

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, June 4, 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 – June 4, 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 Mr. Norris, Council voted, (Ayes: Mr. Huja, Mr. Norris, Ms. Szakos; Noes: None; Absent at time of vote: Ms. Smith, 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 and consideration of prospective candidates for appointment to City boards and commissions, 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 – June 4, 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.

ANNOUNCEMENT

Mr. Huja recognized the visiting delegation from Afghanistan.

Mr. Huja read a proclamation in honor of the Virginia Business Appreciation Week. Mr. Chris Engel spoke about the week and introduced three local entrepreneurs, Rob Masri with Cardagin, Nikki Hastings with HemoShear, and Bayan Johnson with Amazing Cleaning Services.

Mr. Huja recognized the City for their Public Transit Marketing Award. Ms. Kristen Gleason was present to accept the award.

Mr. Huja announced an event for Flag Day at the Pavilion on June 14. He also read a proclamation in honor of Flag Week. Mr. Bob Stroh spoke on the Flag Day event. Sgt. Richard Lambert, U.S. Army, accepted the proclamation.

Ms. Galvin announced the Summer Cooling Assistance Program. Applications should be submitted June 15 through August 15. Go online to commonhelp.virginia.gov or to your local Social Services department for an application.

Ms. Galvin announced an education information session on chloramines on June 21 from 6-8pm at the Albemarle COB. Mr. Jones listed the invited panelist members. Ms. Smith confirmed that RWSA will send out a press release.

Ms. Szakos congratulated local graduates. She said at the Henry Ave. Learning Center, students created a new greenhouse and a library. The Venable Neighborhood Association Picnic is this Saturday, June 9th.

Mr. Huja recognized the 250th Anniversary Committee for arranging the Festival of History last week.

Ms. Szakos said she attended the unearthing of the time capsule from 1962, which contained a letter from Mayor Louie L. Scribner of 1962. Mr. Will Scribner, his son, presented the letter to Mayor Huja. Mr. Preston Coiner said the City is burying another time capsule on December 23.

Ms. Smith read a letter from first grade students of Clark Elementary School about dog waste. She asked staff to address the question of dogs on school properties.

MATTERS BY THE PUBLIC

Mr. Paul Long, 1410 Grady Ave., said 1800 residents had utilities turned off at some point during the year last year, and a percentage of residents live in poverty. A very important part of solving this problem is transportation. Please expand and improve

public transportation services for the City. Charlottesville's economic vitality depends on it. He particularly asked for full service on Wednesday, July 4.

Mr. Evan Knappenberger, 308 Parkwood, said he was inspired by the Afghan delegation's interest in democracy. The Citizens United resolution is a local issue, and it makes our democracy functional. He said there is a difference between moral leadership and political leadership.

Mr. David Repass, 227 E. Jefferson St., said he represents the board of the N. Downtown Residents Association. The Martha Jefferson hospital and most of its doctors have moved away. Free Bridge, the neighborhood's only route to the newly located offices, and the intersections near it are becoming clogged. He said Council's October 2007 commitment to develop an Eastern connector was not honored, and now a new development is proposed for this area. Please establish a taskforce for an Eastern Connector.

Ms. Nancy Carpenter, 727 Denali Way, asked Council to approve the Citizens United resolution. She read a list of states and localities that have supported the resolution.

Mr. John Cruickshank, 324 Parkway St., said he is speaking as a representative of the Virginia chapter of the Sierra Club. Members are concerned about the decision in the Citizens United Supreme Court case and urge Council to approve a resolution calling for the overturn of this decision.

Mr. David Swanson, 707 Gillespie Ave., said he is also in support of a resolution opposing the Citizens United decision.

Mr. Tim Davis, 1790 Bundoran Dr., said he supports the proposal to overturn the Citizens United decision. He said Ms. Galvin's objection based on this being a non-local priority is not valid, because there is a correlation between local issues and what happens on the national level.

Mr. John Pfaltz, 1503 Rugby Rd., said he campaigned for an Eastern Connector instead of Meadowcreek Parkway. This must be done in conjunction with the Lockland Hills development.

Ms. Naomi Roberts, 1140 St. Clair Ave., said Council is putting low priority issues on the agenda and neglecting important local issues. She thanked Ms. Galvin for speaking against putting Citizens United on the agenda.

Mr. Kirk Bowers, resident of Albemarle County, said he has serious concerns about chloramine. The health of citizens is not worth the risk. He said if the Eastern Connector goes through his neighborhood, Key West, there will be a tremendous fight. He asked for coverage of a wider spectrum of history for the next Festival of History, not just from a military perspective.

Mr. Todd Meyer, 106 Chisholm Pl., asked Council to reconsider their cut to the cooperative extension's gardening program. A cut would impact other funding sources and two full time positions.

Ms. Rebecca Quinn, 104 4th St. NE, thanked Ms. Mueller and Mr. Jones for getting the public notice of utility rate changes to show both the current rates and the proposed rates. She said she is concerned about cut-offs and the impact of utility rates on low income residents. She asked Council to appoint a task force to examine why Charlottesville rates are so high and answer questions about rate structure.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Szakos told Mr. Long that Mr. Jones and she attended the Virginia First Cities meeting, where she discussed how to counteract transportation funding models that dis-incentivize localities from choosing transit over new roads.

Ms. Galvin thanked Mr. Pfaltz, Mr. Repass, and Mr. Long for speaking on transportation issues.

Ms. Smith said she supported the idea of a task force to investigate the complicated issues that go into the water rates and to investigate the shocking number of annual cut-offs. She thanked Mr. Meyer for coming in support of Extension Services.

Mr. Norris asked for clarity on the utility taskforce, whether it is a data gathering effort or a group that would be in charge of making recommendations. He said he was not upset at removing the Eastern Connector for quid pro quo for the McIntire Parkway, but if there are new ideas for handling the connection problem and congestion on Free Bridge, he is open to hearing them. He said he was not interested in a solution that involves further loss of parkland.

On motion by Mr. Norris, seconded by Ms. Smith, Ms. Szakos was appointed to the Disproportionate Minority Contact Committee. (Ayes: Mr. Norris, Ms. Smith, Ms. Galvin, Mr. Huja; Noes: None; Abstained: Ms. Szakos.)

CONSENT AGENDA

Ms. Szakos expressed delight in the Design for Cville program. Ms. Smith thanked the citizens who have worked on the Jefferson Park Circle Easement.

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

- a. Minutes for May 21
- b. APPROPRIATION: March Primary Reimbursement - \$16,000 (2nd reading)
- c. RESOLUTION: 1719 Hydraulic Road Special Use Permit
- d. ORDINANCE: Conservation / Open Space Easement on Jefferson Park Circle Land (2nd reading)
- e. ORDINANCE: Restrictive Covenant on Azalea Park Land (2nd reading)
- f. ORDINANCE: Design for Life Cville (2nd reading)
- g. ORDINANCE: Homeowner Tax Relief Grant – 2012 (carried)
- h. ORDINANCE: Personal Property Tax Assessment of Vehicles Used by Students (carried)

RESOLUTION: MOVE TO AMEND – CITIZENS UNITED

Ms. Smith read the proposed resolution.

Ms. Szakos said she is in support of the principle of the resolution, but suggested removing the first reference to Article V of the US Constitution, because the same sentiment is expressed later in the resolution. She said she is uncomfortable with the word “erroneously” in the third paragraph. Also, the resolution should be “by the Council of Charlottesville”, not “by the people of Charlottesville”. She said she believes this is a local issue because large corporations that are not headquartered in Charlottesville have such a huge impact on us locally. This does not take away from local issues, and we do not make local decisions in a vacuum. They are made in the context of state, federal, and international policies.

Ms. Smith said she supported the resolution, including Ms. Szakos’ changes. Outside money coming into our government will dilute the voices of citizens.

Ms. Galvin said there is an alternative view of how to proceed. She read a statement that she believes Council should stay focused on local matters in Charlottesville, and the pattern of weighing in on non-local issues outside of our purview sets a dangerous precedent. Council will not address stated priorities, such as ending poverty, for several months, but this issue was placed on the agenda after being introduced to Council two weeks ago, and was also placed on the agenda ahead of local issues. She has heard from residents who are frustrated on our lack of focus on local issues over which we do have control. She said she believes this belongs in the hands of US Congressman and will therefore abstain from voting on this resolution.

Mr. Norris said every locality adopts a legislative agenda and routinely communicates with our federally elected officials on national issues. It is not unmerited or unwise to occasionally spend time speaking out against threats that exist on a national level. We do spend a vast majority of our time discussing local issues. He seconded the resolution.

Mr. Huja said he agreed with the sentiments of the resolution and believes it is a legitimate role of Council to discuss matters that affect our citizens.

Council voted, and the resolution passed. (Ayes: Mr. Norris, Ms. Szakos, Ms. Smith, Mr. Huja; Noes: None; Abstained: Ms. Galvin.)

PUBLIC HEARING / RESOLUTION: BIRDWOOD ROAD

Ms. Angela Tucker presented to Council. She reviewed significant milestones accomplished since 2005. She asked Council to conduct a public hearing on Covenant School but said a condemnation may not be necessary pending negotiations. Because the project requires the relocation of utilities to new locations, there are two public hearings on conveying easements to Virginia Dominion Power and Century Link.

The public hearing was opened.

Mr. Peter Kleeman, 407 Hedge St., said these next four items are integrated. He objected to the structure of the easements and objected to eminent domain takings. He said Council could continue negotiating with land owners and not take action today. He said there are problems with the arrangements not complying with the agreements we have in place.

Mr. Daniel Bluestone, 501 Parkhill, said Council should ask staff about the federal earmark for the project, which he believes is not sufficient to pay for this interchange. He asked where the extra money will come from, and at what point will Council decide to redesign the interchange. Until you know the cost and how much the City has already paid to the consultant on the interchange, it is difficult to move forward with condemning or purchasing land.

Having no further speakers, the public hearing was closed.

Ms. Smith asked Ms. Tucker to comment on the federal earmark. Ms. Tucker said we are on budget. She estimated \$5 million has been spent in design. Ms. Smith confirmed that would be subtracted from the federal dollars available. Ms. Smith asked what would happen if the bids come in higher than what our estimates are, and what action we would take. Ms. Tucker said staff would review the project to ascertain where the disconnect happened and take action to close the gap. Ms. Smith asked if one of those options would be to ask Council for money. Ms. Tucker said that would be an option, but it is not one staff is considering at this time.

Ms. Szakos said she is delighted we seem to be reaching a positive settlement.

PUBLIC HEARING / RESOLUTION: HILLCREST ROAD

The public hearing was opened.

Mr. Peter Kleeman, 407 Hedge St., said it appears the negotiating process has been moving along successfully, and there is only one property that has yet to reach a compromise. Find a way to negotiate, and delay taking a vote at this time. The city should pay the price they were already willing to pay, not the condemnation price. Please speak with your attorney to see if those utilities require that you own the property.

Mr. Alex Hancock, 2712 Eaton Rd., said he agreed with Mr. Kleeman.

Having no further speakers, the public hearing was closed.

Ms. Szakos confirmed with Mr. Brown that we are only granting easements on properties we own.

Ms. Smith asked if a traffic study has been done where cars are coming off Park St. going west on 250. Ms. Tucker said this is a weave analysis, and the plans were approved by VDOT and the FHA. We do have specific analyses designed to show this pattern will work. Ms. Smith said the level of service on Park Street never improves at any step of the project. Ms. Tucker said the volume of cars that travel on Park Street, and the fact that it is residential, is what causes this area to be scored low on service level. The new design will solve some of the cut through problems and provide multi-modal access.

On motion by Ms. Galvin, seconded by Ms. Szakos, the resolution passed. (Ayes: Ms. Szakos, Mr. Huja, Ms. Galvin; Noes: Mr. Norris, Ms. Smith.)

PUBLIC HEARING / ORDINANCE: DOMINION VIRGINIA POWER (carried)

The public hearing was opened.

Mr. Peter Kleeman, 407 Hedge St., said the VA Dominion Power easement does not appear to be on City property. This is a difficult document for citizens to read. The agreement seems standard for all occasions, regardless of the situation. Write a contract that is readable and refer to participants by their names, identify the parcels in some meaningful way, so the average literate person can understand them.

Having no further speakers, the public hearing was closed.

Ms. Szakos said he agreed legal language is difficult to interpret, but she is satisfied that our attorney understands.

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

PUBLIC HEARING / ORDINANCE: CENTURY LINK (carried)

The public hearing was opened.

Mr. Peter Kleeman, 407 Hedge St., said that while Ms. Szakos may be confident that the attorney understands the document, it should still make sense to the public or other interested parties. Legal documents should be made readable, especially when they are land transfer documents. He said we should be straightforward about what we are doing with property, whether we are selling or leasing property, or gifting it. Change the language before finalizing the contract to clarify that it is a sale of rights, a lease or a grant.

Having no further speakers, the public hearing was closed.

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

PUBLIC HEARING / ORDINANCE: GRANT OF UTILITY EASEMENT UNDER 11TH STREET TO THE UNIVERSITY OF VIRGINIA FOUNDATION (carried)

Mr. Brown presented to Council. He clarified that this is unrelated to the Meadowcreek Parkway. The purpose of this is to serve the new Battle Building at the UVA Children's Hospital.

The public hearing was opened.

Having no speakers, the public hearing was closed.

Ms. Smith asked if this has implications for future use of the land. Mr. Brown said there is not a financial impact on the City, as the easement is going to the UVA Foundation. They will ultimately transfer it to the University, who will assume responsibility for all maintenance and repairs.

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

REPORT / ORDINANCE: REZONING PROPERTY ON ETON ROAD FOR PLANNED UNIT DEVELOPMENT

Mr. Haluska presented to Council. The Planning Commission is recommending this application for denial. Council may deny modification, continue the application hearing to a later date, or refer a modified application back to the Planning Commission for review.

Mr. Huja said he would be reluctant to defer a decision. Ms. Szakos said the applicant has had plenty of opportunity to modify. Ms. Galvin asked if there was anything in staff's opinion that would warrant the increased density the applicant proposed. Mr. Haluska said the applicant felt the PUD as presented was the best arrangement of units as could be accommodated on the site. Ms. Galvin clarified that this was not anything that was reflective of a comprehensive planning goal.

Mr. Brown said Council must have a final proffer to refer this back to the Planning Commission.

Ms. Szakos moved that Council reject the PUD. Mr. Norris seconded. The ordinance to deny the application carried.

REPORT / ORDINANCE: UTILITY RATES (passed)

Ms. Sharon O'Hare reviewed suggested rate changes.

Ms. Smith asked what percentage facility fees would increase. Ms. O'Hare said we currently have not built in the additional amount. The recommendation for this year is \$350,000. We received \$211,000 last year. Ms. Smith said why there was such an increase. Ms. O'Hare said there has been an increase in construction and rehabilitation over the last three months.

Ms. Smith confirmed that the facility fees developers pay go into a fund, and there are no costs that we have to then make up for, because we are using them to offset water rates. Ms. O'Hare confirmed that everything that comes in through facility fees go into the rate stabilization fund.

Ms. Smith said she wants a taskforce or group of people to discuss utility rates. She is exceptionally concerned about the rate stabilization fund, because we are outspending it. This is an unsustainable process. Also, we need to explore the built in costs, which are really taxes. They are increasing rates by 20-25%. This is playing into the fact that we have such a high rate of utility cut-offs, and we need to get a grasp on what is in our utility rates and what impact it has on our citizens.

Mr. Huja said we have had this system for the last two or three years. Changing the facilities fee implies more taxes. This would have the greatest impact on the very people we are trying to help.

Ms. Smith said the money we are putting into our general fund could be used to bring our rates down and make our utilities more affordable. It may have been logical at one point, and perhaps it still is, but we need to have the conversation.

Mr. Norris asked Ms. O'Hare if she was confident we can continue buying down our rates with facility fees, or if she believes there is a wake-up call on the horizon. Ms.

O'Hare said she is not concerned with the water utility. The forecast goes out to FY 17, and we have a healthy balance. She is concerned about the wastewater fee, because there has been more difficulty trying to balance this out. The forecast does not consider economic growth and the increase in facility fees, so we have been insulated by the economic downturn. We will see that increase with economic growth.

Ms. Galvin confirmed that staff is setting up to follow that trend. Ms. Galvin said she would be interested in looking at this at some point. We are still lower than Albemarle County.

Ms. Smith asked why the payment in lieu of taxes (PILOT) income is increasing when rates are decreasing. Ms. O'Hare said the PILOT is generated by the previous year. Ms. Smith asked if we could get a legal opinion on PILOT for Council.

On motion by Ms. Szakos, seconded by Ms. Galvin, the ordinance passed. (Ayes: Ms. Szakos, Mr. Huja, Ms. Galvin; Noes: Mr. Norris, Ms. Smith.)

Mr. Jones confirmed that staff would come back to Council with a proposal for a utility rates task force.

REPORT: CULTURAL ARTS PLAN FUNDING REQUEST

Ms. Maggie Guggenheimer presented to Council on the work of the Piedmont Council of Arts and their proposed plan.

Ms. Galvin asked for an explanation of the funding source. Mr. Jones said this will come from the Public Art Fund, where we have a reserve balance. Traditionally the fund has been used for the Art in Place program.

Ms. Szakos said arts are important to our spiritual wellbeing and our economy.

Ms. Galvin said this is a strategic plan, and she urged the group to keep their ears open for upcoming work from the Strategic Area Investment Planning Process.

Mr. Norris said he strongly endorsed the proposal. He recommended examining international linkages available through our Sister City partnerships.

Ms. Smith said she is concerned that there is not enough of a minority presence. The African American Heritage Center has a similar goal of bringing more multicultural entertainment to our city. Also, the media outreach is very traditional and does not reach minority audiences. We are also becoming an international community, particularly with IRC's efforts. She thanked PCA staff for their efforts.

Mr. Huja thanked PCA and said Mr. Norris's suggestion was excellent.

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

REPORT: UPDATE – VIRGINIA EXTENSION SERVICES FY 2013 FUNDING REQUEST

Ms. Beauregard presented to Council and gave them a history of the budget process surrounding the funding for Virginia Extension Services. Ms. Beauregard recommended revisiting the MOU to tie funding to performance.

Ms. Smith asked why VEC is in the ABRT process instead of the contractual services category. Ms. Beauregard said they would probably be moved back into the latter category if we knew an MOU existed. Ms. Smith said she does not believe VEC should be punished for being put in the wrong category. They were assessed based on criteria that were not necessarily appropriate.

Mr. Huja said we need to have an MOU that addresses what the outcomes are. We do need to have results.

Ms. Szakos said she was concerned because they knew the process and did not fill out a complete application correctly. This has cost the City staff time, and if the VEC had taken the staff time to fill out their application, we would not be spending time on this now after the budget has already been adopted.

Ms. Galvin thanked Ms. Beauregard and Ms. Ellis for their tenacity. We definitely need to have a revised MOU. Ms. Galvin proposed developing the MOU and only funding this if there are additional funds left over at the end of the year. We currently have no data on how this program benefits residents.

Ms. Smith said this is a different animal, and the process did not match the needs of the agency. The services VEC provides are an incredible deal.

Mr. Norris asked Ms. Beauregard to restate staff recommendations. He moved that we proceed to rewrite the MOU, and approve a source of funding to make them whole for this year.

Ms. Carrie Swanson, Unit Coordinator for the Charlottesville/Albemarle VEC office, said the process was new for them. They have data on the number of residents served. Readdressing the MOU is a good idea. They are three weeks away from the end of the fiscal year, and they have three employees that stand to lose their job July 1.

Mr. Huja said Council can take action at the June 18 meeting.

Ms. Smith said we have given the group full funding in the past, but it may not have been used because there were two unfilled positions. She asked Ms. Beauregard to follow up with the county on possible remaining funds.

Staff will come back to Council with a resolution on June 18. Fourth quarter funding will be contingent on an MOU.

REPORT / ORDINANCE: COUNCIL ACCESS TO EMPLOYEE MEDICAL AND DENTAL PLANS (carried)

Mr. Beck presented to Council. It is not unusual for localities in the state to provide Council access to staff benefits. The funding varies, and how Council classifies themselves dictates how benefits are administered. None of the researched localities provided an opt-out benefit.

Mr. Huja said it does not affect him directly because he is a retiree of the City. He supports health benefits for all employees, not just for Council.

Ms. Smith said she fully believes this is a full time job and should be afforded benefits, although she is privileged in that she would not have to take advantage of it. She said this would allow a more diverse group of residents to consider this position.

Mr. Beck qualified that the employee opt-out program requires proof of alternate insurance.

Ms. Galvin said she thinks this should take effect for future Council. Ms. Szakos agreed. Ms. Smith said we are not all elected at the same time.

Ms. Smith moved that we approve the ordinance with the opt-out benefit.

Ms. Galvin asked Mr. Brown what the code says about Council raising their pay. Mr. Brown said Council cannot increase their salary. Salary increases would take effect July 1 after the next regularly scheduled election. The state code draws a distinction between salary and benefits.

Mr. Norris seconded the motion. The ordinance carried.

MATTERS BY THE PUBLIC

Mr. Peter Kleeman, 407 Hedge St., said he supported Council receiving access to benefits. He applauded Council for opening themselves up to the joys and criticisms of addressing national issues.

Mr. Brandon Collins, 536 Meade Ave., said Council has the responsibility to address national and international issues. He said Council should not lose sight of utility cut-offs. Use billing income to address the problem. Transit Riders of Charlottesville will meet in the library on June 23 to discuss transportation. VEC has an impact on many communities.

Mr. Scott Bandy thanked Ms. Galvin for her thoughtful abstention from the action Council took on Citizens United. He said consider the Dillon Rule.

COUNCIL RESPONSE

Mr. Norris said he does not feel it is our role to comment on national and international issues. He sees a clear line between passing a resolution and petitioning our government on an issue that has direct local impact.

The meeting was adjourned.

A handwritten signature in cursive script, reading "Yvonne Bayfield", is written above a solid horizontal line.

Clerk