

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, November 7, 2011, 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 – November 7, 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 Dr. Brown, Council voted, (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos; Noes: None), to meet in closed session for: (1) consultation with legal counsel regarding the negotiation of the terms and conditions of a community water supply cost sharing agreement with the Albemarle County Service Authority, as authorized by Virginia Code sec. 2.2-3711(A)(7), and (2) 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 CHAMBERS – November 7, 2011

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

ANNOUNCEMENTS

Mr. Norris announced that Charlottesville received the highest certification in the Virginia Municipal League's "Go Green" government challenge last month with platinum-level certification, the highest possible, for being a green and sustainable community. This is the fourth year in a row that the VML recognized the City as part of

the Go Green Government Challenge Program. Mr. Jones accepted the award on behalf of all City staff working on green initiatives.

Ms. Szakos announced the next Our Town meeting at Charlottesville High School on Thursday, November 10th at 6:00 p.m. for the Greenbrier/Locust Grove neighborhoods.

Mr. Huja announced CAT will provide free service for Election Day tomorrow. He also announced the temporary location for the Carver precinct.

Ms. Edwards said the first grading period has been completed, and report cards are out.

Mr. Norris said some precinct boundaries have changed. Go to www.charlottesville.org/vote or call 970-3250 to find your voting location. Also, the Dialogue on Race is honoring the Charlottesville 12 (the first African-American students to integrate City schools) by installing historical signs on Friday, November 18th at 10:30 a.m. at Venable Elementary School and at 11:00 a.m. at the Albemarle County Office Building. On Saturday, November 19th at 11:00 a.m. there will also be a program at Venable School. Both events are open to the public. Call 970-3115 for more information. The City has found a 2011 Community Christmas Tree, thanks to Mr. and Mrs. Johnny Parks of 107 Greenbrier Terrace. The Grand Illumination of the tree will be on Friday, November 25th.

MATTERS BY THE PUBLIC

Ms. Alicia Bowler Lugo, 515 Brown St., said she is here tonight to ask Council to consider the Black community in Charlottesville. Members of the Black community frequently feel that they are not consulted or asked for their opinions, looked through as “cellophane”. There are lots of Black people left out when honors are being distributed in this community, such as: Ingrid Smith, who offers comfort to the sick; Emma Bowles, who gives rides to those who have no transportation; Mary Nicholas Nightingale, who organizes the Burley High School reunion every year; Jimmy Hollins, of the Burley Varsity Club; Karen Waters, who is involved in many events related to African-American affairs, the NAACP, which promotes the African-American Cultural Festival, as well as the numerous good works done by Black churches. For the first time in recent history, there is no Black leadership in Charlottesville other than on the School Board. African-American groups continue to be economically and academically disenfranchised. Black neighborhoods have been gentrified. Ms. Lugo asks Council to seek the opinions of the Black community on more issues.

Mr. Fred Quarles, 2309 Fontaine Ave., said he wanted to give Mr. Hall his time. Mr. Norris said this is not in line with procedure and would not be permitted.

Mr. Evan Knappenberger, 308 Parkwood, with Veterans for Peace, wanted to recognize Native American people, whose land we are already occupying. The current permit for Occupy Charlottesville expires around Thanksgiving, but many members do not want to leave at that time. Mr. Knappenberger praised the intentions of the Occupy Charlottesville participants and urged Council to engage them in conversation and consider their wishes.

Mr. Mark Kavit, 400 Altamont St., read excerpts from emails regarding The Haven to and from Colette Hall and Haven executive director Kaki Dimock. Mr. Kavit criticized The Haven's proposed policy of not allowing the homeless to use facilities without enrolling in certain self-help programs since that would drive the homeless back into the neighborhoods.

Mr. Scott Bandy, 1639 Cherry Ave., yielded time to John Hall or Carol Thorpe, but his request was denied.

Mr. Brandon Collins, 536 Meade Ave., said he was touched by what Ms. Lugo said. There are a lot of folks who feel like they have not been listened to. He was pleased to see the Vinegar Hill apology. Redevelopment is a frightening process for people who live in those neighborhoods. Please respect those residents. We have affordable housing and homeless crises. Mr. Collins expressed concern about the Single Resident Occupancy (SRO) facility admission policy (open to those with income), which doesn't serve the homeless population. He also objected to a new sewer pump station in the Woolen Mills neighborhood.

Mr. Conor J. Pratt, 563 Shady Ln., said he wished to yield his time to John Hall. He said he supports Mr. Hall's proposal and petition regarding the homeless, especially since the Haven is becoming overtaxed.

Mr. Ed Zavada, 1421 Briarcliff Ave., part of the occupation at Lee Park, said there has been an indirect request that Occupy Charlottesville consider vacating the park out of concern for the homeless population. Homelessness is a complicated issue. The Occupy movement has done good for members of the homeless population and would like to have safety issues regarding the homeless addressed with the group.

Ms. Shawna Murphy, 1122 Forest Hills Ave., said there are 150 beds in the overnight shelter program and 300 homeless people. The sobriety requirement will be a barrier to many members of the homeless that need this service. She asked Council to address the issue of shelter during the winter months.

Mr. John Edward Hall, 829 Mallside Forest Ct., said he has over 300 signatures for his PACE petition to provide for night-only camping and sleeping in government issued tents and sleeping accessories in designated parks year-round.

Ms. Victoria Dunham, 1419 Chesapeake St., said Woolen Mills has been subjected to odors from the pumping station for many years. Council should remove

Option A (locating the new pump station in Woolen Mills) from the table entirely. She asked members of the audience in support of this to stand.

Mr. Stratton Salidis, 704 B Graves St., asked why we spend so much time talking about roads through our central park and dams when both are not only unneeded but also destructive to the needs of Charlottesville residents. The Meadow Creek Parkway would increase traffic. He disputed information that water needs require more dam capacity. Mr. Salidis said the Nestle Company and The Nature Conservancy are financially linked.

Mr. Bill Emory, 1604 E. Market St., said reports we have received on the pumping station options do not reflect the impact to several natural resources and damage to the neighborhood.

Ms. Carol Thorpe, on behalf of the Jefferson Area Tea Party, said they have not received equal protection under the law in relation to Council's actions regarding Occupy Charlottesville. The Tea Party does not oppose the occupiers, but there should not be suspension of ordinances, such as the curfew ordinance, to facilitate their activities, which threaten public safety. There are fire hazards, and criminal activity is a real problem.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Ms. Szakos said many people share Ms. Thorpe's concerns, but she continues to support Occupy Charlottesville's right to be at Lee Park because of First Amendment rights. Regarding Ms. Murphy's concern about the number of homeless people needing beds versus what is available, she would like more information. We are trying to address this with SROs and The Haven. She said she appreciated Ms. Lugo's comments and will personally make the commitment not to treat people as "cellophane".

Ms. Edwards said the homelessness issue cannot be adequately addressed during this time. She said we need a comprehensive plan and involve members of the homeless community in the discussion. She thanked Ms. Lugo for her comments and read a poem.

Dr. Brown said we have to figure out how to serve the needs of our homeless population without creating an environment where Charlottesville is a good place to come if you are homeless. He thanked Ms. Lugo for her comments. He apologized to Ms. Thorpe for his comments that were published in the paper, and she accepted his apology.

Mr. Huja said he respected that he and Mr. Salidis do not see eye to eye on some issues and suggested he check his facts regarding The Nature Conservancy.

Mr. Norris thanked Ms. Lugo for her heartfelt comments and encouraged everyone to redouble their commitment to ensuring all voices are heard. He thanked speakers for coming forward regarding the pump station. He said Mr. Collins is correct

that there is a housing crisis in our community. The SRO is not free, but they will work with people to meet the minimum rent requirement. PACEM still has empty cots; resources are available, and there is no sobriety requirement. Regarding Occupy Charlottesville, Mr. Norris said at a certain point, you begin to change the nature of Lee Park by extending the curfew indefinitely. This requires more community involvement.

On motion by Dr. Brown, seconded by Mr. Huja, Council approved the following appointments to Boards and Commissions: Whit Graves and Preston Coiner to the Board of Architectural Review; Peter Jenkins to the Citizen's Advisory Panel; Marnie Allen to the Community Development Block Grant; John Pfaltz to CHART, Chris Atwell to Dialogue on Race; Kitty Pickett to JAUNT; Erica Goldfarb to Sister City Commission. (Ayes: Mr. Huja, Ms. Edwards, Mr. Norris, Ms. Szakos; Dr. Brown; Noes: None.)

Ms. Szakos said there are several vacancies on the CDBG Task Force and encouraged citizens from Ridge St., Belmont, Fifeville, and 10th & Page neighborhoods to apply.

CONSENT AGENDA

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

Minutes of October 3

APPROPRIATION:	FY2012 Friendship Court Sponsorship Agreement (2nd Quarter) - \$22,130.50 (1 st of 2 readings)
APPROPRIATION:	Grant Award from the Virginia Department of Forestry - Azalea Park Biofilter Project - \$7,500 (1 st of 2 readings)
APPROPRIATION:	Victim Witness Assistance Program Grant - \$157,143 (1 st of 2 readings)
APPROPRIATION:	Transfer of Funds for Purchase of Land for Davis Field - \$750,500 (1 st of 2 readings)
RESOLUTION:	Support for Brownfields Assessment Grant Application (1 st of 1 reading)
RESOLUTION:	Revision to Home Energy Conservation Grant Program Policy (1 st of 1 reading)
RESOLUTION:	Oakhurst Cir Development - Allocation of Funds - \$75,000 (1st of 1 reading)
RESOLUTION:	Spay/Neuter Memorandum of Understanding between Charlottesville and SPCA (1 st of 1 reading)
ORDINANCE:	Regulation of Pneumatic (Air Powered) Guns (1 st of 2 readings)
RESOLUTION:	Equal Rights Amendment (1 st of 1 reading)

PUBLIC HEARING/RESOLUTION: LEASE TO VIRGINIA DISCOVERY MUSEUM

Mr. Tolbert presented to Council. Staff would like to expand the area of the lease to the Virginia Discovery Museum to include most of the area surrounding the Carousel.

The public hearing was opened.

Having no speakers, the public hearing was closed.

Ms. Szakos asked if the area would lose public seating. Mr. Tolbert said staff can examine installing additional seating outside the leased area.

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

PUBLIC HEARING/RESOLUTION: 600 PRESTON PLACE SPECIAL USE PERMIT

Ms. Ebony Walden presented to Council. She reported on the public hearing held at the Planning Commission meeting on October 31. The permit was approved unanimously with six conditions, which are listed in the Planning Commission report.

Ms. Szakos asked for clarification on the number approved. Ms. Walden said the Planning Commission approved up to 17 residents, but the applicant is only asking for 14 residents. Ms. Szakos asked what the maximum number of people permitted to live in that building if there were no restrictions. Ms. Walden said the building code for a building this size would allow 40 residents, if it were a multifamily building.

Mr. Huja asked if this fraternity had been given special privilege. Ms. Walden said this fraternity had been grandfathered in, but the City can allow increased density.

The public hearing was opened.

Mr. Richard Crosier, 624 Preston Place, has lived in the neighborhood for over 30 years and opposes the permit because of the problems the neighbors have had with the fraternities over the years. He fears they are on the road to becoming a high density neighborhood.

Ms. Beth Turner, 630 Preston Place, said her family has lived in her historic home for the past four years. It is zoned as a residential neighborhood with historic overlay, and she believed it would be protected as such. The City commissions are not listening to

the neighbors, and by increasing the density, you are disfiguring historic houses and destroying the neighborhood. Please preserve this as a neighborhood for families.

Mr. Mike Bevier, 712 Rugby Rd., said he is here on behalf of the Venable Neighborhood Association. The neighborhood is not against rehabilitating the fraternities. He wants the City to deny the permit until the fraternity has demonstrated that they can manage the property with the current occupancy.

Mr. Will Teass, applicant representative with Tektonics Design Group and agent for the Xi Chapter of Theta Chi, explained details of the project to Council.

Mr. Art Kiser, 1872 Edgewood Lane, said he agrees with his fellow neighbors that the permit should not be approved. Traffic, noise, and trash are issues for the neighborhood. Council will likely be presented with a similar proposal from neighboring fraternities, and establishing a precedent of approving these proposals is not harmonious with the neighborhood's composition.

Having no further speakers, the public hearing was closed.

Mr. Huja said the project is not harmonious with the neighborhood, which is in delicate balance right now, and expanding the fraternities would destroy that balance. Approving this application will set a bad precedent, and he opposes the expansion.

Ms. Szakos asked how long new management and a new board has been in place. Mr. Grady Lewis said since 2010. She asked Ms. Walden what the record of this fraternity has been with the City regarding police reports, etc. Ms. Walden said she did not have that information readily available, but staff will research it.

Dr. Brown said the Planning Commission was unanimous in their decision, and Council should examine why there was strong support for the project. We should not reverse their decision simply because Council disagrees. Dr. Brown said it does not seem as though the requested increase is substantial. Ms. Szakos responded that Council members were not at the public hearing before the Planning Commission so she felt Council members needed to consider the request very carefully.

Ms. Edwards said she agreed with Mr. Huja.

Mr. Norris sympathized with the neighbors, who have legitimate concerns, but the number of residents may not make a difference. There are separate issues: the problems with fraternity behavior and the size and scale of this particular project. Mr. Huja said the number of residents is important because typically the problems increase with the number of residents. He expressed concern about preserving the integrity of the neighborhood.

Ms. Szakos proposed Council defer the decision until additional information from police reports is obtained. Mr. Norris asked if there is a time constraint. Mr. Brown said there is not. Dr. Brown said he wasn't sure if additional reports will clarify the issue, and

Ms. Edwards agreed. Dr. Brown asked the City Attorney if there would be a link between this project and future projects. Mr. Brown said Council just needs to be reasonable in its decision making.

On motion by Ms. Szakos, seconded by Mr. Norris, Council moved to defer a decision until further information could be obtained. The motion to defer passed. (Ayes: Mr. Huja, Mr. Norris, Ms. Szakos; Dr. Brown; Noes: Ms. Edwards.)

PUBLIC HEARING/ORDINANCE: CRITICAL SLOPES IN PLANNED UNIT DEVELOPMENTS (PUDs) (carried)

Mr. Haluska presented to Council. The proposed change would subject PUDs to the same standard as other developments in the City, rather than the tighter standard inadvertently created by the addition of the definition of steep slopes. The Planning Commission voted unanimously to approve the ordinance.

The public hearing was opened.

Ms. Colette Hall, 101 Robertson Ln., said loosening the tighter steep slope ordinance is a joke. The Planning Commission rarely if ever has refused to grant a steep slope waiver request. This goes against Council's Vision for a "Green City".

Mr. Brandon Collins, 536 Meade Ave., said the way the ordinance stands now is working, and there is no reason to weaken it.

Mr. Bill Emory, 1604 E. Market St., said he agrees with Dr. Brown that the Planning Commission's recommendations are thoughtful and well-discussed, and Council should use caution when considering reversing their decision. He does not know how you can fold critical slopes ordinance into a zoning hearing.

Mr. Peter Kleeman, 407 Hedge St., supported Dr. Brown's comments regarding Planning Commission decisions. If Council overrules a board's decision, it should be for reasons that are outside the purview of the board.

Having no further speakers, the public hearing was closed.

Ms. Szakos said she agreed with Mr. Kleeman. She said she accepts the Planning Commission's recommendation.

Upon Mr. Norris's request, Mr. Haluska explained how the approval process would work with the revised zoning text amendment.

On motion by Dr. Brown, seconded by Ms. Szakos, the ordinance carried.

PUBLIC HEARING/ORDINANCE: UPDATE CIVIL PENALTIES RELATED TO ZONING VIOLATIONS AND CORRECT A CODE REFERENCE TO THE ZONING MATRIX (carried)

Ms. Creasy presented to Council. Updates are “housekeeping” changes allowing staff to comply with state code and do not change the code’s intent.

The public hearing was opened.

Having no speakers, the public hearing was closed.

On motion by Mr. Huja, seconded by Dr. Brown, the ordinance carried.

REPORT/RESOLUTION: VINEGAR HILL APOLOGY

Mr. Jones presented to Council. He gave brief a summary of the history of Vinegar Hill. Mr. Jones read the resolution aloud.

Ms. Edwards said this is long overdue, and she hopes this will provide healing for some of the pain. She thanked her fellow Councilors for supporting this.

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

REPORT: RIVANNA PUMP STATION UPDATE

Mr. Tom Frederick reported to Council and gave a power point presentation.

Ms. Szakos said the architects’ efforts spent on the building at the current site were heroic. Mr. Norris asked what Option A approval was contingent upon. Mr. Frederick said a special use permit would have to be obtained by the City to implement.

Ms. Szakos said she initially favored Option D but found out steep slopes on the east side were problematic. Mr. Frederick explained their outreach to property owners who would be affected by each option, and cost estimates of each.

Mr. Norris asked if we know of other instances where a pump station of this nature has been located in a neighborhood. Mr. Frederick said he does not know of any other sites where a pump station of this size and magnitude is located in a neighborhood.

Dr. Brown asked Council if they are in favor of Option E and completely opposed to Option A.

Mr. Norris asked Council if we should state Option A should be taken off the table. Ms. Szakos asked for a motion saying current Council does not support Option A or conveying property to facilitate Option A or a special use permit for Option A.

City Attorney Craig Brown said RWSA would have to acquire additional property to do Option E, which would require Council approval, so any decision now would not be binding on a future Council.

Ms. Edwards asked to state for the record an excerpt from Bill Emory's letter of September 30, 2010: Mr. Emory said City Council in 1958, when the pump station was built, did not envision wastewater from Crozet to Camelot being treated at the plant. An executive order dated February 11, 1994 stated that no group of people should bear a disproportionate share of negative consequences from industrial or municipal operations.

On motion by Mr. Norris, seconded by Ms. Edwards, Council moved to support Option E and not support Option A (which includes acquiring land or granting a special use permit), passed unanimously.

REPORT: JAUNT ANNUAL REPORT

Ms. Donna Shaunesey presented a PowerPoint to Council on the JAUNT Annual Report for FY10-11.

Ms. Szakos asked how the ratio from different localities is determined. Ms. Shaunesey said it is complicated and described the methodology. Mr. Norris said JAUNT has Council's full support.

REPORT/RESOLUTION: MASTER PLAN PROCESS FOR MEADOW CREEK STREAM VALLEY

Mr. Chris Gensic of Parks & Recreation presented to Council. Staff is requesting Council authorize the beginning of the Master Plan Process for the Meadow Creek Stream Valley as recommended by the Parks and Recreation Advisory Board at their meeting on September 21, 2011.

On motion by Mr. Huja, seconded by Ms. Szakos, the resolution to approve the Master Plan Process passed unanimously.

Mr. Norris thanked Mr. Gensic for his work and said this was an exciting prospect.

MATTERS BY THE PUBLIC


Mr. Peter Kleeman, 407 Hedge St., thanked Council for quickly getting the new Vision Statement posted. He asked Council to be more vocal about championing items from the Vision Statement and ensure their support of these issues when considering decisions.

Mr. Will Balrich thanked Council for their support of industrial hemp and discussed the benefits of hemp manufacturing.

Ms. Colette Hall, 101 Robertson Ln., said the homelessness problem is a growing issue. Our homeless population is no longer local, as homeless are coming from all over the Eastern United States to Charlottesville because of the amenities we offer. North Downtown residents are suffering because of the vagrancy, trash and drunken fights.

Mr. Jamie Dyer, 806 Avon St., thanked Council for passing the industrial hemp resolution.

The meeting was adjourned.



President



Clerk