

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, October 14, 2003 -- 7:00 p.m.

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

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Caton, Legislative Director; Mr. Baier, Director of Transportation and Environmental Services; Mr. Neckel, Director of Finance; Mr. Mandley, Director of General Services; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Gordon, Public Information Officer; Fire Chief Mesaris; Ms. Boyd, Director of Citizen Assistance; Police Chief Samarra; Police Lieutenant Uzzell; Ms. Davis, Director of Housing; Ms. Federico, Director of Historic Alexandria; Dr. Gilmore, Director of Mental Health, Mental Retardation and Substance Abuse; Ms. Niebauer, Human Rights Director; Ms. Smith-Page, Director of Real Estate Assessments; Mr. Culpepper, Deputy Director of Transportation; Mr. Fifer, E-Government Manager; Mr. O'Brien, Director of Library; Dr. Konigsberg, Health Department Director; and Mr. Bedwell, Fiscal Officer, Department of General Services.

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

OPENING

1. & 2. The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all members of City Council were present.

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

3. **WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the minutes of the regular meeting of September 23, 2003, as submitted. The voting was as follows:

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

4. **WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council received the Report of the City Clerk dated October 8, 2003, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4; 10/14/03, and is incorporated as part of this record by reference. The voting was as follows:

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

New Business Item. No. 1: Mayor Euille recognized Episcopal High School students, who had the entire school participate in clean-up and beautification projects throughout the City.

New Business Item. No. 2: Mayor Euille recognized a delegation of officials from Brazil who were visiting the City.

PROCLAMATIONS

5. Presentation of a Proclamation Declaring the Month of October as Domestic Violence Awareness 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, and is incorporated as part of this record by reference.)

Vice Mayor Pepper presented the proclamation.

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

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

6. Presentation of a Proclamation Declaring the Month of October as Disability Employment Awareness 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. 6, and is incorporated as part of this record by reference.)

Councilman Smedberg presented the proclamation.

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

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

7. Presentation of a Proclamation Declaring the Month of October as Breast Cancer Awareness 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. 7, and is incorporated as part of this record by reference.)

Councilwoman Woodson presented the proclamation.

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

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

8. Presentation of a Proclamation Declaring the Month of October as National Arts and Humanities 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. 8, and is incorporated as part of this record by reference.)

Councilman Krupicka presented the proclamation.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (9-17) - (25-27)

9. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
- (a) Alexandria Budget and Fiscal Affairs Advisory Committee
John J. Renner, II
 - (b) Alexandria Building Code Board of Appeals
Anna McCaffery
 - (c) Alexandria Environmental Policy Commission
Richard Williamson
 - (d) Alexandria Historical Restoration and Preservation Commission
Andrew Hackman

(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. 9; 10/14/03, and is incorporated as part of this record by reference.)

10. Uncontested Appointments to Boards, Commissions and Committees:
- (a) Alexandria-Gyumri Sister City Committee
2 Citizen Members
 - (b) Alexandria Archaeological Commission
1 Member From the Alexandria Chamber of Commerce
 - (c) Alexandria Budget and Fiscal Affairs Advisory Committee
1 Citizen Member Designated by Councilman Ludwig P. Gaines
1 Citizen Member Designated by Councilman Paul C. Smedberg
 - (d) Alexandria Building Code Board of Appeals
1 Citizen Member

- (e) Alexandria Commission on HIV/AIDS
 - 1 Designee of the Sheriff
 - 1 Member From and Representing the Alexandria Chapter of the American Red Cross
 - 1 Student Who Currently Attends T. C. Williams High School
 - 1 Citizen-at-Large
- (f) Alexandria Convention and Visitors Association Board of Governors
 - 1 Hotel Owner/Manager Representative
 - The Alexandria Hotel Association President
- (g) District Home Board
 - 1 Alternate
- (h) Alexandria Environmental Policy Commission
 - 1 Student Attending High School in the City
- (i) Historic Alexandria Resources Commission
 - 2 Representatives From Planning District III
- (j) Alexandria Social Services Advisory Board
 - 1 Parent Member
- (k) Alexandria Waterfront Committee
 - 1 Representative From the Alexandria Park and Recreation Commission
- (l) Alexandria Youth Policy Commission
 - 1 Member of a City Board, Commission or Other Organization Having An Interest in Youth Issues
 - 1 Citizen 18 Years of Age or Younger

(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. 10; 10/14/03, and is incorporated as part of this record by reference.)

- 11. Consideration of Submission of Grant Application to the Virginia Department of Fire Programs to Purchase a Rooftop Simulator for Fire Operations Training.

(A copy of the City Manager's memorandum dated September 26, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/14/03, and is incorporated as part of this record by reference.)

- 12. Consideration of Submission of Grant Application to the Virginia Department of Criminal Justice Services for the City's Domestic Violence Intervention Project.

(A copy of the City Manager's memorandum dated September 26, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/14/03, and is incorporated as part of this record by reference.)

13. Receipt of the Proposed Renewal Grant Application for the Law Enforcement Block Grant Program for FY 2004 and Setting it for Public Hearing on Saturday, October 18.

(A copy of the City Manager's memorandum dated September 26, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 10/14/03, and is incorporated as part of this record by reference.)

26. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Approve an Encroachment into the Public Sidewalk Right-Of-Way at 105 South Fairfax Street.

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 and 2 of Item No. 26; 10/14/03, and is incorporated as part of this record by reference.)

27. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Approve an Encroachment into the Public Sidewalk Right-Of-Way at 1104 King Street.

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 and 2 of Item No. 27; 10/14/03, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council approved the Consent Calendar, with the removal of items 14, 15, 16, 17 and 25, and considered them under separate motions. The City Manager's recommendations are as follows:

9. City Council received the following resignations with regret: (a) John J. Renner, II, Alexandria Budget and Fiscal Affairs Advisory Committee; (b) Anna McCaffery, Alexandria Building Code Board of Appeals; (c) Richard Williamson, Alexandria Environmental Policy Commission; and (d) Andrew Hackman, Alexandria Historical Restoration and Preservation Commission.

10. City Council (a) appointed Cynthia Gurne and Nicolas Martin as the 2 citizens members to the Alexandria-Gyumri Sister City Committee; (b) waived the residency requirement and reappointed Mark Fields as the member from the Alexandria Chamber of Commerce to the Alexandria Archaeological Commission; (c) appointed

Paul Friedman as the citizen member designated by Councilman Gaines and Holly Hemphill as the citizen member designated by Councilman Smedberg to the Alexandria Budget and Fiscal Affairs Advisory Committee; (d) reappointed Richard Clausen as the citizen member to the Alexandria Building Code Board of Appeals; (e) waived the residency requirement and reappointed Merry Brinkley as the designee of the Sheriff, appointed Venor Biggs, Jr., as the member from and representing the Alexandria Chapter of the American Red Cross, appointed Meredith Forbes as the student who currently attends T.C. Williams High school, and appointed Ernestina Forte as the citizen-at-large to the Alexandria Commission on HIV/AIDS; (f) waived the residency requirement and appointed John Varghese as the hotel owner/manager representative and waived the residency requirement and appointed MaryAnne Russell as the Alexandria Hotel Association President to the Alexandria Convention and Visitors Association Board of Governors (ACVA); (g) appointed Colby Hatch as the alternate to the District Home Board; (h) appointed Hannah Pocock as the student attending a high school in the City to the Alexandria Environmental Policy Commission; (i) appointed Ross Canton and Patricia Weichmann as the representatives from Planning District II to the Historic Alexandria Resources Commission; (j) waived the residency requirement and appointed Johnnie Saunders as the parent member to the Alexandria Social Services Advisory Board; (k) appointed Henry S. Brooks as the representative from the Alexandria Park and Recreation Commission to the Alexandria Waterfront Committee; and (l) appointed Brian Principato as the citizen 18 years of age or younger to the Alexandria Youth Policy Commission.

11. City Council approved the grant submission to the Virginia Department of Fire Programs and authorized the City Manager to submit the application for State Assistance.

12. City Council approved the submission of the grant application to the Virginia Department of Criminal Justice Services for funding in the amount of \$76,404 for continued funding of the City's Domestic Violence Intervention Project; approved the continuation of one full-time grant-funded Victim-Witness Specialist II position and one part-time grant-funded Law Clerk position, directly supervised by the Office on Women and Commonwealth's Attorney Office, and will terminate upon the expiration of the grant; there are no funds available in the City budget to continue these activities once the grant funds are expired; and authorized the City Manager to execute all documents that may be required.

13. City Council received the grant application and scheduled it for public hearing at its October 18, 2003, public hearing meeting to receive comments on the grant, as required by the U.S. Department of Justice.

26. City Council introduced and passed the Ordinance on first reading; set it for public hearing, second reading and final passage on Saturday, October 18, 2003.

27. City Council introduced and passed the Ordinance on first reading; set it for public hearing, second reading and final passage on Saturday, October 18, 2003.

The voting was as follows:

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

14. Consideration of the Following Emergency Management Grant Requests:

- (a) Consideration of an Application to the Virginia Department of Emergency Management for Funding for the Office of Sheriff and the Fire Department for a Domestic Preparedness Equipment Program Grant (Part I) in the Amount of \$100,586.
- (b) Consideration of an Application to the Virginia Department of Emergency Management for Funding for the Office of Sheriff, the Fire Department and the Police Department for a Domestic Preparedness Equipment Program Grant (Part II) in the amount of \$315,559.
- (c) Consideration of an Application to the Virginia Department of Emergency Management for Funding the Office of the Sheriff, the Fire Department and the Police Department for a U.S. Department of Justice/Office of Domestic Preparedness State Domestic Preparedness Equipment Support Program Grant in the Amount of \$84,439.

(A copy of the City Manager's memorandum dated October 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/14/03, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the submission of the grant application to the Virginia Department of Emergency Management for funding in the amount of \$100,586 for the Office of Domestic Preparedness Equipment Program Grant (part I); approved the submission of the grant application to the Virginia Department of Emergency Management for funding in the amount of \$315,519 for the Office of Domestic Preparedness Equipment Program Grant (part II); approved the submission of the grant application to the Virginia Department of Emergency Management for funding in the amount of \$84,439 for the U.S. Department of Justice/Office of Domestic Preparedness State Domestic Preparedness Equipment Support Program; and authorized the City Manager to execute all documents that may be required. The voting was as follows:

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

15. Consideration of Approval of City Comments Filed on Behalf of the City and Dominion Virginia Power Rate Increase Request at the State Corporation Commission.

(A copy of the City Manager's memorandum dated October 9, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/14/03, and is incorporated as part of this record by reference.)

Director of Citizen Assistance Boyd made a presentation of the report and answered questions of the Mayor and Council.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council confirmed and approved the comments presented at the State Corporation Commission's October 7 public hearing on the 2004 Fuel Factor Proceeding for Dominion Virginia Power on behalf of the City. The voting was as follows:

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

16. Consideration of Approval of Increase in Contract Amount Due to Delay Claim for Mill Road Improvement Project.

(A copy of the City Manager's memorandum dated October 7, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 10/14/03, and is incorporated as part of this record by reference.)

Transportation and Environmental Services Director Baier, Mr. Pitzer, City Attorney Pessoa and City Manager Sunderland answered questions of Council.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council approved the increase of the fixed price contract by \$96,000 to increase the total contract amount from \$2,063,711 to \$2,159,711. The voting was as follows:

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

17. Receipt of Listing of Delinquent Real Estate Taxes and Authorization to Advertise the Listings and Write-off Balances for Less than Twenty Dollars.

(A copy of the City Manager's memorandum dated October 9, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/14/03, and is incorporated as part of this record by reference.)

Assistant City Manager Jinks and Director of Finance Neckel answered questions of Council.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously, City Council received the listings of delinquent local property taxes; authorized that parts of the delinquent real estate tax listing deemed advisable by the Director of Finance and having a balance due of \$1,000 or more, be published in a newspaper having general circulation in the City, and that parts of the real estate tax and personal property tax listings deemed advisable by the Director of Finance be listed on the City of Alexandria web site; and authorized the Director of Finance to write off the uncollected tax balances amounting to less than twenty dollars each for which the Director of Finance has determined that the cost of collecting such balances would exceed the amount recoverable, provided that the Director of Finance shall not include any balance which he has reason to believe the taxpayer has purposely paid less than the amount due and owed. The voting was as follows:

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

CONTESTED APPOINTMENTS

18. Alexandria Affordable Housing Advisory Committee
1 Homeowner in the City

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

NAME	ENDORSED BY:
David Englin	
Susan Harris	

(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. 18; 10/14/03, 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: City Council appointed David Englin as the homeowner in the City representative to the Alexandria Affordable Housing Advisory Committee. The voting was as follows:

Euille	-	Englin
Pepper	-	Englin
Gaines	-	Harris
Krupicka	-	Englin
Macdonald	-	Harris
Smedberg	-	Englin
Woodson	-	Harris

19. Alexandria Commission on Information Technology
2 Citizens-at-Large

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

NAME	ENDORSED BY:
Howard Ducat	
James Gibson, Jr.	
Crystal Rhoads	
Tracy Rookard	
Samaria Sherman	

(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. 19; 10/14/03, 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: City Council appointed Samaria Sherman as the citizen-at-large representative to the Alexandria Commission on Information Technology, and no one received a majority vote for the second appointment, which had to have a second balloting. The voting was as follows:

Euille	-	Ducat, Gibson
Pepper	-	Gibson, Sherman
Gaines	-	Ducat, Sherman
Krupicka	-	Rookard, Sherman
Macdonald	-	Rookard, Sherman
Smedberg	-	Rookard, Sherman
Woodson	-	Rhoads, Sherman

WHEREUPON, ballots were again distributed, tellers were again appointed and the ballots were again tallied with the following result: City Council appointed Tracy Rookard as the citizen-at-large representative to the Alexandria Commission on Information Technology. The voting was as follows:

Euille	-	Rookard
Pepper	-	Gibson
Gaines	-	Ducat
Krupicka	-	Rookard
Macdonald	-	Rookard
Smedberg	-	Rookard
Woodson	-	Ducat

20. Alexandria Consumer Affairs Commission
1 Citizen Member

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

NAME	ENDORSED BY:
Adam Pearlman	
Joseph Wiegand	

(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. 20; 10/14/03, 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: City Council appointed Adam Pearlman as the citizen member to the Alexandria Consumer Affairs Commission. The voting was as follows:

Euille	-	Pearlman
Pepper	-	Wiegand
Gaines	-	Pearlman
Krupicka	-	Pearlman
Macdonald	-	Pearlman
Smedberg	-	Pearlman
Woodson	-	Pearlman

21. Alexandria Potomac Yard Design Advisory Committee
2 Representatives of Residential Neighborhoods

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

NAME	ENDORSED BY:
Susanne Carnell	
Gary Mead	
Maria Wasowski	

(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; 10/14/03, 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: City Council appointed Susanne Carnell and reappointed Maria Wasowski as the two representatives of residential neighborhoods to the Alexandria Potomac Yard Design Advisory Committee. The voting was as follows:

Euille	-	Carnell, Wasowski
Pepper	-	Mead, Wasowski
Gaines	-	Carnell, Wasowski
Krupicka	-	Mead, Wasowski
Macdonald	-	Carnell, Wasowski
Smedberg	-	Mead, Wasowski
Woodson	-	Carnell, Wasowski

22. Alexandria Redevelopment and Housing Authority Board of Commissioners
1 Citizen Member

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

NAME	ENDORSED BY:
Katharine Dixon	
Carlyle Ring, Jr.	

(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; 10/14/03, 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: City Council reappointed Carlyle Ring, Jr., as the citizen member to the Alexandria Redevelopment and Housing Authority Board of Commissioners. The voting was as follows:

Euille	-	Ring
Pepper	-	Ring
Gaines	-	Ring
Krupicka	-	Ring
Macdonald	-	Ring
Smedberg	-	Ring
Woodson	-	Ring

23. Alexandria Youth Policy Commission
1 Member of a City Board, Commission or Other Organization Having
An Interest in Youth Issues

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

NAME	ENDORSED BY:
Jeffrey Braswell	
Kimberly Moore	

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 23; 10/14/03, 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: City Council appointed Kimberly Moore as the member of a City board, commission or other organization having an interest in youth issues to the Alexandria Youth Policy Commission. The voting was as follows:

Euille	-	Moore
Pepper	-	Moore
Gaines	-	Moore
Krupicka	-	Moore
Macdonald	-	Moore
Smedberg	-	Moore
Woodson	-	Moore

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

24. Receipt of the Alexandria Industrial Authority Annual Report for July 1, 2002 through June 30, 2003.

(A copy of the City Manager's memorandum dated October 9, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 10/14/03, 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 received the Alexandria Industrial Development Authority Annual Report for the period July 1, 2002 through June 30, 2003. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Woodson said the Council of Governments Finance Committee heard a presentation by Kerry Donley on the Washington Area Housing Trust Fund and put in a plug for support from the COG member jurisdictions to fund the organization.

(b) Councilwoman Woodson said that as the Chair of the Metropolitan Washington Council of Governments Development Committee, they are working on a forecast of the demographics, where it is going with transportation planning and where it is going with planning. She asked the City Manager to arrange with COG to have a work session and bring the COG staff to the City to talk about the activity centers, what the forecasting models mean, and have the Planning staff available to share with the citizens.

(c) Vice Mayor Pepper said the region has a sister regional arrangement, which is done through the Northern Virginia Regional Commission, and their sister region is Stuttgart. She said members from the Northern Virginia region visited Germany and Germany also visited this area. She said she represented the City at a luncheon when the visitors from Stuttgart visited Alexandria, and she was presented with a book on Stuttgart, which she presented to the Mayor.

(d) Vice Mayor Pepper congratulated the City Manager on having the farewell party for Hurricane Isabel. She said it was a great idea with a nice crowd, and it was highly advertised and it gave the message that the City is open for business.

(e) Vice Mayor Pepper said all members of Council received an e-mail from a firm that is interested in flood walls, which can come up and down, and she asked to have those studied by whatever group is following-up on the flood control issues.

(f) Councilman Krupicka applauded the environmental staff on the backyard compost bin sale that was done in conjunction with Arlington County.

(g) Councilman Krupicka said that two weeks ago, he worked with one of the trash crews for half a day, and the crews do a fantastic job. He said two of the workers had a desire to live in the City and couldn't afford it, and he encouraged Council to think

of ways to further provide opportunities for employees who work hard for the City to also live in the City. He also said he was surprised that so few people in the City recycle.

(h) Councilman Krupicka went over a memo he and Councilman Smedberg prepared on enforcement of special use permits, and the other is developable land opportunities and the impacts of the special use permit projects. He asked staff to come back with a report on how Council can address the issues and include an impact statement with development projects, so it gets a snapshot of the pros and cons of development projects.

Planning Director Fogarty went over the issue.

Mayor Euille suggested this be done in concert with the Planning Commission, and the Council should have a joint work session with the Planning Commission.

Councilman Smedberg said it would be a document that the community, the residents and the business community could look at and give them a short summary to put it into perspective. Not only development but redevelopment issues will be more important for the community at large, and this also applies to those redevelopment issues.

(i) Councilman Macdonald said there was a meeting on what it can do to improve air quality and the impact of the Mirant Power Plant both regionally and locally.

(j) Councilman Macdonald said Alexandria Seaport Day was last weekend and the Alexandria Seaport Foundation had kids building boats on Waterfront Park, and it was interesting to see kids of all groups building boats.

(k) Councilman Macdonald thanked Mr. Culpepper who has been working on the taxicab issue. He thanked the City for working hard with the different tenants and workers associations, taxicab drivers and the industry.

(l) Councilman Macdonald said there is a house on the corner of Royal and Duke Street that's been condemned for a long time, and there is a period after which it needs to take action. He said the house is at risk and he hoped they could take action when appropriate. He said he would send a letter to the City Attorney and City Manager asking for additional information.

Mayor Euille said there have been inquires from neighbors on this property, and he said staff is working on it. He asked staff to give the Council a more current update on where it stands with that property.

(m) Councilman Gaines said the Alexandria Tenant and Workers Support Committee recently received national recognition, as it was one of 17 recipients of the 2003 Ford Foundation Leadership for a Changing World. The award came with a

\$100,000 cash prize and \$15,000 per year over the next two years to support their activities. He said it would be appropriate to recognize them in the future at a Council meeting.

(n) Councilman Gaines said that last Thursday, there was a Campagna Kids After School Lights On program at MacArthur School, which he and other Councilmembers attended. He said an article in *McCalls* that offered a statistic that Alexandria has the largest number of accredited after-school programs in the entire nation.

(o) Councilman Gaines said he mentioned possibly expanding the membership and scope of the responsibilities of the Local Emergency Preparedness Committee. He said he and Councilman Krupicka have met and will have a report and recommendation for Council to consider in the future.

(p) Mayor Euille said he attended a banquet in Washington that was sponsored by the Washington Women's Foundation, and two organizations were honored. One was the Tenant and Workers Support Committee for their day care/child providers initiative, and the other was Computer Corp, for their work in providing computer training for poor and disadvantaged citizens.

(q) Councilman Smedberg said beginning this Thursday, he will have an intern from T.C. Williams High School working with him.

REPORT FROM CITY MANAGER

City Manager Sunderland reported on: (a) the four-month project going on at Union Station, which will be done before Christmas; (b) the City had an exhibit at the Smithsonian Institution in connection with the Folk Life Festival, and 275,000 people saw the exhibit; (c) November 1 through the end of December will be free parking at meters and in the parking garage at City Hall after 5:00 p.m., and all day Saturday and Sunday; (d) he introduced Bruce Johnson, the new director of Office of Management and Budget; and (e) it will have an annual report at the end of the month, and the quarterly newsletter will go out the first or second week of November.

Transportation and Environmental Services Division Chief Maslanka gave an update and status report on the Transportation Management Program. Transportation and Environmental Services Director Baier said he would follow-up with a detailed memo.

ORDINANCES AND RESOLUTIONS

25. Consideration of a Resolution Supporting the Extension of the Federal Assault Weapons Ban.

(A copy of the City Attorney's memorandum dated October 10, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 10/14/03, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council adopted a resolution supporting the extension of the Federal Assault Weapons Ban. The voting was as follows:

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

The resolution finally passed reads as follows:

RES. NO. 2082

WHEREAS, the availability of military assault weapons has enabled violent criminals to commit countless devastating crimes, including schoolyard massacres, bank robberies, serial sniper attacks, police ambushes and innumerable other acts of gun violence that threaten the peace of our communities, the safety and security of our citizens and the lives of our law enforcement personnel; and

WHEREAS, Congress passed the federal assault weapons ban, as part of the Violent Crime Control and Law Enforcement Act of 1994; and

WHEREAS, the federal assault weapons ban prohibits the manufacture or importation for civilian use of 19 specific military assault weapons, such as semiautomatic versions of the AK-47, UZI and similar high ammunition capacity firearms designed to be shot from the hip and spray bullets at the criminal's intended victims; and

WHEREAS, the federal assault weapons ban also prohibits the manufacture or importation for civilian use of "copycat" weapons with grenade launchers, bayonet mounts and additional features that have a military purpose but no legitimate civilian value, as well as the domestic manufacture, but not the importation, of high capacity ammunition magazines; and

WHEREAS, the ban does not apply to firearms designed for hunting or other legitimate sporting uses, and does not prohibit the legitimate ownership or resale of assault weapons produced prior to the ban; and

WHEREAS, in the years immediately following the ban's enactment, the percentage of gun crimes committed with assault weapons fell by more than 50 percent; and

WHEREAS, under current law, the federal assault weapons ban will expire or "sunset" on September 13, 2004; and

WHEREAS, the Assault Weapons Ban Reauthorization Act of 2003 (S. 1034) would strike the sunset date from the 1994 law, reauthorizing the ban indefinitely and guaranteeing that all of the guns banned under the law would remain out of production; and

WHEREAS, The Assault Weapons Ban Reauthorization Act of 2003 (S. 1034) would also ban the importation, as well as domestic manufacture, of ammunition magazines that can accept more than 10 rounds of ammunition and close the loophole that has allowed such ammunition magazines to come into this country; and

WHEREAS, the President, George W. Bush, New York Mayor Michael R. Bloomberg, Chicago Mayor Richard M. Daley, other local, state and national leaders, numerous law enforcement organizations, and other organizations concerned with community and school safety, have indicated support for renewal of the federal assault weapons ban;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alexandria, Virginia, does hereby support the enactment of S. 1034, The Assault Weapons Ban Reauthorization Act of 2003; and

BE IT FURTHER RESOLVED that the Mayor of the City be, and he hereby is, requested and authorized to communicate such support to the City's congressional delegation.

28. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Supplement 71 to the City Code.
[ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 10/14/03, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council introduced and passed the Ordinance on First and Second Readings. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORD. NO. 4315

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 71," are hereby adopted as and shall constitute "The Seventy-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-First Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 18, 2003, through June 14, 2003, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after May 18, 2003, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 18, 2003, through June 14, 2003, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-First Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

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

supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

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

29. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Supplement 33 to the City of Alexandria Zoning Ordinance.

[ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 10/14/03, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council introduced and passed the Ordinance on First and Second Readings. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORD. NO. 4316

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. 33," are hereby adopted as and shall constitute "The Thirty-Third 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 Thirty-Third 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 February 11, 2003 and June 10, 2003, 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 February 11, 2003 and June 10, 2003, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 10, 2003.

Section 4. That one complete set of pages comprising "The Thirty-Third 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.

OTHER

30. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum, dated October 9, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 10/14/03, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council adopted the schedule of Council's regular City Council meetings for October 2003 through June 2003, with the following additions and changes: note the change on the calendar that the Saturday, December 13 public hearing is moved to Tuesday, December 16; change the Wednesday, March 17 work session on the budget to Tuesday, March 16 and the Wednesday, March 31 meeting to Tuesday, March 30; and added a work session with the Alexandria Convention and Visitors Association Board during the Council's legislative meeting on October 28.

Councilwoman Woodson noted that she would not be present for the Monday, December 8 meeting.

The voting was as follows:

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

EXECUTIVE SESSION

31. Consideration of convening an executive session closed to the public for discussion of the acquisition of real property for a public purpose, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, and for the discussion of pending litigation, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Smedberg and carried unanimously, at 9:30 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 litigation pending in the Alexandria Circuit Court concerning the business personal property tax assessment of the J.C. Penney Store formerly at Landmark and concerning the personal injury claim of Catherine Keefe, and pursuant to Section 2.2-3711(A)(3) of the *Code of Virginia* for the purpose of discussing the acquisition of real property for a public purpose. The voting was as follows:

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

THEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, at 10:10 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 Gaines and carried unanimously, City Council moved to authorize the City Attorney to settle the litigation that was the subject of the closed executive session along the lines discussed in the session. The voting was as follows:

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

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg 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"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

The resolution reads as follows:

RES. NO. 2083

WHEREAS, the Alexandria City Council has this 14th day of October 2003, 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 Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, at 10:11 p.m., the Regular Meeting of October 14, 2003, was adjourned. The voting was as follows:

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

* * * * *

The meeting adjourned at 10:11 p.m.

* * * * *

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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