

## NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, April 5, 2010 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 – April 5, 2010**

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

On motion by Dr. Brown, seconded by Mr. Huja, Council voted (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None) to meeting in closed session for consultation with legal counsel regarding the following specific legal matters: 1) the negotiation of the terms and conditions of an extension of a fire services agreement between the City and Albemarle County; 2) the negotiation of the terms and conditions of an extension of a fire services agreement between the City and the University of Virginia; and 3) the construction of the Stadium Road sanitary sewer collector line and state environmental requirements regarding sanitary sewer overflows as authorized by Section 2.2-3711(A)(7) of the Virginia Code.

On motion by Ms. Szakos, seconded by Dr. Brown, Council certified by the following vote (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. 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 – April 5, 2010**

Council met in regular session on this date with the following members present: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos.

**AWARDS/RECOGNITIONS:** CHILD ABUSE PREVENTION MONTH; MADISON HOUSE ANNIVERSARY; FAIR HOUSING MONTH; GARY O'CONNELL

Mr. Norris presented proclamations fro Fair Housing Month, the anniversary of Madison Housing, and Child Abuse Prevention Month. He also presented a proclamation to outgoing City Manager Gary O'Connell thanking him for his 28 years of service to the City.

Mr. O'Connell said it has been a great journey and opportunity.

## **ANNOUNCEMENTS**

Mr. Norris announced that there will be a third day of City Market on Tuesday evenings at Pen Park. He said the City and Albemarle County have been in competition for the most census forms returned and unfortunately the City has only had 60% returned as opposed to the County's 67%.

Mr. Huja added the Fire Services Agreement with the University of Virginia during other business.

Ms. Szakos said added appointment of a new Clerk of Council to other business.

## **PUBLIC**

Mr. Downing Smith, 810 Locust Avenue, asked what is going on with Rivanna Solid Waste Authority and recycling and trash collection since funding has been reduced in the budget, and asked if the landfill site is going to continue.

Mr. Wes Bellamy 2334 Peyton Drive, asked if high tech jobs come to Charlottesville how many local people will qualify for them. He said a big problem in the African American community is that people feel they cannot get jobs. He suggested bringing together employers that hire prior felons with those that do not so they can show that they deserve a second chance.

Ms. Rebecca Quinn, 104 4<sup>th</sup> Street, N.E., said there is a deadline next year by the State for a water plan. She asked to what extent do the studies satisfy and line up. She said water demand projections need updating for the plan. Regarding the permit for Ragged Mountain dam, she said if that is found to be a good solution that is okay, but if there is no problem we should not spend millions of dollars.

Ms. Betty Mooney, 201 Sunset Avenue, asked Council to help the community to come together to get data that the State requires for a plan. She said we need to get better cost estimates.

Ms. Dede Smith, 2652 Jefferson Park Circle, said the ultimate decision about the water plan will be made up by the four boards (City Council, Rivanna Water and Sewer Authority, Albemarle County Board of Supervisors, and Albemarle County Service Authority), but noted that the County will get double votes given their numbers on the boards.

Mr. Kevin Lynch, 609 Locust Avenue, noted that an Earth Day Festival will be held on April 18<sup>th</sup>. He said rehabilitation of the existing dam is not mentioned in the Rivanna Water and Sewer Authority report. He said we also need to watch the I-64 embankment issue.

Ms. Colette Hall, 101 Robertson Lane, President of the North Downtown Residents Association, said that 100 to 150 teenagers are coming to McGuffey Park after dark, mostly on Fridays and Saturdays, and are causing problems. She said “park closed” signs should be put in the parks. She said we should see what we can do to provide activities for our teenagers.

Mr. John Pfaltz, 1503 Rugby Road, said it seems odd that housing discrimination is okay based on political beliefs. He said he is worried about the downtown mall, with stores closing, parking down in the garages, and an increasing number of homeless persons being attracted to the mall. He said he has been told that people from all over the State are applying for residency in the SRO facility.

Mr. Vince Caristo, 715 Nalle Street, said ACCT published a pamphlet of stories and poems about bicycling, and he read a story about trimming travel lanes to allow bike lanes.

Mr. Stratton Salidas, 704 Graves Street, talked about a recent “Cville Weekly” article about the Meadowcreek Parkway. He said no Council has ever approved an at-grade intersection. He said it is necessary to get a legal review of the entire process.

Dr. Joe Mooney, 201 Sunset Avenue, referred to comments from 1944 by the City Manager saying that we need to look at water needs and data and use common sense.

### **COUNCIL RESPONSES TO MATTERS BY THE PUBLIC**

Mr. Huja said he supports 10’ driving lanes and 7’ bike lanes.

Dr. Brown, referring to comments made by Mr. Smith, said that Council will hold a work session on solid waste on April 19<sup>th</sup>. He said that free curbside recycling and stickers for trash will continue regardless. He thanked Mr. Caristo for his comments, and said good ideas are emerging from the bicycling community.

Ms. Edwards echoed Dr. Brown’s comments about Mr. Caristo. She said she hopes there is an opportunity for outreach at McGuffey Park with non-profits, Parks and Recreation and the Boys and Girls Club. She said if the police are involved, she hopes they are using more of a community policing model. She said we need to be reminded of the homeless issues. She said a work session will be held in May on mental health. Regarding Mr. Bellamy’s comments, she said workforce development has been a Council priority. She agreed we need to work to help prior felons move on.

Ms. Szakos expressed agreed with all of Ms. Edwards’ comments.

Mr. Norris thanked Mr. Bellamy for raising the issue of felons, and he is willing to do what he suggests. He encouraged Deputy City Attorney and the Police Chief to follow up quickly about the McGuffey Park issue. He said it is untrue that non City residents are applying for the SRO. First, he said applications are not being accepted

yet, and second, there will be a requirement that you be a City resident. He said the whole point of that initiative is to reduce homelessness.

Dr. Brown said he has heard concern about the increased number of people asking for money. He asked if there is a way to regulate panhandling given the other Council initiatives.

Mr. Norris said he would fully support restrictions on panhandling, but understands that we cannot regulate it as long as it is not done aggressively.

Mr. Craig Brown, City Attorney, said that is correct, we can only regulate the manner in which people are approached and to some extent their location.

Dr. Brown asked if their signs can be regulated, and Mr. Brown said he would defer to Mr. Tolbert on that issue.

Mr. Norris said he met last week with downtown business people, and many ideas came up, and a commitment was made to address a range of issues.

## **CONSENT AGENDA**

On motion by Mr. Huja, seconded by Ms. Szakos, the following consent agenda items were approved by the following vote, with the minutes of April 15<sup>th</sup> corrected by Ms. Szakos. Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None.

- a. Minutes of March 1, 10, 15, 16, 17, 24 and 25
- b. **APPROPRIATION**: \$45,730 – Domestic Violence Coordinator Grant (2<sup>nd</sup> reading)
- c. **APPROPRIATION**: \$76,914 – Police Miscellaneous Revenue (carried over)
- d. **APPROPRIATION**: \$302,000 – Homeland Security Grant (carried over)
- e. **APPROPRIATION**: \$709,255.82 – CDBG Funds from FY 10 to FY 11 (carried over)
- f. **APPROPRIATION**: \$173,915 – HOME Funding for FY 11 (carried over)
- g. **RESOLUTION**: Reprogramming CDBG Funds from FY 10 to FY 11
- h. **RESOLUTION**: Special Permit for Alcove Hotel (207 14<sup>th</sup> Street)
- i. **ORDINANCE**: “AN ORDINANCE TO QUITCLAIM NATURAL GAS LINE EASEMENT LOCATED IN THE MONTGOMERY RIDGE SUBDIVISION

IN ALBEMARLE COUNTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION” (2<sup>nd</sup> reading)

- j. **ORDINANCE:** “AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, BY DECREASING THE MAXIMUM SPEED LIMIT IN CERTAIN SCHOOL CROSSING ZONES” (2<sup>nd</sup> reading)
- k. **ORDINANCE:** “AN ORDINANCE AMENDING AND REORDAINING CHAPTER 9 (ELECTIONS), ARTICLE II, SECTION 9-29, OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELOCATING THE POLLING PLACE FOR THE JEFFERSON PARK PRECINCT TO THE MUNICIPAL ARTS BUILDING AT 1119 FIFTH STREET, S.W.” (2<sup>nd</sup> reading)

**PUBLIC HEARING:** CITY COUNCIL’S PROPOSED FY 11 BUDGET

Ms. Leslie Beauregard, Director of Budget and Performance Management, reviewed modifications to the budget including revenue adjustments and changes in the following expenditures: reserve \$110,000 for transit; \$10,000 for PACEM, \$25,000 for Foothills; and \$10,000 in overtime in the Police Department dedicated to Internet Crimes Against Children Investigations.

The public hearing was opened.

Ms. Jeanne Chase, 223 Old Lynchburg Road, read a letter on behalf of Peter Hedlund, President of the Fry’s Spring Neighborhood Association, noting that Old Lynchburg Road still has no sidewalks or drainage, and the project must stay on track. She said the first phase of design will not be completed until next January, and Council’s allocation of funds will determine the next phase. She said too much time separates the design and construction. She asked Council to put money back in the CIP.

Dr. George Beller, 714 Rugby Road, Vice President of Piedmont Council of the Arts Board, said PCA is the designated arts agency of Charlottesville and Albemarle County, and he thanked Council for their support.

Mr. Downing Smith, 810 Locust Avenue, said he still has a problem understanding the process of the budget.

Ms. Colette Hall, 101 Robertson Lane, said she is going to miss Mr. O’Connell’s concern about keeping the AAA bond rating. She said the most important thing Council does all year is the budget. She asked Council to remember that the number of taxpayers is decreasing due to the economy.

Mr. Peter Kleeman, 407 Hedge Street, said it would be good if the linkage between CIP projects and future operating costs associated with them was clear in the budget as we need to be planning for those expenditures.

Dr. Joe Mooney, 201 Sunset Avenue, asked that Council give serious consideration for funding Old Lynchburg Road projects, and he reiterated Mr. Hedlund's comments.

Ms. Dede Smith, a resident of Fry's Spring, echoed Dr. Mooney and Ms. Chase's concern. She noted that City residents are being courted by outside trash/recycling collectors who do not require sorting, and she asked Council to consider all options regarding solid waste.

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

Mr. Huja said Mr. Kleeman makes a good point, but also noted that a great deal of operational money comes from the State. He said departments do consider impacts of CIP projects. He said Piedmont Council of the Arts is a worthy organization.

Ms. Szakos reiterated that we need to keep our eyes on the ball regarding neighborhood projects, and thinks the concerns are valid regarding Old Lynchburg Road. She said she is pleased with Piedmont Council of the Arts. She echoed comments made by Mr. Smith, and said we need more public participation in meetings, and would like to see more neighborhood based meetings.

Ms. Edwards agreed with the importance of keeping our AAA bond rating. She said it gets tougher each year to determine priorities.

Mr. Norris said the City's website has a chart that looks 10 years back on the budget. He said he is a supporter of the Old Lynchburg Road project, and it is not on hold. He said when construction will begin is a legitimate question. He said it does not make sense to put money in next year's budget when construction will not start until July of 2011. He said he hopes that we can find money next year to frontload that project.

Ms. Beauregard noted that the adopted budget document has always shown on-going costs associated with the CIP.

**ORDINANCE: ANNUAL TAX LEVY**

On motion by Ms. Szakos, seconded by Dr. Brown, the ordinance entitled "AN ORDINANCE TO ESTABLISH THE ANNUAL TAX LEVY ON VARIOUS CLASSES OF PROPERTY FOR THE PAYMENT OF INTEREST AND RETIREMENT OF THE CITY DEBT, FOR THE SUPPORT OF THE CITY GOVERNMENT AND CITY SCHOOLS, AND FOR OTHER PUBLIC PURPOSES" was offered and carried over to the next meeting for consideration.

**APPROPRIATION:** ANNUAL BUDGET APPROPRIATION FOR FY 11

On motion by Mr. Huja, seconded by Dr. Brown, the “RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF CHARLOTTESVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011 AND PROVIDING FOR THE ANNUAL APPROPRIATION OF FUNDS FOR SUCH FISCAL YEAR” was offered and carried over to the next meeting for consideration.

**PUBLIC HEARING:** GRANTING EASEMENT ACROSS EMMET STREET TO U. VA FOR TELECOMMUNICATIONS DUCT BANK

Mr. Brown said this is a standard request from the University of Virginia for an easement under Emmet Street for an underground duct bank.

The public hearing was opened, but as there were no speakers, the public hearing was closed.

On motion by Mr. Huja, seconded by Ms. Edwards, the ordinance entitled “AN ORDINANCE AUTHORIZING THE GRANT OF A UTILITY EASEMENT UNDER EMMET STREET TO THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA” was offered and carried over to the next meeting for consideration.

**REPORT:** QUARTERLY UPDATE ON WATER SUPPLY/RAGGED MOUNTAIN DAM STUDY

Mr. Tom Frederick, Executive Director of Rivanna Water and Sewer Authority, gave a progress update on studies associated with the water supply plan. He said the preliminary design of a new Ragged Mountain dam is due in May. Core drillings are being done and there may be enough soil on site for an earthen dam. He said estimates will be looked at for both an earthen and concrete dam. He said phasing options are also being looked at. Regarding the dredging feasibility study of the South Fork Rivanna Reservoir, he said the sediment has been found to be non-hazardous and 40 acres of wetlands have been identified. He said recommendations will be made about no dredge zones to protect. Bathometric surveys have been done and total storage estimates are 10% higher than previously estimated. He said a public meeting on the study will be held in late May and the study will be completed in June. He said geotechnical data is being collected regarding I-64 and he expects a design recommendation by May. He said there is no timetable on concurrence by the regulators with the recommendations. He said that once all the studies are completed there will likely be discussion by Council and other boards to guide decisions. He said a decision about the safety of the dam is due in August.

Ms. Szakos said she would like to know about how phasing of building onto the dam might work.

Mr. Frederick said it would be good to have a specific target for feet or volume to give the consultants.

Mr. Norris asked what can be done to expedite new demand projections on which to base long-term strategies.

Mr. Frederick said he has a small staff and work has had to be prioritized and they have focused on the current studies. He said it would be taxing to add more. He said if there is interest in the community in demand projections that are more intensive than what may have been done in past years, then a consultant is probably needed. He said it would delay the process and would not be done by this summer.

Mr. Norris said he believes the demand projections, especially given new technologies, will be changing significantly in the near future.

Mr. Frederick said it is a matter of forecasting trying to use historic data to make a prediction, and it is not a perfect science.

Mr. Norris said he would be interested in knowing the current usage versus what was projected.

Mr. Frederick said there was a reduction in water demand in 2002, a peak in 2006, and a decline since 2006.

Dr. Brown asked if a summary could be done of why there has been a reduction in demand.

Mr. Frederick said he can give a hypothesis.

Responding to a question from Mr. Norris about the current water usage versus what was projected eight years ago, Ms. Lauren Hildebrand, Director of Utilities, said she does not know.

Mr. Norris said he believes usage is 25% to 28% less. He said he is not comfortable supporting a long-term strategy with numbers that far off from the projections. He said that is fundamental to making a decision.

Ms. Szakos suggested phasing the dam and dealing with the safety issues. She asked if one could just change the base line of the demand analysis, and Mr. Frederick said that method can be done.

Dr. Brown noted that it was recently brought up at the Sustainability Committee that our population could increase significantly if sea levels rise in Tidewater, which is another aspect to the issue.

Mr. Huja said you can get any projection you want depending on the method. He said we need long-term data.

Mr. Norris asked if we want to wait for numbers on the demand or expedite that.

Ms. Szakos said she is not sure she wants to spend lots of money on a consultant. She said she thinks there are things we can do.

Mr. Huja said he is not keen on doing more studies and paying for them, and is not sure other partners will agree with it.

Dr. Brown said he does not think Council should draw a line on a chart, and while he is not sure he would support it, it would be better to spend money on a study.

Ms. Edwards asked if staff could do it time wise, could they do such a study, and Mr. Frederick said expertise is needed that staff does not have. He also noted that it takes administrative work to manage contracts for these studies.

Ms. Edwards said we have come this far and if it is another part of the puzzle, she would not have an issue with it.

Mr. Norris said he would like to see us move forward. He said a firm recently did such a study for Stafford County. He said it would be good to have an objective third party involved.

Mr. Huja said the cost should be shared with Albemarle County.

Mr. Norris said Rivanna is sitting on reserves and that would be one logical place to go to fund a study. He said he just wants to get it done.

Ms. Szakos said that in principle she wants to see a study, but is very concerned about the cost.

Mr. Huja said we have a joint system, and if we do the study, he is not sure how it will be received. He said he is not prepared to approve a study tonight.

Dr. Brown suggested that the matter come back to Council with more details about the timing, cost and how it would dovetail with other plans.

Ms. Szakos added that it should be funded by Rivanna.

Mr. Norris, referring to the pros and cons being developed by Rivanna staff about the three pipelines, said that questions hanging out there that needs to be resolved are what is the legal status of the current easements for Sugar Hollow and would they need to be renegotiated. Also, what information does Rivanna have in-house about the physical

condition of the Sugar Hollow pipeline and what convinced them that it needs to be repaired or replaced.

Ms. Hildebrand said that proposals have been received in response to the RFP about the feasibility of raising the existing dam by 13 feet. She said staff is in the process of evaluating the proposals and she anticipates a selection in early May.

**ORDINANCE: SITE PLAN REQUIREMENTS FOR SPECIAL USE PERMIT APPLICATIONS**

Ms. Missy Creasy, Planning Manager in Neighborhood Development Services, explained that Mr. Huja had expressed concern that there were no visuals with special use permit applications, and Council initiated a Planning Commission study. She said it was determined that language in the City Code covers that requirements, but a list of other housekeeping items came out of the study. She said flexibility is provided for times when a full blown site plan is not needed.

Mr. Huja said this does not address his concerns, and he thinks it would be helpful to him and citizens to have a site plan. He said if there is a provision to require it then it should be required.

Ms. Szakos said an option for a sketch might be helpful, but not the engineering and expense of a site plan.

Dr. Brown said he was concerned when Council talked about this before that the Planning Commission spends a lot of time reviewing applications, and he is leery of Council not collaborating with the Planning Commission about how they do their work.

Mr. Norris said he is comfortable with the recommendations of the Planning Commission. He said we can get better visuals because of the administrative changes.

On motion by Dr. Brown, seconded by Ms. Szakos, the ordinance entitled “AN ORDINANCE AMENDING AND REORDAINING SECTION 34-158 OF ARTICLE I (ADMINISTRATION) OF CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATED TO SITE PLAN SUBMISSIONS WITH SPECIAL USE PERMIT APPLICATIONS” was offered and carried over to the next meeting for consideration.

**REPORT: STATE OF THE CITY**

Mr. O’Connell presented a powerpoint, a photo essay of what makes a great city, and how Charlottesville is one of those great places to live, to work, to play, to learn, and to visit.

**OTHER BUSINESS**

On motion by Mr. Huja, seconded by Ms. Szakos, Council authorized the City Manager to sign a letter of agreement for a 10 year extension of the Fire Services Agreement with the University of Virginia by the following vote. Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None.

**APPOINTMENT: CLERK OF CITY COUNCIL**

On motion by Ms. Szakos, seconded by Mr. Huja, Council appointed Ms. Paige Barfield as Clerk of City Council, effective May 1, 2010, to replace Jeanne Cox who will retire as Clerk of City Council on April 30, 2010 by the following vote. Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None.

**PUBLIC**

Ms. Rebecca Quinn, 104 4<sup>th</sup> Street, noted that we have 10 more years of water demand data to add to the original 20 years. She said Rivanna had planned to update the projects, and it is just an issue of timing. She noted that the water plan has to be updated every ten years.

Dr. Joe Mooney, 201 Sunset Avenue, said that common sense is needed. He said Albemarle County is not going to participate in studies. He said the need for a new dam and pipeline is far into the future. He said only the spillway at the dam is in need of repair. He said we should dredge the reservoir and decide how much more we need to do after that.

Mr. Norris clarified that he wants better demand data, but not necessarily an expensive study. He said he hopes it can be done in-house.

The meeting was adjourned.