

## **NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, October 17, 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 – October 17, 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 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).

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 – October 17, 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 congratulated the Parks and Recreation Department and Mildred Spicer, Manager of Therapeutic Programs, for the Very Special Arts Music Recital's receipt of the Best New Special Event Award. Ms. Spicer was present and thanked Council for the recognition.

Mr. Norris also congratulated the Parks and Recreation Department for receiving the Best New Renovation award for Forest Hills Park. Brian Daly and Jennifer McKeever from Parks and Recreation Advisory Board were present to accept the award.

Also, the Smith Aquatic Center was named one of the top 10 new facilities in the country.

Ms. Szakos welcomed a group of students visiting from Charlottesville's sister city Besancon, France. Mr. Jim Walters spoke on behalf of the group and thanked Council and Dr. Atkins for inviting them. He presented a book and DVD from the Mayor of Besancon and welcomed teachers and students from Charlottesville High School for their visit to Besancon next April.

Ms. Szakos announced the next "Our Town" meeting, 6-8pm Thursday, December 10<sup>th</sup>, at Charlottesville High School for the Greenbrier/Locust Grove neighborhoods.

Mr. Jones asked to place a resolution supporting a million dollar grant regarding information sharing amongst public safety agencies and approval for a VDOT Revenue Sharing Program to the agenda under Other Business.

## **MATTERS BY THE PUBLIC**

Ms. Izzy Artiles, 326 15<sup>th</sup> St, is a second year student at UVA and a member of the Sierra Student Coalition, working on the Beyond Coal Campaign. She has asked the University to move off coal as soon as possible and seeks to raise awareness in the City about this issue. The City should encourage the University to retire the coal plant and increase livability in Charlottesville.

Ms. Rebecca Quinn, 104 4<sup>th</sup> St. NE, said adoption of the regional water supply plan is based on out of date and flawed information. The City should dredge first. She asked if questions were answered regarding debt service on wholesale water rates and asked when the results would be revealed.

Mr. Brandon Collins, 536 Meade Ave., thanked Council and Ms. Edwards for bringing forward an apology for Vinegar Hill. He said he wants to ensure current redevelopment decisions proceed with full engagement and involvement from residents of public housing. He asked folks from Occupy Charlottesville to attend this week's meetings on water supply.

Mr. John Cruickshank, 324 Parkway St., representative from the Piedmont Group of the Sierra Club, said he believes our community should contain our demand for natural resources and destruction of open spaces for development. Water supply can best be provided with restorative dredging and a strong water conservation program. Additional flow gauges should be installed in the Moormans River so natural highs and lows can be

established. The Piedmont Group and the Virginia Chapter of the Sierra Club fully support the Beyond Coal Campaign at UVA and the Occupy Charlottesville protests.

Mr. Brian Vanyo, 841 Rainier Rd., also speaking on behalf of his wife, Svetlana Vanyo, said Council should end the policy of Smith Aquatic Pool not allowing swimming instruction at the facility.

Ms. Angela Tutovani, 850 Fountain Ct., said she has been told by pool officials she cannot instruct her son on how to swim at the Smith Aquatic Pool. She asked for this policy to be changed.

Ms. Mary T. Miller, 2481 Hillview Ct., presented the 2011 VSA Annual Poetry Book to Council. She thanked Brain Daly, Mildred Spicer and others for their work.

Ms. Joanna Salidis, 129 Goodman St., said Democrats were asked to sign a pledge before the primaries promising to support the Democrat Party. Numerous studies have yielded new information since 2004, when the original water supply plan was drafted. Incorporating new studies in the plan would not take long. She will support Bob Fenwick and Dede Smith in the upcoming election.

Mr. Evan Knapperberger, 308 Parkwood St., with Veterans with Peace, speaking from the Occupy Charlottesville group, said we should thank Native Americans for allowing us to use their land. He said he met with City officials and has not filed for a permit because the group believes they are in the spirit of the law regarding the 11pm curfew. He has spoken with neighbors, and the group wants to leave the park better than they found it. He asked Council for endorsement of the Occupy Charlottesville movement.

Ms. Nancy Carpenter, 727 Denali Way, a county resident, said she supports Occupy Charlottesville. She quoted statistics on joblessness and poverty. Council should attend sessions of the general assembly of Occupy Charlottesville and direct the Parks and Recreation department to suspend the rules for the use of Lee Park during the occupation.

Mr. Jamie Dyer, 806 Avon St., said he was with Occupy Charlottesville. He asked Council to suspend process and let the group stay in the park. He said the City Manager claims to be concerned about precedent, but what is coming down the road has no precedence in history.

Ms. Kobby Hoffman, President of NOW, asked Council for support for the Equal Rights Amendment before them on the consent agenda.

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

Ms. Edwards said her opinion about the water supply has not changed, and she is concerned about the direction the plan is taking. She said she wants to know what the appropriate direction regarding coal supply would be. While she does not want to impose Council's values on another entity, she wants to know how this can be addressed in terms of a health issue for our community. Ms. Edwards said we should discuss Occupy Charlottesville under Other Business. Council should decide this, not City staff.

Dr. Brown said Council or staff may want to meet with the UVA President to express our thoughts that they should stop using coal.

Mr. Huja said Council could suggest they phase out coal use over time. He asked the City Manager to investigate with the City Attorney the Smith Aquatic pool regulations and Occupy Charlottesville issues brought forth.

Ms. Szakos thanked the Beyond Coal Campaign representatives for coming. She agreed with Ms. Edwards that we should not impose our will on another entity but supports transitioning away from coal. She thanked Mr. Collins for his support of the Vinegar Hill apology. She asked Occupy Charlottesville not to make it difficult for people having funerals at the nearby funeral homes and said she personally fully supports the national Occupy movement.

Mr. Norris confirmed that we will add Curfew Suspension and the Smith Pool to Other Business. He would like to arrange a meeting with the University to work on phasing out of the coal burning program. He asked Mr. Jones if there has been follow up with Rivanna on projections for water rates or wholesale rates. Mr. Jones said we do have some information based on our cost share negotiations, but in terms of wholesale, we do not have additional information. Mr. Norris asked Mr. Tom Frederick if there were any reason why we could not update wholesale rate projections since 2007. He thanked Mr. Brandon Collins for his comments on Vinegar Hill, particularly how the lessons apply to what we are about to engage in with redevelopment. Council fully supports ongoing meaningful resident input throughout the entire redevelopment process, not just on the front end.

## **CONSENT AGENDA**

Ms. Szakos said regarding Pneumatic Guns, she objects that the state legislature changed the law state-wide, but understands we are legislatively obliged to change our ordinance.

Mr. Huja requested pulling item h, Oakhurst Cir. Development.

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

- a. Minutes of October 3
- b. APPROPRIATION: FY2012 Friendship Court Sponsorship Agreement (2nd Quarter) - \$22,130.50 (1<sup>st</sup> of 2 readings)
- c. APPROPRIATION: Grant Award from the Virginia Department of Forestry - Azalea Park Biofilter Project - \$7,500 (1<sup>st</sup> of 2 readings)
- d. APPROPRIATION: Victim Witness Assistance Program Grant - \$157,143 (1<sup>st</sup> of 2 readings)
- e. APPROPRIATION: Transfer of Funds for Purchase of Land for Davis Field - \$750,500 (1<sup>st</sup> of 2 readings)
- f. RESOLUTION: Support for Brownfields Assessment Grant Application (1<sup>st</sup> of 1 reading)
- g. RESOLUTION: Revision to Home Energy Conservation Grant Program Policy (1<sup>st</sup> of 1 reading)
- ~~h. RESOLUTION: Oakhurst Cir Development - Allocation of Funds - \$75,000 (1<sup>st</sup> of 1 reading)~~
- i. RESOLUTION: Spay/Neuter Memorandum of Understanding between Charlottesville and SPCA (1<sup>st</sup> of 1 reading)
- j. ORDINANCE: Regulation of Pneumatic (Air Powered) Guns (1<sup>st</sup> of 2 readings)
- k. RESOLUTION: Equal Rights Amendment (1<sup>st</sup> of 1 reading)

**PUBLIC HEARING/ORDINANCE:** GRANT OF EASEMENT NEAR BRANDYWINE DR AND GREENBRIER DR TO RIVANNA WATER & SEWER AUTHORITY (carried)

Mr. Craig Brown presented to Council.

The public hearing was opened.

Having no speakers, the public hearing was closed.

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

**REPORT/RESOLUTION:** REGIONAL WATER PLAN RESOLUTION

Mr. Frederick was available to answer Council's questions.

Mr. Huja asked if the footnote had been added. Mr. Frederick said it had been done.

Mr. Norris asked why a decline in sedimentation at the South Fork Reservoir would not be reflected in the current safe yield or long term safe yield projections. Mr. Frederick said the dredging feasibility study done by HDR was done according to current conditions, not a forecast of safe yield or sedimentation rate.

Ms. Szakos asked what it would take to get the most updated figures. Mr. Frederick said over time we should continue to do bathometric surveys to determine if the point that was established in 2009 reflects a different trend or was an anomaly. It is difficult to draw conclusions unless you predetermine what you want them to be from one data point.

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

Mr. Norris said he voted against this because we have a study that indicates we will be using millions of dollars less than what we anticipated.

### **REPORT: 636 PARK STREET – APPEAL OF BAR DECISION**

Ms. Mary Joy Scala reviewed the Board of Architectural Review (BAR) decision for Council. Council may support the BAR's decision or approve the applicant's appeal. The main reason for denying the request was to uphold the established guideline, not because of maintenance issues. The brick homes that have been painted in the surrounding area were grandfathered in.

Ms. Jennifer Greenhalgh, owner and resident of the home at 636 Park St., said 40% of the homes on Park St. have been painted. Maintenance is not an issue, and they are willing to cover the maintenance costs. Mr. Huja asked if this was personal preference. Ms. Greenhalgh said the brick was uniform in color, still available at Allied, and not appealing.

Mr. Fred Wolf, BAR, said the guidelines are straightforward. From a precedent standpoint, the BAR has stipulated almost unilaterally that unpainted masonry should remain unpainted. He confirmed that the applicant's assertion that the brick does not have character was fair.

Mr. Norris asked whose obligation it was to make buyers understand when they are purchasing a property that it is restricted by historic guidelines. Mr. Huja said usually City records show whether properties are historic or not. Ms. Szakos asked if BAR could produce an info sheet or brochure for potential homebuyers. Ms. Scala said we have started notifying current property owners once a year by letter, but that does not help potential buyers.

Mr. Huja said he supports the BAR recommendation but sympathizes with the applicant. Dr. Brown said there should be special circumstances to overturn a BAR decision. Mr. Norris said the applicants may work to help change the guidelines if they feel they are wrong.

On motion by Mr. Huja, seconded by Ms. Szakos, Council voted to uphold the BAR's decision. (Ayes: Mr. Huja, Ms. Szakos, Mr. Norris, Dr. Brown, Ms. Edwards; Noes: None.)

**REPORT: VINEGAR HILL APOLOGY**

Mr. Maurice Jones presented to Council on the history of Vinegar Hill. Ms. Edwards said she recommended Root Shock as reading to explore the history of urban renewal. She said this is an important step in addressing history and allowing people to move forward. Mr. Huja said this affected the Black business community and continues to do so. Dr. Brown said this is long overdue and thanked the City Manager and Ms. Green for authoring the resolution. Mr. Norris agreed. The final resolution will be considered at the November 7<sup>th</sup> Council meeting.

**REPORT: COMMUNITY ATTENTION YOUTH INTERNSHIP PROGRAM (CAYIP)**

Ms. Kellams presented to Council on the 2011 CAYIP Summer Program, which was a success. She thanked Council for their support. Mr. Huja asked if the program could have a direct deposit option. Ms. Kellams said they are looking to make it part of the admissions process next year. Dr. Brown said he appreciated how much the program has grown.

**REPORT: DIALOGUE ON RACE UPDATE**

Ms. Gertrude Ivory and Mr. Bob Gross updated Council on action team progress, remembering and honoring the "Charlottesville Twelve", joint Congregation Study Circles, and other progress the Dialogue on Race Committee has made since February 2011. Citizens may go to [www.charlottesville.org/dialogue](http://www.charlottesville.org/dialogue) for more information.

**OTHER BUSINESS: LEE PARK PERMIT**

Lee Park currently has an 11:00 p.m. curfew. Occupy Charlottesville is requesting to waive the curfew for the duration of the Occupy Charlottesville gathering protest. Mr. Norris asked Mr. Jones if there is a mechanism to do this. Mr. Jones said he has been impressed by how courteous, peaceful and sensitive Occupy Charlottesville has been over the past few days. The request puts the City in a bind because we may be

setting a precedent that others will follow, and without a series of guidelines, it will be difficult to deny the opportunity going forward. Mr. Craig Brown, City Attorney, confirmed that we have a special event permit process groups can use to secure access to a park or street. He said the ordinance that sets the closing hours for most of our public parks states that it is unlawful to be on the premises from 11:00 pm – 6:00 am without express permission from the Parks and Recreation department. This would not be classified as an event, but rather a demonstration. A permit is involved only if the demonstration allows for 50 or more people. The duration limitation for Lee Park is three days, but regulations say the stated period can be extended upon request unless the space has been previously reserved.

Council suggested the group meet with Mr. Daly and apply for a permit in order to give him the authority to waive curfew hours and extend their time of stay. Mr. Norris thanked the group for coming and wished them well.

#### **OTHER BUSINESS: SMITH POOL**

Mr. Jones said the Parks and Recreation staff met with the Vanyos and gave them permission to instruct her own child. Ms. Vanyos said staff members have not been consistent on enforcing the policy. Mr. Jones asked Mr. Daly to provide a more detailed policy.

Council discussed issues surrounding instruction at City facilities. Dr. Brown said we cannot debate a policy that has not been written yet. Mr. Daly said the policy will be ready for review in approximately two weeks.

Council confirmed that the Vanyos are allowed to come to the pool and instruct their own child in the meantime.

#### **OTHER BUSINESS: OAKHURST CIRCLE DEVELOPMENT**

Mr. Huja said the applicant has also asked that the City request that TJPDC write their enhancement application. They are willing to do so, but they need a request from the City. Mr. Tolbert said the planning district committee had previously agreed to draft an enhancement application for Mr. Chapman, but the commission would prefer the request be generated from the City. Mr. Williams volunteered his staff to write the application. Mr. Tolbert confirmed there seems to be no reason why the City should not make this request.

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



**OTHER BUSINESS: REVENUE SHARING PROPOSAL**

Mr. Jones said this resolution would give the approval of Council to submit for a revenue sharing program from VDOT, which would potentially provide for sidewalk repair. On motion by Mr. Huja, seconded by Ms. Szakos, the proposal passed unanimously (Ayes: Mr. Huja, Ms. Szakos, Ms. Edwards, Dr. Brown, Mr. Norris; Noes: None.)

**OTHER BUSINESS: RESOLUTION IN SUPPORT OF A GRANT APPLICATION FOR THE STATEWIDE INFORMATION SHARING STRATEGIC PLAN AND PILOT GEOSPATIAL VISUALIZATION PROJECT**

Mr. Jones said the City is applying for and will be awarded a \$1,000,000 Public Safety Interoperability (PSIC) grant to work with the Commonwealth of Virginia for the development of a statewide information sharing strategic plan combined with a local multi-discipline information sharing pilot. Mr. Norris thanked Chief Warner for his work and said we would not be in a position to receive this grant without his hard work. On motion by Mr. Huja, seconded by Dr. Brown, the resolution carried unanimously (Ayes: Mr. Huja, Dr. Brown, Mr. Norris, Ms. Edwards, Ms. Szakos; Noes: None.)

**MATTERS BY THE PUBLIC**

Mr. Jim Shea, Montevista Ave., said Vinegar Hill is one of the most significant moments in the history of Charlottesville. It was a catastrophe for people who lived and worked there. In the words of John Grisham, “the past is still happening”. People stand to make a lot of money out of building an unnecessary dam and pipeline at the expense of ratepayers.

Mr. Jeffrey Fogel, 215 Spruce St., a participant of Occupy Charlottesville, said Occupy Charlottesville is not a demonstration, but a movement from the bottom up. Asking the group to apply for a permit is asking us to call ourselves something that fits into a pre-defined set of terms. Council should instruct the City Manager to lift the curfew. Public parks should not be closed at any time.

Ms. Rebecca Quinn, 104 4<sup>th</sup> St., said the director of RWSA continues to confuse Council and the public about the issue of safe yield.

Ms. Bailey Elizabeth, 613 Blenheim Ave., said Occupy Charlottesville as a group has devised ground rules of how they are treating one another. She said she does not understand why she has to have a permit to demonstrate her rights to free speech as long as she is not violating rules.

Mr. Sky Blue, Ridge St., asked Council to reconsider asking Occupy Charlottesville to obtain a permit.

Ms. Flora Bailey, West Main and 7 1/2th St., said Occupy Charlottesville has been the most meaningful experience of her life. She asked Council to trust that the group will respect the park and the City. She invited Councilors to attend a meeting and see how they operate.


Mr. Mark Kavit, 400 Altamont St., said Mr. Fenwick evaded answering Mr. Norris's question, and the City deserves an answer. Keep in mind residents of the neighborhood surrounding Lee Park. Regarding 636 Park St., the applicants knew they were in a historic district, but they did not know what it meant.

Ms. Brenda Lambert, Montevista Ave., supported Ms. Bailey's suggestion that Council attend a meeting of Occupy Charlottesville. They are democratically run, great fun, and inspiring to attend.

### **COUNCIL RESPONSE**

Mr. Norris said Occupy Washington, D.C. had to get a permit. It is a one page form, and Council is trying to make it easy for the group to do what they want to do. Once you apply for it once, you can continue to stay in the park well beyond the three days. Council is trying to facilitate the group's activities.

The meeting was adjourned.



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President



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Clerk