

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, October 7, 2013, AT 4:00 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 Rice

SECOND FLOOR CONFERENCE ROOM – October 7, 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, consideration and interviews 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 specific 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. 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 CHAMBER - October 7, 2013

ROLL CALL

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

AWARDS/RECOGNITIONS

Ms. Smith read a proclamation in honor of Disability Employment Awareness Month. Mr. Bruce Cauthen, Disability Services Board member representing WorkSource Enterprises, was present to accept.

Mr. Norris read a proclamation in honor of World Habitat Day. Habitat's Development Manager, Ms. Katie Geisshuesler, was present to accept the proclamation and invited citizens to the Habitat benefit at the Paramount Theatre on October 10.

Ms. Szakos read a proclamation for Domestic Violence Awareness Month. The Shelter for Help in Emergency staff was participating in a candlelight vigil and could not be present but thanked Council for their support.

Mr. Huja asked Mr. Norris to read the resolution from Council's consent agenda to the Administrator of the Environmental Protection Agency in Support of Reducing Greenhouse Gas Pollution Under the Clean Air Act. On motion by Mr. Norris, seconded by Ms. Szakos, the resolution passed unanimously.

Ms. Galvin announced the Charlottesville Community Career Conference tomorrow at the John Paul Jones Arena.

Ms. Szakos announced the Southeast Energy Alliance awarded LEAP, the City of Charlottesville, Albemarle County and the Credit Union with *Energy Pro3* awards, designed to highlight the productivity and progress achieved through energy efficiency programs across the Southeast. Ms. Cynthia Adams, Executive Director with the Local Energy Alliance Program, was present to recognize the recipients.

Ms. Szakos announced the Parks and Recreation Department received an award for best new program.

Mr. Norris announced the deadline to register to vote in the upcoming election is October 15. Visit the Office of Voter Registration or go to www.charlottesville.org and download a registration application.

Mr. Norris announced a national rally on Capitol Hill on Saturday, October 26, from 12:00 – 3:00 p.m. called "Stop Watching Us", which calls for a stop to mass surveillance. Go to rally.stopwatchingus.us for more information.

Ms. Smith announced the RWSA will hold an open house from 5:00 – 7:00 p.m. on October 14 on the GAC project at the Moore's Creek Treatment Plant.

Mr. Huja announced there are several openings for Boards and Commissions. Go to www.charlottesville.org/boards to apply; the deadline is 5:00 p.m. on October 15. Call the Clerk at 970-3113 for more information.

On motion by Mr. Norris, seconded by Ms. Smith, the following WRPP nominations: for a one-year term, Rebecca Quinn and Charles Ward; for a two-year term, Trey Steigman and Alyson Sappington; for a three-year term, Brian Becker, David Hirschman, Morgan Butler, Meg Byerly Williams, and Leslie Middleton. (Ayes: Mr. Norris, Ms. Smith, Ms. Szakos, Mr. Huja, Ms. Galvin; Noes: None.)

MATTERS BY THE PUBLIC

Mr. Brandon Collins, 418 Fairway Ave., said he is here to talk about redevelopment and the Rental Assistance Demonstration (RAD) program. He said RAD effectively eliminates public housing. There is not enough time to make a decision on this important issue.

Mr. Tim Perrow, 415 Fairway Ave., said he needs bus 1-A. He is legally blind, and he cannot ride the City bus if it is moved to Chesapeake.

Ms. Wendy Scognow, 415 Fairway Ave., said she does not like the bus route changes and the removal of Saturday routes. She said it is too hard for a blind person to learn a new bus route after eight years.

Ms. Mary Williams, 415-B Fairway Ave., moved this summer and enjoys the neighborhood. Her mobility instructor taught her how to use the bus route and get home. She needs the route to stay as it is.

Mr. Bruce Odell, 878 Locust Ave., President of the Martha Jefferson Neighborhood Association, said he is here on behalf of the board regarding the SUP at 925 E. Market St. The neighborhood is concerned about the aggregation of developments of that sort that have grown over the last few years in the City. The board does not object to the building per se, but wants a serious comprehensive evaluation of the overall plan. They also object to the details in the traffic report.

Mr. Jim Rounsevell, 1113 Monticello Rd., said he is a member of the design team for the Belmont Bridge. He proposed a pedestrian bridge with an at-grade underpass for vehicular traffic.

Ms. Joanie Freeman, 522 Ridge St., thanked Council for being green-oriented. She said there are many ideas that should be explored to make Charlottesville a more energy-efficient, walkable city.

Mr. Dave Redding, 522 Ridge St., thanked Mr. Jones for his support at the September 28 Cville Vegetarian Fest. This was the first zero-waste festival in Central Virginia, producing 1,000 pounds of compost. He asked for a bike lane on Market Street along Locust Avenue, which currently only runs along one side. He thanked Mr. Norris for the Clean Air Act resolution.

Mr. Jock Yellot, 311 E. Market St., said he supports the Tree Ordinance on the agenda.

Mr. Harry Holsinger, 709 Rogue Ave., said he is here to talk about Martha Jefferson Neighborhood. He has great neighbors and a supportive community. Traffic is a huge issue, especially on Locust Ave., which is in danger of becoming another entrance corridor. He reviewed solutions the community has discussed with staff. He said we need more electronic speed limit signs in the City, especially on Locust Ave.

Ms. Emily Dreyfus, 3964 Loftland Dr., on behalf of the Legal Aid Justice Center on Preston Ave., said she opposes RAD. This is an alarming process that jeopardizes public housing. This process has not included meaningful resident participation. We do not need another Vinegar Hill in Charlottesville.

Ms. Connie Rosenbaum, 802M Hardy Dr., said she is against RAD. We do not know enough about this program to even consider taking it on. The Housing Authority is non-existent. Also, she said the mayor should be elected by the public, not appointed by a Council vote. No one knows what will happen to the residents if RAD passes. The Housing Authority should answer the resident's questions.

Mr. Jeff Fogel said he is against RAD. Council must intervene unless they are prepared to do away with public housing here in the City.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Mr. Huja said there have been a number of comments about RAD, and he shares many of the same concerns. A meeting is being scheduled to discuss this issue. The Housing Authority has not made any decisions on the matter at the present time. Ms. Szakos asked about the timetable after a notice of intent is posted. Mr. Huja said it is scheduled to happen by the end of the year. Ms. Galvin asked what the plan is for communicating with the residents. Ms. Szakos said an application should go through City Council before it goes through the Housing Authority. Ms. Smith said we need to get the details on the RAD proposal.

Ms. Smith thanked members of the Martha Jefferson Neighborhood for speaking about Locust. There are limitations because it is an arterial street, but we need to be on top of the impact new developments have on this area, as well as Meade Ave.

Mr. Norris said he agrees with Ms. Smith about Martha Jefferson. He asked for more information from staff about the residents who are affected by the changes in bus routes along Fairway. We should not be afraid to readjust if needed. He said we do not know enough about RAD to know whether the bad outweighs the good. Potential lack of residential engagement is troubling. He agreed with Ms. Szakos that this should go through Council.

Ms. Szakos said we should review Route 1A to take the impact to disabled citizens into consideration. The Locust Ave. and Meade Ave. routes are issues. We should create a streetscape schedule.

Ms. Galvin said we need to start imagining ways the Housing Authority can evolve in a manner that will allow it to develop some of their own assets. We should examine other management models and think outside the box. The Comprehensive Plan is filled with language about the City's desire to become bike friendly, walkable, and decrease fossil fuels since 2003. We need to figure out the missing piece to get us from plan to implementation.

Mr. Maurice Jones said the changes to Route 1 are not as drastic as what was presented by the speakers during Matters by the Public. Mr. John Jones was asked to speak about the route. Mr. John Jones said there are some changes with how the bus travels through the streets, particularly in the Woolen Mills neighborhood. The elimination of Saturday service was based on a lack of Saturday ridership. Most Saturdays, there are as few as ten people on the route during the entire day. Low performing bus routes drag down the average and can affect grant funding. He said he can provide Council with a cost estimate of reestablishing a Saturday route. Ms. Szakos asked Mr. Jones to determine whether the route still travels down Fairway Ave. Council asked Mr. Jones to speak with JAUNT regarding options for Saturday/Sunday travel.

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

- a. **Minutes for September 16**
- b. **APPROPRIATION: Charlottesville High School Stadium Bleacher Replacement - Water Protection Performance Bond Release - \$22,103.28 (2nd reading)**
- c. **APPROPRIATION: Victim Witness Assistance Program Grant - \$176,057 (2nd reading)**
- d. **APPROPRIATION: Authorizing Police Cruiser Purchase - \$214,000 (2nd reading)**
- e. **APPROPRIATION: Gordon Avenue Library Masonry Project - Albemarle County Reimbursement - \$1,487.50 (carried)**
- f. **APPROPRIATION: Central Library Elevator Replacement - Albemarle County Joint Project Reimbursement - \$4,708.19 (carried)**
- g. **APPROPRIATION: Reimbursement for Form Base Code Class Registration Fees - \$400 (passed)**
- h. **APPROPRIATION: Emergency Solutions Grant - \$57,715 (carried)**
- i. **RESOLUTION: Acquisition of Property for Parkland (Quarry Park near Monticello Avenue) - \$212,500**
- j. **RESOLUTION: Special Use Permit for 723 Nalle Street**
- k. **RESOLUTION: Special Use Permit for 217 W. High Street**
- l. **RESOLUTION: In Support of Reducing Greenhouse Gas Pollution Under the Clean Air Act**

- m. **RESOLUTION: Charlottesville Area Transit Advisory Board**
- n. **ORDINANCE: Abandonment of 1625 Brandywine Trail Access Easement (2nd reading)**
- o. **ORDINANCE: Supporting Equal Access to Employee Benefits for All Lawfully Married City Employees (2nd reading)**
- p. **ORDINANCE: Allowing the Local Courts to Assess a Courthouse Construction Fee (2nd reading)**
- q. **ORDINANCE: 250 Bypass Speed Limits (carried)**

Ms. Szakos said Quarry Park near Monticello Ave. is a really exciting opportunity for the City to incorporate some parkland in an historic part of town. She clarified that the Bypass speed limit is only for the duration of construction.

Mr. Huja said regarding item m, we should add a member of City Council to the Transit Board. Ms. Smith supported the change.

Ms. Galvin commended staff for engaging in the form based code class in item g.

Ms. Szakos moved to approve the agenda with the added language to item m. Ms. Smith seconded. The consent agenda passed unanimously. (Ayes: Mr. Norris, Ms. Smith, Ms. Szakos, Mr. Huja, Ms. Galvin; Noes: None.)

Ms. Szakos said she wanted to add a discussion of the request to Robert Hurt to Other Business. Mr. Huja said we should discuss it now because of the interest in this subject. On motion by Ms. Szakos, seconded by Ms. Smith, Council voted to send a letter in a form approved by Council to Rep. Hurt asking him to vote to release the continuing budget resolution for a vote. (Ayes: Mr. Norris, Ms. Smith, Ms. Szakos, Mr. Huja, Ms. Galvin; Noes: None.)

PUBLIC HEARING / ORDINANCE: Dominion Power Easement for Undergrounding Lines at Meadow Creek Gardens Park (carried)

Dominion Power Easement for Undergrounding Lines at Meadow Creek Gardens Park

Mr. Gensic presented to Council.

Ms. Smith confirmed that phone and cable poles will still be above ground. Mr. Huja asked why they are not undergrounded together. Mr. Gensic said staff can contact the other utility companies and see if there is a reason why they cannot do this. Ms. Smith asked if we

would lose any trees. Mr. Gensic said staff can take measurements to determine if any tree loss would occur.

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

Ms. Szakos asked Ms. Smith if she was comfortable moving forward on a first reading. On motion by Ms. Szakos, seconded by Ms. Smith, the motion carried.

PUBLIC HEARING / ORDINANCE: Convey Right of Way at 1808 Meadowbrook Heights Rd. (carried)

Convey Right of Way at 1808 Meadowbrook Heights Rd.

Mr. Brown presented to Council. The owners of the property at 1808 Meadowbrook Heights Road have requested a conveyance of City right-of-way in order to build a decorative stone wall on their property. Based on a written concern of a neighbor, NDS staff said if a sidewalk were to be installed at that location in the future, it would go on the opposite side of the street.

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

Mr. Ed Lowry, owner of the property, offered to answer any questions Council may have.

Ms. Szakos asked if the sidewalk would have been built on the opposite side regardless of whether or not the right-of-way is conveyed. Mr. Brown said the City engineer determined that it would go on the opposite side regardless of right-of-way conveyance.

On motion by Mr. Norris, seconded by Ms. Smith, the ordinance carried.

PUBLIC HEARING / ORDINANCE: Rivanna Water and Sewer Authority Easement for Rivanna Pump Station (carried)

Rivanna Water and Sewer Authority Easement for Rivanna Pump Station

Ms. Hildebrand presented to Council.

Mr. Norris asked what will happen to the existing site once the pump station has been demolished. Ms. Hildebrand said this is open for negotiation. Mr. Norris asked staff to communicate our interest in incorporating this area into Riverview Park.

On motion, the public hearing was opened.

Ms. Bitsy Waters, 1935 Thompson Rd., said she appreciated the comments about this. There is definitely a competition between underground utilities and tree roots. This is not a no-brainer.

Having no further speakers, the hearing was closed.

Ms. Smith thanked Ms. Waters for her comments and said we do need to negotiate risk.

Ms. Galvin requested that staff meet with the Dominion representative about the issues.

On motion by Mr. Norris, seconded by Ms. Szakos, the ordinance carried.

RESOLUTION: SUP 925 E. Market St.

SUP 925 E. Market St.

Mr. Mike Smith presented to Council.

Mr. Norris asked about the potential traffic impacts on Locust Ave. Mr. Tolbert said to impose conditions on a project, you have to prove a direct correlation between the project and its impact. Locust Ave. is recommended for a small area plan study in the future.

Ms. Galvin said it is disappointing that there are two large garage door openings on a small street. She asked for further information about front elevation. The applicant, Mr. Rick Funk, VP of DBS Associates Architects, said the retaining wall starts at zero feet and ranges up to eight feet.

Ms. Szakos asked if the rise will be smoothed out during this project. Mr. Smith said it is not included as part of the project, but it can be discussed.

Ms. Smith asked about street trees. Mr. Funk said they are committed to the landscaping buffers, and they will maximize those throughout the project. Ms. Smith asked about the affordable housing rule. Mr. Keith London said they plan to comply, but until the final layout is set they cannot know exactly how many units will provide affordable housing. Council discussed affordable housing versus dollar contributions. There was not a consensus on which would be best.

Ms. Galvin said there was room on this property to have its own alley, but the footprint has been maxed out, and you would have to go to adjacent land owners for permission. She asked if the consultant team on the Strategic Investment Area (SIA) has come up with any solutions to the need for a network of alleys. She asked if the City can start coming up with ways to grant alley easements. Mr. Tolbert said this can be reexamined, but it has already been attempted unsuccessfully.

Ms. Galvin said this provides density, but since we do not have clarity on our zoning at the moment, she said she cannot approve of a project that is still sorely missing some important key design features. We need a network plan for Locust Ave.

Ms. Szakos said she agreed that pedestrian infrastructure is important, but this project does provide a lot of needed features, and the good outweighs the bad. She said she is concerned about traffic on Locust Ave.

The resolution was moved by Ms. Szakos and seconded by Mr. Norris. (Ayes: Mr. Norris, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: Ms. Galvin.)

Mr. Norris asked to go on record as asking staff to expedite the traffic review on Locust.

Mr. Brown clarified that the motion does not include condition #4 of the Planning Commission's recommendations. Mr. Huja said it does not. Ms. Szakos said we could add language saying the applicant will reduce the number of garage entrances if possible, but understanding that it is not a requirement.

Ms. Galvin read the resolution proposed by Mr. Odell. Mr. Jones said staff can come back to Council at the next meeting to let them know what this would take.

ORDINANCE: Closing a Portion of Garrett St. (carried)

Mr. Tolbert presented to Council. This is a request to close the stairs that go up to Ridge St. at the end of Garrett St. Staff and the Planning Commission recommended denial. This is in the Strategic Investment Area (SIA), and the recommendation will include that improvements be made to the area at a later time. Staff has offered to make temporary improvements to help with the issues going on at that location.

Ms. Szakos moved to deny the ordinance because of SIA planning, future plans with the market, and other projects this may impede. The denial comes with the understanding that the reason the applicant brought this request forward is compelling. Ms. Galvin seconded the motion. Council voted to deny the ordinance. (Ayes: Mr. Norris, Ms. Smith, Ms. Szakos, Mr. Huja, Ms. Galvin; Noes: None.)

ORDINANCE: Tree Conservation Ordinance (carried with revisions)

Ms. Bitsy Waters presented to Council and explained the proposed ordinance.

Mr. Huja asked if Section 18.11, Item 3 beginning with "If the City Arborist determines that the tree is dead..." came from state legislation. Mr. Harris said this is straight out of the state enabling legislation. Mr. Huja said sometimes trees deemed to be dead are not in fact dead. He asked how we will determine this. Mr. Harris said we will rely on our City Arborist. Mr. Huja said that worries him. Mr. Jones offered adding "confirmed by an outside source".

Ms. Szakos asked about the exceptions section and who decides if a tree is a threat. Mr. Harris said it depends on which department is dealing with the threat issue. Ms. Waters said we can discuss amendments with staff for the second reading. There needs to be coordination with departments regarding removal.

Ms. Smith asked how a member of the public can nominate a public tree to the Tree Commission. Ms. Waters said a citizen can ask for any public trees to be considered for the ordinance. Mr. Harris said this was originally intended to apply to private trees to prevent an influx of requests. Staff can devise language that would limit how the requests come in.

On motion by Ms. Smith, seconded by Ms. Galvin, the motion carried. Staff and members of the Tree Commission will come back for the second reading with revisions.

REPORT: 2040 Long Range Transportation Plan

Ms. Sarah Rhodes presented a powerpoint to Council.

Ms. Szakos asked about the recent changes to the MPO. Ms. Rhodes said the CHART Citizen Advisory Committee recently changed their name to the Transportation Citizen Advisory Committee and reevaluated their role to be broader in the MPO framework. C-TAC is the same as CHART.

Ms. Galvin asked what the state is funding for transit versus road improvements. Ms. Rhodes said she would need to do research and get back to her on that question. They have preliminary figures from DRPT and VDOT, and they are relatively close. Ms. Galvin asked where bike infrastructure would go. Ms. Rhodes said it could go under both.

Mr. Norris asked about the proposed bridge over Rivanna into the Woolen Mills neighborhood. Ms. Rhodes said they are studying the impacts and are participating in a pilot that addresses the ecological process. The MPO is clear on the City's position regarding a bridge into Woolen Mills.

REPORT: Promise Neighborhood Grant Update

Mr. Sarad Davenport presented to Council. He gave an overview of enrollment numbers and programs and described the organization. An Internet Connectivity pilot program has been launched. He described their results-based leadership scorecard.

Ms. Smith asked about their geographic boundaries. Mr. Davenport said it runs from 10th and Main to 10th and Grady, down to 4th, back up to 4th and Main. Jefferson is in the footprint. They deal with Venable and Burnley Moran schools. Ms. Smith asked if they have tried to figure out a way to allow kids in walking distance from Venable to attend the school. At Ms. Smith's request, Mr. Davenport explained the Justice Department grant.

OTHER BUSINESS: Letter to RWSA Regarding Odor Mitigation

Ms. Galvin asked Council to approve a letter to the RWSA Chair regarding odor mitigation, which is affecting a large portion of the City. The letter states the goal of accelerating the odor control plan and provides cost implications for doing so.

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

Ms. Smith said this is a county issue as well, because there have been complaints from as far as Martha Jefferson Hospital.

Mr. Norris said our hand would be strengthened by offering some suggestions for funding. Ms. Galvin said there could be a follow-up letter, but this is just to put things in motion.

OTHER BUSINESS: Designing Walkable Urban Thoroughfares in a Context-Sensitive Approach

Ms. Galvin asked Council if there was general support for considering this on an upcoming agenda. This requires an advisory committee, and Ms. Galvin suggested including a time table.

Ms. Szakos said staff should review this and make a recommendation to the Planning Commission to start the process.

MATTERS BY THE PUBLIC

Ms. Joy Johnson, 802 A Hardy Dr., asked Mr. Huja to be sure the monitors are turned on for the Housing Authority meetings. She said RAD is a "demonstration project" and moves away from federal protection. You can go on the Harvard cost study or HUD websites for more information. It is expensive to rebuild anything. There is a certain class of people we are leaving out.

Mr. Brandon Collins, 418 Fairway Ave., said there was an eviction at Westhaven today that was perhaps an attempt to distract PHAR from dealing with RAD. PHAR was not aware of the eviction in advance, and this is a clear violation of the residence's bill of rights.

Mr. Scott Bandy, Cherry Ave., said the long range transportation plan was edifying. He asked if staff considered relocating the City Market to the top of the Water Street parking garage.

Mr. Bill Emory, 1604 E. Market St., said he is excited about the Tree Conservation Ordinance. Regarding walkable urban thoroughfares, most of the MPO projects are capacity-building projects that will tend to choke up rather than aid city bypass traffic.

Mr. Everett Yale, Hazel St., member of the Bike Safety Committee, said developing critical infrastructure before a crisis emerges severely lags behind actual development. Locust, Market, and Water Streets have become critical because of the new businesses and projects opening around this area, and it will be a crisis situation. Please ask NDS to consider traffic calming on Locust Ave.

COUNCIL RESPONSE

Mr. Norris said even though there are some good things about RAD, those do not outweigh the negative things we know of, such as loss of permanency.

Mr. Huja said Council will consider the City Market at the October 21 Council meeting.

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