

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, November 21, 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 Barbara Ronan

SECOND FLOOR CONFERENCE ROOM – November 21, 2011

Council met in special session on this date with the following members present: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos (came in after motion was made).

On motion by Dr. Brown, seconded by Mr. Huja, Council voted, (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris; Noes: None), to meet in closed session for: (1) consultation with legal counsel regarding the negotiation of the terms and conditions of a community water supply cost sharing agreement with the Albemarle County Service Authority, as authorized by Virginia Code Sec. 2.2-3711(A)(7); (2) discussion of acquisition of three parcels of property on Jefferson Park Circle west of Fry Springs Beach Club, and one parcel located between Holmes Avenue and Pen Park, all to be used for a public purpose, where discussion in an open meeting would adversely affect the City's bargaining position, as authorized by Virginia Code Sec. 2.2-3711(A)(3); and (3) discussion of the compensation of the City Manager, as authorized by Virginia Code Sec. 2.2-3711(A)(1).

On motion by Dr. Brown, seconded by Mr. Huja, Council voted to recess the closed session and reconvene immediately following the regular Council meeting (Ayes: Dr. Brown, Ms. Edwards, Mr. Huja, Mr. Norris, Ms. Szakos; Noes: None).

COUNCIL CHAMBERS – November 21, 2011

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

ANNOUNCEMENTS

Mr. Norris announced that the Clerk of Council, Paige Barfield, delivered a baby girl, Olivia Paige, on November 8th, and that Barbara Ronan of the City Attorney's Office would be filling in for her during her maternity leave. He also announced the

Thanksgiving holiday closings (no trash or recycling pick up, and no transit service, on November 24th).

Ms. Szakos announced several events on the downtown mall to celebrate the holidays, including the Grand Illumination and related activities, plus a free movie at the Paramount Theater (Home Alone). The Holiday Parade is from 10:00-11:30 a.m. on December 3rd.

Mr. Huja announced that the public is invited to attend the next Town Hall meeting on Thursday, December 8th from 6-8 p.m. at Meadows Church, with dinner provided.

MATTERS BY PUBLIC

Ms. Barbara Cruikshank, 324 Parkway Street, spoke in opposition to the addition of fluoride to the drinking water provided to the public. She cited several studies linking fluoride to various diseases or health problems, and stressed the risk for infants and pregnant women. She said fluoride is considered medication, and many cities have stopped putting fluoride in the municipal water system. She stated diet prevents cavities more than fluoride.

Emerald Young, 237 Yellowstone Drive, also spoke against water fluoridation because of the health risks. Peer review studies have not been provided to public so they are unaware of risks. She stated that fluoride in the water is different from toothpaste fluoride, and said that fluoride is an industrial waste product, which is difficult to remove from the water. She provided Council members with materials to support her positions.

Bailee Hampton, homeless, asked everyone in the audience to raise their hands if this is their first Council meeting. Ms. Hampton stated the City does not have adequate resources for homeless, with 300 people in City being homeless and not enough beds. She questioned how and where the City invests its money. She claimed that reported incidents of crime in the neighborhood have actually decreased since Occupy Charlottesville has been in the park.

Brandon Collins, 536 Meade Ave, spoke in favor of forming a Human Rights Commission, as proposed by the Dialogue on Race Committee. He supports the City legislative program (especially the bill opposing denial of food stamp benefits for people convicted of drug distribution offenses). Mr. Collins was disappointed that the legislative program did not address immigrants' rights. He thinks the public should be given an update on the status of the water supply cost share negotiations.

Brian Moss, Maple Hill Farm, Scottsville, complained that he was ticketed twice for parking on sidewalk while helping City pick up recycling. He would like the City to consider reimbursing him for costs of tickets and towing.

Overton McGeehee, 924 Courthouse Road, Palmyra, discussed the City's partnership with Habitat for Humanity, and the current and proposed mixed income housing projects.

He encouraged Council to devote more funds from Housing Fund to Habitat for Humanity.

Maureen Burkhill, 1630 Oxford Road, said she is a volunteer with Habitat for Humanity and described the problems many low income people have in finding affordable housing. She thanked Council for being very generous with funding, but urged Council to give more money to Habitat for Humanity.

Gloria Rockhold, 1417 Lester Drive, said she is a member of the Dialogue on Race Committee, and wants to present recommendations to Council. She translated her comments into Spanish as she spoke, and asked all supporters to raise their hands. She would like Council to create a Commission on Human Rights, Racial Diversity and Race Relations.

Mark Kavit, 400 Altamont Street, complained that the Jefferson Park Avenue Bridge construction is causing problems at night for drivers. He recommends better detour signage, and wants Council to help merchants whose businesses have been hurt because of the construction.

Ivana Kadija, 704 Belmont Avenue, opposes fluoridation of water due to its neurotoxicity. Since 1963, 24 studies have reported association between fluoride and bad health effects (cognitive function affected, especially in children). She favors creating a Commission on Human Rights, acting on the platform developed by the Dialogue on Race Committee. She wants Council to consider funding a director position for it.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

Fluoride in the Water: Ms. Szakos stated that the water supply is owned by the City and County in common and although major medical and dental associations still support putting fluoride in the water, we should continue to discuss its efficacy. Dr. Brown said he is sympathetic to the fluoridation issue because it's not a choice for consumers, and we should take a careful look at it. Mr. Huja suggested that Rivanna Water & Sewer Authority look at the issue again. Ms. Edwards thinks the fluoride issue is intriguing but wants to do more research on it – she encouraged everyone to read the book (“Fluoride Deception”) recommended by Ms. Young.

City's Banking Practices: Ms. Szakos responded that the City must have a relationship with any bank that an employee uses because we have direct deposit of paychecks. Mr. Norris said the City should examine which banks are used, and wondered why the Credit Union isn't being used for the City's banking needs.

Towing Complaint: Ms. Szakos and Dr. Brown both stated that Mr. Moss is responsible for illegally parking twice, and should pay the tickets. Ms. Edwards advised Mr. Moss that there is an appeal procedure for parking tickets through the Treasurer's Office, and he could contest it in court if he really felt he was not at fault.

Jefferson Park Avenue Bridge Construction: Ms. Edwards said the City tries to support the businesses near the JPA Bridge, and encouraged the public to patronize those businesses. Mr. Norris recognized the concerns of the JPA businesses and would like to do more to actively support them.

Human Rights Commission: Ms. Edwards said she supports the idea of a Human Rights Commission and City Council should discuss it more. Mr. Norris also supports formation of a Human Rights Commission.

CONSENT AGENDA

Mr. Huja asked for Item F and Item J on the Consent Agenda to be discussed and considered as part of the Regular Agenda. Ms. Edwards suggested Council discuss under Other Business the need for additional work sessions on solid waste and follow up on the Virginia Organizing Project's report on employment of African-Americans.

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

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|---------------------------|---|
| a. APPROPRIATION: | Runaway Emergency Shelter Program Grant - \$222,222 (2 nd of 2 readings) |
| b. APPROPRIATION: | Statewide Information Sharing Strategic Plan and Pilot Geospatial Visualization Project - \$1,000,000 (2 nd of 2 readings) |
| c. APPROPRIATION: | State Criminal Alien Assistance Program Grant - \$16,738 (1 st of 2 readings) |
| d. APPROPRIATION: | Charlottesville Police Foundation Contribution - \$2,376.14 (1 st of 2 readings) |
| e. APPROPRIATION: | Bullet Proof Partnership DOJ Grant - \$4,300.92 (1 st of 2 readings) |
| f. RESOLUTION: | Allocation of Funds for Vinegar Hill Monument (1st of 1 reading) [moved to Regular Agenda] |
| g. ORDINANCE: | Reauthorization of the Technology Zone Tax Incentives (2 nd of 2 readings) |
| h. ORDINANCE: | Planned Unit Development application requirement revisions (2 nd of 2 readings) |
| i. ORDINANCE: | Update Civil Penalties for Zoning Violations and Correction to Code Section re Zoning Matrix (2 nd of 2 readings) |
| J. ORDINANCE: | Extension of Home Improvement Tax Exemption Program (1st of 2 readings) [moved to Regular Agenda] |

PUBLIC HEARING/ORDINANCE: ABANDON GAS LINE EASEMENT IN
PAVILLIONS SUBDIVISION (ALBEMARLE COUNTY)

Mr. Brown, City Attorney, explained that the gas line easement in the Pavillions Subdivision in Albemarle County was no longer needed because the design of the project had changed. A new gas line easement has been obtained to replace the one being abandoned. State law requires a public hearing whenever the City conveys a property interest, including easements.

Having no speakers, the public hearing was closed.

On motion by Ms. Szakos, seconded by Dr. Brown, the ordinance was offered and carried over to the next meeting for consideration.

PUBLIC HEARING/APPROPRIATION: FISCAL YEAR 2011 YEAR END
APPROPRIATION

Mr. Bernard Wray, Director of Finance, reported on the Fiscal Year 2011 expenditures and revenues, and said there was a positive financial outcome. Mr. Wray recommended the approximately \$1.2 million in surplus funds should be put into the Capital Improvements Projects (CIP) Contingency Fund.

Mr. Norris opened the public hearing. Mr. Brandon Collins recommended the surplus funds be put into the Housing Fund. He praised Council for allocating money for holiday bus service and recommended additional funding for transit purposes.

Ms. Colette Hall stated any surplus funds should be given back to the taxpayers, but if that isn't done, Council should put the surplus funds and other funds recommended for other purposes into the CIP Fund to reduce concerns by bond rating agencies that less cash was being contributed to the CIP. She also asked Council to consider how the City would meet its needs if there were no revenue sharing payments from Albemarle County.

Mr. Peter Kleeman said there is a crisis in maintenance of the City's infrastructure and said some of the surplus should go to long term maintenance costs of existing infrastructure rather than into new capital projects.

Having no further speakers, the public hearing was closed.

Dr. Brown questioned Mr. Brian Daly, Director of Parks & Recreation, about the apparent \$400,000 deficit in the Golf Fund. Mr. Daly stated that the deficit was caused by aggregated losses over several years, including \$272,000 by the First Tee program since 2006. Another \$102,000 in revenue was lost because of the RWSA sewer construction project. Mr. Huja said Council should have been notified sooner about the Golf Fund losses. Mr. Daly said several years ago he examined the profit/loss figures in the Golf

Fund and has taken steps to address the issues (First Tee program was transferred to the General Fund, more volunteers are being used, and the rate structure for users of the golf course was changed so per-round revenue is higher). Mr. Wray stated the result is that the Golf Fund is expected to make a profit next year. There was discussion among Council members about the First Tee program and the Golf Fund in general. Ms. Szakos strongly believes the Golf Fund should be self-supporting and City funds should not be subsidizing it. Mr. Jones said most programs don't make money in the beginning, and Council may need to discuss funding of the First Tee program in the budget work sessions. Mr. Norris stated the City has to pay for the deficit regardless of whether we use surplus funds or a bond issue.

Dr. Brown spoke on the Dialogue on Race Committee's emergence from a process into a formal part of City government, and why funding for it isn't part of the budget process. Mr. Jones gave some background history and advised Council that funding for the Dialogue on Race Steering Committee, and the proposed Human Rights Commission, recommended by the Dialogue on Race Committee, will come before Council for discussion in December.

Dr. Brown and Mr. Huja asked Mr. Jones if and when Council would have opportunity to decide specifically how to spend the surplus funds. Mr. Jones replied that during the budget sessions, Council can decide how to fund various programs, but the Golf Fund deficit needs to be resolved now.

Mr. Huja stated the surplus funds from Fiscal Year 2011 should go to the CIP. Ms. Szakos confirmed with staff that major maintenance expenses are programmed into the Capital Projects Fund. Mr. Norris said the Planning Commission and the Housing Advisory Committee propose to increase funds for housing. He also stated that City staff had researched how to return surplus funds to the taxpayers but it would be considered taxable income and IRS forms would have to be filed on each payment, so it was deemed impractical. Mr. Jones stated that past surplus funds have been reinvested into the community and put to good use (Smith Aquatic Center, Fontaine Fire Station, Onesty Aquatic Center). Mr. Norris advised Council members to look at the Year End Appropriation documents carefully, and if necessary further discussion could take place at the next meeting.

On motion by Ms. Szakos, seconded by Ms. Edwards, the appropriation was offered and carried over to the next meeting for consideration.

PUBLIC HEARING: LEE PARK – OVERNIGHT ACTIVITIES

Mr. Jones gave background information on the requests by Occupy Charlottesville group and the City's actions. He reported on the issues involved (public safety, First Amendment rights), and said this matter now needs Council input.

Mayor Norris opened the public hearing. There were 57 speakers. Fifty one (51) persons (a list of their names is attached to these minutes) spoke in support of the Occupy Charlottesville (OC) movement and extension of the permit allowing them to stay overnight in Lee Park for an indefinite period of time. They presented a petition with 434 signatures on it in support of extension of the permit.

Many speakers explained why they had joined OC. Some said it is a political statement to protest corruption, income disparity, unemployment, and homelessness. One speaker emphasized that OC is not camping; it is an occupation of land, and the sustained protest shows how serious they are about the political movement. Another referenced a march in Washington D.C. on similar issues but said it takes more than a “1 day effort” to have an impact. One speaker claimed Lee Park has been “political space” for 85 years, since the statute of Robert E. Lee was created to honor a Confederate war hero. He said Council should allow OC to express the “counter point” by letting them continue to occupy Lee Park.

Several speakers told Council they are exercising their First Amendment rights to express political views, and it’s important to protect their freedom to do so. Two speakers suggested that City Council would be sending a “message of aggression” and would be “responsible for acts of violence” if they do not extend the permit. A speaker said that the Sierra Club and the Legal Aid Justice Center both support the OC movement and that it is about economic justice.

Many speakers praised the OC group for the sense of community it created among its members, who care deeply for one another, offering a supportive “home” for some members. One speaker explained the red clothing most supporters were wearing at tonight’s meeting. A 12 year old supporter said she has grown up poor, without affordable access to medical care, and believes students are not being educated in “realism.” She is proud that OC is “fighting back.” Another supporter said OC supports education but the schools are not teaching basic skills, such as growing your own food.

Many speakers commented on the homeless problem and the OC group’s positive impact on homeless individuals. They commented that OC is establishing a relationship with area homeless persons that is good for the homeless, especially those who don’t choose to use The Haven or other homeless shelters.

Several supporters acknowledged there are real concerns about the problems created by OC (trash, crime, alcohol abuse, safety), but urged Council to help and support OC, even though it’s a challenge. Some supporters said they live near Lee Park and are in favor of the OC group being in Lee Park. One speaker asked the supporters to stand if they are in favor of OC and the majority of the audience members stood up.

A few speakers offered an alternative of moving the occupation to another public location, if a suitable one could be found and they could occupy it 24 hours a day, 7 days a week. One speaker praised City Council for its attempts to begin a dialogue with residents, such as the Town Hall meetings and Dialogue on Race. He said OC is a group

that wants to engage and we should be proud of their initiative, but suggested another location other than Lee Park might be more appropriate.

The speakers who opposed extension of the permit to allow overnight stays in Lee Park by OC referenced problems related to public safety and the safety of the occupiers. Gerald Barnes stated the general public is afraid to use Lee Park because of the homeless bothering people and the alcohol abuse.

Elizabeth Breeden, on behalf of PACEM, an organization which provides overnight shelter to the homeless, opposes the extension of the permit to OC because the homeless are using tents left overnight rather than safer shelter alternatives offered by PACEM and other organizations. When the weather turns very cold, these tents do not give adequate protection.

David Repass said he lives across from Lee Park, is a strong supporter of The Haven and civil rights issues, but thinks Lee Park should go back to being a public park. He believes the OC movement has succeeded in calling attention to societal problems but they need to seek more “realistic tactics.”

Mr. Mark Kavit lives in the North Downtown neighborhood and is opposed to overnight camping in Lee Park by OC. His major concern was for public safety because of the alcohol and homeless persons who come from outside the Charlottesville-Albemarle area. He supports the efforts of The Haven.

Ms. Colette Hall said the OC movement was attracting homeless individuals from far outside the Charlottesville/Albemarle area. There have been assaults and excessive alcohol consumption, causing the police to be called many times.

Having no further public speakers, the public hearing was closed.

Mr. Norris cautioned the audience that Council does not have the power to extend the special event permit; that is the decision of the director of Parks & Recreation and the City Manager. The question is whether to waive the 11:00 p.m. curfew for Lee Park. He has gotten lots of e-mail messages, both in support of and opposed to an extension of the permit.

Ms. Szakos said that OC is about free speech, but she hopes the group doesn't continue its overnight activities into winter. She said free speech doesn't end at 11:00 p.m. or because of the Thanksgiving holiday. She called on Chief Longo to comment on the incidence of crime in Lee Park since OC began. Chief Longo said there have been 21 arrests, mostly involving alcohol, but the requirement for police presence has diminished over time.

Ms. Edwards acknowledged the failed system. She hoped OC would undergo a group transformation and decide to work within the current social services system.

Mr. Norris said the OC made good arguments, but heard very little about the necessity to use Lee Park in particular. Many neighbors want the park back, and the occupation has changed the nature of Lee Park. He inquired as to whether the OC movement is stronger than this park. Mr. Norris read a letter from Mr. John Whitehead of the Rutherford Institute, where it was suggested that an alternate location be found that would serve the First Amendment rights of OC but not be in Lee Park.

Dr. Brown agreed with Mr. Norris that Lee Park is not an appropriate location for overnight occupation, but the OC movement is valuable.

Mr. Huja agrees with the goals of OC, and states that freedom of speech is very important. He also agreed with Dr. Brown and Mr. Norris that another location would be best. Mr. Huja suggested that the City allow them to occupy Lee Park until December 31st; other Council members said that was too long an extension.

Mr. Norris suggested that Council and City staff work with the OC members and the Rutherford Institute to find another location. Mr. Jones said Council needs to give staff direction on further extensions of the permit.

Ms. Szakos asked whether Council should waive the curfew for Lee Park until another location is found, but Mr. Jones expressed concern about the precedent that would set.

Mr. Norris discussed the homeless issue and the efforts the City has made over the years to address it. He is concerned about the “us against them” attitude between OC and PACEM, which have the common interest of advocating for the homeless. He stated that OC needs to find another location, but there is flexibility in renewing the 3 day permit into next week as long as there is a good faith effort toward finding a new location.

RESOLUTION: 600 PRESTON PLACE SPECIAL USE PERMIT

Mr. Tolbert gave background on the special use permit request. He responded to Ms. Szakos’ concern expressed at the November 7th Council meeting about police calls to the property and noise complaints. He said there have been few problems associated with this fraternity and the current owners were very responsible and cooperative. Mr. Tolbert also provided Council with additional information that was not available at the last meeting—he said the property was allowed up to 13 units by special permit granted in 1986, so the applicant’s request for an increase from 10 units to 14 units did not significantly increase the number of units already allowed.

Mr. Huja asked if there was an expiration date to the special use permit. Mr. Tolbert responded there was not.

Ms. Szakos said, given the fact that the fraternity actually has been a good neighbor, she has no objection. Although the Planning Commission approved up to 17 units, Dr. Brown said he would support 14 units under an amendment to the special permit.

Mr. Norris said he wanted an alternate representative of the fraternity to be identified, in addition to a primary contact. He said he was concerned with increasing density in the neighborhood through special use permits, and the cumulative effect on the neighborhood. Mr. Tolbert said it is zoned R-3 which is meant for multi-family high density zoning, and fraternities are an appropriate use. However, Council has the right to evaluate each special use permit and evaluate the impacts.

Mr. Huja said he opposes the approval of the special use permit because of the harmful effect on the neighborhood.

Ms. Edwards opposed approval because of the systemic negative impact on the neighborhood.

On motion by Dr. Brown, seconded by Ms. Szakos, Council approved the Resolution, as amended to add a second contact person, by a vote of 3-2 (Ayes: Dr. Brown, Mr. Norris, Ms. Szakos; Noes: Mr. Huja, Ms. Edwards).

REPORT/RESOLUTION: ALLOCATION OF FUNDS TO PIEDMONT HOUSING ALLIANCE FOR PURCHASE OF REGION TEN PROPERTIES - \$750,000

Mr. Tolbert explained that the allocation of \$750,000 would be taken from the Strategic Investment Fund, in which funds are set aside for housing initiatives. The funds would be transferred to Piedmont Housing Alliance (PHA) for the purchase and improvement of three properties from Region Ten (1907 Cedar Hill Road, 719 Shamrock Road and 720 Highland Avenue) which have been used as group homes. This would meet an immediate affordable housing need and Region Ten could rent one of the houses until they find a location where they can consolidate their operations.

Mr. Norris asked if the City would get the money back eventually. Mr. Tolbert said the proceeds from rent and sale of the houses would be shared between the City and PHA, and the City's share would go back into the Strategic Investment Fund for continued use.

Ms. Szakos said it would provide more housing for low income families and Region Ten clients.

On motion by Ms. Szakos, seconded by Ms. Edwards, Council approved the Resolution by a vote of 5-0 (Ayes: Dr. Brown, Ms. Edwards, Mr. Norris, Mr. Huja, Ms. Szakos; Noes: None).

REPORT/RESOLUTION: ALLOCATION OF CHARLOTTESVILLE HOUSING FUND DOLLARS FOR FY2012 - \$344,500

Mr. Tolbert explained that Council had appropriated \$1,410,000 for the FY2012 Charlottesville Housing Fund. The City has allocated \$690,000 for the Nunley housing project, and \$500,000 for the JABA project, leaving \$344,500 for allocation. He described the various purposes that housing organizations would use the allocation of funds from the Charlottesville Housing Fund in Fiscal Year 2012, as described in the resolution.

Mr. Tolbert explained that Piedmont Housing Alliance was not recommended to receive funding for down payment assistance from FY2012 funds because they had not yet used the funds allocated in previous years for that purpose (approximately an \$80,000 balance). Also, Habitat for Humanity was not recommended for funding for the Belmont Cottages project since Habitat already has received a lot of funding and many projects are still in various stages of completion.

On motion by Mr. Huja, seconded by Dr. Brown, Council approved the Resolution by a vote of 5-0 (Ayes: Dr. Brown, Ms. Edwards, Mr. Norris, Mr. Huja Ms. Szakos; Noes: None).

REPORT/RESOLUTION: LEGISLATIVE PROGRAM OF THOMAS JEFFERSON PLANNING DISTRICT COMMISSION

Mr. David Blount, TJPDC, presented the 2012 Legislative Program approved by their Board. He highlighted several issues being supported by TJPDC, including a priority item of secondary road devolution (transferring maintenance responsibility of rural secondary roads to counties). He also discussed allocation by the Commonwealth Transportation Board for street maintenance funding, and that contractual arrangements between state and local governments should be encouraged (to reduce shifting costs to localities).

Ms. Szakos asked how the TJPDC legislative position seeking the right for individual locality appeals of the local composite index to apportion state education funding might affect the City. Mr. Blount explained the history of this legislative position; that a process would have to be put in place should such legislation move forward; and that any appeal brought forth would have a broad impact across localities, as funds distribution would be impacted statewide.

On motion by Mr. Huja, seconded by Ms. Edwards, Council approved the Resolution by a vote of 5-0 (Ayes: Dr. Brown, Ms. Edwards, Mr. Norris, Mr. Huja, Ms. Szakos; Noes: None).

REPORT/RESOLUTION: CITY'S LEGISLATIVE PROGRAM FOR THE 2012 GENERAL ASSEMBLY

Mr. Richard Harris, Deputy City Attorney, presented the proposed 2012 legislative program for the City. He stated he had worked with City staff, City Council members, and others in deciding on which issues to ask our legislators to support, and the eight proposals in the Legislative Program generally involve human rights, costs savings to local governments and public safety. Mr. Harris reviewed the eight proposals for legislation.

The proposal to prohibit use of indoor furniture outside of a dwelling, such as on a front porch, generated some discussion. Dr. Brown asked about the definition of indoor furniture vs. outdoor furniture. Mr. Huja said some fraternities have porches on the 2nd floor of a house. Ms. Edwards expressed concern that the proposal is too subjective. A majority of Council members wanted the term "covered porches" removed as a location where indoor furniture could not be used.

Ms. Szakos stated that she is opposed to any legislation (related to revenue sharing payments) that would allow Albemarle County to receive public school funding that now goes to City schools.

Mr. Norris noted that a 15 mph speed limit can be imposed on streets near schools and would like to see that same speed limit on streets near neighborhood parks. Dr. Brown said he would like the opinion of the City Traffic Engineer on that proposal. Mr. Tolbert said the current law allows the speed limit to be reduced by 10 mph in school zones, and said he would discuss the issue of a similar speed limit reduction near parks with the Traffic Engineer.

On motion by Mr. Huja, seconded by Dr. Brown, Council approved the Resolution, with amendments to the Legislative Program as noted, by a vote of 5-0 (Ayes: Dr. Brown, Ms. Edwards, Mr. Norris, Mr. Huja, Ms. Szakos; Noes: None).

Ms. Edwards suggested that City Council hold a work session or discuss at the next meeting the issue of Work Place Diversity. Discussion was held on the benefits of a work session vs. a council meeting. Dr. Brown suggested the Mayor and City Manager come up with an appropriate date. Mr. Jones will look into which Council meeting would be best.

Mr. Jones said the cost sharing agreement may be an item on a December Council agenda, and Ms. Edwards said the Rivanna Solid Waste Authority is planning to hold its meetings on a quarterly basis and she is concerned about the direction it is heading.

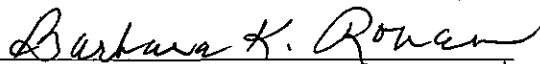
MATTERS BY THE PUBLIC

There were no speakers.

Council re-convened in closed session.

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

The meeting was adjourned.


Barbara Ronan, Acting Clerk of Council

List of Speakers in favor of Occupy Charlottesville's request to occupy Lee Park:
(with apologies for any misspelled names)

Fred Quarles
John Hall
Bailee Elizabeth Hampton
Brandon Collins
Mike Sloan
Brian Moss
Jordan McNeish
Nancy Carpenter
Dawn Story
Evan Viglietta
Larry Bishop
Donna Carty
Flora Lark Baily
Joan Cichon
Jona Noelle Baily
Stuart Squire
Chelsey Weber-Smith
Ashley Wyche
Aimee Fausser
Robert Brigham
Zac Fabian

Luis Oyola
Tony Russell
Nina Burke
Kali Cichon
Sara Tansey
Bruce Hlavin
Kirk Bowers
Daniel Bluestone
Nathaniel Galea
Jeff Fogel
Jamie Dyer
Frank Richards
Shannon Harrington
Sky Blue
Sarah (no last name given)
Tracy Saxon
Caroline Mankins
Rachel (no last name given)
Shawna Mulheny
Harley Saxon
Shelly Stern
Jamie Orchard Hayes
Derek Shakes
Christina Weaver
Douglas Olsen
Wolf Braun
Cassie Arbabi
Sandy Johnson
Joanie Freeman
Rob White