

## **NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Tuesday, February 16, 2016, 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 – February 16, 2016**

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

On motion by Ms. Szakos, seconded by Mr. Fenwick, Council voted, (Ayes: Mr. Bellamy, Ms. Szakos, Mr. Fenwick, Mr. Signer; Noes: None; Absent: Ms. Galvin), to meet in closed session for (1) Discussion and consideration of candidates for appointment to City boards and commissions, as authorized by Virginia Code sec. 2.2-3711 (A) (1); (2) Consultation with legal counsel for legal advice regarding the acquisition or conveyance of parking spaces in the Water Street Parking Garage, as authorized by Virginia Code sec. 2.2-3711 (A) (7).

On motion by Ms. Szakos, seconded by Ms. Galvin, Council certified by the following vote (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; 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 – February 16, 2016**

#### **CALL TO ORDER**

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

#### **AWARDS, RECOGNITIONS & ANNOUNCEMENTS**

Ms. Galvin announced the Planning Commission awards.

Mr. Signer announced the Big Read and read a proclamation. Ms. Krista Farrell was present to accept.

Mr. Bellamy read letters recognizing Ms. Celia Thompson and Mr. Charles Barbour.

Mr. Jones recognized Ms. Ruth Hill, Crossing Guard at Clark Elementary School, who was recognized as an outstanding crossing guard for the state of Virginia.

Mr. Fenwick announced that trash and recycling collection will be delayed for one day this week due to inclement weather.

Mr. Bellamy announced the Alliance for Black Male Achievement's second annual Emoji Self-Love Team Symposium at the Jefferson School on February 20. The Female Power Initiative will be meeting the third Sunday of every month at 3:00 p.m. in CitySpace. Also, on Saturday, April 30, the City will have a re-entry resource fair, which is free and open to the public. Go to [www.charlottesville.org/jobcenter](http://www.charlottesville.org/jobcenter) to register.

Mr. Signer announced he held his first open office hours on February 3. The next one is Thursday, March 3 from 12-1pm in the Mayor's Office at City Hall. He announced he will be meeting with the Landmark owners next week and asked citizens to send their input to [msigner@charlottesville.org](mailto:msigner@charlottesville.org).

Mr. Bellamy announced the Cville Repair Café on March 5 at the IX Events Hall.

## **CITY MANAGER'S RESPONSE**

Mr. Jones responded to concerns from the February 1, 2016 meeting. Some of the notices given out in the aftermath of the snow storm were outdated; all of the old notices have been removed from circulation and replaced with new notices that reflect accurately the ramifications of failing to remove snow from the sidewalk. He clarified that residents do not face jail time. Also, staff is developing a detailed update to Council on the after-action snow removal report from Mr. Stewart. Staff is updating their Standard Operating Procedures for speeding on Locust. The Center for Women, which Pastor Emery brought forward, has yet to begin the regulatory process. Region 10 will move through the planning process on the center, and preliminary conversations are in progress. He asked Mr. Brown to comment on abstention from voting per Roberts Rules. Mr. Brown said the reason that a voting member elects to abstain should be included in the minutes for the meeting.

## **MATTERS BY THE PUBLIC**

Mr. Signer read the guidelines for Matters by the Public.

Mr. Peter Kleeman, 407 Hedge St., said Council's proposed policy did not invite the public to comment. The public should get a summary of the comments leading to the proposal. Deferring comments until after a decision has been made is not a good strategy.

Ms. Lena Seville, 808 Altavista Ave., said the number of slots for public comment should be expanded. Waiting until the end of the evening means people cannot speak once votes are taken, and they would be forced to walk home alone late at night. Public comment at work sessions are important. Usually the last 10 minutes are devoted to it, and it is an important opportunity to bring up something that may be missing from the process. Just because people are

quiet does not mean there is agreement. She asked if the police cameras on the downtown mall are audio or just video; video helps solve crimes. She asked if there will be a policy for activating the cameras

Mr. Paul Long, 1410 Grady Ave., said he is strongly opposed to the suggestions for changing how Council conducts its meetings. Limiting comments to three minutes is anti-democratic. Roberts Rules of Order are too strict and formal. The proposal to allow the public to sign up to speak by e-mail or telephone is an effort to filter who is speaking at the meeting. He said 24 people should be allowed to speak, and the meeting should start earlier to accommodate it. Councilors should be ready to engage the public.

Ms. Rebecca Quinn, 104 4<sup>th</sup> St., said she appreciates the City Manager's feedback. The City Attorney did not address her question of whether a Councilor must ask the Mayor's permission in order to abstain from a vote. She said the suggested changes will restrict public input, and Councilors should not restrict their ability to speak. She asked Council to postpone a decision until after a public discussion has taken place.

Ms. Emily Dreyfus, Community Organizer with Legal Aid Justice Center and a member of PHAR, said there has been a lot of work on the school-to-prison pipeline. She said she is particularly concerned about cutting the broadcast of interruptions at meetings. The public at home deserves to hear what is taking place.

Mr. Jeffery Fogel said it is sad that you are spending a dime on Council procedures, when we face larger problems with poverty and income disparity. He said Council does not believe in robust debate. The First Amendment is applicable in this setting. You should not control who anyone is speaking to, or campaigning, or using vulgar language. The First Amendment allows defamatory attacks on individuals or groups to happen. Banning people from meetings is a slippery slope.

Mr. Trevor Shealy, 14<sup>th</sup> St., and Gunner Sturman, University Cir., thanked Councilor Fenwick for supporting the University of Virginia in his attendance at several public forums. They are co-chairs for community outreach for The Big Event at UVA, which Madison House is bringing to Charlottesville for the second year in a row. Students will serve local organizations on Saturday, April 9, 2106 from 9:00 a.m. – 1:00 p.m. Residents may submit a variety of requests, as well as non-profits in the community that have needs they are not able to fulfill. Job requests will be accepted until February 29, 2016. Go to [Madisonhouse.org/thebigevent](http://Madisonhouse.org/thebigevent) for more information.

Mr. John Heyden, Westwood Rd., said the City and the media does not report suspect descriptions, and we now know that some of those if not all were committed by those on trial for murder. A liberal agenda in the media and the City propels resentment. He asked Mr. Bellamy for specific examples of systemic racism. He said public comment has been working fine for 20 years and does not need to be changed. He said Council uses their authority to allow some to break the rules while denying others the same privilege.

Mr. Louis Shultz, 1809 E. Market St., said Mr. Bellamy has refused to answer his questions about Council obeying the law. He asked questions about the mayor and vice mayor's terms, when Council meetings are required to be held, said the City Manager's employment contract is supposed to be without definite term per state law, and said Charlottesville cannot modify their charter, which proscribes when elections are held.

## **COUNCIL RESPONSE**

Mr. Fenwick said Council Policies are an issue because of freedom of speech.

Ms. Szakos thanked Mr. Sturman and Mr. Shealy for announcing their event and asked if they could help with trash pick-up around the City and along the railroad tracks.

Mr. Bellamy left his card for Mr. Heyden and invited him to meet.

## **CONSENT AGENDA**

Ms. Szakos said she wants to look at the continued closing of Water St. and request that the City open the street or impose a fee to continue to have it closed if it must be. Ms. Galvin seconded the concern. Mr. Bellamy said he supports this as well. Mr. Jones said that in order to allow the street to open with the construction taking place there now, it would have to be one way. Mr. Fenwick and Mr. Signer said they support opening the street as well. Mr. Jones said staff will come back to Council with more detail on how that can be handled.

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

### **a. Minutes for February 1**

**b. APPROPRIATION: ALBEMARLE COUNTY REIMBURSEMENT FOR THE PRESTON-MORRIS BUILDING ENVELOPE RESTORATION PROJECT – \$34,378.08 (2nd reading)**

**c. APPROPRIATION: STATE ASSISTANCE AND CITIZEN DONATION FOR SPAY AND NEUTER PROGRAM AT S.P.C.A. - \$1,001.64 (2nd reading)**

**d. APPROPRIATION: DEPARTMENT OF CRIMINAL JUSTICE SERVICES (D.C.J.S.) BYRNE SPECIAL FUND GRANT – \$9,990 (carried)**

**e. APPROPRIATION: DONATIONS TO FIRE DEPARTMENT FOR TRAINING AND SAFETY INITIATIVES – \$1,350 (carried)**

**f. APPROPRIATION: PROFFER PAYMENT FOR DGIF-DIRECTED STREAM PROJECT ON MOORES CREEK – \$10,000 (carried)**

**g. RESOLUTION: DONATION TO SUPPORT DGIF-DIRECTED STREAM PROJECT ON MOORES CREEK – \$10,000**

**h. RESOLUTION: ACCEPT WATER STREET EXTENDED INTO CITY STREET SYSTEM**

**i. ORDINANCE: TING FIBER, INC. TELECOMMUNICATIONS FRANCHISE RENEWAL (carried)**

**BOARDS & COMMISSIONS APPOINTMENTS**

On motion by Ms. Galvin, seconded by Ms. Szakos, Ms. Christine Appert was appointed to the JAUNT BOD. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

**COUNCIL PROCEDURES**

Mr. Signer presented the proposed procedures. These rules are intended to be a model for deliberation. The length of meetings creates access problems for both home viewing audience and the attendees; the current process can risk free speech because it is intimidating and limits those who cannot come to wait for an hour before the meeting; disruption and acrimony has undermined interest in the process from potential meeting attendees. These procedures have been created in concert with staff and mayors around Virginia, and they were discussed at an open work session. This provides written procedures readily available on the website and increased transparency for the public. Council seeks to more closely follow Roberts Rules of Order in order to encourage minority voices to be heard. This Council has historically limited comments among Councilors, and this is a return to past practices.

Ms. Galvin made a motion to adopt the resolution regarding City Council Meeting Procedures. Mr. Bellamy seconded the motion.

Ms. Galvin said she supports the change in Council procedures. The selection process for Matters by the Public is a pilot, and while it has caused concern, she said she believes this will increase the public's opportunity to participate. Focusing Council's comments allows us time to focus on the agenda, and it also provides more time for the press to cover important Council decisions. She asked Council for feedback on ordering audio or visual equipment temporarily turned off. Also, she clarified that work sessions do not have the same time limitations on Councilors as the regular meetings.

Ms. Szakos offered minor grammatical corrections. She said the majority of Councilors think we should go by Robert's Rules, and she does not entirely agree with it, but she has long wanted procedures to be formalized and does not think this is a bad thing. She clarified that Public Comment will happen before all City Council meetings. There is a real concern that when things happen later than 11:00 p.m., it hardly constitutes an open meeting.

Mr. Bellamy said regarding shutting down audio and visual, he feels that is important. We need to make sure we are setting a model for deliberation. There are impressionable young people watching us, and we should show them a good example.

Mr. Fenwick said this policy abridges freedom of speech. He moved an amendment to the motion on the floor to start the Council Meeting at 5:30 with Matters by the Public; start the regular meeting at 6:00, with no new business after 9:30 except final comments; removing section i, paragraphs 1, 2, 3, and 4; removing section d(9) regarding repetitious testimony; removing section f, paragraph 2(b) and section f, paragraph 2(d). He said there is a balance between a quicker meeting and free speech.

Ms. Galvin did not accept the amendments.

Ms. Szakos offered a second to Mr. Fenwick's proposal for removing section d(9) – regarding repetitious testimony.

Mr. Bellamy asked Mr. Fenwick specifically about limiting free speech if someone were to be called a racial slur. Mr. Fenwick said this is an exception, because that would be considered fighting words.

Mr. Fenwick said “When presenting their individual opinions and positions, Council members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do” proscribes the words he must use in public. This document has had no public input. We should not sacrifice freedom of speech for efficiency. Section D(3) should be removed, because there should be no prohibition on Councilors exercising free speech.

Ms. Galvin accepted the amendment to remove section D(9). Mr. Signer and Mr. Bellamy also supported the removal.

Ms. Galvin requested that constraints on time in section F. 1(b) and 2(a) be modified to say, “in general, with the exception of work sessions.” Council approved this modification.

Mr. Signer called for a vote; the resolution passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Signer; Noes: Mr. Fenwick.)

Council recessed at 8:53 p.m. and returned at 9:05 p.m.

## **MATTERS BY THE PUBLIC SELECTION PROCEDURE**

Mr. Bellamy presented the proposal and the random selection process. He explained how this proposal is intended to expand access to Matters by the Public and reiterated that this is a six-month pilot. Council may open the matter up for discussion and hold a public hearing at the conclusion of the pilot.

Mr. Bellamy made a motion to pass the resolution; Ms. Galvin seconded the motion.

Ms. Galvin asked for an amendment to clarify that this applies only to the regular meeting. Mr. Signer clarified that this applies to “Matters by the Public” at the beginning of the meetings and does not need further clarification.

Mr. Fenwick said there should be a problem that we are trying to solve if we are going through this work. This seems to be change for the sake of change, which is not efficient. This is a public policy, not a Council policy.

Mr. Signer said this addresses the question of what to do if there are more than 12 people who want to speak at the beginning of the meeting in a fair manner. He will encourage people who do not normally come to speak to sign up under this new procedure. He reiterated that it is a pilot.

Ms. Szakos said she had trouble with this piece, but she is comfortable with the six month trial, especially because we have expanded the number of ways people can communicate with Council over the years. She said the people who come all the time are clearly comfortable with the current system, and she hopes this reaches a new group of people who are not currently comfortable coming.

Ms. Galvin said she hopes this opens up a new arena for people who want to come and deliver comments. This creates a broader source for people to come sign up. She supports this and is pleased with the six month evaluation plan.

Mr. Signer called for a vote; the resolution passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Signer; Noes: Mr. Fenwick.)

**ORDINANCE: ENCROACHMENT ON RIDGE/McINTIRE** (carried)

Mr. Brown presented to Council and asked clarifying questions.

Ms. Szakos asked if there is a consequence for building outside of your property, other than removal. Mr. Brown said a City can adopt an ordinance providing for penalties, but there are none currently in place.

Ms. Valerie Long, with Williams Mullen, spoke on behalf of the owner and developer of the Residence Inn at 315 W. Main St., Mr. Charles Wendell, and Mr. Trent Lawhorne. The total area in question is 2.81 square feet, and the build-to lot line provided very little room for error. Ms. Long pointed out that as part of working with NDS staff on the site plan, the owner and developer granted an easement to the City back in 2013 for 607 square feet along W. Main Street for a pedestrian sidewalk. The zoning on the property had been changed prior to her client developing the property, and as a result, there was a \$300,000 proffer made for affordable housing, which her client inherited.

On motion, the public hearing was opened. Having no speakers, the public hearing was closed.

Mr. Signer asked about disincentives for when such mistakes happen. Mr. Brown said we can research this. Mr. Bellamy asked if a fine could be implemented, with funds directed towards the Vinegar Hill memorial. Mr. Brown said Council does not currently have an ordinance in place allowing for such a donation.

Mr. Charlie Wendell, the developer on the project, said he agrees in theory that a disincentive may be established. He suggested that a survey could be conducted with the City in conjunction with the foundation before it is poured on future projects.

Mr. Bellamy said you cannot give a pass to one project and not all others based on the claim of an honest mistake. Ms. Galvin said we do not have the authority to exact a penalty, but moving forward we can direct staff to examine this option. This would build fairness into the process, and we should not exact conditions no one knew about until tonight.

Mr. Bellamy asked the developer if they would be willing to make a donation towards the Vinegar Hill monument. Mr. Wendell said they strive to be good partners and will do whatever the Council directs. Ms. Szakos said Council cannot direct them to make a donation, but if they feel compelled they should feel free to do so.

Ms. Szakos made a motion to approve the ordinance. She also said she would like staff to look at an ordinance assessing penalties on this sort of thing going forward.

Ms. Galvin seconded the motion. The motion carried.

Mr. Wendell said he would like to give a \$500 donation to the Vinegar Hill monument fund.

Mr. Bellamy asked staff to provide Council with a timeline for when they can create an ordinance to address a situation like this.

Ms. Galvin moved that Council direct staff to develop an ordinance that grants NDS staff authority to assess a monetary charge for encroaching on the public right of way and calculates a penalty based on assessed value. Ms. Szakos seconded the motion. Mr. Fenwick asked to include extra costs associated for the assessment of the fine. The vote passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

**ORDINANCE: CONVEYANCE OF CITY-OWNED LAND AT 820 HILLCREST ROAD AND BIRDWOOD LANE TO COVENANT SCHOOL**

- Authorizing Conveyance of City-owned Land on Hillcrest Road to Covenant School (1<sup>st</sup> of 2 readings)
- Closing, Vacating and Discontinuing Birdwood Lane Right of Way (1<sup>st</sup> of 2 readings)

Ms. Janiczek presented to Council.



On motion, the public hearing was opened. Having no speakers, the public hearing was closed.

Ms. Szakos moved the ordinance authorizing conveyance of City-owned land on Hillcrest Road to Covenant School and the ordinance closing, vacating and discontinuing Birdwood Lane right-of-way. Ms. Galvin seconded. The motions carried for a second reading.

### **REPORT: DOWNTOWN VIDEO TECHNOLOGY UPDATE AND IMPLEMENTATION OF BODY-WORN CAMERAS**

Chief Tim Longo, and Det. Blaine Cosgrove, with the Charlottesville Police Department (CPD), presented to Council. Chief Longo gave an overview of the history of the research CPD has done on the downtown video surveillance cameras. Chief Longo and Det. Cosgrove answered clarifying questions for Councilors.

Chief Longo emphasized that cameras will not be monitored on a routine basis; rather, they will be used as part of investigations to solve a crime after it occurs. In response to an inquiry from Mr. Signer, Chief Longo said relying on private agreements may be problematic due to access issues and quality of the images.

Ms. Szakos asked what the next step is. Chief Longo said the CPD can work with the Purchasing Department to develop an RFP.

Ms. Signer asked if there is any interest to develop option 4 further, to “Access privately owned cameras”. Ms. Szakos said she did not support this in the past for a number of reasons, but the more reasonable \$75,000 price tag makes her more comfortable supporting this initiative and Option 2. Ms. Galvin agreed with Option 2, as did Mr. Bellamy and Mr. Fenwick.

Chief Longo presented Council with an update on body-worn cameras. Mr. Bellamy asked who will be reviewing the data. Chief Longo said there will be an Administrative Lieutenant responsible for administering and managing the system, according to a policy.

### **REPORT: SIA IMPLEMENTATION UPDATE**

Mr. Ikefuna presented an update to Council on the progression of the Strategic Investment Area Plan and answered clarifying questions for Council.

Ms. Galvin moved that Council direct staff to develop an “action plan” for SIA implementation by March 7, 2016 for Council discussion and final adoption on March 21, 2016, modeled after Councilor Galvin’s 2/16/16 “Action Plan Framework”, and inclusive of NDS staff’s five recommended measures (as listed in the February 16, 2016 staff memo) and City Council’s comments from 2/16/16:

1. Convene quarterly meetings of the Implementation Team to discuss potential projects for implementation, funding mechanism, projects’ status and challenges and coordination.

2. Develop structured way of tracking and reporting implementation activities.
3. Require partners that are implementing projects that are partially or fully funded by the City to submit, as part of their annual reports, beneficiary information to include socioeconomic data.
4. Engage the community in the implementation process.
5. Support the effort to strengthen and enhance the capacity of the Charlottesville Redevelopment and Housing Authority (CRHA) to act as a major partner in the implementation of the Strategic Investment Area plan.

Mr. Bellamy seconded the motion.

Ms. Szakos asked staff if March 21 is a realistic date to come back with an action plan. Mr. Jones said this is better to come back for discussion on March 21, with a second reading at the first meeting in April.

Ms. Galvin acknowledged Ms. Rachel Lloyd, who worked on this project as a PLACE Design Task Force member.

A vote was called; the motion passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

## **MATTERS BY THE PUBLIC**

Mr. Jon Bright, 109 Altamont Cir., Pres. Of Downtown, and Merchants on the Mall, appreciated Council's unanimous support for cameras on the Downtown Mall. He said they would love to start the BID process again with Council's direction and support.

Mr. Ludwig Kuttner encouraged public/private cooperation on the cameras. He said the approved system costs \$75,000 but will also incur \$140,000 in maintenance costs over the next 10 years, which is outrageous. It should be much cheaper, and the downtown merchants can help.

Ms. Nancy Carpenter, Henry Ave., said there are holes in Council's process. Citizens with hearing and sight challenges may not have access to this process. The policy does not spell out how the trial for public comment will affect those in the City. The Human Rights Commission should take a look at this to make sure it does not adversely affect the disadvantaged.

Ms. Rebecca Quinn, 104 4<sup>th</sup> St., said the proposed policy about encroachments treads on selling public property and may be dangerous. She asked Councilors to clearly explain the idea about which meeting is the "Business Meeting" versus the "Working Meeting", because this is confusing. She is concerned that it is one person's decision to hit a kill switch for audio and video.

Mr. Brandon Collins, 418 Fairway Ave., said he is a fan of Robert's Rules, but he does not know them as well as he should. Trying to navigate the process seemed clunky and silly. Good ideas can get shut out, and you should be consistent on the use of the rules. Work towards

a consensus, and use Robert's Rules when you have problems. A strict process is not healthy for the City. The police department said they would never monitor cameras on the downtown mall live, and now they said maybe occasionally, so this is a slippery slope. The Housing Authority is an important piece of the SIA Plan, and residents of public housing would like to reengage on this process.

## **COUNCIL RESPONSE**

Ms. Szakos clarified that if someone uses the phone to request a speaking slot, they will be given a response via phone as well.

The meeting adjourned at 11:05 p.m.