

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, June 6, 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

COUNCIL CHAMBERS – June 6, 2011

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

ANNOUNCEMENTS

Mr. Norris announced the Charlottesville Community Band Festival on July 2nd. Mr. Steve Layman, Mr. John Laprade and Mr. Charles Torian were present to speak about the event.

Mr. Norris announced the “My Backyard Vacation” program. Go to www.mybackyardvacation.com for more information. He invited Mr. Joe Rice to present the PSA he created to promote the program.

Mr. Norris also announced the seminar “Seeing Green: Savvy Solutions for your Business and Your Community”, which will take place Thursday, June 23rd from 9:00 a.m. – 12:00 p.m. at CitySpace. The seminar is open to local residents and business owners. Free parking is available.

Mr. Huja announced “Movies in the Park” at Washington Park on June 17th. The event will begin with free swimming from 5:30 p.m. – 7:30 p.m., with an 8pm showing of “Despicable Me”. Also, Mr. Huja encouraged citizens to share their ideas with the Celebrate 250 Committee. Go to the website at www.celebrate250.com to contribute.

Dr. Brown announced the “Look 3” Festival of the Photo. He invited the director of the festival, Mr. Andrew Owen to speak about the event. Visit www.look3.org for more information and samples of work from the festival.

Ms. Szakos announced that the City received a AAA bond rating for the year, which is the highest rating, from both major rating agencies. This means the City will pay approximately \$500,000 to \$1 million less in interest rates. Council congratulated staff for achieving this goal.

Ms. Edwards announced the 11th Annual Community Juneteenth Celebration, June 16th – 18th. For more information, contact Maxine Holland at 295-6632 or email Tamyra Turner at tturner@pvcc.edu.

Mr. Norris added a discussion on next steps and timeline for Meadowcreek Parkway to “Other Business”. Mr. Huja also added discussion on the Best Buy interchange at 29 North.

MATTERS BY THE PUBLIC

Mr. Paul Long, 1410 Grady Ave., requested an additional CAT bus route to the new Martha Jefferson hospital location on Pantops. He said many buses should run every 20 minutes instead of every hour. He asked for new bus routes to the airport and the jail. He also asked for extended service on nights, Sundays and holidays.

Ms. Joanna Salidis, 129 Goodman St., said the online petition for dredging first to increase water supply has reached 720 signatures. Visit www.cvillewater.info to sign the petition. She read comments from the online petition in support of dredging.

Mr. Scott Beyer, 2556 Summit Ridge Trail, spoke regarding the Critical Slopes ordinance. Further regulating City land produces the unintended consequence of reducing the amount of buildable land in the City that is zoned residential, which will further reduce affordable housing options. This will cause continued suburban sprawl.

Mr. Rich Collins, 108 Welson Ct., said there is a federal court suit pending regarding McIntire Park that challenges the legality of whether the FHA has illegally segmented a road. The schedule is going forward as expeditiously as possible, and this is the first time a hearing has been able to be obtained. Because of the MRE segments contract, construction could begin on a segment of the road that could be declared illegal but destroyed before the case has been heard. Please give the Coalition to Preserve McIntire Park time for this court hearing to be heard before allowing action on this project.

Ms. Carole Thorpe, 1318 Oak Tree Ln., Chairwomen of the Jefferson Area Tea Party, said she is speaking on behalf of their members regarding the issue of sustainable development and livable communities. She said the politics of sustainability is a scheme to demonize mankind and convince people they need to give up their liberties. The principle idea of sustainability is to manage population, which should not be controlled by local government. She asked Council to reject the HUD grant and reject membership in ICLEI.

Mr. Jack Marshall, 3570 Brinnington Rd., President of Advocates for a Sustainable Albemarle Population (ASAP), said he was here to denounce the claims of the Jefferson Area Tea Party. The notion of sustainability simply means leaving future generations a livable environment.

Mr. Scott Bandy, 1639 Cherry Ave., said the water supply plan should have been put before the people in a referendum. He thanked Council for their action on the pumping station. He asked Council not to back-peddle on their support of the Woolen Mills neighborhood.

Mr. James Halfaday, 2423 Sunset Rd., thanked the Councilors who voted no on the temporary Belmont Bridge fence. He said the City could have spent money on more important things, like protecting residents against sexual offenders or funding salaries for police officers.

Ms. Colette Hall, 101 Robertson Ln., asked why the Parks and Recreation Advisory Board is asking for authorization on plans for East McIntire Park before the case has been settled in court.

Ms. Rebecca Quinn, 104 4th St., said RWSA staff expected to have the HDR RFP for dredging ready by late June. Getting an RFP prepared is a significant step, but Council must stay in the game to keep the ball rolling on dredging. She requested the City be involved in finalizing the RFP before it is published. Do not let Rivanna dismiss maintaining South Fork Reservoir. Ensure dredging is part of the cost share and land use agreement, and assure there will be a committee with citizen representatives to review the RFP and proposals.

Ms. Dede Smith, 2652 Jefferson Park Cir., distributed information on utility rates. She said Charlottesville is an outlier in water rates according to a study by University of Virginia students. We need to think of a way to bring this down in the future.

Ms. Laura Covert, 1809 E. Market St., said she received the dam inundation letter from RWSA, which informed her that she is in the new dam inundation zone. This brings up a number of questions for her that were unanswered by the letter. The letter directs residents to a map that is not posted online. She asked who would require RWSA to maintain the proposed new earthen dam, and whether they are going to wait until they are required to maintain it before they do so. She wants to be reassured by someone other than RWSA that this will happen. She requested a public hearing on this issue on behalf of her neighbors to answer the questions this letter poses.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Mr. Huja agreed with Mr. Long about the public transit system. The City does study the transit system to see if they can do a better job, and we will continue to work on this in the future.

Ms. Szakos said Mr. Long made an important point about making transportation available to the new Martha Jefferson Hospital location, but we should not subtract from current services to do so. She said it concerned her that Ms. Thorpe interpreted the word

“sustainable” to mean a number of scary things, and she does not believe that sustainability can be interpreted as evil. We have a lot to learn from other parts of the world, and she said she is eager to see what comes from the planning process. To Mr. Bandy, the current water system plan was neither rash nor without abundant public input. She said she agreed with Ms. Quinn and liked the idea of including citizen representatives to maintain accountability as part of the process. Dredging is a part of deferred maintenance that we should continue doing. She said the letter Ms. Covert received was startling, and she looks forward to learning exactly what the plans are for residents in the inundation zone.

Dr. Brown responded to Ms. Thorpe and said there are many checks and balances with representatives from a variety of community organizations. Sustainability is not an attempt of the government to make a change, but for the community to decrease their footprint on the environment. He questioned where does the Tea Party’s sense of dread comes from and believes it is misplaced. He thanked Mr. Beyer for his comments. Urban density is part of sustainability and curtails sprawl. In response to Mr. Collins, he questioned why Council is being asked to push for an injunction when that is the court’s responsibility. He said dredging and building a dam are not equal choices. Dredging fully produces about a fifth as much water as building a new dam can. The issue returns to the question of how much water we need.

Mr. Norris thanked Mr. Beyer for raising important points. Whereas the Planning Commission has legal authority on some points, Council is obligated to consider a variety of factors surrounding certain recommendations, and we will do just that. He thanked Ms. Quinn and endorsed the idea of having citizen representatives on a committee. He said the public forum Ms. Colvert suggested would be helpful. The public should have an opportunity to comment and question on the flood inundation letter. He said Council welcomes the input of the Jefferson Area Tea Party, and they make some valid observations and critiques about policies in this country related to spending and debt. However, he said he was very disappointed it its embrace of extreme conspiracy theories. He said he is involved directly in ICLEA, and they are far from the shadowy international organization that some in the local Tea Party make them out to be. Organizations like ICLEA are actually promoting some core conservative values.

Ms. Edwards said it was good hearing from Mr. Long, Ms. Salidis, Mr. Beyer, and Mr. Collins. She echoed that she would like to see staff address Ms. Colvert’s concerns. She also said she received a letter from the kindergarteners of Clark Elementary School, and she read it aloud. She invited Ms. Cindy Cartwright, a teacher from Clark and Johnson Elementary Schools. Classes drafted a letter requesting a new sign prohibiting dogs in school areas. They also submitted an illustrated suggestion for a new sign.

Mr. Huja said he supports the childrens’ efforts. He also said the city and county should be working together on sustainability.

Ms. Edwards asked staff what next steps will be on the dog issue Ms. Cartwright's class brought forward. Mr. Jones said staff has begun work on addressing the issue and will follow up with Council and the schools. Ms. Edwards thanked the students at Clark for initiating this project.

CONSENT AGENDA

Mr. Norris offered clarification on *item j*, the 14 and Under Helmet Ordinance. The ordinance is limited to children 14 and under because the Commonwealth of Virginia does not allow the City to require helmets for citizens over age 14.

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

- a. Minutes of May 16
- b. APPROPRIATION: \$187,500 – Market Street Parking Garage - Replacement of PARC Equipment (2nd reading)
- c. APPROPRIATION: \$23,000 – 2010 State Homeland Security Program Grant (Hazmat) (2nd reading)
- d. APPROPRIATION: \$119,000 – Grant – Azalea Park Storm Water Wetland Project (carried)
- e. APPROPRIATION: \$386,000 – Charlottesville High School Solar Power System – Appropriation of Grant Funds and Local Cash Match (carried)
- f. APPROPRIATION: Approval and Appropriation of CDBG & HOME funds for FY 2011-2012 (carried)
- g. APPROPRIATION: \$751,016 – Amendments to FY 2012 Adopted City Schools General Fund and Grant & Other Governmental Funds Budget (carried)
- h. APPROPRIATION: \$3,000 – Player for Life Grant from the US Gold Association (carried)
- i. RESOLUTION: Transfer of Funds to CATEC-VDOT Land Take Funds - \$120,086.13
- j. ORDINANCE: 14 and Under Helmet Ordinance (2nd reading)
- k. ORDINANCE: Street Closure – Closing of a portion of Seminole Court (carried)
- l. ORDINANCE: Zoning Text Amendment – Assisted Living Facilities (carried)
- m. ORDINANCE: Sunrise Park PUD (carried)
- n. ORDINANCE: Homeowner Tax Relief Grant (2011) (carried)

PUBLIC HEARING/RESOLUTION: DISCOVERY MUSEUM CAROUSEL LEASE

Mr. Tolbert gave Council an overview of the topic. Terms of the lease remain the same as in the past.

The public hearing was opened.

Having no speakers, the public hearing was closed.

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

REPORT/RESOLUTION: MCINTIRE PARK MASTER PLAN AMENDMENT (WEST)

Mr. Daly presented to Council. He discussed changes since the May 2008 plan. The Parks and Recreation Advisory Board approved Option 1, which would retain the softball fields.

Mr. Huja said he thinks we should follow the recommendation of the Advisory Board.

Dr. Brown said most people who use the softball fields are not City residents, and they are almost entirely used by adults. Rectangular fields are used more by children. He prefers this be converted to a rectangular field.

Ms. Szakos said if we did not have clear evidence that our greater community has a shortage of both rectangular and diamond fields, she would feel differently, but to take away from one group that does not have enough fields and give it to another group who does not have enough fields does not seem fair.

Ms. Edwards said she remains opposed to the YMCA being in the park in the first place, and Option 1 is simply the lesser of two evils. She believes there is a growing interest in softball, but she wonders which would be best for children of our community, and who would be best served. She asked for a sincere effort to do outreach in underserved neighborhoods.

Mr. Norris agreed with Mr. Huja and Ms. Szakos. We should be working collaboratively to find additional field space for all users. Option 2 would be an extremely costly proposition, at a minimum of \$1 million.

Mr. Huja said Council approved turf fields for high school, which helps with the balance.

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

REPORT/RESOLUTION: MCINTIRE PARK MASTER PLAN AUTHORIZATION (EAST)

Mr. Daly presented to Council. There have been a significant number of citizen groups who want to begin planning on the east side of the park. As required by the process, the Parks and Recreation Advisory Board recommended to Council that we begin a process for planning the eastern side of the park. A draft schedule is included in Council's materials. The first public meeting in a series of meetings will be held in the middle of July.

Mr. Norris clarified that staff is not asking Council to approve a master plan, but rather to approve beginning the process. Mr. Daly confirmed this. Mr. Norris asked if he saw value in conducting a master plan even if there is a court injunction on the parkway months from now. Mr. Daly said yes. Of all the parks in our system, this is the largest piece of land that is used the least. The community deserves a master plan for this park. It is not a design, but rather a decision about land use.

Dr. Brown asked how staff anticipates that the City would handle the key question of the current use of the park as a golf course, which takes up almost all the space, versus a purposed community use, such as a botanical garden, which also takes up a big area. Mr. Daly said the outcome will likely be a balance between the uses. There may be a consensus, but the process is designed to discuss all options. Staff will walk through a presentation at the first meeting discussing options, restraints, etc. He explained the process following the first meeting, including a series of public meetings. Dr. Brown asked if the First Tee program is dependent on park space. Mr. Daly said that currently McIntire Park makes a large difference for First Tee and helps them meet their program goals. Dr. Brown asked how many First Tee participants are City residents. Mr. Daly said 25-30%. Dr. Brown said we need to engage larger part of the community on using that space. Mr. Norris clarified that McIntire is supplemental to Meadowcreek. Mr. Daly confirmed this.

Mr. Huja asked if Meadowcreek can accommodate First Tee. Mr. Daly said it would be a challenge.

Ms. Edwards said this process should be public and agreed with Ms. Colette Hall that the process should be mindful of the pending court case. Ms. Szakos agreed and said as it is currently scheduled, there should be time in the process for the court case to play out.

Dr. Brown said staff may want to engage a professional consultant at some stage. Mr. Daly said after the first couple of meetings, we will see where we stand and will engage a local architecture firm to assist in graphic renderings.

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

REPORT/ORDINANCE: UTILITY RATES (carried)

Mr. Wray presented to Council. He reviewed the presentation given at the May 16th meeting, the proposed rate increases for water and sewer, and the decrease for gas rates. The ACSA not had increases over the last few years because they have three reserve accounts, and they have used those reserves to buy down rates. Their rates would be up 17% for the average customer if they had not used reserves.

Ms. Szakos asked Mr. Wray to comment on the chart Ms. Dede Smith provided to Council comparing water rates across various cities.

Ms. Edwards said she is concerned that we need to raise fees at all, especially with calls Council has received over the past three to five years. The inability to pay utility bills is a big reason people struggle, even when they move into Section 8 housing. Mr. Wray said we have budgeted relief funds for this purpose.

Mr. Norris said he agreed with Ms. Edwards. He has no problem with using the Rate Stabilization fund to offset the cost, but he said he is concerned with what is happening with rates and how we can upgrade our sewer system without having to raise rates. Mr. Norris requested three separate votes on the three rates. He said he supports gas and sewer rates, but he does not support water rate.

Ms. Szakos said we need to support what Council has agreed to do by voting for sufficient water rates.

Dr. Brown said he does not support splitting the vote into three parts.

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

REPORT: CHARLOTTESVILLE YOUTH INTERNSHIP PROGRAM (CYIP)

Ms. Heather Kellams presented to Council. Currently, 243 youth have been interviewed for the program. Funding will provide for 190 youth positions in the program this summer. Staff hopes to expand the program to 250 participants next summer. There are up to 200 spaces open for youth, with an additional 55 sites since last year. The program runs from June 27th until August 5th.

Mr. Huja asked for an update on Council's request to start a bank account for each youth participant so they can learn to manage their money. Ms. Kellams said the program has started this process. Banks have also participated in satellite banking, where banks come to the school to set up accounts for students on-site.

Ms. Kellams shared a video with Council on the CAYIP.

MCINTIRE ROAD EXTENDED: NEXT STEPS

Mr. Norris asked Mr. Tolbert to explain next steps on the McIntire Extended project to Council. Mr. Tolbert said VDOT officials obtained a permit for the interchange project, and the McIntire project was extended as of Friday. Work on the project is expected to begin within two weeks.

Mr. Norris asked him to comment on Mr. Rich Collins' concerns. Mr. Brown said a scheduling order has been entered by the judge, which sets the parameters for how the case will play out from here. It does not establish a definite date for when the ruling will come. If everything goes as scheduled, it is reasonable to expect a decision before the end of this year.

Mr. Norris asked Mr. Tolbert how much work would be completed by the end of this year, in terms of the immediate future of this project. Mr. Tolbert said they will start on the Melbourne side of the project, and earth moving and tree removal will begin immediately.

Dr. Brown asked why a legal injunction has not been served. Mr. Brown said Council did not approve a previous resolution because the project would have had time to seek a preliminary injunction.

Mr. Rich Collins said that because it was a federal suit, plaintiffs had to wait for federal action before they could take action. Mr. Brown said there had to be a determination from federal highways prior to filing suit.

Mr. Huja said we have been talking about this parkway for 45 years. We have gone through all the processes, and there is no reason to stop now.

Ms. Szakos said she supports moving forward because we gave a chance for this lawsuit to be filed and a preliminary injunction to be sought, and we do not need Council to do this for the court.

Dr. Brown said he agrees with Ms. Szakos.

Ms. Edwards said we have waited 45 years, and she does not see the harm in waiting another six months. Mr. Norris said he believes it is worth it to wait, but consensus among Council is to move forward.

BIKES AND PEDESTRIAN ACCESS TO MCINTIRE ROAD

Mr. Huja met last week with the City Attorney and VDOT and determined that bikes and pedestrians would be permitted to use the county portion of the McIntire Road project. Access will start in July.

BEST BUY RAMPS / 250 INTERCHANGE (9:34)

The Best Buy Ramp/250 Interchange project is supported by both city and county funds. VDOT may be able to find money to complete this project using state funds. There is a request for staff to ask VDOT to find the funds on their own and get the project going as soon as possible. Staff will include a condition that the City will be permitted substantial involvement in the design process.

Mr. Tolbert said at any point, staff can cancel the project if it does not suit the City's needs, but we would have to reimburse money spent on design.

On motion by Mr. Huja, seconded by Dr. Brown, a motion to write a letter to VDOT requesting funding passed. (Ayes: Mr. Huja, Dr. Brown, Ms. Edwards, Mr. Norris, Ms. Szakos; Noes: None.)

MATTERS BY THE PUBLIC

Mr. Peter Kleeman, 407 Hedge St., said Council has experienced many of the issues of infrastructure development that is essential to have before you in making decisions. A judge would also have to have this substantial amount of information before he is able to make an injunction. The FHA is not providing the administrative record to the courts until June 30th. It is unreasonable to expect that plaintiffs could obtain an injunction without this information.

Mr. James Halfaday, 2423 Sunset Rd., said Ms. Szakos is not putting residents first when she suggested taking low construction costs into consideration when deciding whether to move forward on certain projects.

Ms. Colette Hall, 101 Robertson Ln., said when you think of the MRE and the county's portion, there was an agreement between VDOT and the City several years ago that the entire Meadowcreek Parkway from Rio Rd. East to the 250 Bypass would not be opened until the three pieces of it were completed. The agreement should be honored.

The meeting was adjourned.

President

Clerk