

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, September 18, 2006 AT 6:00 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 Jeanne Cox

SECOND FLOOR CONFERENCE ROOM – September 18, 2006

Council met in special session on this date with the following members present: Dr. Brown, Ms. Hamilton, Mr. Lynch, Mr. Norris, Mr. Taliaferro.

On motion by Mr. Norris, seconded by Ms. Hamilton, Council voted (Ayes: Dr. Brown, Ms. Hamilton, Mr. Lynch, Mr. Norris, Mr. Taliaferro. Noes: None) to meet in closed session for discussion of the annual performance evaluation of the City Manager, as authorized by Section 2.2-3711(A)(1) of the Virginia Code; and discussion and consideration of the disposition of publicly held real property consisting of a portion of the McIntire Road right-of-way and Concord Avenue, where discussion in an open meeting would adversely affect the bargaining position of the City, as authorized by Section 2.2-3711(A)(3) of the Virginia Code.

On motion by Mr. Norris, seconded by Ms. Hamilton, Council certified by the following vote (Ayes: Dr. Brown, Ms. Hamilton, Mr. Lynch, Mr. Norris, Mr. Taliaferro. 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 CHAMBER – September 18, 2006

Council met in regular session on this date with the following members present: Dr. Brown, Ms. Hamilton, Mr. Lynch, Mr. Morris, Mr. Taliaferro.

ANNOUNCEMENTS

Dr. Brown announced that there will be a Community Energy Fair on October 2.

Dr. Brown said he will bring up proposed membership for the Sustainability Committee in "Other Business."

AWARDS/RECOGNITIONS: 120TH ANNIVERSARY OF NATIONAL COLLEGE PROCLAMATION

Dr. Brown presented the proclamation honoring National College's 120th anniversary.

PUBLIC

Ms. Ida Lewis, 605 13th Street, N.W., representing the Jefferson School Alumni Association, thanked Council for their support of Jefferson School, and supported including the old Jefferson Graded Elementary School in the historic designation. She said it is time for Council to establish the General Partnership for Jefferson School. She said she is glad Council will not abandon the Carter Recreation Center. She said the Jefferson Alumni Association has pledged to raised \$1 million toward the restoration of Jefferson School.

Ms. Kay Slaughter, representing the Southern Environmental Law Center, said that the SELC has not taken a position on the Meadowcreek Parkway, but she expressed concern about the supersized design presented for the Route 250/Meadowcreek Parkway interchange. She said as proposed by the consultant it will overwhelm the parkway, consume land, alter the topography and will create inadequate bicycle and pedestrian pathways. She asked Council to redirect the consultants.

Mr. Rich Collins, 108 Wilson Court, representing Sensitive Transportation Alternatives to the Meadowcreek Parkway (STAMP), agreed with Ms. Slaughter's comments. He said it is unacceptable that the consultants are not listening to what the City wants. He said Council should look at using funding for the interchange to enhance the Park, and should tell the consultants that the City is going to design the interchange.

Mr. John Pfaltz, 1503 Rugby Avenue, asked Council to look carefully at the recently released traffic study for the proposed Biscuit Run development in Albemarle County. He said there will be at least 30,000 more trips through the City every day. He said the recommendation in the study to widen City streets to accommodate this traffic does not make sense.

Ms. Nancy Hurrelbrinck, 1020 St. Clair Avenue, representing Charlottesville Peak Oil, said that our current lifestyle cannot last much longer. She said our entire community needs to be prepared and she urged Council and the public to learn more about the issue.

Mr. Alexis Zeigler, 912 Woodfolk Drive, representing Charlottesville Peak Oil, said he thinks the issue is coming up on us. He said biofuels are not a substitute for fossil fuels.

Mr. Don Wells, 2411 Hillwood Place, representing Charlottesville Peak Oil, said there are problems with using coal and tar sands as substitutes for energy. He said they have environmental problems and are not viable long-term solutions.

Ms. Logan Blanco, 1200 Jefferson Street, representing Charlottesville Peak Oil, said hydrogen is not an energy source, but is an energy carrier. She said wind power and solar power are not transportation tools and are not reliable. She said we need to strengthen conservation efforts in the region.

Ms. Kimberly Moore, Director of the National College, thanked Council for the proclamation, and invited Council and the public to their 120th anniversary celebration on September 30th.

Mr. Peter Kleeman, 407 Hedge Street, said he makes most of his trips on foot, and he encouraged the City to look at the state of pedestrian ways in the City. He asked that the barrier blocking the sidewalk at the Juvenile and Domestic Relations Court be removed. He said the brick walkways at Court Square are damaged and are a tripping hazard.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Dr. Brown said he shares the concern about the scale of the Meadowcreek Parkway interchange and would like to follow up on the issue.

Mr. Norris agreed with comments made by Mr. Pfaltz about the Biscuit Run traffic study and said we should urge the County to build the Fontaine connector.

Mr. Lynch said he agrees with both comments. He said we will be discussing sustainability issues at the end of the meeting, and he said he hopes being prepared for the Peak Oil issue will keep it from being a major issue.

Mr. Taliaferro, in response to comments about the Biscuit Run traffic study, said it is time for the County to build some connector roads. He said if the Meadowcreek Parkway is built, it needs to be part of a whole network.

Dr. Brown thanked the Peak Oil speakers for bringing this serious issue to Council's attention. He also thanked the Jefferson Alumni Association for their pledge to raise \$1 million.

Mr. Norris asked that staff look into the sidewalk barrier on High Street as he feels it is a hindrance.

CONSENT AGENDA

On motion by Mr. Taliaferro, seconded by Mr. Lynch, the following consent agenda items were approved by the following vote, with the minutes of September 5th

amended by Mr. Norris. Ayes: Dr. Brown, Ms. Hamilton (except that Ms. Hamilton abstained from voting on the minutes of August 18), Mr. Norris, Mr. Taliaferro (except that Mr. Taliaferro abstained from voting on the minutes of August 18th). Noes: None. Abstaining: Ms. Hamilton and Mr. Taliaferro on the minutes of August 18th.

- a. Minutes of August 18 and September 5
- b. **APPROPRIATION**: \$29,714 – School Resource Supervisor Position (City/School Funded) (2nd reading)
- c. **APPROPRIATION**: \$5,000 – Virginia Commission for the Arts Grant for Virginia Discovery Museum and Piedmont Council of the Arts (2nd reading)
- d. **RESOLUTION**: Renaming Historic Resources Task Force
- e. **ORDINANCE**: “AN ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), ARTICLE I (ADMINISTRATION), DIVISION 8 (SPECIAL USE PERMITS)” (2nd reading)

PUBLIC HEARING/RESOLUTION: RENAMING 9TH/10TH STREET CONNECTOR ROOSEVELT BROWN BOULEVARD

Mr. Jim Tolbert, Director of Neighborhood Development Services, said that the City was approached by Mr. John Gaines about renaming the 9th/10th Street Connector for Roosevelt Brown. He said there are no homes or businesses with addresses on the Connector, but all property owners have been notified of the public hearing. He said Mr. Gaines had recommended that the portion from West Main Street to Cherry Avenue be renamed, but he said Council might want to consider renaming the other sections in the future.

The public hearing was opened.

Mr. John Gaines, 214 9th Street, N.W., thanked Council for placing the issue of renaming the street for Roosevelt Brown on the agenda. He presented additional names in support of renaming the street.

Mr. Herb Porter, 509 7 ½ Street, S.W., said it would be a nice, laudable thing to have the street named after Mr. Brown, but he supported naming the entire section from Washington Park to Forest Hills Park, which now has three different names, for Sally Hemings. He said slavery is always overlooked. He suggested renaming the street where Mr. Brown grew up after him. He supported recognizing the history of Charlottesville by naming the 9th/10th Street Connector for Sally Hemings.

The public hearing was closed.

Mr. Lynch said he hoped Council would have heard from more people about the issue. He said we need to call the 9th/10th Connector something, but he leans more to naming it Hemings, but is fine with naming it for Roosevelt Brown. He said he would limit the scope to the section from West Main to Cherry Avenue. He said there would be a lot of records to change if the additional sections are changed. He said he would support just naming the street a single name, such as Hemings or Brown.

The public hearing was reopened as an additional person wanted to speak.

Mr. Ronnie Anderson, 944 Rock Creek Road, said Mr. Brown has always been his hero and came up on the side of town where the 9th/10th Street Connector is located.

The public hearing was closed.

Ms. Hamilton noted that if the section to be renamed was extended 73 addresses would be affected. She asked if property owners had been polled or talked to.

Mr. Tolbert said that property owners on the section between West Main Street and Cherry Avenue were notified by letter. He said if the name is changed it will have to have both the first and last names as there is already a Brown Street.

Mr. Norris agreed about limiting the section to the 9th/10th Street Connector. He said he leans toward naming the street after Mr. Brown. He said there was a previous extensive discussion by Council about naming the street for Sally Hemings, but no consensus. He noted there were a significant number of signatures in support of naming the street after Mr. Brown.

Mr. Taliaferro said he also leans toward naming the street for Roosevelt Brown. He said a lot of people talked to him about Roosevelt Brown when he first moved to Charlottesville. He said he thinks it is appropriate to name the street after a hometown person who did well.

Dr. Brown said he thinks naming the street for Roosevelt Brown would be a nice thing to do and he supports it. He said he does not have a problem with the street having a series of names. He said he thinks it is important to keep 10th Street and 9th Street as names as they are sequential. He said the community may decide in the future to do the whole street.

Ms. Hamilton said she supports naming the street for Roosevelt Brown, but would also support finding a way to recognize slavery and African-American women in their conditions of enslavement, and would welcome suggestions from the community about an appropriate monument.

On motion by Ms. Hamilton, seconded by Mr. Taliaferro, the resolution renaming the 9th/10th Street Connector the Roosevelt Brown Boulevard was approved by the

following vote. Ayes: Dr. Brown, Ms. Hamilton, Mr. Lynch, Mr. Norris, Mr. Taliaferro. Noes: None.

PUBLIC HEARING/ORDINANCE: DESIGNATING FRANKLIN STREET AS ONE-WAY AND RESTRICTING THROUGH TRUCK TRAFFIC

Ms. Angela Tucker, Development Services Manager in Neighborhood Development Services, said staff has been working on traffic calming in the Woolen Mills neighborhood and there is a meeting scheduled with the neighbors on October 6th. She said the options before Council are to restrict through truck traffic on Franklin Street and to make it one-way only.

Dr. Brown said that while there was a recent accident involving a truck in the Woolen Mills, the neighborhood concern is with noise and danger, not just with that accident. He asked if Franklin Street is closed to truck traffic, what trucks would be affected and what is the City's experience with enforcement where through trucks are prohibited.

Ms. Tucker said there are approximately a dozen other streets in the City where trucks are restricted. She said it does not involve delivery trucks or pickup trucks, just large trucks and tractor trailers not doing business on those streets. She said cement trucks would be covered. She said staff is checking to make sure there is adequate signage on those streets where trucks are restricted.

Responding to a question from Mr. Taliaferro, Ms. Tucker said there has been little discussion with businesses. She said businesses on Franklin Street would not be affected by the truck restriction, but they would be affected by one-waying. She said some businesses have expressed concern that one-waying would cause delays at the train track crossing.

Ms. Hamilton asked if staff has had a discussion about the proposal with the trailer communities as the traffic would be pushed to the southern side communities if Franklin Street is made one-way, and Ms. Tucker said no.

The public hearing was opened.

Mr. Preston Coiner, 411 2nd Street, N.E., said he has a business interest on Franklin Street, but he was not aware of the option to restrict trucks. He urged Council to consider the recommendation of a meeting between residents and businesses to come up with voluntary measures. He said he would also hope that this group could address concerns about Market Street. He noted that one-waying Franklin Street would cause people to use more energy.

Mr. Tommy Adkins, 766 Tanglewood Road, representing H. T. Ferron Co., a concrete business, said that his trucks have not caused any accidents. He said the business generally operates from 6:30 a.m. to 5:00 p.m., but there are a few days that they

start early or work late. He said he is against one-waying Franklin and restricting trucks. He said he is willing to talk and work with the neighbors. He said Carlton Avenue will be overloaded.

Ms. Laura Covert, 1809 E. Market Street, asked people in support of making Franklin Street to stand and a number of people stood. She said they are not trying to push all traffic to other neighborhoods, but she thinks it is a reasonable compromise to have half the traffic go elsewhere.

Mr. Bill Emory, 1604 E. Market Street, said the neighborhood has been asking for relief from cut-through traffic since 1988. He asked Council to act with dispatch.

Mr. Chuck Taylor, 1606 E. Market Street, said there has been a huge increase of traffic, especially trucks, in the last three to five years.

Ms. Betty Jo Dominick, 1610 E. Market Street, spoke in favor of one-waying Franklin Street. She said H. T. Ferron trucks are only part of the problem, but she said they are a big noise problem. She said she does not think voluntary measures will work. She said many large trucks are directed to use Franklin Street by the internet site MapQuest.

Mr. Steve Riggs, 1610 E. Market Street, said that 18 wheelers cannot make the turn from Franklin Street and the concrete trucks are noisy.

Ms. Victoria Dunham, 2000 E. Market Street, said trains are not that frequent or that long as to cause an inconvenience at the crossing. She supported one-waying Franklin Street.

Mr. Greg Gelburd, 1612 E. Market Street, listed the following options: close Franklin Street completely; limit the size of trucks; or widen Franklin Street.

Ms. Cindy Cartwright, 1404 E. Market Street, said it is scary for pedestrians, and she would like some traffic to be restricted.

Mr. Karl Ackerman, 1611 E. Market Street, asked Council to restrict trucks and make Franklin Street one-way. He said the staff report seems to dismiss some of the neighborhood concerns. He said speeding is not the critical issue. He said vehicles cannot pass safely beneath the bridge. He said he does not trust the data in the report. He said there are not as many as nine trains a day on the route.

Ms. Jennifer Ackerman, 1611 E. Market Street, spoke on behalf of Betty Lou Scruggs, her neighbor, who had a truck crash into her house recently, and it was the second time it has happened in six months. She asked that Council make Franklin one-way and prohibit trucks. She said the problems will not be solved by voluntary measures.

Ms. Donna Shaunesey, 103 Birdwood Road, representing JAUNT, said that JAUNT has to use Franklin Street when snow is on the roads. She asked that Council exempt bikes from the one-waying if that is approved.

A resident of 1403 Chesapeake Street, said the neighborhood is not trying to push all traffic on to Carlton Avenue, but it would create more of an equitable distribution of the traffic.

Ms. Alison Ewing said the Chesapeake Street neighborhood voted years ago to support one-waying of Franklin Street. She said residents would like to push back on the industrial encroachment in the neighborhood.

Mr. Wayne Schaner, owner of Overhead Door on Broadway, opposed one-waying Franklin Street. He said his businesses uses small trucks and they have never had an accident in 20 years. He said that no one has talked to his business about truck traffic or asked for his input.

A resident of 1703 E. Market Street, said he would like to see a better origin and destination study. He said Broadway could handle more traffic.

As there were no further speakers, the public hearing was closed.

Mr. Lynch said Franklin Street has been a problem for awhile. He said he thinks the best thing would be to have no through trucks, but he does not support one-waying Franklin as it cuts down on accessibility. He said he does not think the problem can be solved 100%. He said commercial uses can use Carlton to get to Meade. He said having to wait for a train to cross is not that common.

Mr. Taliaferro expressed concern that businesses were not contacted. He said he would first like to get a group of residents and businesses together and see if they can work it out and if not, then do something.

Mr. Norris said it is unfortunate that businesses and other neighborhoods who would be affected were not contacted. He said he supports banning through trucks, but cannot support one-waying Franklin without knowing the impact on others.

Ms. Hamilton said she lived at 1509 E. Market Street for 15 years, and she does not think it makes sense for large trucks to come through Franklin Street. She said it makes sense for the neighborhood to sit down with the trailer community and businesses. She said if the traffic is rerouted south there will be an undeniable impact on the trailer residents. She said we also need to consider the differences in topography and the issue of MapQuest directing traffic through the neighborhood. She said it is a complicated question and does not just involve Woolen Mills. She noted that Woolen Mills started out as an industrial neighborhood. She said business owners should have the opportunity to proffer something. She said she is not ready for a final vote. She said Habitat for Humanity should be at the table and all issues need to be fully explored.

Dr. Brown agreed it is a complex issue. He said he is comfortable banning through trucks and making Franklin one –way. He said we should have a process where all voices are heard. He said talking to businesses owners does not really get at the main truck concern. He said he is comfortable waiting until the next meeting to get additional input on one-waying Franklin. He asked if there is a mechanical way to ensure the safety of the resident whose house was recently hit by a truck.

Mr. Lynch said he is comfortable restricting trucks tonight. He said he thinks access from Carlton provides a workable network.

On motion by Mr. Lynch, seconded by Mr. Norris, the ordinance entitled “AN ORDINANCE AMENDING AND REORDAINING SECTION 15-73 OF ARTICLE III OF CHAPTER 15 (MOTOR VEHICLES) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, PROHIBITING CERTAIN TRUCK TRAFFIC ON A PORTION OF FRANKLIN STREET” was offered and carried over to the next meeting for consideration.

Mr. Norris said he would like to see consideration given to adding stop signs on either side of the train bridge.

Ms. Hamilton asked the neighborhood and business community to meet and let Council know the results of the meeting.

PUBLIC HEARING/ORDINANCE: SALE OF RIGHT-OF-WAY ON CONCORD AVENUE

Mr. Craig Brown, City Attorney, said that the City has received a request to sell a 24 x 200 foot strip of property next to 601 Concord Avenue. He said this was previously discussed with City staff in 1998. He said the proposal at this time is to sell the property at \$11 a square foot, which is the current assessment. He said the sale is pending for the adjacent property, and Mr. Hadley has requested that Council waive the second reading of the ordinance.

The public hearing was opened.

Mr. Bob Hadley, owner of 601 Concord Avenue, asked Council to reduce the sales price from \$53,000. He said he thought all along that he owned the property, and was stunned to find out he did not own it. He noted that other properties along that street also encroach on City property.

As there were no further speakers, the public hearing was closed.

Mr. Lynch asked Mr. Hadley why he thought he owned the property if he had declined the offer by the previous City Attorney to buy the property.

Mr. Hadley said that the previous City Attorney called him back and said the City agreed to give him the property if he maintained it, and he assumed he owned it from that time on and never gave it more thought.

Mr. Brown said that records show there was a discussion about selling the property, but no record of an offer to give Mr. Hadley the property.

Ms. Susan Hadley, co-owner of the property, said they assumed the property was theirs and constructed a building on it, but were later told it was not their land. She said they cannot negotiate the price now because the building is on the City's land.

Responding to a question from Dr. Brown, Ms. Hadley said sidewalks were installed in 1998 and expanded later.

Mr. Lynch asked if there are other verified encroachments on the street, and Mr. Brown said he does not know.

Mr. Taliaferro asked that staff determine if there are other encroachments.

Mr. Brown said encroachments are typically discovered when there is a sale and survey of the property.

Mr. Taliaferro said he would like to know if this is a common problem. He said it bothers him if this was reviewed by staff.

Responding to a question from Ms. Hamilton, Mr. Hadley said Concord was a wide street that never got narrowed. He said he had a previous survey done that did not reflect the encroachment, but the most recent survey showed the encroachment.

Dr. Brown said that because of a stream of events the Hadley thought they owned the property and he said he believes they have acted in good faith. He said he would be comfortable splitting the difference between the original sales price of \$17,000 and current price of approximately \$53,000.

Mr. Lynch said he is sympathetic to the applicant, but he cannot see the argument for selling below market value. He said if we have to look at doing this with other properties we should have a standing, fair policy.

Mr. Norris said a way to keep consistent is to sell property for less if public improvements have been made. He said we could value the improvements, deduct that from the value, and have the applicant pay the difference.

Mr. Brown noted that the sidewalk was likely a site plan requirement.

Mr. Taliaferro made a motion to sell the property splitting the difference between the previous and current sales prices.

Ms. Hamilton seconded the motion. She said there have clearly been issues in terms of staff. She said she does not see how the previous City Attorney was able to make offers and there was also a mix up over the site plans.

Mr. Brown said if the price is split, the sales price would be \$35,422 which would be substituted in the ordinance.

Responding to a question from Mr. Lynch, Mr. Brown said he assumes the sidewalk is the entire length of the property which would be 199.81 linear feet.

Mr. Norris asked how we can avoid these situations in the future and have more due diligence on verifying ownership.

Mr. Tolbert said staff relies on official surveys presented by property owners, and does not resurvey.

Ms. Hamilton asked if the property owner could get any relief by going back to the surveyor who incorrectly reflected the property as being theirs.

On motion by Mr. Norris, seconded by Ms. Hamilton, the second reading of the ordinance was waived and the ordinance entitled "AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY-OWNED PROPERTY (CONCORD AVENUE RIGHT-OF-WAY) TO J. ROBERT HADLEY," as amended, was approved by the following vote. Ayes: Dr. Brown, Ms. Hamilton, Mr. Lynch, Mr. Norris, Mr. Taliaferro. Noes: None.

REPORT: JEFFERSON SCHOOL

Ms. Rochelle Small-Toney, Assistant City Manager, reviewed highlights of the Jefferson School report. She said the repointing of the bricks has been delayed until the General Partners are established. She said membership on the General Partners and Cultural Center Board has been advertised and further recruitment was done. She said Council has three options: 1) elect to sell the property to a private developer; 2) retain ownership and develop the building (which would negate the \$7.9 million tax credits); or 3) recommend names for the General Partners and deed the property to the General Partners which would make it eligible for tax credits. She said names under consideration have been presented to Council. She said staff recommends option #3. She said Council will also be asked at the next meeting to approve the guiding principles, charge and the budget, and to authorize the slate of members as General Partners. She said that one of the members could be a City Council member.

Ms. Hamilton asked if a Council member would be an ex-officio member, and Ms. Hamilton said that is an option, but Council might want to have them be a full member.

Responding to a question from Ms. Hamilton, Ms. Small-Toney said that Council can offer names for General Partners, but does not appoint them.

Dr. Brown asked if Mr. Norris and Mr. Taliaferro are comfortable with option #3 since they have not discussed Jefferson School since being on Council.

Mr. Taliaferro said he favors options #3.

Mr. Norris said he favors options #3 and would like to see quicker action.

Dr. Brown asked that the issue be brought back and finalized at the next meeting.

Mr. Lynch said he would like to have some discussion about programming at Jefferson School. He said it would be good to look at the Task Force recommendations, but the real question is what else should be there besides a cultural center and Carter Recreation Center. He said the Library may have a future interest in the site, but not the building. He said he would like to see an education/workforce development configuration, with PVCC, CATEC or One-Stop as possibilities. He said we should make clear what we are looking for.

Ms. Hamilton said she is very comfortable with the names being recommended for General Partners as they are some of the top people in the community. She said Council should outline its interest and let the General Partners do it. She said the project has to be owned by the community.

Mr. Norris said the commitment by the Jefferson School Alumni Association to raise \$1 million is something to be celebrated.

APPROPRIATION: \$27,600 – GRANT FOR PRESERVATION OF FRANCES BRAND ART COLLECTION AND DESIGNATING \$41,116 OF PERCENT FOR ART FUNDS

Mr. Mike Svetz, Director of Parks and Recreation, explained that the family of Frances Brand has offered to donate her “Firsts” collection, and said it is an important and unique collection.

Ms. Cindy Brand, 111 Washington Avenue, granddaughter of Frances Brand, said the collection is approximately 130 portraits of Charlottesville residents who have made a difference. She said her grandmother always wanted the City to have the collection.

Ms. Nancy O’Brien, the first woman Mayor in Charlottesville and a subject of the collection, said she took the paintings to a conservator. She said the paintings first need to be stabilized and protected. She said the proposal is to put them in acrylic boxes. She said a future part of the proposal is to have biographies prepared of all of the subjects of the paintings.

Mr. Charles Barbour, first African-American Mayor in Charlottesville and a subject of the collection, said he hopes Council will help preserve the paintings.

Ms. Virginia Daugherty, former Mayor of Charlottesville, said if Council approves the proposal, Ms. Brand's dream will come true. She said the paintings preserve Charlottesville's history and bring it to life.

Ms. Mildred Spicer, Director of Therapeutic Programs in Parks and Recreation, said that 12 of the painting were recently borrowed by the City, and the family then offered to give them to Parks and Recreation. She said she would like to see them displayed in City Hall, City Hall Annex, recreation centers, schools, and the Boys and Girls Club, etc. She said they provide creative educational opportunities, and she hopes the City will accept the donation.

Mr. Douglas Day, Director of the Albemarle Charlottesville Historical Society, said about 60 of the paintings were displayed in the Historical Society and it was one of their most popular exhibits. He said Frances Brand was a folklorist and her paintings talk to our history and culture. He said the grant from the Perry Foundation is contingent on working with the Historical Society to document and display the collection. He said digitally archiving the paintings is included in the budget and the archives will be stored at the Historical Society.

Mr. Norris asked that the proposal funding be explained, and Mr. Svetz said that it is proposed that \$41,000 of the Percent for Art fund, which has a current balance of \$237,000, be used to match the Perry Foundation grant.

Mr. Norris asked who makes the decision about Percent for Art funds, and Mr. Svetz said it is done jointly with the City Manager office and Parks and Recreation.

Ms. Hamilton asked about the ongoing conservatorship needs of the collection and how that will be funded.

Mr. Svetz said the proposal is to store the collection in the Herman Key Recreation Center after the paintings are conserved.

Ms. Hamilton asked about the public display conditions referred to in the donation letter.

Mr. Svetz said the request is that the collection remain together and be displayed based on educational programs to be set up.

Ms. Brand said she generally wants to keep the collection together, but she would leave it up to the City to determine how many are displayed.

Responding to a question from Mr. Lynch, Mr. Svetz said it will cost a couple thousand dollars to digitize the paintings.

Dr. Brown said it is not clear why the City needs all 130 paintings. He said another idea would be to keep the paintings in the community rather than having them stored at significant City expense.

Mr. Svetz said it is the wishes of the family to keep the collection together.

Ms. Brand asked that of all the local heroes in the collection, who would the City choose to leave out.

Mr. Day said the Historical Society is applying for grants to write biographies, catalog the collection, etc. He said he would like to see the collection on permanent display at Jefferson School.

Mr. Lynch said he feels like he is being put in a bit of a conflict situation, and is a little concerned about taking on a \$40,000 obligation without more input from the public about whether to preserve the collection. He said if a wide part of the community thinks this is something we should do, he would like to hear more from them. He said a question is how do we spend the Percent for Art funds, and feels that is something we need to discuss. He said when we have public art the public ought to participate in the process. He said we should discuss this before taking on this obligation. He said when we purchase art the decision ought to be beyond the City Manager and Parks and Recreation Department.

Mr. Svetz noted that the Art in Place Board has participated in the art the City has purchased from their program.

Ms. Hamilton said the collection is folk art that comes from the community and expresses the community's value. She said a member of the public suggested that there be art review by committee. She said there are a few unresolved questions. She said we do not yet know the exact destinations of the paintings. She said it would be a shame to take on the responsibility and stick them in a closet. She said she can see where they would be an asset in many areas, but that has not been worked out yet.

Mr. Norris said he greatly appreciates the value of the collection and welcomes and appreciates the donation. He said he thinks it would be a great mistake not to accept it. He said his only concern is if there is an alternative to the costly manner of preserving the art.

Mr. Svetz said something simple could be done, but it would not protect the paintings in the long term.

Mr. O'Connell noted that it is only approximately \$300 per painting to preserve the collection.

Mr. Taliaferro asked what the value of the collection is, and Mr. Svetz said it is currently being appraised.

Ms. Brand said her grandmother never sold any of her art and did not paint for the market.

Responding to a question from Dr. Brown, Mr. O'Connell said the original concept of the Percent for Art fund was that it be used to purchase art for City buildings. He said the money has been accumulating and has only been spent recently on art from the Art in Place program.

Ms. Hamilton said that generally she thinks it would be a good idea to give an independent panel purview over the Percent for Art funds.

Mr. Lynch said we could start with having the paintings digitized before doing anything else.

Dr. Brown said he thinks having people on a panel would be a good idea. He said in this case, it is not just art, but documenting history. He said he is concerned about the number of paintings, and would like to share the wealth. He said he is inclined to match the grant with an equal amount of City funding and see if creative minds can come up with strategies to come up with the rest of the needed funds. He said we should get other people to invest.

Ms. Hamilton said she does not have an objection to investing in the conservatorship and preservation of the collection. She said they were done for the City and are considered a City collection, but she does not know if the City is an appropriate entity for this. She said there are still the questions of where the collection will be displayed and how they will be used. She said she would feel better if there was a firmer program. She said she thinks the collection is well worth investing in. She wondered about what will happen to the collection as administrations come and go.

Mr. Lynch said he thinks Ms. Hamilton's concerns about the programming are valid. He said he is concerned about where we are going as the Percent for Art funds were originally for art for City buildings. He said he has questions about what is the mission for the City, and he does not feel we should make that decision tonight.

Mr. Taliaferro said he is in favor of preserving the collection. He said they would be better stored than left to deteriorate.

Ms. Hamilton made a motion to approve the City's matching funds as proposed in the resolution, and asked that the programming be firmed up.

Mr. Taliaferro seconded the motion and the appropriation of the \$27,600 grant and \$41,116 of Percent for Art funds for Preservation of the Frances Brand Art Collection was offered and carried over to the next meeting for consideration.

Mr. Romney Brand, grandson of Frances Brand, said a Councilor had questioned whether the paintings were art, he said they are art as well as a part of Charlottesville's history and culture. He said a unique opportunity is being presented to the City.

ORDINANCE: REZONING 1000-1002 GROVE STREET TO PUD

Mr. Brian Haluska, Planner in Neighborhood Development Services, said that a joint public hearing was held on July 11th. He said the Planning Commission focused on the density issue and voted 4 – 2 for denial.

Mr. Mark Saunders, applicant, reviewed the proposal and said he feels the property is a good candidate for a PUD.

Responding to a question from Mr. Lynch, Mr. Saunders said that the only thing that could be proffered was the affordability piece, but they have pledged to offer environmental improvements.

Mr. Haluska said the environmental portion provided in the development is subject to site plan approval.

Mr. Taliaferro asked what will happen with the property if the rezoning is not approved.

Mr. V. G. Sullivan, applicant, said they have a couple of options, one of which would be to do minimal work on the property and rent it out.

Mr. Norris said he is generally disinclined to go against the advise of the Planning Commission. He said at the same meeting that the Planning Commission voted against the rezoning, they passed the infill ordinance, and he said there is a disconnect in these actions. He said he does not see an enormous jump in density in this proposal, particularly given what is happening across the street from it. He said he is concerned that the triplex would feel like a wall.

Mr. Sullivan said the buildings are being stepped down.

Mr. Norris asked if the applicants are open to the possibility of amending their plan.

Mr. Sullivan said it is a question about how much it changes the proposal.

Mr. Norris asked if that change would be considered substantial.

Mr. Sullivan said if they separate and move one unit, there would be four single family units and one duplex, but the density and number of bedrooms would not be affected.

Mr. Brown said he does not think that change would be considered substantial.

Ms. Hamilton said she does not have objections to the triplex. She said there were discussions on the Housing Policy Task Force about the need for diverse housing. She said that is a very common housing type in other areas. She said she understands that the parking lot across the street is going to house condominiums or an apartment complex.

Mr. Tolbert said the parking lot across the street is zoned manufacturing, and houses are not allowed there by right.

Ms. Hamilton said the neighborhood is holding somewhat of a double standard to this proposal.

Mr. Taliaferro said he is leaning toward supporting the rezoning, but feels it would be better if it was opened up a bit. He said the applicants spent time addressing concerns of the neighborhood, but he would be more comfortable if it was opened up more.

Dr. Brown said he felt at the Planning Commission meeting that he would have voted on the losing side. He said the proposal helps solve problems with housing. He said it is in an area where we want more density, and is a thoughtful and green design. He said he supports it as it stands.

Mr. Taliaferro said he would hate to see the property stay the way it is.

Mr. Lynch said it has the potential to be an interesting project. He said he agrees with the majority of the Planning Commission that it is just too dense at three times the underlying density. He said with the infill ordinance they could have applied to have increased density from two to three, but they are asking for six. He said another concern is that all of the houses originally in the transition zone have been knocked down, and the transition zone is now the next block.

Ms. Hamilton said if this were a block further to the west she would not be in favor of it.

On motion by Ms. Hamilton, seconded by Mr. Taliaferro, the ordinance entitled "AN ORDINANCE AMENDING AND REENACTING THE ZONING DISTRICT MAP INCORPORATED IN SECTION 34-1 OF THE ZONING ORDINANCE OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, BY THE REZONING OF PROPERTY LOCATED AT 1000 AND 1002 GROVE STREET FROM R-1S (RESIDENTIAL) TO PUD, SUBJECT TO PROFFERS" was offered and carried over to the next meeting for consideration.

PUBLIC

There were no matters by the public.

OTHER BUSINESS

Dr. Brown proposed the following composition for the Sustainability Committee: a representative of the Sierra Club, Housing Authority (or another housing group working with low income residents), Community Design Center, a landscape architect, representative of the building or development community, a citizen and a City Councilor.

Mr. Lynch said this would be a good start. He said he would like to see us move in two complementary directions, with this group and a much wider group. He said it would be an interactive way of getting ideas into the City (i.e., street lighting, heating). He said the group could condense ideas and make sure things are happening.

Mr. Norris suggested a representative from ACCT. He said he is not sure he would want to limit it to a landscape architect. He said there are foundations that are funding green design and a representative from those could be plugged in. He said he would also favor having one or more citizen representatives.

Mr. Lynch suggested talking with other localities to involve them.

Mr. Norris suggested inviting staff participation from the Planning District Commission.

Ms. Hamilton announced that CRHA appears to have passed Section 8 inspection and is no longer considered a troubled agency.

Mr. Lynch said that at a recent VML Legislative meeting, changes in taxing real estate was discussed and it is becoming a priority for a number of localities. He said the Governor is offering a constitutional amendment proposal for a cap, but that will be a four-year process. He said the City can look at including this in its legislative program. He said there is also interest by other localities in going after green power, but it probably will not be pursued until next year.

Mr. O'Connell said the City's legislative packet will be discussed at the next meeting and Councilors should let staff know if they have items for inclusion.

Ms. Hamilton said she would like to have staff pursue the idea of a barrier to protect Ms. Scruggs' house.

The meeting was adjourned.