

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, December 3, 2018, AT 5:30 p.m. IN THE Second Floor Conference Room.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code
(Legal Consultations; Acquisitions of Real Property; and Personnel)

BY ORDER OF THE CITY COUNCIL

BY Brian Wheeler

SECOND FLOOR CONFERENCE ROOM – December 3, 2018

Council met in special session on this date with the following members present: Ms. Walker; Ms. Hill; Dr. Bellamy; Ms. Galvin; and Mr. Signer.

Ms. Walker called the meeting to order at 5:34 p.m.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council voted, (Ayes: Ms. Walker; Ms. Hill; Dr. Bellamy; Ms. Galvin; and Mr. Signer. Noes: None. Absent: None.) to meet in closed session as authorized by Va. Code Sec. 2.2-3712, specifically:

As authorized by Virginia Code Sec. 2.2-3711(A)(1) for the consideration of specific prospective candidates to be employed as Chief of Staff / Clerk of the Charlottesville City Council; and

As authorized by Virginia Code Sec. 2.2-3711(A)(3) for the consideration of the acquisition of real property located adjacent to Jordan Park in the City of Charlottesville where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and

As authorized by Virginia Code Sec. 2.2-3711(A)(8) for consultation with legal counsel concerning procedural requirements for enactment of a multijurisdictional agreement.

On motion by Ms. Hill, seconded by Mr. Signer, Council certified by the following vote (Ayes: Ms. Walker; Ms. Hill; Dr. Bellamy; Ms. Galvin; and Mr. Signer. Noes: None. Absent: 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.

Ms. Walker adjourned the meeting at 6:20 p.m.

COUNCIL CHAMBERS - December 3, 2018

Ms. Walker called the meeting to order at 6:30 p.m.

ROLL CALL

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

CONSENT AGENDA

- a. **Minutes – November 19, 2018 Council Meeting and November 26, 2018 Work Session**
- b. **APPROPRIATION: Urban Construction Initiative Annual Meeting - \$2,064.02 (2nd reading)**

[Urban Construction Initiative Annual Meeting](#)

- c. **APPROPRIATION: Special Nutrition Program Food Grant - \$32,000 (2nd reading)**

[Special Nutrition Program Food Grant](#)

- d. **APPROPRIATION: Community Forest Grant for Land Acquisition at Ragged Mountain - \$600,000 (2nd reading)**

[Community Forest Grant for Land Acquisition at Ragged Mountain](#)

- e. **APPROPRIATION: City Schools Check and Connect Student Engagement Grant - \$62,691 (2nd reading)**

[City Schools Check and Connect Student Engagement Grant](#)

- f. **APPROPRIATION: Drug Treatment Court Administration Grant - \$293,745 (2nd reading)**

[Drug Treatment Court Administration Grant](#)

- g. **APPROPRIATION: Runaway Emergency Shelter Program Grant - \$209,444 (2nd reading)**

[Runaway Emergency Shelter Program Grant](#)

- h. **APPROPRIATION: Charlottesville Affordable Housing Fund repayment of Substantial Rehab loan - \$28,282 (2nd reading)**

[Charlottesville Affordable Housing Fund repayment of Substantial Rehab loan](#)

- i. **APPROPRIATION: Charlottesville Affordable Housing Fund repayment of Substantial Rehab loan - \$23,478.94 (2nd reading)**

[Charlottesville Affordable Housing Fund repayment of Substantial Rehab loan](#)

- j. **APPROPRIATION: Water Street Parking Garage Supplemental Appropriation - \$977,155 (2nd reading)**

[Water Street Parking Garage Supplemental Appropriation](#)

- k. **APPROPRIATION: VDOT Recreational Access Grant - McIntire Park Bicycle and Pedestrian Bridge - \$125,000 (Carried)**

[VDOT Recreational Access Grant - McIntire Park Bicycle and Pedestrian Bridge](#)

- l. **APPROPRIATION: 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) - \$26,044 (Carried)**

[2018 Edward Byrne Memorial Justice Assistance Grant](#)

- m. **APPROPRIATION: 2019 Aid to Localities Funding for Fire Programs - \$150,480 (Carried)**

[2019 Aid to Localities Funding for Fire Programs](#)

- n. **RESOLUTION: East High Streetscape Concept**

[East High Streetscape Concept](#)

- o. **ORDINANCE: Quitclaim Gas Easement in North Berkshire Road to VDOT (2nd reading)**

[Quitclaim Gas Easement in North Berkshire Road to VDOT](#)

- p. **ORDINANCE: Quitclaim Gas Easement in Dunlora Subdivision to VDOT (2nd reading)**

[Quitclaim Gas Easement in Dunlora Subdivision to VDOT](#)

q. ORDINANCE: Quitclaim Gas Easement in Hollymead Towncenter Subdivision to VDOT (2nd reading)

[Quitclaim Gas Easement in Hollymead Towncenter Subdivision to VDOT](#)

On motion by Ms. Galvin, seconded by Ms. Hill, CONSENT AGENDA was Approved. (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None.)

Ms. Walker announced that item six on the original agenda, an amendment to the Charlottesville-Albemarle Convention & Visitors Bureau operating agreement, would not be discussed and will return to a meeting in January 2019.

COMMUNITY MATTERS

Mr. Bill Emory called on Council to defer the Carlton Views Planned Unit Development until more planning specifics are determined for this area of the City.

Mr. Mark Kavitt provided feedback on a proposed development on Nassau Street. He also raised concerns about the Carlton Views Planned Unit Development. He said an opportunity had been missed to make this a quality project. He asked that the project be sent back to the Planning Commission.

Mr. Michael Payne provided input on the Carlton Views Planned Unit Development. He said he supported the project and its contribution to affordable housing goals. He noted that he lives nearby and he does want it 'in his backyard.' He also encouraged improved access to public transit.

Mr. Robert Woodside thanked Council for their work. He praised each councilor individually for their specific contributions.

Ms. Rosia Parker asked Mr. Mike Murphy about a pedestrian crossing on West Main Street which she said was still not complete. Ms. Parker also asked about the status of plaques recognizing the slave auction block in Court Square. Ms. Galvin said she would follow up with Dr. Andrea Douglas.

Mr. Mark Briggs informed Council that the Carlton Views development is a place where he almost lost his life. He reported numerous construction deficiencies which he said were health risks. As a resident, he said he has brought these concerns to management in a constructive manner. He said he hopes the apartments can be fixed and the problem can be resolved in a positive way.

Dr. Bellamy and Ms. Walker responded to Mr. Briggs. Dr. Bellamy said he had been informed that previous management companies were not responsive to resident concerns. Dr. Bellamy said it was important to get resident feedback as Council reviews affordable housing

initiatives. Ms. Walker said people deserve quality housing, that they should not have to deal with mold and asthma issues.

Mr. Jordan McNeish spoke about 'harm reduction' and ways to help people struggling with addiction by distributing naloxone and sterile syringes. He said naloxone had saved his life.

Ms. Walker asked if this was something that could be discussed at the upcoming behavioral health work session? Mr. Murphy said it could be discussed by Council at that meeting and that the mental health coalition had discussed best practices for substance abuse in the past. Dr. Bellamy commented that he thought it should be revisited and that he thought it was important to have a syringe exchange program in the community at a minimum.

Ms. Walker commented that a lot of people think they know what addiction is all about, but that you get a very different perspective when you work in that community, as she has, as a substance abuse counselor.

Ms. Galvin asked Mr. Murphy if model ordinances and resolutions could be brought to the behavioral health work session to address naloxone and syringe exchanges? Mr. Murphy said some materials would be brought together for Council's consideration.

Mr. Signer said addiction and mental illness don't discriminate and that he was pleased we have implemented some therapeutic approaches in the City, such as the mental health docket in the courts. He said he supports further work in this area.

Ms. Morgan Hopkins said she co-founder of Jefferson Area Harm Reduction. She said they do not have a sufficient supply of naloxone and sterile syringes to distribute. She said the community should follow Richmond's lead with a syringe exchange program.

Dr. Bellamy asked if all police and fire personnel carry naloxone? Mr. Murphy said he would check on the exact implementation by the City's first responders and report back to Council.

Mr. Peter Krebs spoke on behalf of the Piedmont Environmental Council. He thanked the City for the joint agreement announced earlier in the day on the future of the local courts and the keeping of Albemarle County courts downtown. He also thanked the City, the University of Virginia School of Architecture, the Charlottesville Area Community Foundation, the Thomas Jefferson Planning District Commission, and the Move to Health Coalition and PEC's members for supporting the visit of Charles Brown and his talk entitled "Walking and Biking Toward Equity."

Ms. Nancy Carpenter spoke about the Carlton Views Planned Unit Development. She called for members of Council to observe and support witness testimony in the James Alex Fields, Jr. trial. She said she does not think some members of Council have adequately apologized for August 2017.

Ms. Walker responded that she does not plan on going to the trial. She said she was there in August 2017 and she doesn't feel like she needs a reminder.

Dr. Bellamy said he spoke to a number of the victims frequently.

Ms. Kat Maier said she was there to advocate for some of her clients who live at Carlton Views and for their health and safety. She said public health and the environment were important topics and she was happy to see Council taking these matters seriously. She asked Council to have a vision for affordable housing that ensures we get buildings of integrity and health homes.

Dr. Walt Heineke said the August 2017-related trial continued to raise questions in his mind about where we go next as a community and how we address racial inequality. He said Council's recent commitment to affordable housing was a good step. He asked that those at 30 percent of area median income get a priority focus.

Ms. Joan Fenton spoke as chair of the Downtown Business Association of Charlottesville. She said DBAC is running a coat drive for students in city and county schools. She thanked Council for the marketing grant and that she believes it has been a great success. She said it has helped DBAC raise funds to light the entire Downtown Mall for the holiday.

Mr. Louis Schultz spoke to Council about the Dillon Rule and the limits it places on local government authority. He said the Charter amendment on the agenda tonight was a good example of those limits. He said other specific limits on local government are included in laws passed by the General Assembly such as those governing the terms for 'employment agreements,' specifically agreements he said the City had with Police Chief RaShall Brackney, former chief Al Thomas, current Interim City Manager Mike Murphy, and former City Manager Maurice Jones. He asked for City Attorney John Blair to address this matter.

Mr. Brad Slocum spoke about climate change initiatives in the City. He said while the timeline for greenhouse gas emission reductions provided by staff at the last meeting was straightforward, there was nothing specific about the vulnerability assessment. He said he wants to know how the City will deal with the increase in natural disasters and refugees.

Ms. Gloria Beard asked Council about the plans for the redevelopment of Friendship Court which were shared at a recent work session. Ms. Walker and Ms. Galvin provided responses about the design of green spaces and community gardens. Ms. Galvin said the residents were committed to keeping the community garden as the neighborhood is redeveloped.

Mr. Ben Baker said a major challenge facing the City is related to growth and the availability of adequate affordable housing. He encouraged Council to be very thoughtful on these topics when it reviews the draft update to the Comprehensive Plan later this month. He praised the Planning Commission for their work and urged Council to follow their recommendations.

PUBLIC HEARING /RESOLUTION*: Proposed City Charter Amendment on City Council Compensation

[Proposed City Charter Amendment on City Council Compensation](#)

Mr. John Blair, City Attorney, shared background on the Charter Amendment proposal related to Council salaries. He said the proposal before Council was based in part on the City of Alexandria which allows their Council to set its own salaries, but ties it to state law. The proposed Charter amendment for Charlottesville would not be tied to limitations under state law.

Ms. Walker opened the public hearing.

Mr. Paul Long said he is opposed to a pay increase for City Council. He said if the City was to go to the General Assembly to seek a Charter amendment, he would like it to be to implement a 'strong Mayor' form of government and to have ward-based elections and the addition of two at-large members of Council. He added he was not happy with funds allocated to previous employees Al Thomas and Maurice Jones as part of their departure agreements.

Ms. Marcia Geyer said it was important for members of Council to receive adequate salaries and that it was not happening yet. She suggested a base salary of \$49,500 be considered with annual adjustments indexed to inflation.

Dr. Walt Heineke said he supports Mr. Long's proposal for an elected 'strong Mayor.' He said when it comes to Council compensation, an increase would open up service to other people in the community. He asked if an increase could be indexed to an individual member's personal income (outside of Council service).

Mr. Louis Shultz said the language in the proposed Charter amendment also includes language changing the City's elections from May to November. He pointed out the City has had elections in November for some time. He said that is problematic because of subsequent changes to state law. He said Council should appeal to the courts to resolve this issue. He questioned whether Council had the authority to act at all today and that is may be acting unconstitutionally.

Ms. Seena McGill said there should be a cap in the proposal on Council salaries otherwise the General Assembly will not give it favorable consideration as it would become a precedent. She said she agrees a salary increase would help other people consider running for office. She suggested 50 percent AMI would be a good benchmark based upon 20 hours a week of work.

Ms. Walker closed the public hearing.

Ms. Galvin said it should be clear if the expectations were for this to be a part-time job? She said there has been an increase in additional duties.

Dr. Bellamy said he did not think anyone would want to make a career out of this position. He said he believes everyone spends far more than 20 hours a week serving as a member of Council. He said increasing salaries is the only way to get different people on Council. He noted

that he and Ms. Walker were only the seventh and eighth African-Americans to ever serve on Council.

Mr. Blair provided some benchmark salaries associated with 80 percent annual median incomes.

Mr. Signer said there had been a lively discussion about governmental reform as well as the type of City Manager Council wants to hire. He said this Council had discussed having four staff to support its work. He said he thought it was important to focus on getting the City Manager in place and to get the support staff in place first. He said Council's expanded staff could even serve as alternates at some public body meetings where representation is required or desired.

Dr. Bellamy questioned how the City Manager decision related to Council salaries and getting people with a broader variety of backgrounds running for Council?

Mr. Signer said he thought Council was unintentionally creating a work load problem with the numerous work sessions it is holding. He said hopefully the new City Manager will alleviate Council from needing to have so many work sessions.

Ms. Walker said previous Councils had members working very hard and a large number of hours every week. The compensation, she said, is still not reflective of the work Council has to do. She said many community members don't have the flexibility in their job schedules which is required for Council service today.

Ms. Hill said that the current proposal is very open-ended. She asked for more clarity on how salaries would be calculated.

Ms. Hill asked Mr. Blair to share his perspective on Dr. Heineke's proposal to index salaries related to their other incomes.

Ms. Hill said there are a lot of details that would have to be considered even if this moves forward tonight. She said the salary figures being discussed are more than some City staff members make for what has been expected to be a part-time position.

Ms. Walker said members of Council take on a very heavy workload.

Ms. Hill said she did not feel like there was enough information in front of her at this time to make a decision on the Charter amendment.

Mr. Blair described what would happen should a legislator not introduce the Charter amendment to the General Assembly.

On motion by Dr. Bellamy, seconded by Ms. Galvin, Council authorized (Ayes: Ms. Walker; Dr. Bellamy; and Ms. Galvin. Noes: Ms. Hill; and Mr. Signer.) that a request be made of state legislators to amend the City Charter so allow City Council to set its own compensation.

REPORT: Presentation of FY2018 Financial Audit by City Auditors[Presentation of FY2018 Financial Audit by City Auditors](#)

Mr. Chris Cullinan, Director of Finance, introduced the City's auditor, Mr. John Aldridge with Brown, Edwards & Company, who provided an overview of the City's audit completed for FY 2018.

Mr. Aldridge noted the City received a clean audit as noted in the opinion letter.

Ms. Galvin asked about the relationship between a good audit and the City's bond rating? Mr. Cullinan said those two things go hand in glove. He said the audit verifies the City is following the bond rating guidelines.

PUBLIC HEARING/ APPROPRIATION*: Year End Appropriation (Carried)[Year End Appropriation](#)

Mr. Cullinan shared the year end financial results. For the fiscal year ending June 30, 2018 (fiscal year 2018), the City's General Fund ended with a positive surplus of \$4,701,082 or 2.7 percent within budget. Revenues performed better than expected while City departments spent less than budgeted.

Mr. Cullinan said the fiscal year 2018 actual revenues were \$1,993,071 over budget or 1.2 percent over the adopted budget.

Mr. Cullinan said staff proposed allocating the surplus as follows: \$1 million for Citywide Reserve/Unplanned Expenses; a transfer to Retirement Fund of \$500,000; and \$3.2 million for affordable housing redevelopment.

Ms. Walker opened the public hearing.

Dr. Walt Heineke recommended Council allocate a portion of the surplus to support the work of the Human Rights Commission.

Mr. Mark Kavitt recommended the surplus be used to reduce real estate property taxes, especially for seniors.

Ms. Walker closed the public hearing.

Mr. Signer said the meetings with staff last week were very helpful. He said it was important to be clear with the public that \$3.2 million is slated for affordable housing, and specifically redevelopment.

Ms. Walker said she had asked Mr. Murphy to consider how the surplus could be used to address salary compression issues. She also noted her position as a City employee would not be impacted by such a proposal.

Ms. Hill encouraged staff to pay attention to salary issues as part of the upcoming budget.

Ms. Galvin said other localities use surplus funds to support down payment assistance programs for their employees.

Mr. Murphy said the FY2019 budget does address compression in several ways. First, by recognizing the living wage adjustments. Second by the 3 percent COLA approved by Council. He said he understood Council's intent was to have a \$15/hr. minimum wage in FY 2020 and that other compression issues would need to be addressed. He said some employees have also provided Council feedback about their classifications, roles, and appropriate market salaries for their jobs.

Ms. Walker asked how much money was allocated last year related to compression. Assistant City Manager Leslie Beauregard said about \$160,000 was allocated towards compression issues.

Ms. Walker said employees have provided her significant feedback on this issue. She noted that she thought Parks & Recreation and Public Works employees were probably the lowest paid. She also said support should be given to our social service workers.

Mr. Signer suggested some of the surplus, for example \$500,000 to \$1 million, could instead be used to support salary adjustments.

Ms. Walker said she would also support earmarking some of the surplus towards city employee compensation. Dr. Bellamy said he could support that so long as the affordable housing funds were not diminished.

Mr. Murphy reminded Council these were one-time funds and that they were considering setting them aside for recurring salary expenses.

Council reached consensus to carry the year end appropriation recommendations forward, as presented, to the December 17, 2018 consent agenda.

ORDINANCE*: Rezone Properties on Carlton Avenue and Franklin Street (Carlton Views) to Planned Unit Development (Carried)

[Rezone Properties on Carlton Avenue and Franklin Street \(Carlton Views\) to Planned Unit Development](#)

Mr. Matt Alfele, City Planner, provided the staff report related to ZM-18-00002 Carlton Views PUD.

Mr. Alfele invited the applicant to give a presentation on the development.

Developer Kevin Wood gave a presentation to Council.

Ms. Galvin asked what parts of the development would be dedicated to a plaza or open space? Mr. Wood responded they are not close to programming that space until the site plan phase and after the tax credits are approved.

Ms. Galvin asked about the integration of onsite management and engagement of residents? Mr. Wood said he anticipates onsite management will come with the increase of units in the development and at that time there will be full-time staff on site.

Ms. Walker asked how the developer intends to respond to resident complaints?

Dr. Bellamy suggested the project should be deferred. He asked for additional information related to the programming and location of open space.

Mr. Wood said that would be difficult because of the tight timeline for the tax credit application, which requires the rezoning to be in place up front.

Ms. Galvin said numerous adjustments have been made in various phases of this project to improve the streetscape, building placement, etc. She said this is one team building new affordable housing in the City and it is being done in a thoughtful manner with respect to urban design. She said it is hard to deny the project when only the open space details haven't been ironed out.

Ms. Galvin said that, as a result, she could support the project. She added it is one of the more cohesive developments in the City.

Ms. Walker said she has expressed concerns about the quality of the housing and past management, but that the City needs to ensure that quality and healthy homes are being built. With respect to open space, there are children in the development, and the developers will have to plan accordingly. She said this is not a project she can support.

Dr. Bellamy reiterated his wish that the application be deferred.

Ms. Hill said it was hard to turn away from affordable housing units being built in the city. She said these are opportunities that do not come up very often.

Ms. Galvin noted this is a smaller 5 acre site as compared to Friendship Court at 12 acres. She said the housing density would be the same and these developers have taken on major industrial cleanup.

Mr. Signer expressed concern about a pattern of 3-2 votes by Council with Ms. Walker and Dr. Bellamy in the minority. He said he didn't want to perpetuate that with a vote on this project.

Council reached consensus to place the item on the December 17, 2018 agenda as an action item.

ORDINANCE*: Amendment to Charlottesville-Albemarle Convention & Visitors Bureau Operating Agreement (Carried)

[Amendment to Charlottesville-Albemarle Convention & Visitors Bureau Operating Agreement](#)

REPORT: Welcoming Greater Charlottesville

[Welcoming Greater Charlottesville](#)

Mr. Russ Linden provided Council with a presentation on the Welcoming Charlottesville initiative.

Mr. Linden said a new initiative Welcoming Charlottesville is pursuing relates to identification cards. While not government issued, it is a community-based ID card program. It has symbolic value and promotes inclusiveness. It creates opportunities for law enforcement to have more positive interactions with refugees and immigrants which can also lead to increased public safety outcomes. Two local churches have offered support for the program.

Mr. Linden said one ask of the City would be to notify employees about the program and look for in-kind marketing opportunities such as the utility bill inserts.

Dr. Bellamy commended Mr. Linden and the Welcoming Charlottesville committee for taking the initiative to bring forward the ID program.

Mr. Signer shared his support and appreciation for the Welcoming Charlottesville initiatives.

Ms. Galvin said she would support the in-kind publicity by the City.

Ms. Walker said she initially had some concern about resident safety and data collection matters. She said it would have to be a community effort demonstrating acceptance of these IDs so that people are not targeted in some way. Mr. Linden pointed out the churches would not be subject to Freedom of Information Act requests.

OTHER BUSINESS

On motion by Ms. Hill, seconded by Mr. Signer, Council approved (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None.) [the memorandum of agreement](#) to facilitate the expansion, renovation, and efficient and safe operation of the Albemarle Circuit Court, the Albemarle General District Court, and the Charlottesville General District Court.

MATTERS BY THE PUBLIC

Mr. Michael Payne said it was important to give further consideration to the Carlton Views project and affordable housing.

Mr. Bill Emory asked for clarification as to what would happen next for Carlton Views. He said it would be good for members of Council to get additional information.

Ms. Galvin asked Mr. Blair how much site plan could change in advance of the next meeting? Mr. Blair said the site plan process is separate, but if Ms. Galvin is referring to the existing submittals and plans, there is some leeway. He said there is precedent for some adjustments to be made in these cases. Changes that completely alter what has been advertised or changes the intensity significantly could be problematic.

Ms. Walker asked if city funding could be allocated to help get the public spaces desired at Carlton Views? Ms. Galvin said she was not sure where those public spaces would be on the site or how a public park might be designated. Council expressed interest in having feedback from Parks & Recreation.

Ms. Walker adjourned the meeting at 11:26 p.m.