

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Tuesday, January 3, 2017, 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 – January 3, 2017

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

On motion by Ms. Szakos, seconded by Mr. Fenwick, Council voted, (Ayes: Ms. Szakos, Ms. Galvin, Mr. Signer, ; Mr. Bellamy, Mr. Fenwick; Noes: None), to meet in closed session for 1) Discussion, consideration and interviews of specific individuals for appointment to boards and commissions, as authorized by Virginia Code sec. 2.2-3711 (A) (1); and, (by Virginia Code sec. 2.2-3711 (A) (3).

On motion by Ms. Szakos, seconded by Mr. Bellamy, Council certified by the following vote (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; 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 - January 3, 2017

CALL TO ORDER

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

AWARDS/RECOGNITIONS & ANNOUNCEMENTS

Mr. Fenwick announced that City Hall will be closed Monday, January 16 for Martin Luther King Day. The regular Council meeting will be held Tuesday, January 17.

Mr. Fenwick welcomes three young ladies in attendance from Charlottesville High School's senior government class. He also recognized Mr. Corey Clayborne for receiving Architect of the Year.

Mr. Bellamy announced a free Martin Luther King event on Monday, January 16 from 1pm-3pm at the Carver Recreation Center. Also, Saturday, January 21 the Alliance for Black Male Achievement will have their kick-off for SET (Saturday Enrichment Training) at 9am-12pm at Ruffner Hall for all young men grades 6-12.

Mr. Signer announced his office hours this Thursday at 12pm. Contact Paige Rice for a slot.

Ms. Szakos announced Thursday, January 12 Our Town meeting for Belmont/Carlton and Woolen Mills neighborhoods at Clark Elementary School. Also 1/22 at 3pm community MLK service and the following Thursday 1/26 at 6:30 pm is the UVA celebration.

Ms. Galvin announced the City will start curbside Christmas tree collection will take place the week of Jan. 9. Feb 1 at Darden Towe.

APPOINTMENTS TO BOARDS AND COMMISSIONS

On motion by Mr. Fenwick, seconded by Mr. Bellamy, the following appointments were made to Boards and Commissions: to the Citizen's Police Advisory Panel, Jen Doleac; to the Human Rights Commission, John Kluge, Carlos Marrone, Courtney Modecki, Susan Wilbur. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

MATTERS BY THE PUBLIC

Mr. Brandon Collins, 418 Fairway Ave., with PHAR, said form-based code is difficult for some in the community to understand and asked Council to maximize community involvement in the RFP, particularly from low-income people and people of color. He distributed a letter to Council.

Mr. Jason Kessler, 1013 Altavista Ave., alleged that a phony 501(c)(3) was created by Mr. Bellamy for Young Black Professionals Network to solicit thousands of dollars. He said Ms. Szakos' husband also received money for Mr. Szakos' organization.

Mr. Lawrence Gaughan, 4696 Watts Passage, said there is a lack of accountability and frightfully low turn-out during non-presidential elections.

Ms. Rebecca Quinn, 104 4th St., said most people are not aware of the compost drop-offs available throughout the City. She said only a fraction of City residents participated in the compost drop-off service at the City Market this year. The report on tonight's agenda missed neighborhood association engagement. She encouraged residents to compost and recycle.

Mr. John Heyden, Westwood Rd., said Mr. Bellamy is not willing to change his opinion.

Mr. Peter Kleeman, 407 Hedge St., said he was disappointed about the lack of public involvement and participation on resolution 1c. on the consent agenda regarding a critical slope

waiver for McIntire Park. He said there are other viable options that the public should be aware of.

Ms. Szakos said the critical slope waiver did receive public input over the years before the application was submitted. This is implementing something that came out of a very robust public engagement process.

Mr. Federico Venegas, 1112 Montpelier St., said Council should put more money towards people living at Crescent Halls. He said people should be allowed to speak regardless of whether or not it is hate speech. He said he was disappointed in Mr. Bellamy and requested another apology.

Mr. Bellamy said the City is working diligently to collaborate with CRHA and PHAR to ensure redevelopment and repairs for public housing sites across the City. He said he wants the young people watching to know that when others go low, we go high.

Mr. Signer clarified that the City recently settled a lawsuit about defamatory attacks, and it is no longer in Council's governing procedures.

Ms. Galvin requested a work session or update with the CRHA regarding the community engagement process and redevelopment. Council concurred.

Ms. Nancy Carpenter, Rose Hill neighborhood, said she supports Mr. Collins' comments about the RFP for the code audit. She said there is a concern for what will happen to palliative care patients who lose coverage from the Affordable Care Act. She asked Council to encourage protection within their local groups for this population.

Ms. Joy Johnson, 802 Hardy Dr., said housing residents are fearful of what change the code audit will bring. This will also affect homeowners in the Strategic Investment Area. Please find a way to help people understand what the proposed coding and zoning means.

CONSENT AGENDA

- a. **Minutes for December 19**
- b. **APPROPRIATION: Fiscal Year 2017 Transit Grants - \$576,676 (carried)**

[Fiscal Year 2017 Transit Grants](#)

- c. **RESOLUTION: East McIntire Park Critical Slope Waiver** *Pulled for Discussion*

[East McIntire Park Critical Slope Waiver](#)

- d. **RESOLUTION: Acting Clerk of Council**

[Acting Clerk of Council](#)

RESOLUTION APPOINTMENT OF ACTING CLERK OF COUNCIL

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that Sarah Brazelton, employed by the City of Charlottesville as the Assistant to the Clerk of Council, is hereby appointed Acting Clerk of Council during the time that Paige Rice, Clerk of Council, is on extended leave.

- e. **ORDINANCE: Conveyance of Rougemont (2nd reading)**

AUTHORIZING THE CONVEYANCE OF A PORTION OF CITY-OWNED LAND ON ROUGEMONT AVENUE TO CHRISTOPHER AND APRIL HOFFMAN

[Conveyance of Rougemont](#)

- f. **ORDINANCE: Closing of Portion of Ware Street Extended (Unaccepted) (carried)**

[Closing of Portion of Ware Street Extended](#)

- g. **APPROPRIATION: NEA Our Town Grant Match - \$25,000 (carried)**

[NEA Our Town Grant Match](#)

Mr. Fenwick asked to remove item 1c. Mr. Bellamy seconded.

On motion by Ms. Szakos, seconded by Ms. Galvin, the remainder of the consent agenda passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None)

PUBLIC HEARING / APPROPRIATION: HB2 / SMART SCALE GRANT FUNDING FOR HIGH STREET, FONTAINE AVENUE AND EMMET STREET - \$29,452,721 (carried)

[HB2 / SMART Scale grant funding](#)

Mr. Tony Edwards, NDS Manager, presented to Council and answered clarifying questions.

On motion, the public hearing was opened. Having no speakers, the public hearing was closed.

On motion by Ms. Galvin, seconded by Mr. Bellamy, the appropriation carried.

APPROPRIATION: HILLSDALE DRIVE EXTENSION - APPROPRIATION OF \$322,943.79 & TRANSFER OF \$117,641.50 (carried)

[Hillsdale Drive Extension - Appropriation](#)

Ms. Jeanette Janiczek, Urban Construction Initiative Program Manager, presented to Council and answered clarifying questions.

On motion by Ms. Szakos, seconded by Mr. Fenwick, the appropriation and transfer carried.

REPORT: AUDIT PRESENTATION FOR FISCAL YEAR 2016

[Audit Presentation for Fiscal Year 2016](#)

Mr. Chris Cullinan, Director of Finance, presented to Council and introduced the City's auditor, John Aldridge, CPA, Partner with Brown Edwards and Company. The Comprehensive Annual Finance Report (CAFR) is available on the City's website under the Finance Department; hard copies are available upon request. Call 970-3200 for more information.

Mr. Aldridge presented findings to Council and confirmed that all issues have been resolved. Mr. Fenwick requested that acronyms be spelled out in future reports.

Mr. Fenwick also requested the amount of federal funds the schools received compared to the City.

REPORT: 2016 CITY MARKET COMPOSTING PROGRAM RESULTS

[2016 City Market Composting Program Results](#)

Ms. Susan Elliott, Climate Protection Coordinator, presented to Council and answered clarifying questions. Ms. Szakos encouraged the City to continue to look for ways to move towards curb-side composting. Ms. Galvin said she wants to be sure the City is coordinating efforts with the County and UVA. She asked Ms. Elliott about community engagement. Ms. Elliott gave their Facebook and contact info. E-mail: Composting@charlottesville.org; Website: www.charlottesville.org/composting; Facebook: How2Compost

RESOLUTION: EAST MCINTIRE PARK CRITICAL SLOPE WAIVER

[East McIntire Park Critical Slope Waiver](#)

Mr. Fenwick said Council should have public hearings on waiver requests.

Ms. Heather Newmyer, NDS Planner, said this item went before the Planning Commission in December, and this is the implementation of the site plan previously approved by Council.

Ms. Galvin clarified that our ordinance provides for critical slope waivers and does not require a public hearing.

Ms. Szakos moved, Ms. Galvin seconded. The motion carried (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None)

**RESOLUTION APPROVING A REQUEST FOR WAIVER
OF CRITICAL SLOPES PROVISIONS
PURSUANT TO CITY CODE SECTION 34-1120(b)(6)
FOR A PORTION OF THE CITY'S MCINTIRE PARK**

WHEREAS, on behalf of the City Council, the owner of property designated on City Tax Map 41 as Parcel 1 and on City Tax Map 42 as Parcel 6, consisting of approximately 151 acres, and established by the City as "McIntire Park" (the "Property"), the City's Department of Parks and Recreation seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) in connection with a project described as follows: convert an existing turf golf course to a woodland and/or meadow, install multi-use and pedestrian trails, establish a botanical garden, and construct a visitor's center and related improvements, such as parking, pavilions, restrooms and scenic overlooks, within approximately 40.25 acres within the eastern portion of McIntire Park (the "Project"); and

WHEREAS, the Planning Commission held their regular meeting on December 13, 2016, to give the public an opportunity to comment; and

WHEREAS, the Planning Commission recommended approval of the request to waive the critical slopes requirements, pursuant to City Code §34-1120(b)(6)(d)(i); and

WHEREAS, upon consideration of the information and materials provided by the applicant, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d)(i) that the benefits of allowing disturbance of the critical slopes in connection with the Project outweigh the public benefits of the undisturbed slopes; NOW, THEREFORE,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the request by the City's Department of Parks and Recreation for a waiver of the critical slopes requirements for the above-described Project to be developed on the Property, is hereby granted.

OTHER BUSINESS

Mr. Bellamy asked City Attorney Craig Brown if he could request an opinion from the Attorney General if he believes it is in our ability legally to move the Lee or Jackson statue.

Mr. Brown said the Attorney General will issue legal opinions if the question is if the removal of the statue would violate a state code provision. He said a majority of Council would need to authorize this request. In response to Ms. Szakos, Mr. Brown clarified that his opinion would not be binding and may take some time to receive an answer, as they are in the middle of General Assembly. Ms. Szakos requested that this be voted on at the following Council meeting. In response to an inquiry from Ms. Galvin, Mr. Brown said a formal resolution is not required. A simple motion by Council would suffice. Mr. Signer said he would also need time to consider whether or not he would support this request.

Council said they would like to see this on their next agenda, with a draft opinion submitted by the City's Attorney.

MATTERS BY THE PUBLIC

Mr. Peter Kleeman, 407 Hedge St., said the details just prior to a vote are important. Residents should have the opportunity to participate once the final version is published.

Ms. Rebecca Quinn, 104 4th St., said we are not the only jurisdiction going through consideration of statues, and we should reach out to others on this matter. She said the question to the Attorney General should include whether shifting the statue within its current environs would be allowable.

Mr. Michael Payne, 2164 Ottowans Dr., said Cville Weekly recently published an article about continuing poor living conditions at Crescent Halls. He asked Council to allocate more money to support affordable housing in Charlottesville.

Ms. Nancy Carpenter, Rose Hill neighborhood, said the December 28th letter that was sent out from local organizations advocating for City residents in marginalized communities could be considered as a skeleton for a social impact tool. Redevelopment should engage people who are going to be most affected.

Ms. Joy Johnson, 802 Hardy Dr., said the community does not understand form based code.

Mr. Jordan Leahy, Martha Jefferson neighborhood, read a letter he submitted to the Daily Progress in support of removing the Jackson and Lee statues.

Mr. Joe Starsia, Belmont neighborhood, said he is an organizer for Showing up for Racial Justice. He spoke about issues surrounding the Blue Ribbon Commission debates regarding the statues. He said he supports removing the monuments.

Mr. Signer said Mr. Starsia made a nonsense allegation against something he has said to Mr. Bellamy.

Ms. Szakos asked Mr. Jones to give Council an answer to the question for the RFP code audit timeline and engagement process. Mr. Jones said typically there is not a significant amount of engagement on development of an RFP. Usually a committee is formed to review responses to the RFP. Ms. Szakos requested that we explore including others in this process, but at least Ms. Charlene Green and she strongly recommended including members of PHAR to the committee reviewing applications. Mr. Jones said staff will identify members of the community who will potentially be effected and include them in the process.

Meeting was adjourned at 9:08 p.m.

Approved by Council
January 17, 2017



Acting Clerk of Council