

## **NOTICE OF SPECIAL MEETING**

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, February 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 – February 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 pursuant to section 2.2-3712 of the Virginia Code, for 1) Discussion and consideration of prospective candidates for appointment to City boards and commissions, as authorized by Virginia Code sec. 2/203711 (A)(1); and, 2) Discussion of the acquisition of real property located on Davis Avenue for a public purpose, where discussion in an open meeting would adversely affect the negotiating strategy of the City, as authorized by Virginia Code sec. 2/2-3711 (A)(3); and, 3) Discussion concerning a prospective business locating in the City and the availability of financial incentives for the relocation, where there has been no previous announcement of the business's interest in locating in the City, as authorized by Virginia Code sec. 2.2-3711 (A)(5).

On motion by Ms. Szakos, seconded by Dr. Brown, 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 – February 7, 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

Ms. Szakos announced the next Town Hall Council Meeting on Wednesday, February 16<sup>th</sup> at Westminster Presbyterian Church on Rugby Rd. for the JPA/Venable neighborhood, 6:00 p.m. to 8:00 p.m.

Mr. Norris announced that City Hall will be closed February 21<sup>st</sup>. Deadline for adult scholarship programs is February 15<sup>th</sup>. For more information go to [www.cvillesscholarship.org](http://www.cvillesscholarship.org).

## MATTERS BY THE PUBLIC

Mr. Tom Howard, 800 King William Dr. in the county, is a member of the Dunlora Homeowners Association. He asked Council to rescind the portion of the ordinance that was approved by Council in June 2006 saying no portion of the parkway shall be opened until the entire project is completed. The heavy construction on Rio Road is dangerous. He asked that the parkway be allowed to open again.

Ms. Martha Levering, 712 Grove Ave., said she is speaking in favor of the 2006 approved plan. She thanked Council for the vote to raise the pool level by 30 feet. She said Council should vote to raise the height to 42 feet now to save money in the future.

Ms. Joanna Salidis, 129 Goodman St., said she was disappointed in the vote to build a 30 foot dam on January 18<sup>th</sup>. She said the decision ignores how much water we actually need and the cost. She said water usage studies are fundamentally flawed, and the 2006 Plan prioritizes the health of the Moormans River over the health of the Rivanna River.

Mr. Lou Hart, 477 Fontana, is a member of a Hispanic Church community in Charlottesville. He said Virginia has passed some of the most aggressive bills against undocumented immigrants. He supports the resolution against anti-immigration legislation.

Mr. Bill Ross, 210 10<sup>th</sup> St., said he has participated in a variety of construction projects in the past 50 years and has concerns over developing plans for the Ragged Mountain Reservoir. He said letting time pass between a 30 foot rise and a 42 foot rise is problematic. Expansion of the community water supply is an opportunity to plan for a more secure future.

Mr. Downing Smith, 810 Locust Ave., read the headline from the Daily Progress, "County Praises Vote on Dam". He said he is disappointed with Council's actions. He read posts from comments on The Hook article.

Mr. Peter Loach, 1620 Rose Hill Dr., thanked the Council for considering anti-immigration legislation. He discussed what he learned from attending Assembly

meetings regarding the legislation and thanked Ms. Szakos for her leadership on the issue.

Mr. Brandon Collins, 536 Meade Ave., thanked Council for considering the resolution on the anti-immigrant legislation. He asked for the resolution to be read aloud during the meeting. Council can visit [Virginiaunitedagainstdepression.wordpress.com](http://Virginiaunitedagainstdepression.wordpress.com) for more information. He asked supporters in the audience to stand.

Ms. Maria Jimenez, 1319 Southwood Trailer Park, said she belongs to the group Southwood Alliance and is working with the Wayside Center. She asked the City for support on stopping the anti-immigration laws because they deny education to our children.

Mr. Eddie Banks, 500 1<sup>st</sup> St., said he has been working on a documentary. He played a song on the harmonica for Council.

Ms. Alexandra Triana and Mr. Danny Narro, 201 14<sup>th</sup> St., said they are UVA students representing the UVA Student Latino Alliance. They have attended General Assembly meetings in the past few weeks and are disturbed to see what has been going on. Mr. Narro said we also need to discuss the stigma of the word “illegality”. It should not be used by the law to legitimate discrimination. He invited Council to watch the story of the Student Latino Alliance group marching last November 15<sup>th</sup> on [youtube.com](http://youtube.com).

Mr. Bob Fenwick, City of Charlottesville, 901 E. Jefferson St., said community politicians favored dredging Rivanna Reservoir for recreational purposes, not for additional water capacity. Floating boats is a bonus but should not be the goal. A serious omission in the dam plans is that there is no provision for future dredging at Ragged Mountain. Every reservoir built has to be dredged at some point, or be abandoned.

Jacob Wolf, 614 Blenheim Ave., and Bailey Hampton, 613 Blenheim Ave., said they have gathered lawyers to discuss the music hall issue. There is a meeting at City Space on February 15 to discuss with Mr. Tolbert his recommendations to Council. They would like to meet with Council individually to discuss this matter. Mr. Wolf thanked Mr. Norris and Mr. Tolbert for coming to the meeting at Random Bookstore and answering questions.

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

Mr. Huja requested to pull anti-immigration from the consent agenda so the resolution can be read aloud.

Ms. Szakos asked to add HB 2332 to the heading since the bill had been introduced since the writing of the resolution. In response to Mr. Howard, she said it was a disaster for the City schools to have the parkway open, and it is not as simple of an

issue as it may seem. She thanked everyone who spoke about immigration. She said Mr. Smith should rise above name calling.

Dr. Brown said the water issue is often presented as if there is only one reasonable side, but it is a complicated issue. A number of thoughtful people in the community have praised Council's vote. In response to Mr. Fenwick's concern about the silting in of Ragged Mountain, while it does not fill very fast, it also does not have a large area from which to drain silt. When silt occurs, it is going to be very slow, compared to the South Fork reservoir, which has a very large drainage reservation.

Ms. Edwards thanked Mr. Banks for reminding us that Charlottesville is a special place to live, grow, and disagree.

Mr. Norris thanked the speakers on anti-immigration legislation, and particularly thanked Ms. Jimenez for speaking on how these efforts are an assault on her community and by extent our community as a whole. He thanked Mr. Wolf and Ms. Hampton for their excellent discussion about live music at the bookstore. He said Ms. Salidis gave one of the best summaries he has heard yet of the need to retool the water supply plan and appreciated the cautions she urged. We cannot be led by misinformation. He said Mr. Ross mentioned the questionable integrity of the Ragged Mountain Dam, but he has yet to see a study that calls the dam's integrity into question.

On motion by Dr. Brown, seconded by Mr. Huja, Council appointed Pascal Bussiere to the Police Advisory Panel. Dr. Brown also announced the following Council positions on Boards and Commissions: Ms. Szakos to the Albemarle/Charlottesville Regional Jail Authority; Mr. Norris to CRHA; Ms. Szakos to the Housing Advisory Committee; Mr. Huja to JABA; Mr. Huja and Ms. Szakos to the MPO Policy Board; Ms. Edwards to the Policy Advisory Panel; Mr. Norris to the Retirement Commission; Ms. Edwards to the Rivanna Solid Waste Authority; Dr. Brown to the Rivanna Water and Sewer Authority; Ms. Szakos to the Social Services Advisory Board; Mr. Huja to the TJPD Commission; Mr. Huja to the 250<sup>th</sup> Anniversary Planning Committee; Mr. Huja to the Piedmont Workforce Group; Dr. Brown and Ms. Edwards to the Rivanna River Basin Commission; Ms. Szakos to the Community Scholarship Board; Mr. Norris and Ms. Edwards to the Planning and Coordination Council; and Ms. Edwards to the Dialogue on Race Committee. (Ayes: Mr. Norris, Ms. Edwards, Ms. Szakos, Dr. Brown, Mr. Huja; Noes: None.)

## **CONSENT AGENDA**

Mr. Norris asked Ms. Szakos to read the anti-immigration legislation aloud.

Item h on the consent agenda was deferred for further consultation with the neighborhood.

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

- a. Minutes of January 18
- b. APPROPRIATION: \$9,480 – Reimbursement from Albemarle County for Additional Wayfinding Signage (2<sup>nd</sup> reading)
- c. APPROPRIATION: \$14,598.42 – Smith Aquatic Center Appropriation of Boys & Girls Club (2<sup>nd</sup> reading)
- d. APPROPRIATION: \$1,485 – Virginia Department of Fire Programs, Training Mini – Grant Award (2<sup>nd</sup> reading)
- e. APPROPRIATION: \$7,500 – Family Finding Training (carried)
- f. RESOLUTION: Amendments to Agreement between CEDA and Jefferson School Community Partnership
- g. RESOLUTION: Anti-Immigration Legislation
- ~~h. ORDINANCE: Sale of Land to Southern Development (2nd of 2 readings)~~

**PUBLIC HEARING/ORDINANCE:** SALE OF 409 STADIUM ROAD (carried with revisions)

Ms. Kathy McHugh presented to Council on the Ordinance. Staff recommended adoption of Ordinance A. Mr. Norris asked for the basis of staff's recommendation. Staff felt it was consistent with the original proposal. They have been firm, consistent and up-front and presented a very well laid-out plan initially.

Mr. Gate Pratt, 946 Grady Ave., and Mr. John Craiyfack, 1940 Blue Ridge Rd., said leaving this site undeveloped leaves the property open to the risk of a project of unknown quality being put on this site later. They are proposing a classical style building and will replace trees with the City's choice.

Mr. Rick Jones of MSC said none of this property is owned by MSC. He said he is making the offer jointly with Mr. Doug Caton as general partners through a limited partnership, which also owns the adjoining parcels. The proposed building is double the height of the house he owns and paid to have refurbished recently. Their proposal is completely opposite of Charlottesville Apartments. They would like to put an IPP (individually protected property) designation on the adjoining house.

Mr. Pratt said he is not proposing a new curb cut, but would instead use Woodrow Street. This is not a final proposal; this is a concept that will have to go through the Planning Commission.

Mr. Jones said right now he has 57 apartments at Woodrow, which he is allowed because it is zoned R3. He said he does not have a vision for the next ten years. Ms. Szakos asked Mr. Jones if leaving the trees on the lot would enable him to have a cap-and-trade arrangement for his other lot. Mr. Jones said he would like to take the density he is allowed and use it somewhere else on his property at some point in the future.

The public hearing was opened.

Ms. Nina Barnes, 12 Gildersleeve Way, said she was representing the JPA neighborhood association and read a statement regarding the City's sale of 409 Stadium Road. The neighbors met with each of the proposers and applauded each man for attention to maintenance and beautification of the properties they own. The neighbors agreed that this property is inappropriate for development and could be ideally suited for use as a green space. It could be cleaned up, maintained and beautified. The neighborhood needs a resting place with some good landscaping. The JPA association thinks Mr. Jones' proposal is best because he will leave it undeveloped. They ask the following: 1) that he accepts historic designation for his renovated stone house and his newly purchased property; 2) that the property be cleaned up and beautified; and 3) that he consult with the neighborhood for future planning of the 409 Stadium Road site.

Ms. Sallie Brown, 110 Shamrock Rd., said she is a member of the JPA Association but is speaking on behalf of the good of the City on the whole. She said she would love to see the lot as a small urban park, but knows that is not to be. She supports Mr. Jones' idea for the land because he proposes to delay development. A big building on the corner will destroy the intersection's current sense of scale and balance. The JPA neighborhood has the least amount of green space. Build if you must, but please save the trees.

Ms. Jane Foster, Gildersleeve Wood, said they would be thrilled if this land could be a small pocket park and thanked Council for listening to the neighbors who came this evening.

Having no further speakers, the public hearing was closed.

Ms. McHugh clarified that you cannot have an IPP for a vacant piece of land.

Mr. Huja asked if the piece of land could be combined with the stone house lot and then become an IPP. Ms. McHugh said that it could.

Mr. Huja said he would like to see the property left undeveloped and the trees and open space saved. The development will be out of scale, cause traffic problems, and

cause confusion at the site. A condition of the deed should be that it not be developed and be combined with the stone house property.

Mr. Norris asked if we could require Mr. Jones to maintain, clean up, and beautify the parcel. Mr. Brown said we could negotiate that as part of the sales contract.

Ms. Szakos asked what the procedure for public notice of looking for bids on this project was. Ms. McHugh said staff prepared a request for proposal, ran an ad in the newspaper for a week in October, had a list of people who had expressed an interest in the piece of property, sent out to realtors, and did mass mailings in conjunction with the ad in the paper. Staff placed a sign on the property before the first public hearing by Council and after the RFP was initially advertised. Mr. Tolbert said we also mailed to owners of record within 500 feet before the public hearing.

Ms. Edwards said she agreed with Mr. Huja.

Dr. Brown said he has been a strong advocate on preservation issues and appreciates the efforts that have been made to protect that property and also is in agreement with Mr. Huja.

Mr. Norris said this is a difficult decision for him because there are two compelling interests: creative urban development and preservation of the tree canopy. He was swayed by hearing from the neighborhood. He would like to make cleaning it up and beautifying it a condition of the sale.

Ms. Szakos the need for housing is huge, and she is a big fan of process. She said she is dismayed that Council is not going by the original plan and following the process. The neighborhood should have been involved with this before the deadline. The notification issue was important.

Mr. Huja moved that property be sold to Mr. Jones with the condition that the lot be combined with the stone house and be designated for preservation, cleaned up, and not developed in the future. Ms. Edwards seconded. The motion will carry forward to the next meeting for a final vote.

**PUBLIC HEARING/ORDINANCE: LONGWOOD PARK PUD – EXCHANGE OF LAND (carried)**

Mr. Brown presented to Council

The public hearing was opened. Having no speakers, the public hearing was closed.

Ms. Edwards said she opposed this development in Longwood, and she will remain consistent with that.

On motion by Mr. Brown, seconded by Mr. Norris, the motion carried forward to the next meeting.

**REPORT/RESOLUTION: CARVER RECREATION CENTER LEASE**

Mr. Brian Daly presented to Council. Tonight represents the culmination of a lot of work by staff and others over several years. Language specific to a sublease with Martha Jefferson has yet to be finalized and will have to come back for Council's approval.

Mr. Norris confirmed with the Jefferson Partners representatives in attendance that they were pleased with the results. Ms. Szakos asked if there is space for boxing. Mr. Daly said yes. Ms. Szakos said she is dedicated to nonviolence, but boxing is a good teaching sport for kids.

Mr. Norris thanked Mr. Daly and the Jefferson Partners for their work.

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

**REPORT: BLACK AND VEATCH PRESENTATION**

Mr. Jones said Council decided to support a 30 foot dam raise at the January 18<sup>th</sup> meeting. It was left undetermined whether Council wanted to build on the current dam or build a new earthen dam. Council requested to bring back both Schnabel and Black and Veatch to report to Council and answer questions.

Mr. Huja said it was a 30 foot water height. Mr. Jones said that it was a 30 foot dam, but invited Council to clarify during tonight's discussion.

Mr. Ziminsky from Black & Veatch presented a short power point presentation on the Lower Ragged Mountain Dam raise. He explained the process for building the dam, what a 30 foot raise would entail, and what raising it to 42 feet would require. A single phase reservoir raise would be less expensive than a two phase reservoir raise.

Staff clarified that a 30 feet reservoir height means an actual dam height of about 40 feet. Mr. Huja and Ms. Szakos confirmed that this was their understanding.



**REPORT: SCHNABEL PRESENTATION**

Mr. Chris Webster presented a power point presentation to Council. Randy Bass, lead designer and project manager, was also present.

Ms. Szakos asked if you are able to walk across the top of the dam. Mr. Webster said yes. They want to maintain a rustic character. Mr. Norris asked how you approach the design of the spillway with a phased approach. Mr. Webster said the principal spillway is part of a tower, which will not change. For the auxiliary spillway, used in an extreme storm event, the existing spillway would need to be excavated 17-18 feet deeper, and over time a concrete wall would be constructed for the lower portion of the spillway. The idea is that as you raise the reservoir you need to make the emergency spillway at a higher level. Ms. Szakos asked what would happen with the excess materials. Mr. Webster said it would be used for fish habitat materials. They seek to use as much of the materials as possible.

Mr. Norris asked for a footprint of earthen dam versus the concrete dam. Mr. Webster said the earth dam has a larger footprint, but it would be an extension of the two ridges coming together. Regarding the existing dam, the earth buttress in place now would be removed. The design does not include rock anchoring. The height would be similar to the concrete dam, but with a larger footprint. Mr. Bass said the grout curtain is important because of the structural issues that exist deep below the earth with an earthen dam. The grout curtain would have to be more extensive for a concrete dam.

Ms. Szakos said she is unmoved by looking into whether it is more economical to build 30 feet now or 42 feet now, as she believes a 30 foot reservoir is as much as she would consider building.

Mr. Huja said he hopes Ms. Szakos is right, especially with dredging and conservation.

Mr. Norris asked Council if they felt more compelled by an earthen dam or a concrete dam.

Ms. Szakos said a concrete dam is physically smaller but is also more visually jarring than an earthen dam. She said the earthen dam may have less of an environmental impact on the people below and the actual site.

Mr. Huja said he would rather see a new earthen dam built than adding onto old dam.

Dr. Brown said he is comfortable with either approach but thinks an earthen dam has been engineered further, and the cost is more certain. We should be firm about 30 feet, as there is no reason to build a full height dam just because it is the cheaper thing to do. He said we should work with the service authority to move forward with one of the designs.

Ms. Szakos asked if we would have the potential to hire more local people in building an earthen dam. Mr. Ziminsky said concrete is specialized, as is putting in earth for an earth dam. Portions of the project would require local workers, but he could not say how it would compare to an earthen dam.

Mr. Norris said building on the existing concrete dam would have significantly less impact on the environment and would cause less destruction to the natural area. He thanked Mr. Ziminsky for presenting an option that he thinks is compelling, even if it does not have the support of the majority of Council. We can use existing assets in a fiscally responsible and environmentally sensitive manner.

Ms. Szakos asked how building on the concrete dam would it be less environmentally destructive. Mr. Norris said the amount of destruction to the natural area and the amount of earth that will have to be mined and harvested for the earthen dam dwarfs what is required for the concrete dam. Mr. Huja said we should hire a consultant to look into this. Mr. Norris said we do not need to, because it is simply a statement of fact.

Council clarified that it is a 30 foot reservoir height, not a 30 foot dam height. The September 2010 resolution should be amended to clarify what is being increased by 30 feet and whether we will build an earthen dam or build on the existing dam. Ms. Szakos asked Council to put the question back to the Rivanna board about what kind of dam they want to be built. Council decided to amend the resolution at the next Council meeting.

#### **REPORT: DIALGOUE ON RACE**

Mr. Bob Gross and Ms. Gertrude Ivory, chairs of the Dialogue on Race Committee, presented a power point presentation with an overview of Dialogue on Race activities. The Steering Committee made the following recommendations: 1) reauthorize the Dialogue on Race initiative for 2011-12 and reauthorize the Dialogue on Race Coordinator position for 2011-2012; 2) allocate \$15,000 for additional expenses with the understanding that the Steering Committee will seek private funding to supplement the City's support; 3) amend the City Council's vision statement and strategic plan initiatives and goals; and 4) proclaim Annual Race Unity Day to commemorate this initiative. Mr. Gross asked members of the Steering Committee and members of the Action Teams to stand and be recognized.

Dr. Brown said the committee's accomplishments are impressive. He is proud of how the community has come together. Mr. Jones confirmed that they are asking for an additional \$15,000 for the next fiscal year and that this would be considered during budget discussion.

Mr. Huja said this has been a successful process and echoed Dr. Brown's support. He was intrigued by the 2010 census. There are more citizens of Asian origin in Charlottesville than of Latin origin.

Ms. Szakos asked how the committee intends to come up with funding from other sources, and who would write proposals and develop relationships. Mr. Gross said it will be a subcommittee of the Steering Committee. Ms. Szakos said it may be good to involve staff who have experience with this.

Mr. Norris said he long felt that one of the most important things in terms of matters of race in this community is to rebuild a black middle class in Charlottesville and encourage more workplace diversity by retaining more black professionals in the community. He asked if there is a group looking at issues of workplace diversity and how we can increase professionals of color in public and private sector employment.

Mr. Gross said the economic work group is working on this. Ms. Green said they are currently planning an economic summit, tentatively scheduled for May 23<sup>rd</sup>, in conjunction with the TJED office.

Ms. Edwards said UVA has the best and brightest African American students, and we need to work harder to give them reasons to stay in our community after graduation.

Council said the Dialogue on Race has their full support.

## **MATTERS BY THE PUBLIC**

Mr. Peter Kleeman, 407 Hedge St., said he supports the ordinance that prohibits Meadowcreek Parkway from opening. Information about safety issues are larger, and we must consider community safety issues in total. He thanked Ms. Szakos for bringing this to our attention. He said this is the second time there has been an item on the agenda regarding water with no notice that action is going to be considered. This gives the community no opportunity to have interaction with Councilors about their concerns. He asked that unless action is indicated on the agenda, no action be taken unless it is an extreme emergency.

Ms. Rebecca Quinn, 104 4<sup>th</sup> St., said an earthen dam will have more adverse environmental impacts on the site. Excavation will put our existing water supply at risk every time it rains. The concrete dam will only fill stream length that is already filled.

Ms. Dede Smith, 2652 Jefferson Park Cir., said according to the Census, growth was not only in line with predictions for the water plan, but was actually more, especially in the urban area of the county. Despite the fact that our local community has seen an increase of 15% in our population, we are still way below projected water usage. Our decrease in water has been at least 17%. We're well below what our current plan is sized for. Also, there have been a number of PUDs on the agenda, but she asked Council to

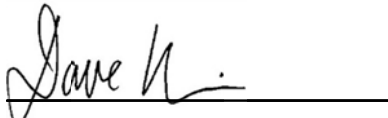
ask a few additional questions as they consider them. Look at it holistically, particularly with Cherry and Ridge. Consider where the children are going to go to school and how that impacts low income, high density areas.

**COUNCIL RESPONSES TO MATTERS BY THE PUBLIC**

Mr. Norris said he takes full blame for not making sure we noted on the agenda that there was an expectation Council would take action regarding the composition of the dam. Dr. Brown said he disagrees, and that there have been numerous occasions where we have decided to make a motion on an item on our agenda during the meeting. We should not slow ourselves to a snail's pace just because we did not plan for action ahead of time.

Mr. Huja said he agrees with Mr. Kleeman in principle, but sometimes you have to make decisions. We are also responsive to taking items off the agenda.

The meeting was adjourned.

A handwritten signature in cursive script, appearing to read "Dave K.", written over a horizontal line.

President

A handwritten signature in cursive script, appearing to read "Paige Bayfield", written over a horizontal line.

Clerk