



**CITY COUNCIL AGENDA**  
**Monday, August 20, 2018**

**5:30 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room*

**6:30 p.m.** **Regular Meeting - CALL TO ORDER**  
*Council Chambers*

**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS**  
**AUGUST 11-12 REPORT**

**COMMUNITY MATTERS**

Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

- 1. CONSENT AGENDA\*:** (Items removed from consent agenda will be considered at the end of the regular agenda.)  
**Passed 5-0 (Signer/Galvin)**
- a. Minutes for August 6
  - b. **APPROPRIATION:** Additional Funding for Medicaid Expansion – \$168,658 (2<sup>nd</sup> of 2 readings)
  - c. **APPROPRIATION:** Additional Funding for Department of Social Services VIEW Program – \$12,512 (2<sup>nd</sup> of 2 readings)
  - d. **APPROPRIATION:** Strategic Energy Initiatives – \$367,698.50 (2<sup>nd</sup> of 2 readings)
  - e. **APPROPRIATION:** Charlottesville/Albemarle Adult Drug Treatment Court Grant Award – \$205,000 (1<sup>st</sup> of 2 readings)
  - f. **APPROPRIATION:** Office of Emergency Medical Services Rescue Squad Assistance Fund Grant – \$499,703.55 (1<sup>st</sup> of 2 readings)
  - g. **APPROPRIATION:** Supplemental Local Emergency Management Performance Grant Fire Department – \$13,143.29 (Fire Dept.) (1<sup>st</sup> of 2 readings)
  - h. **APPROPRIATION:** Check and Connect Student Engagement Continuation Grant - \$137,000 (1<sup>st</sup> of 2 readings)
  - i. **APPROPRIATION:** Virginia Juvenile Community Crime Control Act Grant – \$452,704 (1<sup>st</sup> of 2 readings)
  - j. **RESOLUTION:** Black Business Expo Funding Request – \$2,000 (1<sup>st</sup> of 1 reading)
  - k. **RESOLUTION:** Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution (1<sup>st</sup> of 1 reading)
  - l. **ORDINANCE:** Quitclaim Gas Easement in Cascadia Subdivision (Alb County) to VDOT (1<sup>st</sup> of 2 readings)
  - m. **ORDINANCE:** Quitclaim Gas Easement in Estes Park Subdivision (Alb County) to VDOT (1<sup>st</sup> of 2 readings)
- 2. PUBLIC HEARING:** City Manager Search Process
- 3. PUBLIC HEARING / ORDINANCE\*:** Easement to Dominion Power at McIntire Park – Skate Park (1<sup>st</sup> of 2 readings)  
**carried**
- 4. PUBLIC HEARING / ORDINANCE\*:** Release of Portion of Sewer Easement at Belmont Station Subdivision (1<sup>st</sup> of 2 readings)  
**carried**
- 5. PUBLIC HEARING / ORDINANCE\*:** Release of Sewer Easement at Beta Apartments on 17<sup>th</sup> Street (1<sup>st</sup> of 2 readings)  
**carried**
- 6. RESOLUTION\*:** Approving Policy to Conduct Electronic Meetings (1<sup>st</sup> of 1 reading)  
**Passed 5-0 (Signer / Galvin)**
- 7. ORDINANCE\*:** Restaurants: Drive-through windows in Highway Corridor (2<sup>nd</sup> of 2 readings)  
**Passed 3-2 (Signer, Galvin no)**
- 8. REPORT\*:** Monticello Road Traffic Reversal Pilot

**APPROPRIATION**  
**Additional Funding for Department of Social Services Medicaid Expansion**  
**\$168,658**

**WHEREAS**, the Charlottesville Department of Social Services has received an additional \$168,658 in the Fiscal Year 2019 budget from the Virginia Department of Social Services to be used for Medicaid Expansion,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$168,658 is hereby appropriated in the following manner:

**Revenue – \$168,658**

Fund: 212	Cost Center: 9900000000	G/L Account: 430080	\$168,658
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**Expenditures - \$168,658**

Fund: 212	Cost Center: 3301005000	G/L Account: 510010	\$79,165
Fund: 212	Cost Center: 3301005000	G/L Account: 511010	\$ 7,623
Fund: 212	Cost Center: 3301005000	G/L Account: 510020	\$20,479
Fund: 212	Cost Center: 3301005000	G/L Account: 511030	\$ 720
Fund: 212	Cost Center: 3301005000	G/L Account: 511020	\$25,776
Fund: 212	Cost Center: 3301005000	G/L Account: 511040	\$18,144
Fund: 212	Cost Center: 3301005000	G/L Account: 510160	\$ 2,231
Fund: 212	Cost Center: 3301005000	G/L Account: 530216	\$ 597
Fund: 212	Cost Center: 3301005000	G/L Account: 530030	\$ 529
Fund: 212	Cost Center: 3301005000	G/L Account: 530320	\$ 6,404
Fund: 212	Cost Center: 3301005000	G/L Account: 520010	\$ 490
Fund: 212	Cost Center: 3301005000	G/L Account: 520900	\$ 4,000
Fund: 212	Cost Center: 3301005000	G/L Account: 530120	\$ 2,500

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$168,658 from the Virginia Department of Social Services.

**APPROPRIATION**  
**Additional Funding for Department of Social Services VIEW Program**  
**\$12,512**

**WHEREAS**, the Charlottesville Department of Social Services has received an additional \$12,512 in the Fiscal Year 2019 budget from the Virginia Department of Social Services to be used for clients enrolled in the Virginia Initiative for Employment not Welfare (VIEW) program,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$12,512 is hereby appropriated in the following manner:

**Revenue – \$12,512**

Fund: 212	Cost Center: 9900000000	G/L Account: 451022	\$12,512
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**Expenditures - \$12,512**

Fund: 212	Cost Center: 3333002000	G/L Account: 540060	\$12,512
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$12,512 from the Virginia Department of Social Services.

**APPROPRIATION**  
**Strategic Energy Initiatives**  
**\$367,698.50**

**WHEREAS**, the City of Charlottesville has previously appropriated funds in the amount of \$307,999 that were to be used for a Department of Environmental Quality grant match; and

**WHEREAS**, the City of Charlottesville has previously appropriated funds for the Green City Fund, of which there is a \$59,699.50 balance; and

**WHEREAS**, these funds will now be used to support the Clean Energy Loan Fund; the residential energy efficiency rebate program; sustainable transportation opportunities; and other sustainability initiatives identified by City Council, staff, or community members;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$367,698.50 is hereby appropriated in the following manner:

**Revenues - \$59,699.50**

**Transfer To**

\$59,699.50    Fund: 631    IO: 2000139    Cost Center: 2711001000    G/L: 498010

**Expenditures - \$367,698.50**

**Transfer From**

\$59,699.50    Fund: 105    Cost Center: 1601002000    G/L: 561631

\$307,999    Fund: 631    IO: 2000094    Cost Center: 2711001000    G/L: 599999

**Transfer To**

\$59,699.50    Fund: 631    IO: 2000139    Cost Center: 2711001000    G/L: 599999

\$307,999    Fund: 631    IO: 2000139    Cost Center: 2711001000    G/L: 599999

**BE IT FURTHER RESOLVED** that this appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuring fiscal year unless altered by further action of City Council.

**RESOLUTION**  
**WTJU Sponsor Request – City Sponsorship of the Black Business Expo on**  
**Saturday, September 22, 2018**  
**\$2,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$2,000 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to WTJU in support of the Black Business Expo taking place on September 22, 2018.

\$2,000

Fund: 105

Cost Center: 10110010000

## **Resolution in support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution**

**WHEREAS**, the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes; and

**WHEREAS**, the 14th Amendment to the United States Constitution and state constitutional statements of equality generally do not provide the strict scrutiny for sex-based classifications that is provided for classifications based on race, religion, and national origin; and

**WHEREAS**, state laws are not uniform and federal laws are not comprehensive, and these laws can be repealed or reduced; and

**WHEREAS**, the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rates of poverty, rape and domestic violence assaults;

**WHEREAS**, the Equal Rights Amendment (ERA) provides that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex;" and

**WHEREAS**, the Amendment would help ensure women and men have the same constitutional protections; and

**WHEREAS**, the ERA was passed by Congress in 1972, and has been ratified by 37 states, the most recent being Nevada in 2017 and Illinois in 2018; and

**WHEREAS**, the time limit for the ERA appears only in the preamble; and

**WHEREAS**, Congress presently is considering a bill that removes the time limit for ratification of the ERA; and

**WHEREAS**, for 47 years, the Virginia State Constitution has sought to protect Virginians from discrimination by the Commonwealth on the basis of sex; and

**WHEREAS**, The City of Charlottesville enforces principles of fair treatment in accordance with the Charlottesville Human Rights Ordinance (Article XV of the City Code) which prohibits gender discrimination,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Charlottesville supports the ratification of the Equal Rights Amendment; and

**BE IT FURTHER RESOLVED**, that the City Council of Charlottesville urges the General Assembly of the Commonwealth of Virginia to ratify the ERA to the U.S. Constitution, as proposed by Congress on March 22, 1972, during the 2019 legislative session.

**RESOLUTION**  
**ADOPTING POLICY REGARDING COUNCIL MEMBER PARTICIPATION**  
**IN COUNCIL MEETINGS BY ELECTRONIC MEANS**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that this Council hereby adopts the attached “Policy of Charlottesville City Council Regarding Individual Participation in Council Meeting by Electronic Means”, as discussed and voted upon at its regular meeting on August 20, 2018. A copy of such Policy, as adopted, shall be retained and available for inspection in the Office of the Clerk of Council.

## **Policy of Charlottesville City Council Regarding Individual Participation in Council Meeting By Electronic Means**

- I. **Purpose and Applicability:** It is the policy of the City Council of the City of Charlottesville that individual members of the Council may participate in Council meetings by electronic means as permitted by Virginia Code § 2.2-3708.2.

The purpose of this policy is to comply with the requirements of section 2.2-3708.2 of the Code of Virginia and to allow for and govern participation by one or more Council Members in Council meetings by electronic communication means.

All proceedings pursuant to this policy shall be performed in accordance with section 2.2-3708.2 as that statute may hereafter be amended.

This policy shall apply to the entire City Council membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

- II. **Quorum Required:** The City Council may consider a request for participation by electronic communication means only if a quorum of the Council is physically assembled at the primary or central meeting location.

Whenever an individual member wishes to participate from a remote location, the law requires the quorum of the City Council to be physically assembled at the primary or central meeting location, and there is an arrangement for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.

- III. **Permissible Reasons for Electronic Participation:** Participation by a Council Member in a meeting by electronic communication means shall only be allowed due to an emergency, a personal matter, or disability.



Each individual Council member shall be limited each calendar year to participation by electronic means in two meetings.

IV. **Approval:** Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act.

If a member's participation from a remote location is challenged, then the City Council shall vote whether to allow such participation.

If the City Council votes to disapprove the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

V. **Approval Process:** No Council Member may participate in a meeting by electronic communication means unless the Council Member requests and the Council approves the participation in accordance with this policy.

- A. A Council Member may request to participate in a meeting by electronic communication means if the Council Member notifies the Mayor and the Clerk of Council on or before the day of the meeting that the Council Member is unable to attend due to the following:
  - (i) **Personal:** an emergency or personal matter, provided that the Council Member identifies with specificity the nature of the emergency or personal matter, or
  - (ii) **Temporary or Permanent Disability:** a temporary or permanent disability or other medical condition that prevents the Council Member's physical attendance.
  
- B. The Council Member must also notify the Clerk of Council of the remote location from which the Council Member would participate by electronic communication means.
  
- C. At the meeting, the Clerk of Council shall announce the information received from the absent Council Member. If the Council Member's request is in all respects compliant with this Policy, then any of the quorum of Council members physically assembled at the central meeting location shall make a motion to approve or disapprove the absent Council Member's request.

- D. Upon adoption of a motion to approve the Council Member's participation by electronic communication means, the Council Member shall be allowed to fully participate in the meeting by electronic communication means.
  
- E. If the Council Member's participation by electronic communication means is approved, the Clerk of Council shall record in the meeting minutes:
  - (i) the motion,
  - (ii) the vote thereon,
  - (iii) the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition, and
  - (iv) the remote location from which the Council Member participates in the meeting.
  
- F. If the Council Member's participation by electronic communication means is disapproved, whether by adoption of a motion to disapprove or rejection of a motion to approve, the Clerk of Council shall record in the meeting minutes:
  - (i) the motion,
  - (ii) the vote thereon, and
  - (iii) the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition,
  - (iv) the remote location from which the Council Member sought to participate in the meeting, and
  - (v) the specific aspect of this policy that would be violated by the Council Member's proposed participation by electronic communication means, as summarized by the quorum of Council members physically present.

**ORDINANCE**  
**AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE**  
**CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO AUTHORIZE**  
**RESTAURANTS WITH DRIVE THROUGH WINDOWS IN THE**  
**HIGHWAY CORRIDOR (HW) MIXED USE ZONING DISTRICT**  
**WITH A SPECIAL USE PERMIT**

**WHEREAS**, by resolution adopted April 16, 2018 City Council initiated a zoning text amendment to authorize drive through windows in restaurants in the Highway Corridor (HW) Mixed Use Zoning District (“Proposed Zoning Text Amendment”); and

**WHEREAS**, following a public hearing duly advertised and conducted in accordance with law, the Planning Commission considered the Proposed Zoning Text Amendment at its meeting on June 12, 2018, and voted to recommend denial of the Proposed Zoning Text Amendment as presented; and

**WHEREAS**, a public hearing on the Proposed Zoning Text Amendment was held by City Council on July 2, 2018, after notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, after consideration of the Planning Commission’s recommendation, and comments from the public, this Council is of the opinion that the Proposed Zoning Text Amendment has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the proposed zoning text amendment, and (ii) the proposed zoning text amendment is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and re-enacted as follows:

**1. Sec. 34-796 (Use matrix—Mixed use corridor districts) of Article VI (Mixed Use Districts), of Chapter 34 (Zoning), are hereby amended and re-enacted, to incorporate the following change in the column titled “HW”:**

<i>Use Types</i>	<i>Zoning Districts</i>
<b>NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL</b>	<i>HW</i>
Restaurants:	
Drive-through windows	<u>S</u>