

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Tuesday, September 7, 2010, 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 – September 7, 2010

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

On motion by Dr. Brown, seconded by Mr. Huja, Council voted (Ayes: Dr. Brown, Mr. Huja, Mr. Norris. Noes: None) to meeting in closed session for (1) discussion and consideration of prospective candidates for appointment to City boards and commissions, as authorized by Virginia Code sec. 2.2-3711 (A) (1); and, (2) consultation with legal counsel for legal advice regarding potential claims by or against the City involving billings for natural gas service provided to specific customers, as authorized by Virginia Code sec. 2.2-3711 (A) (7).

On motion by Dr. Brown, seconded by Mr. Huja, Council certified by the following vote (Ayes: Ms. Edwards, Dr. Brown, Mr. Huja, Mr. Norris. Noes: None) that to the best of each Council Member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion convening the closed session were heard, discussed or considered in the closed session.

COUNCIL CHAMBER – September 7, 2010

Council met in regular session on this date with the following members present: Ms. Edwards, Dr. Brown, Mr. Norris, Mr. Huja.

AWARDS/RECOGNITIONS: 2009 CAFR AWARD, NATIONAL PREPAREDNESS MONTH, NATIONAL PAYROLL WEEK

Mr. Norris announced that the City of Charlottesville has received the CAFR Award for the thirtieth consecutive year. He announced September 2010 as National Preparedness Month. He recognized JABA for their contribution to the community. Dr Lindsay was present to accept the award.

ANNOUNCEMENTS

Mr. Norris announced the second City Council Town Hall meeting, which is scheduled for September 30, 2010, from 6:00 p.m. – 8:00 p.m. Government Services Day is scheduled for Thursday, October 14th. The city is looking for a citizen to donate an evergreen Christmas tree. The 2010 Charlottesville Community Fall Job Fair takes place on Wednesday, September 29th at the John Paul Jones Arena.

Ms. Edwards said you should never underestimate the power of a GED. She encouraged citizens to get involved in their children's education. Kindergarteners need at least ten hours of sleep to be successful.

Dr. Brown announced appointments to Boards and Commissions: Chad Freckmann to CHART, Christopher Burton to CDBG, and Patricia Stevenson to Regional Disability Service Board. On motion by Mr. Norris, seconded by Mr. Huja, the motion carried unanimously. (Ayes: Ms. Edwards, Dr. Brown, Mr. Huja, Mr. Norris. Noes: None)

PUBLIC

Mr. Paul Grady, 4398 Rockfishgap Turnpike, said the 29/Hwy 250 study is flawed, and the plan would adversely affect city businesses and residents. He recommended an elevated expressway directly above Hydraulic Road instead.

Mr. Neil Williamson, 550 Hillside Dr., President of the Free Enterprise Forum, said his group firmly supports the community water supply plan. He asked what the carbon footprint of a perpetual dredging operation is, and when does the city plan to remove itself from the Rivanna City and Sewer agreement.

Mr. Peter Kleeman, 407 Hedge St., spoke regarding an easement granted by VDOT for the construction of the Meadowcreek Parkway and the June 2008 ordinance that prohibits any portion of the road from being opened until the entire project is complete. He urged Council to communicate with VDOT that their plan is not in compliance with the ordinance and encouraged investigating alternatives.

Ms. Naomi Roberts, 1140 St. Clair Ave. Ext., said signs at Michie Drive are not visible to drivers. She suggested flashing lights or speed strips. She said bicyclists should have to pay fees. She said she is concerned about goats being permitted in the city. She said she disapproves of the city charging for funeral escorts.

Ms. Rebecca Quinn, 104 4th St. NE #2, said the decision to build a dam is irreversible and commits the city rate payers to years of debt. Phasing is not irreversible and allows Council to revisit decisions when data becomes available. She said dredging, repairs to the Ragged Mountain Dam spillway, and getting more information are the appropriate next steps.

Mr. Bill Kittrell, 1781 White Hall Rd., said dredging should not be a component of our water supply plan. It only adds 13% of the additional capacity that we need. It locks us into doing mandatory dredging for the next 50 years to maintain required levels at the Southfork Reservoir. He said dredging is too expensive.

Mr. Jim Nix, 2402 Kerry Lane, said Council should reaffirm their support for the community water supply plan for financial reasons and because it is the best solution for citizens and preservation of natural resources. Dredging is not cost effective.

Ms. Liz Palmer, 2958 Mechum Banks, said in regard to an unbiased demand analysis, they followed AWWA procedures. She said we have a great opportunity to restore streamflows with this plan. We have the potential to increase water supply in North Fork.

Ms. Meghan Keith-Hynes, 604 Belmont Ave., president of Charlottesville Goat Justice League, read a letter from a current goat owner in support of allowing goats in the city and distributed samples of locally made goat cheese to Council.

Ms. DeDe Smith, 2652 Jefferson Park Cir., said she is here to talk about the RFP on dredging. She asked Council not to leave this to someone outside the city. The best information you have gotten has been under city supervision. Please involve citizens in the selection of a consultant, writing of an RFP, and oversight of the process.

Mr. Clint Sherill, 207 Camellia Dr., said he is in favor of goats in the city.

Mr. Bob Fenwick, 901 E. Jefferson St., said Citizens for a Sustainable Water Supply Plan are advocates of dredging as a commonsense first step in ensuring our community's water supply. They are not against growth.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Edwards asked staff to follow up on the concerns Ms. Roberts brought up, especially regarding signage. Mr. Jones said our traffic engineer is keeping a close eye on the situation and will provide updates to Council. She said bicyclist have a positive social impact but should be held accountable for being safe in the streets. She asked staff to comment on what the plan is to keep goats safe. Mr. Jones said staff is exploring possibilities for handling goats that have been detained. She asked for a formal report from staff regarding funeral processions.

Mr. Norris said he agrees with Ms. Palmer that it is difficult to come up with a truly unbiased water supply plan assessment, and he said we should take a responsible, phased approach.

CONSENT AGENDA

Mr. Norris removed item f, Conveyance of Jefferson School Property, and item h, Street Vending During Certain Hours, from the consent agenda. Dr. Brown removed item i, Proposed Amendment for Street Displays on the Downtown Mall, from the consent agenda.

On motion by Dr. Brown, seconded by Mr. Huja, the following consent agenda items were approved unanimously. (Ayes: Ms. Edwards, Dr. Brown, Mr. Norris, Ms. Szakos, Mr. Huja. Noes: None.)

- a. Minutes of August 16
- b. APPROPRIATION: \$65,000 – Teens GIVE Service Learning & Life Skills Program (2nd reading)
- c. APPROPRIATION: \$225,400 – New Police Cruisers and Related Equipment Purchase and Financing (2nd reading)
- d. APPROPRIATION: \$509,036 –FY 2011 JAUNT Pass-through (1st of 2 readings)
- e. APPROPRIATION: \$18,000 – 2011 Department of Motor Vehicles Virginia Highway Safety Grant (carried over)
- f. ORDINANCE: AN ORDINANCE AMENDING AND REORDAINING SECTIONS 4-2, 4-7, 4-9 and 4-15 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, ALLOWING MINIATURE GOATS TO BE KEPT IN THE CITY (2nd reading)
- g. ORDINANCE: AN ORDINANCE AMENDING AND REORDAINING SECTION 28-158 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RESTRICTING THE HOURS OF VENDING FROM VEHICLES (2nd reading)

PUBLIC HEARING/ORDINANCE: PETITION TO REZONE PROPERTY AT 233 4TH STREET NW / JEFFERSON SCHOOL

Mr. Haluska presented to Council. The Planning Commission recommended approval unanimously.

The public hearing was opened. As there were no speakers, the public hearing was closed.

On motion by Mr. Huja, seconded by Dr. Brown, the motion carried over.

ORDINANCE: AN ORDINANCE AUTHORIZING THE EXECUTION OF AN OPTION AND PURCHASE AGREEMENT BETWEEN THE CITY OF CHARLOTTESVILLE AND JEFFERSON SCHOOL COMMUNITY PARTNERSHIP, L.L.L.P. FOR THE JEFFERSON SCHOOL PROPERTY (2nd reading)

Mr. Jones said there were a couple of changes to the option and purchase agreement since the first reading, addressing financial issues relating to the project. Work continues on the details of the lease. It should be finalized soon and will be brought to Council for discussion. Also, the City has right of first refusal should the property come for sale.

On motion by Mr. Huja, seconded by Ms. Edwards, the amendments to the approval passed unanimously. (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris. Noes: None.)

Mr. Norris thanked the partners and staff for the hard work they've put into the conveyance. The vote on the ordinance passed unanimously. (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris. Noes: None.)

REPORT/RESOLUTION: Amendment of Funding Agreement Between the City of Charlottesville and CEDA for Jefferson School Renovation

Mr. Jones presented to Council. The focus of the partners has moved from feasibility to construction. The partners have asked Council to increase the maximum from \$500,000 to \$1 million to allow them to proceed with the next phase of the project.

On motion by Mr. Huja, seconded by Dr. Brown, the vote carried unanimously. (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris. Noes: None.)

REPORT: DAM ASSESSMENT STUDY

Ms. Hildebrand briefed Council on the Lower Ragged Mountain Dam Raise. A performance review of an intrusive investigation indicated that the dam is in better shape than originally believed. Three options for raising the dam were reviewed. The reservoir would be able to stay in service at or near its capacity during construction. Conditions of Senate Bill 276 are not considered in these evaluations. Further estimates would be needed to get a more accurate cost for design. The format from previous cost estimates were used to allow for comparable evaluation. Existing permits would be valid.

Mr. Huja asked if you build a thirteen foot dam addition, is it possible to build on top of it and make it forty-five feet later? Black and Veatch said it was possible, but it would affect the size of the original thirteen foot raise because engineers would build in

the ability to add on to the dam in the original phase to accommodate possibly building on later.

Mr. Norris asked about producing concrete for the 45 foot dam. Black and Veatch said the concrete dam takes aggregate and cement, which would more than likely need to be hauled in from offsite.

REPORT: DREDGING RFP

Ms. Hildebrand reported to Council on dredging Southfork. If the community decides to move forward with dredging, the following questions should be answered: will dredging encompass HDR's part one, the uppermost portion of the reservoir? Will it include HDR's part two, Ivy Creek and the lower reaches? Should this be a one-time process or an ongoing process? The ongoing process – maintenance dredging – has not been evaluated at this point. Ms. Hildebrand asked Council for direction on whether a budget should be established for this project. Council should consider UVA's participation in this process and whether or not the contractor should handle the permitting process. Staff would need assistance with developing a scope of services if we decide to move forward with a request for proposal. We could potentially utilize Rivanna's contract if time is an issue.

Mr. Norris asked for clarity on why we needed a consultant to write an RFP. Ms. Hildebrand said this involve more detail than a request for engineering services. To get a fair price from a contractor, we would be advantaged by using someone more familiar with dredging than city staff.

REPORT: SUMMER INTERNSHIP PROGRAM

Ms. Heather Kellam reported on the Summer Internship Program. They enrolled 144 youth, and 129 graduated on August 6, for a 90% success rate. Ms. Keller said over 97 businesses, non profits and schools supported the program. She hopes to enroll at least 200 youth next year.

Dr. Brown said he was appreciative of how much of the community participated. Mr. Huja said was pleased the program plans to expand next year. Ms. Edwards echoed support and said she hopes next year we can involve banks to encourage savings. Mr. Norris thanked Ms. Kellam for her work.

ORDINANCE: AN ORDINANCE AMENDING AND REORDAINING SECTION 28-158 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RESTRICTING THE HOURS OF VENDING FROM VEHICLES (2nd reading)

Mr. Tolbert said the ordinance was revised to clarify that it only applies to residential areas, not to the entire city.

On motion by Dr. Brown, seconded by Ms. Edwards, Council approved the amendment unanimously. (Ayes: Dr. Brown, Ms. Edwards, Mr. Norris, Mr. Huja. Noes: None.)

The revised ordinance passed unanimously. (Ayes: Dr. Brown, Ms. Edwards, Mr. Norris, Mr. Huja. Noes: None.)

ORDINANCE: AN ORDINANCE AMENDING AND REORDAINING SECTION 28-2 OF ARTICLE I, AND ADDING SECTION 28-127 TO ARTICLE IV, OF CHAPTER 28 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATED TO DISPLAY OF ITEMS BY BUSINESSES LOCATED ON THE DOWNTOWN PEDESTRIAN MALL (carried over)

Dr. Brown asked for discussion on the need for this ordinance change and its impact. He specifically asked if this was something staff has worked on with merchants and asked for examples of problems that would or would not be impacted by the five feet requirement.

Mr. Reid Brodhead and Mr. Tolbert responded. Mr. Tolbert said they met with a group of merchants the DBAC put together before the reconstruction of the mall. The ordinance has been greatly simplified from its original state. It sets out simple rules so we do not lose public space to merchant displays. It has been modified to drop the requirement for insurance and allows certain items to stay out overnight.

On motion by Dr. Brown, seconded by Mr. Huja, the motion was carried over.

MATTERS BY THE PUBLIC

Mr. Lloyd, City of Charlottesville, said you have to eventually dredge. Dredging will give us at least thirty years before we have to make a decision. He congratulated Council on asking for studies. He said we should honor the creators of the four party agreement.

Ms. Naomi Roberts, 1140 St. Clair Ave. Ext., thanked Mr. Tolbert for getting the Do Not Block Intersection signs posted. She asked know who would handle violations on goats and whether or not they will require tags.

Ms. DeDe Smith, 2652 Jefferson Park Cir., said one thing Council does not know now is what the cost of the entire project is to the city. You should know what the cost share for each of these components is over time.

Mr. Anthony Adams, City of Charlottesville, is an after-hours vendor in Charlottesville. He said he has never exceeded the noise ordinance. He says he is

running his business properly from a legal standpoint and said he feels like he is being targeted by the city.

COUNCIL RESPOSES TO MATTERS BY THE PUBLIC

Mr. Huja said he has concerns about the Hydraulic/Michie interchange and would like to work with staff to see if we can reexamine the situation.

Ms. Edwards addressed Mr. Adams and said the noise complaints she received were from the battery generator on the truck. She said we need to address equity issues in another way. Council's goal is to provide an ordinance that allows the residents to have a good quality of life in the neighborhoods, but also support success for business owners. She said she wants to give the city an opportunity to talk about how we design ordinances. Mr. Norris asked Mr. Tolbert to clarify if deliveries were included in the ordinance. Mr. Tolbert said they were not.

The meeting was adjourned.

President

Clerk