

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, November 2, 2015, AT 6:00 p.m. IN THE Second Floor Conference Room.

THE PROPOSED AGENDA IS AS FOLLOWS:

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

BY ORDER OF THE MAYOR

BY Paige Rice

SECOND FLOOR CONFERENCE ROOM – November 2, 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 Mr. Fenwick, Council voted, (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None), to meet in closed session for (a) Potential City liability arising from operations at the transfer station located at the Ivy Landfill Material Utilization Center; (b) Specific legal issues arising from the proposed zoning ordinance amendments applicable to West Main Street; and, (c) Negotiation of the terms and conditions of an agreement providing for the co-location of the City and Albemarle County General District Courts, 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: 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 – November 2, 2015

CALL TO ORDER

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

AWARDS/RECOGNITIONS & ANNOUNCEMENTS

Ms. Galvin announced Grand Illumination on Friday, December 4 at Central Place on the Downtown Mall. This year, the City has invited Toy Lift to be a part of the event. For more information and to volunteer, go to www.charlottesville.org/grandillumination.

Ms. Szakos announced the Imagine a Day Without Water art contest. Go to www.charlottesville.org/artcontest for more information.

Mr. Fenwick announced that tomorrow is Election Day. Polls will be open from 6am - 7pm; for more information visit charlottesville.org/vote. He thanked the City staff who work at the front desk of the Treasurer's office for their work.

Mr. Huja announced item 4 on the agenda regarding West Main Mixed-Use Corridors will be deferred back to the Planning Commission. Ms. Szakos offered the following resolution.

RESOLUTION: REFERRING ZONING TEXT AND ZONING MAP AMENDMENTS AMENDING ZONING DISTRICT CLASSIFICATIONS AND REGULATIONS FOR PROPERTY ALONG WEST MAIN STREET BACK TO PLANNING COMMISSION FOR FURTHER REVIEW AND ADDITIONAL PUBLIC HEARING

WHEREAS, City Council has before it an ordinance initiated and recommended by the Planning Commission, proposing an amendment of the City's zoning ordinance, including amendment of zoning text and of the City's official zoning map, to change zoning district classifications of property along West Main Street; and

WHEREAS, City Council desires that the boundaries of the West Main Street mixed use zoning district classifications be further reviewed, and for the planning commission to consider and make a recommendation as to whether the property located at 100 Ridge Street should be rezoned from its current WMS mixed-use classification to any of the following mixed use classifications: the proposed WME, or alternatively, to WSD, DE or D; and

WHEREAS, City Council desires that the Planning Commission review the comments received by staff since October 13, 2015, and make recommendations as to whether any of the comments received at the public hearing or in writing should be incorporated into the proposed zoning amendments;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville that the proposed zoning ordinance (consisting of zoning text and zoning map amendments) attached to this Resolution are hereby referred to the Planning Commission, and the Planning Commission is directed to (i) review the proposed zoning text and zoning map amendments, (ii) consider WME, as well as WSD, DE and/or D as possible zoning district classifications for 100 Ridge Street, (iii) consider the comments received by staff after October 13, 2015, and (iv) schedule an additional joint public hearing for December 8, 2015, and then report its findings and recommendations back to City Council immediately after its December 8, 2015 meeting.

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

MATTERS BY THE PUBLIC

Mr. Paul Long, 1410 Grady Ave., said a flood of money has come into our system since the Citizens United ruling. He said prominent business people and companies in the City have

contributed to local campaigns, which gives them unfair advantages. He called for campaign finance reform.

Mr. Scott Peyton said a number of high profile projects have been approved by Special Use Permits, and a few more are coming up for a vote. Some of the higher height buildings are not in the best interest of the West Main corridor. If you continue the pattern of approval, any changes in the ordinance will be irrelevant. Significant character on West Main Street may still be preserved. He asked Council to adopt reduced heights.

Ms. Valerie Long, Williams Mullen, regarding 321 E. Main, thanked Council on behalf of the owners on Midway Manor on Ridge Street for sending item 4 back to the Planning Commission to ensure full engagement and address the unique circumstances of Midway Manor.

Mr. Mark Stanis, 1301 Midland St., said the application for rezoning property at Midland Street is not appropriate. He distributed a petition to Council from the Belmont/Carlton neighborhood.

Ms. Karen Barnes, resident of Friendship Court community, asked Council to support the Piedmont Housing Alliance (PHA). They are excited that Ms. Liz Ogbu is involved with the project and are looking forward to working with her.

Mr. Downing Smith, 810 Locust Ave., thanked the City for their response to neighborhood's concerns about traffic on Locust Ave. The real problem is the City Code and regulations, and they have NDS staff and the neighborhoods' hands tied. If those regulations are not challenged, traffic calming and Streets That Work will not be successful.

Mr. Anup Gampa, graduate student at UVa, asked about the CAHF for PHA. He said a number of items related to resident input are contingent on funding, but he questioned what would happen to the resident input if the funding does not go through. He asked what PHA's accountability process will be for the 150 families.

Ms. Nikuyah Walker, citizen, said she was a resident of Friendship Court until 2004, and it was very helpful to have a place to call home that was affordable. Residents' voices are the most important. She said she is concerned about density, the ratio of affordable to market rate housing, and whether or not the PHA board can provide oversight for themselves to make sure the most vulnerable are taken care of. We need to ensure the people who currently live at Friendship Court are the first priority. Resident engagement and making sure they fully understand the process is important.

Mr. Quinton Beckham, 1304 Midland St., said making affordable housing that also promotes people and allows them to secure jobs with higher levels of income and provides access to transportation are all important elements of affordable housing.

Mr. Page Williams, representing Union Station Partners (USP), thanked Council for sending the West Main zoning back to the Planning Commission. USP owns properties on both sides of W. Main Street, including the train station. The height and lower density of W. Main

Street East would damage his client's interest. He will request that the property be moved from W. Main Street East to W. Main Street West designation.

Ms. Lena Seville, 808 Altavista Ave., said the Belmont/Carlton neighborhood association is opposed to the Midland rezoning, as is the Martha Jefferson neighborhood association.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Ms. Szakos clarified that the resolution Council passed regarding West Main is not an attempt to delay a decision, but there were some technicalities that needed to go back through the Planning Commission.

Ms. Galvin said we are committed to following through on the recommendation of some minor revisions that were sent to us by the Planning Commission. The Streets That Work / Code Audit process has been over a year and a half in the making, and this Council has been committed to changing the zoning for the past two years. This takes time and must be done comprehensively. She thanked Mr. Downing for bringing this to Council.

Mr. Fenwick thanked Ms. Walker for her comments. He thanked Mr. Peyton for discussing the character of West Main Street and the character of Charlottesville. This will be part of the conversation. He said he does not agree that staff's hands have been tied, especially on Locust Avenue. There are things we can do within days, and we should let the neighborhoods know we are concerned about the streets and will make some immediate improvements.

Ms. Smith especially thanked speakers who came to advocate for PHA and Friendship Court. She agreed there is a lot we can do on Locust Avenue, and we should do it safely and sustainably. She thanked speakers for advocating for their neighborhood against zoning at Midland.

CONSENT AGENDA

- a. **Minutes for October 19**
- b. **APPROPRIATION: Runaway Emergency Shelter Program Grant - \$212,000 (2nd reading)**

[Runaway Emergency Shelter Program Grant](#)

- c. **APPROPRIATION: Charlottesville Affordable Housing Fund - \$331,450.68 (carried)**

[Charlottesville Affordable Housing Fund](#)

- d. **APPROPRIATION: Virginia Department of Health Special Nutrition Program Child and Adult Care Food Program - \$32,000 (carried)**

[Virginia Department of Health Special Nutrition Program Child and Adult Care Food Program](#)

- e. **RESOLUTION: Donated Funds to First Tee of the Virginia Blue Ridge - \$20,491 (carried)**

[Donated Funds to First Tee of the Virginia Blue Ridge](#)

- f. **RESOLUTION: Charlottesville-Albemarle Health Department Carry Over Request - \$26,575.37**

[Charlottesville-Albemarle Health Department Carry Over Request](#)

- g. **RESOLUTION: Purchase of Parcel of Land for Greenbelt Trail**

[Purchase of Parcel of Land for Greenbelt Trail](#)

- h. **RESOLUTION: Rename Bent Creek Road (City Portion) to 5th Street Station Parkway**

[Rename Bent Creek Road \(City Portion\) to 5th Street Station Parkway](#)

- i. **RESOLUTION: Allocation of Charlottesville Affordable Housing Fund (CAHF) for repayment of CDBG Funds - \$4,600**

[Allocation of Charlottesville Affordable Housing Fund \(CAHF\) for repayment of CDBG](#)

- j. **RESOLUTION: Hillsdale Right-of-Way Acquisition**

[Hillsdale Right-of-Way Acquisition](#)

- k. **ORDINANCE: Easement to RWSA for Water Line in Towe Park (2nd reading)**

[Easement to RWSA for Water Line in Towe Park](#)

- l. **ORDINANCE: Specimen Tree Designation in McIntire Park (2nd reading)**

[Specimen Tree Designation in McIntire Park](#)

Ms. Szakos asked about item d. regarding after school meals. She said the after schools meals program is a grand success, and people at Hearthwood want the program as well. Mr. Daly said Riaan Anthony, Facilities Manager, is managing the program. Current funding levels do not allow staff to expand the program beyond the location that the after school meals are currently served, but we are getting tremendous attendance and are looking to expand the program. Ms. Szakos asked staff to let Council know what it would take to bring this program up to scale. Ms. Smith said this is a serious issue and speaks to the way the program is administered rather than any intent. We serve places that are easiest to get to, but that means other children slip through the cracks because they do not live in easily accessible places or near a community

center. We can go through the schools to capture people who need these services, and we will have to offer transportation, which is usually the barrier.

Ms. Smith said regarding item c., we should use some of the CAHF funds to enable people from our workforce programs and goal programs to actually live where the project is being built.

Ms. Smith said she will vote against item k. regarding the easement across Towe Park because she believes it is a waste of taxpayer money.

Mr. Fenwick said he supports getting more information on bringing the after school meal program to Hearthwood.

On motion by Ms. Szakos, seconded by Ms. Galvin, the consent agenda passed, with Ms. Smith voting no on item k. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None.)

RESOLUTION: ALLOCATION OF CHARLOTTESVILLE AFFORDABLE HOUSING FUND (CAHF) FOR PIEDMONT HOUSING ALLIANCE (PHA) PREDEVELOPMENT PLANNING FOR FRIENDSHIP COURT - \$350,000

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Piedmont Housing Alliance

Mr. Huja divulged that he is a member of the PHA Board, but he does not get paid and has confirmed with the City Attorney that there is no conflict of interest.

Ms. McHugh presented to Council. Mr. Frank Grosch, Executive Director of PHA, was present as well.

Mr. Fenwick said there is mistrust in the community and asked Mr. Grosch to keep that in the forefront as he goes forward with this project. Mr. Grosch said they are committed to a process centered around and driven by the residents of Friendship Court.

Ms. Galvin said the principles of the PHA board are in sync with everything discussed in the SIA Plan, and she appreciates that. She asked if there was any thought of discussing this with PHA, Friendship Court, and staff in a work session format. Mr. Grosch said they are interested in such a discussion. Ms. Galvin said this would be after the money is granted, and that concerns her. She asked how closely they have examined existing plans in the City. Mr. Grosch said they share many of the same goals from the SIA Report.

Ms. Szakos said there could be a two-tier approach, where the intensive work can be with the residents of Friendship Court, but there is also collaboration with neighboring areas. Mr. Grosch said they plan to engage the City Council, staff, and the larger community of neighbors. He would welcome engaging residents of public housing, although they do need to be careful to stay focused on the project at hand. He said we need to break down barriers and engage the community, which will be good for Friendship Court and the City.

Ms. Szakos said part of public engagement is to shift more power to the people to even the power dynamic. She asked what assurances there are that the residents' ideas will be heard and accounted for, even when they are not in agreement with PHA's ideas. Mr. Grosch said they publish their guiding principles so they can be held accountable. He said not everyone can have what they dream of, but we will give voice to all perspectives.

Ms. Szakos asked if the document allocating the money will come back to Council for approval. Ms. McHugh said the typical process is to use a grant agreement, which outlines obligations of the recipient and expectations for any beneficiaries, and we believe that document is flexible enough to incorporate any expectations Council may have. It typically does not come back to Council for review, but an informal review process may be conducted.

Ms. Smith said she is inclined to support this, but she does have concerns. In order to make this work, we are looking at 500 units. Mr. Grosch said he is not ready to say that. Current zoning allows for that number, but the right balance between market rate and affordable units is one we are still trying to figure out. Ms. Smith asked what 50 units per acre looks like. Ms. Galvin said the Queen Charlotte development on E. Jefferson is similar. Ms. Smith asked what mixed use looks like. Mr. Grosch said some of his ideas include a sliding scale health services center, a resource center for pre-k and kindergarten children to address early childhood education with affordable sliding scale daycare and an evening GED/continuing education center.

Ms. Szakos said ideas for conditions are 1) commitment to not build on the creek to save it for available green space; 2) commitment to non-displacement, so there will be an equal number of units at the same level in the final project; 3) sharing data to codify that; and 4) branching out beyond the borders, having staff and consultants available to CRHA and SIA engagement efforts.

Ms. Galvin said she is concerned about our fiduciary responsibility. She suggested the following conditions:

- 1) Developing mutually agreed upon goals and outcomes;
- 2) Incorporating Friendship Court resident participation in decision-making throughout the pre-redevelopment and redevelopment process, including but not limited to Friendship Court resident representation on the advisory committee;
- 3) Incorporating City participation in decision-making throughout the pre-redevelopment and redevelopment process, including but not limited to City staff and Council representation on the advisory committee;
- 4) Formulating a financially sustainable mix of low income, workforce, market rate units and commercial uses as envisioned by the City's Comprehensive Plan of which the SIA Plan is a part;
- 5) Developing a site plan that incorporates key elements of the SIA plan (including but not limited to Pollack's Branch greenway, urban agriculture and stormwater management, increased connectivity inclusive of an extended 4th street and other east/west connections);
- 6) Improving resident health, well-being and economic mobility in partnership with the City and other community organizations, businesses and individuals;

- 7) Revisiting and potentially revising the current CACF dollar request, based on a mutual assessment of tasks completed by other recent City financed plans and studies (such as the Wallace Roberts and Todd Master Plan, the Market Ventures, Inc. Study, the Strategic Investment Area and the Nelson Nygaard Parking Studies);
- 8) Working with the City to identify and establish the partnerships needed to coordinate community engagement, mixed income redevelopment and resident relocation efforts including Friendship Court residents, the City, PHA, CRHA, and the private sector as appropriate; and
- 9) Setting a date (or dates) for a joint work session between the PHA Board and the City Council with the goal of establishing a mutually beneficial strategy to move forward, no later than January 31, 2016.

Mr. Fenwick said it is unfair to ask PHA to respond to this on the fly, and we are taking the process away from them.

Mr. Grosch said we have a general understanding on numbers 1, 2, 3, 4, 6, 8, 9. Ms. Szakos said Mr. Grosch if he would be more comfortable with number 5 if "including but not limited to" were removed; Mr. Grosch said he would. This would limit our ability to develop without displacement. Keeping Greenway as shown and the extension of 4th Street as shown would tie our hands.

Ms. Galvin said Pollack's provides bike/pedestrian connectivity. If 4th Street is provided as pedestrian connectivity, that would be good. The language needs to reflect that connectivity will be maintained. Mr. Grosch said he supports connectivity, but he requested that Council allow the designers to design the site before tying their hands.

Mr. Huja said day lighting Pollock's Branch is important, and it should be kept open per the SIA. Mr. Snook said this is constraining. Saying "such as" instead of "including but not limited to" would be better. Ms. Smith said day lighting is not necessarily the right way to describe what the SIA says about Pollock's Branch, but to reserve that area in exchange for a large bit of public money is the piece she is interested in. Building in a low lying, wet area is not healthy.

Mr. Grosch said there is not enough known about day lighting Pollack's Branch to commit to doing so this evening. It is way too early in the process. We would never build in an unhealthy or unsuitable location. We cannot say *a priori* that we would not build on the greenway, because we do not know where that is exactly at this point.

Ms. Galvin said the dimensions of the greenway need to be verified, but if we can include language saying including the concept of the greenway, she would be satisfied. Mr. Grosch said he would agree to that.

Ms. Szakos asked if any monies unspent would return to the City. Mr. Grosch said he would be concerned if he hired consultants that the City could go back on the amount promised and he would not be able to pay. Also, he needs to be able to move forward quickly; the consultants are scheduled to come the first week in December.

Ms. Galvin said she could let #7 go, provided that these studies are explicitly stated. Mr. Grosch said they will be.

Ms. Szakos moved the proposed resolution with the above-stated conditions: 1,2,3,4,6,8, and 9, with #5 changed as discussed to say "developing a site plan that incorporated elements of the SIA plan, including the concept of the Pollock's Branch greenway, urban agriculture, and storm water and increased connectivity in consultation with the SIA consultants." Ms. Galvin seconded the motion.

Ms. Smith asked if Council would consider not using housing funds for this. We could use surplus money instead. Ms. Szakos said we could consider putting surplus money in the housing fund once we know what we have.

Mr. Fenwick said he would feel uncomfortable without having the opportunity to take this to the PHA board. Mr. Snook said he would support this, and most of this has already been discussed.

Ms. Smith asked if this would ensure they will not build on top of the piped creek. Ms. Szakos and Mr. Huja said it is not important to pin that down right now. Ms. Galvin said the concept of the greenway is there, and we have safeguarded against moisture.

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

Ms. McHugh clarified that staff will provide a draft of the mutual goals and objectives to Council.

Council took a five minutes recess.

RESOLUTION: DOGWOOD HOUSING AGREEMENT AMENDMENT

Dogwood Housing Agreement Amendment

Ms. McHugh presented to Council. City staff has worked closely with Dogwood representatives over the past couple of years to promptly identify non-compliance issues and to make recommendations to attempt to bring the loan into compliance; however, staff believes that revisions to the loan documents will be required to ensure compliance and to allow Dogwood to continue to operate supported affordable units.

Ms. McHugh reviewed existing issues and staff recommendations. In response to Mr. Huja's inquiry, Mr. Woodard said he agreed with staff's recommendations and requested a one-year grace period. Ms. Szakos said she wants to be sure the 5% rule still applies. Ms. Smith asked if residents pay for utilities, because HUD guidelines include utilities, and the City does not. Ms. McHugh reviewed the costs of running essential appliances and said residents receive an allowance, similar to public housing residents. Mr. Woodard reviewed work that has been completed and is planned to improve efficiency in the rental units.

On motion by Ms. Szakos, seconded by Ms. Galvin, Council voted to extend the grace period over two years and pass the resolution. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None.)

Ms. Smith asked what will happen in two years. Mr. Woodward said we need to have a conversation about whether Council will want to continue with Dogwood, or if they should consider finding alternative financing.

ORDINANCE: REZONING MIDLAND STREET PARCEL (denied)

Rezoning Midland Street Parcel

Ms. Rainey presented to Council and reviewed the Planning Commission's recommendation to deny.

Ms. Smith moved to deny on the basis it would not serve the welfare of the general public or good zoning practice; Ms. Szakos seconded the motion. The denial passed. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None.)

Ms. Galvin said the land use map from 2013 called for these parcels to be low density residential. We should think about what we can do moving forward with this parcel of land to make it viable. We should figure out how to encourage better proposals moving forward.

MATTERS BY THE PUBLIC

Ms. Nikuyah Walker, 503 Druid Ave., said the anti-displacement information Ms. McHugh cited was inaccurate, and she asked Council to look into that. She said we need to ask what it would look like if we do not receive HUD funding. She asked if Liz Ogbu is expected to be on the ground building this engagement alone without staff. Ms. Szakos said they just hired staff, and residents voted on who that would be. Transition plans are important.

Mr. Brandon Collins, 418 Fairway Ave., said it is important to have independent resident input for decision making at Friendship Court, and funds should be put forward to help with engagement. He said Residents' Bill of Rights from PHAR could be a good model for the residents of Friendship Court. Make sure these units will be affordable for everyone.

The meeting was adjourned.