



CITY COUNCIL AGENDA
February 16, 2016

6:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Consultation with counsel for legal advice regarding the acquisition or conveyance of parking spaces in the Water Street Garage.)

7:00 p.m. **Regular Meeting**

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

Council Chambers

AWARDS/RECOGNITIONS ANNOUNCEMENTS Planning Commission Awards; The Big Read; Repair Café

MATTERS BY THE PUBLIC Public comment permitted for the first 12 speakers who sign up before the meeting (limit 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter. Speaker sign-up opens at 6:30 p.m.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA* (Items removed from consent agenda will be considered at the end of the regular agenda.)

Passed 5-0 (Szakos/Fenwick)

a. Minutes for February 1

b. APPROPRIATION: Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$34,378.08 (2nd of 2 readings)

c. APPROPRIATION: State Assistance and Citizen Donation for Spay and Neuter Program at S.P.C.A. - \$1,001.64 (2nd of 2 readings)

d. APPROPRIATION: Department of Criminal Justice Services (D.C.J.S.) Byrne Special Fund Grant – \$9,990 (1st of 2 readings)

e. APPROPRIATION: Donations to Fire Department for Training and Safety Initiatives – \$1,350 (1st of 2 readings)

f. APPROPRIATION: Proffer Payment for DGIF-Directed Stream Project on Moores Creek – \$10,000 (1st of 2 readings)

g. RESOLUTION: Donation to Support DGIF-Directed Stream Project on Moores Creek – \$10,000 (1st of 1 reading)

h. RESOLUTION: Accept Water Street Extended into City Street System (1st of 1 reading)

i. ORDINANCE: Ting Fiber, Inc. Telecommunications Franchise Renewal (1st of 2 readings)

2. REPORT*

Council Meeting Procedures

- Council Meeting Procedures (1st of 1 reading) **Passed 4-1 (Fenwick no)**
- Matters by the Public Selection Procedure (1st of 1 reading) **Passed 4-1 (Fenwick no)**

3. PUBLIC HEARING / ORDINANCE*

Easement to Cure Encroachment – Inn at Vinegar Hill Hotel (1st of 2 readings) **carried (Szakos/Galvin)**

4. PUBLIC HEARING / ORDINANCE*

Conveyance of City-owned Land at 820 Hillcrest Road and Birdwood Lane to Covenant School

- Authorizing Conveyance of City-owned Land on Hillcrest Road to Covenant School (1st of 2 readings) **carried (Szakos/Galvin)**
- Closing, Vacating and Discontinuing Birdwood Lane Right of Way (1st of 2 readings) **carried (Szakos/Galvin)**

5. REPORT

Downtown Video Technology Update and Implementation of Body-Worn Cameras

6. REPORT

Strategic Investment Area Implementation Update

OTHER BUSINESS
MATTERS BY THE PUBLIC

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

Persons with disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434)970-3182.

APPROPRIATION.

Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$34,378.08.

WHEREAS, Albemarle County was billed by the City of Charlottesville in the amount of \$34,378.08.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$34,378.08 from Albemarle County is to be appropriated in the following manner:

Revenues - \$34,378.08

Fund: 107 Funded Program: P-00099 (P-00099-02-01) G/L Account: 432030

Expenditures - \$34,378.08

Fund: 107 Funded Program: P-00099 (P-00099-02-01) G/L Account: 599999

Appropriation

**State Assistance for Spay and Neuter Program at S.P.C.A.
\$852.75**

**Citizen Donation for Spay and Neuter Program at S.P.C.A.
\$148.89**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$1,001.64 is hereby appropriated to the Charlottesville / Albemarle S.P.C.A. in the following manner:

Revenues - \$1,001.64

Fund: 105 Cost Center: 9713006000 G/L Account: 430080

Expenditures - \$1,001.64

Fund: 105 Cost Center: 9713006000 G/L Account: 540100

RESOLUTION

Donation to Support DGIF-Directed Stream Project on Moores Creek – \$10,000

WHEREAS, the City has received a payment in the sum of \$10,000, as a proffered development condition for the Rialto Beach Planned Unit Development, and

WHEREAS, the proffered development condition payment is to go towards a Moore's Creek stream bank restoration project, including the removal of the three bridge abutments within the existing right of way of Rialto Street, under the direction of the Virginia Department of Game and Inland Fisheries (DGIF) (the "Project"), and

WHEREAS, DGIF has confirmed its availability to undertake the Project, has established a proposed plan to accomplish the Project, and, is willing and able to contribute state funding for the Project if an eligible partner participates at the local level; and

WHEREAS, Rivanna Conservation Alliance (RCA) is a 501(c)(3) nonprofit watershed organization, a charitable institution whose mission includes providing services to citizens of the City of Charlottesville, and which has been created to provide the Charlottesville community with a set of tools and programs specifically designed to help clean and protect the Rivanna River and its tributaries, and RCA is prepared to work in partnership with DGIF to complete the Project, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that a charitable donation is hereby made to the Rivanna Conservation Alliance, in the amount of \$10,000 payable from cash proffer money received by the City and appropriated this same date to the Gas Fund, Environmental Sustainability Cost Center. The donation is made to support the Project described within this Resolution, and RCA will, upon request by the City, provide documentation reasonably necessary to confirm that the donation will be used to fund the Project; and

BE IT FURTHER RESOLVED that the City Manager is authorized to sign any applications, permits or other documents necessary to allow the Project to proceed.

RESOLUTION
ACCEPTING PORTION OF EAST WATER STREET
INTO THE CITY STREET SYSTEM FOR MAINTENANCE

WHEREAS, the new portion of East Water Street near CityWalk has been completed by Coal Tower Associates, LLC, and Coal Tower Associates, LLC has asked the City to accept the new portion of East Water Street into the City street system;

WHEREAS, City staff has inspected that portion of East Water Street and recommends acceptance into its street system for maintenance of East Water Street from the existing 10th Street NE to Carlton Road; now, therefore

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, on recommendation of the City Engineer, that the new portion of East Water Street from its intersection with 10th Street NE to its intersection with Carlton Road, as shown on the attached drawing, is hereby accepted into the City street system for maintenance. The subject roadway has been built to the specifications and standards required by the city approved plan.

RESOLUTION
City Council Meeting Procedures

BE IT HEREBY RESOLVED, that the attached City Council Meeting Procedures be adopted and put into place.

Signed this 16th day of February 2016.

Council Meeting Procedures

Charlottesville City Council Meeting Procedures

These *Charlottesville City Council Meeting Procedures* are designed to help City Council conduct its affairs in a timely and efficient manner, while encouraging a robust and meaningful dialogue with members of the community.

A. Meetings

Regular meetings of the City Council are scheduled for 7:00 p.m. on the first and third Mondays of each month (or the following day if that Monday is a legal holiday).

Regular meetings shall be of two types. The first type, the “Business Meeting”, will be focused on information, education, and public engagement and shall include reports from public agencies, reports from members of Council, and votes on ordinances and other matters properly before Council. The second type, the “Working Meeting,” will be focused on work sessions and reports from the City Manager. Votes may be taken as necessary.

B. Agenda and Materials

1. The City Manager shall prepare the proposed agenda including a consent agenda and regular agenda items for the Mayor’s consideration nine business days before the meeting. The agenda of every regular Council meeting is approved by the Mayor. Any Council member desiring to add items to the proposed agenda must submit them to the City Manager and the Mayor ten business days before the meeting. Citizens who wish to suggest an item for consideration on the agenda should submit them to the **Clerk of Council**. The City Manager, in consultation with the Mayor, shall provide background materials for the Council and the public.
2. Agenda and background materials for upcoming City Council meetings shall be made available for public review in the Clerk of Council’s Office and on the **City’s website** concurrent with Council’s receipt of the same, and no later than Wednesday before the meeting.
3. Any materials in addition to the background materials shall be distributed to the Council by the Clerk of Council no later than Friday before the meeting. Council may defer any item for which all relevant information has not been provided in a timely manner.

C. Mayor as Presiding Officer

1. The Mayor shall preside at all meetings of City Council, enforce the rules of the Council, and preserve order and decorum at Council meetings. The Vice Mayor shall preside in the Mayor's absence.
2. The Mayor shall administer Robert’s Rules of Order. The City Attorney shall serve as the Parliamentarian for the purposes of Robert’s Rules of Order.
3. During a City Council meeting the Mayor shall have control of the Council Chambers and the connecting halls and corridors, and any other venue where a Council meeting is being held. In case of a disturbance or disorderly conduct that disrupts the meeting, the Mayor may take measures the Mayor deems appropriate, including but not limited to suspending the meeting until order is restored, ordering audio and visual equipment temporarily turned off, and ordering areas to be cleared by the Sergeant-at-Arms.
4. No person shall address City Council until leave to do so has been granted by the City Council or until invited to do so by the Mayor. (City Code sec. 2-71.)

D. Matters by the Public & Public Hearings

1. Time shall be reserved during each regular City Council meeting for “Matters by the Public”. Public comment shall also be allowed during specific agenda items if a public hearing has been scheduled and designated on the agenda. Individuals who wish to speak during Matters by the Public or during a scheduled public hearing should provide their name and address to the Clerk of Council in accordance with the process established by Council.
2. The City Manager shall prepare a response to Matters by the Public, as directed by the Mayor, to be delivered by the City Manager at the meeting immediately following the present meeting.
3. In the interest of focusing the City’s response to public comments on engagement, policy, and action items as determined by the City Manager, Members of Council in general shall defer to the City Manager’s response to public comments and shall not respond to public comments as a whole. However, at the discretion of the Mayor, Members of Council may be recognized to respond to individual public comments.
4. The purpose of Matters by the Public is to state a position, provide information to City Council, comment on the services, policies and affairs of the City, or present a matter that, in the speaker’s opinion, deserves the attention of City Council.
5. Speakers may speak for a maximum of three minutes and shall begin by identifying their name and address. Speakers may only speak once during each public comment session. Remarks must be addressed directly to Council and not to City staff, the audience, other speakers or the media. When speaking during a public hearing, speakers shall limit their remarks to those relevant to the pending agenda item.
6. If a speaker is not present when his or her name is called, he or she will not be allowed to speak. Speakers may not concede their allotted time; the person whose name is written on the speaker sheet must be the person who begins speaking, although they may be accompanied by others to the podium and may share their time with them.
7. Written materials presented at Matters by the Public must be given to the Clerk prior to speaking and will be distributed to the Council. For distribution of hard copies to Councilors, eight copies should be provided; however, electronic distribution is preferred and may be sent to Council@charlottesville.org. Power point presentations cannot be accommodated during Matters by the Public.
8. To provide an additional mechanism to communicate with Council, a “[Submit a Comment to City Council](#)” form is provided on the City website for electronically submitting comments. These comments are distributed to all Council members.
9. Improper comments and disorderly conduct are not permitted. Persons appearing before the Council will not be allowed to:
 - a) Campaign for public office;
 - b) Promote private business ventures;
 - c) Use profanity or vulgar language or gestures;
 - d) Threaten violence toward Council, City staff or members of the public;
 - e) Engage in behavior that intimidates others;
 - f) Interrupt other speakers or engage in behavior that disrupts the meeting
 - g) Defamatory attacks on individuals or groups.
10. Any speaker who violates the rules will be called to order by the Mayor. If the remarks or conduct persists, the Mayor shall order the speaker to cease speaking and be seated. If the order is not heeded, the Mayor shall direct the Sergeant-at-Arms to escort the individual from the meeting room.
11. The Mayor may also order the expulsion of any person for a serious violation of these rules, disruptive behavior, or any words or action that incite violence or disorder, subject to appeal to City Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled.

12. Any person who has been so expelled may also be barred by the Mayor from attendance at future Council meetings for a specified and reasonable period of time, subject to appeal to Council or motion passed by Council.

E. Consent Agenda

1. The consent agenda may be used for eligible items and may include, but is not limited to, routine and noncontroversial appropriations, grant applications, contracts, resolutions, ordinances, second readings, and the minutes.
2. After the consent agenda is read by the Clerk of Council any item may be removed at the request of any two Council members. Any item removed from the consent agenda shall be added to the end of the regular agenda for discussion. Those items not removed from the consent agenda shall be acted upon by a single vote of Council.

F. Regular Agenda Items

1. General
 - a) Regular agenda items shall be heard in the order in which they appear on the agenda. With the consent of two other Councilors, the Mayor may postpone or take out of sequence agenda items from the order listed on the agenda.
 - b) With the exception of work sessions, the total time allocated to any agenda item that does not include a scheduled public hearing shall not exceed twenty (20) minutes, unless the Mayor, in consultation with the City Manager, determines otherwise.
 - c) Opening presentations for regular agenda items shall be limited to ten (10) minutes, unless the Mayor, in consultation with the City Manager, determines otherwise.
 - d) Staff or an appropriate designee will present to Council, after which Councilors may ask clarifying questions of staff if necessary. If a public hearing is scheduled, it will take place before a motion is on the floor.
2. Motions and Debate
 - a) As stated by Robert's Rules of Order, Council may only discuss an agenda item after a motion is made, unless provided otherwise by the Mayor. Any member of the Council making a motion shall address the Mayor and receive recognition before speaking. The person making the motion is entitled to first hold the floor for debate. Discussion and debate shall be limited to the merits of the immediately pending motion. No member may speak a second time on the same motion if any other member who has not already spoken on the motion desires the floor. The Chair must recognize any member who seeks the floor. The Mayor shall state when a motion has been made and seconded before any debate is in order. All questions shall be stated and put by the Mayor and the Mayor shall declare all votes. The Mayor may not close debate as long as any member who has not exhausted his or her right to debate desires the floor, unless a vote to call the question passes. In making a motion, a member shall be limited to 5 minutes. In comments and amendments, a member shall be limited to 3 minutes. In asking questions of speakers, Council members shall be limited to 3 minutes. This section 2(a) does not apply to work sessions.
 - b) In debate, speakers shall be collegial in their language, shall avoid all reference to personalities, and shall never allude to the motives of Council members. No member shall interrupt another without the consent of the member who has the floor, except when making a point of order.
3. Voting
 - a) The Mayor shall call the question. If any member abstains from voting the reason for the abstention shall be included in the minutes of the meeting. The Mayor shall announce that the motion is adopted or failed.
 - b) In the event that the Mayor determines that a proposal is perfectly clear to all present and requires no discussion, the Mayor may determine unanimous consent without a motion having been

introduced.

G. Recess

1. During regular meetings, Council will take a brief recess every two hours.
2. The Council's goal at regular meetings is to adjourn no later than 11:00 p.m.

H. Closed Meetings

Closed meetings generally take place at 6:00 p.m. before the regular Council meeting; exceptions will be publicly noticed. The only items Council may consider in closed meetings are those permitted by the Virginia Freedom of Information Act and identified in the motion convening the closed meeting.

I. Other

1. In the interests of efficient management, if Council members seek answers from City staff, they should generally attempt to do so through the City Manager. In any event, when asking questions of staff, Council members should advise City Manager of same.
2. Members of the City Council, including the Mayor, shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do. No member of City Council may purport to speak on behalf of the City on matters that have not been voted on by Council or that do not represent official City policy unless authorized by the City Manager.
3. If a Councilor chooses to convene a public meeting that employs any City resources (including meeting spaces and staff attendance), and that might be attended by two or more other Councilors, he or she shall advise other Councilors at least one day in advance of the time and place of the meeting.
4. Council members shall respect and adhere to the council-manager structure of Charlottesville City government as outlined in the Charlottesville City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards and Commissions, and the public. Except as provided by the City Code, Council members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

J. Miscellaneous

1. Meetings of City Council shall be governed according to Robert's Rules of Order, except where provided otherwise by the Virginia Code or the Code of the City of Charlottesville, these City Council Meeting Procedures, or other procedures or guidelines adopted by City Council.
2. No rule of procedure adopted by the City Council can be suspended except by the consent of four Council members. Suspension of the rules may be made by a motion. (City Code section 2-66.)
3. Special meetings, work sessions and closed meetings may be held in addition to the schedule of regular meetings adopted at the first regular meeting in January. Special meeting notification requirements are governed by the Virginia Code.
4. For special meetings, the purpose and nature will dictate whether public comment will be allowed. Public comment is frequently not allowed at certain special meetings, such as City Council work sessions, while other special meetings, such as the citizen's budget forum and Town Hall meetings, are held for the express purpose of hearing from members of the public. If public comment is allowed at a special meeting, the same public participation rules applicable to a regular City Council meeting will apply.

5. Persons with disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434) 970-3182. Persons are encouraged to make requests in advance.
6. All regular City Council meetings are broadcast live on Charlottesville's TV-10. Streaming video of the meetings is available for viewing [online](#) at the time of the meeting and as an archived video on the next business day following a meeting. Archived meetings can be downloaded in audio or video format from the City [website](#) . [Charlottesville TV 10](#) runs repeats of the most recent meeting throughout the month on Mondays, Wednesdays, and Fridays at 7:00 p.m. and Tuesdays, Thursdays, and Saturday mornings at 9:00 a.m. until the next meeting is held. A DVD copy of the meeting may be requested the week after the meeting; a nominal fee may apply. Contact the Clerk of Council at clerk@charlottesville.org or (434) 970-3113 to inquire.
7. City Council Meeting Procedures will be posted on the City's website.
8. These rules are adopted by the Council pursuant to Section 12 of the Charter of the City of Charlottesville and supersede prior rules. These rules do not create substantive rights for third parties or participants in proceedings before City Council, and City Council reserves the right to suspend or amend the rules in the manner provided in the City Code. The failure of City Council to strictly comply with these rules of public participation shall not invalidate any action of City Council.

Passed by Council February 16, 2016

RESOLUTION
Matters by the Public during City Council Meetings

WHEREAS, the Charlottesville City Council, in consultation with peers, research of best practices across the state, and the appropriate City staff members, seeks to create an equitable and accessible process for citizen participation in Matters by the Public;

BE IT RESOLVED that Council does hereby establish the following process for Matters by the Public:

- (a) Members of the public may request one of twelve speaking slots for the first session of *Matters by the Public* by e-mail, telephone, or in person with the Clerk by 9:00 a.m. on the day of the meeting;
- (b) Through a random and transparent process, which shall be publicly described and provided to the public, the Clerk shall distribute and publicize the speaking slots by 12:00 noon on the day of the meeting;
- (c) A second session of *Matters by the Public* will also be held at the end of each regular meeting and is not limited by number of speakers.
- (d) For other public hearings, a sign-up sheet will be provided by the Clerk at the meeting.

BE IT FURTHER RESOLVED that this shall go into effect beginning March 7, 2016, and shall run for a trial period of six months. Council shall evaluate the process and make a final determination after the conclusion of the trial period.

Signed this 16th day of February 2016.