

3A
6-26-01

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting
Tuesday, June 12, 2001 - - 7:30 p.m.**

Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mrs. Godwin, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Baier, Director of Transportation and Environmental Services; Ms. Davis, Director of Housing; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Boyd, Director of Citizen Assistance; Ms. O'Regan, Director of Human Services; Mr. Neckel, Director of Finance; Mr. Mandley, Director of General Services; Dr. Konigsberg, Director of Health; Mr. Dahlberg, Director of Code Enforcement; Mr. Pitzer, Purchasing Agent; Mr. Powers, Director of Community Programs; Ms. Niebauer, Director of Human Rights; Ms. Taylor, Budget Analyst; State Delegate Moran; Executive Director Dearman, Alexandria Redevelopment and Housing Authority; Commonwealth's Attorney Sengle; Ms. Steele; Special Projects Coordinator; Police Chief Samarra and Lieutenant Crawford, Police Department.

Recorded by: Ms. Susan K. Seagroves, Deputy City Clerk and Clerk of Council.

City Council held a work session with the Alexandria Public Health Advisory Commission to discuss replacement of the Alexandria Health Department Saint Asaph Street Facility at 6:00 p.m. in the Council Workroom.

Mayor Donley made opening remarks, and the agenda was followed.

Chairman Cooney introduced the members of the Public Health Advisory Commission and went over the Commission's position paper stating its recommendation for a new single-site location in the West End of the City. He introduced Dr. Kling who provided a historical context of the current facility, and Ms. Bombard who talked about some of the needs for a new facility.

Dr. Konigsberg went over the Health Department's use statistics and reviewed the relocation options from the Lewin report. He stated his goal is to relocate all the services provided at the Saint Asaph facility now.

City Council and Commission members participated in an extended discussion about delivery of services throughout the City and the need for ongoing community outreach and education related to changes in locations and distribution of services. The point was raised about possibly taking this opportunity to incorporate mental health services at the new facility.

Councilman Speck asked the City Manager to give City Council a detailed communications plan that can actually be docketed for a public hearing so people can comment on the closing of the old facility.

Staff will proceed with examination of sites toward the West End that might be suitable for the Health Department. A detailed communications plan will be docketed for Council consideration and public comment to get notice out to the community as the process starts. There will be a fairly significant gap between site selection, construction and transfer, and it's the transfer that is the critical time so that probably needs to be addressed in the communications strategy as well.

The work session concluded at approximately 7:30 p.m.

(A copy of the agenda and materials pertaining to this work session are on file in the office of the City Clerk and Clerk of Council and are incorporated herewith as part of the record.)

OPENING

The Meeting was called to Order by Mayor Donley, and the Deputy City Clerk called the Roll; all Members of City Council were present.

The Invocation was pronounced by Susan Manship, Minister of Music and Senior Adults, Downtown Baptist Church.

3. Reading and Acting Upon the Minutes of the Following Meetings of City Council: (a) The Public Hearing Meeting of May 12, 2001; and (b) The Regular Meeting of May 22, 2001.

(A copy of the City Clerk's memorandum dated June 12, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3(b); 6/12/01, and is incorporated herewith as part of this record by reference.)

THERE BEING NO DISCUSSION, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Minutes of (a) the Public Hearing Meeting of May 12, 2001, as submitted; and the Regular Meeting of May 22, 2001, as amended, to correct the votes of Mayor Donley to "aye" and Councilwoman Woodson to "no" to the motion to amend the main motion on item no. 14, page 7. The voting was as follows:

| | | | |
|-----------|-------|----------|-------|
| Cleveland | "aye" | Eberwein | "aye" |
| Pepper | "aye" | Euille | "aye" |
| Donley | "aye" | Speck | "aye" |
| | | Woodson | "aye" |

4. **THERE BEING NO DISCUSSION**, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried unanimously, City Council received the Report of the City Clerk dated June 4, 2001, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 6/12/01, and is incorporated herewith as part of this record by reference. The voting was as follows:

| | | | |
|-----------|-------|----------|-------|
| Cleveland | "aye" | Eberwein | "aye" |
| Euille | "aye" | Pepper | "aye" |
| Donley | "aye" | Speck | "aye" |
| | | Woodson | "aye" |

5. Presentation of the Human Rights Commission First Annual Human Rights Awards for High School Students.

(A copy of the City Manager's Media Advisory issued on June 6, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 6/12/01, and is incorporated herewith as part of this record by reference.)

Members of the Human Rights Commission recognized the achievements of the three students and presented each award winner with a commemorative plaque, and Councilman Euille, through the Euille Foundation, presented a \$500 cash award to each recipient.

Without Objection, City Council considered docket item nos. 33 and 34 at this time.

33. Presentation of Proclamation Proclaiming the Month of June as Safe Graduation Month.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 33; 6/12/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper presented the proclamation.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council endorsed the proclamation. The voting was as follows:

| | | | |
|-----------|-------|----------|-------|
| Pepper | "aye" | Eberwein | "aye" |
| Cleveland | "aye" | Euille | "aye" |
| Donley | "aye" | Speck | "aye" |
| | | Woodson | "aye" |

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

34. Presentation of Report from The Child Welfare League of America in the Katelyn Frazier Matter. **(The report will be available at the City Council Meeting.)**

(A copy of the City Manager's memorandum dated June 12, 2001, together with the Child Welfare League of America report, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 34; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's Media Advisory dated June 12, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 34; 6/12/01, and is incorporated herewith as part of this record by reference.)

The City Manager presented the report and went over the City's plans for implementation of the CWLA recommendations. In the City Manager's own review of this case, with the assistance of the City Attorney, he has concluded that the Department of Human Services, along with the other participants in the City's Human Services network, acted properly and professionally in their efforts to assist the Frazier family through the provision of a wide range of services in their efforts to protect Katelyn and her siblings and to reunify the family.

Councilman Speck expressed his hope that as the City is developing the proposed Community Advisory Committee, that the City's nonprofit organizations such as SCAN, Healthy Families and others who are working in this area now, will be included in the process.

Members of Council participated in the discussion with City Manager Sunderland and clarified Council's requests on this item.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council received the report and requested that the City Manager come back to the Council in the fall with formal recommendations for adoption. The voting was as follows:

| | | | |
|--------|---------|-----------|-------|
| Euille | "aye" | Cleveland | "aye" |
| Pepper | "aye" | Eberwein | "aye" |
| Donley | "aye" | Speck | "aye" |
| | Woodson | "aye" | |

Following consideration of docket item no. 34, Mayor Donley, City Manager Sunderland and City Attorney Pessoa left the meeting to attend the press conference on the results of the Child Welfare League of America report in the Katelyn Frazier matter.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (6-8) (13-23)

6. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:

- (a) Alexandria Archaeological Commission
Chanley M. Mohney
- (b) Alexandria Convention and Visitors Association Board of Governors
Peter Greenberg
- (c) Alexandria Waterfront Committee
Martin M. Zorn

(A copy of each of the resignations is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item Nos. 6(a-c); 6/12/01, and is incorporated herewith as part of this record by reference.)

7. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Archaeological Commission
1 Member From the Alexandria Association
- (b) Alexandria Economic Opportunities Commission
1 Representative Designated by Councilman William D. Euille
- (c) Historic Alexandria Resources Commission
1 Member From Planning District I

1 Representative From the Torpedo Factory Artists
Association

- (d) Alexandria Landlord-Tenant Relations Board
1 Low-Income Tenant
- (e) Alexandria Waterfront Committee
1 Representative From the Alexandria Seaport Foundation

(Material pertaining to the above appointments is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item Nos. 7(a-e); 6/12/01, and is incorporated herewith as part of this record by reference.)

8. Consideration of Submission of a Grant Application to the Department of Health and Human Services Head Start Bureau for Expansion of Alexandria Headstart Program for FY 2002.

(A copy of the City Manager's memorandum dated June 5, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 6/12/01, and is incorporated herewith as part of this record by reference.)

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Section 2-2-10 of the City Code to revise the boundaries of election districts and designation of voting places to reflect the 2000 Census.

(A copy of the City Manager's memorandum dated May 30, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 6/12/01, and is incorporated herewith as part of this record by reference.)

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 6/12/01, and is incorporated herewith as part of this record by reference.)

14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Section 3-2-230 of the City Code to set the rate at which interest accrues on certain delinquent personal property taxes and penalties at 10 percent for the first year and 5 percent thereafter.

(A copy of the City Attorney's memorandum dated May 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 6/12/01, and is incorporated herewith as part of this record by reference.)

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 14; 6/12/01, and is incorporated herewith as part of this record by reference.)

15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Title 3, Chapter 3 of the City Code to conform the City's procurement regulations to recent changes in state law.

(A copy of the City Manager's memorandum dated June 5, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 15; 6/12/01, and is incorporated herewith as part of this record by reference.)

16. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend the fire protection and prevention provisions of Title 4, Chapter 2 of the City Code.

(A copy of the City Manager's memorandum dated June 6, 2001, deferring this item, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 6/12/01, and is incorporated herewith as part of this record by reference.)

17. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Section 8-1-141 of the City Code to authorize spot blight abatement throughout the City.

(A copy of the City Manager's memorandum dated May 14, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 17; 6/12/01, and is incorporated herewith as part of this record by reference.)

18. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Section 13-1-33 of the City Code to permit property managers and others to authorize the police to forbid trespass on private property, and to provide for the admission of such authorization in evidence at trial.

(A copy of the City Manager's memorandum dated June 5, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 18; 6/12/01, and is incorporated herewith as part of this record by reference.)

19. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Title 11 of the City Code by adding thereto a new Chapter 13, to prohibit under local law the improper handling or disposal of certain hazardous and other waste materials.

(A copy of the City Manager's memorandum dated June 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 19; 6/12/01, and is incorporated herewith as part of this record by reference.)

20. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to make supplemental appropriations for the support of the government of the City of Alexandria for FY 2001.

(A corrected copy of the City Manager's memorandum dated June 11, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 20; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 20; 6/12/01, and is incorporated herewith as part of this record by reference.)

21. Introduction and First Reading. Consideration. Passage on First Reading of AN ORDINANCE to make appropriations for the support of the city government for fiscal year 2002.

(A copy of the City Manager's memorandum dated May 31, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 21; 6/12/01, and is incorporated herewith as part of this record by reference.)

22. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to authorize an encroachment into the public sidewalk right-of-way for restaurant seating at 822 N. Fairfax Street.

(A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22; 6/12/01, and is incorporated herewith as part of this record by reference.)

23. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to authorize an encroachment into the public sidewalk right-of-way for an entrance stoop and stairs at 210 Wilkes Street.

(A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23; 6/12/01, and is incorporated herewith as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried on a vote of 6-to-0, City Council approved the Consent Calendar as presented. The City Manager's recommendations are as follows:

(6) City Council received the following resignations with regret: (a) Chanley M. Mohney from the Alexandria Archaeological Commission; (b) Peter Greenberg from the Alexandria Convention and Visitors Association Board of Governors; and (c) Martin M. Zorn from the Alexandria Waterfront Committee; and requested the Executive Secretary for Boards and Commissions to send the appropriate letters of appreciation and to advertise the vacancies in the usual manner.

(7) City Council: (a) appointed Thomas Byrne as a Member from the Alexandria Association to the Alexandria Archaeological Commission; (b) appointed David Jannarone as a Representative Designated by Councilman William D. Euille to the Alexandria Economic Opportunities Commission; (c) reappointed Susan Horne-Quatannens as a Member from Planning District I and Murney Keleher as a Representative from the Torpedo Factory Artists Association to the Historic Alexandria Resources Commission; (d) appointed Otis Weeks, Jr. as a Low-Income Tenant to the Alexandria Landlord-Tenant Relations Board; and (e) reappointed James McIlhenny as a Representative from the Alexandria Seaport Foundation to the Alexandria Waterfront Committee.

(8) City Council authorized the City Manager: (1) to submit a proposal for \$100,000 in federal expansion funds to operate one new Head Start classroom at Mt. Vernon Community School for 17 additional children beginning in January 2002; and (2) to execute all necessary documents.

(13) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

(14) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

(15) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

(16) City Council noted the deferral.

(17) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

(18) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

(19) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

(20) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

(21) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

(22) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

(23) City Council introduced and passed the Ordinance on its first reading and set it for public hearing, second reading and final passage on Saturday, June 16, 2001.

END OF CONSENT CALENDAR

The voting was as follows:

| | | | |
|---------|-------------|-----------|-------|
| Woodson | "aye" | Cleveland | "aye" |
| Euille | "aye" | Eberwein | "aye" |
| Donley | out of room | Pepper | "aye" |
| | Speck | "aye" | |

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

9. Consideration of the One-Year Action Plan for Housing and Community Development for the City's FY 2002. (#13 5/12/01)

(A copy of the City Manager's memorandum dated May 31, 2001, together with the One-Year Action Plan, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 9; 6/12/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a vote of 5-to-0, City Council: (1) approved the One-Year Action Plan for Housing and Community Development for FY 2002, which includes the City's application for Federal Fiscal Year 2001 funding for \$1,243,000 in Community Development Block Grant (CDBG) monies and \$672,000 in Home Investment Partnerships Program (HOME) monies; and (2) amended the Community Development Block Grant portion of the City's approved FY 2002 Operating Budget to reflect the budget shown in Table B of the Action Plan; (3) authorized the transfer of \$20,000 in currently available monies from the Home Rehabilitation Loan Program to fund the renovation of This Way House and to establish the carryover budget reflected in the Action Plan; and (4) authorized the transfer of FY 2002 program income from the Business Assistance Loan Program, upon receipt, to the Home Rehabilitation Loan Program, where these monies are reflected in the Action Plan. The voting was as follows:

| | | | |
|--------|-------------|-----------|-------------|
| Euille | "aye" | Cleveland | "aye" |
| Pepper | "aye" | Eberwein | "aye" |
| Donley | out of room | Speck | out of room |
| | Woodson | "aye" | |

10. Consideration of a \$75,500 Housing Trust Fund Allocation to the Alexandria Redevelopment and Housing Authority for a Section 8 Security Deposit Loan Program.

(A copy of the City Manager's memorandum dated May 24, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 6/12/01, and is incorporated herewith as part of this record by reference.)

ARHA Executive Director Dearman responded to questions posed by Members of Council and participated in the discussion with Council and Director of Housing Davis.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried on a vote of 4-to-0, City Council approved the allocation of \$75,500 in Housing Trust Fund monies to implement the ARHA Section 8 Security Deposit Loan Assistance Program. This request was considered by the Affordable Housing Advisory Committee at its May 3, 2001 meeting. The voting was as follows:

| | | | |
|---------|-------------|-----------|-------------|
| Pepper | out of room | Cleveland | "aye" |
| Woodson | "aye" | Eberwein | "aye" |
| Donley | out of room | Euille | out of room |
| | Speck | "aye" | |

11. Consideration of Community Partnership Fund for Human Services FY 2002 Grant Awards.

(A copy of the City Manager's memorandum dated June 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 6/12/01, and is incorporated herewith as part of this record by reference.)

Councilman Speck and Councilman Euille directed questions to Assistant City Manager Jinks on the issue of disparity between what is funded and what is requested. Mr. Jinks suggested that they could ask the citizen panel that reviewed this to go back to find out that if they had had the money, how far down the list might they have gone? During the budget process in planning for FY 2003, the FY 2002 figures can be looked at to see how much in a sense of higher priority items and what the dollar total of those might be.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried on a vote of 6-to-0, City Council received the report and thanked the members of the citizen review panel for their assistance in the FY 2002 grant award process. The voting was as follows:

| | | | |
|--------|-------------|-----------|-------|
| Speck | "aye" | Cleveland | "aye" |
| Pepper | "aye" | Eberwein | "aye" |
| Donley | out of room | Euille | "aye" |
| | Woodson | "aye" | |

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

12. SPECIAL USE PERMIT #2001-0017 -- 1225 POWHATAN ST -- RUFFINO'S RESTAURANT -- (Dixie Pig Restaurant site) -- Consideration of a request for a special use permit for a nonconforming restaurant use; zoned RB/Residential. Applicant: Robin Gamzeh and Romas Inc., trading as Ruffino's. (#16 5/12/01)

COMMISSION ACTION: Recommend Approval 5-1-1

(A copy of the final Special Use Permit, with all additional conditions, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 6/12/01, and is incorporated herewith as part of this record by reference.

A copy of new condition nos. 34 and 35 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 6/12/01, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 4 of Item No. 12; 6/12/01, and is incorporated herewith as part of this record by reference.)

Murray A. Kivitz, 5454 Wisconsin Avenue, #650, Chevy Chase, MD, attorney for the applicant, confirmed that the new conditions are to what they agreed.

Councilman Speck asked if any of these parking conditions and restrictions are conflicting and was assured by Planning and Zoning Deputy Director Ross that they are not. In response to Councilman Speck's request, Ms. Ross will incorporate all the different parking conditions together for clarification.

Members of City Council participated in the discussion with Planning and Zoning Deputy Director Ross about the SUP condition requiring retention of the existing Dixie Pig sign. The applicant stated that he has no problem retaining the sign.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Speck and carried on a vote of 6-to-0, City Council granted the special use permit as recommended but added new condition nos. 34 and 35 to read as follows: **"34. The applicant shall provide not less than 14 off-street parking spaces, as follows: At least 9 such spaces shall be located on site. Five or more spaces shall be located at the Alexandria Executive Club Suites, and shall be available for use between 5:00 p.m. and 10:30 p.m. daily. The Director of Planning and Zoning may approve a reasonably equivalent alternative location for the off-site spaces."**; and **"35. The applicant shall require that its employees who drive to work use off-street parking."** The voting was as follows:

| | | | |
|--------|-------------|-----------|-------|
| Pepper | "aye" | Cleveland | "aye" |
| Speck | "aye" | Eberwein | "aye" |
| Donley | out of room | Euille | "aye" |
| | Woodson | "aye" | |

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilman Speck distributed the new flier for the concert series at Ben Brenman Park which is part of the City's effort to increase the use of its parks; a copy of which is on file in the office of the City Clerk, marked Exhibit No. 1 of Oral (a).

(b) Councilman Speck reported that the preliminary ridership of the new King Street shuttle during its trial period has exceeded expectations. This will be the first step in a greatly expanded shuttle system to remove traffic and tour buses from Old Town.

(c) Councilman Speck reported on the King Street Overpass owned by CSX and stated his belief that it is time to take more aggressive action. Councilman Euille and Councilwoman Pepper concurred and participated in the discussion with Director of Transportation and Environmental Services Baier on how to proceed. It was brought up that citizens also need to be alerted that this is not owned or maintained by the City.

(d) Councilwoman Eberwein congratulated the George Washington band of 127 musicians who competed on June 1 and 2 at the Music in the Parks Music Festival sponsored by Busch Gardens in Williamsburg. She displayed the trophies awarded to: the G.W. Concert Band which received second place in their category with an excellent rating and a score of 89.5, and the G.W. Symphonic Band which received first place and a superior rating with a score of 94.5. The Symphonic Band also received the best overall band of the day.

(e) Councilman Euille brought up an article in Sunday's *Washington Post* on a cable television fee based on ad revenue. Director of Citizen Assistance Boyd reported on the addition of the franchise fee to nonsubscriber revenues and the challenge in the form of a petition to the FCC that Montgomery County joined with

Pasadena, California, in questioning whether that was allowed under the current FCC rate regulations. The City has a 3% franchise fee and the pass-through has increased that to 3.3%. They will continue to monitor the situation.

(f) Councilman Euille announced the Annual Homeownership Fair being held on Saturday, June 23, from 9:30 a.m. to 1 p.m. at T.C. Williams High School. He encouraged citizens to participate.

(g) Councilwoman Pepper congratulated Councilman Euille for two awards he received recently: (1) the Virginia Education Association, We Teach the Children Whole Village Award in recognition of his service to public education in the City, and (2) the United Way's Millionaire's Award for serving as chair of its annual campaigns for 1998, 1999 and 2000, raising millions of dollars.

(h) Councilwoman Pepper brought up an article from the *Washington Post* about the fact that because of the economic downturn many hotels are having trouble keeping their rooms filled and are lowering their prices. Assistant City Manager Jinks responded that through the end of March, the Alexandria hotel occupancy rate was 73% and the effective revenue per room rate has also gone up. He reported that the price of gas has not affected the City.

At this time, Mayor Donley, the City Manager and City Attorney returned to the Meeting from the press conference.

(i) Mayor Donley reported that City Manager Sunderland, Assistant City Manager Jinks, Director of Finance Neckel, and Budget Analysts Coleman and Smith went to New York to meet with the bond rating agencies in anticipation of the bond issue in the first part of July. He stated that he feels very confident that we will retain our triple-A rating, and the City will time this to take advantage of the lowest possible interest rates.

(j) Mayor Donley encouraged citizens to participate in something a number of communities across the U.S. are doing. On June 21, which is the summer solstice, between the hours of 7 p.m. and 10 p.m., participate in a "volunteer rolling blackout" by using no electricity in order to recognize the energy problems in California and, potentially, across the country.

ORDINANCES AND RESOLUTIONS (continued)

24. Introduction and First Reading. Consideration. Passage on First and Second Readings of an Ordinance to adopt Supplement No. 62 to the City Code. **[ROLL-CALL VOTE]**

The Deputy City Clerk read the docket item.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council introduced the Ordinance and finally passed it on its First and Second Readings. The voting was as follows:

| | | | |
|--------|-------|-----------|-------|
| Euille | "aye" | Cleveland | "aye" |
| Pepper | "aye" | Eberwein | "aye" |
| Donley | "aye" | Speck | "aye" |
| | | Woodson | "aye" |

The ordinance finally passed reads as follows:

ORDINANCE NO. 4204

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 62," are hereby adopted as and shall constitute "The Sixty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 25, 2001 and April 10, 2001, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 25, 2001 and April 10, 2001, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 06/12/01
First Reading: 06/12/01
Second Reading: 06/12/01
Final Passage: 06/12/01

* * * * *

25. Introduction and First Reading. Consideration. Passage on First and Second Readings of an Ordinance to adopt Supplement No. 25 to the City of Alexandria Zoning Ordinance. **[ROLL-CALL VOTE]**

The Deputy City Clerk read the docket item.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a ROLL-CALL vote of 6-to-0, City Council introduced the Ordinance and finally passed it on its First and Second Readings. The voting was as follows:

| | | | |
|-----------|-------|----------|-------------|
| Pepper | "aye" | Eberwein | "aye" |
| Cleveland | "aye" | Euille | "aye" |
| Donley | "aye" | Speck | out of room |
| | | Woodson | "aye" |

The ordinance finally passed reads as follows:

ORDINANCE NO. 4205

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 25," are hereby adopted as and shall constitute "The Twenty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 10, 2001 and March 27, 2001, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 10, 2001 and March 27, 2001 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 9, 2001.

Section 4. That one complete set of pages comprising "The Twenty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 06/12/01
First Reading: 06/12/01
Second Reading: 06/12/01
Final Passage: 06/12/01

* * * * *

26. Consideration of a Resolution Authorizing the Issuance of Bonds by the Industrial Development Authority of Montgomery County, Virginia for Virginia Tech Foundation, Inc. projects in the City of Alexandria. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 6/12/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a ROLL-CALL vote of 6-to-0, City Council adopted the resolution as recommended by the Alexandria Industrial Development Authority (AIDA) at its meeting on May 8, 2001. The voting was as follows:

| | | | |
|--------|-------|-----------|-------------|
| Pepper | "aye" | Cleveland | "aye" |
| Euille | "aye" | Eberwein | "aye" |
| Donley | "aye" | Speck | out of room |
| | | Woodson | "aye" |

The resolution reads as follows:

RESOLUTION NO. 2000

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ALEXANDRIA, VIRGINIA**

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), provide that both the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and the highest elected governmental unit of the locality having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds after a public hearing, and the City Council of the City of Alexandria, Virginia (the "Council"), constitutes the highest elected governmental unit of the City of Alexandria, Virginia (the "City");

WHEREAS, the City, by action of the Council, has created the Industrial Development Authority of the City of Alexandria, Virginia (the "Alexandria Authority"), and Section 15.2-4905 of the Virginia Code provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted by the industrial development authority of the second locality;

WHEREAS, the Industrial Development Authority of Montgomery County, Virginia (the "Montgomery Authority"), was requested by the Virginia Tech Foundation, Inc. (the "Foundation"), having its principal place of business at 312 Burruss Hall, Blacksburg, Virginia 24061, to issue its revenue bonds for the benefit of the Foundation (the "Bonds"), pursuant to the Industrial Development and Revenue Bond Act, Title 15.2, Chapter 49 of the Virginia Code;

WHEREAS, a portion of the proceeds of the Bonds will be used to assist the Foundation in: (i) refinancing the cost of acquisition, construction and renovation of the Applicant's building located at 1001 Prince Street, Alexandria, Virginia 22314 (known as the Prince Street School), consisting of a three-story building containing approximately 14,250 square feet, which is leased to Virginia Polytechnic Institute and State University (the "University"), and since 1990 has been used by the University's College of Architecture and Urban Studies; and (ii) financing the acquisition and renovation of property adjacent to the Prince Street School located at 1021 Prince Street in Alexandria, Virginia 22314, consisting of a parcel of approximately .22 acre, a three-story office building (currently occupied by the National Mental Health Association) containing approximately 17,500 square feet and a garage containing approximately 8,750 square feet and parking deck, to be leased by the Applicant to the University and used as additional space for the University's College of Architecture and Urban Studies (the "Alexandria Projects"), and other proceeds will finance facilities in Roanoke and Blacksburg, Virginia;

WHEREAS, the Alexandria Authority, pursuant to a resolution adopted on May 8, 2001 (the "Alexandria Authority Resolution"), after a public hearing (the "Public Hearing"), has requested and recommended that the Council approve the issuance of the Bonds, subject to initial approval of their issuance after a public hearing by the Montgomery Authority and by the Board of Supervisors of Montgomery County, Virginia (the "Montgomery Board"), which is the highest elected governmental unit of Montgomery County, Virginia, on behalf of which the Montgomery Authority will issue the Bonds;

WHEREAS, the Montgomery Authority adopted an inducement resolution on May 15, 2001 (the "Montgomery Inducement Resolution"), agreeing to assist the Foundation in financing the Alexandria Projects through the issuance of the Bonds, and the Montgomery Board adopted a resolution approving issuance of the Bonds on May 29, 2001 (the "Montgomery Board Resolution"); and

WHEREAS, a copy of the Alexandria Authority Resolution, a summary statement of the Public Hearing, the Foundation's Fiscal Impact Statement with respect to the Alexandria Projects, the Montgomery Inducement Resolution and the Montgomery Board Resolution have been filed with the Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF ALEXANDRIA, VIRGINIA:**

1. The Council concurs with the Montgomery Inducement Resolution and approves the issuance of Bonds by the Montgomery Authority, in a principal amount not to exceed \$7,500,000 with respect to the Alexandria Projects for the benefit of the Foundation, as required by Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code, to assist in the financing of the Alexandria Projects.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the creditworthiness of the Alexandria Projects or the Foundation, and, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither Montgomery County nor the City shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including Montgomery County and the City, shall be pledged thereto. The purchaser of the Bonds must acknowledge that any purchase of Bonds will be made solely based on the representations of the Foundation and no representations of any kind as to the Alexandria Projects or the ability of the Foundation to repay the Bonds has been made by the Montgomery Authority, the Alexandria Authority, Montgomery County or the City.

3. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.

4. This resolution shall take effect immediately upon its adoption.

* * * * *

27. Consideration of a Resolution Providing for the Sale of Consolidated Public Improvement General Obligation Bonds, Series 2001, and Providing for the Terms of Such Bonds. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 6/12/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council adopted the resolution which sets the terms for the issuance of up to \$54.5 million in General Obligation Bonds and which delegates to the City Manager and the Director of Finance the authority to establish the details of the bond sale and to accept a bid for the purchase of the bonds. The voting was as follows:

| | | | |
|--------|-------|-----------|-------------|
| Euille | "aye" | Cleveland | "aye" |
| Pepper | "aye" | Eberwein | "aye" |
| Donley | "aye" | Speck | out of room |
| | | Woodson | "aye" |

The resolution reads as follows:

RESOLUTION NO. 2001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2001 AND PROVIDING FOR THE TERMS OF SUCH BONDS

WHEREAS, the City Council of the City of Alexandria, Virginia by Ordinance No. 4198 enacted on May 12, 2001 (the "Ordinance") has authorized the issuance and sale of a maximum of \$54,500,000 general obligation bonds to finance all or a portion of the costs of certain capital improvements all as more particularly described in the Ordinance (the "Projects");

WHEREAS, the City Council has held a public hearing on the issuance of such bonds on May 12, 2001; and

WHEREAS, the City Council has determined that it is advisable to issue and sell all or a portion of the bonds authorized pursuant to the Ordinance in the maximum principal amount of \$54,500,000 (the "Bonds") and proposes to provide for the terms of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA:

Authorization to Issue Bonds. The issuance and sale of the Bonds in the maximum amount of \$54,500,000 to finance all or a portion of the costs of the Projects is hereby authorized.

Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to the Ordinance and this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Bonds shall be issued in fully registered form, shall be dated such date or dates as the City Manager and the Director of Finance, or either of them, may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall be issued in such principal amount and mature on such dates and in such amounts as the City Manager and the Director of Finance, or either of them, may approve, provided that the principal amount of the Bonds shall not exceed \$54,500,000 and the final maturity of the Bonds shall not be more than approximately 20 years from their date.

The City Manager and the Director of Finance, or either of them, is authorized and directed to accept the bid for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold to the successful bidder at such price as may be set forth in the bid so accepted; provided that the true interest cost of the Bonds shall not exceed 7.5% per annum. The City Manager and the Director of Finance, or either of them, is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers may determine to be in the best interest of the City.

Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

Disclosure Documents. The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Director of Finance shall determine. The Director of Finance is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

Further Actions. The City Manager and the Director of Finance and such officers and agents of the City as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

Effective Date. This Resolution shall take effect upon the date of its adoption.

* * * * *

OTHER

28. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated June 6, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 6/12/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Woodson advised that she will be out of town June 28 and probably won't be able to attend the City employee picnic.

Councilman Euille advised that he will also be out of town and unable to attend the picnic.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Woodson and carried unanimously, City Council received the Council Calendar and noted the following additions: Tuesday, June 19, Alexandria Commission on Persons with Disabilities Awards Reception at 6:00 p.m. in the Vola Lawson Lobby; and Thursday, June 28, City of Alexandria Employee Appreciation Picnic from 4:00 p.m. to 8:00 p.m. at Ben Brenman Park located at 5000 Duke Street. The voting was as follows:

| | | | |
|---------|-------|-----------|-------|
| Euille | "aye" | Cleveland | "aye" |
| Woodson | "aye" | Eberwein | "aye" |
| Donley | "aye" | Pepper | "aye" |
| | | Speck | "aye" |

CONTESTED APPOINTMENTS

- 29. Alexandria Commission on Employment
 - 1 Representative From An Organization Such As Educational Agencies, Organized Labor, Rehabilitation Agencies, Community-Based Organizations, Economic Development Agencies and the Public Employment Service
 - 1 Business Representative From Among Recognized Area Businesses Including Minority-Owned and Small Businesses

(The following persons volunteered or were recommended for appointment to the above Commission:)

| NAME | ENDORSED BY |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1 Representative from an Organization Such as Educational Agencies, Organized Labor, Rehabilitation Agencies, Community-Based Organizations, Economic Development Agencies, and the Public Employment Service | |
| Franklyn Malone (Residency Waiver Required) | William M. Dearman, CEO Alexandria Redevelopment and Housing Authority |

1 Business Representative from among
Recognized Area Businesses Including
Minority-Owned and Small Businesses

Robyn Fitzgerald*
(Residency Waiver Required)

*Incumbent

* * * * *

(Material pertaining to the above appointments is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 29; 6/12/01, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council approved the residency waivers and appointed Franklyn Malone as a Representative from an Organization Such as Educational Agencies, Organized Labor, Rehabilitation Agencies, Community-Based Organizations, Economic Development Agencies, and the Public Employment Service, and reappointed Robyn Fitzgerald as a Business Representative from Among Recognized Area Businesses Including Minority-Owned and Small Businesses to the Alexandria Commission on Employment. The voting was as follows:

| | | |
|-----------|---|--------------------|
| Donley | - | Malone, Fitzgerald |
| Cleveland | - | Malone, Fitzgerald |
| Eberwein | - | Malone, Fitzgerald |
| Euille | - | Malone, Fitzgerald |
| Pepper | - | Malone, Fitzgerald |
| Speck | - | Malone, Fitzgerald |
| Woodson | - | Malone, Fitzgerald |

* * * * *

30. Alexandria Community Services Board
1 Citizen Member

(The following persons volunteered for appointment to the above Board:)

NAME

ENDORSED BY

Mark Elder

Brian Holland

* * * * *

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 30; 6/12/01, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following result: City Council appointed Mark Elder as a Citizen Member to the Alexandria Community Services Board. The voting was as follows:

| | | |
|-----------|---|-------|
| Donley | - | Elder |
| Cleveland | - | Elder |
| Eberwein | - | Elder |
| Euille | - | Elder |
| Pepper | - | Elder |
| Speck | - | Elder |
| Woodson | - | Elder |

31. Alexandria Public Records Advisory Commission
1 Citizen Member

(The following persons volunteered for appointment to the above Commission:)

| NAME | ENDORSED BY |
|-----------------|-------------|
| Martha Crawley* | |
| Wayne Ebenfeld | |
| Kyle Fugate | |
| *Incumbent | |

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 31; 6/12/01, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following result: City Council reappointed Martha Crawley as a Citizen Member to the Alexandria Public Records Advisory Commission. The voting was as follows:

| | | |
|-----------|---|---------|
| Donley | - | Crawley |
| Cleveland | - | Crawley |
| Eberwein | - | Crawley |
| Euille | - | Crawley |
| Pepper | - | Crawley |
| Speck | - | Crawley |
| Woodson | - | Crawley |

EXECUTIVE SESSION

32. Consideration of Convening of an executive session following the June 12 meeting to discuss the acquisition of real property for public purposes, where public discussion would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344(A)(3) of the Code of Virginia, and for consultation with counsel regarding actual or probable litigation and other specific legal matters requiring the advice of counsel, pursuant to Section 2.1-344(A)(7) of the Code of Virginia.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, at 9:34 p.m., City Council convened in executive session at this time, pursuant to Section 2.1-344(A)(3) of the Code of Virginia, for the purpose of considering the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the negotiating strategy of the City, and pursuant to Section 2.1-344(A)(7) of the Code of Virginia, for the purpose of consulting with legal counsel with respect to such acquisition. The voting was as follows:

| | | | |
|-----------|-------|----------|-------|
| Woodson | "aye" | Eberwein | "aye" |
| Cleveland | "aye" | Euille | "aye" |
| Donley | "aye" | Pepper | "aye" |
| | Speck | "aye" | |

THEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously, City Council authorized the City Manager to acquire the real property which was the subject of the executive session, along the lines discussed with City Council, and authorized the City Attorney to prepare the necessary documents. The voting was as follows:

| | | | |
|---------|-------|-----------|-------|
| Woodson | "aye" | Cleveland | "aye" |
| Pepper | "aye" | Eberwein | "aye" |
| Donley | "aye" | Euille | "aye" |
| | Speck | "aye" | |

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously, at 9:40 p.m., City Council reconvened the meeting. The voting was as follows:

| | | | |
|---------|-------|-----------|-------|
| Woodson | "aye" | Cleveland | "aye" |
| Pepper | "aye" | Eberwein | "aye" |
| Donley | "aye" | Euille | "aye" |
| | Speck | "aye" | |

THEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried on a unanimous ROLL-CALL vote, City Council adopted the resolution pertaining to the executive session. The voting was as follows:

| | | | |
|-----------|-------|----------|-------|
| Woodson | "aye" | Eberwein | "aye" |
| Cleveland | "aye" | Euille | "aye" |
| Donley | "aye" | Pepper | "aye" |
| | Speck | "aye" | |

The resolution reads as follows:

RESOLUTION NO. 2002

WHEREAS, on this 12th day of June 2001, the Alexandria City Council did recess into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by City Council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously, at 9:42 p.m., the Regular Meeting of Tuesday, June 12, 2001, was adjourned. The voting was as follows:

| | | | |
|---------|-------|-----------|-------|
| Woodson | "aye" | Cleveland | "aye" |
| Pepper | "aye" | Eberwein | "aye" |
| Donley | "aye" | Euille | "aye" |
| | Speck | "aye" | |

* * * * *

KERRY J. DONLEY **MAYOR**

ATTEST:

Susan K. Seagroves, Deputy City Clerk