

COUNCIL CHAMBER - December 2, 2019**ROLL CALL**

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

ANNOUNCEMENTS/PROCLAMATIONS

Ms. Hill announced the Grand Illumination event for December 6th.

Dr. Bellamy congratulated Ms. Tanesha Hudson for her film debut, "A Legacy Unbroken." He thanked those who participated in the turkey giveaway event, and announced a coat drive, with giveaway planned for December 22 at Tonsler Park.

Ms. Galvin read the Lighting of the Lawn proclamation.

Dr. Bellamy announced December 6th as the deadline for Police Civilian Review Board applications.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the consent agenda items into the record.

Ms. Walker opened the floor for public comment on the consent agenda.

Mr. Bill Atwood spoke on Item "p" and asked that Council defer the item to allow the next Council to review.

City Attorney John Blair advised of a correction to wording in Item "b". In consultation with the City Manager, he recommended revised language.

Mr. Signer expressed concern about Item "b" in reference to the council-manager form of government, and the impression that a decision was made without Council consent. Ms. Walker made comments about her level of involvement in the Home to Hope initiative. She advised that the City Manager and other staff have been involved throughout the process. Based on conversation between Ms. Walker and Mr. Signer...

Ms. Walker pulled Items "o" and "p" for separate vote.

Ms. Galvin pulled Item "n" for discussion after the regular agenda. She also spoke about Item "h", and asked that the Small Area Plan fund be replenished as soon as possible.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED consent agenda Items “a” through “m”:

4-1 (Ayes: Bellamy, Galvin, Hill, Walker. Noes: Signer)

a. MINUTES: October 7, 2019 Regular meeting; October 21, 2019 Special meeting

Minutes - October 7, 2019 regular meeting

Minutes - October 21, 2019 Special meeting

b. APPROPRIATION: Re-appropriate funds from the Department of Human Services to the Department of Economic Development for the Home to Hope Program - \$321,103.35 (carried)

Agenda memo; Home to Hope backup documents

c. APPROPRIATION: Victim Witness Assistance Program Grant - \$265,024 (carried)

Agenda memo; grant backup documents

d. APPROPRIATION: Virginia Outdoors Foundation Grant - Land Acquisition - \$50,000 (2nd reading)

Agenda memo; grant backup documents

**APPROPRIATION
VOF Grant for Acquisition of Parkland for 250 Bypass Trail - \$50,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$50,000 from the Virginia Outdoors Foundation to purchase land adjacent to McIntire Park; and

Revenue

\$50,000 Fund: 426 WBS: PR-001 G/L Account: 430120

Expenditures

\$50,000 Fund: 426 WBS: PR-001 G/L Account: 599999

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:

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$50,000 from the Virginia Outdoors Foundation.

- e. **APPROPRIATION: Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$35,000 (2nd reading)**

Agenda memo; appropriation backup

APPROPRIATION

Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$35,000

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$35,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

WHEREAS, the grant award covers the period from 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 \$35,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

Revenue – \$ 35,000

Fund: 209 Internal Order: 1900342 G/L Account: 430120

Expenditures - \$35,000

Fund: 209 Internal Order: 1900342 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$35,000 from the Virginia Department of Education Special Nutrition Program.

- f. **APPROPRIATION: Virginia Department of Social Services Employment Advancement for Temporary Aid to Needy Families Participants Grant - \$130,259.83 (2nd reading)**

Agenda memo; appropriation

APPROPRIATION

**Virginia Department of Social Services (V.D.S.S.) Employment Advancement for Temporary Aid to Needy Families (T.A.N.F.) Participants Grant
\$130,259.83**

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Social Services in the amount of \$130,259.83; and

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

WHEREAS, the grant award covers the period from October 1, 2019 and June 30, 2020;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$130,259.83 is hereby appropriated in the following manner:

Revenue – \$130,259.83

\$130,259.83 Fund: 209 IO: 1900343 G/L: 430120 State/Fed pass thru

Expenditures - \$130,259.83

\$130,259.83 Fund: 209 IO: 1900343 G/L: 599999 Lump Sum

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$130,259.83 from the Virginia Department of Social Services.

- g. APPROPRIATION: Fire apparatus payment reimbursement \$642,609 (2nd reading)**

Agenda memo; appropriation background

**APPROPRIATION
Fire Apparatus Payment Reimbursement - \$642,609**

WHEREAS, the Charlottesville Fire Department has received a payment reimbursement from a vendor for fire apparatus that they are unable to deliver on time;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a refund amount of \$642,609 be appropriated in the following manner:

Revenues

\$642,609 Fund: 426 WBS Element: P-00976 G/L Account: 451999

Expenditures

\$642,609 Fund: 426 WBS Element: P-00976 G/L Account: 541011

- h. RESOLUTION: Transfer of funds from Small Area Plan - Penn Park study (African-American cemetery) - \$9,319**

Agenda memo; background information; resolution

RESOLUTION

Approval for usage of Small Area Plans funding for the examination of possible burials near the Gilmer/Craven/Hotopp Cemetery at Pen Park - \$9,319

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$9,319 be allocated from previously appropriated funds in the Small Area Plans project for an examination of possible burials, believed to be of formerly enslaved persons, near the Gilmer/Craven/Hotopp Cemetery at Pen Park.

Fund: 426 Project: P-00819 G/L Account: 530670

Pen Park Cemetery Examination \$9,319

i. RESOLUTION: Request for Support of Refugee Resettlement

Agenda memo; letter; resolution

RESOLUTION

Authorizing Mayor Walker to Sign Correspondence to the United States Department of State Authorizing Refugee Resettlement in Charlottesville

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that Mayor Nikuyah Walker is hereby authorized to sign the attached correspondence to the United States Department of State.

j. RESOLUTION: Acceptance of new public streets within the Burnet Commons 3 Development

Agenda memo; plat; resolution

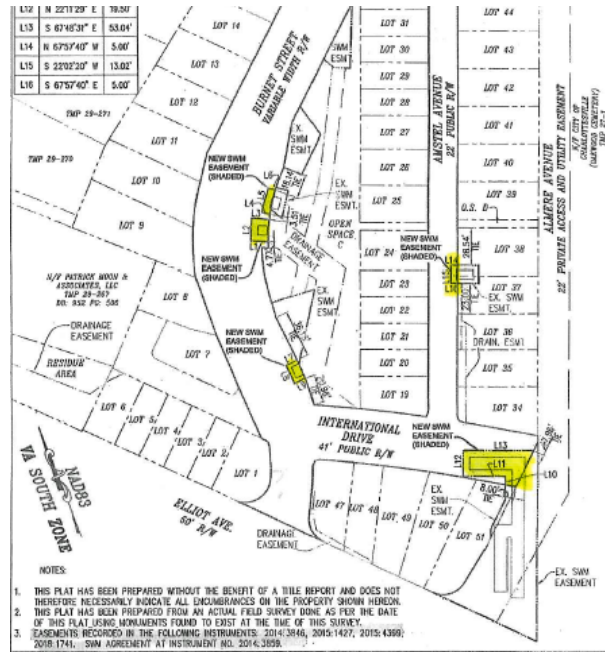
RESOLUTION

ACCEPTING BURNET STREET, INTERNATIONAL DRIVE AND AMSTEL AVENUE INTO THE CITY STREET SYSTEM FOR MAINTENANCE, EXCLUDING CERTAIN ENCROACHMENTS

WHEREAS, the Burnet Street, International Drive and Amstel Avenue rights-of-way have been constructed within Phase 3 of the Burnet Commons development and the developer has asked the City to accept these streets into the City’s street system;

WHEREAS, certain stormwater management features have been constructed within the public rights-of-way, in the locations generally depicted within the following Exhibit and labeled “new SWM easement (shaded)”:

Exhibit:



WHEREAS, all of said stormwater management features have been installed for the benefit of the lots within Phase 3 of the Burnet Commons development, and said features are owned by, and are to be maintained by, said lot owners or an owners’ association of which the owners are members; and

WHEREAS, all of said stormwater management features are encroachments into City-owned public rights-of-way and, notwithstanding the reference to “new easements” within the foregoing Exhibit, no easements have been granted by City Council in accordance with Va. Code §15.2-1800(B);

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, Burnet Street, International Drive, and Amstel Avenue, as improved, are hereby accepted into the City’s public street system for maintenance, excluding the existing stormwater management features in the locations depicted within the foregoing Exhibit; and

BE IT FURTHER RESOLVED that the stormwater management features are hereby authorized to remain within the public rights-of-way as encroachments, until those features are destroyed or removed, pursuant to the provisions of Va. Code §§ 15.2-2009 and 2011. The stormwater features shall owned and maintained by the owners of lots within Phase 3 of the Burnet Commons development or an owners’ association of which the owners are members, who shall be liable for negligence on account of such encroachments. Pursuant to Va. Code §15.2-2009, authorization of these encroachments may be revoked by resolution of this City Council,

and City Council hereby reserves the right, at its option, to institute and prosecute a suit or action in ejectment or other appropriate proceedings to recover possession of the public rights of way occupied by the stormwater management features.

k. RESOLUTION: Acceptance of 11th Street as a residential permit parking block

Agenda memo; memo to City Manager; resolution

**RESOLUTION
APPROVING CERTAIN STREETS AS RESTRICTED PARKING BLOCKS**

WHEREAS, certain residents of 11th Street Northwest between Gordon Avenue and West Street, and/or the City Traffic Engineer have requested that City Council designate those streets or portions of streets as restricted parking areas; and

WHEREAS, in accordance with §15-203 of the Charlottesville City Code, 1990, as amended, the City Traffic Engineer has conducted on-street parking surveys and mailed notice to all residents of the affected areas that Council will consider this request; and

WHEREAS, the surveys have shown that at least 75% of the total number of on-street parking spaces in the proposed restricted parking blocks were occupied, and at least 50% of the total number of on-street parking spaces in those blocks were occupied by commuter vehicles; and

WHEREAS, Council has considered:

- (a) the purpose and intent of Chapter 15, Article 5, Division 3 of the Charlottesville City Code, 1990, as amended;
- (b) the alternate means of transportation, if any, to and from the restricted parking areas being established;
- (c) the impact, if any, that establishment of a restricted parking area may have on nearby neighborhoods or blocks that do not have permit parking; and
- (d) the impact, if any, that a restricted area may have on persons who do not reside within that area and their ability to find parking near their place of work; and
- (e) the hours, if any, during which the proposed restricted parking areas are affected by commuter vehicles.

BE IT RESOLVED by the Council of the City of Charlottesville that, pursuant to §15-203 of the City Code, the following areas are each hereby designated restricted parking areas: 11th Street Northwest between Gordon Avenue and West Street.

l. RESOLUTION: Ethnic Studies Course by African-American Heritage Center - \$15,000

Agenda memo; background information; resolution

RESOLUTION
**City Funding to Jefferson School African American Heritage Center
for Ethnic Study Course - \$15,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$15,000 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to Jefferson School African American Heritage Center in support of the Ethnic Studies Course work being undertaken.

\$15,000

Fund: 105

Cost Center: 1011001000

m. RESOLUTION: Capital Funding Transfer - Electronic Poll Books - \$24,618

Agenda memo; background information; resolution

RESOLUTION
**Capital Funding Transfer for Purchase of Electronic Poll Books for the Office of
Voter Registration and Elections - \$24,617.60**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the funding for the purchase of Electronic Poll Books is hereby transferred in the following manner:

Transfer From:

\$13,550.50 Fund: 426

WBS: P-00664

G/L Account: 599999

\$11,062.10 Fund: 426

WBS: P-00666

G/L Account: 599999

Transfer To

\$24,617.60 Fund: 425

WBS: P-00566

G/L Account: 599999

n. ORDINANCE: Adding Section 2-159 to Chapter 2 (Administration), Article III (City Manager) of the Charlottesville City Code (1990) (DENIED)

Agenda memo; ordinance

This item was pulled from the consent agenda by Ms. Galvin for discussion at the end of the meeting.

o. ORDINANCE: Bicycle & E-Scooter Sharing System (aka "Dockless Mobility") Ordinance and Permit Program (2nd reading)

Agenda memo; background information; ordinance

AN ORDINANCE AMENDING, REENACTING, AND RECODIFYING SECTIONS OF ARTICLE VI OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF CHARLOTTESVILLE WITH RESPECT TO THE USE OF BICYCLES, ELECTRIC POWER-ASSISTED BICYCLES, AND MOTORIZED SKATEBOARDS OR SCOOTERS

This item was pulled from the consent agenda by Ms. Walker.

On motion by Ms. Hill, seconded by Dr. Bellamy, Council by the following vote APPROVED the Ordinance amending, reenacting, and recodifying sections of Article VI of Chapter 15 (Motor Vehicles and Traffic) of the Code of the City of Charlottesville with respect to the use of bicycles, electric power-assisted bicycles, and motorized skateboards or scooters:

4-1 (Ayes: Bellamy, Galvin, Hill, Signer. Noes: Walker).

p. ORDINANCE: 209 Maury Avenue rezoning request (2nd reading)

Agenda memo; background information; ordinance

AN ORDINANCE APPROVING REZONING APPLICATION ZM19-00002 A REQUEST TO REZONE LAND FRONTING ON MAURY AVENUE AND STADIUM ROAD FROM R-2U (TWO-FAMILY RESIDENTIAL, UNIVERSITY) TO R-3 (MULTIFAMILY RESIDENTIAL) SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS

This item was pulled from the consent agenda by Ms. Walker for a separate vote.

Ms. Galvin acknowledged her previous reservations, and stated that after further review of the site plan, she would support the Ordinance.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Ordinance approving rezoning application ZM19-00002, a request to rezone land fronting on Maury Avenue and Stadium Road from R-2U (Two-family Residential, University) to R-3 (Multifamily Residential) subject to proffered development conditions:

4-1 (Ayes: Bellamy, Galvin, Hill, Signer. Noes: Walker).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Dr. Richardson advised that the Disproportionate Minority Contact report should be complete by the end of December, and a public meeting should be held in January.

He also followed up regarding street cameras and advised that the City does not have a resident-driven camera program.

COMMUNITY MATTERS

Ms. Fran Feigert asked Council to reconsider the proposed building at East Market Street, referencing parking challenges already existing downtown.

Mr. Richard Tremblay made recommendations for changes to the Standards and Design Manual.

Ms. Tanesha Hudson asked that Parks and Recreation consider support for more than one event in the same day. She made suggestions for building a new City Hall and using the old one as a parking deck location. She also requested benches for bus stops, and commented on the Grand Illumination tree.

Ms. Rosia Parker followed up with the City Manager about City cameras in the public, and she asked for his opinion of the Civilian Review Board.

Mr. David Rhodes, County resident, spoke about cameras offered for surveillance of the statues that have been vandalized in City parks.

Mr. Rory Stolzenberg, City resident, spoke about Agenda Item #4, and encouraged the purchase of the 50% stake that the County owns in the service lot at 7th and Market Streets. He also spoke in opposition to the parking garage proposal.

Ms. Walker closed public comment.

PUBLIC HEARING/ORDINANCE*: Vacation and release of public utilities easements - Lochlyn Hill Subdivision (1st of 2 readings; consideration of waiving 2nd reading)

Agenda memo; background information; ordinance

Mr. Blair advised that at the request of the developer, this item was being pulled from the agenda.

The meeting recessed at 7:22 p.m.

The meeting reconvened at 7:36 p.m.

COMMUNITY MATTERS (continued)

Ms. Walker re-opened Community Matters, as some members of the public did not understand the procedure for public comment on regular agenda items.

Ms. Elizabeth Turner, City resident, spoke against Item #8 and asked that Council support the Board of Architectural Review decision, and deny the appeal for 605 Preston Place.

Ms. Lisa Kendrick, City resident, spoke about Agenda Item #8 and asked Council to uphold the BAR decision, and deny the appeal for 605 Preston Place.

Mr. Josh Bart spoke about parking demand downtown and advised to avoid building parking that is not needed. He asked that Council strike the item regarding building a new parking structure and use those funds for other pressing City needs.

Ms. Walker closed public comment.

RESOLUTION*: City Manager's Recommendation to Address Organizational Equity - \$113,596

Agenda memo; background information; resolution

Dr. Richardson introduced the item and described the recommendation options.

Human Resources Director Michele Vineyard advised that she reviewed the recommendations from the Equity Advisory Committee, and suggested moving forward with a more refined approach. She advised that her recommendation of allowing the subject matter expert to determine the needs of the organization would be a better use of funds upfront. She advised that organizational change needs to be intentional and incremental.

Ms. Walker shared her perspective of the needs and the power required of this position at the department director level. She advised that this decision should not be based on fiscal responsibility.

Ms. Galvin asked how the HR Director recommendation related to the Advisory Board. Ms. Vineyard advised that the work of the committee was valuable, and that there was not a representative from a human resources role.

Ms. Walker advised that there is reason for alarm, and that the new position would work in alignment with Human Resources.

Dr. Bellamy agreed with Ms. Walker that a director should be hired and given the opportunity to build a team. Discussion ensued about the reporting structure for the equity and inclusion subject matter expert and the work that this position would do internally and in the community.

Mr. Signer advised that he was inclined to defer to the City Manager's judgment and to avoid the semblance of micromanagement of operational details from Council.

Dr. Bellamy advised that subtleties and titles matter and the hire should be at the higher level of Director.

On motion by Ms. Galvin, seconded by Mr. Signer, Council by the following vote APPROVED the Resolution implementing recommendations from the City Manager to address organizational equity as per the original memo from August 19, 2019 in the amount of \$197,181:

5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker. Noes: none).

RESOLUTION
Implementing Recommendations from the City Manager to Address
Organizational Equity \$197,181

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$197,181 is hereby allocated from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to implement the recommendations from the City Manager on Organizational Equity.

\$197,181 Fund: 105 Cost Center: 1011001000

RESOLUTION*: General District Court and 7th Street Deck Project - \$1.28 Million

Agenda memo; resolution

Mr. Chris Engel, Economic Development Director, made the presentation and shared highlights of the work done on this joint City-County project since 2004. He advised that the consultants looked at a variety of lots and the conclusion is in the proposal and takes into account the zoning requirements. He advised that the lease end dates for the businesses on the property end in October 2021, which coincides with the scope of the project. The new structure would include retail/commercial space. He advised of waitlists and demand for parking garage spaces, which cannot currently be met with the current inventory, and that the Belmont Bridge project would reduce the number of spaces even further. He shared considerations made for the possibility of affordable housing structure above the garage, and that there would be a surcharge of at least 30 percent to prepare for future building above a parking deck.

In response to comments made by Mr. Signer, Parking Manager Rick Seibert, shared parking industry knowledge about the potential impact of autonomous vehicles on the future of parking garages.

Ms. Galvin added background information in relation to preserving access to people of all income levels to the court systems as well as staff and attorneys, and maintaining trust between the City and County governments. She recommended that the next Council consider bringing back parking meters for on-street parking.

On motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote APPROVED the Resolution to transfer \$1,280,000 from the CIP Contingency Account for Acquisition of Land at 701 East Market Street:

5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker. Noes: none).

Ms. Walker added that the County at one point considered moving their courthouse to another location in the County, which would have been prohibitive for legal professionals and others who may have needed to be in multiple places fairly simultaneously. She also spoke about the reality of people needing to use vehicles.

RESOLUTION

Transfer CIP Contingency Account for Acquisition of Land at 701 East Market Street - \$1,280,000

WHEREAS, on December 17, 2018, Albemarle County and the City of Charlottesville signed a memorandum of agreement to develop a joint court complex located at 350 Park Street in downtown Charlottesville; and

WHEREAS, the agreement is premised on the City's stated intention to construct a parking structure on property owned jointly by the City and the County and adjacent property owned solely by the City, both on East Market Street; and

WHEREAS, the agreement stipulates that the City will purchase the County's one-half interest of the jointly owned property following the completion of a professional appraisal; and

WHEREAS, the appraisal indicates the value of the County's one-half ownership to be \$1,280,000;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funding for purposes of acquiring parcel #530159000 located at 701 East Market is hereby transferred in the following manner:

Transfer From:

\$1,280,000 Fund: 426 WBS: CP-080 G/L Account: 599999

Transfer To

\$1,280,000 Fund: 426 WBS: P-01008 G/L Account: 599999

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute, on behalf of the City of Charlottesville, all necessary documents required in conjunction with the aforementioned purchase of property; and

BE IT FURTHER RESOLVED that City staff is directed to proceed immediately with development of a parking structure as presented at this meeting, consisting of approximately 300 spaces and 12,000 square feet of street front commercial space, such that the timelines prescribed in the memorandum of agreement can be met.

RESOLUTION*: 218 West Market Street Special Use PermitAgenda memo; resolution

Mr. Brian Haluska, Principal Planner for the Department of Neighborhood Development Services, introduced the agenda item. The development team of Jeff Dreyfus and LJ Lopez, shared a presentation and additional information about the request, advising of project deadlines, design guideline considerations and the affordable dwelling unit component.

The developers answered Council questions regarding walkways, how much of the agreement would be enforceable, the length of the commitment, about parking, and about proposed greenery on each tier of the building.

Mr. Blair reviewed procedure.

Ms. Galvin expressed concern that the project creates demand for high end luxury housing, rather than solving the problem of creating affordable housing. She expressed frustration with the current Zoning Ordinance.

Mr. Signer and Ms. Hill shared concern that the scale of the project would change the character of the Downtown Mall.

Mr. Lopez advised that there is consideration for height and density, and asked that they be considered separately. Mr. Blair advised that if the desire were to modify the proposal, the item would need to go back before the Planning Commission.

On motion by Ms. Hill, seconded by Mr. Signer, Council by the following vote DEFERRED the item back to the Planning Commission:

3-2 (Ayes: Galvin, Hill, Signer. Noes: Bellamy, Walker).

RESOLUTION*: 167 Chancellor Street Special Use Permit

Agenda memo; resolution

Mr. Joey Winter, City Planner, presented the request.

On motion by Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Resolution authorizing a fraternity house at 167 Chancellor Street for up to 16 occupants:

5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker. Noes: none).

**RESOLUTION
AUTHORIZING A FRATERNITY HOUSE
AT 167 CHANCELLOR STREET FOR UP TO 16 OCCUPANTS**

WHEREAS, pursuant to City Code §34-420, landowner Alpha Omicron of Chi Psi Corporation has submitted an application seeking to modify a special use permit previously approved in 1985, for the purposes of authorizing a “*boarding, fraternity and sorority house*”, as defined within City Code §34-1200, at 165 and 167 Chancellor Street (the proposed “Special Use Permit”); and

WHEREAS, the proposed Special Use Permit will apply to the land, buildings and structures located at 165 and 167 Chancellor Street (the “Subject Property”), which is further identified on 2019 City Tax Map 9 as Parcels 126 and 127 (City Parcel ID Nos. 090126000 and 090127000, respectively) and both lots are located within the City’s R-3 zoning district, subject to an historic district overlay (the Corner major design control district, per §34-272(6); and

WHEREAS, previously, on July 15, 1985 City Council granted a special use permit to authorize a “sorority complex” to be established at 165 and 167 Chancellor Street, consisting of two buildings: one, at 165 Chancellor, another at 167 Chancellor, together, having thirty-three (33) residents, total. The current owner of the land, buildings and structures located at 165 Chancellor Street (WADS Holdings, LLC) has confirmed in writing that it does not object to this application, which will update and modify the previously-granted special use permit as to both 165 and 167 Chancellor Street; and

WHEREAS, the proposed Special Use is generally described within written materials submitted in connection with SP19-00007, including: the application materials dated September 17, 2019, and related narrative; and a proposed preliminary site plan *dated* September 17, 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 November 12, 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. 34-420, the proposed Special Use is granted, subject to the following conditions:

1. The fraternity house located at 167 Chancellor Street shall have a maximum of sixteen (16) residents. Any expansion of the fraternity house beyond sixteen (16) residents will require an amendment to this Special Use Permit.
2. 165 Chancellor Street: Special Use Permit approval for the land, buildings and structures located at 165 Chancellor Street to be used for a “boarding, fraternity and sorority house”, as that term is defined in City Code §34-1200 is expired and no longer valid. However, yard regulations for this lot will remain modified as follows:
 - a. Building setback (front), adjacent to Madison Lane: the required building setback along Madison Lane shall remain modified as shown on the site plan for 165 and 167 Chancellor Street approved on November 4, 1985.
3. 167 Chancellor Street: The land, buildings and structures located at 167 Chancellor Street may be used for a “boarding, fraternity and sorority house”, as that term is defined in City Code §34-1200. The number of residents shall not exceed 16 at 167 Chancellor Street.
 - a. Building setback (front), adjacent to Madison Lane: the required building setback along Madison Lane shall be 8 feet.
 - b. Building setback (corner side), adjacent to Chancellor Street: the required building setback along Chancellor Street shall be 4 feet.
 - c. Building setback (side), adjacent to 165 Chancellor Street: the required building setback along the property line shared with 165 Chancellor Street shall be 4 feet.
 - d. Building setback (rear), property corner adjacent to Chancellor Street and 165 Chancellor Street: the required building setback from property corner adjacent to Chancellor Street and 165 Chancellor Street shall be 25 feet.
4. The “boarding, fraternity or sorority house” use approved by this special use permit, and (except as specifically modified within condition (2) and condition (3), 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.

5. Bicycle storage facilities shall be provided at 167 Chancellor Street at a rate of one (1) bicycle storage facility per resident, and all such facilities shall be a type permitted by the Zoning Ordinance.
6. Sidewalk shall be extended along the frontage of Madison Lane as shown on the proposed preliminary site plan for 167 Chancellor Street dated September 17, 2019.
7. Curb ramps shall be installed at the end of any proposed sidewalk on Madison Lane to align with the existing curb ramp on the east side of Chancellor Street.
8. The elevated sidewalk to the south on Chancellor Street must be repaired and vegetation cleared to remove obstructions. If this work is not done prior to requesting an updated Certificate of Occupancy for 167 Chancellor Street then the landowner shall provide a development agreement specifying the timing for completion of sidewalk work.
9. An accessible route from the public sidewalk to 167 Chancellor Street shall be required.

BE IT FURTHER RESOLVED THAT the Special Use Permit approved by this Resolution amends and supersedes the special use permit previously approved by resolution dated July 15, 1985 for the buildings and structures located at 165 and 167 Chancellor Street.

RESOLUTION*: Adopting an updated Standards and Design Manual

[Agenda memo; resolution; link to Standard and Design Manual](#)

Mr. Marty Silman, Interim Director of Public Works, shared a summary of the reasons for the Standards and Design Manual updates, and the engagement process for gaining feedback for revisions. He responded to concerns raised earlier in the meeting about the proposed manual. Mr. Silman answered Council questions about street acceptances and related costs.

On motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote APPROVED the resolution adopting an updated Standards and Design Manual:

5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker. Noes: none).

**RESOLUTION
APPROVING AN UPDATED STANDARDS AND DESIGN MANUAL**

WHEREAS, this City Council has provided for a set of design and construction specifications for public improvements and infrastructure, referred to within the City’s Subdivision Ordinance at City Code §29-140(6) and §29-141, and in various provisions of Chapter 10 (Water Protection), Chapter 28 (Streets and Sidewalks) and Chapter 34 (Zoning Ordinance) as the City’s “Standards and Design Manual” (SADM); and

WHEREAS, in 2017 the City commenced a process to review and update the contents of the SADM, which was originally approved by City Council in 2008 and had not received a comprehensive update since that time; and

WHEREAS, the text of the proposed updated SADM has been developed by the City Engineer in consultation with the departments and public officials referenced in City Code §29- 61, and was made available for public review and comment, and many public comments have been incorporated into the SADM presented to this Council for approval;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the proposed updated Standards and Design Manual (2019), together with existing Appendices A through H, are hereby approved by City Council as the City's official "Standards and Design Manual", effective December 2, 2019 (collectively, the SADM approved by this resolution). In the event of any conflicts between the updated SADM text approved by this resolution and the contents of any existing Appendices, the updated text of the SADM shall be the controlling provision; and

BE IT FURTHER RESOLVED THAT, consistent with the provisions of City Code §2-154, the City Engineer, with the approval of the City Manager and the concurrence of the City Attorney's Office, may amend and update the SADM, or any appendices thereto. Any proposed amendment to the SADM or its appendices shall contain a specific revision date, and shall be posted on the City's website for public information for at least ten (10) business days prior to being approved by the City Engineer and City Manager.

BE IT FURTHER RESOLVED THAT the City Engineer shall have the authority to administer and interpret the provisions of the SADM, including, without limitation, the authority to issue technical bulletins or written interpretations of the contents of the SADM. This administrative authority shall be carried out subject to oversight by the City Manager or his or her designee, and subject further to the requirement that the Engineer's findings and conclusions shall be official only with the concurrence of the City Attorney's Office. Upon issuance of a technical bulletin or written interpretation containing the concurrence of the City Attorney's office, the content of that document shall have the same weight of authority as the text within the SADM; and

BE IT FURTHER RESOLVED THAT, notwithstanding the effective Date of December 2, 2019, the following may proceed using the SADM provisions in effect prior to December 2, 2019:

1. Development depicted within a final site plan approved prior to December 2, 2019;
2. Charlottesville Redevelopment and Housing Authority (CRHA), South First Street Project (Phase 2);
3. Piedmont Housing Alliance, Friendship Court Redevelopment (Phase 1); and

4. Any common plan of development or sale, or an individual phase within such common plan, for which (i) a proposed final site plan was officially submitted on or after November 1, 2019 and (ii) that officially submitted plan satisfies all requirements necessary to be deemed final, per Va. Code §15.2-2261(A), on or before March 31, 2020.

RESOLUTION*: Board of Architectural Review appeal - 605 Preston Place

Agenda memo; background information; resolution

Mr. Blair set the procedural ground rules.

Mr. Jeff Werner, presented as staff for the Board of Architectural Review (BAR). He shared information about the structure of the BAR, and advised that appeals of the BAR decisions are not common. He shared the background of the BAR denial 6-0 for the certificate of appropriateness for the proposed parking area at 605 Preston Place, advised that staff recommend that Council uphold the recommendation of the BAR to deny the Certificate of Appropriateness.

Mr. Richard Spurzem requested that Council approve the appeal and reverse the BAR decision. He advised that parking is a by-right use and alluded to potential financial consequences to the City.

Mr. Breck Gastinger spoke on behalf of the BAR, also a landscape architect and advised that the issue considers more than aesthetics. He advised that the decision of the BAR was clear-cut, and in the interest of preserving the historic character of City property. He shared historically significant information of this property called Wyndhurst. He noted the project impact on demolition, parking, and the historic district. He urged upholding the BAR denial.

Mr. Werner advised that with a Council denial of the appeal, the next level for litigation would be the Circuit Court. He added that the applicant would have the opportunity to work with the BAR.

On motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote DENIED the appeal, citing the same provisions as mentioned by the BAR:

5-0 (Ayes: Bellamy, Galvin, Hill, Signer, Walker. Noes: none).

OTHER BUSINESS

n. ORDINANCE: Adding Section 2-159 to Chapter 2 (Administration), Article III (City Manager) of the Charlottesville City Code (1990) (DENIED)

Agenda memo; ordinance

This item was pulled from the consent agenda by Ms. Galvin for discussion at the end of the meeting.

Ms. Galvin moved that Council not adopt the ordinance. Mr. Signer seconded.

Discussion ensued with Ms. Galvin reading an excerpt from a Virginia Municipal League article describing encroachment on City Manager duties, and confusing staff on reporting structure. She advised that it hampers the City Manager from picking their own staff.

Ms. Hill shared a desire for Council to be included for awareness purposes.

Ms. Walker advised that the ordinance came from discussions amongst Council members. She expressed concern about when Councilors are introduced to new department directors.

Mr. Blair shared specific language from the Danville, Virginia, City Charter which explicitly referenced "Interference by Council", and he suggested future discussion of potential Charlottesville Charter changes to provide absolute clarity.

Mr. Signer expressed that Council should ensure that the City Manager has the appropriate support, and advised councilors to learn more about the council-manager form of government to avoid erosion of the City Manager's authority.

Ms. Walker expressed concern about learning of staff hires and other information from the media before learning from the City Manager.

On motion by Ms. Galvin to DENY the Ordinance, seconded by Mr. Signer, Council by the following vote DENIED the Ordinance adding Section 2-159 to Chapter 2 (Administration), Article III (City Manager) of the Charlottesville City Code (1990):

3-2 (Ayes: Galvin, Hill, Signer. Noes: Bellamy, Walker).

MATTERS BY THE PUBLIC

None

The meeting adjourned at 11:14 p.m.