

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, March 6, 2017, AT 6:30 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 Sarah Brazelton

SECOND FLOOR CONFERENCE ROOM – March 6, 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. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None), to meet in closed session for for consultation with legal counsel for legal advice regarding the legality of Albemarle County restrictions on City-owned property at the Ragged Mountain Natural Area, as authorized by Virginia Code sec. 2.2-3711 (A) (7).

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 - March 6, 2017

CALL TO ORDER

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

AWARDS/RECOGNITIONS/ANNOUNCEMENTS

Mr. Fenwick read the Festival of the Book proclamation and invited Jane Kulow to speak. Ms. Kulow said a few words. Mr. Signer proclaimed Wednesday, March 22 through Sunday, March 26, 2017 as the twenty-third annual Virginia Festival of the Book, and encouraged community members to participate fully in the wide range of available programs and activities.

Mr. Fenwick said that we are getting into tax season and scams. He gave examples of different types of scams.

Mr. Bellamy invited the community to come out to the Community Budget Forum on Wednesday March 15th at 6 pm at City Space to discuss your budget priorities with Council.

Mr. Bellamy also announced the regular meeting for the Charlottesville Black Male Achievement Alliance at 6:30 pm at the Carver Rec Center. He said there is a collection for ties happening so that every young man could have a tie. Mr. Bellamy listed the three (3) drop off locations.

Ms. Szakos announced the upcoming Council meetings. She announced the joint Council/ School Board meeting on Wednesday, March 8 at noon at City Hall in the Basement Conference Room. Ms. Szakos also said that the Council budget work session on Thursday, March 9 at 5:00 pm at City Space. The joint Council/ Planning Commission meeting on Tuesday, March 14 at 6:00 pm at City Hall in the NDS Conference Room. She also announced the Council budget work session on Thursday, March 16 at 5:00 pm at City Space.

Ms. Galvin announced the City of Charlottesville is encouraging residents to find and fix leaks at home by holding the annual Fix a Leak Family 5K at 10:00 am on March 26th at Pen Park.

Mr. Signer said that he has two announcements to present. He read the Ebenezer Baptist Church proclamation and invited Dr. Benegal Paige and Kenneth Page to the front. Dr. Paige said a few words.

Mr. Signer also announced the Government Finance Officers Association of the United States and Canada (GFOA) has awarded the City of Charlottesville GFOA's Distinguished Budget Presentation Award for its Fiscal Year 2017 budget. He asked Ms. Maya Kumazawa and Mr. Ryan Davidson to the front to accept the award. Mr. Ryan Davidson said a few words.

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

Mr. Maurice Jones, City Manager, reported that Ms. Sarah Claryborn, Ms. Susan Payne and Mr. John Peede spoke in favor of the City creating an art's director. He said that staff is working on scheduling a meeting with arts organizations to discuss next steps. Mr. Jones said that Mr. Paul Long raised the issue of giving city residents the first right to speak during matters by the public sessions. He said that this has been raised in the past and previous Council members decided to not limit matters by the public to local residents. Mr. Jones reported that Council has not directed staff to change the policy on that issue. He said that Ms. Kate Bennis read a statement on behalf of several neighborhood associations asking for additional input into development projects, design of form based code and SIA. Mr. Jones said that her immediate request was a meeting with him and NDS and that they are working on a date for that meeting in April.

Ms. Szakos asked if the city was allowed to have city residents speak first during matters by the public.

Mr. Craig Brown, City Attorney, said that he recalls that there are some jurisdictions that have that policy. He said that he has not researched it thoroughly but there were some case decisions that upheld the policy. Mr. Brown said he could look into the policy if Council is interested.

Ms. Szakos said that she would be interested in knowing the Council's options. Ms. Galvin agreed with Ms. Szakos.

MATTERS BY THE PUBLIC

Mr. Signer stated the rules for participating in matters by the public.

Ms. Karen Stephens, 100 Ridge Street, said that she was going to speak about the Landmark Hotel, but a more pressing issue came up. Ms. Stephens said that she crossed the street using the pedestrian crossing on the corner of Main and Ridge Street to the Lewis and Clarke statue. She said she was hit by a car and the driver who hit her was not given a warrant for reckless driving by the police officer. Ms. Stephens said she is outraged because the driver did not receive a warrant. She said that there needs to be a camcorder at that corner. She requested a camcorder at that crossing for protection. Ms. Stephens commented on the Landmark Hotel. She said that she feels like if Council is making decisions to give the owner incentives then it should be for affordable housing.

Mr. David Swanson, 707 Gillespie Ave, said that Mr. Lord will read a resolution and that he would like to see action on the resolution. He said that the president wants to take \$54 billion dollars out of other programs and put them into the military budget. Mr. Swanson said that we have not seen these levels of military spending since the cold war. He said that he does not support putting more money into military spending. He said that education is going to be cut and Charlottesville has passed resolutions in the past. He wants Charlottesville to be the leader of the City of Resistance.

Mr. Jay James, 169 Brook Wood Dr., thanked the Councilors for serving. He is here to talk about hope, specifically about helping the homeless and indigent who are addicted. Mr. James said that he serves in the Bridge Ministry and asked for discretionary funds from Council. Mr. James said that their drug recovery program's fees are very low. He said that the Bridge Ministry is coming back.

Mr. Josh Scott, 1700 University Ave, and he said he wants to share his time with Pastor Liz Henry. Pastor Henry, 1130 E. Market St, thanked Council for putting money towards the Women's Center. She said that there is not a single place for women to receive detox and treatment in the Charlottesville area. Pastor Henry said that the new women's center is a model for the state. She said that a woman and can stay for two to three months and can bring her children to the center. She said that the center will have wrap around services. Pastor Henry reported that Region Ten is going to break ground at the end of this month and open by the end of this year.

Mr. Richard Lord, Ivy VA 22945, said that he is a board member for the Charlottesville Center for Peace and Justice and read the resolution that opposed the \$54 million increase to military spending in abbreviated form.

Mr. Dan Saint, 1585 Saw Grass Ct, said that he is from Veterans for Peace and that he supports the resolution that was just presented. He said that he is a former US Army Infantry Captain and that he spent time in the 82nd Airborne Division of the 3rd Infantry Division of 12 Special Forces group. Mr. Saint said that our current military budget is higher than the military budget of China, Russia, UK and of France, etc. . . Mr. Saint said that the question is how do we reduce the obscene amount that we are already spending on the military budget.

Mr. Kenneth Jackson, 1435 Cherry Ave, said that this is the first meeting that he has felt safe here. He said that many of the Councilors are not originally from Charlottesville. Mr. Jackson said that he has attended the City Council meetings from a young age. He said that Charlottesville has always been a city of union and inclusiveness. Mr. Jackson said he found it disturbing when Mr. Signer read the rules for conduct for the meeting. He said that at the last meeting people cursed at him after he spoke and he said it was not right. He said that when he went to the Robert E. Lee statue and he loves history and had protestors of the Black Lives movement accosted him. Mr. Jackson said that he was told that the police were ordered not to come to his aid when he was accosted in the park.

Ms. Valerie Long, 321 E Main St, Ste 400, said that she is an attorney that she welcomes the Landmark Hotel coming to the city. She said that her clients have concerns about the proposal tonight. Ms. Long asked Council not to pass the resolution. She said that she disagrees that this situation is a unique situation because the delays were created by the owner. Ms. Long said she thought that Ms. Galvin's suggestion of a performance bond by the city was very strong. She said her understanding was that the City Attorney's have advised against it. She commented that a performance bond can protect the owner, even though it might not protect the city. Ms. Long said that if the original owner had obtained a performance bond then this situation could have been avoided.

Ms. Sarah Peesley, 511 N 1st St, said she is a part of IMPACT. She said that she is appreciative of Council putting money towards the Women's Treatment Center. She also said that she agrees with everything that Pastor Henry said earlier. She listed the benefits of the treatment center and said she looks forward to the treatment center being on the budget every year.

Dr. Aliah Robertson Henry, 1617 A. Madison Ave, said that she is going to discuss the workshop on gentrification and form based code. Dr. Henry said that redevelopment have deviated little from the initiatives laid out in the strategic investment area (SIA) plan. She said that the form based code encompasses all the low income and public housing developments. She said that the people who are most affected by the new form based code are being asked to approve the form based code but not allowed to participate in the process. Dr. Henry said that the form based code denies CRHA and PHAR from developing a holistic for redevelopment of the public housing stock. She continued to list the reason why she believes that the SIA and form based code is not the answer for the poor in Charlottesville.

Mr. Avery Chenoweth, 1135 Arden Drive, said that he is here to start a conversation with the city in regards to new statues. He said the UVA is planning a slave memorial and their intention is to reach out to the City. Mr. Chenoweth said that there is not a comprehensive list of iconography for the City. He said it is important to create a readable iconography. Mr. Chenoweth suggested that the city should erect a statue to Sally Hemming's and her children in Lee Park.

Mr. Bellamy thanked the members of IMPACT and Jay James. He said that it is time to take a look at this serious issue. Mr. Bellamy proposed a community meeting involving the schools, different partners in the community and people in the minority community. He asked Mr. Jones or staff to convene a meeting in the foreseeable future. Mr. Fenwick seconded his request.

Ms. Galvin asked what the meeting would be about.

Mr. Bellamy said that he would want to look at more tangible solutions.

Ms. Szakos, Mr. Signer and Ms. Galvin asked if Mr. Bellamy envisioned the meeting he proposed takes place during a Council work session, with a presentation and then a discussion between Council.

Mr. Bellamy said yes.

Mr. Signer, Ms. Szakos and Ms. Galvin agreed to Mr. Bellamy's suggestion.

Ms. Szakos said that she would like to discuss having a resolution that calls on congress to not increase the military budget. She discussed the Council's policy on drafting and passing a resolution that are not specific to Council/City issues.

Ms. Galvin asked Mr. Jones to prepare for the next meeting an overview of what staff is preparing to do in regards for community engagement for the form based code and strategic investment area (SIA).

Mr. Signer read the resolution for the Charlottesville Area Alliance and asked them to come forward to receive the resolution. Mr. Peter Thompson from the Senior Center, thanked Council and said a few words.

CONSENT AGENDA

- a. Minutes for February 21**
- b. APPROPRIATION: BAMA Works Fund Grant for Family Advocate Program - \$9,000 (carried)**

[BAMA Works Fund Grant](#)

- c. **APPROPRIATION: Local Gov't Arts Challenge Grant to VA Discovery Museum - \$5,000 (carried)**

[Local Gov't Arts Challenge Grant](#)

- d. **RESOLUTION: Support for Charlottesville Area Alliance**

[Support for Charlottesville Area Alliance](#)

RESOLUTION
Support for Charlottesville Area Alliance

WHEREAS, the Charlottesville Area Alliance (CAA) is a collective of organizations who aim to lead the advancement of goals making the Region 10 an age friendly community, being mindful of the unique needs of those aging in this regional community and taking action when needed; and

WHEREAS, the Charlottesville Area Alliance (CAA) includes The Alzheimer's Association, Jefferson Area Board on Aging, The Senior Center, JAUNT Inc., Westminster Canterbury of the Blue Ridge, and Thomas Jefferson Planning District Commission as the initial lead organizations; and

WHEREAS, The CAA's primary purpose is to provide leadership for and to develop an age-friendly community through educating, advocating, engagement, planning, and evaluation, bringing organizations together to create an age-friendly community by developing a common understanding of the needs and issues, developing policy recommendations, and joining together to encourage the implementation by government, non-profit organizations, the general public and businesses; and

WHEREAS, the vision of the CAA is that the Greater Charlottesville area will be the most Age-Friendly community in the country; and

WHEREAS, the mission of the Charlottesville Area Alliance is to lead the advancement of an age friendly community; and

WHEREAS, the CAA has identified five goal areas of work: 1) Assessment/Monitoring; 2) Planning; 3) Advocacy; 4) Education & Public Relations; 5) Engagement; and

WHEREAS, the CAA will utilize the World Health Organization's measurement/indicators of Outdoor Spaces & Buildings, Transportation, Housing, Social Participation, Respect & Social Inclusion, Civil Participation & Employment, Communication & Information, and Community & Health Services; and

WHEREAS, the City of Charlottesville supports the participation of staff in efforts to improve our community for citizens of all ages;

WHEREAS, the city's strategic plan goal # 2 – a healthy and safe city – includes support for the World Health Organization's definition of an age-friendly city;

NOW THEREFORE, the City of Charlottesville hereby endorses the organization of the Charlottesville Area Alliance and its goals.

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

PUBLIC HEARING / RESOLUTION: MATTERS BY THE PUBLIC - PROCEDURES

[Matters by the Public - Procedures](#)

Mr. Jones presented to Council and answered clarifying questions.

Mr. Signer presented information on the data of the Matters by the Public.

Mr. Signer opened the public hearing.

Ms. Rebecca Quinn, 104 4th St NE, said that she is shocked by the suggestion that the City might consider limiting to City residents.

Mr. Peter Kleeman, 407 Hedge St, said that he thinks that governance is a conversation. Mr. Kleeman said that he thinks the city does a better job of making resolutions and ordinances when the conversation involves the community. He asked Council to think about how to include the thoughts and feedback from the community in the resolutions and ordinances before the decisions are made. Mr. Kleeman said that the process needs to be a public conversation process and not just a public comment process.

Ms. Lina Seville, 808 Alta Vista Ave, said that she just looked at the background materials about the public hearing and she said it is two short pages. She said that the light background materials makes it difficult to provide an informed comment. Ms. Seville said that the community has not heard the two new things that Council plans to propose. She said that having a public hearing without having sufficient information is difficult.

Ms. Valerie Long, 321 E Main St, Ste 400, said that the current procedures work very well and that it is a tough balance to provide sufficient opportunities to the public to speak. Ms. Long suggested opening up more agenda items to public comment. She said that they do not have to be official public hearings. She suggested adding certain agenda items where public comments will be accepted. Ms. Long said that when you have special use permits and rezoning applications that are of great importance to the community and because Council has the joint meeting with the Planning Commission (PC). Ms. Long point out that while the community speaks at the public hearings at the joint meeting often times the PC will make changes to conditions of approval. She said that when the ordinance comes before City Council often the applicants/ neighbors do

not have another opportunity to address Council on those changes. Ms. Long said that there is no substitute to talking to Council as a group.

Mr. Brandon Collins, 418 Fairway Ave., said that his main concern is that the lottery system is not working well. He said that signing up online, even though that is not the only option is a barrier to many people who are lower income residents. Mr. Collins said he thinks having other ways to sign up is important. He suggested expanding the amount of public speakers so that it will be less likely to have the lottery system kick in. Mr. Collins said that limiting the amount of speaking time from 3 minutes to 2 minutes is not a good idea even if you add five more people to the list.

Ms. Nicole Scrow, City Walk Way, said that she enjoyed the data presentation. Ms. Scrow suggested that Council call up applicants to have a conversation versus internal discussion. She said that the County has a set response by an applicant at the end of a public hearing.

Mr. Signer closed the public hearing.

Ms. Szakos said that she does not want to limit the people from speaking by any criteria. She said she wants to prioritize people who are local for matters by the public spots when there are a lot of people from out of town who do not have local interest in the matters. Ms. Szakos clarified that when she says local, she means people who work/ live in the City/ County and that she is interested to know if the City can do that.

Ms. Szakos made a motion to adopt the following amendments to current procedures.

A, paragraph 2: Regular meetings shall be of two types. The first meeting of the month, the "Business Meeting", will be focused on information, education, and public engagement and shall include reports properly before the Council. The second type, the "Working Meeting", will also include work sessions and reports from the City Manager. (omit Votes may be taken as necessary)

D 3: omit the word "shall" before "not respond". Shall denoted a command, whereas I believe we all agree this should be a guideline.

D9: Improper comments and disorderly conduct are not permitted. Persons appearing before the Council may not use this platform to:

On motion by Ms. Szakos, seconded by Ms. Galvin, Ms. Szakos' amendments were adopted by motion. (Ayes: Mr. Signer, Mr. Bellamy, Ms. Galvin, Ms. Szakos; Noes: Mr. Fenwick.)

Ms. Galvin made a motion to adopt the following amendments to current procedures.

1. Add "Any materials in addition to the background materials shall be distributed to the Council by the Clerk of Council no later than the Friday before the regular City Council meeting

or any joint meeting with Albemarle County, Planning Commission, advisory group or additional work-session outside of the Regular Meeting Schedule." In paragraph B.3.

2. Add item #4 under B as follows, "Agenda topics without background materials for upcoming City Council business meetings, working meetings or work sessions shall be made available to city council 3 months in advance."

3. Delete "ordering audio and visual equipment temporarily turned off" from paragraph C.3.

4. Change "twenty (20)" to "thirty (30)" minutes in paragraph F.1.b.

5. Change "five (5) minutes to seven (7) minutes" and "three (3) minutes to five (5) minutes for councilor comments in paragraph F.2.a.

6. Add item #5 under I. Other, page 5 as follows, "Each councilor (or his/her designee) shall report to Council on his/her committee, board, commission and task force assignments once/year."

Mr. Bellamy seconded the motion.

Ms. Szakos asked for clarification on number one and asked if the next meeting is on Friday do the materials have to be prepared a whole week in advance.

Ms. Galvin said the purpose of number one was to allow a whole weekend to be built in between receiving the materials and the meeting. She said it was an effort to build in more time to review for those Council members who work full time.

Ms. Szakos also asked about item number two which deals with agenda item submission to Council three months in advance. She asked Ms. Galvin if the materials are not submitted three months in advance are the items allowed to be on the agenda.

Ms. Galvin said no, that item number two was meant to allow Council to have access to as many agenda items ahead of time as possible. She said that Council can then begin discussing, researching and meeting about the agenda items.

Ms. Szakos asked Ms. Galvin if she would accept the friendly amendment of "when possible".

Ms. Galvin agreed to that for the three months ahead of the council meeting, with the understanding that it is very helpful to have access to the agenda items ahead of time. Ms. Galvin read item number two with friendly amendment. "Agenda topics without background materials for upcoming City Council business meetings, working meetings or work sessions shall be made available, when possible, to city council 3 months in advance."

Ms. Szakos said she does not agree with number 5. She believes that five minutes and three minutes is fine and that they can go again if they like.

Ms. Galvin said that this was a reflection of how we constantly extend our meeting times.

Ms. Szakos said that we do not extend our individual comment time.

Mr. Bellamy said he agrees with Ms. Szakos on the item number 5. He asked how staff will get materials to Council a week early.

Mr. Signer offered a friendly amendment and suggested having materials given to Council three days in advance.

Ms. Galvin and Ms. Szakos said they would agree to the delivery time of materials to Council as three days before any joint meeting etc..

Ms. Szakos clarified that it would not say three working days but just three days.

Ms. Galvin agreed to Ms. Szakos' clarification.

Mr. Fenwick asked if background materials would be included in the three day timeline and Ms. Galvin agreed.

Ms. Galvin agreed to get rid of item number 5 on her list.

Mr. Signer said that he does not favor the items four or five but that they are good on the merit. He said that he would not vote for this amendment if it included those items.

On motion by Ms. Galvin, seconded by Mr. Bellamy, Ms. Galvin's amendments were adopted by motion. (Ayes: Mr. Signer, Mr. Bellamy, Ms. Galvin, Ms. Szakos; Noes: Mr. Fenwick.)

Mr. Bellamy made a motion to adopt the following amendments to current procedures.

Mr. Bellamy suggested adding the following language to the procedures. He said that (a) Members of the public may request one of fifteen 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. Through this process, ten slots will be allotted by email, telephone, or in person, and five slots will be allotted for individuals who sign up to speak at the City Council Meeting.

Mr. Bellamy said he is requesting the removal of the language from Section C (3) for the item e. He suggested cutting out the following language, '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'.

Mr. Bellamy said that it is important to hear from the community about these changes by having another hearing. He said he does not know how it would be implemented. He said he wants the community to touch on the changes he suggested before passing his amendments.

Ms. Szakos said that there has been a year of public engagement over the new procedures.

Mr. Fenwick seconded Mr. Bellamy's motion.

Ms. Galvin asked if Mr. Bellamy's amendment included the addition of an additional public hearing.

Mr. Bellamy said yes.

Ms. Galvin said that she did not see that written into Mr. Bellamy's amendment.

Mr. Bellamy said that having the additional public hearing after amendments are made by Council would allow the community to have the type of conversation that they want with Council.

Ms. Galvin said that in her view there are many ways to engage the community. She said that the council dais is the opportunity to conduct City business and not the time to hash out issues with the community.

Mr. Bellamy said that Council has not conducted the type of community engagement workshops where they are hashing out issues. Ms. Galvin agreed with Mr. Bellamy.

Mr. Signer said that Council had already voted to remove the section about the audio/visual equipment. Mr. Bellamy agreed to remove it from his motion.

Mr. Signer pointed out that people have had many opportunities to comment on the procedures. He said that there was a public hearing several months ago about the number of speakers.

On motion by Mr. Bellamy, seconded by Mr. Fenwick, Mr. Bellamy's amendments were adopted by motion. (Ayes: Mr. Signer, Mr. Bellamy, Ms. Galvin, Ms. Szakos; Noes: Mr. Fenwick.)

RESOLUTION
City Council Meeting Procedures

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

Signed this 6th day of March 2017.

Council took a break at 9:05 pm and resumed at 9:15 pm.

REPORT/ RESOLUTION: LANDMARK HOTEL - JOHN DEWBERRYLandmark Hotel

Mr. Engel gave an update to Council and introduced Mr. John Dewberry

Mr. John Dewberry gave a presentation to Council and answered clarifying questions.

Ms. Szakos said that in the resolution presented tonight she asked about the parking spaces and the payment for the parking spaces. She asked if Mr. Dewberry was asking for \$40, 000 for the next 10 years. Mr. Dewberry confirmed that she is correct.

Mr. Dewberry listed his reasons for changing the parameters on the amount of money he will pay for parking over the next 10 years.

Ms. Galvin suggested reserving 50 slots for Mr. Dewberry on the roof top instead of 75 slots.

Mr. Dewberry said that the spaces are more important to him than anything. He listed the reasons why.

Ms. Szakos asked if Mr. Dewberry wants the City to reserve 75 slots for the hotel. She also commented that the 75 slots will probably not be used because people will prefer to use the cheaper, crowded parking deck than the hotel's valet service.

Mr. Dewberry said that he did not get a chance to discuss this yet, but that he prefers the net to go up to 30% instead of 25%.

Mr. Bellamy thanked Mr. Dewberry for coming and asked several questions.

Mr. Dewberry answered Mr. Bellamy's questions.

Ms. Galvin said that many of her amendments are embedded in the agreement. She said that she has two questions about why some things were not included in the agreement. She asked why the bona fide language lender piece and the developer securing a performance bond were not included in the agreement.

Mr. Dewberry said that a bank that does not do hotel financing then the bank will not offer a loan for building a hotel. He said it was redundant to include the language about the bona fide lender in the agreement however, he was happy to include the language in the agreement.

Ms. Galvin said ok and that it would be great to have the language in there because its assurance that the money is coming from an institution.

Mr. Dewberry said that on the bond issue that he has never put up a performance bond. He said that if he had a 2% bond it would wipe out the conversation of tax incentives. He said that he will more than likely be guaranteeing the loan and that will be enough assurance for the bank.

Ms. Szakos asked if Mr. Dewberry would agree to adding language in the agreement that says if the project is not completed by July 2021 the owner agrees to sell the property.

Mr. Dewberry said that if they do not get the incentives then they will move on and sell the property now.

Ms. Szakos said that the language she proposed protects the City.

Mr. Dewberry said he doesn't have a problem and said that all he does right now is to pay property taxes.

Mr. Fenwick asked Mr. Dewberry several questions

Mr. Dewberry answered Mr. Fenwick's questions.

Mr. Bellamy asked if Mr. Dewberry hires felons. Mr. Dewberry said that he would have to check.

Mr. Signer listed the reasons he supports this resolution.

Ms. Galvin said she would move the resolution with some amendments. She said the section of the resolution listed under the heading "Dewberry Capital (as Developer) agrees to:", which is the second page of the resolution. Ms. Galvin said the first amendment is on the item number one. She suggested adding 'prepared and sealed by a qualified professional licensed to practice in Virginia'. Ms. Galvin said it is important to have this stated in the public record and that she did see the report today, which was sealed by a licensed Virginia engineer. Ms. Galvin said she wants to add in item two 'Developer agrees that the primary lender be a bona fide institutional lender and have experience'. She said that for number six she wants to add language to the last sentence. She suggested adding 'If a certificate of occupancy is not issued within 12 months of the agreed upon completion date the agreement will terminate and the developer will agree to sell by July 1, 2021'.

Ms. Galvin stated her reasons for wanting this project to move forward.

Mr. Signer called the vote. On motion by Ms. Galvin, seconded by Mr. Fenwick, RESOLUTION: Landmark Hotel was approved with Ms. Galvin's amendments. (Ayes: Mr. Signer, Mr. Bellamy, Ms. Galvin, Mr. Fenwick; Noes: Ms. Szakos.)

RESOLUTION

Approving Agreement of Assistance for Hotel Project at 201 E. Main Street

WHEREAS, in 2008, construction commenced on a project, that was to be known as the Landmark Hotel, at 201 East Main Street in a former bank building fronting the downtown mall; and

WHEREAS, in 2009, amid the recession, the project's financing was called into question ultimately resulting in work ceasing and leaving the building unfinished; and

WHEREAS, over the past eight years the City has heard growing concern from residents, businesses and visitors regarding the eyesore and safety concern this long-delayed project has created in the downtown area; and

WHEREAS, given these unique circumstances, members of the City Council, City staff and representatives of Dewberry Capital (manager for Deerfield Square Associates II, LLC, and owner of record of the property at 201 E. Main Street) have recently engaged in discussions to identify the best options available to move the project to completion as quickly as possible; and

WHEREAS, these conversations resulted in a request from Dewberry Capital for assistance from the City; and

WHEREAS, after discussion and considerable negotiation City staff is willing to recommend to Council the following components:

City agrees to:

1. City agrees to lease 75 City owned parking spaces in the Water Street Parking Garage for an initial term of 5 years. (If desired, an additional 75 spaces can be leased for a second five year period or the City can conduct a request for proposal process in which terms greater than five years are possible.) In year one, the lease shall be structured so that rent will be equal to 25% of the parking revenue generated by the hotel from the use of the 75 spaces, but not less than \$40,000. In year two, the minimum is increased to \$60,000. In subsequent years, the rent will be equal to 25% of the parking revenue generated by the hotel from the use of the 75 spaces, but not less than \$80,000 annually. The effective date of the lease will coincide with the issuance of a certificate of occupancy for the hotel. The lease will terminate by mutual agreement of both parties or if the hotel ceases to operate for more than 90 days.

2. The City in conjunction with the Charlottesville Economic Development Authority agrees to provide a performance grant, to the developer, equal to 50% of the incremental real estate tax generated by the project (above the base value) for ten years to assist in retiring the debt service. Base value as of 2017 is \$6,642,500. The actual amount of the grant will be determined annually by the assessed value beginning the year following the completion date. The initial estimated annual grant amount is approximately \$110,000, although that may increase or decrease depending on the annual assessment and tax rate.

In order to trigger the performance grant the project must receive a certificate of occupancy and generate in year one a minimum of \$150,000 in lodging tax receipts. In year two the minimum is increased to \$225,000 and in years three – ten to \$300,000. The developer must also make a minimum capital investment of \$20 million in the construction of the project.

Dewberry Capital (as Developer) agrees to:

1. Developer agrees to provide the city with a report, prepared and sealed by a qualified professional consultant licensed to practice in Virginia, confirming the structural integrity of the building and make a reasonable good faith effort to improve the structure's current appearance by July 1, 2017.
2. Developer agrees to provide the City with an official project pro forma showing all sources and uses of funds, construction costs, upfit costs and anticipated operating costs. Developer agrees that the primary lender be a bona fide institutional lender and have experience in hotel financing and will provide such qualifications to the City upon request.
3. Developer agrees to expeditiously pursue all necessary City permits and approvals needed to construct the hotel and will not request any reduction in fees related to such.
4. Developer agrees to allow the city to approve any change in management of the hotel during the term of the agreement.
5. Developer commits to a minimum employment level of 60 positions for local residents during the term of the agreement.
6. For purposes of the agreement the completion date will be July 1, 2020. If a certificate of occupancy has not been issued by the completion date the total grant amount allowable will be reduced by 2% for each month that completion is delayed beyond the completion date. If a certificate of occupancy has not been issued by July 1, 2021, this agreement will terminate and the owner of the property will then use its best efforts to sell the property to another owner / developer who will either complete the project or diligently pursue another development on the property. For purposes of the agreement the completion date will be July 1, 2020. If a certificate of occupancy has not been issued by the completion date the total grant amount allowable will be reduced by 2% per month. If a certificate of occupancy has not been issued within 12 months of the agreed upon completion date the agreement will terminate.
7. Developer agrees to remit all required City taxes in a timely manner during the grant period, agrees not to contest any increase in assessed value for the property during the grant period. Developer agrees to pay legal fees associated with preparing and reviewing the agreement, in an amount not to exceed \$10,000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that these terms are acceptable in concept and shall form the basis of a lease agreement for parking spaces and a performance agreement between the parties;

BE IT FURTHER RESOLVED, that the Council of the City of Charlottesville, Virginia directs the City Manager and his staff to prepare the necessary documents to effect such an agreement and schedule such for council consideration as soon as is practicable.

REPORT: SCHOOL BOARD'S ADOPTED FY 2018 BUDGET

[School Board](#)

Mr. Juan Diego Wade reported to Council and answered clarifying questions.

REPORT: CITY MANAGER'S PROPOSED FY 2018 BUDGET

[City Manager's Proposed FY 2018 Budget](#)

Mr. Jones presented to council. He said that the information he is providing can be found online at www.charlottesville.org/budget.

Ms. Galvin and Mr. Signer agreed to save comments and questions for the budget work sessions. Mr. Signer said that they have a budget work session coming up on Thursday, March 9th.

Ms. Szakos said that during the budget work session that she wants to increase the affordable housing by \$1.2 million rather than \$.8 million. She said that ideas on how to do this is coming out of the Housing Advisory Committee.

REPORT: RECOMMENDED CHANGES TO DEBT POLICY LANGUAGE

[Recommended Changes to Debt Policy Language](#)

Mr. Chris Cullinan, Finance Director, presented to Council and said he was looking for direction from Council.

Ms. Szakos made a motion to adopt the following debt policy language. She said that the debt service is a percentage of general fund total expenditure budget has a ceiling of 9%.

On motion by Ms. Szakos, seconded by Ms. Galvin, the debt policy language was adopted by motion. (Ayes: Mr. Signer, Mr. Bellamy, Mr. Fenwick, Ms. Galvin, Ms. Szakos; Noes: None.)

RESOLUTION: SIDEWALK WAIVER REQUEST - 1421 DAIRY ROAD

[Sidewalk Waiver Request](#)

Ms. Heather Newmyer, Neighborhood Planner with NDS, presented to Council and answered clarifying questions.

On motion by Mr. Bellamy, seconded by Ms. Szakos, RESOLUTION: Sidewalk Waiver Request - 1421 Dairy Road was approved. (Ayes: Mr. Signer, Mr. Bellamy, Mr. Fenwick, Ms. Galvin, Ms. Szakos; Noes: None.)

**RESOLUTION
Approving a Sidewalk Waiver Request for**

1421 Dairy Road (Dairy Road Frontage)

WHEREAS, application has been made by T. J. Southmayd, the owner of property located at 1421 Dairy Road, identified on City Tax Map 41 as Parcel 15.2 (“Subject Property”), seeking a waiver of the sidewalk requirement set forth within City Code Sec. 34-1124 in connection with the construction of a single-family detached dwelling on the Subject Property; and

WHEREAS, the Subject Property has frontage on both Rugby Road and Dairy Road, but the property owner is seeking a sidewalk waiver only for the Dairy Road frontage; for the Rugby Road frontage, the property owner is electing to contribute to the sidewalk improvement fund in lieu of constructing a sidewalk, as permitted under City Code Sec. 34-1124(b)—as a practical matter, the requested waiver, combined with the contribution to the sidewalk fund, will relieve the property owner from having to construct any sidewalks along any public street frontage at this location; and

WHEREAS, City staff has submitted a report to Council containing staff’s comments and recommendations regarding the sidewalk waiver request, and Council has reviewed the staff recommendations and the information and materials submitted with the application; and

WHEREAS, City Council has considered the factors set forth within City Code Section 34-1124(b) and has determined that the sidewalk waiver request should be approved; now, therefore

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the sidewalk improvements required by City Code Section 34-1124(b) with respect to the Dairy Road frontage on the Subject Property are hereby waived.

RESOLUTION: CHARLOTTESVILLE HIGH SCHOOL - CRITICAL SLOPES WAIVER

[Critical Slopes Waiver](#)

Ms. Heather Newmyer, Neighborhood Planner with NDS, presented to Council on the critical slopes waiver. She said that there was a mistake made and the resolution was not included in the materials. Ms. Newmyer suggested that Council would discuss the resolution tonight and then staff will provide the resolution in the materials for the next Council meeting on the Consent Agenda.

On motion by Mr. Bellamy, seconded by Ms. Szakos, RESOLUTION: Charlottesville High School- Critical Slopes Waiver carried.

ORDINANCE: CHANGES TO BUSINESS LICENSE FEES AND TECHNOLOGY ZONE CREDITS (carried)

[Changes to Business License Fees and Technology Zone Credits](#)

Mr. Todd Divers presented to Council on the changes to the ordinance.

Mr. Signer thanked Mr. Divers for the work that they did on this ordinance. Over 400 businesses will be affected by this change.

On motion by Mr. Fenwick, seconded by Mr. Bellamy, ORDINANCE: Changes to Business License Fees and Technology Zone Credits carried.

ORDINANCE: CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST

[Cable Television Franchise Agreement with Comcast](#)

AN ORDINANCE GRANTING A FRANCHISE TO COMCAST OF CALIFORNIA/MARYLAND/PENNSYLVANIA/VIRGINIA/WEST VIRGINIA, LLC TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF CHARLOTTESVILLE, SETTING FORTH THE TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHT OF WAY; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

Ms. Allyson Davies presented to Council on the amendments. She said that the wait time language is directly from the FCC.

Ms. Davies said that the regulations are written in such a way as to allow Council to strike the section out of the agreement with Comcast's consent. She said that we can have more stringent regulations. Ms. Davies said that before making revisions that Comcast would like to explain "when connection is made" from their understanding.

Mr. Kevin Broadhurst, Vice President of Government & Regulatory Affairs, said that when a customer calls the toll free number they will be answered by an "IVR" automatically. He explained that the IVR is the electronic system that interacts with the customer using an automatic voice technology. A customer would be connected to a live agent within 30 seconds if the IVR cannot fix the problem.

Mr. Signer called the vote and the ordinance passed. (Ayes: Mr. Signer, Mr. Bellamy, Mr. Fenwick, Ms. Galvin, Ms. Szakos; Noes: None.)

OTHER BUSINESS

Ms. Galvin said that she wants Council to discuss in the future the formation of a Community Development Corporation. She said that she has done some quick research on what it means to have a CDC and she gathered some examples. Ms. Galvin said that she is requesting research on creating a separate CDC that would grow the supply of affordable housing. She wants to see this as a future work session.

Mr. Bellamy and Mr. Signer said they supported this idea.

Mr. Jones will discuss with staff and come back to Council.

MATTERS BY THE PUBLIC

Ms. Lina Seville, 808 Alta Vista Ave, said she is going to read the rest of Dr. Aliah Henry's statement. She started the statement where Dr. Henry ended concerning the form based code. Check tape. Form based code could lead to less affordable housing in the future.

Mr. Melvin Grady, 238 Hartmans Mill Rd, said that he wants to talk about Democracy. He said that the people he is listening to do not want the changes Council is offering in the matters by the public procedures. Mr. Grady said that Council should hear the feedback from the public and then make decisions. He said he does not see a big need to change the procedures.

Mr. Phillip Jones, 1011 Forest Hill Ave. , said that he is glad that Tonsler Park is back in the budget. Mr. Jones said that Parks and Rec is very good and that they work well in the community. He said that Parks & Rec was supposed to be building a splash park. He asked if that was still in the budget. Mr. Maurice Jones said it is currently still in the budget. Mr. Phillip Jones also reported that since several shelters were closed at McIntire Park people are heading over to the Forest Hill Park shelters. He said that many people are complaining about the trash and parties that people are having in the shelters. He asked that something be done about the noise and trash.

Mr. Signer offered a response to form based code. He said that equity is more important than anything in formulating the form based code. Mr. Signer also said that this is an opportunity to write form based code with our top priorities baked into the system.

Ms. Galvin said you cannot make a form based code without a community driven plan.

Meeting adjourned at 11:11 pm.

Approved by Council
March 20, 2017



Acting Clerk of Council