

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting

Tuesday, November 11, 2003 - - 7:00 p.m.

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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. Niebauer, Human Rights Director; Ms. Smith-Page, Director of Real Estate Assessments; Mr. Culpepper, Deputy Director of Transportation and Environmental Services; Mr. Howard, Director of Personnel Services and Mr. Bedwell, Fiscal Officer, Department of General Services.

Recorded by: Ms. Gloria Sitton, Deputy City Clerk and Clerk of Council.

New Business Item No. 1 Council met at 6:45 p.m. to appoint Justin M. Wilson to the Alexandria Transit Company Board of Directors for the unexpired term of Ludwig P. Gaines.

OPENING

1. Calling the Roll.

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

New Business Item No.2 Mayor Euille recognized Veterans' Day and asked everyone to remember those who had served in the past and those serving in the present in our military service. Mayor Euille also asked that Harry Fleming, who recently past away, be remembered for his service to the City of Alexandria.

2. Moment of Silence and Pledge of Allegiance.

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

3. **WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council approved the minutes of the public hearing meeting of October 18, 2003 and the regular meeting of October 28, 2003, as submitted. The voting was as follows:

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

RECOGNITION OF YOUTH

City Council recognized Ms. Branigan's Fourth Grade Social Studies Class from Mount Vernon Elementary School, who performed a skit for Council.

PROCLAMATIONS

4. Presentation by the Senior Services of Alexandria of its Calendar for 2004.

City Council received the Senior Services of Alexandria Calendar.

5. Presentation of a Proclamation Declaring November 2003, as National Adoption 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.)

Councilman Gaines presented the proclamation.

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

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

6. Presentation of a Proclamation Declaring November 2003, as Family Involvement 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 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"	

7. Presentation of a Proclamation Declaring November 27, 2003, as Potomac West Turkey Trot 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. 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 Week of November 17-21, 2003, as Gifts In Kind International Week.

(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 Smedberg presented the proclamation.

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

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

9. Presentation of a Proclamation Declaring November 20, 2003, as Feed America Thursday.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 9 and is incorporated as part of this record by reference.)

Councilman Macdonald presented the proclamation.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (10-12)

(Resignations and Uncontested Appointments)

10. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
- (a) Alexandria-Caen Exchange Committee
Ross Canton
 - (b) Alexandria Community Policy and Management Team
Carol Moore
 - (c) Alexandria Human Rights Commission
Justine M. Rowe

(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 nos. 10(a-c); 11/11/03, and is incorporated as part of this record by reference.)

11. Uncontested Appointments to Boards, Commissions and Committees:
- (a) Alexandria-Caen Exchange Committee
1 Representative From the Arts With Expertise In Theatre
 - (b) Alexandria Budget and Fiscal Affairs Advisory Committee
1 Member Designated by the Alexandria School Board
 - (c) Alexandria Commission on Aging
3 Citizen Members (Two of Whom Must Be 60 Years of Age or Older)
 - (d) Alexandria Commission on Employment
1 Business Representative From Among Recognized Area Businesses, Including Minority-Owned and Small Businesses
 - (e) Alexandria Community Criminal Justice Board
2 Citizen Members
 - (f) Alexandria Public Health Advisory Commission
1 Health Professional Member
1 Non-Health Professional Member
 - (g) Alexandria Public Records Advisory Commission
1 Citizen Member
 - (h) Alexandria Transportation Safety Commission
1 Member From the Alexandria Traffic and Parking Board
 - (i) Alexandria Youth Policy Commission
1 Representative of A Community Non-Profit Agency Having An Interest In Youth Issues
1 Representative From the Business Community

(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. 11; 11/11/03, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

12. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Make a Supplemental Appropriation of Funds for the Operation of City Government in Fiscal Year 2004.

(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. 12;

11/11/03, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the Consent Calendar. The City Manager's recommendations are as follows:

10. City Council received the following resignations with regret: (a) Ross Canton from the Alexandria-Caen Exchange Committee; (b) Carol Moore from the Alexandria Community Policy and Management Team; and (c) Justine M. Rowe from the Alexandria Human Rights Commission.

11. City Council (a) appointed Nicholas Martin as the one representative from the arts with expertise in theatre to the Alexandria-Caen Exchange Committee; (b) appointed Tracy Rickett as the one member designated by the Alexandria School Board to the Alexandria Budget and Fiscal Affairs Advisory Committee; (c) reappointed Susan Dawson, David Horne (60 years of age or older), Helen McMaster (60 years of age or older) as the 3 citizen members (two of whom must be 60 years of age or older) to the Alexandria Commission on Aging; (d) waived the residency requirement and appointed MaryAlice Butler-Johnson as the one business representative from among recognized area businesses, including minority-owned and small businesses to the Alexandria Commission on Employment; (e) appointed Kathleen Deal and waived the residency requirement and appointed Jack Kitaeff as two citizen members serving two-year terms to the Alexandria Community Criminal Justice Board; (f) reappointed Rika Maeshiro to a two-year term as the one health professional member and appointed James Krustapentus as the one non-health professional member to the Alexandria Public Health Advisory Commission; (g) appointed Mark St. Mary to a two year-term as the one citizen member of the Alexandria Public Records Advisory Commission; (h) appointed Amy Slack to a two-year term as the one member from the Alexandria Traffic and Parking Board to the Alexandria Transportation Safety Commission; and (i) reappointed Nancy McCormick to a three-year term as the one representative of a community non-profit agency having an interest in youth issues and appointed Lisa Lombard as the one representative from the business community to the Alexandria Youth Policy Commission.

14. City Council introduced and passed the ordinance on first reading; set it for public hearing, second reading and final passage on Saturday, November 15, 2003.

The voting was as follows:

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

CONTESTED APPOINTMENTS

13. Alexandria Potomac Yard Design Advisory Committee
1 Representative From the Business Community

(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. 13; 11/11/03, 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 Patrick Butler to a two-year term as the one representative from the business community to the Alexandria Potomac Yard Design Advisory Committee. The voting was as follows:

Euille	-	Butler
Pepper	-	Welsh
Gaines	-	Butler
Krupicka	-	Welsh
Macdonald	-	Butler
Smedberg	-	Welsh
Woodson	-	Butler

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

14. Consideration of a Reciprocal Agreement Between the City of Alexandria and the County of Fairfax Regarding Police Escorts and Motor Vehicle Processions.

(A copy of the City Manager's memorandum dated November 5, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 11/11/03, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Gaines and carried unanimously, City Council approved the proposed reciprocal agreement, authorizing members of the City of Alexandria and the County of Fairfax Police Departments to exercise police authority in the other's jurisdiction while in the performance of their duties when escorting vehicles or processions. The voting was as follows:

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

15. Consideration of Termination of the Blighting Influences Program.

(A copy of the City Manager's memorandum dated November 5, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15;

11/11/03, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Woodson and carried unanimously, City Council (1) approved the removal of the following two properties from the currently approved list of Blighting Influences: 2930 Hickory Street and 622 1/2 North Alfred Street; (2) authorized staff to remove the remaining six properties from the Blighting Influences List upon completion of their rehabilitation; (3) approved the termination of the Blighting Influences Program once the remaining six properties are removed from the Blighting Influences List; and (4) in preparation for the termination, add no more properties to the Blighting Influences List, but treat all properties that otherwise would have been added to the list as potential candidates for the Spot Blight Program. The voting was as follows.

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

16. Update on the Duke Street Concourse.

City Council received an update on the Patent and Trademark Office (PTO) construction and Duke Street Concourse, including an explanation of the mitigation package presented to the developer, changing traffic patterns on Duke Street, and certificates of occupancy.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, this item was docketed for a future meeting relating to issuance of the Certificates of Occupancy at the PTO complex as it relates to the pedestrian concourse. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

None.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Woodson said that there would be a series of upcoming

events to commemorate the 250th anniversary of the French and Indian War. She said Alexandria's involvement in the commemoration would have a tremendous impact on the tourism in the city and she would continue to be involved in the planning process for the commemoration events.

(b) Councilwoman Woodson said that the *Washington Post* ran an article that ranked Alexandria as the 26th most expensive community for a four bedroom, two-car garage home in the country and she noted that particular type of home is expensive in the Alexandria because there are not many available but not a correct reflection of the real estate market in Alexandria.

(c) Vice Mayor Pepper congratulated five recipients of awards from the Animal Welfare League of Alexandria.

(d) Vice Mayor Pepper noted that Council received the Annual Report from the City Manager and stated that the report will analyze how Council was progressing toward the goals set at the Council Retreat.

(e) Vice Mayor Pepper congratulated Samuel Tucker Elementary School for receiving the Dispelling the Myth Award from the Education Trust for scoring high on its achievement test with low-to-moderate income students.

(f) Councilman Smedberg thanked City Manager Sunderland for his report on the Mirant Plant and said that he was pleased with the steps that the City staff was taking to correct the problem and not politicizing the issue.

(g) Councilman Smedberg reported that he and Councilman Krupicka were meeting with representatives of Alexandria INOVA Hospital about the potential closing of the psychiatric unit at the hospital.

Mayor Euille asked the status of the joint breakfast meeting with INOVA administration and City Council. In response, Assistant City Manager Evans stated that the meeting would be scheduled after the series of the meetings concluded.

(h) Councilman Krupicka stated that Alexandria City Government had joined the Green Building Program to address the City's use of energy and energy conservation. He reported that General Services had appointed two staff members to the Green Building Council to learn the practices for sustainable green buildings.

(i) Councilman Krupicka reported that the Youth Services Commission had its retreat and had an excellent strategic discussion to help the youth in our community move forward in a positive way.

(j) Councilman Krupicka recognized Mayor Euille for receiving an award for service to the community from the Harris Masonic Lodge.

(k) Councilman Krupicka noted that he had received a number of concerns from citizens about bus shelters in disrepair throughout the city. Councilman Krupicka requested that the staff find some alternatives to get some of the key shelters repaired, particularly during the upcoming winter months.

Mayor Euille stated that the shelter issue was a system-wide concern and there are ongoing discussions relative to bus shelters throughout the entire system and to study the safety and durability of the shelters. Mayor Euille said he would make sure the operations status report of WMATA be provided to the members of City Council for the next meeting.

(l) Vice Mayor Pepper stated for the record that she recused herself from the discussion of Alexandria INOVA Hospital Psychiatric Ward because her husband is an employee of the hospital.

(m) Councilman Gaines thanked Council and the citizens of Alexandria for their attendance at the rally for Judge Nolan Dawkins at the Courthouse and for the message of judicial fairness and local sovereignty sent to public. Councilman Gaines stated that a grassroots campaign would continue on these issues.

(n) Councilman Gaines recognized Veterans' Day and stated that he attended two events in honor of Veterans' Day at the Everly-Wheatley Funeral Home and a Veterans' Day Program at the Black History Resource Center.

(o) Councilman Gaines reported that he and his wife participated in a clean up in Holmes Run Park and pointed out there was not a lot of litter there because students from Episcopal High School had already cleaned the park the prior week.

(p) Councilman Gaines announced that he would be holding community office hours at Beatley Library, November 18, for citizens.

(q) Councilman Gaines bid a fond farewell to Roland and Carmen Gonzales who moved to Texas and thanked them for their work in the Alexandria community.

(r) Councilman Macdonald acknowledged Veterans' Day and mentioned the upcoming Freedmen's Cemetery.

(s) Councilman Macdonald thanked the City Manager and City staff for all their hard work on last week's Council retreat. Councilman Macdonald noted that citizens would have a chance to review the comments of the retreat and see the vision that Council has for Alexandria.

(t) Councilman Macdonald mentioned the newest edition of FYI Alexandria, a newsletter about the happenings in the City and City government.

(u) Councilman Macdonald thanked the City Manager for the information on

the Mirant Plant.

(v) Councilman Macdonald mentioned energy conservation and how he was proud that the City was involved in the working to save energy and money.

(w) Mayor Euille thanked everyone for the Council retreat and that the dialogue would continue and citizens would be allowed to participate in the near future.

(x) Mayor Euille reported that City Manager Sunderland, Finance Director Neckel, Assistant City Manager Jinks, Budget Director Johnson, and Budget Analyst Coleman and he visited rating agencies in New York City to promote and market Alexandria and its financial situation to maintain its AAA bond rating. Mayor Euille said he felt confident that Alexandria would maintain its current rating.

(y) Mayor Euille reported that on November 28, 2003, there will be the Christmas Tree Lighting on Market Square and he encouraged everyone to join in the festivities.

ORAL REPORT BY THE CITY MANAGER

The City Manager reported: (a) the success of the Council retreat and thanked all the staff members who made the retreat a success; (b) he commended the Mayor on a job well done in New York at the bond agencies and thanked Assistant City Manager Jinks for organizing the trip for the participants; (c) reported that the City raised \$127,000 from the Breast Cancer Walk and thanked the Office on Women and all the participants; (d) the Alexandria Titans Youth Football League had four teams in the Fairfax County finals, with three teams winning titles; (e) the Halloween Splash Party at Chinquapin Park Recreation Center was a success with 275 children attending; (f) Transportation and Environmental Services (T&ES) has been going to the schools talking with the students about recycling; and (g) *FYI Alexandria* will be mailed later this week and will be posted on the website along with the Annual Report, as well as with distribution to the boards and commissions and other civic organizations.

WORK SESSION

17. Discussion of Standards and Procedures for Council Consideration of Board of Architectural Review Appeals.

Planning and Zoning Staff made a presentation on the standards and procedures for Council consideration of Board of Architectural Review Appeals.

ORDINANCES AND RESOLUTIONS

18. Consideration of a Resolution on the U.S.A. Patriot Act. (**ROLL-CALL VOTE**)

(A copy of the City Manager's memorandum dated November 6, 2003, is on file

in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 11/11/03, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Krupicka and carried by a roll call vote of 5-2, City Council adopted the resolution on the U.S.A. Patriot Act with the deletion of item (c) authorize the indefinite detention of citizens and non-citizens in solitary confinement as "material witnesses," without counsel, and without a right to be heard. The voting was as follows:

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

The resolution that finally passed reads as follows:

RESOLUTION NO. 2088

WHEREAS, the Alexandria City Council is committed to upholding the United States Constitution and its Bill of Rights;

WHEREAS, the City of Alexandria has a long history of working to obtain and preserve the civil rights and liberties of its residents;

WHEREAS, the City has a diverse and multi-ethnic population, and everyday embraces the richness of community that includes immigrants, whose contributions to the City are vital to its economy, culture and civic character;

WHEREAS, the City has among its residents many who were affected directly, and many more who were affected indirectly, by the tragic events of September 11, 2001, both in New York City and at the Pentagon only a short distance from this Chamber as well as in Somerset County, Pennsylvania;

WHEREAS, this nation's need to respond to those terrible events, and to protect itself from future acts of terrorism, does not diminish the commitment of the City or of its residents, regardless of their personal circumstances, to the Constitutional rights and liberties that are the precious entitlement of all;

WHEREAS, the Alexandria City Council believes there is no inherent conflict between national security and the preservation of liberty -- that Americans can be both safe and free;

WHEREAS, the Alexandria City Council is proud of the cooperative work among federal, state and local law enforcement officials to protect the safety of Alexandrians;

WHEREAS, federal, state and local government actions designed to protect the

public from terrorist attacks, such as those that occurred on September 11, 2001, must be taken in a rational and deliberative fashion to ensure that any new security measure intended to enhance public safety does not impair constitutional rights or infringe on civil liberties;

WHEREAS, federal laws, regulations, policies, and practices adopted since September 11, 2001, including provisions of Public Law 107-56 (the UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM or "USA PATRIOT" Act), and related Executive Orders, regulations and actions:

(a) authorize the indefinite incarceration of non-citizens to solitary confinement, based upon mere suspicion, without being charged with any crime, without counsel, and without a right to be heard;

(b) authorize the indefinite incarceration of citizens designated by the President based upon unspecified standards as "enemy combatants" to solitary confinement, without being charged with a crime, without counsel, and without a right to be heard;

(c) limit the traditional authority of the federal courts to curb law enforcement abuses including electronic surveillance;

(d) limit judicial oversight of federal "sneak and peek" searches and eliminate timely notice to the person who is the subject of the search that his or her property has been searched;

(e) grant broad governmental access to personal medical, financial, library, and educational records without judicial oversight;

(f) inhibit free speech and free association by defining any person or group as a terrorist, or an act as terrorism, without articulating the basis for the characterization or giving the person or group so characterized a right to be heard;

(g) encourage local and state law enforcement personnel to enforce federal immigration laws, and to use those laws as a pretext for detention of, and denial of due process to, persons who are not reasonably suspected of criminal behavior;

(h) permit government surveillance of public meetings, including religious services, Internet chat rooms, holiday gatherings, and political rallies without judicial oversight;

WHEREAS, draft federal legislation, known as the Domestic Security Enhancement Act ("DSEA" or "Patriot II"), contains many new and sweeping provisions that further expand government surveillance authority, increase government secrecy, reduce governmental accountability, erode the separation of powers essential for Constitutional checks and balances, and diminish the right of all persons to the due

process of law guaranteed by the Constitution;

THEREFORE, BE IT RESOLVED, that the Alexandria City Council:

1. AFFIRMS its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties;

2. AFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin;

3. DIRECTS the Police Department of the City of Alexandria to ensure that it protects the constitutional rights of Alexandria residents, that it maintains a relationship of trust with those it is sworn to serve and protect, and that it continues to abide by the Alexandria Police Department directives that prohibit racial profiling or collecting information not reasonably related to suspicion of criminal behavior;

4. DIRECTS public libraries in the City to promote unfettered access to information, which is the collective heritage of humanity and which is a fundamental human right, and to protect freedom of inquiry, universally recognized as a driving force for the progression of civilization itself, by:

(a) posting this notice to library users "WARNING: Under Section 215 of the federal "USA PATRIOT" Act (Public Law 107-56), records of the books and other materials you borrow may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been requested or obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, U.S. Department of Justice, Washington, DC 20530; "

(b) ensuring there is regular destruction of records that identify a book borrower after the book is returned, or that identify the name of an Internet user after use;

5. RECOMMENDS that local businesses and institutions in the City, and in particular booksellers, notify consumers that purchase records are subject to disclosure to federal law enforcement agencies;

6. DIRECTS the City Manager to ensure that, to the extent legally possible, no City resources -- including law enforcement funds and educational administrative resources -- may be used for unconstitutional activities, including but not limited to monitoring the exercise by political or religious groups of their First Amendment rights of expression, association, assembly or petition, or obtaining library, bookstore or website activity records without proper authorization and without notice to the subjects of the records;

7. DIRECTS the Clerk of Council to:

(a) send a copy of this Resolution to Governor Warner with a letter urging him to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on personal rights, liberties and due process; and

(b) send a copy of this Resolution to Senators Warner and Allen, and Congressman Moran, accompanied by a letter asking that the resolution be read into the record, on the floor, and urging Congress to assess the impact of the "USA PATRIOT" Act and federal anti-terrorism efforts; to work to repeal provisions of the "USA PATRIOT" Act and other laws, regulations, policies and practices that infringe on personal rights, liberties and due process; and to ensure that no provision of the "USA PATRIOT" Act originally intended to expire remains in effect past its sunset date.

AND BE IT FURTHER RESOLVED, that the provisions of this Resolution shall be severable, and that if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitutions of the United States or of the Commonwealth of Virginia, the validity of the remainder of this Resolution shall not be affected thereby.

ADOPTED: November 11, 2003

19. Consideration of a Resolution Reaffirming the City's Policy in Support of Taxation of All Real and Personal Property, Including That of Not For Profit Owners.

(A copy of the City Manager's memorandum, dated November 6, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit 1 of Item No. 19; 11/11/03, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously, City Council set a public hearing for January 24, 2004 for the resolution reaffirming the City's policy in support of taxation of all real and personal property, including that of not for profit owners. The voting was as follows:

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

OTHER

20. Consideration of City Council Schedule

Councilwoman Woodson suggested one of the work session be changed to allow Council to have a reception and special presentation with the Buffalo Soldiers to celebrate Black History Month.

Councilman Smedberg noted that he would be out of town November 15, 2003, and he requested that after Council have the public hearing on Quaker Ridge, it defer adoption until the November 25, 2003 meeting so he could have an opportunity to review the tapes and the minutes. Council agreed to the request.

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the schedule of Council's regular City Council meetings for November 2003 through June 2003, with the following additions and changes: (1) schedule of the annual breakfast work session with Congressman James Moran to discuss federal legislative items for January 9, 2003 with January 12, 2004 as the alternate date; (2) schedule a work session with the Planning Commission at 6:00 p.m. before Council's January 27, 2004 legislative meeting; (3) schedule a work session with the City's Transportation Plan and Program at 6:00 p.m. before Council's February 24 legislative meeting; (4) schedule a work session with the Public Health Advisory Commission at 6:00 p.m. before Council's March 9 legislative meeting; and to receive the revised schedule which includes the Walk to School Day 2003 Celebration on Friday, November 14, at Cora Kelly Elementary School, kickoff at 7:30 a.m.; the Mentor Foster Home Open House/Ribbon Cutting on Tuesday, November 18 at 6:00 p.m. at 716 North Columbus Street; the Alexandria Adoption Saturday Celebration on Saturday, November 22 from 11:00 a.m. to 1:00 p.m. at the Alexandria Circuit Court, 520 King Street; and the City's 10th Annual Homeownership Fair on Saturday, April 3 from 9:30 a.m. to 1:00 p.m. at T.C. Williams High School, 3330 King Street. The voting was as follows:

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

The meeting was adjourned at 9:57 p.m.

APPROVED BY:

WILLIAM D EUILLE MAYOR

ATTEST:

Gloria A. Sitton Deputy 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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Individuals who require translation services to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 703-838-4500. We request that you provide a 48-hour notice so that the proper arrangements may be made.