NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, September 17, 2012, AT 6:30 p.m. IN THE Second Floor Conference Room.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code

BY ORDER OF THE MAYOR BY Paige Barfield

SECOND FLOOR CONFERENCE ROOM – September 17, 2012

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

On motion by Ms. Galvin, seconded by Ms. Smith, Council voted, (Ayes: Mr. Huja, Ms. Szakos, Mr. Norris, Ms. Smith, Ms. Galvin; Noes: None), to meet in closed session consultation with legal counsel for legal advice regarding: (a) the negotiation of the terms and conditions of a cost sharing agreement with the Albemarle County Service Authority for a new sanitary sewer interceptor and pump station at the wastewater treatment plant site; and, (b) the legal obligations of City Council in response to the announced retirement of the City Treasurer; as authorized by Virginia Code sec. 2.2-3711 (A) (7).

On motion by Ms. Galvin, seconded by Ms. Smith, Council certified by the following vote (Ayes: Mr. Huja, Ms. Szakos, Mr. Norris, 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 – September 17, 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. Huja recognized Mr. Preston Coiner's many contributions to our community and expressed his sadness at his sudden passing last week. He asked for a moment of silence in his memory.

Mr. Huja read a proclamation for CASA Family Day on September 24. Mr. Bob Garrity was present to accept on behalf of the Safe Schools/Healthy Students program.

Mr. Huja announced the 250 Gala on November 11 featuring Kool and the Gang at the John Paul Jones Arena. Tickets are available; visit the City's website for more information.

Ms. Galvin announced the Chihamba West African Dance class, starting Wednesday. Contact Lillie Williams for more information at lilliewilliams1@gmail.com.

Ms. Szakos announced Government Services Day is Thursday, September 27 from 10am – 2pm on the Downtown Mall. She also announced public meetings for the Charlottesville Comprehensive Plan. October 17, 6-8pm, at Beauford School, October 25, 6-8pm at Venable School, and November 1, 7-9pm, at Clark Elementary.

The deadline to register to vote is October 15. Please visit the Office of the Registrar at the City Hall Annex for more information, or visit www.sbe.virginia.gov for more information.

Ms. Smith announced the Charlottesville Scholarship Program, with a deadline of October 1. For more information, go to www.cvillescholarship.com. A fundraising gala for the program is this Saturday at the Paramount at 7 pm. There will be a 5k Run at Clark Elementary on October 6. For more information, go to www.clark5k.org. Also, there will be a public meeting about the proposed short-term route changes for CAT on Monday, September 24 at 7pm at CitySpace.

Mr. Norris announced the first annual Refugee Film festival next week, Monday September 24 – 26, at 6pm each evening in Nau Hall on UVA Grounds.

MATTERS BY THE PUBLIC

Mr. Karl Ackerman, 1611 E. Market St., said the Moto Saloon SUP issue has been tremendously divisive for his neighborhood. He asked Council to help the neighborhood association reframe the issue. He asked Council to make a decision based on the neighbors who live closest to the establishment.

Ms. Carol Thorpe reminded Council that it is Constitution Day. She said on Friday, September 7, she read an article entitled *TJPDC Livability Planners to Be Let Go Early*, written by Sean Tubbs in Charlottesville Tomorrow. She asked Council to make sure they determine the effectiveness of those who are making this project happen.

Ms. Nancy Carpenter, 727 Denali Way, said she enjoyed the Charlottesville Pride Festival on Saturday and thanked Mr. Norris for his participation. She said we are at the one year anniversary of the Occupy Movement, and work is still being done.

Ms. Casey Spearman, Market Vendor, proposed that the old H&R Block building at Market Street be used for a co-op.

Mr. Brandon Collins, 536 Meade Ave., said he is looking forward to the report on JAUNT and asked Council to keep in mind how valuable their services are to the elderly and disabled. He said there was an eviction at a public housing building on South First Street on September 11, and he worked to clarify the circumstances for Council. He said Council needs to pay attention to what is happening with the Housing Authority. He thanked Mr. Norris for his work as a commissioner on the Housing Authority.

Mr. Phillip Jones, 110 Forest Hills Ave., said there are markers on the street that have not been put up, fire hydrant curb markers have not been painted, and there has not been anyone patrolling the area. This is especially important now that school is in session.

Mr. Peter Kleeman, 407 Hedge St., said there are two items that deal with bicycles on the agenda tonight, and he would like to see promotion of infrastructure for bicycles and pedestrians. He supports any opportunities to match funds for these items. Please do not grant the sidewalk waiver on the agenda tonight, but instead use funds to improve pedestrian sidewalks along that block. If you do grant waivers, set up a fund in lieu of waivers in order to developing pedestrian infrastructure elsewhere in the City.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Smith requested that staff follow up on Mr. Phillip Jones' request. She thanked Ms. Thorpe for reminded us that it is Constitution Day. She agreed with Mr. Ackerman that there is a lot being said that is not relevant to the issue regarding the Moto Saloon SUP.

Mr. Norris said he agreed with Ms. Smith. He asked staff to update Council on whether the test had been scheduled for the Moto Saloon. He thanked Cville Pride for their event. He also thanked Occupy Wall Street for their hard work over the year. He said he would love to hear more about the co-op idea. In terms of the CRHA eviction policy, this will be discussed at their next meeting. He said it is not a matter of whether or not the Housing Authority has the power to evict someone, but whether or not they should use it in certain circumstances.

Ms. Szakos asked Mr. Jones for a report regarding the Forest Hills neighborhood. She said she liked Mr. Kleeman's idea of creating something that could be offered as an alternative to building sidewalks in certain places where it makes sense, but not make it a way to avoid spending money. She wished a happy birthday to the Constitution and the Occupy Movement.

Ms. Galvin asked staff to follow up on Forest Hills. She shared Mr. Kleeman's interest and concern and said we could think of it as a proffer or a fund, which could be

invested in bicycle/pedestrian infrastructure. She asked Ms. Spearman for more details on what she had in mind regarding a co-op and encouraged her to come to the Council meeting on October 1 to hear a presentation by the Emerging Leaders and Architecture group regarding the Green Dot Initiative. She told Ms. Thorpe that we are diligently trying to make sense out of the questions that have arisen out of the meeting Thursday night. She told Mr. Ackerman that she was very appreciative of his call for reason and process. She has met with Woolen Mills Neighborhood representatives, and it is an emotional time for that community. She said on the basis of lack of process alone, she could not support the SUP. She is concerned that the Planning Commission did not apply its own standards of review and would look into it. She encouraged them to meet with City government and said there is a need to come up with a vision for Woolen Mills that involved the entire community.

Mr. Huja told staff to take care of the Forest Hills issues within 30 days. He has spoken with the City Manager about the pedestrian fund money issue, and staff will explore whether this is feasible.

CONSENT AGENDA

Ms. Smith asked if the money for item e is in the interchange budget for the skate park. Mr. Daly said it is. She asked if any of the trees between the parking lot and the wading pool would be cut down. Mr. Daly said that would be determined at a later time. This will not happen immediately, but as the design moves forward, it may be a possibility.

Ms. Szakos said the $255,000 is not just to move it temporarily across the street. Mr. Daly said there will be significant funding left over to assist with design and construction of the permanent park.

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

a. Minutes for September 4
b. APPROPRIATION: Albemarle County Reimbursement for the Central Library Mechanical/Air Handler Replacement Project – $5,493.61 (carried)
c. APPROPRIATION: Albemarle County Reimbursement for the Central Library Elevator Project – $25,746.33 (carried)
d. APPROPRIATION: Revenue Sharing – Appropriate $100,000 and Transfer $100,000 for Sidewalk Construction (carried)
e. APPROPRIATION: Skate Park Relocation – $255,850 (carried)
f. RESOLUTION: Resolution of Support for the Regional Natural Hazard Mitigation Plan

REPORT/RESOLUTION: HONORARY STREET NAME DESIGATIONS: GEORGE R. FERGUSON WAY & FRANKLIN DELANO GIBSON STREET

Mr. Tolbert presented to Council. Pursuant to the Honorary Street Name Designation Policy, the City has received two applications for honorary street name designations. The requested streets are located at Avon Street between Levy Avenue and Monticello Avenue and the length of 5th Street Extended.

Ms. Szakos reviewed the accomplishments of Mr. Ferguson and Mr. Gibson. Mr. Huja said he has worked with both of these men, and he fully supports both designations.

On motion by Ms. Smith, seconded by Ms. Galvin, the resolution carried for Mr. Ferguson.

On motion by Ms. Smith, seconded by Ms. Galvin, the resolution carried for Mr. Gibson.

Mr. Huja recognized a member of the family in the audience.

REPORT: UPDATE ON TJPDC PROCESS

Mr. David Blount updated Council on the upcoming process for the TJPDC program. The program will be drafted and distributed in the first part of October. Council will have a formal presentation seeking approval in early November. Feedback indicates we need to focus the program on state mandates. He will continue to work with staff on local priorities.

Mr. Huja asked Mr. Blount to work with staff and the City Attorney on Council's priorities.

REPORT: SIDEWALK WAIVER REQUEST FOR 807 MOORE AVENUE

Mr. Haluska presented to Council. Mr. Beau Dickerson of Dickerson Development has applied for a sidewalk waiver for property located at 807 Moore Avenue. The lot is currently vacant and is zoned for two-family residential development. The applicant is requesting a waiver of the City's requirement for the construction of sidewalk on lots that are previously undeveloped. Engineering examined the site and found no reason a sidewalk could not be built at the site. Payment in lieu of building a sidewalk is not currently permissible by state code.

Mr. Dickerson, resident at Baylor Lane, said it is not an issue of topography or a cost issue. He does believe in pedestrian access and safety, but he does not believe in building sidewalks that go nowhere. The last waiver that was approved was at Elliot

Avenue. This request is for a lot in a mature neighborhood that is entirely built out. No other sidewalks currently exist on the street block. There is a plan for a sidewalk that is fully connected on the east side of Moore Avenue.

Ms. Szakos asked about the sidewalk across the street. Mr. Haluska said this is on the City's list "to be built" within the next couple of years. Ms. Szakos asked if this would be moved to the other side of the street. Mr. Haluska said only if neighbors refuse to participate with the City on the existing planned sidewalk. Ms. Szakos said there are only three properties you would have to negotiate with if you built it on the side of the waiver request.

Ms. Smith asked if there are any plans in the future to connect this area with any other sidewalks. Mr. Haluska said there are no plans in the near future because of the existing planned sidewalk on the opposite side of the street. Mr. Haluska said having sidewalks on both sides of every street is a part of the eventual goal of the City.

Ms. Galvin said if the goal is to get continuous sidewalk on one side, perhaps the applicant could pay into a sidewalk fund to give the City some latitude as to where to invest to make a continuous sidewalk. Ms. Szakos said we should suggest this for our legislative agenda.

Mr. Huja asked the applicant if he would contribute money to the City for sidewalks. He said he would. Mr. Brown said it is not permissible for the City to accept money in exchange for a waiver.

Ms. Szakos said she believes it is important for the City to uphold these in light of their goals, but we should really allow a payment in lieu.

Ms. Szakos moved to deny the waiver. Ms. Smith seconded. Mr. Norris said he is voting against the denial because payment in lieu is the right path. (Ayes: Ms. Szakos, Ms. Smith, Ms. Galvin, Mr. Huja; Noes: Mr. Norris.)

REPORT/RESOLUTION: MACAA BACK TO WORK PROGRAM REPORT AND FUNDING REQUEST - $9,849.40

Ms. Karen Shepard presented to Council.

Mr. Norris asked if they have identified individuals who will be taking the class. Ms. Brenda Desobry said we have nine students, and there are several potential individuals who are interested in filling the remaining slot. Mr. Norris said PHAR would be a good place to get referrals.

Ms. Galvin said she is happy to see them here tonight. We need to focus on empowering people, especially during the recession. Ms. Galvin asked for clarification on

their employment goals. Ms. Desobry said they are working to build their network with employers to improve their numbers.

Ms. Szakos said they do not have funding for case management If we do fund this initiative, it is important that people get training, and we need to also work to make sure they are getting jobs in their field. Ms. Desobry said ten of their students were in GED training, so they were not looking for jobs.

Mr. Norris said transportation is a barrier.

Ms. Smith said she is curious about CATEC versus Piedmont, which does have public transportation. The Charlottesville Scholarship Program could be a good avenue to coordinate with. Ms. Smith asked if applicants need a GED to take this training. Ms. Desobry said you do not, but typically employers want you to have a GED. Ms. Smith asked how big of a role MACAA plays in terms of telling people about available jobs and connecting them with openings. Ms. Desobry said instructors have played a larger role in referring students to jobs.

Mr. Huja said he is very supportive of jobs training programs, but he asked MACAA to go through the ABRT process in the future. We need to find ways to help people get training and help with transportation when facilitating these participants.

Ms. Smith said it looks like you use your funds for staffing and asked if MACAA always pays for the course fees/GED fees for their clients. Ms. Shepard said they do. This year they did have a benefactor who paid for some of it at one point. They are always seeking additional funding for this purpose.

Ms. Galvin asked if voting for this request is conditional upon getting funds from someplace else. Staff said it is not.

Mr. Norris said he supports funding this request, but this continues to address a bigger issue in a piecemeal way, and we need to get more comprehensive and holistic on us moving people up the ladder. Ms. Galvin asked Mr. Jones for an update on the job session work session in July. Mr. Jones said we have formed a committee and will have a report to Council around the end of the year.

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

REPORT: JAUNT FY12 ANNUAL REPORT

Ms. Donna Shaunesey presented to Council. She thanked the JAUNT board for their work this year and thanked Council for their financial support. She reviewed total annual ridership. The goal was not to turn down any ADA requests made within 24 hours. Only two requests were turned down this year.

Ms. Smith congratulated Ms. Shaunesey on the green leader award. She asked who gets to use the JAUNT service. Ms. Shaunesey said in the rural areas, JAUNT is the only way to get around. In the City, you have to have a disability that makes it impossible or difficult for you to ride the City bus. Ms. Shaunesey gave further clarification on how JAUNT services operate.

Ms. Szakos said the system seems to be working very well. She asked for clarification on the JAUNT schedule.

Ms. Galvin said she is intrigued by the commuter service and exploring JAUNT as an option to expand transportation for our population of non-driving citizens. Ms. Shaunesey said employers have been leading the charge. Ms. Galvin asked Mr. Jones to bring Mr. Murphy and Mr. Engel to the table with Ms. Shaunesey to discuss options.

REPORT/RESOLUTION: REVISIONS TO ARCHITECTURAL DESIGN CONTROL DISTRICT GUIDELINES

Ms. Scala presented to Council. The current ADC Districts Design Guidelines were adopted by City Council on October 17, and ADC District regulations require that the guidelines are updated every five years. The Board of Architectural Review (BAR) reviewed the recommended revisions to the guidelines. Substantive revisions include changes to Chapter 5 regarding signs, awnings, vending and cafes, and Chapter 6 regarding public improvements, including those for public buildings and public art, including mural art on private property.

Mr. Norris asked for clarification on the changes recommended regarding public art. Ms. Scala clarified what the changes stipulate, particularly for mural art. Ms. Smith asked if there are legalities when it comes to obscene art. Mr. Brown said there are narrow definitions of what is considered obscene. It is not often easy to regulate.

Mr. Norris asked for concrete examples of how the new rules would affect existing tent structures. Ms. Scala said the tent at Mono Loco was recently approved on a permanent basis. Other tents, such as the ones at Commonwealth, were permitted to remain through the end of the past winter season because the new guidelines were not yet in place. Mr. Norris asked how long the process takes once businesses submit for approval of tent structures. Ms. Scala said if establishments submit in September, they could be approved by October. Mr. Norris asked if it was possible to provide conditional approval for establishments. Ms. Scala said there are few opportunities for waivers in the ordinance. Mr. Norris requested that staff notify businesses of the timeframe for the current season.

Ms. Galvin said she looks forward to the PLACE Design Task Force working together with BAR on issues such as these.

Ms. Szakos said on page 43, regarding placing benches at key pedestrian locations, it should say "and/or" for material type.

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

Mr. Norris asked if it was conceivable to make one portion of this go into effect later than another portion. Canopy regulations should go into effect as of November 1 in order to allow flexibility for businesses to erect a canopy. Ms. Scala said she would call known applicants tomorrow to inform them of the process.

Ms. Smith asked where the master tree list is. Mr. Tolbert said the Master Tree List is maintained by the NDS office. The Tree Commission is actively engaged in reviewing the list.

REPORT/RESOLUTION: ALLOCATION OF FUNDS TO SUPPORT THE DOWNTOWN BUSINESS ASSOCIATION OF CHARLOTTESVILLE (DBAC) ANNUAL HOLIDAY PARADE – $2,000

Mr. Jones presented to Council. The requested funds would be used to pay local high school bands and to cover the cost of electric carts.

Ms. Galvin asked why they did not go through the ABRT process. Mr. Jones said he believes they forgot to go through the process. However, staff did tell the DBAC that they would have to apply through the ABRT process for next year.

Ms. Smith asked where this money comes from within our budget. Ms. Galvin said these requests add up. We are investing a lot in the downtown area and are committed to the welfare of the downtown mall, but we have to follow a process for spending money.

Ms. Szakos said this goes beyond her threshold of giving money outside of a process we have worked hard to create. She would have supported it if it had come through the ABRT process.

Mr. Norris said this request has not been correctly framed. This is one event that surrounds a series of events created to bring people downtown, and it is the only event for which they are asking for support. Mr. Norris said there is merit to the idea of sequestering downtown mall vendor fees into a separate account for the purpose of reinvesting in activities that support commerce and tourism on the downtown mall. Mr. Jones said although these fees go into the General Fund, the General Fund in turn supports maintenance and events on the downtown mall.

Ms. Galvin said she does not want us to drop these good ideas by the wayside. Context is important, so this makes it easier for her to consider supporting this. However, we need to come up with some policy ideas regarding monies for the downtown mall and creating a way for it to maintain itself.

Mr. Jones said staff will bring options for how to evaluate these requests at the upcoming Council retreat.

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

REPORT/RESOLUTION: ART IN PLACE LEASE RENEWAL

Mr. Daly presented to Council. There is a proposed increase over the previous three year lease of $2,265. The additional funding is to cover the cost of an umbrella insurance policy that will cover all the sculptures in each year's show. Previous practice has been to obtain insurance from each of the artists, which has proved difficult to manage in the past three year cycle.

Ms. Elizabeth Breeden, director of the ArtInPlace Program, asked Council to consider what they will do for the future, as she will commit to volunteering for the next three years and then must step down.

Ms. Smith said she is concerned that all neighborhoods are able to participate in the ArtInPlace program.

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

Ms. Smith asked if sculptures are limited to local artists or Virginia artists. Ms. Breeden said our jury tries to give more accommodation to local artists, but it is not restricted because sources for this type of "35 mile per hour" sculpture art are limited.

REPORT/RESOLUTION: REQUEST FOR SUPPORT FOR 2012 THE CVILLE VEGETARIAN FESTIVAL - $4,000

Mr. Jones reviewed the request from the Cville Vegetarian Festival for Council, which came as a result of a last-minute sponsorship drop. They said the requestors do not intend to request money from the City in the future; however, staff has advised them that if they do, they should go through the ABRT process.

Ms. Szakos said she thinks this is different since they did not know they would need the funding when the ABRT process occurred; however, she is encouraged by their commitment not to return to Council for funding.

Ms. Galvin said requests that fall in priority areas are easier to approve, but other requests fall into a grey area. Mr. Jones explained that the fund staff suggested utilizing for this request does have some excess money. Ms. Smith said she is disturbed by how this request came up. The City would be in an awkward position by being the sole supporter. She does not think this is an appropriate request for the City to fund.

A motion was made by Ms. Szakos and seconded by Mr. Huja to fund the request in the amount of $2,000.

Mr. Norris said he was considering abstaining because he was a founding father of the festival. He said there has been an offer made to them to carry over $1,000 from the previous organization's budget to help with this. We do support a grant program that awards $1,000 for healthy eating programs. He asked to do this donation in the name of the Healthy Food Coalition and award them booth space.

Ms. Szakos and Mr. Huja said they accepted the amendment to fund the request in the amount of $1,000. Ms. Smith recommended scaling back advertising and seeking in-kind donations. Ms. Galvin said she supports healthy eating but does not think this request is timely.

The request was approved for $1,000. (Ayes: Ms. Szakos, Mr. Norris, Mr. Huja; Noes: Ms. Smith, Ms. Galvin.)

MATTERS BY THE PUBLIC

Mr. Dave Redding, 522 Ridge St., thanked Council for supporting the Vegetarian Festival.

The meeting was adjourned.

Paige Bayfield

Clerk of Council