

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, October 5, 2015, at 5:30 p.m. IN THE Second Floor Conference Room, City Hall, 605 East Main Street, Charlottesville, Virginia.

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 – October 5, 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 to meet in closed session for consideration of prospective candidates for appointment to City boards and commissions, as authorized by Va. Code sec. 2.2-3711 (A) (1). (Ayes: Mr. Huja, Ms. Smith, Ms. Galvin; Noes: None; Mr. Fenwick arrived after the vote was taken.)

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 – October 5, 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

Fire Chief Andrew Braxton and Battalion Chief Richard Jones announced that this week is Fire Prevention Week. They encouraged everyone to have working smoke detectors, and said the Fire Department will install smoke detectors for free for City residents. They invited the public to attend the Ridge Street Open House on Saturday, October 10.

Ms. Galvin read a proclamation on “Imagine a Day Without Water”, and announced a national campaign on the essential value of water in our lives and the importance of conservation. She said the City, Rivanna Water & Sewer Authority, and the Albemarle County Service Authority

are hosting an event on the Downtown Mall on October 6, 2015 to publicize such conservation measures.

Ms. Szakos reminded the public of the deadline (October 13, 2015) for citizens to register to vote. She also read a proclamation entitled Welcoming City for Immigrants, which is supported by the International Rescue Committee and several other organizations dedicated to assist immigrants.

Ms. Smith acknowledged the passing on September 11, 2015 of Raymond Dixon, one of the Charlottesville 12 who helped integrate City schools after the federal government required Virginia public schools to be re-opened to all children. Mr. Dixon was one of 12 children who were pioneers, being the first black students at Venable Elementary School and Lane High School. Two historical markers were unveiled in 2011 at Venable and the former Lane High School to honor their courage and achievement.

Ms. Smith said Charlottesville also recognizes people in the community who have been trailblazers. The Bridge Builders program is being reintroduced after a hiatus since probably 2006. The Bridge Builder honorees have a plaque on the Drewery Brown Bridge over West Main Street. She moved to appoint the following people to the nomination committee: Pastor Lehman Bates, Linda Bowen, Olivia Boykin, Phillip Brown, Paul Collinge, Brenda Desobry, Patricia Edwards, Virginia Germino, Jimmy Hollins, Rennie Johnson, Evelyn Jones, Phillip Jones, Aidyn Mills, Meredith Richards, Matthew Slaats, and Ann Smith. Upon motion by Ms. Smith, seconded by Mr. Huja, the appointments to the Bridge Builders Selection were approved. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

Ms. Smith announced that October is National Energy Awareness Month. She said the City is approaching the midpoint of the semi-finals of the Georgetown Energy Competition, and listed the activities the City is doing to win the \$5 million prize by having residents save energy at home. She encouraged the public to check www.EnergizeCharlottesville.org for more information.

Mr. Fenwick read the proclamation recognizing BOZArt's 20th anniversary. Julia Kindred accepted on behalf of BOZArt. Huja presented it to Ms. Kindred and she thanked the City for their support.

MATTERS BY THE PUBLIC

Leah Watson, 204 Ridge Street, said she came before Council in August 2014 about her property on Garrett Street. Ms. Watson said the City approved plans and appropriated funds to re-design the stairway to Ridge Street near her property, but no work has been done. She said the Board of Architectural Review has asked for changes in the landscaping plan for that area and she has been told it can't go back to Council until the whole plan is complete. Ms. Watson reiterated her concern with the constant problems with vandalism, trespassing and other disturbances because of the stairway.

Raleigh Kelley said that gentrification is a problem in the City. He said people who have grown up in the area can't afford to buy a house in the neighborhoods they grew up in (First Street, 10th Street). He asked Council to try to resolve the problem. He said he will keep an eye on what happens and will use whatever platform is available to keep the issue before the public.

Sam Lindblom, President of the Charlottesville Area Mountain Bike Club, and member of the Rivanna Trails Foundation and Charlottesville Area Trail Runners, said building sustainable trails that don't erode and is open to the public is their primary goal. They support the proposed ordinance on the Ragged Mountain rules, and the connectivity of trails. He thanked City staff, particularly Chris Gensic, for coming up with a good plan. His group is willing to provide volunteer labor to help build the trails. Mr. Lindblom said there has been no real trail user conflicts, and allowing shared use doesn't detract from natural area.

Downing Smith stated that he opposes the Development Code Review Process, and objects to allowing staff to waive community meetings. He asked Council to change the name of NDS and take out Neighborhood because it doesn't serve neighborhoods. He also objects to dog walking and biking in the Ragged Mountain Natural Area because then it ceases to be a natural area.

Lena Seville said she objects to waivers of community meetings by NDS staff. She thinks developers often change the original intent of the development plan by amendments to special use permits without additional community input. Ms. Seville asked for the same publication requirements for amendments to a special use permit or planned unit development request as for the original resolution or ordinance.

Cecile Gorham advocated for the original design of Market Plaza and wants the City Market location to be exclusively public space. She said the original design could accommodate future growth. She said now the space can be used for private restaurants and other event uses and would force the City Market to compete with private uses. She reminded Council that the purpose of the design contest was to establish a permanent location for the City Market.

David Stackhouse said he supports 100% the shared use of the Ragged Mountain natural area. He is in favor of an expanded network of trails for cyclists, runners, and other recreational users. As a member of the Mountain Biking Club, he said they are dedicated to trails that are sustainable and do not create erosion problems, and asked for everyone in the audience who supports the new rules to raise their hands.

John Heyden said he was the original Public Access Coordinator, and they created Cop TV to highlight the valuable service that the police provide. Police are asked to keep the community safe, but the public expects a standard of behavior from the police that is different from the public. He criticized people for not supporting the police who have a very difficult job. He asked Council to release all of the statistics on crime.

Louis Schultz complained about Council canceling the public council meeting on August 3, 2015. He said this is the 46th time since October 3, 2013 he has appeared before Council to complain about unlawful taking of his property rights by City staff without due process. He

criticized Kathy Galvin for her past comments. He criticized the police for stop and frisk actions. He criticized Ms. Szakos for her past accusations against him.

RESPONSES BY COUNCIL TO MATTERS BY THE PUBLIC

Ms. Szakos responded to Ms. Watson's complaint. She said she has been following the project and thought things were progressing. She asked staff to break the project into 2 phases so the stair construction can be completed and the landscaping be done later. Ms. Smith stated that she would like an explanation from NDS about the landscaping plan.

Ms. Szakos responded to Mr. Kelley that more development doesn't necessarily equate to gentrification. She said the City has a very vigorous affordable housing program (including the housing fund and AHIP) and the more affordable homes that are built, the less likely it is that neighborhoods will be gentrified.

Ms. Szakos supports Lena Seville's suggestion that major amendments to SUPs be publicized and have public hearings.

Ms. Galvin agreed with expediting the stair construction on Garrett Street, and should be approved before January. She recognized Mr. Kelley's concerns about affordable housing and the inability of the work force to buy the housing. There is a study expected from Kathy McHugh of NDS on workforce needs and she asked about policies that will help middle income earners to be able to afford housing. She stated there is an associated land use and transportation problem. Ms. Galvin stated that she would like more clarity on the development review ordinance with regard to community meetings for special use permits and planned unit developments.

Ms. Smith would like an explanation of why the BAR hasn't approved the Garrett St project. She reminded the public that the City does have an alliance with Piedmont Housing Alliance for redevelopment of Cherry Avenue/Fifeville area to help people buy housing in the neighborhood they grew up in. Ms. Smith said Council may need to pull the Development Code Review ordinance from the consent agenda. She said she is concerned about allowing more intensive uses in Ragged Mountain Natural Area. Ms. Smith asked if there will be a public hearing on the Ragged Mountain Rules of Use on the second reading, and said she wants to discuss that.

Mr. Fenwick reminded one of the speakers about the rules on using foul language. Mr. Fenwick agreed with Ms. Watson's request to phase the Garrett Street project so the steps can be constructed. He acknowledged all the e-mails from the bicycle users in support of the new rules for the Ragged Mountain Natural Area.

CONSENT AGENDA

After some discussion, council agreed to remove Item 1(g) (Development Code Changes for Application Review Process) from the consent and put it on the regular agenda.

Ms. Smith asked Mr. Jones about the construction schedule for the new Hillsdale Drive Extended. Mr. Jones responded that there have been some delays due to right of way acquisition, but the completion date of October 2017 has not changed. Mr. Fenwick inquired about the funds already appropriated for the Hillsdale Drive project (\$4,672,000). Mr. Jones said the City has not spent the entire amount, and he will report back with the amount.

Ms. Smith asked that the public be made aware of the short term rental tax amendment. Mr. Jones said he will ask the Commissioner of Revenue to publicize it. Mr. Todd Divers, Commissioner of Revenue, said it is housekeeping issue.

Upon motion by Ms. Szakos, seconded by Mr. Huja, the Consent Agenda (with the exception of Item 1(g), which was removed and put on the Regular Agenda) was approved. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

- a. **Minutes for September 21 and September 24 (West Main work session)**
- b. **APPROPRIATION: Hillsdale Drive Funding - \$15,309,596 (2nd reading)**

WHEREAS, a total of \$15,309,596 in state and federal funds for the Urban Construction Initiative requires appropriation;

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

\$3,973,218	Fund: 426	WBS: P-00216 (Hillsdale)	G/L Account: 430120 Federal
\$11,336,378	Fund: 426	WBS: P-00216	G/L Account: 430080 State

Expenditures

\$15,309,596	Fund: 426	WBS: P-00216 (Hillsdale)	G/L Account: 599999
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- c. **APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant - \$452,704 (carried)**
- d. **APPROPRIATION: Adult Drug Treatment Court Grant Award - \$205,000 (carried)**
- e. **APPROPRIATION: State Criminal Alien Assistance Program Grant for 2015 - \$7,697 (carried)**
- f. **APPROPRIATION: Charlottesville Area Transit FY2016 Grants – (\$480,486) (carried)**
- g. **~~ORDINANCE: Development Code Changes for Application Review Process (Removed from Consent Agenda)~~**
- h. **ORDINANCE: Franchise Agreement for Overhead Fiberoptic Cable on Harris Street (2nd reading)**
- i. **ORDINANCE: Short Term Rental Tax Amendment (carried)**

- j. **ORDINANCE: Increase Limit of Maximum Financial Worth for Rent Relief Program (carried)**
- k. **ORDINANCE: Franchise Agreement with Intellifiber (carried)**

RESOLUTION: SPECIAL USE PERMIT AMENDMENT – MARKET PLAZA

Brian Haluska, Neighborhood Development Services planner, presented the staff report. He said the Planning Commission approved the amendment at their meeting in September, with some modifications to the conditions proposed by the applicant. He informed Council that Ms. Galvin had suggested that changes be made to prohibit the developer from changing the number of City Market vendor spaces, and not permitting any change in the City's option for a second market day.

Mr. David Pettit, attorney for Market Plaza LLC, spoke on the width of the sidewalk (30') from Water Street to South Street, and asked that the City agree to maintenance (snow removal, repair) since it will be a full-time public pedestrian space. Mr. Pettit said that the applicant would agree to maintain the sidewalk if it can be reduced to 16' in width. He said discussions with staff led to the option that the adjoining property to the east, also being developed by the applicant, could be used as outdoor space for the entire City Market instead of the indoor event space currently in the plan as long as it is an equivalent amount of space. That option is addressed in the lease agreement, but is inconsistent with the terms of the existing special use permit, so an amendment is being proposed to cure the inconsistency.

Mr. Huja commented on the difficulty of having two different entities responsible for maintenance. He said he would rather see the project under one owner.

Ms. Szakos was concerned about the lack of seating space in the central plaza. She would prefer a 30' wide sidewalk with room for benches if there aren't going to be any benches in plaza space, but could vote for a 16' wide sidewalk if benches are provided.

Ms. Galvin commented that benches are provided in Rockefeller Center, another public-private space which is an example of a successful public-private space. She is in favor of a 16' wide sidewalk if benches and seating are available in the plaza space, but she inquired as to why the Planning Commission wanted the 30' wide sidewalk.

Mr. Fenwick commented that creating public/private space is not usually feasible. He commented on the difficulty for 20 years of having a City Market in town. He stated that this site is flat and in a good location, and seems to have benefits for the City.

Ms. Smith wanted clarification on where benches would be located (on private space). She had no issues with the width of the sidewalk.

Mr. Haluska reported that the Planning Commission was concerned about the historical grid of the City being modified if both of the developable lots were built upon - they didn't want the view toward downtown to be obstructed. He said currently the elevator is the only structure allowed in the 1st Street right of way per the terms of the special use permit.

Mr. Pettit responded to Mr. Huja's question that benches will be part of the required amenities referenced in the site plan.

Mr. Craig Brown, City Attorney, clarified that the conditions in the special use permit have been amended to eliminate the water feature, and asked if Council would prefer to leave it as an option.

Mr. Pettit stated that it is still under discussion, but the Board of Architectural Review explicitly stated that trees were preferable to a water fountain.

Mr. Powe, architect for Market Plaza, told Council that the plan doesn't preclude having a water feature, so it could be included in "and/or other amenities". Mr. Brown stated that striking out the words (water fountain) leaves an impression that it is prohibited, but it should be left in if water fountains are to remain an option.

Ms. Smith expressed concern over the 99 year lease term, and suggested the City will not have much leverage later on if the City wanted to renegotiate market spaces or location, such as moving the City Market to an alternate location even with an equivalent amount of space.

Ms. Szakos commented that there is a qualitative difference between the indoor event space and the outdoor space. She favored having some indoor market space rather than only outdoor space.

Mr. Huja said if the City didn't amend the permit now to allow the option to trade the indoor space for outdoor space for the market, that the applicant would have to come back again to Council for another amendment.

Mr. Pettit elaborated on why the developer designed it with indoor space for the City Market (having it all outdoors took up too much land).

Ms. Szakos asked about the steps being covered or protected, but the BAR didn't favor that. She asked if they had considered heating the sidewalk to aid in snow removal, but Mr. Powe stated it was not considered because of the cost and didn't favor energy conservation. To Ms. Szakos' comment that pedestrian safety would be enhanced, Mr. Powe responded that putting a roof over the sidewalk would be the most efficient way to achieve that goal.

Mr. Fenwick commented that using any kind of water on sidewalks in the winter would be dangerous.

Ms. Smith asked Mr. Brown why the BAR Design Review uses "should" a lot, and is there a legal differentiation between "shall" and "should". Mr. Brown stated that "should" is less directive and binding than "shall". He said it is an acknowledgement of the discretion that the BAR has in design matters.

Ms. Szakos asked about the proposed hours of the City Market? Mr. Pettit stated the hours would be from 8:00 a.m. – 8:00 p.m. (or sunset), which are in the proposed lease terms.

Ms. Szakos asked staff to post notice on-line when construction begins, and to post signs on the site about different traffic patterns.

Ms. Galvin commented about privately-owned public space. She said this project is good planning practice because the City continues to expand its public park space, and this adds to the public space accessible. She said the City has limited opportunities for redevelopment and Market Plaza is a mixed use project that increases tax revenue as well as increase public space, and provides a permanent home for a thriving City Market.

Ms. Smith said she continues to be concerned about the 99 year lease. She said she wanted to see more opportunity for more City Market days, or other changes in the terms. Ms. Szakos said the City does have the option to have two market days, if it wants them.

Mr. Brown reviewed proposed changes in the special use permit amendment (sidewalk width of 16 feet; retaining the option for a water feature).

Ms. Galvin re-stated her proposed amendment to protect the City Market by revising the last sentence in Section 4(d) of the Resolution to allow administrative approval of changes to the City Market plaza plan provided such changes do not alter the conditions of use delineated in Section 10 (Farmers Market) of the special use permit.

Upon motion by Ms. Galvin, seconded by Ms. Szakos, the amended resolution was approved (with the three changes stated by Mr. Brown and Ms. Galvin). (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

Mr. Huja stated that this is a good project.

Ms. Szakos commented that the City is lucky to have a city market and development downtown. She stated there has been a continuing commitment to locate the City Market downtown and she is pleased with the result.

PUBLIC HEARING/ORDINANCE: SALE OF LAND ON WATER STREET AND SOUTH STREET AND CITY RIGHT-OF-WAY TO MARKET PLAZA

Mr. Chris Engel, Director of Economic Development, presented the staff report. He gave background on the process and how the Market Plaza design was chosen. The Request for Proposals in 2014 had 3 requirements – accommodate City market, provide 102 spaces, and be a vertical mixed development.

Mr. Engel reviewed the documentation for the sale of City property, and the lease back to the City of a portion of the site for the City Market. He stated the sale price of property would be \$2.4 million for approximately 1 acre of land. The sale must close within 24 months of signing the purchase agreement. He stated the utilities relocation and undergrounding was expensive and complex, and the costs will be shared, with the City contributing up to \$1.25 million. The parties

negotiated one entity (Market Plaza LLC) doing all the utility work. Mr. Engel stated there will be a permanent public pedestrian walkway along First Street from Water Street to South Street.

He stated there will be rules and regulations that the plaza will be subject to, which were provided to Council. The City obtains a lease of 99 years at \$1.00/year for City Market space, and the opportunity to use the indoor and outdoor space ten times a year at no cost for other events. Maintenance and utility costs will be shared. It was agreed that the amount of programmed private space on the plaza will not exceed the amount of retail space or 50% of the plaza, whichever is less. He said there is a limit of 52 private events per year. The lease allows a second Market day option, at the discretion of Parks & Recreation.

Mr. Engel stressed the benefits to the City of this project: permanent home for the City Market; indoor event space with restrooms; 102 public parking spaces; beautification of a 2 block area with undergrounding of utilities; taxes will accrue at \$700,000 per year; class A commercial office space; 66 new residential properties; contribution to the affordable housing fund; catalyst for economic development on south side of downtown.

Mr. Engel explained that Council will be acting only on the sale of land and right-of-way, but the lease and utility cost sharing agreement are attachments to the sale/purchase agreement. The lease and utility agreement will be considered for approval at the next Council meeting.

Mr. Fenwick asked how much the developer would be contributing to the affordable housing fund. Mr. Engel estimated the contribution to be from \$150,000 to \$200,000.

Ms. Szakos asked if the 102 public parking spaces are exclusively for the public on city market days, or can vendor trucks and vehicles use those spaces. Mr. Powe responded that there is additional parking for vendor vehicles.

Mr. Huja opened the Public Hearing.

Lena Seville: Ms. Seville said she thinks it's a misnomer to call it permanent when the lease only runs 99 years. She would like the lease to be automatically renewable.

There were no other speakers. Mr. Huja closed the public hearing.

Mr. Fenwick commented that he doesn't know of any place in central Virginia that a market has stayed in one spot for more than 50 years. He remarked that 99 years is a long time, and he doesn't have any problem with the lease term.

Ms. Szakos asked if they want to consider making the lease automatically renewed. Mr. Woodard (developer) said he would do that if they could double the rent.

Mr. Brown pointed out that the sale documents will have to be changed to reflect Council's decision to make the sidewalk 16 feet wide instead of 30 feet wide in the special use permit resolution.

Upon motion by Ms. Szakos, seconded by Ms. Galvin, the ordinance (with the changes to documents that Mr. Brown said were necessary for consistency with the special use permit) was carried over. Ms. Szakos added that the developer should feel free to offer any additional changes with respect to the renewal of the lease after 99 years.

Mr. Huja said that discussion on the hours for operation of the City Market can be done at the next meeting.

Ms. Smith asked about the automatic trade for the outdoor space. Mr. Huja and Ms. Szakos said that provision (requested by the developer) was taken out by Council.

ORDINANCE: APPROVAL OF RAGGED MOUNTAIN NATURAL AREA RULES OF USE

Mr. Brian Daly, Director of Parks and Recreation, presented the staff report. He gave historical background on Ragged Mountain Natural Area, especially in conjunction with construction of new Ragged Mountain dam. He said Ivy Creek Natural Area used to manage the area on a volunteer basis, but preferred to focus solely on the Ivy Creek Natural Area.

He said there has been significant support from the public for multiple uses (biking, hiking, dog walking, running). Community engagement sessions were held, and the Rivanna Water and Sewer Authority was consulted, determining that enhanced uses of the area would not be detrimental to the dam or the reservoir. He said the proposed uses are consistent with Albemarle County rules and City parks rules. He provided a map of the proposed trails for Council to view. Mr. Daly pointed out that there would be no paved or stone dust trails; it will be all natural. Mr. Daly informed Council that one of the artworks (large carved statue of a bear) has been stolen from the Ragged Mountain Natural Area.

Mr. Fenwick commented about off-leash dogs and birders, which are incompatible uses. He asked about how the rules could be enforced. Mr. Daly responded that enforcement is problematic because the dogs and their owners are gone before the Animal Control Officer arrives. Mr. Daly said that park users are asked to follow the rules and in his experience, 99% of users are respectful of other park users.

Ms. Szakos commented that, in her opinion, most dog owners do try to self-police.

Mr. Fenwick asked Mr. Daly if there is public education about keeping dogs on a leash. Mr. Daly said all parks have signage with the rules. Mr. Fenwick suggested people should take cell phone photos of violators.

Ms. Smith said we need to understand why rules were imposed in the first space. The Smithsonian reported that Ragged Mountain was the best example of a natural area in the Charlottesville-Albemarle area. Ms. Smith said opening it up to bikers and dog walkers will affect the wildlife present in Ragged Mountain now, and we need to achieve an appropriate balance. She asked Chris Gensic, Trails Planner, to talk about what bird or animal species might be impacted by more intensive use. Mr. Gensic preferred to have the Smithsonian naturalists

come and talk to Council on this topic. Ms. Smith said she is opposed to the proposed increase in biking, running and dog walking in the Ragged Mountain Natural Area because it will be detrimental to the quality of life in the community.

Mr. Fenwick suggested that a public hearing be scheduled on this matter. Mr. Huja says there were public meetings, but Council can consider it. Ms. Smith said she would like a public hearing.

Ms. Szakos doesn't favor a public hearing. She supports the proposed rules but acknowledges the possibility of conflict if the trails aren't wide enough. She wants trails that are exclusively for walkers or bikers. Ms. Szakos encouraged Parks and Recreation to try to enforce the off-leash dog violators.

Ms. Galvin said she supports more varieties of use of the Ragged Mountain area, especially for children and their parents. She said we need active as well as contemplative space. Ms. Galvin said she is excited about all the opportunities for people to be in nature, and said prohibiting diversity is not the solution. The Ragged Mountain Natural Area will be part of a large connective network of parks and natural areas.

Mr. Huja said he supports the rules, but he would not be opposed to having a public hearing at the next meeting.

Upon motion by Ms. Szakos, seconded by Ms. Galvin, the ordinance was carried over for a second reading, with a public hearing to be held at that meeting.

REPORT: CITIZENS ADVISORY PANEL (CAP)

Police Chief Tim Longo presented the staff report on proposed changes to the Citizens Advisory Panel (CAP), and gave a brief history of how the CAP was formed. He asked Council to add a UVA student representative to the panel, and reviewed Council's request for certain changes to the composition of the panel. Chief Longo described three options for Council to consider:

- 1) Retain CAP and the Human Rights Commission (HRC) as separate entities, but ask both boards to review the report of the President's Task Force on Policing in the 21st Century, which clearly defines goals and expectations and the outcomes are measurable.
- 2) Merge the CAP with the Human Rights Commission, but again use the Task Force Report as a substantive road map.
- 3) Leave the CAP as originally appointed, and again direct them to use the Task Force report as a guide to implement the strategies in the Task Force report. Chief Longo also suggested the panel members could be more involved with police officer retention and selection, recruitment strategies, and enhanced community relationships with the police.

Chief Longo urged Council to discuss with the members of the CAP and HRC in advance any proposed plan for changes to either the CAP or HRC.

Mr. Huja said he would like to see the word “police” in the title of the CAP, but he prefers Option #3 of the options presented.

Ms. Szakos asked Chief Longo to elaborate on Option #1. Chief Longo said with Option #1, the CAP and HRC would be expected to work collaboratively with the Police Department to implement the strategies of the Task Force report on 21st Century policing.

Mr. Huja asked the Chief to repeat the Options, and he did so. Chief Longo commented that they deliberately did not use the word “police” in the CAP title because they did not want to create the perception that the Police Department directed their actions.

Mr. Fenwick said he recommended merging the CAP and HRC. Mr. Fenwick said, as a member of the CAP, he has never gotten any training, and thinks it should start from scratch by combining the two groups. Above all, he said, they need to be trained. He said there is a risk of having one of the members speak inappropriately to the press because of lack of training.

Ms. Szakos commented that several people asked that the two groups not be combined, but give them a new name and specific direction (Option #1). She said members need to be reminded they do not speak on behalf of the police, but are an advisory group for the police and City Council. She supports having a UVA member on the CAP, and getting the members more involved with community-police relations.

Ms. Galvin said she would combine Options 1 and 3 – keep the groups separate but have them jointly study the President’s Task Force report because it would provide focus for the CAP members. She said the group could be useful in giving feedback to police on retention, training and recruitment. She is concerned that combining the two bodies will result in the HRC losing its identity and dealing primarily with police issues. Ms. Galvin does support a UVA representative on CAP.

Ms. Smith offered an additional option of having an overlapping subgroup, composed of members from both bodies or a liaison. She emphasized that the CAP and HRC should start meeting in a public place that is easily accessible. She also favors the idea of having a UVA representative on the CAP. Ms. Smith suggested Council should look at mixing up the membership in the group.

Mr. Jones said he believes Council has given enough direction for him and Chief Longo to meet with the CAP and HRC members and come back to Council in December with a proposal.

Mr. Huja said he is in favor of some combination of Options #1 and #3, keeping both groups independent, and supports adding a UVA student representative to the CAP.

Chief Longo commented that the dialogue with UVA students last spring led to a resolution of some of the problems.

Ms. Szakos said she agrees with Ms. Smith that the meetings of the boards should take place in easily accessible public places.

Ms. Smith said the groups could be a good resource on issues that other boards and task forces are exploring.

Maeve Curtin, Student Liaison from UVA Student Council to City Council. She thanked Council for supporting a UVA student representative on the Citizens Advisory Panel.

Ms. Szakos asked about making the decision now to add a UVA student representative to the CAP membership, and requiring the meetings to be in public places. Ms. Smith said it is important to make the appointment a public process.

Upon motion by Ms. Szakos, seconded by Ms. Smith, Council approved adding a UVA student representative position to the Citizens Advisory Panel, and requiring the meetings to be in easily accessible public spaces. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

Ms. Smith asked Mr. Brown if it would be advisable to have a formal resolution prepared. Mr. Brown agreed that a resolution that sets forth the charge, the composition of the panel, and other information would be helpful.

ORDINANCE: DEVELOPMENT CODE CHANGES FOR APPLICATION REVIEW PROCESS (2ND reading)

Mr. Huja asked for discussion on this item.

Ms. Galvin expressed concern with Section 34-41(C)(2) that he “director may waive the requirement for a public meeting, ...”. She said the majority of Council previously agreed that it would not apply to by-right zoning. She said the regulations are clear but the ordinance do not appear to be consistent with the regulations. Ms. Galvin suggested that a vote be deferred until the inconsistencies are corrected.

Mr. Brown asked if there is consensus about providing some sort of notice when a waiver is used. Several council members indicated their agreement.

Ms. Smith wanted clarification on the point at which the requirement for a community meeting would be triggered, but her concern was when projects seems to go forward and the neighborhood isn’t aware of what is being proposed. Mr. Brown said these types of community meetings would be in addition to other legally required meetings. He said he contemplates that community meetings would take place at the start of application review.


Ms. Galvin would like the regulations and ordinance reviewed again for consistency, and have the 2nd reading at the next meeting, and other Council members agreed.

MATTERS BY THE PUBLIC

Rebecca Quinn stated that in the ordinance the term “community meeting” is used 9 times, but the term “public meeting” is only used once. She asked if these terms have different meanings. She said the implication is that there is a difference.

Mr. Huja said he understood a public meeting to be one that is legally required.

The meeting was adjourned.



Barbara Ronan, Acting Clerk of Council