said we need to be clear on when we do not have adequate engagement policy regarding the West Main discussion. There is a major master planning process for this corridor. She said Mr. Heyden is right to take his concerns to the Human Rights Commission; this is why it was put into place.

Mr. Fenwick said Mr. Mason should be in the middle of the conversation about West Main Street and Midtown and encouraged him to participate in the planning and neighborhood meetings. He thanked the speakers on pesticides for their commitment. He said we have to talk about gentrification and preserving the charm of our City.

Mr. Huja asked staff to proceed on drafting a policy on pesticides so Council will have something to discuss in the future.

## **CONSENT AGENDA**

- a. Minutes for January 5
- b. APPROPRIATION: 2015 Department of Motor Vehicles Virginia Highway Safety Grant for Speed Enforcement - \$7,680 (2nd reading)
- c. APPROPRIATION: VDOT Funds for the Condemnation of CATEC Property Used for the Meadowcreek Parkway - \$144,700 (2nd reading)
- d. APPROPRIATION: National Endowment for the Arts (NEA) Our Town Grant “Play the City” – \$50,000 (2nd reading)
- e. APPROPRIATION: Central Library Restroom Renovation and A.D.A. Improvements Project – Albemarle County Reimbursement – \$10,033.19 (2nd reading)

- f. APPROPRIATION: Local Contributions for Crisis Intervention Training - \$16,000 (2nd reading)
- g. APPROPRIATION: 2015 Department of Motor Vehicles Virginia Highway Safety Grant for Alcohol Enforcement – \$24,114 (2nd reading)
- h. APPROPRIATION: Preston Morris Building Envelope Restoration Project – Albemarle County Reimbursement – \$1,200 (2nd reading)
- i. APPROPRIATION: Outside Area Contributions for Crisis Intervention Training - \$3,500 (2nd reading)
- j. APPROPRIATION: Environmental Protection Agency Solid Waste Management Assistance Grant for Composting at the Charlottesville City Market - \$9,000 (2nd reading)
- k. APPROPRIATION: Adoption Incentive Funds – \$2,977.92 (2nd reading)
- l. APPROPRIATION: Virginia Initiative for Employment not Welfare (VIEW) – \$12,675 (2nd reading)

Ms. Galvin asked for clarification on item l regarding the VIEW Initiative. Ms. Kuknyo clarified that there was extra funding available from the state for support services.

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

### **RESOLUTION: SUPPORTIVE HOUSING AT THE CROSSINGS**

Ms. Kathy McHugh presented and gave an overview of supportive housing at the Crossings. Ms. Smith asked why the City is involved in these units. She said she wants to see residents with long-term connections to Charlottesville and priority given to women living on the streets.

Mr. Fenwick said he thinks that's appropriate, and he supports this initiative. If we can find money for West Main, we can find money to support the homeless.

Ms. Szakos said supporting the homeless is the right thing to do, and it also makes good economic sense; having housing enables them to be healthier and get the services they need.

Ms. Galvin said it seems we are taking money from homeless prevention and putting it into homeless housing. She said we should create a policy or partner with TJACH, CRHA, etc. to find units in the next four to five years. She said she is having trouble giving up five units when we do not know where they will come from.

Ms. Szakos said when we adopted policies for the Housing Fund, we put important initiatives into motion, and our target number is higher than five, so we will more than make up for it. Ms. Galvin said this is great, and she would like to see that data.

Mr. Huja said he is concerned about the program because initially the funds were for new housing units, and now they are moving to a subsidy. This is a slippery slope and should not happen again. He said he would agree to place more vulnerable Charlottesville residents and find an additional five units to make up for the loss.

Mr. Jones said staff needs clarification on how “Charlottesville natives” should be defined. Ms. McHugh said she is concerned about perceived gender discrimination regarding fair housing.

Ms. Smith moved to approve the resolution to use five units at the Crossings for the homeless initiative with three conditions: 1) give priority if legally possible to vulnerable women; 2) give priority to residents who are native to Charlottesville, 3) identify five units of additional affordable housing.

Ms. Szakos seconded with the suggested amendment to say “long-term or established” residents of Charlottesville instead of “natives”. Ms. Smith accepted the amendment. The resolution passed. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None.)

**RESOLUTION: THOMAS JEFFERSON AREA COALITION FOR THE HOMELESS (TJACH) SPRING FOR HOUSING – \$105,000**

Ms. McHugh presented to Council. TJACH has requested \$105,000 from the Housing Fund to keep unsheltered people from returning to the woods and other areas not intended for habitation.

Ms. Szakos asked about proposing it as a two-to-three match, so that we would do 40% up to \$105,000 to help stimulate donations.

Mr. Fenwick thanked Ms. McHugh for reviewing the peripheral costs homeless people incur.

Ms. Smith asked if this program has a barrier level for participation, such as history of alcohol use. Ms. Kaki Dimock, Executive Director of TJACH, said they are asking for funds for multiple strategies because multiple strategies are required to address a variety of needs. She discussed the Housing Stability Plan they have developed to help folks avoid a return to homelessness.

Ms. Galvin said the figures of those who return to homelessness reinforce the need for a variety of housing stock available at different tiers.

Ms. Szakos asked Ms. Dimock if the matching gift idea was helpful. Ms. Dimock said it is helpful in terms of longer term fund raising, but if we are trying to do this around the PACEM season, there is not a lot of time to raise private dollars. She said she believes City’s dollars will be leveraged by others wanting to join a potentially successful initiative. Ms. Szakos said we should keep this in mind for next time.

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

**RESOLUTION: RWSA ODOR CONTROL**

Mr. Frederick presented to Council. He reviewed the history of the sampling summary and odor thresholds observed. He said the goal is for odors to stay in the fence line of the Moore's Creek facility. He presented dispersion modeling for where and how often odors can be detected. He reviewed the potential project cost summary.

Ms. Smith asked if any of the proposed chemicals were health hazards. Mr. Frederick said at the concentrations being used, they were more of a nuisance than a health hazard.

Ms. Szakos confirmed that the County/City percentages would change over time as the County grows.

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

**RESOLUTION: UVA LIAISON TO CITY COUNCIL**

Mr. John Connolly, UVA Student Council Representative, presented to Council. The UVA Student Council has requested that the City Council empower the UVA Student Council to appoint a student liaison to Council. He presented a vision of how the liaison position would function.

Mr. Huja said he appreciates the initiative, and other communities have similar programs that are successful.

Mr. Fenwick said this is needed. He liked the idea of starting out simple and building the relationship and said he is prepared to support this.

Ms. Szakos said a lot of students come to Charlottesville for four years and never really feel that they are part of the community. This is a good way to create inclusion.

Ms. Galvin said she has expressed concerns about whether or not this is premature; Council does not have a similar relationship with our neighborhood associations, for example. She said we do not have a body that meets regularly to deal with day-to-day issues. However, she said she was relieved to discover that we were an affiliate with the Town & Gown Association, and as such, she will support this. She said we should develop the goals and objectives in line with the Town & Gown Association. She said we should have a more robust community-based relationship with the University itself and requested to present a resolution at a future meeting.

Ms. Smith said she believes this is valuable, but we have to be careful that we are not perceived as giving more of a voice to students than to our own community members.

Ms. Szakos noted that this is a pilot program and recommended making this part of a broader University-community partnership when the pilot period is over. She moved the resolution with the revision. Ms. Smith seconded the motion. The resolution passed. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None.)

**RESOLUTION: PROPERTY SUBLEASE AT 100 EAST WATER STREET FOR CITY MARKET**

Mr. Engel presented to Council. The lease is needed to give the City Market a temporary location while the permanent City Market is being constructed.

Ms. Szakos confirmed that we do not have to decrease the size of the market during construction. Ms. Smith confirmed that we are only leasing it during the market season.

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

**REPORT: TRANSIENT LODGING FACILITIES**

Mr. Tolbert presented to Council on the history of NDS's work on transient lodging facilities and asked Council for direction.

Ms. Szakos said we need to balance the flexibility of allowing this kind of use. If it is too profitable and not regulated, it can cause neighborhood erosion and may deplete rental housing stock. She said we may want light regulation for single transient lodging facility owners, and then become more stringent for those running more than one facility.

Mr. Huja said he wants to ensure some regulation but keep the process simple and uncomplicated for users. We need to establish a local authority that users can report to, and we need to be sure we are collecting taxes.

Ms. Galvin said she does not feel comfortable supporting a resolution when we do not have answers to many questions, including those that the Planning Commission has posed.

Ms. Smith said neighborhood notification is important and would go a long way to make this palatable. The neighbors should know who to contact if there are issues. She said some models levy very heavy fines by the management companies for not taking care of the property during the rental period. Limiting the number of people according to zoning is also a big issue.

Ms. Galvin said she does not feel informed enough to edit the resolution as proposed.



Ms. Szakos said we are not informed enough to say what kind of a study we want conducted. She asked Mr. Tolbert if he had enough information to draft a resolution that is more in line with what Council wants to study. Council supported moving forward with a resolution for study.

**RESOLUTION: SIA (STRATEGIC INVESTMENT AREA) IMPLEMENTATION PROCESS**

Mr. Tolbert presented to Council and reviewed the SIA Implementation Process.

Mr. Huja said he does not see a need to do Form Based Code.

Mr. Fenwick said we are not even past the beginning of the West Main Street development, and already we are looking forward to the SIA. At some point, we need to finish projects and do some planning. He said our planning on West Main has been hodge-podge. He said no market study would have ever supported eight hotels.

Ms. Szakos said she supports moving forward with this plan. Council has supported it, and if we only do one thing at a time, we will never reach our goals. She explained the contractual reason Mr. Slaats is on the board. She said the intent of this is to preserve and expand affordable housing in our community.

Ms. Galvin said this has been appended to the Comprehensive Plan and can inform future discussions about building heights, for example. She is concerned that the regulatory framework did not get discussed as part of the SIA. She said she supports the implementation plan, but it needs to have a thorough community engagement piece, especially regarding regulation.

Mr. Huja said he would delete the entire schedule, because it is unrealistic.

Ms. Szakos said she would like to keep the Form Based Code in for now and then discuss it when it comes before Council for a vote.

Ms. Smith said we cannot have an implementation team without Friendship Court and IX. We are talking about implementing something we do not have jurisdiction over. She said she would like to know more about Form Based Code, but she is not prepared to support it one way or the other. Mr. Tolbert said we can create schematic plans in collaboration with the people who own the property.

Ms. Szakos moved to adopt the implementation team and the plan for near-term implementation, minus the milestone dates. She suggested using the language “propose regulatory framework” instead of “Form Based Code”. Mr. Tolbert suggested changing “fiscal year” to “within the next calendar year” on page 11. The suggestion was accepted. Ms. Smith said she recommends that the team include the three major land owners. Ms. Galvin seconded Ms. Szakos’ motion. (Ayes: Ms. Galvin, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: Mr. Fenwick.)

## **OTHER BUSINESS – NLC REVIEW**

This item was deferred upon Ms. Szakos' request.

## **OTHER BUSINESS – WEST MAIN STREET**

Mr. Huja read a prepared statement expressing his disapproval of the West Main plan.

Ms. Szakos said she is not prepared to speak on this tonight.

Ms. Galvin said she was surprised this was added to the agenda under Other Business and was not a formal agenda item, which is unusual. She said she is not prepared to deal with a discussion.

Mr. Huja said he is expressing his opinion. Ms. Szakos said this puts the rest of the Councilors at a disadvantage.

Mr. Fenwick said he has heard from the community on this issue, and they are not happy.

Ms. Smith thanked Mr. Huja for bringing this forward and said she fears we will get through the West Main process with the consultants, and then Council will not support it.

Ms. Szakos said there are many aspects of the plan she likes. On-street parking is important. She said she would like to start at the east end and address infrastructure. This process has gone to the community time after time. What Mr. Huja sees as a hodge-podge, she sees as a responsive and cohesive design.

Ms. Galvin said she is concerned that there was no background information to inform discussion on this item. She suggested adding this to a future agenda with background information, so that Council can have a structured and productive conversation. Mr. Huja said he is not looking for any decisions tonight. Ms. Galvin said that is a relief. We need to have a serious conversation about the Form Based Code, and we need to act sooner versus later.

Mr. Jones asked if this should be added to a future agenda. Mr. Huja said a work session may be a better forum for this discussion. Ms. Galvin said we should be able to discuss the entire plan constructively and systematically.

## **MATTERS BY THE PUBLIC**

Ms. Jackie Dunkle, owner of Fellini's and the Tin Whistle Irish Pub, said she is frustrated with the closing of 2<sup>nd</sup> Street on the Downtown Mall between Water Street and Market Street. She said the amount of parking that has been taken off the street due to the closing is significant. None of the business owners were notified, and they are now being reactive instead of proactive. The entire street does not need to be closed the entire day, especially when they end work at 4:00 p.m. and are not working on weekends. The Downtown Grille is being affected too. She recommended moving the dumpster behind the barrier or onto the sidewalk.

Ms. Lashmi Fjord, 420 Altamont St., said this is the first time she has heard that Council would be discussing short-term rental housing. She said she agrees that there are not enough voices from the different neighborhoods about people who are using short-term rental housing as part of this new flexible economy. She said parity is important; these should not be built without being taxed.

Mr. Scott Bandy, 1639 Cherry Ave., said the extension for the YMCA was approved, and that was no surprise. He said the YMCA needs to find a better location.

Ms. Joy Johnson, 802 A Hardy Dr., said the demonstration at Council in December was a result of unspoken voices and people not being heard. The ABC Store is historic as the fabric of the neighborhood.

Mr. Ken Scobby, 1142 Locust Ave., President of the Locust Grove Neighborhood Association, said there is available space next to the Staples Store off 4<sup>th</sup> Street as a possible solution for where the ABC Store could be located.

## **COUNCIL RESPONSE**

Ms. Smith said the location Mr. Scobby cited is directly across from the YMCA playground and near a rehabilitation center, as well as The Crossings.

Mr. Fenwick said Ms. Dunkle cannot go out of business, and something has to be done. We have to protect existing jobs in the City. Mr. Huja asked staff to work with Ms. Dunkle to see what can be done. Mr. Jones said staff will do so. Mr. Tolbert said he was told by the consultants that business owners had been notified, but they were not. Ms. Szakos asked if we can fine them for not complying. Mr. Tolbert said we do not have a mechanism for doing so.

Ms. Galvin said this issue needs to be on the front burner to ensure our businesses are not losing their revenue streams. She asked what our next steps will be regarding the ABC Store, given the new information Council has been given. Ms. Smith said she would support a statement saying Council felt they did not have the full picture and send a message to the ABC Board. Ms. Galvin asked for this to be added to a future agenda.

Ms. Szakos said one thing we have done for unspoken voices needing to be heard is holding the Town Hall meetings, where Council goes to the neighborhoods instead of waiting for them to come to us. We also have to proactively recognize when not all groups are being engaged.

Mr. Fenwick said the parkway naming was done in haste, and we should reconsider it. Ms. Galvin said we need a public engagement policy. Ms. Szakos said we did not violate any policy and would not support revisiting the decision.

Meeting adjourned.