

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, April 2, 2012, AT 6:30 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 Barfield

SECOND FLOOR CONFERENCE ROOM – April 2, 2012

Council met in special session on this date with the following members present: Ms. Galvin, Mr. Huja, Mr. Norris, Ms. Szakos, Ms. Smith.

On motion by Ms. Smith, seconded by Ms. Szakos, Council voted, (Ayes: Mr. Huja, Mr. Norris, Ms. Smith, Ms. Szakos; Noes: None; Absent at time of vote: Ms. Galvin), to meet in closed session for consultation with legal counsel and briefings by staff members pertaining to the pending case of City of Charlottesville v. Joe H. Gieck Trust, involving enforcement of the City's zoning ordinance, where such consultation in an open meeting would adversely affect the City's negotiating or litigating posture, as authorized by Virginia Code sec. 2.2-3711 (A) (7).

On motion by Ms. Smith, seconded by Mr. Norris, Council certified by the following vote (Ayes: Mr. Huja, Mr. Norris, Ms. Szakos, Ms. Smith; Noes: None; Absent at time of vote: Ms. Galvin), 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 – April 2, 2012

Council met in regular session on this date with the following members present: Ms. Galvin, Mr. Huja, Mr. Norris, Ms. Smith and Ms. Szakos.

ANNOUNCEMENTS

Mr. Norris read a proclamation for Fair Housing Month. Ms. Karen Reifenberger was present to accept the proclamation. Call 817-2436 with questions about housing discrimination.

Ms. Smith read a resolution requesting the EPA enforce the Clean Air Act, which will be voted on later in the meeting as part of the consent agenda.

Ms. Galvin read a proclamation for Community Forgiveness Day, which will be Saturday, April 21. Dr. Phillip Duncan accepted the proclamation on behalf of the Synchronicity Foundation.

Mr. Huja read a proclamation in support of the Wayland Mayor's Challenge for Water Conservation. The competition runs March 30 – April 30. To participate, citizens can go to www.mywaterpledge.com to sign up for the challenge.

Mr. Huja also announced a Habitat Open House at 1310 Nunley Street on Tuesday, April 3rd at 2:00 p.m. Councilors and representatives from Habitat for Humanity, Region 10 and the Thomas Jefferson Community Land Trust will be present. Members of the public are welcome to attend. There will be an open house for the SRO Crossings on April 10th at 10:00 a.m.

The next budget work session is tomorrow at 5:00 p.m. in the Basement Conference Room. Council will adopt the budget on Tuesday, April 10th at 5:30 p.m. in the Second Floor Conference Room.

City Hall will be closed Friday, April 13 for Thomas Jefferson's birthday.

Mr. Huja announced that Planning District 10 has been designated one of America's best intergenerational communities

Ms. Szakos announced the City workshop *Selling to the City* for any business located in City limits. Registration is required.

Ms. Smith said City Market starts a new season this Saturday at 7:00 a.m.

MATTERS BY THE PUBLIC

Ms. Emerald Young said she is in favor of ending water fluoridation because of the health risks it poses. She said the health risks of ingesting fluoridated water should have been disclosed.

Ms. Bethany Hurley, 414 Oak St., a member of Virginia Organizing, said there is disproportionate minority contact with the criminal justice system. Statistics show there is a biased approach in how minorities travel through the system. She requested formation of a task force to address the issue.

Mr. Jordan McNeish, 1800 Jefferson Park Ave., asked Council to endorse a resolution supporting the decriminalization of marijuana. He read a proposed resolution and asked for it to be placed on an upcoming agenda.

Ms. Thomasine Wilson, 4080 Cypress Pointe Dr., with Virginia Organizing, asked for a follow-up on the City's hiring practice of minorities. She asked Council when a work session will take place regarding this topic.

Mr. Ed McCann, 1538 Club Dr., Lynchburg, with Virginia Normal, said there have been other localities that have supported making marijuana use a low priority for local enforcement, and they have reported positive results. He urged Council to support the resolution.

Mr. Brandon Collins, 536 Meade Ave., said it is time for Council to get serious about taking action against racism and the war on drugs. Deprioritizing marijuana and attempting to deal with discrimination should be top priorities. He reminded Council of the PHAR platform and spoke in support of the group's services.

Mr. D.J. Bickers, 465 Lego Dr., a local dentist, said there are benefits of fluoride in the water system. He has done a lot of research that supports the benefits, even after researching the opposition's claims. Children and at-risk citizens need this the most.

Mr. Dave Redding, 609 E. Market St., said adding chloramine to the water causes problems from an engineering point of view. It stays in the water longer and damages household appliances. It is almost impossible to filter. Council should decide against adding chloramine to the water. It may cost more money on the front end, but it will cost users more ultimately.

Ms. Joanie Freeman, 609 E. Market St., said chloramine stays in the water for weeks before it dissipates, unlike chlorine, which dissipates quickly. Chloramine can be detrimental to our agriculture and our fish, especially in case of an accidental spill.

Ms. Lorrie Delehanty, 451 Long St., and 645 Evergreen Ave., said she read the memo to RWSA from Thomas Frederick. Chloramine is the cheap way out of a solution that will cause long-term problems. She quoted a Virginia Tech study stating an increase in lead found in children and toddlers since the addition of chloramine to community water supplies. She cited other severe health side effects.

Ms. Sarah J. Knaup, 417 9th St. NW, read a petition asking RWSA not to use chloramines in the area's drinking water. She said if a new treatment method is required, Council should support seeking an alternate method.

Mr. Thomas Silverstein, 210 Sunset Ave., second year law student at UVA School of Law and Chairman of the Board of Directors of Students for Sensible Drug Policy, said education rather than incarceration is the lynchpin of a sound drug enforcement policy. There is a wide range of consequences for people with marijuana convictions, which undermines the basic intent of drug laws.

Ms. Rose Purdy, homeless, said she quit smoking weed in fear of going to jail, and has since been suffering from ailments she had been treating with marijuana. She cannot afford care for her ailments. OAR and Region 10 should be replaced by voluntary programs that address these issues. There is a lack of resources to assist with issues in her group. Money is wasted on the war on drugs.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Mr. Norris thanked everyone who spoke on fluoride and chloramines. He said he strongly supports an effort to get a grasp on the issue of disproportionate minority contact. He also supported adding a resolution to an upcoming Council agenda on deprioritizing marijuana. We should be looking at education instead of enforcement.

Ms. Smith agreed with Mr. Norris on disproportionate minority contact. She said the marijuana issue is serious, and she thanked Ms. Purdy for her honesty.

Ms. Galvin said information about chloramines has been extremely helpful, and she appreciated the differing viewpoints on fluoride. She said she is very concerned about the way we sentence for marijuana, treating drug use purely as a crime and not something that needs to be dealt with as a disease or something masking other serious issues. She said she will not endorse any one statement made tonight without serious examination of the issue, because it is so important. She said she is supportive of revisiting the sentencing guidelines for all drugs. We should carefully study the costs and benefits of legalizing drug use.

Mr. Huja said he agrees with his fellow Councilors on the marijuana issue.

Ms. Szakos asked staff to follow up on the question of a Work Session regarding the City's minority hiring practices and asked for this to be made a priority. She also spoke about a deluge of negative comments she has received regarding remarks she made about the City's statues at a Festival of the Book luncheon on March 23, where Professor Ed Ayers spoke about the history of the Civil War. She asked that if people have comments for her, particularly hateful or obscene ones, not to make them through her children.

CONSENT AGENDA

On motion by Mr. Norris, seconded by Ms. Smith, the following consent agenda items were approved: (Ayes: Ms. Galvin, Mr. Huja, Mr. Norris, Ms. Szakos, Ms. Smith; Noes: None.)

- a. Minutes for March 19, March 21, March 22
- b. APPROPRIATION: Albemarle County Reimbursement for Preston/Morris Building Envelope Restoration \$1,426.28 (2nd reading)

- c. APPROPRIATION: Albemarle County Reimbursement for CATEC Monument Sign - \$2,301.50 (2nd reading)
- d. APPROPRIATION: Albemarle County Reimbursement for Gordon Avenue Library Elevator/Restroom \$25,232.84 (2nd reading)
- e. APPROPRIATION: Albemarle County Reimbursement for CATEC Bus Loop - \$6,541.22 (2nd reading)
- f. APPROPRIATION: Albemarle County Reimbursement for Central Library McIntire Room - \$487.50 (2nd reading)
- g. APPROPRIATION: Albemarle County Reimbursement - Gordon Avenue Library – Building Envelope \$1,368.78 (2nd reading)
- h. APPROPRIATION: 2011 Juvenile Accountability Block Grant (JABG) - \$14,169 (2nd reading)
- i. APPROPRIATION: State Assistance for Spay and Neuter Program at SPCA – \$853.42 (2nd reading)
- j. APPROPRIATION: Virginia Department of Health Special Nutrition Programs - \$95,000 (carried)
- k. APPROPRIATION: Domestic Violence Services Coordinator Grant - \$47,548 (carried)
- l. RESOLUTION: EPA Clean Air Act Request
- m. RESOLUTION: Sal's Restaurant Café Square Footage
- n. ORDINANCE: Sal's Mall Café Space Ordinance Change (2nd reading)

PUBLIC HEARING: CITY COUNCIL'S PROPOSED FY 2013 BUDGET

Mr. Jones presented to Council. Ms. Beauregard reviewed FY 2013 Budget Amendments. She reviewed initiatives Council has discussed in work sessions and items Council will revisit at their work session on April 3, including the Paramount Theater/Arts Education Program, Music Resource Center, Municipal Band, and First Tee. Mr. Jones said PHAR and FeMale Perspective will also be discussed. Mr. Huja asked for Mountainside to be added to the list.

The public hearing was opened.

Mr. Dick Gibson, 1431 Grove Rd., Chairman of JABA, advocated on behalf of JABA for the citizens they house at Mountainside and the adult care center, which is no longer receiving funding for scholarships from United Way.

Ms. Vivian Newton, Mountainside Senior Living employee, said money is not being invested in seniors and the disabled. Please support Mountainside with funds so those in need have a place to live.

Ms. Saddy Blose, Mountainside Senior Living resident, spoke to Council about her disability and her living situation, and said she has no other place to go. She asked Council to continue to support JABA with funding.

Ms. Jo Marshall, Mountainside Senior Living resident, said she is 94 years old and has been living in Charlottesville since 1936. She spoke of the benefits of living at Mountainside. She asked Charlottesville to take care of its own.

Ms. Cathy vonStorch, Education Coordinator at the Paramount Theatre, spoke in support of funding for their educational programs. She described the children they serve and how they incorporate school curriculum and SOL testing.

Ms. Betty Phelan, 3396 Joy Mountain Rd., member of the Education Committee for the Paramount Theater, spoke in support of arts education performances at the Paramount. She read a letter from Katie Witthauer Murdoch, the gifted education specialist at Clark Elementary.

Ms. Mary Reese, 95 Oak Forest Cir., said she is speaking on behalf of the arts education program at the Paramount Theatre. As a retired educator, she understands what additional experiences mean to children. She read a letter from a second grader thanking her for sending her to a show.

Mr. Brandon Collins, 536 Meade Ave., on behalf of PHAR, thanked Council for considering their funding request, particularly for funding their internship program. The program reaches a diverse group of people. He asked if the Coming Home program was the same as the Home to Work program.

Ms. Michelle Bath Bates, PO Box 4754, Founder and Executive Director of the FeMale Perspective, reviewed what the FeMale Perspective has done over the past year, goals of the program, and their projects. She requested funding for their group, who has been operating on private donations since their inception.

Ms. Debbie Walker, 973 Scott Hill Ln., Scottsville, said the Reentry Summit last year was great. She is also a member of the FeMale Perspective and said that words cannot describe what the organization has done for her, youth, and their families.

Ms. Sibley Johns, 1160 Bishop Ln., Executive Dir. of the Music Resource Center, asked Council to continue funding at their requested level. The program especially serves students with economic challenges.

Ms. Maxine Holland, PO Box 583, Keswick, spoke in support of Sibley Johns and the Music Resource Center. She had a son at the center when he was in high school, and she was impressed at the job of the staff and how well they were working with the students. She asked Council to continue to fully fund the program.

Ms. Colette Hall, 101 Robertson Ln., said the City must budget to its needs, not its wants. Arts and culture is a perfect example of a want over a need. The school budget is out of control, and it has always expected the City General Fund to bail it out.

Mr. Maurice Cox, 702 Ridge St., asked Council to consider fully funding the Music Resource Center. This program serves a range of kids who are at-risk, low income, and middle class.

Ms. Nancy Carpenter, 727 Denali Way, said there are a lot of good programs in the City. If you do not like things that are happening, speak to your representatives.

The public hearing was closed.

Mr. Norris asked for clarification on cutting arts funding from the Paramount, which is not what he thought was happening. He thought it was level funding. Ms. Beauregard said the program they are requesting money for was not previously funded. Mr. Norris said he wanted to clarify this is not a funding cut. Regarding the FeMale Perspective, Mr. Norris said funding better opportunities for young people is how to be proactive. He got clarification from Ms. Bates that there were seven staff people needed for their program, not seven participants. Council asked for data on the number of participants.

Mr. Norris asked Ms. Johns if the number of City kids declined by 25% from this time last year at the Music Resource Center, which is how much funding has been cut. Ms. Johns said they are in fact serving more low income students than they ever have, a majority of which are from the City. Mr. Norris asked Mr. Jones if the City is going to be able to provide an enhanced level of coverage on the downtown mall. He asked if the temporary kiosk that has been in place the last couple of weeks was part of the new funding request. Mr. Jones said that is funded with overtime dollars from the budget for this year and next year.

Ms. Smith said she continues to support PHAR's proposal.

Ms. Szakos said her main concern throughout the ABRT process is that we do follow the process. Council should have a good reason not to take the committee's advice on a recommendation.

Ms. Galvin said it has valuable to see in person how some of these programs affect people. We have to come up with more sustainable revenue streams. This community wants and needs a lot. She said she appreciates having an objective review process, but we need to know when we are deviating and why. She reiterated Council's goals. We may need to look at programs that do not fit all the rules, at least as a pilot.

Mr. Huja said he is not bothered by the process and is open to considering variations in light of new helpful information we have received.

ORDINANCE: ANNUAL TAX LEVY (carried)

Mr. Jones said we are not proposing an increase.

On motion by Mr. Norris, seconded by Ms. Smith, the ordinance carried.

Ms. Smith asked who qualifies for energy efficiency tax reductions. Ms. Beauregard said she will get more information for her.

ORDINANCE: ANNUAL BUDGET APPROPRIATION FOR FY 2013 (carried)

Ms. Szakos clarified with Mr. Brown that amendments could be made after a first motion.

On motion by Ms. Szakos, seconded by Mr. Norris, the ordinance carried.

PUBLIC HEARING / APPROPRIATION: APPROVAL AND APPROPRIATION OF CDBG FUNDS FOR FY 2012-2013 (carried)

Ms. Missy Creasy presented to Council. A public hearing was held by the Planning Commission in March.

Mr. Huja asked if the CRHA health clinic and the PHAR requests were the same. Mr. Norris clarified that they are separate requests.

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

Ms. Smith asked if there was a way to ensure the \$12,000 for down payment assistance through the Habitat project at Sunrise will go to a city resident. Ms. Creasy said that is a requirement of the funding. Mr. Huja said we need to clarify that to Habitat.

On motion by Ms. Szakos, seconded by Ms. Smith, the appropriation carried.

On motion by Mr. Norris, seconded by Ms. Smith, the resolution passed unanimously. (Ayes: Mr. Norris, Ms. Smith, Ms. Galvin, Mr. Huja, Ms. Szakos; Noes: None.)

REPORT: FLUORIDATION OF WATER

Dr. Lillian Peake presented to Council on community water fluoridation. Fluoride is naturally occurring at generally low levels. Water fluoridation remains the

most equitable and cost effective method of delivering fluoride to all members of the community. Most public water systems are fluoridated.

Dr. David Coon, President of the Charlottesville Albemarle Dental Society, said fluoride in the water is a safe and effective way to prevent tooth decay and promote overall oral health. When fluoride was discontinued in cities, instances of tooth decay increased.

Ms. Ellen Tobey, Executive Director of the Community Dental Center, said appropriate public policy should be in place to ensure the best possible health outcome for the children of the community. Fluoride is beneficial to the overall oral health of children and adults, and this has been proven for several years. It is a safe and effective public health practice.

Ms. Smith said she has no doubt that fluoride is good for dental health. She asked what the difference between topical applications and systemic applications are developmentally. Dr. Peake said the water is a way of delivering the fluoride. Ms. Smith asked if one way of delivery is more effective than another for an adult. Dr. Coon said some studies say topical application is more effective, but some people do not apply properly, even in dental offices, so delivering through water reaches more people more effectively. Ms. Tobey said systemic and topical applications work hand in hand. The main benefit is it reaches a huge population. Ms. Smith asked if Albemarle County children with well water had worse dental health than City children. Ms. Tobey said the center sees a huge difference. Mr. Jude Moore with the Office of Drinking Water explained the difference between fluoride in water and fluoride in toothpaste.

Ms. Galvin asked about the interaction of chloramine and fluoride. Mr. Moore said he does not know of any issues related to the combination of the two. How corrosive the water is can affect it, but water treatment plants are adjusting as part of their corrosion control efforts.

Mr. Huja said fluoride in the water is a good public policy.

Ms. Smith asked if it is difficult to regulate how much fluoride is in the water on a daily basis. Mr. Moore said the Rivanna treatment staff has constant monitors at their plants. Very stable levels are maintained. Mr. Norris said his dentist believes strongly in holistic health, and he supports keeping fluoride in the water.

REPORT/ORDINANCE: LODGING AND MEALS TAXES – CHANGES IN DUE DATE AND PENALTIES FOR LATE REMITTANCE (carried)

Mr. Lee Richards, Commissioner of Revenue, presented to Council. Staff is recommending a date adjustment to the 20th of the month so it coincides with the Virginia sales tax. The money is held in a trust and should be there anyway, so moving the due date should not impact anyone. Mr. Richards said staff is seeking to change the penalty

to 10% in order to bring it in line with surrounding counties. Ms. Szakos asked for an estimate of how much revenue the fees would create over the course of a year. Mr. Wray said we did not budget an increase in revenue for the increase in penalty. Ms. Szakos said because we are already changing the due date, we should not also increase the penalty at this time. In response to a question from Mr. Huja, Mr. Wray said the state law allows for a charge of up to 10%.

Ms. Galvin suggested a work session on all fees as a whole picture to see if we are in line. Ms. Szakos said she has no problem with being in line, but penalties should not be increased at the same time as the date adjustment.

Ms. Galvin moved the ordinance. There was no second.

Ms. Szakos moved an amended ordinance, which would keep the penalty at the 5% level. Ms. Smith seconded. The motion carried.

REPORT: CHLORAMINES

Mr. Tom Frederick presented to Council. It is estimated that between 30-40% of the population who uses tap water uses chloramine as a disinfectant. We need to make a change to comply with new EPA requirements. He reviewed the costs of treatment and the safety of various alternatives. Other alternatives could not justify their significantly higher costs. A well-researched process involving City staff contributed to this conclusion.

Dr. Stanford, Director of Applied Research at Hazen and Sawyer, spoke to Council about the health effects associated with chloramines. Chloramines have been used since 1917, so we have almost 100 years of history and research to go on. Several major cities have been using chloramines for decades.

Ms. Smith asked about the effect of chloramines on dialysis patients. Dr. Stanford said chloramines impact fish because they transfer directly across their gills into their bloodstream. For us, this is not the case, but with dialysis patients, there is an increased risk. Education is important. Hospitals and dialysis centers have to know proper procedures to remove chloramines and educate their patients. Ms. Smith asked about biotech labs. Dr. Stanford said they also need to know the proper procedures for treating and using chloraminated water. Ms. Smith asked about irrigation. Ms. Szakos asked if chloramines would be getting into streams. Dr. Stanford said that can occur if a water main bursts near a pond, but chlorine can kill fish just as quickly. Dr. Stanford said chloramines have a long residual only in clean water, but once it reaches a dirty environment, it no longer has an effect. Ms. Smith asked about lead. Dr. Stanford said in D.C., citizens had high levels of lead in the water and in their blood, but that was because they had a problem with water chemistry from unregulated changes in PH balance, not chloramines. After making appropriate adjustments the lead issue was resolved, and D.C. water is still successfully using chloramines. Rivanna is fully briefed on the issues of PH

control and corrosion inhibitor. They will do extensive monitoring during the distribution to control levels and respond to any changes. Ms. Smith said the City and ACSA will also do monitoring. She asked if monitoring was that factored into the cost. Mr. Frederick said it was.

Mr. Norris asked where the \$10 million figure came from. Mr. Frederick said we are also making changes at the Crozet and Scottsville water plants, so that number included all plants in the system.

Ms. Smith asked how carbon makes chloramines safer. Mr. Frederick said it takes out organic matter, so there is less in the water to react to, and this happens before the treatment.

Ms. Smith asked why Scottsville and Crozet are not converting. Mr. Frederick said after completing the workshops, some additional mechanical complications were revealed because they do not operate 24 hours a day. They are going to use activated carbon for the two small plants.

Mr. Norris asked what the typical cost for installing a filtration system would be. Dr. Stanford said it is the same process as deionizing water.

Ms. Galvin asked what the perceived benefits of other options were. Dr. Stanford said other processes allow you to lower the total organic load.

Ms. Smith asked which process has the fewest byproducts. Dr. Stanford said it depends on how you operate the system.

Ms. Smith said if anything goes wrong with lead leaching, it will disproportionately affect the City because we have older homes. Mr. Frederick said we take the lead issue very seriously. Rivanna made the decision a year ago, and the design process is 60% complete. We are also facing an EPA deadline. We have applied for a deadline extension, which would give us until October 2014.

Ms. Szakos said she is impressed with the process and does not feel compelled to change the plan. Mr. Huja agreed, even though he was originally against the idea. Ms. Galvin said the EPA does a lot to demonstrate on their website that chloramines are safe.

Mr. Norris said his preference would be to hold off on it, but senses he is in the minority. He requested that we give the opportunity for concerned citizens to hear from the experts and be able to ask direct questions. Dr. Stanford said he is available for a public education work shop.

Ms. Smith said she would rather use carbon filtration and go with chlorine as the secondary. She asked if chloramines increase nitrogen loads. Dr. Stanford said effectively it does not, because such a small concentration is added to the water supply.

OTHER BUSINESS

Mr. Norris asked for clarity on the marijuana issue. Ms. Galvin asked for a presentation from Tom Von Hemert from the Community Criminal Justice Board so that we understand this on a comprehensive level. Council agreed to invite him.

Mr. Huja said we should add an agenda item on disproportionate contact between minorities and the justice system to our agenda for discussion only, not action.

Mr. Norris said he would like to address the issue of how we can become a community of choice for professionals of color across the board, not just people in City Hall.

Ms. Galvin said we also need to have a work session on our priorities.

MATTERS BY THE PUBLIC

Ms. Lorrie Delehanty, 645 Evergreen Ave., said she has 35 years of experience in chemical research. When you put fluoride and chloramine together, you get the reaction that leaches lead. You cannot maintain PH at an exact level all the time. Conditions cannot be perfect 100% of the time, and that is what has to happen for this to work well.

Mr. Scott Bandy, 1639 Cherry Ave., said he is advocating for people with immune deficiencies. He thanked the RWSA for not excessively fluoridating the water.

Ms. Joanie Freeman, 609 E. Market St., thanked Mr. Norris for saying the public needs to be informed about this. We should educate the public about what Ms. Delehanty shared with Council. We still need reassurance.