

**NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, May 20, 2013, 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 – May 20, 2013**

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

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Mr. Huja, Ms. Galvin, Ms. Smith, Ms. Szakos, Mr. Norris; Noes: None), to meet in closed session for (1) Consultation with legal counsel regarding negotiation of the terms and conditions of a cost sharing agreement with the Albemarle County Service Authority for the costs of the Rivanna Pump Station, as authorized by Va. Code sec. 2.2-3711 (A) (7); and, (2) Discussion of the acquisition of real property, including approximately 1.25 acres at the end of Eton Road; approximately 30 acres located in the City and Albemarle County near the intersection of Old Lynchburg Road and Interstate 64; and approximately 3 acres in Albemarle County adjacent to Rives Park, all for public park and trail purposes, where discussion in an open meeting would adversely affect the City's bargaining position, as authorized by Va. Code sec. 2.2-3711 (A) (3).

On motion by Ms. Smith, seconded by Ms. Galvin, Council certified by the following vote (Ayes: Mr. Huja, Ms. Galvin, Ms. Smith, Ms. Szakos, Mr. Norris; 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 - May 20, 2013**

**CALL TO ORDER**

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

**AWARDS/RECOGNITIONS & ANNOUNCEMENTS**

Ms. Linda Seaman presented Council with the new spring scholarship recipients. The students introduced themselves and stated their school and major.

Mr. Huja read a proclamation in honor of Police Memorial Week. Sgt. Upman was present to accept the proclamation.

Mr. Norris announced that City Hall will be closed May 27 for Memorial Day. Also, a Sock Hop will take place June 1 at Carver Recreation Center.

Ms. Smith announced the 2013 Powersaver Home Makeover contest. The deadline to enter is May 31. Go to [www.powersavermakeover.org](http://www.powersavermakeover.org) for more information and to enter.

Ms. Galvin announced the Meade Avenue closure on May 21 for the new railroad crossing installation. Also, the next Our Town meeting will be May 23 at the Herman Key Recreation Center for the Martha Jefferson/Little High neighborhoods. Go to [charlottesville.org/ourtown](http://charlottesville.org/ourtown) for more information.

Ms. Szakos announced the Ragged Mountain Area natural trail rebuilding event on Saturday, June 1. Also, the Youth Council is looking for new members ages 13-17 for the coming school year. Go to [www.charlottesville.org](http://www.charlottesville.org) for more information.

Ms. Szakos and Mr. Norris gave a brief overview of their recent trip to our Sister City of Winneba, Ghana. Mr. Norris thanked all of the local contributors who made the trip possible.

## **MATTERS BY THE PUBLIC**

Mr. Bill Speiden, 12046 Blue Hill Dr., an Orange County citizen, spoke against uranium mining and supported Council's moratorium on this activity.

Ms. Michelle Ba'th Bates, citizen, gave Council an overview of the Fe-Male Perspective's latest activities and programming. Go to CPA-TV Channel 13 to see their work.

Mr. Rit Venerus, Chair of Charlottesville Airport Commission and resident of Walnut Hills, said blasting at the airport has not stopped, and damages continue. He asked Council to protect the property owners by helping them with this issue.

Ms. Lena Seville, Altavista Ave., said some of the issues that have been raised during the downtown mall discussions are not necessarily negative for everyone. Also, the downtown mall workgroup lacks diversity.

Mr. Jonathan Boersma, Earlysville resident, said his home borders the airport property to the west of the runway and has been subjected to repeated blasting. He has suffered damage as a result, in spite of the fact the airport claims they are not causing any damage. He asked Council to take action and reiterate their call for a stop to the blasting.

Ms. Esther Outlaw, Ms. Frances Henderson, and Mr. Ryan M., students at Monticello High School, presented Council with their research on the effect of a federal minimum wage increase

on small businesses. They distributed a packet with the results of a survey they conducted, showing that 80% of the small businesses surveyed already pay above the federal minimum wage.

Mr. Ethan Elzey, 939 Wolf Trap Rd., presented Council with information about the Belmont Bridge project. He said there is a sight line barrier between the Downtown Mall and Belmont, and this should be removed. Budgetary information is not readily available to the public, and estimates may be biased in favor of the bridge. He urged Council to take a long term view on this project.

Ms. Alex Dowell, Ms. Danielle Christmas, and Mr. Taylor Collier, said they have been following the Stonehenge project. They have researched the 26-home project and concluded that it should be accepted. The by-right plan would be worse for the environment and the neighborhood.

Mr. Charlie Sheehan and a group of Monticello High School students said they have been doing research on the Belmont Bridge. While they were not able to get numbers and assistance on the project, they were able to speak to the contractor. They urged Council to consider the underpass. They said they are frustrated with the delays and slow pace of the bridge project.

Ms. Julia Sheehan, 602 Nettle Ct., said uranium mining has become a big issue in our area. The environmental risks are not worth the potential income uranium mining could provide.

Mr. Brandon Collins, 418 Fairway Ave., said he is disappointed with Council's mindset on poverty. Please promote programs that make jobs and access more readily available.

Dr. M. Rick Turner, President of the Albemarle/Charlottesville NAACP, said he has contacted Council about employing a full-time African American at the CACVB. Mr. Burkhardt said that the CACVB does not currently have any African American staff members. He said this is unacceptable for such an important agency and asked Council what they will do to address the lack of racial diversity at the CACVB.

Ms. Riley Cole, Monticello High School student, said the drone moratorium was premature because we do not know enough about the technology yet to ban it. Drones can help research weather and environmental issues and can create jobs.

## **COUNCIL RESPONSES TO MATTERS BY THE PUBLIC**

Ms. Smith thanked the Monticello High School students for speaking about relevant issues. She appreciated young people getting involved. She supported the request to examine a uranium resolution. She thanked Ms. Bates and Dr. Turner for bringing up issues that she believes will be addressed through the Human Rights Commission.

Mr. Norris thanked Dr. Turner for bringing up important issues. We have a lot of work to do to become a City that invites diversity. He said he is very troubled by the blasting at the

airport and hopes that our representatives will reflect our concern and address the situation. He thanked Mr. Collins for his comments and said the relative inaccessibility of the workforce center is an issue.

Ms. Szakos said she agreed with Mr. Norris and Ms. Smith. She affirmed the youth for their participation in tonight's meeting. She said it is important to be aware of diversity in staffing, and we need to be aware of the messages that are going out about our community. She thanked Mr. Collins for his comments and said we do need to talk about ending generational poverty.

Ms. Galvin said Ms. Seville's comments about community engagement should be addressed. She asked Mr. Jones to work with department heads and staff facilitators to make sure there is diverse representation in the community work groups. She said she believes that Mr. Collins dismissed Ms. Purnell's presentation too quickly, because it contained good ideas for ways to get people working together creatively. She asked for an update on the Belmont Bridge.

Mr. Huja said he agreed with the comments of his fellow Councilors. He encouraged the youth to continue coming to meetings and presenting ideas. Having good jobs is the most important anti-poverty program there is, and the City is working to achieve this.

### **CONSENT AGENDA**

Mr. Huja requested that item j be removed for discussion.

On motion by Ms. Szakos, seconded by Ms. Galvin, the following consent agenda items were approved, with the exception of item j regarding parking fines. (Ayes: Ms. Szakos, Ms. Galvin, Ms. Smith, Mr. Huja, Mr. Norris; Noes: None.)

- a. **Minutes for April 15, May 6**
- b. **APPROPRIATION: Virginia Department of Health Special Nutrition Program Summer Food Service Program - \$95,000 (2nd reading)**
- c. **APPROPRIATION: Police Department - Special Events Overtime and Miscellaneous Revenue - \$100,000 (2nd reading)**
- d. **APPROPRIATION: Hillsdale Drive Improvements - Appropriation of Payment from Stonefield Developers for Traffic Improvements - \$800,000 (2nd reading)**
- e. **RESOLUTION: Addition of Tree Commission Member to PLACE Task Force**
- f. **RESOLUTION: FY 2013 Budget Supplement to Police Department for Costs Associated with Investigation - \$127,000**
- g. **ORDINANCE: Affordable Dwelling Unit Amendment (2nd reading)**

- h. **ORDINANCE: Amendment to Subdivision Ordinance to Allow an Option to Contribute to Sidewalk Fund (2nd reading)**
- i. **ORDINANCE: City Code Change - Chapter 26 - Solid Waste, Article V - Large Item Refuse Collection and Disposal (carried)**
- j. **ORDINANCE: Increases in Certain Parking Fines (1st of 2 readings) deferred**

### **REPORT: CHARLOTTESVILLE YOUTH COUNCIL (CYC)**

#### Youth Council

Ms. Gretchen Ellis presented to Council. She introduced Mr. John Daniels, Ms. Mary Hemenway, and Ms. Raja-Nique Maupin, the CYC's three seniors, to give Council an overview of what they have accomplished over the past year. The CYC decided their focus would be on highlighting the teen center at the Jefferson School Center. They organized a basketball tournament event, and it was successful. Mr. Huja presented the three seniors with a certificate of appreciation and a City pin. The rest of the CYC introduced themselves and described why they joined.

Ms. Szakos thanked the inaugural CYC class for shaping what our City's Youth Council will look like, and she encouraged more interaction. She thanked Gretchen Ellis and David Ellis for their work with the CYC. Mr. Norris thanked the youth and suggested a youth-based "Our Town" meeting next fall. Ms. Smith asked the group to report on ways we can improve access to the Jefferson City Center to the youth. Ms. Galvin said she would like to get the youth involved in master planning projects. Mr. Huja thanked the youth on behalf of Council.

### **PUBLIC HEARING / ORDINANCE: PROPOSED UTILITY RATES FOR FY 2014 (carried)**

#### Utility Rates

Ms. Sharon O'Hare presented to Council. She gave an overview of the utility rates report and described the changes from last year.

Ms. Smith asked how much water we use and said we should monitor this amount if it starts to increase. Ms. Galvin confirmed that our wastewater share has decreased by 1%.

On motion by Mr. Huja, the public hearing was opened.

Ms. Rebecca Quinn, 104 4th St., said our population grows and our water use drops. She asked why the City water and sewer rates are reported in different units than those used by Rivanna. Rates should be normalized and reported to citizens before the Utility Rates Report at

the Council meeting. People should remember that they are paying unnecessary rates because of the dam project.

Ms. Colette Hall, 101 Robertson Ln., said the RWSA does not give support for the numbers they publish in their reports.

Mr. Brandon Collins, 418 Fairway Ave., said he has discussed water and gas shut-offs in the City at past utility fees public hearings. This is similar to preventing evictions. There are other ways to get payment, and you should not shut off water or gas to any resident in the City.

Having no further speakers, the public hearing was closed.

Ms. Smith thanked Ms. O'Hare for her work on this report and for detailing some of the questions she had. She said it is not true that the City does not profit from the rates; they are built in via payment in lieu of taxes ("PILOT"), which is on water, wastewater and gas. She asked Council to explore eliminating PILOT, at least on water and wastewater. This will save customers about \$1.2 million.

Ms. Smith said every year we have used more and more from the rate stabilization funds to keep rates from increasing, and we were digging ourselves into a hole. She said the rate is determined by how much we subsidize it more than anything else. We need to find a way to stop depending on the rate stabilization.

Ms. Szakos asked for a report on the shut-offs and requested information on what has been put in place since last year.

Ms. Galvin asked if we could keep our units of measure consistent, per Ms. Quinn's request. She asked Mr. Jones for his opinion on Ms. Smith's repeated insistence on reviewing the PILOT and whether the effort of a review would be worth it. Mr. Jones said that decision would ultimately be up to City Council to pursue. There would be an impact on our budget. Not the entire \$1.2 million is residential; some portion comes from commercial and UVA costs. Ms. Galvin asked for the pros and cons of a transition away from the PILOT. Mr. Huja asked for information on how other communities deal with this.

Mr. Norris said he supports the direction Ms. Smith is going. He said Ms. Quinn is correct about water use declining. It is an undeniable trend at this point.

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

## **PUBLIC HEARING / ORDINANCE: HUMAN RIGHTS COMMISSION (2nd reading)**

### **Human Rights Commission**

Mr. Ellis presented to Council. He reviewed the four components of the Human Rights Commission and the proposed commission charge process, illustrated on the flowchart in

Council's materials. He reported estimated costs of mediation at \$17,000, bringing the total annual cost of this initiative to \$197,000.

Mr. Norris asked for confirmation that this ordinance still allows us to contract with a third party to process complaints. Mr. Brown confirmed that this is the case. Mr. Norris said the Commission can create a smaller hearings panel that would not necessarily involve the entire commission. Mr. Ellis confirmed that this is correct. Ms. Smith asked at what point a complaint goes from being confidential to public. Mr. Ellis said if the commission decides to have a public hearing, the complaint would then become public.

On motion by Mr. Huja, the public hearing was opened.

Rev. Dr. Melanie Miller, 717 Montrose Ave., Sojourners United Church of Christ, said she supports human rights. We cannot tolerate discrimination in order to live in a healthy community. This must include enforcement powers.

Mr. Jim Moore, 1213 Hazel St., former member of the Dialogue on Race (DOR) Steering Committee, said the task force report did not include empirical evidence of discrimination, and Council is chasing shadows with this commission. He asked for postponement or verbiage that puts this on a three to five year trial basis.

Mr. Marvin Joiner, resident since 1960, said a leading City does not need a Human Rights Commission. We should spend money on things like parks instead.

Ms. Suzanna Nicholson, 501 2nd St., N.E., thanked Councilors Szakos, Smith and Norris for their recent stand on enforcement. Council has heard no evidence that a commission will harm business, and if this does not work as planned it can be retooled by future Councils.

Mr. Alex Gulatta, 2110 Tarleton Dr., said enforcement is important, but making it effective for only employers with 5-15 employees misses the point and gives large employers a free ride. The EEOC and the state human rights process lack meaningful authority.

Ms. Joy Johnson, 802 A Hardy Dr., said this commission should have enforcement powers. She said it is hard to believe that there are still people who do not believe there are violations to human rights. There must be an avenue for people who feel their human rights have been violated.

Mr. Lewis Martin, 923 Marshall St., said the City cannot pass ordinances that are not enabled by state legislation. Councilors are violating their oath by passing an ordinance that creates a new protected class that is not previously granted by the state.

Mr. Robert Smith, Belmont resident, said he is against the proposed human rights ordinance.

Ms. Edith Goode, 305 2nd St., said she supports a commission with local enforcement.

Ms. Nancy Carpenter, 727 Denali Way, said she supports the human rights commission with enforcement.

Mr. Walt Heinecke, 1520 Amherst St., thanked Council for taking the necessary risks. PHA does great things, but they are not an enforcement agency. Implementation will be important, and he urged Council to think about the funding.

Mr. Brandon Collins, 418 Fairway Ave., said PHAR supports a commission with local enforcement powers, as well as the new additions from the Legal Aid Justice Center.

Mr. Jim Shea, Montevista Ave., said he supports Mr. Collins, Mr. Gulotta, and Mr. Heinecke. Council should give the commission the discretion to be effective in its enforcement. You are close to doing something really big and good for our City for years to come.

Having no further speakers, the public hearing was closed.

Ms. Smith said the arm of the commission that deals with illegal discrimination does abide by state and federal law. Ms. Szakos said we are not adding another class, simply interpreting the aspect of the state law that protects sex. It is untested, but she said she was comfortable with keeping it in the ordinance.

Ms. Galvin said the Human Rights Task Force did not produce a document that gave us the data we needed to take the steps we are taking tonight. We do not know the extent of this issue. The very things we need to do first and foremost will be sacrificed if we spend \$197,000 on a commission prematurely. The focus should be on developing mutual understanding and partnership, not tracking down violators and prosecution. She asked Council to develop a Charlottesville Economic Opportunity Plan to facilitate success in our community.

Mr. Norris said he has supported a commission from the beginning, particularly focusing on invisible, systemic racism. He supports enforcement, but he does think using existing resources could take the form of a community-based process that is not located in City Hall. He said it is important for the City to include sexual orientation, and it is not illegal for us to do so because we do not levy fines or enact punishment. He agreed with Mr. Gulotta that we should give staff some discretion with how to proceed with a given case.

Mr. Huja said there is a problem with discrimination, even though there is no quantifiable data. He supports a human rights commission but cannot support it in the current form.

Ms. Smith asked to reorder the three arms of the commission to be sequential with the enforcement piece (engagement, systemic, legal).

Ms. Smith said section 2-437 (a) is misleading because it suggests the director will do this for every case. Ms. Szakos suggested the sentence could move down to (c).

Ms. Smith recommended adding the phrase “within the corporate limits of the City” to section 2-437 (c), because that is all we have jurisdiction over.

Ms. Smith said she was concerned that the last sentence of (d) in that same section will mean the complainant will go straight to the Human Rights Commission if they do not agree to mediation, and this is not how this was designed. Mr. Huja said allowing and requiring are two different things. Ms. Smith decided not to pursue the point.

Ms. Smith asked if we should spell out what happens when someone walks through the door in terms of jurisdiction. Ms. Szakos said if the director develops central intake, that should be reflected in their policy. Ms. Galvin said this is more regulatory language, and Council should have the opportunity to review that language once it is available.

Ms. Smith and Ms. Szakos said if the ordinance is going to allow for either party to determine probable cause, we should be consistent. Mr. Brown said the concept of mediation is premised on the parties to willingly negotiate in good faith. Section 2-439.1 was changed to say "either party".

Ms. Smith confirmed that it is legal to meet behind closed doors on matters brought forth to the Commission before the public hearing.

At Ms. Galvin's request, Mr. Brown said he would add a sentence to end of Section 2-434 (d) regarding materials used and communications made during a mediation remaining confidential. Also, he will add a paragraph to Section 2-434 (e) to state that the execution of a written agreement is solely for the purpose of settling a disputed claim and does not constitute as an admission that the law has been violated. Ms. Galvin added that Council asked that a violation of Section 2-440 shall be a Class 3 misdemeanor, which needs to be reflected in the ordinance.

Ms. Galvin asked to add a sentence under final reports stating that it will expire at the end of every third fiscal year absent further action from the Council. There was not support for this change.

On motion by Ms. Szakos, seconded by Ms. Smith, the proposed amendments passed unanimously.

Mr. Norris suggested we direct staff to put out an RFP to see what kind of options there are to contract with a third party. Mr. Huja said we should adopt the ordinance first and then address this issue at a later time. Ms. Szakos said this seems premature. Mr. Norris said staff needs to know if they are hiring two people or just one. He said this would create a less adversarial approach. There was not support for this at the current time.

The Human Rights Commission ordinance passed as amended on the second reading. (Ayes: Mr. Norris, Ms. Smith, Ms. Szakos; Noes: Ms. Galvin; Abstain: Mr. Huja.)

Mr. Huja said he abstained because there are good things about the ordinance and he is not opposed to it, but he does not wish to vote for it in its current form.

Ms. Galvin said this needs to be explained fully to the public.

**PUBLIC HEARING: ADOPTION OF THE 2013 COMPREHENSIVE PLAN**2013 Comprehensive Plan

Ms. Creasy presented to Council. The Comprehensive Plan serves to coordinate public and private development with present and future policies as may be reflected through zoning, capital improvement programs, code enforcement and other means. The review of our Comprehensive Plan started in July 2010. She described updates and changes and gave an overview of the numerous community meetings that have taken place.

Ms. Smith asked how people have been able to access the current version. Ms. Creasy said it has been online, and staff has also mailed data to citizens as requested. Ms. Smith requested a permanent link on the home page for the proposed plan.

Mr. Huja said he would like to see the plan available on a disc so people can take it home and read it. He asked staff to provide Councilors with a hard copy of the basic chapters.

At Ms. Smith's request, Ms. Creasy provided an overview of what should and should not be included in the document and other plans that are linked with the Comprehensive Plan.

On motion by Mr. Huja, the public hearing was opened.

Mr. Bill Emory, 1604 E. Market St., said the Woolen Mills neighborhood has been involved with discussions about the Comprehensive Plan since at least 1988. He thanked Missy Creasy and Planning Commission Chair Gennie Keller for their effort and hard work on this plan.

Mr. Scott Bandy, 1639 Cherry Ave., said the Comprehensive Plan process was not without conflict.

Having no further speakers, the hearing was closed.

Mr. Norris asked how the plan will help stop the hemorrhaging and increase the stock of land available for job creation. Ms. Creasy said the chapter on economic sustainability speaks to many of those issues.

Ms. Galvin said introduction of the small area plan approach has been a big change. A holistic look is important. Mr. Huja said we can discuss language changes at the next meeting.

Ms. Creasy provided clarification about the small area plan at Ms. Smith's request. This will be similar to other planning processes, including data gathering and public input phases. Ms. Smith said her biggest concern is in the housing section. She said it is missing big pieces.

Mr. Norris seconded Mr. Huja's request to provide the document in a more readable form. He asked for a quick update on where things are for the Rivanna corridor. Ms. Creasy said there

has not been progress at this point. However, the County and City have agreed that it is a priority goal.

**ORDINANCE: STONEHENGE PUD (2nd reading)**

Mr. Haluska presented to Council. Ms. Szakos asked what would happen if the PUD were approved but the not the slope waiver. Mr. Haluska clarified that once you grant a PUD, you cannot go back to the By-Right plan. Mr. Brown said Council should deny them both or grant them both.

Ms. Smith said if they do the by-right plan, they still need a critical slope waiver. Mr. Haluska said this is correct. Ms. Smith said the critical slopes waiver is a check on the by-right.

Ms. Galvin asked if anything had come of discussions regarding site plans. Ms. Galvin said the developers should have hired an architect instead of consulting with her as a Councilor. Mr. Baldwin said he did not receive Ms. Galvin's comments.

Ms. Szakos asked if something had changed since they came to us. Mr. Baldwin said he would have to withdraw and resubmit the application to make changes.

In response to an inquiry from Ms. Smith, the developers said they look for opportunities to integrate rain gardens and other structural measures in order to address stormwater runoff.

Mr. Norris said the neighborhood is behind this, and he supports it.

Ms. Galvin said if there is some language that described what the applicant verbalized this evening, she would have assurance and would have approved.

The ordinance passed (Ayes: Mr. Norris, Ms. Szakos, Mr. Huja; Noes: Ms. Galvin, Ms. Smith).

**RESOLUTION: STONEHENGE PUD CRITICAL SLOPE WAIVER REQUEST**

On motion by Mr. Norris, seconded by Mr. Huja, the critical slope waiver was approved unanimously.

**RESOLUTIONS: PROMISE HOUSE FUNDING ALLOCATION**

- **City of Promise Land Transfer & Approval of Development Costs (Transfer of Funding From Within the Capital Projects Funds) - \$306,148.92**
- **Authorization to Seek Construction Bids for 210, 206 and 204 8th Street, N.W.**
- **Acceptance of Property from Habitat for Humanity 210 8th Street, N.W.**

Ms. Kathy McHugh presented to Council. Staff recommends approval of a resolution(s) that:

- 1) Authorizes NDS to seek bids for the construction of the City of Promise facility based on final architectural plans for 210 8th Street N.W.;
- 2) Allocates \$271,000 from the Economic Development Strategic Investment Fund to construct a facility for the City of Promise, an estimated \$1,250 to pay for title search/insurance associated with transfer of both lots on 8th Street N.W. from HFHGC and \$885.92 to pay Habitat for additional closing expenses (not previously reimbursed);
- 3) Authorizes the City Attorney to accept (on behalf of the City) title to the property at 210 8<sup>th</sup> Street, N.W. from Habitat for Humanity (note Council already authorized acceptance of 204 8<sup>th</sup> Street on July 2, 2012);
- 4) Authorizes NDS to seek bids to provide grading work at 204 and 206 8th Street N.W. for green space / future outdoor recreational area and to provide a possible parking pad for an adjacent property owner;
- 5) Allocates \$23,013 for grading/site work in neighborhood drainage funding for work at 204 and 206 8th Street N.W.; and
- 6) Allocates up to \$10,000 from neighborhood funds for future green space / outdoor recreational area improvements to be made at 204 8th Street N.W.

Mr. Norris asked what would happen if City of Promise never gets their grant a few years from now and goes out of business. Ms. McHugh said they plan to put this up for sale at some point in time, because if they are successful, they will outgrow this facility anyway. They are looking at a three to four year time frame. Mr. Norris said this money will eventually come back to the City either way.

Mr. Norris said he does not see how this qualifies as a strategic investment allocation. Mr. Huja asked Mr. Norris if he had asked them to use the strategic investment fund in the past for housing. Mr. Norris said it was never intended to build one house, but was to be used to promote mixed income/mixed use development.

Ms. Galvin said the houses in this neighborhood exhibit a sense of style. The building at 204 should be flipped. She suggested Ms. Mary Joy Scala could assist with the details. If the City gets involved with developing, we need to set a high bar.

Mr. Norris asked what the logic was behind providing funding to simply rent a space until they know for sure what their long term plans are. Mr. Jones said location was a big reason.

Ms. Galvin said the City has made a good commitment to the Promise Neighborhood effort, and this will help ensure this does not fail. We have an obligation to make sure the building is extremely compatible with the neighborhood.

Mr. Huja confirmed that this is a legal zoning use of this building. Mr. Brown said it is.

On motion by Ms. Szakos, seconded by Ms. Galvin, all three resolutions were approved. (Ayes: Ms. Szakos, Ms. Galvin, Ms. Smith, Mr. Huja; Noes: Mr. Norris.) Mr. Norris said he wishes City of Promise well and believes this will be a great space, but he cannot support it because of the source of the funds.

**ORDINANCE: CITY SPEED LIMIT REDUCTION (2nd reading)**

Ms. Donovan Branche presented to Council. The speed study conducted from Cleveland to Fontaine was conducted once again on April 17 for a time period of seven days. The results of the study supported the original recommendation of 30 mph.

Mr. Huja said Council should support 30 mph as the study recommends. Ms. Szakos reiterated that the study does not justify a 25 mph limit, which means citations would not hold up in court because the posted limit was not validated with a study.

Ms. Galvin said this is a very long block with no crossing. She asked Council if they would be willing to investigate a mid-block crossing on that street. Ms. Smith asked if this would impact the speed limit formula. Ms. Branche said it would not. Ms. Smith said the real problem is at Cleveland.

Ms. Branche said the City has not historically installed mid-block crossings, but they are becoming more popular. There are things you can do to make a mid-block crossing safer. Driver expectancy is an issue. Ms. Szakos said when roads bulge inwards, it is difficult for bicycles to navigate. Ms. Smith said we need to look at the crosswalk at the end of the bridge too. Ms. Branche said she would have to request additional funding for these safety mechanisms in the next budget cycle.

Ms. Smith said we need to address our inability to regulate speeds on our own streets.

The ordinance passed unanimously for 30 mph.

**RESOLUTION: 1335 CARLTON AVENUE (PACE CENTER) SUP**

Ms. Ebony Walden presented to Council on the 1335 Carlton Avenue (PACE Center) SUP, which would allow for a residential use of up to 21 dwelling units per acre. The Planning Commission voted 6-1 in favor of this application, recommending approval with conditions.

Mr. Scott Collins presented to Council. They agreed to all the conditions laid out by the Planning Commission and doubled down on some of the conditions, such as agreeing to make 30% of the units on the site affordable housing.

Ms. Smith said it does not make her feel better that the affordable rate goes up to 30% in a very high poverty area. The idea that we need to put an SUP on the entire five acres instead of just parcels A and B, which would give you the density you needed for your building, is a fallacy.

Ms. Galvin had a fundamental concern about the use of the SUP to essentially rezone a five acre parcel. We have to make a down zoning decision on a site with very little documentation. She asked why this was not a PUD. Ms. Walden said it is not a PUD per the code. Residential

has been approved for the zone in question and has been deemed appropriate as reviewed on a case-by-case basis. Ms. Galvin said this is a dramatic wholesale change.

Ms. Smith said she agrees with Ms. Galvin that this should be a rezoning. Mr. Walden said zoning can be used for less intense uses via an SUP. The applicant is bringing forth their application based on current laws. The issue of rezoning versus SUP can be addressed at a later time.

Mr. Brown said from a strictly legal standpoint, this is not a rezoning or down zoning because this is still an M-1 use property.

Ms. Szakos said this is exactly the kind of mixed use development we are seeking. It is not perfect, but we have not been able to accomplish this anywhere else.

Ms. Galvin said we are so close to having a small area plan that covers the area in question, and this approval is squeaking in just before we complete that holistic plan. Seniors will have to be transported to the PACE Center by JAUNT within the complex.

Ms. Walden asked Council to define the issues with parcel C so the applicant can move forward with their plans. Ms. Galvin said the buildings on parcel C are essentially being used as a retaining wall, which is fine provided the entries facing Carlton will be at the street edge.

Mr. Norris asked to explore provisions for better pedestrian/wheel chair connectivity between parcels A and B. Ms. Galvin said the gateway between parcel B and parcel A will look like a shopping center. The applicant said they would be willing to put their plans through the approval of the Planning Director.

Ms. Szakos said she would like to add the condition that the actual site plan pass through the staff for approval. Ms. Walden said you can have a condition that preservation, design plan and the entrance corridor may be reviewed. The Entrance Corridor Review Board may be used.

Ms. Szakos moved to approve all three pieces with the Planning Commissions' recommended conditions, the additional conditions offered by the applicant, and the design with staff review.

Ms. Smith said this is irresponsible to our citizens to push this approval through. Mr. Norris said he would support an SUP on parcels A and B tonight so they can move forward on the loan application, but he cannot in good faith support approval on parcel C.

Ms. Galvin said this is not harmonious, it is not in keeping with the comprehensive plan, and she does not support it.

Mr. Norris moved to approve the SUP on parcels A and B and deferred action on parcel C. Ms. Smith seconded. The resolution passed. (Ayes: Mr. Norris, Ms. Smith, Mr. Huja, Ms. Szakos; Noes: Ms. Galvin.)

Ms. Szakos asked if Council agreed that there could be a residential use for parcel C. Mr. Norris said there could be.

**ORDINANCE: INCREASES IN CERTAIN PARKING FINES**

Mr. Huja said the first parking ticket someone receives should be free. Ms. Szakos said she does not think this should be the case every year, but she supports a waiver for first time parking ticket recipients.

Mr. Jones said we can let visitors know that if this is their first ticket, it can be appealed.

Ms. Szakos recommended distributing a campaign to accompany the ticket. She confirmed that it would be a staff appeal.

Mr. Jones said he will bring this back to Council for a vote with the changes at their next meeting.

Meeting adjourned.