

## **NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Tuesday, February 17, 2015, AT 6:00 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

BY ORDER OF THE MAYOR

BY Paige Rice

### **SECOND FLOOR CONFERENCE ROOM – February 17, 2015**

Council met in special session on this date with the following members present: Ms. Smith, Ms. Galvin, Mr. Huja, Ms. Szakos, Mr. Fenwick.

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None), to meet in closed session for (1) Discussion and consideration of specific candidates for appointment to City boards and commissions, as authorized by Va. Code sec. 2.2-3711 (A) (1); and, (2) Discussion and consideration of the disposition of City-owned real property on Water Street, where discussion in an open meeting would adversely affect the City's bargaining position or negotiating strategy, as authorized by Va. Code sec. 2.2-3711 (A) (3).

On motion by Ms. Szakos, seconded by Ms. Smith, Council certified by the following vote (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None), that to the best of each Council Member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion convening the closed session were heard, discussed or considered in the closed session.

### **COUNCIL CHAMBERS - February 17, 2015**

#### **CALL TO ORDER**

Council met in regular session on this date with the following members present: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Galvin, Ms. Smith.

#### **AWARDS/RECOGNITIONS & ANNOUNCEMENTS**

Mr. Jim Nix introduced Ms. Rosanna Bencoach, the City's new General Registrar. Ms. Bencoach thanked Council for the welcome and said she looks forward to living and working in her home town, Charlottesville.

Ms. Creasy recognized the Planning Commission award recipients: Citizen Planner of the Year - Elizabeth (Bitsy) Waters; The Herman Key, Jr., Access to the Disabled Award - AHIP 1st

Floor Renovation; Neighborhood of the Year - Fifeville; The Eldon Fields Wood Design Professional of the Year - Mike Osteen; Outstanding Neighborhood Effort - Venable/Rugby; Outstanding Sustainable Development - The Southern Environmental Law Center; and NDS Staff Member of the Year - Amanda Poncy. Mr. Huja said people like these make our community what it is and thanked them for their service.

Ms. Galvin announced the March 2015 Big Read kick-off on February 28 at 2:00 p.m. at the nTelos Wireless Pavilion. She read a proclamation declaring The Namesake, by Jumphra Lahiri, the Big Read novel for 2015.

Ms. Galvin also announced the joint CRHA/ARHA/City Council meeting on Friday, February 20 in City Space, and the Community Engagement toolbox work session on Thursday, February 26 from 5-7pm in the Basement Conference Room.

Ms. Szakos announced the McIntire Park Open House for review of draft designs of East McIntire Park on Thursday, February 19 at the Parks and Recreation Office. Go to [www.charlottesville.org/mcintirepark](http://www.charlottesville.org/mcintirepark) to review current design plans, or call 970-3656 for more information.

Ms. Szakos also announced an open house with NDS on Friday, February 26 from 5:00 p.m. - 6:30 p.m. at the TJPDC Water Street Center to gather comments about short-term lodging facilities. Call Matt Alfele at 970-3636 for more information.

Mr. Fenwick reminded citizens that sidewalks must be shoveled within 24 hours after the end of snowfall. Please consider helping neighbors who may be elderly or disabled.

Mr. Fenwick announced the Annual Family Fix-a-Leak 5k at 10:00 a.m. on March 22 at Pen Park. Registration is now open; go to [www.charlottesville.org/waterconservation](http://www.charlottesville.org/waterconservation) to register.

He also said we are expecting extreme cold the next four nights and gave the community tips about pipes freezing. If your pipes are on an exterior wall, open your faucets and do a fast drip, open cabinet doors underneath sinks to create air circulation, and leave the lights on in your basement to create heat.

Ms. Smith read a resolution in honor of African American History Month. She also announced that Mr. Eugene Williams and his wife, Lorraine, were honored in February at Richmond's House of Delegates for their advocacy for civil rights in Charlottesville.

## **MATTERS BY THE PUBLIC**

Mr. Bob Stroh, 1412 Kenwood Ln., read a letter requesting City Council to place the Community Improvement District (CID) ordinance on an upcoming agenda for a public hearing in time for funding beginning July 1. He distributed a letter detailing his request to Council.

Mr. Jim Neale, 100 West High St., board member of the North Downtown Resident's Association, said he supports a downtown CID to guarantee the well-being of the mall and its future viability.

Mr. Charles Roumeliotes, owner of Orzo Kitchen & Wine Bar at 116 W. Main, said he is against increasing the meal tax. He asked Council not to single out restaurants as a source of revenue.

Mr. Ben Clore, with Oakhart Social at 511 W. Main St., said he opposes a meal tax increase because it is a progressive tax that unfairly puts the burden on the working, poor and elderly.

Mr. Ludwig Kuttner, 107 1st St., said the Downtown Mall was dead, then was revived. However, in the last six years, restaurants have struggled once again. He spoke in support of a CID in order to keep the Downtown Mall vibrant and compete with restaurants in the County.

Mr. John Hossack, 617 Davis Ave., said the proposed Rio/GSI (grade separated intersection) project does not fit into the Council vision and was done with no meaningful public input.

Mr. Wes Bellamy, 1002 Linden Ave., offered condolences to the family of Mr. Donald Scooter Gray, who passed away last night. He spoke in support of the proposed downtown CID. He asked Council to keep the perspective of local residents in mind when considering their vote on the Lee/Jackson holiday.

Ms. Mary Carey, 100 Ridge St., thanked Ms. Smith for her announcement about the Williams' accomplishments. She said visitors from Richmond who spoke about Lee Jackson Day embarrassed Charlottesville and the Council.

Ms. Elizabeth Shillue, 1606 Hardwood Ave., invited Council and the community to attend the February 26 screening of *I'm Not A Racist...Am I?*, a 90-minute documentary that addresses race and privilege. Ms. Charlene Green explained the format of the screening, which will involve dialogue teams facilitated by staff. This will take place at the Paramount Theatre at 7:00 p.m., and it is free to attend.

Mr. Lloyd Smith, Rosehill Dr., said he is a taxi cab driver in Charlottesville, and he sent Council a petition about the lack of taxi stands in the City. He said there is no taxi stand at the Greyhound Station, and the one that was there was taken. Now drivers get tickets for parking and waiting for customers. There is one at Amtrak, which was created by Amtrak at the drivers' request.

Dr. Donald Young, 2315 Peyton Dr., said he owns and operates Comfort Car Taxi. He said the safety of public transportation is at risk with Uber, who is operating unsupervised and without regulation. He was told the City withdrew from getting involved because this was a DMV-related matters.

Mr. Louis Shultz, 1809 E. Market St., said he is in favor of the CID. This is the 34th time he has come to Council accusing staff of violating City code and civil rights statutes.

## **COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

Ms. Smith thanked Ms. Carey for sharing her invaluable stories. She said she hopes we can record her memories from growing up in Charlottesville so that we do not lose this history. She said we have discussed having a taxi board in the past, or to include taxi issues with our existing transportation boards. She asked for advice on Council's options. Mr. Jones said there may be an opportunity to discuss this as part of the design for the future of West Main Street. He recommended that Mr. Young speak to David Ellis. Ms. Szakos said she would like to also put this issue about taxis in our long-range parking study. Mr. Jones clarified that the City has not opted out of oversight from Uber; the City does not have the authority to override what the state has done with Uber at this time, as they report to the state government. Ms. Szakos recommended talking to Del. Toscano about state matters.

Ms. Szakos also thanked Ms. Carey for bringing history alive. We do need to listen to people who live here rather than elsewhere when making decisions. She thanked Ms. Shillue for coming, and she said this should help start a dialogue about assumptions we have made. We will discuss the meals tax as part of the budget process. She said the 29/Rio Road intersection did go through a great deal of public process years ago. It has received a lot of study and has been approved multiple times.

Ms. Galvin said she would like to pursue the taxi stand clarification. She asked Mr. Jones if we should consider putting the Uber matter in our legislative packet. She said she was on the consultant team for the 29/Rio intersection, and there was an extensive public process for this decision. She said Council will have to be proactive about a small area plan for Hillsdale Drive and how it connects to Hydraulic.

Ms. Szakos asked to add a discussion about the CID to Other Business.

Mr. Fenwick said the CID is a public education effort. He said the taxi stand issue is important, and the City should work on that. He supported Ms. Smith's request to capture Ms. Carey's stories. He said he recently attended a Rio/29 meeting that was packed with opponents.

Mr. Huja said Council voted to support the 29 North project, as has the MPO and the County board. It has gone through a public process and has been approved.

## **CONSENT AGENDA**

- a. **Minutes for February 2**
- b. **APPROPRIATION: Charlottesville Affordable Housing Fund - \$215,913.33 and Tonsler Park Capital Project Account - \$156,391.02 (2nd reading)**

[Charlottesville Affordable Housing Fund - \\$215,913.33 and Tonsler Park Capital Project Account - \\$156,391.02](#)

- c. **APPROPRIATION: Fire Department Donations - \$1,500 (carried)**

[Fire Department Donations](#)

- d. **RESOLUTION: Proposal to Submit Grant Application to the Virginia Department of Rail and Public Transportation for FY 2016 Funding**

[Proposal to Submit Grant Application to the Virginia Department of Rail and Public Transportation for FY 2016 Funding](#)

- e. **RESOLUTION: Support for the Clean Water Act**

[Support for the Clean Water Act](#)

- f. **ORDINANCE: Designated Trees Under the Tree Ordinance (2nd reading)**

[Designated Trees Under the Tree Ordinance](#)

- g. **ORDINANCE: Spot Blight - 610 Ridge Street (2nd reading)**

[Spot Blight - 610 Ridge Street](#)

Ms. Szakos asked for clarification on language for item d, which said there was a 50% match required. A 50/50 match is actually required, which is 100%. She asked to change the wording for the record.

Mr. Brown said there is a revised copy of the ordinance designating certain trees as protected trees. "Historic trees" should have been "Heritage trees", under item f. He thanked Mr. Bill Emory for bringing this to staff's attention.

On motion by Ms. Smith, seconded by Ms. Szakos, the consent agenda passed. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None.)

**ORDINANCE: Lee Jackson Day Observance (carried)**

[Lee Jackson Day Observance](#)

Ms. Smith asked Mr. Jones if a poll of staff had been conducted to determine what they would rather have. There has not been an official poll, but the majority of staff who responded to a request for feedback supported Veterans Day. Mr. Huja asked if the poll can happen between now and the next meeting. Ms. Smith said giving this day as a paid holiday does not

make pragmatic sense, as staff already has several holidays in January; we should give another day instead. She suggested one that the community actually celebrates, such as Veterans Day.

Mr. Huja and Ms. Szakos both said they support removing the observance and replacing it with an alternate holiday. Ms. Galvin said she supports replacing it with observing Veterans Day.

Ms. Szakos moved to remove Lee Jackson with the assumption that we will add another staff holiday. Ms. Galvin seconded the motion. Ms. Smith confirmed that this will begin in 2016. She recommended cleaning up the ordinance to say President's Day instead of George Washington Day. Mr. Brown clarified that this is in line with the state holiday calendar. The motion carried as amended.

## **REPORT: Growing Opportunity Update**

### Growing Opportunity Update

Mr. Engel presented to Council. He reviewed the history of the Growing Opportunity initiative. He invited Ms. Hollie Lee forward to present. She reviewed the progress made with the Growing Opportunity initiative, workforce development strategies, and Growing Opportunity recommendations. She reviewed the Downtown Job Center statistics since opening, as well as their recruitment events and workshops, and the Go Ride program. She reviewed upcoming programs, including Go Office, and Go Green.

Ms. Galvin said it was a smart move to reposition Ms. Lee in her current role and commended her for the impressive progress.

Ms. Szakos said she was impressed with the first report's recommendations. She asked for information on vehicle donations; Ms. Lee gave a review of what they are looking for, and suggested contacting Mr. Lindell Chavis at MACAA to donate for Wheels to Work.

Ms. Smith said this is an amazing initiative. The role of Council is to facilitate the connection with the boards and commissions we serve on. She mentioned fencing services as another potential partnership with the Parks and Recreation Department. She asked for a copy of the service directory, digitally if possible.

Mr. Fenwick thanked Ms. Lee for her presentation. He asked for clarification on peer assets; Ms. Lee said some of them may serve more than one person. Mr. Cory Demchak works with folks who do not get hired after interviews. Mr. Jason Ness does business outreach, and staff is focusing more on construction-related employers.

Ms. Galvin asked about day care. Ms. Lee said there are not enough non-traditional child care offerings in the community, and staff is doing a survey to collect information to form recommendations.

Mr. Huja said this is an example of a program that works, and Council is supportive of this.

As an aside, Mr. Jones clarified that the City does not have a taxi board. We will reach out to Mr. Young and Mr. Smith, and if Council is interested in forming a taxi commission staff can explore it.

### **RESOLUTION: Transient Lodging Facilities Zoning Text Amendment Initiation**

#### Transient Lodging Facilities Zoning Text Amendment Initiation

Mr. Matt Alfele presented the resolution on the zoning text amendment, which will refer the matter back to the Planning Commission for recommendations.

Ms. Smith asked how the draft ordinance was crafted given the feedback from the Planning Commission and the last Council meeting. Mr. Alfele said this draft resolution is still from the original; staff is gathering information, and the final resolution will reflect the feedback.

Ms. Smith named concerns, including those meant to address the risk that people would buy up houses in neighborhoods exclusively to use for Bed & Breakfasts. She recommended that homes are required to be owner occupied, neighbors must be notified, and a limit to the number of bedrooms that may be let out at a time and the frequency should be in place.

Mr. Alfele said we are ahead of the curve in terms of addressing this issue compared to other cities our size. We are working with like-sized localities, including the County.

Mr. Huja said he submitted to Ms. Creasy the ordinance from Portland, Oregon as an example.

Ms. Szakos requested that staff pay attention to apartment buildings, especially condo buildings, so that no regulations we put on would override regulations of the condo association itself, for example. Also, she requested that staff pay attention to scale, because on a small scale this can be a great opportunity, but on a larger scale, this can gut a neighborhood of residents. She suggested that owner-occupied homes should receive lower rates and regulations compared to ones that are not.

Ms. Galvin recommended a limit on the number of days per month that a residential dwelling unit could be used in this manner so that it does not become like a boarding house. She asked if this would unwittingly reduce affordable housing stock and actual owner occupied or renter occupied housing. She said this may provide a good income stream for low to moderate income families.

Mr. Brown recommended directing staff to provide Planning Commission with the minutes from this discussion so they can see what Council would like addressed.

Mr. Fenwick said we should be sure owners are in compliance with fire code.

At Ms. Szakos' request, Ms. Robertson explained three options for interacting with Planning Commission.

Ms. Szakos moved that we forward this to the Planning Commission for revision and consideration, and include Council minutes from January 20 and February 17, per option one. Ms. Galvin seconded the motion.

Ms. Galvin clarified that when a revised ordinance is drafted, it should include legal language that reflects the desires expressed by Council tonight.

Ms. Smith said she would like the Portland ordinance to be considered as an interesting model that addresses many concerns identified tonight.

The resolution passed. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

Ms. Smith asked if this will overlap or interact with existing ordinances. Ms. Robertson said we have to make sure we understand how this affects transient occupancy taxes and refine how we define Bed and Breakfast facilities.

### **RESOLUTION: Initiation of Changes to Procedures for Submission and Public Review of Certain Applications**

#### Initiation of Changes to Procedures for Submission and Public Review of Certain Applications

Ms. Robertson and Ms. Creasy presented to Council on a revised process for zoning and subdivision application review in order to enhance opportunities for public input.

Ms. Szakos asked for an example of when the director would need to waive the requirement for a public meeting. Ms. Robertson says this leaves a lot of discretion to the director and would relate more to smaller applications, such as an in-home child care operation.

Ms. Galvin said she appreciates the heart of this ordinance, which gets at some serious neighborhood concerns about communication. She asked how this would fit in with the code audit. Ms. Creasy said this is a totally separate matter. Ms. Galvin said this is part of community engagement. Mr. Jones said this came out of a conversation he had with community leaders.

Ms. Smith said it would be nice to get an idea of how often this would take effect. Ms. Creasy said if this applies to public hearing items, it will take effect three to four times per month, but if it gets into site plans and subdivisions, hundreds of applications per month would be affected.

Ms. Smith requested gender-neutral language throughout the document, particularly on pages five and twelve.

Mr. Fenwick said he is concerned about the waivers and will keep an eye on that.

On motion by Ms. Szakos, seconded by Ms. Smith, the resolution passed. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

### **OTHER BUSINESS - Downtown Community Improvement District (CID)**

Ms. Szakos said she is aware the proposed process is speedy, and she understands that they are hoping to get this done by this year's budget. She said she is willing to put it on the March 16 agenda and decide then rather than tonight whether or not we should go forward.

Ms. Galvin said she would like to add it to the March 16 agenda. This discussion actually began in summer 2013 as a product of the Downtown Mall work session and has been discussed now for two years.

Ms. Smith disagreed that the matter has been discussed for two years. She said it is important to allow for enough discussion, especially as it relates to the difference between merchants and property owners.

Ms. Szakos said she would like to see presentations given to business owners and residents.

Mr. Fenwick said it is obvious to him from emails and conversations that this matter will not be ready for discussion by March 16. If people are not told how this works and what the metrics are, we will have issues.

Mr. Huja said he spoke with the City Manager about making sure all property owners were informed.

Ms. Smith said a report will get information out to the public. Mr. Huja recommended an informational report on the first meeting in March, then a public hearing on March 16. He asked Mr. Stroh to make a presentation at the next meeting. He asked Mr. Stroh to publicize his presentation on March 2 once again to all interested parties. Ms. Galvin asked for the proposal to address structure and budget.

On motion by Ms. Smith, seconded by Ms. Szakos, the following appointments were made to boards and commissions: to the CTAC Board, John Pfaltz; to HAC, Carmelita Wood; and to the Belmont Bridge Steering Committee, John Harrison (business representative). The motion passed. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

### **MATTERS BY THE PUBLIC**

Ms. Lena Seville, 808 Altavista Ave., said the mall is a public space, and more than just merchants and property owners who are affected by this decision.

Ms. Tracey Rafael, 832 Harris Rd., asked for the City to reconsider their position on closing 2nd Street between Market St. and Water St. She said she is concerned about the increase

in drug activity since this closure has occurred, and her customer numbers have declined since this closure. She recommended using flaggers to direct traffic during construction.

Mr. Michael Williams, 101 3rd St. SE at the corner of 3rd Street and the Downtown Mall. He said a BID is intended to do marketing for businesses. His home will be assessed during the course of this activity. Residences should not have to foot part of the bill as part of the BID; taxes have already increased greatly since 2013. An extra 13 cents on each \$100 is a lot.

## **COUNCIL RESPONSE**

Ms. Galvin said it is disturbing that retailers are having trouble with notification, especially after McIntire Plaza and the JPA Bridge. We need a method in place that reliably informs our businesses before things happen. This needs to be investigated, and we need solutions. Mr. Jones said the developer working at Second Street acknowledged that they did not abide by the process that was in place. He has discussed tweaking the process with staff so that they do not simply rely on the developers to comply with notification requirements. Ms. Galvin asked why alternate resolutions would not work. Mr. Jones said the work they are doing requires that they have dumpsters located there on a regular basis. They have discussed removing the dumpsters on Thursdays so that the road will be open Thursday through Sunday. Mr. Jones is discussing signage with Ms. Branche. Construction-related vehicles have been asked to relocate out of the two hour parking spaces. Ms. Szakos said she appreciates the idea of the Thursday through Sunday opening.

Mr. Fenwick said we could pull the permit, because they are not in compliance with the terms. He said he spoke to Jack Horn personally, and he was disappointed because there is very little thought for the surrounding businesses.

Ms. Smith asked that the police check on the allegations about drug activity in this area. Mr. Jones said the police are looking into this. Ms. Smith asked about repairing the crossing; Mr. Jones said he will check into this.

Ms. Szakos said she would like the CID proponents to address the matter of residents on the mall.

Meeting adjourned.