

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, August 17, 2015, AT 6:00 p.m. IN THE Second Floor Conference Room, City Hall. *[The time of the meeting was later changed to 6:30 p.m.]*

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 – August 17, 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 consideration of prospective candidates for appointment to City boards and commissions, as authorized by Va. Code Sec. 2.2-3711(A)(1).

On motion by Ms. Szakos, seconded by Ms. Smith, 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 – August 17, 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.

AWARDS/RECOGNITIONS & ANNOUNCEMENTS

Ms. Szakos read a proclamation in support of Women's Equality Day, August 26, and presented the signed proclamation to Ms. Kobby Hoffman and Ms. Sharon Utz, representing the Charlottesville NOW chapter. Ms. Hoffman thanked Council for consistently supporting women's rights.

Mr. Huja stated that he had signed a proclamation in honor of the 80th anniversary of the signing of the Social Security Act, and presented the proclamation at a celebration event at the local Social Security Office on August 14, 2015.

Ms. Galvin announced that Parks & Recreation will hold a Flea Market at the Carver Recreation Center on August 22, 2015, which is free and open to the public.

Ms. Smith said Virginia Blood Services will hold a blood drive at Carver Recreation Center on August 18, 2015, and encouraged the public to participate. She also announced that the first Council meeting in September will be on Tuesday, September 8, 2015, because of the Labor Day holiday on September 7th. The Planning Commission will meet on Wednesday, September 9, 2015.

Mr. Fenwick reminded the public that Charlottesville public schools will begin classes on Wednesday, August 19, and drivers should be cautious when driving through neighborhoods and near schools.

Mr. Jones introduced Mr. Alexander Ikefuna as the new Director of Neighborhood Development Services.

MATTERS BY THE PUBLIC

Travis Wilburn stated his concerns about the effect of the proposed transient lodging ordinance on short term rentals. He said industry professionals were left out of the discussions, and the issue should be considered again when there has been more discussion.

Bev Edwards, a member of the West Main Street Steering Committee, opposed the West Main Streetscape Plan that is being presented to Council because of the detrimental effect on traffic in the Starr Hill and other neighborhoods, the difficulty emergency vehicles will have, and the reduction in available parking for businesses, their customers, and the First Baptist Church.

Tobey Bouch stated he is a business owner on West Main Street and a 29 year resident of the City. He complained that the proposed West Main Streetscape Plan will create a dead zone with no on-street parking spaces for local small businesses. He said the plan will encourage larger scale enterprises, such as medical facilities, hotels and restaurants at the expense of small, diverse businesses.

Kay Rady, owner of Shenanigans store, and a business owner for 40 years, said she is opposed to the West Main Streetscape Plan because of the elimination of on-street parking and pedestrian safety. She encouraged a managed parking plan, where cars will be accommodated before construction begins, and sidewalks that are for pedestrians and bicyclists may pose a hazard for both users.

Nancy Carpenter said she lives in the Rose Hill neighborhood and would like to see more affordable rental housing in Charlottesville, and suggested more Section 8 vouchers and a density bonus being given to developers for low-income units. She believes cash proffers in lieu of affordable units don't address the need adequately, especially for low income renters, especially given the high costs of local housing.

Ruth Stornetta said she lives downtown but has commuted to work on a bicycle down West Main Street for 10 years, which she says is unsafe for bicyclists. She has sent e-mails to Council with her proposed solutions, and said she supports a West Main Street plan that encourages bicycle use and safety.

Mary Hughes, 310 Hedge Street, Interim UVA Architect, supports the goals of the West Main Streetscape Concept Plan but states the traffic flow between UVA and downtown is problematic. She would like to see a comprehensive traffic study.

Kevin Fox, 195 Lankford Place, representing the UVA Medical Center, stated the West Main Streetscape Plan lacks the perspective of the UVA Medical Center, and doesn't take into account the need for unimpeded access for emergency vehicles transporting patients. He encouraged Council to ensure the final plan allows for safe emergency transportation.

Chris Gist does not support the proposed West Main Streetscape Plan because it doesn't give enough visibility to bicyclists. He stated businesses do better when they are accessible and safe to all users (bikes, pedestrians and automobiles), and better bicycle infrastructure gives the best return on investment.

Louis Schultz, 1809 E. Market Street, commented on Ms. Galvin's statements at the July 20th Council meeting about contributions to candidates. He complained for the 43rd time about his property rights being illegally taken from him, and the cancellation of the August 3rd Council meeting.

Peter Castiglioni, 633 West Main, stated he is opposed to the West Main Streetscape Plan, especially that parking was being eliminated without alternative parking being provided. He suggested that smaller scale projects to improve conditions can have greater positive impact. He stressed the importance of sidewalks and bike lanes being level (tree roots cause sidewalks to be uneven).

Brandon Collins, 418 Fairway Avenue, commented on the lack of affordable housing, such that even some families with incomes cannot find housing. He stated CRHA is struggling but needs serious political and financial support from the City, and redevelopment needs to happen this year.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Mr. Fenwick thanked the speakers for comments on affordable housing.

Ms. Smith said she appreciated the diversity of people who spoke on the West Main Streetscape Plan. She commented that there will be an opportunity with the Prospect/Orangedale project for lower income families to purchase homes.

Ms. Szakos responded that the City is putting millions of dollars into affordable housing, and developers are encouraged to provide affordable homes. She said cash proffers can be used to

leverage other funding. She encouraged eligible residents to apply for vacancies on the CRHA Board.

Ms. Galvin stated that all housing is scarce, but especially affordable housing, and more should be built to increase the supply. She is encouraged by the idea of CRHA buying properties and renting them out to low income families. She said she was encouraged with the Piedmont Housing Alliance's efforts. Ms. Galvin hopes the Strategic Investment Area (SIA) plan will help with the housing problem.

Mr. Huja said the City has spent more money on affordable housing during the past 4 years, and the 20 years before that. We need to have more housing units.

APPOINTMENTS

Ms. Smith moved to appoint the following persons to boards and commission: Mr. Tom Vandever to the Jefferson Area Board for Aging (JABA) Board; Ms. Audrey Dannenberg to the JAUNT Board; and Mr. Kevin Chandler to the Sister City Commission. Mr. Fenwick seconded the motion, and it was approved. (Ayes: Mr. Fenwick, Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos; Noes: None)

CONSENT AGENDA

Council had previously agreed to remove Item 1(i) from the agenda (Azalea Park Stream Restoration Grant - \$950,000). It will be considered at a later meeting.

Ms. Smith requested revision to the proposed Resolution supporting the Transition Streets initiative. Ms. Szakos suggested alternative language, and the other councilors agreed to the change.

Ms. Smith said she is voting No on Item 1(d) on the Consent Agenda (appropriation of \$62,170 for police community response vehicle).

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 July 9 (Town Hall meeting) and July 20**
- b. **APPROPRIATION: Homelessness Solutions Grant - \$459,941 and Housing Opportunities for Persons with AIDS Grant - \$190,612 (2nd reading)**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of 650,553;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$650,553 is hereby appropriated in the following manner:

Revenues

\$196,066	Fund: 209	IO: 1900251 (VHPS)	G/L: 430110 State Grants
\$263,875	Fund: 209	IO: 1900251 (VHSP)	G/L: 430120 Federal Pass-Thru State
\$190,612	Fund: 209	IO: 1900252 (HOPWA)	G/L: 430120 Federal Pass-Thru State

Expenditures

\$459,941	Fund: 209	IO: 1900251 (VHSP)	G/L: 530550 Contracted Services
\$190,612	Fund: 209	IO: 1900252 (HOPWA)	G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$650,553 in funds from the Virginia Department of Housing and Community Development.

c. APPROPRIATION: Check and connect Student Engagement Grant - \$147,000 (2nd reading)

WHEREAS, the City of Charlottesville has been awarded \$132,300 in Federal Funds from the Virginia Department of Juvenile Justice, and \$14,700 in Matching Funds for a total award of \$147,000 for the Check and Connect Student Engagement Program; and

WHEREAS, the grant award covers the period from July 1, 2015 through June 30, 2016.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$64,860 is hereby appropriated in the following manner:

Revenue – \$147,000

\$132,300	Fund: 209	Cost Center: 3413008000	G/L Account: 430120
\$ 14,700	Fund: 209	Cost Center: 3413008000	G/L Account: 498010

Expenditures - \$147,000

\$59,000	Fund: 209	Cost Center: 3413008000	G/L Account: 519999
\$88,000	Fund: 209	Cost Center: 3413008000	G/L Account: 599999

Transfer - \$14,700

\$14,700	Fund: 213	Cost Center: 3413001000	G/L: 561209 Transfers
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$132,300 from VA Department of Criminal Justice Services, and \$14,700 from Community Attention.

**d. APPROPRIATION: Police Department Community Response Vehicle - \$62,170
(2nd reading)**

WHEREAS, the City of Charlottesville Police Department will purchase a Community Response Vehicle;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia that the sum of \$62,170 from various funding sources will be appropriated as follows:

Transfer from:

Fund	Internal Order	G/L Account	Amount
105	2000017	599999	\$13,593
105	2000018	599999	\$ 5,577

Transfer to:

Fund	Cost Center	G/L Account	Amount
106	1631001001	4498010	\$19,170

Expense:

106	1631001001	541040	\$19,170
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Revenue:

Fund	Cost Center	G/L Account	Amount
106	3101001001	451020	\$43,000

Expense:

Fund	Cost Center	G/L Account	Amount
106	3101001001	541040	\$43,000

e. APPROPRIATION: Urban and Community Forestry Grant - \$20,000 (carried)

f. APPROPRIATION: Safe Routes to School Program Jackson-Via School Grant - \$249,959 (carried)

g. APPROPRIATION: Victim Witness Assistance Program Grant - \$178,551 (carried)

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

~~i. APPROPRIATION: Azalea Park Stream Restoration Grant - \$950,000 (removed)~~

j. RESOLUTION: Support for Transition Streets Initiative

WHEREAS, Charlottesville is one of 50 cities competing for the Georgetown University Energy Prize of \$5 million based on reducing electricity and natural gas usage through 2016; and

WHEREAS, Transition Charlottesville Albemarle is a partner of the Energize!Charlottesville community campaign, which the Transition Streets Initiative supports; and

WHEREAS, Transition Charlottesville Albemarle is a grass-roots sustainability organization that supports lower energy use to combat climate change; and

WHEREAS, people are more likely to change their habits when actively engaged with their peers and neighbors; and

WHEREAS, Transition Charlottesville Albemarle will roll out an initiative called Transition Streets that encourages neighbors to come together to learn fun and easy earth friendly habits, and ways to save money on energy and water bills; and

WHEREAS, the City of Charlottesville benefits from lower energy use and stronger relationships among neighbors and a heightened sense of community.

THEREFORE, BE IT RESOLVED, that the Charlottesville City Council supports the Transition Streets initiative and encourages its staff to assist with outreach efforts to promote Transition Streets.

- k. **ORDINANCE: Abandonment of Gas Easement at 10th Street NE and Water Street Extended (2nd reading)**
- l. **ORDINANCE: Lowering Speed Limit on Emmet Street from Ivy Road to Arlington Boulevard (2nd reading)**
- m. **ORDINANCE: Route 250 Bypass Speed Limit Adjustment (2nd reading)**
- n. **ORDINANCE: Quitclaim Gas Easement to VDOT in Boulders Road (2nd reading)**
- o. **ORDINANCE: Quitclaim Gas Easement to VDOT in Briarwood Drive (2nd reading)**
- p. **ORDINANCE: Amendment to Inoperable Motor Vehicles Ordinance (2nd reading)**
- q. **ORDINANCE: Stormwater Utility Fees – Exemption for Albemarle County School Board property (carried)**

RESOLUTION: WEST MAIN STREET STREETScape PLAN

Ms. Carrie Rainey, NDS planner, presented the staff report which follows up on two presentations of the concept plan to Council by the consultant team led by Rhodeside and Harwell (December 2014 and March 2015). Ms. Rainey recapped the consultant's report and the Planning Commission comments, and discussed the public outreach efforts. She stated the staff

report outlines the different alternatives discussed by the West Main Street Steering Committee and the chosen alternative developed further by the consultant. Ms. Rainey stated the Plan has not changed since the March 2015 presentation to Council. The report discusses costs regarding options for utility undergrounding and the parking study. At the March 2015 presentation Council had asked the Planning Commission to study streetscape improvements. She said the report included an outline provided to Council and the Planning Commission statements. The Planning Commission felt the Plan conformed with the Comprehensive Plan, particularly the environmental and transportation goals. They liked the design east of the bridge but said more study was needed west of the bridge. The Planning Commission supported the proposed pilot project. The Board of Architectural Review comments included a desire for meaningful input early in the process, and was concerned about a lack of cohesiveness in the Plan. The Tree Commission reviewed the Plan and emphasized that West Main Street should be a green corridor with lots of trees. The University of Virginia expressed concern about traffic, and staff is aware that additional traffic analysis will be needed for subsequent design phases.

Ms. Szakos asked Ms. Rainey to re-state the staff recommendations. Ms. Rainey said staff: (1) Approved of the conceptual streetscape plan but delay design phase until parking strategies and the pilot program are implemented; (2) Recommended increased enforcement of parking regulations on West Main Street, minimal use of on-street parking spaces by delivery trucks, and attempt to utilize private parking spaces when they are available; and (3) recommended creation of a time-limited pilot program on West Main Street. She said staff does not recommend implementing metered on-street parking until the downtown parking study has been completed. She re-stated the alternatives available to Council, as shown in the report.

Ms. Smith asked for clarification on conceptual plan. Ms. Rainey responded that the concept would include wider sidewalks free of obstacles, dedicated bike facilities, reduction of parking, gateways, and possibly sculpture art. There would be changes to the Ridge-McIntire intersection depending on future traffic analysis. Ms. Rainey said that configuration of parking spaces could be re-designed to give equitable space on both sides of West Main. Ms. Smith said she was concerned about long stretches of road with no on-street parking under this conceptual plan, and Ms. Rainey said this could change in the design phase.

Mr. Fenwick voiced concern with buses stopping in the travel lanes on the plan. Ms. Rainey responded this is common practice, and is a positive feature because it improves transit access.

Ms. Szakos expressed her view that increased enforcement of parking should be with officers on foot rather than in a vehicle since that would be another obstacle to traffic. She also commented on staff's recommendation to negotiate with private property owners for parking, and suggested staff contact UVA again to see if UVA parking garage spaces may be more available since parking at The Flats development provides additional parking for students. Ms. Szakos also questioned whether incentives could be offered to park & ride users? Mr. Brown, City Attorney, said he would do some research on the question and respond at a later time.

Ms. Szakos commented that using church parking lots for public parking would have to consider that those lots would be used for funerals and weddings in addition to religious services. Ms. Szakos asked whether transitional zoning of the Amtrak lot would be feasible. Ms. Rainey

responded that the consultant has looked at this option and it will be discussed at a future Planning Commission meeting.

Ms. Galvin commented on the funding issue for West Main Street redevelopment, and suggested Council needs a funding strategy prior to approving a conceptual plan. She also commented on the tree planting practices recommended by the consultant, and including them in any future rezoning actions. Ms. Galvin asked what is left in the budget, and Ms. Rainey referred her to the figures shown in the report.

Ms. Smith said when the presentation came to Council in March 2015 there was a lot of criticism of pieces of the plan, and asked whether anything has changed. Ms. Rainey said the plan has not undergone any changes since the March 2015 presentation. Mr. Huja commented that Council at that time wanted further review by the Planning Commission but didn't formally ask for any changes.

Mr. Huja called for discussion.

Ms. Szakos emphasized the importance of protected bike lanes and how this can significantly increase the number of bicycle users, and supported the features of the plan that make transit use more attractive. She agreed with the need for on and off-street parking and believes the plan addresses this need. She supports the staff recommendations in the report, especially the proposal to make final decisions on specific parking changes after further parking studies are completed.

Ms. Galvin accepts the staff recommendations and appreciates the principles of the conceptual plan; however, she said Council should explore putting the bike lanes in between the parked cars. She also wants the consultant Rhodeside & Harwell to re-examine traffic lanes for multi-modal use with an eye toward safety for all users, and develop a time-limited comprehensive parking approach. She recommends creating a funding and implementation task force with several organizations participating (City, UVA, State, Dominion Power) and pace the funding based on implementation phases. Ms. Galvin also recommended that Council meet with Rhodeside & Harwell, the Steering Committee and the public again and establish a calendar for such meetings prior to approving the concept plan. The pilot program really needs to be substantial in appearance, but needs to be attractive and not confusing.

Ms. Smith stated she has same concerns as the last time they reviewed the plan. She objected to several of the proposed traffic changes, and objected to the removal of parking from one side of West Main. She expressed safety concerns about transit riders exiting into a bike lane. She opposes the proposed concept plan, and said Council should figure out what the long term parking strategy is before going forward. Ms. Rainey responded that transit buses would pull into the bike lane to the curb so riders would exit onto the sidewalk. She said cars would be able to go around the bus but would have to travel into oncoming traffic to do so.

Mr. Fenwick stated the plan is confusing, and expressed concern that the plan doesn't address the needs of UVA medical facilities and Fire Department with respect to emergency transportation. He said the that cut-through traffic would be a problem. Mr. Fenwick said that UVA did not

agree with the report's conclusions that the traffic design changes would be adequate for current traffic flow.

Mr. Huja passed out written comments. His comments established the history of West Main Street as an important link between downtown and UVA, and he supports West Main as a multi-modal corridor. The conceptual plan, however, lacks a coherent design, with a lack of continuity and harmony between the east and west part of West Main Street. He objected to the proposed re-design of the Ridge-McIntire intersection as unsafe and possibly dysfunctional, to the plan to remove 40 trees, the elimination of on-street parking, and the phasing plan for construction. Mr. Huja believes off-street parking structures are needed in this area, contrary to the consultant's conclusion. Mr. Huja expressed concern about the cost of the project (\$30 million) and additional consultant fees (\$3 million). He cited objections to the conceptual plan by businesses (reduction in off-street parking), neighborhoods (cut-through traffic), and the University (traffic and other objections). Mr. Huja recommended Council refer the plan back to the Steering Committee and ask them to work with staff on a revised proposal, to be presented to Council in 60 to 90 days.

Ms. Galvin asked if Mr. Huja agreed we should continue working with the consultant. Mr. Huja responded that if the money is available, he agrees.

Ms. Smith asked how much money is left in the budget. Ms. Rainey said money is available but would need to be moved from one fund to another.

Mr. Fenwick moved that Council defer action on this study for 90 days, refer it back to the Steering Committee and ensure that UVA, the Fire Department and the Police Department attend and participate in the meetings.

Ms. Galvin offered a friendly amendment to the motion to ask Dominion Power and VDOT (major access road to Amtrak Station) to attend the Steering Committee meetings, and to clarify that the consultant would only be asked to review the latest round of proposed changes to the plan.

Mr. Jones asked Council to clarify what Council agrees to in the plan, and what changes Council wants to the plan before sending it back to the Steering Committee.

Ms. Szakos suggested that Council agree to implement Items 1, 3 and 4 of the parking recommendations in the staff report.

Ms. Smith seconded the motion made by Mr. Fenwick.

Mr. Fenwick asked that his motion go forward as he proposed it, and a work session could be held to attempt to reach a consensus on changes to the plan.

Mr. Smith reiterated her concern that no changes were made to the proposed plan despite the comments made by councilors at previous presentations of the plan. Ms. Szakos responded that

staff did submit recommendations about parking implementation and a pilot program that addressed concerns expressed previously.

Mr. Huja said he didn't agree there should be a pilot program. Mr. Fenwick stated he disagreed that changes were made, primarily because of the objections by the University of Virginia not being addressed. Mr. Jones stated that UVA was invited to participate in the process, like all the other stakeholders.

Ms. Galvin asked for the motion to be repeated, and Mr. Fenwick re-stated his motion. Ms. Galvin made a request to re-frame her friendly amendment, in addition to inviting Dominion Power and VDOT to participate in the Steering Committee meetings, to ask the consultant to further study a plan change to allow bike lanes to be located between parked cars.

There was discussion about how the conceptual plan proposes to address the location of bike lanes.

Mr. Fenwick rejected Ms. Galvin's friendly amendment and called for a vote on his original motion, and said specific proposed changes could be discussed in a work session. Ms. Smith suggested that councilors come up with a list of changes to the plan to discuss.

Ms. Galvin asked Mr. Jones if he had sufficient clarity as he requested. Mr. Jones said he does not, and that there does not appear to be consensus among Council members on any one item.

After discussion, Ms. Galvin asked other councilors if they are in agreement that Council will have a work session before the 90 day deadline occurs. There was a positive response, and Mr. Huja said Council could meet with the Steering Committee if desired.

Ms. Szakos offered a friendly amendment to Mr. Fenwick's motion to have the 90 day time period begin after the Council work session is held because of time constraints.

Mr. Fenwick rejected the friendly amendment to his motion.

On motion by Mr. Fenwick, seconded by Ms. Smith, the motion was approved. (Ayes: Mr. Fenwick, Ms. Galvin, Mr. Huja, Ms. Smith; Noes: Ms. Szakos)

Ms. Szakos moved that Council accept three recommendations by staff on parking, Items #1, #3, and #4 of the parking recommendations in the staff report (enforcement of parking limits on parallel public parking spaces; establishment of designated delivery zones and times to minimize usage of parallel spaces during peak hours; establishment of agreements with local businesses to utilize private parking lots for public parking during hours when the associated business is closed). Ms. Galvin seconded the motion.

Mr. Fenwick questioned whether Council should be approving parking recommendations prior to the parking study being completed. Ms. Szakos stated her motion did not include the metered parallel parking spaces, which would be the subject of an additional parking study.

On motion by Ms. Szakos, seconded by Ms. Galvin, the motion was approved. (Ayes: Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos; Noes: Mr. Fenwick)

Council took a 10 minute break.

RESOLUTION: AMENDMENTS TO HOUSING ASSISTANCE POLICY – RENTAL REHAB

Ms. Kathy McHugh, NDS Housing Specialist, presented the staff report on amendments to the current Housing Assistance Policy. She reviewed the history and purpose of the policy and described the proposed changes to the policy. Ms. McHugh explained that the primary changes involved inspections, an increase in the amount of financial assistance for rehabilitations, amending the loan-to-value guidelines to provide exceptions for target area projects, and the addition of rental rehabilitation guidelines.

Mr. Fenwick questioned whether the entire Housing Advisory Committee should have reviewed this. Ms. Smith disagreed, and said she thought the subcommittee review was adequate.

On motion by Ms. Szakos, seconded by Ms. Smith, the motion was approved. (Ayes: Ms. Galvin, Mr. Huja, Ms. Smith, Ms. Szakos; Noes: Mr. Fenwick)

RESOLUTION: ALBEMARLE COUNTY COURTS PARKING

Mr. Jones presented information and background on this issue, stating that Albemarle County and the City formed a committee to pursue ways to keep the all courthouse facilities downtown. Mr. Jones sought Council's input on whether the City would agree to co-located courthouses if the County were to build a new courthouse facility in the Court Square area. The proposed agreement would require the City to guarantee 35 parking spaces immediately, and 40-65 more spaces for the County General District Court facility when construction ends. The proposed Resolution would be a good faith sign to the County that such a project could be feasible.

Ms. Szakos read the Resolution. Ms. Smith asked about the locations of other courts in the downtown area. Mr. Brown responded that the City and County share a facility for the Juvenile & Domestic Relations District Court, but each locality has its own General District Court. He added that the Resolution does not commit the City to fund a particular amount.

Mr. Huja stated the Resolution should clearly state that Albemarle County will pay for any reserved parking spaces. Mr. Jones responded that the parking study should be complete in October, but the City has options for providing short term spaces.

Mr. Fenwick said he would like the Resolution to have a deadline of January 2017 for execution of any agreement between the City and County on parking spaces.

Mr. Huja preferred to have the agreement executed by September 1, 2016, and wanted the County to pay fair market value for the parking spaces.

There was discussion on revisions to the Resolution. Mr. Brown clarified that the City would make available (by purchase or from a private owner) parking spaces for the County, for which the County would pay fair market value rent or purchase price either to the City or a private property owner, as appropriate.

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

ORDINANCE: TRANSIENT LODGING ORDINANCE AMENDMENTS (HOMESTAY)

Mr. Matthew Alfele, NDS Planner, presented the staff report on transient lodging in residential dwellings (short term rentals). He summarized the history of the proposed ordinance, including a study by the Planning Commission, public hearings, and a joint work session with Council. Mr. Alfele stated that staff recommendations were offered only after discussions with Council, the Planning Commission, concerned citizens, and representatives from the hotel industry, short term rental/vacation businesses, and individuals who offer transient lodging out of their homes. He pointed out the advantages and disadvantages of transient lodging to homeowners, neighborhoods, and businesses, and then set forth the recommendations that address the concerns.

Ms. Smith asked why the definition of “home occupation” rather than “bed and breakfast” was changed, and Mr. Alfele responded that a homestay was more similar to a home occupation.

Ms. Szakos commented that the ordinance restricted homestay use to inside a dwelling, and suggested ordinance be revised to include outdoor uses of the property.

There was discussion on the availability of the contact person for a homestay, how complaints are handled, and the number of homestay units that are owner-occupied. Mr. Alfele stated that the proposed ordinance does not address non-owner occupied homestay units.

There was further discussion on whether Council should regulate non-owner occupied homestay units, the length of time an owner would need to live in the homestay unit in order to be considered owner-occupied, and forms of proof of ownership.

Mr. Read Brodhead, Zoning Administrator, recited the definitions of transient and permanent residents. Ms. Smith and Mr. Huja suggested a resident be defined as living in the home more than 6 months. Mr. Alfele responded about the enforcement question, and that the Planning Commission had difficulty reaching consensus on the definition of a permanent resident, but that staff could revise it. Mr. Brodhead called attention to the differences between providing proof of permanent residency (Sec. 34-1172(16a)) and the zoning definition of Permanent Resident (Sec. 34-1200 under Residency, Permanent). Ms. Szakos objected to the 6 month restriction because it wouldn't allow homestay use for the first 6 months by a permanent resident.

Mr. Fenwick expressed his concern about the safety of homestay units and would like to see more safety inspection requirements in the ordinance. Ms. Lisa Robertson, Chief Deputy City Attorney, stated the City couldn't require safety inspections through the zoning ordinance, and

can't impose safety requirements that are more restrictive than the statewide building code. She stated the City does not assume any liability for homestay uses.

Ms. Smith asked if food could be served in a homestay dwelling, and Mr. Alfele responded that breakfast and light fare can be provided for overnight guests. Ms. Smith commented that serving food seemed to align more with a bed & breakfast use. Ms. Smith asked about signs, the penalties for violation of the ordinance, and parking requirements. She and Mr. Fenwick said that 6 unrelated persons in a short term rental seemed a high number.

Ms. Szakos moved for adoption of the ordinance with the following changes to the ordinance: (1) revise Sec. 34-1172(10) entire #10 being with exception of homestays; (2) Revise Sec. 34-1172(16b) to require the responsible party to be available rather than present; (3) Revise Sec. 34-1200 to define permanent resident as occupancy of the property for more than 6 consecutive months, but can use the dwelling as a homestay within the first 6 months of occupancy, and remove the preparation and serving of food in the definition of Homestay; and (4) Revise Sec. 34-1172(16f) to provide that 3 substantiated complaints in a calendar year would be grounds for revocation of the provisional permit for homestay use. Ms. Smith seconded the motion.

Mr. Fenwick asked whether a sunset clause of one year should be added to the ordinance.

Ms. Robertson recommended leaving the definition of "Residence, Permanent" as a time period of more than 30 days, and placing the 6 month occupancy requirement in Sec.11-72(16). Discussion followed, and council agreed to the placement of the change.

Mr. Divers, Commissioner of the Revenue, said he was concerned that non-owner occupied homestay units will be affected and have not been the subject of any complaints. Ms. Smith stated that it was a matter of protecting neighborhoods and homestay units can't be used as permanent rental housing.

Ms. Galvin said she could not support the proposed ordinance because it is incomplete; the ordinance should address both owner and non-owner occupied homestay units. She stated the discussion at this meeting called attention to the need for a more comprehensive ordinance, and the City should look at other cities' ordinance for guidance. Ms. Galvin suggested a work session might be helpful.

Ms. Szakos asked Ms. Robertson whether a resolution on non-owner occupied homestay units could be provided at a future meeting. Ms. Robertson stated that the status of non-owner occupied homestay use is not changed by this ordinance, and is at best unresolved, and requested clarification from Council on non-owner occupied units.

Mr. Fenwick stated that homestay use is basically a business use moving into neighborhoods, and neighborhoods want protection from that.

OTHER BUSINESS

Ms. Smith said she was in agreement with Mayor Huja's statement on West Main Streetscape Plan. Mr. Fenwick stated he also agreed with the comments in Mayor Huja's statement.

Ms. Szakos complimented other councilors on the way the discussion on homestay units took place.

MATTERS BY THE PUBLIC

Peter Castiglioni: He recommended Council use the funds budgeted for West Main Street to make small improvements, and objects to all the money spent on consultants. He suggested City Council members attend the Steering Committee meetings.

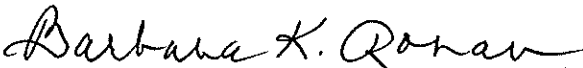
Martin Killian, 34 University Circle: He stated the University Circle neighborhood has been dealing with non-owner occupied rentals for years. They have complained many times without seeing any change, and he believes they are blatantly illegal. His fear is that rich people will buy property in neighborhoods for short term rentals.

Travis Wilburn, 763 Ridge Street: Mr. Wilburn said he supports the ordinance because it clears up confusion about the legality of short term rentals.

Ms. Smith stated that Council did resolve the issue of homestay use.

Ms. Galvin responded to Mr. Wilburn that there is no question that homestays need regulation. She responded to Mr. Castiglioni's comments by stating that steering committees are set up to receive a lot of information from different participants, and the consultant has to try to come up with a plan that addresses all the competing needs and wants of the various stakeholders. She supported bringing the consultant back to help resolve the remaining issues.

Meeting adjourned.


Barbara K. Ronan, Acting Clerk of Council