NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, May 21, 2012, 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 – May 21, 2012

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

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Mr. Huja, Mr. Norris, Ms. Smith, Ms. Szakos; Noes: None; Absent at time of vote: Ms. Galvin), to meet in closed session for (1) Discussion of the acquisition of real property right-of-way and easements by purchase or condemnation in connection with the Route 250 / McIntire Road Interchange project, where discussion in an open meeting would adversely affect the City's bargaining position or negotiating strategy, as authorized by Va. Code sec. 2.2-3711 (A) (3). The properties are located (a) at the intersection of Birdwood Road and the Route 250 Bypass; (b) on the north side of the Route 250 Bypass west of Park Street; (c) on the east side of McIntire Road near Harris Street; and (d) at Hillcrest Road and the Route 250 Bypass, and, (2) Discussion of compensation for the City Manager, as authorized by Virginia Code sec. 2.2-3711 (A) (1).

On motion by Ms. Szakos, seconded by Ms. Smith, Council certified by the following vote (Ayes: Mr. Huja, Mr. Norris, Ms. Szakos, Ms. Smith, Ms. Galvin; 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 – May 21, 2012

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

ANNOUNCEMENTS

Ms. Smith welcomed the Charlottesville Community Scholarship Program and invited representatives to speak. Ms. Linda Seaman, Chair of the program, invited the scholars to introduce themselves to Council.

Mr. Huja announced Charlottesville was recognized for being a Silver Bike Community.

Mr. Huja recognized Mr. Wes Bellamy and his students for their work with HYPE. Tyrone Akram spoke on behalf of the group HYPE. He told Council about their program and what they are doing with their youth. He said they could use a bigger space to train. Ms. Szakos thanked them for speaking to Council and thanked them for their letter, which she said was an effective way of communicating with Council.

Mr. Norris announced City pools are opening this Saturday, May 26. City Hall will be closed for Memorial Day. Trash, recycle and transportation will operate on a normal schedule. Sign up for the Youth Ride program with CAT, open through June 8. He also announced an event sponsored by the First Tee Program, the "Dennis Walters Golf Show", on Saturday, May 26.

Ms. Szakos announced upcoming events for *Celebrate250!*, including the Festival of History. There will be a free Mental Health Expo at *CitySpace* on May 25.

Ms. Galvin announced the first annual Tonsler Park Festival on May 25. She also announced the chloramines information session will be held June 21 at 6:00 p.m.

MATTERS BY THE PUBLIC

Mr. Scott Bandy, 1639 Cherry Ave., spoke against adding chloramines to the water supply.

Mr. Brevy Cannon, 710 Ridge St., thanked Councilor Galvin for her revisions to the City Market RFP. He spoke in support of the RFP and asked that the role of the City Market Committee be clarified. He asked that the Market District Alliance have three representatives on the City committee.

Mr. Jeff Snyder, 800 Druid, said he was here to support a Council resolution for Citizens United – Move to Amend.

Ms. Debora Judson-Ebbets, 327 Key West Dr., said she is speaking as a representative of the Sierra Club. She spoke in support of a permanent home for the City Farmer's Market. Please support the proposed resolution on the Citizens United issue.

Ms. Lorrie Delehanty, 645 Evergreen Ave., spoke against adding chloramines to the water supply. She gave Council an account of a community that reversed adding chloramines to the water supply because of adverse effects.

Ms. Nancy Carpenter, 727 Denali Way, said there are people waiting to live at the Crossings because Albemarle County is holding up funding for the vouchers. She asked Councilors to speak with County supervisors and encourage them to grant funding. She supports the Citizens United resolution.

Mr. Galen Staengl, 129 Goodman St., said putting chloramines in our water supply is a bad idea. He shared data regarding byproducts.

Ms. Barbara Cruickshank, 324 Parkway, spoke against adding chloramines to the water supply. She shared statistics on how lead affects children. She asked Council to adopt the Precautionary Principle, adopted by the European Union, which states we must act in a precautionary manner if there is some evidence of a health risk, even in the face of scientific uncertainty.

Ms. Joanna Salidis, 129 Goodman, said she supports the recommendations of Market Central regarding changes to the RFP. She also supports the move to amend the Constitution to overturn Citizens United. She said we should use carbon filtration instead of adding chloramines to the water supply. Rivanna says they cannot afford it, yet they are spending hundreds of millions of dollars supporting developers.

Mr. Evan Knappenberger, 308 Parkwood, said Council should vote in support of overturning Citizens United. A revival of participatory democracy requires empowerment on the local and state level. He asked Council to put this on the agenda for the next meeting.

Ms. Emerald Young, 237 Yellowstone, #106, requested that Council enact a requirement that the health risks of fluoridated water be disclosed to the consumers of our water. She asked Council what it would take for them to decide to enact such a requirement.

Mr. Kenneth Case, 904 Blue Ridge Dr., passed Council handouts with graphs that showed dental decay dropped over time irrespective of fluoridation. He quoted an ADA report that says fluoride works topically only, not systemically.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Mr. Huja reminded citizens there will be a meeting to discuss issues of chloramine. Ms. Smith requested the meeting be rescheduled because she cannot make June 21.

Ms. Smith said she supported adding the Citizens United – Move to Amend resolution to the next agenda.

Mr. Norris endorsed requests of the City Market representatives. He also requested the Citizens United – Move to Amend resolution be added to the next agenda. He agreed with Ms. Carpenter that we need to find a way to get those nine residents into housing. The focus needs to be on the county officials. He thanked Ms. Cruickshank for voicing support for the Precautionary Principle. The burden of proof has to be on those proposing to introduce a new chemical to prove it is not harmful.

Ms. Szakos said she supports the Citizens United resolution. She also urged the county to make a decision about the residents at the Crossings and urged citizens to continue bringing people to speak to them.

Ms. Galvin said she has no problem entertaining the Citizen's Resolution, but she reminded Council of their stated priorities. We need to discuss what will have the most impact on the local affairs of our community. She is pleased we are discussing issues that are in line with those priorities. We must discuss them in the context of a strategic plan so we can understand how we are going to budget for them.

CONSENT AGENDA

Mr. Huja said item g is a 2% raise, which all City employees received.

Ms. Szakos asked for item h to be removed for further discussion.

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

a.	Minutes for May 7	
b.	APPROPRIATION:	March Primary Reimbursement - $16,000 (carried)
c.	RESOLUTION:	Settlement of Litigation – 219 West Main St (Demolition Violation)
d.	RESOLUTION:	Capital Improvement Program (CIP) Fund Accounts Cleanup - $134,671.85
e.	RESOLUTION:	Application Approval for Land and Water Conservation Grant – Hartman Mill Property Acquisition – $100,000
f.	RESOLUTION:	Reallocation of Funds (Capital) – Market Street Garage Mall-Side Elevator Repair- $34,000 *corrected from May 7 consent agenda*
g.	RESOLUTION:	Amendment of City Manager Employment Agreement
h.	~~ORDINANCE:~~	~~Council Access to Employee Medical and Dental~~

PUBLIC HEARING / ORDINANCE: UTILITY RATES (carried)

Ms. Sharon O'Hare presented to Council.

Ms. Smith asked for clarification on the seasonal rates. Ms. O'Hare said the City decided to implement seasonal rates in 2003 as a method of conservation. It makes water more expensive in the summer and cheaper in the winter. The City developed a composite rate, but no one ends up paying that rate. The summer rate would be 30% higher than the winter rate.

Ms. Galvin asked what we have been doing to encourage people to use natural gas. Ms. Hildebrand said we have an extensive marketing program that we use to encourage developers in particular to use gas.

Ms. Smith asked to clarify the difference between connection fee and facility fee. Ms. O'Hare said the connection fee and facility fee are the same.

The public hearing was opened.

Mr. Brandon Collins, 536 Meade Ave., said he is pleased his rate will be somewhat lower, but he is concerned that variable rates between summer and winter make it so that details get lost in the jumble. He asked for more consistency when these are reported. Also, no one should ever have their utilities shut off without person to person, proactive contact.

Having no further speakers, the public hearing was closed.

Ms. Smith said she is concerned that subsidizing our rates in order to artificially keep them low and increasing our subsidy of water rates yearly, is digging us deeper into a hole; wastewater is even worse. She reiterated her concern that increasingly subsidizing our rates is not sustainable. Ms. Smith asked about the fund we use for rate stabilization. Ms. O'Hare said the primary component of the fund is the facility fees. There have been cash infusions in the past due to an increase in profit from changes in weather or climate.

Ms. Szakos asked about cut offs, rate forgiveness and subsidies for low income families. There have been 1,874 cut-offs over the course of a fiscal year due to non-payment, including both residents and businesses. It is not known how many of these were unique. A $30 reconnect fee is charged, as well as a $48 fee for after hour or same day service. There is a GAAP fund of $60,000 that Council approves every year. Any unexpended funds are carried forward.

Ms. Smith said we should be able to tell where people are getting cut off, and how many of the 1,874 are repeats. That number is 10% of our residents, if they were all individual cut-offs. Ms. O'Hare said we know some of them are repeat cut-offs. Ms.

Szakos asked what was being done to help people make arrangements for nonpayment. Ms. Smith said there should be coordination of services with organizations who deal with families in crisis. Ms. Szakos clarified that payment arrangements can be made if an account is cut off, but accounts are not allowed to fall egregiously behind.

Ms. Smith said we have a high cost of water, the second highest among cities in Virginia. She voiced concerned about the high level of taxation on water rates. She asked about PILOT (payment in lieu of taxes) on our water, wastewater and gas.

Ms. O'Hare said since we have a municipality-owned utility, we do not have to pay taxes to ourselves, but we pay taxes back to our shareholders. We are not a private entity that has to pay taxes and charge our customers. We do not make a profit, but we do allow taxes to be paid and applied to the general fund for other operations.

Ms. Smith asked if we have to do PILOT, or if it is a revenue source for the general fund. Ms. O'Hare said she would find out and get back to Council. Ms. Smith said we have come to depend on this fund, but that does not justify continuing it. She also said the PILOT fee is built into our rate, and then the utility tax is assessed on top of that, so we are taxing a tax.

Ms. Szakos said it is difficult to balance the hardship of a high water bill for a low income family and the elasticity of water use, and the fact that when prices go too far down, there is less incentive to conserve water. On a national level, the common belief is that water rates should be going up. We should figure out how to make our rates go up without troubling the people at the lower income side of the scale.

Ms. Smith asked if the City still reads gas meters physically. Ms. O'Hare said we do for new occupants. Ms. Smith clarified that we pay for computer systems out of our gas fund. Ms. O'Hare said it was a decision made by Council in the past.

Mr. Norris said for the record, he does not support paying rates to support a system that is outsized and overbuilt. These rates are paying for things that are rather gratuitous, such as dredging the South Fork Reservoir

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

PUBLIC HEARING / ORDINANCE: CONSERVATION / OPEN SPACE EASEMENT ON JEFFERSON PARK CIRCLE LAND (carried)

Mr. Brian Daly and Mr. Chris Gensic presented to Council. The City purchased the property a few weeks ago, and per the contract, they are looking to grant an easement.

The public hearing was opened.

Mr. John Conover, 104 W. High St., urged Council to pass the easement.

Ms. Lena Marie, Charlottesville, asked what the legal mechanism was for how to keep the City from putting roads through parks, and if so, how did a road come to be built through McIntire Park.

Having no further speakers, the public hearing was closed.

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

PUBLIC HEARING / ORDINANCE: LAND AND WATER CONSERVATION FUND APPLICATION – AZALEA PARK RESTRICTIVE COVENANT (carried)

Mr. Jim Tolbert presented to Council.

The public hearing was opened.

Mr. Peter Kleeman, 407 Hedge St., said Land and Conservation policies are that you can overturn those properties, but you would have to provide equivalent properties at other locations that provide similar recreational resources. He asked the City to make a statement that it will maintain this property in perpetuity for recreational purposes.

Having no further speakers, the public hearing was closed.

Ms. Szakos asked for information before the next meeting on what Mr. Kleeman's request might involve.

Ms. Smith asked if the $50,000 was over and above the $350,000 allocated to Azalea. Staff said this is a match, and we would get $50,000.

On motion by Ms. Szakos, seconded by Ms. Smith, the ordinance carried.

REPORT: SOCIAL SERVICES ADVISORY BOARD UPDATE

Ms. Mary Sullivan, Vice Chair of the Social Services Advisory Board, presented to Council. She read the mission and vision statement for the department. She reviewed department programs, the number of people who receive SNAP, and foster care data. Ms. Kirsten Parker Smith presented to Council on Family Partnership Meetings. Ms. Sullivan said the number of adoptions increased to 15 children for FY 2011. She explained future challenges, including child care automation, space needs, health care reform, and online benefit program applications.

Ms. Galvin asked if Ms. Kuknyo has been able to see that we move people out of dependency in this program. Ms. Kuknyo said getting people to a living wage is very difficult.

Mr. Huja asked for more information about part time versus full time statistics.

Ms. Smith said she has enjoyed being on the board. She asked what percentage of residents goes through social services for one reason or another. Staff reported that 18% have received SNAP benefits. Social work is need-based, and 20-24% of the community passes through the door throughout the year. Ms. Smith asked if there is need for better coordination with other nonprofits serving the community. Ms. Kuknyo said the department has a very good working relationship with dozens of nonprofits in the community. Ms. Smith clarified that there is support in place for smooth transitions for folks who move between localities. She asked how the department views the effect of utility costs on their families. Ms. Kuknyo spoke on the benefit of supplemental heating and gas programs.

REPORT / ORDINANCE: DESIGN FOR LIFE CVILLE (carried)

Mr. Tolbert presented to Council. The Design for Life Cville program is a two-tiered approach to create more accessible housing units for both the disabled and aging community in Charlottesville.

Ms. Szakos said often when people have to renovate their house to make it more accessible, it is during a time of crisis. Being able to provide a discount to make that happen is very useful.

Ms. Galvin said she likes that this is incentivizing action instead of penalizing for not taking action.

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

REPORT / APPROPRIATION: APPROPRIATION OF FUNDS FOR HOME FY 2012-2013 - $91,742 (2nd reading)

Mr. Tolbert explained why there was a change in funding.

On motion by Mr. Norris, seconded by Ms. Szakos, the appropriation was amended to reflect the updated amount. On motion by Mr. Norris, seconded by Ms. Smith, the appropriation passed. (Ayes: Mr. Norris, Ms. Szakos, Ms. Smith, Ms. Galvin Mr. Huja; Noes: None.)

REPORT: CHARLOTTESVILLE MARKET DISTRICT FEASIBILITY RFP

Mr. Jones gave Council a background of the City Market and work that has been done in the last year.

Mr. Norris clarified that no one on City Council or the Market Alliance has ever advocated that we keep those two lots available for a giant plaza once a week. Instead, the market would be integrated for a mixed use setting.

Mr. Engel presented to Council. He discussed the purpose of the RFP and said Council can use this process to seek more information if they do not feel they have enough to make a decision.

Mr. Norris said he wanted comments from Mr. Cannon regarding additional requests, which was to attach recommendations from David O'Neill as an additional attachment. He asked to clarify the role of the study's steering committee, which has a passive review role and should perhaps be empowered to play more of an active role, and asked that there be representation from Market Central and Market Alliance.

Ms. Szakos thanked Ms. Galvin for her work on improving the RFP document. Examining impacts on parking and traffic patterns is important to the project and is missing from the RFP. She asked Mr. Engel if he knew what the project would cost. Ms. Galvin said the whole Strategic Area Investment Plan is $150,000, so she would be nervous to go beyond that. Mr. Norris said he wants to ensure the vendors who participate in the market will be given a voice in the process. Ms. Smith she was concerned that this came to Council on Friday and to the market task force on Sunday, and questioned whether they had enough opportunity to have input before Council passed it. Ms. Galvin said she met with the group personally, and there is a desire for us to move forward on this project.

On motion by Ms. Galvin, seconded by Ms. Szakos, Council voted unanimously to adopt the draft.

REPORT: BIKE/PEDESTRIAN PLAN

Ms. Poncy updated Council on the Bicycle Plan and the work of the Bike Safety Committee. Approximately 30% of the on road projects have been completed. She presented on the two year action plan. She explained Neighborhood Greenways, possible integration of stormwater management as part of their Green Streets Initiatives, and exploring methods for benchmarking progress.

Ms. Galvin asked if the two year plan list had been prioritized. Ms. Poncy said all items on the list are already funded in the budget. Ms. Galvin said she appreciated the benchmarking idea.

Ms. Szakos said she has received feedback from residents having trouble with the 6th Street innovation. She asked if there is more signage to come, because people are surprised by coming upon the new configuration.

Ms. Szakos asked if they can look at adding more bicycle parking spaces in the Market Street parking garage.

Mr. Norris said he has heard so much positive feedback about the new lighted crosswalks, and he hopes we will add more. He asked about using railroad right of way in the City. Mr. Gensic said the law passed, and they will address this when they answer the question about the Greenbrier Overpass. Mr. Huja said there has also been discussion about the trail on the railroad from here to Market St. to Riverview Park. Mr. Gensic said the coal tower property owner will build that to Beer Run, but getting through the scrap yard is more difficult because it sits uphill. We are still looking at this from a topography standpoint.

Ms. Smith said about old railroad tracks, such as the ones near Bodos. Mr. Gensic said we are working on this area. Ms. Smith asked if there was any coordination with bike Share UVA. Ms. Poncy said we are working with the folks with UVA, who did get funding, and we will get another update from them for what their plans are for the fall. Ms. Smith asked Mr. Gensic if we could host a rental bike event at Riverview Park. Mr. Gensic said he sees this on the horizon. Ms. Szakos said there could be mountain bike rentals to Monticello.

Ms. Galvin said as we are increasing our cycling population, we may need to do some really good public education about cycling. Ms. Poncy said the first step was to raise awareness with the *You Know Me, I Ride a Bike* campaign, and once this is launched, more education and additional classes will be in the works.

Mr. Huja said he likes idea of no traffic streets. He said he is concerned over the linkages between the routes. He asked about paving trails. Mr. Gensic said we are working on this area.

REPORT: TOWING ADVISORY BOARD

Mr. Ellis presented to Council. Mr. Norris asked if the makeup of the board is dictated by state law. Mr. Ellis said it was. Mr. Huja said he is concerned one group can block having a quorum so they cannot accomplish anything. Mr. Jones said this is a matter of fairness as well, so that if a representative cannot make a meeting, the board cannot vote and prevent them from weighing in. Ms. Szakos said there could be a policy that repeated no-shows get replaced on the board.

Ms. Galvin asked what the magnitude of the towing problem is. Mr. Ellis said he has dealt with six or seven cases since he started working for the City. Ms. Galvin asked why the first course of action is not talking to the offending vendors and figuring out what the problem is from their perspective. She said this is a very narrow mission and may be overkill for this problem.

Mr. Norris said ultimately this is not an issue of towing, but the parking lot owners, who are arguably the ones we should be focusing on. The towing companies are just doing their jobs. Ms. Szakos said towing companies have been complained about specifically. Mr. Jones said we have more authority to work with towing companies than with private parking lots. Many of our complaints do come from the result of towing companies.

Mr. Norris invited towing company owners to speak. Ms. Linda Jones, owner of Colliers Towing, said they are contracted by parking lot owners. She said they already have the Towing Board of Virginia to answer to.

Ms. Smith asked if the towing companies get called to pick up cars. Ms. Jones replied that was the case about half the time.

Ms. Szakos said this solution brings everyone to the table.

On motion by Ms. Szakos, seconded by Ms. Smith, the resolution passed. (Ayes: Ms. Szakos, Ms. Smith, Ms. Galvin, Mr. Huja; Noes: Mr. Norris.) Mr. Norris said he feels our hands are tied by the state's requirement for the composition of the task force. Ms. Szakos asked staff to figure out if there are other ways to deal with the parking lot owners. Ms. Smith said there is a form available online that can be used to report issues until January of next year.

OTHER BUSINESS: COUNCIL ACCESS TO EMPLOYEE MEDICAL AND DENTAL PLANS (carried)

Mr. Beck presented to Council. Mr. Huja asked if Albemarle County provides an opt out benefit. Mr. Beck said they do not.

Ms. Szakos said this is basically a 50% raise in the form of a benefit for Council, which seems like a big change in how Council is compensated. This is also an equity issue. However, having insurance is a barrier for people to serve on Council who may not be independently insured.

Ms. Galvin said perhaps this is a benefit that should have been happening all along. We already get gym benefits; discriminating between which benefits Council receives and which they do not is unfair.

Ms. Smith said Council should consider the benefit as if every Councilor would take advantage of it from a budget standpoint.

Councilors requested the item be deferred to the next agenda.

MATTERS BY THE PUBLIC

Ms. Lena Marie, City resident, said the 250th Anniversary events are very difficult to find online. She said we have a very good farmer's market, and she hopes this will continue to be something the farmers want to continue to participate in. She agreed with the Precautionary Principle.

Ms. Julia Wagman, City resident, spoke against adding chloramines to the water supply. She spoke of the negative effects of chloramines on health, copper pipes, and household appliances.

Mr. Bruce Penner, City resident, said the inaugural concert of Queen Charlotte's band will be part of the Festival of History, and he petitioned Council for a $750 grant to get the band started. Mr. Norris asked Mr. Jones to follow up to see if there is money in the 250 Committee budget for his band.

Mr. Jehle, on the Bike Safety Committee, will be leading a ride from the IX building on March 24 and invited Councilors to participate. He and Ruth Stornetta are also leading neighborhood bike rides the last Sunday of each month. He said he is a temporary seasonal employee of the City, and he has been for 28 years, and health benefits are not available to them, even though they have worked for decades.

Mr. Mark Kavit, 400 Altamont St., said NDRA took several months to put together a handout, which he distributed to Council. He called Council's attention to a particular request, that the City encourage the County to buy additional land to accommodate baseball, soccer fields, and a municipal golf course. He said developers would rather pay fines and be non-compliant, because it is less expensive. He said we need to examine lots for better signage.

The meeting was adjourned.

Paige Bayfield

Clerk