

3B
5-14-02

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting
Tuesday, April 23, 2002 - - 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, and Joyce Woodson.

Absent: Councilman David G. Speck.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Public Information Officer Gordon; Mr. Baier, Director of Transportation and Environmental Services; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Ms. O'Regan, Director of Human Services; Legislative Director Caton; Mr. Neckel, Director of Finance; Ms. Davis, Director of Housing; Mr. Swearingen, Director of Management and Budget; Ms. Boyd, Director of Citizen Assistance; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Mr. Skrabak, Division Chief of Environmental Quality; Police Chief Samarra; and Police Lieutenant Uzzell.

Recorded by: Mrs. Beverly I. Jett, City Clerk and Clerk of Council.

At 5:30 p.m., in Commemoration of Crime Victims' Rights Week, the Alexandria Commonwealth's Attorney's Office Victim Witness Assistance Program held a Flag Lowering Ceremony in Market Square.

At 6:00 p.m., in the Council Workroom, there was a Work Session to discuss revisions to the City's Development Review Process. Items for discussion were (1) Overview -- Purpose of Development Process Study and Interviews; (2) Issues -- Issues identified by the development community and issues identified by citizens; (3) Proposed changes to the process; and (4) Next steps.

City Manager Sunderland made opening comments.

Planning and Zoning Director Fogarty introduced Harold Phipps and Harold Adams who are consultants for the development review process.

Mr. Phipps provided an overview of the purpose of the study which is to ensure higher quality development City-wide through improvements in the development process, provide greater citizen participation in that process, streamline the entire process, and provide certainty and clarity for applicants and citizens. He addressed the process that was used.

Mr. Adams spoke to the issues identified by the applicants; those issues identified by citizens; and issues identified by the City.

Planning and Zoning Division Chief Johnson explained that Planning and Zoning Director Fogarty and she will walk Council through the proposed recommendations and the process to address the issues that were raised by the applicants, citizens and the City.

Members of City Council posed questions to staff who responded to their queries.

City Manager Sunderland participated in the discussion with Members of City Council and staff. Members of Council provided staff with positive comments with respect to the new development review process, and stressed City-wide notification to interested persons, training, resources and adequate staffing.

The work session was concluded at approximately 7:20 p.m.

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

The Flora Krause Casey Public Health Award Reception was held at 6:30 p.m. in Room 3000, City Hall.

OPENING

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

City Council observed a moment of silence and then recited the Pledge of Allegiance.

3. **THERE BEING NO DISCUSSION**, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously by all those present, City Council approved the Minutes for (a) the Special Public Hearing Meeting on April 8, 2002; and (b) the Regular Meeting on April 9, 2002, as submitted. The voting was as follows:

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

4. **THERE BEING NO DISCUSSION**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council received the Report of the City Clerk dated April 16, 2002, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/23/02, 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	absent
		Woodson	"aye"

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

5. Computer Presentation by Fifth Grade Students from Maury Elementary School.

Councilwoman Woodson welcomed the students and teachers from Maury Elementary School.

The students from Maury Elementary School did a computer presentation for the City Council. City Council commended the students for their computer skills.

OPENING (continued)

6. Presentation of Proclamation Declaring May 3, 2002, as Bike to Work Day 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. 6; 4/23/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper presented the proclamation.

WHEREUPON, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried unanimously by all those present, City Council endorsed the proclamation. The voting was as follows:

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

7. Presentation of Proclamation Proclaiming the Week of April 22-26, 2002, as Playground Safety 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. 7; 4/23/02, 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 by all those present, City Council endorsed the proclamation. The voting was as follows:

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

8. Presentation of Proclamations Honoring the Recipients of the 2002 Flora Krause Casey Public Health Award Given by the Alexandria Public Health Advisory Commission.

(A copy each proclamation is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 8; 4/23/02, and is incorporated herewith as part of this record by reference.)

Mayor Donley presented the proclamations.

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

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

9. Presentation of Proclamation Recognizing the Work of the T.C. Williams High School Jazz Band during National Jazz 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. 9; 4/23/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Woodson presented the proclamation.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (10-20)

Without objection, City Council removed docket item nos. 16 and 20 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-Gyumri Sister City Committee
Lela Harris
- (b) Alexandria Human Rights Commission
Kelleen Griffin

(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-b); 4/23/02, 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 Human Rights Commission
2 Citizen Members

(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-b); 4/23/02, and is incorporated herewith as part of this record by reference.)

12. Consideration of a Request to Vacate a Position on the Community Services Board.

(A copy of the City Manager's memorandum dated April 10, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 4/23/02, and is incorporated herewith as part of this record by reference.)

13. Consideration of a Grant Application to the Virginia Department of Criminal Justice Services for Funding for the Commonwealth's Attorney's Office for the Victim/Witness Assistance Program.

(A copy of the City Manager's memorandum dated April 18, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 4/23/02, and is incorporated herewith as part of this record by reference.)

14. Consideration of a Grant Application to the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grant Program.

(A copy of the City Manager's memorandum dated April 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 4/23/02, and is incorporated herewith as part of this record by reference.)

15. Consideration of Staff Recommendations on Proposed Traffic Signal to be Located at the Intersection of North Beauregard Street and Quantrell Avenue.

(A copy of the City Manager's memorandum dated April 10, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 4/23/02, and is incorporated herewith as part of this record by reference.)

17. Receipt of the Monthly Financial Report for the Period Ending March 31, 2002.

(A copy of the City Manager's memorandum dated April 18, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 4/23/02, and is incorporated herewith as part of this record by reference.)

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

(A copy of the City Manager's memorandum dated April 17, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 4/23/02, and is incorporated herewith as part of this record by reference.)

19. Submission of Renewal Grant Application to the Virginia Department of Motor Vehicles for an Aggressive Driving Interdiction Program.

(A copy of the City Manager's memorandum dated April 16, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 4/23/02, and is incorporated herewith as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the Consent Calendar with the exception of docket item nos. 16 and 20 which were considered under separate motions. The City Manager's recommendations are as follows:

10. City Council received the following resignations with regret: (a) Lela Harris from the Alexandria-Gyumri Sister City Committee and (b) Kelleen Griffin from the Alexandria Human Rights Commission; 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) reappointed Michael Constandy as a Citizen Member to the Alexandria-Gyumri Sister City Committee; and (b) reappointed Nancy Jenkins and appointed Matt Harris as Citizen Members to the Alexandria Human Rights Commission.

12. City Council declared as vacant the position for a licensed physician on the Community Services Board and authorized the Executive Secretary for Boards and Commissions to advertise the vacancy.

13. City Council authorized the City Manager to: (1) submit a grant application to the Virginia Department of Criminal Justice Services for funding in the amount of \$192,380 for FY 2003, and \$185,343 for FY 2004, for continued funding of the Victim/Witness Assistance Program; (2) approve the continuation of the five full-time grant-funded positions (one Clerk Typist II position, a Collections Specialist II position, two Victim-Witness Specialist I positions, and one Victim-Witness Specialist II position) covered by the Victim/Witness Assistance Grant. These grant-funded positions would terminate upon the expiration of the grant, and the individuals who are to fill these positions would be notified of this condition of employment. It should be noted that there are no funds available in the City budget to continue these activities once the grant funds are expended; and (3) execute all necessary documents that may be required.

It was noted that the grant application was due on April 19, 2002. Due to the constrained time line for grant submission, staff submitted the grant application contingent upon City Council approval at its April 23 session.

14. City Council: (1) approved the submission of an electronic grant application to FEMA; and (2) authorized the City Manager to submit this application for Federal assistance.

15. City Council authorized staff to install a traffic signal at the intersection of North Beauregard Street and Quantrell Avenue.

17. City Council received the Monthly Financial Report for the period ending March 31, 2002.

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

19. City Council: (1) approved the grant application to the Virginia Department of Motor Vehicles in the amount of \$92,275, which will provide funds to the Police Department to operate a DWI/aggressive driving interdiction program in the City, and to purchase seven in-car video systems, seven radar units and two radar trailers; and (2) authorized the City Manager to execute all necessary documents that may be required.

END OF CONSENT CALENDAR

The voting was as follows:

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

16. Consideration of Approval for Grant Application to the National Association for Plastic Container Recovery, and Grant Awards from the U.S. EPA and Waste Management Recycle America.

(A copy of the City Manager's memorandum dated April 10, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 4/23/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein spoke to this item. Ms. Eberwein noted that she had sent an e-mail to staff members about a month ago regarding plastic decking. Councilwoman Eberwein requested staff to not only encourage recycling, but also asked staff to start looking at some of the new materials that are available and not automatically assume that the old materials we use are the only ones we can use. In addition, she would like staff to answer her e-mail, and to understand that when you encourage recycling, you also have to encourage an end product and use that product.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council: (1) approved the application for a \$4,000 grant from the National Association for Plastic Container Recovery (NAPCOR) for development of a recycling collection program targeting plastic bottles at special events in the City of Alexandria; (2) approved the receipt of the \$5,000 grant award from the U.S. Environmental Protection Agency (EPA) for development and support of electronics recycling programs; and (3) approved the receipt of \$3,000 from Waste Management/Recycle America in recognition of the City's outstanding 2001 America Recycles Day Program. The voting was as follows:

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

20. Consideration of Request to Expand the Membership and Extend the Term of the Eisenhower Avenue-to-Duke Street Connector Task Force.

(A copy of the City Manager's memorandum dated April 17, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1, of Item No. 20; 4/23/02, 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. 2 of Item No. 20; 4/23/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper disclosed for the record that she had contacted both the Commonwealth's Attorney and the City Attorney for their opinions as to whether or not she had a conflict of interest in participating and voting on this item. She stated that she owns two properties at 4600 Duke Street and an unimproved lot on Cathedral Drive. She stated that it is legal and proper for her to participate in the discussion and to vote on this issue.

(A copy of the Commonwealth's Attorney's letter dated April 11, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 20; 4/23/02, and is incorporated herewith as part of this record by reference.

A copy of the City Attorney's letter dated April 11, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 20; 4/23/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille disclosed that he also owns and/or leases property in one of the affected neighborhoods where potentially it may be as one of the choices made not only by the Task Force, but also by the City Council. He reported that he will be participating in the discussion of this item.

Mayor Donley presented to Council a newly proposed resolution, and read it into the record so that the matter is properly before the Council.

WHEREUPON, a motion was made by Councilwoman Eberwein, seconded by Councilman Euille to approve all of the items as stated by the Mayor except to substitute that there be five members added to the Task Force.

There was Council discussion on Mayor Donley's proposal.

Vice Mayor Cleveland stated that we're going to need an extra civic association or whatever to have an uneven number on the Task Force. He suggested that the Carlyle-Eisenhower Civic Association be added to the Task Force.

Mayor Donley stated that what he would be amenable to is to keep the number at five, but add them to the mix of folks and then let the Council make the decision.

Mayor Donley offered a friendly amendment to paragraph 2. It would read that five members be added to the Task Force from the area encompassed by the following civic [homeowner] groups: Seminary Hill, Quaker Hill, Clover-College Park, Taylor Run, Rosemont, Carlyle-Eisenhower Homeowners Association.

Councilwoman Eberwein stated that is acceptable to her. Councilman Euille indicated that is acceptable to him.

(A copy of the verbatim transcript of Council's discussion is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of Item No. 20; 4/23/02, and is incorporated herewith as part of this record by reference.)

The amended motion is as follows:

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilman Euille and carried on a ROLL-CALL vote of 6-to-0, City Council approved all of the items as stated by the Mayor except to substitute that there be five members added to the Task Force, and amended paragraph 2 to read as follows: 2. That five members be added to the Task Force from the area encompassed by the following civic [homeowner] groups: Seminary Hill, Quaker Hill, Clover-College Park, Taylor Run, Rosemont, Carlyle-Eisenhower Homeowners Association. The voting was as follows:

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

The resolution, as amended, reads as follows:

RESOLUTION NO. 2024

WHEREAS, by Resolution 1995, on March 13, 2001, City Council established a task force to reexamine the alternatives for an Eisenhower Avenue-to-Duke Street connector as part of Phase II of the Clermont Interchange Project; and

WHEREAS, the task force voted on April 11, 2002, to select two alternatives for future discussion: a connector at Roth Street (Alternative D), and a "no build" alternative with improvements to Van Dorn Street and Telegraph Road at Duke Street; and

WHEREAS, on April 11, 2002, the task force noted that its membership does not include any citizen representation from the specific neighborhoods east of Quaker Lane, and recommended that Council expand its membership by two positions to be filled by residents living within the boundaries of the Taylor Run, Clover-College Park, Quaker Hill, Seminary Hill and Rosemont Civic Associations; and

WHEREAS, the City Council has reviewed the April 11, 2002, actions of the task force and has determined to modify Resolution 1995 in the following ways;

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

1. That the term of the Eisenhower Avenue-to-Duke Street Connector Task Force be extended until October 15, 2002.
2. That five members be added to the task force from the area encompassed by the following civic and homeowner groups: Seminary Hill, Quaker Hill, Clover-College Park, Taylor Run, Rosemont, and the Carlyle Towers Condominium Unit Owners Association.
3. That the expanded task force continue to consider the eight Eisenhower-to-Duke options that have been reviewed to date by the original task force.
4. That a session for the five new task force members be held as soon as possible and no later than 10 days following their appointment, at which these members are briefed on the work of the task force to date, in particular the eight options that have been under consideration.
5. That the expanded task force, no later than October 1, 2002, select its top two "build" options and its top single "no build" option. The expanded task force shall reach these "top" selections by applying the objective evaluation criteria that have been used to date by the task force in its review of the various options. Also, in reaching these selections, the expanded task force shall consider any significant cut-through and other traffic effects north of Duke Street associated with the different options ("build" and "no build"), as well as reasonable mitigation measures designed to reduce those effects, with the effects and the measures being reported to the task force by staff and their consultants.
6. That the staff provide a report to Council, as soon as possible following the expanded task force's selection under paragraph (5), that reports on the expanded task force's selections, provides the staff's own objective analysis of the eight options considered by the task force, and provides further information and analysis to assist Council in making a final determination regarding an Eisenhower-to-Duke connector.
7. That the expanded task force shall complete its work and finalize its selections, under paragraph (5), no later than October 1, 2002.
8. That Resolution 1995 be amended by the above paragraphs of this resolution, and otherwise remain in force and effect.

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REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

21. Public Hearing on Assessment and Tax Increase Public Notice. [This is a Requirement of the State Code to Hold a Public Hearing. The tax rate is proposed to decrease from \$1.11 to \$1.09 per \$100 of assessed value in the FY 2003 Proposed Budget.]

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council closed the public hearing. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

None

REPORTS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Woodson reported that she attended the Early Childhood Care and Education conference last week that was sponsored by the National League of Cities. There were presentations on the federal programs on how these changes are going to affect municipalities, Headstart, Early Headstart, Best Practices Initiatives and what's working in other areas where we can make more creative use of the more limited dollars that we have. She will be submitting the information to Human Services Director O'Regan. NLC will, within the next four weeks, be sending material that was captured during the discussions. Ms. Woodson will be submitting all of the material for staff's review and perhaps incorporating into our practices.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Mayor Donley requested that Chief Samarra report back to Council concerning the "bait car" program. The report should include background on where it has been used, how effective it has been, what the cost is, how programs like this have been implemented, and then, in the future, he would like the Council to give some consideration to it.

Chief Samarra indicated that he will look into it further and report back to Council.

(b) Councilman Euille spoke to the Valor Awards program that was held recently. He stated that there was a video which was shown during the program. Councilman Euille indicated that the video is of such magnitude and quality and showed the City's public safety services, i.e., Police, Fire and Sheriff, at their best. It is something of value that the entire City needs to witness and see. The video is twelve minutes long. He suggested for a subsequent City Council meeting, rather than having an array of proclamations, that Council devote that amount of time to publicly show that video in the Council Chamber during a meeting. Hopefully, there will be an opportunity for the video to be aired on the Mayor's weekly program together with some discussion. He has talked to a lot of the citizens who were at the Valor Awards program who were just overly impressed with the video that said a lot about Alexandria not only about public safety but also about Alexandria and its citizens as a whole.

(c) Councilwoman Pepper spoke to the recent Supreme Court decision about Jefferson Memorial Hospital and the funds from the sale of that hospital. She queried the City Manager if he could tell City Council more about that and who gets the funds and how much.

City Manager Sunderland and City Attorney Pessoa spoke to the judgment. Whether the money is ultimately produced and available and where it goes, all is subject to further court proceedings and distribution ordered by the Circuit Court. There is still a lot of work to be done. The real property, of course, is Alexandria, the sum, assuming that it's derived or received at some time, then will be distributed in a way that the Attorney General recommends to the court and the court accepts. It will be a fairly long and somewhat complex process.

(d) Vice Mayor Cleveland stated that at Congressman Moran's Town Meeting that Acting U.S. Marshal John Clark reported that fiber optics were already being installed for the press. Marshal Clark made that statement and Vice Mayor Cleveland noted that the other day when he was over there, there was a Verizon truck that was parked near the site. Is that true?

City Manager Sunderland responded that he is not aware that anything has been put in or is in the process of being put in or that an order has been placed. This is all still tentative and proposed.

Mayor Donley stated that his understanding was that Marshal Clark indicated that it had been proposed and presented as an alternative so that we can keep the satellite trucks and the microwave trucks out of the area.

City Manager Sunderland will check and let the Council know Wednesday.

ORDINANCES AND RESOLUTIONS

22. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to adopt Supplement No. 28 to the City of Alexandria Zoning Ordinance. **[ROLL-CALL VOTE]**

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

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4247

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. 28," are hereby adopted as and shall constitute "The Twenty-Eighth 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-Eighth 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 November 17, 2001, and March 16, 2002, 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 November 17, 2001, and March 16, 2002, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after March 16, 2002.

Section 4. That one complete set of pages comprising "The Twenty-Eighth 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: 04/23/02
First Reading: 04/23/02
Second Reading: 04/23/02
Final Passage: 04/23/02

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OTHER

23. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated April 18, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 4/23/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council received the revised calendar which includes: (a) the reception honoring the winners and nominees of the 2002 Flora Krause Casey Public Health Award on Tuesday, April 23, at 6:30 p.m., in room 3000, City Hall (Council has a work session set for 6:00 p.m.); (b) the City's fourth annual Bike to Work Day on Friday, May 3, from 6:45 a.m. to 9:00 a.m. at Market Square; (c) the dedication of the new Vola Lawson Animal Shelter before Council's public hearing meeting on Saturday, May 18, at 8:30 a.m., 4101 Eisenhower Avenue; and (d) the City's annual USA/Alexandria Birthday Celebration on Saturday, July 6, from 6:00 p.m. to 10:00 p.m. at Oronoco Bay Park, **and canceled the work session that was scheduled for 6:00 p.m. on May 28.** The voting was as follows:

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

CONTESTED APPOINTMENTS

- 24. Alexandria Park and Recreation Commission
2 Citizen Members From Planning District I

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

NAME	ENDORSED BY:
Jonathan Aaronsohn	
Henry Brooks*	Judy Guse-Noritake, Chair Park and Recreation Commission
Judy Guse-Noritake*	

*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. 24; 4/23/02, 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 results: City Council reappointed Henry Brooks and Judy Guse-Noritake as Citizen Members from Planning District I to the Alexandria Park and Recreation Commission. The voting was as follows:

Donley	-	Brooks, Guse-Noritake
Cleveland	-	Brooks, Guse-Noritake
Eberwein	-	Brooks, Guse-Noritake
Euille	-	Brooks, Guse-Noritake
Pepper	-	Brooks, Guse-Noritake
Speck	-	absent
Woodson	-	Brooks, Guse-Noritake

- 25. Alexandria Traffic and Parking Board
3 Citizen Members

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

NAME	ENDORSED BY:
Kathleen Burns*	See Petition
Rolando Gonzales*	
Martin Healy	
John Hines	

John Laychus*

Patrick Warren

Patrick & Monique Devereux
Jeffrey J. Clarke
See Petitions

*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. 25; 4/23/02, 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 results: City Council reappointed Rolando Gonzales and John Laychus and appointed Patrick Warren as Citizen Members to the Alexandria Traffic and Parking Board. The voting was as follows:

Donley	-	Gonzales, Laychus, Warren
Cleveland	-	Gonzales, Laychus, Warren
Eberwein	-	Gonzales, Hines, Laychus
Euille	-	Burns, Gonzales, Warren
Pepper	-	Gonzales, Laychus, Warren
Speck	-	absent
Woodson	-	Gonzales, Laychus, Warren

* * * * *

EXECUTIVE SESSION

26. Consideration of The Convening of an Executive Session, pursuant Section 2.2-3711(A)(7) of the Virginia Code, to discuss probable litigation.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously by all those present, at 9:10 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 concerning the property damage claim filed against the City by Environmental Recycling, Inc. The voting was as follows:

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

THEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried on a vote of 5-to-0, at 9:17 p.m., City Council reconvened the meeting. The voting was as follows:

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

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council authorized the City Attorney to settle the property damage claim filed against the City by Environmental Recycling, Inc., along the lines discussed with Council. The voting was as follows:

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

THEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried on a ROLL-CALL vote of 6-to-0, 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		absent

The resolution reads as follows:

RESOLUTION NO. 2025

WHEREAS, the Alexandria City Council has this 23rd day of April 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 Councilwoman Pepper and carried unanimously by all those present, at 9.23 p.m., the Regular Meeting of Tuesday, April 23, 2002, was adjourned. The voting was as follows:

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

* * * * *

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Beverly I. Jett, CMC

City Clerk