

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, March 7, 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 – March 7, 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, Ms. Galvin, Mr. Fenwick, Mr. Signer; Noes: None), to meet in closed session for discussion and consideration of candidates for appointment to City boards and commissions, as authorized by Virginia Code sec. 2.2-3711 (A) (1).

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 – March 7, 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. Szakos read a proclamation recognizing American Red Cross Month. Ms. Emily Pelliccia and Mr. Bill Brent were present to accept.

Ms. Szakos announced the budget work sessions and public meetings coming up. The community budget forum is March 23 from 7-9pm at CitySpace. More information may be found at www.charlottesville.org/budget.

Ms. Galvin announced the Streets That Work open house on Thursday, March 24 from 7-9pm at CitySpace. Go to www.charlottesville.org/streetsthatwork or call 970-3182 for more information.

The Ragged Mountain Natural Area master planning will take place via a series of public meetings. The next meeting is Tuesday, March 22 from 6-8pm at Trinity Church on Fontaine Avenue.

Ms. Galvin invited Ms. Anne Hemenway forward to introduce the Electoral Board and announce the results of the last election. Ms. Patricia Maruna, and Mr. Jim Nix, members of the Electoral Board, were also present. A record 44.9% voted at the primaries this past Tuesday, and twice as many are expected for the presidential election. Volunteers are needed; go to the Registrar's Office on the City's website for more information.

Mr. Bellamy announced that WVPT is celebrating Arthur's 20th Anniversary as part of the Festival of the Book. He read a proclamation in honor of the event on Saturday, March 19 at 9:30 a.m. at the Paramount Theater. Ms. Anne Jolly accepted the proclamation and invited everyone to attend.

Mr. Alex Zan is holding a "My Help List" contest from Monday, March 14 through Friday, April 22. Drop off or mail all entries to: Carver Recreation Center c/o "My Help List", 233 4th Street NW, Charlottesville, VA 22903.

Mr. Fenwick announced the 4th annual "Fix a Leak" campaign and annual family 5k at 10:00 a.m. on March 20. He warned against internet scams and said citizens should report them to the police. He congratulated the City's wheelchair basketball team on a successful season. He asked drivers to be alert to traffic patterns during the upcoming Market Plaza construction. He said speeding through neighborhoods is being tracked; please use caution driving through neighborhoods.

Mr. Signer read a proclamation for the Virginia Festival of the Book. Ms. Jane Kulow was present to accept.

Mr. Signer announced the GFOA awarded the City Distinguished Budget for FY2016. Ms. Beauregard was present to accept on behalf of the City.

BOARDS AND COMMISSIONS

On motion by Mr. Fenwick, seconded by Ms. Szakos, the following appointments were made to Boards and Commissions: to the BAR, Stephen Ballut, Emma Earnst, Melanie Miller and Justin Sarafin; to the Planning Commission, Corey Claiborne. (Ayes: Mr. Bellamy, Ms. Szakos, Ms. Galvin, Mr. Fenwick, Mr. Signer; Noes: None.)

MATTERS BY THE PUBLIC

Ms. Kim Rolla, 1206 Greenway Rd., attorney at LAJC (Legal Aid Justice Center), asked Council to fully fund the center.

Mr. William Stevens, 209 2nd St. NW, said noise at Common House will affect residents of the McGuffy Hill condos. He asked for prohibition on time cut-offs for noise and said valet parking is ill-advised.

Ms. Nancy Carpenter said she supports restoring funding for LAJC. She said March is Women's History Month. The Resource Fair for Reentry flier is missing a female face.

Mr. Page Hill conceded his time to Allan Cadgene, 530 E. Main St., Manager of Union Station Partners at the Amtrak Station. He said there is a lack of consideration for historic preservation in the West Main ordinance. He asked that Council allow transferrable development rights.

Mr. Louis Shultz, 1809 E. Market St., said Mr. Bellamy has not responded to his questions about the legality of the mayor and vice mayor terms, time of Council meetings, the City Manager's employment contract terms, and timing of Council elections.

Mr. Scott Peyton, 900 West Main St., said he is a Charlottesville native and grew up on West Main Street. He said he is mindful that this is a down zoning, but it is important to make the right decision for the corridor.

Mr. Morgan Butler, Southern Environmental Law Center, encouraged Council to adopt the West Main ordinance to preserve its character.

Ms. Lena Seville, Altavista Ave., encouraged Council to adopt setbacks for West Main.

Mr. David Zahl, 1833 Fendall Ave., staff member at Christ Episcopal Church, said he supports the Common House project and encouraged Council to approve the SUP application.

Mr. Peter Kleeman, 407 Hedge St., said he is disappointed that people who signed up to speak on items that will be voted on tonight will not get to speak before a vote is taken. Using resolutions as the basis for governing the City is not how to exercise enforcement; this should be done as an ordinance. A public hearing should be held on the Council Policies discussion.

Ms. Angela Ciolfi, 805 Nalle St., Legal Director of Just Children at LAJC, asked Council to fully fund Legal Aid's requested amount. Ms. Shelly Bryant, 912 Rockcreek Rd., shared how the Just Children program helped her family.

Mr. Bill Emory, 1604 E Market St., asked that Council approve the West Main zoning amendment ordinance without substantive change. Also, item o on the consent agenda is a proposed franchise agreement ordinance. Ting is given permission to trim tree branches, but they do not threaten fiber optic cable infrastructure. Please consider removing this clause from the agreement.

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

Mr. Bellamy asked if Council can discuss removing language for Ting.

Ms. Galvin asked for a follow-up to Ms. Carpenter's promotion of the re-entry summit and whether the publication could be modified.

Ms. Szakos thanked Mr. Kleeman for sharing his thoughts about Council's process and said Council will revisit the speaker pilot in six months and consider a list of observations at that point.

Mr. Fenwick asked Mr. Brown to look into whether or not Mr. Kleeman's claim that an ordinance is required, not a resolution.

Mr. Fenwick made a motion that Council be free to respond to whatever they choose. Mr. Signer said this may be brought up as a motion under Other Business at the end of the meeting.

Mr. Jones updated Council on speeding along Locust Ave. Staff is working on modifying their Standard Operating Procedures to make speeding a violation that would result in disciplinary action. Regarding Mr. Heyden's claim of a lack of identification of the race of suspects, he confirmed that the City's Police Department provides racial identifiers if they are available, along with photos.

Mr. Signer reviewed the new time limits for agenda items.

CONSENT AGENDA

Ms. Szakos removed item b regarding the NEA Grant item from the agenda for discussion. Mr. Bellamy seconded.

Mr. Bellamy removed item o regarding the Ting franchise agreement; Ms. Szakos seconded.

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

a. Minutes for February 16

b. APPROPRIATION: National Endowment for the Arts (N.E.A.) Our Town Grant - "Play the City" - \$30,000 Match (2nd reading)

National Endowment for the Arts (N.E.A.) Our Town Grant - "Play the City" - \$30,000 Match

c. APPROPRIATION: Department of Criminal Justice Services (D.C.J.S.) Byrne Special Fund Grant - \$9,990 (2nd reading)

Department of Criminal Justice Services (D.C.J.S.) Byrne Special Fund Grant - \$9,990

- d. **APPROPRIATION: Donations to Fire Department for Training and Safety Initiatives - \$1,350 (2nd reading)**

Donations to Fire Department

- e. **APPROPRIATION: Proffer Payment for DGIF-Directed Stream Project on Moores Creek - \$10,000 (2nd reading)**

Proffer Payment for DGIF-Directed Stream Project

- f. **APPROPRIATION: Funds from C.A.T.E.C. to the C.A.T.E.C. - I.T. Networking Academy Project - \$10,000 (carried)**

Funds from C.A.T.E.C. to the C.A.T.E.C. - I.T. Networking Academy Project

- g. **APPROPRIATION: Department of Conservation and Recreation Trail Grant - \$175,000 (carried)**

Department of Conservation and Recreation Trail Grant

- h. **APPROPRIATION: Piedmont Workforce Network Incumbent Worker Training Matching Grant - \$3,010 (carried)**

Piedmont Workforce Network Incumbent Worker Training Matching Grant

- i. **RESOLUTION: Approval of tenant improvements at the Virginia Discovery Museum**

Approval of tenant improvements at the Virginia Discovery Museum

- j. **RESOLUTION: Tax Payment Refund to St. Anne's Belfield School - \$34,216.20**

Tax Payment Refund to St. Anne's Belfield School

- k. **RESOLUTION: Request to VDOT for street maintenance funding**

Request to VDOT for street maintenance funding

- l. **ORDINANCE: Easement to Cure Encroachment - Inn at Vinegar Hill Hotel (2nd reading)**

Easement to Cure Encroachment - Inn at Vinegar Hill Hotel

- m. **ORDINANCE: Authorizing Conveyance of City-owned Land on Hillcrest Road to Covenant School (2nd reading)**

Authorizing Conveyance of City-owned Land on Hillcrest Road to Covenant School

- n. **ORDINANCE: Closing, Vacating and Discontinuing Birdwood Lane Right of Way (2nd reading)**

- o. **ORDINANCE: Ting Fiber, Inc. Telecommunications Franchise Renewal (2nd reading)**

Ting Fiber, Inc. Telecommunications Franchise Renewal

REPORT: SCHOOL BOARD'S ADOPTED FY 2017 BUDGET

Ms. Amy Laufer, School Board Chair and Ms. Tina Powell, Finance Director, presented to Council.

Ms. Szakos said this was a helpful presentation visually.

Ms. Galvin asked about total increase for the budget over the past few years. Ms. Kim said it is usually closer to 5%. Ms. Laufer said this is to remain competitive with teacher salaries.

Mr. Fenwick asked how often City schools lose teachers to other localities. Ms. Kim said we have good teachers coming into our system. Mr. Fenwick asked if there is monetary incentive offered for teachers who are thinking of leaving. Ms. Lauer said there is no incentive-based pay. Ms. Kim said we have an 89-90% teacher retention rate.

Ms. Szakos clarified that we will have the opportunity to discuss this at future meetings.

Mr. Bellamy said we are doing very well, and we are striving to do better.

REPORT: CITY MANAGER'S PROPOSED FY 2017 BUDGET

City Manager's Proposed FY 2017 Budget

Mr. Maurice Jones presented the FY 2017 budget to Council.

Mr. Fenwick asked if there is anything for Landmark in the budget. Mr. Jones said there is not. He asked how many ABRT requests were received this year. Mr. Jones said staff will get back to Council with the exact number. Mr. Fenwick asked if public input would be permitted at the work sessions; Mr. Jones said time would be reserved at the end for public comment.

Council took a recess at 8:56 p.m. and reconvened at 9:05 p.m.

PUBLIC HEARING/RESOLUTIONS:
CDBG ANNUAL ACTION PLAN AND HOME FUNDS AMENDMENT TO THE
15-16 CDBG AND HOME ANNUAL ACTION PLAN
REPROGRAMMING OF HOME FUNDS
REPROGRAMMING OF CDBG FUNDS

CDBG Annual Action Plan and HOME Funds

Ms. Tierra Howard presented to Council and answered clarifying questions for Council.

Mr. Signer opened the public hearing. Having no speakers, the public hearing was closed.

Ms. Szakos moved to accept the CDBG Annual Action Plan and HOME Fund amendment reprogramming HOME and CDBG as presented, and adopt the recommendations of CDBG and HOME and amendments as presented. Mr. Bellamy seconded. All three resolutions passed. (Ayes: Mr. Bellamy, Ms. Szakos, Ms. Galvin, Mr. Fenwick, Mr. Signer; Noes: None.)

ORDINANCE: WEST MAIN STREET MIXED USE CORRIDORS
AMENDMENT (carried)

West Main Street Mixed Use Corridors Amendment

Ms. Carrie Rainey presented to Council and reviewed staff recommendations, including amendments to the proposed ordinance.

Ms. Szakos made a motion that City Council adopt the Proposed West Main Street Mixed-Use Corridors Ordinance zoning text amendments recommended by the Planning Commission, including staff-suggested edits, with the following modifications:

Article 1 (Administration), item “i” is amended to read: The property having an address of 100 Ridge Street, identified on City Tax Map 28 as Parcel 93, and currently zoned “West Main South Corridor”, shall be classified as Water Street District Corridor” (instead of as “WME”);

In Section 34-618 item (a) (1), and in Section 34-638. (a) (1) – Streetwall regulations – the minimum building setback from the primary street frontage shall be 10 feet instead of 15 feet;

Section 34-621 and Section 34-641. – Density, instead of reading “Residential density shall not exceed forty-three (43) DUA; however, up to two hundred (200) DUA may be allowed by special use permit,” will read “Residential density shall not exceed 200 dwelling units per acre” and the SUP provision for density will be removed; and

In the Section beginning: “And be it further ordained”, add language to read: “that, effective on adoption of this Ordinance, the City’s Board of Architectural Review is directed to review the City’s Design Guidelines, in coordination with other city regulatory review and advisory bodies, and to report back to City Council with any proposed revisions or updates that may be necessary or desirable as a result of the zoning text and zoning map amendments that

have been approved herein”, omitting reference to the Tree Commission, but assuming its participation as an advisory body.

Ms. Galvin seconded the motion.

Mr. Bellamy asked how long this would prolong the process. Ms. Szakos said this is for consulting purposes and is not intended to cause delay.

Ms. Galvin moved to amend the motion regarding street wall regulations to say 10 feet instead of 5 feet.

Ms. Szakos said she thinks 5 feet is appropriate rather than 10 feet because set backs are advised for sidewalks, trees, and generally more room and helps to encourage preservation of existing buildings, but 10 is more than she would be comfortable with because it causes the sidewalk to become undefined. It would create less of a distinction between buildings with a set back and those on the street level.

Ms. Galvin said a 10 foot set-back is in keeping with the genesis of the change on the West Main improvement plan. It was PLACE's recommendation that gave rise to what we are looking at today, and this follows their 2013 report recommendations. This will provide ample space for outside dining and other activities.

Mr. Brown clarified that a second would be required before engaging in debate.

Mr. Bellamy seconded Ms. Galvin's amendment.

Mr. Fenwick said having a decent setback makes an important difference for bikes, pedestrians, and trees.

Mr. Bellamy said we should adhere to what the consultants suggested, and he supports 10 feet.

Ms. Szakos accepted the amendment to a 10-foot setback.

A vote was called on the amendment and passed unanimously.

Mr. Signer said he admires investments and good projects that have been done in the past. He heard more about height on West Main Street than any other issue while running for Council. He has heard a lot of support for this, and there would be a high bar for overruling the Planning Commission. Ms. Szakos' amendment provides an increase in development rights in the density area, and that is a compromise. He said he supports this.

Ms. Szakos said her density amendment simplifies the development process and makes our preference for affordability clear.

Mr. Fenwick said if we go up to 200 by-right, that is what we are going to get from every new building. He asked if there is a parking requirement. Ms. Rainey said the requirement is generally one space per dwelling unit, or two spaces for a four-bedroom unit. Mr. Fenwick said an additional parking structure will be needed, maybe more, due to incredible density in that area, which is his concern.

Ms. Szakos said eliminating the SUP provision will eliminate people from coming back and asking for larger buildings and will keep heights reasonable.

Ms. Galvin said the new zoning amendment allows the developer to build more on that footprint. This will be a vibrant, urban area. This will make for a more efficient process and will allow smaller developers to get into the game, leading to diversity of built form.

Mr. Bellamy said he is in favor of adding 100 Water St. to the area. We need to look at alternative ways of development and redevelopment if we want to be a vibrant, attractive city. West Main will also be a revenue generator and will provide job creation.

Mr. Fenwick said Williamsburg does not discuss density. We need to protect the City's character. We should not bring consultants in to tell us what to do, but we should tell them what we want. We have other areas in the City with development potential.

The motion carried for a second reading.

RESOLUTION: SUP at 206 Market. Street - Common House

SUP at 206 Market. Street - Common House

Mr. Brian Haluska presented to Council. He provided clarification on the sound limits.

Mr. Ben Pfinsgraff presented on behalf of his partners, Derek Sieg and Josh Rogers.

Ms. Szakos said she supports this project but is concerned about the nighttime noise. She asked if they would consider accepting offering an earlier time on week nights or some modification of the hours. Mr. Pfinsgraff said he reached out to McGuffy condos residents. He said he and his partners have accepted additional restrictions regarding noise with the SUP. Ms. Szakos proposed 70 instead of 75 decibels; she is concerned about the conditions attached to the building and is not questioning the goodwill of the applicant. She withdrew her proposal when Mr. Haluska explained that sound is measured 10 feet from the source of the noise.

Mr. Bellamy asked what they are doing to ensure diverse membership. Mr. Pfinsgraff said they have built a good foundation and intend to be reflective of the City's diverse community. He invited dialogue with Mr. Bellamy and others to ensure a diverse membership.

Ms. Galvin moved to adopt the resolution approving the SUP for 206 W. Market Street; Mr. Bellamy seconded.

Ms. Galvin proposed an amendment to stipulate that there shall be no outdoor amplification after 9pm Sunday night through Thursday night. There was no second; the original motion stands.

Mr. Fenwick said we have been through this with Bel Rio, and this will be directly across the street from the McGuffy condos. He said he cannot get past the possible disruption to the residents, many of whom are elderly and senior citizens.

Mr. Bellamy moved for five more minutes of discussion; Ms. Galvin seconded.

Mr. Bellamy said we should understand the concerns of our constituents, but we have to think about both sides of our population even if they are not as vocal.

Ms. Szakos said she withdrew her concern about the noise, because decibels are measured at the source, not the property line, which is a huge difference, and Belmont was a quiet, residential neighborhood, which this area is not. The condos at McGuffy were built after this zoning was in place. This is an appropriate use for the property.

Ms. Galvin said she supports this project because of how they are measuring noise. Also, this building is in a critical moment in its life span. It needs to be owned and taken care of. There are more restrictions on this building than any other entertainment venue downtown, so we are getting the best of both worlds.

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

OTHER BUSINESS

APPROPRIATION: National Endowment for the Arts (N.E.A.) Our Town Grant - "Play the City" - \$30,000 Match (2nd reading)

Ms. Szakos said she has concerns about how the use of the grant money will further community outreach. Ms. Howard said staff reviewed the proposed expenditures and felt that the use was appropriate. Council directed the grant recipient to provide a detailed report of how the monies used are being directed towards community outreach. The appropriation passed. (Ayes: Mr. Bellamy, Ms. Szakos, Ms. Galvin, Mr. Fenwick, Mr. Signer; Noes: None.)

ORDINANCE: Ting Fiber, Inc. Telecommunications Franchise Renewal (2nd of 2 readings)

Mr. Bellay asked Mr. Brown if the Ting franchise agreement could be modified to address trees. Mr. Brown said this standard franchise agreement language, and it would not be practical to change the language. However, Ting has been a good partner and will work with the City should the issue of tree preservation arise. The ordinance passed. (Ayes: Mr. Bellamy, Ms. Szakos, Ms. Galvin, Mr. Fenwick, Mr. Signer; Noes: None.)

OTHER BUSINESS - CRHA Meetings

Mr. Bellamy asked if we can provide food for the CRHA meetings. Mr. Jones asked if staff can look into this and come back to Council with options.

Ms. Galvin said she is concerned that we are drifting into the operations of an independent authority in the midst of a search for an Executive Director, and she would prefer to wait until this person is in place.

Mr. Fenwick said this is common decency towards volunteers, and he does not see a reason we cannot do this.

Mr. Signer asked if this translates into a budget discussion during a work session.

Ms. Szakos said she would feel more comfortable if the CRHA made the request to Council after asking their own staff.

OTHER BUSINESS - Response to Citizens

Mr. Fenwick said it is important for citizens to understand that their elected officials can respond immediately to their inquiries. He asked that Council leave this option open.

Mr. Signer read directly from the Council Procedures, citing that members of Council may be recognized to respond to individual comments. The procedures already embrace what Mr. Fenwick is saying. Mr. Fenwick supported this in the Council work session where these were discussed.

Mr. Fenwick disputed that it was a 5-0 vote for the procedures in the work session.

MATTERS BY THE PUBLIC

Ms. Rhoda Dreyfus, 207 2nd Street NW at McGuffy Condos, said the SUP vote on Common House violated the rules. If this is a for profit business, the ABC rules say they cannot sell mixed drinks.

Mr. Signer asked Mr. Brown to respond. Mr. Brown said Council approved a private club at this location but did not authorize them to provide alcohol to their members. They have to satisfy the state's regulations in order to do so. He said he reads it the same way Ms. Dreyfus does, that if they are for-profit they can still have a private club but cannot serve alcohol.

Ms. Szakos thanked Ms. Dreyfus for sending an email after not receiving a speaking slot.

Meeting adjourned at 10:55 p.m.