

**NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, March 18, 2013, 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 – March 18, 2013**

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

On motion by Ms. Szakos, seconded by Ms. Galvin, Council voted, (Ayes: Mr. Huja, Ms. Galvin, Ms. Szakos; Noes: None; Absent: Mr. Norris, Ms. Smith), to meet in closed session for (1) Discussion and consideration of prospective candidates for appointment to City boards and commissions, as authorized by Va. Code sec. 2.2-3711 (A) (1); and, (2) Discussion of the acquisition of real property for public park purposes, where discussion in an open meeting would adversely affect the City's bargaining position, as authorized by Va. Code sec. 2.2-3711 (A) (3). The properties in question are located near Sycamore Street on the former Martha Jefferson Hospital site; on 11th Street, N.E.; on Eton Road; across from Azalea Park on Old Lynchburg Road and McElroy Drive; at the intersection of Mill Park Drive and Greenbrier Drive in Albemarle County; and on Baylor Lane adjacent to Jordan Park; and, (3) Consultation with legal counsel and briefings by staff members pertaining to actual litigation involving stormwater drainage from the Stonefield development in Albemarle County, where such consultation and briefing in an open meeting would adversely affect the City's negotiating posture, as authorized by Va. Code sec. 2.2-3711 (A) (7).

On motion by Ms. Szakos, seconded by Ms. Galvin, Council certified by the following vote (Ayes: Mr. Huja, Ms. Galvin, Ms. Szakos; Noes: None; Absent: Mr. Norris, Ms. Smith), 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 – March 18, 2013**

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

## **AWARDS/RECOGNITIONS**

Ms. Galvin read a proclamation for Poison Prevention Week. Ms. Kristen Wenger was present to accept the proclamation from Mayor Huja and distributed magnets with the poison hot line number, 1-800-222-1222.

Ms. Galvin read a proclamation in honor of Friendship Court for their farm and water conservation practices. A'Lelia Henry, Urban Agriculture Collective of Charlottesville (UACC) Board's Vice Chair, and Todd Niemeier, the farm's manager, were present to accept the award.

Ms. Galvin announced the Community Budget Forum at 7:00 p.m. on Wednesday, March 20 at City Space.

Ms. Galvin announced a special election on Tuesday, April 2 for the Treasurer. Call 970-3250 or visit [www.charlottesville.org/vote](http://www.charlottesville.org/vote) for more information.

Ms. Szakos announced StoryFest Day, hosted by WVPT. Clifford the Big Red Dog and Cubby the Bear will be present. This is a literary event promoting reading for young children. Ms. Szakos read a proclamation in honor of WVPT and Clifford's 50th Birthday Party. Anne Jolly was present to accept the proclamation on behalf of WVPT.

Ms. Szakos announced tree debris collection from the recent snow storm begins today, March 18.

Ms. Szakos announced Fix a Leak Week, March 17-23. For more information go to [www.epa.org/watersense](http://www.epa.org/watersense).

Ms. Szakos announced the next Our Town meeting on Monday, March 25 at 6:00 p.m. at Jackson Via Elementary School.

Ms. Huja invited Mr. Nana Ghartey to present the Ghana Association Award to the Parks and Recreation Department. Mr. Brian Daly was present to accept the award.

Mr. Huja said the City is making a trip to Winneba, Ghana this spring. If you are interested, please contact the City Manager's office.

Mr. Huja announced an Earth Hour event. On Saturday, March 23, at 8:30 p.m., thousands of cities around the world will go dark for one hour during Earth Hour, World Wildlife's annual campaign to raise awareness of environmental challenges.

Mr. Huja read a proclamation for Festival of the Book, which begins tomorrow evening. Ms. Nancy Damon was present to accept the proclamation.

## **MATTERS BY THE PUBLIC**

Mr. Paul Long, 1410 Grady Ave., said he was disgusted that CAT buses were pulled off the street early in the morning during the recent snowstorm. He said Mark Brown, the owner of Yellow Cab company, should be ashamed of himself for doubling the cost of cab service during the snowstorm. He urged Council to reject Nelson/Nygaard's recommendations in total.

Mr. Mike Basile, 765 Taylor's Gap Rd., said he was concerned about Chief Longo's testimony to the Senate about universal background checks for firearms. He said he was put on the threat list by Chief Longo, and he said his rights are being impeded. He said minorities will be targeted through background checks.

Mr. William Page, 1401 Wellford St., said the YMCA is required to provide the City Manager with a five year operational plan. The YMCA has an unimpressive financial record during the time their lease was signed. He reviewed their financial statements and said there are discrepancies. He asked the City Manager not to approve construction until this is studied.

Mr. Daniel Bluestone, 501 Park Hill, brought a handout of the quadrant of the new interchange proposal around the Charlottesville rescue squad. The top two images show what was approved. The middle two images are looking north and south, showing an entirely landscaped plan. The skate park was supposed to be returned to a park landscape. He said landowners have not been called to consult regarding landscape plans.

Mr. Kenneth Jackson, 317 High Rick Rd. in Rice, Virginia, spoke about "RAISE", an organization formed to act as a contact point for other agencies and resources. He said there will be a talent show in April, and he hopes everyone will come to support missing people. He said staff has been unwilling to collaborate with community groups who could help find DaShad Smith.

Ms. Nancy Carpenter, 727 Denali Way, said Route 1 and Route 11 proposed routes do not have Saturday service, and this serves residents who do not have direct access to a grocery store. She said there have been positive steps as well, but there needs to be more outreach. University Transit is good for students but does not work for everyday people.

Mr. Sam Towler, 1601 Green St., south of Belmont Park, said he has taken the bus to work for the last three years because they do such a great job in the winter. He is concerned that the new route stops all service to Belmont Park.

Ms. Wes Bellamy, 1002 Linden Ave., invited everyone to the HYPE Real Men 101 and Real Women 101, for grades 6 - 12 this Saturday at the Carver Recreation Center in the new Jefferson School.

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

Mr. Huja asked Mr. Jones to inform the public about efforts made to meet with the family of DaShad Smith. Mr. Jones said a meeting that was scheduled for March 13 was cancelled by

Mr. Jackson. There have been at least six meetings between the police department and the Smith family.

Ms. Galvin said she believes our local criminal justices are working to improve information sharing. She told Mr. Basile that she supports Chief Longo's position on criminal background checks. Ms. Galvin said she thought we were going to have a parkway entrance we are proud of, and a parking lot does not fit this bill. She asked staff to follow up on this.

Ms. Szakos said she was proud of Chief Longo's testimony, and background checks are the least we can do for people who are buying lethal weapons. Gun purchasing and ownership is overwhelmingly by white, rural men, so she does not see this as a racism issue. She asked citizens not to bring Council lengthy reading material the night of the meeting, because it is an ineffective way of communicating information and wastes paper. Ms. Szakos wanted to reassure Mr. Jackson's daughter that many people do care very much about DaShad Smith, and people are working on this case tirelessly.

Mr. Huja said he agreed with his colleagues about background checks.

On motion by Ms. Szakos, seconded by Ms. Galvin, the following appointments were made to Boards and Commissions: to the Charlottesville Economic Development Authority: Mr. Ethan Dunstan and Mr. Adrian Feltz; to the Parks and Recreation Advisory Committee, Ms. Llezelle Dugger; to the RWSA and RSWA, Mr. Maurice Jones and Ms. Judy Mueller. (Ayes: Mr. Huja, Ms. Galvin, Ms. Szakos; Noes: None; Absent: Mr. Norris, Ms. Smith)

## **CONSENT AGENDA**

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

### **a. Minutes for March 4**

Minutes Mar 4

### **b. APPROPRIATION: State Assistance for Spay and Neuter Program at SPCA - \$757.59 (1st of 1 reading)**

State Assistance for Spay and Neuter Program

### **c. APPROPRIATION: 2013 Juvenile Accountability Block Grant (JABG) - \$11,111 (1st of 2 readings)**

2013 Juvenile Accountability Block Grant

### **d. RESOLUTION: Zoning Text Initiation - Affordable Dwelling Unit Ordinance (1st of 1 reading)**

Zoning Text Initiation - Affordable Dwelling Unit Ordinance

- e. **ORDINANCE: Quitclaim Gas Easement to VDOT (Townbrook Crossing/Court in Dunlora Gates Subdivision) (1st of 2 readings)**

Quitclaim Gas Easement to VDOT

**PUBLIC HEARING: FY 2014 Tax Rate**

REPORT TaxRateCityBudget

**PUBLIC HEARING: City Manager's Proposed FY 2014 Budget**

City Manager's Proposed FY 2014 Budget

Mr. Jones presented a powerpoint to Council. He reviewed user fees and revenue enhancements, funding, gave an overview of budget reductions, reviewed the Capital Improvement Program, and reviewed future needs.

Ms. Szakos asked for a comparison of the tax rate compared to other areas. Mr. Jones said staff will get this information for Council.

On motion by Mr. Huja, the public hearing on the Tax Rate for FY2014 was opened.

Having no speakers, the hearing was closed.

On motion by Mr. Huja, the public hearing on the City Manager's Proposed Budget was opened.

Mr. Louis Desobry, 608 9th Street, said he believed his program, Open Source Recycling, could have scored higher and should be funded.

Mr. Kraig Chapman, 401 4th Street NW, said he was given a computer by Open Source Recycling, and as a low income veteran, he would not have been able to afford this amenity. He described other ways he has benefited from the group.

Mr. Scott Brown, 1407 Lester Dr., speaking on behalf of the First Tee program, said Council should support the contract made with the First Tee to operate through 2019. Council should reduce funding for sidewalks to support this program.

Ms. Leann Probst, 2202 Greenbrier Dr., said she supports the First Tee of Charlottesville. This is a fun way for kids to learn core values and life skills. She shared her son's positive experience with the program.

Mr. Rauzelle Smith, 133 Weston Trail, Ruckersville, said he requested eliminating the disparity between local prosecutors and public defenders. The public defender's office has been unable to retain their employees because of low income.

Mr. Wayne Hall, County resident, said there are a number of people here from First Tee to tell their stories. This is a small part of the over City budget and will affect over 470 children.

Mr. Dick Gibson, 674 Hillside Dr., Chairman of JABA, thanked Council for their past support. He requested that they increase the support for Mountainside Senior Living Facility in Crozet, which provides low cost assisted living for citizens in the area.

Ms. Marta Kane, resident of Albemarle County and Chief Operating Officer for JABA, read quotes supporting care for elders in the community. She reviewed the work of JABA and asked Council to increase funding for the Senior Living facility. She asked Council to fund a \$15,000 match for their healthcare programs.

Mr. Thadd Probst, 2202 Greenbrier Dr., spoke on behalf of the First Tee of Charlottesville, where he has been a member for six years. He said the program has changed many lives both on and off the course.

Ms. Susie Hoffman, 1203 Augusta St., said Council should reinstate funding for the First Tee program, which has been beneficial for her son. She explained how the program teaches children core values. She asked Council to provide funding at least through the end of the contract.

Mr. Ian Buchanan, County resident, said he has been a First Tee participant for five years, since he was nine years old. He asked Council to continue funding the program, which provided him with access to a sport he would not have otherwise had. He said the program teaches life skills to children.

Mr. Tom Eckman, 1990 Bentivar Rd., retired resident, said he became involved with International Rescue and the First Tee program. Some of the Somalian refugees he mentored have successfully graduated from the First Tee program, and it has made a difference to them.

Mr. Ron Buchanan, 2734 Fernlead Rd., Albemarle County, said his son Ian has been a First Tee participant for the past five years. This program is about much more than golf. Using golf to teach life skills is a powerful tool with measurable results.

Ms. Katherine Davis, 205 Brookwood Dr., said she is here as a representative of the Paramount Arts program, which has been recommended for a 25% decrease from the previous year. She said 100% of the funding requested from the City supports City students.

Ms. Cathy Von Storch, 250 Chestnut Oak Ln., advocated for the restoration of funding for the Paramount Arts program. She cited service to low income students and increased participation as reasons for continued level funding.

Mr. John Pfaltz, 1503 Rugby Rd., said Council should look at the retirement fund, pensions, and the debt service fund and long term debt. He said the interest in our debt service has doubled. Public works has been doing a fantastic job cleaning up after the last snow storm.

Mr. John Putalik, 2220 Shepherds Ridge Rd., volunteer for the First Tee program, has been with the program almost since its inception. He urged Council to attend one of the program sessions so they can appreciate their value. This program is important because it fosters character development in the children who participate.

Ms. Julie Caruccio, 752 Lexington Ave., said she is here on behalf of the Community Investment Collaborative (CIC). She spoke to the relationship between CIC and UVA programs and students.

Ms. Sandra Carter, 738 Orangedale Ave., said she is a CIC graduate, and this is where she learned how to run her business. She asked Council to support CIC.

Ms. Liz James, 100 Melbourne Park Cir., said she is a single mom of 15 years and raised three children on her own who are now all in college. Now that she is ready to move forward with her life, CIC has given her the tools to do so. She has opened The Happy Tomato, and the CIC has given her the ability to make her vision a reality.

Mr. Pete Costigan, 418 Qudoph St. in Ruckersville, said he is a retiree and has served on several non-profit boards and committees over the past several years. He has read CIC's business plan, attended their graduation ceremony last August, and participated in a recent mentor program. He cited reasons why CIC is a successful program.

Mr. Cle Logan, 103 Providence Rd., said CIC has been instrumental in his success as a business person. He now has the knowledge he needs to operate a business.

Mr. Quinton Harrell, County resident, said he has owned businesses in the City for some time. He said economic empowerment tackles many disparities we struggle with in the City. He said Mr. Toan Ngyuen is very trustworthy and passionate.

Mr. Douglas Muir, 1482 Minor Ridge Ct., said he owns Wild Wing Cafe and Bella's Restaurant and was approached by Mr. Ngyuen a while ago. He is now passionate about teaching entrepreneurs, and the students at CIC are hungry for information.

Mr. Toan Ngyuen, 710 Lyons Court Ln., thanked Council for their contribution and support of CIC. He said they are asking for funding because demand has increased so much. They hate to turn applicants away.

Mr. Andy Jones Wilkins, Albemarle county resident, said he is here in support of the First Tee program. A relatively small commitment will help build character for our children.

Ms. Anna Buchanan, County resident, said she is here in support of the First Tee program. This program is about values and life skills.

Mr. John Healy, County resident, said he supports the First Tee of Charlottesville.

Ms. Leslie Luxemburg, said she supports the First Tee program, which is phenomenally run.

Having no further speakers, the hearing was closed.

Mr. Huja said Council still has several work sessions on the budget and will comment on specific items at that time.

## **PUBLIC HEARING / RESOLUTION: HISTORICAL SOCIETY LEASE** (1st of 1 reading)

### **Historical Society Lease**

Mr. Rich Harris presented to Council on the Albemarle Charlottesville Historical Society lease proposal. He reviewed the history of the lease and the negotiations with the Historical Society. He explained that the lease is structured to encourage the Historical Society to take steps to establish a better financial situation for themselves in the next four years.

Mr. Maynard Sipe, legal representative for the Historical Society, said the Society is looking forward to continuing a good relationship with the City. He described the benefits the Society provides to the City.

Ms. Galvin asked about the letter included in the resolution. She asked who will monitor the five points set out in the letter to ensure the terms of the letter are met. Mr. Harris said the Society is going to report to Council annually, and Facilities Maintenance will follow up on monitoring their financial statements. Ms. Szakos asked that the letter include language to that effect.

Mr. Jones read a change suggested by Mr. Norris, combining d and e from the letter to read "produce and submit to the City Council an annual progress report...accompanied by an annual audited financial statement."

Mr. Sipe said the Society views the letter as goals that they intend to make progress on, and they felt the burden would be on the Society and would not require additional external staff time or effort. Also, they are hoping to avoid incurring the expense of an annual audit, because this is a significant expense in terms of the operating budget. Mr. Huja said this could be amended to say audited financials would be provided in four years.

Ms. Galvin thanked the Historical Society for their renovations.

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



On motion by Ms. Szakos, seconded by Ms. Galvin, the resolution passed with the addition that staff would monitor progress through facilities maintenance. (Ayes: Mr. Huja, Ms. Galvin, Ms. Szakos; Noes: None; Absent: Mr. Norris, Ms. Smith)

**RESOLUTION: CHARLOTTESVILLE HOUSING FUND ASSISTANCE FOR JABA PACE HOUSING AT 1335 CARLTON AVENUE - \$500,000** (1st of 1 reading)

Ms. McHugh presented to Council. This is for a project to be co-located at 1335 Carlton Ave., along with the PACE program. She described the nature of the project and the citizens it would serve.

Ms. Galvin said there is a question of whether or not we were actually concentrating low income housing in this part of the City when you look in context of Sunrise across the street. The 2012 Comprehensive Plan housing chapter is moving towards a scattered approach to achieving the 15% affordable housing goal. Also, that site was a major employment center. We are not replacing it with a very good growth track employer.

Mr. Chris Murray, JABA, explained that the original proposal, which was to develop on both sides of the street. The development at Sunrise has been put aside, and they will come back to Council for support for a child care program in the future. He envisions this will be a significant employer, creating about 50 jobs.

Ms. Szakos said one thing that mitigates housing concentration is that residents who need a particular service and are limited by mobility issues are well served by this structure.

Mr. Huja said he believes he does not have a conflict of interest, as he does not receive any payment from JABA.

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

**REPORT: TRANSIT STUDY UPDATE**

Mr. John Jones and Mr. Geoff Slater from Nelson/Nygaard presented their final recommendations to Council. He reviewed goals of the study, recommended changes, cost impacts, and gave an overview of what could be done with increased funding.

Ms. Szakos asked about Route 11. In light of the fact that on Wednesday evening, the Albemarle County Board agreed to spend \$47,000, she asked if we could we get something better than just the late service for Greenbrier. Mr. Huja asked if Greenbrier could get flex service. The consultants explained the pros and cons of various service options. Mr. Huja asked why there would have to be a 24 hour lead time for reservations. He said the current LINK service is poorly explained. If it were marketed effectively, it may be utilized more efficiently.

Ms. Galvin said it is compelling to look at the cost efficiency of alternatives to committed, fixed routes.

Ms. Szakos said a hybrid plan to help build demand would be great, with an anchored flex service plan, or a two day per week plan. She said it is important to be sure we have buses available for all voting locations. The consultants said this is not something they examined, and there could be a special service for voting days.

Ms. Szakos said if a citizen who is truly unable to walk to their bus route would be eligible for JAUNT. The consultants said this should make them eligible.

Ms. Galvin said there are some areas where the coverage is different, but increased service area and ridership are indicators that this is more effective routing. Having access to major employment centers will be extremely valuable to residents.

Ms. Galvin confirmed that if we do the alternate Route 11, then Route 5 will no longer have the loop.

The consultants said they have enjoyed working with City staff.

### **REPORT: TREE COMMISSION REPORT**

Mr. Chris Gensic presented to Council on the State of the Urban Forest. He reviewed the value of trees, the urban forest management plan, tree canopy protection and enhancement, and canopy expansion. He introduced the Tree Commission, which was formed in 2010 by Council initiative. He introduced Ms. Bitsy Waters to present to Council on the activities of the Tree Commission.

Ms. Waters thanked Council for their support. She outlined challenges the community faces, reviewed the Tree Commission's plan for future activity, and introduced the idea of a heritage tree protection ordinance. She said a long-term goal is to build overall staff capacity to address tree infrastructure issues.

Ms. Galvin said the PLACE Design Task Force has been made aware of a disconnect between trees and zoning ordinances. We should be in sync with our aspirations. The Water Street Extended project is not being planted with trees. She asked Mr. Jones if staff would revisit street trees in the Water Street Extended project.

Mr. Huja said he is interested in the Commission's work on an ordinance.

Ms. Szakos said trees should be a consideration in every part of the Comprehensive Plan in order to ensure we remain a green city. She asked if there are resources available to people who want to plant trees but may not be able to do so financially. Ms. Waters said there are community resources available, including the Tree Stewards, that can assist with this.

Ms. Galvin said we should integrate the findings of the Tree Commissions with the bike/pedestrian street sections Ms. Poncy is working on. She invited Ms. Waters to the PLACE meeting next Thursday, which will be about green infrastructure.

## **REPORT: PIEDMONT FAMILY YMCA FINANCIAL PLAN**

### **Piedmont Family YMCA Financial Plan**

Mr. Jones presented to Council. YMCA representatives gave a presentation to Council on their financial plan. Mr. Kurt Krueger, Chairman of the Piedmont YMCA, gave Council an overview of the history of the YMCA. He said this plan has to be finalized by April 1, or he will lose his bid price due to rising steel costs. Mr. Krueger said the plan only covers the new facility at McIntire Park, not existing facilities. The financing commitment is for nine years. The Y is using data from the national Y organization, Y-USA.

Ms. Szakos said the ground lease requires that this report go to the City Manager, and she asked Mr. Jones if he was satisfied. Mr. Jones said he sent a series of questions to Mr. Krueger. He asked Mr. Krueger what his plan was to raise the additional \$2 million needed. Mr. Krueger said with the lawsuit behind them, they believe they can comfortably raise \$2 million based on activity prior to the lawsuits.

Mr. Jones asked for clarification about the number of pool personnel, which seemed low compared to the City's Parks and Recreation staff. Mr. Krueger said the Y's facilities will not be of the same caliber as the Smith Aquatic Center. Also, YMCA staffers perform duplicate tasks. They have compared numbers to area YMCAs and are comfortable that their staffing level is sufficient.

Mr. Jones asked Mr. Krueger to address concerns that the Y is losing money based on the 990 forms. Mr. Krueger said a 990 is not an operating statement, but a look at assets over the year. Soft costs for architect's fees and design work are reflected in the 990 and are not a true reflection at this stage. Mr. Jones asked if the Y is making money in Crozet. Mr. Krueger said they made \$3,000 in the first year, but they are a non-profit and are trying to keep rates as low as possible. Mr. Jones asked if they have any other membership money coming in. Mr. Krueger said all programs are fee based.

Mr. Huja asked Mr. Jones if he was satisfied that the YMCA is fulfilling their requirements. Mr. Jones said staff does feel comfortable that they are doing so, although there is clearly further work to do.

Ms. Szakos said she was dismayed by the private clubs' lawsuits against the YMCA and suggested the Y ask them for the extra \$800,000 it has cost them

**OTHER BUSINESS: STONEFIELD SETTLEMENT**

Mr. Brown said the City is currently involved in litigation with Stonefield involving a stormwater drainage issue. Staff has been involved in mediation and is prepared to recommend a consent order, which settles the pending lawsuit between the developers at Stonefield and the City of Charlottesville.

On motion by Ms. Szakos, seconded by Ms. Galvin, Council authorized the City Attorney to execute the consent order. (Ayes: Mr. Huja, Ms. Galvin, Ms. Szakos; Noes: None; Absent: Mr. Norris, Ms. Smith.)

**MATTERS BY THE PUBLIC**

Mr. William Page, 1401 Wellford St., said parking was a real problem for the YMCA, and this could be a noose around their financial neck. He said the community is not behind this facility, based on the number of pledges they have received. This could be a real blow to the taxpayers if this project fails.

The meeting was adjourned.



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Clerk of Council