NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, July 16, 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 – July 16, 2012

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

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Mr. Huja, Ms. Szakos, Mr. Norris, Ms. Smith; Noes: None; Absent: Ms. Galvin), to meet in closed session for (1) Discussion of the acquisition of two parcels of improved real property located on East Market Street and 11th Street, N.W., respectively, for a public purpose, where discussion in an open meeting would adversely affect the City's bargaining position or negotiating strategy, as authorized by Virginia Code sec. 2.2-3711 (A) (3); 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, Ms. Szakos, Mr. Norris, Ms. Smith; Noes: None; Absent: Ms. Galvin), 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 – July 16, 2012

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

ANNOUNCEMENTS

Mr. Norris announced that the City has openings on the Citizen's Advisory Panel. Please go to the website for an application or call the Clerk.

Ms. Smith announced a photo exhibit by Ed Roseberry this month at CitySpace. Dialogue on Race is hosting Movie in the City summer film series every Thursday at 6:30 p.m. until August 9. A neighborhood event called *Bike/Walk/Play JPA* will be held on August 18 at 9:00 a.m. – 12:00 p.m. from the JPA Bridge to Harris Rd. Everyone is invited to attend.

Ms. Szakos announced the Four Boards meeting in Lane Auditorium on July 25 at 7:00 p.m. regarding chloramines. Also, Ms. Obama will be here this Friday.

Mr. Huja announced that His Holiness the 14th Dalai Lama will be in Charlottesville on October 11. Go to www.charlottesville.org/dalailama for more information.

Mr. Norris announced there is no Council meeting the first Monday of August.

MATTERS BY THE PUBLIC

Mr. Euda Lions asked if it was true that the cost of implementing the charcoal system to filter chloramines would cost the citizens less than one dollar a month.

Dr. Lorrie Delehanty, Evergreen Ave., said she is pleased the Four Boards meeting is approaching. She invited Councilors to a teach-in on chloramines on July 19. She said they are working with an independent consultant on cost for a carbon-activated system, and their estimates are a third of the cost compared to Hazen-Sawyer.

Ms. Mai, Albemarle County citizen, said there is still so much to know about chloramines. Once the water leaves the treatment plant, there are so many ways we use water that can create known and unknown byproducts.

Mr. Quinton Smith said the community from Prospect Ave. to Hardy Dr. to Friendship Court to First St. needs attention. We are not doing enough to help the youth. Kids are learning too much of the wrong thing at an early age. Charlottesville does not have anything for kids to do.

Ms. Julia Whiting, City resident, said the argument that chloramine has been used for a long time is not a good argument to support its safety. She cited several instances of chloramines causing health problems and death.

Ms. Saffron Hall, Charlottesville resident and UVA graduate student, said chloramines interact with everyday personal products, such as shampoo. She read a list of local business owners who object to adding chloramines to the water supply.

Mr. Brandon Collins, 536 Meade Ave., said adding chloramines to our water supply will undermine the advantages of building a dam and the work of our Tree Commission. Business is booming on the downtown mall. Much of the problematic

behavior can be attributed to bar clientele, not necessarily vagrants and the homeless. Please support a living wage for Charlottesville. Thirteen dollars is too low.

Ms. Susan Elliott, organizer for the Bike/Walk/Play JPA Event, said the real seed for this idea came from the Neighborhood Leadership Institute. Please come on Saturday, August 18. She thanked the City for their assistance with the event.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Smith asked RSWA for a breakdown of the Hazen & Sawyer granular-activated carbon estimate. She encouraged everyone to attend the JPA event.

Ms. Szakos said she will be in Nashville during the chloramine teach-in and is sorry to miss it. She thanked Mr. Quinton for coming to speak the truth. Often, accessibility to events is a problem for youth who may like to participate. She thanked Mr. Collins for reminding Council about their previous positions on living wage. We have been frustrated by not having an index from the EPI. She is delighted to hear the JPA event idea came out of the Neighborhood Leadership Institute.

Mr. Norris said he would also like cost estimates on granular-activated carbon. He seconded Ms. Szakos' comments about accessibility to events for youth. He said he appreciated Mr. Collins' comments about bar clientele, but the difference is there are not families and children present at 2:00 a.m. in a bar scene, compared to walking down the mall during the day. We are concerned about bad behavior, regardless of the perpetrator's position in life.

Ms. Galvin said she has just returned from a meeting with the EPA in Washington, D.C., along with several people including engineering staff and public health and safety officials, from D.C., Philadelphia, and Fredericksburg. She said the EPA is not dismissing chloramines as a safe solution. They are also releasing studies about the effect of chloramines versus chlorine on health situations. Ms. Szakos asked how important it is that we take action. Ms. Galvin said it is inevitable that we must take action. She will give a more detailed report at a later date. She asked staff for an update on the status of the $50,000 grant Council issued for a youth program. She asked Saffron Hall for a copy of the list of businesses who are against chloramines.

Mr. Huja said regarding chloramines, none of us would make a decision that would jeopardize the health and safety of our citizens.

On motion by Mr. Norris, seconded by Ms. Smith, the following appointments were made to Boards and Commissions: to the JABA Advisory Council, Amy Leider; to the Parks & Recreation Advisory Committee, Jordan Phemister; to the Social Services Advisory Board, James Quinn; to the Towing Advisory Board, Lt. Ronnie Roberts, Officer Charles Gardner Robert Burgess, Ray Drumheller, Bob Stroh, and Kevin Palm.

Mr. Jones said the cost of the carbon system would be $18.5 million, and the cost for adding chloramines is a little over $5 million, based on current estimates. Also, the Boys & Girls Club was awarded the Council grant. They will be invited to present at an upcoming Council meeting.

CONSENT AGENDA

Ms. Smith confirmed that item f was the original match.

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

a. Minutes for July 2
b. APPROPRIATION: Appropriation of Jordan Park Playground Equipment Insurance Recovery Funds - $43,828 (2nd reading)
c. APPROPRIATION: The Pavilion at North Grounds Affordable Housing Contribution - $278,095 (2nd reading)
d. APPROPRIATION: Historic Facade Settlement - $16,000 (2nd reading)
e. APPROPRIATION: Community Attention Youth Internship Program - $10,000 (carried)
f. APPROPRIATION: Virginia Department of Criminal Justice Services Neighborhood of Promise Grant- $97,500 (carried)
g. APPROPRIATION: Workforce Development Programs & Carryover Funding for FY 2013 – Re-Appropriate $20,032.74 and Transfer $3,072.50 (carried)
h. RESOLUTION: FY 12-13 Charlottesville Housing Fund Albemarle Housing Improvement Program (AHIP)
i. RESOLUTION: Transfer Funds from the Capital Improvement Program Project Contingencies to Onesty Pool - $100,000
j. ORDINANCE: Zoning Waiver Provisions (2nd reading)

PUBLIC HEARING/REPORT: MCINTIRE PARK PLAN – EAST SIDE

Mr. Daly presented to Council on the planning process for McIntire Park. Mr. Gensic reviewed quick facts, including a history; acquisitions; current park boundaries; current features; approved projects; park analysis including topography, utilities and cultural resources; and previous plans for the park, which did not go through the currently approved planning process. Mr. Daly reviewed the Parks and Recreation Department master planning process, common plan elements, concept plans, and comments from the Planning Commission. Go to www.charlottesville.org/mcintirepark for more information. Council will take action on adopting a final master plan on a date to be determined.

Mr. Norris asked Mr. Daly how the road project will impact the wading pool. Mr. Daly said the existing wading pool has been operational since the 1930s/40s, but the construction for the interchange project brings the westbound merge lane into the westbound travel lane, which brings the edge of the road within about eight feet of the bathhouse. It is recommended for closure Labor Day of next year. Reuse of the structure will be incorporated into the skate park. Mr. Norris asked what would replace the golf experience. Mr. Daly said there are possibilities for revised golf games, and staff is looking at phasing in options at other parks, such as Pen Park.

Ms. Smith asked when the pedestrian bridge on the south end will be installed. Mr. Gensic said it is federally and state funded, so sometime in the spring of 2013. Ms. Szakos asked what the direct impact of construction is. There is no direct impact because of the sequencing of the project. Mr. Norris said a citizen emailed about pedestrian access on the east side of the park. He asked staff to check on this issue.

The public hearing was opened.

Mr. William Page, Welford St., said we have to consider the existing activities and the YMCA's required parking when planning the design for the east side.

Mr. Lonnie Murray, county resident, said he has a history of working with Charlottesville environmental issues. What makes a garden botanical is the botany. We have to understand the environment. The gardens need to be backed by horticultural science.

Mr. Bill Mueller, Director of SOCA, said they are delighted to see a soccer field included in the current proposed plan. There is a documented shortage in our area. The park should serve multiple users.

Ms. Ellie Tucker said she has only been to the park twice, both times to clean up fireworks. She went to the park for a family event a few weeks ago, and seeing the park's potential for a botanical garden encourages her vision of what the park could bring to our community. She said golf in the park should end when construction of the interchange begins.

Mr. Frank Gray, City resident, seasonal custodian at McIntire Park golf course, said he thinks this is an important resource. It is supposed to provide golf that is affordable for the entire public. The youth benefit through the First Tee program and in other ways as well.

Mr. Peter Kleeman, 407 Hedge St., said the McIntire golf course is a nationally registered historic site. There are terrain issues regarding passive areas listed on the map, which makes these areas unusable. He asked about plans for access to the park by public transportation. There should be creative thinking about how to program the area rather than reprogramming the entire park.

Ms. Virginia Dougherty, 104 W. High St., congratulated the Parks department for their excellent plan. She would like to see the date of the change over to the passive use and the botanical garden scheduled before 2020. The Parks department should talk about using Meadowcreek Golf Course in a different way. That can be part of our City golf course and could accommodate low income use by implementing special rates during certain hours.

Mr. Brandon Collins, 536 Meade Ave., said Mr. Kleeman raises some important things to think about. Jobs and access are important. He said he hopes there are jobs made available for Section 3 employment for public housing residents and the *Home to Work* program for ex-offenders. Adequate access to the park with improved public transportation can help desegregate our parks system.

Mr. Kennon Williams, resident, said this is a great opportunity for the vitality of downtown. This is an important piece to keeping Charlottesville vital, especially with the developments that are going up around the area.

Ms. Kathy Welch, Albemarle county resident, said she likes the design of the park itself, but she is concerned about access. Primary access is provided for people with cars, not people who are walking, biking, and people with children.

Mr. Peter McIntosh, Davis Ave., thanked Council for their service and thanked Mr. Daly and Mr. Gensic for their work over the past several months. The next step is addressing the issues of access, especially from Melbourne and the Downtown Mall. He asked Councilors to walk the park before making a decision. Also, visit Maymont Park in Richmond on a weekend to see what an urban park can do for a City. Traffic is an issue; a good 25 year master plan is important.

Mr. Matt Wilson, 602 6th St. SE, said he is an advocate of athletic fields. The park is lacking rectangular fields. We have too few in the City on the whole. We can use this opportunity to start to correct this.

Ms. Susan Hoffman, City resident, said she has been at all the planning sessions. Please find a place for inexpensive golf and youth golf before you force it out of the park.

Ms. Helen Flamini, 3431 Carrs Ridge, President of McIntire Botanical Garden, said the group has done a lot of community awareness about the benefits McIntire Park east can have for the community. Seeing the potential the plan has for the community is very exciting.

Mr. Dwayne Brown, Charlottesville resident, said he is the longest standing advocate for the skate park. The skate park committee did extensive research on all the available public spaces for the skate park, and this was the very best place for it. He said he is also concerned about parking.

Having no further speakers, the public hearing was closed.

Ms. Szakos said gradually pulling golf out was a stroke of genius. She agreed that we need to find a place for First Tee to go before we pull it out of the park. She said water is missing from the park, and there should be a pond or a fountain. Move the golf transition into a shorter period. She said supports golf-free afternoons during certain days of the week. She loved the idea of a rectangular field but was not excited about turf or lights. She would like staff to discuss using professional architectural services. She is concerned about parking, and even more concerned about transit. This does not work without a transit plan. The park needs to be accessible to the entire city, and we should work to keep cars out as much as possible.

Mr. Norris said this is an exciting evening, and he commended Mr. Daly and staff for coming up with this plan, which addresses a variety of priorities simultaneously. He said he supports the kind of athletic field Ms. Szakos mentioned. A lighted turf field is not in keeping with the spirit of the park. He would also like to see a water feature included in the park. The transition away from golf should be accelerated if possible, but we do not want to leave First Tee in limbo. Contracting with an architectural firm is essential. There must be sufficient parking to accommodate the multitude of uses. The skate park feels a little tacked on and not in keeping with the spirit of passive enjoyment of the park, and he encouraged staff to take advantage of other opportunities for a better home for the skate park in the years to come. The parking lot next to the skate park is not safe or viable to keep. He loved Mr. Collins' idea of making sure Section 3 and *Back to Work* program participants will have access to the jobs that will be created. Please work with the Botanical Garden group on a proposed public/private partnership for the park.

Ms. Galvin said she appreciates staff's master plan process. It is important to design this all at one time, not piece by piece. We should use an architectural firm that understands what we are trying to accomplish with programming the park. They could also help us with the parking situation. It is incongruous to have a synthetic field. If we can integrate a rectangular field without it being forced, she would support it. We can put trails in, but make it so everything is flexible and nothing is undoable in the future. We need to get competitive bids for selecting an architectural firm, and we can get design professionals to help us with an RFP. Connectivity to the neighborhoods east and west of the park is extremely important. Getting bike connectivity, particularly from Rio to the multi-use trails, is important. She said we should expedite the process so the triggers are aligned with the construction process.

Ms. Smith thanked staff for handling a difficult process. She said she was not as enamored with the plan as her fellow Councilors. She said the historic preservation of the golf course lost out in this process. The skate park seems out of place, and she wished there were a more appropriate location for it. If it is in the park, perhaps it should be in the northern end. She is disappointed that a field got put in the northern part of the park. It feels out of place, and lights are not in keeping with the overall theme. She wants to retain the history of the golf course, with at least a historic sign. Some of the trails are close to steep slopes. She asked what happened to some of the older plans and why they

never came to be. She would like to see family activity centers concentrated in one place. We could offer rental bikes and rental golf clubs on the southern end. She is concerned about access. The entrance to the park being relocated to the other side makes it feel like it is no longer in the City. We should have an RFP for a national architectural firm. She asked about funding assumptions for some of these decisions. She asked if discussions about accommodating First Tee were contingent on City Council deciding if we fund the program. She would love to see a pond. We do not have a pond anywhere in the City, and it is a draw for all ages.

Mr. Huja said there are times in the life of a community when you have to make big decisions. This is an opportunity to have an open space that can be used by the whole community. This should be a passive park, and there ought to be a place where you will not be hit by a ball and can walk peacefully and enjoy flowers and water and trees. The botanical gardens fit into that ideal and would be a great addition to our community. It is important to have a lake or pond in the park. He does not support a rectangular field, which seems to be forced into the plan. He does not support a turf field with a fence and lights. The sooner we can find an alternative for First Tee golf, the better. We need to have a detailed design of the park that is done holistically.

Ms. Galvin said we all have a desire to move things around or replace some things or give them a different orientation. She proposed that this is the charge of the design firm, to do this holistic plan. Staff should include a notation on the draft document that these elements are subject to change according to the design process. Mr. Huja said we should make changes to the concept plan, and then adopt it before going forward. Ms. Szakos said an RFP will take a while, and in the meantime we have a lot of open space that people can use. We should start putting trails in where people can access them in the parts where we know we are planning them. Implement golf-free days or afternoons so people get used to being on that side of the park. She loved the idea of rental bikes in the park. Mr. Huja asked staff for some preliminary ideas in light of the feedback they received this evening. He requested staff present the revised plan for adoption at a future meeting.

REPORT/ORDINANCE: ROSE HILL/CYNTHIANNA REZONING (2nd reading)

Mr. Michael Smith presented to Council. This is a follow-up amidst concern of the neighborhood regarding rental rates of affordable units, increased traffic in the area, and potential increase in taxes. The applicant representing Rosanna Danna, LLC is present to answer questions.

Ms. Szakos asked Mr. Smith if there was a reaction to how people felt by the by the end of the meeting. Residents seemed to be most concerned with the potential increase in taxes.

Ms. Smith said it does not feel like this fits into the neighborhood. Mr. Tolbert said we want to promote more density in areas with access to transportation. A six unit

development is not out of character for the area, especially since most of the City's land use policies in this area are aimed to get people living near public transit. Ms. Smith said this seems like infill of a small lot, and this is out of place because it is denser in a neighborhood.

Ms. Galvin said she wanted to bring the 2006 design day to everyone's attention. The comments made by the Rose Hill community included a request to preserve the single family character of the area and increase accessibility to city meetings for neighbors. They thought of the community design center as an important vehicle to empower residents in design decisions and be involved in the design process. We need to look at all the aspects of the comprehensive plan. Mr. Smith said we are mostly focused on infill development with this project. Ms. Galvin said she is a supporter of density tied to transit, but she is concerned about public process. Mr. Tolbert said we talked to the neighborhood and the applicant early on in the process, and the neighborhood association president said they had no concerns. This is not in a design district, and we have no authority to apply site-specific design control.

Ms. Smith asked if the proffer will transfer if the applicant decided not to build. Mr. Smith said this proffer is tied to the land and would carry over to any building on this parcel.

Mr. Mark Green, Rosanna Danna LLC, said after examining the area, this was thought to be a good use of the property. We view this as work force two bedroom units. He explained design features of their proposed building that would be beneficial to the character of the neighborhood. There are no critical slope issues or water issues on the property. They plan to build two single-family rental homes on the property if the apartment building is not accepted.

Ms. Szakos said sublevel parking for the apartment building was attractive, so if two houses were built, where would parking be? Mr. Green said they would have driveways. Ms. Smith asked about the third proffer and asked about preserving trees. Mr. Green said they would work with the City arborist to preserve any trees they can.

Ms. Galvin said rezoning is important and serious, and it is a change of an agreement that the community needs to be aware of. Whenever there has been a rezoning, it is clear what the goals of the community are. There is often a map image and standard narrative of a general nature throughout the plan. She wanted to make an assessment of the appropriateness of the rezoning application, and she could not find much to support it. She said she feels that this application fails on several levels. It degrades the pedestrian quality of Rose Hill Drive. Absent a corridor plan that identifies a potential for mixed use development, this is out of scale. Conveniently located work force housing is a goal for Council, but without a bigger plan, there is no way of knowing if this building type will eventually be compatible for the future. Without an overarching vision, she cannot support this. She elaborated on aspects of the design plan she objected to in regards to the rezoning.

Mr. Huja said the law does not allow us to deal with these issues in rezoning alone.

Ms. Szakos asked if this was a property that could not have asked for a PUD instead. Mr. Smith said no, because it was not two lots or more. Ms. Szakos said she feels Ms. Galvin is looking at this as a Planning Commissioner. We have a Planning Commission for examining these particular issues. She said our residents are being treated fairly and dealt with well, and she has not heard additional concerns from the community. This project fulfills many aspects of our comprehensive plan, such as being near transit, and being near jobs and the downtown area.

Mr. Norris said he agreed with Ms. Szakos, and he believes the circumstances should be extreme to merit overturning a Planning Commission decision.

Ms. Smith said the term infill development scares her, because you can place an incongruous development in a neighborhood and call it infill. The assumption should be that you do not rezone unless there is a compelling reason.

Mr. Huja said this should be a single family neighborhood, according to our comprehensive plan.

Ms. Galvin said rezoning is a serious matter, and we should strive as a City to create documents this community clearly has asked for.

The ordinance was put to a vote. Ayes: Ms. Szakos, Mr. Norris; Noes: Ms. Galvin, Mr. Huja, and Ms. Smith. The ordinance failed.

Mr. Brown recommended entertaining a motion to deny the rezoning and articulate the reasons for denial.

On motion by Ms. Galvin, seconded by Mr. Huja, Council voted to deny the request to rezone the property from R-1s to R-3 for failure to comply with aspects of the comprehensive plan that deal with pedestrian safety, lack of compatibility, and existing land use plan. (Ayes: Ms. Galvin, Mr. Huja, Ms. Smith; Noes: Mr. Norris, Ms. Szakos).

REPORT: LIVING WAGE

Mr. Galloway Beck presented to Council and provided results of additional research related to the living wage. He gave Council background on living wage history and statistics. In researching other communities, there does not appear to be a universal method for setting an initial living wage. Mr. Beck presented options, which were to retain the current methodology, consider increased funding for training and development and a bonus-based pay-for-performance component, or retain current methodology but increase employees below $13/hour effective January 1, 2013, limited to employees with

one year of service, and provide a 2% adjustment for employees with one year of service with pay between $13-$14/hour.

Council discussed effective start dates and their ramifications, compression issues, and baseline affordability. Ms. Szakos said bringing up our living wage may encourage other localities to do the same. For hiring managers, an increase in base salary gives us a good competitive edge over other employers. She said she supports a start date of July 1 instead of January 1.

Mr. Norris said the single most frustrating aspect of this is determining what a living wage is, and he hoped we could arrive at a formula for arriving at a base wage, and other businesses could use it as a model. The $13/hour figure is not based on real numbers for what it costs to live in Charlottesville.

Mr. Huja said he agreed with Ms. Szakos that we need to pay a living wage to our employees. He said $13 seems high; the median of surveyed cities was $12.30, which would be a good starting point. Ms. Smith said the figure is going to be arbitrary no matter what. We should go towards $13 so we are modeling what we have supported. She said she is torn about the compression issue. Ms. Szakos said if we are going to go through the effort to do this, it would not be worth it for $12.30; UVA did a fair amount of research with the EPI and arrived at $13.

Ms. Galvin said the conversation seems very subjective and arbitrary. When you look at the Orange Dot project and see what the rates are for a person to live with a few children, they translate into salaries of $35,000 – $40,000 a year. The reality is that having a true living wage requires a degree or expertise to put you into that bracket. Perhaps a better strategy is to examine housing costs and transportation. She said she finds it difficult to accept bumping up the lower wage rate without substantiation. Adjusting the wage structure causes issues of longevity and sustainability.

Ms. Szakos said if we look at ourselves as only services providers, we could take the $50,000 and do other things with it. However, we are talking not as a service provider, but as an employer. We need to pay people what they are worth.

Ms. Szakos moved that Council support the $13 adjustment with compression, but move the start date to July 1. Ms. Smith seconded the motion.

Mr. Norris said he supported going ahead and doing it for all employees, not just those who have served for one year. Ms. Szakos accepted that as an amendment to her motion. Ms. Galvin asked if we are being unfair to other employees who are not getting a raise by singling out those who are paid under $13. It will start decreasing the value of other people's wages. We should be accurate and not arbitrary.

Ms. Szakos moved that Council support a full time minimum wage without the compression, effective July 1. Ms. Smith seconded the motion.

Mr. Norris reiterated that he wants to see staff work on devising a formula. Ms. Galvin said a living wage has also led to a notion of this being a tax on the poor, making them less desirable for hire when the base line salary is high. Adjustments can have unintended consequences. The motion passed (Ayes: Ms. Smith, Mr. Norris, Mr. Huja, Ms. Szakos; Noes: Ms. Galvin).

REPORT/RESOLUTION: ALBEMARLE PLACE (STONEFIELD) EROSION & SEDIMENT APPEAL

Mr. Tolbert provided Council with background information on the project and the appeal. Staff does not think the requirement of the E&S permit has been fulfilled because the property down to the edge of the water has not been filled with riprap, and therefore should not remove the plug.

Mr. Paul Kaplan, Albemarle Place, said there is a fundamental disagreement as to the interpretation of these plans. Mr. Fred Payne, attorney for Seminole, said this case is not the same because the Planning Commission does not simply provide a recommendation; it is charged with finding the facts. There is nothing here that would justify overturning the Planning Commission's findings. Seminole will not allow work on their property because they recognize if they go forward, they will be flooded. He recommended dismissing this appeal and going forward with staff's recommendation.

Mr. Norris asked Mr. Payne what Seminole wants to be done. Mr. Payne said address stormwater without flooding our property. The 72" pipe is the problem, and if this goes away, they will be happy.

Mr. John Conover, 104 W. High St., from Thomas Jefferson Soil & Water Conservation District, said the intentions of the plans are to control and regulate stormwater through the EFC process.

Mr. Kaplan said Mr. Payne is seeking to undo the approvals Albemarle Place has received from the Army Corps, the state, and the City. This was fully vetted by the appropriate parties, including DCR. With or without riprap, we are entitled to put that water through.

Ms. Szakos asked if more water will now flow downstream because the shopping center makes that area a now impervious surface. Mr. Tolbert said yes.

On motion by Ms. Szakos, seconded by Mr. Norris, Council voted to uphold the findings of staff (Ayes: Ms. Szakos, Mr. Norris, Mr. Huja, Ms. Smith, Ms. Galvin; Noes: None).

Ms. Smith said something went wrong, and Seminole Square seems to be the one who is paying the price. They have to now accept a lot more water, and she said she cannot fathom how you can take on that much more water and not harm Meadowcreek.

<u>REPORT</u>: CAPITAL IMPROVEMENT PROGRAM APPLICATION AND REVIEW PROCESS REVISIONS

Mr. Davidson presented to Council and explained changes to the CIP process.

Ms. Szakos asked if this applies to both small and large capital projects. Mr. Davidson said typically smaller capital projects come in as a package deal and are often handled on the department level.

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

MATTERS BY THE PUBLIC

Mr. Peter Kleeman, 407 Hedge St., said regarding East Side of McIntire Park, if you are going to have a landscape architect look at all benefits and uses, they should also examine a scenario where no vehicles are going through the park. Council could close the road to vehicular traffic during regularly scheduled times.

COUNCIL RESPONSE

Ms. Szakos proposed closing the parkway on first Sundays of the month.

Mr. Huja said this is a ridiculous idea.

Ms. Smith said lots of cities do this.

The meeting was adjourned.

Paige Bayfield

Clerk