

*Minutes being resubmitted with corrections for approval; original submission was duplicate from January 19, 2021.

CITY COUNCIL MEETING
February 1, 2021
Virtual/electronic meeting via Zoom

5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, February 1, 2021, in accordance with local ordinance #O-20-154a, adopted December 10, 2020, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. Mayor Nikuyah Walker called the meeting to order at 5:31 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1), for discussion or consideration of one or more prospective candidates for appointment to City boards or commissions.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, 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.

The meeting adjourned at 6:33 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met in an electronic meeting on Monday, February 1, 2021, in accordance with local ordinance #O-20-154a, adopted December 10, 2020, to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. Mayor Nikuyah Walker called the meeting to order at 6:34 PM with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

City Council observed a moment of silence.

On motion by Councilor Snook, seconded by Vice Mayor Magill, Council unanimously approved the meeting agenda.

ANNOUNCEMENTS

Vice Mayor Magill shared information about the Thomas Jefferson Planning District

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Commission emergency rental and mortgage relief program funding distribution and stated that the program is now administered by the Department of Housing and Community Development through its contracted agencies. She also shared contact information for the home repair program administered through the Community Development Block Grant for the Ridge Street Priority Area.

Ryan McKay, Director of Policy and Planning for the Blue Ridge Health District shared an update on COVID-19.

BOARD/COMMISSION APPOINTMENTS

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPOINTED John Delehanty and Ella Jordan to the Personnel Appeals Board: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

CONSENT AGENDA*

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

1. MINUTES: December 21, 2020 closed and regular meetings, January 14, 2021 special/emergency meeting
2. ORDINANCE: Human Rights Commission Ordinance Recommended Amendments (2nd reading)

This item was pulled and moved to Item 12 on the meeting agenda.

3. APPROPRIATION: Substantial Action Plan CDBG-CV3 Budget (2nd reading)

APPROPRIATION OF FUNDS FOR THE CITY OF CHARLOTTESVILLE'S 2020-2021 COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS 3: \$335,024

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant Coronavirus (CDBG-CV3) authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of the historic public health crisis for the fiscal year in the total amount of \$335,024;

WHEREAS, City Council has received recommendations for the expenditure of funds from the CDBG/HOME Task Force, the Strategic Action Team (SAT), and the Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore;

BE IT RESOLVED, by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Coronavirus Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as

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circumstances may require, to the extent permitted by applicable federal grant regulations.

ECONOMIC DEVELOPMENT

Community Investment Collaborative: COVID Response **\$130,970.00**
 Microenterprise Assistance

PUBLIC SERVICE PROGRAMS

CRHA Eviction Diversion Program **\$91,485.94**
 Habitat for Humanity COVID Response Program **\$45,563.26**

ADMINISTRATION AND PLANNING

Admin and Planning **\$67,004.80**

TOTAL \$335,024

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$335,024 from the Department of Housing and Urban Development authorized by the CARES Act. Funds authorized will be used to prevent, prepare for, and respond to the coronavirus (COVID-19).

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

Expenditures

<i>Program</i>	<i>Amount</i>	<i>Fund</i>	<i>Internal Order/Cost Center</i>	<i>G/L Account</i>
Community Investment Collaborative: Covid Response Microenterprise Assistance	\$130,970.00	218	1900395	530670
CRHA Eviction Diversion Program	\$91,485.94	218	1900396	530670
Habitat for Humanity COVID Response Program	\$45,563.26	218	1900397	530670
Admin and Planning	\$67,004.80	218	3914004000	530670

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Revenue

<i>Program</i>	<i>Amount</i>	<i>Fund</i>	<i>WBS Element</i>	<i>G/L Account</i>
Community Investment Collaborative: Covid Response Microenterprise Assistance	\$130,970.00	218	P-001 HUD IDIS Drawdown	431110
CRHA Eviction Diversion Program	\$91,485.94	218	P-001 HUD IDIS Drawdown	431110
Habitat for Humanity COVID Response Program	\$45,563.26	218	P-001 HUD IDIS Drawdown	431110
Admin and Planning	\$67,004.80	218	P-001 HUD IDIS Drawdown	431110

4. APPROPRIATION: Approval and Appropriation of CDBG and HOME Budget Allocations for FY2021-2022

a. APPROPRIATION: CDBG 2021-2022 budget allocations (2nd reading)

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2021-2022 COMMUNITY DEVELOPMENT
BLOCK GRANT - \$419,367**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2021-2022 fiscal year in the total amount of \$419,367 from HUD.

WHEREAS, City Council has received recommendations for the expenditure of funds from the CDBG/HOME Task Force, the SAT, and the Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore;

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

PRIORITY NEIGHBORHOOD
Ridge Street Priority Neighborhood

\$150,000.00

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ECONOMIC DEVELOPMENT

Community Investment Collaborative Scholarships	\$32,056.28
Local Energy Alliance Program Workforce Development	\$29,238.00

PUBLIC SERVICE PROGRAMS

PHAR – Resident Involved Redevelopment	\$34,000.00
LVCA – Workforce Development Tutoring	\$25,000.00

HOUSING PROJECTS

LEAP – Assisted Home Performance	\$65,199.32
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ADMINISTRATION AND PLANNING:

Admin and Planning	\$83,873.40
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TOTAL

\$419,367

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$419,367 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

b. **APPROPRIATION: HOME 2021-2022 budget allocations (2nd reading)**

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE’S 2021-2022
HOME FUNDS \$127,210.56**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2021-2022 fiscal year;

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WHEREAS, the region is receiving an award for HOME funds for fiscal year 21-22 of which the City will receive \$80,594 to be expended on affordable housing initiatives such as homeowner rehab, energy efficiency improvements, and downpayment assistance.

WHEREAS, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the a surplus of match from previous appropriations from the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$20,148.50. The total of the HUD money, program income, and the local match, equals \$100,722.48 and will be distributed as shown below.

PROJECTS	HOME EN	MATCH	TOTAL
AHIP-Homeowner Rehab	\$37,352.00	\$6,716.16	\$44,048.16
Habitat for Humanity-DPA FY21-22	\$24,000.00	\$6,716.16	\$30,716.16
LEAP- Assisted Home Performance	\$19,242.00	\$6,716.16	\$25,958.16
Total	\$80,594	\$20,148.50	\$100,722.48

*includes Program Income which does not require local match.

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$80,594 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

5. **APPROPRIATION:** Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) Grant Award - \$20,000 (carried)
6. **APPROPRIATION:** 2020 Local Emergency Management Performance Grant – Supplemental (EMPG-S) - \$99,608 (carried)
7. **RESOLUTION:** Financial Resolution Supporting Friendship Court Phase 2

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RESOLUTION
Financial Resolution Supporting Friendship Court Phase 2
Parcel Number: 280112000

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Charlottesville, Virginia hereby commits up to \$3,250,000 in the form of loans for the redevelopment of Friendship Court Phase 2. The commitment of up to \$3,250,000 will help to subsidize Phase 2 which in turn will create approximately 106 newly constructed affordable housing units and some commercial space in the City of Charlottesville. This commitment will be made to Piedmont Housing Alliance and NHT Communities.

8. RESOLUTION: Reallocation of State of Good Repair Bridge Funds to the Melbourne Road Bridge over the Norfolk Southern Railway - \$220,930

RESOLUTION
Reallocation of State of Good Repair Bridge Funds - \$220,930.00

WHEREAS, a total of \$220,930.00 in state funds for the State of Good Repair Bridge Program requires transfer; and

NOW, THEREFORE BE IT FURTHER RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

Transfer From

Revenue

\$ 165,768.00	Fund: 426	WBS: P-000953	G/L Account: 430110
\$ 21,407.00	Fund: 426	WBS: P-000954	G/L Account: 430110
\$ 33,755.00	Fund: 426	WBS: P-000955	G/L Account: 430110

Expenditures

\$ 165,768.00	Fund: 426	WBS: P-000953	G/L Account: 599999
\$ 21,407.00	Fund: 426	WBS: P-000954	G/L Account: 599999
\$ 33,755.00	Fund: 426	WBS: P-000955	G/L Account: 599999

Transfer To

Revenue

\$ 220,930.00	Fund: 426	WBS: P-00956	G/L Account: 430110
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Expenditures

\$ 220,930.00	Fund: 426	WBS: P-00956	G/L Account: 599999
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At the request of Vice Mayor Magill, Item 2 was pulled from the Consent Agenda for

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discussion at the end of the meeting as Item 12.

Mayor Walker opened the floor for speakers on the Consent Agenda:

- Speakers Walt Heinecke and Tanesha Hudson agreed that Item 2 regarding the Human Rights Commission ordinance should be moved from the Consent Agenda.

At the request of Mayor Walker, the minutes from December 21, 2020 were pulled for a separate vote.

At the request of Mayor Walker, Item 4b was pulled for a separate vote.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED the Consent Agenda without Item 2, without December 21, 2020 minutes, and without Item 4b: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the December 21, 2020 meeting minutes: 4-0-1 (Ayes: Hill, Magill, Payne, Snook; Noes: none; Abstention: Walker).

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED Item 4b: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

On motion by Vice Mayor Magill, seconded by Councilor Hill, Council by the following vote APPROVED the removal of Item 2 from the Consent Agenda and placing it as Item 12 under General Business for discussion: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Acting City Manager John Blair shared an update on the following community matters:

1. Regarding cameras on South First Street, he learned from speaking with Chief Brackney that the cameras were placed there by the police department in response to gun violence in that area.
2. He gave notice of the February 3 Council Budget Work Session and the February 9 joint meeting with the Planning Commission concerning the Capital Improvement Plan budget.
3. He thanked local girl scouts for putting umbrella stations at the Downtown Transit Center.

COMMUNITY MATTERS

Mayor Walker opened the floor for public comment. The following members of the public spoke:

1. Andrew Jaspén and son Abraham Jaspén, city residents, spoke in support of allowing

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Little League baseball games to resume in the City of Charlottesville.

2. Dr. Laura Goldblatt, city resident, spoke in opposition to the Special Use Permit for 1000 Monticello Road.
3. Maddy Green, city resident, spoke in opposition to the Special Use Permit for 1000 Monticello Road.
4. Kimber Hawkey, city resident, spoke in opposition to the Special Use Permit for 1000 Monticello Road.
5. Tanesha Hudson spoke about the process for hiring and contracting a city manager.
6. Brandon Collins, city resident, spoke in opposition to the Special Use Permit for 1000 Monticello Road.
7. Walt Heinecke, city resident, suggested that Council take a deep look at the Special Use Permit request for 1000 Monticello Road, and regarding the Human Rights Commission Ordinance he encouraged strengthening the ordinance before approving it.
8. Don Gathers, city resident, spoke in opposition to the Special Use Permit for 1000 Monticello Road, about the city manager hiring firm, and about Council working relations.
9. Chris Meyer, city resident, asked for an update on the City Schools reconfiguration contract.
10. Mary Bauer, city resident, spoke in support of passing the Human Rights Ordinance as presented.
11. Mark Kavit, city resident, spoke in opposition to the Special Use Permit for 1000 Monticello Road.

Councilors addressed questions posed during Community Matters. The meeting recessed at 7:46 p.m. and reconvened at 8:01 p.m.

ACTION ITEMS

9. RESOLUTION*: 1000 Monticello Road Special Use Permit request for additional residential density

Brian Haluska, Principal Planner, presented the request and advised that the conditions of the proposed special use permit were updated based on feedback from the Planning Commission. He answered clarifying questions from Council.

Applicant Justin Shimp provided additional information about the project.

Following Council discussion Kelsey Shlein with the applicant and Alex Ikefuna, Deputy Director for Neighborhood Development Services, answered specific questions regarding income requirements and affordable housing. Councilor Payne expressed concern about adverse impact on the neighborhood.

On motion by Councilor Payne, seconded by Vice Mayor Magill, Council by the

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following vote DENIED the Special Use Permit at 1000 Monticello Road: 3-2 (Ayes: Magill, Payne, Walker; Noes: Hill, Snook).

10. PUBLIC HEARING/RESOLUTION*: Union Station Partnership - Reconveyance of TMP 30002A00 and Associated Easements

Chris Engel, Economic Development Director, presented the request. He advised that the item was before Council in order to tie up a loose end from a development agreement that was entered into between Union Station Partners and the City of Charlottesville in the late 1990s.

Mayor Walker opened the public hearing. With no speakers coming forward, Mayor Walker closed the public hearing.

On motion by Councilor Snook, seconded by Vice Mayor Magill, Council by the following vote APPROVED the resolution: 5-0 approval (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**RESOLUTION
AUTHORIZING RECONVEYANCE OF LAND TO UNION STATION PARTNERS,
LLC AND RELATED ACTIONS**

WHEREAS, on March 15, 1999 City Council adopted an “Ordinance Approving Amended Development Agreement Between the City and Union Station Partners for Union Station Project”, which ordinance remains in effect (“Development Agreement”); and

WHEREAS, pursuant to the Development Agreement, the City accepted a conveyance of land from USP (“Lot 1”) and a temporary public access easement (“Temporary Easement”), and entered into certain obligations, in order to facilitate a federally funded project, and the City and USP agreed that, if the project did not materialize within two (2) years after the Development Agreement, USP would become entitled to re-acquire Lot 1 under terms specified in the Development Agreement,

WHEREAS, the project did not materialize within the time contemplated by the Development Agreement, and USP has given written notice to the City of its desire to terminate the Development Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Charlottesville City Council that the Mayor is hereby authorized to execute one or more deeds, approved as to form by the City Attorney’s Office, to effect the following actions in accordance with the Development Agreement:

1. Reconveyance of Lot 1 to USP,
2. Vacation of the Temporary Public Access Easement shown on sheet 4 of the “Subdivision Plat Union Station” prepared by Kirk Hughes & Associates dated November 25, 1998, and of any other access easements or easements for ingress

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and egress over USP's property, granted to the City pursuant to the Development Agreement, and

BE IT FURTHER RESOLVED THAT the City Attorney, as the official authorized by the City to accept conveyance(s) of property on behalf of Council, may accept dedications and conveyances from USP to the City of any new easement(s) required either by the Development Agreement or as part of the administrative approval of any plat related to the reconveyance of Lot 1 to USP.

GENERAL BUSINESS

11. REPORT: West Main Value Engineering Study

Jeanette Janiczek, UCI Program Manager, presented the report and acknowledged a future work session regarding the Capital Improvement Plan. She stated that the goal of the value engineering process was not to rescop the project, but to have an independent firm to review the work that has been done and advise of ways to improve the project while still maintaining the envisioned benefits and possibly reducing costs.

Councilors commented about managing stormwater runoff, climate action planning, and budget priorities. Other staff provided additional information: Jack Dawson, David Brown, and Krisy Hammill.

Council discussed the value added by the West Main project, weighing it against other large projects and commitments, and agreed to make a decision at the February 3 meeting.

12. ORDINANCE: Human Rights Commission Ordinance Recommended Amendments (2nd reading)

This item was moved from the Consent Agenda for discussion.

Vice Mayor Magill provided a summary of the reason for discussion and read the proposed changes to the ordinance. She stated that she worked with various people to make changes since the first reading of the ordinance.

Councilors discussed additional changes presented by Vice Mayor Magill.

On motion by Councilor Payne, seconded by Councilor Hill, Council by the following vote ADOPTED the ordinance with amendments: 4-0-1 (Ayes: Hill, Magill, Payne, Snook; Noes: none; Abstention: Walker). Ms. Walker abstained based on process changes and her understanding of what the process was supposed to look like.

AN ORDINANCE AMENDING AND REENACTING CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, ARTICLE XV (HUMAN RIGHTS) SEC. 2-431 (UNLAWFUL DISCRIMINATION PROHIBITED); SEC. 2-432 (HUMAN RIGHTS COMMISSION);

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SEC. 2-433 (ROLE OF THE HUMAN RIGHTS COMMISSION); SEC. 2-437 (DUTIES AND RESPONSIBILITIES INVESTIGATION OF INDIVIDUAL COMPLAINTS AND ISSUANCE OF FINDINGS); AND SEC. 2-439.1 (ENFORCEMENT AUTHORITY- THE ROLE OF THE COMMISSION) TO UPDATE THE ORDINANCE TO REFLECT CHANGES TO THE VIRGINIA HUMAN RIGHTS ACT (VIRGINIA CODE TITLE 2.2, CHAPTER 39), THE VIRGINIA FAIR HOUSING LAW (VIRGINIA CODE TITLE 36, CHAPTER 5.1), and VIRGINIA CODE, TITLE 15.2, CHAPTER 9, §15.2-965, AS AMENDED.

OTHER BUSINESS

Councilor Hill referenced the City Ordinance regarding COVID-19 and asked how Spring sports such as Little League are affected. Mr. Blair advised that he would work with Ms. Robertson to get a complete answer.

Mayor Walker provided an update on groups addressing violence in the city. She advised that she would be sending the proposals for non-profit groups to address violence disruption. The BUCK group wants to host an in-person training, costing approximately \$30,000. She spoke of stipends for participants and other ways that Council could support the initiatives.

MATTERS BY THE PUBLIC

Mayor Walker opened the floor for public comment.

- Don Gathers encouraged Council to govern "in the now".
- Walt Heinecke thanked Council for the vote on the 1000 Monticello SUP and for moving the Human Rights Commission ordinance forward. He made farewell remarks to John Blair.

The meeting adjourned at 11:09 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council