

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Tuesday, September 3, 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 – September 3, 2013

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

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Mr. Huja, Ms. Galvin, Ms. Smith, Ms. Szakos, Mr. Norris; Noes: None), 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) Consultation with legal counsel for legal advice regarding the 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 Ms. Smith, Council certified by the following vote (Ayes: Mr. Huja, Ms. Galvin, Ms. Smith, 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 CHAMBERS – September 3, 2013

CALL TO ORDER

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

Mr. Huja read a proclamation for the Charlottesville AIDS Walk 2013. Mr. Peter DeMartino was present to accept the proclamation. He thanked Council for their acknowledgement.

Mr. Norris read a proclamation for National Preparedness Month. Go to ready.gov or listo.gov for more information. Ms. Kirby Felts was present to accept the proclamation.

Ms. Szakos read a proclamation for Charlottesville Pride Festival Day. Ms. Amy Marshall, President of the Charlottesville Pride Network, was present to accept the proclamation and thanked Council for their support.

Ms. Galvin announced the next Our Town Charlottesville meeting on Thursday, September 12 at Jackson Via for the Johnson Village/Fry's Spring neighborhoods. She also announced the Move2Health initiative and invited Dr. Lilian Peake to speak. Dr. Peake challenged citizens to get thirty minutes of physical activity at least five times a week and announced the kick-off at the next Fridays After Five. Go to www.move2healthcentralva.org for more information and to sign up.

Ms. Galvin announced the Charlottesville Vegetarian Festival on September 28 in Lee Park. She also announced a solar program on Wednesday, September 25 at 7:00 p.m. Go to www.350centralvirginia.org for more information.

Ms. Smith announced the Water Resources Protection Program is now accepting applications. Go to www.charlottesville.org/boards for more information and to apply online.

Mr. Norris announced Government Services Day on Thursday, September 26 from 10am-2pm on the Downtown Mall. People of all ages are invited to participate and learn more about their City government.

Ms. Szakos announced September is Library Card Sign-up month. For more information go to the library or visit www.jmrl.org/librarycard. She also said Inc Magazine named five local businesses in the area as one of the 500 fastest growing private companies in America.

Mr. Huja invited Mr. Nana Ghartey to introduce a special guest from our sister city, Winneba, Ghana. Justice Kow Amisah-Koomson, a high court judge in Ghana, is spending his vacation in Charlottesville, and he welcomed him to speak. Mayor Huja presented him with the gift of a City seal.

Mr. Huja welcomed the youth in attendance.

On motion by Mr. Norris, seconded by Ms. Smith, the following appointments were made to Boards and Commissions: to the ACRJ, Don Beyers; to the Disability Services Board, Patricia Stevenson. (Ayes: Ms. Smith, Ms. Galvin, Mr. Huja, Ms. Szakos, Mr. Norris; Noes: None.)

MATTERS BY THE PUBLIC

Ms. Jeanne Chase, 223 Old Lynchburg Rd., said it is important not to shift any monies away from the Old Lynchburg Road project until it is completed with excellence.

Mr. Robert Nowell, 118 Old Lynchburg Road, said he agreed with his neighbor, Ms. Chase. He said a lot of damage has been done to his property as a result of the Old Lynchburg Road project activities. His wife said they would like the damaged items replaced.

Ms. Estella Knot, 808 Rockland Ave., spoke on behalf of the Luminaria Charlottesville group. The group will hold an event on September 21 on the McGuffey Arts Center lawn from 3:30 p.m. - 9:00 p.m. She invited Council and the community to support and participate. Contact 293-6361 or go to luminariacville.org for more information.

Mr. John Heyden, Westwood Dr., said he does not appreciate being called a racist. He said he has done a lot for the African American community. He asked for a racial breakdown of crime.

Mr. Dave Redding, 522 Ridge St., said he admires Mr. Jones' efforts to work with the Housing Authority. He said the Cville Vegetarian Fest will take place on September 28 in Lee Park from 11:00 a.m. - 5:00 p.m. Go to cvillevegfest.org for more information. He also announced a pilot solar program. For more information, come to PVCC, Room 229 on September 25 at 7:30 p.m.

Ms. Joanie Freeman said she travelled the world before coming to Charlottesville and learned a lot. She invited Council and citizens to a community event, "Draw the Line on Climate Change", on September 21 at the Free Speech Wall from 11:00 a.m. - 1:00 p.m. For more information, send an email to freeman.joanie@gmail.com.

Mr. John Pfaltz, 1503 Rugby Rd., said he is pleased the City Manager's stretch objective is on the agenda. He said it will be difficult to evaluate whether Mr. Jones has earned his bonus. A few disinterested citizens should be on the committee.

Mr. Paul Grady, Crozet, said the Emmet/Hydraulic intersection is a unique opportunity for creative and innovative options. Please buy the property now.

Mr. Scott Bandy, Cherry Ave., commended the residents of Old Lynchburg Road who have spoken this evening. He asked Council if they are sure they are ready to reallocate funds from this project. He said property owners must have their property returned to the condition it was in prior to construction.

Ms. Joy Johnson, 802A Hardy Dr., said sometimes the best way to deal with ignorance is to ignore it. However, she was offended that local African American leaders were called out by name during Matters by the Public last week. She said she is shocked that the Housing Authority would be on Mr. Jones's head; this should have been taken care of without a bonus contingency.

Mr. Roger Swicker, Green County, submitted a resolution to Council and asked them to affirm the "traditional" form of marriage. He said religious freedom will die if this is not upheld.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Szakos said freedom of religion is the opposite of what Mr. Swicker posited. The idea of marriage has been mutable over time, and she affirmed her support for marriage rights. She

thanked Mr. Heyden for speaking tonight about what he wanted to see happen instead of accusing other people of things.

Ms. Smith said the information about the Nowell's property was disturbing. She thanked Ms. Freeman and Mr. Redding for all they do for the community. She announced an event on September 10 at 11:00 a.m. for Environment Virginia about the contribution of power plants to extreme weather.

Ms. Galvin said Council will pull the item from the consent agenda regarding the transfer of funds from OLR to Hydraulic. She said this country is founded on the separation of church and state, and we are here to uphold people's secular rights. Everyone is equal in the face of the law. She thanked Mr. Grady for pointing out the opportunities around Hydraulic Road and said this is independent of her opinion on fund transfers.

CONSENT AGENDA

- a. **Minutes for August 19**
- b. **APPROPRIATION: FY 2014 Stormwater Utility Budget Appropriation - \$1,138,734 (2nd reading)**
- c. **APPROPRIATION: Grant for Construction of McIntire Park Railroad Trail Bridge - \$761,950 (2nd reading)**
- d. **APPROPRIATION: Funds from Charlottesville City Schools to the Buford Science Labs Project - \$7,500 (2nd reading)**
- e. **APPROPRIATION: Reimbursement for the Buford Science Labs Project - \$695 (2nd reading)**
- f. **APPROPRIATION: Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$182,500 (2nd reading)**
- g. **APPROPRIATION: City of Charlottesville Phone System Upgrade - \$380,478 (2nd reading)**
- h. **APPROPRIATION: Virginia Commission of the Arts Challenge Grant - \$5,000 (2nd reading)**
- i. **APPROPRIATION: Check and Connect Student Engagement Continuation Grant - \$75,000 (2nd reading)**
- j. **APPROPRIATION: 2013 Local Emergency Management Performance Grant - \$7,500 (2nd reading)**

- k. **APPROPRIATION: Sale Proceeds from 1306 Nunley Street Property - \$127,432.46 (2nd reading)**
- l. **RESOLUTION: City Manager Stretch Objectives**
- m. **RESOLUTION: Hydraulic Road at Emmet Street Improvements -- \$400,000 pulled**
- n. **RESOLUTION: Amend Affordable Dwelling Unit Ordinance to Establish Policy to Manage Contributions**
- o. **ORDINANCE: Dominion Power Easement for Undergrounding Lines at Greenleaf and McIntire Parks (2nd reading)**
- p. **ORDINANCE: Planned Unit Development District Code Changes (carried)**
- q. **APPROPRIATION: Crisis Intervention Team and Coordinator (carried)**

Ms. Galvin requested item m be pulled from the consent agenda for discussion.

Ms. Smith asked for a brief discussion on item k regarding Nunley Street. She said we have to be careful about demand as we invest our money. She was disconcerted that one of the homes was sold to a county resident instead of a low income city resident. Ms. Szakos said we know home buying cannot be an impulsive decision. We need long term programs that are available so people can make plans. Ms. Smith said we need to learn lessons as we go about this. Mr. Huja said he shares in Ms. Smith's concern that we have not found people in the City who need assistance. Ms. Galvin said 70% of City staff cannot afford to live in the City, and she does not have a problem with City workers who live in the county being given these opportunities. Mr. Tolbert said staff believes this is the first land trust home ever sold in Virginia, and it was difficult finding a bank who would do the mortgage. He said staff will continue to market the remaining property to City employees and residents.

On motion by Ms. Szakos, seconded by Ms. Galvin, the consent agenda was approved with the exception of item m. (Ayes: Ms. Smith, Ms. Galvin, Mr. Huja, Ms. Szakos, Mr. Norris; Noes: None.) Mr. Norris voted in opposition to item b, Stormwater.

Mr. Huja announced item 4 will be a Public Hearing on Tonsler Park Master Plan.

PUBLIC HEARING / ORDINANCE: Exchange of Permanent Easements to Cure Encroachments at 431 Monticello Road (carried)

Exchange of Permanent Easements to Cure Encroachments

Mr. Brown reported on the proposed ordinance to Council. The ordinance will remedy a couple of encroachments at 431 Monticello Rd. This requires a public hearing because it involves public property.

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

On motion by Mr. Norris, seconded by Ms. Szakos, the ordinance carried for a second reading.

Ms. Smith asked what the status of Holly Street was. Mr. Tolbert said this is an alley. Mr. Norris said he believes it is a private alley.

PUBLIC HEARING / RESOLUTION: Setting Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds for Program Year 14-15

Setting Priorities for Community Development Block Grant (CDBG)

Ms. Thackston presented to Council on the CDBG and HOME funds for Program Year 14-15. Current projections show similar funding to what is currently in place. Staff asked Council to set priorities for CDBG & HOME programs, determine if a Priority Neighborhood should be designated, determine if CDBG funds should be set aside for Economic Development, determine the percentage for Public Service Programs, determine amount for Administration and Planning, and provide any other additional guidelines or guidance. HOME funds require a 25% local match. In previous years, this match came from the Charlottesville Housing Fund. There is no impact to the general fund regarding CDBG funds.

Ms. Thackston also reviewed staff recommendations, which included approving the 15% maximum allocation allowed for Public Service Programs and approving the 20% maximum allocation allowed for Administration and Planning; splitting the remaining 65% of CDBG funds evenly among Economic Development and Priority Neighborhood Activities; and naming the 10th and Page area as a Priority Neighborhood.

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

Ms. Smith asked for information on how the Economic Development monies were used over the past year. Ms. Thackston said funding became available July 1, and feedback is not available yet. The Community Investment Collaborative and the Economic Development Small Business Programs are some of the programs currently receiving funding, as well as other local collaborative projects. Staff members from NDS and Economic Development are managing the process.

Ms. Galvin said she would like coordination between street improvements and the Block-by-Block program. Ms. Thackston confirmed for Ms. Smith that a pocket park at 10th and Page would be an eligible use for the funds.

Ms. Szakos said she would like to weight towards the priority neighborhoods, not necessarily limit funds to only that neighborhood. Mr. Huja said he agreed with Ms. Szakos's

strategy. Ms. Smith said she is concerned about putting a bulk of monetary resources towards one neighborhood at the expense of others in the City. Ms. Szakos said this tactic is used to focus our resources into one neighborhood so a measurable impact can be made. Ms. Galvin said she would like to review metrics on this tactic. Ms. Thackston said she can provide this information.

On motion by Ms. Szakos, seconded by Ms. Galvin, the recommendations were approved as modified by Council.

PUBLIC HEARING: Tonsler Park Master Plan

Tonsler Park Master Plan

Ms. Daly and Mr. Gensic presented to Council on the final draft master plan for Tonsler Park. Mr. Gensic gave a presentation reviewing the planning process to date and highlighting priorities. The Planning Commission comments are also included in the Council materials.

Ms. Galvin asked about the Planning Commission's comments regarding design and spatial quality. She asked when the illustrated plan incorporating more detailed elements would be available. Mr. Daly said after the adoption of the master plan, CIP funding will allow staff to begin the process. Some elements can be completed quickly by staff; other elements will require engaging an architectural firm through an RFP process.

On motion, the public hearing was opened.

Mr. Scott Bandy said he wants to ensure lighting along the potential trail connections is considered.

Having no further speakers, the public hearing was closed.

Mr. Norris commended staff on the planning process and said it is far superior to what we have done in the past. He asked if there is a way to incorporate the Comprehensive Plan's stated goal of filling the demand for rectangular fields. Mr. Daly said they are examining options for accomplishing this. Mr. Huja said these are the only tennis courts in the south part of town, and it is important to keep them. He said the open play area on the map would be a good place for soccer fields. Ms. Szakos asked about the feasibility of doing this. Mr. Daly said this is not big enough for a full-sized field, but it may be used for a youth-sized field.

Ms. Smith said we have to be sympathetic to what the neighborhood wants for the park, and we should observe how the open spaces are being used before allocating them for certain uses. She asked staff to make sure buildings are as green as possible and trails are ADA compliant. She said she knows it is probably not possible, but she would love to see some portion of the buried stream daylighted. She asked staff to be sure the parking lot was constructed as efficiently as possible.

Mr. Huja said the quality of landscape and building design should be of the utmost care and concern.

Ms. Szakos said soccer and football fields were the most requested thing in the kid's survey section.

Ms. Smith moved approval of the plan. Ms. Galvin seconded with the condition that there will be professional design expertise retained as appropriate. (Ayes: Ms. Smith, Ms. Galvin, Ms. Szakos, Mr. Huja, Mr. Norris; Noes: None.)

APPROPRIATION: Affordable Dwelling Unit (ADU) Plaza Contribution (revised)
(2nd reading)

Affordable Dwelling Unit (ADU) Plaza Contribution

Mr. Tolbert presented to Council. He reviewed Council's discussion from the August 19 meeting. He said the appropriation is being brought back for a second reading, but the allocation will only go towards the Block-by-Block Program and emergency repair, removing the Section 3 allocation. Staff will bring back the Section 3 program at a later time.

On motion by Mr. Norris, seconded by Ms. Smith, Council amended the appropriation. (Ayes: Ms. Smith, Ms. Galvin, Ms. Szakos, Mr. Huja, Mr. Norris; Noes: None.)

Mr. Huja said the resolution is needed for the housing programs. He is very much opposed to using housing funds for Section 3 in any fashion, although he recognizes this is not on for discussion this evening.

Council voted to approve the ordinance. (Ayes: Ms. Smith, Ms. Galvin, Ms. Szakos, Mr. Huja, Mr. Norris; Noes: None.)

REPORT: Thomas Jefferson Planning District Commission (TJPDC) 2014
Legislative Program Development Process

Thomas Jefferson Planning District Commission (TJPDC) Development Process

Mr. David Blount, Acting Executive Director/Legislative Liaison for the TJPDC, presented to Council on the regional legislative program.

Ms. Szakos asked about authorizing money for transit authorities. Mr. Blount said this may be hard to come by, given the current make-up of the General Assembly. He recommended continuing these conversations locally and engaging in regional efforts.

Ms. Galvin said our two regional programs are structured so that users cannot get a subsidized fare when commuting out to Zion's Crossroads, for example. She asked how we can

work to put reverse commuting on par with the rural to urban commute. Mr. Blount recommended working through MPO and TJPDC.

Ms. Galvin said the rural horseshoe around Richmond received a lot of state monies for Economic Development and revitalization. She asked if we could lobby to get GED benefits for low income urban areas. Mr. Blount said he would look into these matters.

Mr. Huja thanked Mr. Blount for his presentation. Ms. Galvin said Mr. Blount has been a stable force and a welcome personality for TJPDC during a rough transitional year.

RESOLUTION: Thomas Jefferson Adult Career & Education (TJACE) PluggedIn VA (PIVA) Program Report & Funding Request - \$23,000

TJACE PluggedIn VA (PIVA) Program Report & Funding Request

Mr. Engel and Ms. Lee presented to Council. The PluggedIn VA program received only partial funding because the career track chosen, customer service, is not a traditional PluggedIn VA track. The program was originally scheduled to begin in October 2013 and is facing a \$23,000 shortfall. To ensure that the program can be implemented in this fiscal year, TJACE is requesting funding in the amount of \$23,000 from Council. This money will be used to serve approximately 7 of the 15 to 16 total participants in the program. All of these individuals will be low-income City residents.

Ms. Szakos asked if the entire amount would serve City residents, or just the \$23,000 requested. Ms. Lee said a majority of the total amount will serve City residents. Ms. Erno said this is state funded regional program, but most students tend to be City residents because the program is housed in the Adult Learning Center. Ms. Szakos asked if it would be burdensome to require that 75% of the participants be City residents. Ms. Erno said she was not sure they would be able to make that commitment at this stage.

Mr. Huja said this is exactly the kind of program we should support because it is in keeping with our values and priorities.

Ms. Galvin said asked for a report on the percentage of graduates who went on to find employment. She asked Ms. Erno to speak about the plans in place to support graduates in their search for work. Ms. Erno said the program relies heavily on their partners for this piece of the program, such as the Virginia Workforce Center and the Chamber of Commerce.

Ms. Szakos said she wants to be sure they are tied in with the City Scholarship Program. Ms. Erno said they are.

Ms. Smith said our ultimate measurement has to be whether we are finding people jobs.

Council voted unanimously to support funding; the resolution passed. (Ayes: Ms. Smith, Ms. Galvin, Ms. Szakos, Mr. Huja, Mr. Norris; Noes: None.)

RESOLUTION: Hydraulic Road at Emmet Street Improvements - \$400,000

Mr. Tolbert presented to Council on the item. The resolution takes funds from the Old Lynchburg Road and McIntire Road Extended projects that are nearing completion. Adequate funding will remain in the two accounts to pay all final invoices. The resolution transfers \$150,000 from the McIntire Road Project and \$250,000 from the Old Lynchburg Road (OLR) project. Mr. Tolbert said the OLR Project is 90-95% complete, and they have only paid out about 60% of the budgeted funds. The projected completion date for this project is November 30.

He clarified that the issues with the Nowell's property are scheduled to be resolved.

Ms. Smith asked who would be responsible for rainwater running into a property if it did not do so prior to the construction. Mr. Tolbert said the project is designed so this does not happen, but if there is a documented issue, the City will work to fix it.

Ms. Szakos asked if there is precedent for spending money left over from a project on the area where the project occurred. Mr. Tolbert said there is not.

Ms. Galvin asked about the level of neighborhood outreach that has taken place during this project. Mr. Tolbert said there has been a lot of communication on this project, especially one-on-one conversations.

Ms. Szakos asked about the Hydraulic/Emmet project. She asked if the lot on the corner is for sale. Mr. Tolbert said a site plan is currently in review for a development at that location. Mr. Tolbert said the planned development would not impact the plans the City has in place.

Mr. Norris asked what the traditional use for the capital contingency fund is for. Mr. Tolbert said it is for specific needs. Mr. Norris asked why staff cannot just pull money from the contingency fund in order not to inflame the OLR neighborhood. Mr. Jones said there is money in the contingency fund to do this, but staff saw the extra money in the OLR project fund as an opportunity to avoid tapping into the contingency fund. Mr. Norris said we should leave money in the OLR project and replenish the contingency fund with whatever is left over after the project has been completed.

Ms. Galvin said she is uncomfortable being in the position of serving as mediator between a City department and a neighborhood. Staff should make an effort to communicate with the neighbors, demonstrated that funding is available and build trust. Mr. Jones said there has been extensive communication between neighbors and staff, and a myriad of requests regarding this project have been honored by staff.

Ms. Szakos said there may be a lack of trust, but there has been a tremendous amount of communication and public engagement on this project during the years she has served on Council.

Mr. Huja said he agrees that we have had a fair amount of community contact.

On motion by Ms. Galvin, seconded by Ms. Szakos, Council voted to take the \$250,000 from the contingency fund to fund the Hydraulic Road project. (Ayes: Ms. Smith, Ms. Galvin, Ms. Szakos, Mr. Huja, Mr. Norris; Noes: None.)

OTHER BUSINESS: ROUTE 250 AND PARKWAY IMPROVEMENT SOLUTION

Ms. Galvin said there has been concern about soil erosion related to the Route 250 and Parkway interchange project. Some solution needs to be devised regarding stormwater management and landscape architectural expertise, and ensuring best practices are being implemented. The PLACE Design Task Force and the Tree Commission would like to be involved. PLACE takes on special charges at the Council's direction. She asked if Council is interested in engaging them for this purpose. They would know by September 16 whether or not there are solutions to the problem the public has raised.

Mr. Jones said the timing is a little close; a report would have to be prepared by next Tuesday.

Mr. Norris asked what else could be done to address some of the issues that have been brought forward. Mr. Jones reviewed the meetings staff has held with neighbors about tree protection. Mr. Tolbert said this is a federally-funded project with an MOA and a plan that has been agreed upon by several consulting bodies. He cautioned against trying to change a plan in a way that may violate any of the approvals that are currently in place.

Mr. Huja suggested staff could use PLACE as a sounding board throughout the ongoing discussion.

Ms. Smith asked where parking and impervious space comes into this discussion. Mr. Tolbert said this has been an ongoing part of the discussion and is part of the overall plan based on landscaping needs. Contractors are exploring alternative surfaces as well and doing as much as they can for stormwater retention.

Mr. Norris said there is a sense that we are not being as proactive when it comes to planning for street trees. He asked if this was an accurate perception, and if so what could be done to address the issue. Mr. Tolbert said staff is working to revise design standards. Required street trees are being implemented, but we have to change codes to address conflicting priorities between building placement relative to the street and street tree plantings.

Ms. Szakos asked when design standards will be revised. Mr. Tolbert said he hopes we will have standards in place by this time next year and hopefully sooner.

Ms. Galvin said we need to have a serious conversation about communication and quality control when it comes to the PLACE Design Task Force and the Tree Commission. Mr. Huja agreed that Council needs to address this in the future.

MATTERS BY THE PUBLIC

Ms. Jeanne Chase, 223 Old Lynchburg Rd., thanked Council for reinstating the neighborhood's trust in the OLR Project. She explained why the neighborhood elected not to go forward with a group of representatives. She said some communication has been good, and other times it has been fragmented. The punch list may need revision. The OLR neighborhood association would like a copy of the punch list.

Mr. Scott Bandy, Cherry Ave., seconded Ms. Chase's comment. He said he has a chronological photo album of the project.

Meeting adjourned.

A handwritten signature in cursive script that reads "Gaige Rice". The signature is written in black ink and is positioned above a horizontal line.

Clerk of Council