

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, April 2, 2018, AT 5:30 p.m. IN THE Second Floor 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

**SECOND FLOOR CONFERENCE ROOM –
April 2, 2018**

Council met in special session on this date with the following members present: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker. On motion by Ms. Hill, seconded by Ms. Galvin, Council voted, (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically: Virginia Code sec. 2.2-3711(A)(1) and (A)(7), to discuss the performance of the City Manager and to consult with legal counsel regarding such performance, or the manager’s employment agreement, as Council may deem expedient.

On motion by Ms. Hill, seconded by Ms. Galvin, 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 CHAMBER - April 2, 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.

Ms. Walker announced that items 5 and 10 were withdrawn by the applicants.

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

Mr. Jones reported on accessibility for the rear area in City Council Chambers. He gave an update on discussions regarding the Human Rights Commission. He gave an update on the upcoming Police Civilian Review Board Community Forum at the Jefferson School Heritage Center, as well as ongoing opportunities for public input.

COMMUNITY MATTERS

Ms. Liz Reynolds, 910 Cottage Ln., spoke about her privilege as a white person. She highlighted Chicago's Section 3 program and suggested the City implement a similar program.

Ms. Mary Carey, City resident, distributed information to Council that was tweeted from @MikeSigner1. She spoke against the West 2nd SUP. Mr. Signer said the account Ms. Carey referenced is a fake, satire account and was not created by him.

Mr. Evan Brown, City resident, yielded his time to Mr. Jeff Fogel, Belmont neighborhood. Mr. Fogel discussed the Police Department's stop and frisk report and said the City does not care about racial disparity. He said nothing entitles the police to stop innocent people in our City. Mr. Bellamy asked Mr. Fogel for a proposed solution. Mr. Fogel said the selection of the next police chief is critical. The police chief should be selected by Council and report directly to them. The new chief needs a plan for dealing with stop and frisk, and there should be further investigation of the police department. He called for more transparency, above and beyond what FOIA allows for.

Mr. Bellamy requested that Councilors be timed for their two minute response moving forward.

Mr. Paul Long, 100 Ridge St., addressed Council about the Dewberry Hotel and the BAR's vote to add an additional story. He recommended the City declare eminent domain and demolish the building.

Ms. Jojo Robertson requested access to printing capabilities for community members. She distributed a graph to Councilors and said she is upset about the \$75,000 City Council voted to allocate to the Downtown Business Association at a recent meeting. She said this is an unacceptable expenditure of money given the conditions at Crescent Halls. She discussed potential conflicts of interest sitting Councilors have. Ms. Galvin clarified her position at the University of Virginia as an adjunct faculty member and asked Ms. Lisa Robertson, Interim City Attorney, to confirm that it is not necessary for her to recuse herself regarding matters of decisions about UVA. Mr. Signer clarified that he is not currently teaching at UVA.

Mr. Richard Jones, with Management Services Corporation, spoke in support of the West 2nd Street SUP and gave his reasons for supporting Mr. Woodard and reviewed the benefits of his project. He asked for a show of hands from the audience for those who support the project. Several attendees raised their hands.

Mr. Michael Caplin, long-time City resident, said he cares deeply about his hometown and the economic vitality of the downtown area. He said a vital Charlottesville economy funds the City's activities and services. He discussed the benefits of the West 2nd SUP project and its support of affordable housing.

Mr. Roy Van Doorn, with City Select, said he is a member of the DBAC but is speaking for himself. He spoke in support of the West 2nd project and discussed the benefits the project will have for the community, including increased employment opportunities and vitality.

Ms. Rebecca Deeds, representing Preservation Piedmont, spoke to concerns about the scale of development for the West 2nd building. She requested that the plans be approved by BAR for impacts on the surrounding neighborhoods. The building is not compatible with the neighborhood, does not comport with its historic surroundings, and will cast a shadow on the Downtown Mall.

Mr. Lawson Leavell, with the Green Party, said the Dillon Rule is preventing Council from doing many things they would like to do, including raising minimum wage. He recommended the City create a coalition to challenge state law.

Mr. Bellamy clarified that the Dillon Rule does not prevent the City from raising wages for City workers.

Ms. Galvin clarified that Mr. Leavell meant wages for workers throughout the City. She said the Democratic Party is pushing for a state-wide minimum wage increase.

Ms. Eva King, vendor at the City Market, urged Council to come to an agreement on the West 2nd development that makes sure the City Market gets a permanent home.

Ms. Blair Williamson, small business owner on the Downtown Mall, spoke in support of the West 2nd project. She said the project will support the mall and will be good for the community at large, as well as providing a permanent home for the City Market.

Mr. Brendan Hassler, County resident, said the presentation on stop and frisk at the last Council meeting was not professional. He said you cannot dismiss the numbers and the perspective they provide. He reviewed the chances of being stopped according to whether you are white or black. He said the City must adjust their mindset on this matter.

Mr. Bellamy asked Mr. Hassler what his suggestions are for solutions. Mr. Hassler referred to Mr. Fogel's suggestions. He called for transparency and control over the next Police Chief, and accountability.

Mr. Andrew King, City Market vendor, spoke in support of the West 2nd project. He asked Council to consider the multiple stakeholders when contemplating the West 2nd SUP.

Mr. Jason Kessler, City resident, asked Council if they support conservatives, pro-monument speakers and alt-right speakers' rights to free speech and safety. He asked Council, if he were granted an injunction, if they would make it a priority to clear the entrance to the park for a demonstration. He asked residents if they would be peaceful so that he could exercise his right to free speech. Mr. Kessler conceded his time to Mr. Brian Lambert.

Mr. Brian Lambert ceded the rest of his time to Chris Wayne.

Mr. Chris Wayne spoke about priorities and choosing to make expenditures on statues. Mr. Wayne addressed the audience instead of Council and was called to order.

Ms. Walker called for a recess.

The meeting was called back to order. Attendees would not come to order. The mayor ordered the room cleared.

Ms. Galvin made a motion to go into closed session for legal advice about how Council may proceed with the business portion of the meeting. On motion by Ms. Galvin, seconded by Mr. Signer, Council voted, (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None) to meet in closed session as authorized by Va. Code 2.2-3711(A)(7): meeting for the purpose of obtaining legal advice as to how to lawfully handle the disruption that has just occurred during this meeting.

Mayor Walker called the meeting to order. 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.

Members of the public were invited to re-enter Chambers.

Ms. Walker addressed attendees regarding the rules of the City Council's public meetings. She read the rules for participating in a Council meeting. She reviewed her philosophy on enforcing rules at public meetings.

Ms. Walker offered Mr. Chris Wayne the remainder of his time. Mr. Kessler began speaking out of turn and was called to order. Mr. Wayne was no longer present. Ms. Walker closed Community Matters.

CONSENT AGENDA:

- a. Minutes for March 19, 2018**
- b. APPROPRIATION: HB2 / SMART Scale grant funding Barracks Road / Emmet Street Intersection - \$8,640,866 (2nd reading)**

[HB2 / SMART Scale grant funding](#)

WHEREAS, the City of Charlottesville was awarded \$8,640,866 in state and federal funds through the SMART Scale grant program to be used for the Barracks Road Intersection Improvements project;

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

Revenues

\$7,640,866	Fund: 426	WBS: P-00972	G/L Account: 431110
\$1,000,000	Fund: 426	WBS: P-00972	G/L Account: 430110

Expenditures

\$8,640,866	Fund: 426	WBS: P-00972	G/L Account: 599999
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- c. **APPROPRIATION: Charlottesville Fire Department Legacy Vending Machine Funds - \$4314.94 (2nd reading)**

[Charlottesville Fire Department Legacy Vending Machine Funds](#)

WHEREAS, the City of Charlottesville, through the Fire Department, has received \$4314.94 in vending machine revenue;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$4314.94, received is hereby appropriated in the following manner:

Revenue – \$4314.94

\$4314.94	Fund: 105	I/O: 2000138	G/L Account: 451999
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Expenditures - \$4314.94

\$4314.94	Fund: 105	I/O: 2000138	G/L Account: 520990
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BE IT FURTHER RESOLVED, future revenues from vending machines at the Fire Departments will be deposited in this account and hereby considered as a continuing appropriation and immediately available for the Fire Department to spend unless further altered by Council.

- d. **APPROPRIATION: Reimbursed funds to the Charlottesville Albemarle Convention & Visitors Bureau - \$35,517 (Carried)**
- e. **ORDINANCE: Quitclaim Gas Easement to VDOT at Adams Court (2nd reading)**

[Quitclaim Gas Easement to VDOT at Adams Court](#)

AN ORDINANCE TO QUITCLAIM NATURAL GAS LINE EASEMENT WITHIN ADAMS COURT IN THE JEFFERSON VILLAGE SUBDIVISION LOCATED IN ALBEMARLE COUNTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION

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

PUBLIC HEARING: CITY COUNCIL'S PROPOSED FY 2019 BUDGET[City Council's Proposed FY 2019 Budget](#)

Mr. Jones, City manager, invited Ms. Leslie Beauregard, Assistant City Manager, to give an overview of the budget amendments and answered clarifying questions for Council.

On motion, the public hearing was opened.

Mr. Michael Payne thanked the City for moving to three tiers for the CHAP grant. He recommended adding a civil rights attorney into the budget for the Human Rights Commission and pass resolutions to further empower the Human Rights Commission (HRC). He asked for more information about the role of the proposed third Assistant City Manager.

Ms. Jojo Robertson said she delivered a petition to Council to reopen Sage Smith's case, and she presented this to the Human Rights Commission. She said she has not had positive experiences with the Human Rights Commission. She asked Council to support a civil rights attorney for the HRC.

Mr. Bellamy asked Ms. Walker to call Mr. Brian Lambert to order for making noises out of turn.

Ms. Deanna Gould, Director of Lighthouse Studios, thanked Council for their support.

Mr. Chris Wayne said the budget should not fund ineffective expenditures.

Having no further speakers, the public hearing was closed.

Ms. Galvin said the Assistant City Manager position was approved last year and gave a brief description of the role. She spoke about the importance of comprehensive zoning, community engagement and coordinating across departments. Ms. Walker said she has questions about whether a third assistant manager position is truly needed. Mr. Bellamy said money is set aside to further explore the possibility of a civil rights attorney and discuss other structural matters regarding the HRC.

ORDINANCE: ANNUAL TAX LEVY (Carried)[Annual Tax Levy](#)

Mr. Bellamy moved the ordinance; Ms. Hill seconded the tax levy. The ordinance carried.

APPROPRIATION: ANNUAL BUDGET APPROPRIATION FOR FY 2019 (Carried)

[Annual Budget Appropriation FY 2019](#)

Mr. Bellamy moved the budget appropriation; Mr. Signer seconded.

Council agreed that a budget work session this coming Thursday is not necessary.

PUBLIC HEARING / ORDINANCE*: RELEASE OF SEWER EASEMENT ON RIALTO STREET (1st of 2 readings) WITHDRAWN - NO PUBLIC HEARING

[Release of Sewer Easement on Rialto Street](#)

PUBLIC HEARING / ORDINANCE: STORM DRAIN EASEMENT AT 1170 EMMET STREET (Carried)

[Storm Drain Easement at 1170 Emmet Street](#)

Ms. Lisa Robertson, Interim City Attorney, presented to Council and answered clarifying questions.

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

On motion by Ms. Galvin, seconded by Ms. Hill, the ordinance carried.

PUBLIC HEARING / RESOLUTION: ALBEMARLE-CHARLOTTESVILLE HISTORICAL SOCIETY LEASE OF MCINTIRE BUILDING

[Albemarle-Charlottesville Historical Society Lease of McIntire Building](#)

Mr. Paul Oberdorfer, Director of Public Works, presented to Council.

Mr. Signer put forward a potential compromise, stating that the 1/3 appointment of the Board of Directors would only be for the first year of the lease. Ms. Robertson clarified that the current resolution is for a one-year lease. Mr. Signer recommended adding language stating that Council appointees' terms shall expire at the end of the lease. Mr. Jones said the lease would have to come before Council and a public hearing after a one-year period as it is currently written.

Ms. Galvin proposed an alternative, to have two Councilors serve as ex-officio as long as the lease for ACHS is on City property.

On motion, the public hearing was opened.

Ms. Genevieve Keller, City resident, presented to Council in support of renewal for the lease to the ACHS. She said she is encouraged by recent actions of the society and believes they are moving in a better direction.

Ms. Kay Slaughter, City resident, spoke in support of the lease to ACHS. She said the new board and Executive Director deserve the City's confidence. She said she has rejoined the ACHS.

Mr. Evan Brown, City resident, asked Council not to support the new lease negotiation due to the lost revenue the City would incur as a result. She said there are other agencies that are more deserving of funding. He said a member affiliated with the ACHS financially supported a law suit in support of keeping the monuments.

Mr. Jim Wooten, Jefferson Park Cir., spoke in support of the ACHS and encouraged Council to renew the lease. He encouraged the City to maintain a high level of connection with ACHS moving forward.

Mr. Michael Payne said the ACHS was questioned about potential fraud the last time this came before Council. He asked if there will be accountability for what the previous director may have done. He asked that the ACHS board investigate.

Having no further speakers, the public hearing was closed.

Mr. Bellamy said Council has been satisfied about the answers they have received from the new leaders of the ACHS and is in support of Mr. Signer's proposal.

Mr. Signer made a motion to pass the lease as drafted; Mr. Bellamy seconded the motion. The motion passed. (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None)

Mr. Barefoot asked when the board should make their annual presentation to Council. Mr. Jones suggested December or January. Mr. Barefoot thanked Council for their support.

RESOLUTION

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that this Council hereby authorizes the City Manager or his designee to execute the following lease agreement, in a form approved by the City Attorney:

Lease agreement between the City of Charlottesville and Albemarle Charlottesville Historical Society (ACHS) for the lease of City-owned property at 200 Second Street, N.E., Charlottesville, Virginia, dated April 2, 2018.

Ms. Walker called for a brief recess.

Ms. Walker called the meeting back to order.

RESOLUTION: WEST 2ND SPECIAL USE PERMIT**West 2nd Special Use Permit**

Ms. Lisa Robertson, Interim City Attorney, presented to Council and answered clarifying questions.

Mr. Bellamy moved to amend the SUP permit as requested by the applicant for a proposal mixed use development proposed by Market Plaza LLC, SUP Option 2. Ms. Galvin seconded the motion and offered a friendly amendment to add Water Street to the list of elevations subject to BAR review. Mr. Bellamy accepted the amendment.

Mr. Bellamy explained why he supported this project, including providing affordable housing units and using a public-private partnership to leverage increased availability of affordable housing.

Mr. Signer presented the idea of dedicating revenue from the West 2nd SUP for a bond issuance in support of affordable housing.

Ms. Galvin reviewed her reasons for supporting the project.

Ms. Hill said that she supports the local vendors and she explained her reason for supporting the project.

Ms. Walker reviewed her reasoning for opposing the West 2nd proposal. She said the process favors profit over the residents. Mr. Bellamy and Ms. Walker discussed options for the future regarding development.

Mr. Signer called the question.

Ms. Hill said it should say "the applicant SHALL work". Ms. Robertson said that staff is correcting numbers and reconciling paragraph 13 and paragraph 3.

Ms. Hill confirmed that she is not able to provide more stringent direction to the BAR.

The motion passed. (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer; Noes: Ms. Walker)

Mr. Bellamy moved a resolution executing an MOU between Dogwood Properties and the City.

Ms. Galvin seconded the motion, with a friendly amendment to the MOU: "The City shall expedite all necessary zoning and environmental approvals."

The vote passed. (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer; Noes: Ms. Walker)

Mr. Bellamy asked if the City Manager can explore the cost of a bond. Ms. Galvin said she is interested in exploring an increment finance district along the entire corridor.

Mr. Signer requested that these options be discussed within the next couple of months within a City Council meeting.

Mr. Jones said staff can come back 2nd meeting in June or July for options for directing revenue.

RESOLUTION AMENDING A SPECIAL USE PERMIT AS REQUESTED BY APPLICATION NO. SP17-00007 FOR A PROPOSED MIXED USE DEVELOPMENT ON WATER STREET PROPOSED BY MARKET PLAZA, LLC

Ms. Walker called a recess.

Ms. Walker called the meeting back to order.

RESOLUTION: HONORARY STREET NAME - RUE DE BESANÇON

[Honorary Street Name - Rue de Besançon](#)

Mr. Alex Ikefuna, Director of Neighborhood Development Services, presented to Council and answered clarifying questions for Council.

Ms. Hill recommended a more robust process for honorary street naming going forward. Mr. Bellamy said he wants to make sure not to make the process too bureaucratic.

On motion by Mr. Bellamy, seconded by Ms. Galvin, the street naming was approved. (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None)

**RESOLUTION
Honorary Street Name Designation –
2nd Street NW, from High Street to East Main**

WHEREAS, City Council adopted a policy for Honorary Street Name Designation;

WHEREAS, City Staff has reviewed the application for appropriateness and verified the historical information;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that that 2nd Street NW, from High Street to East Main Street shall be honorary named RUE DE BESANÇON.

ORDINANCE*: ~~1206 CARLTON AVE. REZONING REQUEST (1st of 2 readings) - WITHDRAWN BY APPLICANT~~

[1206 Carlton Ave. Rezoning Request](#)

ORDINANCE: MONTICELLO ROAD REZONING REQUEST (Carried)

[Monticello Road Rezoning Request](#)

Ms. Carrie Rainey, City Planner with Neighborhood Development Services, presented to Council and answered clarifying questions.

On motion by Ms. Hill, seconded by Ms. Galvin, the ordinance carried.

Ms. Galvin offered an explanation for her support.

ORDINANCE: Closing and Vacating Brandon Avenue and a Portion of Monroe Lane/15th Street (2nd reading)

[Closing and Vacating Brandon Avenue and a Portion of Monroe Lane/15th Street](#)

Ms. Lisa Robertson, Interim City Attorney, presented to Council and answered clarifying questions. She noted that the University of Virginia is willing to pay fair market value for the area. This would be deducted from the money offered to work cooperatively on other projects such as West Main. Council may choose to waive compensation and retain the full amount for the West Main project.

Ms. Walker said these two conversations should be kept separate. Ms. Galvin and Mr. Signer offered their views.

Ms. Robertson reviewed considerations outlined in the City's street closing policy. In response to an inquiry from Ms. Galvin, she reported the annual maintenance costs over the course of 15 years, which is about \$112,000, not adjusted for inflation.

Mr. Bellamy asked if voting this down without compensation outside of the West Main project would hurt the City's relationship with UVA. Mr. Jones said that it would and explained the work that has gone into negotiating UVA's contribution to the West Main project.

Ms. Walker called the question.

Mr. Signer amended the original motion to include payment of the property at fair market value in the amount of \$539,000. Ms. Hill asked if taking this money away would negatively affect the contribution to West Main. Mr. Ikefuna said it would. Mr. Signer withdrew his amendment to the motion.

The motion passed. (Ayes: Mr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer; Noes: Ms. Walker)

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING BRANDON AVENUE AND A PORTION OF THE MONROE LANE/15TH STREET RIGHTS-OF-WAY

OTHER BUSINESS

Mr. Signer asked that there be child care provided for work sessions as there are at Town Hall meetings. Ms. Galvin said this may improve engagement. Mr. Bellamy and Ms. Hill supported it as well.

MATTERS BY THE PUBLIC

Molly said she is disappointed in the way Council handled tonight's disruption. She said sending attendees into the hallway with armed aggressors was a poor choice and was dangerous. She said there needs to be a better plan for next time.

Ms. Walker said Council was not able to hear anything, including any threats, over the noise in Chambers. She reviewed her philosophy on reading rules and setting them. She said she hopes we will get to a place where attendees do not feel the need to disrupt.

Ms. Tracy Riffel expressed her frustration about construction in and around the Downtown Mall, which is repeatedly affecting her business. She said permit notification requirements are not enforced.

Mr. Signer excused himself from the meeting.

Ms. Galvin said she intended to bring this up under Other Business. She asked staff to review protocols and the notification process. She said this has been going on for six years and asked that it be resolved. She asked that this be added to a future agenda regarding construction on our public streets that effect businesses and residents, what are the requirements, how do we notify them, and stick with this process.

Mr. Michael Payne said regarding the West 2nd project, the system is broken and produces options that are nowhere near good enough to reach the level of affordable housing needed in the City. He said our process is broken, and the long-term view of development needs better engagement. The City should only sell land for affordable housing.

A resident said he witnessed several squandered opportunities this evening; especially when Mr. Signer called the question during the conversation between Ms. Walker and Mr. Bellamy regarding the West 2nd SUP. He said Ms. Walker is a change agent, and the City has to be more creative about the possibilities.

Meeting adjourned at 12:15 a.m.