

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, May 2, 2011, AT 6:30 p.m. IN THE Second Floor Conference Room.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code

BY ORDER OF THE MAYOR

BY Paige Barfield

SECOND FLOOR CONFERENCE ROOM – May 2, 2011

Council met in special session on this date with the following members present: Dr. Brown, Ms. Edwards, Mr. Huja, Ms. Szakos. On motion by Dr. Brown, seconded by Ms. Szakos, Council voted (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Ms. Szakos. Noes: None; Absent: Mr. Norris) to meet in closed session Pursuant to section 2.2-3712 of the Virginia Code, for the annual performance evaluation of the Clerk of Council, as authorized by Virginia Code sec. 2.2-3711 (A) (1).

On motion by Dr. Brown, seconded by Mr. Huja, Council certified by the following vote, (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Ms. Szakos. Noes: None; Absent: Mr. Norris), 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 – May 2, 2011

Council met in regular session on this date with the following members present: Ms. Edwards, Dr. Brown, Ms. Szakos, Mr. Huja. Ms. Edwards announced Mr. Norris was visiting Charlottesville's Sister City of Winneba, Ghana.

AWARDS AND RECOGNITIONS

Ms. Edwards recognized Charlottesville Police Officer Tyler Thornton for his emergency delivery of "Baby Courtney" while on duty.

Ms. Szakos read a proclamation for National Tourism Week. Mr. Kurt Burkhart was present to accept the proclamation and thanked Council for their recognition.

Mr. Huja read a proclamation for Arbor Day, which was on April 29th. Mr. Chris Gensic was present to accept the proclamation and thanked Council for their support.

ANNOUNCEMENTS

Ms. Edwards announced a Minority Business Summit on May 23rd from 8:30 a.m. – 3:00 p.m. at the Omni Hotel, sponsored by the Dialogue on Race. Also, Charlottesville received silver level recognition for being a Walk-Friendly Community. She thanked Ms. Jeanne Alexander for taking the lead on the award. On May 12th from 5:00-7:00 p.m. on the corner of Ridge and Elliot, the Alternate Recycling Project will take place. The City Market at Penn Park is open 3:00-7:00 p.m. Tuesdays; Farmers in the Park at Lee park is open Wednesdays from 3:00-7:00 p.m.; and the City Market downtown is open Saturdays from 7:00 a.m. until noon. Also, the City launched a goat initiative at Penn Park; citizens should visit the site to see the goats in action.

Ms. Szakos announced Children’s Mental Health Awareness Day on May 3rd and passed around green ribbons. Also, the next Our Town Charlottesville Community Discussion Series will take place Thursday, May 12th at Johnson Elementary School from 6:00 p.m. – 8:00 p.m. Dinner will be provided, and supervised activities for the children will be available.

Dr. Brown said he would update Council on the Rivanna Water and Sewer Authority meeting regarding the pump station during Other Business.

MATTERS BY THE PUBLIC

Mr. Peter McIntosh, 624 Davis Ave., Vice President of the Board of McIntire Botanical Garden, asked Council to move forward now on the master planning process for the park.

Ms. Joanna Salidis, 129 Goodman St., discussed the validity of facts surrounding water supply and dredging. She said dredging needs to happen first.

Mr. Peter Kleeman, 407 Hedge St., said the Coalition to Preserve McIntire Park presented a resolution to Council one year ago that stated destroying the park in an untimely manner before the road was completed would be a disadvantage to the City. He said they are concerned that the parkway is beginning construction and requested the City reconsider passing a resolution to ensure no construction activity take place that could destroy resources in the park. He requested a meeting between Council and the Coalition to Preserve McIntire Park.

Mr. Scott Beyer, 2556 Summitt Ridge Trail, said the downtown mall has had some recent closings, and the quarter mile radius around the pedestrian mall is less utilized than it could be. The City should make more free parking available for customers of the downtown mall in order to compete with strip malls like Barracks Road Shopping Center. Free parking could also incentivize developers to build on flat lots

instead of using them for paid parking. Also, chairs and tables beneath the Pavilion should be moved by the Community Chalkboard to create a gathering spot between City Hall and the bus stop.

Mr. Bob Fenwick, 901 E. Jefferson St., asked Mr. Jones for an update on the status of the RFP for dredging. He also asked when a dredge will actually go in the reservoir, and what the total preliminary cost estimates for the new dam, reservoir and pipeline are. He said the bottom has fallen out of the real estate market, and investors and first time home buyers are recognizing that prices and interest rates will never be better. He asked Council to suspend restrictions on “Open House” signs.

Mr. Jim Shea, 301 Monte Vista Ave., a member of the Dialogue on Race Reentry Action Team, commended Council for taking up the cause of ex-offenders and their families with the second chance proclamation in December 2010 and staging the reentry summit last month. However, there is no consensus on how to go forward, and Council and staff should continue to play a key role in taking this to the next step.

Ms. Rebecca Quinn, 104 4th St., said utility rate public notices should list both the current rate and the proposed rate so ratepayers can understand the impact of changes.

Ms. Victoria Dunham, 1419 Chesapeake St., president of Woolen Mills neighborhood association, thanked Council for taking Option A for the Rivanna Pump Station off the table. She asked Council to consider the resolution to sell park land. Option C was chosen at the RWSA board meeting, and that still locates the station firmly in the neighborhood. Please continue to research options that do not affect the neighborhood.

Mr. John Fink, 1901 E. Market St., said zoning would never allow the pump station to be located in its current position. He asked Council to take the opportunity to relocate the pumping station out of the Woolen Mills neighborhood.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Mr. Huja said asked staff to follow up on Mr. McIntosh’s request for master planning to begin. He asked when the master plan is scheduled to start. Mr. Jones said staff has not set a date yet but will come back to Council with the guidelines they passed a few months ago, seek input into the process and proceed with planning. Mr. Huja asked that this be done as soon as possible. Mr. Huja said he disagreed with Mr. Kleeman and believes the parkway will be a good addition to Charlottesville.

Ms. Szakos said she agreed that building should not start until we know that all the permits are in place, but she was disappointed when she heard Mr. Kleeman’s group chose not to ask for an injunction, because it would have given Council a chance to wait for that hearing. Council should not have to wait for over two years for the process to play out in court. She said she was intrigued by Mr. Beyer’s idea of having seating by

the chalkboard. She agreed with Ms. Quinn that public notices should include both old and new rates. She agreed with the Woolen Mills neighbors and appreciated that Mr. Jones and Ms. Mueller refrained from voting at the Rivanna meeting because they felt they needed more input from Council.

Dr. Brown said he agreed with Ms. Quinn's idea to advertise old rates. He thanked Mr. Fink and Ms. Dunham for their thoughtful comments. He said he disagreed with Mr. Beyer's assessment of the downtown mall, and free parking may not be a good idea because we should encourage walking and transit. He thanked Mr. McIntosh and others for their great ideas.

Ms. Edwards asked Mr. Jones to explain the status of the RFP. Mr. Jones said Rivanna staff will come back to Council in June. We have asked them to expedite the process to try to obtain information by May. The Rivanna board approved funding for HDR to put together an RFP at the last meeting. Preliminary cost estimates are \$15-19 million for the dam and \$50-60 million for the pipeline. Ms. Edwards said she also agrees with Ms. Quinn's suggestion to publish old utility rates. She suggested Council plan a fieldtrip to walk the pump station areas.

CONSENT AGENDA

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

- a. Minutes of April 18
- b. APPROPRIATION: \$41,884.67 – Aquatic Facility Rental Revenue – Crow Indoor Pool (2nd reading)
- c. APPROPRIATION: Appropriation of FY 2011 Additional Transit Revenues (2nd reading)
- d. APPROPRIATION: \$1,500 – Donation Toward Purchase of “Azure” Sculpture (2nd reading)
- e. APPROPRIATION: \$5,625 – Downtown Mall Directional Signage Purchases (carried)
- f. APPROPRIATION: \$22,840 – City Hall Window Damage - Appropriation of settlement from Nautilus Insurance Company (carried)
- g. APPROPRIATION: \$22,500 – Police Department - Reimbursed Overtime (carried)
- h. RESOLUTION: Emergency Operations Plan
- i. RESOLUTION: Approval of FY 2011-2012 Annual Action Plan
- j. RESOLUTION: Approval of Reimbursement for Employee Legal Fees
- k. RESOLUTION: Acceptance of an extension of Brookwood Drive in the Brookwood Development

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| l. | RESOLUTION: | Approval of 2011 Analysis of Impediments to Fair Housing Choice Report |
| m. | ORDINANCE: | Amendment of Noise Ordinance (2 nd reading) |
| n. | ORDINANCE: | Unzoned Properties (carried) |

PUBLIC HEARING/RESOLUTION: ISSUANCE OF SERIES 2011 BONDS

Ms. Krissy Hammill presented to Council on a resolution authorizing the City to sell general obligation bonds as part of the City's on-going capital financing plan. Staff expects to maintain a AAA bond rating. A final report is expected by the end of this week. The sale is scheduled for mid-May with closing in early June.

Ms. Hammill listed the bond-funded projects. Ms. Szakos asked if the rate at time of sale remains the same. Ms. Hammill said it does.

The public hearing was opened.

Ms. Colette Hall, 101 Robertson Ln., said she fears bond issuances will continue every year. In the current recession, Charlottesville has been spared the worst effects. We must get spending under control.

Ms. Rebecca Quinn, 101 4th St., asked how the improvements listed for water and sewer would be used, and if there is a readily accessible way citizens can understand how money will be used in general.

Having no further speakers, the public hearing was closed.

Ms. Szakos said the City tries to maintain a steady debt level, so we are always paying some off every year. We are not increasing our debt; we are maintaining our debt. It is a way to distribute the cost of important projects over time. Ms. Hammill said we are issuing more debt, but it is part of an overall plan that maintains our budget and supports the CIP plan.

Mr. Huja said important projects in our community would not be possible without this type of funding. Dr. Brown said this is a bigger bond issue than we have done in recent years, but we do not take it lightly. This is how we maintain our infrastructure. In the next years, state and federal budget issues may cause us to take a closer look at the City budget.

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

Mr. Jones said the projects for water and sewer should be online as part of the Capital Improvement Projects report.

PUBLIC HEARING/RESOLUTION: HILLSDALE CONDEMNATION

Mr. Craig Brown presented to Council. The first phase of the Hillsdale Drive extended has been built, but it has not been dedicated to the City as a public street because well after the road was under construction and close to being complete, Kmart Corporation filed a lawsuit against Meadowbrook Creek, alleging that the road and related improvements were being built on property that is a part of Kmart's lease. The City has made an offer to Kmart for fair market value, but they have not accepted or rejected that offer.

Staff's recommendation is based on the high priority of the project and the fact that the road has already been built. The property has a public use now anyway, which makes it legally efficient.

The public hearing was opened.

Ms. Colette Hall, 101 Robertson Ln., asked Mr. Brown for clarification that the City's stance is that they should take private land that belongs to Kmart and condemning it to make it public.

Mr. Brown said this land has already been acquired by Meadowbrook Creek, and the only interest preventing it from being given to the City is Kmart's leasehold interest.

Ms. Szakos asked how many parking spots would be affected. Mr. Brown said 110. Meadowbrook Creek said through reconfiguration of the lot, loss of spaces can be reduced to 40.

Ms. Hall asked if this was the same as eminent domain. Mr. Brown said it was. Council has been reluctant to condemn in the past.

Having no further speakers, the public hearing was closed.

Mr. Huja said this is in public interest, benefits the city, and benefits Kmart. It is important that we do this and do not take it lightly.

Dr. Brown asked if Kmart responded. Mr. Brown said they acknowledged receipt of the offer, but there was no substantive response. Ms. Szakos said how long ago the letter was sent. Mr. Brown said Meadowbrook Creek made their offer in October 2010.

Ms. Edwards said she is uncomfortable with condemnation. Ms. Szakos said she is too but thinks this is important to move forward with this as a lesser of evils.

On motion by Dr. Brown, seconded by Mr. Huja, the motion carried. (Ayes: Mr. Huja, Dr. Brown, Ms. Szakos; Noes: Ms. Edwards; Absent: Mr. Norris.)

PUBLIC HEARING/ORDINANCE: ABANDONMENT OF STORM DRAIN EASEMENT (carried)

Mr. Brown said this is a routine matter wherein the City required an easement a number of years ago. Properties have developed and as a result of the Paton Street PUD project by Habitat for Humanity, there is no longer a need for the easement from 1993.

The public hearing was opened.

Having no speakers, the public hearing was closed.

On motion by Ms. Szakos, seconded by Dr. Brown, the motion carried to the next meeting.

REPORT/ORDINANCE: SALE OF 409 STADIUM RD. (2nd reading)

Ms. Kathy McCue presented to Council. This was last discussed at the February 7th Council meeting. It was requested that the lots were combined and an IPP was issued for both of them. Staff determined Council's objectives could be met by keeping 409 Stadium Rd. separate and restricting the property through the use of a deed restriction.

Mr. Huja said this is a good solution for this property.

Ms. Szakos said the deed restriction compares this land to a pocket park but with no rights of the public to use this for park purposes. She asked if the developer intends to allow public access. Ms. McCue said because of liability purposes, they do not. Ms. Szakos said this is not then a park, but a visual expanse of space.

Mr. Brown said Council needs to move to amend the ordinance as presented on first reading to eliminate the requirement that the lots be combined. On motion by Mr. Huja, seconded by Dr. Brown, the motion carried unanimously (Ayes: Mr. Huja, Dr. Brown, Ms. Edwards, Ms. Szakos; Noes: None; Absent: Mr. Norris).

REPORT: RE-ENTRY SUMMIT

Mr. Mike Murphy reported to Council. He thanked them for their support of the reentry effort and thanked Ms. Edwards for her vision. He thanked members of staff for their contributions. He described the event, including speakers, panels, and discussion of key issues. The project obtained a new group of volunteers, and a video of the event will soon be offered on Charlottesville's TV 10, as well as complete audio via podcast. The Reentry Steering Committee and the Dialogue on Race group are hoping to collaborate to

engage community conversation and reduce duplication of services. Staff welcomes Council's input on next steps.

Dr. Brown thanked Mr. Murphy and Ms. Edwards for their work on this project. He said he was glad Mr. Caravati was honored because of how much work he has done on this project over the years.

Ms. Szakos highlighted next steps from the report and said Council can truly work with these concrete suggestions.

Mr. Huja said this is a good start, and he looks forward to getting started on work.

Ms. Szakos asked if Mr. Murphy is planning on giving a report to the Jail Authority Board. Mr. Murphy said he would do so.

Ms. Edwards thanked Mr. Murphy for his hard work on the conference. This is an opportunity for creative, common sense community collaboration, and to discuss poverty in a broader sense and how it effects our community. She said she hopes this was the "First Annual" conference and that there will be others in years to come. The importance of mental health services and possible collaboration with Region 10 was also discussed. Council will wait until Mr. Norris returns to make further decisions. Mr. Jones said staff will come back to Council in June.

REPORT: SPRING 2011 JOB FAIR

Ms. Lee presented to Council on the April 27th Job Fair. A record number of 90 employers participated, and there was good representation from entry-level positions. Between 1,800 and 2,000 job seekers attended the event, which was as expected. Staff focused on preparing job seekers for the event by offering pre-job fair workshops and on-site resources. They partnered with several community groups to make this a success. Post-event employer and job-seeker surveys are conducted after the event to detect effectiveness. Preliminary results have been positive.

Mr. Huja said this is a great service and thanked staff for providing it to the community. Ms. Edwards said she appreciated that there is better data collection now than in the past, particularly the anecdotal stories. She said Ms. Lee is a force to be reckoned with in planning this event.

OTHER BUSINESS

Dr. Brown updated Council on the Rivanna Pumping Station issue. It was a pleasant surprise to see that the County no longer maintained the position that the site should be located on Option A. After a lengthy discussion on whether there was any viability for Option B, it was discarded primarily because of its location. Option C had

the most viability and the least impacts, although not without impacts. A full discussion of those impacts is scheduled for the next meeting.

Mr. Jones said the board voted on moving design forward on Option C, or a hybrid of Option C. They said they did want to hear from Council. He said Mr. Frederick does not believe scheduling a vote for the May 16th meeting would impede the timing of the project. We agreed by a consent order with DEQ to have a design by December.

Mr. Huja said next there should be a public hearing at the next meeting so citizens can comment. Ms. Szakos said Option C is a lot more expensive, and she was concerned. Ms. Edwards said a presentation will be helpful, and a public hearing is essential.

MATTERS BY THE PUBLIC

Ms. DeDe Smith, 2652 Jefferson Park Circle, thanked Dr. Brown for defending the City's interests regarding the pump station. Estimates are extremely preliminary, so please do not make a decision to go with something cheaper based on these estimates. This is a golden opportunity to get an inappropriate piece of infrastructure out of one of our City parks.

Mr. Daryl Jones, City of Charlottesville, said he was part of the Reentry Summit and said people in the community are impatient about what the next steps are. Follow-up is important. He said he went to the Job Fair, and the reentry program should be explained to potential employers.

Mr. Peter Kleeman, 407 Hedge St., said Councilor Szakos said she was disappointed that the group did not apply for injunctive relief, but he has in fact done so and provided the first and fourteenth pages of the complaint filed. This matter cannot be expedited without an emergency injunction. He asked Council to prevent destruction of the park before the hearing.

Ms. Colette Hall, 101 Robertson Ln., said before you removed the Utility Rate increase discussion from the agenda tonight, she noticed it was not scheduled for a public hearing.


COUNCIL RESPONSE

Mr. Jones said the Utility Rate is scheduled for a public hearing on the May 16th agenda.

Ms. Szakos said there is a difference between a preliminary injunction and an emergency injunction. She clarified that she was disappointed there was not a preliminary injunction.

Ms. Edwards thanked Mr. Daryl Jones for participating in the Reentry Summit and said next steps are forthcoming. Please remind people to remain encouraged. On June 16th, there will be a panel discussion on the book The New Jim Crow.

The meeting was adjourned.



President



Clerk