

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Tuesday, July 5, 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 – July 5, 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. Galvin, seconded by Ms. Szakos, Council voted, (Ayes: Mr. Bellamy, Ms. Szakos, Ms. Galvin, Mr. Signer, Mr. Fenwick; Noes: None), to meet in closed session for (1) Discussion, consideration and interviews of specific candidates for appointment to City boards and commissions, as authorized by Virginia Code sec. 2.2-3711 (A) (1); and, (2) Consultation with legal counsel and briefings by staff members pertaining to a proposed settlement of actual litigation between the City of Charlottesville and Charlottesville Parking Center, as authorized by Virginia Code sec. 2.2-3711 (A) (7); and, (3) Discussion of the disposition of City-owned real property on Avon Street Extended in exchange for a public trail easement, where discussion in an open meeting would adversely affect the City's negotiating strategy, as authorized by Virginia Code sec. 2.2-3711 (A) (3).

At 7:00 p.m., City Council reconvened in open session, and Councilor Bellamy moved that the closed session special meeting be in recess and reconvene immediately following the conclusion of the regular meeting of City Council. Mr. Fenwick seconded the motion. The motion passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

On motion by Ms. Szakos, seconded by Mr. Bellamy, 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 – July 5, 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 announced Sunday Sundowns on July 10 from 3-6pm at Washington Park Pool. For more information, call 970-3260.

Mr. Fenwick announced a Solarize Charlottesville information session at the Crozet Library on July 27.

Mr. Bellamy announced Safe Routes to School road enhancements in the Belmont neighborhood; work should be completed by August 2016.

Ms. Szakos congratulated Mr. Bellamy on his upcoming marriage this week.

Mr. Signer announced that his regularly scheduled office hours will be postponed until August due to a death in the family.

Ms. Galvin made a presentation about her conference in Charlottesville's sister city Poggio a Ciano, Italy and presented gifts from Poggio to each of the Councilors.

APPOINTMENTS TO BOARDS & COMMISSIONS

On motion by Mr. Fenwick, seconded by Ms. Galvin, the following appointments were made to boards and commissions: to the ACRJA, Kathy Johnson Harris, Lawton Tufts; CRHA, Mike Osteen. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

Mr. Jones gave Council an update on work the NDS and City Attorney's staff are doing with Mr. Briggs regarding mold in his apartment.

MATTERS BY THE PUBLIC

Ms. Nancy Carpenter, 921 Henry Ave., spoke on changes to CAT Route 7. She also spoke in support of immigrants in the community.

Mr. Joe Draego, Carrsbrook, said this is the eighth time he has come to express concern about the types of foreigners who are coming to Charlottesville, particularly young Muslim men. He said Charlottesville will see an increase in certain types of crimes as a result.

Ms. Ida Lewis requested that CAT reroute Routes 8 and 9 during peak hours to serve Grady Avenue.

Mr. Jeffrey Fogel, 215 Spruce St., spoke on criminal justice reform in Charlottesville. He said he is disappointed with disproportionate minority contact. Stop and search records should be turned over to the public.

Ms. Dornita Herndon, 1808 E. View St., said there is a parking issue around her home; there are too many cars on the street. She said she is facing an eviction notice from the landlord, and she believes that the CPD sent too much information to the landlord.

Ms. Lena Seville, 808 Altavista Ave., said government should balance the needs of all. She said the light at Third St. and Water St. should not have the same time for both ways. We are not supposed to make decisions based on what businesses ask for.

Mr. John Heyden, Westwood Rd., said Council abused taxpayer dollars when they gave money to Virginia Organizing for a housing project with no public input.

Ms. Rebecca Quinn, said a new law is in effect, HB818, that requires a designated FOIA Officer. She asked Council to look at the Arlington model, which has an online FOIA archive.

Mr. Luis Oyola, speaking for the grandmother of Sage Smith, requested support to establish a memorial bench at the Amtrak Station.

Mr. Raymond Mason said the crosswalks at Washington Park Pool and Washington Park need attention. He suggested either closing the gate or installing a crosswalk. He asked for rate consideration for the pools. He requested that a response be sent via e-mail because he will not be present at the next Council meeting.

Mr. Fenwick announced the next Blue Ribbon Commission on July 7 at CitySpace.

Ms. Szakos said 75 new citizens were sworn in at the Monticello ceremony yesterday and welcomed them to our City.

CONSENT AGENDA

On motion by Ms. Galvin, seconded by Mr. Bellamy, the consent agenda passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.) Ms. Galvin said staff should be commended for identifying item g. to expand workforce and affordable housing.

- a. Minutes for June 20
- b. APPROPRIATION: Sidewalk Improvement Fund Contribution – \$15,344.60 (2nd reading)
- c. APPROPRIATION: Approval of Revised HOME Budget Allocation for FY 2016-2017 (2nd reading)
- d. APPROPRIATION: Virginia Department of Health Special Nutrition Program Summer Food Service Program – \$90,000 (carried)

- e. APPROPRIATION: Albemarle County Reimbursement for Court Roof Replacement – \$737
- f. APPROPRIATION: Fire Prevention Restitution and Recovery Donations – \$300
- g. RESOLUTION: Designation of SIA as Revitalization Area

PUBLIC HEARING / RESOLUTION: SPECIAL USE PERMIT – ALUMNI HALL AT 211 EMMET STREET

Mr. Matt Alfele presented to Council and answered clarifying questions from Council.

On motion, the public hearing was opened.

Mr. Jim Boyd, Architect representing the UVA Alumni Association, said item 1 of the resolution is a mistake. He requested that it be amended to still allow an entrance, instead of eliminating all entrances.

Having no further speakers, the public hearing was closed.

Mr. Bellamy moved the resolution with the amended condition 1 to say, “1. There shall be only one entrance to the rear parking lot from Sprigg Lane.” Mr. Fenwick seconded the motion. The resolution passed as amended. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

PUBLIC HEARING / RESOLUTION: LEASE OF CITY PUBLIC RIGHT OF WAY TO OMNI HOTEL FOR TERRACE CAFÉ

Mr. Craig Brown presented to Council and answered clarifying questions from Council.

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

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

PUBLIC HEARING / ORDINANCE: 624 AND 626 BOOKER STREET REZONING (denied)

Mr. Brian Haluska presented to Council and answered clarifying questions for Council.

Mr. Fenwick said the height of the building is above the regulation per his measurements. Mr. Haluska said if you subtract the appurtenance, the height complies. When the building was constructed, the parameters in place at the time were different.

Mr. Richard Spurzum, appellant, spoke to Council. He said he has a long history of property ownership in the city. This proposal is to combine two lots, which would meet the guidelines. The proffer is in place to ensure that the property will not be used for commercial space.

Mr. Bellamy asked who would invest in this project. Mr. Spurzem said the City's process encourages people to only develop by-right and not to go through the SUP process. Mr. Bellamy said Mr. Spurzem is ignoring the neighbors.

On motion, the public hearing was opened.

Ms. Clarissa Bell said she owns properties in the neighborhood, which is filled with memories. Rose Hill is a village. This rezoning will cause the neighborly atmosphere to die. The house sits right at the alley, and this project will disrupt the neighborhood. Do not rezone these lots.

Mr. Steve Ivory, 915 Charlton Ave., said please stop gentrification in Rose Hill. These are businesses that cater to people who do not live in the neighborhood. Please deny the change.

Rev. Pastor George Gohanna, president of the Rose Hill neighborhood association, said developers come into the neighborhood and make decisions for the neighbors without considering the neighbors. Nobody consulted the neighbors. There was no concern for the integrity of the community.

Ms. Mary Carey, 100 Ridge St., said her family built their home at 631 Booker, and they built onto the house when they grew; this is how the neighborhood grew. Council does not respond anymore. Council's Town Hall meetings do not have cameras; there is no justice for all.

Ms. Rebecca Quinn said this is a complicated problem as the building still exists. She asked if green space would be publically accessible. She said as a procedural matter, the last Council did not take votes on the night of a public hearing. Doing so makes people feel unheard.

Ms. Collette Blount said the Rose Hill community is the place we call home. These requests are not stand alone and will tear the community apart. This is not wholly different from Vinegar Hill.

Ms. Christina Reibling said this stems from a flawed process; the City needs to create more assistance for homeowners. The original developer tore down more homes that could have been rehabilitated.

Ms. Joy Johnson said she is here to support the Rose Hill neighborhood. She asked Council to uphold the Planning Commission's recommendation. One way to kill a neighborhood is to get rid of services.

Having no further speakers, the public hearing was closed.

Ms. Szakos made a motion to deny the zoning request and uphold the decision of the Planning Commission. Mr. Bellamy seconded the motion.

Ms. Szakos said in this case, the developer who initially started this project did not reach out to neighbors. Staff has been very helpful while the developer did everything within the letter of the law. She does not support creating apartments in this neighborhood.

Mr. Fenwick said the character of Charlottesville is vital. This house was not built according to code. When a building is built inappropriately, it needs to be remedied. We need to find a way to make sure this does not happen again.

Ms. Galvin said the law is clearly on the side of the community. She asked staff about rezoning. A new use does not provide any amenity for a residential neighborhood, and she is not clear what benefit this would have for the community. This is not in keeping with the comprehensive plan and is not supported by any examples or standards. The code and policy audit should have been done two years ago.

Mr. Signer said he will vote to deny. He said racial diversity residentially is a good thing, and we want people of all races and ethnicities to feel comfortable in this community. This neighborhood wants to remain single family, and that is the goal of the denial. Smart growth is also the goal.

The denial of the rezoning passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

RESOLUTION: ZONING TEXT INITIATION – AUTOMOBILE USES IN CENTRAL CITY CORRIDOR

Ms. Creasy presented to Council to allow automobile use in the central city corridor. In staff's preliminary review, this is not a desired use within this corridor. There are other areas where these uses are allowed. Staff does not recommend this initiation at this time, but if Council wishes to move forward, staff will come back in 100 days with a proposed zoning text. She answered clarifying questions for Council.

Council concurred with staff's determination and elected not to move forward with a zoning text initiation.

RESOLUTION: BAR APPEAL – HELLMAN CERTIFICATE OF APPROPRIATENESS AT 550 E. WATER STREET

Ms. Mary Joy Scala presented to Council. She said this is an unusual appeal, as the appellant is an adjoining property owner. The basis of appeal is that the BAR did not follow appropriate procedure. The proposed six story project is the maximum allowed by-right. This is a process appeal, rather than an appeal of the action.

Mr. David Thomas, on behalf of Dr. Samuel Hellman, appellant, owns Unit 4-C within the Holsinger condominium. He said the appellant presented to Council. He said this entire appeal is based on massing. There is no reference to “street wall” in the guidelines. A flat drawing is not a 3D picture.

Ms. Galvin said the appellant’s argument would have prevented the Holsinger building from being built. Mr. Bellamy said the guidelines must be implemented to the best of the BAR’s ability, and he feels the BAR acted in good faith. Ms. Scala said the BAR is very aware of the guidelines, and they discussed and considered height. Mr. Bellamy asked if the BAR’s vote was unanimous; Ms. Scala said there was one abstention.

Ms. Galvin moved to deny the appeal given that the BAR decision was made appropriately based on existing zoning and discretionary authority of the BAR. Ms. Szakos seconded the motion.

Ms. Galvin she said some of the guidelines need to be better defined. We need more precision in zoning and form-based code.

Mr. Fenwick said zoning should be for the people. He said he normally defers to the Planning Commission or the BAR, but this time he will vote with the appellant. This is out of scale for this area and just because another building is out of scale does not mean we should pass this.

Mr. Signer disclosed that he and Mr. Thomas attended UVA Law School together. He said he is inclined to defer to the BAR generally. Although he can appreciate the appellant’s case, he is concerned about the unintended consequences of defensive rule-making. He said he believes the work was done correctly on this project.

The motion to deny was passed. (Ayes: Mr. Bellamy, Ms. Galvin, Mr. Signer, Ms. Szakos; Notes: Mr. Fenwick.)

OTHER BUSINESS

Ms. Szakos requested time to present at the next meeting on her National League of Cities conference on Youth, Education and Families and the public policy committee on safety and crime prevention in Kansas City.

Ms. Galvin asked for an update on the redevelopment specialist position, which she thought was to be posted as of July 1. She asked if there were any plans to vet the candidates as with the NDS Director and the Police Chief. Mr. Jones said staff is within a week or two of advertising the position. This will not be a process as extensive as the NDS Director search or Police Chief search. Ms. Szakos suggested that a community panel may be included with neighborhood representation and developers. Councilors agreed that they would like to go forward with a community panel. They also asked for a position description.

MATTERS BY THE PUBLIC

Ms. Joy Johnson spoke on traffic around 3rd Street, 4th Street, 6th Street and at Preston and 8th, which she says are treacherous areas. No one yields for pedestrians. Also, kids are crossing the streets. Please look at doing something in that area.

The regular Council meeting adjourned into closed session at 10:07 p.m.

CLOSED SESSION MOTION

On motion by Ms. Szakos, seconded by Mr. Bellamy, 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.

Meeting adjourned.

A handwritten signature in cursive script, reading "Gaige Rice", is written over a horizontal line.

Clerk of Council