

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, September 16, 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 16, 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 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. Smith, seconded by Ms. Szakos, 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 16, 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.

AWARDS/RECOGNITIONS

Mr. Norris read a proclamation in celebration of the first “Cville Sabroso” Festival, which celebrates Hispanic heritage. Estella Knot accepted the proclamation on behalf of Sin Barreras and thanked City staff for their support.

Mr. Huja read a proclamation for Alzheimer's Awareness Month. Sue Friedman was present to accept the proclamation and invited Council and citizens to the walk on October 12 in Lee Park.

Mr. Huja invited Sid and Shelly Sitzer forward to make a presentation to Council. On behalf of the Sierra Club of Charlottesville, they presented Council with a certificate for passing a moratorium on uranium mining. They asked Council to send a letter to the Governor asking him to take action.

Mr. Huja announced the Parks and Recreation Department received an award for the Best New Program in the State for 2012.

Ms. Szakos announced the 2013 Better Business Challenge. Go to www.cvillebetterbiz.org for more information. Ms. Terri Kent, "Better World Betty", spoke to Council about the event and thanked them for their support.

Ms. Szakos announced the Charlottesville High School Orchestra will perform at the Free Speech Wall on September 19 at 1:00 p.m. Also, the next Our Town meeting will be on October 3 for the Woolen Mills Neighborhood at the Woolen Mills Chapel. On September 28, the Vegetarian Festival will take place at Lee Park from 11:00 a.m. - 5:00 p.m. Also, the City Scholarship Program Gala will take place the evening of September 28 at the Paramount Theatre.

Ms. Galvin announced Government Services Day on September 26 on the Downtown Mall from 10:00 a.m. - 2:00 p.m. Also, the Community Career Conference takes place October 8 from 9:00 a.m. - 3:00 p.m. at the John Paul Jones Arena. For more information go to www.charlottesville.org, or contact Hollie Lee. Pre-registration is recommended.

Ms. Szakos said the Burnley Moran third graders invited local government officials to discuss local government, and she was very impressed with their emergency preparedness.

Ms. Smith announced September is library card sign-up month. She also announced the Water Resources Protection Program Advisory Committee is accepting applications until October 1. Go to www.charlottesville.org/boards for more information and to apply.

Mr. Norris announced the 30th Anniversary Dinner for the Charlottesville Center for Peace and Justice this Saturday at 5:00 p.m. He also announced there are Emergency Preparedness Guides available in the lobby of City Hall and other places around the community.

MATTERS BY THE PUBLIC

Mr. George & Cathy Seymour, owners of Import Car Store on the corner of Hydraulic and 29, said they were presented with a site plan earlier this month reflecting substantial loss of property. They asked Council if they were aware of the methods staff was using to take right-of-way property.

Lena Seville, 808 Altavista Ave., said she was here to discuss the Belmont Bridge and related matters. Pedestrian access is limited from Belmont. Unofficial crossings are more hazardous than placing official crossings in high traffic areas. An underpass is not a good idea for aesthetic and functional reasons.

Ms. Rebecca Quinn, 104 4th Street, said the bus station phone message does not provide accurate information. The Belmont Bridge update should include a discussion about why repairing the existing bridge was rejected. She said if a report is not ready when material is posted to the public, it should not be put on the agenda. She said the Rivanna Quarterly Report is poorly titled.

Mr. Jim Rounsvell, 1113 Belmont Rd., said relevant cost information and other important information has not been included in the Belmont Bridge project information over the course of the last several months.

Mr. Bryan Wimer, 704 Graves St., said there are false assumptions about the Belmont Bridge. It does not have to be four lanes. The engine idling location should be moved for the train. An at-grade crossing should not be off the table, and the economic viability of the Belmont Bridge area needs to be discussed. We have the opportunity to employ design oversight for our City.

Mr. David Hirschman, 1107 Calhoun St., said they were able to get their neighborhood children outside playing with a mobile basketball hoop in their street. However, the Police Department made them remove it because there is a section of the code prohibiting playing in the street. He said the City should embrace the idea of "Complete Streets", which makes the streets safe for all users, and bring our zoning in line with this idea.

Mr. Jay Fibman, a Fourth Year student at UVA, spoke about the Noise Ordinance update and the effort he and his peers have made to limit the number of noise violations in neighborhoods in and around UVA.

Mr. Kirk Bowers, County resident, thanked Council for their work on the uranium ban. He invited Council to the International Day of Peace event at the Presbyterian Church on Rugby Rd.

Mr. John Gaines, 9th Street N.W., said he has several concerns about his neighborhood. Increased parking by construction workers from Main Street and hospital employees is a problem. Narrow streets in the 10th and Page area and other inner City streets of Charlottesville is an issue. There is only room for travel in one direction at the 300 block of H Street, and fast travelling vehicles are a safety hazard. He asked if the City can combine trash and recycling collection services.

Mr. Wolf Braun, 1120 D East High Street, said he is concerned about the Belmont Bridge and underpass project. The bridge is cheaper than the underpass. The underpass design could provide a wider, more welcoming space. There is not a vision of how the project's impact on the community would be mitigated. There is no opportunity to provide sound baffling from the Pavilion with the underpass design.

Mr. Tim Frielich, 719 Levy Ave., said the underpass with at-grade crossing design does not work for bike and pedestrian commuters in the neighborhood. He said an enhanced bridge option is needed.

Mr. Peter Kleeman, 407 Hedge St., said there should not be an assumption there should be thru-traffic at all times during construction at the Belmont Bridge. There are many ways to cross the track in sections east and west of the bridge. He asked Council to fairly evaluate all options for bridge design.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Mr. Norris reassured Mr. Gaines that our trash is sorted for recyclables, in addition to having the option of sorting trash. He asked staff to examine parking issues. He asked staff to figure out how playing in the streets is illegal in the City. He agreed with Ms. Quinn that real time information is insufficient.

Ms. Smith said IT is working with transit to create a better system for the buses. Ms. Smith asked if a note could be made for agenda materials if they are not available indicating when they would be posted. She said there has been a resurgence of children playing outside in the City, and we should examine our codes.

Ms. Galvin said the City passed a Complete Streets resolution in 2010. We need a city-wide transportation plan to identify disconnects between our streets and our code.

CONSENT AGENDA* (Items removed from the consent agenda will be considered at the end of the regular agenda.)

a. Minutes for September 3

Minutes for September 3

b. APPROPRIATION: Crisis Intervention Team and Coordinator (2nd reading)

Crisis Intervention Team and Coordinator

c. APPROPRIATION: Charlottesville High School Stadium Bleacher Replacement - Water Protection Performance Bond Release - \$22,103.28 (carried)

Charlottesville High School Stadium Bleacher Replacement

d. APPROPRIATION: Victim Witness Assistance Program Grant - \$176,057 (1st of 2 readings)

Victim Witness Assistance Program Grant

e. APPROPRIATION: Authorizing Police Cruisers Purchase - \$214,000 (carried)

Authorizing Police Cruisers Purchase

- f. **RESOLUTION: Partnership with McIntire Botanical Garden for Design, Development and Operation of the Botanical Garden in McIntire Park**

Partnership with McIntire Botanical Garden

- g. **RESOLUTION: Charlottesville-Albemarle Health Department Carry Over Request - \$27,735**

Health Department Carry Over Request

- h. **RESOLUTION: Loan Extension Request for The Lewis & Clark Exploratory Center of Virginia, Inc. - \$130,000**

Loan Extension Request for The Lewis & Clark Exploratory Center of Virginia

- i. **RESOLUTION: Amendment #2: Ivy Material Utilization Center Programs Agreement and Local Government Support Agreement for Recycling**

Ivy Material Utilization Center Programs Agreement and Local Government

- j. **ORDINANCE: Planned Unit Development District Code Changes (2nd reading)**

Planned Unit Development District Code Changes

- k. **ORDINANCE: Exchange of Permanent Easements to Cure Encroachments at 431 Monticello Road (2nd reading)**

Exchange of Permanent Easements to Cure Encroachments at 431 Monticello

- l. **ORDINANCE: Allowing the Local Courts to Assess a Courthouse Construction Fee (carried)**

Allowing the Local Courts to Assess a Courthouse Construction Fee

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

Ms. Smith confirmed there is no budgetary impact for the RWSA agreements.

PUBLIC HEARING / ORDINANCE: Abandonment of 1625 Brandywine Trail Access Easement (carried)

Abandonment of 1625 Brandywine Trail Access Easement

Mr. Daly presented to Council. At the request of Ms. Smith, Mr. Daly described where the closest access to the trail was aside from this point.

On motion, the public hearing was opened.

Peter Kleeman, 407 Hedge St., said he is generally opposed to closing access to public open spaces. All public access spaces should remain in existence and perhaps be expanded. We should be adding linkages, not removing them.

Mr. Charles Huse, 1625 Brandywine Dr., said the pedestrian easement comes within three feet of their house, is located along a steep incline, and can be hazardous to people who may have trouble walking.

Having no further speakers, the public hearing was closed.

Ms. Galvin asked how far away the unbuilt public right of way is from the existing easement. Ms. Szakos said it is about ten houses down. Mr. Daly estimated 300 yards, at the most.

Ms. Szakos said she generally agrees with Mr. Kleeman, but she has seen this one and it seems like a good plan to close it.

On motion by Ms. Szakos, seconded by Ms. Galvin, the motion carried.

Ms. Smith said it hurts to close an easement, but she trusts staff's judgment. She said more access for the neighborhood would be nice if possible. Ms. Szakos said sidewalks have been newly implemented.

REPORT Belmont Bridge Update

Belmont Bridge Update

Mr. Tolbert presented to Council on the Belmont Bridge project.

Ms. Smith asked where repairing the bridge fell off the radar. Mr. Tolbert said VDOT evaluated the bridge and determined it was not cost effective to continue to do repairs. Ms. Smith asked why the design called for four lanes versus two, per Mr. Wimer's inquiry. Mr. Tolbert said he believes this is an option worth considering, and staff will discuss this with VDOT. Ms. Szakos asked if we have considered a citizen-proposed option of fencing the railroad to prevent illegal pedestrian crossing. Mr. Norris and Ms. Smith said we should increase

pedestrian connectivity, not restrict it. Mr. Norris said an enhanced bridge option should be on the table.

Ms. Szakos said if we build the bridge, she hopes it can be visually inviting and improve connectivity. She asked staff to keep the sound buffering and the shape of the bridge in mind.

Ms. Galvin said the design competition and feedback showed the public does not want the MMM design. There should have been an enhanced bridge option to compare with the underpass so Council and citizens can compare apples to apples. There may not be as big a difference in cost when you apply higher design standards. She asked how much we have spent in design and engineering. Mr. Tolbert said he believes the current total is around \$500,000.

Mr. Huja said he disagreed that the underpass may be the same price as the bridge.

Ms. Smith asked if the bridge has to be higher. Mr. Tolbert said he does not know. Ms. Smith said she is interested to know where our current at-grade crossings are located along the tracks. As we explore options, we should see if there is a possibility the railroad would negotiate with us on an at-grade crossing.

Mr. Norris said he is concerned about the planned pedestrian fly-over because they usually get cut out from the final design. Bike/Ped infrastructure needs to be fully explored. Ms. Smith said we should make at-grade crossings as safe as possible since people are going to be crossing anyway.

Ms. Galvin said PLACE should have had a chance to talk about this. The underpass had multiple contingencies attached to it. Council should use PLACE to work with staff to devise an effective public engagement process. Ms. Szakos said staff is planning to use PLACE in the next stage of the project.

Mr. Norris said we should move forward with devising an enhanced bridge option reflective of the community's desires and with a realistic price estimate. Mr. Huja and Ms. Szakos agreed. Ms. Galvin said we should take both options to the public. Ms. Smith was also in favor of taking both options to the public. Ms. Szakos said the choice needs to be clear to the public, including what it would cost to construct an underpass. Mr. Norris said the priority for this next stage is to focus on what kind of a bridge the community wants if we do a bridge. Ms. Galvin said we should continue seeking public input on both the bridge and the underpass options.

ORDINANCE: Supporting Equal Access to Employee Benefits for All Lawfully Married City Employees (carried)

Supporting Equal Access to Employee Benefits

Mr. Brown presented to Council on the proposed ordinance granting equal access to employee benefits for all lawfully married city employees, which includes same sex marriages that have lawfully occurred in other states. He explained the limitations of the current state law

and said we cannot enact an ordinance that is prohibited by state law. However, this ordinance expresses Council's intent that if Virginia decides to recognize same sex marriages, the City as an employer will treat those unions the same as heterosexual marriages.

Mr. Norris said while the memo focuses on health benefits, there are a wide range of benefits that employee spouses have access to. He asked what state law has to say about these other benefits. Mr. Brown said the state code allows employers to provide benefits to its employees and dependents, but the Dillon Rule precludes the City from recognizing same sex marriages that would offer any benefits. Mr. Norris said there is a wide range of benefits that family members, including same sex partners, can benefit from administratively. Mr. Brown said this is the case by default, not by administrative decision.

Ms. Galvin asked Mr. Norris how he would rewrite the ordinance. Mr. Norris said he would prefer to add "or people in domestic partnerships or civil unions" after "lawfully performed in other states". Ms. Szakos said that while she feels the state law is wrong, we have taken an oath to uphold the constitution. Ms. Szakos said we should change the language to read "in same sex marriages or civil unions that have lawfully occurred in other states".

Mr. Huja asked if adding "civil union" will make a difference. Mr. Brown said his view is that this is still a statement of Council's policy should state law change.

Ms. Galvin asked Mr. Brown to explain the intention behind the state providing such benefits to the institution of marriage. Mr. Brown said that is more of a policy question, and he is not comfortable answering. The statutory law has stated for some time that Virginia will not recognize same sex marriages.

Mr. Norris asked if we can allow employees in lawful same sex relationships to qualify for an equivalent monetary subsidy to apply towards purchasing health insurance outside of the City's plan. Mr. Brown said he believes this would still conflict with state law because it provides a benefit based on a status the state says you cannot recognize.

Mr. Huja said he supports the ordinance in our package.

Ms. Szakos moved to adopt the ordinance with the addition of "or civil unions". Ms. Smith seconded the motion. The motion carried.

Mr. Norris moved to remove the word "hereafter". Mr. Brown said that may be confusing. The motion failed due to lack of a second.

Ms. Szakos thanked Mr. Norris for bringing this to Council.

REPORT: Rivanna Quarterly Report

Rivanna Quarterly Report

Mr. Tom Frederick updated Council on matters regarding the Rivanna Authorities. His report included granular activated carbon (GAC) options for water treatment plants, including a forthcoming public report on hybrid options, and the upcoming organizational retreat. He also discussed dredging, the Ragged Mountain Dam construction update, cost share agreements, and the Ivy Materials Utilization Center and McIntire Recycling Center, which was approved for a six month extension as part of tonight's consent agenda.

Mr. Jones asked Mr. Frederick to address the issue of wholesale metering as part of the cost share agreement and opportunities to examine more cost-effective ways of addressing this issue. Mr. Frederick explained current metering practices. The metering program aims to reduce or eliminate the allocation of non-metered water proportional to retail billings, as currently takes place. The current suggestion is to place a meter at jurisdictional boundaries at a cost of \$6.4 million. Additional ideas will be put forward within the coming week.

Ms. Smith asked Mr. Frederick where the largest gap in metering occurs. Mr. Frederick said he is not certain, but he believes we should start by looking at the effectiveness of the meters.

Ms. Smith asked why Rivanna would pay for dredging if it is not needed for the water supply. She asked if Rivanna would object if recreational users such as the UVA Rowing club would offer to pay for their own dredging. Mr. Frederick said the board would make the final decision, but in his view as long as it could be determined that the water supply was not being harmed, he does not see a problem with it.

Ms. Galvin said odor mitigation will be added to a board agenda and a Council agenda in the future. Mr. Frederick said currently the funding commitment is far less than what is needed to achieve the engineer's projected 99% odor removal. Mr. Norris asked if the board understands the depth of the odor problem. This is a major quality of life issue for many residents in Charlottesville. He asked if money that was originally set aside for dredging could be allocated to odor control. Mr. Huja said this is of serious concern to the residents in the part of town that is affected by the odor.

Mr. Frederick said this is a problem that requires a major expenditure of money. A healthy debate on this matter is underway. He described some of the issues and said identifying a resolution is not a simple process.

Mr. Norris moved recommending reallocating funds budgeted for dredging to accelerate deodorization measures. Mr. Huja said he is not willing to give up on the option of dredging yet. Ms. Szakos said dredging may not be self-funding as previously thought but believes the motion is premature. The motion died for lack of a second.

Mr. Frederick said we are at an end to the current process of approaching dredging, but that does not mean we cannot explore another way.

Mr. Norris moved that we urge Rivanna Board to find ways to accelerate the deodification process and consider ways of transferring funding into the process. Ms. Smith seconded the motion. Mr. Huja said this is undercutting the process. Ms. Szakos said she would support the motion with removal of the phrase about funding. Mr. Huja and Ms. Galvin said they would also support the motion with the phrase removed. The motion passed unanimously.

Ms. Smith asked Mr. Frederick if there was any contingency to address excessive erosion near the Ragged Mountain project. Mr. Frederick said the entire construction area is controlled by erosion and sediment controls, and they have been working extremely well.

REPORT: Noise Ordinance Update

Noise Ordinance Update

Capt. Wendy Lewis presented; Lt. Upman and Crime Analysis Det. Rudman were also present. Capt. Lewis reviewed steps the department has taken since 2011. There has been a decrease in calls and increased enforcement in the Venable neighborhood and City-wide. The department recommends continuing to monitor the process throughout the spring of 2014.

Ms. Smith asked what enforcement means. Capt. Lewis said this term covers arrests or summons. Ms. Smith asked why the difference between calls and arrests is so large. Capt. Lewis said calls have decreased, and warnings and arrests are small because the program was not up and running until December of 2012. Many calls are unfounded, or the music had been turned down and a citation could not be made.

Ms. Szakos said with 202 calls and one arrest, it does not seem to be working. Capt. Lewis explained that 67 warnings were issued, and many of the 202 calls for service were not verified.

Mr. Huja said he has still heard from neighbors that noise is an issue. Ms. Galvin said there are increased complaints from a particular establishment. Capt. Lewis said this establishment has been addressed by staff and has apologized to the complainants.

Ms. Szakos said the number of warnings does not look to have increased substantially since 2012.

Mr. Jones confirmed that there is more activity at the beginning of the school year, and the numbers would be more informative by the end of this calendar year.

Ms. Szakos asked for the exact number of arrests per month so we can understand what the changes are. She said she cannot make a decision until Council has that information. Ms. Smith said it would be helpful to know how many calls were repeat callers. Mr. Huja said we will make a decision after receiving further data. Ms. Szakos thanked the students who are making the effort to help with this issue.

REPORT: Crisis Intervention Team Program Update

Crisis Intervention Team Handouts

Crisis Intervention Team Program Update

Mr. Tom Von Hemert, CIT Program Coordinator, gave a power point presentation to Council. A loss of mental health beds year over year has affected our criminal justice system. He described for Mr. Norris the jurisdictions they cover. He described trends in emergency services departments in the Region 10 area. He explained what CIT is and how it interacts with the criminal justice system. He reviewed CIT objectives and outcomes. He described local agency representatives and mental health agency collaborations.

Ms. Galvin asked how they get their funding. Mr. Von Hemert said they are primarily funded through grants. They have recently received money from the state and a grant from the Attorney General's office.

Mr. Norris asked if there is assistance needed for advocating for more state support. Mr. Von Hemert said he would provide a detailed document to Council on how they can use support and advocacy.

Ms. Smith asked if the Downtown Ambassadors have been trained. Mr. Von Hemert said they have been. Ms. Szakos said she has witnessed the positive effects of the CIT program, including at the jail.

RESOLUTION: 1335 Carlton Avenue (PACE Center) Special Use Permit (SUP)

1335 Carlton Avenue (PACE Center) Special Use Permit (SUP)

Ms. Ebony Walden presented to Council. She reviewed the applicant's activities since the May Council meeting, when Council deferred a decision on Parcel C. She said Mr. Emory asked for the lighting to specify hoods, shields and visors to reduce glare for neighboring properties. She said traffic on Franklin is also been brought forward as an issue.

Ms. Smith asked what would happen if JABA pulls out. Mr. Huja said Council is only approving density, not what actually happens with the site.

Mr. Steve Blaine, representing the applicant, said density was already approved. Zoning determines uses, not who is specifically involved in a project. The zoning ordinance already allows for housing with conditions per the SUP process.

Ms. Katy Harrigan, the project architect, presented to Council. She explained how the updated design addressed previous issues.

Ms. Galvin thanked the applicants and said they have done a great job and come a long way in improving the site design. Mr. Huja said the applicant made the improvements Council asked for, and he supported the application.

Ms. Smith said she is concerned that this development, with 30% low income housing in an area that is already concentrated with poverty, conflicts with our Comprehensive Plan and will negatively affect our schools.

Ms. Szakos said the intent is that these will be senior apartments, and the plan to co-locate services with residents moves us towards the goal of getting cars off the street.

Ms. Walden said the question for this site is primarily whether density of 21 units per acre is appropriate and reasonable for this site. Mr. Brown said the special use permit goes with the land and is not tied to any particular user or owner. Once you seek specific approval, you can ask for approval with conditions.

The applicant said they would accept a lower percentage of low income housing.

Ms. Smith said this is not a desirable site and asked who the target residents would be for this development. Mr. Rick Gregory, Principal at Fountainhead Development, described the PACE Center programming they use when developing these types of sites.

Ms. Szakos moved to approve the resolution with the added language about lighting.

Ms. Galvin said she wants to make sure the City presses forward with a traffic analysis for this area. Mr. Huja said this is a separate issue. Ms. Szakos said Council should still express their level of interest for staff.

Ms. Galvin seconded the motion.

The resolution passed. (Ayes: Ms. Szakos, Ms. Galvin, Mr. Huja; Noes: Mr. Norris, Ms. Smith).

MATTERS BY THE PUBLIC

Mr. Jim Rounsvell, 113 Monticello Rd., offered his assistance on the Belmont Bridge project. He said we should talk about design, not just cost.

Ms. Rebecca Quinn, 104 4th St., said she was an avid proponent of dredging as an alternative to a big dam. However, dredging at this point would only be for recreational purposes, so she no longer supports it. She said the Rivanna Executive Director has always been an opponent of dredging and will do anything in his power to see that it does not happen. She asked how defined the line between the water and sewer budget is.

Mr. Raulf Braun, 1120 E. High St., said moving forward with the enhanced bridge as a design sounds like a good idea. He said issues with the underpass design have not even come to light yet because it has not been explored.

Meeting adjourned.

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

Clerk of Council