

HOUSING ADVISORY COMMITTEE
DRAFT Minutes
Basement Conference Room City Hall
March 16, 2011
12:00 pm

Attendance Record	Present	Absent
MEMBERS		
Art Lichtenberger		X
Charlie Armstrong	X	
Chris Murray	X	
Dan Rosensweig	X	
Jennifer Jacobs	X	
Joy Johnson	X	
Karen Waters	X	
Kathy Galvin	X	
Peter Loach		X
Randy Bickers		X
Reed Banks		X
Richard Spurzem		X
Ryan Jacoby		X
Sasha Farmer		X
Diane Hillman	X	
Kristen Szakos		X
NON VOTING MEMBERS		
Ron White		X
Vicki Hawes		X
STAFF		
Kathy McHugh	X	
Melissa Thackston	X	
OTHERS		
Edith Good		X
Marnie Allen	X	

The meeting began at approximately 12:15 PM with sandwiches provided for those in attendance. An attendance roster and packet of information was available for all.

Welcome: Karen Waters welcomed everyone and introduced our new member (Ms. Diane Hillman) and guest (Mr. Craig Brown, City Attorney).

Mr. Brown was then asked to make a presentation regarding "Conflict of Interest" to the group. He went on to explain that:

- Conflict of interest is covered under the Virginia State and Local Conflict of Interest Act (which can be obtained through the Virginia Municipal League).
- That the Act applies to public agencies just like FOIA.
- As a general observation that this law is a very complex and confusing statute and that he rarely feels comfortable with giving answers about matters pertaining to conflict of interest without a review of the statute.
- That when making a determination regarding conflict of interest that he goes through a series of questions similar to a flow chart analysis.

- That conflict of interest is directed to financial interest.
- That most questions asked relate to being best friends, or worst enemies, etc...
- That if there is no financial interest, then there is no conflict of interest
- To think about abstaining when there are questions of perception by the public.
- That he does not tell somebody not to vote on a matter, but to act as a public official when perception is an issue.
- Underlying premise is to ensure confidence in the decision making process.
- The third section of the Act is applicable to the HAC, not the second.
- That you cannot take bribes if you know it is given in an effort to influence a vote/decision
- e.g., Around Thanksgiving, if a real estate developer (who is going through a review process with the City) gives a turkey to all Council Members, is it wrong to accept the turkey?
 - Need to ask if this person giving turkeys to others?
 - Has this person given turkeys in the past (when they did not have a development under review)?
 - That you could always accept and donate to an organization feeding the public.
- In order to determine conflict of interest, verify if there is personal interest in a contract (e.g., If the City request bids for a service / product associated with a side interest of an employee, the employee cannot bid.)
 - Long list of exceptions with various "but's" incorporated.
 - Excludes volunteers who provide advice.
 - There is a separate code for advisory agencies with no sovereign power, which are appointed by the government and exist solely to make suggestions and provide advisory guidance.
- There should be no personal interest in a transaction.
 - Any action considered by any committee, etc... applies.
 - There are six standards used.
 - Employee is considered to have an interest if they have a salary of more than \$10,000 from a business or if they are an owner without a salary.
 - Does not apply to volunteers.
 - The level of the transaction is relevant. If a vote is making a recommendation for funding which solely impacts your agency, then you must abstain.
 - e.g., If the Council is ready to adopt a budget, they must set a tax rate. Further, that although the tax rate impacts them personally, this is not a reason for abstention because the vote would impact the public generally.
 - If you are a member of a group of 3 or more persons and it is reasonably certain that your business will suffer a detriment, then you must declare (in writing or verbally) that this is an issue and state that you

are willing to abstain. If you feel you can participate fairly, objectively and in the best interest of the public then you can vote; however, if you can't do so then you need to abstain.

Jennifer Jacobs then asked a question about applicability of personal interest for board members, to which Mr. Brown responded that it is a good idea to be transparent when there are issues (although there may or may not be a legal directive to do so).

Chris Murray then asked if "recusal" means that you won't discuss the matter or simply not vote of the issue. Mr. Brown replied that if you recuse yourself from a matter that you are out of it entirely.

Karen Waters explained that we don't recommend specific agencies or projects for funding but rather advocate / recommend for a funding level. She then asked (based on this) if Mr. Brown thought that there was an issue for HAC members?

Mr. Brown replied that if there is a vote about recommending funding for a project such as single family housing, in which a represented entity (e.g., Habitat for Humanity) could benefit, that associated persons need to be VERY CAUTIOUS and should make declarations.

Kathy Galvin asked about the middle tier when three or more persons (who would benefit or suffer from a decision) are involved.

Craig Brown stated that if it is reasonably clear that you would benefit or would suffer detrimental impact that you could participate, but that the impression given to the public still needs to be considered. (e.g., a recommendation to provide funding for workforce housing projects might benefit multiple representatives in the group).

Kathy Galvin then asked if there is a concern over the fact that the HAC has multiple housing providers represented. Should the group diversify?

Mr. Brown stated that even if you don't work for the government, you still perform a public service.

Chris Murray interjected that in Texas they say: "ain't no conflict, ain't no interest" and that the HAC needs housing expertise.

Craig Brown explained that there is no distinction between public versus private. He asked the group if a representative's group could lobby for a project in front of the Planning Commission or City Council? He then explained that if Kathy Galvin were doing this that it makes a difference whether she is there as an individual or as a school board member. Individual HAC members can lobby, but not as a representative of the HAC, because the HAC would have to make a decision based on a vote.

Updates from the Chair:

Karen Waters stated that the HAC meeting schedule is not conducive to ...

Ms. Waters then asked that the HAC members review the minutes from 1/19/11 and denote any necessary changes. With no further comments/discussion, the minutes were approved by a unanimous vote with motion being made by Dan Rosensweig and seconded by Chris Murray. Diane Hillman abstained because she was not in attendance at the January meeting.

Chairwoman Waters thanked everyone who attended the Planning Commission and informed the group that the HAC recommendation for funding at \$1.4 million + was approved.

She also thanked those who supported Charlie Armstrong and participated or attended meetings regarding issues concerned the critical slopes ordinance amendment. There was further discussion of a work session which would be held the following Tuesday, with a public hearing to be held in May.

Dan Rosensweig said there is a lingering question as to what type of testing would be done relative to the impact of the proposed critical slopes ordinance revision and that he had suggested a thorough review; however, staff indicated that they planned to take a couple of applications to see if the new ordinance would kick them up to a higher level of review. He also stated that he felt that the benefits of disturbing the aesthetic should be weighed against the full benefits to be achieved. Further, that it is unlikely that experts in the field would be able to come in and go through the process to examine costs impacts and other unknowns.

Karen Waters pointed out that the HAC has already recommended that any decision on this matter should side in support of affordable housing and that perhaps the HAC memorandum and diagram should be forwarded to the Planning Commission a second time. Dan Rosensweig stated that he did not see a problem with resending.

Ms. Waters then went on to discuss the CRHA MOU and a meeting that she had with Hosea Mitchell of the CRHA Board. Specifically, she understood that the Redevelopment Advisory Board does not exist anymore and that the group was working toward establishment of a new advisory board.

There was a brief discussion of a redevelopment non-profit organization that exists.

Joy Johnson stated that there is confusion over whether the non-profit is still in existence. Also, she is concerned over the stated 6 month timeframe.

Dan Rosensweig stated that he is supportive of the effort, but that the wording of item number 1 of the MOU (in the be it resolved section) is of concern. There was a comment that the goal of the 2025 housing goals report is to expand affordable housing, which could be more qualitative than quantitative if one for one is the target. As such, he asked that the HAC make a comment regarding this issue.

Mr. Rosensweig went on to state that the CRHA master plan adds density with market rate, not affordable housing.

Karen Waters stated that the 2025 housing report is being used to demonstrate the need for affordable housing.

Kathy Galvin stated that she did not think the wording is a problem, because it is just putting the matter in context.

Joy Johnson stated that she wanted to document this as a concern because the MOU is not clear.

Chris Murray questioned if City Council had already acted on this, why the group was discussing the matter now. He went on to say that the group had a chance to comment and that the focus is shifting to concern over concentrated poverty. Further that the HAC was set up to identify incentives.

Dan stated that he did not recall that the group was given an opportunity to provide input because he would have taken exception to the word "primary" focus.

Karen Waters clarified that she felt that the HAC has been clear about not all funding going to CRHA and that she is confident that this is just the beginning and the MOU does not codify anything. Regardless, given the level of interest that she would prepare and send out a memo for review. There was general agreement that this would be the best approach.

Dan Rosensweig emphasized that "we (the HAC) are the City of Charlottesville and that we need to be consulted." He went on to say that he is 100% supportive of CRHA.

Chairwoman Waters pointed out that no representative from CRHA attends the HAC meetings, which would be helpful.

Updates from Staff:

Kathy McHugh provided an update on the timeline for the Comprehensive Plan revision (see handout) and mentioned the upcoming ULI focus on Avon Street.

Karen Waters advised the group that it is important to do our homework on the Comprehensive Plan, referencing the memorandum and Chapter 4 included with the handout materials. Further that we need composite input, perhaps using an on-line document in which everyone in the group could access (e.g., google docs).

Kathy Galvin encouraged everyone to read the first six pages of the 11/17/10 report prepared by her subcommittee, as it is very relevant.

Dan Rosensweig indicated that there is consensus between Council, Planning Commission and NDS that we should aim toward brevity (use of a poster plan) with the upcoming Comprehensive Plan update.

Updates from Subcommittees:

Chris Murray did not provide a report.

Kathy Galvin advised that she would not be able to continue to chair the subcommittee because she thought that these were ad-hoc committees.

Karen Waters reported on the meeting held on 2/16/11 with the CDBG Task Force (see handout of minutes from the meeting) to discuss ways to make the RFP process and funding calendars easier for all involved and to add transparency, clarity and improve user-friendliness. She added that the group would like to see the RFP issued once City Council approves the budget.

Kathy McHugh was asked by Chris Murray to update the calendar with new timeline with focus on funding and to include proposed future funding (for JABA) on the CHF funding handout.

Karen then asked if anyone had anything else or something to include for the agenda next time.

Dan Rosensweig mentioned the upcoming Habitat event at Westhaven and asked for referrals (see handout provided).

The meeting was then adjourned via a motion from Joy Johnson and second by Charlie Armstrong, which was affirmed by a unanimous vote.