

COUNCIL CHAMBER - February 19, 2019

Mayor Walker called the meeting to order at 6:30 p.m.

ROLL CALL

Council met in regular session on this date with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Ms. Kathy Galvin, and Mr. Mike Signer. Absent: Dr. Wes Bellamy.

ANNOUNCEMENTS

Ms. Galvin read an announcement regarding regional climate action engagement opportunities and advised that the City is accepting public comment through March 17th.

CONSENT AGENDA

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

- a. **Minutes – February 4, 2019 Regular Meeting; February 6, 2019 Work Session; February 6, 2019 Closed Meeting**

[Minutes - February 4, 2019 Regular Meeting](#)

[Minutes - February 6, 2019 Work Session](#)

[Minutes - February 6, 2019 Closed Meeting](#)

- b. **APPROPRIATION: Dockless Mobility Funds for Bicycle and Pedestrian Improvements - \$50,575 (Carried)**

[Dockless Mobility Funds for Bicycle and Pedestrian Improvements](#)

- c. **APPROPRIATION: Capital Fund Transfer for Completion of the Standards and Design Manual Rewrite - \$66,680.**

[Capital Fund Transfer for Completion of the Standards and Design Manual Rewrite](#)

This item was pulled from the Consent Agenda for discussion later in the meeting.

- d. **RESOLUTION: Acquisition of 142 acres on Reservoir Road from Hedgerow Holdings**

[Acquisition of 142 acres on Reservoir Road from Hedgerow Holdings](#)

RESOLUTION APPROVING THE ACQUISITION OF LAND NEAR RAGGED MOUNTAIN RESERVOIR FOR EXPANSION OF THE CITY PARKS AND TRAIL SYSTEM

WHEREAS, Hedgerow Holdings I, LLC and Hedgerow Holdings VI, LLC (“Hedgerow”), the owner of a tract of land identified on Albemarle County Tax Map 75 as Parcels 47B, 58, 62, 62A, 63B and 63C, hereinafter the “Property”, has indicated a willingness to convey the Property to the City of Charlottesville for parkland and greenbelt trail purposes; and

WHEREAS, the City has been awarded a grant of \$600,000 from the U.S. Department of Agriculture for the purchase of the Property; and

WHEREAS, the Property is comprised of six (6) separate parcels of land, collectively assessed at approximately \$2.4 million; and

WHEREAS, acquisition of the Property will preserve forestland, extend the City’s greenbelt trail system, and expand the riparian zone at Ragged Mountain Reservoir; and

WHEREAS, the City’s Parks and Recreation Department seeks the endorsement of City Council to proceed with the purchase of the above-described land at a purchase price of \$600,000.00, which is well below the Albemarle County Assessor’s valuation of the land, with the remaining value of the Property being donated to the City by Hedgerow; and

WHEREAS, a Real Estate Purchase and Sale Agreement for the conveyance of said land has been reviewed and approved by the City Attorney’s Office; now, therefore,

BE IT RESOLVED that this Council hereby authorizes the purchase of a tract of land (approximately 142 acres) located near Ragged Mountain Reservoir in the County of Albemarle for expansion of the City’s parkland and greenbelt trail system. The City Manager is hereby authorized to execute a purchase agreement, in form approved by the City Attorney or his designee, and the City Attorney’s Office shall take whatever actions are necessary to effect the acquisition of the above-described Property, pursuant to the terms and conditions, including receipt of the grant funds, set forth in the aforementioned purchase agreement.

- e. **ORDINANCE: Lease for Albemarle-Charlottesville Historical Society at 200 2nd Street, NE (2nd reading)**

[Lease for Albemarle-Charlottesville Historical Society at 200 2nd Street, NE](#)

ORDINANCE APPROVING THE LEASE OF CITY-OWNED PROPERTY AT 200 SECOND STREET, N.E. TO THE ALBEMARLE CHARLOTTESVILLE HISTORICAL SOCIETY

Ms. Walker noted disagreement with the lease terms.

f. ORDINANCE: Increase in Limit for Small Purchase Procurement (2nd reading)

[Increase in Limit for Small Purchase Procurement](#)

Ms. Walker requested that Item “c” be pulled from the Consent Agenda for discussion at the end of the regular meeting, and noted for the record that she disagrees with the lease terms for the Albemarle-Charlottesville Historical Society in Item “e”.

Ms. Walker opened up the floor for comment on the Consent Agenda. No one came forward to speak.

On motion by Ms. Galvin, seconded by Ms. Hill, Council by the following vote APPROVED the CONSENT AGENDA with Item “c” removed for discussion later in the meeting (Ayes: Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None. Absent: Dr. Bellamy).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Interim City Manager Mike Murphy discussed the following matters:

1. Benches on downtown mall. He advised that when the mall was re-bricked in 2008-2009, specifications were made about where the benches could be installed. After several community meetings where concerns for public safety were discussed, at the request of the City Manager, Mr. Daly and staff at the Department of Parks and Recreation pulled the existing benches from the downtown mall. The metal backless benches were installed only in front of City Hall and in April 2016 the Board of Architectural Review (BAR) declined approval of placing the benches in other places along the mall. Per regulations, staff had ten days to appeal the decision and that did not happen. Mr. Murphy advised Council of several options and added that a cultural landscape study and a tree preservation study are underway.
 - Ms. Galvin asked about process for approaching BAR about the benches again. She would like for staff to inquire with the BAR. Mr. Blair advised that it would be acceptable if the Certificate of Appropriateness is still applicable for the benches.
2. Piloting a new route for the trolley. He advised that the construction on Water Street should be concluded in time for the pilot to begin during the first week of March.

In other matters, Mr. Murphy wanted to make the public aware that the Vinegar Hill plaque that was on the planter near the CODE building prior to demolition will be conveyed to the Parks and Recreation Department. Additionally, annual deer culling will be in process for the next two to three weeks.

COMMUNITY MATTERS

Ms. Aileen Bartels of Belmont spoke about pedestrian issues at construction or road engineering sites.

Ms. Susan Sherman of the Willoughby neighborhood spoke about concern that the 5th/Ridge/McIntire Multimodal Corridor Study included inaccurate reporting of accidents, and that there have been three additional accidents since the January Planning Commission meeting. She asked for the City to dedicate resources to a robust traffic study for the intersection of 5th and Harris Streets.

Ms. Joy Johnson, resident, thanked the Planning Commission for the unanimous vote to approve the Critical Slopes waiver at the South First Street development, and asked Council to support what the Planning Commission has done. She advised that the project has momentum. She asked for follow-up from Ms. Galvin regarding tweaks to the site plan. Ms. Hill, Ms. Walker and Ms. Galvin discussed their understanding of the process. Mr. Murphy explained that until it is clarified by the Housing Authority, as the applicant to the City, his instruction to staff has been to continue the approval process. He has instructed Ms. Creasy to poll the Planning Commission because there is a tight timeframe for getting in the Low Income Housing Tax Credit application.

Ms. Star Peterson, resident, agreed with the first speaker that sidewalk accessibility is important. She spoke about racial profiling. She advised that the City has not been enforcing that bushes be cut as they are growing over sidewalks, where pedestrians and those in wheelchairs are affected.

Ms. Teri Kent spoke as the single mom of two teenage boys, as a former middle school educator, as the founder of Better World Betty – an eco-friendly resource for Charlottesville, and as Director of Programs and Communications for Charlottesville Climate Collaborative. She has worked with various individuals and organizations on how they can reduce their climate impacts. She proposed a leadership goal of 45% reduction in greenhouse gas emissions by 2030 and a carbon neutrality goal by 2050, and more regular reporting to track progress.

Ms. Audrey Oliver, resident, spoke about redevelopment for public housing units. She thanked the Planning Commission for approval of the Critical Slopes waiver and she asked Council to not delay this project and to approve it at the March 4, 2019, meeting.

Ms. Joan Fenton, Chair of Downtown Business Association, spoke about pedestrian walkways. She expressed displeasure with how the Water Street walkway has been handled. She asked that someone get in touch with Google Maps because people are turning the wrong way on several streets. She advised that prior to bench removal on the downtown mall, there were people with knives threatening vendors and musicians, and it was not a safe place when there was an accumulation of benches. During community discussions, it was determined that if benches were to be put back, the business community should be involved in the discussion. Regarding tax proposals, she expressed that the business community thinks the City has been short-sighted and not receptive to certain businesses that would have increased the tax base.

Mr. Brandon Collins, resident representing Charlottesville Public Housing Association of Residents (PHAR), spoke about the Critical Slopes waiver. He advised that it is a collective effort, and the submitted plan was based on informed decisions that were taken seriously,

although questions from Council continue to arise. He expressed concern that the conversation at the previous Council meeting was misunderstood, and asked that Council approve the Critical Slopes waiver on March 4, stating that it is environmentally smart, good for the Housing Authority and residents support it.

Mr. Jules Desroches, representing the People's Coalition, spoke about disproportionate minority contacts in the present system of justice. He advised that although Jim Crow laws are no longer on the books, the persistence of disproportionate minority contact in regard to stops, arrests and incarceration rates indicate that the laws are still in ostensible effect. He acknowledged demonstrated progress with the creation of the Police Civilian Review Board (CRB) and regular attendance by Chief Brackney at meetings. He asked for a renewed and stronger commitment to data transparency and a diverse local CRB with the ability to review civilian complaints and internal police investigations and act on them when proper steps are not being taken. He asked for Council's commitment to a stronger CRB and asked that Council observe and analyze the comments of Denise Lunsford and the Southern State Police Benevolent Association regarding Katrina Turner.

Ms. Katrina Turner spoke about her comments from the City Council meeting of February 4, 2019, reflecting that her words got jumbled when talking about the police situation with her son. She expressed concern at the way that Ms. Lunsford "came at" her after that meeting and asked what could be done. Ms. Walker advised that Ms. Lunsford was hired for a certain purpose for the board that she represents and that there is nothing that Council can do regarding Ms. Lunsford's intentions. Ms. Walker said she is hoping that CRB bylaws will be written and passed in order for Council to appoint the next board.

Mr. David Redding, County resident, advised that he is a volunteer with Virginia Organizing, which sponsors four organizations working on climate change initiatives: 1) Community Bikes, giving away and selling bikes at low cost in the summertime; 2) Urban Agricultural Collective of Charlottesville, training people on how to grow organic food; 3) Open Source Computer Recycling, repairing and giving away computers; and 4) Food Not Bombs, providing free meals every Sunday.

Ms. Alice Washington, Crescent Halls resident, asked why it is taking so long for approval of the \$50M previously requested. Ms. Walker advised that the money has been approved for Crescent Halls redevelopment. Mr. Murphy discussed the Capital Improvement Plan budget in relation to the project. The application to the State for Low Income Housing Tax Credits (LIHTC) is due March 14. Council budget approval is scheduled for April 8, and the money for the Housing Authority should be available July 1, 2019, if approved.

Ms. Sandra Murray of the Willoughby subdivision spoke about 5th Street traffic issues. She spoke as a representative of the homeowners association and as a traffic accident victim near the Wegman's shopping center. She indicated that people are frustrated with traffic backup, and that traffic light settings need to be evaluated. Mr. Murphy advised that he will follow up with Brennan Duncan, the City's traffic engineer, and bring suggestions back to Council. Mr. Signer asked that the City's care and intent be expressed to the neighborhood in light of a comment from Mr. Duncan at a previous Council meeting. Ms. Galvin asked that staff follow up to make

sure that crash data is accurately reported, and advised that updating traffic signalization is on the Capital Improvement Plan, but not on the funded list. She requested that Council consider doing something about this issue.

Ms. Gloria Beard of the CRB asked if the City really wants to have a Board. She advised that it has been difficult operating as a board with no guidelines and the inability to have questions answered.

Mr. Donald Gathers asked Council to individually and collectively express openly their support for the CRB and the work that they do.

Ms. Galvin asked Mr. Murphy to address pedestrian pathways on construction sites. Mr. Murphy advised that he will follow up. Ms. Galvin expressed support of the CRB.

Mayor Walker called for recess at 7:54 p.m.

The meeting reconvened at 8:17 p.m.

RESOLUTION*: APPROVAL OF 2018-2022 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE REPORT

[Approval of 2018-2022 Analysis of Impediments to Fair Housing Choice Report](#)

Mr. Alex Ikefuna, Director of Neighborhood Development Services, presented the report. The previous Analysis of Impediments (AI) was completed in program year 2011 and ended in program year 2017-2018. This current AI will serve to guide activities relating to fair housing for fiscal years 2018-2022. Mr. Ikefuna shared a letter from the Legal Aid Justice Center that was received at 4:49 p.m. on the last day of the public engagement period, February 15, 2019. He asked Council to approve the report with the public comments added.

Ms. Walker opened the public hearing. No one came forward to speak.

The public hearing was closed.

Council reached consensus to bring this item and the final report to the Consent Agenda at the next regular Council meeting.

ORDINANCE*: REZONE 918 NASSAU STREET (HOGWALLER FARM) TO MIXED USE HIGHWAY CORRIDOR

[Rezone 918 Nassau Street \(Hogwaller Farm\) to Mixed Use Highway Corridor](#)

Mr. Blair advised Council that he was contacted by the developer earlier in the day, at which time the developer advised of offering a proffer amendment. Mr. Blair advised Council to have the public hearing and consider the developer's request, then bring the item back at the

March 18, 2019, meeting for a another public hearing based on the amended proffers. It would be Council's prerogative whether to send the item back to the Planning Commission.

Dr. Bellamy arrived at 8:42 p.m.

Mr. Signer asked for clarification on handling proffers in the public setting. Mr. Blair advised Council that the developer initiated the proffer discussion and he encouraged Council to hear the developer's presentation, then make a decision.

Mr. Matt Alfele, City Planner – Neighborhood Development Services, gave a summary of the report and introduced the developer.

Mr. Justin Shimp, developer, introduced his team and gave a presentation to support the rezoning petition to change zoning at 918 Nassau Street from the existing R-2 Two-family Residential to HW Highway Corridor with proffered development conditions.

Ms. Hannah Patrick, who will operate the farm piece of this project spoke about farming and gardening in the City. She spoke of the gap between knowledge and resources, which could be addressed with projects such as the urban farm and fresh food market.

Ms. Galvin asked about support from community partners. Mr. Shimp advised that he wanted to know what he can offer community partners before making commitments.

Ms. Walker referenced an email received today from Mr. Shimp. Mr. Shimp advised that the email was a clarification of how the vote went for the Planning Commission.

Mr. Signer asked questions about the implementation of the farming component. He asked about the business plan and advised that it sounds promising, but he needs more indication that this will be a successful nonprofit endeavor. Mr. Shimp explained avenues for revenue, but that there is no written structure.

Dr. Bellamy asked for a broader description of the affordable housing component. Mr. Shimp stated that they are proffering three of the thirty units as affordable housing at 50%.

Mayor Walker opened the public hearing for the Rezoning and Special Use Permit requests.

Mr. Dave Redding, with Eco Village Charlottesville, and principal of the healthy food coalition, spoke in support of the project. He advised that the next level up from Affordable Housing is Workforce Housing. Ms. Walker advise that Affordable Housing includes Workforce Housing.

Mr. Mark Cavitt spoke to the developer and advised that he is willing to meet. He offered copies of materials including studies of floodplains and photos for Council review.

Mr. Brandon Collins of the Woolen Mills neighborhood asked for clarification on the affordable housing piece of the proposal and how the affordability would be met. Mr. Shimp offered an explanation.

Mr. Ashton Gilmore, Nassau Street resident, spoke in favor of the proposed development. He advised that prior to recent development on Nassau Street, the land was used as a dumping ground and it is now much cleaner.

Mr. David Cats of Belmont commented on the floodplain historically impacting residents. He also expressed concern about the re-drawing of FEMA maps being done by the developer.

Ms. Karen Cats of Belmont spoke in opposition to the project. She spoke of dangers of building in or near the floodplain.

The public hearing was closed.

Ms. Hill asked about the permitted usage of the land. Mr. Blair advised that the current R-2 designation allows for building residential units.

Ms. Galvin asked why the applicant is going through the rigorous rezoning process for minimal increase in units. She shared concerns about the project and non-alignment with the Comprehensive Plan. She compared this to the approach of the Booker Street project, then to the River Road project.

Mr. Signer added that there was an equity component to the Booker Street project. He expressed that he wants to consider what is best for the neighborhood. He expressed concern that the applicant did not present a business plan, but mentioned that the pros seem to outweigh the cons. He also advised Mr. Shimp to seek further expertise about the non-profit component of the market space.

Ms. Walker asked the applicant about the possibility of coming back with a business plan. He advised that he would be willing to come back during the second meeting in March. Ms. Walker asked about the potential to expand the affordable housing piece past the twelve years proposed. Mr. Shimp advised that an updated proffer can be discussed at the next meeting.

Ms. Nicole Scrow, land use attorney, summarized neighbor input in support of the project, as a result of community engagement meetings and door-to-door outreach.

Council agreed to bring the item back for a public hearing on March 18, 2019.

RESOLUTION*: SPECIAL USE PERMIT FOR 918 NASSAU STREET (HOGWALLER FARM) FOR INCREASED DENSITY

[Special use permit for 918 Nassau Street \(Hogwaller Farm\) for increased density](#)

Along with the rezoning request, Council agreed to bring this item back for public hearing on March 18, 2019.

ORDINANCE*: ENCROACHMENT AND AERIAL EASEMENT FROM CITY FOR CODE BUILDING ON WEST MAIN (MALL) (Carried)

[Encroachment and Aerial Easement from City for CODE Building on West Main](#)

Ms. Lauren Hildebrand, Director of Utilities, came forward to summarize the request. Staff recommended approval.

Mr. Signer disclosed out of an excess of caution that Mr. Woodruff's firm was a client of his former law firm, an engagement which ended over two years ago, and that based on advice from the former City Attorney, there was no conflict because no current engagement exists.

Ms. Walker opened the public hearing. No one came forward to speak.

The public hearing was closed.

On motion of Ms. Hill, seconded by Ms. Galvin, Council by the following vote APPROVED the Ordinance (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin. Noes: None).

RESOLUTION*: Business Equity Fund - \$100,000 Allocation

[Business Equity Fund](#)

Dr. Bellamy shared background of the idea for this fund, a Council-funded loan program for socially disadvantaged individuals, an economic equity opportunity to help increase the number of minority businesses in the City of Charlottesville.

Ms. Galvin asked how the program will work. Steven Davis of the Community Investment Collaborative (CIC) spoke about the process.

Ms. Walker asked about the amount of funding and about the interest rate, and whether the interest rate could be capped at a lower rate than proposed.

Discussion ensued about capping the loan interest rate and Council covering the administrative costs upfront for the CIC.

On motion by Dr. Bellamy, seconded by Ms. Galvin, Council by the following vote APPROVED the Resolution to allocate up to \$109,000 from the Council Strategic Initiatives account in the General Fund to the Community Investment Collaborative, with the understanding that the donation agreement will come back on the consent agenda March 4, 2019, to include that the annual interest rate shall not exceed three percent and the first \$3,000 shall be returned to the fund (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Ms. Galvin, Mr. Signer; Noes: None).

The meeting recessed at 10:35 p.m.

The meeting reconvened at 10:41 p.m.

REPORT: Update on Cherry Avenue Small Area Plan

[Update on Cherry Avenue Small Area Plan](#)

Mr. Chip Boyles, Executive Director of the Thomas Jefferson Planning District Commission (TJPDC), presented a status report of the planning process of the Cherry Avenue Small Area Plan. He advised of community outreach efforts which included “front porch meetings”, with 434 comments received from the public and on-site meetings with 18 businesses. He discussed key takeaways from the process.

Mr. Boyles advised that next steps for the TJPDC Technical or Steering Committee involve a multi-day neighborhood event to finish the plan, including a final community group meeting, setting up a satellite office, front porch meetings, and a public presentation and open house. The committee would provide direction.

Ms. Galvin asked whether there will be established targets for affordable housing. Mr. Blair advised that Council could formalize a policy to give direction for future development.

No vote was required.

REPORT: Next steps in ABRT Process / Priority Setting Commission - Written Report Only

[Next steps in ABRT Process / Priority Setting Commission](#)

Councilors had no questions about the written report.

Consent Agenda Item C. - Capital Fund Transfer for Completion of the Standards and Design Manual Rewrite

This item was pulled from the Consent Agenda by Ms. Walker. She had questions about why the \$66,680 would be needed in addition to efforts that had already been made.

Mr. Ikefuna advised that Council directed staff to figure what it would cost for additional community engagement. This was the result. Mr. Ikefuna advised that the community engagement process was robust. Staff tried to structure the rewrite of the Standards and Design Manual to comply with State regulations.

Mr. Murphy advised that a memo would be helpful to explain the use of the \$66,680.

Council agreed that they would like for staff to determine, prior to engaging with the consultant, if it is possible to incorporate the cadre comments and other feedback before placing this on a future agenda. Council would also like staff recommendations on portions of the \$66,680 that could be cut or may not be essential.

Council reached consensus to defer this item.

OTHER BUSINESS

No other business was discussed.

MATTERS BY THE PUBLIC

No one came forward to speak.

Mayor Walker adjourned the meeting at 11:33 p.m.