NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, October 2, 2017, AT 5:00 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 – October 2, 2017

Council met in special session on this date with the following members present: Ms. Galvin, Ms. Szakos, Mr. Signer, Mr. Bellamy, Mr. Fenwick. On motion by Ms. Szakos, seconded by Mr. Bellamy, Council voted, (Ayes: Ms. Szakos, Ms. Galvin, Mr. Signer, Mr. Bellamy, Mr. Fenwick; Noes: None;) to meet in closed session for: (1) The annual performance evaluation of the City Manager, as authorized by Virginia Code sec. 2.2-3711 (A) (1); and, (2) Consultation with legal counsel pertaining to probable litigation by the City, where such consultation in an open meeting would adversely affect the litigating posture of the City, as authorized by Virginia Code sec. 2.2-3711 (A) (7).

On motion by Ms. Szakos, seconded by Mr. Fenwick, Council certified by the following vote (Ayes: Ms. Galvin, Ms. Szakos, Mr. Fenwick, Mr. Bellamy, 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 - October 2, 2017

ROLL CALL

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. Signer called for a moment of silence for the victims of the Las Vegas shootings.

Ms. Galvin introduced a collaborative music video by the students of Charlottesville High and the Metro Nashville Public Schools.

Mr. Signer recognized Council's resolution for an honorary renaming of 4th Street to Heather Heyer Way. He welcomed Ms. Heyer's mother, Ms. Susan Bro. Ms. Bro spoke and thanked Council for the recognition. She also suggested that African American contributors to

the Charlottesville community be honored as well. She recommended that Ms. Laura Robinson, who taught school in the area before, during and after segregation and also made a huge impact on the community, also be recognized with an honorary street name.

Mr. Signer read a proclamation recognizing Charlottesville Farm to School & Healthy Schools Week. Mr. Carlton Jones, Nutrition Administrator for Charlottesville City Schools, accepted the proclamation and thanked Council. Ms. Jeanette Abi-Nader thanked Mr. Jones and Mr. Henderson for representing the schools and spoke on the importance of nutrition in the schools and food as a right in the community.

Ms. Szakos read a proclamation recognizing October as Domestic Violence Awareness Month and announced the organizers are currently attending a vigil to raise awareness.

Ms. Szakos read an announcement about the energy savings realized through the City's solar production. She read a proclamation recognizing Energy Efficiency Day and invited Ms. Susan Elliott, Climate Protection Program Coordinator for the City, to speak.

Ms. Galvin read a proclamation recognizing A Day without Water. Ms. Susan Elliott accepted the proclamation.

Ms. Galvin announced the UVA 200th Bicentennial Celebration. For more information and a list of events, visit www.bicentennial.virginia.edu.

Mr. Fenwick reviewed voter registration information and gave instructions for absentee voting. Residents can call 970-3250 for more information. He also announced Bulky Waste Amnesty Days in October for the Ivy Material Utilization Center. For more information, visit www.rivanna.org/hhw.

Mr. Bellamy read an announcement from the Legal Aid Justice Center from Ms. Emily Dreyfus, calling for those interested in working to eliminate racial injustice to apply for a full-time job opening. Go to www.justice4all.org for more information and to apply. He also announced a "Black2Business" session on Wednesday, October 4 at 6:00 p.m. at CitySpace.

Mr. Bellamy read Council's resolution to celebrate Indigenous Peoples Day on the second Monday of every October, which was passed by Council at their September 18 meeting. On Sunday, October 8 at 6:00 p.m., a press conference will be held at the Free Speech Wall on the Downtown Mall. Please contact Ms. Karenne Wood for more information. Ms. Wood accepted the proclamation and spoke about Monacan people in the area.

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

Mr. Jones said the Tonsler Park field house has funding for 2019. He also addressed affordable housing concerns and outlined actions Council has taken recently to address them. Residents also raised concerns about the independent review being conducted by Mr. Timothy Heaphy. Mr. Jones gave an overview of Mr. Heaphy's background and invited Mr. Heaphy forward to give Council an update on the review.

Mr. Heaphy addressed Council. He clarified that he is supervising a team who is conducting the review, and they have hired police professionals as consultants who are working at no charge to help gather facts and ask the right questions. He gave an overview of the work his team is doing.

Mr. Bellamy asked if any sort of interim update would be possible. Mr. Heaphy said it is important to understand the events in a comprehensive way. If there are questions that are easy to verify, they may be answered. Mr. Bellamy said the pressing questions are why was 4th Street open, was there a stand-down order, and why were individuals allowed to have shields and weapons drawn. Mr. Heaphy said these are complicated questions, and the answer is not available at this time. Ms. Galvin asked if the full report will be readily available to the public; Mr. Heaphy said he does not currently see anything that cannot be disclosed. At Mr. Signer's request, Mr. Heaphy reviewed the methods for contacting the review team, including visiting www.CharlottesvilleIndependentReview.com to provide information. He confirmed that they have not made a list of who has reached out, as that information is currently proprietary. Ms. Galvin said once the report has been submitted, it should be disseminated as quickly as possible. Mr. Signer agreed and emphasized that the entirety of the report should be made public. He asked if videos being posted on social media are being reviewed by the team. Mr. Heaphy said his team is actively reviewing this type of information.

Mr. Bellamy remembered Mr. Kevin Grace, who lost his life recently. He asked for a moment of silence.

MATTERS BY THE PUBLIC

Ms. Marta Keene, JABA, reminded people to sign up for Medicare. Open enrollment starts on October 15; call 817-5248 to make an appointment. Affordable Care Act Counseling is also available at the Legal Aid Justice Center or JABA. Mountainside Senior Center is adding a floor for dementia care to respond to the area's need for this special service, with an opening date targeted for February 2018. Also, the Mary Williams Center grand opening is on November 28.

Mr. Kenneth Jackson asked Council to remember Ms. Laura Robinson. He said names honoring African Americans should be placed on primary roadways, not hidden in corners. He asked that a pot hole near Tonsler Park be repaired. He asked that all Native Americans be recognized, not just Monacans.

Mr. Bill Emory, E. High St., spoke to the value of rivers in communities. He said the Rivanna entry corridors do not show the value they provide to the community. He recommended Council read the Torti Gallis study and encouraged river-oriented policies.

Mr. Don Gathers said the City's residents demand answers about the events of this summer. He spoke out against gun violence and police brutality against African Americans. He asked that Council no longer begin their meetings with the pledge to the flag. He said he will conduct his own independent review if the City does not produce a legitimate one. He called out the

president for his neglect of Puerto Rico. He asked Council to invite a moment of silence for racial equality, racial equality, and justice. He kneeled in closing.

Mr. Paul Long, Grady Ave., said the Salvation Army estimated 400 people in Albemarle County and the surrounding area are homeless. He asked the City to redirect funding towards help for the homeless.

Mr. Dave Ghamandi, Albemarle county resident, said Council should get rid of the pledge of allegiance before meetings. He called for Mr. Signer to resign. He called out Mr. Heaphy's contract with the City and questioned his independence. He said the City Manager is not elected and is not accountable to the people.

Mr. Neal Goodloe, 708 Graves St., Criminal Justice Planner for the Thomas Jefferson Area Criminal Justice Board, said 1 in 4 individuals involved in the criminal justice system meet the screening criteria for mental illness. He discussed efforts to reduce the treatment gap.

Mr. Clifford Hall, 938 5th St. SW, read a message with numbers, an address and a date. He also read a bible passage from Thessalonians 1.

Ms. Rosia Parker said we still do not have answers since May. Councilors had information about what was to happen. She said Mr. Heaphy has a conflict of interest. She said she is suffering physical effects of participating in the events this summer. She asked what Council will do now that hate groups are returning.

Ms. Katrina Turner, City resident, said SURJ, Black Lives Matters, Antifa, Clergy, and EPOCH have not been thanked for the training they did to protect the City on August 12. She said the citizens who came forward should be recognized and appreciated.

Ms. Dolly Joseph thanked the leaders who spoke this evening. She said Mr. Heaphy will not be able to disabuse residents of their skepticism. She asked Council to think carefully about who they are serving. She said there are a lot of people who were affected by the events of August 12 who have been forgotten.

Ms. Szakos said Mr. Kessler is signed up to speak but is not present. Members of the audience said they chased his friends and him out of town, so they are no longer present to speak.

Meeting participants asked that charges be dropped. Ms. Szakos called the meeting to order. Participants continued to call out. Mr. Jones said the power to drop the charges is with the Commonwealth's Attorney, not Council.

Council called for a recess at 8:45 p.m. and reconvened at 9:03 p.m.

CONSENT AGENDA

- a. Minutes for September 18, 2017
- b. APPROPRIATION: Risk Management Fund Line of Duty Act (LODA) Insurance Reimbursement \$28,200 (2nd reading)

Risk Management Fund Line of Duty Act

WHEREAS, the City's insurer, Virginia Municipal League (VML), provided a check in the amount of \$28,200, as reimbursement for the City's FY 18 out-of-pocket payments to the Virginia Department of Human Resource Management for Line of Duty Act (LODA) accepted claim benefits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that \$28,200 is hereby appropriated in the following manner:

Revenues - \$28,200

Fund: 711 Cost Center: 2061001000 G/L Account: 451110

Expenditures - \$28,200

Fund: 711 Cost Center: 2061001000 G/L Account: 530135

c. APPROPRIATION: Fiscal Year 2018 Fire Programs Aid to Locality Funding (Firefund) Appropriation - \$145,343 (2nd reading)

FY 2018 Fire Programs Aid

WHEREAS, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$145,343.00 be appropriated in the following manner:

Revenues - \$145,343

\$145,343 Fund: 209 I/O: 1900010 G/L Account: 430110

Expenditures - \$145,3432

\$145,343 Fund: 209 I/O: 1900010 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$145,343 from the Virginia Department of Fire Programs.

d. APPROPRIATION: Virginia Homelessness Solutions Grant (VHSP) - \$477,151 (2nd reading)

Virginia Homelessness Solutions Grant

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of \$477,151;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$477,151 is hereby appropriated in the following manner:

Revenues

\$405,225 Fund: 209 IO: 1900290 (VHPS) G/L: 430110 State Grants

\$ 71,926 Fund: 209 IO: 1900290 (VHSP) G/L: 430120 Federal Pass-Thru State

Expenditures

\$477,151 Fund: 209 IO: 1900290 (VHSP) G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$477,151 in funds from the Virginia Department of Housing and Community Development.

e. APPROPRIATION: State Of Good Repair (SGR) for bridge repairs - \$10,079,968.00 (carried)

SGR for bridge repairs

f. APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant - \$452,704 (carried)

Virginia Juvenile Community Crime Control

g. APPROPRIATION: Virginia Department of Health Special Nutrition Child and Adult Care Food Program - \$32,000 (Carried)

Special Nutrition Child and Adult Care Food Program

h. RESOLUTION: Seminole Square Shopping Center - Critical Slopes Waiver

Seminole Square Shopping Center

RESOLUTION: APPROVING A REQUEST FOR WAIVER OF CRITICAL SLOPES PROVISIONS PURSUANT TO CITY CODE SECTION 34-1120(B)(6) FOR SEMINOLE SQUARE SHOPPING CENTER

i. RESOLUTION: Pepsi Bottling Plant - Critical Slopes Waiver

Pepsi Bottling Plant

RESOLUTION APPROVING A REQUEST FOR WAIVER OF CRITICAL SLOPES PROVISIONS PURSUANT TO CITY CODE SECTION 34-1120(B)(6) FOR THE PEPSI BOTTLING PLANT AT 1150 PEPSI PLACE

WHEREAS, Pepsi Bottling Company, owner of property designated on City Tax Map 41C, Parcel 3, consisting of approximately 15.3 acres of land, and known as the Pepsi Bottling Plant (the "Property"), seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) in connection with the construction of a 365' long retaining wall on the Property (the "Project"); and

WHEREAS, the Planning Commission considered this request at their regular meeting on September 12, 2017, and recommended approval of the request, with conditions, to waive the critical slopes requirements, pursuant to City Code Sec. 34-1120(b)(6); 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)(ii) that due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of the Project, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the request by Pepsi Bottling Company for a waiver of the critical slopes requirements for the above described Project on the Property, is hereby granted, conditioned upon the following:

- 1. The Applicant shall petition City Council to vacate the existing 1985 stormwater easement, in order to transfer the burden of maintenance of the stormwater facility from the City to the owner of the Property.
- 2. A detailed survey by a licensed professional should be provided following construction of the retaining wall to capture any deviation from the approved plans. Upon completion of the as-built survey, the stormwater routing analysis should be verified using the as-built data.
- 3. Construction shall not begin until after the Hillsdale Road extension project is complete.
- 4. The previously submitted routing analysis for the existing stormwater basin between Seminole Square and Pepsi shall be revised and resubmitted to Engineering staff should the retaining wall located on the Pepsi site require adjustment due to the development activities on either the adjoining Seminole Square property or the Pepsi property.
- j. RESOLUTION: Special Use Permit (SUP) for Automobile Sales at 1530 E. High Street pulled for discussion

Automobile Sales at 1530 E. High Street

k. RESOLUTION: Washington Park / Madison Avenue bicycle connector path (1st of 1 reading) deferred to 10/16

Ms. Galvin asked for an update on item j., which was requested to be pulled for discussion. Council agreed to pull the item for a full discussion at the end of the agenda.

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

RESOLUTION: HONORARY STREET NAMING - HEATHER HEYER WAY

Honorary Street Naming - Heather Heyer Way

Mr. Alex Ikefuna, Director of Neighborhood Development Services, presented to Council.

Ms. Szakos requested to add "in honor of Heather Heyer and the community of people who defended the City of Charlottesville from the armed invasion of white supremacists and white nationalists on August 12, 2017." Mr. Fenwick moved the resolution as amended; Ms. Szakos seconded the motion.

Mr. Bellamy said he supports this and also encouraged Council to look to honor others who sacrificed their lives. He supported Mr. Kenneth Jackson's suggestion to look at naming primary roadways. Mr. Signer said this was a recommendation of the Blue Ribbon Commission. Mr. Fenwick applauded Mrs. Bro's uncommon courage since August 12 and said he admires her leadership in a time of personal grief.

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

RESOLUTION

Honorary Street Name Designation – Heather Heyer Way 4th Street, SE and NE between East Water Street and East Market Street

WHEREAS, City Council adopted a policy for Honorary Street Name Designation; and

WHEREAS, City staff has reviewed the application for appropriateness and verified the historical information;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that 4th Street, SE and NE between East Water Street and East Market Street shall bear the honorary name Heather Heyer Way, in honor of Heather Heyer and the community of people who defended the City of Charlottesville from the armed invasion of white supremacists and white nationalists on August 12, 2017.

<u>RESOLUTION*: MEADOW CREEK VALLEY TRAIL BRIDGE GRANT - \$375,000</u> *deferred to 10/16*

<u>RESOLUTION*: 250 BYPASS COMMUTER PATH GRANT - \$250,000</u> deferred to 10/16

ORDINANCE: SOLAR ENERGY SYSTEMS ZONING TEXT AMENDMENT (2nd reading)

Solar Energy Systems Zoning Text Amendment

Ms. Susan Elliott, Climate Protection Program Coordinator, presented to Council and gave an overview of the recommended changes from the Board of Architectural Review (BAR). She answered clarifying procedural questions for Council.

Mr. Signer asked for a recommendation on how to proceed. At Mr. Brown's recommendation, Mr. Signer called for a vote on the second reading of the Solar Text amendment. The ordinance changes passed. (Ayes: Ms. Szakos, Ms. Galvin, Mr. Signer, Mr. Bellamy, Mr. Fenwick; Noes: None.)

Ms. Szakos said that the changes to the ordinance mean that it will be easier for everyone in the city to generate solar energy and become less reliant on fossil fuels.

Ms. Galvin moved to direct staff to propose ordinance amendments to address the recommendations noted by the Board of Architectural Review, the ECRB, and in relation to the parking canopy structures. Ms. Szakos seconded the motion. The motion passed. (Ayes: Ms. Szakos, Ms. Galvin, Mr. Signer, Mr. Bellamy, Mr. Fenwick; Noes: None.)

ORDINANCE TO AMEND AND RE-ENACT THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, CHAPTER 34 (ZONING), SECTIONS 34-1101, 34-1146, 34-1147, and 34-1200, AND TO ADD A NEW SECTION 34-1108, TO EXPRESSLY AUTHORIZE SOLAR ENERGY SYSTEMS

RESOLUTION: LOAN EXTENSION FOR DOGWOOD PROPERTIES - \$850,000

Loan Extension for Dogwood Properties

Dr. Stacy Pethia, Housing Program Coordinator for the City, presented to Council and gave an overview of staff's recommendations.

Ms. Szakos questioned the 35% level of area median income (AMI). She asked if the number can be limited by number of units so that this does not become an established rate by practice.

Ms. Szakos asked for language stating "nothing in this provision will be used to increase rents generally, and will be an exception rather than the rule."

Ms. Galvin asked if there is a way to monitor and ensure the privilege is not being abused. She asked that an additional condition be included in the resolution that the "rent levels will be monitored on an annual basis subject to change/depending on findings".

Ms. Pethia said staff can get assurance that the rent will not increase in writing, per Mr. Fenwick and Mr. Bellamy's requests.

Mr. Bellamy asked if there has been any community dialogue or engagement on this matter. Ms. Pethia said there has not.

Mr. Bellamy asked what safeguards can be put into place. Ms. Szakos said we can conduct inspections; Mr. Bellamy agreed to include inspections as a condition. Ms. Pethia said staff has assurances in place to prevent the rent from increasing more than 5% each year.

Ms. Szakos moved to approve the resolution with the added conditions; Ms. Galvin seconded the motion.

Ms. Galvin asked if this is a model of the Housing Advisory Committee (HAC) recommendation to use landlords to expand rental assistance. Ms. Pethia said it is, in a way. Ms. Galvin said she would like to monitor this and expand the model.

The resolution passed. (Ayes: Ms. Szakos, Ms. Galvin, Mr. Signer, Mr. Bellamy, Mr. Fenwick; Noes: None.)

<u>RESOLUTION</u>: IMPLEMENTATION PLAN FOR THE CHARLOTTESVILLE SUPPLEMENTAL RENTAL ASSISTANCE PROGRAM (CSRAP) -- \$900,000

Charlottesville Supplemental Rental Assistance Program

Dr. Stacy Pethia, Housing Program Coordinator for the City, presented to Council and gave an overview of staff's recommendations. Mr. Philip D'Oronzio, Chair of the Housing Advisory Committee (HAC), was also present. Ms. Galvin asked Mr. d'Oronzio to speak about the income restrictions. Mr. d'Oronzio reviewed the subcommittee meeting activities regarding this program, which vary from staff's recommendation.

Ms. Szakos asked if there is a middle ground. Mr. Jones asked if staff could build in a 5% escalator, which would allow the City to serve a few more households each year. Mr. Signer said this seems to make sense. Ms. Galvin said she wants to monitor this to gauge whether this should be a shared program between the City and the County.

Ms. Szakos asked if it would address the HAC's concerns if the 30% AMI were applied to those who are not part of the reserved vouchers. She asked if the applicant's status can be the criteria, rather than an income limit for the reserved vouchers. The 30% AMI income limit would apply to the remaining vouchers. Mr. d'Oronzio said that if the assistance is targeting the waiting list, the money is going to go towards households who are at 30% AMI no matter what.

Ms. Galvin said we need more clarity on why the HAC and staff are not able to reach consensus on this.

Ms. Szakos moved to adopt the current recommendation with a built-in flexibility to reserve 10 vouchers for households experiencing homelessness and 20 vouchers for households in the self-sustainability programs, with the remaining vouchers having an income limit of 30% AMI or below. These ratios will be reviewed by staff and HAC within 12 months to make recommendations for changes. Mr. Fenwick seconded the motion.

Mr. Bellamy asked if this could include more flexibility, as he personally is not able to support it as written.

Council asked that staff come back with a recommendation for a vote at the October 16 meeting. The motion was tabled.

OTHER BUSINESS - RESOLUTION: SUP FOR 1530 E. HIGH STREET

Automobile Sales at 1530 E. High Street

Ms. Rainey presented to Council and answered clarifying questions.

Ms. Szakos asked the applicant to come forward and speak about concerns regarding car washing and oil change plans. The applicant assured Council that no car washing or repair activity would take place on the property and that he would be comfortable with adding a condition to the SUP stating this.

Ms. Szakos moved that the SUP be approved with the recommended condition; Mr. Bellamy seconded. The resolution passed. (Ayes: Ms. Szakos, Ms. Galvin, Mr. Signer, Mr. Bellamy, Mr. Fenwick; Noes: None.)

MATTERS BY THE PUBLIC

Ms. Kay Slaughter, City resident, addressed Council about the Percent for Art program. She proposed this program be reinstituted and that the program's name be revised to "Percent for Art and History." This would be a way to generate funds from year to year that may be used to fund programs that Council supports. She said the Drewary Brown Bridge is not well-signed, and this may be one way to fund a remedy. She recommended the City consider purchasing the old circus grounds downstream from Cosners along the Rivanna River for parkland.

Ms. Nikuyah Walker, 503 Druid Ave., asked what the Dogwood profit margin has been for the past 10 years and asked if they are they truly making investments into the property. She asked if the City still has the right of first refusal and said we need to invest in housing that we own.

Mr. Brandon Collins, City resident, expressed concerns about the Dogwood discussion. He said he was disappointed Council did not approve the rental assistance program tonight. We

should make sure landlords do not have the upper hand. He said League of the South members are here in town and are trying to regroup. He said the City is leaving it up to community members to handle this situation.

Ms. Galvin said this Council has historically supported HAC recommendations and acted tonight to make sure the HAC recommendations are being considered.

Mr. Fenwick said the League of the South are dangerous people and know how to use the law to get what they want. He gave warning to those who are confronting them to avoid putting themselves in the position of being hurt.

Meeting adjourned at 10:28 p.m.