

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, February 24, 2004 - - 7:00 p.m.

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Ms. Evans, Assistant City Manager; Mr. Pessoa, City Attorney; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Ms. Gordon, Public Information Officer; Police Lieutenant Uzzell; Deputy Police Chief Blaine Corle; Mr. Neckel, Director of Finance; Mr. Caton, Legislative Director; Ms. Whitmore, Director of Parks, Recreation and Cultural Activities; Mr. Kincannon, Deputy Director of Parks, Recreation and Cultural Activities; Ms. Boyd, Director, Citizens Assistance; Mr. Farner, Development Division Chief; Director of Transportation and Environmental Service Baier; City Engineer Baker; Director of Mental Health, Mental Retardation and Substance Abuse Gilmore; and Parks and Recreation Landscape Architect Supervisor Vosper.

Recorded By: Jackie M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

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

2. Moment of Silence and Pledge of Allegiance.

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

3. **WHEREUPON**, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the minutes of (a) the Regular Meeting of February 3, 2004; and (b), the Regular Meeting of February 10, 2004. The voting was as follows:

Gaines	"aye"	Krupicka	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

4. Presentation of a Proclamation Declaring March 6, 2004, as St. Patrick's Day Parade Day.

(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. 4, 2/24/04, and is incorporated as part of this record by reference.)

Mayor Euille presented the proclamation.

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

Euille	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Pepper	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

5. Presentation of a Proclamation Declaring March as American Red Cross 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. 5, 2/24/04, and is incorporated as part of this record by reference.)

Councilman Krupicka presented the proclamation.

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

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (6-13)

(Resignations and Uncontested Appointments)

6. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
 - (a) Alexandria Archaeological Commission
William H. Tabor
 - (b) Alexandria Budget and Fiscal Affairs Advisory Committee
Steve Abrahamson
 - (c) Historic Alexandria Resources Commission
Scott Rowson
 - (d) Alexandria Social Services Advisory Board
Matthew Livingston

(A copy 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 No. 6 (a-d), 2/24/04, and is incorporated herewith as part of this record by reference.)

7. Uncontested Appointments to Boards, Commissions and Committees:
 - (a) Alexandria Community Criminal Justice Board
1 Citizen Member
 - (b) Alexandria Emergency Medical Services Council
1 Citizen Member
 - (c) Historic Alexandria Resources Commission
1 Representative From the Alexandria Society for the
Preservation of Black Heritage
1 Representative From the Alexandria Archaeological Commission
 - (d) Alexandria Landlord-Tenant Relations Board
1 Resident Member Who Is Neither A Landlord Nor A Tenant
(Homeowner)
1 Landlord or Representative of A Landlord
 - (e) Northern Virginia Juvenile Detention Commission
1 Citizen Member

- (f) Alexandria Park and Recreation Commission
1 Member From Planning District I
- (g) Alexandria Sister Cities Committee
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 No. 7(a-g), 2/24/04, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

- 8. City Council Consideration of the FY 2003 Annual Report from the Park and Recreation Commission.

(A copy of the City Manager's memorandum dated February 18, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 2/24/04, and is incorporated as part of this record by reference.)

- 9. Consideration of a Project Grant Application to the Virginia Commission for the Arts for Funding in the Amount of \$10,000 to Support Local Organizations Art Activities.

(A copy of the City Manager's memorandum dated February 18, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 2/24/04, and is incorporated as part of this record by reference.)

- 10. Consideration of a Grant Application to the Recreational Trail Fund of Virginia Department of Conservation and Recreation for Funding to Support the Installation of Multi-use Trail Signs.

(A copy of the City Manager's memorandum dated February 17, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 2/24/04, and is incorporated as part of this record by reference.)

- 11. Consideration of the Monthly Financial Report for the Period Ending January 31, 2004.

(A copy of the City Manager's memorandum dated February 17, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 2/24/04, and is incorporated as part of this record by reference.)

- 12. Consideration of Authorization of Recommended Capital Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated February 17, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 2/24/04, and is incorporated as part of this record by reference.)

13. Allocation of Funds for Participation in the Regional Pedestrian Safety Program. (This item has been deferred until March 9, 2004.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Gaines and carried unanimously, City Council approved the Consent Calendar.

Vice Mayor Pepper noted for the record that in item #7c, Kathleen Pepper is no relation to her and she would vote for the motion.

The City Manager's recommendations are as follows:

6. City Council received the following resignations with regret: (a) William H. Tabor, Alexandria Archaeological Commission; (b) Steve Abrahamson, Alexandria Budget and Fiscal Affairs Advisory Committee; (c) Scott Rowson, Historic Alexandria Resources Commission; and (d) Matthew Livingston, Alexandria Social Services Advisory Board.
7. City Council: (a) appointed Peter Rutledge as the citizen member to the Alexandria Community Criminal Justice Board; (b) appointed Robert Rapanut as the citizen member to the Alexandria Emergency Medical Services Council; (c) appointed Joan Funn as the representative from the Alexandria Society for the Preservation of Black Heritage and reappointed S. Kathleen Pepper as the representative from the Alexandria Archaeological Commission to the Historic Alexandria Resources Commission; (d) reappointed Fletcher Johnston as the resident member who is neither a landlord nor a tenant homeowner and reappointed Joann Poladian as the landlord or representative of a landlord to the Alexandria Landlord-Tenant Relations Board; (e) appointed Sterling Larnerd as the citizen member to the Northern Virginia Juvenile Detention Commission; (f) reappointed William Conkey as the member from Planning District I to the Alexandria Park and Recreation Commission; and (g) appointed Peggie Dill and David Levite as the citizen members to the Alexandria Sister Cities Committee.
8. City Council received the Annual Report from the Alexandria Park and Recreation Commission and thanked the Commission for its efforts on behalf of the City.
9. City Council authorized the City Manager to (a) submit a project grant application to the Virginia Commission for the Arts for funds in the amount of \$10,000 to support local art organizations' art activities and (b) execute all necessary

documents that may be required.

10. City Council authorized the City Manager to (a) submit a grant application to the Virginia Trails Recreational Fund of the Virginia Department of Conservation and Recreation in the amount of \$32,000 to support the installation of multi-use trail signs; and (b) execute all documents that may be required.
11. City Council received the Monthly Financial Report for the period ending January 31, 2004.
12. 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:

Woodson	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

CONTESTED APPOINTMENTS

14. Alexandria Park and Recreation Commission
1 Member From Planning District II

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

NAME	ENDORSED BY:
Gustav Chiarello	
Ripley Forbes	
Linda Porter	
Allison Silberberg	

(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. 14; 2/24/04, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following result: No one received a majority vote; therefore, there had to be a second balloting. The voting was as follows:

Euille	-	Silberberg
Pepper	-	Silberberg
Gaines	-	Forbes
Krupicka	-	Silberberg
Macdonald	-	Chiarello
Smedberg	-	Forbes
Woodson	-	Forbes

WHEREUPON, ballots were again distributed, tellers were again appointed and the ballots again tallied with the following result: City Council appointed Ripley Forbes as the member from Planning District II to the Alexandria Park and Recreation Commission. The voting was as follows:

Euille	-	Silberberg
Pepper	-	Silberberg
Gaines	-	Forbes
Krupicka	-	Silberberg
Macdonald	-	Forbes
Smedberg	-	Forbes
Woodson	-	Forbes

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

15. Consideration of Recommendations and Status Report on Legislation Introduced at the 2004 General Assembly Session.

(A copy of the City Manager's memorandum dated February 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 2/24/04, and is incorporated as part of this record by reference.)

Legislative Director Caton provided an update on the Legislation introduced in the General Assembly.

16. Update from the Electoral Board on the New Electronic Voting Machines.

Ms. Mary LaMois, chair of the Electoral Board, provided an update on the new electronic voting machines used during the recent Presidential Primary. Also present with Ms. LaMois were Vice Chair Anna Leider and Elections Administrator Eric Spicer.

Councilwoman Woodson asked the City Manager to have included in the next FYI Newsletter information on the statistics, how well it worked, the website information and an 800 number so people have an opportunity to inquire.

17. Update on the Duke Street Concourse. (Staff presentation)

(A copy of the City Manager's memorandum dated February 19, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17, 2/24/04, and is incorporated as part of this record by reference.)

City Engineer Emily Baker and Director of Transportation and Environmental Services Baier provided an update on the Duke Street Concourse.

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Councilman Macdonald said the Woodrow Wilson Bridge Neighborhood Task Force and the Waterfront Committee would like to see the City acquire a permanent easement from VDOT for the land behind Hunting Point, currently being used as a bike trail, so that it has the opportunity in the future to continue the Mt. Vernon bike trail along the edge of the river.

(b) Councilman Macdonald said he is a member of the Alexandria Library Board and a defacto member of the Duncan Foundation, and the Duncan Foundation received \$1 million from a member, and the money is to be used to improve educational resources at the Duncan Library. There was a request to the Foundation to allocate \$40-50,000 to help pay for a green roof to the new addition, and he said the Foundation feels it is not appropriate to do that.

(c) Councilwoman Woodson, as Chair of the Metropolitan Washington Council of Governments Development Policy Committee, reported on the video on Smart Growth. She also noted a project coming out of California called Reality Check, which is a joint project with the Urban Land Institute, and the COG is looking at participating in this next January.

(d) Councilman Gaines said the Citizen Corps Council has been selected and the first meeting will be March 2.

Ms. Boyd read the names of the Citizen Corps Council members.

(e) Councilman Gaines handed out a brochure entitled "Time to Act," by the Washington Metropolitan COG Transportation Planning Board, which brings attention to the need to act with respect to the Capital Region's transportation funding.

(f) Mayor Euille said he represented the U.S. Mayor's Conference last Friday in a panel discussion with the former Secretary of Transportation, Rodney Slater, requesting the Congress and the House to approve the ISTEA 21 Renewal.

(g) Councilman Krupicka said the Washington Metropolitan COG Human Services Committee met last week and he provided a summary of the meeting.

(h) Councilman Krupicka said the Foster Parent Appreciation Gala will be held May 1.

(i) Councilman Krupicka said there will be a very large, national campaign in April that COG is cooperating with that is entirely geared toward promoting adoption programs.

(j) Councilman Krupicka spoke about the Potomac Regional Educational Partnership initiative on teacher recruitment and teacher training in the D.C. area.

(k) Councilman Krupicka said as part of the Human Services mission for COG, they spent time talking about health care in the region and the reduction in focus in basic health care service due to the efforts on emergency preparedness.

(l) Councilman Smedberg said he and Councilman Krupicka will be meeting with staff and officials of INOVA tomorrow to discuss the possible closure of the psychiatric unit at the hospital. He said some members of the community and organizations are planning an event to address some of the issues on the possible closure.

(m) Mayor Euille said the City Manager is prepared to briefly tell them what the process will be for the City to provide some protection for the Hunting Towers/Hunting Terrace complex once the property is sold by VDOT.

City Manager Sunderland said VDOT will sell the property some time after the first of the year. Hunting Towers/Terrace will soon be the focus of a Small Area Plan Study.

(n) Mayor Euille said he represents the City on the WMATA Board of Directors and everything is going well except that it needs more money. The Board is looking at ways to make further budget cuts to the operating expenses - there is between \$5 to \$6 million more it can cut. There will still be a shortfall of \$28-35 million. There will be public hearings to give the public an opportunity to weigh in on rate increases, and the public hearing session at City Hall will be March 15.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Woodson passed out Mardi Gras beads to the Council and staff, as it is Fat Tuesday.

(b) Vice Mayor Pepper said the Planning staff will make a presentation at the community meeting tomorrow at 7:30 at Bishop Ireton on the Second Presbyterian Church site.

City Manager Sunderland explained that on the price of the additional lot, the land was bought for \$5.5 million and there are 10 lots, since the price via the contract is \$550,000, and there are other costs that have been incurred and would go into the \$550,000, but they don't know what it will be. He said Elm Street Development has made it clear that they are not interested in both conveying voluntarily for fair market value a parcel together with donating two of them. He said on what happens if they use their power to take an additional lot, that will affect their interest in donating two lots and the overall transaction. He said there were numerous other bids made and the Church's bid was \$3 million less than the \$5.5 million price, but they couldn't get that bid up to \$5.5 million. There was a person living adjacent to his property in order to keep it open and not build on, but he never indicated a willingness to put any money in.

Vice Mayor Pepper asked that the memo dated February 24, 2004, be part of what is handed out tomorrow evening.

(c) Councilman Smedberg said Congressman Moran held a town meeting last night and the Mirant Plant was a major part of that meeting, and he went over the EPA and State DEQ notices of violations that have been issued.

(d) Councilman Smedberg noted an obituary in the *Washington Post* on former Fairfax County Supervisor and neighborhood activist John Shacochis.

(e) Councilman Gaines noted the article in the *Washington Post* by Marc Fisher entitled, "*One Community Finds Courage Against NIMBY's.*"

(f) Councilman Gaines said there will be a bus trip March 5 to speak in support of the nomination of Judge Dawkins on the Circuit Court.

(g) Councilman Gaines said the Alexandria Fire Department will have its citizen academy April 19, 22 and 24.

(h) Councilman Gaines said his community office hours will be March 8th at Beatley Library at 7:00 p.m.

(i) Councilman Gaines asked when the Isabel "after" action report will be coming.

City Manager Sunderland said it will be a significant report and may be at the end of the month.

(j) Councilman Gaines asked that a note be put on the doors to the Chambers asking that cell phones be turned off or be inaudible and also to have a blurb on the City's website.

(k) Councilman Macdonald thanked Sandra Whitmore for her many years of service to the City.

(l) Councilman Macdonald noted that the Katz Brothers Stereos on Prince Street are closing their shop after 40 years.

(m) Councilman Macdonald said he attended a fundraiser at Skyline Sport and Health to be a sponsor and player with the T.C. Williams girls tennis team.

(n) Councilman Macdonald said he attended the town meeting last night with Councilman Smedberg and one of the things they heard is that apparently the Mirant Plant is one of the back-up power plants for the Pentagon, and he wanted to find out if it was true.

(o) Councilman Macdonald said he has had conversations with the City Manager with regard to the flag policy, where for many years the City has flown both the Red Cross flag and the Irish flags during March. He said it is a good policy and would like to see it continued this year, and the City Manager has declined his request.

City Manager Sunderland said the policy has been in effect since 1992, which says that the Irish flag flies from the Monday before the parade to the Monday after the parade. The flags for the Red Cross go up when the flags for the Irish come down, and the Red Cross flags stay up for the rest of the month. Council can change the policy if it wishes.

Council requested that the flag policy be docketed within the next 30 days with a recommendation from the City Manager, and if there is a sizeable expense, Council should hear about it.

(p) Councilman Krupicka said he attended the Lyceum on Sunday to look at the trains, and the City Attorney has a model train hobby and Mr. Pessoa's display was the best.

ORAL REPORT FROM THE CITY MANAGER

Health Department Director Konigsberg gave a report on the Norovirus.

ORDINANCES AND RESOLUTIONS

None

OTHER

18. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated February 18, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 2/24/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council adopted the schedule of Council's regular City Council meetings for February 2004 through June 2004, with the following additions and changes: Scheduled a work session on the Vision for the City for Saturday, March 20 from 12:00 noon to 4:00 p.m.; selected April 23 at 8:00 a.m. as the date for the breakfast meeting with representatives of INOVA Alexandria Hospital in the Hospital Board Room; received the revised calendar which includes the retirement reception for Department of Recreation, Parks and Cultural Activities Director Sandra Whitmore on March 4 from 3:00 to 5:00 p.m. at the Lee Center; and the "Aging is a Family Affair" event sponsored by the Alexandria Commission on Aging and the Adult Day Services Center on May 19 from 4:00 to 6:00 p.m. at the Lee Center. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

Vice Mayor Pepper noted that for the tour of Alexandria Hospital on April 23, she asked the Commonwealth Attorney Randy Sengel if it was possible for her to attend, and he said that she could attend and listen, but she couldn't lobby anyone and can't vote.

19. DEVELOPMENT SPECIAL USE PERMIT #2003-0036
3 BUZZARDS GAP
PICKETT'S RIDGE

Public Hearing and Consideration of a request for a development special use permit amendment, with site plan and subdivision, for construction of single family dwellings; zoned R-20/Residential. Applicant: Sutton Building Corporation by Duncan W. Blair, Esq., attorney

COMMISSION ACTION: Recommend Approval 4-3

On February 21, 2004, City Council closed the Public Hearing and deferred consideration of this item to its February 24, 2004 Legislative Meeting.

(A copy of the City Manager's memorandum dated February 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 2/24/04, and is incorporated as part of this record by reference.)

(A copy of the Planning Commission report dated February 3, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19; 2/24/04, and is incorporated as part of this record by reference.)

WHEREUPON, a motion was made by Vice Mayor Pepper, seconded by Councilwoman Woodson, to approve the Planning Commission recommendation, with the following amendment:

Add a new condition 13(h): A bond for all existing trees and landscaping designated to be retained, in an amount determined by the Director of Parks, Recreation and Cultural Activities, and for 100% of the cost of trees and landscaping required to be installed, shall be provided and maintained for a period of five years.

In response to a request from Councilwoman Woodson, Deputy Police Chief Corle commented on the potential safety issue and Police presence on the trail.

WHEREUPON, an amendment to the motion was made by Councilman Krupicka, seconded by Councilman Macdonald and carried 4-3, to amend condition No. 9 as follows:

9. (a) A perpetual public access easement and vehicle ingress/egress easement shall be recorded by the applicant for the entire portion of the internal private street. The easement shall provide public vehicular and pedestrian access.

(b)(1) The applicant shall provide a 15-foot wide perpetual public pedestrian access easement running from the private street, starting generally at the common boundary line between Lots 503 and 504, thence running generally south along such common boundary line and west along the southern boundary line of lot 503, and terminating at the southwest corner of Lot 503 on the unopened right-of-way of North Pickett Street.

(2) The retaining wall at the point where such pedestrian easement connects to the private street, and all other site features and improvements, shall be designed and constructed to accommodate such pedestrian easement, to the satisfaction of the Directors of Planning and Zoning, of Transportation and Environmental Services, and of Parks, Recreation and Cultural Activities.

(3) No construction or improvements for public use of the easement area, except for construction necessary to accommodate the pedestrian easement required under Paragraph (b)(2), shall be permitted unless and until approved by City Council, but no amendment to this SUP to authorize such construction or improvements shall be required. Prior to granting any such approval, public hearings on the proposed public use and any construction or improvements therefor shall be conducted by the Park and Recreation Commission, Planning Commission and City Council and also to include input from the Environmental Policy Commission. Notice as provided in Section 11-301 of the Zoning Ordinance shall be given for such hearings.

(4) Signage, to the satisfaction of the Director of Parks, Recreation and Cultural Activities, shall be provided at the trail heads connecting to the public right-of-way of North Pickett Street at the north and at the south of the site, and at the connection to the private street, in the event construction or improvement of the easement for public use is approved by City Council.

(c) A plat showing the easements and all required documentation shall be submitted to the City Attorney, Department of Planning and Zoning and Department of Transportation and Environmental Services with the final site plan submission. The easements shall be approved by the City Attorney and recorded among the land records prior to release of the final site plan to the satisfaction of the City Attorney. Actual notice of the easements shall be provided to the initial purchasers of each lot, and, until such time, if ever, as the signage required by Paragraph (B)(4) is installed, to subsequent purchasers, to the satisfaction of the City Attorney.

The vote on the amendment was as follows:

Krupicka	"aye"	Pepper	"no"
Macdonald	"aye"	Gaines	"aye"
Euille	"no"	Smedberg	"aye"
	Woodson		"no"

The vote on the motion, as amended, carried by a vote of 4-3 and was recorded as follows:

Pepper	"no"	Gaines	"aye"
Woodson	"no"	Krupicka	"aye"
Euille	"no"	Macdonald	"aye"
	Smedberg		"aye"

20. Consideration of Convening An Executive Session Closed to the Public For Discussion of Settlement of Pending Litigation, Pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia*.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, at 10:05 p.m., City Council convened in executive session, pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* for the purpose of consulting with legal counsel and briefing by staff with respect to probable litigation concerning the personal injury claim of Brigitte Guttstadt. The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg		"aye"

THEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, at 10:13 p.m., City Council reconvened the meeting. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, City Council moved to authorize the City Attorney to settle the claim which was the subject of the closed executive session along the lines discussed in the executive session. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

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

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2098

WHEREAS, the Alexandria City Council has this 24th day of February 2004, 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.

ADOPTED: February 24, 2004

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, at 10:15 p.m., the Regular Meeting of February 24, 2004, was adjourned. The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

* * * * *

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC City Clerk

This docket is subject to change.

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Full-text copies of ordinances, resolutions, and agenda items are available in the Office of the City Clerk and Clerk of the Council.

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Individuals with disabilities who require assistance or special arrangements to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 838-4500 (TTY/TDD 838-5056). We request that you provide a 48-hour notice so that the proper arrangements may be made.

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