

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, August 20, 2018, AT 5:30 p.m. IN THE Neighborhood Development Services 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

SECOND FLOOR CONFERENCE ROOM – August 20, 2018

Council met in special session on this date with the following members present: Ms. Galvin, Mr. Signer, Dr. Bellamy, Ms. Hill, Ms. Walker. On motion by Ms. Hill, seconded by Dr. Bellamy, Council voted, (Ayes: Ms. Galvin, Ms. Hill, Dr. Bellamy; Noes: None; Absent at time of vote: Mr. Signer, Ms. Walker) to meet in closed session as authorized by Va. Code sec. 2.2-3711 (A) (3), specifically: the purpose of discussion of the council's chief of staff and for discussion and consideration of prospective candidates for appointment to boards and commissions; and 2-as authorized by Virginia Code sections 2.2-3711(A)(3) and (A)(8), to discuss or consider the disposition of real propety for a public purpose, because discussion in an open meeting would adversely affect the city's bargaining position or negotiating strategy, specifically: to discuss the possible exchange, transfer, 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.

On motion by Ms. Hill, seconded by Mr. Signer, Council certified by the following vote (Ayes: Dr. Bellamy, Ms. Galvin, Ms. Hill, Mr. Signer, Ms. Walker; 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 – August 20, 2018

ROLL CALL

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

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

[AUGUST 11-12 REPORT](#)

Mr. Mike Murphy gave a brief update on the events of the weekend of August 10-12. Chief Brackney and Mr. Brian Wheeler were also present to answer questions. He shared feedback

received from the community over the course of the past several weeks, as well as his own observations. Council asked what the timeline will be for an after-action report. Mr. Murphy said staff is meeting internally and beginning next week, with partners in the hope of developing a single after-action report. The estimated time for this report to be developed is within three-four months. Mr. Wheeler shared the phone line, which is still open for feedback: (434) 970-3109. Ms. Walker asked Mr. Murphy to follow up on the comment he made regarding what August will look like in 2019. He said we are looking for feedback from the community and looking for ways future summers can be positive. The August date is not the only time our community is vulnerable to safety issues.

Ms. Walker welcomed Mr. John Blair, City Attorney, to his position.

Ms. Galvin read a resolution in support of ratification by Virginia of the Equal Rights Amendment to the US Constitution. Ms. Alisa Hefner, Charlottesville National Organization for Women, thanked Council for their endorsement of the resolution.

Dr. Bellamy read a proclamation celebrating Pride Week on September 8 - September 16, 2018. The Pride Fest will take place on Saturday, September 15.

On motion by Ms. Hill, seconded by Dr. Bellamy, Ms. Jennifer Mayo and Ms. Kathy Galvin were appointed to CACVB (passed 5-0.)

Mr. Michael Payne asked Council to pay attention to the pilot participatory budgeting program. This can be a tool for the community, and we should be sure we are doing this the right way.

Ms. Walker said she met with Ms. Beauregard last week, and she assured Mr. Payne that this conversation is ongoing.

Ms. Jean Hiatt, Rugby Ave., requested that Council vote against the zoning text amendment allowing for drive-through designations in highway corridors.

Ms. Hill said she understood this to be narrowly tailored to a specific area that has precedence for this type of activity, versus southern entrance corridors.

Ms. Galvin said the Hydraulic/Hillsdale area has a small area plan, and the other two districts do not. Voting for this designation would be undermining our own process.

Ms. Alex McGee, Belmont, asked Council to consider pedestrian safety and proximity of zoning areas when making decisions. Monticello Avenue at the crossroads of Altavista and Quarry, and Hydraulic Road at 29, have frequent pedestrian crossing attempts that are not safe. Please be creative in coming up with solutions to resolve this, including working with the County. Altavista Road at Monticello Avenue should be closely examined for zoning. She said there is no benefit to additional activity at 64 and 20, or at 64 and Pantops.

Mr. Eugene Schenetti, Douglas Ave., said he is concerned about the passage of the zoning text amendment regarding drive-throughs and its impact on Belmont at Monticello. Please exclude the Monticello corridor for proposed use of drive-through restaurants.

Mr. Paul Long, 100 Ridge St., addressed Council about public transportation. He objected to proposed changes to routes in and around Route 29. Low income neighborhoods are not adequately serviced by public transportation. He called for bus stops at every block. He said our City is not the same as it was 20 years ago, and we need a vastly improved public transportation system.

Ms. Galvin said a regional transit partnership (RTP) was instituted about a year ago. The City, County and University are working to see if there is a middle ground to getting an RTP up and running in order to provide better service. She said she is alarmed at the vast changes being proposed by CAT, and Council will follow up on this closely. This was not a decision the RTP made. Ms. Walker said she was not aware the changes were already voted on, and she is a member of the CAT Board. Council is awaiting answers from staff.

Mr. Louis Shultz, 1809 E. Market St., referenced Section 13 of the City Charter regarding minutes of the Council meeting and approval of all intervening minutes. He said Councilors have participated remotely in meetings illegally, because a policy was not yet adopted. He said there is no human resources policy prohibiting revealing contents of personnel contracts. He said Mr. Murphy's employment contract should be subject to full disclosure.

Ms. Walker said our City Attorney is taking notes and will follow up.

Mr. Tony Wasch said City zoning 34-353 allows the minimum length of a townhouse driveway in the City to be 10 feet. However, the standard length of a vehicle today is 15 feet, which results in blocked sidewalks. Brookwood Drive always has cars parked that block the sidewalks. Virginia Code Sec. 46.201220 and Sec. 10.25050 and City ordinance Sec. 28-20 prohibits driving or parking on any sidewalks. Sec. 15-142 requires the police to ticket any vehicle that is blocking sidewalks. He said he felt completely safe this weekend and thanked the police chief.

Mr. Morgan Butler, Southern Environmental Law Center, said the highway corridor on this evening's agenda is not accessible to anyone who is not driving a car. The land use plan focuses as much on building community as automobiles. In the meantime, we need to ensure we do not do anything to make the existing zoning worse. Allowing for drive-throughs promotes more driving and takes away from future options.

Ms. Elliott Brown ceded her time to Dr. Turner. On June 30, 2018, the City's Commonwealth Attorney announced he had hired five Assistant Commonwealth Attorneys. Unfortunately, none of these attorneys were black. The NAACP met with him in August regarding the lack of racial diversity in his office. He said the perspective of a black attorney would provide multiple benefits for the Commonwealth Attorney's office. He called on Council to put pressure on the Commonwealth Attorney to hire a diverse staff.

Dr. Bellamy said he has had a conversation with Mr. Platania, and he has been assured he will work towards building equity. Ms. Walker said she had conversations with the Commonwealth Attorney's office about what change would look like.

Ms. Walker addressed the audience regarding fair treatment when enforcing speaker time limits.

Ms. Rosia Parker said Mr. Signer should not have accepted any awards on behalf of the community. She asked the Chief of Police why the brown community was not taken care of. She said she will never feel protected in this City. She said Mr. Murphy's presentation was not convincing.

Dr. Bellamy asked about planning with the People's Coalition and special parking plans that were supposed to be in place for Friendship Court. Chief Brackney addressed the parking plan enforced around Friendship Court. She described the patrolling plans that were executed in vulnerable communities. She gave her contact information for people who have further concerns.

Mr. Murphy clarified parking restrictions around Friendship Court. However, private space managed by PHA is not controlled by the City.

Ms. Emily Dreyfus, on behalf of the Legal Aid Justice Center and the Charlottesville Low Income Housing Coalition, shared information from a petition with nearly 1500 signatures. She said the Comprehensive Plan process has largely left out black and poor community members. She called on Council to discuss NDS's proposal in order to put it in place as quickly as possible. She said there should be no Comprehensive Plan until an affordable housing strategy is in place, no later than January 31, 2019. She called for a \$50 million bond issuance. She asked the community to contact her if they are interested in more information.

Ms. Galvin said we need to make sure zoning is compatible with the goals we have as a community. Peer-to-peer outreach is essential.

Ms. Ashley Davies, land use planner at Williams Mullen, representing Riverbend Development, thanked Council for considering the zoning text amendment for drive-through windows in a highway corridor. She clarified that fast-food restaurants are currently a by-right use. She said she hopes we can work together to accomplish a goal that she does not view as being at odds with the Hydraulic small area plan.

Mr. Dave G., County resident, said many City residents are facing true emergencies, such as homelessness and debt. The declaration of emergency was an attempt to intimidate protestors. He called for dismantling of the police, slashing their budget and taking away their guns.

Ms. Nancy O'Brien said her first experience was at the reporting from the EJI pilgrimage. People opened their hearts and minds to people who did not agree with them. She said she felt renewed and hopeful that a healing process was occurring at the events she attended throughout the weekend of August 10-12. Although she knows this was not happened all over the City, she thanked the people who took part in healing, especially the clergy.

Mr. Don Gathers said his comments are coming directly from him and not from any particular organization. He asked Council to provide CRB support, grant a level of autonomy, and please stay out of the way and let them do the work they have been tasked to do. He said the CRB has already run into a few roadblocks. They requested administrative support and provision of meals, but asked that the conversation not be directed.

Dr. Bellamy asked if we can provide CRB with a stipend for food, as we did with the Blue Ribbon Commission. He asked Mr. Gathers what the budget request would be. Council gave general support with moving forward to consider a budget request at the September 17 Council meeting.

Mr. Mark Kavit, 400 Altamont St., spoke against the proposed changes in highway zoning. He said Council should listen to the opinions of their advisory boards. He asked Mr. Signer to support neighborhoods by voting against the drive through zoning text amendment.

Ms. Walker said her understanding of this project was that it would not be anything that is being proposed to go into that space. In previous developments, like West 2nd, Council was told that the property owner has the right to do what they desire with the property. She said she has not been able to get clarity on why this is any different.

Ms. Walker called for a break at 8:48 p.m. and reconvened the meeting at 9:15 p.m.

COMMUNITY MATTERS

CONSENT AGENDA:

- a. Minutes for August 6
- b. APPROPRIATION: Additional Funding for Medicaid Expansion - \$168,658 (2nd reading)
[Additional Funding for Medicaid Expansion](#)
- c. APPROPRIATION: Additional Funding for Department of Social Services VIEW Program - \$12,512 (2nd reading)
[Additional Funding for Department of Social Services VIEW Program](#)
- d. APPROPRIATION: Strategic Energy Initiatives - \$367,698.50 (2nd reading)
[Strategic Energy Initiatives](#)
- e. APPROPRIATION: Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$205,000 (Carried)
[Charlottesville/Albemarle Adult Drug Treatment Court Grant Award](#)
- f. APPROPRIATION: Office of Emergency Medical Services Rescue Squad Assistance Fund Grant - \$499,703.55 (Carried)
[Office of Emergency Medical Services](#)
- g. APPROPRIATION: Supplemental Local Emergency Management Performance Grant Fire Department -\$13,143.29 (Fire Dept.) (Carried)
[Supplemental Local Emergency Management Performance Grant](#)
- h. APPROPRIATION: Check and Connect Student Engagement Continuation Grant - \$137,000 (Carried)
[Check and Connect Student Engagement](#)
- i. APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant - \$452,704 (Carried)

[Virginia Juvenile Community Crime Control Act Grant](#)

j. RESOLUTION: Black Business Expo Funding Request - \$2,000

[Black Business Expo Funding Request](#)

k. RESOLUTION: Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution

[Ratification by Virginia of the Equal Rights Amendment](#)

l. ORDINANCE: Quitclaim Gas Easement in Cascadia Subdivision (Alb County) to VDOT (Carried)

[Quitclaim Gas Easement in Cascadia Subdivision](#)

m. ORDINANCE: Quitclaim Gas Easement in Estes Park Subdivision (Alb County) to VDOT (Carried)

[Quitclaim Gas Easement in Estes Park Subdivision](#)

On motion by Mr. Signer, seconded by Ms. Galvin, the consent agenda was moved for discussion.

Mr. Signer called the public's attention to item b. regarding Medicaid expansion; this matters greatly to over 2,000 of our community members. The consent agenda passed 5-0.

[PUBLIC HEARING: City Manager Search Process](#)

[City Manager Search Process](#)

Mr. Murphy presented to Council.

On motion, the public hearing was opened.

Ms. Peggy Van Yahres, 1700 Chesapeake St., said the School Board slowed the process down and composed an advisory committee to serve as a touchstone throughout the process, working with the search firm to develop an engaging, competent process. They trusted their search firm, but they worked to verify finalists by sending community members into finalists' communities and spending time with those who worked with them. She said you need both a strong Mayor and a strong City Manager, working together. We need to do more to unite this community after the tough year we have had. She called the Council's attention to the names on the Drewary Brown Bridge and the work they did in the community.

Mr. Don Gathers said the community yearns for transparency and inclusivity. Please go out into the communities to see what people are looking for in our next City Manager. Do not rush, and do not conduct back room deals.

Mr. Mark Kavit said the most important thing is transparency. The next City Manager must truly believe in this. They must ensure the public is getting sufficient notice on matters coming before the Council. He commented on short notice regarding the public process on the Ridge/McIntire redesign process. Neighborhood leaders should have an interview panel with the final candidates.

Mr. Walt Heinecke, Amherst St., said the politics around the interim City Manager process were disturbing and problematic. We need to support a vision of transforming the community; please put politics aside and think about what is best for the community when moving ahead. He said

sometimes Council has to make morally right decisions instead of technically right decisions. The entire country is watching for us to make a transformative, systemic change and uproot institutional racism. This process should be more transparent than ever before. Please change the position description to say, "a demonstrated commitment to equity and fairness", and ask how the City Manager will work with the mayor, Council and the public in a way not before seen in this City.

Mr. Louis Shultz, 1809 E. Market St., said there are still a lot of questions to be answered about the former City Manager.

Ms. Olivia Patton, City resident, reviewed her experience with a recent FOIA request and asked how the community can expect this process to be open when FOIA responses are not handled in a timely matter. It seems this information was withheld so as to not be provided in time for tonight's public hearing.

Ms. Walker asked for clarification on being fired without cause triggering loan forgiveness. Ms. Galvin asked for clarification on the terms of the loan forgiveness.

A woman said activists in Chapel Hill just pulled down the Silent Sam statue. Whoever you select for the next City Manager needs to have nerve.

Having no further speakers, the public hearing was closed.

Mr. Signer said the idea of taking the time to do this right was very well-taken. Maryland elects their City Manager, and he asked people in the community to share thoughts about that practice, as we are thinking about this process on the whole.

Ms. Walker said this would limit elections to people who live in Charlottesville, and we need to make sure we are looking outside this area for this position.

Ms. Hill said Council needs to come to an agreement on what transparency looks like. We have to balance the effect this may have on the recruiting pool. Council must establish ground rules amongst themselves, within the community, and with the public.

Ms. Galvin said she hopes we will be walked through the process by the consultants who are helping us conduct the search. She thanked Ms. Van Yahres for her points and liked the idea of a steering committee. She said we need a change agent as a City Manager, not someone who is maintaining status quo.

Ms. Walker said a lot of community engagement is planned, especially within communities that do not feel comfortable coming to us. She called for accountability throughout the process and asked the community to be vocal if they feel they are not getting transparency.

[PUBLIC HEARING / ORDINANCE: Easement to Dominion Power at McIntire Park - Skate Park \(carried\)](#)
[Easement to Dominion Power at McIntire Park](#)

Mr. Doug Ehman, Parks Division Manager, presented to Council.
 The public hearing was opened. Having no speakers, the public hearing was closed.
 On motion by Ms. Galvin, seconded by Ms. Hill, the ordinance carried.

[PUBLIC HEARING / ORDINANCE: Release of Portion of Sewer Easement at Belmont Station Subdivision \(carried\)](#)
[Release of Portion of Sewer Easement at Belmont Station Subdivision](#)

Ms. Lauren Hildebrand, Director of Public Utilities, presented to Council.

The public hearing was opened. Having no speakers, the public hearing was closed.

On motion by Ms. Hill, seconded by Ms. Galvin, the ordinance carried.

Mr. Blair clarified that he did not believe a motion and second were necessary. Council could simply vote this ordinance through on the consent agenda at the next meeting.

[PUBLIC HEARING / ORDINANCE: Release of Sewer Easement at Beta Apartments on 17th Street \(carried\)](#)
[Release of Sewer Easement at Beta Apartments](#)

Ms. Lauren Hildebrand, Director of Public Utilities, presented to Council.

The public hearing was opened. Having no speakers, the public hearing was closed.

The ordinance moved forward for a second reading.

[RESOLUTION: Approving Policy to Conduct Electronic Meetings](#)
[Approving Policy to Conduct Electronic Meetings](#)

Mr. Blair, City Attorney, presented to Council. He discussed the terms under which a Councilor must comply in order to participate in a meeting electronically. Exemptions for participation due to personal matters are allowed twice in one year. Exemptions for participation due to disability are unlimited. The record must show the remote location from where the Councilor is participating. Council must then vote to allow or disallow the member(s) from participation.

The last sentence of Section 3 limiting participation applies to personal reasons only.

Ms. Hill clarified that this applies to open and closed meetings.

Ms. Walker asked if the vote requires a 4/5s majority. Mr. Blair said Council could require this in their policy. Ms. Walker said she is concerned about the circumstances surrounding Councilors' ability to call emergency meetings.

Ms. Rice asked if Councilors are able to participate in meetings via phone if they do not participate, beyond the two meeting per year limit. Mr. Blair said someone can listen but cannot speak or act, because that would constitute participation.

Ms. Walker clarified that all Councilors must be notified when a meeting is called. She asked for provisions guiding when and how Council meetings may be called. Mr. Blair reviewed the code and FOIA regarding noticing meetings.

On motion by Mr. Signer, seconded by Ms. Galvin, the resolution was passed as amended, editing section 3 to specify that the two meeting limit applies only to personal reasons. The resolution passed 5-0.

[ORDINANCE: Restaurants: Drive-through windows in Highway Corridor \(2nd reading\)](#)
[Restaurants: Drive-through windows in Highway Corridor](#)

Mr. Ikefuna introduced the item to Council. Ms. Galvin asked Council to allow for presentations from Chip Boyles, Rebecca Schmidt, and Denise Bonds to provide additional information on this item. Ms. Walker said she believed we have the information we need. Ms. Galvin had support from Dr. Bellamy and Mr. Signer to allow for the presentations.

Mr. Chip Boyles, TJPDC, MPO member, and Hydraulic Planning Project member, presented Council with a recommendation and answered clarifying questions.

Ms. Rebecca Schmidt with the Thomas Jefferson Health District, presented to Council regarding health concerns related to drive-through windows.

Ms. Walker said the conversations surrounding this matter are problematic, because not all people are able to use the amenities being discussed.

Council discussed affordable housing and zoning options for the future of the City.

Ms. Walker called for a vote on approving the ZTA to allow for drive-through windows by Special Use Permit within the entire highway corridor. She asked for clarification on whether or not you are able to pull out areas for this. Mr. Blair said an applicant would still have to apply for a special use permit to apply for a drive through window. The motion carried 3-2 (Galvin, Signer no.)

[REPORT: Monticello Road Traffic Reversal Pilot](#)

Mr. Brennen Duncan, Traffic Engineer, NDS, presented to Council and answered clarifying questions. Council voiced support for staff's approach.

[Monticello Road Traffic Reversal Pilot](#)

[OTHER BUSINESS](#)

Ms. Hill asked Council to consider moving the consent agenda to immediately following roll call, and allowing for speakers with a secured spot who are here to address a consent agenda

item. Council voiced support for this approach. Council agreed to implement this starting September 17.

Ms. Walker said she supports inviting any member of the public to speak about consent agenda items.

Mr. Blair recommended voting on the change at the September 17 meeting, and then implementing the new process at the first meeting in October.

OTHER BUSINESS

Ms. Hill asked if Council would be willing to address the questions posed by the Civilian Review Board. Ms. Hill and Ms. Walker committed to attending the meeting on August 28.

MATTERS BY THE PUBLIC

Ms. Joy Johnson, 802 Hardy Dr., described an encounter she had with Ms. Hill at a recent community event with police officers. She said Council still does not understand what the systemic issues are in our City.

Mr. Michael Payne said he is disappointed in Council's vote to approve the drive-through at Hydraulic, especially since it was against the Planning Commission's recommendation. This does not further our affordable housing goals.

Ms. Walker and Ms. Galvin discussed why they voted the way they did on the item. Mr. Tony Wasch asked if the public would be able to weigh in before Council voted to amend the resolution regarding the CRB.

Meeting adjourned at 12:08 a.m.