

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, October 4, 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 – October 4, 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: Ms. Edwards, Dr. Brown, Mr. Huja, Mr. Norris, Ms. Szakos. 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) Discussion of the acquisition of real property on Davis Avenue for a public purpose, where discussion in an open meeting would adversely affect the City's negotiating strategy, as authorized by Virginia Code sec. 2.2-3711 (A)(3).

On motion by Dr. Brown, seconded by Ms. Edwards, Council certified by the following vote (Ayes: Ms. Edwards, Dr. Brown, Mr. Huja, Mr. Norris, Ms. Szakos. 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 – October 4, 2010

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

ANNOUNCEMENTS

Mr. Norris announced the unveiling of historic markers at Burley School on Friday, October 8th. He also announced that the Shenandoah Valley Bicycling Coalition will give a presentation on what they learned about bicycling safety during their visit to Davis, California. This will take place Wednesday, October 20th at 7:00 p.m. at City Space.

Mr. Norris encouraged residents to apply for fuel and energy assistance programs. The deadline is November 12th. Contact 970-3400 for more information or to obtain an application. A gas assistance program is also available through the Public Works department. Contact 970-3222 for more information.

Ms. Edwards announced that the Charlottesville High School dropout rate has been reduced by more than half over the past year. There will be a college information night on October 19th at 7:30 p.m. Parent/teacher conferences are scheduled for November 2nd in the cafeteria. CHS leads the area with several national merit scholarships. Ms. Edwards encouraged parents to use the student parent portal system to check their student's grades and attendance in real time. Interim grades have been issued. Encourage the CHS football players, as they have been struggling this year.

Mr. Norris announced that Council will discuss the RFP on dredging the reservoir and the temporary opening of Meadowcreek Parkway during other business.

PUBLIC

Ms. Liz Palmer, 2958 Meechum Banks Dr., said before considering going beyond phase one dredging, Council should read the Gannett Fleming study.

Mr. James Nix, 2402 Kerry Lane, said the DEQ cannot adjust the demand downward without implementing water conservation ordinances. He seconded Ms. Palmer's comments about the cost effectiveness of dredging. Public access at Ragged Mountain would be preferable because it provides easy access to city residents.

Ms. Colette Hall, 101 Robertson Ln., said there is a conflict between a city ordinance and VDOT's intention to open the Meadowcreek Parkway temporarily. She said this appears to be a violation of the June 2, 2008, ordinance.

Mr. Daniel Bluestone, 501 Park Hill, said there are virtues of historic preservation. Two years ago, students spent a year researching the history of downtown Charlottesville and developed a guidebook, which is available for sale at the Albemarle Charlottesville Historical Society and the UVA bookstore. He distributed books to Council and thanked them for their support.

Mr. Downing Smith, 810 Locust Ave., said the historic overlay district in the Martha Jefferson neighborhood will have no effect on his home directly, but the current neighborhood honors the last 165 years of history and makes homes more valuable. The conservation district is not restrictive enough.

Mr. Bruce O'Dell, 878 Locust Ave., noted recent developments in the Martha Jefferson district and said Octagon Partners' plans seem to be modest, realistic, and in keeping with the neighborhood. He said Council should take into account what protections for the historic area might be appropriate given that the hospital will no longer be owned solely by the city.

Mr. Eddie Banks, 1310 Carlton Ave., said he wanted to thank Charlottesville for giving him a step up. He spoke to Council about TIDE Local, an idea of his.

Ms. Rebecca Quinn, 104 4th St. NE, said she applauds Council's approach to the water supply issue. She said Council should insist on several standards by the ITRT in order to make sure City interests are preserved.

Ms. Ellen Wagner, 841 Locust Ave., read a letter she sent to Council on behalf of the Martha Jefferson Neighborhood Association. She asked Council to put protection in place for some of the more modest homes in the neighborhood.

Ms. DeDe Smith, 2652 Jefferson Park Circle, said Mr. Bluestone's guidebook is great and should be a model for other portions of the city. She also supports conservation for the Martha Jefferson district. She asked Council to maintain control of the RFP for dredging, or at least ensure the city's involvement in every step of the process.

Ms. Melanie Miller, 528 Locust Ave., said Council should support the Martha Jefferson historic conservation overlay. They should consider the entire parcel as on the state and national registers, and note that the lines were drawn as a result of careful consideration based on the original development in the late 1890s by the Locust Grove Investment Company. She asked members of the audience who were there in support of the Martha Jefferson Conservation District to stand.

Mr. Stratton Salidis, 704 Graves Ave., asked Council not to sign a memorandum of understanding for McIntire Extended and urged them to take a public vote. He said water supply discussions have been based on the demand estimate, and we have heard from mathematicians that the demand estimates are faulty. He encouraged maintenance dredging.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Szakos thanked Mr. Banks for his presentation and reminded citizens to register to vote.

Ms. Edwards thanked Mr. Bluestone for his work on the guidebook.

Dr. Brown said Mr. Bluestone produced a fabulous booklet. He thanked Mr. Bluestone for his work in the community and encouraged him to keep up the good work.

Mr. Norris thanked Mr. Bluestone for the wonderful document and praised his students' hard work. He said the discussion about the cost of dredging has been all over the map, as have estimates. We are soliciting an RFP to be able to make fair comparisons and put to rest the speculation. He told Mr. Nix that we are not considering tossing out the results of the HDR report. DEQ does not adjust the demand; they look to us to tell

them what our projected demand is. In response to a comment made by Mr. Salidis regarding siltation being a result of sprawl, he said it is more due to agricultural practices, but sprawl certainly does not help.

On motion by Dr. Brown, seconded by Ms. Edwards, the following appointments were made to Boards and Commissions: 250th Anniversary Steering Committee: Marnie Allen, George Benford, Preston A. Coiner, Nancy Coble Damon, J. W. Timothy R. Duke, Anne Gilliam, Jacqueline Lichtman, Morgan MacKenzie-Perkins, Deborah Prum, Karen Shepard, Bob Stroh, Heather Walker. To the BAR: Candace DeLoach. To JAUNT: J. Raymond Heron. To the Police Advisory Committee: Quinton Harrell, Ida J. Lewis, Lyndele von Schill. To PVCC: Sean McCord. To the Regional Disability Service Board: Suzanne Winter-Austin. (Ayes: Ms. Edwards, Dr. Brown, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None)

Dr. Brown announced that the 250th Anniversary Steering Committee is still open for applications.

CONSENT AGENDA

Mr. Huja said we have a better plan for the SUP at 850 Estes St. based on our collaboration with the community.

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

- a. Minutes of September 20
- b. APPROPRIATION: \$48,390 – 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) (2nd reading)
- c. APPROPRIATION: \$135,398 – BJA Drug Court Discretionary Grant Program Award (2nd reading)
- d. APPROPRIATION: \$ 4,385 – Insurance Reimbursement for Storm Damage Repairs to Gas Building on 29N (2nd reading)
- e. APPROPRIATION: \$1,540 – U.S. Department of Justice (A.T.F.) Overtime Reimbursement for the Charlottesville Gun Violence Task Force (2nd reading)
- f. APPROPRIATION: \$247,036 – Appropriation of CACVB Fund Balance (carried over)

- g. APPROPRIATION: \$500,000 – 2010 Fast Charging Electric Vehicle Research and Development Project (carried over)
- h. APPROPRIATION: \$182,500 – Charlottesville/Albemarle Adult Drug Treatment Court Grant Award (carried over)
- i. RESOLUTION: SUP at 850 Estes St.
- j. RESOLUTION: Intersection Improvement Project
- k. ORDINANCE: AN ORDINANCE AMENDING AND REORDAINING SECTION 28-26 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, 1990, AS AMENDED, RELATING TO THE DEPOSIT OF ICE AND SNOW ON PUBLIC RIGHTS-OF-WAY (2nd reading)
- l. ORDINANCE: AN ORDINANCE TO AMEND AND REORDAIN SECTION 34-216 OF ARTICLE I (Administration) AND SECTION 34-480 (Use Matrix - Commercial Districts) OF ARTICLE IV (Commercial Districts) OF CHAPTER 34 (ZONING) TO REVISE AND ADJUST CERTAIN LAND USES ALLOWED IN COMMERCIAL DISTRICTS. (2nd reading)
- m. ORDINANCE: AN ORDINANCE AMENDING AND REORDAINING SECTIONS 34-27, 34-420, 34-480, 34-796, 34-1194, AND 34-1200 OF CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING TO AMENDMENTS TO THE COMPREHENSIVE PLAN, ADULT ASSISTED LIVING FACILITIES, AND TEMPORARY FAMILY HEALTH CARE STRUCTURES (2nd reading)
- n. ORDINANCE: AN ORDINANCE CLOSING, VACATING, AND DISCONTINUING THAT PORTION OF AN ALLEY, AN UNACCEPTED RIGHT OF WAY, BETWEEN DICE STREET AND DELEVAN STREET ADJACENT TO PARCELS 78 AND 88 ON CITY REAL ESTATE TAX MAP 29 (2nd reading)
- o. ORDINANCE: Text Amendments for Definitions and Penalties Related to the Historic Conservation District ZT-10-08-20 (carried over)

REPORT: PVCC UPDATE

Dr. Frank Friedman presented an update on PVCC to Council. He thanked Peter Kleeman and Mary Loose DeViney for their service and thanked Council for filling the vacancy on their board. He said the year has been about growth. Mr. Norris asked him why he thought this growth had occurred. Dr. Friedman said it is because of the economy. For younger students, tuition has increased dramatically at colleges and universities, and PVCC's guaranteed admissions agreements are very attractive.

Dr. Friedman reported that enrollment from Charlottesville is down, and out of seven jurisdictions, Charlottesville is the only one that decreased in enrollment. Enrollment of graduates coming right out of CHS is the same. PVCC started night courses at CHS last fall.

Dr. Friedman thanked the city and county for the opening of the new Stultz Center for Business and Career Development in June. PVCC also opened the Kluge-Moses Science Building in September, which has 35,000 square feet of space to house health science programs. He said PVCC is excited to be a part of the Jefferson School project and hopes this will draw more city residents into their classes. They are in discussions with the UVA Health Services Foundation to do a joint child care center project.

Ms. Szakos asked what the limits are on how many people you accept. Mr. Friedman said the only programs with selective admission are programs in the healthcare arena. Those students receive a large part of their education in the hospitals, which have limited amounts of time and space and are very costly because of the low student/faculty ratio needed to keep accredited.

Ms. Edwards said she has not missed a PVCC graduation since she started serving on Council and asked for more facts during graduation about how many years students have been out of school before coming to PVCC. She asked if their board meetings were open to public. Dr. Friedman said they are, and he will work to get the announcements out to Council. Ms. Edwards asked what PVCC would need to open up health care programs to more people. Dr. Friedman said money would help, but there is still the issue of limited clinic space. Ms. Edwards asked Dr. Friedman to alert Council of opportunities to help with recruitment.

Mr. Norris asked about a grant initiative coming out from Congress. Dr. Friedman said there will be some competitive grant opportunities, and PVCC plans to monitor the situation.

REPORT: FUNERAL ESCORTS

Lt. Ronnie Roberts presented to Council on funeral escorts. The service was discontinued because it was time-consuming, resources were being depleted to meet this

objective, and it puts liability on the city. Most other precincts have discontinued doing escorts for these reasons. While they have discontinued routine escorts, the fee charged for the escorts that are requested helps recoup the loss of resources needed to perform them. The department has received one request in the last two weeks.

Ms. Szakos said this is largely a generational issue, particularly for senior citizens. She said we should recognize that it is important to people in the process of sending friends and loved ones on. She said she regrets that this can no longer be done, although she defers to the professional judgment of Lt. Roberts.

Mr. Norris said the attitude of modern drivers is also an issue and makes funeral escorts potentially dangerous. Funeral homes have stopped organizing them for liability reasons. Mr. Norris shared Ms. Szakos's sadness at the loss of this part of our culture.

Ms. Edwards asked about the budgetary impact. Lt. Roberts said that CSO officers perform the escorts, so they have two hours during which they cannot collect parking fines. Ms. Edwards asked for a report of collected parking fines over the next year to see whether this makes a budgetary impact.

REPORT/ORDINANCE: MARTHA JEFFERSON HISTORIC CONSERVATION DISTRICT

Ms. Mary Joy Scala presented to Council. She outlined the steps the neighborhood association has taken during the course of this process. The BAR made a recommendation in July of 2010 that Council should designate the district with the same boundaries and contributing properties that were described in the national historic report. She said that according to the City attorney's office, when an entrance corridor overlaps with another district, the more restrictive of the two shall apply. Ms. Szakos asked for clarification about overlapping purviews. The BAR wanted to control this in order to produce a more seamless review.

Mr. Huja and Dr. Brown voiced support for the resolution. Dr. Brown thanked the neighborhood for the work they have done. Conservation districts are by design easier than historic districts. On motion by Ms. Edwards, seconded by Ms. Szakos seconds, the motion carried.

Mr. Norris thanked the neighborhood for their leadership.

REPORT: STORM REPORT

Mr. Jones reported on the city's response to weather related events during the past ten months. He walked Council through what takes place in the immediate aftermath of storms, as well as the days and weeks afterwards.

Chief Warner summarized their actions in the twelve hours following the microbursts of this summer. He highlighted the cooperative relationships with county and volunteer fire departments. He encouraged citizens to be prepared to be self-sustaining during emergency events.

Ms. Meuller reported on the work Public Works has done. Their first priority after the storms was opening blocked streets. They utilized battery backup devices at many major intersections, which was invaluable. They had seven full weeks of dedicated storm debris pick-up, during which time no regular street maintenance could be completed. She summarized the costs, issues and lessons learned. She said that should this happen again, we are in a better position to serve our citizens.

Dr. Brown, Mr. Huja and Ms. Szakos thanked staff for their hard work.

Ms. Edwards asked Mr. Jones for a reassessment of our tree canopy. She asked staff to list the top three things citizens should do to prepare for emergency situations. Chief Warner said you must know what you will need to survive without power, have a plan to communicate with family members, and designate an alternate safe place. Mr. Jones thanked residents who banded together throughout the community.

Mr. Norris asked if Charlottesville has a fragile power system, because citizens have observed that power outages seem to be common. Ms. Mueller said Public Works is sensitive to that perception, and they are planning to discuss it with Dominion. She said Dominion helped greatly during the storms.

REPORT/ORDINANCE: AMENDMENT TO DRIVEWAY REGULATIONS

Mr. Rogers presented to Council on the proposed amendments to driveway regulations. The proposal was initiated by property owners whose new driveway does not pass code. The request was brought to the planning commission in May 2010, and they voted unanimously to recommend denial of the proposed text amendment.

Mr. Norris asked if this would go back for further revision to the planning commission, or if it would be denied. Mr. Rogers said it would be denied. Mr. Norris asked what the effect on the owner would be. Mr. Rogers said he would receive notice of noncompliance. Mr. Norris asked if they could appeal. Mr. Rogers said they could.

Mr. Huja and Ms. Szakos voiced support for denying the ordinance.

On motion by Mr. Huja, seconded by Dr. Brown, Council approved the recommendation for denial by the Planning Commission. (Ayes: Dr. Brown, Ms. Edwards, Mr. Norris, Ms. Szakos, Mr. Huja. Noes: None.)

OTHER BUSINESS: RFP for Dredging

Mr. Jones updated Council on outstanding water supply issues. The Rivanna board agreed that we would send a letter with questions from the four boards and request an expedited response. If the four boards are comfortable with the responses, they may waive a meeting with DEQ. If a meeting is scheduled, they will be invited to come to Charlottesville for a meeting and discussion open to the public.

We are moving forward with a final design for the earthen dam, which the Albemarle County Service Authority has agreed to pay for the next month's worth of work for the final design for the earthen dam. Executive Director Mr. O'Connell will bring a motion to his board to discuss paying for the entire costs of the final design of the dam at their meeting on October 21.

Rivanna tabled the discussion on who will be responsible for obtaining the dredging RFP. There is concern that whoever is responsible for the RFP would be in charge of managing the dredging project.

We are in negotiations with the County Service Authority to develop a framework for our negotiations when it comes to cost allocations.

Mr. Norris thanked Mr. Jones for the summary. He identified key questions concerning who would manage the process of obtaining an RFP for dredging, how we can ensure the interests of the city are safeguarded, and what provisions we should implement throughout the process, particularly with respect to a review of the Black and Veatch study.

Ms. Szakos said it is worth giving up autonomy in order to make the decision part of a larger plan. Mr. Norris said a review committee might be a good process to ensure transparency. Dr. Brown was not in favor, but deferred to Council. Ms. Szakos said she would not object if the Rivanna Board wants to form a committee, but it should not be a condition. Mr. Huja said City staff must be involved in the process. Ms. Edwards said City staff should be involved, but she is concerned that staff may not have the resources or professional expertise to be able to do this effectively. She said a review committee could provide technical expertise. She reiterated that she is confident in staff, but is concerned that they would not feel well-supported in this endeavor. Mr. Jones said he does not question staff's capability either, but we do not have the expertise in developing a comprehensive RFP for dredging, and neither does Rivanna. We need to contract with HDR to provide that expertise.

Mr. Norris said accountability and transparency are important so no one can question the legitimacy of this process.

OTHER BUSINESS: Temporary Opening of the Meadowcreek Parkway

Mr. Norris said one of the conditions of the easement Council agreed to in June 2008, which was specific to city-owned property in Albemarle County, says no portion of the Meadowcreek Parkway should open until the entire project has been completed. VDOT has planned for a temporary opening lasting approximately six weeks to ensure a safe work zone for construction workers and to make sure traffic has safe access around the construction zone.

Mr. Norris said Mr. Kleeman and Ms. Hall raised an important point, as the ordinance from June 2008 seems quite clear on this point. It is unclear how VDOT is moving forward with a temporary opening, as the ordinance does not provide for this. Mr. Norris said Council did not intend for the conditions in the June 2008 ordinance to necessarily prohibit a temporary opening for reasons of public safety. This was not a decision made informally or without public action. Mr. Huja asked for Mr. Brown to share his response to the situation. Mr. Brown said he did not remember a temporary opening coming to the attention of city staff until spring of 2009.

Dr. Brown asked Council if they wished to affirm their intention that the ordinance would not prohibit a temporary opening. Ms. Szakos agreed, emphasizing that the language “as planned by VDOT for reasons of public safety” should be included.

Ms. Edwards asked Mr. Brown to define “temporary”. Mr. Brown said he anticipated the period to last for about six weeks. He confirmed that VDOT will close the parkway after the temporary opening and has no plans to reopen until the parkway is complete. Mr. Norris clarified that this would not create an argument for a permanent opening with VDOT. Mr. Brown said that it would not create a precedent, regardless of whether or not VDOT comes back to ask for a permanent opening. Ms. Edwards requested that Council include the wording “for the sole purpose of the reconstruction on East Rio Road”.

On motion by Dr. Brown, seconded by Ms. Szakos, Council voted unanimously to affirm that the ordinance was not intended to prohibit a temporary opening (Ayes: Dr. Brown, Ms. Edwards, Mr. Norris, Ms. Szakos, Mr. Huja; Noes: none).

OTHER BUSINESS: Tree Planting

Dr. Brown suggested that the City may wish to provide monetary support for people who want to replant trees lost in the microburst storms. He asked staff to look into offering matching funds. He also asked for recommendations on which trees to plant. Ms. Edwards said this is a good opportunity to explore the Tree Commission. Mr. Jones noted that it is on the agenda for October 18th.

MATTERS BY THE PUBLIC

Mr. Peter Kleeman, 407 Hedge St., thanked Council for their discussion about the Meadowcreek Parkway. He said he does not believe the appropriate process has been followed adequately. He urged Council to follow the city code to make this change.

They should have to pass a new ordinance to amend an ordinance so the public can be involved. VDOT does not address the safety concern of traffic dumping out onto Melbourne Road.

Ms. Colette Hall, 101 Robertson Ln., agreed with Mr. Kleeman. She said Council should follow the process. She said it is important that the dredging RFP be done correctly and by experts. She said the tree canopy needs to be replanted, and said Mr. Hughes put together a multipage directory on tree planting.

Ms. Betty Mooney, 201 Sunset Ave., said Council needs to obtain the best information possible for dredging.

Ms. Liz Palmer, 2958 Meechum Banks Dr., said the 2004 study does not vary wildly from the HDR study. She said Council must clarify what they are asking RWSA to address in the RFP.

Ms. DeDe Smith, 2652 Jefferson Park Circle, said it is not best practice to plant a large tree. Planting small ones causes less devastation to the root ball. She thanked Council for proceeding with the RFP. She encouraged oversight and asked them to honor their fiduciary responsibility to protect assets.

Ms. Rebecca Quinn, 104 4th St. NE, said Council should solicit an RFP with a number of options in it, priced separately. The proposal could explore the costs of all parts, but partition them into separate pieces of pricing. She asked Council not to make a decision that precludes flexibility in the future.

Mr. James Nix, 2402 Kerry Lane said DEQ does not set the demand, the localities do. However, their methodology has to be scrutinized by DEQ. DEQ cannot help to modify the permit based on lower demand if there is not a way to enforce conservation methods. Dredging estimates do not vary wildly. He requested that newly planted trees are native species.

COUNCIL RESPOSES TO MATTERS BY THE PUBLIC

Mr. Norris said the notion that adjusting the permit will force people to buy low flow permits is not an accurate statement.

The meeting was adjourned.

President

Clerk