

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, March 4, 2013, 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 – March 4, 2013

Council met in special session on this date with the following members present: Mr. Norris, Mr. Huja, Ms. Szakos, Ms. Smith, Ms. Galvin.

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Ms. Szakos, Mr. Huja, Mr. Norris, Ms. Galvin, Ms. Smith; Noes: None), to meet in closed session for (1) Discussion and consideration of prospective candidates for appointment to City boards and commissions, as authorized by Va. Code sec. 2.2-3711 (A) (1); and, (2) Consultation with legal counsel and briefings by staff members pertaining to actual litigation involving stormwater drainage from the Stonefield development in Albemarle County, where such consultation and briefing in an open meeting would adversely affect the City's negotiating posture, as authorized by Va. Code sec. 2.2-3711 (A) (7).

On motion by Ms. Szakos, seconded by Ms. Smith, Council certified by the following vote (Ayes: Mr. Huja, Ms. Smith, Ms. Galvin, 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 – March 4, 2013

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

AWARDS/RECOGNITIONS

Mr. Huja invited Ms. Renee Hoover to present the Government Finance Officer's Association's Distinguished Budget Presentation Award to the City's Budget Department for the fiscal year beginning July 1, 2012. Ms. Leslie Beauregard was present to accept the award and thanked staff for their work.

Mr. Tolbert presented the 2013 Annual Planning Awards, which were presented by the Planning Commission at their past meeting.

Mr. Huja read a proclamation for Brain Injury Awareness month. Ms. Leigh Wion was present to accept the proclamation.

Mr. Norris said he wanted to add approval of a letter to the governor regarding a proposed hybrid tax under Other Business.

On motion by Mr. Norris, seconded by Ms. Szakos, the following appointments were made to Boards and Commissions: Mr. John Jones to JAUNT; Mr. Mike Gaffney to RWSA and RSWA. (Ayes: Mr. Norris, Ms. Szakos, Ms. Galvin, Ms. Smith, Mr. Huja; Noes: None.)

Ms. Smith read a letter from the City Manager to the children Mr. Alex Zan brought to the meeting on February 19, 2013, expressing his appreciation for their performance of "All People Matter". Please look for this video on Facebook; it will also run on Channel 10.

Ms. Galvin announced the comment period for the Belmont Bridge replacement project has been extended to March 31. Please call NDS at 970-3182 for more information.

The next Our Town meeting will be Monday, March 25 at Jackson Via Elementary School for the Fry's Spring/Johnson neighborhoods. Also, there are important reports published on the City's website from the Office of Economic Development and the Police Department.

Ms. Szakos announced a special election for Treasurer on April 2. Call 970-3750 or visit www.charlottesville.org/vote for more information.

Mr. Norris announced that Mr. Jones is the father of a new baby girl. Council congratulated him on the birth of his daughter.

MATTERS BY THE PUBLIC

Mr. Gregory Robertson, 308 Carlton Rd., spoke on behalf of "Stand for the Silent", a group of students who are working to combat bullying in the schools. He attended Walker School but has been forced to resort to home schooling after suffering from being bullied. "Stand for the Silent Charlottesville" is on Facebook, or you can call 855-201-2121 if you need to talk to someone. Mr. Huja said he is very proud of Gregory for starting this group.

Mr. Kenneth Jackson, Rice, Virginia, said he is frustrated and feels hopeless about the disappearance of DaShad Sage Smith. He asked Council for support in this ongoing investigation. He does not feel police and staff are doing enough to find DaShad Smith.

Ms. Lolita Smith, 731 Orangedale Ave., DaShad Smith's grandmother, asked Council and citizens to help find DaShad Smith. He has been missing for over three months, and she does not feel supported.

Mr. Bemeche Hicks, Rice, Virginia, said he is here to help bring DaShad Smith home. He said the investigation is not taking place according to what should be happening. He asked Chief Longo to sit down with the family as a whole so everyone can be on the same page.

Mr. John Heyden, Westwood Dr., said the Human Rights Commission should not be set up to monitor the rights of Blacks and protect them against discrimination by Whites. He again asserted that based on his very limited research, Blacks commit more crimes than Whites.

Mr. Randy Page, 1401 Wellford St., thanked Council for meeting with him regarding the YMCA over the past few weeks. Parking at the golf course side is no longer available because of an added lane. The parking plan is not sufficient.

Dr. David Brown, 1534 Rugby Ave., said parking is an issue for the YMCA site plan. He thanked Council for passing the stormwater ordinance. He said the sequester is going to impact Virginia more than any other state. Please take this into consideration when doing budget planning for the next fiscal year.

Mr. Brandon Collins, 418 Fairway Ave., said the Human Rights Commission is not just a race issue or a gender issue; it is a "people" issue. This Council has not been able to accept the suggestions brought forward by the Dialogue on Race over the past few years. A Human Rights Commission without enforcement is almost worthless. He supports the hybrid ordinance that will be proposed by Mr. Norris tonight.

Mr. Walt Heineke, 1521 Amherst St., thanked Council and staff for their work on the Human Rights Commission. It is past time to do something concrete about the issues, and a decision on this matter is taking too long. Local enforcement will beat anything the EEOC has to offer.

Ms. Holly Edwards, 917 6th St. SE, said she supports the revised Human Rights ordinance as proposed by Mr. Norris. She said public housing residents have not been treated fairly and professionally in recent CRHA meetings.

Mr. Robert Smith, Belmont resident, said he supports Mr. Heyden's remarks. He thought the Dialogue on Race was not a smart process. He said there is no point in putting the YMCA in a park if people have to drive to it.

Mr. Alex Gulotta, 2110 Tarleton Dr., Executive Director of the Legal Aid Justice Center, said the idea of a commission with enforcement powers is to serve people who are not able to get relief through the EEOC system, which is too strapped to efficiently deal with local issues as they come in. What the government provides does not necessarily meet local needs, and we need to supplement these services.

Ms. Susanna Nicholson, 501 7th St. NE, said publicity on national cases of discrimination does not follow through on cases that fall through the cracks. Local referrals could create a more meaningful dialogue.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Mr. Huja requested that staff arrange a meeting with Mr. Smith's family and the police. Mr. Jones said this has already been offered.

Ms. Galvin read a statement from L.D. Perry regarding the Human Rights Commission. His statement said there was not agreement on a model during the Human Rights Taskforce. There is also not sufficient research to show that a commission with enforcement can effect change.

Ms. Szakos said she was impressed with the courage of Mr. Robertson for speaking in front of Council and standing up for victims of bullying.

Ms. Smith said violence against our children is a serious issue, and she hopes it will be addressed. She said there is a similar parking issue at Smith Aquatic Center, and this will be the case with the YMCA. She said reading a letter from a citizen during Council Response may set a bad precedent.

Mr. Norris said he was also proud of Mr. Robertson for speaking out. He said he cannot imagine the grief and frustration Mr. DaShad Smith's family must be feeling, and he hopes we will do all we can to bring him home. He said he spoke with the CEO of the YMCA, and there were some statistics that may shed some light on the parking issue. He asked staff to follow up on this issue. He thanked Mr. Collins and Ms. Edwards for their support of public housing residents and for being advocates of low income citizens. We need to be sure to incorporate resident involvement with the CRHA.

Ms. Smith asked for clarification on the rules for parking at schools. Mr. Huja asked staff to look into this issue.

CONSENT AGENDA

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

a. Minutes for February 19

Minutes for February 19

b. APPROPRIATION: Albemarle County Reimbursement for the Fire Protection Assessments Project - \$8,241.78 (2nd of 2 readings)

c. APPROPRIATION: Disproportionate Minority Contact in Juvenile Justice - \$55,556 (2nd of 2 readings)

d. RESOLUTION: Special Use Permit for a Medical Laboratory at 501 Locust Ave. (1st of 1 reading)

Special Use Permit for a Medical Laboratory

REPORT School Board's Adopted FY 2014 Budget

School Board's Adopted FY 2014 Budget

Dr. Rosa Atkins said she was touched by Mr. Robertson's experience with bullying, and she assured Council and the community that the schools take such actions very seriously.

She presented the Charlottesville City Schools budget to Council. She gave an overview of new programs and activities, the three year old preschool program, and progress indicators, including an increased graduation rate year over year since 2008.

Mr. Ed Gillespie presented changes and financial highlights since 2009, and a funds summary for 2013-2014, including proposed cuts. The schools hope this will be the last year significant cuts need to be made.

Ms. Smith asked if they see a difference between the four year olds who went through the three year old program, versus those who did not. Dr. Atkins said they do.

Ms. Szakos clarified for the public that Council and the School Board have had several work sessions on this matter.

Mr. Norris thanked Dr. Atkins and Mr. Gillespie for their work on these items. He asked how the schools are doing in reducing the achievement gap, and what indicators they are using to track data. Dr. Atkins said there is a strong correlation between achievement gaps and socioeconomic indicators. She said it will take many years for the gap to close, but we are making good progress in our community and our schools. The poverty issue needs to be addressed alongside the academic issue.

Mr. Huja asked what the drop-out rate for high school is. Dr. Atkins said there has been a significant reduction in the number of students dropping out since 2008. Mr. Huja asked what the numbers are for minority students. Dr. Atkins said the students who dropped out were mostly minority students.

Ms. Smith asked how the schools justify cutting the talent development program, but not the advanced placement teachers. Dr. Atkins said this decision represents difficult choices we have had to make. We have had to look at the schools in a holistic way. They have not cut several key programs that address issues for at-risk students. Ms. Smith asked if they have looked at City-only students when calculating drop-out rates. Dr. Atkins said once students transfer into the City school system, they are viewed as part of the school. Ms. Smith asked to see risk factors separated out from out of district students in the future.

Ms. Szakos said the revenue from out of district students has gone up, which is helping to pay for other programs.

In response to a request from Ms. Galvin, Dr. Atkins discussed the reconfiguration plan and the impact on achievement goals, including a new model for the Henry Avenue Learning Center

and plans for Walker School. Ms. Smith asked if the reconfiguration would increase transitions. Dr. Atkins said it would remain level.

Mr. Norris asked how sequestration may affect the schools. Dr. Atkins said they have been cautioned not to overreact. The local affects are not yet apparent. It will affect federal money, but because schools rely on local, state and federal funding; the school system has the potential to be hit in three different ways, depending on how other revenue streams affect state and local monies.

Mr. Huja said education is a high priority in our community. He thanked the School Board for their diligent work on the budget.

Ms. Galvin said we discussed appointing a committee at the last Council/School Board lunch. She requested that we get this added to the calendar after the budget discussion.

REPORT City Manager's Proposed FY 2014 Budget

City Manager's Proposed FY 2014 Budget

Mr. Jones presented to Council. He gave an overview of the new Leadteam Budget Review Team process. He reviewed themes for this year's budget, which include strong support for City schools, support for Council priorities, and maintaining our tax rate. He gave an overview of the budget survey results. He reviewed the impact of our current budget on residents. For details on the budget, go to www.charlottesville.org/budget. He reviewed FY2014 Revenue Projections and gave an overview of the FY2014 General Fund Revenues, user fees and revenue enhancements. He gave an overview of funding for our schools, compensation and benefits for staff, and reviewed steps that have been taken to balance the budget. He reviewed City Council priority alignment and the Capital Improvement Program. He reviewed future projections, including school funding, capital needs, declining unemployment, and maintaining our AAA bond rating.

Mr. Norris said he does not remember Council saying we wanted to stop funding First Tee, but instead wanted the county to step up and wanted First Tee to seek outside grants. Mr. Huja asked if First Tee could continue without the City's money. Mr. Jones said the foundation has not stepped up to raise money, and the program may not be able to continue.

Mr. Norris said there are things localities can do to supplement existing infrastructure to support our local system, and we should consider providing income supplements to our public defenders. Mr. Jones said we will add this discussion to our work session.

Ms. Szakos asked what percentage is property tax of total revenue. Mr. Jones said about 65% of the operational budget revenue, and residential taxes account for about two thirds of total property taxes.

Ms. Galvin asked how many positions we have had to scale back since 2009. Mr. Jones said no positions have been eliminated in terms of budget reductions, but services have been reduced. Also, vacant positions have remained unfilled.

Ms. Smith said a decrease in our real estate assessments is making our City a little more affordable.

REPORT: Results - The National Citizen Survey

Report on Results - The National Citizen Survey

Ms. Beauregard presented to Council. She reviewed the mechanics of the survey. Ms. Szakos clarified that the benchmark represents the median.

Over all, the "General View of the City" was positive. The survey in 2014 will do a better job of isolating groups, particularly students, so we can understand who our respondents are. Ms. Beauregard reviewed results according to Council's vision areas. She clarified that some respondents seemed to reply based on county amenities, perhaps because most people do not realize where the boundary lines are drawn.

Ms. Gretchen Ellis gave an overview of the responses to open ended questions. Citizens ranked Council priorities in order of importance, with "America's Healthiest City" ranking first.

Ms. Beauregard summarized the City's strengths and areas of concern based on survey results.

Ms. Galvin asked who our peer communities were. Ms. Beauregard said they came from all over the country. Mr. Huja said this information would be more useful if compared to similar communities.

Mr. Norris asked if the sample size was large enough to provide for a meaningful demographic breakdown based on race, income, and other socioeconomic factors. Ms. Ellis said the sample size was statistically significant, although the demographic skewed younger than the overall population.

Ms. Szakos asked about the length of residency statistics and why one third of responders say they lived in the City less than two years. Ms. Beauregard said this probably includes students, but staff will follow up on this point.

REPORT / ORDINANCE: Human Rights Commission (2nd of 2 readings)

Human Rights Commission

Mr. Ellis presented to Council. Mr. Huja asked him to outline the changes to the ordinance since the first reading.

Ms. Smith said she would like to see the Commission host public comment at the beginning and end of each of their meetings, per section Sec. 2-432 (d). Ms. Szakos seconded this proposed amendment.

Ms. Galvin asked to add the word "reconciliation" after "mutual understanding" to Sec. 2-436 (b). Ms. Szakos seconded this addition.

Ms. Galvin asked to add a portion under "Future Enforcement Authority", Sec. 2-437.4, offering a sunset provision. Mr. Huja said a sunset clause would be helpful. Ms. Szakos said this does not seem necessary because this is already addressed in the ordinance. Mr. Norris agreed with Ms. Szakos. Ms. Galvin said this forces a measure of performance to be established. Mr. Norris said he does not support this. Ms. Smith said this seems more dramatic than it needs to be. Mr. Norris said he supports regular review of the Commission to be sure it is accomplishing its objectives. Mr. Huja said Sec. 2-439 could be updated. Ms. Galvin withdrew her amendment for a sunset clause. Mr. Brown said the Annual Report section could be updated to say "the annual report will include a recommendation regarding the necessity of retaining the provisions of this ordinance regarding future enforcement". Ms. Galvin accepted Mr. Brown's suggestion. Mr. Huja seconded this addition.

Ms. Smith said Sec. 2-433 (c) should be amended to say "City residents" instead of "individuals". Ms. Szakos, Mr. Huja and Ms. Galvin agreed. Mr. Norris said we have to have purview over an employer blatantly discriminating in the City, regardless of whether their employees are City residents. Ms. Galvin said this actually does not make sense, because the EEOC cannot reject claims based on residency, pursuant to state and federal law. Ms. Galvin and Ms. Szakos withdrew their support. Ms. Smith withdrew her amendment.

Mr. Norris said the only difference between his ordinance and the original ordinance was that the enforcement authority goes into effect immediately. Ms. Galvin said it is inappropriate to call this an amendment because of the potentially major cost implications. Ms. Galvin proposed tabling both ordinances and allowing for public review and debate of the revised ordinance.

Ms. Szakos referenced Sec. 2-433 (a) and said she does not want to lose the idea of advising our bodies on human rights.

Ms. Szakos asked if monies from damages could be directed to the Human Rights Commission in Sec. 2.437.3 (a). Mr. Brown said this could be added. Mr. Huja said this would be a disadvantageous addition.

Mr. Norris asked to strike the line in Sec. 2-432 (a) stating that "all members of the Commission shall serve at the pleasure of City Council" in order to shield Commissioners from fearing political ramifications. Ms. Szakos asked if we could add language allowing members to be removed only for cause. Mr. Brown suggested the language "any member of the commission may be removed by a majority vote of Council for good cause".

Mr. Norris asked for language compelling City departments, boards, and agencies to fully cooperate with the Commission in providing statistics, answering questions, etc. Ms. Szakos asked to add the word "reasonable" to Sec. 2-432 (f).

Mr. Huja asked Mr. Norris to discuss his proposed ordinance.

Mr. Norris said the only substantive difference is that the proposal he is making goes into effect immediately instead of having future enforcement authority. "Future enforcement authority" allows the City the option of contracting with a third party to do the intake work on cases. This would allow a locally responsive process for resolving individual allegations of discrimination and have it supported by the rule of law. This would still allow the City to focus its resources in-house on things such as community engagement and the Dialogue on Race, while creating a community-based process that is responsive to our citizens when they feel an illegal act of discrimination has been committed. This could cost the City less money because we would not be performing intake and other administrative tasks in-house. We would only need one full time staff person, and the cost of the contract with an outside entity would be dependent on the actual volume of cases.

Mr. Huja asked who would perform mediation. Mr. Norris said we can enlist some non-profit organizations to assist with mediation, which would be part of the package. Non-profits may partner with mediation services. It can be a community-based process that draws on existing resources. Mr. Huja said we need estimates on how much mediation services would cost. Mr. Norris said this would be based on the actual number of complaints instead of hiring a full time staff person. Ms. Szakos said most cases will probably see dismissal rather than mediation.

Ms. Galvin said there is evidence that a local ordinance does not necessarily enhance or quicken the complaint process.

Ms. Smith said if the EEOC has offered to come to Charlottesville, it would be almost immoral not to take them up on it.

Ms. Smith said we should state that if City residents are a victim, we will help them, instead of telling City businesses if they commit an illegal act, we will prosecute them. Ms. Galvin said she agreed that there needs to be constraints on this. Ms. Szakos said if we bring in the EEOC and take a hybrid approach, we are expanding the ways we can help residents. Ms. Smith said this way we have a place to send anyone who has a complaint.

Ms. Galvin said she is having trouble making a commitment based on a document that we should not be basing policy on, because the research is shaky. Mr. Huja said we need to put the hybrid proposal in writing, research the cost, and hold another public hearing the second meeting in April. Ms. Szakos and Ms. Smith said they are interested in exploring this possibility. Ms. Smith asked for clarification on the Virginia statute about size of qualifying employers.

Mr. Norris said we can still assist an employee of a small employer who has an issue. Mr. Brown said mediation is voluntary. Mr. Ellis said a 5-15 employee size applies to discharges. Mr. Brown said we can get clarification on whether this applies to anything that is not a discharge.

Council thanked staff for their hard work over the weekend and during the day on this report.

Ms. Smith asked which of our options apply to people who work at UVA, particularly in low wage jobs. She asked if the UVA hospital falls under our purview. Mr. Brown said it seems they would be entitled to take advantage of this ordinance since they are in the City.

Ms. Galvin asked if an EEOC representative and a PHAR representative could be present for the public hearing. Ms. Szakos asked if we can get specific local estimates for this project. Ms. Galvin said it is important for business owners in our community to know that Council understands there were very few complaints made. We do not believe City business owners are engaging in discrimination in general, and we support our local employers.

Ms. Szakos said this is absolutely not a way to bully businesses. We need to educate people on what is and is not illegal.

REPORT / RESOLUTION* Jefferson School Foundation Funding Request (1st of 1 reading)

Jefferson School Foundation Funding Request

Mr. Burks addressed Council and reviewed their funding request. Mr. Huja said he would be willing to waive our policy level. Ms. Szakos said we should fund this from strategic funds next year. This project is different from other projects. It is a strategic investment. Mr. Huja said we are protecting our earlier investment in this project.

Ms. Galvin asked staff if this is an appropriate use of the strategic investment funds. Mr. Jones said it is not historically, but we could pull from the Council discretionary fund. Council agreed to allocate \$10,000 from their discretionary funds this fiscal year and committed \$40,000 from next year's budget from a predetermined location.

On motion by Ms. Smith, seconded by Ms. Szakos, the resolution was approved. (Ayes: Ms. Smith, Ms. Szakos, Mr. Huja, Mr. Norris, Ms. Galvin; Noes: None.)

REPORT / RESOLUTION: Sidewalk Waiver Request for 1517 E. Market Street (1st of 1 reading)

This request has been withdrawn by the applicant.

REPORT / ORDINANCE: Stonehenge Planned Unit Development (1st of 2 readings) and ORDINANCE: Stonehenge Planned Unit Development Critical Slope Waiver (1st of 2 readings)

Stonehenge Planned Unit Development

Stonehenge Planned Unit Development Critical Slopes Waiver

Mr. Haluska presented to Council. The Planning Commission recommended denial for both items.

Mr. Norris said the options seem to be approving the PUD, going to the by-right plan, or getting into a better PUD. He asked if we could work to accomplish the later. Mr. Huja said the applicant can submit modifications to the PUD, or submit a new one. Mr. Tolbert said Council may refer this back to the Planning Commission to work with the developers on a revised PUD. Mr. Huja said we should do this, because the by-right plan is a disaster. Mr. Tolbert said if the applicant chooses not to engage, it may still go to the by-right plan.

Ms. Szakos asked if the property belongs to the applicant. A representative for the applicant, Mr. Andrew Roland, said it belongs to Mr. Joe Curly, who has asked his company to try to develop the property. Ms. Szakos asked how long it has been approved for by-right. Mr. Roland said the plan has been approved since 1891, over one hundred years ago. Ms. Szakos said the only reason for not denying this is because of the threat of by-right, but it does not seem like a real threat because it has not been economically feasible for 100 years. Mr. Roland said the PUD and by-right plan would cost the same to develop. There will be 29 lots, either way.

Ms. Szakos said she was at both Planning Commission meetings, and the level of development of the plan was not what we were used to. Mr. Roland said he took this on after it was in process, and agreed that the initial presentation was poor.

Mr. Huja said Council will likely deny the PUD or give the by-right option. Mr. Roland said if Council sends him back to the Planning Commission, it will not go well.

Mr. Tolbert said we can add this to an April Planning Commission agenda at the earliest. Mr. Norris said it does not seem the plan is too far apart from what the Planning Commission would like to see. Ms. Galvin said something different needs to happen if this does go back to the Planning Commission. There needs to be some guidance, and the applicant should use the expertise the Planning Commission has to offer. Mr. Tolbert said we could have a work session. Ms. Galvin said it is hard to have clear communication across the dais.

Mr. Norris told the applicant that the input received tonight was positive and advised him to work with the Planning Commission to reach an agreement.

On motion by Mr. Norris, seconded by Ms. Smith, Council referred both motions related to the PUD back to the Planning Commission. (Ayes: Mr. Norris, Ms. Smith, Mr. Huja, Ms. Galvin, Ms. Szakos; Noes: None.)

Mr. Roland asked when the work session could be scheduled. Mr. Tolbert said staff can schedule this within two to three weeks, then this will go back to the Planning Commission.

REPORT / RESOLUTION* Council Meeting Guidelines (1st of 1 reading)

Council Meeting Guidelines

Ms. Szakos said citizens should be able to address Councilors individually if they wish, and she was uncomfortable with the addition suggested by Mr. Brown that “remarks may only be

addressed to Council as a whole". Ms. Szakos asked for revised language requiring remarks be addressed directly to Council as a body and not to City staff.

Mr. Huja asked to delete page 4, number 7, "Address the Council on issues that do not concern the services, policies or affairs of the City." Mr. Norris and Ms. Szakos agreed.

Ms. Szakos requested that the top paragraph on page three stating "Speakers are encouraged to provide City Council with written copies of their statements" be deleted. Ms. Smith and Mr. Norris agreed.

Ms. Smith asked to delete "During Matters by the Public speakers may not address a matter of business that is the subject of a scheduled public hearing at the same meeting, or that has been the subject of a joint City Planning Commission – City Council public hearing" from page 2. Mr. Norris said if there is significant, new information then comment may be allowed. There was not support for Ms. Smith's amendment.

Mr. Norris asked to introduce language regarding significant, new information. Mr. Huja said we should leave this alone, because we have a history of being flexible on this point.

Ms. Galvin asked if Council could aim to end meetings by 11:00 p.m. to accommodate people who depend on public transit. Mr. Huja said no. Ms. Galvin asked if there could be tow sign-up sheets for Matters by the Public for City and non-City to ensure City residents get to speak first. Mr. Huja said we do not want to create two classes for people to speak.

Mr. Brown said Council could schedule the second comment period for a designated time, such as 10:00 p.m. Ms. Szakos said we still have reports after that time. Mr. Huja said a solution is more difficult than the problem. Ms. Szakos said Council should move more quickly on agenda items. Ms. Galvin said we should manage agendas so there are not so many reports on one meeting.

Ms. Galvin said reports should be examined for their importance. They may not always need to be presented and discussed. They could just be a report, and not a presentation. Unanimous votes on Planning Commission should as a rule go on the consent agenda, to be pulled for discussion if necessary. Mr. Huja said we can try this in practice, but we should not include it in our written guidelines.

Ms. Smith said we may want to leave slots open for people with a disability or dependent on transportation. Mr. Norris said we can approach this by spontaneously scheduling public hearings. Mr. Brown said this has been a problematic approach in the past.

Ms. Szakos said we can add a thirteenth slot for someone who has a disability or is dependent on transportation. There was consensus on Council to try this approach.

Mr. Norris asked to strike: "As a courtesy to each speaker members of the audience are asked to refrain from applause or other forms of approval or disapproval" from the top of page 3. Council consensus was to leave the verbiage as-is.

Mr. Norris asked to strike “and who at a later meeting again engages in behavior justifying expulsion” from page 4. In certain cases, it should not be a two strike situation. Council agreed.

Ms. Smith said we should not be allowed to read a letter. Mr. Huja said we should leave it out for now, because it is has not been a problem.

Mr. Norris asked for added language about what would happen if there were less than twelve speakers on page 2, “Rules for Speakers”.

Mr. Brown asked for clarification on the 13 speaker rule. Mr. Huja asked for this to be included in the guidelines.

Ms. Szakos said we are committed to having a public process, even though it is not required.

On motion by Mr. Norris, seconded by Ms. Smith, the Council Meeting Guidelines were approved, as amended. (Ayes: Ms. Smith, Mr. Norris, Ms. Szakos, Ms. Galvin, Mr. Huja; Noes: None.)

OTHER BUSINESS

On motion by Mr. Norris, seconded by Ms. Szakos, Council voted to approve signature on the Hybrid Vehicle Tax Opposition letter. (Ayes: Ms. Smith, Mr. Norris, Ms. Szakos, Ms. Galvin, Mr. Huja; Noes: None.)

Ms. Galvin said this is a complex bill, and the funding source is tied to providing public transportation monies.

Mr. Norris said Del. Toscano and Sen. Deeds said they would have voted against this if they were able to do so.

Ms. Szakos said this provision is damaging to the future of our state.

MATTERS BY THE PUBLIC

Mr. Jeff Fogel, 215 Spruce St., said you have to talk about your own conduct and arbitrary decision making, which should be constricted. Rules should be instituted about when a public hearing will and will not be held. He said he is frustrated about the Human Rights discussion. The EEOC is viewed by litigators as a gateway. It does not enforce individual reports of discrimination.

Mr. Walt Heinicke, Amherst St., said it is taking too long to pass the Human Rights Commission, and it is embarrassing. You should encourage more citizen input, not restrict it. He said he is concerned about backroom discussions. Ms. Galvin should not have been able to read a letter from a citizen to support her position. Council needs to have a work session with the directors of Human Rights Organizations of area governments.

Mr. Scott Bandy, Cherry Ave., said he is disappointed that Council was not prepared to vote on the Human Rights Commission tonight.

COUNCIL RESPONSE

Mr. Huja said he wanted to speak with Mr. Fogel and Mr. Heinicke; he has nothing to hide.

Ms. Smith said Council had to probe to find out what the reality was.

The meeting was adjourned.



Clerk of Council