

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, November 17, 2014, AT 5:30 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 – November 17, 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. Galvin, Council voted, (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Szakos, Ms. Smith; Noes: None), to meet in closed session for (1) Discussion and consideration of prospective candidates for appointment to City boards and commissions, discussion of the City Manager’s annual performance evaluation, and discussion of the employment of a Director of Finance, all as authorized by Va. Code sec. 2.2-3711 (A) (1); (2) Discussion and consideration of the acquisition of a parcel of real property on Old Lynchburg Road near Azalea Park and three parcels on the east side of River Road, all for public park or trail purposes, where discussion in an open meeting would adversely affect the City’s bargaining position or negotiating strategy, as authorized by Va. Code sec. 2.2-3711 (A) (3); and, (3) 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).

At 7:00 p.m. Council came out of closed session. Ms. Szakos made a motion, seconded by Ms. Galvin, that the closed session of City Council be in recess and reconvene immediately following the end of Council’s regular meeting to continue the discussion of the matters identified in the motion for a closed session. The motion passed unanimously. (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Szakos, Ms. Smith; Noes: None.)

COUNCIL CHAMBERS – November 17, 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. Szakos announced the One Day Basic Self Defense Training class on Saturday, November 22 at the Carver Recreation Center. Email sheriff@charlottesville.org or call 970-3777 for more information.

Ms. Szakos announced the History of Race and Ethnicity in Charlottesville program on Thursday, November 20 and Monday, November 24 in City Council Chambers. For more information, call 970-3115 or email greenc@charlottesville.org.

Ms. Smith announced that the National Citizen's Survey has been distributed to a random sample of residents and encouraged those who received one to participate.

Ms. Smith said Mr. Alex Zan has started a new program called "Just Think Safety", an initiative to address and promote the safety at the University of Virginia.

Ms. Smith announced the 2014 Holiday Heritage Parade will take place this Saturday, November 23 at 10:00 a.m. on the Downtown Mall.

Mr. Huja announced the Grand Illumination on the Downtown Mall, Friday, November 28 at 4:30 p.m.

Mr. Fenwick said it has been two years since Sage Smith disappeared. He asked for those with any information to call Detective Ron Stayments of the Charlottesville Police Department at 434-970-3369 or Crimestoppers at 434-977-4000. The total reward for information leading to the return of Sage Smith or the arrest of the person responsible is \$20,000. A candlelight vigil will be held Thursday, November 20 at 731 Orangedale Ave.

Mr. Fenwick announced Small Business Saturday on November 29 and encouraged residents to support local and small businesses during the holiday season.

Ms. Galvin said the Belmont Bridge Steering Committee has been appointed, and the City is seeking a new design team for the design replacement proposal. Please contact Jeanette Janiczek, VDOT Coordinator at 970-3182 for additional information.

Ms. Galvin said the Charlottesville Police Department has issued a warning about phone scams from callers pretending to be from Virginia Dominion Power or Albemarle County's office. Please do not comply with demands for payment if you receive a call of this nature, and report it to the Police Department immediately.

MATTERS BY THE PUBLIC

Ms. Kim Johnson Nicewonder, Miss Virginia USA, and a pageant representative, spoke on behalf of the pageant. She explained what the pageant did for her daughter. She also introduced Ms. Arielle Rosmarino, the reigning Miss Virginia USA, who thanked Council and Mr. George

Benford for their welcome to the community. She invited the community to the pageant this November.

Mr. David Redding, 480 E. Rio Rd., said he supports the Sierra Club's efforts to reduce the use of pesticides in parks. He said the Vegetarian Festival in Lee Park was successful this year, and the team that works for the City is excellent, especially Michelle Christian. He said the festival was zero waste this year, and he recommended that the Parks Department try to do the same with other festivals during the year.

Ms. Mary Carey, 100 Ridge St., said South Street does not work. She said the design work for the project is bogus. She asked to move the crosswalk up, remove four to six parking spaces, and reroute transit service to South Street so Midway Manor residents will not have to cross dangerous streets to get to the bus stop. She said it is time to do something to bring Sage Smith home.

Ms. Barbara Cruickshank, Parkway Ave., spoke in support of removing pesticides from City parks and schools and the City's common areas.

Ms. Jackie Lombardo, 313 Parkway St., representing the Sierra Club, asked Council to discontinue carcinogenic pesticides and employ safer methods.

Mr. Jeff Winter, said he wonders if "a great place to live for all our citizens" it truly being played out. We have to acknowledge the truths of our history and what is currently happening in our City. He said we need to answer the question of why a \$10,000 was not offered by the City when Sage Smith went missing as was done for Hannah Graham. We need to acknowledge that all people matter.

Mr. Frank Richards, 9th Street, said Sage Smith's disappearance has not been suffered in silence. Community and family members have demanded answers about her disappearance. The City has the resources to conduct a meaningful investigation, and Sage Smith deserves no less.

Mr. Anouk Campa, UVA graduate student, said he wonders if the happiness of Charlottesville comes at the cost of some of its lesser residents. He said the City did not take satisfactory action when a black transgender woman went missing, but they did when a white woman went missing. He asked Council to keep their distance from the vigil, as the family believes their actions to be disingenuous.

Mr. Lewis Iola, 10th and Page neighborhood, said people outside the local government have put in genuine work and refuse to give up on Sage's disappearance. He thanked them all and said he does not have faith in the government's ability to fight against oppression.

Ms. Donna Gesapo, 10th and Page neighborhood, said the statement read by Mr. Fenwick tonight is two years too little and too late. This statement comes after Council and the City Manager have been blasted by Sage's supporters on social media. Misinformation has been publically given and reported about the reward for Sage Smith and her family.

Ms. Keshard Griffin, 907 Noles St., said she supports Ms. Carey and the residents of Midway Manor in their pursuit of safe pedestrian conditions and access to transit. She said the police department has disproportionate contact with minorities and asked if funding available will be used to help those who are most affected. She said Sage Smith has been missing for two years, and the money being used for the Miss USA Pageant be donated to the Sage Smith fund instead. She said police treat people differently depending on their status.

Ms. Tonita Smith, 731 Washington Ave., read a letter to Council from Y.M. Carrington in support of her friend Ms. Lolita Smith, Sage's grandmother and asked Council to do everything in their power to ensure justice for Sage Smith and her loved ones.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Ms. Szakos said she responded to a notice asking Council about the \$10,000 discrepancy. She explained that the City issued a check for \$10,000 in both Sage Smith and Hannah Graham's cases to Crimestoppers. However, she later discovered that the money donated to Sage Smith's case was contributed by a private individual. When the City realized the discrepancy, Mr. Jones instructed that \$10,000 be added from the City's coffers.

Mr. Jones apologized to Ms. Szakos and the community for the misinformation. He said over \$150,000 was spent over the course of two months on trying to find Sage Smith when she went missing, including several days searching a landfill.

Ms. Szakos said the investigations have been different largely because of national media, but no one person's life is more valuable than another.

Mr. Fenwick said the important thing is the Sage Smith case has been brought before the public once again and encouraged residents to attend the candlelight vigil. He said he appreciates Miss Virginia USA for coming. He thanked Mr. Redding for coming. He said Ms. Carey is correct that the crosswalk does not work. Trucks park on it, and people do not use it. He thanked residents for their efforts on pesticides.

Ms. Galvin thanked Ms. Szakos for her explanation and asked that when something pertaining to the City is happening on Facebook, the Councilors are alerted via email.

Ms. Smith said she finds it phenomenal that the Vegetarian Festival successfully did a zero waste event. She thanked the anti-pesticide residents for being relentless in keeping this in the forefront. She thanked Miss Virginia USA and Miss Teen Virginia for their help in judging the Doggy Howl-o-ween contest.

Mr. Huja thanked everyone who spoke.

CONSENT AGENDA

a. Minutes for November 3

- b. **APPROPRIATION: Fiscal Year 2015 Fire Programs Aid to Locality Funding (Firefund) Appropriation - \$130,568 (carried)**

[FY15 Fire Programs Aid](#)

- c. **APPROPRIATION: Runaway Emergency Shelter Program Grant - \$222,222 (carried)**

[Runaway Emergency Program Grant](#)

- d. **APPROPRIATION: Support for two additional Fire-Medic positions - \$130,000 (carried)**

[Support for two additional Fire-Medic positions](#)

- e. **APPROPRIATION: Local Emergency Management Performance Grant - \$7,500 (carried)**

[Local Emergency Management Performance Grant](#)

- f. **RESOLUTION: Cherry Avenue Streetscape Improvements Fund Transfer - \$88,000**

[Cherry Avenue Streetscape Improvements](#)

- g. **RESOLUTION: CDBG/HOME Citizen Participation Plan Update**

[CDBG/HOME Citizen Participation Plan Update](#)

- h. **RESOLUTION: Surplus City Police Car Donation to Town of Louisa - 2003 Ford**

[Surplus City Police Car Donation to Town of Louisa](#)

- i. **RESOLUTION: CHS Football Bleachers Project Funds Transfer to Buford and CHS Science Labs Renovation Projects - \$17,067.93**

[CHS Football Bleachers Project Funds Transfer](#)

- j. **ORDINANCE: Abandon Sanitary Sewer Easement near Valley Road (2nd reading)**

[Abandon Sanitary Sewer Easement near Valley Road](#)

- k. **ORDINANCE: Franklin Street - No Through Truck Designation (2nd reading)**

[01k ORD FranklinStreetNoThroughTruckDesignation](#)

I. ORDINANCE: Quitclaim Gas Easement in Dunlora Forest to VDOT (carried)

[Quitclaim Gas Easement in Dunlora Forest to VDOT](#)

Ms. Szakos said that she received clarification on what types of trucks are restricted on Franklin Street, and she is content that is what we intended.

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

REPORT: Pesticides Program Review

[Pesticides Program Review](#)

Mr. John Mann, the City's Horticulturist and Landscape Manager, presented to Council. He reviewed the City's landscape inventory and overviewed IPM, or Integrated Pest Management. He summarized successes and challenges. Proposals include a strengthening of the IPM Program and adoption of an organic landscape management policy for parks and schools, as well as maintaining records and databases with annual review. The impact of these recommendations include budget and labor increases.

Ms. Smith asked if mineral oil is a carcinogen. Mr. Mann said it is not according to the Environmental Protection agency, but other sites say that it is. It is not technically an organic, but it is considered least harmful. She said she likes the idea of a policy for schools and parks. She wondered where the greatest amounts of pesticides are being used so we can make choices about a concerted strategy. She said invasive vines are one of the biggest threats in her experience. With carbon pollution, it could get worse before it gets better. She suggested adding a committee to the list of recommendations or a group within the Parks and Recreation Advisory Committee who is focused on getting notifications out and aware of when choices are being made.

Ms. Szakos asked if Mr. Mann had ballpark figures for the budget increases. Mr. Doug Ehman said an additional full-time gardener would be an initial investment of \$116,774, which includes a truck, and an ongoing investment of \$90,524. An additional 12 weeks of seasonal hours would be needed to help with increased labor. The cost for the first year for a new volunteer coordinator would be \$91,507 with ongoing costs of \$64,757.

Ms. Galvin asked if it would be possible to break this apart in terms of City parks and City schools. Mr. Ehman said staff is working on this, but it is problematic because he needs the positions regardless of what the ratio of schools versus parks is.

Ms. Szakos asked if we could employ a volunteer coordinator who spends 60% of their time in the Parks Department but also serves in other areas of need across the City. Mr. Jones said staff can look into this.

Mr. Fenwick said this is an unfolding situation. The chemical companies have their standards, and it is up to us to determine what is right for the City. He said we should go around to neighborhood associations and tell them what we are doing to help educate the entire City about this matter. He said he has heard the citizens are interested in a phased approach. Staff said they have been using phasing over the past 12 years, and we are not opposed to continue doing so.

Ms. Smith asked for a matrix with where we are using certain techniques and the related dollar figure so we can make informed choices about what we are using. Ms. Galvin said it would be helpful to have a map showing this information.

RESOLUTION: BankOn & Job Center Part-time Positions Proposal

[BankOn & Job Center Part-time Positions Proposal](#)

Mr. Mike Murphy presented to Council seeking approval for combining a position in Human Services with a position at the newly opened Downtown Job Center. Mr. Huja clarified that they are asking for another \$33,000 for a full-time position. Mr. Murphy said we have the money to make this work through June 30, but the new budget will see a request for an additional \$33,000 for FY16.

Ms. Szakos said this will cost more as a full-time position, but we will save money over time by not having to recruit over and over again for a part-time position as people leave.

Ms. Galvin said she supports the argument for a combined position. She asked what happened to the roll of Legal Aid in the BankOn program. Mr. Murphy said Legal Aid is working with us and the coalition to look at the best chance at sustainability.

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

RESOLUTION: Support for Miss Virginia USA/Miss Teen USA Pageant via Chamber of Commerce - \$2,000

[Support for Miss Virginia USA/Miss Teen USA Pageant](#)

Ms. Nicewonder explained the request for \$2,000, which will go towards food for the staff. She said they have chosen to raise money for the PACEM Organization.

Mr. Fenwick said this is a great opportunity for the City to welcome a state-wide pageant. Ms. Nicewonder said she would like to hold it here for at least the next three years.

Ms. Smith asked about the diversity of the contestants. Ms. Nicewonder said there is a range in age and educational background as well as ethnic background.

Ms. Galvin said while she supports the event, this is hard for her to decide on because this is public monies. This sets a precedent for other for-profit companies using non-profit companies to get public monies. She has not seen evidence of what this pageant generates in economic income. The focus of a pageant is on appearance, not achievement; the mission of our local government has been to level the playing field and not discriminate on the basis of appearance. This is not the proper use of public dollars.

Ms. Smith said she feels Ms. Galvin's discomfort, but this is a business decision. This event will support our Downtown business community, and that is what we are supporting, not a beauty pageant. If the City wants to stop promoting beauty pageants, we would have to cancel the Dogwood Parade.

Ms. Szakos said she shares some of Ms. Galvin's concerns and plans to vote no, but she is glad the pageant representatives are here and welcomes them.

Mr. Huja said he supports this because of our business community.

On motion by Mr. Fenwick, seconded by Ms. Smith, the resolution passed. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Smith; Noes: Ms. Galvin, Ms. Szakos.)

OTHER BUSINESS – Board Appointment

On motion by Ms. Smith, seconded by Ms. Szakos, the following members were appointed to the Belmont Bridge Steering Committee: Pat Healy (Ridge Street representative) and John Harrison (business representative). (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Szakos, Ms. Smith; Noes: None.)

OTHER BUSINESS – Work Session Proposal

Ms. Galvin proposed Council entertain a work session on job creation through infrastructure and development in order to position our low income and minority residents to take advantage of infill development and community projects. She detailed the purpose and goal of the work session and said it is important not to do this piecemeal.

Ms. Szakos said we used to have a Section 3 coordinator who was largely doing this work. She said she would like to hear from staff on whether or not there is more we can do above and beyond what we are working on with this staff position.

Mr. Jones said the procurement laws Ms. Galvin mentioned are state laws and have been an issue in the past when trying to hire locally. There is a local movement trying to address that issue.

Ms. Galvin said community benefit agreements are being done all over the country, and it is worth looking into. This will need staff review as to feasibility.

Mr. Huja said staff needs to do some work and bring this back to Council before deciding to do a work session.

Mr. Fenwick asked staff to compile a list of current job creation and retention initiatives, including volunteer routes. He said we are already doing this, and he sees this as just another layer of bureaucracy.

Ms. Smith said she likes the idea in general, but she is less optimistic about training people to work for big companies who come in to do jobs. She said she supports the idea of doing this internally and building on the success and lessons of the GoDriver model within our own government and school system.

Ms. Galvin said infrastructure projects on City-owned property for example can benefit from a community benefit agreement.

Mr. Huja said we will have staff do some research and revisit the idea of a work session in the spring.

Ms. Galvin said she would like to work on a Council policy for work sessions, to be mapped out at the annual retreat and tied into our Strategic Plan and goals. Ms. Smith said our budget work sessions are a good model. Ms. Galvin said she would like a list of work session ideas at our Council's next annual retreat.

MATTERS BY THE PUBLIC

Mr. Mike Signer, Fifeville Neighborhood Association President, said over 1,000 criminal complaints have been reported since 2011 around the block of the ABC Store in midtown. The Fifeville Neighborhood Association, North Downtown, Venable and the Midtown Association have signed a petition. The current lease on the store ends in May 2015, and he has asked Council to do anything in their power to relocate the ABC Store to a more appropriate location.

Mr. John Cruickshank, 324 Parkway St., thanked Council and staff for addressing the Sierra Club's concerns about pesticides. The proposed plan is a movement in the right direction. There must be a written policy for the use of all types of pesticides; Albemarle County has a good model. This should be implemented on all City property, not just parks and school grounds. The public should be notified before implementation of the use of organics in step 2. Step 3 should only be implemented when there is public health risk, and a waiver should be approved by the environmental compliance officer independent of the Parks Department. Parks and Recreation should switch to native plant species whenever possible. Consider the benefits when thinking about the costs.

Ms. Lena Seville, 808 Altavista Ave., said it is time to improve on the IPM project. There are other options for plantings that do not require chemicals. We need more information about when Option 3 is allowed. We should consider if this is strictly for aesthetics. There should be external oversight over the Parks Department.

Mr. Mike Johnson, Northwood Ave., said as the father of a Charlottesville Youth Council member, he believes there is integrity on the board and recognizes Council has a very difficult job. He hopes we can look differently at our expectations and decide what is really important.

Ms. Rebecca Quinn, 104 4th St., thanked Ms. Galvin and Ms. Szakos for their vote against a contribution to the pageant. She said using this money for a catering company does not promote business, and she asked if the Chamber of Commerce has contributed any of its own funds. She asked Council to reduce their contribution by half and ask the Chamber to come up with the other half. She said we will never know how much is contributed to PACEM; we should contribute to PACEM directly instead. She asked which account is being used for these funds.

Mr. Mark Kavit, 400 Altamont St., said ABC Stores are traditionally located in strip malls, which gives them more control over what goes on around the store. She asked Council to consider the information they see over the next few days about this issue. He said he has been working with John Mann over the last few days, and said just because something is organic does not mean it is safe.

Mr. Louis Shultz, 1809 E. Market St., said this is the 27th time he has come to Council accusing staff of violating City code and civil rights statutes. He said Mr. Fenwick does not think this is a matter for Council.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Mr. Huja said Mr. Shultz has been told in writing and verbally how to pursue what is wrong through the courts. Council meetings are not the place for this matter.

Ms. Szakos asked if we have means as a Council to affect the ABC store through zoning. Mr. Huja said he is planning to write a letter expressing concern about the location of the ABC store and supporting relocation. Ms. Smith said she is concerned about transferring the problem somewhere else. Ms. Galvin said a shopping center is private property with direct control over businesses in the area, which is not available along a public street.

Ms. Smith agreed with Ms. Seville that we should have an oversight mechanism, such as an Environmental Compliance Officer.

In response to an inquiry from Ms. Galvin, Ms. Szakos said she would rather vote on IPM as a funding issue, not a policy issue.

The regular meeting adjourned into closed session.

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 held before and after the regular City Council meeting.

Meeting adjourned.

A handwritten signature in cursive script that reads "Yaiqe Rice". The signature is written in black ink and is positioned above a horizontal line.

Clerk of Council