

COUNCIL CHAMBER – November 15, 2010

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

ANNOUNCEMENTS

Mr. Norris announced the Charlottesville website (www.charlottesville.org) has a new look. The city is accepting applications for our Neighborhood Leadership Institute (NLI), where city residents can learn about city government. The deadline for applying is December 21. Call 970-3182 for more information. A community meeting regarding improvements about to take place on the Belmont Bridge is on November 30 at 6:00 p.m. in CitySpace. Please come downtown and participate in A Virginia Gingerbread Christmas, hosted by the Downtown Business Association. Visit the website (www.viriniagerbreadchristmas.com) for more information.

PUBLIC

Mr. Paul Long, 1410 Grady Ave., said there has been an increase in the homeless population, and it is not being adequately served by organizations. He suggested Council appropriate \$2 million to provide additional services to the homeless population.

Mr. David Steinberg, 2050 Polo Grounds Rd., said driving and driving dollars are not solutions to problems. He said the interchange should not be built because it is representative of an archaic notion. Council should be custodians of a walking city.

Mr. Richard Statman, 116 Olinda Dr., commended Council for being truth seekers in looking for answers to the cost of our water supply. He thanked them for their responsible support of dredging and phasing in a water plan. He asked Council to resolve the water issue in a responsible and transparent fashion.

Ms. Naomi Roberts, 1140 St. Clair Ave., said the intersection at Michie Dr. near K-mart is hazardous. She asked Council not to spend any of the surplus money and asked them not to raise taxes. She recounted two incidents with bicycle near-accidents and said training should be mandated for all bicyclists. She said the Community tree should be called a Christmas tree.

Ms. Colette Hall, 101 Robertson Ln., spoke on agenda item number five regarding the TMDL update. On October 7, 2010, she attended a presentation at the Virginia Department of Conservation on the Chesapeake Bay model. She said the model should not be used to determine costs to localities of their share of bay cleanup.

Mr. John Cruickshank, 324 Parkway St., said he represented the Piedmont Sierra Club and asked Council to respect the integrity of McIntire Park. The highway will encourage 24,000 cars to drive through McIntire Park daily. He supports a bicycle path and increased access to the path. He asked Council not to sign the MOA for McIntire

Road Extended, and requested they compose comments to the ARMY Corps of Engineers to ensure the least damage possible is done to the park. Replacement park land is inadequate.

Mr. James Nix, 2402 Kerry Ln., said both sides are willing to compromise on the city water supply plan. The only major issue is the initial height of the new/expanded dam to be built at Ragged Mountain. He thanked Council for their continued support of the McIntire Recycle Center. He asked for reinstatement of disposal of batteries and CFLs.

Mr. Daniel Bluestone, 501 Park Hill, said he rode his bike on Meadowcreek Parkway and ran into sand and foliage, ran over construction debris, and got two flat tires. VDOT's parkspace is inadequate. Parkspace is not just green space on a map. Roads should be closed during certain hours of the day and certain days of the week. Transportation management should be part of the MOA.

Ms. Joan Fenton, 3705 Country Ln., said she was disappointed by the lack of response from Mr. Jones and Council regarding issues concerning café ordinances. No one has responded except for Ms. Edwards. She said she pays the same taxes as other downtown mall business owners but cannot get café space. She asked Council to lower taxes or allow the business to have café space.

Mr. Peter Kleeman, 407 Hedge St., showed Council a map assembled from the ARMY Corps of Engineers. What are claimed to be mitigations of damages open up new damages from other sections of the park that have been ignored because of segmentation. Citizens should be allowed to participate in another open hearing before the signing of the MOA. There has not been one since 1999.

Mr. Bob Fenwick, 901 E. Jefferson St., said in regards to the city water plan, conservation is not a one-time thing. American Standard will have a tractor trailer come through on Wednesday, November 24 from 7am-2pm to show all the latest in water saving technologies. Water conservation is an ongoing effort that will get better and better and have a big impact on the water supply plan.

Ms. DeDe Smith, 2652 Jefferson Park Circle, said on September 20th Council came up with a compromised water supply plan that satisfied a lot of what city residents have been asking for. Said the composition of the Four Boards is not fair. The City is outgunned. The Four Boards have been given a lot of credence by press. She asked Council to level the playing field and create a city-based citizen group that can sit at the table when the Four Boards meet.

Ms. Carol Singleton, Carlton Rd., said she came to Charlottesville in 2009. She asked why the City does not supply an emergency city bus pass for people who want to go to a job interview.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Szakos said PACEM does do housing for folks in the wintertime. There is still need, but there are resources. She drove Michie Dr. and agreed that it was a tough place to exit. She said she was sorry Ms. Fenton felt that Council was unresponsive; that is not usually a complaint Council hears.

Mr. Norris gave Mr. Jones a chance to clear the record regarding Ms. Fenton. Mr. Jones said that Mr. Jim Tolbert was sent to explain to her the background on our policy. It was not a lack of response; rather, it was not the response Ms. Fenton was hoping for. Council has been asked if they are interested in changing the policy on café ordinances, and they said no.

Dr. Brown apologized to Ms. Fenton for not replying, but said it is a complicated issue. He said Ms. DeDe Smith had a creative idea to form a new group, but it is difficult enough to get things accomplished with four boards. He clarified that nothing happens unless City Council wants to go along with it, so it is not a majority environment in terms of decision making.

Ms. Edwards said she hopes we can provide comprehensive services that include workforce development opportunities to our homeless population. She did drive Michie Dr., and she asked staff to explore what the traffic will look like in light of redevelopment efforts. She asked what the next steps are for bringing closure to Ms. Fenton's concerns.

Mr. Huja said he took someone with the city to look at Michie Dr. As Ms. Szakos mentioned, PACEM is available, and the city is sponsoring an SRO project for the homeless. Construction will begin in the near future.

Mr. Norris thanked Ms. Smith for her idea. He said he wanted to correct the record for Mr. Nix, as the county has dropped its insistence for immediately filling the reservoir to full height. There was no plan to do this to begin with. He appreciated the positive tone of remarks tonight and agreed that we are close to an agreement.

Mr. Jones said we can bring something regarding cafes in December if Council wishes. Mr. Norris said he would like to communicate with the Downtown Business Association first.

Ms. Szakos and Mr. Huja asked staff to look into emergency bus passes. Mr. Jones said they are available through Social Services. Ms. Szakos asked staff to look into expanding the service.

Mr. Norris welcomed BSA Troop 75 to the meeting.

CONSENT AGENDA

Ms. Edwards recused herself of voting on item b because of her employment as Parish Nurse at JABA.

Ms. Szakos recommended that the Civil War Committee include history from all perspectives.

On motion by Ms. Szakos, seconded by Mr. Huja, the following consent agenda items were approved (Ayes: Dr. Brown, Ms. Edwards, Mr. Norris, Ms. Szakos, Mr. Huja. Noes: None., except Ms. Edwards who recused herself from voting on item b.)

- a. Minutes of November 1
- b. APPROPRIATION: \$7,250 – Westhaven Clinic Funding (2nd reading)
- c. APPROPRIATION: \$1,430 – The Karen Roberts Memorial Fund for Girls (2nd reading)
- d. APPROPRIATION: \$87,500 – Second Chance Act Grant (carried over)
- e. APPROPRIATION: \$10,000 – Donation from Dominion Virginia Power for the ecoREMOD Project (carried over)
- f. RESOLUTION: Charlottesville Civil War Sesquicentennial Committee (carried over)
- g. RESOLUTION: Neighborhood Matching Grant Program
- h. RESOLUTION: Complete Streets Resolution
- i. ORDINANCE: Petition to rezone property at 1006 Linden Ave (2nd reading)
- j. ORDINANCE: Petition to rezone property at 110 Summit Street (2nd reading)
- k. ORDINANCE: Abandonment of Stadium Rd. Sewer Easements (2nd reading)

REPORT/RESOLUTION: MCINTIRE ROAD EXTENDED SECTION 106 MOA

Ms. Tucker presented to Council. McIntire Park would be adversely affected within three historic properties (McIntire Park, Rockhill, and the Charlottesville/Albemarle Courthouse historic district). Proposed mitigations include rain gardens, integrating landscaping into existing natural features, installation of signage and photographic documentation of the east side of McIntire Park.

Mr. Norris asked Ms. Tucker to address concerns that this agreement is not ready for signature because proper documentation has not been secured. Ms. Tucker said the joint permit refers to the standard permitting that takes place on an individual project and is not necessarily a joint permit between projects, but rather to coordinate multiple agencies. She assured Council that careful coordination has occurred. Regarding the potential to close the road to traffic on weekends for park usage, she said it was at Council's sole authority and discretion to choose to do that outside of this process.

Mr. Huja asked Ms. Tucker if we have followed all procedures. Ms. Tucker said yes. Ms. Szakos said she was interested in being able to close the parkway on Sundays for recreational use, and it appears there is nothing in the agreement that precludes that.

On motion by Dr. Brown, seconded by Mr. Huja, Council voted to approve the McIntire Road Extended Section 106 MOA (Ayes: Dr. Brown, Mr. Huja, Ms. Szakos; Noes: Mr. Norris, Ms. Edwards). Mr. Norris noted his continued opposition to the project.

Mr. Norris excused himself from the meeting to attend another obligation and handed the gavel to Ms. Edwards.

PUBLIC HEARING/RESOLUTION: OMNI LEASE

Mr. Brown presented to Council.

The public hearing was opened.

Having no speakers, the public hearing was closed.

Ms. Szakos asked about musical entertainment prohibitions and whether or not it would be considered trespassing if someone were on the property. Mr. Brown said the Omni has the right to restrict access to their customers within the leased space, just as the holder of a sidewalk café permit can control access to their area. Ms. Szakos asked if this was consistent with the downtown zoning, and Mr. Brown said yes.

Mr. Huja said he supported the resolution but recused himself from voting for personal reasons. On motion by Ms. Szakos, seconded by Dr. Brown, the Omni Lease resolution passed (Ayes: Ms. Szakos, Dr. Brown, Ms. Edwards. Noes: none. Absent: Mr. Norris).

PUBLIC HEARING/APPROPRIATION: YEAR END ADJUSTMENTS – FY2010 AND GENERAL FUND BALANCE TRANSFER (CARRIED OVER)

Mr. Wray reported to Council and outlined budget overages and shortfalls. The year-end balance is \$3.6 million. Staff is requesting \$1.5 million in resolutions. The remainder may be put into the CIP fund for future programming.

Ms. Szakos recognized the Social Services department, who saved the city money in foster care with an innovative program involved in foster care prevention, which has involved a lot of staff dedication. She said she wants to see a raise for their staff.

The public hearing was opened.

Mr. John Pfaltz, 1503 Rugby Rd., said the surplus is good news. He asked where the money has gone and how it has been spent to benefit the city. He asked what projects have benefitted from the CIP fund.

Mr. Kleeman, 407 Hedge St., said there have been insufficient funds available to address ongoing maintenance problems. Rather than putting money into new projects, put some portion into maintaining projects we already have in place.

Ms. Ann Geddy, City of Charlottesville, said it has been a hard winter and summer for the budget. She spoke of competition between the city and the county.

The public hearing was closed.

Mr. Huja said money for capital projects is important because it includes important infrastructure in the community.

Mr. Jones said we can provide information on where the \$35 million has been spent over the last four to five years. All decisions on funding have come through City Council.

Dr. Brown said budgeting closer to where we are supposed to be would not be a bad thing. We were pretty close this year, though and should not cut it too close. He agreed that putting majority into the CIP fund, where there are more needs is a good thing.

Mr. Jones said we had surpluses on the revenue side in past years, but it was on the expenditure side this year. We should take a close look at trends. We will adjust accordingly if departments are returning money on a regular basis.

Ms. Szakos said we fund infrastructure maintenance out of the CIP fund. We have a lot coming down the pike. We should save for the future.

Ms. Edwards said having as much information available as possible is supportive of the spirit of transparency, and any ideas are welcome.

Ms. Szakos said we are opening the process sooner to citizen participation this year.

Dr. Brown asked to what degree sales tax revenue decreased because of the winter storm. Mr. Wray said there was lost revenue because of the snow, but he was not sure of the amount.

On motion by Dr. Brown, seconded by Mr. Huja, the motion carried (Ayes: Dr. Brown, Mr. Huja, Ms. Szakos, Ms. Edwards. Absent: Mr. Norris.)

REPORT: FISCAL YEAR 2010 BUDGET GUIDELINES AND LONG TERM FINANCIAL FORECAST

Mr. Jones said this is the beginning of the budget process for FY 2012 and introduced Ms. Beauregard to outline the budget process and schedule. Ms. Beauregard walked Council through an introduction of FY 2012. She said the city won the GFOA award for the seventeenth year in a row.

She updated Council on FY 2011 revenues, including real estate tax, personal property tax, sales tax, business/professional/occupational licenses, meals and lodging. She outlined strategies for the remainder of FY 2011 and reviewed the budget process and development guidelines for FY 2010.

She reviewed FY 2012-16 financial forecast assumptions. There is a projected widening of the gap between projected revenues and projected expenses through FY 2016. Staff will work to close the gap when they come to Council with a proposed budget. She reminded Council of the City Council Strategic Vision priorities.

Ms. Beauregard also discussed proposed FY 2012 budget guidelines, which Council will discuss in further detail at their work session on December 2. She highlighted the incorporation of performance measures to assist in making budget decisions.

Mr. Huja asked about the 2% cost of living salary increase. Ms. Beauregard said staff is trying to work this into the budget now.

Dr. Brown asked if schools could expect a small increase in funding, and whether or not personal property tax was driving the increase. Ms. Beauregard said yes.

Ms. Szakos said she appreciates the focus on Council's vision and priorities. It is good to live in a city where that is made a priority. You can see how a lot of the initiatives have tied into Council's vision. She said she has a continuing sense of urgency about the center for lifelong learning. There seems to be less coming down the pipe on this, and she asked if we could focus on it.

Ms. Edwards asked if we can track utility rate changes and determine a forecast over time. Mr. Wray said we normally present this separately. Currently, we are at 5-8% for water and sewer. We try to keep it as low as possible.

Ms. Szakos asked about collecting back taxes for the City. Mr. Jones said the Treasurer's office has become more assertive in making sure back taxes are collected. We have done a good job of trying to recoup back taxes that have been owed. We work with people who cannot pay. Mr. Huja asked for a report on it at a future date.

REPORT: TMDL UPDATE

Mr. Tolbert presented to Council on the Chesapeake Bay TMDL analysis, which showed the impact of pollution from Virginia to New York and bay pollution by river segment. He reviewed the Virginia Watershed Implementation Plan and highlighted concerns with the plan. He reviewed the EPA's response to the Virginia WIP, which says it contains "serious deficiencies". He outlined staff's approach and said the goal is to predict the cost of the Bay TMDL to the City. He outlined potential construction costs of implementation, including per capita costs. He reviewed impacts on development, including the Jefferson School and the Water Street parking lot. This project would present serious costs both to the city and the development community.

Mr. Jones said we are doing everything we can to let people know the impact this will have on localities and reaching out to legislators to make sure they know what our concerns are. This could have a major impact on our budget. We are hoping the state can do more to provide a plan more acceptable to EPA and secure funding, understanding that this is a significant, unfunded mandate to localities across the state of Virginia.

REPORT: CITY'S LEGISLATIVE PACKET

Mr. Harris, Dept. City Attorney., presented the proposed 2011 Legislative programming for the city for advancement at the Richmond General Assembly. The overarching theme this year is to succinctly present a limited number of initiatives and underscore the city's enthusiasm for these initiatives.

Ms. Szakos thanked Mr. Harris for pulling together so many different pieces. Dr. Brown said he would like to include immediate restoration of voting rights to felons. Mr. Huja and Ms. Szakos agreed.

Mr. Huja said there is no reference to transit funding. Mr. Blount said they took it out of the program last year. Mr. Huja asked for it to be reinstated.

Dr. Brown said he was pleased to see the recommendation regarding bike and pedestrian safety.

On motion by Mr. Huja, seconded by Ms. Szakos, the report was approved as amended (Ayes: Ms. Edwards, Ms. Szakos, Mr. Huja, Dr. Brown. Absent: Mr. Norris.)

REPORT: THOMAS JEFFERSON PLANNING DISTRICT LEGISLATIVE PACKET

Mr. David Blount presented to Council on the regional legislative program draft for 2011, which contains a short list of high priority items. He reviewed the extensive process they went through to draft the position. He said this prepares us to be able to offer solid input and positions to the general assembly in January. It addresses the need for fairness, adequate state funding, and the conditions we are opposed to the TMDL.

On motion by Dr. Brown, seconded by Ms. Szakos, the motion to approve the report passed unanimously (Ayes: Dr. Brown, Ms. Szakos, Ms. Edwards, Mr. Huja. Absent: Mr. Norris.)

MATTERS BY THE PUBLIC

Mr. Peter Kleeman, 407 Hedge St., asked about item k from the first meeting in November regarding abandonment of sewer easements. He requested that information be provided on all future abandonments. Mr. Jones said the sewer lines were filled with concrete and have been capped, which will hopefully prevent issues of liability.

Mr. Downing Smith, 810 Locust Ave., encouraged Council not to allow citizen’s communications to drive divisions among Council.

Ms. Colette Hall, 101 Robertson Ln., asked about the progress of selecting the City Manager. Dr. Brown said we should have a new City Manager within a few weeks after getting feedback from community leaders and department heads. Ms. Hall asked why utility bills did not have surveys. Mr. Jones said we will be sure to include them in the next mailing cycle and extend the deadline. Copies will be available at the City Manager’s office. Ms. Hall said a formula that takes water saving efforts into account should be used for billing customers based on the square footage of their roof.

Ms. Naomi Roberts, 1140 St. Clair Ave., thanked Ms. Szakos, Mr. Huja and Ms. Edwards for going to Michie Dr. and asked if they are contemplating what can be done about it. She also thanked Council for their action on bicycle safety.

Mr. Paul Long, 1410 Grady Ave., said the SRO project has not been built yet and is not an answer for people who are out on the street tonight. Reported statistics on the homeless are not accurate.

The meeting was adjourned.

President

Clerk