

CITY COUNCIL OF ALEXANDRIA, VIRGINIA**Regular Meeting****Tuesday, October 13, 2009 - - 7:00 p.m.**

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia Hughes, K. Rob Krupicka, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Gates, Assistant City Manager; Mr. Caton, Legislative Director; Mr. Castrilli, Communications Director, City Manager's Office; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Mr. Cochran, Division Chief, Office of Housing; Ms. Niebauer, Director, Office of Human Rights; Ms. Triggs, Director, Finance Office; Ms. Collins, Assistant City Manager/Director, Human Services; Mr. Baier, Director, Transportation and Environmental Services; Ms. Salva, Transportation and Environmental Services; Ms. Boyd, Director, Citizen Assistance; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Mr. Johnson, Chief Financial Officer; Mr. Eisinger, Office of Management and Budget; Ms. Beeton, Division Chief, Planning and Zoning; Mr. Moritz, Deputy Director, Planning and Zoning; Police Captain Gibson; and Mr. Lloyd.

Recorded by: Jacqueline 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 the members of 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. Reading and Acting Upon the Minutes of the Following Meeting of City Council:

(a) The Regular Meeting Minutes of September 22, 2009.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council approved the regular meeting minutes of September 22, 2009. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

None.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (4-14)

(Resignations and Uncontested Appointments)

4. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
 - (a) Affordable Housing Advisory Council
Marilyn Patterson
 - (b) Board of Zoning Appeals
Stephen Hubbard
 - (c) Commission on Persons with Disabilities
Debbie Knott
 - (d) Commission for Women
Deborah Connor
 - (e) Social Services Advisory Board
Marcus Banks

(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. 4 (a-e); 10/13/09, and is incorporated as part of this record by reference.)

5. Uncontested Appointments to Boards, Commissions and Committees:
- (a) Alexandria Transportation Commission
1 Member From the Planning Commission
 - (b) Budget and Fiscal Affairs Advisory Committee
1 Member Designated by the Alexandria School Board
 - (c) Citizen Corps Council
1 Citizen Designated by the Alexandria School Board
1 Representative of the Alexandria Chapter of the American Red Cross
 - (d) Commission on Aging
1 Commission for Women Representative
 - (e) Commission on Employment
1 Business Representative From Among Recognized Area Businesses Including Minority-Owned and Small Businesses
 - (f) Environmental Policy Commission
2 Members From the Field of Environmental Sciences (e.g., Environmental/Sanitary Engineering, Ecology, Geology, Botany, Hydrology, Chemistry) or Who Have Alexandria Waterfront Expertise
 - (g) Historic Alexandria Resources Commission
1 Member at Large From Planning District II
 - (h) Local Emergency Planning Committee
1 Representative of a Community Group
 - (i) Public Health Advisory Commission
1 Representative of the Alexandria Community Services Board
 - (j) Redevelopment and Housing Authority
2 Citizen Members
 - (k) Youth Policy Committee
1 Citizen 18-Years of Age or Younger
1 Member of City Boards, Commissions or Other Organization Having an Interest in Youth Issues

(A copy of 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. 5 (a-k); 10/13/09, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

6. Consideration of Assistance to Firefighters Grant Program, Fire Prevention and Safety Grants to the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA)

(A copy of the City Manager's memorandum dated October 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 10/13/09, and is incorporated as part of this record by reference.)

7. Consideration of a Request to Modify the Membership of the Alexandria Environmental Policy Commission.

(A copy of the City Manager's memorandum dated October 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/13/09, and is incorporated as part of this record by reference.)

8. Receipt of Annual Committee Attendance Report for Fiscal Year 2009.

(A copy of the City Manager's memorandum dated September 28, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/13/09, and is incorporated as part of this record by reference.)

9. Consideration of Allocation of Funds from the FY 2010 Contingent Reserves to the Office of Historic Alexandria for Archaeological Research at Fort Ward Park.

(A copy of the City Manager's memorandum dated October 5, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/13/09, and is incorporated as part of this record by reference.)

10. Consideration of Acceptance of the Donation of a Surveillance Vehicle to the Police Department.

(A copy of the City Manager's memorandum dated October 5, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/13/09, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

11. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Establish a Late Payment Fee For Food Establishments and Vending Machine Operators That Are More Than 14 days Late in Paying Their Annual Permit fees.

(A copy of the City Manager's memorandum dated October 1, 2009, is on file in

the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 11; 10/13/09, and is incorporated as part of this record by reference.

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. 2 of Item No. 11; 10/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11; 10/13/09 and is incorporated as part of this record by reference.)

12. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend and Reordain Section 3-2-52 (Assessment of Fee For Courthouse and Jail) of the Alexandria City Code.

(A copy of the City Manager's memorandum dated September 25, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 12; 10/13/09, and is incorporated as part of this record by reference.

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. 2 of Item No. 12; 10/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 10/13/09 and is incorporated as part of this record by reference.)

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Massage Regulations and to Allow Council to Establish Permit Application Fees and Plan Review Fees By Resolution.

(A copy of the City Manager's memorandum dated October 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 13; 10/13/09, and is incorporated as part of this record by reference.

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. 2 of Item No. 13; 10/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 10/13/09 and is incorporated as part of this record by reference.)

14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Repeal Chapter 4 of the Code of the City of Alexandria Which Will Deregulate Coin-operated Dry Cleaners and Coin-operated Laundries.

(A copy of the City Manager's memorandum dated September 25, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 14; 10/13/09, and is incorporated as part of this record by reference.

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. 2 of Item No. 14; 10/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 14; 10/13/09 and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council adopted the consent calendar, with the removal of item 5(j) and considered it under separate motion, and with the deferral of item #13. The City Manager's recommendations were as follows:

4. City Council accepted the following resignations with regret: (a) Marilyn Patterson, Affordable Housing Advisory Council; (b) Stephen Hubbard, Board of Zoning Appeals; (c) Debbie Knott, Commission on Persons with Disabilities; (d) Deborah Connor, Commission for Women; and (e) Marcus Banks, Social Services Advisory Board.

5. City Council made the following appointments: (a) appointed Jesse Jennings as the one member from the Planning Commission to the Alexandria Transportation Commission; (b) reappointed Tracy Rickett as the one member designated by the Alexandria School Board to the Budget and Fiscal Affairs Advisory Committee; (c) appointed Marian Pegram as the one citizen designated by the Alexandria School Board and appointed John DuVall as the one representative of the Alexandria Chapter of the American Red Cross to the Citizen Corps Council; (d) appointed Joan Dodaro as the Commission for Women representative to the Commission on Aging; (e) reappointed David Svec as the one business representative from among recognized area businesses including minority-owned and small businesses to the Commission on Employment; (f) appointed Patricia Hilgard and reappointed Philip Voorhees as the two members from the field of environmental sciences (e.g., environmental/sanitary engineering, ecology, geology, botany, hydrology, chemistry) or who have Alexandria waterfront expertise to the Environmental Policy Commission; (g) appointed William (Bill) Hendrickson as the one member at large from Planning District II to the Historic Alexandria Resources Commission; (h)

reappointed Andrew Duncan as the one representative of a community group to the Local Emergency Planning Committee; (i) appointed Mary Anne Weber as the one representative of the Alexandria Community Services Board to the Public Health Advisory Commission; and (k) appointed Charlotte Clinger as the one citizen 18 years of age or younger and appointed Anthony Kelly as the one member of City boards, commissions or other organization having an interest in youth issues to the Youth Policy Committee.

6. City Council: 1. authorized the submission of the grant application (due October 23, 2009) in the amount of \$55,000; and 2. authorized the City Manager to execute the necessary documents that may be required.

7. City Council: 1. approved the request to replace the designated student member position (currently vacant) with one position filled with a member from the Alexandria business community; and 2. requested the City Attorney to prepare the necessary ordinance and docket it for Council consideration.

8. City Council: 1. received the report; 2. vacated the 15 positions listed on pages one and two of the report; and 3. authorized the City Clerk and Clerk of Council to advertise the vacancies.

9. City Council authorized the allocation of \$50,000 in previously designated funds from the FY 2010 General Fund Contingent Reserves to the Office of Historic Alexandria for archaeological research at Fort Ward park as outlined.

10. City Council accepted the donation of a "bait car" from the National Insurance Crime Bureau, and thanked them and Allstate Insurance Company for their donation.

11. City Council passed the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, October 17, 2009.

12. City Council passed the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, October 17, 2009.

13. This item was deferred.

14. City Council passed the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, October 17, 2009.

The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

5. Uncontested Appointments to Boards, Commissions and Committees:

- (j) Redevelopment and Housing Authority
2 Citizen Members

WHEREUPON, a motion was made by Councilwoman Pepper, seconded by Councilman Krupicka, to appoint Earl Cook and reappoint Carter Flemming as the two members of the Redevelopment and Housing Authority.

There was discussion from Council on the appointment of Chief of Police Cook to the ARHA Board.

In response to questions from Council, City Manager Hartmann noted that Chief Cook has his go-ahead to apply for the position.

City Attorney Banks noted that he didn't see anything that would stand out as a conflict of interest.

The voting was as follows:

Table with 4 columns: Name, Vote, Name, Vote. Rows include Pepper, Krupicka, Euille, Smedberg, Donley, Fannon, Hughes.

CONTESTED APPOINTMENTS

- 15. Affordable Housing Advisory Committee
1 Landlord of Residential Property in the City

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

NAME: ENDORSED BY:

Herb Cooper-Levy
Brant T. Snyder

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 1013/09, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed Herb Cooper-Levy as the one landlord of residential property in the City to the Affordable Housing Advisory Committee. The voting was as follows:

Euille	-	Cooper-Levy
Donley	-	Cooper-Levy
Fannon	-	Snyder
Hughes	-	Snyder
Krupicka	-	Cooper-Levy
Pepper	-	Cooper-Levy
Smedberg	-	Cooper-Levy

16. Alexandria-Caen Sister City Committee
4 Citizen Members

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

NAME:

ENDORSED BY:

Charles Gautier
Rebecca Glasberg
Marc Parsont
Jennifer Reading
Nicole Tousley

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 10/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed Charles Gautier, Rebecca Glasberg and Jennifer Reading and reappointed Nicole Tousley as the four citizen members to the Alexandria-Caen Sister City Committee. The voting was as follows:

Euille	-	Gautier, Glasberg, Reading, Tousley
Donley	-	Gautier, Glasberg, Reading, Tousley
Fannon	-	Gautier, Glasberg, Reading, Tousley
Hughes	-	Gautier, Glasberg, Reading, Tousley
Krupicka	-	Gautier, Glasberg, Reading, Tousley
Pepper	-	Gautier, Glasberg, Reading, Tousley
Smedberg	-	Parsont, Glasberg, Reading, Tousley

17. Beautification Commission
1 Citizen Member

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

NAME:

ENDORSED BY:

Cathleen Curtin
Grace Hinchman
Christopher Nave

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council reappointed Cathleen Curtin as the one citizen member to the Beautification Commission. The voting was as follows:

Euille	-	Curtin
Donley	-	Curtin
Fannon	-	Curtin
Hughes	-	Curtin
Krupicka	-	Curtin
Pepper	-	Curtin
Smedberg	-	Curtin

18. Commission on Employment

1 Representative From Such Organizations as Educational Agencies, Organized Labor, Rehabilitation Agencies, Community-Based Organizations, Economic Development Agencies and the Public Employment Service

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

NAME:

ENDORSED BY:

Amy Bell

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 10/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council waived the residency requirement and reappointed Amy Bell as the one representative from such organizations as educational agencies, organized labor, rehabilitation agencies, community-based organizations, economic development agencies and the public employment service to the Commission on Employment. The voting was as follows:

Euille	-	Bell
Donley	-	Bell
Fannon	-	Bell

Hughes - Bell
Krupicka - Bell
Pepper - Bell
Smedberg - Bell

19. George Washington Birthday Celebration Committee
1 Representative of the Business Community Nominated by the Chamber of Commerce

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

NAME:

ENDORSED BY:

Jill Ahart

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 10/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council waived the residency requirement and appointed Jill Ahart as the one representative of the business community nominated by the Chamber of Commerce to the George Washington Birthday Celebration Committee. The voting was as follows:

Euille - Ahart
Donley - Ahart
Fannon - Ahart
Hughes - Ahart
Krupicka - Ahart
Pepper - Ahart
Smedberg - Ahart

20. Industrial Development Authority
1 Citizen Member

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

NAME:

ENDORSED BY:

Lisa Edouard
Lauren Garcia
Ian McGrath

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 10/13/09, and is

incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed Lauren Garcia as the one citizen member to the Industrial Development Authority. The voting was as follows:

Euille	-	Garcia
Donley	-	Garcia
Fannon	-	McGrath
Hughes	-	Garcia
Krupicka	-	Garcia
Pepper	-	McGrath
Smedberg	-	Garcia

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

21. Verbal Report on Results of the 2009 Alexandria Resident Survey by Michael Vigeant, Executive Vice President of the Center for Research and Public Policy.

Mr. Michael Vigeant, executive vice president, Center for Research and Public Policy, presented the report on the results of the 2009 Alexandria resident survey and responded to questions of City Council.

22. Staff Update on the Process to Consider a Storm Water Utility Fee for FY 2011. (Oral Presentation)

Director of Transportation and Environmental Services Baier made a presentation on the report on the storm water utility fee for FY 2011 and responded to questions of City Council.

23. Consideration of Budget Transfer of Housing Opportunities Funds (HOF) to the Moderate Income Homeownership Assistance Program.

(A copy of the City Manager's memorandum dated September 28, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 10/13/09, and is incorporated as part of this record by reference.)

Housing Division Chief Cochran and Director of Housing Davis responded to questions from Council about the extension of the first time homebuyer tax exemption.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried unanimously, City Council approved a transfer of \$18,000 from the General Fund portion of the Housing Opportunities Fund (HOF) to the MIHP Program to be used to assist nine first-time homebuyers at Alexandria Crossing, the workforce element of the Glebe Park redevelopment project. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Krupicka	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

24. Receipt of the Monthly Financial Report for the Period Ending August 31, 2009.

(A copy of the City Manager's memorandum dated October 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 10/13/09, and is incorporated as part of this record by reference.)

Chief Financial Officer Johnson made a presentation of the monthly financial report, noting the new format for the report, and he responded to questions of City Council.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously, City Council received the monthly financial report for the period ending August 31, 2009. The voting was as follows:

Krupicka	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Councilman Krupicka said that at the recent City-Schools meeting, they received an update on the school population, which is going up. He said the Schools will have to buy trailers to accommodate that growth and they will have a proposal from the Schools to move capital money around to put the trailers in place. They are also working with parents, architects and City Planning staff to get their hands around the longer term space issues.

(b) Councilman Fannon noted that the Naming Commission will meet on October 14 at 11:00 a.m., at the Charles Houston Recreation Center to pick the names of the pool and the gym.

(c) Councilman Fannon said that next Saturday, October 24 at 9:00 a.m. at the Masonic Temple, there will be a 150th anniversary of the Civil War taking place, and it will cover all the different parts of Alexandria that were involved in the Civil War.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilman Krupicka said that last month, the Campagna Center held a celebration for Elizabeth Wright, who hired Elizabeth Campagna to run the Center and funded the Wright to Read Program, and he saluted her for great work on behalf of the City.

(b) Councilman Krupicka thanked the businesses in Old Town who made Talk Like a Pirate Day possible.

(c) Councilman Krupicka said Alexandria is one of three localities in Virginia to earn the highest score on having bicycle and pedestrian resources in the Bike Walk Virginia report this year.

(d) Councilman Krupicka said he would encourage his colleagues and the community to participate in the ACPS's Courageous Conversations Program, where it will have a community meeting on October 19 and 20 with many speakers and groups, from 7:30 to 8:30 at the Charles Houston Rec Center to talk about high achievement in the community and how it ensures every child achieves in their schools.

(e) Councilman Krupicka said that on October 20, he, along with Flavor Magazine and eight or nine other restaurants in Alexandria, are hosting a movie screening at the Masonic Temple of the movie "Fresh" which is about the importance of locally grown and regionally produced food. There will be a food tasting from 6-7 p.m., the movie will be shown, and afterwards will have a panel discussion. He said there is a voluntary \$10 contribution that will go to ALIVE.

(f) Councilwoman Pepper said the 16th anniversary of the Walk to Fight Breast Cancer is Saturday, October 24 at 8 a.m. on Eisenhower Avenue. She said there have been over 5,000 uninsured Alexandria women who have been able to get mammograms using the funds from the walk.

(g) Councilwoman Hughes said that on October 24 at 6 p.m. at the Westin Alexandria, the Hopkins House Early Childhood Centers will celebrate their 70th year anniversary of operation in Alexandria.

(h) Councilwoman Hughes said that also on October 24 Inova Health Systems will also have its annual black and white gala at the Ritz Carlton at Tysons Corner.

(i) Councilwoman Hughes said that on October 25th, the NAACP will celebrate its 100th anniversary at the Hilton Mark Center.

(j) Mayor Euille congratulated City Clerk Henderson on receiving her Master Municipal Clerk designation from the International Institute of Municipal Clerks.

ORAL REPORT FROM THE CITY MANAGER

Director of Transportation and Environmental Services Baier made a presentation on the Washington Street repaving project. He also made a presentation on the opening of the Monroe Avenue Bridge project and roadway.

ORDINANCES AND RESOLUTIONS

25. Consideration of a Resolution on the Need for Transportation Solutions that Protect Virginia's General Fund For Education, Mental Health Public Safety and Other Core Services. **[ROLL-CALL VOTE]**

(A copy of the resolution is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 10/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, a motion was made by Councilman Krupicka and seconded by Councilwoman Pepper, that City Council adopt the resolution on the need for transportation solutions that protect Virginia's general fund for education, mental health, public safety and other core services.

Councilman Smedberg suggested in the third "Whereas," that the words "great recession" be changed to "current recession." The amendment was accepted to the maker and seconder of the motion.

The motion carried unanimously by roll-call vote and was recorded as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

The resolutions reads as follows:

RESOLUTION NO. 2361

A Resolution on the Need for Transportation Solutions that Protect Virginia's General Fund for Education, Mental Health, Public Safety and Other Core Services

WHEREAS, transportation dedicated taxes and fees have remained virtually unchanged in the Commonwealth since 1987; and

WHEREAS, quality transportation, high achieving public schools, effective public safety and health services are essential to ensure Virginia can build a long and sustainable economic recovery; and

WHEREAS, the current Recession has presented Alexandria and local

governments across the Commonwealth with the largest loss of revenue and the most challenging budgets since the Great Depression and continues to require unprecedented cuts to local services; and

WHEREAS, the economy has forced State budget cuts to health, mental health, social, conservation, public safety and other important programs which have further strained local services; and

WHEREAS, we anticipate additional pressure on local budgets from the predicted drop in commercial property values and from significant and mandatory Virginia Retirement System payments; and

WHEREAS, we applaud Governor Kaine's leadership in protecting the funding for K-12 education, but understand that continued weakness in Virginia's economy puts the continued protection of K-12 funding at risk; and

WHEREAS, the Constitution of Virginia requires the Commonwealth to properly fund quality elementary and secondary education services that ensure every child has the opportunity to succeed in school and life; and

WHEREAS, U.S. Stimulus dollars will not last forever and can't be counted on to prop-up education and other essential funding; and

WHEREAS, the Commonwealth and local governments have long-standing partnerships for the provision of education, health services, social service programs, mental health services, conservation programs and public safety services; and

WHEREAS, continued service cuts reduce our chance at a sustainable economic recovery as weakened crime, drop-out and other preventive programs will cause higher future costs to society through increased crime and a less prepared work-force; and

WHEREAS, essential transportation maintenance as well as system improvements throughout our Commonwealth are essential to a lasting economic recovery, but VDOT has been reduced to essentially a very limited maintenance organization threatening the Commonwealth's ability to sustain an improving economy; and

WHEREAS, city streets, bridges, bike paths, the DASH bus system and the Washington Metropolitan Area Transportation System are critical to our regional economy and the quality of life of our residents; and

WHEREAS, the lack of a sustainable State transportation funding is causing Alexandria and communities throughout the Commonwealth to struggle to keep up with basic transportation maintenance, let alone improvements; and

WHEREAS, in upcoming years, it will be impossible, using existing resources, to maintain basic City services.

NOW, THEREFORE, BE IT RESOLVED, that the Alexandria City Council ask the Governor and the Virginia General Assembly:

- 1) To work expeditiously to enact a bi-partisan solution to Virginia's transportation challenges that will meet Virginia's transportation needs, using sustainable, reliable, proven, and permanent sources of funding and that will not reduce the capacity of the state General Fund to support education, health, public safety and other core services.
 - 2) To ensure a new and dedicated transportation-funding plan that includes a sustainable and reliable funding source for transit services.
 - 3) To oppose any transportation-funding plan that would reduce state funding for elementary and secondary education, thus forcing local school boards to cut teacher jobs, increase class sizes or otherwise harm the quality of Virginia public schools.
 - 4) To oppose any transportation-funding plan that would force local governments to cut public safety, mental health and other core services that protect their community.
 - 5) To ensure that any transportation funding plan honors the longstanding partnership between local government and the Commonwealth to share in the support for the quality of life and economic prosperity of our community.
26. Consideration of a Resolution to Include Spotsylvania as a Signatory to VRE's Master Agreement. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 10/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the resolution to include Spotsylvania as a signatory to the VRE's Master Agreement. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2362

WHEREAS, on August 18, 2009, the Board of Supervisors of Spotsylvania County approved and authorized execution of the following: (1) an Agreement Governing Spotsylvania County's Admission to Membership in PRTC and Participation in the VRE (the "VRE Membership Agreement"); (2) an Amended VRE Master Agreement; (3) an Amended PRTC Founding Ordinance and Master Agreement (the "PRTC Founding Ordinance"); and

WHEREAS, the VRE Membership Agreement must be approved by NVTC and PRTC, the Amended VRE Master Agreement must be approved by PRTC, NVTC, and each participating and contributing Jurisdiction, and the PRTC Founding Ordinance must be approved by PRTC; and

WHEREAS, in order to complete the required steps for Spotsylvania County to become a member of PRTC, a certification from the Secretary of the Commonwealth must be obtained stating that the requirements for enlarging PRTC have been complied with, and that certification must be entered into the minutes of a Spotsylvania County Board of Supervisors' meeting; and

WHEREAS, the VRE Membership Agreement approved by Spotsylvania County provides that approval of the three agreements and completion of the certification process must occur by all required parties by November 30, 2009; and

WHEREAS, the VRE Membership Agreement approved by Spotsylvania County provides that the effective date of Spotsylvania County's membership in PRTC and its participation in VRE is February 15, 2010, subject to each party's right to terminate the VRE Membership Agreement on 30 days notice prior to the effective date; and

WHEREAS, the VRE Operations Board has recommended to NVTC and PRTC that the Amended VRE Master Agreement be approved; and

WHEREAS, NVTC and PRTC will consider approval of the foregoing agreements at their meetings in November, 2009, and have forwarded to the participating and contributing VRE jurisdictions the Amended VRE Master Agreement and requested that it be considered for approval by their governing bodies by October 31, 2009.

NOW, THEREFORE BE IT RESOLVED that the City of Alexandria approves the Amended VRE Master Agreement to include Spotsylvania County as a signatory, effective February 15, 2010, and contingent upon each participating and contributing jurisdiction, and both NVTC and PRTC, approving the Amended VRE Master Agreement; and

BE IT FURTHER RESOLVED that the City of Alexandria hereby authorizes the Mayor to execute the Amended VRE Master Agreement on behalf of the City of Alexandria.

The undersigned duly qualified and acting as City Clerk of the City of Alexandria certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the City Council held on the 13th day of October, 2009.

27. Consideration of a Resolution to Increase the Fees For Annual Licenses to Operate Swimming Pools and Spa Pools and Elimination of Permit Fees For Health Clubs. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 10/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the resolution to increase the fees for annual licenses to operate swimming pools and spa pools and elimination of permit fees for health clubs. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2363

WHEREAS, under § 2.07 of the City Charter, City Council has the authority to establish fees to be charged for services provided by the City; and

WHEREAS, on March 20, 1993, as part of a joint effort among Northern Virginia jurisdictions to establish uniform regional standards for the construction, operation and maintenance of swimming pools, spa pools and health clubs, City Council enacted Ordinance No. 3619 which authorizes the city's health department to adopt, following council approval, regulations governing swimming pools, spa pools and health clubs; and

WHEREAS, pursuant to said ordinance, the health department prepared and, following council approval, adopted Administrative Regulation 20-6 ("A.R. 20-6") entitled "Regulation of Swimming Pools, Spa Pools and Health Clubs;" and

WHEREAS, under Administrative Regulation § 20-6-6 (b), City Council is required from time to time, to set by resolution the annual license fee that is to be paid by the owners of "swimming pools," "spa pools," and "health clubs," as defined in § 20-6-4 (ff), § 20-6-4 (ff), and § 20-6-4 (i) respectively, of the Administrative Regulation; and

WHEREAS, City Council has now determined that it is necessary and desirable to increase the annual fee for swimming pools and spa pools;

WHEREAS, City Council has now determined that it is necessary and desirable to eliminate the annual fee for health clubs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alexandria, Virginia:

1. That, beginning January 1, 2010, the annual license fees for swimming pools, spa pools and health clubs shall be as follows:

	Year-Round Facility	Seasonal Facility (open 5 months or less)
Swimming Pool	\$700	\$335
Spa Pool	\$700	\$335
Health Club	\$215	\$0

2. That the annual fee established in Section 1 above shall apply to annual licenses issued by the City after January 1, 2010, and, unless and until revised by the City Council, to such annual licenses issued during subsequent years.

3. That this resolution shall be effective on January 1, 2010.

28. Consideration of a Resolution for the Creation of the Arlandria Implementation Group. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 10/13/09, and is incorporated as part of this record by reference.)

Councilman Krupicka noted that they have received a request from residents in Arlandria to defer this item so they may speak one more time to Planning.

In response to questions from City Council, Mr. Moritz, Deputy Director of Planning and Zoning, explained the rationale for having an Arlington County resident.

Council asked that the resolution be clarified on why the member from Arlington is on the task force; the 300 hours of staff time seems high and would like the City Manager's comment on that; and how much has been budgeted for funding for anything that may come out of the group in the fiscal year, raising the level of demand and expectations for additional programs and services.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously, City Council deferred the resolution to October 27, 2009. The voting was as follows:

Krupicka	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

29. Introduction and First Reading. Consideration. Passage on First Reading and Second Reading of an Ordinance to Adopt Supplement Number 90 of 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. 29; 10/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 29; 10/13/09 and is incorporated as part of this record by reference.)

Councilman Smedberg noted that the date in the ordinance is incorrectly noted as August 13, 2009 instead of October 13, 2009.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to adopt Supplement Number 90 of the City Code. The voting was as follows:

Smedberg	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4626

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. 90," are hereby adopted as and shall constitute "The Ninetieth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninetieth 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 March 24, 2009, through June 23, 2009, 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 March 24, 2009, 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 March 24, 2009 through June 23, 2009, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninetieth 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 Ninetieth 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.

30. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated October 7, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 10/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Krupicka and carried unanimously, City Council received the revised calendar, which includes: the annual Fire Department wreath laying ceremony at 11:00 a.m. at Ivy Hill Cemetery on Friday, October 9; the dedication of John Carlyle Park at 11:30 a.m. on Thursday, October 15, 300 John Carlyle Drive; the 16th annual homeownership fair on Saturday, April 10 (location to be determined) and the annual Days of Remembrance ceremony on Tuesday, April 13, at 12:00 noon on Market Square. The voting was as follows:

Pepper	"aye"	Donley	"aye"
Krupicka	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

EXECUTIVE SESSION

31. Consideration of Convening an Executive Session Closed to the Public For Consultation With Legal Counsel Regarding Pending Litigation and Personnel Matters.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, at 9:20 p.m., City Council convened in executive session, pursuant to Sections 2.2-3711(a)(1) and (7) of the *Code of Virginia* for the purpose of discussion and consideration of assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the City of Alexandria, and consultation with legal counsel and briefings by staff members or consultants pertaining to actual and probable litigation. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, at 10:04 p.m., City Council reconvened the meeting. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2364

WHEREAS, the Alexandria City Council has this 13th day of October 2009, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the regular meeting of October 13, 2009 at 10:04 p.m. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council