

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, July 7, 2014, AT 5:00 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 Rice

SECOND FLOOR CONFERENCE ROOM – July 7, 2014

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

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos; Noes: None), to meet in closed session for (1) consultation with legal counsel regarding the negotiation of the terms and conditions for the acquisition of a public utility easement on McIntire Road, where discussion in an open meeting would adversely affect the City’s negotiating strategy, as authorized by Va. Code sec. 2.2-3711 (A) (3) and (7); and, (2) consultation with legal counsel regarding the settlement of pending litigation involving the acquisition of property along the Rt. 250 Bypass, where discussion in an open meeting would adversely affect the City’s negotiating strategy, as authorized by Va. Code sec. 2.2-3711 (A) (7); and, (3) discussion, consideration and interviews of prospective candidates for appointment to City boards and commissions, as authorized by Va. Code sec. 2.2-3711 (A) (1).

On motion by Ms. Szakos, seconded by Ms. Smith, Council certified by the following vote (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; 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 CHAMBERS – July 7, 2014

CALL TO ORDER

Council met on this date with the following members present: Ms. Smith, Ms. Galvin, Mr. Huja, Ms. Szakos, Mr. Fenwick.

AWARDS/RECOGNITIONS & ANNOUNCEMENTS

Ms. Galvin announced free Shakespeare in the Park is coming to Charlottesville City parks from July 26 through August 17. Go to www.thehamnertheatre.com for more information.

Ms. Galvin announced Charlottesville City Day at the Castleton Festival on July 19, featuring opera, chamber and symphonic music. Use the discount code Charlottesville15 to purchase tickets at a 15% discount. For more information, please contact Mr. Vikram Shankar at vikrams@castletonfestival.org.

Ms. Szakos announced this Saturday at 3:30 p.m. is the Derby Dames meet at the Ice Park. She also announced Sunday Sundowns will continue on July 13 and August 10 at Washington Park Pool from 3:00 – 6:00 p.m. Call 970-3260 for more information.

Ms. Szakos said the community has been shaken by the death of Otis Smith, who was killed over the weekend, as well as the death of Jane Foster, who passed away last week.

Mr. Huja welcomed the young people in the audience.

Mr. Fenwick announced the Parks Garden Program Review on Tuesday, July 8 at 6:00 p.m. at the Carver Recreation Center.

Ms. Smith announced that we recently submitted an application to compete in the Georgetown University Energy Prize competition, a two-year community competition that kicks off January 2015. The winning community wins a \$5 million grand prize. More information on the competition can be found at www.guep.org.

Ms. Smith announced that the "Solarize Charlottesville" program kicked off last week. This initiative brings solar power to Charlottesville homes at special low rates. Anyone who wants to consider going solar can sign up for a free assessment at www.solarizecville.org.

Ms. Smith announced the 2nd Annual Nelson Mandela Day event at the Jefferson School this Saturday at 10:00 a.m.

Mr. Huja said Charlottesville was third in the nation for the National Mayor's Challenge for Water Conservation, and he thanked residents for their participation.

MATTERS BY THE PUBLIC

Rev. Alvin Edwards, 614 Beachwood Dr., said on May 27, the African American Pastor's Council, PHAR, HYPE, and the City of Promise met to discuss how to stop the violence in our community and address the systemic issues that give rise to it. He reviewed the discussion for Council and offered his assistance. Another peace walk is scheduled for this Friday at 7:30 p.m.

Mr. Addison Barnhardt, 1801 Rugby Pl., said he is an applicant for the Planning Commission and reviewed his qualifications. He said it is important to preserve the character of our community as well as being able to adapt to changes.

Mr. David Repass, 227 E. Jefferson St., said we are back to square one on the Belmont Bridge with the question of whether to repair the bridge or build a new one. The City should try to persuade VDOT to use the funding set aside for building a new bridge to instead address all

bridges around the City in need of repair. A pedestrian bridge could exist alongside the repaired bridge.

Mr. Matt Black, 812 Elliot Ave., said Council has been deferred from making a decision on the Belmont Bridge with multiple distractions. He urged Council to focus the debate and move forward with action.

Mr. Pete Carvanis, a local attorney representing *Stay Charlottesville*, said short-term rentals are a viable business for the City, and *Stay Charlottesville* is conducting business responsibly. He said the zoning ordinance does not address this adequately at the moment, and he asked Council to direct the Planning Commission to study this issue further in regards to amending the code to allow this to continue in a responsible manner.

Ms. Rebecca Quinn, 104 4th St., thanked Council for not making decisions on the same night as a public hearing. Waiting to make a decision makes the public feel heard and allows Council the opportunity to listen to the citizens.

Mr. Brian Wimer, 712 Graves St., said they hired an engineer to show how the underpass can be done on a 9% grade, and he distributed drawings. He said the material used to build the bridge can make a huge cost difference. This can be a tourist attraction, and bike and pedestrian-friendly cities attract young people. He said "Eats for Feets" is a program that can use revenue from meals to fund the bridge.

Ms. Amy Gardner, 753 Belmont Ave., said there better economic opportunity with the underpass option, and we should give people who want to walk and bike a viable choice.

Mr. Louis Shultz, 1809 E. Market St., said this is the nineteenth time he has come to Council accusing staff of violating City code and civil rights statutes.

Ms. Nancy Carpenter, County resident, said she is a long-time advocate of safe and affordable housing. She said the eligibility list for The Crossings has been mismanaged, and a pool of individuals that were on a prior list were not transferred over to the new list under the new process. She asked Council to contact CRHA's Executive Director to find out why this occurred.

Ms. Julia Williams, 751 Belmont Ave., said Council should not feel compelled to make a decision on July 21. She said the design process has failed, and you cannot choose something that is already a failure. A steering committee and public opinion is important as we move forward.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Mr. Fenwick said he looks forward to the peace walk on Friday. He said it is important that the citizen process on the Belmont Bridge is respected. This is not a decision that is being postponed; more information is needed. He agreed with Ms. Quinn that Council should have time to consider the results of a public hearing before making a decision.

Ms. Smith thanked Mr. Barnhardt for introducing himself and said we will be doing interviews for the Planning Commission in the coming month. She asked staff for an update on the *Stay Charlottesville* matter. Mr. Jones said this is a zoning issue, and staff will bring this back to City Council later this summer. Ms. Smith asked staff to report back to Council on The Crossings list. She thanked Mr. Wimer for his design profiles. She said the bridge does not have to solve all of the City's biking and walking problems, and we should look at creating more attractive options for getting people across the tracks.

Ms. Szakos also requested a report about The Crossings waiting list. She said it does make sense to wait to make big decisions, but we will not always refrain from voting on the same night as a public hearing if it does not make sense to do so. She said the idea of repairing the Belmont Bridge as opposed to replacing it was a question she asked when she first came onto Council. Both local engineers and the state think a bridge repair would be penny-wise and pound-foolish, and a past Council has already voted on that point. It is not always helpful to revisit the past once a decision has been made. She said the Peace Walk is starting at the 700 block of Prospect Ave. on Friday.

Ms. Galvin gave a brief overview of the history of the Belmont Bridge and said good design and engineering integrates the two; they should not be put at odds with one another. This should be a collaborative project and not a competition. She asked staff to let Council know who is taking care of Steephill Street.

Mr. Jones said the development of a critical response team is an important task, and staff has met with Rev. Edwards and others on how to form such a team. He said they will come back to Council with a formalized approval of the task force, which will operate out of the City Manager's office.

On motion by Ms. Smith, seconded by Ms. Szakos, the following appointments were made to Boards and Commissions: to the CRHA, Lauren Curley, Audrey Oliver and LaTita Talbert; to the CDBG Task Force for the 10th & Page Neighborhood, Taneaia Dowell and John Harbin; to the JABA Board, Tom Vandever; to the PVCC Board, Sean McCord; to the Region Ten Community Services Board, Blake Taylor; to the Rivanna Solid Waste Citizen's Advisory Committee, Emily Kilroy; to the Social Services Advisory Board, Breyette Lorntz and Monica Scott; to the Sister City Commission, Patrick Cory, Terri DiCintio, Babs Fickes, Robert Harllee and Yates Nobles. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

Ms. Szakos added 708 Page Street purchase and an approval of letters to our representatives about local transportation funding to Other Business.

Ms. Galvin requested adding an annual update from the PLACE Design Task Force at an upcoming Council meeting.

Mr. Jones added a discussion on road projects to Other Business.

CONSENT AGENDA

On motion by Ms. Smith, seconded by Ms. Szakos, the consent agenda passed. (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos; Noes: None)

a. Minutes for June 16

b. APPROPRIATION: Appropriating Proceeds of Sale of Portion of 1279 Kenwood to the Parkland Acquisition Account - \$101,850 (carried)

Appropriating Proceeds of Sale of Portion of 1279 Kenwood

c. APPROPRIATION: State Assistance for Spay and Neuter Program at S.P.C.A. - \$994.63 (carried)

State Assistance for Spay and Neuter Program at S.P.C.A.

d. APPROPRIATION: Chesapeake Bay Trust Green Streets, Green Jobs, Green Towns Grant - \$182,035 (carried)

Chesapeake Bay Trust Green Streets, Green Jobs, Green Towns Grant

e. APPROPRIATION: Bama Works Grant - \$5,000 (carried)

Bama Works Grant

f. APPROPRIATION: Reimbursed Expenses for Fontaine Fire Station - \$52,500 (carried)

Reimbursed Expenses for Fontaine Fire Station

g. RESOLUTION: Acceptance of Christa Ct.

Acceptance of Christa Ct.

h. RESOLUTION: Sidewalk Waiver Request for 2006 Pine Top Road

Sidewalk Waiver Request for 2006 Pine Top Road

i. RESOLUTION: Establishment of Permit Parking on the 300 block of 7 ½ St SW

Establishment of Permit Parking on the 300 block of 7 ½ St SW

j. RESOLUTION: Establishment of Permit Parking on the south side of the 1000 Block of Grady Ave between 10th St NW and 10 ½ St NW

Establishment of Permit Parking on the south side of the 1000 Block of Grady Ave

- k. ORDINANCE: Second Extension of Cable Television Franchise Agreement (2nd reading)**

Second Extension of Cable Television Franchise Agreement

- l. ORDINANCE: Lumos Networks Telecommunications Franchise Renewal (carried)**

Lumos Networks Telecommunications Franchise Renewal

RESOLUTION: SIDEWALK WAIVER REQUEST FOR 1659 CAMBRIDGE CIRCLE

Sidewalk Waiver Request for 1659 Cambridge Circle

Mr. Haluska presented to Council. The applicant requested a sidewalk waiver for their property, and staff disagreed with the applicant's reasoning for the request.

Ms. Smith asked if the City can ask for a contribution to sidewalk funds in lieu of installing a sidewalk. Mr. Brown said we do not have the authority to do that.

Ms. Galvin asked if staff intends to start installing sidewalks in this area. Mr. Haluska said this is the intent of the code, and a single section does provide some amenity to the neighborhood. However, it is unlikely that this area will be on the sidewalk priority list in the near future.

Ms. Szakos said she does not see any compelling reason not to build a sidewalk here because it is not a hardship on the owner and does provide a resting place for pedestrians.

Ms. Smith said she disagrees that a sidewalk should be required because there is no plan to build sidewalks here, and it would be a total orphan.

Ms. Galvin said she wants the connectivity in general, but there might be a better solution than a 5-foot wide concrete sidewalk at this location.

Mr. Huja said he favors granting the waiver because drainage is already addressed with the curb. He asked staff to explore enabling legislation to allow for asking waiver applicants to contribute to the sidewalk fund.

Ms. Smith moved to approve the request with the conditions as stated in the resolution.

Ms. Galvin asked to add a condition to the waiver saying that this does not preclude any future redesign of the street that would accommodate pedestrian infrastructure. Mr. Brown said this is not necessary because it only applies to what we are requiring of the applicant.

Ms. Galvin seconded the motion. The waiver was granted. (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Smith; Noes: Ms. Szakos).

REPORT: BELMONT BRIDGE STEERING COMMITTEE

Belmont Bridge Steering Committee

Mr. Tolbert presented to Council and reviewed the history of the idea behind the Belmont Bridge subcommittee. Mr. Huja said Council is not making appointments to this committee tonight. However, the composition of the committee will be decided.

Ms. Szakos said we need to clarify the process for appointing members of a board or commission to a committee.

Ms. Smith asked why the committee would need a neighborhood representative if its function is to prepare the BAR. Mr. Tolbert said Council asked that there be neighborhood representatives, and these members will provide design input. Ms. Galvin said neighborhoods have asked for more input on projects that affected their neighborhood. She clarified that this subcommittee would be the sounding board for the design team to implement the final infrastructure after the decision about which bridge to build has been made. Mr. Tolbert said staff can provide a written charge once Council makes appointments to the committee.

Ms. Galvin said she has received feedback that this is viewed as a City-wide project and asked if we could add two at-large members to the steering committee. Ms. Smith said we need a mechanism to ensure we have balanced representation on the steering committee.

Mr. Huja said Council is in agreement on four neighborhood representatives, 3 PLACE Design Task Force representatives, and 1 Planning Commission representatives. Mr. Jones asked if we need to advertise for the position or use the recommendations brought forward by staff. Mr. Huja said we will advertise for the openings and ask the neighborhood candidate recommendations to apply.

Ms. Galvin moved that an eight member Belmont Bridge Steering Committee be established as a distinct *ad hoc* committee appointed directly by City Council to provide guidance to City Council, staff, and professional consultants on the design and engineering of the infrastructure commonly referred to as “the Belmont Bridge;” and furthermore, that it will consist of three PLACE Design Task Force members, one non-PLACE Planning Commission member, and four neighborhood-based non-PLACE members, one from each of the adjoining neighborhoods (Belmont-Carlton, Ridge Street, Martha Jefferson and the North Downtown), and furthermore, that specific applications and appointments to the Belmont Bridge Steering Committee will be reviewed and made by Council in closed section. Mr. Fenwick seconded the motion. Mr. Jones clarified that the Planning Commission would make a nomination that Council would then appoint. The motion was approved. (Ayes: Mr. Huja, Ms. Smith, Mr. Fenwick, Ms. Galvin, Ms. Szakos; Noes: None.)

REPORT: RWSA/RSWA QUARTERLY UPDATE

RWSA/RSWA Report

Mr. Tom Frederick, Executive Director, updated Council on the Schenk's Branch Interceptor Easement, Granular Activated Carbon (GAC) treatments, Ragged Mountain Dam, and the updated drought contingency plan to change triggers due to the increased water storage capacity, which is targeted for adoption before spring 2015. Also, a cost share agreement was adopted in March, which shows the City and County can work together.

The RSWA is engaged with Albemarle County regarding what they want to do with the Ivy Materials Utilization Center.

Ms. Szakos asked for updated numbers on how many local contractors worked on the dam project. Mr. Frederick said he will report back to Council on this.

Ms. Szakos asked what he sees as his role in the potential collaboration on a regional recycling program. Mr. Frederick Rivanna can be a part of the conversation if both localities decide they want to collaborate.

Ms. Smith asked if the dam has begun to be filled. Mr. Frederick said this will occur after clean-up has been completed due to construction access requirements. Ms. Smith asked about tree plantings; Mr. Frederick said he will provide Council with a list of the types of native trees they are planting.

Ms. Smith asked how we came to be up against the DEQ deadline, as we have known of the mandate for a long time. Mr. Frederick said we started conversations almost a year ago. Mr. Huja said the City and County are meeting now to discuss this, and we are hopeful we will come to some agreement. Ms. Smith asked what would happen if we do not meet the deadline. Mr. Frederick said if the DEQ feels we are avoiding deadlines by not making decisions, they can impose civil penalties.

Ms. Smith asked what the difference between a right-of-way and an easement is. Mr. Frederick said he has heard them used interchangeably. She asked what can co-exist with a sewer pipe in terms of underground utilities. Mr. Frederick said other utilities need to be in a similar location, and as long as the needs are coordinated, it can work. He suggested there be a review process so that other utilities are not placed in a location that prohibits access to the sewer line for maintenance.

Ms. Smith said we should discuss the science of planting trees in and around utility easements in the future. Ms. Galvin agreed that we should use best practices as the City conducts a code update.

Mr. Fenwick asked if the City or County incurred any monetary penalty for missing the DEQ deadline for Schenk's Branch. Mr. Frederick said the trigger for penalties has not occurred.

REPORT: COMMUNITY ENGAGEMENT UPDATE

Community Engagement Update

Mr. David Ellis and Ms. Miriam Dickler presented to Council on citizen engagement throughout the City, including online citizen engagement tools, a 3-1-1 phone system option, a citizen engagement committee, Our Town neighborhood meetings, and the Neighborhood Leadership Institute.

Ms. Szakos thanked Mr. Ellis for updating the Our Town spreadsheet online so that citizens can follow up on their requests. She said she loves the idea of resident evaluations for people who come to the Our Town meetings. She agreed that training is a great way to figure out what folks are doing in other localities.

Ms. Szakos asked staff to ensure that a 3-1-1 system would integrate with Public Works software. She said we should explore doing collaboration with the County on a 3-1-1 system and online citizen engagement. She said the MPO is also interested in taking part in the online citizen engagement tool and may be able to offer some administrative support.

Mr. Huja said he would like to see a cost estimate for the 3-1-1 system. Ms. Galvin said she can bring this up at the next TJPDC meeting after the cost estimates come in.

Mr. Fenwick asked how citizens can get updates from the Our Town meetings. Ms. Dickler said citizens can go to www.charlottesville.org/OurTown to get updated information. Mr. Fenwick asked what the continuing costs would be for the online engagement tool. Mr. Ellis said it varies widely, depending on how you use the tool.

Ms. Smith said the advice she has learned from past workshops is to start small, and do not try to do everything at once.

Ms. Galvin said the 3-1-1 tracker is a great tool for ongoing self-evaluation and provides us with the data we need. She said starting off with a pilot may be the way to go before exploring regional collaboration.

Staff agreed to return to Council with an RFP for the online engagement tool.

OTHER BUSINESS: Purchase of 708 Page Street

Mr. Brown presented Council with a resolution to purchase 708 Page Street for \$259,000, paid from the Capital Improvement Program contingency account.

On motion by Ms. Szakos, seconded by Ms. Galvin, the resolution passed. (Ayes: Mr. Huja, Ms. Smith, Mr. Fenwick, Ms. Galvin, Ms. Szakos; Noes: None.)

OTHER BUSINESS: Road Projects Update

Mr. Jones presented to Council. City representatives to the Route 29 Solutions Panel are seeking direction on the Berkmar Extension, 29 N widening, Rio/29 Intersection, and Hillsdale South projects, as VDOT intends to move these forward through a design build contract.

Council is being asked to provide direction on whether the City open to having VDOT administer the Hillsdale Drive Extended project, and whether or not they want Hillsdale Drive South to occur now or to be included with the design work on the Route 29/Hydraulic Grade Separated Interchange.

VDOT also briefed staff on the Best Buy Ramp project and has requested approval on two issues. The first is approval to conduct night work on the US 29, most likely between 8:00 p.m. and 5:00 a.m. Staff sees the advantages of this but has concerns about the impact night work could have on the hotels along Route 29 and nearby neighborhoods. VDOT is also seeking approval of the sound wall materials and finishes along 250, and staff will take that issue to the PLACE Design Task Force for discussion on July 10th.

Mr. Huja said he supports having VDOT administer the Hillsdale Drive Extended project and including the Hillsdale Drive South project with the design work on the Route 250/Hydraulic grade separated interchange.

Staff believes that having VDOT administer the program should be coupled with a business outreach program, including a City liaison. Ms. Szakos said she would like this to be a condition of approval for giving VDOT control over the project.

Ms. Galvin said this area is part of one of our small area plan, and working in isolation, VDOT may create a road that would not be conducive to good development on the adjacencies. She said there must be some acknowledgement that this will be done in coordination with the City's vision for our small area plans.

Mr. Tolbert suggested adding a condition that VDOT use the plans we have already done in that area. He said he believes VDOT will want to do this because the existing plans have already been vetted.

Mr. Fenwick said the community should be aware that VDOT will be in the driver's seat on a high-cost project that is going to be executed very quickly. He said the City should maintain some control over the project. Ms. Szakos said we do currently have control, and that is why we are creating mandatory conditions for VDOT to take over the project.

Mr. Jones said we will have a staff liaison and can provide regular updates to Council. Mr. Tolbert said if material changes are proposed that affect the design or function, we could request an opportunity to come back to Council for discussion.

Ms. Szakos said the original intent of Hillsdale South was to extend it from Hydraulic Road to the bypass, but currently it is only funded to Holiday Drive, which does not add functionality.

She said we should not execute that project until we are sure it can extend to the bypass. Ms. Galvin clarified that this means we will not build it now, but it will be included in the overall design process.

Ms. Szakos moved to relinquish control over the Hillsdale Extended project to VDOT, conditioned on the following: outreach via a citizen panel including area businesses; including the use of the City's small area plan designs that have already gone through the public process; including City representative participation in the regular project management meetings; and bringing any substantive changes to the project to Council.

Mr. Tolbert suggested an additional condition that the current revenue sharing allocated to the project be removed from the project and used elsewhere, so that we are not spending local money on a state-managed project.

Ms. Galvin seconded the motion as stated by Ms. Szakos and amended by Mr. Tolbert. The motion passed unanimously. (Ayes: Mr. Huja, Ms. Smith, Mr. Fenwick, Ms. Galvin, Ms. Szakos; Noes: None.)

OTHER BUSINESS: Letters to Congress Supporting Transportation Funding

Ms. Szakos read the proposed letters regarding federal transportation funding. Council voted to approve sending the letters to representatives. (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos; Noes: None.)

Meeting adjourned.