

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, February 5, 2018, AT 6:00 p.m. IN THE Neighborhood Development Services Conference Room, 605 E. Main Street.

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

**NEIBORHOOD DEVELOPMENT SERVICES CONFERENCE ROOM –
February 5, 2018**

Council met in special session on this date with the following members present: Ms. Galvin, Mr. Signer, Mr. Bellamy, Ms. Hill, Ms. Walker. On motion by Ms. Hill, seconded by Mr. Signer, Council voted, (Ayes: Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None; Absent at time of vote: Mr. Bellamy) to meet in closed session as authorized by Va. Code sec. 2.2-3711 (A) (3), specifically: (1)(i) the acquisition of an easement across property owned by the County of Albemarle, for completion of the Schenk's Branch Interceptor Project, and (ii) the possible exchange, transfer, reservation and/or property lease/use agreement between the City and County of Albemarle, involving real estate known as the 7th and Market Street parking lot, the Jessup House, the Levy Opera House, and the County Office Building; and (2) Consultation with legal counsel and briefings by staff members on the above-referenced matter, and consultation with legal counsel pertaining to actual pending litigation (litigation update).

On motion by Ms. Hill, seconded by Mr. Signer, Council certified by the following vote (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; 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 5, 2018

ROLL CALL

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

AWARDS/RECOGNITIONS/ANNOUNCEMENTS

Ms. Galvin acknowledged members of the University Democrats for attending tonight's meeting.

Mr. Bellamy wished everyone a happy Black History Month and said there will be further recognition at the February 20 meeting. He announced the community screening of "Black Panther" on February 15.

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

Mr. Jones announced the affordable housing report has been deferred to February 20 to allow for additional input from the Housing Advisory Committee (HAC.) He updated Council on participatory budgeting, which will take place as part of the upcoming budget cycle. He updated Council on transit and said an update from CAT manager John Jones is scheduled for February 20. Further discussion about the Regional Transit Partnership is scheduled for the spring.

MATTERS BY THE PUBLIC

Mr. Michael Allenby, 100 W. South Street, said the special use permit for West 2nd Street project should be denied. This is not an area where we should extend special consideration.

Mr. James Hingeley, City resident, discussed Gregory Swanson, his repudiation of white supremacy, and how his court case transpired. He called for civility at Council meetings.

Ms. Nancy Carpenter said the City's comprehensive plan and zoning ordinances have followed a pattern that codifies housing injustice and racial injustice. Segregation patterns must be dismembered, and the will of the community supports affordable housing. She spoke in support of a robust public transit system and said the City must work to house people from all economic levels.

Mr. Jim Moore, Hazel St., reviewed his version of events from August. He asked Council to look for peaceful solutions.

Ms. Vanessa Braganza invited Council and the community to the "We Are Here" Diversity Festival at the IX Art Park in April. She asked for the City's support.

Mr. Dave Ghamandi was called. Mr. Don Gathers said Mr. Ghamandi was not present and gave his time to him. He asked that the City have a serious conversation about affordable housing before pledging any further money to developers. He said the Dairy project is back door gentrification, and it should not be considered unless the tax rate can be set in perpetuity at a rate current residents can afford. He reviewed further problems with the project. He asked that future Council retreats be scheduled in a location that is accessible to the public. He urged inclusivity and transparency for the Police Citizen's Review Board process.

Mr. Michael Payne said the West 2nd project is not in keeping with the City's affordable housing goals. He said AMI is not defined in the affordable housing plan for the West 2nd project. He asked Council to reject the SUP and follow the Planning Commission's recommendations.

Ms. Elaine Poon, Legal Aid Justice Center (LAJC), reviewed the affordable housing priorities laid out in the LAJC petition. She said many proposals in the original HAC report posted online were not good policies.

Mr. Jeffrey Fogel, Belmont resident, said the housing report should not only be delayed, but rejected. The City has to address zoning, and a housing strategy is needed for the entire community. He said a preference for looking good instead of doing good needs to stop. He said the federal government is giving a huge tax increase to the rich, and the City should be able to increase taxes on the rich through the Charlottesville Affordable Housing Fund, which is a means of implementing a progressive property tax.

Ms. Marta Keane, JABA, announced the opening of a new memory care unit at Mountainside Senior Living Community and invited Council to the ribbon cutting ceremony on February 15.

Ms. Sharon Sinclair, Cleveland Ave., spoke to the importance of affordable housing and told her personal story about her housing experience. She called for more affordable home owner opportunities, not just affordable housing.

Mr. Dan Murphy, City resident, reviewed options for affordable housing objectives. He called for a cost / benefit analysis for affordable housing funding options. He said we need to examine other models such as working with non-profits like Habitat for Humanity, to promote generational housing stability.

Ms. Angel Turner, Burnett St., reviewed her housing history. She asked Council to facilitate more home owners that look like her.

Mr. Ludwig Kuttner said he is excited for the new Council. He said we are all in support of affordable housing, but there is a difference of opinion for how it can be done. He said good deals are made when no one is really happy. He said the City can leverage tax income to build more affordable housing.

Mr. Roy Van Doorn questioned why the City is having a loss of market share downtown. He said we are still attracting visitors, but we are no longer growing because there is no more room. Competition, parking, the events of this past summer, the cleanliness on the downtown mall, and aggressive panhandling effects visitors, and that effects jobs. He said we do not have a CID (Community Improvement District), so we cannot organize effectively.

Ms. Lashundra Bryson Morsberger, requested safety officers for the schools, especially in light of the events of this past summer. Children and members of the community need positive interaction with the police. We need to address what the community believes is broken with the police and fix it but should not use it as a reason not to act. School safety and safety officers must be dealt with in a productive way before there is a problem instead of after there is one.

COUNCILOR RESPONSE TO MATTERS BY THE PUBLIC

Mr. Bellamy discussed affordable housing and encouraged residents to participate in the conversation. He said the City has programs in place to allow for tax relief. He said the individuals most effected need to be at the head of affordable housing transactions, such as land trusts. He encouraged residents to apply to the Police Civilian Review Board.

Ms. Galvin said we need to do a better job of communicating where we are in the process with zoning changes and affordable housing. The community needs to be involved with crafting new zoning, and the City has been working on this. Mr. Jones said staff is working on securing a facilitator for further discussions.

CONSENT AGENDA

- a. **APPROPRIATION: Funds to the City's Workforce Investment Fund for Workforce Development/Training Programs - \$50,000 (2nd reading)**

[Workforce Development/Training Programs](#)

WHEREAS, the City of Charlottesville has received funds from Landmark Properties, Inc. in the amount of \$50,000; and

WHEREAS, the funds will be used to support workforce development training programs provided by the Office of Economic Development; and

WHEREAS, the funds have been rendered to the City of Charlottesville;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$50,000 is hereby appropriated in the following manner:

Revenue – \$50,000

| | | | |
|----------|-----------|--------------|-------------|
| \$50,000 | Fund: 425 | WBS: P-00385 | G/L: 451999 |
|----------|-----------|--------------|-------------|

Expenditures - \$50,000

| | | | |
|----------|-----------|--------------|-------------|
| \$50,000 | Fund: 425 | WBS: P-00385 | G/L: 599999 |
|----------|-----------|--------------|-------------|

- b. **APPROPRIATION: Appropriation of Funds to the Charlottesville Affordable Housing Fund for Fulfillment of the Cedars Court Apartment ADU Cash in Lieu Payment - \$42,407.32 (Carried)**

[Cedars Court Apartment ADU Cash in Lieu Payment](#)

- c. **APPROPRIATION:
Changing the Narrative Black Male Achievement Bama Works Fund Grant - \$10,000 (Carried)**

Black Male Achievement Bama Works Fund Grant

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

Ms. Galvin commented that funding from item a. came from The Standard on West Main Street, who made good on their promise to contribute to work force training and PHAR.

PUBLIC HEARING / REPORT: CITY COUNCIL REVISED POLICIES AND PROCEDURES

City Council Revised Policy and Procedures

Ms. Lisa Robertson, City Attorney, presented to Council and reviewed Council's goals and potential changes as identified at their retreat. She answered clarifying questions from Council.

Ms. Hill asked to make sure Council maintains the "City Manager's Response" before Community Matters on the agenda.

Ms. Walker and Mr. Signer asked for clarification on 5.c. regarding electronic communications among themselves during a meeting, regarding any motion that is on the floor for debate.

Ms. Walker asked to remove ordering audio and visual equipment temporarily turned off. Ms. Galvin and Mr. Signer agreed that this should be removed.

Ms. Walker suggested that the language saying any person who has been expelled from a Council meeting may also be barred by the mayor from attendance at future Council meetings should be limited to just the current Council meeting. Mr. Bellamy supported this.

Mr. Signer suggested 5.a. should say, "Discussion and debate of matters before the Council for action *may* be undertaken in an informal and conversational matter" in order to allow for some structure.

Ms. Walker said section D.(b)(i), stating that "Speakers may not concede their allotted time" should be amended to allow for sharing of time. Mr. Bellamy and Mr. Signer supported the proposed change.

On motion, the public hearing was opened.

Mr. Jeffery Fogel, Belmont neighborhood, said Council has to make a commitment to enact what they write down. He said the mayor should be able to expand speaking limits when a topic merits. He said 5.e. under debate, "shall never allude to the motives of Council members", should be struck due to the first amendment. He said Council needs to recognize the errors under the old rules, as two people are still being tried under the old rules. He said Council should

contact the Commonwealth's Attorney's office regarding those charges and say that Council made a mistake.

Mr. M. Rick Turner, City resident, thanked Ms. Walker for her commitment to the City. He said the City cannot hire all white lawyers. He said there were no black lawyers working on the independent report.

Mr. Peter Kleeman, 407 Hedge St., said all City meetings should be recorded, including the Council retreats. He asked that this be explicitly included in the procedures. He said time sharing can be abused and favors large groups over individual citizens.

Ms. Rebecca Quinn, 104 4th St., said she supports a five minute time limit instead of a three minute time limit, if and only if it is strictly enforced for all speakers. A meeting is only public if the public can hear you, so she asked that Council please use their microphones and remind the public to do so as well.

Mr. Don Gathers, City resident, urged Council to consider reserving a certain number of spots specifically for City residents. He said City residents, County residents, state residents, and then out of state speakers should be given priority in that order.

Ms. Donna, former City resident, said sharing time is a way of some residents to create accessibility for others who were not able to sign up. She said certain people should be banned from City Council meetings. She said charges should be dropped against Sarah Tansey and Mark Heisey, her personal record should be expunged, and the City should reimburse her court costs.

Mr. Walt Heinecke, Amherst St., said these rules move in the right direction, but he called for an increased level of empathy. He said the rules move too far in the direction of reducing the mayor's discretion. He said the cameras should not be turned off. He said time should not be reduced for speakers regardless of the time of night.

Ms. Nancy Carpenter said she should be able to share her time with someone else who does not share the same born privileges. She said it is her right to share her privilege with others, including time before Council.

Ms. Mary Carey, City resident, said she agrees with Ms. Carpenter and Mr. Fogel. She said she supports sharing time, and Council should make sure not to cut the video feed during meetings.

Ms. Lena Seville, Belmont resident, said the second Matters by the Public that happens at the end of the meeting should not be limited. She said the County starts their meetings earlier.

Ms. Joy Johnson, 802 Hardy Dr., said she does not agree with limiting the second Matters by the Public. She said Charlottesville is being watched nationally. There should not be a lottery to select speakers. She said Councilors should stay here as late as necessary to serve the community.

Mr. Kyle Chaleton, Venable neighborhood, said the slogan "a great place to live" should be eliminated from the online broadcasts until it is true.

Ms. Ann Wings, Greenleaf Ln., said what happened in August was horrible, but it was a gift for us to be able to show the world how to deal with it and work together.

Ms. Rosia Parker, City resident, asked when Council is going to apologize to Garrett residents.

Having no further speakers, the public hearing was closed.

Mr. Bellamy asked to strike the language in 5.e. "shall avoid all reference to personalities, and shall never allude to the motives of Council members." Ms. Galvin said she agreed to the later, but not the former. Ms. Hill and Mr. Signer agreed with Ms. Galvin.

Ms. Hill suggested providing audio recordings of all meetings in order to maintain a public record, until staff can logistically determine how to provide video recordings.

Mr. Signer asked to remove from 5.a. "Discussion and debate of matters before the Council for action shall be undertaken in an informal and conversational matter, as much as possible." Mr. Bellamy agreed.

Ms. Hill supported eliminating the option to limit speakers during the second Matters by the Public. Mr. Bellamy said he can see where Council may need this option and would prefer it remain. Ms. Hill said the language should apply to any public comment period.

Ms. Galvin asked if Council was in favor of increasing the time limit to four minutes for speakers. Mr. Signer and Mr. Bellamy did not voice support. Ms. Walker said she would support the increase. Ms. Hill said this must mean that every speaker gets a full four minutes of uninterrupted time.

Ms. Galvin said there is appeal to reserving spots for City residents, and she is in favor of trying this approach. Mr. Bellamy said he supports this, but he does not think it is enforceable. Ms. Walker said it is different when people come to speak from the local area versus those who come from out of state. Ms. Galvin said we can revisit this at another time, although it is a fairness issue.

Ms. Galvin said she agrees with sharing time, but no speaker should be allowed to speak more than once during a hearing. Ms. Walker said she disagreed that speakers should not be allowed to speak twice. Mr. Signer and Ms. Hill said this should not be allowed during the first Matters by the Public.

Mr. Bellamy said Council should strike D(b) stating that no person may speak more than once during Matters by the Public.

Ms. Galvin moved to increase time for each speaker from three minutes to four minutes. Ms. Walker seconded the motion. The motion failed. (Ayes: Ms. Galvin, Ms. Walker; Noes: Mr. Bellamy, Ms. Hill, Mr. Signer.)

Mr. Bellamy moved to strike the sentence stating that no person may speak more than once during any Matters by the Public session from section D(b). Ms. Walker seconded the motion. The motion passed 3-2. (Ayes: Mr. Bellamy, Mr. Signer, Ms. Walker; Noes: Ms. Galvin, Ms. Hill.)

Mr. Bellamy moved to pass the Council Procedures as amended; Ms. Hill seconded. The vote passed. (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None.)

Ms. Walker called a recess at 9:47 p.m. and called the meeting back to order at 10:07 p.m.

RESOLUTION: WEST 2ND SPECIAL USE PERMIT

[West 2nd Special Use Permit](#)

[West 2nd Special Use Permit Supplement](#)

Mr. Brian Haluska, NDS Planner, presented to Council. Mr. Chris Engel, Economic Development Director, reviewed the history of the project. Mr. David Petit, attorney representing the applicant, presented to Council.

Mr. Sacha Rosen presented to Council on engagement with market vendors. Mr. Keith Woodard answered clarifying questions from Council and discussed affordable housing options.

Mr. Bellamy asked if it is possible to earmark tax revenue from a specific project. Ms. Galvin said the City could form a Community Benefit District (CBD) for Water Street to make this corridor-based instead of parcel-based. Mr. Jones said staff can look into options, including a flat increase on the affordable housing fund once this project is in place.

Ms. Galvin moved to adopt the West 2nd SUP resolution. Mr. Signer seconded the motion.

At the request of the Sgt. at Arms, Ms. Walker called for a brief recess at 11:28 p.m. due to a disturbance amongst the attendees. The meeting was called back to order at 11:38 p.m.

Ms. Galvin clarified that the applicant agreed to eight affordable housing units for 15 years. She reviewed her reasons for supporting the project. Mr. Signer asked his colleagues to consider committing all revenue from the project to affordable housing. Mr. Jones reminded Council that they are not able to commit future Councils to budget allocations. Ms. Galvin said this could work if the City were to create a CBD.

Following a line of questioning from Mr. Bellamy regarding profit, Ms. Robertson reviewed the range of considerations Council is able to make when deliberating.

Ms. Walker called for a vote on the revised SUP; the vote failed. (Ayes: Ms. Galvin, Mr. Signer; Noes: Mr. Bellamy, Ms. Hill, Ms. Walker.)

RESOLUTION: CITY COUNCIL POLICY REVIEW: NONPROFIT AND OUTSIDE AGENCY FUNDING REQUESTS THAT OCCUR SEPARATE FROM THE BUDGET PROCESS

[City Council Policy Review: Nonprofit and Outside Agency Funding Requests](#)

Ms. Leslie Beauregard, Assistant City Manager, presented to Council and reviewed the proposed changes. On motion by Ms. Galvin, seconded by Mr. Bellamy, the resolution passed. (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None.)

RESOLUTION

REVISED City Council Policy Nonprofit and Outside Agency Funding Requests that Occur Separate from the Budget Process

NOW, THEREFORE BE IT RESOLVED, that the policy developed and recommended by City staff, which includes feedback and changes from City Council, is hereby adopted and will be in effect dated February 6, 2018.

RESOLUTION: FUND TRANSFERS FOR THE CHARLOTTESVILLE HIGH SCHOOL TRACK PROJECT - \$425,000

[Charlottesville High School Track Project](#)

Mr. Maurice Jones, City Manager, presented to Council and reviewed the circumstances surrounding the fund transfer request. Mr. Rodney Redd, Director of Athletics at Charlottesville High School, was also present.

Ms. Hill moved the resolution; Mr. Bellamy seconded; the vote passed. (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None.)

RESOLUTION

Fund Transfers for the Charlottesville High School Track Project - \$425,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

Transfer From

\$325,000 Fund: 426 WBS: CP-080 G/L Account: 599999

\$100,000 Fund: 426 WBS: SH-018 (P-00949) G/L Account: 599999

Transfer To

\$425,000 Fund: 426 WBS: P-00917 G/L Account: 599999

OTHER BUSINESS

Ms. Galvin asked Council to consider a resolution establishing a Community Benefits District (CBD) for Charlottesville's high growth corridors at an upcoming Council meeting. Ms. Walker said she needs more information and would consider it on an upcoming agenda. Ms. Galvin said we should have the Human Rights Commission and the HAC look at this proposal as well.

OTHER BUSINESS

Ms. Hill asked Council for support to co-sponsor the "We are Here Diversity Festival" led by UVA, without financial obligation. Mr. Bellamy said he supports this, but we need to be aware of the precedent that it sets. Ms. Walker said she wants to make sure she knows what a sponsorship means. Ms. Galvin and Mr. Signer said they support sponsorship for the festival.

MATTERS BY THE PUBLIC

Ms. Joy Johnson, 802 Hardy Dr., said true affordable housing is not 60% or 80% AMI. We need to talk more about 50% of AMI and below. Units are needed to serve the extremely low wealth community.

Mr. Kyle Chalton said part of developing the culture we want in Council meetings will not happen just through procedures, but instead through building trust. He said the City needs to build projects that provide affordable housing, not leave it up to developers.

Mr. Brandon Collins, PHAR, said the best way to minimize the need for profit-driven development is to put resources into the housing authority, rather than relying solely on the market for incentive. He thanked Council for increasing their strategic fund allocation.

Mr. Rodney Redd, Director of Athletics at Charlottesville High School, thanked Council for their support for the field project and for their support of the schools in general.

Meeting adjourned at 12:34 a.m.