

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Tuesday, January 18, 2011, AT 6:15 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 – January 18, 2011

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

On motion by Ms. Szakos, seconded by Mr. Huja, Council voted (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. Noes: None) to meet in closed session pursuant to section 2.2-3712 of the Virginia Code, for discussion and consideration of prospective candidates for appointment to City boards and commissions, as authorized by Virginia Code sec. 2.2-3711 (A) (1).

On motion by Ms. Szakos, seconded by Ms. Edwards, Council certified by the following vote, (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos. 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 – January 18, 2011

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

ANNOUNCEMENTS

Mr. Norris announced PVCC's Super Saturday on February 5, 2011. Real estate assessments will be mailed on January 31.

Ms. Szakos said foster families are needed in our area. Call 970-3352 to speak to a recruitment specialist for more information.

Mr. Norris read a proclamation in honor of Martin Luther King and directed citizens to www.virginia.edu/mlk for more information and a schedule of events. He thanked Dr. Marcus Martin for leading the effort.

Ms. Szakos thanked Mr. Jones for speaking at Sunday's MLK event and thanked everyone who participated in organizing the event.

Mr. Norris announced the "I Am College Material" program on Saturday, January 29 from 9:30 a.m. to 12:30 p.m. He thanked the NAACP for organizing this event.

MATTERS BY THE PUBLIC

Mr. Sam Freilich, 505 Brockwood Pl., said he objects to the statement that the 2006 Plan was the most environmentally friendly, which Mr. Whitaker made at this afternoon's meeting. A tree replacement program is not satisfactory. Dam price comparison is not an apples-to-apples comparison. He asked Council to continue with studies for a thirteen foot dam and dredging of South Fork reservoir.

Mr. Brandon Collins, 536 Meade Ave., said he is in favor of dredging. He said there is terrible legislation coming through the General Assembly this year regarding bills immigration. The proposed bills are anti-immigration and attack immigrants in Virginia. They force public service workers to act as customs police. He asked Council to raise awareness about this.

Ms. Alison Ruffner, 735 Graves St., said she hopes professional support can come out of the discussion to arrange for musicians to perform. People will have to look at this as part of their business plan. Cville Coffee showed this can be done on a small level.

Mr. Wayne Berry, 2320 Cresmont Ave., encouraged Council to continue the work they began in 2008 and increase their moral and financial support for the Dialogue on Race. He distributed article to Council highlighting factors that contribute to underachievement.

Ms. Gerry Kruger, 989 Allendale Dr., said she is member of the Achievement Gap Action Team for Dialogue on Race. The team is looking for ways to prevent the gap from existing in the first place.

Mr. Jacob Wolf, 614 Monticello Ave., said he is a musician, and his livelihood depends on music in Charlottesville. Twenty percent of Cville Coffee's revenue is generated from live music sales. At a time when so many businesses are struggling, a small business cannot withstand a 20% reduction in revenue. The City's goal should be to help local businesses. He asked what is required for a permit, and what cost is involved. These are questions many restaurant owners and musicians do not know the answer to. He asked Council to delay action until further information can be disseminated, and a greater debate can take place.

Ms. Rebecca Quinn, 104 4th St., said there was not a discussion on the burden of current rate payers on a dam built now in fifty years. She asked who would pay for cost overruns if Schnabel underestimates their costs. She asked Council to ask Black and Veatch what options contractors have for a concrete dam. We should not take dredging off the table to increase capacity, as the county has recommended we do. There is inflated fear about permit modification, which must be done either way.

Ms. Dede Smith, 2652 Jefferson Park Cir., thanked Council for their support of the Sept 20, 2010 resolution. She thanked Ms. Edwards for questioning the public health risk of the I-64. She thanked Ms. Szakos for her dedication to conservation as an integral piece of the water supply plan.

Mr. Stratton Salidis, 704 Graves St., said the City does not need more red tape regarding small music venues. He was appalled at the water meeting today by the comments of Mr. Rooker and Mr. Snow. Mr. Rooker said the 2002 plan was not permitted, but Mr. Kevin Lynch said they never applied for a permit for that plan. The difference between maintenance and capacity dredging does not hold water. Dredging should be the secondary most important thing in our water plan after conservation.

Ms. Betty Mooney, 201 Sunset Ave., said she wants all the citizens and ratepayers of Charlottesville to know we were well represented today at the meeting with the county. We have new information thanks to present Council, and we need to admit as a society we cannot continue to throw away our infrastructure. Dredging is the way to go.

Mr. Sam Bush, 421 9th St NW, Apt. C, said music and arts on a core level are not to be considered a for-profit venture. Unofficial venues like The Garage, Christ's Church and Cville Coffee are part of the reason why we are on the nation's culture map. The Garage would be a difficult space to close legally because it is on the property of Christ's Church. There are laws that keep places like this in check, and people who have abided by these laws should be allowed to continue to operate. He asked members of the audience who were present in support of local music to raise their hands.

Ms. Cecelia Llompart, 221 9th St. SW, moved here one and a half years ago to attend the creative writing program at UVA Grad School. She teaches 15 undergraduate students at UVA about writing poetry. She offered them one opportunity to make up for their absences, which was to attend local music concerts. Venues that support musicians cannot pay them, but believe in the dreams of the musicians.

Mr. Drew Carroll, 221 9th St SW, said most of the people who are musicians in this town are present tonight, and those who are not would be here if they were able. We are trying to further the culture. Most of these venues close by midnight. A lot of people have fallen in love with Charlottesville because of show trades.

Ms. Collette Blount, 1523 Amherst, thanked Ms. Edwards and Mr. Jones for their efforts at initiating the events that led to and supported Dialogue on Race. She

encouraged Council to continue to fund Dialogue on Race and allow the vision time to grow and replace toxic roots of misunderstanding with vibrancy and optimism. The Rock Hill Academy is an amazing city asset. Council should visit it, and we should not lose it to the Meadowcreek Parkway. She gave her support for music venues and outlets for young people.

Mr. Peter Castiglione, 1516 Chesapeake St., owner of Maya restaurant, said there is a fine line between a business that operates as a restaurant that supports live music and a music hall. Live music has become an integral part of what we do. He is concerned that some restaurants could be grandfathered out.

Mr. Guion Pratt, 700 Hinton Ave., said viewing music as for-profit only is dangerous. Music is very accessible here in Charlottesville, and that keeps people in business and gives musicians a chance to do what they enjoy.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Dr. Brown thanked Jacob, Sam, Peter, Drew, and everyone else who came to speak about the music issue, especially because he has argued strongly in the past against regulations that impact local musicians. He said it is important to keep our music scene vibrant and requested that item h be pulled from the agenda. He thanked everyone that came to speak about Dialogue on Race, and he thanked Ms. Edwards for her efforts. He also thanked Mr. Collins for calling the immigration legislation to Council's attention.

Mr. Huja said Council should create a resolution to support immigration. He spoke in support of Dialogue on Race and said Council has unanimously supported the program and will continue to do so in the future. He was pleased to see so many young people in the audience. We should encourage musicians as much as we can. While we should not do so without regulations, we should not jump into solutions.

Ms. Edwards said Mr. Collins and Ms. Llompart should create an opportunity for students to get together and talk about everything that has been done, because music is a way to connect people.

Ms. Szakos thanked Mr. Collins for calling attention to the immigration legislation. Immigration is what makes our country strong, but even if we disagree on that basic premise, a lot of legislation before the General Assembly now would do things that would overburden our city workers and make our city less safe rather than more safe. She said a sound ordinance helps protect neighborhoods in a strong way and agreed that item h should be removed from the consent agenda. She fiercely supported Dialogue on Race and looks forward to supporting it in the future.

Mr. Norris said he strongly supports the local music scene and local music venues. He was rather appalled when he heard about this effort and thinks this is moving in the wrong direction. He thanked Mr. Collins for bringing forward immigrant

legislation and said Council will work on crafting a good resolution. He said he supports continued funding for Dialogue on Race.

Mr. Huja encouraged young people to apply for Boards and Commissions.

On motion by Dr. Brown, seconded by Ms. Edwards, the following appointments were made to Boards and Commissions: Mr. David Heilbronner, Charlottesville-Albemarle Airport Commission; Mr. Steven C. Latimer to the Sister City Commission; Ms. Diane Gartner Hillman to the Housing Advisory Committee; Mr. John Kammauff, Mr. Matt Landahl, Mr. Skylar Hughes Lyon, and Mr. Sean McCord to the Parks and Recreation Advisory Committee; Mr. David Hondula and Mr. Lyle Sola-Yates to the Rivanna Solid Waste Advisory Committee; and Mr. Richard J. Brewer to the Personnel Appeals Board. (Ayes: Mr. Norris, Dr. Brown, Ms. Edwards, Mr. Huja, Ms. Szakos. Noes: none.)

Ms. Edwards motioned to expand the Police Advisory Panel board by two seats, which shall be filled by youth. Dr. Brown seconded, and the vote carried unanimously. (Ayes: Mr. Norris, Dr. Brown, Ms. Edwards, Mr. Huja, Ms. Szakos. Noes: none.)

CONSENT AGENDA

Item h was pulled from the consent agenda.

On motion by Ms. Szakos, seconded by Dr. Brown, the following consent agenda items were approved: (Ayes: Ms. Edwards, Mr. Norris, Dr. Brown, Mr. Huja, Ms. Szakos. Noes: None.)

- a. Minutes of January 3
- b. APPROPRIATION: \$12,520 - Community Attention Youth Internship Program (2nd reading)
- c. APPROPRIATION: \$157,143 – Victim Witness Assistance Program Grant (2nd reading)
- d. APPROPRIATION: \$9,480 – Reimbursement from Albemarle County for Additional Wayfinding Signage (carried)
- e. APPROPRIATION: \$14,598.42 – Smith Aquatic Center - Appropriation of Boys & Girls Club Reimbursement (carried)
- f. APPROPRIATION: \$1,485 – Virginia Department of Fire Programs, Training Mini – Grant Award (carried)
- g. RESOLUTION: Land and Water Conservation Fund Application through the Virginia Department of Conservation and Recreation
- h. RESOLUTION: ~~Restaurant/Music Halls (1st of 1 reading)~~ pulled
- i. ORDINANCE: Donation of Land to Habitat for Humanity (2nd reading)

PUBLIC HEARING/ORDINANCE: SALE OF LAND TO SOUTHERN DEVELOPMENT (carried)

Mr. Tolbert presented to Council. Southern Development will buy the property for \$40,000 as is. They will have up to a year to review the property, and the proceeds would be appropriated back to the housing fund.

The public hearing was opened.

Ms. Allison Ruffner, 735 Graves St., said she wanted to know what assessments for surrounding properties were, and why the sale price was substantially lower.

Mr. Stanton Braverman, Douglas Ave., said Southern Development has tended to cram everything together. The City should take a look at what they are going to develop. One house is acceptable, but trying to squeeze several houses or condos is not. The City should supervise the situation closely.

Having no further speakers, the public hearing was closed.

Mr. Tolbert said the property is zoned R2 but is only big enough for a single family house, so that is what will be built. The City assessor set a value of \$50,000 for both lots, but given the issues we ran into with Burnett Commons, we know there may be high excavating costs.

Ms. Szakos asked how the property would be assessed. Mr. Tolbert said the sales price will not affect assessment, and it will be based on surrounding properties.

Mr. Huja said this is a good use of land at a good price, and provides a good transition from one type of housing to another. On motion by Mr. Huja, seconded by Ms. Szakos, the motion carried.

PUBLIC HEARING/ORDINANCE: 401 4TH STREET NW (SRO SITE) (2nd reading)

Mr. Tolbert presented Virginia Supportive Housing's proposal for an SRO to Council. To facilitate the project, the City must sell the land to Virginia Supportive Housing, then finance the property with no payments due until 2042, which would be a 30 year note that would coincide with end of construction.

Ms. Allison Bogdanovich of VSH said Council is concerned with this project's ability to last for 30 years and whether or not VSH can keep the building in operation for that long. She underlined VSH's commitment to coming to Charlottesville and operating this building. Performance projections are worst-case scenarios. Dept. Exec. Director Cathy Talley spoke as well and said VSH is committed to serving the people of Charlottesville.

Mr. Huja said Council is also committed to this project, and he looks forward to the ground breaking next month.

Ms. Szakos said the need to do this stems from state regulations, not something anyone did wrong. Our real vulnerability lies in the time before the building is completed, but she is not concerned.

The public hearing was opened.

Mr. Stanton Braverman, City resident, said the new project may be a home and a place for music.

Mr. Ed Bayne, Chair of the TJAC for Homeless Board, said he has been working with VSH and reviewing a lot of projects they have around the state, particularly in Richmond. VSH is professional, and he asked Council to approve the project.

Having no further speakers, the public hearing was closed.

Dr. Brown said we lose control by selling the property, but we have some good people before us with a good track record. The community centers making a difference with the homeless population are doing so by providing this type of housing, so he supports it.

On motion by Mr. Huja, seconded by Ms. Szakos, a second reading was waived. On motion by Mr. Huja, seconded by Dr. Brown, Council voted to pass the ordinance unanimously. (Ayes: Dr. Brown, Mr. Norris, Ms. Szakos, Ms. Edwards, Mr. Huja. Noes: None.)

REPORT: WATER SUPPLY

Ms. Mueller presented to Council. Chris Webster from Schnabel was present to answer questions. Staff is arranging to have a Black and Veatch consultant present to the county Board of Supervisors as soon as possible.

Dr. Brown asked Ms. Mueller where we are on cost share agreement. Ms. Mueller said staff has met with the Albemarle County Service Authority and is working to pinpoint elements of each of the parts of the water supply and break it down into maintenance and added supply. Staff is aiming to bring a recommendation to Council of future water needs of the City and the University, which is the City's largest customer.

Mr. Norris said there is an assumption that the existing dam does not have structural integrity, but because of Black and Veatch's report, we know that is not entirely accurate. Similar assumptions have been made about the current pipeline from Sugar Hollow Reservoir to Ragged Mountain, and Council has supported the idea of building a new pipeline, but it is vitally important to examine fair allocation of costs

relating to the new pipeline. If the assumption about the existing pipeline is not true, the lion share, if not all of the cost of a new pipeline, is to accommodate the county's interest in increasing streamflows to Moormans' river, in which case the county needs to pay for that cost. Mr. Norris asked how the City is determining what the cost allocation should be. Ms. Mueller said we have not come to a decision yet on how to assess that.

Dr. Brown agreed on figuring out a cost share plan for the pipeline but disagreed that it is solely in the county's interest. The driver in needing a pipeline is growth. It is important that we have enough storage capacity to take stress off our rivers. We need to be clear that city rate payers will not be paying for expanding county water supply. Hopefully UVA can see that it is in their best interest to help us pay for the cost of expanding. The second component of the plan is that we have to have enough capacity that we do not impact the rivers and ensure adequate streamflows. He would like to see us agree to go to 30 feet with the dam, and if we conserve and dredge, we will not need to go higher.

Ms. Mueller said staff needs more direction from Council regarding conservation. Tiered rates can hurt the least able to pay in the City, and we want to be sensitive to that. Staff is tracking what the most progressive cities are doing with water conservation. Ms. Szakos said localities could agree to set a certain amount aside per year for tax breaks or rebates, and there are things that can be done at the business level as well. We should commit to conservation, not just talk about it in principle.

Ms. Szakos asked Mr. Webster to review what an earthen dam with the add-on would look like. Mr. Webster said about 165 total acres would need to be cleared to build the dam, and this does not including clearing of the dam area itself. Regarding a phased approach, most of the cost is in building the foundation itself and the spillway structure, so 95% of cost of phased approach would be up front. The second phase would have additional impacts and cost that would be more than with a single phase approach. It would cost roughly 20% more to build the second phase. Mr. Norris said it makes more sense to build a concrete dam on the existing foundation. Mr. Webster said yes, or to build a full earthen dam and fill it in phases.

Ms. Edwards asked about the legal ramifications of exploring a new permit, the time constraints, and if there is an opportunity to explore a new plan. Mr. Norris said we have to remember we are discussing options that are within the framework of the approved permit. The DEQ is looking to the City and the County for direction.

Ms. Szakos said she is concerned over having to re-timber once the reservoir has already been expanded. She is not confident that thirteen feet will give us enough long term that we will not have to come back. Forty feet would satisfy everyone in the world that we would not have to come back for 500 years, but she said we should go with the minimum amount that enforces our commitment to conservation, dredging and the beliefs we have come up with based on new information. She does not want to risk being overly optimistic.

Mr. Huja said it is time for the City and the County to come to some conclusions. We need to provide adequate supply for future generations. UVA's needs will almost double. Dredging needs to be part of the solution. We need to provide conservation incentives, and we need to build in trigger points.

Dr. Brown moved that Council amend their previous resolution from September 20, 2010, to include either an initial construction of a 30 foot dam or an initial fill of a 30 foot dam with a full construction. Mr. Huja seconded the motion and said he supported construction of a 30 foot dam. Ms. Szakos said she would not support construction of a dam higher than 30 feet and would only support it if we lock in dredging and conservation. Council should do this with the belief that 30 feet is enough, but with the understanding that we would agree to add on to it much later if absolutely necessary. Dr. Brown said agreeing to a 30 foot dam height should help the County feel comfortable with supporting dredging. Mr. Huja said the City ought to have goals for conservation and some funding to support those goals. Mr. Norris said a thirteen foot increase was preferable because once you go beyond thirteen feet, the cost of the project increases significantly and increases the negative impacts on the surrounding natural area. Ms. Szakos said the likelihood of needing more than thirteen feet in the next 50 years is high, and the environmental impact of doing it twice makes it reasonable to take action now rather than push it off to later.

On motion by Dr. Brown, seconded by Mr. Huja, Council voted to change the initial construction from thirteen feet to thirty feet. (Ayes: Dr. Brown, Mr. Huja, Ms. Szakos. Noes: Ms. Edwards, Mr. Norris.)

Mr. Norris called for a fifteen minute recess.

REPORT/ORDINANCE: ELECTRONIC GAMING CAFES (2nd reading)

Mr. Nick Rogers presented to Council. This is a grey area at the state level. There are a number of bills submitted at the General Assembly to establish whether these venues are classified as gambling establishments or not. They were banned from North Carolina earlier last year.

Mr. Norris asked why we cannot zone these businesses out of the city. Mr. Brown said he needs time to research the issue. Ms. Szakos said this is why we need a first and second reading on two separate occasions. Mr. Huja asked if a public hearing was required to change from two zones to zero zones. Mr. Brown clarified that this is a zoning text amendment, so we can add or subtract districts. Mr. Huja said Council should pass this ordinance today, and if we need to revert later, we can do so. Dr. Brown agreed.

On motion by Mr. Huja, seconded by Dr. Brown, Council voted to waive the first reading. (Ayes: Mr. Huja, Dr. Brown, Ms. Edwards, Mr. Norris. Noes: Ms. Szakos.) Ms.

Szakos clarified that her vote was to make the statement that she does not want these types of establishments in the City.

On motion by Mr. Huja, seconded by Dr. Brown, the ordinance was passed.
(Ayes: Mr. Huja, Dr. Brown, Mr. Norris; Noes: Ms. Edwards and Ms. Szakos.)

REPORT: SPCA ANNUAL REPORT AND BUDGET UPDATE

Ms. Suzanne Kogut presented to Council on the recent activities of the SPCA, gave a budget update and a slide presentation.

Ms. Edwards thanked Ms. Kogut for the presentation. Dr. Brown said he felt good about the money the City is spending on the SPCA after seeing Ms. Kogut's presentation. Mr. Huja agreed. Mr. Norris said he was co-president of Voices for Animals when they started the Trap and Release Program and is pleased to see the partnership between SPCA and Voices for Animals. Even though no community has solved the problem of overpopulation of cats, he does think there are communities that are ahead of us, so he encouraged Ms. Kogut to continue to push in figuring out a solution to this issue. Ms. Kogut said she disagrees that there are many in front of us. Ms. Szakos commended Ms. Kogut for her attitude and as a previous dog foster home, she said she'd love to see Ms. Kogut's attitude applied to many of our community's problems.

REPORT: RESTAURANT/MUSIC HALLS

Mr. Norris asked Mr. Tolbert for more background on why this is before Council and what the intent is. Mr. Tolbert said characterizations earlier were incorrect, and media attention has caused misunderstandings. The issue is that depending on the area, our zoning code either allows music halls, or requires SUPs, or does not allow them at all. However, over the last couple of years, quite a few places have started as a bookstore or restaurant, and then added music later. There is not generally a problem with this, but venues that have had to go through the permit process feel it is unfair when others do not have to go through the process. We are trying to amend the ordinance to give establishments the opportunity to get their permit so they can operate legally. Tonight's agenda item simply initiates a study on how to fix some of these permitting issues. We absolutely do not want to put places out of business, and we want to make it easier for places in the future to get permitted. We intended on involving interested parties fully once we go to the Planning Commission with our recommendations.

Mr. Huja asked if the City has been enforcing permit rules to date. Mr. Tolbert said for the most part, only if someone is blatantly out of control. The City is not issuing zoning violations at this moment because of this issue.

Mr. Norris asked about the difference between an SUP and a provisional use permit. Mr. Tolbert said an SUP goes through Council. Provisional permits are done administratively and are not appropriate everywhere. Staff can issue provisional use permits as long as they meet certain criteria laid out in the city code, and those permits can be pulled if they violate criteria.

Mr. Norris said this is an onerous process for smaller venues and asked if staff could broaden the applicability of the provisional use permit to any venue where we have not had complaints. Dr. Brown asked if staff has worked on the definition of a music hall and if there are ways of looking and defining venues, i.e. acoustic vs. amplified. Mr. Norris asked how many venues the proposed new rule would put out of business. Mr. Tolbert said only one. Dr. Brown asked where music is prohibited, and Mr. Tolbert said the M1 and Industrial Corridors are the only places that prohibit music.

Ms. Szakos asked about the timeline. Mr. Tolbert said this will probably be addressed at the March meeting of the Planning Commission and the April meeting with Council. Ms. Edwards asked Mr. Tolbert to inform Council of meetings with the Planning Commission and staff.

On motion by Dr. Brown, seconded by Mr. Huja, the ordinance carried unanimously. (Ayes: Dr. Brown, Mr. Huja, Ms. Edwards, Mr. Norris, Ms. Szakos. Noes: None.)

REPORT: JPA BRIDGE

Mr. Jones said VDOT's lowest bid came in at \$1.2m over the budgeted amount. VDOT asked us to find money to pay for it. We asked them to fund it with their own dollars, but they said they cannot. We can either take money from the Belmont Bridge project, or we can use CIP contingency funds to cover construction costs. There is a meeting tomorrow about a decision to award the contract. We can delay for one month, but staff is concerned that will push the project into another UVA football season, which we want to avoid.

Mr. Huja asked what staff recommends. Mr. Jones said staff was initially uncomfortable with using money from the Belmont Bridge project, but once JPA is underway, Belmont Bridge will be the number one priority, and we have a good chance of getting revenue sharing dollars for that project. Taking money out of that project may actually increase the odds of getting sharing dollars down the road.

Mr. Tolbert said the \$1.2 million overage includes built-in contingencies that may or may not have to be spent. Also, the bond agreement for transportation has about \$550,000 set aside for the JPA bridge, which would further reduce the cost and put money back in Belmont bridge.

Dr. Brown said he does not understand how spending money from the Belmont Bridge project would increase our chances of getting matching money down the road.

Mr. Tolbert said we would not need money from the Belmont Bridge revenue sharing match until two or three years from now. Dr. Brown said that is not where we need to be. Mr. Tolbert said we need \$8.5 million. Revenue sharing is there every year, and we have to have it there to match it. Dr. Brown said he does not want to misinterpret the seriousness of the need to replace the Belmont Bridge. Ms. Szakos said she does not want to spend \$1 million to avoid misconception. Mr. Norris asked why VDOT's estimates came in much higher than anticipated. Mr. Tolbert said the railroad put in requirements that we did not expect. Ms. Szakos said the railroad company is not paying anything towards this project. Mr. Tolbert said no, they are not. VDOT is also not paying anything on the overage. Ms. Szakos said everyone who can dump this is dumping it, and we wind up with the balance. Mr. Norris said in order to get the project completed, we are going to have to spend money.

On motion by Mr. Huja, seconded by Ms. Edwards, Council voted to take money out of the Belmont Bridge fund. (Ayes: Mr. Norris, Dr. Brown, Ms. Edwards, Ms. Szakos, Mr. Huja. Noes: None.)

Regarding the immigration resolution, Mr. Norris said Council will edit the resolution and bring it to the February 7th regular meeting.

MATTERS BY THE PUBLIC

Ms. Lex Gibson, 1808 E. Market St., said she just opened a business on Elliewood Ave., where they planned to have live music. She said the 65db limit was overkill, especially since it was based on one establishment's mistake. There should be more accountability for individual businesses. The City is setting arbitrary and dangerous precedents. Small businesses cannot afford \$1500 for permits. The City's definition of music halls is ridiculous.

Mr. Richard Lloyd, 1825 Locust Shade Ct., asked Ms. Szakos how many years' worth of a water supply were comfortable to her. He asked Mr. Huja how adding 30 feet to the dam supports dredging. He asked Dr. Brown if this was another step to appease the County. Cost sharing has not been done.

Ms. Rebecca Quinn, 104 4th St., said tonight the vote for a 30 foot dam veered from a factual basis. She asked Council to reread the DEQ letter about permitted stream flows. She was concerned that Ms. Mueller indicated dredging has not been part of the cost share discussion so far. The County should contribute to dredging. Redo the demand analysis; it is a key data point.

Ms. Dede Smith, 2652 Jefferson Park Cir., asked what the City got in return for the 30 foot dam. Dredging is not tied to the plan. The County already said they do not want to dredge. She said Council has sold out city resources, the city people and the Rivanna River.

Ms. Betty Mooney, 201 Sunset Ave., said we will have to agree to disagree. She agreed with Ms. Smith, and the three Councilors who voted for the 30 foot dam caved into the County. Council was following a fact-based approach that was leading to a better water plan. Council has made no commitment to dredging, with hundreds of people who have come before you saying we should dredge first. We had a better plan in the works, and there were no facts to support Council's decision.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Szakos said it is important to protect City assets and make sure we will not have to come back and raise the dam height again later. The County may be our adversary, but they are also our partner in this plan. Both ends of this discussion are not going to like what is going to come out in the middle, but looking at current data, this is what she believed was right. She told Ms. Quinn that the county needs to share costs. Dredging should stay critical, as well as conservation.


Mr. Huja said he follows the facts as he best understands them, and he does his best to represent the City and make decisions to the best of his ability. If citizens do not want to vote for him because he does not do what they want, that is their decision to make.

Dr. Brown said he has not seen pressure from the county. He has seen pressure from City residents and from friends. We have an issue where the water supply needs to be expanded. People disagree on how to go about that and what the implications are. It seemed clear to him that 13 feet was not getting us anywhere, and 30 feet was.

Mr. Norris said the DEQ said a 13 foot rise plus restorative dredging of the South Fork Reservoir would have met our needs for at least 40 years, and that was based on what many of us thought was an overly robust water demand for 50 years from now. He agreed with comments that the City had a good viable alternative. A 30 foot rise discourages aggressive water conservation, and does not make financial sense to pursue dredging once that much capacity has been added. A 30 foot rise obviates the pressure for dredging and pressure to act aggressively on conservation efficiency. He said he was disappointed with tonight's vote, but that is democracy.

Mr. Norris asked Mr. Tolbert to replay the comments Ms. Gibson made, because not only should the music scene she described be allowed under this approach, but we should figure out how to encourage and facilitate it. That is what makes Charlottesville such a special place.

The meeting was adjourned.



President



Clerk