

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, July 19, 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 – July 19, 2010

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

On motion by Ms. Szakos, seconded by Mr. Huja, Council voted (Ayes: Ms. Edwards, 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 concerning the granting of economic incentives for the location of a prospective business in the City, where no previous announcement has been made of the business' interest in locating its facility in the City

On motion by Ms. Szakos, seconded by Mr. Huja, Council certified by the following vote (Ayes: 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 – July 19, 2010

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

AWARDS/RECOGNITIONS: STATE CFO RECOGNITION, ARMY BIRTHDAY CELEBRATION RECOGNITION

Mr. Watts thanked Council and previous Council for setting excellent financial policies.

ANNOUNCEMENTS

Ms. Szakos lauded the staff of the City Manager's office and Communications office, who did an amazing job of recognizing Besancon choir last week. She announced the first in a series of Town Hall meetings to be held throughout the city this summer and fall. The first meeting will take place at Tonsler Park on Cherry Avenue, Thursday, August 12, from 6:00 p.m. until 8:00 p.m. Dinner, activities for all ages, and childcare services will be provided. Future dates and locations will be announced as they are designated. You may call 970-3129 if you have any questions about this meeting.

Mr. Norris announced the Convention and Visitors Bureau's new website, which promotes local activities (www.mybackyardvacation.org). He announced the travelling literacy scroll in support of adult literacy. Friday, a delegation from our sister city Winneba, Ghana is arriving in conjunction with the African American Arts festival. The delegation will be at our next City Council meeting.

Ms. Edwards said parents should have received the results of SOL scores for their children. If you have trouble understanding the score sheet, call your child's principal. You can register with the school to retake the SOL in late July.

Mr. Huja announced the Municipal Band's upcoming performance at the Paramount theatre.

Mr. Norris made a motion to postpone discussion of the Belmont Noise Ordinance, particularly because Dr. Brown was not present. Council voted, (Ayes: Mr. Norris. Noes: Ms. Edwards, Mr. Huja, Ms. Szakos), and the motion did not carry.

PUBLIC

Ms. Rebecca Quinn, 104 4th St., was a representative on the committee that selected the dredging consultant. She said that now that Council knows critical elements, the next step is to develop a Request for Proposal. The City should take the lead on this. As soon as dredging starts, supply increases.

Ms. Martha Levering, 712 Grove Ave., said she supports the approved community water supply plan. Repairing the old dam will cost as much as building a new one. She requested that Council authorize engineers to begin design of an earthen dam at Ragged Mountain Dam.

Ms. Meghan Keith-Hynes, 604 Belmont Ave., said she represents the Charlottesville Goat Justice League, and proposes a change in the code allowing citizens to keep up to three goats on their property. She proposed basing the code on that of Seattle. The Charlottesville City Code is antiquated and needs to be updated to reflect Charlottesville's views on sustainability.

Mr. Thomas Rahal, owner of Mas, said Council needs to be reminded of their duty to promote sustainable harmony, diversity and innovation. Landlords have failed to control their tenants. He asked Council to reduce the noise ordinance to 55 dbs after 11pm.

Ms. Janet Hatcher, 431 Monticello Rd., said she lives adjacent to Bel Rio. She said there are residential homes in Belmont that border commercial businesses on all sides. Many assume only the elderly are bothered by the noise, and this is not true. Resident's objections are not anti-business. Other restaurants have been able to show respect. Problems with Bel Rio has caused deterioration of the neighborhood resulting in loss of property value. She requested that Council vote to lower the decibel level to 55 and put a time limitation on playing music.

Ms. Shirley Shotwell, 228 Douglas Ave., asked Council to reduce the noise ordinance to 55, restrict alcohol, and restrict business hours.

Mr. Jesse Fiske, 800 Elliot Ave., is the President of the Belmont Neighborhood Association. He said he wants to examine the means by which neighborhood associations can get a leg up in organizing. Associations do not have a budget for flyers, web maintenance, etc. He asked Council to make it easier for neighborhoods to organize themselves.

Ms. Colette Hall, 101 Robertson Ln., said that RWSA uses a computer program to determine if the area is in a drought. She requested that the City announce that outdoor water use should be curtailed and recommend installing rain barrels to citizens. She said the time for dredging the South Fork Rivanna Reservoir is now. Ms. Mueller said RSWA contract will expire June 30, and that we need a six month extension to keep it alive. Ms. Hall recommended that the city end their support of RWSA.

Ms. Annette Wilcox, 1400 Monticello Rd., said a peaceful neighborhood is very important, and children should not be allowed to play with fireworks.

Ms. Liz Palmer, 2958 Mechum Banks Dr., urged Council not to reduce the height of the new Ragged Mountain Dam. It is important for river health to mimic natural stream flow fluctuations. Evidence from Nature Conservancy says removing river flow can damage quality. We should limit withdrawals to 20% or less.

Ms. Helen Flamini, 4341 Carr Ridge, President and Founder of McIntire Botanical Garden, asked Council to move forward on their master plan for the east side of the park. The McIntire Botanical Garden has formed a 501 (c)(3) and can provide long term financial sustainability. Potential donors are waiting for Council to move forward with approval before giving.

Mr. Bob Fenwick, 901 E. Jefferson St., said water conservation is not an anomaly or a one-time occurrence. It is in building code and architectural standards. It is taken into consideration when considering development projects and is an integral part of

citizen organizations. Although an increase was predicted, community water consumption actually decreased.

Mr. John Gaines, 214 9th St NW, spoke about the noise ordinance and requested Council review the ordinance that deals with fireworks. He said fireworks ordinances are not being enforced. Enforcing the snow removal ordinance is too burdensome on police officers. He asked Council to lobby state legislators to restore voting rights to nonviolent felons.

Mr. Ed Housely, 832 Monticello Rd., said Council can resolve the noise ordinance issue by addressing it now, especially since Bel Rio has closed.

Ms. Julia Williams, 751 Belmont Ave., said she was concerned over the zoning change for neighborhood zones because it defines music halls as halls that charge fees. There may be restrictions as to what outdoor restaurant facilities can do when they do not fall into the category of a music hall.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Szakos said she was delighted by the idea of small goats living in yards in Charlottesville. She voiced support for anything that promotes local food and does not disturb neighbors. She joined Mr. Gaines in his request to put restoration of rights on Council's wish list. She said the state has a Neanderthal view of restitution. She reiterated her position on the noise ordinance.

Mr. Huja said rights of felons should be restored.

Ms. Edwards agreed with Ms. Palmer that we are not clairvoyant on water supply, and she appreciated studies that have been done. She asked about the history of the goat ordinance in Seattle. She said restoring rights for felons is important. Housing opportunities and employment opportunities should be part of the package so we can welcome these individuals back into our community.

Mr. Norris asked staff to define a draught and report on what triggers water restrictions. Mr. Frederick reported that staff prepared a comprehensive drought response plan. They ran a test on July 9, and we were within three percentage points from triggering water conserving measures. All three organizations recognize that we need an objective technical process that is not based on public opinion. Mr. Norris said people should still conserve water. He asked for an update on plans for McIntire Park. He agreed that we should restore felon rights. He agreed with Mr. Fiske that we should strengthen community relationships and communication. He said Ms. Williams was correct in that the ordinance we are considering tonight regarding the music hall is more important

On motion by Ms. Edwards, seconded by Mr. Huja, the following individuals were appointed: Robert Stevens, Joy Johnson, and Keith Woodard to the Charlottesville

Development and Housing Authority; Brent Lorenz and Joy Johnson to the MACAA Board; Karen Carpenter to the Retirement Commission; and Tamyra Turner to the PVCC Board. (Ayes: Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None.)

CONSENT AGENDA

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

- a. Minutes of June 21
- b. **APPROPRIATION** \$40,727 – Piedmont Workforce Network American Recovery and Reinvestment Act Youth Employment Program (2nd reading)
- c. **APPROPRIATION** \$10,000 – Metro Planners Conference (2nd reading)
- d. **APPROPRIATION** \$5,000 – Virginia Commission of the Arts Challenge Grant (carried over)
- e. **APPROPRIATION** \$88,522 – FY2011 Friendship Court Sponsorship Agreement (carried over)
- f. **APPROPRIATION** \$15,000 – 2009 State Homeland Security Program Grant (Hazmat) (carried over)
- g. **APPROPRIATION** \$30,000 – Contribution to Stormwater Management Improvements (carried over)
- h. **APPROPRIATION** \$65,000 – CASASTART Truancy Prevention Program (carried over)
- i. **APPROPRIATION** \$316,957 – FY 2011 Transit Grants (carried over)
- j. **RESOLUTION** Acceptance of Riverbluff Circle in the Riverbluff Development
- k. **RESOLUTION** Clean Energy Source (1st of 1 reading)
- l. **RESOLUTION** Appointment to the Blue Ridge Juvenile Detention Commission
- m. **RESOLUTION** Appointment to the CACVB
- n. **RESOLUTION** Rails with Trails

- o. **ORDINANCE** AN ORDINANCE AMENDING AND REORDAINING ARTICLE I (Administration), ARTICLE XI (Mixed Use Corridor Districts), ARTICLE IX (Generally Applicable Regulations) AND ARTICLE X (Definitions) OF CHAPTER 34 (ZONING) OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED, RELATING TO MUSIC HALLS, INCREASED BUFFER REQUIREMENTS IN LOW DENSITY RESIDENTIAL DISTRICTS, AND CHANGES TO THE USE MATRIX FOR MIXED USE DISTRICTS. (2nd reading)
- p. **ORDINANCE** AN ORDINANCE AUTHORIZING THE GRANT OF A UTILITY EASEMENT UNDER EMMET STREET TO THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA. (2nd reading)
- q. **ORDINANCE** AN ORDINANCE AMENDING AND REORDAINING SECTION 28-25 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, 1990, AS AMENDED, RELATING TO THE REMOVAL OF SNOW, SLEET AND ICE FROM SIDEWALKS OR WALKWAYS. (carried over)
- r. **ORDINANCE** AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO CENTRAL TELEPHONE COMPANY OF VIRGINIA DBA CENTURYLINK, ITS SUCCESSORS AND ASSIGNS TO USE THE STREETS AND OTHER PUBLIC PLACES OF THE CITY OF CHARLOTTESVILLE, VIRGINIA FOR ITS POLES, WIRES, CONDUITS, CABLES AND FIXTURES, FOR A PERIOD OF FIVE (5) YEARS. (carried over)
- s. **ORDINANCE** AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO FIBER ROADS, LLC, ITS SUCCESSORS AND ASSIGNS TO USE THE STREETS AND OTHER PUBLIC PLACES OF THE CITY OF CHARLOTTESVILLE, VIRGINIA FOR ITS POLES, WIRES, CONDUITS, CABLES AND FIXTURES, FOR A PERIOD OF FIVE (5) YEARS. (carried over)

Mr. Norris noted that the way your remove snow from your sidewalk is no longer a criminal offense, but a property maintenance offense, enforceable mostly by fines. Pushing snow into the street will remain a criminal offense.

PUBLIC HEARDING/ORDINANCE: CONVEYANCE OF JEFFERSON SCHOOL PROPERTY (1st of 2 readings)

Mr. Jones presented the Conveyance of Jefferson School Property to Council. He recommended moving forward and conveying this piece of property.

The public hearing was opened.

Mr. Martin Burks, Jefferson School Community Partnership, said they have identified a tenant to lease the space. He said they have worked very hard and they have letters of intent. He asked Jefferson School supporters to stand.

The public hearing was closed.

On motion by Mr. Huja, seconded by Ms. Szakos, the Ordinance carried over.

REPORT: CITY MANAGER SEARCH UPDATE

Mr. John Anzavino of Springsted reported on the search for a permanent City Manager for the City of Charlottesville. Springsted is seeking endorsement of community position profiles, which have been developed with a significant amount of citizen input. They reviewed 73 responses to an online survey. They will provide Council with a full report prior to the interview process. They interviewed 18 out of 25 community leaders and are seeking endorsement of the profiles and the salary range, which should be included in the profile description and advertisements. The salary range is \$165,000 - \$190,000, based on the survey. Upon the Council's approval, they will begin a national search. They will then receive resumes for 30-35 days, then bring a report to a work session so that Council may narrow the pool down to around six candidates.

REPORT/ORDINANCE: NOISE ORDINANCE AMENDMENT (1st of 2 readings)

Mr. Tolbert reported to Council on an on-site meeting staff conducted at Bel Rio. The ordinance corrects the fact that this affects restaurants and music halls, and it sets decibel level to 55 after 11:00 p.m.

Mr. Huja said the 65 db level has not worked and should be lowered to 55. It would facilitate neighbors and businesses coexisting.

Ms. Szakos said she is in favor of changing the decibel level and keeping a close eye on the results.

On motion by Mr. Huja, seconded by Ms. Szakos, the motion carried over.

REPORT: DREDGING UPDATE

Ms. Mueller presented an update on the South Fork Rivanna Reservoir dredging feasibility study. Project manager Carey Burch gave a presentation reviewing the advantages and disadvantages of hydraulic dredging. He reviewed cost options and water outputs for various strategies and fielded questions from Council about the process.

Mr. Norris said doing this over a period of years rather than all at once would prevent us from having to build large basins for holding ponds. Mr. Carey said this would not work well because the cost is in building a site and basins, and at that point you need a larger dredge that will fill it as quickly as possible. Mr. Norris said the next steps are to secure Requests for Proposals.

REPORT/APPROPRIATION: \$1,270,000 – FROM WASTEWATER FUND BALANCE TO THE WASTEWATER UTILITY EXPENSE BUDGET (1st of 2 readings)

Mr. Bernard Wray said due to a budget shortfall of \$1,270,000, the city plans to take from the utilities reserve fund to pay the bill.

Ms. Szakos asked if is related to problems with our infrastructure and how we deal with waste water. Mr. Wray said that as we continue to progress with the program, infiltration and inflow amounts will decrease.

Mr. Norris said this is a huge profit for Rivanna. Mr. Wray said that Rivanna has been performing cost-saving measures. Mr. Norris said we have been refunded the money in the past. Mr. Wray said they stopped issuing refunds and instead set up reserves in case they come in under budget. They had a million dollars in reserves as of the last report. There is a better way to structure the billing for waste water, and staff will work with the board over the summer. Mr. Norris asked what would happen if Council voted against the appropriation. Mr. Wray said that would put us in violation of the four-party agreement we have with Rivanna. Mr. Wray and Mr. Brown confirmed that legally, Council does not have a choice. Mr. Wray said if we get the money back with a debt service refund, it will not have any impact. The actual amount is in fact \$1,089,000. On motion by Ms. Szakos, seconded by Ms. Edwards, the motion carries with the new dollar amount.

Ms. Edwards said she wanted to know how the four-party agreement process works. Mr. Wray said it was approved by Council, the Rivanna Board, the Albemarle Board, and the Albemarle service authority. Ms. Edwards said this is a learning opportunity, and we need to discuss the four-party agreement. Mr. Huja and Ms. Szakos said Council wants this review to be expedited.

REPORT/RESOLUTION: LOCAL GOVERNMENT SUPPORT AGREEMENT FOR SOLID WASTE (1st of 1 reading)

Mr. Brown said that Albemarle County and Rivanna entered into an agreement in 2007 to cover their anticipated budget deficits. The agreement provided for proportional funding of the deficit according to population: 30% for city, and 70% for Albemarle County. A request was made to see if there was a more equitable way of making the allocation. The amendment allocates responsibility for Rivanna's deficit based on usage.

Mr. Brown recommended approval with one added sentence:

“After six months, nothing either in the original 2007 agreement or this amendment would be construed as obligating the city to make any further contribution to the RSWA after December 2010.”

Mr. Norris asked how the money we have in hold would be affected by this decision. Ms. Mueller said that is how we would fund the City's portion. This is budget, not actual, so be conservative in what you set aside. The funding is available, so no additional money is needed. Mr. Brown said if it is approved by Council, it would still need to be approved by Country Supervisors and the Rivanna Solid Waste Board. Mr. Norris said Albemarle talked about it, and they seem favorably inclined towards it.

Mr. Norris asked how we can we use these six months wisely. Mr. Brown said it depends on the status of the strategic plan from the 2007 agreement.

On motion by Mr. Huja, seconded by Ms. Edwards, the RESOLUTION ON LOCAL GOVERNMENT SUPPORT AGREEMENT FOR SOLID WASTE was approved with the adopted provision by the following vote: Ayes: Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None.

Mr. Huja said he would like to see that the City decides what we are to do in the near future and not wait six months. Mr. Jones said we will revisit some of these issues in September.

MATTERS BY THE PUBLIC

Ms. Eleanor Biasioli, 622 Evergreen Avenue, reviewed autonomic responses to sleeping through noise and the impact if excess cortisol. She said there are health consequences of the noise ordinance and requested approval of the noise ordinance for Belmont.

Ms. Allison Ruffner, 735 Graves St, said the noise issue is not addressed by the type of music or the type of food. She asked the decibel limit to be set to 55.

Ms. Edith Good, 305 2nd Street, said she lives in a large apartment building and can feel bass.

Mr. Peter Kleeman, 407 Hedge St., spoke on solid waste and recycling. He said he is disappointed in the cutback in service on recyclable products at the McIntire Road facility, especially toxic material products. He said it seems inappropriate that Charlottesville would consider the only option for disposal of these recyclable products is to take them to Fluvanna or Louisa and pay a fee.

Mr. Kevin Lynch, 609 Locust Ave., thanked Council for their leadership in making sure dredging got a serious look on the South Rivanna River. He said the last two items on the agenda show how residents are abused by the status quo. He asked why we extended our contract with Rivanna when the recycling of toxic materials is the only relative service Rivanna provides to the city of Charlottesville. He urged Council to read the four-party agreement to see how the City is getting shortchanged.

Ms. Dede Smith, 2652 Jefferson Park Cir., thanked Council for funding the dredging study. She said the next important step is for the City to put out for bid. She said small bites - an incremental market-based process - would do well for the City.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Mr. Norris said it would be valuable to get input from staff on what an RFP would look like. He agreed that hazardous waste pick up and recycling is valuable and said he will look for a long-term solution for our community.

Ms. Edwards said dredging memos said future actions will include an analysis of whether it is environmentally sound.

The meeting was adjourned.

President

Clerk