

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, July 6, 2015, AT 5:30 p.m. IN THE Second Floor Conference Room, City Hall.

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 Barbara Ronan

SECOND FLOOR CONFERENCE ROOM – July 6, 2015

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

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted (Ayes: Mr. Fenwick, Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos; Noes: None) to meet in closed session for discussion of:

- (1) Consideration of prospective candidates for appointment to City boards and commissions, as authorized by Va. Code Sec. 2.2-3711(A)(1);
- (2) Discussion of the acquisition of real property located in Albemarle County across from Azalea Park for public park purposes, 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);
- (3) Consultation with legal counsel regarding the City's potential liability for operations at the Ivy Landfill Transfer Station, and regarding actual litigation involving the Fontaine Avenue Fire Station, where such briefing in an open session would adversely affect the City's litigating posture, as authorized by Va. Code Sec. 2.2-3711(A)(7); and
- (4) Discussion of the terms and conditions for the sale of City-owned real property on Water Street, where discussion in an open meeting would adversely affect the City's bargaining position, as authorized by Va. Code Sec. 2.2-3711(A)(3).

On motion by Ms. Smith, seconded by Ms. Szakos, Council certified by the following vote (Ayes: Mr. Fenwick, Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos; 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, discuss or considered in the closed session.

COUNCIL CHAMBERS – July 6, 2015

CALL TO ORDER

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

Mr. Huja introduced Barbara Ronan as the Acting Clerk of Council.

AWARDS/RECOGNITIONS & ANNOUNCEMENTS

Mr. Huja introduced Deputy Fire Chief Emily Pellicia. She reported that Mr. James Watson and Mr. James Morton, residents in the Prospect Avenue neighborhood, helped police officers rescue elderly and disabled victims from a burning building on Prospect Avenue on May 7, 2015. Pellicia presented Mr. Watson and Mr. Morton with community service awards. Mr. Morton could not attend, but Mr. Watson accepted his award and thanked the City. He said he was just glad he was there when it happened.

Ms. Galvin announced that applications for the Charlottesville Housing Affordability Program (CHAP) are available to eligible homeowners with grants ranging from \$375 to \$525 to help pay for 2015 2nd half real estate taxes.

Ms. Galvin promoted the “Stay Local, Play Local” initiative encouraging residents to take advantage of the numerous free and low-cost summer activities offered in the local area. The Visitors Center is also sponsoring a photography contest aimed at highlighting the beauty of our area, with prizes awarded to the winner. More information can be found at www.visitcharlottesville.org/staylocalcville.

Ms. Szakos announced the annual “Solarize Charlottesville” campaign in cooperation with the Local Energy Alliance Program (LEAP). LEAP will be distributing information on the benefits of using solar energy to save money and the grants available to make it more affordable to homeowners. Ms. Smith encouraged people to check out the solar savings report on the City website to see how much the City has saved by installing solar facilities. (www.charlottesville.org/citysolar)

Ms. Szakos reminded everyone of the upcoming “Our Town Charlottesville” meeting at Jackson-Via Elementary School for the Ridge Street/Willoughby/Prospect Avenue neighborhoods. The meeting is from 6:00-8:00 p.m. and all are invited.

Ms. Smith congratulated the Clark Elementary School students (52 students), in collaboration with the Crescent Halls Quilters and The Bridge, for creating a community memory quilt, which was displayed. The artwork for each square was created by 3rd grade students at Clark Elementary, and hand stitched by Crescent Hall Quilters. The Bridge sponsors community art projects to connect artists with their community. Matthew Slaats of The Bridge introduced the persons involved in this project, and asked the children in the audience who participated to stand

and be recognized. Ms. Smith suggested they consider submitting the quilt in the Albemarle County Fair. Ms. Galvin praised the women who did the quilting because it is a unique example of what the neighborhood represents.

Ms. Smith notified the public that the memorial service for Mr. Jimica Kenyatta, a community leader and organizer, has been rescheduled for July 11th at 11 a.m. in Washington Park.

Mr. Fenwick announced the 5th annual “Sunday Sundowns” at Washington Park, made possible through contributions from BAMA Works and the LeRoi Moore Fund, and sponsored by the Parks & Recreation Department. This community celebration will take place on July 12 and August 9, 2015 from 3:00-6:00 p.m. and will feature free swimming, a cookout and family activities.

Mr. Fenwick congratulated the Charlottesville Cardinals, the local wheelchair basketball team, on their 35th anniversary as a team. Mr. Brandon Rush, team captain, said the team competes internationally, and thanked the City for its support since 1980. He acknowledged his team members, Mildred Spicer (retired Parks & Recreation employee), Brian Daly, Tom Vandever and others for their support. He presented Council members with 35th anniversary T-shirts. For more information, the team can be contacted at the Independence Resource Center or www.cardinalsbasketball.com.

Mr. Huja acknowledged the recent death of Carl Douglas “Chubby” Proffit, 96, who was a highly decorated World War II veteran. He also announced that the Resolution for a Special Use Permit for 201 Garrett Street has been deferred to the July 20th Council meeting.

MATTERS BY THE PUBLIC

Mr. John Heyden commented on the Human Rights Commission. He thinks it should be abolished but if there is one, you need a director that has certain qualities, such as being active in race relations, someone respected by all, but not biased. He said everyone should be treated with dignity and respect. He recommended that Council appoint Charlene Green as Director of the Office of Human Rights.

Mary Bauer said she is the Executive Director of the Legal Aid Justice Center and the parent of 2 African-American children in the City public schools. She opposes shutting down the Disproportionate Minority Contact (DMC) Juvenile Justice Task Force. She commended the Council for creating the task force, but states work still needs to be done. Ms. Bauer distributed copies of a letter about their concerns to Council members. She said they need more accountability from police, and can’t obtain basic information from police. Ms. Bauer said City schools have among the top 10 highest rates of racial inequality in school suspension rates. She said the Task Force recommended a memorandum of understanding delineating the role of school resource officers and the disproportionate number of law enforcement referrals for school misconduct, but the draft has not come before the Task Force. Schools have made substantial progress in reducing suspensions but still show stark racial disparities.

Rick Turner, on behalf of the NAACP, said he stands with all organizations and individuals who are asking the question “Why?” He asked why black children in Charlottesville are being stopped and frisked more often than other children. He asked why the silence, why the miscommunication. He said he believes the police are racially profiling adults based on the color of their skin. He stated that asking these questions of the City Manager, City Council and police will improve relations.

Deirdre Gilmore. She commented on racial discrimination. She has been on the DMC committee for 4 years with very little results. She said they are using juvenile records against children when they’re adults through the presentence reports. She suggested Council members meet with prosecutors to discuss problem with juvenile records being used later on. Ms. Gilmore believes that children who go into Blue Ridge Juvenile Detention Center are being groomed for prison.

NiKuyah Walker. Ms. Walker criticized City Manager Maurice Jones for failing to help the African-American community and fight racism. She said this country refuses to address the historical sins (slavery). She alleges rampant racial discrimination and intentional miseducation, and said City officials tolerate it. She said the problems will continue unless there is a true conversation and action about how to view black lives and help black residents.

Cyndi Richardson, 6th Street S.W. Ms. Richardson represents Raymond Mason, who couldn’t attend. She read a press release on the “Summer Swimming Initiative”, created by Mr. Mason because swimming programs currently are not affordable to low income residents. Mr. Mason will be giving out “Red To Go” packets with items for kids, including swim passes.

Grey McLean, Free Union. Mr. McLean is an AHIP Board member. He stated affordable housing is an important issue and a challenge for City and it should not be taken for granted that a locality has funds committed to affordable housing. He thanked Council and City staff for being good partners (home inspectors, NDS, legal team) with AHIP. Also, the City funds help AHIP to leverage grants to receive more money for projects, including the Block by Block project. He said 10th & Page is a historic neighborhood and the renovation work could not have been done without such funding.

Sharon Jones, 1106 Page St. Ms. Jones is a lifelong resident of Page Street. She appreciates the many resources that City provides to residents, especially the Block by Block Charlottesville program. Her home received renovations under the AHIP program and she asked City to approve the grant again this year so others can benefit like she has under this program.

Melvin A. Grady, 238 Hartmans Mill Road. Mr. Grady has a petition with over 500 on-line and signed signatures from the Fifeville, Ridge Street and Cherry Avenue neighborhoods to oppose the proposed hotel at the intersection of Cherry Avenue and Ridge Street (William Taylor Plaza). He said he is not trying to block progress, but is opposed to the location. He stated the Planning Commission denied amending the rezoning several times and the vote for the hotel isn’t democracy. He took issue with Ms. Szakos about her comments supporting the project. He said the hotel doesn’t benefit the neighborhood. He asked people to stand up if they support him in opposing the hotel.

Jeffrey Fogel, 215 Spruce Street. Mr. Fogel spoke on the DMC Task Force. He doesn't think the City really is prepared to solve the problem of black children being treated differently from white children in the juvenile justice system. He said Council needs to focus all its attention on these 2 main areas – poverty and race. The future of this city and country depends on bringing classes and races together. He said they can't get basic statistics and information from police department and cooperation from leadership. He asked Council to move on the issue of criminal justice.

Rosia Parker, 816-F Hardy Drive. Ms. Parker is the mother of African-American children and a DMC Task Force member. She said children are unfairly treated; black males stopped and frisked more often. She advocated for more training for police officers, and the public should be made aware of training sessions. She claimed Black parents can't advocate on behalf of their children in the system. She said CDSS needs to be more investigative and aware of problems when they take their kids away. Inadequate data makes it harder for DMC to accomplish their work. Ms. Parker said there is no transparency without communication or respect from the government.

Louis Schultz, 1809 E. Market Street. Mr. Schultz said this is the 41st time since October 3, 2013 he has appeared before Council to complain about City officials taking his property on Steep Hill Street and violating his civil rights. He said rights to his property were taken by force and without due process or compensation. Complained about various City officials participating in the problem. He said there are similar problems in the Belmont neighborhood. He called on Ms. Kathy Galvin (as a candidate for re-election) to take steps to address these issues.

Mary Carey, 100 Ridge St (Midway Manor). Ms. Carey complained about the ongoing safety problem at the intersection of Ridge Street, South Street, and McIntire Road. She can't cross the road safely in her vehicle. She complained about development on Ridge Street and West Main Street and tearing down black neighborhoods to build hotels. She said developers hire their own people; they don't hire black residents. She opposed the proposed hotel at Cherry Avenue and Ridge Street.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Ms. Smith said that the William Taylor Plaza item has been taken off the Consent Agenda. She thanked Ms. Carey for her comments. She said AHIP preserves black neighborhoods and their history. As to jobs, GoDriver is a program whereby City matches job trainees (City residents) with real jobs. They recently graduated 8 people (all women) who got jobs with Transit system and JAUNT. The root problem is with income and education and being able to get jobs out of high school. She agrees with the need for an independent task force for DMC (outside of government) because it currently has limitations. She suggested that Legal Aid may be an appropriate organization for such a task force.

Mr. Fenwick said there is another training program (GoElectric) that trains residents for jobs as skilled laborers. He responded to Mary Bauer – Council is not backing off of the DMC Task Force and the members should decide when it is appropriate to stop the work. He thanked

Nikuyah Walker for her comments, and supports Raymond Mason's efforts. He acknowledged Mary Carey's issue with safety near Midway Manor.

Ms. Szakos said she has been on DMC Task Force, and recently attended meeting in Philadelphia with other city officials about how to improve community safety, especially for young black men. She believes we have not done a good enough job at issues involving poverty and race. She supports continuation of the DMC Task Force, and would like to discuss it on a future Council agenda. She thanked Mr. Heyden for endorsement of Ms. Green for Human Rights Commission director. She also thanked Mr. Mason for organizing the donations for swim passes. She is a strong proponent of AHIP. She said the William Taylor Plaza issue will be discussed tonight.

Ms. Galvin commented on the Disproportionate Minority Contact issues. She is concerned that there is some redundancy in several groups and task forces overlapping the issues. She does not support a new task force. She proposes a work session with the Human Rights Commission and DMC Task Force and any other organizations to determine how to move forward and create an action plan. Need more clarity and information on these issues. She discussed Raymond Mason's summer youth swim passes - these would be in addition to Parks & Recreation summer scholarship swim passes. Ms. Galvin said there is ongoing work with staff and community to create a summit in the fall to create pathways to construction jobs and apprenticeships to the African American community, and it is a focus for this Council and administration. She remarked that redevelopment and construction are the engines of mobility through jobs and apprenticeships and the summit will address this. She will speak later on the Habitat program (creates integrated communities) and its ability to make construction work for the community. She thanked Ms. Walker for her powerful comments.

Mr. Huja asked Maurice Jones to see about getting the data that Mr. Fogel and DMC Task Force members are looking for.

Mr. Maurice Jones stated the City is committed to equity, justice and fairness in community. He has been addressing poverty and race for the last 4 years with community partners. The City monitors all the programs, but no one has talked about dismantling DMC. He is dismayed by the accusation in the letter that black lives don't matter to the leadership of the City because it's not true. Mr. Jones said he wants his legacy to be about resolving issues of poverty in this community. He listed some of the initiatives: Summer Youth Internship Program (150 kids in program), My Brother's Keeper (black male achievement mentorship), Young Lives, HYPE, Downtown Jobs Center (GoDriver, GoElectric, GoOffice), Plugged In Virginia. He said two years ago our Police Department was one of the first departments in the state to track "stop and frisk" interactions. City invested in body cameras, training sessions for police, youth communications, and hosting a youth camp with Albemarle County Police. The Police Chief is considering a program with Police Citizens Advisory Panel and Human Rights Commission to review stop and frisk data. Mr. Jones challenged people to find any other city that addresses these issues as well. The City started the Dialogue on Race 6 years ago that morphed into the Human Rights Commission, which resulted in more programs to address these issues. He named more City programs that help the community. Mr. Jones said he doesn't want people to think

this Council and staff are not doing anything to address these issues because we have been and will continue to do so.

CONSENT AGENDA

Councilors agreed to move Lochlyn Hill PUD Amendment item back to the Consent Agenda.

Ms. Galvin, noting the approval of the employment agreement for the City Manager on the consent agenda, commented that the City Manager has agreed to participate in a 360 review at his October performance review.

Ms. Smith confirmed that the Appropriation for the Police Department Community Response Vehicle has been deferred to the July 20th agenda, and the William Taylor Plaza PUD Amendment Ordinance has been moved to the Regular agenda.

On motion by Ms. Szakos, seconded by Ms. Galvin, the consent agenda (as modified above) was approved. (Ayes: Mr. Fenwick, Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos; Noes: None)

a. Minutes for June 1 and June 15

b. APPROPRIATION: Revenue Sharing for Sidewalk Construction – Appropriate & Transfer \$350,000 (2nd reading)

WHEREAS, a total of \$350,000 in state funds for the Revenue Sharing Program requires appropriation;

WHEREAS, a total of \$350,000 in matching city funds for the Revenue Sharing Program requires transfers from existing CIP accounts.;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenues

\$ 350,000 Fund: 426 WBS: P-00737 G/L Account: 430080

Expenditures

\$ 350,000 Fund: 426 WBS: P-00737 G/L Account: 599999

BE IT FURTHER RESOLVED, that the following is hereby transferred in the following manner:

Transfer From

\$ 150,000 Fund: 427 WBS: P-00335 G/L Account: 561426

\$ 100,000 Fund: 427 WBS: P-00212 G/L Account: 561426

\$ 100,000 Fund: 427 WBS: P-00339 G/L Account: 561426

Transfer To

\$ 350,000 Fund: 426 WBS: P-00737 G/L Account: 498010

\$ 350,000 Fund: 426 WBS: P-00737 G/L Account: 599999

- c. **APPROPRIATION: Region Ten Community Services Board Funding for the Thomas Jefferson Area Crisis Intervention Team Coordinator – \$53,700 (carried)**
- d. **APPROPRIATION: Funds Transfer – Restoration of Saturday Operating Hours at Smith Aquatic and Fitness Center – \$3,098 (carried)**
- e. **~~APPROPRIATION: Police Department Community Response Vehicle – \$62,170 (1st of 2 readings) [Deferred to July 20]~~**
- f. **APPROPRIATION: Additional Funding for Department of Social Services Benefits Programs – \$16,075 (carried)**
- g. **APPROPRIATION: Appropriation of funds for Medicaid/FAMIS Renewal Application Processing – \$10,045 (carried)**
- h. **APPROPRIATION: Appropriation of Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project - \$825 (1 reading)**

WHEREAS, Albemarle County was billed by the City of Charlottesville in the amount of \$825;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$825 from Albemarle County is to be appropriated in the following manner:

Revenues - \$825

Fund: 107 Funded Program: P-00099 (P-00099-02-01) G/L Account: 432030

Expenditures - \$825

Fund: 107 Funded Program: P-00099 (P-00099-02-01) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$825 from Albemarle County.

i. RESOLUTION: City Manager's Contract

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the Mayor is hereby authorized to sign the following document, in form approved by the City Attorney or his designee.

Amended Employment Agreement between the City of Charlottesville and Maurice T. Jones, extending the term of his employment to December 6, 2018.

j. RESOLUTION: Supporting Legislation for Virginia to Participate in the Regional Greenhouse Gas Initiative

WHEREAS, the Commonwealth of Virginia has established a statewide energy efficiency goal of 10% energy conservation by 2022 based upon 2006 levels; and

WHEREAS, the Commonwealth has only achieved 1% energy savings to date since the 10% statewide goal was established; and

WHEREAS, the average monthly electric bills of residential customers throughout the Commonwealth is \$125.36, ranking 8th highest among all states nationally, and more than \$15 higher than the national average; and

WHEREAS, the Council desires to express its support of energy conservation to promote environmental sustainability; and

WHEREAS, House Joint Resolution No. 50 (2012) and Senate Joint Resolution No. 76 (2012) requested the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, entitled “Recurrent Flooding Study for Tidewater Virginia,” published as Senate Document No. 3 (2013) states: “Recurrent flooding is a significant issue in all localities in Virginia coastal localities and one that is predicted to become worse over reasonable planning horizons (2050 years)”;

WHEREAS, the Council desires to express its support for funding solutions to localities in Tidewater and Eastern Shore Virginia localities for adaptation to prevent recurrent flooding;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the Council hereby supports legislation in the 2016 General Assembly session that provides state assistance to low and moderate income homeowners by participating in the Regional Greenhouse Gas Initiative (RGGI), that establishes a regional CO₂ electric power sector cap and trade program, and directing revenues generated from the program to energy efficiency programs to help reduce customer bills and promote energy conservation. Enabling legislation joining the state into RGGI would also provide economic development assistance to localities in Tidewater for flooding and sea level rise adaptation measures.

k. RESOLUTION: CRHA Modernization Coordinator Funding - \$35,000 (carried)

l. ~~ORDINANCE: William Taylor Plaza PUD Amendment (2nd reading) [Moved to Regular Agenda]~~

m. ORDINANCE: Lochlyn Hill PUD Amendment (carried)

- n. **ORDINANCE: Amend Section 20-11 of City Code Relating to the Enforcement of Trespass Violations (carried)**
- o. **ORDINANCE: Amendments to Floodplain Management Regulations (carried)**

Ms. Smith made a motion for Council to appoint Mr. Cliff Maxwell as UVA representative to the Sister City Commission and Mr. Jeffrey Legro as the alternate representative. Ms. Szakos seconded the motion, and it was approved. (Ayes: Mr. Fenwick, Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos; Noes: None)

PUBLIC HEARING/ORDINANCE: TREE DESIGNATION – 1604 E. MARKET ST.

Mr. Doug Ehman, Parks & Recreation, presented this request by Mr. Bill Emory to designate a White Oak tree on his property at 1604 East Market Street as a Memorial Tree. Mr. Ehman stated that the Tree Commission recommended approval of the designation.

On motion, the public hearing was opened. Mr. Bill Emory, 1604 E. Market Street, stated that the subject tree is the progeny of a very old White Oak tree at UVA that was destroyed by Hurricane Isabel on September 18, 2013. He said research was done to verify the facts in his application. Mr. Emory said trees matter to the community and we should plant for the future, to provide canopy coverage, and to make biking and walking a pleasurable experience. He remarked on the importance of the Tree Commission.

Ms. Szakos said they originally thought the ordinance would be for designation of very old trees, but this tree has historical significance even as a young tree. On motion by Ms. Szakos, seconded by Ms. Smith, the ordinance was carried over for second reading.

Council took a short recess at 8:35 p.m.

RESOLUTION: SPECIAL USE PERMIT – 201 GARRETT ST. MICRO-APARTMENTS
This item was deferred to the July 20th agenda at the applicant's request.

RESOLUTION: ALLOCATION OF CHARLOTTESVILLE AFFORDABLE HOUSING FUND (CAHF) FOR HABITAT FOR HUMANITY DOWN PAYMENT ASSISTANCE PROGRAM - \$225,000

Kathy McHugh, NDS Housing Development Specialist, presented background on the allocation of \$225,000 from the Charlottesville Affordable Housing Fund to the Greater Charlottesville Habitat for Humanity. She stated the request was consistent with the Comprehensive Plan, and Habitat proposes to purchase land in mixed and higher income neighborhoods for development of affordable housing. Incorporation of affordable housing throughout the City is a key component of the Comprehensive Plan. She stated that development and land costs to create affordable housing are higher in these areas, and availability of land is less. The federal housing and funding policies actually promote concentrations of low and moderate income housing in areas where it is difficult to develop. For these reasons, the amount of down payment assistance

funding has to be higher. Habitat would take the responsibility of purchasing the land, finding eligible families and building the homes, which would be compatible with existing homes (single family detached homes) in these higher income neighborhoods. This program would help the City reach its goal of 15% affordable housing in City. Habitat would take on all the risk and carrying costs of buying the lots and finding eligible residents/families. Habitat has agreed to limit the eligibility criteria to persons who have lived or worked in the City for at least 6 months. There is a Habitat partner list of 55 families, of which 44 would qualify for this program (39 live in Charlottesville and 29 work in the City as well). Leverage funding would be provided by direct mortgages, loans to the family, and matching donations promised to Habitat. Originally Habitat asked for \$450,000 to assist 20 families, but staff is recommending \$225,000 for Habitat to develop ten (10) homes as a pilot initiative, and staff can evaluate the costs and monitor the progress to figure out what level of downpayment assistance is needed in this type of initiative.

Ms. McHugh introduced Dan Rosensweig, the Executive Director of Habitat, and offered to answer questions from Council.

Ms. Galvin asked about the numbers of families eligible for assistance, and Mr. Rosensweig explained the discrepancy. Ms. Galvin asked for a map of where all the Habitat homes are located to be assured we're not concentrating poverty in the City. Mr. Rosensweig said Habitat has several approaches to deconcentrating poverty. He said every year Habitat looks at the Comprehensive Plan and tries to take some of the harder challenges with regard to affordable housing. In response to another question by Ms. Galvin on jobs, Mr. Rosensweig said Habitat has partnered with job training programs (CRHA, PVCC, CATEC) and keeps statistics on how many jobs and internships are created and who fills them.

Ms. Smith applauded Habitat's efforts. She said she is not comfortable with the eligibility criterion of 6 months of living or working in the City. She stated there is a large number of low income families that live in housing that isn't affordable now. She would prefer to see City families currently living in non-affordable housing to be moved into affordable housing. Ms. Smith noted there are "legacy" families – longer term residents – in Charlottesville that need attention and the criteria could be adjusted to serve this population. She also suggested that this program could serve a dual purpose of deconcentrating poverty in our schools by integrating higher income neighborhoods.

Ms. Szakos commented they are important factors, that she is less inclined to make them requirements, but preferences in choosing families for this program. She would not like to see a situation where the money could not be used because Habitat couldn't find specific individuals who met these specific criteria.

Ms. Smith supposes there would be a mechanism for Habitat to come back if they couldn't find qualified families, but to have a preference doesn't give accountability. She said bringing more low-income families into our City in no way addresses that fundamental problem of poverty in the City.

Ms. Galvin commented that another symptom of poverty (caused by exorbitant housing costs) is people who work here can't afford to live here. She liked taking into account employment and

living in the City as criteria. When the Supreme Court acknowledged that fair housing laws can create a more integrated society, she believes this is exactly what we need to be doing. By focusing on low income neighborhoods, affordable housing keeps getting co-located. She stated this is a tool to integrate more affluent neighborhoods. Ms. Galvin observed that when we get a more robust housing authority, we'll begin to see an ability to buy condos and lease them to low-income people in an effort to expand and integrate. She stated that it's not wise to put constraints on a pilot initiative; however, she would like to see it very well tabulated and monitored over time.

Mr. Fenwick asked Mr. Rosensweig if he saw any difficulties with adopting the restrictions Ms. Smith suggested on the program. Mr. Rosensweig responded it will be difficult enough to find available land without adding restrictions about school districts. The criteria were written with the intent to satisfy Council's priority to serve more City residents without violating fair housing laws. He stated the funding proposed tonight will leverage many millions of dollars in housing construction. He cited the Sunrise Park project as an example.

Mr. Fenwick wanted confirmation that it's a pilot program. Mr. Rosensweig said yes – they wanted more funds originally but realized housing funds were tight this year and staff suggested it be a pilot program for the first 10 homes.

Mr. Huja asked Ms. Smith if she could agree to a proposal to add preferences in the eligibility criteria.

Ms. Smith said there could be a list of criteria, and growing up and going to school here would be high on the list - the criteria should at least have some link to historic reasons why people can't afford to live in City. There was discussion about the partner families that Habitat serves. Mr. Rosensweig said the majority of population they serve is African American.

Ms. Smith asked about the Elliott Avenue development, and whether Habitat has been able to find five public housing families to purchase housing. Mr. Rosensweig said there have been outreach programs to help inspire and encourage public housing residents to apply, regardless of race. They have worked closely with CRHA and the public housing residents because it's a priority of the City and he believes Habitat will be able to meet that goal.

Ms. Smith noted that a preference for families who grew up in Charlottesville combined with the employment criteria would be better.

Ms. Galvin moved to adopt the Resolution with a provision that special outreach will be conducted to special populations who currently live, or have either lived here and/or have roots in Charlottesville, in addition to the other criteria.

Ms. Smith seconded the motion, and it was approved. (Ayes: Mr. Fenwick, Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos; Noes: None)

Ms. Smith asked Ms. McHugh about the timing of the disbursement of the funds to Habitat. Ms. McHugh responded that Habitat will not draw any money under the grant agreement until they purchase land and get to closing.

RESOLUTION: ALLOCATION OF CHARLOTTEVILLE AFFORDABLE HOUSING FUND (CAHF) FOR ALBEMARLE HOUSING IMPROVEMENT PROGRAM - \$1,090,000

Kathy McHugh presented the proposal to expand the Block by Block program to include the Prospect-Orangedale neighborhoods (\$462,000), as well as expand the existing 10th & Page Block by Block to include east of 10th Street (\$264,000). Funds are also requested for scattered site rehab (\$264,000) for 8 homes outside of the Block by Block areas. Included in this allocation is \$100,000 for the emergency housing repair program. AHIP is still evaluating the results of the planning study approved by Council earlier this year, but is looking for approval of the funding in order to move quickly once eligible households are identified. Funds (\$62,500) have been set aside separately for AHIP to partner with Piedmont Housing Alliance (PHA) for downpayment assistance to first-time homebuyers to address critical home repairs needed for 5 homes in the Orangedale-Prospect neighborhood. Ms. McHugh said upgrading a neighborhood also encourages others to build more expensive homes. Jennifer Jacobs, Executive Director of AHIP, presented a PowerPoint presentation on the planning effort and the success of the Block by Block program in the 10th & Page neighborhood and scattered sites rehabs.

Ms. Galvin thanked Ms. Jacobs for helping her better understand the flow of money. She suggested there may be a need for a memorandum of understanding to better account for funds that are given to housing rehab organizations because the money is substantial (\$1.5 million in FY2016). She was concerned about the lack of competition, and wondered whether the Housing Advisory Committee should be involved. She would like to get more minority subcontractors involved to ensure small and minority businesses are not being squeezed out. Ms. Jacobs said they bid out subcontractor jobs and they track how they use the funds. It is harder to show Section 3 impact because they use the money in a variety of ways.

Ms. Smith reminded Council that the CAHF money goes to more than just AHIP, but 6 other organizations. Mr. Huja said there should be an agreement between AHIP and the City if over a million dollars is involved. There was discussion on the role that housing rehab organizations play, the impact of gentrification on neighborhoods, and accountability.

Mr. Fenwick praised AHIP for their work and doesn't want to see the City micro-manage projects.

Mr. Huja would like to see AHIP explore a dollar-for-dollar match with City funds.

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

Ms. Galvin said she does want to make sure there are agreements in place, and Ms. Smith stated that staff is supposed to give Council members any existing agreements for Council's review.

ORDINANCE: WILLIAM TAYLOR PLAZA PUD AMENDMENT

Mr. Matthew Alfele, NDS Planner, stated the proposed amendment to the Development Plan for William Taylor Plaza, was the subject of a joint public hearing by Council and the Planning Commission at its meeting on May 12, 2015. The Planning Commission recommended denial.

Ms. Smith asked Mr. Alfele how the proposed amendment would affect the project, especially the phasing of the project (Cherry Avenue phase and Ridge Street phase). Mr. Charlie Armstrong, Southern Development, said the hotel part of the project may (probably would) be sold separately if approved. The amendment creates a Use Matrix which shows what uses could be allowed for each parcel with each phase. Mr. Armstrong said in 2009 it could have been developed 100% commercial, but not 100% residential. The Cherry Ave phase (commercial) includes an arboretum, and would not infringe on the Ridge Street parcel. Ms. Smith expressed concerns about the parking spaces affecting the residential portion. The proposed hotel is a Fairfield Marriott.

Mr. Fenwick asked for clarification on the original PUD approval. Mr. Alfele said the 2009 plan didn't specifically require a residential component, but was approved for commercial uses, which could include a hotel. City doesn't have a commercial category – there are Business and Mixed Use districts which cite specific uses allowed. Mr. Alfele said in 2009 when the PUD was approved for mixed use, there weren't any specific commercial uses proposed. Ms. Smith questioned whether it could be a mixed-use development without a residential component. Mr. Alfele said it wouldn't meet the intent of a mixed-use development, but is allowed under the development plan.

Ms. Smith said phasing doesn't seem to be allowed in the plan. Councilors discussed the implications of phasing and how a mixed use project could not have residential units. Ms. Szakos said the staff report indicated the quality of the project would be increased by phasing. Ms. Galvin said she didn't understand why phasing would affect the quality of the project. Ms. Smith said phasing increases the risk that it will not be mixed use, and thinks the project would be degraded by phasing.

Ms. Szakos questioned staff's statement that phasing would increase the quality. Ms. Galvin said originally the tract could have been developed more intensively by right, so approving a PUD gave the City more control over intensity of development. She noted that the question now is how much the original PUD is affected by the amendment (phasing), and she couldn't see much difference.

Ms. Smith wanted to know how much of the entire parcel would be in each phased parcel. Mr. Armstrong responded there isn't a specific square footage allocation. He said all 100,000 allowed square feet couldn't be in one phased parcel because it would be in conflict with the development plan.

Ms. Szakos said the amendment would enlarge surface parking, expand the arboretum, increase setbacks, and would eliminate certain uses that would have been allowed by right. She stated she knows there is concern from the neighborhood, but wants to support this amendment. She has examined all the sides of the questions, but thinks this will be good for the City and the Fifeville neighborhood. A study shows that Charlottesville is one of the least upwardly mobile cities. Ms. Szakos thinks development here will increase jobs and revenue and this project is ideally suited for the neighborhood. It will encourage businesses (restaurants, banks) to locate in the neighborhood. No evidence of any graves has been found (one reason some are opposed), but if graves are found the developer is required to stop work so the graves could be properly excavated. She fully supports this project.

Ms. Galvin said she echoes the sentiment that the neighborhood doesn't welcome the change. She suggested any other uses might generate more traffic, but a hotel would have more even traffic patterns. She researched the Marriott Hotel chain, and found they earned a #1 ranking in hospitality industry, and did well on a diversity index. Women are well represented in management. She stated the project has more design oversight (by the BAR) than most projects.

Missy Creasy, NDS Planning Manager, said the original PUD included BAR review because 5th Street is an entrance corridor and any project at this location will have design review by the BAR. Ms. Galvin said she would like the developer to voluntarily allow for community input on design (murals, the plaza, arboretum, etc.), and streetscape improvements are in the plan (wider sidewalks, street trees). Mr. Armstrong said they support collaboration with the City on design of the plaza, and confirmed that streetscape improvements will be provided.

Ms. Galvin asked for some assurance that local labor will be used.

Ms. Szakos said the Use Matrix includes a by right use of music halls in the Cherry Avenue parcel. She asked Mr. Armstrong if he would be willing to voluntarily remove that use from the matrix. Mr. Armstrong said they would be glad to do so.

Mr. Craig Brown said the 2009 Development Plan stated that it shall be a mixed use development with commercial and residential uses and the use matrix seems inconsistent with that. Charlie Armstrong says it has always been the intent to have residential uses along Ridge Street to be compatible with existing Ridge Street architecture. Mr. Armstrong disagreed that only residential units would be allowed to be located on the Ridge Street frontage – there could be commercial units there.

Craig Brown cited the development plan as requiring the developer to show the residential units and their general location on the land use plan. He said the phases are further defined by the use matrix, which does specify the general locations of the uses. The use matrix is a proffer, and the purpose was to factor out certain uses by using a matrix.

Mr. Huja stated that the plan seems to be very clear that residential is required.

Craig Brown asked if staff believes that residential development is required, and Missy Creasy said that it was her belief that residences would be on Ridge Street and commercial on Cherry

Avenue. Mr. Brown reiterated there are inconsistencies between the Development Plan and the Proffer Statement.

Mr. Huja stated he believes what was approved in 2009 was residential use on Ridge Street and commercial use on Cherry Avenue. Ms. Galvin thinks the Use Matrix should be adjusted to conform with the adopted Development Plan. Ms. Smith questioned whether doing that would address the concern about phasing the development and keeping the Ridge Street side residential. Ms. Galvin said the drawings clearly indicate that the Ridge Street phase is residential and the Cherry Ave phase is commercial. Mr. Armstrong offered that they could guarantee that the Ridge Street phase is primarily residential (with a minimum number of units). Mr. Brown said he couldn't find anything in the documents that required all of the units on Ridge Street to be residential, but the project clearly had to have some residential units.

Ms. Smith questioned Mr. Armstrong about the relative sales value of commercial vs. residential zoning of property. Mr. Armstrong did not agree that commercially zoned property is more valuable than residential property. Ms. Galvin stated that it's generally true that residential properties cost the City more.

Mr. Huja suggested this should be studied more by staff and deferred to the next meeting. Mr. Brown said he agrees that action should be postponed. Mr. Fenwick suggested it be referred back to the Planning Commission. Ms. Szakos said the amendment doesn't change the 2009 plan so she doesn't think it needs to go back to the Planning Commission.

Council agreed to defer any decision to the next meeting on July 20th.

MATTERS BY THE PUBLIC

Kim Lauter, 507 Ridge Street, moved here in 2009 and was concerned about losing the green space behind her home. She said there has been a lack of engagement by the developer or City with the neighborhood. She objected to putting a hotel in a historic district. She said if approved Council is sending a message to everyone that developers are now planning Charlottesville's future.

Clayt Lauter, 507 Ridge Street. He said Council shouldn't overrule Planning Commission's 5-0 denial decision lightly. He is concerned about the impact of the proposed development at Cherry Avenue and Ridge Street on the environment, traffic congestion, and a possible cemetery.

Nancy Carpenter, 921 Henry Avenue. She supported what people have said before on their objections to the Cherry/Ridge project. She said that development should be intentional and mindful, and needs to meet the needs of the community at large. She asked whether the Mayor had heard from businesses about the "ban the box" policy because that is the biggest barrier to people getting jobs.

Melvin Grady, 238 Hartman's Mill Road. He said he has talked with the neighborhood residents – everyone said they don't want a hotel on that site (Cherry/Ridge). He is not opposed to

development, but a hotel is not appropriate. He feels like Council is not listening, and plans to have a lot of people show up at the town hall meeting on Thursday, July 9.

Mark Kavit, 400 Altamont Street. He feels like the Cherry/Ridge project was a “bait and switch” situation. He said the Marriott Fairfield is a budget hotel, and it shouldn’t be located close to downtown. He said there is a joint meeting with the Planning Commission on 550 Water Street coming up, and he encourages Council members to go to the Water Street area and imagine a 9 story building. Mr. Kavit opposes this development.

Marilyn MacDonald, 506 Ridge Street, doesn’t want a hotel at Cherry/Ridge because there would be a revolving set of strangers every day in the neighborhood, and there are more appropriate uses for the site. She has lots of ideas for that site that would benefit the community. She asked where she should go with her ideas. She will be at the town hall meeting. Council members encouraged her to submit her suggestions to Council.

Pete Armetta, 506 Ridge Street. He said he never received any notice about the town hall meeting. He said that previous meetings were not well attended so how do we get neighborhood input without notice? He encouraged Council not to override the Planning Commission’s recommendation for denial of the proposed amendment to the Cherry/Ridge project. Mr. Jones said he would follow up the issue of getting notice to the neighborhoods.

Genevieve Keller, 504 N. 1st Street, complained about a large above-ground water meter vault being installed in front of her home. It was larger than usual and she was never informed about its installation. City should have a policy on above-ground utility installations. She didn’t understand why a below ground water line had to be replaced with a larger, above-ground structure, and why it has taken so long to complete it.

Brandon Collins, 418 Fairway Avenue. He commented on the different treatment of white vs. black children. He said he is a member of DMC task force, and people are frustrated by the lack of progress. The City has made progress but that doesn’t change the fact that children will be discriminated against because of their race. He asked the City Manager and Council to compel the police department to engage more with the DMC.

Mr. Galen, 1402 Hazel Street. He commented on broad public participation and the West Main Street zoning meetings. He believes protective bike and pedestrian lanes are important because it’s attractive to business and residents. He asked when the issue is coming back for public input. He urged Council not to eliminate the protective bike lanes.

Scott Bandy, 1639 Cherry Avenue. He commented on the proposed hotel on Cherry and Ridge. He is glad Council delayed decision and he would not support the development.

COUNCIL RESPONSE


Ms. Galvin said this hotel issue points up the value of getting everyone together to discuss points of view. The Comprehensive Plan contains the process, and community engagement is vital. The

small area plan process is essential to creating a vision for a neighborhood. Ms. Galvin said we've got to start owning the process and apply it to the Cherry/Ridge issues.

Ms. Szakos encouraged Mr. Armstrong to attend the town hall meeting on Thursday, July 9, for the Ridge Street/Willoughby/Prospect Avenue neighborhoods.

Ms. Smith says the developer made it very clear that he intends to sell these parcels, and Council needs to protect the interests of the City.

The meeting was adjourned.



Barbara K. Ronan
Barbara K. Ronan
Acting Clerk of Council