

## **NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, August 2, 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 Paige Barfield

### **SECOND FLOOR CONFERENCE ROOM – August 2, 2010**

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

On motion by Dr. Brown, seconded by Ms. Szakos, Council voted (Ayes: Dr. Brown, Mr. Norris, Ms. Szakos; Noes: None) to meeting in closed session for discussion and consideration of prospective candidates for appointment to City boards and commissions, as authorized by Virginia Code sec. 2.2-3711 (A) (1).

On motion by Dr. Brown, seconded by Ms. Szakos, Council certified by the following vote (Ayes: Dr. Brown, Ms. Szakos, Mr. Norris; 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 – August 2, 2010**

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

**AWARDS/RECOGNITIONS:** JOLI MILNER – TEEN JEOPARDY WINNER,  
ARMY BIRTHDAY CELEBRATION

Mr. Norris congratulated Joli Milner, age 11, on winning Teen Jeopardy. Michael R. Hartzell, Station Commander at the Charlottesville Recruiting Station, thanked the City for hosting the Army Birthday Celebration and presented certificates to members of staff and the community for their participation.

## **ANNOUNCEMENTS**

Mr. Norris announced the distribution of free water conservation kits every Friday from 10:00 a.m. until 2:00 p.m. in the City Hall Plaza while supplies last.

Ms. Szakos announced the first of a series of neighborhood city council meetings at Tonsler Park on Cherry Avenue, Thursday, August 12 from 6:00 p.m. – 8:00 p.m. She thanked everyone who is making the meeting possible.

## **PUBLIC**

Mr. Kevin Cox, City of Charlottesville, said he was concerned that the second part of the snow removal ordinance has not been changed. He said the city and private snow plows pushing snow onto sidewalks was left for a long time and created obstructions. He said Council needs to create a flexible policy that is more effective in making sidewalks usable.

Mr. Jack Brown, 1505 Dairy Rd., said the water supply plan ignores maintenance costs. Before building new infrastructure, RWSA should offer realistic budgets to maintain what it has. Dredging should be considered separately from the community water supply plan.

Mr. James Nix, 2402 Cary Ln., asked Council to move forward on the approved water plan without further delay.

Ms. Colette Hall, 101 Robertson Ln., said strict zoning rules are good. She asked Council to include Lyons Ave., Cargill Ln., and Lyons Court Ln. to the truck restrictions list.

Ms. Liz Palmer, 2858 Mechum Banks Dr., said she was concerned that Council will not be able to convene before the next RWSA meeting. She requested that Councilors write down their concerns and questions that they personally need addressed before they can move forward with the plan, and she asked staff to formally address matters by the public after meetings in order to help answer questions and disseminate information accurate information to the public.

Mr. Bob Stroh, 1412 Kenwood Ln., said he supported the panhandling ordinance amendment. He said he hopes Council will support the memo they received from city staff and the Downtown Business Association. He asked for 15 foot buffers around cafes and vendors.

Mr. George Benford, 608 Rainier Rd., said he supported the panhandling memo and asked for 15 foot buffers around cafes and vendors.

Ms. Rebecca Quinn, 104 4<sup>th</sup> Street, said the city should recognize the efforts of the successful water conservation that is taking place every day.

Ms. Betty Mooney, City of Charlottesville, asked that Council read the report on water demand and the dredging plan. She said that the DEQ states that if we need to change our plan, we need to modify our permit, not that it would be expensive or difficult to do. She thanked Council for years of patience.

Mr. Bob Fenwick, 901 E. Jefferson St., said phasing may be a way to address dredging without foreclosing any of the options. Dredging now does not close the door on a new dam sometime in the future, nor does repairing the spillway at Ragged Mountain. Dredging would be phase one of the city's actions to ensure clean water.

Mr. Dan Bieker, Albemarle County, said there is very little water flowing down the pipeline coming from Sugar Hollow in times of draught. The impasse at the Ragged Mountain Natural Area has not been given due consideration if the water plan is adopted. Tree loss and fragmentation of the forest will have dramatic impacts on the area. He said the city needs to enact conservation measures to preserve water usage.

Mr. Kevin Lynch, 609 Locust Ave., said Council should read the DEQ letter. We have 28% more water than we need right now. In 1999 we were using a lot of water, but we have decreased usage since then. We are using less water now, throughout communities across the state.

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

Ms. Szakos encouraged people to continue to come forward at Council meetings with their opinions. She said Mr. Cox presented some important perspectives to consider on the snow.

Dr. Brown said there is a wide range of opinions on the water supply.

Mr. Norris thanked Mr. Cox for coming forward and asked Council to consider his suggestions. He asked for staff's recommendation on the specific request on adding the three roads Ms. Hall mentioned to the truck restriction ordinance. He said he appreciated comments on the water supply issue. It will soon be time to make a decision.

On motion, by Dr. Brown, seconded by Ms. Szakos, the following individuals were appointed:

To the Albemarle-Charlottesville Regional Jail Authority: Don Beyer and Kathy Harris; to the Charlottesville-Albemarle Commission on Children and Families: Jackie Bright and Shetiel Yarney; to the Charlottesville Sister City Commission: Martha Rowen, Karl Ackerman, Anne Evans, and Greer Johnson; to the Dialogue on Race Steering Committee: Dean Lhospital and Anthony Amos; to the Jefferson-Madison Regional Library Board: Peter McIntosh; to the Planning Commission: Genevieve Keller and Michael Osteen; to the Region Ten Community Services Board: Steven Stern and Mary

Frances Porter; to the Social Services Advisory Board: George Fitz-Hugh, Jr. and Mary Sullivan.

## **CONSENT AGENDA**

Dr. Brown asked staff to address the comments Mr. Cox made regarding snow removal, and to consider further amendments to the ordinance.

On motion by Ms. Szakos, seconded by Dr. Brown, the following consent agenda items were approved by the following vote. Ayes: Dr. Brown, Mr. Norris, Ms. Szakos. Noes: None.

- a. Minutes of July 19
- b. APPROPRIATION: \$5,000 – Virginia Commission of the Arts Challenge Grant (2<sup>nd</sup> reading)
- c. APPROPRIATION: \$88,522 – FY2011 Friendship Court Sponsorship Agreement (2<sup>nd</sup> reading)
- d. APPROPRIATION: \$15,000 – 2009 State Homeland Security Program Grant (Hazmat) (2<sup>nd</sup> reading)
- e. APPROPRIATION: \$30,000 – Contribution to Stormwater Management Improvements (2<sup>nd</sup> reading)
- f. APPROPRIATION: \$65,000 – CASASTART Truancy Prevention Program (2<sup>nd</sup> reading)
- g. APPROPRIATION: \$316,957 – FY 2011 Transit Grants (2<sup>nd</sup> reading)
- h. APPROPRIATION: \$1,089,000 – from Wastewater Fund Balance to the Wastewater Utility Expense Budget (2<sup>nd</sup> reading)
- i. APPROPRIATION: \$1,500 – Charlottesville Sheriff’s Office Calendar sales (carried over)
- j. RESOLUTION: Appointment to James River ASAP
- k. RESOLUTION: Recommendation for SUP at 1204 W. Main St. (Battle Building)
- l. ORDINANCE: AN ORDINANCE AMENDING AND REORDAINING SECTION 28-25 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, 1990, AS AMENDED, RELATING TO THE REMOVAL OF SNOW, SLEET AND

- m. ORDINANCE: ICE FROM SIDEWALKS OR WALKWAYS. (2<sup>nd</sup> reading)  
 AN ORDINANCE GRANTING A  
 TELECOMMUNICATIONS FRANCHISE TO  
 CENTRAL TELEPHONE COMPANY OF VIRGINIA DBA  
 CENTURLINK, ITS SUCCESSORS AND ASSIGNS  
 TO USE THE STREETS AND OTHER PUBLIC PLACES  
 OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
 FOR ITS POLES, WIRES, CONDUITS, CABLES AND  
 FIXTURES, FOR A PERIOD OF FIVE (5) YEARS  
 (2<sup>nd</sup> reading)
- n. ORDINANCE: AN ORDINANCE GRANTING A  
 TELECOMMUNICATIONS FRANCHISE TO FIBER  
 ROADS, LLC, ITS SUCCESSORS AND ASSIGNS TO  
 USE THE STREETS AND OTHER PUBLIC PLACES OF  
 THE CITY OF CHARLOTTESVILLE, VIRGINIA FOR  
 ITS POLES, WIRES, CONDUITS, CABLES AND  
 FIXTURES, FOR A PERIOD OF FIVE (5) YEARS  
 (2<sup>nd</sup> reading)
- o. ORDINANCE: AN ORDINANCE REPEALING SECTION 34-389 OF THE  
 CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS  
 AMENDED, RELATING TO DENSITY REGULATIONS  
 FOR TOWNHOUSE DEVELOPMENTS (carried over)
- p. ORDINANCE: AN ORDINANCE AMENDING AND REORDAINING  
 ARTICLE VI (MIXED USE CORRIDOR DISTRICTS) OF  
 CHAPTER 34 (ZONING) CHANGING THE MINIMUM  
 PERCENTAGE OF GROSS FLOOR AREA OF  
 RESIDENTIAL OR COMMERCIAL USE REQUIRED IN  
 CERTAIN MIXED USE ZONING DISTRICTS  
 (carried over)
- q. ORDINANCE: AN ORDINANCE AMENDING AND REORDAINING  
 SECTIN 15-73 OF THE CHARLOTTESVILLE CITY  
 CODE, 1990, AS AMENDED, PROHIBITING TRACTOR  
 TRUCK TRAFFIC ON ALTAVISTA AVENUE AND  
 SHAMROCK ROAD (carried over)

**REPORT/RESOLUTION:** CHARLOTTESVILLE WINNEBA MEMORANDUM OF  
 UNDERSTANDING

The City of Charlottesville officially adopted Winneba, Ghana as our 4<sup>th</sup> Sister City in 2009. The delegation worked with Charlottesville citizens to develop a Memorandum of Understanding, which outlines expectations of this new partnership.

Mr. John Jay Baiden Amissah introduced the Winneba delegation, which included Ms. Ernestina Nabari, Mr. Godfrey Kwame, Nana Kojo Beedu, V, Mr. Joseph Baiden, Mr. Robert Kwesi Armah-Sekum, Prof. Francis Anani Joppa, Ms. Beatrice Sintimaa Akomeah, Mr. Kweku Sersah Johnson and Mr. Mike Hammah.

Mr. Norris read the Memorandum of Understanding and said it is an aspirational document that spells out in broad terms the kinds of exchanges and partnerships that can evolve over the course of this relationship. He thanked Ms. Karen Waters for taking the lead in drafting the document.

Mr. Hammah thanked Charlottesville and Mr. Norris for their warm reception and the privilege of signing the MOU. Mr. Bami presented awards of recognition to the City of Charlottesville, the Councilors, Congressman Tom Periello, Ms. Paige Barfield and Ms. Emily Goldberger.

Council presented the Winneba delegation with a trophy for their Fancy Dress festival. Mr. Norris thanked the members of the organizing committee. Ms. Waters asked for a special recognition for Ms. Danielle Fitz-Hugh. Mr. Norris thanked Courtyard by Marriott, BamaWorks, RedLight Management, Omni Hotel, and the many others who made the exchange possible. He also thanked Mr. Nana Ghartey for making this relationship possible.

**PUBLIC HEARING/ORDINANCE:** AN ORDINANCE APPROVING AND ADOPTING A SCHEDULE OF FEES PURSUANT TO CITY CODE 34-10(A) APPLICABLE TO VARIOUS SERVICES AND FUNCTIONS ADMINISTERED BY THE CITY'S DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES, RELATED TO APPLICATIONS, PETITIONS, INSPECTIONS, PERMITS AND APPROVALS REQUIRED BY THE CITY'S ZONING ORDINANCE, SUBDIVISION ORDINANCE, WATER PROTECTION ORDINANCE AND ORDINANCES RELATING TO THE USE AND OCCUPANCY OF CITY STREETS AND RIGHTS-OF-WAY (carried over)

Mr. Tolbert, Director of NDS, presented to Council and explained the fee changes.

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

On motion by Dr. Brown, seconded by Ms. Szakos, the motion carried.

**REPORT/ORDINANCE:** AN ORDINANCE AMENDING AND REORDAINING SECTION 28-31 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING TO SOLICITING (carried over)

Mr. Tolbert reported on the revised panhandling ordinance. The ordinance was a product of extensive study and discussion. Businesses in the downtown area have been concerned with the degree panhandling has increased and the manner and nature of that panhandling. The revised ordinance provides additional regulation regarding where and how solicitation can occur. Specifically, it adds a restriction on solicitation from any person conducting business at any vendor table or cart. It also prohibits solicitation from occurring within 50 feet of the mall cross streets at 4<sup>th</sup> St E. and 2<sup>nd</sup> St W. for public safety reasons.

Mr. Norris asked to Mr. Tolbert to address Mr. Stroh and Mr. Benford's concerns. He said prohibiting soliciting from people seated at cafés is a logical extension of the ATM restriction.

Mr. Craig Brown said that given the legal limitations on our ability to regulate this conduct, prohibiting panhandling from seated customers is the extent of what we can do. Restrictions have to be content-neutral. They will apply to charitable organizations and students who play instruments as well. Regulations must be narrowly tailored to serve a significant government interest. Enacting a 15 foot restriction comes close to an absolute ban and restricts activity to business buildings on the downtown mall. The ordinance from 2003 was thorough, with a focus on aggressive panhandling.

Ms. Szakos said the defense of First Amendment rights was compelling. She values individual rights as well as community rights. She would like to see this ordinance enforced. She sympathized with people who have been aggressively panhandled and encouraged citizens who are approached aggressively and feel threatened to call the police. She said she understood why people wanted the 15 foot restriction and wished it could be enforced without violating the First Amendment.

Dr. Brown said he did not want to push the ordinance further. Mr. Norris said he wanted to push it further, but he will not defy the advice of our city attorney.

On motion by Dr. Brown, seconded by Ms. Szakos, the motion was carried as drafted.

#### **REPORT/RESOLUTION: NUNLEY STREET NAME CHANGE**

Mr. Brian Haluska reported on the request to change the name of a section of street known as Moore Street to Nunley Street. The request came from Mr. Deborah Shifflett, who wanted to rename the street to Bingler Street to honor the Bingler family, who settled in that area.

Mr. Dan Rosenswag supported the request because he felt it would not detract from the development and believed it was unlikely the road would ever be constructed. Mr. Norris invited Ms. Shifflett to come forward and speak. Ms. Shifflett said she has been working since February 2009. She has 50 family signatures supporting the name change.

Mr. Norris said he was swayed by Mr. Rosenswag's letter. It is an unfinished street and more of a walking path, so he does not believe renaming it is an issue.

On motion by Dr. Brown, seconded by Ms. Szakos, Council voted to approve the resolution. (Ayes: Dr. Brown, Mr. Norris, Ms. Szakos; Noes: None).

**MATTERS BY THE PUBLIC**

Ms. DeDe Smith, 2652 Jefferson Park Circle, said one factor that has been missed in the dredging and water supply debate is whether or not dredging will provide adequate water supply and our demand analysis. Charlottesville has the lowest consumption around the state because we are so heavily residential.

Mr. Peter Kleeman, 407 Hedge St., said he was delighted to be here to watch the MOU signing with Winneba. He would like to see more information about what goes on in Winneba. He said there is an opportunity through TV 10 or other avenues to prepare information so people can understand and become more intimately associated with the agreement that has been signed. He wants people to be aware of how they can plug into this exchange.

The meeting was adjourned.

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President

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Clerk