

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, March 21, 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 21, 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. Signer, Council voted, (Ayes: Ms. Szakos, Ms. Galvin, Mr. Signer; Noes: None; Absent at time of vote: Mr. Bellamy, Mr. Fenwick), 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) Discussion of the acquisition of real property on or near Meridian Street, Eton Road, Watson Avenue, Grove Road and Azalea Park for public park or trail uses where discussion in an open meeting would adversely affect the City's bargaining position, as authorized by Virginia Code sec. 2.2-3711 (A) (3); and, (3) Consultation with legal counsel pertaining to litigation filed by the Charlottesville Parking Center, Inc., where such consultation in an open meeting would adversely affect the City's litigating posture, as authorized by Virginia Code sec. 2.2-3711 (A) (7).

On motion by Ms. Szakos, seconded by Mr. Fenwick, 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 21, 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

Mr. Signer read a proclamation in recognition of Poison Prevention Week. Ms. Kristen Wenger accepted the proclamation and distributed magnets with the poison hotline number.

Mr. Fenwick announced the Fontaine Fire Station received platinum level from the U.S. Green Building Council. Chief Baxter was present to accept on behalf of the City.

Mr. Fenwick announced the upcoming Community Budget forum and encouraged people to attend.

Mr. Bellamy said March is Women's History Month, and he asked for a round of applause for Councilors Galvin and Szakos, Ms. Rice, and all women who have served on Council.

Mr. Bellamy announced the upcoming Tonsler Splash Pad community meetings. Call 970-3021 for more information, or email ehman@charlottesville.org.

Ms. Szakos announced that composting will start on April 2 this year at the City Market through October.

Ms. Galvin thanked Mr. Bellamy for his recognition. She announced the Streets that Work Open House on Thursday, March 24 from 7-9:00 p.m. at CitySpace, 100 5th St NE. Go to www.charlottesville.org/streetsthatwork for more information, or call 970-3182.

Ms. Galvin announced the Ragged Mountain Natural Area Master Planning meetings continue on Tuesday, March 22 from 6-8:00 p.m. at the Trinity Church on Fontaine Ave.

Mr. Signer reviewed the format of tonight's working meeting.

BOARDS AND COMMISSIONS

On motion by Mr. Bellamy, seconded by Ms. Szakos, the following appointments were made to Boards and Commissions: to the Airport Authority, Don Long; to the Airport Commission, George Benford, Stephanie Phelps; to CEDA, Tara Boyd; to the Historic Resources Committee, Crystal McNeeses; to JAUNT, Jude Jason; to PLACE, Mike Stoneking. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

MATTERS BY THE PUBLIC

Mr. Scott Paisley, 1207 Oak Hill Dr., said Council has received a unanimous recommendation from the Bicycle and Pedestrian Committee to adopt option 1. He conceded the remainder of his time to Mr. Peter Castiglione.

Mr. Peter Castiglione, 1516 Chesapeake St., urged Council to consider parking, sidewalks and utilities as paramount variables that need to be addressed along Main Street.

Ms. Mimi Pohl, 1603 Kenwood Ln., said a sidewalk is needed on Kenwood Lane from Meadowbrook Heights to Yorktown as soon as possible due to high volume of commuter traffic and the number of children residing in this area. They said they were prioritized over Bunker Hill.

Mr. Peter Kleeman, 407 Hedge St., said he believes the public should have been involved in the new Council procedures, and citizens should have the opportunity to help write laws they are expected to follow. He asked Council to hold a public hearing on their new procedures.

Ms. Heather Peck, 760 Lexington Ave., advocated for a living wage plus full health care for City employees. She said many employees who staff the fitness centers are classified as temporary employees and receive no healthcare, retirement, or benefits. She said she would be willing to pay more for her membership to provide a living wage. She asked supporters to stand.

Mr. Brad Worrall, 213 6th St., said he represents the Star Hill neighborhood, which straddles West Main St. with part of the neighborhood on either side. He asked for thoughtful development that considers the unique history of the Star Hill neighborhood. He encouraged dialogue between Council and the neighborhood members.

Mr. Morgan Butler, member of the Southern Environmental Law Center, 201 W. Main St., urged Council to adopt overdue zoning changes for West Main. He said they agree the Midway Manor parcel should be granted the provisions they requested as a bare minimum for any SUP submitted. They recommend striking the provision allowing the Director of NDS or the Planning Commission to waive the limit for appurtenances. He recommended increasing the allowable height from 16 feet to 18 feet and allowing for no waivers.

Mr. Taite Pando, 818 Bellevue Cir., said wider bike lanes will not actually make West Main a safer road for cyclists and will encourage more casual ridership. A mandatory helmet law and better signage promoting road sharing is a better way to address bike safety.

Ms. Meredith Richards, 1621 Trailridge Rd., said the second frequency will not stop in Charlottesville if the City does not commit to improvements at the Amtrak station. Protect the public interest with zoning changes tonight, with a vision that the station be a regional facility. Please examine the revenue sharing between the City and Union Station for parking at Amtrak.

Ms. Dell Erwin, 1721 Arrow Wood Dr., said the Robert E. Lee statue should be removed from Lee Park. She recommended replacing the statue with true heroes as a small token of recognizing grave injustices done to the African American community.

Ms. Jean Hiatt, 1534 Rugby Ave., President of Preservation Piedmont, thanked Council for their support for the West Main zoning amendments. She said the land at 100 Ridge St. has been classified as W. Main St. East, and allowing this property to be transferred to the Water Street district could allow a new building on this site to be as tall as 100 feet. She asked for guidelines to more closely control what can be built at that site.

Mr. John Cruickshank, 324 Parkway St., representing the Piedmont Group of the Sierra Club, said Council committed to reducing or eliminating pesticide use. The Parks and Recreation Department will issue their report on the Integrated Pest Management Program in April. He said additional equipment and staff would be a good investment for the health of the City's residents.

He asked that the City end the use of pesticides in parks and on school property by the end of 2016.

Mr. Page Williams, 530 E. Main St., representing Union Station partners, asked Council to follow the recommendation to have parcel 30-2 be fully included in the West Main West district, as well as parcels 30-2A and 30-2B. He also asked Council to consider the Amtrak site for development purposes.

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

Mr. Fenwick said he agreed with Mr. Kleeman regarding the Council meeting procedures.

Ms. Szakos said she brought up living wage at a recent budget work session, and Council and staff will continue this important conversation.

Mr. Bellamy said it is refreshing to see a full house.

Mr. Jones gave the City Manager's update. Regarding the gender diversity of a reentry flier, he said there were two women on the flier, although not prominently featured, and staff will examine fliers more closely in the future. Staff asked CRHA to come back to Council on the request for providing food at their meetings, and they are discussing this at an upcoming meeting. He invited Mr. Brown to provide background on two issues Mr. Shultz raised. Mr. Schultz said City Manager's contract is inconsistent with state law because it requires employees to be at-will; however the City Manager's contract is indeed at-will and does not have a fixed term of employment. Mr. Schultz alleged that elections were illegally moved from May to November. There is a state statute that allows for elections for City Councilors in May, but a second statute passed in 2000 changed that rule and gave Councils the ability to move their elections to November. The City also adopted an ordinance consistent with state law moving elections to November. Ms. Szakos asked if it was advisable for the City to change the code's language. Mr. Brown said we can ask the General Assembly to do so; it is actually in the City's charter. We are in the process of recodifying the City's code to reflect updates.

1. CONSENT AGENDA

- a. Minutes for March 7**
- b. APPROPRIATION: CATEC to the CATEC-IT Networking Academy Project - \$10,000 (2nd reading)**

CATEC to the CATEC-IT Networking Academy Project

- c. APPROPRIATION: Department of Conservation and Recreation Trail Grant - \$175,000 (2nd reading)**

Department of Conservation and Recreation Trail Grant

- d. **APPROPRIATION: Piedmont Workforce Network Incumbent Worker Training Matching Grant - \$3,010 (2nd reading)**

Piedmont Workforce Network Incumbent Worker Training Matching Grant

- e. **APPROPRIATION: CATEC to the CATEC-IT Networking Academy Project - \$201,500 (carried)**

CATEC to the CATEC-IT Networking Academy Project

- f. **APPROPRIATION: 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) - \$24,950 (carried)**

2015 Edward Byrne Memorial Justice Assistance Grant

- g. **APPROPRIATION: Community Mental Health and Wellness Coalition Donation from Charlottesville Albemarle Community Foundation \$10,000 (carried)**

Community Mental Health and Wellness Coalition Donation from Charlottesville Albemarle Community Foundation \$10,000

- h. **RESOLUTION: Safe Routes to School Non-Infrastructure Grant Application - \$66,000**

Safe Routes to School Non-Infrastructure Grant Application

- i. **RESOLUTION: Allocation of Charlottesville Affordable Housing Fund (CAHF) for repayment of CDBG Funds - \$12,598.95**

Allocation of Charlottesville Affordable Housing Fund (CAHF) for repayment of CDBG Funds

- j. **RESOLUTION: Easement for Temporary Construction and Right of Way Easement with the United States Postal Service - Hillsdale Drive Extension**

Easement for Temporary Construction and Right of Way Easement with the United States Postal Service - Hillsdale Drive Extension

- k. **RESOLUTION: Century Link Communications LLC License Agreement**

Century Link Communications LLC License Agreement

On motion by Mr. Bellamy, seconded by Ms. Szakos, with thanks to VDOT for their assistance on item J., the consent agenda passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

REPORT: FY 2017 BUDGET**Public Hearing - FY 2017 Tax Rate****Public Hearing - Amendment to City Code - Transient Occupancy (Lodging) Tax Ordinance Change****Public Hearing - City Manager's Proposed FY 2017 Budget****FY 2017 Budget**

Mr. Jones presented to Council on the proposed FY 2017 operating and capital improvement budget and answered clarifying questions for Council.

The public hearing on the FY 2017 Tax Rate was opened.

Mr. Peter Kleeman, 407 Hedge St., said he has not seen the legal ad on the tax rate, and the citizens should have information before being asked to comment.

Mr. Jones clarified that these were published in the newspaper as required by law.

Having no further speakers, the public hearing was closed.

The public hearing on the Amendment to City Code - Transient Occupancy (Lodging) Tax was opened. Having no speakers, the hearing was closed.

The public hearing on the City Manager's Proposed FY 2017 Budget was opened.

Mr. Peter Castiglione, 1516 Chesapeake St., said he is concerned about the bond issue for FY17 and the amount of money spent on consulting. Council should find a way to put in a West Main Street immediate implantation line item and install a left hand turn signal between the First Baptist Church and the Amtrak Station.

Ms. Brenda Castaneda, 206 9th St. NW, Legal Director for Legal Aid Justice Center (LAJC), asked Council to restore funding to Legal Aid. She told of clients LAJC has represented as examples of important services provided to low-income individuals.

Ms. Nancy Carpenter, Rose Hill neighborhood, advocated for additional funding for CAT and JAUNT services.

Ms. Barbara Meyer, 1642 Meridian St., said the City's budget was \$65 million in 1995, which would be \$96 million this year adjusted for inflation. She said she does not feel any positive effects from such a large budget increase. Spending has gotten out of control.

Ms. Colette Hall, 101 Robertson Ln., said she had to consult staff for clarification on the tax rate notice published in the newspaper. She said people who rent out their homes or a room do not pay tax on that income. The burden falls on fewer and fewer every year.

Mr. Brandon Collins, 418 Fairway Ave., said he supports funding LAJC because they provide legal services for low income members of our community. The Just Children program

advocates for families with children with disabilities and is beneficial to our community. He supports a COLA and living wage for temporary employees. Support for public transportation is vitally important for the community.

Having no further speakers, the public hearing was closed.

ORDINANCE: WEST MAIN STREET MIXED USE CORRIDORS AMENDMENT (2nd reading)

West Main Street Mixed Use Corridors Amendment

Ms. Carrie Rainey presented to Council.

Ms. Szakos asked Mr. Brown to clarify his concern over Ms. Szakos' motion at the March 7 meeting. Mr. Brown explained that the allowable density by-right in the West Main east and west mixed use corridor districts was changed to allow up to 200 dwelling units per acre by-right with no additional units by special use permit. However, the ad run specified that the 43 dwelling units by-right would not change, making the motion inconsistent with the public notice. A resolution initiating a text amendment consistent with what was proposed in the first reading would need to go back to the Planning Commission.

On motion by Ms. Szakos, seconded by Mr. Bellamy, Ms. Szakos requested that the motion be amended to remove references to 200 units by-right and retain the original 43 units with up to 200 under an SUP. Mr. Bellamy seconded the motion. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

Ms. Szakos requested that the zoning text initiation be placed under Other Business. She also requested consideration for making Midway Manor part of the Water Street district rather than Midway East.

Ms. Valerie Long, Williams Mullen, representing the owners of the Midway Manor property at 100 Ridge St., said they suggested Council consider the Water Street district zoning for Midway Manor.

Ms. Szakos said moving this into that district makes good zoning sense, and this is a property owner that has provided well-maintained affordable housing for our community.

Ms. Galvin said she supports the inclusion of the Midway Manor site into the planning district.

Mr. Fenwick raised the waiver issue on appurtenances.

Ms. Galvin moved to eliminate the waiver provision and increase the permissible height of appurtenances from 16 feet to 18 feet. Mr. Fenwick seconded the motion.

Ms. Szakos said we are eliminating the possibility that future technology would require taller appurtenances.

Ms. Galvin said this eliminates any unpredictability from the process.

The amendment carried. (Ayes: Ms. Galvin, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: Ms. Szakos.)

Ms. Szakos asked about the AmTrak property and said she supports making it West Main east to keep it from towering over the neighborhood because of how heights are measured along this corridor.

Ms. Galvin said there is a 25 foot differential and ample development rights on that property; also that side of West Main Street has a 15 foot setback, so the 10 foot setback gives them an additional 5 feet of buildable area.

Mr. Brown summarized the changes, stating that Sec. 34-621 density for W. Main St. W. will be 43 by right and 200 by SUP; Sec. 34-641 density for W. Main St. E. will provide for 43 by right and up to 200 by SUP; Sec. 34-1101b. authorizing modifications of height of appurtenances is deleted, and no rooftop appurtenances shall measure 18 feet (rather than 16 feet).

The motion passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

Council took a recess at 9:00 p.m. and returned at 9:10.

RESOLUTION: WEST MAIN STREETSCAPE CONCEPTUAL PLAN

West Main Streetscape Conceptual Plan

Ms. Carrie Rainey presented to Council. Representatives from Rhodeside and Harwell were also present.

Ms. Rachel Lloyd, 810 Tunlaw Pl., member of the West Main Steering Committee, gave an overview of the committee's deliberations.

At Ms. Szakos' request, Ms. Rainey reviewed the major differences between option 1 and option 2.

Mr. Fenwick asked if UVA has signed off on both options. Ms. Rainey said they have representatives on the committee, and there is a slight preference for option 1, although they are amenable to both.

Mr. Fenwick asked if a traffic study has been conducted, particularly about the projection of traffic for the future. Ms. Rainey said this would be part of a more detailed analysis that would be conducted further along in the design.

Ms. Szakos asked if option 1 will decrease vehicular traffic because better bike lanes will encourage bicyclists. Mr. Sessoms with Rhodeside and Harwell said that is the hope.

Mr. Bellamy asked if there are any future plans to be able to add parking. Mr. Sessoms said there could be opportunities in the future, should bike lanes be removed. The consultants are looking to explore parking management opportunities.

Ms. Szakos asked if cyclists feel more comfortable with dedicated bike lanes; Mr. Sessoms said they do.

Ms. Galvin offered a resolution to adopt a West Main streetscape improvement plan option 1.

Ms. Szakos seconded with a request for an amendment "exploration of shared use agreements" to the first bullet under implementation action plan. Ms. Galvin accepted the amendment.

Mr. Bellamy said he is concerned about parking for First Baptist Church. Ms. Galvin said this would need to be phased and would position the City to be able to begin work on new structured parking. She said option 1 provides parking directly in front of the church and along 7th Street. Disabled parking would be maintained.

Mr. Signer said this plan works together with the rezoning, and he supports this plan. It is fundamentally unsafe to bike along this corridor in its current state. Parking is important for the church and businesses along this corridor, which is why we are including new structured parking in this plan going forward.

Ms. Galvin said the West Main Street improvement planning has been ongoing since 1988 and has been a passionate discussion. Creating a solution will always seem painful, but we understand completely that churches and businesses need parking facilities. Gaining a structured parking plan is a major accomplishment.

Mr. Fenwick said there is no projected traffic study, which is a flaw. Structured parking is just a promise at this stage. He said he prefers option 2; however, he will support option 1.

Mr. Bellamy said he believes the church supports option 1, and he looks forward to working together on this.

The resolution supporting option 1 passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

REPORT: UPDATE FROM EARLY EDUCATION TASK FORCE

Update from Early Education Task Force

Mr. Murphy presented to Council on the Early Education Task Force. He reviewed the work of the group and identified focus points to improve access and participation in the pre-K program.

Ms. Erika Viccellio, Executive Vice President of United Way, gave an overview of the group's activities and research and said their goal is to place all at-risk 4-year olds in the pre-K program.

Mr. Bellamy said we are looking at collaborating with the County to see if we can move forward with joint use facilities.

Ms. Galvin asked about a study showing that the effects of pre-K schooling dissipate by third grade. Ms. Viccellio said quality is an anchor part of what they are doing, along with capacity and funding.

Mr. Fenwick asked how people can get more information. Ms. Viccellio said people can call 972-1701 or go to www.unitedwaytja.org.

Ms. Szakos said the City has been participating in the past five years in the City of Promise, and pre-K also gets at early stage commitment to improve the City on the whole.

OTHER BUSINESS - Resolution Initiating Zoning Text Amendments for the Water Street Corridor District and the By-Right Density Changes for Both West Main Street Districts

Ms. Szakos read a resolution initiating zoning text amendments to modify streetwall and mixed-use development regulations in the Water Street Corridor District, and to allow residential development at a density of up to 200 DUA, by-right on the West Main Street Corridor Districts (WME and WMW). Ms. Galvin seconded the motion. The motion passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

WHEREAS, this City Council recently enacted a number of changes to the zoning district regulations for the West Main Street Corridor, and as a result of those proceedings, Council seeks consideration of two additional zoning text amendments; and

WHEREAS, the Comprehensive Plan calls for a wide range of housing options in the City, and a high by-right density minimum is a growing practice to achieve a range of affordability in highly desirable districts; and

WHEREAS, Council finds that the public necessity, convenience, general welfare or good zoning practice requires consideration of the following zoning text amendments:

- (1) Changes to the regulations governing streetwall characteristics and mixed-use

developments within the Water Street Corridor district, as set forth within the discussion draft text amendments attached as **Exhibit A** to this Resolution; and

(2) Changes to the West Main Street Corridor districts (West Main East (WME) and West Main West (WMW)), proposing to allow residential density of development up to 200 dwelling units per acre (200 DUA), as a matter of right, in each district.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville that the zoning text amendments referenced above within this Resolution are hereby initiated by City Council, and the Planning Commission is directed to review the proposed text amendments, conduct a joint public hearing with City Council to allow affected persons to be heard on these matters, and then report its findings and recommendations back to City Council within 100 days of the date of this Resolution.

OTHER BUSINESS - Confederate Monuments

Mr. Bellamy asked Council to add a discussion of the confederate statues in Charlottesville to Council's April 18 agenda. Ms. Szakos seconded the motion.

Mr. Bellamy said community collaboration is important, and other communities have set a precedent on issues like this.

Ms. Szakos gave background on why this matter is coming up at this time, including legislation that gives the City the legal right to examine these issues.

Mr. Signer thanked Mr. Bellamy and Ms. Szakos for bringing this to Council. He read a statement in support of examining this matter and creating a Blue Ribbon Commission on Confederate Memorials, which will work on issues including:

1. Ample engagement with the community through public hearings and efforts like the petition underway
2. Evaluating and advising on the full range of options, including moving the memorials to a museum, changing their context to reflect current values, and adding new memorials
3. Fully explaining the policy behind the effort, including which memorials may be included in the policy and why
4. Assessing the costs involved, including moving monuments and creating new ones
5. Developing both a funding and fundraising strategy for any effort
6. Determining the appropriate historical location where memorials might be moved

Mr. Bellamy thanked Mr. Signer for his courageousness in this effort. He proposed changing the 90 day time limit to 60 days. Ms. Szakos said she agreed. Mr. Signer said he is amenable to that change.

Ms. Galvin thanked Mr. Signer for his statement and thanked Mr. Bellamy and Ms. Szakos for their work on this issue. She said Blue Ribbon Commissions work, and we need a roadmap for this so that we can be prudent in our decision-making. She is particularly interested in looking at fundraising and alternatives to move statues, especially in light of the many expenses we are facing. We need to invest in preserving the right memorials as much as considering tearing down the wrong ones.

Mr. Fenwick said we have been inundated with opinions on both sides. He asked that the discussion remain civil and focused.

Mr. Bellamy said a press conference will be held at 9:30 a.m. tomorrow on the steps of Lee Park.

MATTERS BY THE PUBLIC

Mr. Brandon Collins, 418 Fairway Ave., said he supports the removal of Confederate statues and all aspects of the Confederacy in Charlottesville and in our country. It is beyond time for the Confederacy to die. He asked Council to proceed quickly. This town is lacking in monuments to the Black experience.

Ms. Maeve Curtain, UVA Student Liaison to Council, said the UVA Student Council supports the formation of the Blue Ribbon Commission and hopes to have student representatives on the commission. This supports ongoing work at UVA. She thanked Council for approving option 1 for the West Main streetscape. She thanked Council for the efficiency and transparency the meetings have taken on.

Ms. Genevieve Keller, 504 N. 1st St., said she is pleased that West Main Street is moving forward, as she has been working on this section of the City since the 1970s.

Mr. Johnson Carpenter said he is a history major, and there is a lack of education about Robert E. Lee. He is being associated with things he did not have anything to do with. He eventually freed his slaves once the war was over, and he represents someone who adjusted his point of view when he realized it was not right.

Meeting adjourned at 10:40 p.m.