

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, June 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

SECOND FLOOR CONFERENCE ROOM – June 7, 2010

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

On motion by Dr. Brown, seconded by Ms. Edwards, Council voted (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None) to meet in closed session for consultation with legal counsel regarding the specific legal matter of the negotiation of the terms and conditions of an extension of the Local Government Support Agreement between the City, Albemarle County and the Rivanna Solid Waster Authority, as authorized by Virginia Code sec. 2.2-3711 (A)(7).

On motion by Dr. Brown, seconded by Ms. Edwards, Council certified by the following vote (Ayes: Dr. Brown, Ms. Edwards, 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 – June 7, 2010

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

AWARDS/RECOGNITIONS: CHS CHORAL GROUP RECOGNITION; ROSA ATKINS, SUPERINTENDENT OF THE YEAR

Mr. Norris recognized Dr. Rosa Atkins, Superintendent of the Year. Ms. Atkins thanked Mr. Norris for the honor of recognition. The Charlottesville High School music program won the competition's highest honor for overall achievement. The Nightingales performed *Voicedance* by Craig Jaspers.

ANNOUNCEMENTS

Mr. Huja requested adding a discussion of transit signage to the agenda.

Ms. Edwards said that as the school year comes to a close, City youth will be looking for summer activities and employment. She asked parents to be responsible for their children when they are engaging in their activities. There have been concerns regarding activity on the Downtown Mall. Please let Council know if you have ideas for summer activities.

Mr. Norris announced the event “Juneteenth”, which takes place June 18-19.

PUBLIC

Ms. Kay Slaughter, 1501 Short 18th Street, urged City Council to meet with the Planning Commission about the Steep Slopes Ordinance, which is supposed to protect against rainwater run-off and provide green areas.

Mr. Al Paige, 806 Page St., is a member of the Charlottesville Association of Black Retired Elderly. He is categorically opposed to rate increases in utilities. He said he was insulted when Mr. Huja referred to a group of residents as poor and asked for an apology and his resignation. He said Channel 20 has been taken off Comcast, and he wants access returned.

Mr. Randy Salzmon, 320 11th St. NW, thanked Patricia Napoleon, Chris Gensic and Brian Daly for Second Sundays in McIntire Park. Beginning at noon, the golf side will be closed for a variety of family events.

Mr. James Baldi, 800 Elliott, asked Council to stop delay on the Belmont Noise Ordinance and give firm leadership on the issue. He left copies of correspondence with the Clerk as an example of the deteriorating tone of communication.

Mr. Robert Brandon Smith, IV, 803 Bolling, said other offenders in Belmont may have been ignored because the attention has been focused on Bel Rio. He said Bel Rio offers an important cultural option.

Ms. Rebecca Quinn, 104 4th Street NE, said the City and the County should focus on a solution to the sewer system problem rather than spending time and money to build a dam for a problem we may or may not have in the future.

Ms. Tamyra Turner, 1663 Brandywine Dr., spoke about the Juneteenth event and thanked the City for their continuing support.

Mr. John Shepherd, 112 Village Ct., spoke on the condition of the Shamrock Road sidewalks. Some steps have been taken to improve safety, but they are still dangerous. He asked Council to focus in particular on the section of the north side

between Thomas Pride and the railroad crossing. He said the presidents of the Fry Springs and Johnson Village neighborhood associations have sent a letter to the Planning Commission requesting this area be added to the priority list.

Mr. Ben Greenberg, 704 Grove Ave., urged support passing the predatory lending resolution and was pleased it addressed all predatory lending, not just payday loans.

Ms. Shirley Shotwell, 228 Douglas Avenue, said she has called the police several times because of the music and noise in Belmont. Bel Rio is not the only problem. She urged Council to take action.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Mr. Huja said he agreed with Ms. Slaughter's comments and believes it is important to protect slopes. He said he was surprised Mr. Paige was offended, and he apologized if something he said was inappropriate.

Ms. Szakos said she supports the urge to act on Belmont by citizens. She would be pleased to meet with Planning Commission on steep slopes. She will check into Channel 20 Trinity broadcasting. She plans to attend the Juneteenth event.

Ms. Edwards thought Ms. Slaughter's request was reasonable, and there are many opportunities to meet with the Planning Commissions. We may integrate some of Mr. Shepherd's concerns over sidewalks in an appropriate way. Channel 20 has been part of the tradition of the Christian community of our network, and people should have access to that. She appreciated Mr. Page voicing his concern and hoped that the members of his organization can take time to celebrate Juneteenth and participate in this wonderful program.

Dr. Brown said he agreed with everything the other Councilors have said.

Mr. Norris referenced Ms. Quinn's concern about increased utility fees to fund a water supply solution that we may not need and clarified that no decision has been made about the water supply solution. Regardless of the solution, there will be implementation costs involved. There has not been a decision to increase water rates to pay for any solutions. We look forward to a healthy debate about this topic in the coming months.

CONSENT AGENDA

Ms. Edwards commented on the Ordinance regarding new utility rates and service fees. She said there are too many questions and a lot of decisions have not been made. She does not agree with the increase.

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

- a. Minutes of May 17
- b. **APPROPRIATION** \$52,031 – New Transit Facility / Rainwater Harvest Grant
(2nd reading)
- c. **APPROPRIATION** \$1,999,244 - New Fire Trucks and Related Equipment
Purchase (carried over)
- d. **APPROPRIATION** \$375.07 - Travel Reimbursement from the Virginia
Building Code Officials Association
- e. **APPROPRIATION** \$77,100 – Reprogramming of CDBH and HOME Funds
(carried over)
- f. **APPROPRIATION** Workforce Development Programs Carryover Funding
- g. **RESOLUTION** Creation of City Community Policy Management Team
- h. **RESOLUTION** Amendment of Fire Services Agreement with Albemarle
County
- i. **RESOLUTION** Amendment to CDBG and HOME Annual Action Plans
- j. **RESOLUTION** Resolution Identifying the Local Energy Alliance Program
(LEAP) as the Community partner to the Southeast
Community Retrofit Ramp-Up Consortium
- k. **RESOLUTION** Contribution to Charlottesville Civic Action 2010 - \$550
- l. **RESOLUTION** Predatory Lending
- m. **RESOLUTION** Permit Parking 700 Block of Farish St.
- n. **RESOLUTION** Approval of \$50,000 match commitment for Promise
Neighborhood Grant
- o. **ORDINANCE** AN ORDINANCE AMENDING AND REORDAINING
SECTIONS 34-164 AND 34-822 OF CHAPTER 34 (ZONING) OF THE
CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED, RELATING TO
LENGTH OF TIME A SPECIAL USE PERMIT AND PRELIMINARY SITE PLAN
MAY REMAIN VALID. (2nd reading)

- p. **ORDINANCE** AN ORDINANCE TO QUITCLAIM NATURAL GAS LINE EASEMENT LOCATED ACROSS INNOVATION DRIVE AT ITS INTERSECTION WITH AIRPORT ROAD IN ALBEMARLE COUNTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION. (2nd reading)
- q. **ORDINANCE** AN ORDINANCE AMENDING AND REORDAINING SECTION 15-210 OF ARTICLE V OF CHAPTER 15 (MOTOR VEHICLES) OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED, INCREASING THE NUMBER OF RESTRICTED PARKING PERMITS ALLOWED FOR 510 VALLEY ROAD. (2nd reading)
- r. **ORDINANCE** AN ORDINANCE AMENDING AND REORDAINING CHAPTER 31 (UTILITIES) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES FOR CITY GAS, WATER AND SANITARY SEWER. (2nd reading)
- s. **ORDINANCE** AN ORDINANCE TO ESTABLISH A GRANT PROGRAM TO PROMOTE AND PRESERVE HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME PERSONS WITHIN THE CITY OF CHARLOTTESVILLE. (carried over)
- t. **ORDINANCE** AN ORDINANCE TO AMEND AND REORDAIN SECTION 34-420 (Use matrix – Residential zoning districts.) OF ARTICLE III (Residential Zoning Districts) OF CHAPTER 34 (ZONING) TO REVISE AND ADJUST CERTAIN LAND USES ALLOWED IN RESIDENTIAL DISTRICTS. (carried over)
- u. **ORDINANCE** BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA IN RE: PETITION FOR REZONING (City Application No. ZM-09-09-20) STATEMENT OF FINAL PROFFER CONDITIONS FOR THE REZONING OF A PORTION OF 834 PROSPECT AVENUE. (carried over)
- v. **ORDINANCE** ORDINANCE AMENDING AND REORDAINING SECTION 15-204 OF ARTICLE V OF CHAPTER 15 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, EXPANDING PERMIT PARKING ZONE 7. (carried over)
- w. **ORDINANCE** AN ORDINANCE TO AMEND AND REORDAIN SECTION 34-618 AND SECTION 34-638 OF ARTICLE VI (MIXED-USE CORRIDOR DISTRICTS) OF CHAPTER 34 (ZONING) OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED, TO REDUCE THE MINIMUM STREETWALL HEIGHT IN THE WEST MAIN NORTH (WMN) AND WEST MAIN SOUTH (WMS) CORRIDOR DISTRICTS. (carried over)

**PUBLIC HEARING/RESOLUTION: VIRGINIA RESOURCES AUTHORITY
(VRA) LOAN FUNDING RESOLUTION**

Ms. Krisy Hammill presented to Council.

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

On motion by Mr. Huja, seconded by Mr. Huja, the resolution entitled “A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED SEVEN MILLION DOLLARS (\$7,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATIONS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, IN THE FORM OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CAPITAL IMPROVEMENT PROJECTS OF AND FOR THE CITY, INCLUDING, WITHOUT LIMITATION, SEWER REHABILITATION PROJECTS AND OTHER CAPITAL IMPROVEMENTS TO THE WASTEWATER TREATMENT AND SANITARY SEWER SYSTEM OWNED AND OPERATED BY SUCH CITY; APPROVING THE FORM OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER OR ACTING CITY MANAGER AUTHORITY TO APPROVE CERTAIN DETAILS OF SUCH BONDS; APPOINTING THE DIRECTOR OF FINANCE AS REGISTRAR AND PAYING AGENT FOR SUCH BONDS; PROVIDING FOR THE ISSUANCE OF SUCH BONDS TO THE VIRGINIA RESOURCES AUTHORITY, AS ADMINISTRATOR OF THE VIRGINIA WATER FACILITIES REVOLVING FUND, TO EVIDENCE THE BORROWING TO BE MADE BY SUCH CITY FROM SUCH FUND PURSUANT TO A FINANCING AGREEMENT BY AND BETWEEN SUCH AUTHORITY AND SUCH CITY; AND AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH FINANCING AGREEMENT AND THE TAX COMPLIANCE AGREEMENT REFERRED TO THEREIN” was approved by the following vote. Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None.

**REPORT/RESOLUTION: CARL “CHUBBY” PROFFITT, JR. RESOLUTION
(RENAMING OF FIELD AT MCINTIRE PARK)**

Mr. Tolbert reported on a request to honor one of our citizen heroes. Staff has done a great deal of research and proposed to name the Athletic Fields at McIntire Park in honor of Carl D. “Chubby” Proffitt, Jr.

Mr. Huja supported the resolution. Ms. Szakos thanked staff for working to find the appropriate place. She thanked former Councilor Julian Taliaferro and thanked Mr. Proffitt for his service.

On motion by Ms. Edwards and seconded by Mr. Huja, the resolution was approved by the following vote. Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None.

Mr. Proffitt thanked Council. Mr. Proffitt's grandson thanked Mr. Bob Brugh.

REPORT: BELMONT NOISE UPDATE

Ms. Sheryl Sandridge presented on behalf of the Police Department. The report covered March, April, and May 2010. This is the first quarterly review since Council passed the noise ordinance. Over a 93 day time period, police were called 24 times on 21 nights. Of 15 different readings, the total average was 58 decibels. There was one violation of 75 decibels, one reading of 65 decibels, and the remainder of the readings were below 65. On the evening of June 6, officers took series of readings for ambient noise, which was in the 40 decibel range. The total average was about five decibels lower than in February.

Dr. Brown asked about the nature of the complaints.

Ms. Szakos said she noticed the trend that the readings are louder every time. Bel Rio has worked to do structural work to reduce noise, but it does not seem to have an impact on readings. Ms. Sandridge said Bel Rio ordered a noise meter to take readings inside and outside. The overall average has dropped by about five decibels.

Mr. Huja said he continues to be concerned about the noise in the Belmont neighborhood. He said Council should lower the volume and reduce the decibel level from 65 to 55.

Mr. Norris asked about the different ways of measuring sound, particularly the scale that more accurately measures bass. Ms. Sandridge reported that the setting we use measures the largest range of noise. It may not measure bass accurately, but using the c weighting on the noise meters is not appropriate because it is used for measuring noise reduction in hearing protectors and for other scientific purposes. This is a different from what is measured in response to the human ear.

Dr. Brown asked if there have been meetings of the neighborhood associations. Ms. Sandridge said she has been involved with emails from Mr. Fisk. Mr. Fisk said the neighborhood has been trying to establish a plan to help Mr. Baldi, owner of Bel Rio, mitigate sound. They are meeting again on June 11th.

Ms. Szakos asked why this has not happened earlier. Mr. Fisk said the neighborhood association is waiting for installation of the drapes and personal volunteer hours. The neighborhood association was invited to come to the restaurant, and a number of complainants decided not to attend.

Dr. Brown asked Mr. Baldi to enumerate the measures he has taken to date. Mr. Baldi said at Chief Longo's recommendation, he built vestibules in the front and insulated the kitchen windows and the back door. He put drapes in front of the windows and in front of the brick. Drapes were installed at the end of April.

Mr. Huja asked Mr. Baldi to work with neighbors. Mr. Baldi said there has been a significant lack of attendance from the most frequent complainants.

Ms. Szakos said the neighbors do not need to create a solution. Mr. Baldi is obligated to fix this as the business owner.

Dr. Brown is disappointed that there has not been a more concerted effort to be a good neighbor, especially compared to the Downtown Pavilion, who is very strict about what noise they allow at a soundboard. He said that Bel Rio has not made an attempt to keep people quiet when they are leaving the establishment, and he is disappointed that neighbors do not feel comfortable meeting to create a solution.

Mr. Jones said the City can provide some assistance to arrange a meeting and try to bring the neighborhood together after the June 11th meeting.

Mr. Norris said he liked Mr. Fisk's idea of getting the Business Association together and having them contribute towards security measures. Mr. Baldi said his business is not the only offender.

Ms. Edwards said there are other neighborhoods that deal with noise issues ranging from gun shots, to sirens, to helicopters. The opportunity to own a business is a privilege. She said she is willing to discuss lowering the decibel limit to 55 as a way of coming to terms with the conflict. There is a cool urban feel in Belmont, but not when it begins to disrupt resident's lives. She is disappointed there is animosity. No ordinance can take that away.

Mr. Baldi said he does not have animosity towards the residents but is disappointed that they are dragging it out in front of Council.

Mr. Huja encouraged complaining residents to take part in this process and help form a plan.

Mr. Norris said the noise has been reduced, and steps are being taken to address other issues of crowd control late at night with all businesses, not just Bel Rio. The direction still stands – the neighborhood needs to work together for a solution. He encouraged the effort on both sides to come together.

REPORT: AZALEA PARK MASTER PLAN

Mr. Brian Daly and Mr. Chris Gensic presented to Council. This is the culmination of the park's master planning process. Neighbors want the park to stay the

same scale, be well maintained, and remain secure during their visit. No new major attractions that would lead to more traffic were added to the park.

Mr. Gensic said reported on their work with the Fry Springs Neighborhood Association. He has a strong consensus on what changes are taking place.

Mr. Daly said we can do a number of improvements in house and with our own staff using existing funding arrangements. Some can be made with current capital program.

Mr. Huja said the process has been very satisfactory.

Dr. Brown asked about bicycle access. Mr. Gensic said a trail will be done later this month.

Mr. Norris commended them for their responsiveness and level of community engagement.

Council supported the plan unanimously.

OTHER BUSINESS: TRANSIT SINAGE

Mr. Huja announced a new sign package for the Charlottesville Area Transit (CAT) system. He asked Council to adopt the new sign so they can print them on City busses.

On motion by Mr. Huja and seconded by Ms. Szakos, Council voted unanimously to adopt the new signage.

PUBLIC

Mr. Peter Kleeman, 407 Hedge St., said the water features on the Downtown Mall are very important to him. The main fountain was not running this past weekend. He also thanked the City for their swift response to his report of dangerous brick conditions in the crosswalk at E. Jefferson and Park St.

Mr. Jones said the fountain on the Downtown Mall was out as a result of the recent power outage. The City is working on technical issues and will get it resolved quickly.

The meeting was adjourned.