



CITY COUNCIL AGENDA
October 17, 2011

6:30 p.m. – 7:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code
(Second Floor Conference Room)

TYPE OF ITEM

SUBJECT

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

Virginia Recreations & Park Society Awards

MATTERS BY THE PUBLIC

Public comment will be permitted for the first 12 speakers to sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA*

(Items removed from the consent agenda will be considered at the end of the regular agenda.)

a. Minutes of October 3

b. APPROPRIATION:

FY2012 Friendship Court Sponsorship Agreement (2nd Quarter) - \$22,130.50
(1st of 2 readings)

c. APPROPRIATION:

Grant Award from the Virginia Department of Forestry - Azalea Park Biofilter Project - \$7,500 (1st of 2 readings)

d. APPROPRIATION:

Victim Witness Assistance Program Grant - \$157,143 (1st of 2 readings)

e. RESOLUTION:

Transfer of Funds for Purchase of Land for Davis Field - \$ 750,500
(1st of 1 reading)

f. RESOLUTION:

Support for Brownfields Assessment Grant Application (1st of 1 reading)

g. RESOLUTION:

Revision to Home Energy Conservation Grant Program Policy (1st of 1 reading)

h. RESOLUTION:

Oakhurst Cir Development – Allocation of Funds - \$75,000 (1st of 1 reading)

i. RESOLUTION:

Spay/Neuter Memorandum of Understanding between Charlottesville and SPCA
(1st of 1 reading)

j. ORDINANCE:

Regulation of Pneumatic (Air Powered) Guns (1st of 2 readings)

k. RESOLUTION:

Equal Rights Amendment (1st of 1 reading)

2. PUBLIC HEARING/ORDINANCE*

Grant of Easement Near Brandywine Dr and Greenbrier Dr to Rivanna Water & Sewer Authority (1st of 2 readings)

3. REPORT/RESOLUTION*

Regional Water Plan Resolution (1st of 1 reading)

4. REPORT*

636 Park St. – Appeal of BAR Decision

5. REPORT

Vinegar Hill Apology

6. REPORT

Community Attention Youth Internship Program (CAYIP)

7. REPORT

Dialogue on Race Update

OTHER BUSINESS

Resolution in Support of a Grant Application for SIS and Pilot Project

Revenue Sharing Grant Application - Sidewalks \$500,000

MATTERS BY THE PUBLIC

*ACTION NEEDED

Reasonable accommodations will be provided for persons with disabilities upon request.

RESOLUTION
Transfer of Funds for Purchase of Land for Davis Field
\$750,500

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$750,500 is hereby transferred from currently appropriated funds in the following manner:

Transfer From

Amount	Fund	Project	G/L Account
\$750,500	425	P-00581	599999

Transfer To

Amount	Fund	Project	G/L Account
\$750,500	426	P-00534	498010
\$750,500	426	P-00534	599999

October 15, 2011

Thomas Jefferson Planning District Commission
Mr. Steve Williams
401 E. Water St.
Charlottesville, VA 22902

Dear Mr. Williams:

The City of Charlottesville is pleased to participate in the coalition of localities that are represented in the Thomas Jefferson Planning District Commission's (TJPDC) application to the Environmental Protection Agency (EPA) for the Thomas Jefferson Regional Brownfield Assessment and Planning Grant. The City shares the TJPDC's commitment to environmental stewardship and community development, both of which will be furthered by this project. We are excited to assist the TJPDC in the inventory and site selection process, and already have sites in mind that would benefit the City, our citizens, and the environment if determined to be eligible for assessment activities. Here, as in many communities, economic opportunities have fallen short of expectations in the recent past. We believe the investment in troubled properties made possible by this funding will result in reinvestment and job creation that would have otherwise not occurred in the City of Charlottesville. Additionally, the project will produce information on our vulnerability to environmental contamination, and establish the necessary steps to clean up pollution that potentially threatens our natural resources, health, and livelihood.

The City sees this project as an opportunity to transform negative aspects of our communities into assets, improving the quality of life for our citizens and attracting positive attention from outside. The TJPDC has conducted work on our behalf many times, and we have found it to be a very capable partner. The Commission's quality of work and comprehensive approach to regional issues uniquely qualifies them to undertake this project on behalf of the coalition members, each of which is affected by brownfields in their communities. For these reasons, we hope the EPA will support the TJPDC's proposal to assess and plan for brownfields remediation in our region.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Norris". The signature is fluid and cursive, with a prominent initial "D" and a trailing flourish.

Dave Norris
Mayor, City of Charlottesville

RESOLUTION REVISING THE HOME ENERGY CONSERVATION GRANT PROGRAM

WHEREAS, the Council of the City of Charlottesville is authorized to adopt the Home Energy Conservation Grant Program pursuant to Charlottesville City Charter section 50.7, Virginia Code section 15.2-959(A), and 24 CFR 570-202 (2008);

WHEREAS, the Council of the City of Charlottesville endeavors to promote energy conservation and assist very low-, low-, and moderate-income households with implementing home energy conservation measures;

WHEREAS, the Council of the City of Charlottesville previously adopted guidelines for the Home Energy Conservation Grant Program on January 20, 2009; and

WHEREAS, review of those guidelines has shown that revisions are necessary to assist households that are deemed special exceptions and in need of increased funding to address energy efficiency deficiencies; now therefore

BE IT RESOLVED by the Council of the City of Charlottesville that the Home Energy Conservation Grant Program, Paragraph 7, is hereby revised as follows:

7. *That grant amounts may be up to \$5,000 per household, except that up to three (3) grants per year may exceed this amount ~~be made up to \$7,500 per household~~ for extraordinary costs if approved by the director of NDS;*

RESOLUTION
Oakhurst Circle Development
Allocation of Strategic Investment Account Funds
\$75,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$75,000 is hereby allocated from currently appropriated funds in the Strategic Investment Account (P-00167) in the capital projects fund for the Oakhurst Circle Development Project.

RESOLUTION

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that this Council hereby authorizes the City Manager or his designee to execute the following document, in a form approved by the City Attorney:

Memorandum of Understanding By and Between the Charlottesville/Albemarle Society for the Prevention of Cruelty to Animals (“SPCA”) and the City of Charlottesville (“City”), dated _____, 2011.

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN THE CHARLOTTESVILLE-ALBEMARLE
SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS
AND THE CITY OF CHARLOTTESVILLE

This Memorandum of Understanding (referred to in the remainder of this instrument as the “Memorandum”) is made as of this _____ day of _____, 2011, by and between the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals, Charlottesville, Virginia (referred to in the remainder of this Memorandum as the “SPCA”) and the City of Charlottesville, Virginia (referred to in the remainder of this Memorandum as the “City”).

WHEREAS, in 2005 the SPCA boldly adopted a “No Kill” mission to provide a guarantee of life for all “healthy” or “treatable” cats or dogs, as those terms are defined in the Asilomar Accords, in the Charlottesville-Albemarle community; and

WHEREAS, at the close of 2010, the SPCA has achieved five years of maintaining a No Kill mission, with a save rate of approximately ninety percent (90%) of the animals; and

WHEREAS, the SPCA intends to continue to save all the animals that come through its doors, except those that have serious medical conditions, serious aggression issues, or pose a public health and safety risk; and

WHEREAS, by Agreement For the Provision of Pound Services dated November 6, 2009, by and among the SPCA, the City, and the County of Albemarle, Virginia, such local governing bodies contracted with the SPCA to provide pound services (as defined therein) (referred to in the remainder of this Memorandum as the “2009 Contract”); and

WHEREAS, when the 2009 Contract was approved by the City, the City desired to enter into a memorandum of understanding with the SPCA to delineate the City’s and the SPCA’s commitment to saving animals’ lives, specifically, those of community cats (also known as “feral cats”), and to set forth the shared partnership of the SPCA and the City with respect to their mutual lifesaving goals;

WHEREAS, the SPCA and the City hereby endorse trap-neuter-return (“TNR”) as the most effective, humane method of controlling community cat populations in the City of Charlottesville and in doing so better provides for the welfare of these animals while serving our City’s public health and safety concerns. Studies have shown that TNR can reduce the number of cats entering shelters, resolve complaints, improve public health and safety, and save money.

The City and the SPCA acknowledge that preventing community cats from entering the SPCA and controlling the community cat population through TNR is an important aspect of creating a No Kill community and agree to develop policies necessary to support this position;

NOW, THEREFORE, in an effort to ensure that their mutual lifesaving goals are achieved, the Parties hereby agree in principle to the following tenets.

Maintaining Charlottesville as No Kill Community and promoting spay-neuter

1. The SPCA will use its best efforts to maintain Charlottesville as a No Kill community and to guarantee that it will not euthanize any “healthy” or “treatable” cat or dog as those terms are defined in the Asilomar Accords. The Asilomar Accords establish industry-wide guiding principles for a No Kill community.
2. The City agrees to partner with the SPCA and use its best efforts to cooperate and assist to maintain Charlottesville as a No Kill community, including, but not limited to, requiring that any Animal Control Officer employed by the City partner and work together with the SPCA to assure the health and safety of the animals and the citizens of Charlottesville (with regard to animal issues) and to educate the public and promote the benefits of TNR for community cats.
3. In the past five years the SPCA has sterilized more than 25,000 animals. The SPCA agrees to continue to allocate available resources, for the sterilization of dogs and cats. The SPCA agrees to use any funds provided by the City to the SPCA for the specific purpose to sterilize animals at a rate equal to the SPCA’s cost (such payments would be in addition to payments under the 2009 Contract). This clause does not obligate the City to provide any funding to the SPCA other than that which is due under the 2009 Contract.

Addressing Charlottesville’s Community Cats

1. The SPCA and the City agree to work together with the primary goal of ending the euthanasia of community cats in the City of Charlottesville.
2. The SPCA and the City both seek to pursue community-based programs to humanely reduce the number of community cats while allowing them to live out their lives side-by-side with people. The SPCA and the City hereby endorse TNR as the most effective, humane method of controlling community cat populations in the City of Charlottesville and in doing so better provides for the welfare of these animals while serving our City’s public health and safety concerns. Subject to available resources, the SPCA and the City will work together to implement community cat programs such as TNR, public outreach and education and free sterilization in a way that minimizes euthanasia of community cats.

3. The SPCA agrees to release any community cats in its care and custody to a qualified and responsible humane society. Upon notification to the SPCA that such group will accept ownership of a specific cat or cats, the SPCA will reserve any such cat for seven days to enable such organization to take custody of the cat (nothing herein prevents the SPCA from holding the cat for transfer longer if circumstances allow). The SPCA agrees to sterilize and vaccinate such cats prior to release to any humane organization, subject to available resources.
4. The SPCA agrees to take action as directed by the City and as determined legally permissible by the City with respect to restricting the intake of community cats into the SPCA.
5. Additionally, the SPCA and the City agree to work together towards changing existing Virginia laws so that localities are permitted to adopt alternative measures to address community cat populations.

Miscellaneous

1. The SPCA and the City agree to support one another under the terms of this Memorandum and communicate their partnership in a positive and cooperative light.
2. The SPCA and the City are mutually committed to treating each other at all times in a mutually respectful, forthright, and supportive manner that is consistent with a partnership and to promoting and modeling humane attitudes toward all companion animals.
3. Any reference to “available resources” shall mean resources that the City or the SPCA, as applicable, determines are available for such purpose in its sole and absolute discretion.

CHARLOTTESVILLE-ALBEMARLE SOCIETY FOR THE PREVENTION OF
CRUELTY TO ANIMALS

By: _____
Susanne M. Kogut, Executive Director

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Maurice Jones, City Manager

Approved as to form:

By: _____
City Attorney

Resolution: Equal Rights Amendment (ERA)

WHEREAS, the Equal Rights Amendment (ERA) ensures that women and men will have equal rights under the United States Constitution; and

WHEREAS, the City of Charlottesville supports the advancement of human rights; and

WHEREAS, the United States Constitution fails to guarantee equal rights and equal protection for women to the continuing detriment of all citizens; and

WHEREAS, the Equal Rights Amendment would provide the only incontestable remedy for gender discrimination for both women and men by providing a Constitutional guarantee of equal rights under the law; and

WHEREAS, the 14th Amendment to the United States Constitution and the various state constitutional statements of gender equality generally do not provide the strict scrutiny of equal protection for the matters of gender as is now accorded race, religion, and national origin; and

WHEREAS, the only permanent right women explicitly have in the U.S. Constitution is the right to vote and rights not supported by the Constitution can be undermined in legislatures and courts; and

WHEREAS, in past years, laws and policies in the Commonwealth of Virginia have unjustly discriminated against girls and women in general, and against particular classes of women, such as in matters of sexual assault, marital property, and sexual harassment, and although some such laws and policies have become somewhat less discriminatory, such improvements can be, have been, and are being reversed; and

WHEREAS, the ERA, introduced in 1972, requires ratification by three more states; and

WHEREAS, some institutional policies, whether overtly discriminatory or "facially neutral," in public, voluntary, and private institutions, still have inequitable effects on women; policies such as those dealing with insurance, pension, family medical leave from employment, job promotions, occupational choice, recreational opportunities, and access to medical care, and stereotypes still exist which limit women's roles and activities; and

WHEREAS, women and men, many of whom through economic necessity, must also work in the job market and/or at home face grave health, financial, and career repercussions as a result of weak or nonexistent laws on paid leave, and discrimination against workers with family responsibilities; and

WHEREAS millions of American women, especially women who are mothers, face particularly severe hiring and promotion bias, U.S. Department of Labor data found that mothers earn just 60 cents for every dollar that fathers earn with more than 19 million families with children now have a mother as the primary or co-breadwinner, and 70 percent of children live in households in which all adults are in the labor force further discriminating against the children of these households, men and women (<http://www.hrw.org/node/96432>); and

WHEREAS, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted,

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Charlottesville, Virginia does hereby indicate its support for the principal that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." and

AND BE IT FURTHER RESOLVED, that the Council of the City of Charlottesville, Virginia hereby urges the General Assembly of the Commonwealth of Virginia to ratify the ERA during the 2012 session.

Signed and sealed this seventeenth day of October 2011,

Mayor

A RESOLUTION APPROVING THE COUNTY OF ALBEMARLE, CITY OF CHARLOTTESVILLE AND TOWN OF SCOTTSVILLE REGIONAL WATER SUPPLY PLAN.

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and,

WHEREAS, the City of Charlottesville is a participant in the County of Albemarle, City of Charlottesville and Town of Scottsville Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and,

WHEREAS, on Tuesday, September 13, 2011 the City of Charlottesville held a public hearing to accept public comment on the Regional Water Supply Plan; and,

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Charlottesville, Virginia hereby adopts the Regional Water Supply Plan as it pertains to the City of Charlottesville. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The City of Charlottesville reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. The City of Charlottesville will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED that the City Council of the City of Charlottesville intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

APPROVED AND ADOPTED by the City Council for the City of Charlottesville, Virginia at a meeting held on Monday, October 17, 2011.

Attest:

Clerk of Council

RESOLUTION

Resolution in Support of a Grant Application for the Statewide Information Sharing Strategic Plan and Pilot Geospatial Visualization Project

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Charlottesville, Virginia that the City is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 17th day of October, 2011.

CERTIFICATION

I, Paige Barfield, duly appointed Clerk of Council of the City Council of the City of Charlottesville do hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of Charlottesville on the 17th day of October, 2011.

Clerk of Council
Official Position

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

Signature

October 17, 2011
Date

Resolution

BE IT RESOLVED, that the City Council of the City of Charlottesville hereby supports an application for an allocation of \$500,000 from the Virginia Department of Transportation Revenue Sharing Program for sidewalk improvements and that any matching funds be taken from the Capital Improvement Fund; and that the City Manager be authorized to execute project administration documents for the application.