

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting
Tuesday, January 22, 2002 - - 7:30 p.m.**

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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; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Ms. Boyd, Director of Citizen Assistance; Ms. O'Regan, Director of Human Services; Ms. Chis, Director of Division of Social Services, Human Services; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Ms. Barnett, Deputy Director of Recreation, Parks and Cultural Activities; Commonwealth's Attorney Sengel; Public Information Officer Gordon; Black History Resource Center Curator Davis; and Captains Corle and Butler, Police Department.

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

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City Council held a work session with members of the Upper Potomac West Task Force at 6:00 p.m. in the Council Workroom.

Planning and Zoning Director Fogarty introduced the Planning Commission members in attendance, Planning and Zoning staff, and Mr. Odermatt, consultant with the Odermatt Group. Ms. Fogarty then proceeded with a presentation reviewing the community-recommended Upper Potomac West concept plans for the Safeway/Datatel site. She reported that she does not anticipate any redevelopment in the next year, but the City needs to prepare and be ready to proceed quickly when the economy improves.

Members of City Council participated in the discussion with Planning and Zoning Director Fogarty, and she responded to questions. Also participating in the discussion were: City Manager Sunderland, Transportation and Environmental Services Director Baier, Planning and Zoning Deputy Director Ross, Planning Commission Members Wagner, Leibach, Komoraske and Gaines, and Consultant Odermatt of the Odermatt Group. Ms. Weissberg of the Weissberg Corporation responded to questions from Councilwoman Pepper, and she participated in the discussion as well.

There was agreement among City Council to move forward with the concept plan on Upper Potomac West.

City Manager Sunderland stated that staff will proceed on the following: (1) to bring the concept plan through the Planning Commission and back to Council for approval; (2) move ahead with amending the small area plan which will come through the Planning Commission in a couple of months; (3) do some rezones on this, but not until we have the development plan so that the rezones can be refined in accordance with the concept plan; (4) do a little more feasibility work on the parking garage from an engineering and soils point of view in the next month or two; (5) develop an interim plan; (6) look at our authority with respect to Datatel now, in terms of fixing, improving, taking down, whatever; and (7) get together with Nina Weissberg to discuss interim uses and the feasibility of an interim use that is less than seven years.

The East Reed Avenue site presentation was deferred to the lunch break at the January 26, 2002 Special Public Hearing Meeting.

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

(Material pertaining to this work session is on file in the office of the City Clerk and Clerk of Council and is incorporated as part of the record.)

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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 Reverend Tom Holiday, Pastor, Alexandria Presbyterian Church.

3. **THERE BEING NO DISCUSSION**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Minutes for (a) the Regular Meeting of January 8, 2002, as submitted. 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 Councilwoman Pepper and carried unanimously, City Council received the report of the City Clerk, dated January 14, 2002, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 1/22/02, and is incorporated herewith as part of this record by reference. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

5. Recognition of the King Street Singers -- High School Madrigal Group Under the Direction of Karen Randall.

Councilwoman Eberwein introduced the T.C. Williams King Street Singers, a 17-member group of students, grades 9 through 12, and City Council recognized them for their many achievements. Under the direction of Karen Randall, the group performed a number of selections.

OPENING (continued)

6. Presentation of Proclamation Proclaiming the Month of February as George Washington Birthday Celebration Month in Alexandria.

(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. 6; 1/22/02, and is incorporated herewith as part of this record by reference.

Material distributed to Council by the George Washington Birthday Committee is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 6; 1/22/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper presented the proclamation.

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

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

7. Presentation of Proclamation Proclaiming the Month of February 2002, as Black History Month in the City of Alexandria.

(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. 7; 1/22/02, and is incorporated herewith as part of this record by reference.)

Vice Mayor Cleveland presented the proclamation.

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

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

8. Presentation of Proclamation Declaring the Week of February 4-8, 2002, as Consumer Affairs Week in the City of Alexandria.

(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. 8; 1/22/02, and is incorporated herewith as part of this record by reference.)

A copy of a brochure on Identity Theft is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8; 1/22/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein presented the proclamation.

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

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

9. Presentation of Proclamation Recognizing the T.C. Williams High School Football Team.

(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. 9; 1/22/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Woodson presented the proclamation.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (10-16)

Without objection, City Council withdrew docket item nos. 13, 14 and 16 from the consent calendar and considered them under separate motions.

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

- (a) Alexandria Early Childhood Commission
Arthur Mosley
- (b) Alexandria Economic Opportunities Commission
Arthur Mosley
- (c) Alexandria Environmental Policy Commission
Jessie Morales
- (d) Alexandria Social Services Advisory Board
Sheeba Ahmed

(A copy of each of the above resignations is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item Nos. 10(a-d); 1/22/02, and is incorporated herewith as part of this record by reference.)

11. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria-Gyumri Sister City Committee
1 Citizen Member
- (b) Alexandria Budget and Fiscal Affairs Advisory Committee
1 Representative of Councilman David G. Speck
- (c) Alexandria Convention and Visitors Association Board of Governors
The President of the Alexandria Hotel Association
- (d) Alexandria Economic Opportunities Commission
1 Representative of Councilman William D. Euille
- (e) Alexandria Sister Cities Committee
1 Representative of the Alexandria School Board

(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. 11(a-e); 1/22/02, and is incorporated herewith as part of this record by reference.)

12. Receipt of the FY 2001 Annual Report from the Alexandria Waterfront Committee.

(A copy of the City Manager's memorandum dated January 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 1/22/02, and is incorporated herewith as part of this record by reference.)

15. Authorization of Recommended Capital Project Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated January 11, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 1/22/02, and is incorporated herewith as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Consent Calendar with the exception of docket item nos. 13, 14 and 16 which were considered under separate motions. The City Manager's recommendations are as follows:

10. City Council received the following resignations with regret: (a) Arthur Mosley from the Alexandria Early Childhood Commission; (b) Arthur Mosley from the Alexandria Economic Opportunities Commission; (c) Jessie Morales from the Alexandria Environmental Policy Commission; and (d) Sheeba Ahmed from the Alexandria Social Services Advisory Board; requested the Executive Secretary for Boards and Commissions to send the appropriate letters of appreciation and to advertise the vacancies in the usual manner.

11. City Council (a) appointed Kenneth Hill as a Citizen Member to the Alexandria-Gyumri Sister City Committee; (b) appointed Holly Hemphill as a Representative of Councilman David G. Speck to the Alexandria Budget and Fiscal Affairs Advisory Committee; (c) appointed Bryan Thompson as the President of the Alexandria Hotel Association to the Alexandria Convention and Visitors Association Board of Governors; (d) appointed Karen McRae as a Representative of Councilman William D. Euille to the Alexandria Economic Opportunities Commission; and (e) appointed Elaine Crowley as a Representative of the Alexandria School Board to the Alexandria Sister Cities Committee.

12. City Council received the Annual Report from the Alexandria Waterfront Committee and thanked the Committee for its efforts on behalf of the City.

15. City Council authorized the capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Expenditure Summary.

The voting was as follows:

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

13. Consideration of a Grant Submission and Acceptance of Federal Department of Commerce Economic Development Administration Funds for City Economic Development Efforts.

(A copy of the City Manager's memorandum dated January 15, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 1/22/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille expressed his concerns with respect to these funds and directed questions to Planning and Zoning Director Fogarty. Ms. Fogarty addressed his concerns.

For the record, Councilwoman Eberwein stated that she is adverse to spending additional monies of \$60,000 to a regional tourism promotion when we already have \$150,000, plus ACVA's regular budget going into tourism promotion. Ms. Eberwein stated her support for the other three issues as she sees the money as better used to either support continuing the DASH service which runs up and down our streets and supports our businesses or to revitalize some of our own commercial districts on Duke Street.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council: (1) authorized the grant submission and acceptance of \$400,000 in federal economic development funds to support the activities detailed in this report; and (2) authorized the City Manager to execute all documents that may be required. The voting was as follows:

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

14. Receipt of the Monthly Financial Report for the Period Ending December 31, 2001.

(A copy of the City Manager's memorandum dated January 14, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 1/22/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille requested staff to come back to Council with a more formal report in terms of what measures need to be implemented as a result of the effects of September 11, which will reduce our revenues tremendously, and the ongoing financial crisis that we face as a state and what impacts that will have on the budget process plan for FY 2003.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council received the Monthly Financial Report for the period ending December 31, 2001. The voting was as follows:

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

16. Receipt of Report on the Purchase of Land For a New Dash Facility and Setting it for Public Hearing on Saturday, January 26, 2002.

(A copy of the City Manager's memorandum dated January 14, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 1/22/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille removed this item from the consent calendar and questioned why there are no dollar amounts noted in this report. City Manager Sunderland responded to his concern.

For the record, Councilwoman Pepper noted that one of the proposed land acquisitions is owned by Pepper Lane Property, and that she has no association with them in any way, shape or form.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council received the report and scheduled it for public hearing on January 26, 2002. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

17. Consideration of Update Report on Items Before the 2002 General Assembly Session.

(A copy of the City Manager's memorandum dated January 19, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 1/22/02, and is incorporated herewith as part of this record by reference.)

Legislative Director Caton provided an update on items before the 2002 General Assembly.

Council stated its preferences: legislation to increase the sales tax and use the revenues for transportation and education, to get as much funding as we can for Metrorail capital improvement, DASH and the urban system, and for allocation of education funds based on point of sale. We realize things are going to change as this goes along, and Legislative Director Caton will report back to Council on a regular basis. If it comes to the point where we need to take a position specifically on a transportation bill only, then he will come to Council or, if necessary, to the Legislative Subcommittee, and they can communicate to the Members.

Councilwoman Woodson raised a Point of Order about accepting anything that Council has not had time to read. It makes her uncomfortable to vote on something she has not had an opportunity to read, and she would prefer to defer this action.

Legislative Director Caton advised that what he does if he doesn't have an official Council position is rely on the Legislative Subcommittee, so if Council wants to defer action to Saturday, anything that comes up between now and Saturday, he would still go with what is in Attachment 1 of the City Manager's memorandum as the Council's recommendation at this time. This can be reaffirmed on Saturday.

Without objection, City Council deferred action until the Saturday public hearing meeting [on January 26, 2002,] when the Council formally adopts the positions in the Legislative Subcommittee recommendation, and the earlier discussion Council had will stand in terms of instructions to Mr. Caton.

18. Consideration of the Second Status Report on the Implementation of the Recommendations from the Child Welfare League of America.

(A copy of the City Manager's memorandum dated January 15, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 1/22/02, and is incorporated herewith as part of this record by reference.)

Human Services Director O'Regan introduced the staff members who will be going forward with implementing the changes recommended in the report. These include Suzanne Chis, Division Director, Diane Cabe, former public information officer for the City and now the Project Manager for the education committee and the education project in the City, and Dorothea Peters, who is a guardian ad litem, who also serves on the Community Advisory Committee.

Members of Council, City Attorney Pessoa, Human Services Director O'Regan and the City Manager participated in a discussion of the Status Report. Director O'Regan and Attorney Pessoa responded to questions raised concerning the requirement of criminal records checks and the "New Eyes" policy.

The Mayor understands that the Community Advisory Committee is still debating the "New Eyes" policy but requested that Director O'Regan report back to the Committee not so much Council's concern about the smaller kind of injury but concern that we've established a policy regarding "New Eyes," and we're only now going to direct it at the reunification, and are we overlooking a potential area where abuse could occur and not being consistent in how we are applying the policy? Mayor Donley requested that once the recommendation comes forward from Human Services through the Advisory Committee that it come before the Council for discussion.

Councilwoman Woodson questioned Director O'Regan about training in private schools and institutions, and on the definition of "residing in the home," and Ms. O'Regan responded to her queries.

City Manager Sunderland reported that six months since the report came to Council, the people in the Human Services Department have done a fantastic job and lots of progress has been made. This is a genuine good-faith effort to make a difference, and he appreciates what everybody has done during this enormously difficult time.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a vote of 5-to-0, City Council received the report. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

Board of Architectural Review Old and Historic District

19. CASE BAR-2001-291 -- 815 PRINCE STREET -- Consideration of Remanding Back to the Board of Architectural Review, Old and Historic Alexandria District, the subject matter of an appeal of the BAR's decision on December 5, 2001, approving, as amended, a request for approval of alterations to the dwelling located at 815 Prince Street, zoned RA Residential. APPLICANT AND APPELLANT: Edward B. Murphy by Duncan W. Blair, Esquire.

BOARD ACTION: Approved as amended, 4-3

(A copy of a letter dated January 15, 2002, from Duncan W. Blair, requesting this appeal to be remanded back to the BAR, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 1/22/02, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated December 18, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19; 1/22/02, and is incorporated herewith as part of this record by reference.)

Duncan W. Blair, 112 South Alfred Street, Suite 300, attorney for the applicant, stated that he believes they can resolve all the issues, both on the windows and the doors, if they are remanded back, and that these issues can be disposed of at the BAR.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council remanded the appeal back to the Board of Architectural Review, Old and Historic District, for BAR hearing on February 6, 2002. The voting was as follows:

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

REPORTS BY MEMBERS OF CITY COUNCIL

None.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilman Speck announced the good news that President Bush signed the defense authorization bill which included an authorization for Captain Rocky Versace to be awarded posthumously the Congressional Medal of Honor. He is the only member of the Army to be awarded a medal of honor for actions that took place as a POW and is only the second Alexandrian to be awarded a medal of honor. The memorial park dedication is planned for July 6, 2002, the morning of Alexandria's birthday celebration. There will also be a ceremony at the White House for his family.

(b) Councilman Speck distributed a diagram showing the land at Jones Point Park which is now being used for community gardens and inquired why the Park Service did not include this land as part of the Jones Point parcel during Council's deliberations of the park. He would like to consider this land during the ongoing discussion of the Jones Point configuration because of the new security requirements, and he requested staff to determine whether this land can be included in Council's consideration of any revisions in utilization of the entire Jones Point parcel.

(A copy of the diagram, entitled Jones Point Community Gardens, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Oral (b); 1/22/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper also requested to know exactly how safety issues are going to be affected, because we will be losing a lot more land than originally planned.

Mayor Donley advised that a study on safety is being done by VDOT and consultants right now. The bridge consultants are to come back to Council to go over the impacts on what happens at Jones Point Park.

(c) Vice Mayor Cleveland, as a matter of regional involvement and to bring the City into compliance with the rest of the region, requested to start the process of an ordinance to prohibit x-rated movie houses in Alexandria. He stated that to his knowledge this theater is the only one in existence in the area, and he would like to see ordinances of other jurisdictions. The City Attorney will survey the law in the surrounding jurisdictions, report back to Council and get with Vice Mayor Cleveland.

(A copy of a draft verbatim transcript on this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Oral (c); 1/22/02, and is incorporated herewith as part of this record by reference.)

(d) Councilman Euille announced that on January 23, at 7:00 p.m. at Minnie Howard Middle School, the Alexandria Democratic Committee will hold a community discussion/debate on whether or not there should be a regional sales tax. He stated that questions will be taken from the audience.

(e) Mayor Donley requested from staff a written update on where we stand with the replacement plan for the dog park at Chetworth Park relative to items like safety, lighting and pedestrian improvement needs.

ORDINANCES AND RESOLUTIONS

20. Consideration of Resolution Authorizing the Issuance of Bonds by the Industrial Development Authority of the City of Alexandria for the American Type Culture Collection. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 15, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 1/22/02, 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 unanimous ROLL-CALL vote, City Council adopted the resolution as recommended by the AIDA at its meeting of January 8, 2002. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2015

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

WHEREAS, the Industrial Development Authority of the City of Alexandria (the "Authority"), has considered the application of The American Type Culture Collection (the "Applicant"), whose principal business address is 10801 University Boulevard, Manassas, Virginia 20110, requesting the issuance of the Authority's revenue bonds in a principal amount not to exceed \$4,000,000 (the "Bonds"). The proceeds of the Bonds will be used to assist the Applicant in (i) financing the cost of the acquisition, construction and equipping of an approximately 18,000-square-foot expansion facility located on land leased by the American Type Culture Collection at 10801 University Boulevard, Manassas, Virginia 20110, and to be used to satisfy projected storage, information technology and lab space needs including the storage of biological material, "state of the art" computer capabilities and lab space for biology and animal purposes and (ii) financing certain costs of the issuance of the bonds and other property appurtenant related to the project.

WHEREAS, the Applicant has filed its request for the issuance of the Bonds by the Authority in connection with the bond pool program established by the agreement between the Authority and Bank of America, N.A. (formerly NationsBank, N.A.) ("Bank of America"), pursuant to which Bank of America has agreed to have the Authority issue bonds for 501(c)(3) organizations utilizing the Bank of America bond pool program structure. The Bonds will be secured by a Bank of America Letter of Credit, will bear interest at a variable rate and will be in minimum authorized denominations of \$100,000 so as to avoid the application of the continuing disclosure rules promulgated in Rule 15c2-12 by the Securities and Exchange Commission.

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 the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Authority issues its bonds on behalf of the City of Alexandria, Virginia (the "City"). The City Council of the City of Alexandria, Virginia (the "Council"), constitutes the highest elected governmental unit of the City. The Board of Supervisors of Prince William County, Virginia, as the highest elected governmental unit over the area in which the Project is located, will also have to consider and approve the issue.

WHEREAS, following the public hearing held by the Authority on January 8, 2002, the Authority adopted a resolution (the "Inducement Resolution") in which it recommended and requested that the Council approve of the issuance of the Bonds by the Authority. Copies of the Inducement Resolution, a brief summary of the Authority's public hearing, and the Applicant's Fiscal Impact Statement have been filed with the Council.

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

1. The Council approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$4,000,000 for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist in the financing and refinancing of the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the creditworthiness of the Project or the Applicant, and, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the City and the Authority, shall be pledged thereto.

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.

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OTHER

21. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated January 16, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 1/22/02, and is incorporated herewith as part of this record by reference.)

Vice Mayor Cleveland announced he has a training exercise and will miss the Saturday, February 23, 2002 public hearing meeting. He will advise Mayor Donley if there is anything of note which he wishes to have deferred until his return.

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council: (1) received the revised calendar which includes: (a) the Wednesday, February 13, joint meeting with the School Board and the Electoral Board at 7:30 p.m. at Samuel Tucker School; (b) the Saturday, March 2, St. Patrick's Day Parade (time to be determined); (c) the Tuesday, March 12, Alexandria Technology Achievement Awards reception at 6:45 p.m. in the Vola Lawson Lobby; (d) the Thursday, March 21, Alexandria Technology Achievement Awards breakfast at 7:30 a.m. at the Mark Center Hilton; and (e) the Friday, March 22, Alexandria Technology Achievement Awards luncheon at noon at the Old Town Hilton; and (2) scheduled a community meeting at Patrick Henry School at 7:30 p.m. on Wednesday, May 22. The voting was as follows:

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

CONTESTED APPOINTMENTS

22. Alexandria Community Policy and Management Team
1 Representative of A Private Organization or Association of Providers
of Children's or Family Services Which Provides Such Services
Within the City on A Continuing and Consistent Basis

(The following person was recommended for appointment to the above Team:)

NAME	ENDORSED BY:
Francesca Creo*	ACPMT

*Residency Waiver Required

(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. 22; 1/22/02, 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 waived the residency requirement and appointed Francesca Creo as a Representative of a Private Organization or Association of Providers of Children's or Family Services Which Provides Such Services Within the City on a Continuing and Consistent Basis to the Alexandria Community Policy and Management Team. The voting was as follows:

Donley	-	Creo
Cleveland	-	Creo
Eberwein	-	Creo
Euille	-	Creo
Pepper	-	Creo
Speck	-	Creo
Woodson	-	Creo

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23. Alexandria Convention and Visitors Association Board of Governors
1 Attractions Representative

(The following person was recommended for appointment to the above Board:)

NAME	ENDORSED BY:
Linda Jeffries*	ACVA Board of Governors

*Residency Waiver Required

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(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. 23; 1/22/02, 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 waived the residency requirement and appointed Linda Jeffries as an Attractions Representative to the Alexandria Convention and Visitors Association Board of Governors. The voting was as follows:

Donley	-	Jeffries
Cleveland	-	Jeffries
Eberwein	-	Jeffries
Euille	-	Jeffries
Pepper	-	Jeffries
Speck	-	Jeffries
Woodson	-	Jeffries

* * * * *

24. Alexandria Industrial Development Authority
1 Citizen Member

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

NAME	ENDORSED BY:
Katharine Clute	
Wayne Ebenfeld	
John Irvine	
Lois Walker	
Mark Williams	

* * * * *

(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. 24; 1/22/02, 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 Lois Walker as a Citizen Member to the Alexandria Industrial Development Authority. The voting was as follows:

Donley	-	Walker
Cleveland	-	Ebenfeld
Eberwein	-	Clute
Euille	-	Walker
Pepper	-	Walker
Speck	-	Walker
Woodson	-	Walker

* * * * *

New Business Item No. 1. WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, at 10:24 p.m., City Council convened in executive session at this time, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for the purpose of consulting with legal counsel and staff regarding the compliance by the City and its employees with established law, policy, procedures and norms of social service practice in Virginia, in placing and retaining Katelynn Frazier with her natural mother in the latter part of 2000, and considering the advice of counsel with respect to such matter. The voting was as follows:

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

THEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, at 12:21 a.m., January 23, 2002, City Council reconvened its meeting of this date [January 22, 2002] which was recessed for purpose of conducting an executive session. The voting was as follows:

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

WHEREUPON, 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. 2016

WHEREAS, the Alexandria City Council has this 22nd day of January 2002, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the 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 Vice Mayor Cleveland and carried unanimously, at 12:22 a.m., January 23, 2002, the Regular Meeting of January 22, 2002, was adjourned. The voting was as follows:

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

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Susan K. Seagroves, Deputy City Clerk