

3A
11-27-01

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, November 13, 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. Boyd, Director of Citizen Assistance; Ms. O'Regan, Director of Human Services; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Mr. Neckel, Director of Finance; Public Information Officer Gordon; Ms. Davis, Director of Housing; Fire Chief Hawkins; Mr. Swearingen, Director of Office of Management and Budget; Legislative Director Caton; Recycling Coordinator DeLong; and Lieutenant Uzzell, Police Department.

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

OPENING

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

The Invocation was pronounced by Father Stefan Starzynski of Saint Mary's Catholic Church.

3. **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 October 13, 2001; and (b) the Regular Meeting of October 23, 2001, 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 November 5, 2001, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/13/01, 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 Timmy Stephens and Julian Geathers, Students from Jefferson-Houston School for Arts and Academics, for Their Collection of Money to Help Disaster Victims.

Mayor Donley introduced Timmy Stephens and Julian Geathers. Each spoke to their participation in this fund-raising event and explained how they came up with the idea. Mayor Donley thanked them for their initiative and compassion.

City Council recognized Timmy Stephens and Julian Geathers for their penny drive and for collecting \$275 to help 9-11 disaster victims. They showed not only initiative on their part, but also compassion for those affected by 9-11.

OPENING (continued)

6. Presentation of the Senior Services of Alexandria, Inc.'s, Alexandria Calendar, 2002.

Councilman Speck noted the valuable contributions that our seniors make to this community and thanked them. The Alexandria Calendar has been a successful fund-raising event annually for the Senior Services of Alexandria, Inc.

Councilman Speck also noted that Alexandria has recently said good-bye to two very active, civic-minded people who gave of their time and energy to make this community a better place in which to live, namely, Florence Price and Bill Perkins.

Calendars were presented to the Members of City Council by representatives of Senior Services of Alexandria.

7. Presentation of Proclamation Declaring Thursday, November 22, 2001, as Potomac West Turkey Trot 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. 7; 11/13/01, 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"

8. Presentation of Proclamation Proclaiming November 2001, as Family Involvement 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. 8; 11/13/01, and is incorporated herewith as part of this record by reference.)

Councilman Euille presented the proclamation.

The City Council and the City Manager thanked Assistant Superintendent Maxine Wood for her many years of dedicated service and commitment to educating not only the youth of our City, but also all of us, and congratulated her on her retirement from the school system. They offered their congratulations to her on her new appointment to a position at John Hopkins University. They wished her the best. She will be missed.

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

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

9. Recognition of Alexandria's America Recycles Day Winners.

(Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 9; 11/13/01, and is incorporated herewith as part of this record by reference.)

Mayor Donley introduced the winners of the Recycle Right Contest.

City Council congratulated Mary McGrail, Dorothy Bryant, and Robert and Lauren Kirk as Recycle Right Contest Winners for America Recycles Day. Recycling Coordinator DeLong presented each winner with a fleece made from recycled material. Other winners who could not be present were: Willadene Price and Warren and Cynthia Glimpse.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (10-12) (14-17)

Without objection, City Council removed docket item nos. 12 and 14 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 Commission on HIV/AIDS
Maria Montiel
- (b) Alexandria Environmental Policy Commission
Laura Hilden

(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); 11/13/01, and is incorporated herewith as part of this record by reference.)

11. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Ad Hoc Preschool Task Force
1 Representative of the Early Learning Industry
- (b) Alexandria Affordable Housing Advisory Committee
1 Residential Tenant in the City
- (c) Alexandria-Gyumri Sister City Committee
1 Citizen Member
- (d) Alexandria Archaeological Commission
1 Citizen Member From Planning District II
- (e) Alexandria Beautification Commission
1 Citizen Member
- (f) Alexandria Budget and Fiscal Affairs Advisory Committee
1 Representative of Vice Mayor William C. Cleveland
- (g) Alexandria Commission on Information Technology
1 Member Representing the Alexandria City School Board
- (h) Alexandria Community Services Board
1 Consumer (Current or Former Direct Recipient of Public or Private Mental Health, Mental Retardation, or Substance Abuse Treatment Rehabilitation Services)
- (i) Alexandria George Washington Birthday Celebration Committee
The Chief of the City of Alexandria Transportation Division

1 Member of the T. C. Williams Band Boosters

- (j) Alexandria Public Health Advisory Commission
1 Non-Health Professional Member

1 Health Professional Member
- (k) Alexandria Social Services Advisory Board
1 Citizen Member
- (l) Alexandria Youth Policy Commission
1 Member of A Profession Which Requires Special Training or
Knowledge in Issues Affecting Youth

(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. (a-l); 11/13/01, 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 Section 11-1302 of the Zoning ordinance to expand the type of cases that the Board of Zoning Appeals may hear as Special Exceptions.

(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. 15; 11/13/01, 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. 15; 11/13/01, and is incorporated herewith as part of this record by reference.)

16. VACATION #2001-0004 -- 109 FRANKLIN ST -- Receipt of Viewers' Report for a request for vacation of the public street right-of-way; zoned RM/Townhouse. (#5 10/13/01)

(A copy of the Viewers' Report dated November 2, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 11/13/01, 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 vacate a portion of the public street right-of-way at 109 Franklin 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. 17; 11/13/01, 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. 17; 11/13/01, and is incorporated herewith as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Consent Calendar as presented with the exception of docket item nos. 12 and 14 which were considered under separate motions. The City Manager's recommendations are as follows:

10. City Council received the following resignations with regrets: (a) Maria Montiel from the Alexandria Commission on HIV/AIDS, and (b) Laura Hilden from the Alexandria Environmental Policy Commission; 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.

11. City Council (a) appointed Jennifer Hughley as a Representative of the Early Learning Industry to the Alexandria Ad Hoc Preschool Task Force; (b) appointed Catherine Traffanstedt as a Residential Tenant in the City to the Alexandria Affordable Housing Advisory Committee; (c) reappointed Nancy Turner as a Citizen Member to the Alexandria-Gyumri Sister City Committee; (d) appointed Donald Kent, Jr. as a Citizen Member from Planning District II to the Alexandria Archaeological Commission; (e) appointed Chris Reichert as a Citizen Member to the Alexandria Beautification Commission; (f) appointed Judith McVay as the Representative of Vice Mayor William C. Cleveland to the Alexandria Budget and Fiscal Affairs Advisory Committee; (g) appointed Doris Cammack-Spencer as a Member Representing the Alexandria City School Board to the Alexandria Commission on Information Technology; (h) appointed Carol Holmes as a Consumer (Current or Former Direct Recipient of Public or Private Mental Health, Mental Retardation, or Substance Abuse Treatment Rehabilitation Services) to the Alexandria Community Services Board; (i) appointed Robert Garbacz as the Chief of the City of Alexandria Transportation Division and Thomas Fulham as a Member of the T.C. Williams Band Boosters to the Alexandria George Washington Birthday Celebration Committee; (j) appointed Jerome Cordts as a Non-Health Professional Member and Michael Scanlon as a Health Professional Member to the Alexandria Public Health Advisory Commission; (k) appointed Robert Wooley as a Citizen Member to the Alexandria Social Services Advisory Board; and (l) appointed Heather Martin as a Member of a Profession which requires Special Training or Knowledge in Issues Affecting Youth to the Alexandria Youth Policy Commission.

15. City Council introduced and passed the Ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, November 17, 2001.

16. City Council received the Viewers' Report.

17. City Council introduced and passed the Ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, November 17, 2001.

END OF CONSENT CALENDAR

The voting was as follows:

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

12. Consideration of Amending the Conditions Established by City Council for the 2002 and 2003 Red Cross Waterfront Festivals to Extend the Time of the Sale of Beer by 30 minutes from 9:30 p.m. to 10:00 p.m. on Saturday Evenings.

(A copy of the City Manager's memorandum dated November 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/13/01, and is incorporated herewith as part of this record by reference.)

Mayor Donley requested that staff monitor this and report back to Council if there are any problems that arise with the extension of selling alcohol to 10:00 p.m. on Saturday.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilman Euille and carried unanimously, City Council amended the conditions for the Red Cross Waterfront Festival by extending the time when beer may be sold by 30 minutes from 9:30 p.m. to 10:00 p.m. on Saturday, June 8, 2002, and on Saturday, June 7, 2003, based on the requirement that two additional police officers are hired to assist those police officers normally hired for the festival. The voting was as follows:

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

ORDINANCES AND RESOLUTIONS

14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Title 5, Chapter 7 of the City Code to establish specific regulations for dogs in public parks and playgrounds, and to amend Section 1-1-11 to clarify the civil penalty enforcement authority of City officers and employees.

(A copy of the City Manager's memorandum dated November 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item 14; 11/13/01, 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; 11/13/01, 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; 11/13/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein directed questions to City Attorney Pessoa and Director of Recreation and Cultural Activities Whitmore. In addition, Ms. Eberwein expressed concern about the way the step system will be monitored and thought it would make enforcement difficult. If it doesn't work, Ms. Eberwein indicated that at some point we may have to stop doing a step system and just have one uniform fine per violation.

Ms. Whitmore indicated that staff will monitor this.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council introduced and passed the Ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, November 17, 2001. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

13. Consideration of Housing Trust Fund Grant to Habitat for Humanity of Northern Virginia.

(A copy of the City Manager's memorandum dated November 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/13/01, and is incorporated herewith as part of this record by reference.)

Members of City Council directed questions to Director of Housing Davis and Habitat for Humanity of Northern Virginia Executive Director Unangst.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the request from HFHNV for a grant of \$85,000 in Housing Trust Fund monies to be used toward the purchase of 1112 Princess Street, with the following stipulations: (1) disbursement of the grant is contingent upon receipt of satisfactory documentation that other funding sources have committed the \$50,000 balance required to purchase the \$135,000 property; and (2) the property will be resold to an eligible household with at least one member who works in Alexandria. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilman Speck expressed concern about a recent ad in the *Washington Post* advertising Alexandria Estates which states "Living in Alexandria Estates gives you more than a few reasons to relax. Alexandria address, Fairfax County school district....." He found this very disturbing as an indication of the problems that he thinks that we have to address as a community in trying to have people understand this type of representation. It is as clear an indication of anything we want about what work is cut out for us to more effectively market both our community and our schools. He thought that he would bring this to Council's attention which is really an observation as opposed to criticizing anyone in particular. It is just one of those things that tells us some stuff on which we have to work.

(A copy of the ad is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Oral (a); 11/13/01, and is incorporated herewith as part of this record by reference.)

(b) Councilman Speck reported on a reception which he attended. The purpose of the reception was to introduce and distribute copies of the *Resource Guide for Alexandria Teens*. This is an excellent guide for pregnant and parenting teens and is an excellent publication. This was an initiative of Maxine Wood, Chairperson, the Alexandria Campaign on Adolescent Pregnancy.

(c) Councilman Speck noted that Governor-elect Warner is the first governor elected from the City of Alexandria. He noted that on last Tuesday there were a lot of people involved at the polls and casting their ballots. He pointed out that until about a year ago, cities were prohibited from having their elections in November, and for anyone who wants to look at that consideration for Alexandria, or for any other city for that matter, to change the time of our election from spring to fall this would be a time to start thinking about it. He certainly is not going to bring it up other than in this forum and to point out that it was never a consideration before because it was prohibited under state law. It is no longer prohibited and if there is an interest in pursuing this, this is the time to do it.

(d) Councilwoman Pepper stated that she was a member of Bienvenidos and was hoping that the *Resource Guide for Alexandria Teens* was available in Spanish; however, due to funding constraints, it is not available.

(e) Councilwoman Pepper spoke to the recent passing of Florence Price and her devotion to the City. She served this City in many ways, i.e., Elder Crafters, Commission on Aging, the Senior Center Study Group, and many more. She will be missed.

(A copy of the verbatim transcript for oral presentation (e) is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Oral (e); 11/13/01, and is incorporated herewith as part of this record by reference.)

(f) Councilwoman Pepper announced that in a recent magazine article Alexandria was rated as the 15th overall best City in the country for quality of life.

(g) Councilman Euille encouraged persons to contribute to the Alexandria Services Fund, Department of Human Services, 2525 Mt. Vernon Avenue, Alexandria, VA 22301. The telephone number is 703-838-0700. This Fund provides assistance to those who need help as a result of the events of September 11.

(h) Councilwoman Woodson announced that the T. C. Williams Art Faculty is having a fund-raiser which will be selling art of the teachers. This art exhibition will be held until December 4, at 116 East Del Ray Avenue (Primary Properties) who has underwritten the show. A generous percentage of the art sold would go to students for much needed art supplies.

(i) Councilwoman Woodson noted that her office hours at City Hall are from 8:00 a.m. to 9:00 a.m. every Wednesday.

(j) Councilwoman Woodson shared a list of Health and Safety Kits that are sold by the Alexandria Chapter of the American Red Cross. These kits would make nice Christmas presents.

(A copy of the above list is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Oral (j); 11/13/01, and is incorporated herewith as part of this record by reference.)

(k) Vice Mayor Cleveland would greatly appreciate it if staff would add Veterans' Day to the Council calendar in the future.

(l) Councilwoman Eberwein complimented the City Manager and staff for the Retreat and for actually, instead of inundating Council with presentations, giving Council some time to debate and to actually set some direction for City agencies to follow. She very much appreciated that. She encouraged the City Manager to do it again next year.

(m) Mayor Donley thanked the Winkler Company for the use of Catherine Lodge, and hopes that we continue to use it for the Retreat.

(n) Councilman Speck also complimented staff on the information provided to Council which was easy to follow and comprehend. He thanked staff for first-rate work.

ORDINANCES AND RESOLUTIONS (continued)

18. Introduction and First Reading. Consideration. Passage on First and Second Readings of an Ordinance to adopt Supplement No. 26 to the City of Alexandria Zoning Ordinance. **[ROLL-CALL VOTE]**

The City Clerk read the docket item.

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

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

The ordinance reads as follows:

ORDINANCE NO. 4225

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. 26," are hereby adopted as and shall constitute "The Twenty-Sixth 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-Sixth 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 March 28, 2001 and June 12, 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 March 28, 2001 and June 12, 2001 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 12, 2001.

Section 4. That one complete set of pages comprising "The Twenty-Sixth 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:	11/13/01
First Reading:	11/13/01
Second Reading:	11/13/01
Final Passage:	11/13/01

* * * * *

19. Consideration of Resolution Authorizing the Issuance of Bonds by the Industrial Development Authority of the City of Alexandria for the American College of Radiology. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 11/13/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a unanimous ROLL-CALL vote, City Council adopted the resolution as recommended by the AIDA at its meeting on October 9, 2001. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2009

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 College of Radiology (the "Applicant"), whose principal business address is 1891 Preston White Drive, Reston, Virginia 22091, requesting the issuance of the Authority's revenue bonds in a principal amount not to exceed \$5,550,000 (the "Bonds"). The proceeds of the Bonds will be used to assist the Applicant in refinancing (i) the outstanding principal balance of the \$4,669,000 Fairfax County Economic Development Authority, Floating Rate Demand Revenue Refunding Bonds (The American College of Radiology Project) Series 1990, the proceeds of which were used to refund a prior bond, the proceeds of which financed the cost of the acquisition, construction and equipping of an approximately 45,000 square foot office building used by the Applicant as its national headquarters, located at 1891 Preston White Drive, Reston, Virginia 20191 (the "Project") and (ii) financing renovations to the Project. The proceeds of the Bonds may also be used to finance certain costs of the issuance of the Bonds and property appurtenant, functionally related or subordinate 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 Fairfax 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 September 11, 2001, 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 \$5,550,000 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.

* * * * *

OTHER

20. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated November 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 11/13/01, 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, City Council received the revised calendar which includes: (1) the Friday, November 23 Tree Lighting Ceremony at 7:00 p.m. at Market Square; (2) the Saturday, December 1 Scottish Walk at 10:30 a.m.; and (3) the Virginia Municipal League Legislative Day and the third Student Forum on Race and Culture which are both on January 31, 2002. The voting was as follows:

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

CONTESTED APPOINTMENTS

21. Alexandria Archaeological Commission
1 Member-at-Large

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

NAME	ENDORSED BY:
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Ann Davin

James Hardaway

(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. 21; 11/13/01, 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 Ann Davin as a Member-at-Large to the Alexandria Archaeological Commission. The voting was as follows:

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

22. Alexandria Budget and Fiscal Affairs Advisory Committee
1 Citizen Member

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

NAME	ENDORSED BY:
Ashley Abbot	
Mark Feldheim	
Lara Johnson	
Robert Shriver, III	

(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; 11/13/01, 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 Feldheim as a Citizen Member to the Alexandria Budget and Fiscal Affairs Advisory Committee. The voting was as follows:

Donley	-	Feldheim
Cleveland	-	Abbot
Eberwein	-	Feldheim
Euille	-	Shriver
Pepper	-	Feldheim
Speck	-	Feldheim
Woodson	-	Shriver

23. Alexandria Community Criminal Justice Board
2 Citizen Members

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

NAME	ENDORSED BY:
Mark Baran*	
Lisa Burnard	
Gina Ciolino	
Steven Felber	
Diana Lowery*	
Jacqueline McClain	

Raymond McKeough

Laura Nichols

Danny Onorato

*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. 23; 11/13/01, 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 reappointed Mark Baran and Diana Lowery as Citizen Members to the Alexandria Community Criminal Justice Board. The voting was as follows:

Donley	-	Baran, Lowery
Cleveland	-	Baran, McKeough
Eberwein	-	Baran, Lowery
Euille	-	Baran, Lowery
Pepper	-	Baran, Lowery
Speck	-	Baran, Lowery
Woodson	-	Lowery, McClain

24. Alexandria Consumer Affairs Commission
3 Citizen Members

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

NAME	ENDORSED BY:
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Michael Gaw*

Keisha Hargo

Karen McRae

James Rorke

William Torrans*

*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; 11/13/01, 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 reappointed Michael Gaw and William Torrans and appointed Keisha Hargo as Citizen Members to the Alexandria Consumer Affairs Commission. The voting was as follows:

Donley	-	Gaw, Hargo, Torrans
Cleveland	-	Gaw, Rorke, Torrans
Eberwein	-	Gaw, McRae, Torrans
Euille	-	Gaw, Hargo, Torrans
Pepper	-	Gaw, McRae, Torrans
Speck	-	Gaw, Hargo, Torrans
Woodson	-	Gaw, Hargo, McRae

25. Alexandria Park and Recreation Commission
1 Member From Among the High School Youth of the City

1 Representative From Planning District II

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

NAME

ENDORSED BY:

1 Member From Among the High School Youth of the City

Kimberly Dawkins

James Luby

1 Representative from Planning District II

Warren Leishman

Paige McThenia

(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; 11/13/01, 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 appointed Kimberly Dawkins as a Member from among the High School Youth of the City and appointed Paige McThenia as a Representative from Planning District II to the Alexandria Park and Recreation Commission. The voting was as follows:

Donley	-	Dawkins, McThenia
Cleveland	-	Luby, McThenia
Eberwein	-	Dawkins, Leishman
Euille	-	Dawkins, Leishman
Pepper	-	Luby, Leishman
Speck	-	Dawkins, McThenia
Woodson	-	Luby, McThenia

26. Alexandria Sister Cities Committee
1 Citizen Member

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

NAME	ENDORSED BY:
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Tony Fleming

Candace Lightner

Eve Stocker

(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. 26; 11/13/01, 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 Candace Lightner as a Citizen Member to the Alexandria Sister City Committee. The voting was as follows:

Donley	-	Lightner
Cleveland	-	Stocker
Eberwein	-	Lightner
Euille	-	Lightner
Pepper	-	Lightner
Speck	-	Lightner
Woodson	-	Fleming

27. Alexandria Waterfront Committee
1 Representative From the Alexandria Chamber of Commerce

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

NAME	ENDORSED BY:
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Robert Taylor*
(Residency Waiver Required)

Alexandria Chamber of Commerce

*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. 27; 11/13/01, 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 waived the residency requirement and reappointed Robert Taylor as a Representative from the Alexandria Chamber of Commerce to the Alexandria Waterfront Committee. The voting was as follows:

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

* * * * *

28. Alexandria Youth Policy Commission
1 Citizen Member 18 Years of Age or Younger

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

NAME	ENDORSED BY:
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Kelsey Ray

Brian Shearer

* * * * *

(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. 28; 11/13/01, 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 Kelsey Ray as a Citizen Member 18 years of age or younger to the Alexandria Youth Policy Commission. The voting was as follows:

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

* * * * *

EXECUTIVE SESSION

29. Consideration of The Convening of an Executive Session to consult with legal counsel and staff with respect to probable litigation, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, 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 concerning probable litigation arising out of an incident of food poisoning at the Patrick Henry Recreation Center. The voting was as follows:

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

THEREUPON, upon motion by Councilman Euille, seconded by Councilman Speck and carried unanimously, at 9:25 p.m., City Council reconvened the meeting. The voting was as follows:

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

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, City Council authorized the City Attorney to settle the claims arising from the incident of food poisoning at the Patrick Henry Recreation Center, which was the subject of the executive session, along the lines discussed with City Council. 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 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. 2010

WHEREAS, the Alexandria City Council has this 13th day of November 2001, 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.

New Business Item No. 1: City Manager Sunderland reported that the extended hours for the Farmers' Market will be continued through this weekend. Maybe we will come back in the spring and do it again, but the show up has not been that great. We've had some concerns by some merchants, and Old Town Business doesn't feel strongly about it. We will carry it through this weekend and that will be all.

(Communications received on the above item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of New Business No. 1; 11/13/01, and is incorporated herewith as part of this record by reference.)

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously, at 9:27 p.m., the Regular Meeting of Tuesday, November 13, 2001, was adjourned. The voting was as follows:

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

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Beverly I. Jett, CMC

City Clerk