

3B

5-28-02

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting

Tuesday, May 14, 2002 - - 7:30 p.m.

Present: Mayor Kerry J. Donley, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: Vice Mayor William C. Cleveland.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Public Information Officer Gordon; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Mr. Baier, Director of Transportation and Environmental Services; Ms. Davis, Director of Housing; Mr. Skrabak, Division Chief, Environmental Quality; Mr. Eiffert, Deputy Director of Housing; Ms. O'Regan, Director of Human Services; Mr. Swearingen, Director of Management and Budget; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Ms. Fogle, Division Chief, Planning and Zoning; Ms. Oviatt, Director of Office on Women; Ms. Niebauer, Director of Human Rights; Ms. Boyd, Director of Citizen Assistance; Mr. Parkins, Registrar of Voters; Mr. Spicer, Elections Administrator; Fire Chief Hawkins; Deputy Police Chief Cook; and Police Lieutenant Uzzell.

Recorded by: Susan K. Seagroves, Deputy City Clerk and Clerk of Council.

At 6:00 p.m., in the City Council Workroom, there was a Work Session to discuss the Eisenhower East Planning Study and for Council to review and endorse the planning principles for the area adopted by the Planning Commission on May 2.

Planning and Zoning Director Fogarty made a presentation providing an overview of the study of the Eisenhower East area undertaken by the Planning Commission and Department of Planning and Zoning, and of the discussions held with civic associations, business groups, citizens and property owners.

Planning Commission Chair Wagner gave a summary of the Planning Commission recommendations. He suggested that this development planning process should serve as an example for the City to follow in the future, and he commended staff for its work.

Consultant Architect Ehrenkrantz explained urban versus suburban principles.

Councilwoman Pepper stated that she hopes there has been a great deal of coordination between the development and Eisenhower Avenue being adequate to handle it without gridlock, and to move that traffic.

Councilman Speck raised his concern about how to manage the interim uses to serve as a positive signal and a benchmark of what our goal is. He explained that people will then see those uses as not just a stop-gap but as a kind of transition to move the process along. Mr. Wagner and Ms. Fogarty participated in this discussion, and there was agreement that there should be a phased strategy.

Councilman Euille agreed that interim uses need to be looked at, and that he would like to bring this to closure within five years or less to reduce the impact on our planning. He reiterated that this development plan should not be focused in isolation but as part of the broader vision for the Duke Street corridor, and if, as suggested, this area will be the economic engine for the City, the public needs to be educated and understand that. In utilizing open space, he stated that we must include something which will attract people, and we need to mandate what we want. He suggested that we consider what impacts, if any, the Eisenhower connectors, wherever they may end up being, will have on the development plans for East Eisenhower.

Ms. Fogarty addressed Mayor Donley's inquiry about providing varied heights of the skyline in order to provide some visual interest. The Mayor can see this being achieved by use of the natural topography of the Valley which will preserve other views of the City. Mayor Donley advised that based upon the presentation, he thinks movement toward a more Office/Housing balance is probably in our interest. This gives you an urban-village concept that you want while still maximizing the infrastructure and use of the facilities.

Councilwoman Eberwein agreed that a Job/Housing balance is the way to go. She emphasized the need for Office space to be concentrated at Metro, and she concurred with Councilman Speck's comments on interim uses as they can often preclude long-term goals. She suggested that staff come up with a list of specific interim uses that should not be encouraged in the Valley or in the City. Councilwoman Eberwein noted the need to plan for public cultural spaces for museums, concert halls, and galleries which add vibrancy and attract visitors. We should also encourage architectural competitions so that people come to see the building itself.

Councilwoman Pepper expressed concern about the need to reduce parking around Metro somewhat, and the need to provide adequate parking for businesses. She stated that you cannot make people use Metro, and she requested that staff study Retail-needs parking and come back with a realistic number.

The work session was concluded at approximately 7:30 p.m.

(Material pertaining to the work session is on file in the office of the City Clerk and Clerk of Council and is incorporated herewith as part of the record.)

* * * * *

OPENING

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

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

3. **THERE BEING NO DISCUSSION**, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the Minutes for (a) the Public Hearing Meeting of April 13, 2002; and (b) the Regular Meeting of April 23, 2002, as submitted. The voting was as follows:

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

4. **THERE BEING NO DISCUSSION**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council received the Report of the City Clerk dated May 6, 2002, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/14/02, and is incorporated herewith as part of this record by reference. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

5. Presentation about Kids Helping Kids in Alexandria on September 28, 2002.

Councilman Speck introduced a group of young people who is developing a project called "Kids Helping Kids" to raise \$5,000 for two City charities. They plan to sell lemonade at lemonade stands throughout the City on September 28, 2002. The group has made presentations to various organizations in their fund-raising efforts and plan that all ingredients will be contributed. If anyone is interested in becoming involved, the e-mail address is: lemonaideaxva@hotmail.com.

OPENING (continued)

6. Presentation of Proclamation Proclaiming the Week of May 19-25, 2002, as National Safe Boating Week in the City of Alexandria.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/14/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille presented the proclamation.

Flotilla Commander John Wenzel presented Council with a letter of appreciation and a U.S. Coast Guard Auxiliary ball cap.

(A copy of a letter of appreciation from U.S. Coast Guard Flotilla Commander John Wenzel dated May 14, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 6; 5/14/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council endorsed the proclamation. The voting was as follows:

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

7. Presentation of Proclamation Declaring the Month of May as Adolescent Pregnancy Prevention Awareness Month in the City of Alexandria.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 5/14/02, and is incorporated herewith as part of this record by reference.)

Mayor Donley presented the proclamation.

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

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

8. Presentation of Proclamation Proclaiming the Month of May as Asian Pacific American Heritage Month in the City of Alexandria.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/14/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper presented the proclamation.

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

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

9. Presentation of Proclamation Proclaiming the Week of May 25 through May 31, 2002, as Week of Remembrance of the Freedmen's Cemetery.

(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; 5/14/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein presented the proclamation.

It was announced that the National Park Service has just included the Freedmen's Cemetery in its "National Underground Railroad Network to Freedom."

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilman Euille and carried unanimously by all those present, City Council endorsed the proclamation. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (10-15) (25-30)

10. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:

- (a) Alexandria Consumer Affairs Commission

(A copy of the above resignation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10(a); 5/14/02, and is incorporated herewith as part of this record by reference.)

11. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Archaeological Commission
1 Member From the Alexandria Society for the Preservation of Black Heritage
- (b) Alexandria Commission on Persons With Disabilities
1 Citizen Member
- (c) Alexandria George Washington Birthday Celebration Committee
1 Citizen Member
- (d) Alexandria Public Records Advisory Commission
2 Citizen Members
- (e) Alexandria Transportation Safety Commission
3 Members of the Traffic and Parking Board
- (f) Alexandria Youth Policy Commission
1 Alexandria School Board Member

(Material pertaining to the above appointments is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item Nos. 11(a-f); 5/14/02, and is incorporated herewith as part of this record by reference.)

12. Receipt of the FY 2001 Annual Report from the Alexandria Environmental Policy Commission.

(A copy of the City Manager's memorandum dated April 30, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 5/14/02, and is incorporated herewith as part of this record by reference.)

13. Receipt of the Annual Report from the Alexandria Volunteer Fire Department for 2000-2001.

(A copy of the City Manager's memorandum dated May 1, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 5/14/02, and is incorporated herewith as part of this record by reference.)

14. Consideration of a Grant Application to the Department of Criminal Justice Services to Continue Community Corrections (Local Probation) and Pretrial Services under the Comprehensive Community Corrections Act and Pretrial Services Act (CCCA-PSA) for FY 2003 and FY 2004.

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 5/14/02, and is incorporated herewith as part of this record by reference.)

15. Consideration of a Grant Application for a School Resource Officer (SRO) under the Federal Community Oriented Policing Services (COPS) Grant Program.

(A copy of the City Manager's memorandum dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 5/14/02, and is incorporated herewith as part of this record by reference.)

25. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to grant a one-year extension of franchise rights to Verizon Virginia, Inc.

(A copy of the City Attorney's memorandum dated April 29, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 5/14/02, and is incorporated herewith as part of this record by reference.)

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25; 5/14/02, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council 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. 25; 5/14/02, and is incorporated herewith as part of this record by reference.)

26. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to increase the towing and storage charges for motor vehicles impounded by the City.

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 5/14/02, and is incorporated herewith as part of this record by reference.)

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 26; 5/14/02, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council 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. 26; 5/14/02, and is incorporated herewith as part of this record by reference.)

27. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to assess a fee of \$5 in certain court cases to fund the costs of courthouse security personnel.

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 5/14/02, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 27; 5/14/02, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council 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. 27; 5/14/02, and is incorporated herewith as part of this record by reference.)

28. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to require private trash haulers to report to the City solid waste and recycling tonnages collected each year.

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 5/14/02, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 28; 5/14/02, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council 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. 28; 5/14/02, and is incorporated herewith as part of this record by reference.)

29. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend the Master Plan to change the land use designation of the property at 111-119 East Reed Avenue to CRMU-M/Commercial Residential Mixed Use - Medium.

(A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 5/14/02, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council 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; 5/14/02, and is incorporated herewith as part of this record by reference.)

30. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to rezone the property at 111-119 East Reed Avenue to CRMU-M/Commercial Residential Mixed Use - Medium Zone, subject to a proffer.

(A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 5/14/02, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council 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. 30; 5/14/02, and is incorporated herewith as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously by all those present, City Council approved the Consent Calendar as presented. The City Manager's recommendations are as follows:

10. City Council received the resignation of Martha Harris from the Alexandria Consumer Affairs Commission; requested the Executive Secretary for Boards and Commissions to send the appropriate letter of appreciation and to advertise the vacancy in the usual manner.

11. City Council: (a) waived the residency requirement and appointed Wendell Brown as a member from the Alexandria Society for the Preservation of Black Heritage, Inc. to the Alexandria Archaeological Commission; (b) appointed Geoffrey Baynard as a citizen member to the Alexandria Commission on Persons with Disabilities; (c) reappointed Anne Haynes as a citizen member to the Alexandria George Washington Birthday Celebration Committee; (d) appointed Alice Fierstein and Richard Peuser as citizen members to the Alexandria Public Records Advisory Commission; (e) reappointed Rolando Gonzales and John Laychus and appointed Patrick Warren, Sr. as members of the Traffic and Parking Board to the Alexandria Transportation Safety Commission; and (f) appointed Gwendolyn Lewis as an Alexandria School Board member to the Alexandria Youth Policy Commission.

12. City Council received the FY 2001 Annual Report from the Environmental Policy Commission and thanked the Commission members for their efforts on behalf of the City.

13. City Council received the report from the Alexandria Volunteer Fire Department, Inc.

14. City Council authorized the City Manager to: (1) submit a grant application to the Virginia Department of Criminal Justice Services (DCJS) for funding, in the amount of \$424,097, under the Comprehensive Community Corrections Act-Pretrial Services Act (CCCA-PSA); (2) if the grant application is approved, continue the six full-time positions and one part-time position to deliver the services to be provided under the grant programs. These grant-funded positions would terminate upon the expiration of the grant and the individuals filling these positions will be notified of this condition of employment and sign an agreement of understanding with regard to this condition; and (3) execute all documents that may be required in connection with the grant application at the receipt of grant funds.

15. City Council: (1) approved the grant application to the U.S. Department of Justice for a total of \$125,000 in federal funds for a 3-year period. The City share of funding is approximately \$39,150 over the same period to fund part of salary and benefit costs, and \$27,000 for one vehicle; (2) authorized the addition of one Police Officer position if the grant is approved; and (3) authorized the City Manager to execute all necessary documents that may be required to receive the grant and release the grant funds to the City for expenditure.

25. City Council introduced the ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, May 18, 2002.

26. City Council introduced the ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, May 18, 2002.

27. City Council introduced the ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, May 18, 2002.

28. City Council introduced the ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, May 18, 2002.

29. City Council introduced the ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, May 18, 2002.

30. City Council introduced the ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, May 18, 2002.

END OF CONSENT CALENDAR

The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

16. Verbal Report on the King Street Gardens Park.

Councilman Speck reported on King Street Gardens Park. He explained that a small work group had been formed following the public hearing to talk about the information received and try to reach a definitive decision on the future direction of this park. He explained that the park is subject to the federal statute on the Artists Visual Rights Act which establishes the park in its current form, and that we must accept the fact that, whether everyone is in agreement or not, this is a structure with which we will be living. He stated that Council just approved money for irrigation during the budget process, and this should enhance maintenance and landscaping. There has been discussion with the area communities to form an active friends or adopt-a-park to be a part of the ongoing maintenance and operation. Staff is looking at lighting, signage, education, and events for the park. There are some exciting programs being planned in an effort to draw people to the park.

Recreation, Parks and Cultural Activities Director Whitmore added that they have begun trimming back the foliage and will continue to do so.

17. Verbal Report on the Status of Proposed Improvements to the CSX Overpass at the King Street Metro Station.

(A copy of the verbatim transcript of a portion of the discussion on this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 5/14/02, and is incorporated herewith as part of this record by reference.)

Transportation and Environmental Services Director Baier provided Council with a status report on the proposed improvements to the CSX Overpass. He stated that it appears CSX is still willing and wants to do the work. They are looking for a way around their procurement process by going through a third party, and it would be a couple of months before they would be able to do this painting. Director Baier reported that CSX has a list of more maintenance items, and they are still going to do those.

Councilman Speck requested that if we don't have a definitive commitment with a start date that we're confident in before the first legislative meeting in June, the sign is going back up.

Councilwoman Woodson joined in Councilman Speck's suggestion and requested that staff let CSX know we are putting the sign back up. She also suggested that other jurisdictions that have bridges in similar disrepair could be advised of the current situation.

18. Verbal Report on the Status of the Datatel Building on Mount Vernon Avenue.

(A copy of an e-mail received from Maria Wasowski, president of Mount Jefferson Civic Association, dated May 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 18 and 21; 5/14/02, and is incorporated herewith as part of this record by reference.)

City Manager Sunderland reported on the status of the Datatel Building. He advised that staff has met with the contract purchaser. Staff also met with members of the Upper Potomac West community and got a good sense of what they would like to have happen. A meeting is scheduled with the contract purchaser to ascertain exactly what their plans are for the building since that has not been made known. They have not yet completed their due diligence and economic viability analysis. Retail use of the first floor and curb cuts on Mount Vernon Avenue at the lower level are two significant design issues that staff would like to have the contract purchaser consider. Staff hopes to find out what the contract purchaser is going to do with the building, but the community continues to feel it should be consistent with the vision for the Mount Vernon area.

In response to Councilman Speck's inquiry about what makes this property attractive to the contract purchaser, Assistant City Manager Jinks replied that the contract purchaser has provided no economic or building construction data, but they feel that the prior analyses of what it would take to make the building habitable were incorrect. They have indicated they think they can get \$24 to \$26 a square foot, which the City's sources feel is too high. As relates to the time frame that we might know something so that the City can move forward, City Manager Sunderland estimated that early July is their due diligence date. Councilman Speck stated his desire that the City be ready to step in as soon as the prospective purchaser realizes there is no economic vitality to that building.

Councilwoman Pepper inquired if the contract purchaser had shared how much they plan to invest in bringing the building up to code, and Assistant City Manager Jinks reported they are unwilling to tell us. She suggested that perhaps they don't know how much money will be required to bring the building up to code; however, Mr. Jinks replied that they have had an interior renovation firm give them a detailed estimate of what it would take to bring the building up to code, but without seeing the plans, we don't know if our code enforcement people would agree. He responded that the building is not handicap-accessible, and they would have to make it accessible at the front door, not the back.

19. Public Hearing and Consideration of Support for Two Applications for Federal Funds to Replace the Old District Home in Manassas, and Adoption of a Resolution to Lease Two Parcels of Publicly Owned Land to Birmingham Green Adult Care Residence, Inc. (#13 4/9/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 5/14/02, and is incorporated herewith as part of this record by reference.)

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council: (1) held the public hearing on this item; (2) adopted the resolution to lease two parcels of publicly owned land to BGACR for the new facilities; (3) directed the City Manager to send a letter of support to BGACR for their two applications for federal funds to replace the District Home; and (4) authorized the City Manager to execute all leases and other appropriate documents. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2027

WHEREAS, the City of Alexandria, together with the Counties of Fairfax, Fauquier, Loudoun and Prince William (the "Localities") own, as tenants in common, 54 acres of land in Prince William County, Virginia (the "Property"); and

WHEREAS, two living facilities for the elderly have been developed on 12 acres of the Property and the remaining 42 acres are undeveloped; and

WHEREAS, the first facility is a 64-bed assisted living facility that was developed initially in the 1920s and expanded in the mid-1950s. This facility was originally built as a District Home and was operated by the District Home Board until recently, when the District Home Board established Birmingham Green Adult Care Residence ("BGACR"), a private, nonprofit corporation to operate the facility; and

WHEREAS, the second facility is a 180-bed nursing home that was built in 1990 and is operated by the Northern Virginia Health Center Commission ("NVHCC"). In 1990, the Localities entered into a lease agreement with NVHCC for the property on which the nursing home was developed; and

WHEREAS, the Localities and BGACR have determined that the BGACR assisted living facility cannot be renovated to bring it up to current standards and, therefore, it cannot continue to accommodate the needs of the Localities and must be replaced; and

WHEREAS, the most feasible source of grant funds for the replacement and renovation of the BGACR assisted living facility is through the United States Department of Housing and Urban Development ("HUD"); and

WHEREAS, BGACR intends to apply for funding from HUD under two separate grant programs, Sections 202 and 811, which will provide capital and operating costs associated with replacing and expanding the assisted living facility; and

WHEREAS, under its Section 202 supportive housing for the elderly program, HUD provides funding for both construction and operating assistance, which does not require that the Localities match the funds. Housing developed under HUD's Section 202 program is restricted to very low-income elderly persons. HUD's Section 811 program provides similar funding for housing for very low-income disabled individuals; and

WHEREAS, BGACR must be able to demonstrate site control in order to apply to HUD for Sections 202 and 811 grant funding; and

WHEREAS, the two attached leases give BGACR sufficient site control to apply for HUD grants for the two new replacement supportive housing projects; and

WHEREAS, the two proposed leases cover respectively, Parcel B of the Property which contains 5.8 acres and which will be developed with 20 to 25 units for persons with disabilities under the HUD Section 811 grant program and Parcel C which contains 6.5 acres which will be developed in two phases for assisted living units for the elderly. Phase 1 on Parcel C will be developed with 60 to 80 assisted living units and Phase II development on Parcel C is anticipated to be 40 to 60 assisted living units for the elderly; and

WHEREAS, the two proposed leases restrict the use of the site to supportive housing programs throughout the 80-year lease term; and

WHEREAS, the City of Alexandria has held a public hearing and the city council has determined that the construction, operation and maintenance of supportive housing projects for very low-income persons on the Property constitutes a public use;

**NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:**

1. That the city council approve the terms of the Leases for Parcel B and Parcel C of the Property, copies of which are attached hereto as Exhibits A and B, respectively.
2. That the city manager is authorized to execute the leases on behalf of the City of Alexandria and to undertake any further action on behalf of the City of Alexandria, including the execution of additional documents, that is necessary or desirable to implement the approvals provided in this resolution.
3. That this resolution shall be effective upon its adoption.

(A copy of **Resolution No. 2027**, together with the Leases for Parcel B and Parcel C of the Property attached thereto as Exhibits A and B, respectively, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 19; 5/14/02, and is incorporated herewith as part of this record by reference.)

20. Consideration of One-Year Action Plan for Housing and Community Development for City Fiscal Year 2003. (#9 4/13/02)

(A copy of the City Manager's memorandum dated May 8, 2002, together with the One-Year Action Plan, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 20; 5/14/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilwoman Woodson and carried unanimously by all those present, City Council approved the One-Year Action Plan for Housing and Community Development for the City's Fiscal Year 2003, which includes the City's application for Federal Fiscal Year 2002 funding for \$1,241,000 in Community Development Block Grant (CDBG) monies and \$671,000 in Home Investment Partnerships Program (HOME) monies. The voting was as follows:

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

21. Consideration of Allocation of Housing Trust Fund Monies to Assist Wesley Housing Development Corporation to Purchase and Preserve the Lynhaven Apartments as Affordable Housing.

(A copy of the City Manager's memorandum dated May 10, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 5/14/02, and is incorporated herewith as part of this record by reference.)

A copy of communications received on this item is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 21; 5/14/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck disclosed that he serves on the board of directors of Carpenter's Shelter, and that he has recused himself from all discussion and decisions regarding this matter so that he would not be prevented or feel that he could not vote on this matter when it came before Council.

Mr. Smuzynski, President and CEO of Wesley Housing Development, responded to Councilwoman Pepper's questions concerning parking and the amount of money allocated for upgrading the facility. Housing Director Davis participated in the discussion.

Councilman Euille directed that the City Manager and Housing Department work with the neighborhoods and make sure that everyone is fully aware of housing programs that we have, the types of funding that are available, and if there is something even more substantive than what's already available that this Council needs to address, let's do it.

Councilwoman Woodson requested that the City Manager and City agencies, particularly the Police Department and Transportation and Environmental Services Department, make sure that they communicate with this community and all the communities in this area so that they understand exactly what kind of response is occurring in other communities and what kind of response should be anticipated in their community.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Speck and carried unanimously by all those present, City Council: (1) approved the allocation of \$300,000 in Housing Trust Fund monies for a second trust residual receipts loan to the Wesley Housing Development Corporation (WHDC) to use in the acquisition of the Lynhaven Apartments, with the following conditions: (a) For the length of its ownership of the property, which is expected to be permanent, WHDC shall maintain 16 of the project's 28 units as affordable and exclusively available to households with incomes not exceeding 50% of area median income, to include four units master leased to Carpenter's Shelter for transitional housing, with the remaining units to be rented at market rates, based on the rents at comparable properties, to households with incomes up to 100% of the area median income. Both the transitional units and the market-rate units, in that order, would be achieved through attrition so that no current residents in good standing would be required to move; (b) Representatives of WHDC and Carpenter's Shelter shall participate regularly in meetings of the Lynhaven Civic Association; and (2) authorized the City Manager to execute all necessary documents in connection with this project. The voting was as follows:

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

22. Update on Establishment of a Temporary Fenced Dog Park at Rail Park at Potomac Yard.

(A copy of the City Manager's memorandum dated May 18, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 5/14/02, and is incorporated herewith as part of this record by reference.)

In response to Mayor Donley's inquiry, Recreation, Parks and Cultural Activities Director Whitmore reported that the dog park could be developed and usable within three months following Council's approval of the Potomac Greens special use permit.

Councilwoman Pepper asked whether all three acres of the park would be used for the dog park, and Director Whitmore explained that it probably will not, but that the plans are still conceptual at this time.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilman Euille and carried unanimously by all those present, City Council will not proceed with a temporary fenced dog park at Rail Park at this time; that staff continue the planning of the permanent three-acre fenced dog park at Rail Park with citizens and the developer, Crescent Resources; and that a temporary fenced dog park not be established on the City property at Bernard and Powhatan Streets. The voting was as follows:

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

23. Receipt of Report on School Board Redistricting Options.

(A copy of the City Manager's memorandum dated May 10, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 5/14/02, and is incorporated herewith as part of this record by reference.

A copy of a letter from Registrar of Voters Tom Parkins dated May 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23; 5/14/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille requested that since the public hearing on the report is scheduled for Council's legislative meeting on May 28, and that Council wants to give justice to those present for the hearing, he asked the City Manager to take this into consideration when preparing the docket, perhaps excluding any proclamations.

Mayor Donley reported that a presentation by staff will be given at the Community Meeting on May 22.

In response to Councilwoman Eberwein's question, City Attorney Pessoa explained that any precinct changes adopted would apply across the board to all elections and would not require someone to vote in more than one precinct.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council: (1) received the report; (2) scheduled a public hearing on the report for Tuesday, May 28, 2002; (3) at the conclusion of the public hearing, select a preferred school board redistricting option and request the city attorney to prepare the necessary implementing ordinance; (4) introduce the ordinance on Tuesday, June 11, 2002; (5) schedule the public hearing on the ordinance for Saturday, June 15, 2002; and (6) adopt the ordinance on Tuesday, June 25, 2002. The voting was as follows:

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

24. Consideration of the Recommended Concept Plan for Windmill Hill Park. (#17 4/13/02; #18 4/9/02)

Without objection, this item was deferred to City Council's second legislative meeting on May 28, at 7:30 p.m., and there will be no proclamations presented on that date.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilman Euille thanked Congressman Moran for his letter to Attorney General John C. Ashcroft as a result of his town meeting with Carlyle residents on security issues caused by the terrorist trials.

(b) Councilman Euille asked that the City Manager report back to Council on the status of the vacant commercial properties at the lower end of King Street before the end of the June.

(c) Councilman Speck requested with regard to the Senior Taxi program that the City Manager consult with the affected organizations such as Senior Services, Commission on Aging, Red Cross, as appropriate, and bring back a recommendation, as soon as possible but no later than September, on the monies that were earmarked in contingent reserves for expansion of that program.

(d) Councilwoman Pepper announced that the Virginia Downtown Development Association honored Mayor Donley at their annual conference on May 10, for his leadership and the redevelopment effort of Upper Potomac West.

(e) Mayor Donley stated that during the budget process, BFAAC suggested that the City should look to diversify its revenue base and revenue scheme. BFAAC was to examine or study the proposed sales tax increase referendum and give Council its recommendation. BFAAC was originally asked to come back in September, but he asked the City Manger to communicate with Budget staff to try to get BFAAC to make a recommendation to Council in June. The Mayor would like Council to take a position, as a Council, in June. He would prefer either the first meeting in June or the public hearing date; however, this will not be a public hearing item. The Mayor will call the chair of BFAAC about this.

Councilwoman Eberwein requested that the legislative delegation be invited to attend the meeting.

(f) City Manager Sunderland stated that there was a meeting held to review VDOT's six-year plan. Transportation and Environmental Services Director Baier reported that the City came out pretty well and listed some of the projects (Monroe Avenue Bridge, South Van Dorn, WMATA capital, Dash acquisition, Mill Road) which are now considered safe. A written report will follow.

ORDINANCES AND RESOLUTIONS (continued)

31. Consideration of a Resolution for the Northern Virginia Regional Partnership Recertification. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 31; 5/14/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Eberwein and carried on a ROLL-CALL vote of 6-to-0, City Council adopted the resolution. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2028

WHEREAS, national research has demonstrated that in areas around the country where localities and regional leaders work cooperatively, economic competitiveness is enhanced;

WHEREAS, the Regional Competitiveness Act of Virginia, as enacted into law in 1996, supports a more economically competitive Commonwealth by encouraging defined geographic areas to form regional partnerships that include local government, business, education and civic leaders;

WHEREAS, the Regional Competitiveness Act of Virginia challenges each regional partnership to chart a course for improved economic competitiveness through the development and adoption of a Regional Strategic Economic Development Plan in Northern Virginia, the strategic focus has centered on regional workforce development, particularly targeting information technology jobs;

WHEREAS, the Regional Competitiveness Act of Virginia also encourages the local governments within each regional partnership to recognize existing cooperative activities and agreements, and to establish new cooperative activities and agreements;

WHEREAS, the Northern Virginia Regional Partnership has been in existence since 1997 and has made progress to strengthen and expand the region's workforce development initiatives, including creating the Regional Workforce Development Coordinating Center, funding new information technology training programs for adults and youth, creating the Northern Virginia IT Career Assistance Loan Program in collaboration with Sallie Mae, and other public-private initiatives. The adoption of new cooperative activities and agreements in compliance with the Regional Competitiveness Act of Virginia, shall entitle the Northern Virginia Regional Partnership to continue to receive statewide Regional Incentive Funding and to apply for statewide Workforce Services Funding;

NOW, THEREFORE, BE IT RESOLVED that the City of Alexandria, a political subdivision located within the geographic boundaries of the Northern Virginia Regional Commission, authorizes the continued activities of the Northern Virginia Regional Partnership; and

FURTHERMORE, BE IT RESOLVED that the City of Alexandria sanctions the Northern Virginia Regional Partnership to represent the City of Alexandria as it endeavors to enhance the economic competitiveness of the region in compliance with the Regional Competitiveness Act of Virginia; and

FURTHERMORE, BE IT RESOLVED that the City of Alexandria agrees to apportion the share of the State Regional Incentive Funds appropriated to the individual and representative member local governments of the Northern Virginia Regional Partnership by a formula, whereby each member local government shall receive funds equal to the percentage of the population total for all the member local governments of the Northern Virginia Regional Partnership; and the City of Alexandria agrees to dedicate its annual appropriation of State Regional Incentive Funds to the identified projects promoted by the region to establish a well-trained workforce; and that the City of Alexandria further agrees that Northern Virginia Community College will continue to be the fiscal agent for these funds.

* * * * *

OTHER

32. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 32; 5/14/02, and is incorporated herewith as part of this record by reference.)

Assistant City Manager Evans reminded Council of the Law Enforcement Memorial Program on Thursday at 7:30 p.m. at the Baptist Temple on Commonwealth Avenue.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council: (1) scheduled a joint public hearing with the Alexandria Redevelopment and Housing Authority on Monday, June 24, at 6:30 p.m., at 300 Wythe Street (Ladrey High Rise), on the proposed sites for the "off-site" relocation of 48 public housing units from the Samuel Madden Homes (Downtown) property as part of the redevelopment project (**The City Manager will check with ARHA to see about starting at 6 p.m.**); and (2) received the revised calendar which includes: (a) the 21st Annual Alexandria Red Cross Waterfront Festival from Friday, June 7 through Sunday, June 9, at Oronoco Bay Park; and (b) the City Employee Picnic on Thursday, June 27, from 4:00 p.m. to 8:00 p.m., at Ben Brenman Park. The voting was as follows:

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

CONTESTED APPOINTMENTS

None

EXECUTIVE SESSION

33. Consideration of the Convening of an Executive Session, pursuant to Virginia Code § 2.2-3711(A)(7), to discuss the settlement of a pending worker's compensation claim against the City.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried unanimously by all those present, at 10:05 p.m., City Council convened in executive session at this time, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for the purpose of consulting with legal counsel and staff concerning the Worker's Compensation claim of Louis J. Farri. The voting was as follows:

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

THEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried on a vote of 5-to-0, at 10:14 p.m., City Council reconvened the meeting. The voting was as follows:

Woodson	"aye"	Cleveland	absent
Pepper	"aye"	Eberwein	out of room
Donley	"aye"	Euille	"aye"
	Speck	"aye"	

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council authorized the City Attorney to settle the Worker's Compensation claim of Louis J. Farri along the lines discussed with Council. The voting was as follows:

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

THEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2029

WHEREAS, the Alexandria City Council has this 14th day of May 2002, 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 Woodson, seconded by Councilwoman Pepper and carried unanimously by all those present, at 10:15 p.m., the Regular Meeting of Tuesday, May 14, 2002, was adjourned. The voting was as follows:

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

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Susan K. Seagroves, Deputy City Clerk