

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, October 19, 2015, 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 Rice

SECOND FLOOR CONFERENCE ROOM – October 19, 2015

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, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None), to meet in closed session for (1) Consideration and interviews of prospective candidates for appointment to City boards and commissions, and discussion of the City Manager’s annual performance evaluation, as authorized by Va. Code sec. 2.2-3711 (A) (1); and, (2) Discussion of the acquisition of a public utility easement at the County Office Building site on McIntire Road, where discussion in an open meeting would adversely affect the City’s bargaining position.

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 – October 19, 2015

CALL TO ORDER

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

AWARDS/RECOGNITIONS & ANNOUNCEMENTS

Mr. Huja announced former Councilor and mayor Mr. Francis Fife passed away this past Friday at 95 years of age. He recounted his accomplishments and asked for a moment of silence in honor of his memory.

Ms. Szakos announced the City was the winner of the 2015 WaterSense Partner of the Year award. Ms. Lauren Hildebrand and Ms. Jill Greiner were present to accept the award on behalf of the City and thanked the citizens for their help with water conservation.

Ms. Szakos announced we are a gold medal winner for our HEAL initiatives and are on track to be platinum winners.

Ms. Szakos announced that the City of Charlottesville has again been certified at the platinum level by the Virginia Municipal League in the 2015 Virginia Go Green Challenge.

Ms. Galvin announced the 2015 City Services Fair on Friday, October 23 from 10:00 a.m. to 2:00 p.m. and invited the community to attend and learn more about the City's departments, services and programs. Go to www.charlottesville.org/fair for more information.

Ms. Galvin announced the City is looking for a donation of a large evergreen tree for the Grand Illumination on December 4. Contact Tim Hughes at 970-3587 or send an email to hughes@charlottesville.org for more information or to donate a tree.

Ms. Smith gave an update on the Georgetown University Energy Prize competition. For more information, visit the LEAP website. She also announced "Kilowatts Kits" are available for checkout at the local library.

Ms. Smith announced a citizen's forum hosted by Mr. Fenwick will take place Thursdays, October 29 at 5:30 p.m. in Council Chambers.

Ms. Smith announced a new brochure that provides a guided walking tour of Star Hill and Union Ridge is available at the Jefferson School African American Center, the Ivy Creek Natural Center, or the Tourism Bureau.

Mr. Fenwick announced the Carver Pumpkin Carving Contest on Friday, October 30 from 6-8 p.m. Call the Carver Recreation Center at 970-3053 for more information and to register. The Downtown Safe Halloween will take place on Saturday, October 31 at the nTelos Wireless Pavilion. Call 970-3260 for more information, or visit www.charlottesville.org/parksandrec for more information.

Mr. Fenwick announced the 8th Annual Doggie Howl-o-ween on October 30 on the Downtown Mall. This event will benefit canine cancer.

On motion by Mr. Fenwick, seconded by Ms. Smith, the following appointments were made to boards and commissions: to the Human Rights Commission: Gordon Fields, Sue Lewis, and Aidyn Mills; to the Charlottesville Redevelopment and Housing Authority: Betsy Roettger and Nicholas Yates; to the Airport Authority, Dean Johnson (City appointee must be confirmed by the County Board of Supervisors); to the Vendor Appeals Board: Al Elias.

(Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None.)

MATTERS BY THE PUBLIC

Mr. Mike Lally, 1514 Chesapeake St., Woolen Mills resident, said his wife was charged by a dog at Riverside Park on an off-leash day. His family appreciates dog owners, but some of them do not follow the rules. As traffic at the park has increased, the City should revisit the rules at Riverside Park to include dogs on leashes at all times. Please be consistent across the City parks with the rules.

Ms. Jessica Maslaney, 989 Clearfields Ln., updated Council on the progress with the YMCA loan and construction schedule. She invited Council to groundbreaking activities on November 5 at 10am at McIntire Park, followed by a community-wide groundbreaking from 5-7pm, which is open to the public. They are targeting summer 2017 for a grand opening.

Mr. Downing Smith, 810 Locust Ave., said traffic has been a problem along Locust Ave. The intersection of McIntire and 250 is not working very well and is pushing additional traffic onto residential streets. Please continue to enforce the \$200 fine at the 800 block of Locust Ave. He asked the City to be proactive about finding a permanent solution. He said Francis Fife was a fine gentleman and will be missed.

Mr. Noel Lobley, Fry's Spring area resident, said the Porter Avenue development has affected his neighborhood. The development has been sold to another developer, and he fears complete destruction of the tree line. If this has to happen, he asked the City to seek ways to maintain respect for the character of the area.

Ms. Joanne Robertson and Mr. David Hashl said this is anti-bullying month. She is with Stand for the Silent (SFS) Charlottesville/Albemarle and presented Council with a blue ribbon and an anti-bullying pledge card. SFS is presenting Clark School with a buddy bench, which allows children who feel they are being excluded to sit and seek a buddy. Also, Region 10 Charlottesville CSB, is hosting a walk in support of friends and family who have suffered from suicide victims. The Mitchell Hash Foundation is available online or on Facebook and is a group that works to stop suicide. The SPARC of Hope Walk will take place Saturday, October 24 from 9:00 a.m. - 12:00 p.m. at the East End Farm in Green Springs, Louisa County. Dogs are welcome.

Mr. John Heyden, Westwood Ln., said Council has allowed rules to be broken during meetings and allowed people to go past their time limit while cutting off others when their time is up. He said he was called out for his language when others who were not called out used more offensive words. He said his first amendment rights have been violated.

Mr. Peter Kleeman, 407 Hedge St., said his routes of egress to his neighborhood are McIntire Rd., Park St., High St., and it is ever more difficult to exit his neighborhood, especially onto McIntire Road. He said he is disappointed that our gateway is a congested waiting station for vehicles. He asked the City for an analysis for access to egresses from the interchange and for a study of the level of service. If we cannot get traffic in and out of Charlottesville, we need to reconsider encouraging growth in the City and surrounding areas.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Mr. Huja said he is looking forward to the YMCA groundbreaking.

Ms. Smith thanked Mr. Lally for bringing up the dog situation at Riverview Park, and she understands it is a problem. It is time to review rules because of the number of people using the park. She thanked Mr. Kleeman and Mr. Smith for their comments about traffic and said we should fix the lights if they are not working properly, and we should see how we can make things better. She thanked Ms. Robertson for her work on anti-bullying. She thanked Mr. Lobley for his comments. Enabling more community notification is on the agenda for later tonight, and we are hoping to make it better.

Mr. Fenwick said it is great to have people engaged and energetic about the issues.

Ms. Szakos seconded Mr. Fenwick. She said she is also concerned about off-leash dogs, and we may have to reevaluate the rules. Traffic on Locust Ave. and Hedge St. is an issue, and we need to pay attention. She thanked Ms. Robertson for her work with anti-bullying and suicide awareness.

Ms. Galvin said there has been a lot of traffic about traffic on email over the last few weeks, and Councilors have been feeding the information to City staff. They are logging concerns and identifying the intersections along 250 and McIntire that need to be addressed. The new traffic equipment needs to be coordinated, and that takes a while. She asked Mr. Jones for a report on staff's findings. She said the public needs to be informed about the Streets That Work progress, newsletter and workshops. Mr. Jones said staff will provide an update on the data collection later this year.

CONSENT AGENDA

- a. Minutes for October 5**
- b. APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (2nd reading)**

Virginia Juvenile Community Crime Control Act Grant (VJCCCA)

- c. APPROPRIATION: Adult Drug Treatment Court Grant Award - \$205,000 (2nd reading)**

Adult Drug Treatment Court Grant Award

- d. APPROPRIATION: State Criminal Alien Assistance Program 2015 Grant - \$7,697 (2nd reading)**

State Criminal Alien Assistance Program 2015 Grant

- e. **APPROPRIATION: Charlottesville Area Transit FY2016 Grants - \$480,486 (2nd reading)**

Charlottesville Area Transit FY2016 Grants

- f. **APPROPRIATION: Runaway Emergency Shelter Program Grant - \$212,000 (carried)**

Runaway Emergency Shelter Program Grant

- g. **RESOLUTION: Sidewalk Waiver Request for 219 Lankford Avenue**

Sidewalk Waiver Request for 219 Lankford Avenue

- h. **RESOLUTION: Initiate ZTA for Microbreweries**

Initiate ZTA for Microbreweries

- i. **RESOLUTION: VDOT Transportation Alternative Program Grant Application for Water Street Shared Use Path**

VDOT Transportation Alternative Program Grant Application

- j. **ORDINANCE: Short Term Rental Tax amendment (2nd reading)**

Short Term Rental Tax amendment

- k. **ORDINANCE: Increase Limit of Maximum Financial Worth for Rent Relief Program (2nd reading)**

Increase Limit of Maximum Financial Worth for Rent Relief Program

- l. **ORDINANCE: Franchise Agreement with Intellifiber (formerly Dominion Telecom) (2nd reading)**

Franchise Agreement with Intellifiber

Ms. Szakos noted there is over \$900,000 in grant money on the consent agenda.

Ms. Smith said regarding letter h., this is yet another time when we are talking about trying to tweak zoning in a spot way, and she hopes Council will consider a comprehensive look at zoning in the future. Ms. Galvin said we are doing a code audit.

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

PUBLIC HEARING / RESOLUTION: MCGUFFEY ART CENTER LEASE

McGuffey Art Center Lease

Mr. Stewart presented to Council.

On motion, the public hearing was opened.

Ms. Rebekah Wostrel spoke on behalf of the McGuffey Arts Center. The recent fundraiser was successful, and they have been partnering with UVA over the past few years to work with underserved children and artists. A director search will begin in January. They have also created an ornament for the governor's Christmas tree.

Having no further speakers, the public hearing was closed.

Ms. Szakos asked about their renovation plans, as she did not see anything in the lease about it. Mr. Stewart said there was an effort by graduate students at the University to look at the space, but there is not a plan at this time to move forward with renovation, as it would be very expensive and require a bit of discussion. Ms. Szakos asked if there would be a need for a new roof or major maintenance in the next five years. Mr. Stewart said money is put into a permanent reserve every year, and we tap into it every two to three years to the tune of \$10-\$20,000. Also, rent is structured to cover basic maintenance costs.

Ms. Szakos asked why many events that usually happen at McGuffey did not happen this year. Ms. Wostrel said Tom Tom and Cville Sabroso both went elsewhere due to alternate funding sources and the size of McGuffey. A committee is looking at how to continue renting out the grounds and the building.

Mr. Fenwick asked who those interested in being a patron should contact. Ms. Wostrel said they should come to the art center, contact the address on the website, or send an email to mcguffeycouncil@gmail.com.

Ms. Smith asked if they are planning on becoming a 501(c)(3). Ms. Wostrel said they have been exploring a fundraising arm of McGuffey that would be separate from the current association. Ms. Smith asked Mr. Jones for a listing of City investments in various arts and culture organizations so we can be sure we are funding equitably.

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

PUBLIC HEARING / ORDINANCE: SPECIMEN TREE DESIGNATION IN MCINTIRE PARK (carried)

Specimen Tree Designation in McIntire Park

Mr. Doug Ehman, Parks Division Manager, presented to Council. He described the four trees briefly and pointed Council to the map showing where the trees are located.

Ms. Szakos asked if any of these trees have an impact on skate park construction. Mr. Ehman said they do not.

On motion, the public hearing was opened. Having no speakers, the public hearing was closed.

Ms. Smith said it is fantastic and great to acknowledge these huge, historic trees. She requested that the nomination letters be made publically available. Mr. Ehman said they would be posted to the Parks and Recreation website.

On motion by Ms. Smith, seconded by Ms. Szakos, the ordinance carried.

PUBLIC HEARING / ORDINANCE: RAGGED MOUNTAIN NATURAL AREA
RULES OF USE (2nd reading)

Ragged Mountain Natural Area Rules of Use

Mr. Chris Gensic presented to Council on the Ragged Mountain Natural Area (RMNA) rules of use.

Ms. Galvin clarified that this is not a master plan, but an ordinance that we need to begin planning. Ms. Galvin asked if staff would follow protocols for park master planning. Mr. Gensic said they could but had not planned to because this was more about park use rather than master planning. Staff is hoping to complete a trail loop before the bridge is installed.

Ms. Smith asked if staff has discussed the changes with Ednam Forest. Mr. Gensic said neighbors are concerned about increased traffic through the neighborhood, and staff is working to ensure drivers know they are not to use the back access road.

Ms. Smith asked about a report on the bioblitz results to date. Mr. Gensic said the bioblitz study is ongoing and seasonal in nature. Mr. Lonnie Murray has been the center point for this effort, and this will be included in the planning process. Staff is sensitive about the shoreline and hollows. Others are looking at items for historical background and significance.

Mr. Fenwick asked what the budgetary impact will be. Mr. Gensic said staff is working mostly with volunteers, supported by occasional staff work. Mr. Fenwick said he would appreciate figures on budgetary impact when this comes back to Council. Mr. Ehman said staff can do the job with existing resources and would not come with an additional request for funds.

Mr. Jones said staff needs direction from Council about how to report budgetary impacts if current reporting practice is not amenable.

Ms. Smith asked how staff plans to deal with hiking. Mr. Gensic said the language in the existing deed is suggested language, not restrictive language.

On motion, the public hearing was opened.

Mr. Gene Phillipe, 4721 Helios Path, said he is concerned about the trails proposal. He and his wife moved here because of the nature amenities, and he does not favor mixed use for the parks.

Mr. Christopher and Ryan Little, 214 Blackthorn Ln., said they support shared use because it gives the junior cycling community an opportunity to teach children about nature, how to share their resources respectfully, and how to stay active.

Ms. Elizabeth (Bess) Murray, 1625 Bentifar Farm Rd., resident of Albemarle County, said she was involved with the Ivy Creek Natural Area and the Foundation for about a decade. The original purpose of a natural area has worked well, but keeping a balance with increased visitation has been a challenge. The current proposal threatens everything the remaining acreage after a new dam can provide. Natural areas are rare, and the late Jane Heywood, who donated some of her own land to RMNA, was deeply involved in the preservation of all natural areas.

Mr. Robert Butler, 5554 Sugar Ridge Rd., Crozet resident, said dog droppings will be a problem. The bike trail will have bikers running over small, sensitive animals. You could call it a peace park, with no electronic devices, dogs or bikes.

Ms. Rebecca Quinn, 104 4th St., said Mother Nature cannot testify at public hearings, and the humans have to speak for those living things that cannot speak for themselves. High-energy use does not mix with a natural area. Group teen runners will have loud communications between one another, and the natural area will suffer. She asked Council to remember their responsibility is to the City's citizens, not the county.

Mr. Robert Whaley, 52 Canterbury Rd., County resident, said please do not make a hasty decision about the trails in the Ragged Mountain area. Bikes will damage the trails; dog poop will not be picked up and will degrade the water shed. There are already designated places for people to take their dogs. The mountain biker website lists several trails that are already open for mountain biking. Bikes and dogs will degrade the environment and disturb the peace and tranquility of the trails.

Ms. Susan Seidler, 52 Canterbury Rd., county neighborhood close to the RMNA, has been hiking the trails at RM for 16 years. She is opposed to dogs and bikes being allowed on the trails due to cleanliness, safety, and trail erosion.

Mr. Doug Rogers, 1065 Weybridge Ct., Pantops, resident for 11 years, president of Monticello Bird Club and involved in other bird groups, said all four of the bird organizations he is involved with are focused on wildlife habitat, and birds in particular. Bird species are in dramatic decline and need places to live, such as RMNA, which will be degraded if these rules are implemented.

Mr. David Stackhouse, 1404 Westwood Rd., dog owner, bike rider, and hiker, said the human form is the scariest form to wild animals. The Charlottesville Area Mountain Biking Club (CAMBC) wants to promote healthy pursuits in nature, and they build trails, specifically sustainable trails. The mountain bike club is one of the only organizations that care about silt getting into the watershed. There is too much obesity in our society, and people need opportunities to get outside.

Ms. Marilyn Smith, 3961 Taylor's Mountain Farm Ln., in Albemarle County, said Ivy Creek encourages people to connect with nature. This is a slippery slope.

Mr. Sam Linblom, 657 Rocky Hollow Rd., President of the CAMBC, said he and his kids enjoy biking trails, and they do not kill wildlife or plants. They are thrilled to work with concerned parties to maintain the ecological integrity of the site. He said there is no research to show bikers will wreck the natural area. Please give the Parks Department and our citizens the chance to share.

Mr. Eric Stavisky, 317 Carlton Rd., bike commuter, said he includes the City's trails as part of his commute and thinks it contributes to overall health and well-being. We owe it to our community to proceed with this rules change.

Mr. John Anderson, 932 Rayburn St., Crozet resident, with Charlottesville Area trail runners, and owner of Crozet Running Store, supports opening shared use. Opening up the RMNA to shared use will not take away from the natural area. This is a great opportunity to increase green space. Many do not go there because the uses are too restrictive.

Mr. Dan Bieker, 4174 Laird Ln., County resident and City property owner, said we need multi-use trails and natural areas alike. He said he does not favor expanded use at RMNA, although he said we may be able to compromise by allowing running.

Mr. Will Sanford, 1581 Thornridge Way, CAMBC Board member, said scientific studies show biking causes no more degradation of trails than hiking. He supports mixed use.

Mr. Ken Crawford, 2500 Austin Dr., said mountain bikers stay on trails, clear trails after storms, and provide many other services to trails. He supports mixed use.

Ms. Gretchen Gehrett, 3270 Cold Spring Rd., board member of the Wildlife Center of Virginia, supports maintaining Ragged Mountain as a natural area for the creatures.

Mr. John Conover, 104 W. High St., said he supports shared use at Ragged Mountain.

Mr. Bruce Austin, 1956 Locust Hollow Rd., County resident, works at Ivy Creek and said Charlottesville has many special jewels. He said he could not bring children to RMNA to learn if dogs and bikers were to be allowed.

Mr. Patrick Norton, 100 Tripper Ct., said he is the father of three children who enjoy biking. He supports mixed use at RMNA.

Mr. Scott Paisley, 1207 Oakhill Dr., said CAMBC has a proven ability to maintain and support sustainable trails. He supports mixed use and collaboration among interested parties.

Mr. Matthew Panorella, 1706 Rugby Ave., supports mixed use at the RMNA because of its proximity to City residents.

Mr. Tom Baxtor, 106 Longwood, supports shared use at Ragged Mountain.

Mr. Tim House, 337 Monticello Rd., said his team prefers shared use.

Mr. Jeff Keanan, 1002 Grady Ave., reviewed studies on the impact of bikers versus other trail users on wildlife disturbances. The studies he presented show hikers have more of an impact than bikers.

Mr. Brian Yuzinski, 1505 Greenleaf Ln., said the biggest threat to wildlife in the RMNA is I-64. Bikes and joggers should be on the same side, and there should be shared use.

Having no further speakers, the hearing was closed.

Council took a brief recess.

Ms. Szakos said she was impressed with the caliber of public participation tonight, including respectful and civil discourse.

Mr. Fenwick said he agreed and appreciated the lively discussion.

Ms. Smith spoke on why she supports keeping the Ragged Mountain trails as passive use. This is a unique area that provides services that are not available at other locations.

Ms. Galvin said the City is about sharing space, encouraging multi-use recreation and allowing for diversity. We can learn to respect nature by being in it instead of being excluded from it. Ivy Creek gave up this area when it became our City's water supply, and things change. She said she supports the unique opportunity to have a shared use approach at RMNA.

Ms. Szakos said she is thinking about the next generation and how we teach our children to be in nature and protect it for future generations, and the more ways we have to get our kids out, the better. We need to hold one another accountable, and that is what these groups do. She thinks the vast majority of people in our parks will follow the rules.

Mr. Huja said it has been interesting to hear new ideas and learn new information. A good community works together, and humans are part of nature and should not be separate from nature. Less is more; we should build fewer trails so that we preserve nature as much as possible.

Mr. Fenwick said this community can close the chasm between the two parties, and voting tonight is premature. He moved that Council let the planning process be carried out and table a vote until results from the bioblitz and a formal planning process has occurred, as we do for the other parks in the City. Ms. Smith seconded the motion. She said we need to follow our own policies for one of the largest parks in our system. Council voted to table the second reading on the rules ordinance, and the vote passed. (Ayes: Mr. Fenwick, Ms. Smith, Mr. Huja; Noes: Ms. Galvin, Ms. Szakos.)

Ms. Szakos said master plans are for when we are building something in our parks. We should at least move forward on this concept regarding whether it is to be a shared use area or not so there is a sense of what will be expected as the planning process moves forward. Ms. Szakos moved that Council agrees in principle to shared use. Ms. Galvin seconded the motion. Ms. Szakos' motion passed. (Ayes: Ms. Galvin, Ms. Szakos, Mr. Huja; Noes: Mr. Fenwick, Ms. Smith.)

Mr. Ehman said the bioblast should be completed in March or April 2016. This would come back for a vote in one year under the best possible time line.

Ms. Smith said she wants to be sure the Ednam Forest neighborhood and the Department of Conservation and Recreation are involved in the planning.

Mr. Gensic asked for clarification on whether staff should halt all trail construction. Ms. Szakos said the vote was to table the ordinance about rules, not to halt all trail construction.

PUBLIC HEARING / ORDINANCE: EASEMENT TO RWSA FOR WATER LINE IN TOWE PARK (carried)

Easement to RWSA for Water Line in Towe Park

Mr. Ehman presented to Council. This increase is required to better allocate proportional use of water supply per the four party agreement.

MS. Smith asked how wide the easement is. Mr. Ehman said it is twelve feet of the existing easement and 60 feet long.

Ms. Victoria Fort, Engineer at RWSA, said one tree is marked for removal, which would have to be removed anyway per the existing easement.

Ms. Szakos confirmed that the meter vault would be flush with grade.

Ms. Smith asked why the meters are being installed and what the cost is. As a part of the water cost allocation in December 2012, the parties agreed on this in order to better understand water losses and how they should be allocated between the County and the City.

Ms. Smith confirmed that it simply meters the water loss and does not address it.

Ms. Galvin moved approval of the ordinance. Ms. Szakos seconded. The ordinance carried for a second reading.

Ms. Smith said she will vote against this because it does not ameliorate our problems with water loss.

RESOLUTION: MARKET PLAZA UTILITY AGREEMENT BETWEEN CITY AND CEDA

Market Plaza Utility Agreement between City and CEDA

Mr. Engel presented to Council. He reviewed the Market Plaza utility agreement before Council for a vote.

On motion by Ms. Szakos, seconded by Ms. Galvin, the resolution passed. (Ayes: Ms. Szakos, Ms. Galvin, Mr. Huja, Mr. Fenwick, Ms. Smith; Noes: None.) Ms. Szakos said this enables more undergrounding and protects the City.

RESOLUTION: MARKET PLAZA LEASE FOR CITY MARKET

Market Plaza Lease for City Market

Mr. Engel presented to Council. The lease stipulates that hours would be extended to 9pm instead of 8pm.

Mr. Fenwick said he supports this. He said the vendors have fallen out of this conversation, and this does not guarantee market success unless the vendors come back into the conversation.

Mr. Fenwick moved approval of the resolution; Ms. Galvin seconded.

Ms. Smith said this agreement could be renegotiated every 20 years. Ms. Smith and Ms. Szakos asked to add gender identity to the non-discrimination clause. The applicant agreed to do so.

Ms. Szakos confirmed that furniture is not set until the final site plan and asked if the applicant can guarantee there will be furniture. She said this will not come back to Council, and it is why the 16' easement was granted. The furniture was promised, but it is not contained in the document before Council.

Mr. Petit said the plan should state that seating to accommodate up to 20 people will be included in the lease. The applicant agreed.

Ms. Smith said the City is being asked to clean up the area to a higher standard; she asked for the lease to say users should leave the space as they found it. Mr. Petit said the applicant would clarify the language; the applicant will clean, and the City will remove trash and rubbish. Mr. Brown suggested that a pre-event inspection prior to the City Market to verify the condition

of the plaza and note preexisting damage to preclude post-market claims of damage could be stipulated. Ms. Smith said this addresses her concern.

Ms. Smith said she is concerned that the default event for lessor is not as strict as for the City. It seems easy to terminate the lease.

Council voted to approve the resolution. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

ORDINANCE: SALE OF CITY PROPERTY AT 200 2ND STREET SW
(MARKET PLAZA) (2nd reading)

Sale of City Property at 200 2nd Street SW

Mr. Engel said the only substantive change clarified the easement length and the responsible party for repairs.

Ms. Smith asked if there is anything in the lease to protect the City from another Landmark situation, such as a bond that could be required to prevent this. Mr. Petit said it is virtually impossible to buy a bond to ensure completion of the project if the owner defaults. However, this project cannot commence until we have a fixed price construction contract and a financing commitment sufficient to complete the project.

Council voted to pass the ordinance. (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None)

ORDINANCE: DEVELOPMENT CODE CHANGES FOR APPLICATION
REVIEW PROCESS (2nd reading)

Development Code Changes for Application Review Process

Ms. Creasy presented to Council. The ordinance has been updated to reflect changes, including removal of references to site plan and subdivision regulations, updates to ensure references to gender are neutral throughout the text, and a revised waiver policy to remove references to site plans and subdivisions.

Ms. Galvin requested an addition to item C-2 under Sec. 34-41. Amendments to the zoning ordinance. In the last sentence of the section, please insert the phrase "The director may waive the requirement for a community meeting *in accordance with the regulations* and...."

Ms. Galvin moved the amendment; Ms. Szakos seconded.

Mr. Fenwick asked Ms. Creasy to walk him through what happens to a site plan. She did so. Mr. Fenwick said there should be a time limit for the NDS Director to act on a waiver request, and if it is not posted within 48 hours it should be automatically denied. Mr. Huja said that is not a realistic time limit.

Ms. Smith asked if adjoining neighbors will know if there have been any changes in the development plans. Ms. Creasy said if ownership changes are public information, but staff will not necessarily notify neighbors each time this occurs.

Council voted on the proposed amendments, and the vote passed. (Ayes: Ms. Galvin, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: Mr. Fenwick.)

Council voted on the ordinance, and the vote passed. (Ayes: Ms. Galvin, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: Mr. Fenwick.)

Ms. Szakos said this is what Mr. Fenwick wanted.

OTHER BUSINESS

Ms. Szakos said the stairs at Garrett were approved by the BAR but not the landscaping, and she asked if the project could be broken into two parts so that the stairs could be completed by the end of the year.

Mr. Jones said staff is contacting contractors to try to get the work done on the stairs as soon as possible, but need to determine if the contractors are available. Staff will provide an update to Council and Ms. Watson as soon as there is more information.

Ms. Smith asked for an update on what the issue is with the landscaping.

MATTERS BY THE PUBLIC

Mr. David Stackhouse, 1404 Westwood Rd., said the process was stolen tonight and deferred in reference to a bioblitz, which will only decide what kind of flora and fauna is there, not what type of use the trails will be. Council tabling the ordinance means there are no rules anymore; there should be a sign closing the area until the rules can be established. He said due process was stolen by Ms. Smith and Mr. Fenwick. He demanded that the CAMBC be at the table during the planning process, because they know how to implement sustainable trails.

Ms. Rebecca Quinn, 104 4th St., said if the code changes were only about site plans, it might be short-sighted. She said the bioblitz is needed because we need to know where to put trails. We need to know where species nest and grow so we can avoid permanently devastating wildlife habitat.

Mr. Sam Linblom, 657 Rocky Hollow Rd., said tonight's speakers were hijacked. People will make social trails where existing trails do not connect. We should shut down the park at the base of the road until rules can be established. He said his exchanges with Ms. Smith were not respectful and shared excerpts from their email correspondence.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Ms. Szakos said the vote on the Ragged Mountain rules was a sabotaged process. We have voted for shared use, but we do not know what the rules are and are in limbo.

Ms. Galvin said we did not succeed in voting on the ordinance, and now we have to deal with murkiness, which is very frustrating.

Ms. Smith said we are trying to get back to the process we have established to plan a park.

Meeting adjourned.