

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, March 5, 2018, AT 4:30 p.m. IN THE Economic Development Conference Room, 605 E. Main Street.

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

ECONOMIC DEVELOPMENT CONFERENCE ROOM – March 5, 2018

Council met in special session on this date with the following members present: Ms. Galvin, Mr. Signer, Ms. Hill. On motion by Ms. Hill, seconded by Ms. Galvin, Council voted, (Ayes: Ms. Galvin, Ms. Hill, Mr. Signer; Noes: None; Absent at time of vote: Mr. Bellamy, Ms. Walker) to meet in closed session as authorized by Va. Code sec. 2.2-3712 , specifically: 1. Virginia Code sec. 2.2-371 1(A)(3) and (A)(7), to discuss or consider the acquisition of real property for a public purpose, because discussion in an open meeting would adversely affect the city's bargaining position or negotiating strategy, specifically: to discuss acquisition of park land or trails (at 1612 Grove Road and at 1201 5th Street); and also to discuss the possible exchange, transfer, reservation or property lease/ use agreement involving real estate known as the 7th and Market Street Parking lot; and for consultation with legal counsel regarding any specific legal matters having to do with these topics, and also for consultation with legal counsel pertaining to pending litigation (specifically: Payne v. City; Turner v. Thomas; and/or City v. Pennsylvania Lightfoot Militia), because consultation in open meeting would adversely affect the City's litigating posture; and 2. Virginia Code sec. 2.2-37 1 l(A)(3) and (A)(7), to discuss or consider the acquisition or disposition of publicly held real property, because discussion in an open meeting would adversely affect the city's bargaining position or negotiating strategy, specifically: the Brandon Avenue right-of-way and for consultation with legal counsel regarding any specific legal matters having to do with such use or disposition; and 3. Virginia Code sec. 2.2-3 711 (A) (1), for the purpose of discussion or consideration of prospective candidates for appointment to boards and commissions.

On motion by Ms. Hill, seconded by Mr. Signer, Council certified by the following vote (Ayes: Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None; Absent at time of vote: Mr. Bellamy) 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 5, 2018

ROLL CALL

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

Ms. Hill made a motion to amend the agenda to remove item #5 regarding Brandon Avenue. Ms. Galvin seconded the motion. The motion passed. (Ayes: Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None; Absent at time of vote: Mr. Bellamy)

PROCLAMATIONS

Ms. Galvin read a proclamation in recognition of the 2018 Virginia Festival of the Book. Ms. Sarah Lawson was present to accept the proclamation on behalf of the Virginia Festival of the Book. She invited the community to attend the festival's events, many of which are free and open to the public. Visit vabook.org for more information.

Ms. Galvin announced a presentation on Thursday, March 8, at 6:00 p.m. at the Charlottesville High School, on the three options for the Hydraulic Route 29 Intersection.

Mr. Signer read a proclamation recognizing the "Same Page" program, featuring "What We Talk About, When We Talk about Anne Frank." Ms. Krista Farrell was present to accept on behalf of the library. She invited the community to visit the library for a copy of the book; all programs are free.

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

Mr. Jones said in response to Ms. Lena Seville's comments regarding the public engagement chapter of the Comprehensive Plan, the Planning Commission is working on the Land Use and housing part of the Comprehensive Plan and will work on engagement when those portions are finished. Council will receive a stop-and-frisk presentation at the March 19 to provide an update from the Police Department. He said staff plans to update Council about ex-offender issues in April. In response to Mr. Gathers' concerns about the Dewberry Hotel, there are no plans to bring back the performance agreement. Mr. Jones said the Parks survey will go online tomorrow, and he updated Council on the process.

COMMUNITY MATTERS

Ms. Megan Bloom, 7461 Greenwood Station Rd., said the City needs to reject the DBAC's funding request and incorporate JAUNT's budget request. She also called for Human Rights Commission (HRC) to be staffed with a full-time civil rights attorney. City Council must prioritize its citizens over profitability. Reject bailouts for downtown businesses and golf funds until city employees are paid a living wage and the city has the adequate infrastructure to address workplace discrimination and abuse.

Mr. Jeff Fogel, 215 Spruce St., Belmont, said it appears Council is going to reconsider and approve the West 2nd Street project. He said this has been done behind closed doors, and Council seems to be ignoring the mayor. He asked Council to revisit human rights issues. He

said stop and frisk statistics should not be acceptable to Councilors. He asked Mr. Jones what has been done in the last five years to change the numbers.

Mr. Dan Brown yielded his time to Mr. Luis Oyola, who spoke regarding the City schools' forum and thanked them for removing a speaker's name at the request of parents. He spoke against police presence in the schools. He said Judge Moore called out courtroom participants for wearing Black Lives Matter shirts and demanded that he be removed from the statues removal case.

Ms. Emily Gorcenski, Fifeville, said Council failed to take threats seriously in a document that was distributed to Council in July 2017. She said recent information has been released that police are working with Pale Horse or Jack Corbin to target Charlottesville residents, labeling them as domestic terrorists. She said Council needs to have the courage to create the world they want.

Ms. Leigh Freilich, City resident, said Council has neglected the City because of their disregard of the marginalized members of the community. She said the statues are a public health issue. She called for their immediate removal, regardless of the pending law suit.

Ms. Mary Carey, City resident, said recent events remind her of her childhood. She said Vinegar Hill was prime real estate. Crescent Halls, South 1st Street, Garret Street and Sixth Street are all now prime real estate. She said West 2nd Street is about money, not affordable housing. She said Council is neglecting the City when they support these projects.

Mr. Mark Heisey, Albemarle County, asked Council to pressure the Commonwealth Attorney's Office to drop the charges against people who defended the City on August 12. He said the Attorney's Office and the Police Department seem to be compliant, and this is helping the white supremacists' agenda. The City continues to perpetuate violence through the court system. He gave the example of his friends being threatened with jail for wearing Black Lives Matter shirts to court today.

Mr. Jason Kessler stood to speak. Members of the audience began chanting. Ms. Walker asked for the audience to respect the speaker's first amendment rights. Mr. Kessler attempted to deliver his remarks, but they were not audible over noises from the audience. Mr. Kessler asked for his time to be restarted. Ms. Walker asked to reset the clock. Mr. Kessler said people are trying to suppress his first amendment rights. Ms. Walker asked for a pause due to Mr. Kessler's comments being interrupted. She called for the time to be started again. Mr. Kessler continuously asked for his entire time back. Ms. Walker said his time had been given, and he was permitted to speak. Mr. Kessler continued to demand his full time back until his allotted time expired. Mr. Signer called a point of order and asked for the next speaker to be called. Upon his refusal to leave the podium, Ms. Walker asked that Mr. Kessler be removed from Chambers.

Mr. Paul Long, 100 Ridge St., addressed Council regarding service on Route 9 for CAT. He asked Council to fund CAT for expanding to full service on Sundays and holidays.

Ms. Lena Seville, Belmont, ceded her time to Ms. Rosia Parker, City resident. She said the judge at today's hearing told her and a friend that they could not wear Black Lives Matter shirts. She said Capt. Pleasants should not be allowed to speak in the City schools. She asked City Council for information on the Civilian Review Board community forum. She said Council should have specified a mourning period so that the statue tarps would still be up.

Ms. Hill gave an update for the CRB process. Mr. Signer asked for more information on the intelligence Ms. Gorcenski referenced in her remarks and asked that the information go directly to the City Manager's office.

Mr. Tyler Lamar, City resident, said he moved to Charlottesville from New York. He spoke on the history of Robert E. Lee and said this started with Mr. Bellamy writing a paper for a school student. He remarked on Native American suppression depicted on the Sacagawea statue, and the George Rogers Clark statue. He asked if we want to remove all statues. He said this is history and should be preserved.

Mr. Cort Hammond, 1410 Grady Ave., said he is here on behalf of the Bicycle & Pedestrian Advisory Committee and spoke about advantages to improving bicycle and pedestrian infrastructure. He said this access is critical to the health of Americans. He called for approval for capital improvements.

Mr. Michael Payne said he is concerned about the \$75,000 allocation to the Downtown Business Association. He said this is for marketing, without clarity for who will be receiving that money. There is no oversight. He called for no funding to DBAC, Tom Tom Festival, or the golf fund until JAUNT bus drivers and City employees can be paid a living wage.

Ms. Walker said an e-mail campaign was launched today regarding wages for JAUNT bus drivers. She said we need to look at the picture holistically, set priorities, and move from there. Requests need to be considered on the whole, with consideration from where the money requested would be pulled from. Important needs must be prioritized, or we will be in trouble with the amount of taxes we are asking of our residents. She said organizations must make funding decisions without making assumptions about outside funding. She encouraged residents to attend the budget work sessions.

Ms. Galvin said the Regional Transit Partnership (RTP) is working to get several pieces working together.

Mr. Carl Schwartz, 700 Anderson St., spoke in support of expenditures for bike/pedestrian improvements. She conceded the rest of his time to Ms. Clair Turney, from 10 Course Hospitality. She encouraged Council to support the downtown recovery package.

Mr. Lawson Leavell, Chair of the Charlottesville Green Party, said he stands with former speakers on justice. He outlined the four pillars of the Green Party. He discussed other cities' commitments to reduce climate pollution, compared to Charlottesville's commitment. He called for public transportation improvements, outlawing plastic bags, and a tree replacement program.

Mr. Signer thanked Mr. Leavell for his ideas. He explained the state capital will not allow localities to ban plastic bags in Virginia.

Ms. Jojo Robertson, City resident, said Mr. Don Gathers asked her to read a message on his behalf. The message requested that the Office of Human Rights be staffed with a full time civil rights attorney.

Ms. Hill said she has been meeting with citizens on this topic, and she asked for options and an overview given in an acceptable format. Ms. Galvin asked Mr. Jones for a review of the history of the Office of Human Rights from the beginning, including budget implications. Mr. Jones said staff can address this at an upcoming budget work session. Ms. Walker said we are still having the same systemic issues that were the source of failure for the position in the first place, and she questioned the funding request to bring back the position. Mr. Jones reminded Council they would have to change the charge of the Human Rights Commission (HRC) in order to change how the office functions. Ms. Hill said this is a complex conversation and needs to take place outside of a budget work session. Ms. Walker said we need to carefully consider these matters and make sure we are getting them right, instead of pouring money into requests without a strategy.

Ms. Galvin requested that the presentation regarding stop and frisk on March 19 be accompanied with historical information and trends. She requested information on the change in numbers, and an explanation.

Ms. Walker called for a recess at 8:00 p.m. The meeting was called back to order at 8:16 p.m.

CONSENT AGENDA:

- a. Minutes for February 20, 2018**
- b. APPROPRIATION: Additional Funding for VIEW Program - \$16,900 (2nd reading)**

[Additional Funding for VIEW Program](#)

WHEREAS, the Charlottesville Department of Social Services has received an additional \$16,900 in the Fiscal Year 2018 budget from the Virginia Department of Social Services to be used for clients enrolled in the Virginia Initiative for Employment not Welfare (VIEW) program,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$16,900 is hereby appropriated in the following manner:

Revenue – \$16,900

Fund: 212

Cost Center: 9900000000

G/L Account: 451022 \$16,900

Expenditures - \$16,900

Fund: 212

Cost Center: 3333002000

G/L Account: 540060 \$16,900

- c. **APPROPRIATION: Disproportionate Minority Contact in the Charlottesville/Albemarle Criminal Justice System Research Project - \$100,000 (Carried)**

[Disproportionate Minority Contact](#)

- d. **RESOLUTION: CRHA Funding Drawdown Request**

[CRHA Funding Drawdown Request](#)

**RESOLUTION
CRHA Redevelopment Drawdown Request for Funds
\$191,032**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$191,032 is hereby paid from currently appropriated funds in the Public Housing Redevelopment Project account in the Capital Improvement Fund to the Charlottesville Redevelopment and Housing Authority.

\$191,032

Fund: 426

I/O: P-00937

- e. **RESOLUTION: Sublease Renewal - Sentara Starr Hill Health Center at Carver Recreation Center**

[Sentara Starr Hill Health Center](#)**RESOLUTION**

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to sign the following document, attached hereto, in form approved by the City Attorney or his/her designee.

Sublease Agreement between Martha Jefferson Hospital d/b/a Sentara Martha Jefferson Hospital and the City of Charlottesville for lease of 1,771 square feet of space in the Jefferson School building at 233 4th Street, N.W. for a health clinic.

- f. **RESOLUTION: City Council Initiation of a Zoning Map Amendment**

[City Council Initiation of a Zoning Map Amendment](#)**RESOLUTION**

**INITIATING A ZONING MAP AMENDMENT
TO AMEND THE OFFICIAL ZONING MAP REFERENCED IN
SECTION 34-1(1) OF THE CODE OF THE CITY OF CHARLOTTESVILLE
TO INCLUDE ADDITIONAL AREAS WITHIN THE PARKING MODIFIED ZONE
REFERENCED WITHIN CITY CODE SECTION 34-971(e)(3)**

BE IT RESOLVED by the City Council of the City of Charlottesville that City Council hereby initiates a zoning map amendment for consideration through a public hearing process, to amend the City's Official Zoning Map to include within the Parking Modified Zone referenced in City Code § 34-971(e)(3) to include the following sites: the site of Friendship Court (Tax Map Parcel ID number: 280112000); the site of the Charlottesville Redevelopment and Housing Authority's (CRHA) Crescent Halls building (Tax Map Parcel ID number: 280218000); the site of the CRHA's Avon/Levy site located at 405 Levy Avenue and 405 Avon Street (Tax Map Parcel ID numbers: 580115000 and 580114000); and the CRHA's 6th Street site located at 6th Street SE and Monticello Avenue (Tax Map Parcel ID number: 270019000); Council finds that consideration of this proposed zoning map amendment is required by the public necessity, convenience, general welfare or good zoning practice; therefore, this proposed Zoning Map Amendment is hereby referred to the Planning Commission for its review and recommendations in accordance with the provisions of Virginia Code § 15.2-2285. To facilitate consideration of this Zoning Map Amendment, NDS Staff shall prepare a proposed amended Zoning Map showing the additional area(s), for use and reference during the public notice, advertisement and hearing process.

g. RESOLUTION: Comprehensive Plan Extension

[Comprehensive Plan Extension](#)

**RESOLUTION
DEADLINE EXTENSION TO COMPLETE THE COMPREHENSIVE PLAN**

BE IT RESOLVED by the Charlottesville City Council that the Planning Commission's deadline to complete the Comprehensive Plan has been extended to October 2018.

h. ORDINANCE: Amend Ordinance to Change Start Time of Regular Council Meetings (2nd reading)

[Change Start Time of Regular Council Meetings](#)

**AMENDING AND REORDAINING SECTION 2-41 OF ARTICLE II OF
CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF
CHARLOTTESVILLE, 1990, AS AMENDED, RELATED TO THE TIME AND
PLACE OF CITY COUNCIL MEETINGS**

i. ORDINANCE: Conveyance of Portion of Ridge Street Right-of-Way for William Taylor Plaza Project (2nd reading)

[Conveyance of Portion of Ridge Street](#)

**AUTHORIZING THE CONVEYANCE OF CITY-OWNED RIGHT-OF-WAY
ON RIDGE STREET TO CHERRY AVENUE INVESTMENTS, LLC
FOR THE WILLIAM TAYLOR PLAZA PROJECT**

Ms. Hill asked for an explanation for what has been done with this historically, where the data and research is, and whether the RFP that goes out will look at consultants that have expertise with low income and minority populations regarding item c. DMC research project. Mr. Jones gave a brief overview of the DMC issue historically and what has taken place and answered clarifying questions for Ms. Hill.

On motion by Ms. Galvin, seconded by Mr. Signer, the agenda passed. (Ayes: Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; Noes: None; Absent at time of vote: Mr. Bellamy)

REPORT: SCHOOL BOARD'S ADOPTED FY 2019 BUDGET

[School Board's Adopted FY 2019 Budget](#)

Mr. Juandiego Wade, School Board Chair, presented the School Board's Adopted FY 2019 budget and answered clarifying questions from Council.

Ms. Galvin asked if it would be valuable for Council to write a letter regarding the impact to school's funding. Dr. Atkins said it would. Ms. Galvin asked Mr. Jones to draft a letter for Ms. Walker's signature. Mr. Jones said he would work with the school's first thing tomorrow morning.

REPORT: CITY MANAGER'S PROPOSED FY 2019 BUDGET

[City Manager's Proposed FY 2019 Budget](#)

Mr. Jones, City Manager, presented to Council and answered clarifying questions. Ms. Galvin asked for primary drivers of budget increases over the years. Ms. Walker asked that budget items be reviewed through an equity lens.

REPORT: ALBEMARLE CHARLOTTESVILLE HISTORICAL SOCIETY LEASE TERMS

[Albemarle Charlottesville Historical Society Lease Terms](#)

Mr. Paul Oberdorfer, Director of Public Works, presented to Council.

Mr. Lyster, Chair of the Historical Society, presented to Council.

Ms. Walker asked what the hesitation with having a City representative on the board is. Mr. Lyster said if the Historical Society meets the remaining 10 conditions, they do not believe Council will need additional representation.

Mr. Signer said it was the clear will of Council to have City representatives serving on the board, and Council is in the driver's seat. Mr. Lyster said he did not know if the Historical Society's bylaws would provide for this. Ms. Galvin said the Historical Society's governance structure failed miserably in the past, and the City must provide accountability on their board. Ms. Robertson said the Historical Society could simply amend their bylaws to provide for Council-appointed members, although the situation is unusual. Mr. Lyster proposed adding Council's requested appointees for a six-month time period.

Mr. Signer said he does not believe the Historical Society has room to negotiate.

Mr. Lyster invited a new member of the Historical Society board to speak.

Council reiterated their condition that Council appoints to the Historical Society's board. Ms. Walker asked how long Mr. Lyster would need to approve a change in bylaws. Ms. Galvin said this needs to go to the board, and if it is not approved, the lease will not be approved. The stipulations are not negotiable.

~~ORDINANCE*: CLOSING AND VACATING BRANDON AVENUE AND A PORTION OF MONROE LANE/15TH STREET (2nd reading)~~ *deferred to April 2, 2018*

[Closing and Vacating Brandon Avenue](#)

RESOLUTION: DOWNTOWN BUSINESS ASSOCIATION OF CHARLOTTESVILLE (DBAC) FUNDING REQUEST - \$75,000

[DBAC Funding Request](#)

Mr. Jason Ness, Office of Economic Development, presented to Council and answered clarifying questions. At Ms. Galvin's request, Ms. Joan Fenton presented to Council about the various programming and free classes to all groups in Charlottesville, including underrepresented groups that the DBAC plans to promote using the grant. Ms. Fenton detailed the DBAC's efforts to brainstorm engaging events in the community. She reviewed the various free events that the DBAC initiated that have taken place over the past year on the downtown mall.

Ms. Walker said she does not believe that safety is really the issue with reduced sales on the Downtown Mall. Mr. Signer read a message Council received from a downtown business citing a decline in sales.

Ms. Galvin discussed declining sales, marketing, and other opportunities to engage neighbors south of the Downtown Mall. Ms. Walker asked why a match should not be requested as a condition.

Ms. Galvin moved to pass the resolution with the following amendment: to be matched by DBAC with a minimum amount of \$30,000. Mr. Signer seconded the motion.

Ms. Hill confirmed that this can be in-kind or cash.

Ms. Galvin requested a bi-annual progress report from Mr. Ness within six months to be added to the motion. The vote passed. (Ayes: Ms. Galvin, Ms. Hill, Mr. Signer; Noes: Ms. Walker; Absent at time of vote: Mr. Bellamy.)

RESOLUTION
Support of Downtown Marketing Efforts – \$75,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$75,000 is hereby allocated from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to the Downtown Business Association of Charlottesville (DBAC) in support of their marketing efforts, and shall be matched by the DBAC with a minimum of \$30,000 cash or in-kind.

BE IT FURTHER RESOLVED that City staff shall submit a biannual progress report on the use of these funds to Council until such funds are exhausted.

\$75,000 Fund: 105 Cost Center: 10110010000

Ms. Walker called for a brief recess at 10:08 p.m. and reconvened at 10:12 p.m.

MATTERS BY THE PUBLIC

Ms. Olivia Patton, County resident, said she does not agree with the Downtown Business Association of Charlottesville (DBAC) agreement. There was very little public input, and this was disappointing.

Ms. Lindsey Daniels, Fifeville resident, is the General Manager at Revolutionary Soup and thanked Council for their support. She said this will allow her to be able to hire people who need jobs. She said the events of this summer have affected tourism, not the local industry as much.

Mr. Michael Payne said small, locally-owned businesses should be the driver of our economy. However, this solution is a band-aid and does not connect with policy. He said displacement of local businesses by developers is the bigger problem.

Ms. Nancy Carpenter, City resident, highlighted problems with the location of the proposed affordable housing planned by the West 2nd developer. She said CAT has a shortage of drivers, and she asked what solutions are being explored. She said one of her friends was profiled by the police.

Mr. Brandon Collins, Fairway Ave., said the request to extend the deadline for the Comprehensive Plan should have been addressed when the request was made back in the fall and

asked for an explanation. He said Planning Commissioners need to be included in conversations, because they are not getting adequate input from the public, non-profit, Council, or housing coalitions. He reminded the community about the Comprehensive Plan work session on Wednesday.

Ms. Mary Carey, City resident, said she was disappointed in Council's vote in support of the DBAC's funding request. She thanked Council for standing firm in their discussion with the Historical Society. She said the statues need to be removed. She spoke about discrimination on the mall.

Ms. Elliott Brown, Druid Ave., said the money for DBAC should have been used to defend the City against a law suit for bringing down the statues. She distributed a hand-out to Council about white fragility. She asked Council if they can do anything about the judge that prohibited the Black Lives Matter shirts.

Mr. Tyler Lamar, Jefferson Park Avenue, said history should be preserved so we can learn from it. He said he enjoys visiting the Downtown Mall, although it is expensive to purchase food. He recommended using the DBAC funding to attract County residents.

Mr. Ken Horne, County resident, said the living wage discussion got lost tonight. He asked Council to tend to this issue across the board. He called for the City to remove the statues and fight the lawsuit.

Mr. Signer explained that Council is enjoined from removing the statues under Virginia law.

Ms. Galvin asked what can be done about the incident in court today regarding clothing. Mr. Jones said the City is not in a position to tell a judge what to do, but staff can get more information about what occurred.

Ms. Walker said she spoke to Ms. Katrina Turner, and they know that she fully supports them.

Meeting adjourned at 10:39 p.m.