

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, April 15, 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 – April 15, 2013

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

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

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Ms. Szakos, Mr. Huja, Mr. Norris, Ms. Galvin, Ms. Smith; Noes: None), to reconvene in closed session for consultation with legal counsel regarding negotiation of the terms and conditions of a cost sharing agreement with the Albemarle County Service Authority for the costs of the Rivanna Pump Station, as authorized by Va. Code sec. 2.2-3711 (A) (7).

On motion by Ms. Szakos, seconded by Mr. Norris, Council certified by the following vote (Ayes: Mr. Huja, Ms. Smith, Ms. Galvin, 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 CHAMBERS - April 15, 2013

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

ANNOUNCEMENTS

Mr. Huja requested a moment of silence for those killed and injured at today's Boston Marathon bombings.

Mr. Huja announced T'ai Chi & Qigong Day and presented a proclamation to Ms. Hiromi Johnson. She thanked the Mayor for his support.

Ms. Szakos read a proclamation in honor of US Veg Week, April 22 - 28. Ms. Christina Tacoronti, Outreach Manager at Compassion Over Killing, was present to accept the proclamation. She said citizens can go to usvegweek.com to find out more.

Ms. Galvin read a proclamation in honor of Military Child Month. Mr. Norris accepted the proclamation on behalf of military children in Charlottesville.

Mr. Norris read a proclamation honoring the Monticello District Boy Scouts of America. Jim Lansing, President, Stonewall Jackson Area Council, and Jackie Newton, Monticello District Chair, were present to accept the proclamation and thanked Council for their support.

Mr. Norris read a proclamation in honor of Fair Housing Month. Ms. Karen Reifenberger was present to accept the proclamation and announced upcoming Fair Housing events for the month.

Ms. Smith read a proclamation in honor of Arbor Day on April 26. Chris Gensic and Robin Hanes were present to accept the proclamation. Ms. Smith also announced that Charlottesville was again recognized by Tree City USA for 2012. Ms. Hanes invited citizens to attend Arbor Day events on April 26.

Mr. Huja announced the Second Annual Mayor's Challenge for Water Conservation. Go to www.mywaterpledge.com to take part in the competition.

Ms. Szakos announced the Spring Job Fair on May 1 at 10:00 a.m. at the John Paul Jones Arena. Go to www.charlottesville.org/jobfair to learn more.

Ms. Szakos announced the next Our Town Charlottesville meeting will take place at Carver Recreation Center on April 25 for the Ridge Street, Willoughby and Burnett Commons Neighborhoods at 6:00 p.m.

Ms. Galvin announced Council's work session regarding the Downtown Mall on Tuesday at 5:00 p.m. at the Carver Recreation Center.

Ms. Smith announced the Week of the Young Child, which includes a Pinwheel Parade on Tuesday, April 23 at 10:15 a.m., beginning on the Downtown Mall at the Omni Hotel. Also, April 21 is the Bike Rodeo and the EcoFair at the Main Street Arena. May 11 is Race Unity Week, hosted by Dialogue on Race. Go to www.charlottesville.org/dialogue to learn more.

On motion by Mr. Norris, seconded by Ms. Szakos, the following appointments were made to Boards and Commissions: to Tree Commission, Joyce Hillstrom; to the Historic Resources Committee, Evelyn Mason and Dede Smith. (Ayes: Ms. Szakos, Mr. Huja, Mr. Norris, Ms. Galvin, Ms. Smith; Noes: None).

Mr. Norris asked to discuss ongoing detonation work around the Charlottesville Airport under "Other Business".

Mr. Norris announced "Winneba Wednesday", a fundraiser to support our sister city relationship with Winneba, Ghana. Visit Milli Joe, Orzo, Rapture, or Es Cafe on Wednesday, April 17, and 20% of the proceeds will go to the Winneba Foundation.

Ms. Szakos announced the Vietnam Memorial dedication is on Friday at 11:00 a.m.

Ms. Smith said watch for posters featuring "The Bugs", by Alex Zan.

MATTERS BY THE PUBLIC

Mr. Paul Long, 1410 Grady Ave., said Charlottesville and the surrounding counties need an extensive regional public transportation system.

Ms. Lena Seville, Altavista Ave., said elected officials must be held to a higher standard. She said the state code should be updated to include sex crimes and asked Council to write the General Assembly.

Mr. Khalil Reid, City resident, said there are too many expensive properties in the City. There needs to be more affordable housing.

Mr. Rit Venerus, Chair of the Albemarle Charlottesville Airport Commission, said he is here on behalf of the residents of Walnut Hills asking Council to halt the blasting at the Charlottesville Airport, which has caused extensive damage to homes.

Mr. Jeffrey Fogel, 215 Spruce St., said he was surprised to learn that Council did not provide money to the Public Defender office in their recent budget. He said this sends a message that Council prefers a punitive approach and believes that prosecution is more important than defense. Council failed to address the problem of poverty in this community throughout their budget process.

Mr. Peter Hedlund, 204 Todd Ave., said he supports lowering the speed limit on Jefferson Park Avenue Extended. He thanked the City for undertaking a study, but said he disagreed with the outcome stating the speed limit should remain at 35 mph. He also thanked the City for planting trees.

Mr. Hardy Whitten, 2521 Woodland Dr., President of Fry's Spring Neighborhood Association, said the neighborhood encourages Council to approve a 25 mph speed limit and examine mechanisms to support enforcement of the reduced speed limit.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Szakos said she understood Mr. Long's frustration and appreciated him coming. She agreed with Mr. Reid that we need more affordable housing. She said Mr. Fogel may have missed Council's support of the Public Defender Office. We are beginning a dialogue with the County to see how we can support it together.

Ms. Galvin agreed with Ms. Szakos' comments to Mr. Long and said we eagerly encourage discussions with the County on regional transportation. In response to Mr. Fogel, she said Council is constantly working with staff to create the partnerships needed to get people out of poverty. She said encouraging folks to get their GED is an important component.

Ms. Smith said she has sympathy for the airport issue. She looks forward to talking about the JPA speed limit.

Mr. Norris said he agrees that we need to rectify the imbalance of pay between the Commonwealth Attorney office and the Public Defender office, and we are working on a partnership with the county. He also said we need to figure out how to better prepare our residents for economic success. He thanked Ms. Seville for asking Council to go on record in favor of changing the state law to include sex crimes.

Mr. Huja asked Mr. Jones to see that Mr. Watts addresses citizen concerns about blasting.

1. CONSENT AGENDA

a. Minutes for April 1

Minutes for April 1

b. APPROPRIATION: Approval and Appropriation of CDBG & HOME funds for FY 2013-2014 (2nd reading)

CDBG & HOME Funds

c. APPROPRIATION: Insurance Settlement for Damaged Police Car - \$20,506 (2nd reading)

Insurance Settlement

d. APPROPRIATION: Juvenile & Domestic Relations Phone System Upgrade - \$39,954.16 (carried)

Juvenile & Domestic Relations Phone System Upgrade

e. RESOLUTION: City Manager's Contract

City Manager's Contract

f. RESOLUTION: Charlottesville Area Transit Proposal to Submit Grant Application - FY 2014 Virginia Department of Rail and Public Transportation Funding

Charlottesville Area Transit Proposal to Submit Grant Application

g. RESOLUTION: Resolution to Designate John Jones as Authorized Official Signatory

Designate John Jones as Authorized Official Signatory

h. ORDINANCE: Johnson Village PUD Amendment (2nd reading)

i. ORDINANCE: Elliot Avenue PUD (2nd reading)

j. ORDINANCE: Vending from Vehicles Chapter 28 (carried)

Vending from Vehicles Chapter 28

k. ORDINANCE: Mobile Food Units Chapter 34 (carried)

Mobile Food Units Chapter 34

Ms. Szakos asked to amend the ordinance regarding vending vehicles to change all instances of "vehicles" to "vending vehicles" on item j.

Ms. Smith asked to review the wording of this ordinance as well.

On motion by Ms. Szakos, seconded by Ms. Galvin, the consent agenda was passed unanimously.

PUBLIC HEARING / ORDINANCE: Human Rights Commission (2nd of 2 readings)

Human Rights Commission

Mr. Ellis presented to Council. He gave an overview of the history of the Human Rights Commission discussions and reviewed staff's recommendations.

Ms. Szakos said she submitted an amended ordinance on Friday in an attempt to incorporate concerns she has heard throughout this process. She described the major differences between the originally proposed ordinance and her amendments. Ms. Smith clarified that the Commission does not come into play for disputes. Ms. Szakos said it does not.

On motion by Mr. Huja, the public hearing was opened.

Ms. Abigail Turner, Counsel for the Legal Aid Justice Center and member of the Human Rights Taskforce, thanked Council for their time working on this issue. She said the taskforce supports the work the proposals say should be done about institutionalized discrimination. She urged continued and expanded discussion on race. She said those discriminated against should be able to get help from the City.

Mr. Timothy Hulbert, Charlottesville Regional Chamber of Commerce, said the Chamber supports anti-discrimination statutes. However, they disagree with a Commission with enforcement authority and no apparent appeal. This may cause unintended adverse consequences. A local authority is a missing ingredient.

Mr. Walt Heinicke, 1521 Amherst St., said the proposals eliminate the enforcement power of the Human Rights Commission and put all the power in the hands of a special advocate.

Mr. Paul Long, 1410 Grady Ave., said he favors a Human Rights Commission with enforcement power. The Commission should have an educational component as well.

Mr. Jeffrey Fogel, 215 Spruce St., said Council should not honor entities that engage in discrimination based on sexual orientation. He said he agrees with enforcement power, and the EEOC does not enforce federal anti-discrimination laws. The only way to enforce these laws is locally.

Mr. Peter Kleeman, 407 Hedge St., said discrimination occurs locally, and this makes it a local problem. All of the issues that can be addressed locally, should be addressed locally.

Having no further speakers, the hearing was closed.

Ms. Smith asked Mr. Ellis if there was clarification on whether the EEOC would mediate locally. Mr. Ellis said the EEOC is open to having mediation occur locally.

Mr. Norris asked Ms. Szakos what the motivation would be for an employer or landlord accused of discrimination to engage in mediation if there are no legal consequences for them not to do so. Ms. Szakos said most employers in the community want to do the right thing. Mr. Norris asked if he could amend her proposal to allow some recourse for situations where an employer or landlord commits an egregious act of discrimination. Ms. Szakos said if the parties are not able to find solutions through mediation, the investigation would still go forward. She said we need data on the incidences of serious discrimination, and the fact finding step gives us a mechanism to do so.

Mr. Huja said going public with an accusation would be a punishment of sorts. He said he is comfortable with Ms. Szakos's amended proposal.

Mr. Norris said he believes it is wrong to put the onus on the citizen to pursue legal recourse if there is a violation. This is his problem with Ms. Szakos's proposal. If anyone complains of an employer with less than 15 employees, and it is found that a violation did occur, they are on their own unless the employer agrees to cooperate. Ms. Szakos said if we have an ordinance at all, it must be an ordinance that we mean. She would love to see us spend the money for full enforcement.

Ms. Galvin said we do not need a large, local enforcement mechanism. We do not have data for our locality to support the need for this. Ms. Smith said it is not as big of a financial threat as some may fear. Ms. Galvin said it is problematic that 30% of our employees live here and the rest do not.

Mr. Norris said if we do not have three votes for full enforcement authority, we could create a fund that would provide support for individuals who are looking to achieve mediation through the courts. Ms. Szakos said we could write this in for the future, but have that be a trigger for adding enforcement.

Mr. Brown said enabling legislation may not authorize assisting with payment for outside counsel. Mr. Jones clarified that funding was not only for staff, but also for operating costs, including education and other initiatives. Ms. Szakos said we could commit to the ordinance now and then hold community forums on implementation.

Ms. Szakos said she would take out the word "future" from her amended ordinance. Ms. Galvin said she does not believe we have the data to support that decision. We need to work more in the direction of building relationships with our working community and creating a better environment so we can solve the problems that have a real impact on our poor families.

Ms. Szakos said she has always supported enforcement and believes this is a good thing for local businesses in Charlottesville. Until we can use a mechanism for investigation, negative stories will continue to be the dominant dialogue in our community.

Mr. Huja said he is willing to support the original proposal.

Ms. Galvin said it is hard to budget for this because you cannot put a dollar amount on it.

Mr. Norris said we can have a fully effective enforcement program for the proposed \$180,000 budget.

Council discussed local enforcement, and state versus federal enforcement, particularly in regard to the habits of the EEOC.

Mr. Norris said there are aspects of Ms. Szakos' proposal that present a compromise that could bring both groups of people together. He said he hopes we will agree to provide enforcement authority for cases not covered under EEOC.

Mr. Huja said he is concerned that no one has had a chance to review Ms. Szakos' proposal. He said we should have a first reading tonight, then a second reading at the May 20 meeting.

Mr. Norris moved to approve Ms. Szakos' version, with the word "future" removed from enforcement authority. Ms. Smith seconded the motion. The amended ordinance passed on a first reading.

Ms. Szakos called the question on the original ordinance that was carried on first reading. The motion failed. (Ayes: Mr. Huja, Ms. Galvin; Noes: Mr. Norris, Ms. Smith, Ms. Szakos).

Council requested staff make several minor modifications.

Mr. Norris said page 5, Section 4-38 will be eliminated. Page 3, paragraph e at the bottom, is inconsistent with page 5, paragraph b. Mr. Norris asked staff to clean up the current version and make it consistent for the second reading.

Council requested striking Section 2-443 regarding effective date. Also, the last eight words of the paragraph in Section 2-432(a), "Shall serve at the pleasure of City Council", should be stricken.

Mr. Norris requested striking the word "rental" from "fair rental housing complaints". He also clarified that PHA does not do enforcement; reference to PHA should say enforcement *initiated* by PHA.

Ms. Galvin requested page 4, Section 2-434 (f) include the phrase "*with any disinterested third party*".

Ms. Galvin requested page 2, Section 2-433 (a) say "*and other agencies within the City*" subject to the review and approval of Council, so that the Council is aware of what the Commission is identifying. Mr. Norris said this may infringe on their autonomy. Ms. Galvin said there needs to be some oversight. Mr. Norris instead suggested that Section 2-441 on page 7, indicating that Council would vote each year on accepting their work plan, should include "*for Council approval or modification*".

On motion by Mr. Norris, seconded by Ms. Smith, the amendments to the ordinance were passed on a first reading.

Mr. Huja said the first proposed ordinance would have been damaging. Ms. Galvin said we need a better consensus on how to handle these issues. She thinks we are dosing this issue with the wrong kind of medicine. Ms. Smith said this may be largely symbolic, but it is important.

PUBLIC HEARING / RESOLUTION*: \$16 Million Bond Issue (maximum amount) - New Debt; \$25 Million Refunding Bond Issue (maximum amount)

Bond Issue

Ms. Krisy Hammill presented to Council. She described the resolution before Council and reviewed the bond process. Charlottesville is one of five localities in Virginia with a AAA rating, which enables the City to get excellent rates.

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

On motion by Ms. Smith, seconded by Ms. Szakos, the bond issue was approved. (Ayes: Ms. Smith, Mr. Norris, Ms. Szakos, Ms. Galvin, Mr. Huja; Noes: None.)

REPORT: Mobilizing for Action through Planning and Partnerships (MAPP)

Mobilizing for Action through Planning and Partnerships (MAPP) Report

Ms. Lilian Peak presented to Council. She reviewed the MAPP process. Their number one goal was to decrease the percentage of overweight or obese persons. She reviewed obesity trends over the past several decades and encouraged the City to examine policies that improve wellness and healthy eating.

Ms. Galvin asked Ms. Peake if she has data that links vehicle miles traveled with obesity. Ms. Peake said there are not. A lot has changed over three decades, and there may be many contributing factors, including processed foods and increased electronics use, especially by children.

Mr. Huja asked for website information. Ms. Peake said the Community Action on Obesity is working on a new website in support of their new campaign, and it will be available soon. Go to www.tjhd.org for more information on this report.

Mr. Norris said there have been studies done to support correlation between obesity and vehicle miles traveled. Ms. Szakos announced that we have signed on once again for the "Let's Move" program. Also, an ordinance addressing healthy eating and activity will come before Council later this spring.

ORDINANCE: Stonehenge PUD (carried)

Mr. Willy Thompson presented to Council. He reviewed the history of the project.

Mr. Andrew Baldwin, developer for the Stonehenge PUD, addressed Council. Mr. Huja asked him to summarize what they have done since the last meeting. He clarified for Mr. Norris

that he could not change the proffer to include affordable housing without going back through the entire process. Mr. Brown said if Council wants to add to the final proffer dated April 10, it has to go through another public hearing.

Mr. Baldwin reported that the developers had a work session with the Planning Commission and gathered information about their concerns. He said they are also working with including accessory units to make housing in the development more affordable.

Mr. Huja said he believes these are significant improvements, and he supports the plan.

Ms. Galvin said the intermediate plan did not have the overall connectivity that we seek, but it did create a very pedestrian-oriented street. Connectivity should not come at the expense of a pedestrian-friendly environment.

Ms. Smith asked what the stormwater solution is for such a steep slope. A member of the developer team said they have plans for runoffs, although they have not yet drafted a specific plan for this site.

Mr. Norris said the plan has come a long way and seems to address most of the concerns of the neighbors.

Ms. Szakos said she appreciates Ms. Galvin's expert opinion because the Planning Commission's vote was not resounding on one side or the other. She said this plan is better, but now the only thing we have to compare it to is the By-Right Plan, which does not provide an urban vision. Ms. Galvin said further efforts could have been made to recess the garages on the house design.

Mr. Norris moved to approve the ordinance and requested the applicant meet with Ms. Galvin in the near future. Ms. Galvin said she would rather it be a meeting with the PLACE Design Task Force. Mr. Huja seconded the motion. The ordinance carried.

Council deferred a vote on the critical slopes resolution to the May 20 meeting.

ORDINANCE: Speed Limit Reduction (carried)

Speed Limit Reduction

Ms. Donovan Branche summarized a traffic study conducted on a section of Jefferson Park Avenue. Traffic studies are required by state law in order to make speed limit changes. Based on the study, she believes we will be within our legal warrants to either keep the speed limit at 35 mph or reduce it to 30 mph.

Ms. Smith said there was criticism about the timing of the study. Ms. Branche said standard studies are 48 hour counts during the week.

Ms. Smith expressed concern about the crosswalk at the bridge, which is dangerous because cars speed over the bridge at that location. She said reducing the speed will help this problem.

Ms. Szakos said she supports reducing the speed limit to 30 mph. She asked if there are other mechanisms we can implement in that neighborhood to slow traffic down.

On motion by Ms. Szakos, seconded by Ms. Galvin, the ordinance to adopt a 30 mph speed limit carried.

Ms. Smith requested a second study. Ms. Szakos supported Ms. Smith's request. Ms. Smith asked how much crosswalks affect the study, because there are more needed around that location.

Mr. Norris seconded the request for reviewing whether an additional crosswalk would affect the recommended speed. Council directed staff to delay a second reading and report back with their findings at a future Council meeting.

RESOLUTION: Proposed Loan to the Lewis & Clark Exploratory Center of Virginia, Inc. - \$130,000

Proposed Loan to the Lewis & Clark Exploratory Center

Ms. Alexandria Searls, Executive Director of the Lewis and Clark Exploratory Center, addressed Council. A match from the City is required. The County has approved a bridge loan contingent on the City's approval.

Ms. Szakos asked what would happen in six months if they do not have the money. Ms. Searls said they would keep trying to obtain the funding, but a default would have substantial consequences. He said the City owns half of the building, and it is a valuable asset to the community.

On motion by Ms. Szakos, seconded by Ms. Smith, the resolution granting a proposed loan to the Lewis & Clark Exploratory Center of Virginia, Inc. for \$130,000 was approved. (Ayes: Ms. Smith, Mr. Norris, Ms. Szakos, Ms. Galvin, Mr. Huja; Noes: None.)

Mr. Norris asked what the source of funding would be. Staff said this will come from the Strategic Investment Fund and Economic Development through CEDA.

OTHER BUSINESS: AIRPORT BLASTING

Mr. Norris said the Airport acknowledges that there may be some legitimacy to these

claims of damages, but he thinks it is a reasonable request from the neighbors that there be a pause in the blasting until the assessments have been completed.

Mr. Venerus showed a map of the blasting site in relation to the homes who are reporting damages.

Ms. Szakos confirmed that they are blasting in order to create gravel so that they do not have to pay to import it. Mr. Venerus said this is so, and it is saving about \$5-6 million.

Mr. Venerus said the engineer has not told them how long it will take to complete the assessments. Also, the project managers had not notified a nearby EPA site of the blasting. The airport sent a letter notifying homeowners of blasting but did not include the dates this was to occur, suggestions to get home inspections, or warnings of potential damage.

Ms. Szakos moved that Council write a letter to the Airport Authority asking them to stop blasting until these assessments are completed or until they are able to show that the blasting is not causing damage. Mr. Brown advised Council to consult with the Airport Authority before requesting a halt. He said it will cost \$20,000-30,000 a day to temporarily halt blasting.

Mr. Huja asked about the County. Mr. Venerus said he has spoken with Ms. Ann Malek, and he believes this will go before the County Board at their next meeting.

Mr. Huja amended the motion so that it does not contain the word "demonstrate". Ms. Smith seconded. The vote to write a letter passed. (Ayes: Ms. Smith, Mr. Norris, Ms. Szakos, Ms. Galvin, Mr. Huja; Noes: None.)

Ms. Szakos said Council understands this is not binding but more of a moral statement.

MATTERS BY THE PUBLIC

There were no speakers for Matters by the Public.

The meeting was adjourned.