

COUNCIL CHAMBER - October 7, 2019

ROLL CALL

The Charlottesville City Council met on this date in City Hall Council Chamber with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Dr. Wes Bellamy, Mr. Mike Signer, and Ms. Kathy Galvin.

Mayor Walker called the meeting to order at 6:40 p.m.

ANNOUNCEMENTS / PROCLAMATIONS

Dr. Bellamy announced an Alex-Zan event, and the University of Virginia's Community Bridges Four-Mile Run on Saturday, October 12th, with all proceeds going toward local initiatives that support affordable housing.

Ms. Hill announced dates and location for the DMV Connect, and she read a proclamation for Domestic Violence Awareness Month.

CONSENT AGENDA*

Ms. Walker opened the floor for public comments on the consent agenda. With no one coming forward to speak, the consent agenda public comment period was closed and Maxicelia Robinson, Assistant to the Clerk of Council, read the following consent agenda items into the record.

a. MINUTES: August 19 Regular meeting, September 3 Special and Regular meetings

August 19 Regular meeting minutes

September 3 Special meeting minutes

September 3 Regular meeting minutes

b. APPROPRIATION: Funding for Virginia Temporary Assistance to Needy Families Employment and Training (VTET) pilot program - \$50,000 (2nd reading)

VTET Pilot \$50,000

APPROPRATION

Funding for Virginia Temporary Assistance to Needy Families Employment and Training (VTET) Pilot Program - \$50,000

WHEREAS, the Charlottesville Department of Social Services has received \$50,000 from the Virginia Department of Social Services to participate in the TANF Non-Custodial Parent Employment Pilot.

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

Fund 212 Cost Center: 9900000000 G/L Account: 430080 \$50,000

Expenditures-\$50,000

Fund 212 Cost Center: 3333002000 G/L Account: 540060 \$50,000

- c. **APPROPRIATION: Charlottesville/Albemarle Adult Drug Treatment Court Substance Abuse and Mental Health Services Administration Grant Award - \$300,548 (2nd reading)**

\$300,548 FY2020 SAMHSA Treatment Drug Court

APPROPRIATION

Charlottesville/Albemarle Adult Drug Treatment Court Substance Abuse and Mental Health Services Administration Grant Award - \$300,548

WHEREAS, the Substance Abuse and Mental Health Services Administration, a division of the U. S. Department of Health and Human Services, in the amount of \$293,745 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the grant award covers the period October 1, 2019 through September 30, 2020.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$300,548, received as a grant from the Substance Abuse and Mental Health Services Administration, is hereby appropriated in the following manner:

Revenues

\$300,548 Fund: 211 Internal Order: 1900335 G/L Account: 431110

Expenditures

\$300,548 Fund: 211 Internal Order: 1900335 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$300,548 from the Substance Abuse and Mental Health Services Administration.

d. APPROPRIATION: Refund of Tax Payment to East Market Street LLC - \$16,173.30 (2nd reading)

\$16,173.30 East Market Street, LLC tax refund

**RESOLUTION
AUTHORIZING REFUND TO EAST MARKET STREET, LLC
OF REAL ESTATE TAXES PAID FOR 2016-2019 - \$16,173.30**

WHEREAS, the City Assessor has determined that East Market Street, LLC was incorrectly identified as the owner of 0 10th St NE; and

WHEREAS, the real estate taxes for the Property for calendar years 2016-2019 were paid on time and as billed; and

WHEREAS, the City Assessor has certified that a refund of taxes paid and interest is due in the amount of \$16,173.30; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$16,173.30, payable to East Market Street, LLC.

e. APPROPRIATION: Virginia Department of Historic Resources (VDHR) 2019-2020 Certified Local Government grant funding for 10th and Page Neighborhood Historic Resources Survey - \$31,590 (2nd reading)

VDHR CLG Grant 10th and Page-\$31,590

**APPROPRIATION
Virginia Department of Historic Resources
2019-2020 Certified Local Government Grant Funding for 10th and Page Neighborhood Historic Survey - \$52,650**

WHEREAS, the City of Charlottesville, through the Department of Neighborhood Development Services, has received from the Virginia Department of Historic Resources, funding to support a historic survey for the 10th and Page Neighborhood,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$21,060 for the fiscal year 2019-2020 received from the Virginia Department of Historic Resources is hereby appropriated in the following manner:

Revenue

\$ 21,060	Fund: 209	IO: 1900338	G/L: 430120 (State/Fed Pass Thru)
\$ 31,590	Fund: 209	IO: 1900338	G/L: 498010 (Transfer from other fund)

Expenditure

\$ 52,650	Fund: 209	IO: 1900338	G/L: 530670 (Other contractual services)
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Transfer

\$20,568	Fund: 426	WBS: P-00484	G/L: 561209 (Transfer to grants)
\$11,022	Fund: 105	CC: 3901005000	G/L: 561209 (Transfer to grants)

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of r 2019-2020 from the Virginia Department of Historic Resources.

f. APPROPRIATION: Albemarle County funding for Albemarle County Resident Workforce Development Training - \$13,395 (2nd reading)

\$13,395 Albemarle Co funding - Albemarle Co Resident Workforce Training

APPROPRIATION

Albemarle County funding for Albemarle County Resident Workforce Development Training - \$13,395.00

WHEREAS, the City of Charlottesville has received funds from Albemarle County in the amount of \$13,395.00; and

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$13,395.00 is hereby appropriated in the following manner:

Revenue – \$13,395.00

Fund: 425	WBS: P-00385	G/L: 432030
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Expenditures - \$13,395.00

Fund: 425	WBS: P-00385	G/L: 599999
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g. APPROPRIATION: Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) - \$240,642 (2nd reading)

Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) - \$240,642

APPROPRIATION

Housing Opportunities for People With AIDS/HIV (HOPWA) Grant - \$240,642

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$240,642;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$240,642 is hereby appropriated in the following manner:

Revenues

\$240,642 Fund: 209 IO: 1900339 (H.O.P.W.A.) G/L: 430120 Federal Pass-Thru State

Expenditures

\$240,642 Fund: 209 IO: 1900339 (H.O.P.W.A.) G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$240,642 in funds from the Virginia Department of Housing and Community Development.

**h. APPROPRIATION: Virginia Housing Solutions Program Grant Award - \$484,785
(2nd reading)**

\$484,785 FY2020 Va Housing Solutions Program Grant Award

APPROPRIATION

Virginia Housing Solutions Program Grant - \$484,785

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the V. H. S. P. Grant from the Virginia Department of Housing and Community Development in the amount of \$484,785;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$484,785 is hereby appropriated in the following manner:

Revenues

\$386,545 Fund: 209 IO: 1900340 G/L: 430110 State Grant
\$98,240 Fund: 209 IO: 1900340 G/L: 430120 Federal Pass-Thru State

Expenditures

\$484,785 Fund: 209 IO: 1900340 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$484,785 in funds from the Virginia Department of Housing and Community Development.

i. RESOLUTION: Hedgerow Land Acquisition - \$37,500

Hedgerow Land Acquisition - \$37,500

RESOLUTION

Allocation of Parkland Acquisition Funds for Hedgerow Land Acquisition - \$37,500

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$37,500 be allocated from previously appropriated funds in the Parkland Acquisition account to the Hedgerow Holding LLC for the purpose of providing supplemental funds for the purchase of ~144 acres of undeveloped forested land adjacent to the Ragged Mountain Reservoir property.

\$37,500 Fund: 426 Project: P-00534 G/L Account: 530670

j. ORDINANCE: PEG Bandwidth VA, LLC - Telecommunications Franchise (Carried)

Franchise Agreement with PEG Bandwidth VA

k. ORDINANCE: Rental Relief for Elderly and Disabled (2nd reading)

Rent Relief Ordinance and Memo

AN ORDINANCE AMENDING AND REORDAINING SECTIONS 25-58 AND 25-61 OF ARTICLE III OF CHAPTER 25 (SOCIAL SERVICES) OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED, RELATING TO RENT RELIEF FOR THE ELDERLY AND DISABLED PERSONS.

l. ORDINANCE: Changes to Real Estate Tax Relief Program for Elderly and/or Disabled (2nd reading)

Real Estate Tax Relief Ordinance and Memo

AN ORDINANCE AMENDING AND REORDAINING SECTIONS 30-96, 30-99, AND 30-101 OF CHAPTER 30 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING TO CHANGES IN THE REAL ESTATE TAX RELIEF PROGRAM FOR THE ELDERLY AND/OR DISABLED

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the consent agenda 5-0: (Ayes: Bellamy, Hill, Galvin, Signer, Walker; Noes: None).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

City Manager Tarron Richardson announced details of the trolley route pilot study, provided steps upon completion of the study, and shared outlets used to announce trolley changes. The mayor reiterated that the pilot would go beyond ninety days if more data was needed.

Ms. Walker asked for an explanation of why the pilot changed to ninety days versus the six months voted on by Council. Dr. Richardson advised that the six months was originally proposed by the traffic engineer and not Charlottesville Area Transit (CAT) personnel. He advised that the CAT Director would visit Midway Manor to speak with residents about transportation.

COMMUNITY MATTERS

Ms. Honie Ann Peacock ceded her time to Brooke Ray, Manager of Food and Agriculture program with International Rescue Committee, who spoke about affordable housing and food justice in Charlottesville.

Ms. Jasmine Chen ceded her time to Ms. Janette Kawachi of Habitat for Humanity, Thomas Jefferson Area Coalition for the Homeless, and the Charlottesville-Albemarle Housing Coalition. Ms. Kawachi spoke about affordable housing and advocated for Council to fund the Charlottesville Affordable Housing Fund (CAHF) with any year-end surplus.

Ms. Mikayla Woodley ceded her time to Ms. Kizzy Walker, who spoke about affordable housing, jobs of the working class citizens contributing to the success of the city, and about working with Habitat Pathway to Housing program to obtain homeownership and better quality of life for her and her family.

Ms. Zoe Pham ceded her time to Ms. Phyllis Meredith, the first Habitat Home Owner in Charlottesville, who spoke about what home ownership has meant to her family. She spoke about the lack of affordable housing options and asked Council to support the CAHF.

Ms. Mary Carey thanked the City Manager for the trolley pilot program and gave her observation of community members' use of the pilot program. She asked Council to look into children of incarcerated parent(s) being placed in foster care when family members are available to care for the child.

Ms. Kate Fraleigh asked that Council support the Police Civilian Review Board (CRB). She asked Council to support the CRB with the proposed bylaws as written, and she asked for an update on the CRB.

- City Attorney John Blair responded that he anticipated a draft of bylaws and an ordinance for Council's consideration at the next Council meeting.

Ms. Shanice Gray spoke about challenges with finding affordable housing in Charlottesville, despite a college education.

Ms. Tanesha Hudson commended Council on the trolley pilot program and said that residents at Midway Manor are pleased with the changes to the trolley. She requested that a diaper changing station be installed in the City Hall restroom near Council Chamber, and asked for funding of the CRB. She asked Council to make a public comment about their support of Police Chief Brackney's expressed stance on assault rifles.

- Ms. Walker responded that the signatures gathered to remove Chief Brackney were from outside of the area, although some locals signed, and that she did not take the petition seriously. She stated that Council was in support of the Chief's stance and that Council was aware of Chief's position prior to her testimony.
- Ms. Galvin added that she and Dr. Bellamy are on the committee for legislative requests to the General Assembly and that Council's stance on banning assault rifles would be included in the packet and will be a public statement. She stated that the packet would be due late October or early November, and that Council would have the opportunity to discuss, change and vote on contents of the legislative packet.

Ms. Sena Magill spoke about some concerns of the 10th and Page Neighborhood Association: delivery trucks on 8th Street blocking traffic and visuals; the request for an audible crossing signal at the Preston and Rose Hill intersection; and that Mr. Gaines is requesting that the John West placard be moved closer to Hardy Drive where most of Mr. West's advocacy occurred.

Mr. David Redding, representing Eco Village Charlottesville and Food Not Bombs, spoke in support of food equity initiatives and asked that non-profits be stationed away from the porta-potties at the Charlottesville Farmers Market.

Ms. Myra Anderson acknowledged Mental Health Awareness Week and advocated for mental health services for people of color in the City of Charlottesville. She asked for culturally competent mental health services in Charlottesville, for a Sankofa Center, and long-term trauma services.

Ms. Nancy Carpenter shared a story of what the CAHF meant to someone who was formerly homeless.

The meeting recessed at 7:34 p.m.

The meeting reconvened at 7:53 p.m.

PUBLIC HEARING / ORDINANCE: Release of Portion of Sewer Easement - McIntire Plaza (Carried)

Agenda memo, Proposed Ordinance; Deed and Plat

Ms. Walker opened the public hearing.

Mr. Michael Payne asked Council to be mindful of the impact this project would have on nearby infrastructure and/or projects. He referenced the special use permit (SUP) for West Main Street and its effects on First Baptist Church. He asked Council to consider the input of the First Baptist congregation on the West Main Street SUP.

With no one else coming forward to speak, Ms. Walker closed the public hearing.

Council unanimously agreed to move the item to the October 21, 2019, consent agenda.

RESOLUTION*: Comprehensive Signage Plan for Hillsdale Place

Agenda memo; Resolution; Planning Commission staff report September 10, 2019; Hillsdale Place Comprehensive Signage Plan

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED the consent agenda 5-0: (Ayes: Bellamy, Hill, Galvin, Signer, Walker; Noes: None).

Ms. Galvin asked Council to work toward implementing the Hydraulic Zoning Plan which provides the directive for turning the area into a place where people can live and work.

**RESOLUTION
APPROVING COMPREHENSIVE SIGNAGE PLAN
FOR HILLSDALE PLACE
(Application No. OT19-00186)**

WHEREAS, on September 10, 2019, the City’s Entrance Corridor Review Board and the City’s Planning Commission reviewed the Comprehensive Signage Plan proposed for Hillsdale Place, and recommended approval of the plan if certain modifications were to be made; and

WHEREAS, the applicant has indicated that the modifications recommended by the Planning Commission are acceptable, and has incorporated those modifications into a revised Comprehensive Signage Plan for Hillsdale Place (rev. September 12, 2019) for review and approval by City Council; and

WHEREAS, in accordance with City Code Sec. 34-1045(c), City Council has determined that:

- (1) There is good cause for deviating from a strict application of the requirements of Section 34-1020, et seq. (City Code Chapter 34, Article IX, Division 4 – Signs), and

- (2) The comprehensive signage plan, as proposed, with the modifications recommended by the Planning Commission, will serve the public purposes and objectives set forth within City Code Section 34-1021 at least as well, or better, than the signage that would otherwise be permitted for the subject development;

NOW THEREFORE BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that this Council hereby approves the Comprehensive Signage Plan for Hillsdale Place (rev. September 12, 2019).

RESOLUTION*: 602-616 West Main Special Use Permit request for a mixed-use building

Agenda memo: Resolution for Proposed Special Use Permit

Mr. Brian Haluska, Principal Planner, noted some edits for the resolution. He answered questions from Councilors regarding parking.

Ms. Galvin asked to hear from the applicant.

Mr. L.J. Lopez with Milestone Partners explained that the project sought the approval of all of the necessary groups to ensure compliance and to reach a point for council consideration. He said that all of the requirements presented to the applicant affect things such as parking. The previous project used off-site parking based on approval stipulations and adjacent historic structures. He explained that off-site parking was not desirable and that 53 parking spaces indicated in the plans was to illustrate that on-site parking could be provided. He said that three known concerns of the Board of Architectural Review were: 1) the front building facade, 2) the placement of the garage entrance, and 3) the desire for open space, which would all have an effect on parking and that 53 parking spaces would be difficult to achieve. The condition submitted in the memo was to provide a minimum of 40 spaces and if the zoning ordinance based on the site plans required more, they would meet that requirement.

Further discussion from Council ensued and Dr. Bellamy expressed that the initiative to be a multi-modal city affects low income families.

Per Council request, based on suggestions during discussion, Mr. Blair stated the revised Language for the resolution.

On motion by Mr. Signer, seconded by Ms. Hill, Council by the following vote APPROVED the resolution 4-1: (Ayes: Bellamy, Galvin, Hill, Signer. Noes: Walker).

**RESOLUTION
APPROVING A SPECIAL USE PERMIT TO ALLOW HIGH DENSITY RESIDENTIAL
DEVELOPMENT FOR PROPERTY LOCATED AT**

602-616 WEST MAIN STREET

WHEREAS, landowner Heirloom West Main Street Second Phase, LLC is the current owner of a lot identified on 2019 City Tax Map 29 as Parcel 3 (City Parcel Identification No. (290003000) (the “Subject Property”), and pursuant to City Code §34-641, the landowner proposes to redevelop the Subject Property by constructing a mixed use building on the Subject Property (“Project”), containing residential dwelling units at a density of up to 120 dwelling units per acre (“DUA”); and

WHEREAS, the Project is described within the Applicant’s application materials dated May 14, 2019 submitted in connection with SP19-00003, including, without limitation, a narrative statement dated May 14, 2019, and a preliminary site plan dated May 13, 2019, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission reviewed the Application Materials, and the City’s Staff Report, and subsequent to a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on August 13, 2019, the Planning Commission voted to recommend that the City Council should approve the requested special use permit, to allow residential density up to 120 dwelling units per acre (DUA), subject to certain suitable conditions and safeguards recommended by the Planning Commission; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the Planning Commission’s recommendation, and the Staff Reports discussing this application, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-641, a special use permit is hereby approved and granted, subject to the following conditions:

1. The specific development being approved by this special use permit (“Project”), as described within the site plan exhibit required by City Code §34-158(a)(1), shall have the following minimum attributes/ characteristics:
 - a. Not more than one building shall be constructed on the Subject Property (the “Building”). The Building shall be a Mixed Use Building.
 - b. The Building shall not exceed a height of four (4) stories.
 - c. The Building shall contain no more than 55 dwelling units.
 - d. The Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building facing West Main Street. The square footage of this retail space shall be at least the minimum required by the City’s zoning ordinance.

- e. Underground parking shall be provided within a parking garage structure constructed underneath the Building, ~~which shall provide at least 53 parking spaces~~ serving the use and occupancy of the Building. All parking required for the Project pursuant to the City's zoning ordinance shall be located on-site. All parking required pursuant to the ordinance for the Project shall be maximized on-site to the satisfaction of the Planning Commission. No direct access shall be provided into the underground parking from the Building's street wall along West Main Street.
2. The mass of the Building shall be broken down to reflect the multi-parcel massing historically on the site, as well as the West Main Street context, using building modulation. The Building and massing refer to the historic buildings on either side.
 3. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.
 4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the Rufus Holsinger Building located on property adjacent to the Subject Property at 620- 624 West Main Street ("Holsinger Building" or "Adjacent Property"). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the Holsinger Building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property ("Development Site"). At minimum, the Protective Plan shall include the following:
 - a. *Baseline Survey*—Landowner shall document the existing condition of the Holsinger Building ("Baseline Survey"). The Baseline Survey shall take the form of written descriptions, and visual documentation which shall include color photographs and/or video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Holsinger Building, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable.

The Landowner shall engage an independent third party structural engineering firm (one who has not participated in the design of the Landowner's Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Holsinger Building ("Adjacent Landowner") may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.

- b. *Protective Plan*--The Landowner shall engage the engineer who performed the Baseline

Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that may include seismic monitoring or other specific monitoring measures of the Adjacent Property if recommended by the engineer preparing the Protective Plan, and minimally shall include installation of at least five crack monitors. Engineer shall inspect and take readings of crack monitors at least weekly during ground disturbance demolition and construction activities. Reports of monitor readings shall be submitted to the city building official and Adjacent Landowner within two days of inspection. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.

- c. *Advance notice of commencement of activity*--The Adjacent Landowner shall be given 14 days' advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

The Landowner shall also offer the Adjacent Landowner an opportunity to have meetings: (i) prior to commencement of demolition at the Development Site, and (ii) at least fourteen (14) days prior to commencement of construction at the Development Site, on days/ times reasonably agreed to by both parties. During any such preconstruction meeting, the Adjacent Landowner will be provided information as to the nature and duration of the demolition or construction activity and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

- d. *Permits*--No demolition or building permit, and no land disturbing permit, shall be approved or issued to the Landowner, until the Landowner provides to the department of neighborhood development services: (i) copies of the Baseline Survey Report and Protective Plan, and NDS verifies that these documents satisfy the requirements of these SUP Conditions, (ii) documentation that the Baseline Survey Report and Protective Plan were given to the Adjacent Landowner in accordance with these SUP Conditions.

RESOLUTION*: 503 Rugby Road Special Use Permit

[Agenda memo; Resolution; link to Staff Report from September 10, 2019 Planning Commission meeting](#)

Mr. Joey Winter, Planner in Neighborhood Development Services, came forward to present the item, and noted a clerical correction on the resolution.

Ms. Hill commented that three councilors had already seen the presentation and that Dr. Bellamy had previously stated that he did not have any questions, so she asked if council could forego the presentation. Councilors agreed.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the resolution 5-0: (Ayes: Bellamy, Galvin, Hill, Signer, Walker. Noes: None).

**RESOLUTION
AUTHORIZING A SORORITY HOUSE AT
503 RUGBY ROAD FOR UP TO 37 OCCUPANTS**

WHEREAS, pursuant to City Code §34-420 and §34-162, landowner Epsilon Sigma House Corporation/Kappa Kappa Gamma Sorority has submitted an application seeking a special use permit to authorize a “boarding, fraternity and sorority house”, as defined within City Code §34-1200, to be used as a place of room and board for up to thirty-seven (37) members of a fraternity or sorority, and a modification of certain yard requirements (the proposed “Special Use”); and

WHEREAS, the proposed Special Use will be located at 503 Rugby Road (the “Subject Property”), which is further identified on 2019 City Tax Map 5 as Parcel 52 (City Parcel ID No. 050052000) and is located within the City’s R-3 zoning district, and the area proposed to be subject to the proposed Special Use Permit will be 0.3440 acre, or approximately 14,985 square feet; and

WHEREAS, previously, on February 21, 1978, City Council granted a special use permit to authorize a sorority house with thirty-six (36) rooms on the Subject Property, and the Subject Property has been used as such since that time; and

WHEREAS, the proposed Special Use is generally described within written materials submitted in connection with SP19-00004, including: (i) the application materials dated July 13, 2019, and related narrative; and (ii) a proposed preliminary site plan submitted July 16, 2019 as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission reviewed the Application Materials, and the City’s Staff Report pertaining thereto, and then, following a joint public hearing duly advertised and conducted by the Planning Commission and City Council on September 10, 2019, the Planning Commission voted to recommend that City Council should approve this proposed Special Use, subject to certain conditions; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the Planning Commission’s recommendation, and the Staff Report, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code Sec. 34-480, the proposed Special Use is granted, subject to the following conditions:

1. The “boarding, fraternity and sorority house” use approved by this special use permit shall

have a maximum of thirty-seven (37) ~~occupants~~rooms.

2. For the building containing the use referenced in ¶(1), above:
 - (a) The following side yards shall be required:
 - i. North Side Yard abutting TMP 5-53: A side yard of five (5) feet, minimum will be required instead of one (1) foot of side yard per every two (2) feet of building height with a minimum of ten (10) feet.
 - ii. South Side Yard Corner, street side abutting Lambeth Lane: A side yard of fifteen (15) feet, minimum will be required instead of twenty (20) feet, minimum.
 - (b) The following front yard shall be required:
 - i. East Front Yard abutting Rugby Road: A front yard of twenty-five (25) feet, minimum will be required instead of the average depth of the existing front yards within five hundred (500) feet.
3. On-site parking will be provided, in the general location and configuration shown within the preliminary site plan dated July 16, 2019. The final site plan shall demonstrate compliance with the following: (a) on-site parking shall be used exclusively by residents of the sorority house and their guests (no sale or leasing of on-site parking for off-site functions is permitted) and (b) signage and pavement markings, including both lane lines and text, may be required by the City's Traffic Engineer, in order to designate travel ways and specify the direction of traffic in on-site parking area(s).
4. All trash receptacles must be hidden from view when not set out for curbside pickup.
5. The "boarding, fraternity or sorority house" use approved by this special use permit, and (except as specifically modified within condition (2), above), all buildings and structures located on the Subject Property, shall comply with the provisions of City Code Sec. 34-353 and all other applicable provisions of Chapter 34 (Zoning) of the Code of the City of Charlottesville.

BE IT FURTHER RESOLVED THAT the Special Use Permit approved by this Resolution amends and supersedes the special use permit approved by resolution dated February 21, 1978 for the Subject Property.

RESOLUTION*: Allocation of FY 2020 Charlottesville Affordable Housing Funds (two resolutions)

Agenda memo; CAHF Funding Requests; Resolution for VSH; Resolution for AHIP

Mr. John Sales, Housing Program Coordinator, presented.

Dr. Bellamy shared information about the Crossings II, and stated that the goal is to end chronic homelessness in Charlottesville. He spoke about the community collaboration to work on the initiative, conversations with Charlottesville Redevelopment and Housing Authority (CRHA) about vouchers and site control, and that they were considering Levy Avenue as the site for the Crossings II. He went on to explain that the CRHA Redevelopment Committee provided the organizers of the Crossings II with five key questions related to the project and that the team would provide the Redevelopment Committee with a response by the end of the week.

Discussion ensued about where funds would be allocated if the project was not approved.

Mr. Blair clarified that both resolutions for CAHF were appropriations and did not list secondary options if the project were not approved. He advised that Council could approve the appropriations as is and if money could not be given to the projects listed, then Neighborhood Development Services could make the determination that the appropriation cannot legally be made and then the funds would be reconsidered with the Housing Advisory Committee (HAC) allocation subcommittee. At that time HAC could make additional recommendation to Council and Council would repeal the previous resolution and enact a new resolution.

In response to M. Walker, Mr. Sales explained how the \$42,000 allocation for Albemarle Housing Improvement Program (AHIP) was determined.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED the resolution allocating \$750,000 of the Charlottesville Affordable Housing Fund (CAHF) for Virginia Supportive Housing, Crossings II Project: 5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker; Noes: None).

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Virginia Supportive Housing, Crossings II Project --\$750,000

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Virginia Supportive Housing, Crossings II Project -- \$750,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$750,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Virginia Supportive Housing for the purpose of providing funds for the Crossings II affordable housing development project.

Fund: 426	Project: CP-084	G/L Account: 530670
Virginia Supportive Housing	\$750,000	

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED the resolution allocating \$42,000 of the Charlottesville Affordable Housing Fund (CAHF) for Albemarle Housing Improvement Program, Critical Rehab and Emergency Repairs Program: 4-1 (Ayes: Bellamy, Galvin, Hill, Signer. Noes: Walker).

Ms. Abi-Nader said the decision would need to be made by the end of calendar year.

Mr. Blair advised that the item would be an appropriation with two readings, which could go on the first and second meetings in November.

REPORT: Estimates for staff costs for Equity & Inclusion Department

Agenda memo: Final Report and Recommendations of the City's Advisory Committee on Organizational Equity

Deputy City Manager Mike Murphy presented the report.

Mr. Ryan Davidson of the Budget and Performance Management Department, provided clarification of funds in the Council Strategic Initiatives Fund.

Ms. Walker explained that she and Dr. Bellamy have a work plan to start the recruitment process for a Director of Equity and Inclusion, and that they planned to hire someone by the end of the calendar year. She went on to say that Albemarle County and UVA have already implemented this department and that the City and its departments should work to properly define, exercise, and participate in the work that is necessary to make the Equity and Inclusion Department most effective.

Dr. Richardson responded that the Human Resources (HR) Director was slated to begin work on October 21st, and that his goal is to have the Director define what is needed within the Equity and Inclusion Department and have the Director plan for the budgeting cost of the department.

Ms. Walker emphasized the significance of the selection process for the Director.

Ms. Galvin asked for clarity on the HR Director's responsibility for the Equity Director's role. Dr. Richardson responded that he was waiting on the HR Director to begin because they possess the necessary expertise to hire for the position.

Ms. Galvin asked if the city needed a resolution indicating that a new department was being created and therefore adding department costs to the annual budget. She voiced concern about using money from the Council discretionary fund to start a department and that Council would need to ensure steady funding. Dr. Richardson agreed.

Mr. Murphy also agreed. He explained that Council has used money monies from their budget as launch funds and the budget would absorb the cost moving forward. He asked if Council and the City Manager were saying to only create and hire for the Director position using FY2020 funds and consider staff, training, and funding in FY2021 budget. He said that he would provide the new HR Director with all of the data and information collected by the committee to help with the hiring process.

Ms. Walker requested that the HR Director engage with committee throughout the hiring process and Dr. Richardson confirmed that this would be part of the process. Ms. Walker also stated that the position would need support - not a one person department.

Mr. Blair read the code for creating a new department, which places the decision within the power of the City Manager. He advised that Council could have an ordinance for the Office of Equity and Inclusion, but the City Manager would have to give permission if they want the department.

Ms. Galvin said that she envisioned it as a department working with other city departments. Dr. Richardson elaborated on additional responsibilities of the director of the department.

Mr. Signer suggested resolving to have the City Manager implement the office/position within the values of the organization.

Ms. Galvin said that Council would need to clarify how this department is different from the Human Rights Commission or the Civilian Review Board and that she would like to know if support staff for new department could be cross-trained with existing support staff.

Ms. Walker iterated that existing racial disparities amongst current staff underscores the inability of current staff to be effective in this position.

Mr. Signer clarified next steps for the City Manager to consult with new HR Director and bring a proposal before Council. Dr. Richardson agreed.

OTHER BUSINESS

On motion by Dr. Bellamy, seconded by Mr. Signer, Council by the following vote APPROVED a resolution authorizing the City Attorney to appeal the final order or decree entered by the Charlottesville Circuit Court decision in *Payne, et al. v. City of Charlottesville, et al.* (Civil case no. CL-17-145): 5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker; Noes: None).

RESOLUTION

BE IT RESOLVED by the Charlottesville City Council that the City Attorney is hereby authorized to appeal the final order or decree entered by the Charlottesville Circuit Court in *Payne, et al. v. City of Charlottesville, et al.* (Civil case no. CL-17-145)

MATTERS BY THE PUBLIC

No one came forward for public comment.

Mayor Walker adjourned the meeting at 10:21 p.m.

