

**NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, June 6, 2016, AT 5:00 p.m. IN THE Second Floor Conference Room.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code

BY ORDER OF THE MAYOR

BY Paige Rice

**SECOND FLOOR CONFERENCE ROOM – June 6, 2016**

Council met in special session on this date with the following members present: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer.

On motion by Ms. Galvin, seconded by Ms. Szakos, Council voted, (Ayes: Ms. Szakos, Ms. Galvin, Mr. Signer, Mr. Fenwick; Noes: None; Absent at time of vote: Mr. Bellamy), to meet in closed session for (1) Discussion and consideration of specific candidates for appointment to City boards and commissions, as authorized by Virginia Code sec. 2.2-3711 (A) (1); and, (2) Consultation with legal counsel and briefings by staff members pertaining to actual litigation between the City of Charlottesville and Charlottesville Parking Center, and consultation with legal counsel for legal advice regarding the negotiation of the terms and conditions of an agreement providing for the co-location of the City and Albemarle County General District Courts, as authorized by Virginia Code sec. 2.2-3711 (A) (7).

On motion by Mr. Signer, seconded by Ms. Szakos, Council certified by the following vote (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None), that to the best of each Council Member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion convening the closed session were heard, discussed or considered in the closed session.

**COUNCIL CHAMBERS – June 6, 2016**

**CALL TO ORDER**

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

**AWARDS/RECOGNITIONS & ANNOUNCEMENTS**

Mr. Signer asked for a moment of silence for Mohammad Ali.

Mr. Bellamy read a proclamation in honor of Alzheimer's Awareness Month. He announced the Deep Roots Hold Strong Branches event, sponsored by AKA Sorority, Monday

June 20 from 11:30-1pm in the PVCC room at the Jefferson School. Ms. Sue Freidan was present to accept. She thanked Council and the AKA Sorority for their support of the fight against Alzheimer's.

Ms. Galvin read a proclamation honoring Chef Vivetta Roberta Cintelli from sister city Poggio a Caiano. Mr. Signer presented her with a Jefferson Cup. Ms. Galvin said she is excited to attend a conference in Poggio this summer, and she said she will not be using any City monies for the trip.

Mr. Signer read a proclamation in honor of the Daughters of Zion cemetery; Ms. St. Rose and Ms. Benadette Whitsett-Hammond were present to accept the proclamation.

Ms. Szakos announced CAT received a marketing award at the VA Transit Association for 2016 Small System Outstanding Public Transportation for its 2015 "City as a Canvas" campaign. Mr. John Jones acknowledged the hard work of Westley Kern and the Tom Tom Festival for organizing this.

Mr. Fenwick invited Ms. Krista Farrell to speak about the JMRL summer program schedule. Ms. Farrell she invited the community to participate.

Mr. Bellamy said Juneteenth will take place on June 17 at the Jefferson School African American Heritage Center at 6pm and will conclude on June 19 with a jazz dinner.

## **APPOINTMENTS TO BOARDS & COMMISSIONS**

Mr. Signer announced that Council met in closed session to discuss the blue ribbon commission nominations. The appointed slate for the commission is:

Gordon Fields, Human Rights Commission representative  
 Rachel Lloyd, PLACE representative  
 Margaret O'Bryant, Historic Resources Committee representative  
 Andrea Douglas  
 Frank Dukes  
 Don Gathers  
 Melvin Burruss  
 Jane Smith  
 John Mason

On motion by Mr. Fenwick, seconded by Ms. Szakos, Council appointed Jennifer Mayo to the CACVB Board of Directors. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

## **CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC**

Mr. Mike Murphy said staff has looked into pedestrian safety at the McIntire/Harris intersection. The most recent accident was the first in two years. The joint City Council/CRHA

meeting is tentatively being considered for the July or August CRHA dates, with preference for the August date. Ms. Nancy Carpenter's concern for pedestrians near the Preston intersection and the Rose Hill area will be examined by the City's traffic engineer with a report to come in the next few weeks. Chief Thomas and staff will meet with department representatives to examine speeding enforcement and City policies; recommendations will be forthcoming. Regarding bus service on Grady Ave., throughout the time UVA is in session, Monday through Saturday service is available in the Grady Ave. corridor. He reviewed the costs of running the service in the summer.

Ms. Lena Seville, 808 Altavista Ave., said the light at Water St. and 3<sup>rd</sup> St. SE is next to a bus stop. The buses are held up at that light as they leave the downtown transit center. The CAT Advisory Board has asked that the light be removed. She said the light was slated for removal until a Councilor intervened.

Ms. Michelle Packer, said her family lives at the intersection of Spotswood and Meadowbrook Rd., and City staff are driving a recommendation for the Aqua Virginia SUP, which will have a negative effect on her neighborhood.

Ms. Dena Imlay, Meadowbrook Hills neighborhood, said the car wash proposed for their neighborhood will put traffic to and from the business through their R-1 zoned residential street. The development at the corner of Barracks and Emmet will have the same entrance and exit through Meadowbrook, and her neighbors are against these plans.

Mr. Joe Draego said he is tired of having Council speak to citizens as if they are our rulers instead of our representatives. He said there is no methodology for vetting Muslim immigrants. Mr. Signer asked Mr. Draego to address Council, as speech-making to the public is not appropriate. Mr. Draego continued speech-making and said Mr. Signer is welcome to invite the officer to escort him from Chambers; Mr. Signer did so.

Ms. Rebecca Quinn, 104 4<sup>th</sup> St., said she is a proponent of transparency. She said she appreciates that future utility bills will provide a notice of the PILOT. However, she said staff is still not accurately representing what the PILOT is.

Ms. Joan Fenton, 3705 Country Ln., said the downtown community recently held several meetings about parking. The City has an important role to play, and residents are counting on Council to provide parking as a utility. A petition is being circulated and will come to Council. She said the traffic light on 3<sup>rd</sup> St. is the handicap entrance for the downtown mall.

Mr. Edward Brooks, 2630 Gardener Ln., said he is a close relative of Drewary Brown. He said this is a good time to look at the Lee Park statue in the bigger scheme of figuring out what Charlottesville can do in the future to tell its story in the context of tourism. He suggested renaming the park Centennial Park in 2020.

Mr. John Heyden, Westwood Rd., said he was at City Hall Friday to pay his taxes. Citizens have a level of discontent for the contempt Councilors show for them. He is concerned

about City and County school over-crowding. He said the County released a report that shows the City has double the crime of the County, referencing page 11 of the report.

Mr. John Hossack, 617 Davis Ave., said the priorities of Hydraulic versus Rio in terms of intersection improvement are skewed. He asked where the money will come from for fixing Hydraulic. He said the sign proposed for the new construction directs traffic down his street.

**RESOLUTION: CHARLOTTESVILLE PARKING CENTER (CPC)**

Mr. Signer read the following resolution regarding the Charlottesville Parking Center:

Charlottesville Parking Center (CPC) has given the City of Charlottesville an appraisal that CPC represents as the fair market value of the parking spaces at the Water Street Garage. In light of the public's interest in accessible and affordable parking downtown, City Council hereby directs the City Manager to make an offer to buy CPC's spaces based on the value of that appraisal. The City Manager is further authorized to create an advisory task force of stakeholders with the mission of providing advice and resources to the City on parking.

Ms. Szakos clarified that this resolution is pursuant to conversations Council conducted earlier in the evening during closed session.

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

**CONSENT AGENDA**

Minutes for May 16

- APPROPRIATION: Victim Witness Assistance Program Grant Increase – \$22,245 (carried)
- APPROPRIATION: Virginia Homelessness Solutions Grant – \$5,887 (carried)
- APPROPRIATION: Local Agency Contributions for Crisis Intervention Training - \$15,000 (carried)
- APPROPRIATION: Albemarle County Reimbursement for the Gordon Avenue Ceiling & Lighting Replacement Project – \$25,000 (carried)
- RESOLUTION: Amendment to Local Government Support Agreement for Recycling Programs
- ~~RESOLUTION: Virginia Land and Water Conservation Fund Grant Application for Acquisition of Park Land on Moore's Creek (1<sup>st</sup> of 1 reading)~~
- RESOLUTION: 2016 Climate Protection Program Support Grant – \$70,000
- RESOLUTION: Approval of Employment of Outside Counsel

RESOLUTION:	Notification of PILOT for Utilities
ORDINANCE:	Utility Rates (2 <sup>nd</sup> reading)
ORDINANCE:	Homeowner Tax Relief Grant (carried)
APPROPRIATION:	Housing Opportunities for Persons with AIDS – \$11,485 (carried)

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

At Mr. Signer's request, Ms. Susan Elliott provided Council with an update on the 2016 Climate Protection Program. Ms. Szakos pointed out the LEAP Solarize program helped install several new solar projects, including for private residents. Ms. Galvin asked about emissions for the Charlottesville community. Ms. Elliott said they did go up; a contributing factor was UVA's growth spurt over the past 11 years.

**PUBLIC HEARING / RESOLUTION: CHARLOTTESVILLE ALBEMARLE CONVENTION AND VISITORS BUREAU LEASE**

Mr. John Jones, City transit manager, presented to Council.

On motion, the public hearing was opened. Having no speakers, the public hearing was closed.

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

**PUBLIC HEARING / ORDINANCE: CLOSING UNACCEPTED STREET OFF DOUGLAS AVENUE (carried)**

Mr. Craig Brown, City Attorney, presented to Council. Staff recommends closing the portion off Douglas Avenue.

On motion, the public hearing was opened. Having no speakers, the public hearing was closed.

Ms. Galvin confirmed that this is not a policy position on closing alleys; Council considers requests of this nature on a case-by-case basis. Mr. Brown confirmed that this is the case based on the conditions of the alley.

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

**RESOLUTION: AQUA CAR WASH – 1300 EMMET STREET**

Ms. Heather Newmyer presented to Council. She read the following recommended conditions from the Planning Commission:

1. The Special Use approved is a manual car wash, a facility where cleaning is performed by employees of the facility. If the property owner wishes to establish or operate an automatic car wash, or a self-service car wash, those types of car washes are not covered by this permit.
2. Access to Meadowbrook Road from the Subject Property shall be closed off during hours when the car wash is not open to the public.
3. Signage shall be placed interior to the site, directing the drivers of motor vehicles exiting the rear of the site to turn left onto Meadowbrook Road and proceed to Morton Drive in order to access Emmet Street North. This will help mitigate any potential increase in traffic through the Meadowbrook Hills/Rugby neighborhood. The location, type and orientation of the signage shall be reviewed and approved by the Traffic Engineer. In addition to the interior signage, some type of physical improvement (for example, a concrete “porkchop”) shall be installed to inhibit the ability of motor vehicles to make a right turn onto Meadowbrook Rd when exiting the Subject Property. The nature and dimensions of the physical improvement shall be determined by the City’s Traffic Engineer as part of final site plan approval.
4. Bicycle storage facilities will be provided on-site, the number and type to be reviewed and approved by the Bicycle and Pedestrian Coordinator.
5. The owner of the Subject Property shall provide a connection to the proposed Meadowbrook Rd sidewalk/trail project (Barracks to Morton Drive), in a location determined in consultation with City staff.
6. The Special Use shall comply with the following requirements, in addition to the requirements of the City’s outdoor lighting regulations (City Code Chapter 34, Article IX, Division 3, Sec. 34-1000 et seq.): a vertical shield shall be placed on each light fixture installed adjacent to low-density residential properties. The final site plan shall identify the location of each light fixture subject to this requirement, and shall identify the type of fixture and shield that will be used to comply with this condition.
7. No exterior speakers shall be utilized in the operation of the Special Use.
8. The hours of operation for the Special Use shall be limited to the period from 8:00 am to 7:00 pm each day.

Mr. Fenwick asked about steps planned to prevent cars backing up on Emmett Street. Mr. Brendan Duncan, Assistant City Engineer, said there is a fairly large queue planned for the site, which would accommodate at least ten cars.

Mr. Jeff Kamrath, applicant for Aqua Virginia, presented to Council. He reviewed a revised site plan based on concerns from abutting neighborhoods.

Mr. Fenwick said he hopes the business is successful, and he thanked Mr. Kamrath for being proactive with the neighborhoods.

Ms. Szakos asked how many employees will be present during peak hours. Mr. Kamrath said there will be eight to ten employees full time, with an additional eight to ten on the busiest days. He said he will not allow his employees to park on Meadowbrook, and he would be happy to accept that as an addition to the SUP. Ms. Szakos said she would like to add this.

Mr. Bellamy asked if more public engagement is planned. Mr. Kamrath said all the proposed changes were driven by the community. He said he would be happy to share future plans with the neighborhood e-mail list. He said the property is by-right for business, and his business is the best opportunity to limit traffic to the abutting neighborhoods. Mr. Kamrath said he would be pleased to host another meeting with the neighborhood if needed.

Ms. Szakos moved approval of the SUP; Mr. Fenwick seconded the motion.

Ms. Galvin moved for another five minutes of discussion.

Ms. Galvin said this is thoughtfully done as a car wash, but she must follow the standard of review for City code. She reviewed the standards for review and said she does not see that this is in keeping with the latest comprehensive plan for entrance corridors.

Ms. Szakos moved for another ten minutes of discussion

Mr. Bellamy said the developments allowed by-right would bring more traffic than the current proposed project.

Ms. Galvin said our zoning is terribly out of alignment with our comprehensive plan.

Mr. Kamrath said the building's size is constrained by the site's physical features, including a boxed culvert and sewer lines.

Mr. Signer asked Ms. Newmyer to explain what a zoning overhaul would entail. Ms. Newmyer explained the process. She said the site itself is difficult for buildings. She explained why staff supports this SUP.

Mr. Bellamy moved for another five minutes of discussion.

Ms. Szakos said she agrees in principle with Ms. Galvin's sentiments, but this site is not the best place to make a stand on the comprehensive plan. Being a local business with the owner on-site makes a huge difference, particularly because of their commitment to being good partners with the neighborhood. She also encouraged further engagement with the neighbors.

Mr. Fenwick said he supports this proposal, especially with the Planning Commission's support.

Mr. Signer said he does recognize the City's problem of the City's code not aligning with the City's goals, and Council should shift into high gear to ensure our code matches our comprehensive plan. However, he will support this application because provides a better outcome than another use that could come in by-right might provide.

Mr. Fenwick accepted Ms. Szakos' additional provision prohibiting employee parking on neighborhood streets while working at the facility.

Mr. Signer called for a vote; the resolution passed. (Ayes: Ms. Szakos, Mr. Fenwick, Mr. Signer; Noes: Ms. Galvin, Mr. Bellamy.)

**RESOLUTION: INTERNATIONAL SCHOOL OF CHARLOTTESVILLE SUP – 209 MAURY AVE.**

Mr. Matt Alfele presented to Council. The Planning Commission recommended approval of the special use permit, subject to the following conditions:

1. An approved final site plan, and related permits and approvals, must be obtained for the Subject Property, collectively, prior to commencement of any new construction, alteration of existing building(s), and prior to any land disturbing activities. A traffic impact study shall be completed and included with submission of the proposed final site plan, at a level of detail deemed adequate by the City's Traffic Engineer.
2. A maximum of 150 children, total (combined school and daycare uses) may be served at facilities located on the Subject Property; an amendment of this SUP shall be required in advance of serving more than 150 children.
3. A safety plan for the daycare and elementary school uses must be submitted annually to the City's Zoning Administrator. The safety plan, at minimum, must address the following:
  - a. Identify drop-off and pick-up locations and times; coordination activities on the site during peak traffic hours.
  - b. Trash and recycling storage and removal plan.
  - c. Times and dates for planned events that would fall outside normal operation hours of the daycare and elementary school facilities.
4. All on-site parking shall be used exclusively for the child care and educational purposes of the daycare and elementary school facilities, and related accessory uses. The final site plan shall specify measures, such as the use of gates or physical barriers, to prevent on-site parking for or in connection with any other purpose(s), use(s) or activities(s).

5. The existing trees buffering the Subject Property from Stadium Road and Maury Avenue shall be preserved, and shall be protected from on-site construction activities. An existing tree may be removed only if:

- a. A certified arborist provides a report stating the subject tree needs to be removed due to disease, infestation, or is a danger to the public; or
- b. The tree needs to be removed to accommodate a necessary curb cut onto Stadium Road or Maury Avenue (and establishment of a required sight distance for such entrance/exit), following a determination by the City's Traffic Engineer that such curb cut is necessary; or
- c. The tree needs to be removed to accommodate new pedestrian circulation facilities required by the City's zoning regulations.

6. The final site plan shall demonstrate that S-3 Screening, as described in Section 34-871 of the City Code, will be installed and maintained along the western and southern boundaries of the Subject Property.

7. All outdoor lighting and light fixtures shall be full cut-off luminaires and equipped with devices for redirecting light (such as shields, visors, or hoods) to eliminate the luminaire glare and block direct light from on-site fixtures from spilling over onto neighboring properties. Fixtures shall be recessed and shall completely conceal the light source from all viewing positions other than those on-site positions intended to receive illumination from the fixture.

8. Playground equipment shall be installed per manufacturer's specifications. For so long as any playground equipment remains on the Subject Property, it shall be maintained in accordance with manufacturer's specifications.

9. Special events, not part of the day-to-day operations of the educational or daycare facility, shall utilize off-site or valet parking to accommodate vehicles for which adequate parking is not available on-site.

10. Alterations and modifications of the existing building, designed by Eugene Bradbury, shall preserve the exterior features and character of the existing building, and shall be designed and performed in accordance with the Secretary of Interior's Standards for Historic Preservation (Rehabilitation). Alterations or removal of architecturally significant interior features shall be photographically documented by the owner of the Subject Property in advance of such alteration or removal, those photographs shall be offered to the University of Virginia Eugene Bradbury Special Collections library.

Ms. Szakos asked if there were any concerns from the neighborhood. Mr. Alfele said there was support from most, but there was a concern about traffic. Staff believes these concerns have been adequately addressed.

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

**RESOLUTION: BLUE MOON REDEVELOPMENT SUP – 600 W. MAIN ST.**

Ms. Szakos said she believed this item should be deferred because she feels unprepared for the presentation based on the changing status of this report item for tonight's agenda. Mr. Signer said he agrees with Ms. Szakos' assessment.

Mr. Signer asked Mr. Sipe if he is amendable to deferring the resolution to the June 20 meeting. Mr. Sipe said he would like to know what the concerns are.

Ms. Galvin said the biggest concern has to do with the parking ratios, and they do not want to see any parking spill over onto the neighborhood streets. The definition of a micro-unit was not clear based on the information they received from the Planning Commission.

The item was deferred to the June 20 agenda.

**RESOLUTION: SIDEWALK WAIVER REQUEST FOR 1501 RUGBY RD.**

Ms. Heather Newmyer presented to Council.

Mr. Signer asked if the \$17,000 amount is comparable to other waivers that have been granted. Mr. Ikefuna said this amount is calculated based on linear frontage.

Ms. Szakos suggested denying the waiver and granting a special discount to the waiver accepting \$10,000 instead. Mr. Brown advised that this course of action is not permissible; this ordinance was enacted pursuant to enabling legislation, which amended our authority to apply this to our zoning ordinances. It also introduces an element of uncertainty to the process and sets a precedent for these matters coming to Council for negotiation every time. Council could elect to grant a waiver on one portion of the property but not the other.

Mr. John Pfaltz, owner of the property at 1501 Rugby Rd., presented to Council. The building permit said the sidewalk should be installed along the front of the lot, which is on Rugby Road and is less than half the total of the linear frontage quoted by City staff.

Mr. Ikefuna clarified that the sidewalk fund was not developed when the waiver was granted to a nearby home on Blue Ridge.

Mr. Fenwick asked if staff had any concept of the cost when this was being permitted. Mr. Ikefuna said he did not believe so. Ms. Newmyer said the code does address parcels of this nature.

Ms. Szakos moved that Council deny a waiver on Rugby Road, but grant a waiver on Hilltop. Mr. Brown said as long as there is clear demarcation, this is acceptable. The applicant can either supply the sidewalk where the waiver was denied or contribute the appropriate amount of money to the sidewalk fund for that side. Ms. Galvin seconded the motion.

Mr. Fenwick said this is a sidewalk from nowhere to nowhere, and he supports a full waiver request.

Mr. Signer moved for five more minutes of discussion.

Mr. Bellamy said he agrees with Mr. Fenwick, and he said it is unfair to penalize citizens for unintended consequences.

Ms. Szakos said this is an unintended consequence of this legislation, but we have a shortage of sidewalks in our City. This evens the playing field and ensures all property owners install sidewalks on their property.

Mr. Signer asked who determines whether or not a sidewalk is needed. Mr. Ikefuna said there is a list of requests for where sidewalks are needed in the next five years. Mr. Haluska said this sidewalk is not on a priority list and would not be on a list in the foreseeable future.

Ms. Galvin said if the Council is not going to support this compromise, then they need to come up with another way of funding sidewalks independent of what is in the capital budget. Ms. Newmyer stated that this neighborhood wants sidewalks, and it is on the bike/pedestrian plan. Mr. Signer said he supports the compromise position because the neighborhood is listed in the bike/ pedestrian plan.

Mr. Bellamy said he agrees that we should find another funding mechanism if we are granting several fee waivers, and the City should bear some of the responsibility. It is not fair for individuals to be penalized for unintended consequences.

The resolution passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Signer; Noes: Mr. Bellamy, Mr. Fenwick.)

## **MOTION FOR BLUE RIBBON COMMISSION APPOINTMENTS**

On motion by Ms. Szakos, seconded by Mr. Fenwick, the appointments to the Blue Ribbon Commission on Race, Memorials and Public Spaces passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Bellamy, Mr. Fenwick, Mr. Signer; Noes: None.)

## **MATTERS BY THE PUBLIC**

Mr. John Pfaltz, said Council should specify how much citizens should have to pay; it should be a fixed amount without any possibility of any alternative.

Ms. Rebecca Quinn, 104 4<sup>th</sup> St., said Council is obligated to make decisions within the rule of law, not change decisions because they do not like an ordinance. Also, cost estimates staff provides are probably on the low side. The sidewalk ordinance is good for the City.

Ms. Nancy Carpenter said June 6 was D-Day, and she wanted to recognize the veterans who were involved with this conflict. She said Mohammad Ali is a good example, and we should recognize him for standing for what he believed in.

Mr. Joe Draego, Carrsbrook neighborhood, said he is concerned for the safety of his family and others who live in Charlottesville based on our inability to vet Muslim immigrants. He said Council has an obligation to talk about this.

Meeting adjourned at 10:26 p.m.

A handwritten signature in cursive script that reads "Gaige Rice". The signature is written in black ink and is positioned above a solid horizontal line.

Clerk of Council