

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Regular Meeting**

**Tuesday, December 10, 2002 - - 7:30 p.m.**

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

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Public Information Officer Gordon; Mr. Baier, Director of Transportation and Environmental Services; Ms. Steele, Interim Director of Human Services; Ms. Davis, Director of Housing; Mr. Eiffert, Deputy Director of Housing; Mr. Culpepper and Mr. McCobb, Deputy Directors of Transportation and Environmental Services; Mr. Neckel, Director of Finance; Ms. Chis, Director, Division of Social Services; 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. Howard, Director of Personnel Services; Human Rights Administrator Niebauer; City Engineer Baker; Acting Fire Chief Gower; Deputy Fire Chief Whitmore; Police Chief Samarra; and Police Lieutenant Uzzell.

Recorded by: Mrs. Beverly I. Jett, City Clerk and Clerk of Council.

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At 6:00 p.m. in the Council Workroom, City Council held a work session on Eisenhower East Planning .

Director of Planning and Zoning Fogarty and Urban Designer Bell provided an overview of the planning for Eisenhower East. Members of Council, Planning Commission Chair Wagner, City Manager Sunderland, Planning and Zoning Division Chief Fogle, and Director of Transportation and Environmental Services Baier participated in the discussion.

Mayor Donley summarized that staff has received the feedback from Council that it needs on the following: parking and ratios are in line, open space concepts, calculation of FAR, and transient-oriented development. He noted there is a desire for a discussion on implementation, but we need to go through the small area plan process first. Staff needs to continue addressing the issues of property owners Donald Simpson and the Hoffman family.

(A copy of the agenda and materials pertaining to this work session are on file in the office of the City Clerk and Clerk of Council and are incorporated herewith as part of the record.)

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

**OPENING**

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

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

3. **THERE BEING NO DISCUSSION**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Minutes for the Public Hearing Meeting of November 16, 2002, as submitted. The voting was as follows:

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

4. **THERE BEING NO DISCUSSION**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously, City Council received the Report of the City Clerk dated November 27, 2002, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 12/10/02, and is incorporated herewith as part of this record by reference. The voting was as follows:

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

**RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL**

5. Recognition of the Alexandria Children's Chorus.

Councilwoman Eberwein welcomed the Alexandria Choral Society's Children's Chorus to help bring in the holiday season. She introduced Director Kevin Carr and Alexandria Choral Society Director Trish Waters. The Choral Society is in its 33rd season. The Children's Chorus is in its 3rd year. This Chorus is open to all children in grades 3 through 8. The Chorus currently has 50 children from public, private and home schools. This group is the Bell Canto Singers.

Under the direction of Kevin Carr, the group performed a couple of selections.

**OPENING (continued)**

6. Presentation of Proclamation Declaring December 10, 2002, as Human Rights Day 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; 12/10/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper presented the proclamation.

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

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

7. Presentation of Proclamation Honoring Fire Chief Thomas Hawkins for His Many Years of Dedicated Service to the City of Alexandria and Its Citizens.

(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; 12/10/02, and is incorporated herewith as part of this record by reference.)

Mayor Donley presented the proclamation.

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

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

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

### CONSENT CALENDAR (8-11) (20-22)

**Without objection**, City Council removed docket item no. 21 from the Consent Calendar and considered it under a separate motion.

8. Receipt of Resignations from Boards, Commissions and Committees:

- (a) Alexandria Early Childhood Commission  
Diane Smalley
- (b) Alexandria Public Health Advisory Commission  
Lara Swanson

(A copy of the above resignations is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item Nos. 8(a-b); 12/10/02, and is incorporated herewith as part of this record by reference.)

9. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria-Caen Exchange Committee  
1 Citizen-at-Large
- (b) Alexandria Beautification Commission  
4 Citizen Members

- (c) Alexandria Commission on Employment  
1 Business Representative From Among Recognized Area  
Businesses, Including Minority-Owned and Small Businesses
- (d) Alexandria Commission on Information Technology  
1 Member From and Representing the Alexandria Chamber of  
Commerce
- (e) Alexandria Environmental Policy Commission  
1 Member From the Field of Engineering
- (f) Historic Alexandria Resources Commission  
1 Representative From Carlyle House
- (g) Alexandria Social Services Advisory Board  
2 Citizen Members
- (h) Alexandria Urban Design Advisory Committee  
1 Representative of the Old Town North Business Community

(Material pertaining to the above appointments is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item Nos. 9(a-h); 12/10/02, and is incorporated herewith as part of this record by reference.)

10. Receipt of the Alexandria Community Services Board FY 2002 Annual Report.

(A copy of the City Manager's memorandum dated November 27, 2002, together with the report, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 10; 12/10/02, and is incorporated herewith as part of this record by reference.)

11. Consideration of Entering into a Lease Between the City of Alexandria and the American Trucking Association for the Provision of Parking Spaces for the Public Safety Center. -- **This item has been deferred to January.**

20. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Section 3-2-102 of the City Code to increase the cigarette tax levied by the City from \$0.30 to \$0.50 per package.

(A copy of the City Manager's memorandum dated December 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 12/10/02, 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. 20; 12/10/02, 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. 20; 12/10/02, and is incorporated herewith as part of this record by reference.)

22. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to approve a vacation of a portion of the public right-of-way of Mill Road.

(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. 22; 12/10/02, 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. 22; 12/10/02, and is incorporated herewith as part of this record by reference.)

### **END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Consent Calendar as presented, with the exception of docket item no. 21, which was considered under a separate motion. The City Manager's recommendations are as follows:

8. City Council received the following resignations with regret: (a) Diane Smalley from the Alexandria Early Childhood Commission; and (b) Lara Swanson from the Alexandria Public Health Advisory Commission; requested the Executive Secretary for Boards and Commissions to send the appropriate letters of appreciation and to advertise the vacancies in the usual manner.

9. City Council (a) reappointed Mark Delligatti as a Citizen-at-Large to the Alexandria-Caen Exchange Committee; (b) reappointed Jennifer Hollings, Marie Johnston, Greta Stovall and appointed Kevin Posey as Citizens Members to the Alexandria Beautification Commission; (c) waived the residency requirement and appointed Ludy Green as a Business Representative from among recognized area businesses, including minority-owned and small businesses to the Alexandria Commission on Employment; (d) waived the residency requirement and reappointed Mark McLindon as a Member from and representing the Alexandria Chamber of Commerce to the Alexandria Commission on Information Technology; (e) appointed Heather Shriner as a Member from the field of engineering to the Alexandria Environmental Policy Commission; (f) appointed Carole Smith as a Representative from Carlyle House to the Historic Alexandria Resources Commission; (g) appointed Evelyn Oliver and Gregory Roberts as Citizen Members to the Alexandria Social Services Advisory Board; and (h) waived the residency requirement and reappointed Bruce Machanic as a Representative of the Old Town North Business Community to the Alexandria Urban Design Advisory Committee.

10. City Council received the Alexandria Community Services Board's FY 2002 Annual Report.

11. City Council noted the deferral to January.

20. City Council introduced and passed the Ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, December 14, 2002.

22. City Council introduced and passed the Ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, December 14, 2002.

**END OF CONSENT CALENDAR**

The voting was as follows:

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

21. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend Title 2, Chapter 5, Article D of the City Code to authorize certain amendments to the several employee retirement and disability income plans maintained by the City of Alexandria.

(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. 21; 12/10/02, 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. 21; 12/10/02, and is incorporated herewith as part of this record by reference.)

Assistant City Manager Jinks responded to Councilwoman Eberwein's query regarding fiscal impact.

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council introduced and passed the Ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, December 14, 2002. The voting was as follows:

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

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)**

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

Transportation and Environmental Services Director Baier reported on his conversations with Robert Shinn with respect to the mural on the abutments and the drainage issue with ponding on the sidewalk.

Councilman Speck stated that he knows staff will stay on top of the water drainage issue. With respect to the public art, Mr. Speck suggested that the process should be started to direct the Arts Commission to start a process by which it solicits or coordinates public art, and hopefully, in conjunction with the School Board where they can utilize some of our talented students.

Mr. Baier noted that the background color of the artwork to be placed under the overpass should be as light as possible to be reflective due to the darkness in the area.

Mayor Donley expressed concern about the ponding and wanted to ensure pedestrian safety.

It was the consensus of Council to communicate to the Arts Commission that it would like to see this project undertaken.

An update to Council is to be provided in January.

13. Verbal Report on the Three Corners of Lower King Street.

Planning and Zoning Deputy Director Ross indicated that the news this month is not any different from the news last month. She reported that the ultimate situation at each of the three corners is essentially the same, i.e., potential for purchase of the old Fish Market; leasing of the space at the Seaport Inn with Starbucks and, hopefully, another restaurant in the back, and the Alamo is supposed to close soon on the sale. Starwood intends to have a lease with Starbucks by the end of the year. Decorations will be going up at the Seaport Inn similar to what you see on the Corn Exchange.

Assistant City Manager Jinks stated that there was an actual survey being taken outside the Alamo, so it appears that someone is preparing legal documents for the sale.

Councilman Euille requested the City Attorney to provide Council with some information relative to the legality of moving forward with condemnation.

14. Consideration of Rescinding Passage of the Motion Regarding the Reconstituting of the Alexandria Redevelopment and Housing Authority Board and to Reduce the Membership of the Board by Attrition.

Councilwoman Eberwein explained that she put this out because there seem to be a number of different approaches that different Council Members have to the mechanism of a reduction from nine to seven. Ms. Eberwein stated she is sensitive to the fact that this is a very delicate time, the continuity of the board is important, and that it might be advisable for Council when it discusses that method to get some input from the ARHA Board.

Councilwoman Woodson recommended that at the next scheduled ARHA work session that this be docketed for discussion.

Mayor Donley stated that the City Council/ARHA Subcommittee will convene a meeting and include a topic of discussion on the ARHA membership.

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilman Speck and carried on a vote of 5-to-2, City Council rescinded the motion made at the meeting of November 12, regarding the reconstituting of the Alexandria Redevelopment and Housing Authority Board, and allowed the appointments for the two open seats to come forward in January. The voting was as follows:

Eberwein	"aye"	Cleveland	"no"
Speck	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	"no"

15. Consideration of Fourth Status Report on the Implementation of the Recommendations from the Child Welfare League of America.

(A copy of the City Manager's memorandum dated December 5, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 12/10/02, and is incorporated herewith as part of this record by reference.)

Interim Human Services Director Steele, Social Services Division Director Chis and Chief of Services Hyde responded to queries directed to them by the City Council. Staff was requested to expedite advertising for the new position for foster care.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council received this report. The voting was as follows:

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

16. Consideration of the Alternative Concept Plan for the Potomac Yard/Potomac Greens Coordinated Development District and the Straightening of the Monroe Avenue Bridge.

(A copy of the City Manager's memorandum dated December 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 12/10/02, and is incorporated herewith as part of this record by reference.)

Transportation and Environmental Services Director Baier made a PowerPoint presentation to explain the plan.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council received this report and scheduled it for public hearing on January 25, 2003, at Council's Saturday public hearing meeting. The voting was as follows:

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

17. Receipt of Draft Report for the Strategic Master Plan for Open Space, Parks and Recreation.

(A copy of the City Manager's memorandum dated December 4, 2002, together with a copy of the Plan, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 17; 12/10/02, and is incorporated herewith as part of this record by reference.)



**WHEREUPON**, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council received the report and (1) authorized staff to distribute the draft plan to the Park and Recreation Commission, the Planning Commission, the Environmental Policy Commission and the Steering Committee for Open Space and Recreation Needs Assessment for comments; and (2) requested a public hearing sometime during the first quarter of 2003. The voting was as follows:

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

18. Receipt of the 2002 Annual Report and Plant Survey of Comcast Cable Communications.

(A copy of the City Manager's memorandum dated December 4, 2002, together with a copy of the Report and Survey, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 18; 12/10/02, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, City Council received the Comcast Cable Communications 2002 Annual Report and Plant Survey. The voting was as follows:

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

19. Receipt of the 2002 Annual Subscriber Survey of Comcast Cable Communications.

(A copy of the City Manager's memorandum dated December 4, 2002, together with a copy of the Survey, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 19; 12/10/02, and is incorporated herewith as part of this record by reference.)

**Without objection**, Director of Citizen Assistance Boyd introduced Jacqueline Levy, the new Cable TV Administrator.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council received the 2002 Annual Subscriber Survey Report from Comcast Cable Communications, Inc. The voting was as follows:

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

## REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

None

**ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

(a) Vice Mayor Cleveland requested that the Office of Housing inform new emergency technician recruits about the City housing opportunities.

(b) Councilwoman Pepper requested a briefing from staff on snow removal problems on secondary roads, and questioned if we use the same chemicals that are used on the Woodrow Wilson Bridge which caused potholes on the bridge.

Transportation and Environmental Services Director Baier and City Manager Sunderland provided an overview of the snow removal process.

Councilman Speck requested that Transportation and Environmental Services staff explore providing more snow removal assistance to those who cannot shovel their sidewalks, disseminate information on who to call on this and publicize the information on Comcast.

In response to the chemicals used on the Woodrow Wilson Bridge, Mr. Baier will look into that and report back to Councilwoman Pepper.

(c) Councilman Speck asked staff to look into ways to increase parking near the African American Heritage Park.

(d) Councilman Speck suggested that some mechanism be established to enable citizens to electronically communicate their opinions and views on issues.

Citizen Assistance Director Boyd reported that the Alexandria Commission on Information Technology meets in January, and she will place this concept on the agenda.

**REPORT FROM THE CITY MANAGER**

(a) The City Manager provided Council with copies of the new "Where to Park in Old Town" information cards which are being disseminated in the community.

(b) City Manager Sunderland reported that the Alexandria Health Department plans to launch a Community Health Assessment of Alexandria.

**ORDINANCES AND RESOLUTIONS**

23. Consideration of a Resolution adopting amendments to the City of Alexandria Retirement Income Plan for Firefighters and Police Officers. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 12/10/02, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council adopted the resolution which: (1) amends the City of Alexandria Retirement Income Plan for Firefighters and Police Officers to create a Retirement Board consisting of four City representatives and four participant representatives (two police officers and two firefighters) to administer the plan and oversee the management of Plan assets; (2) clarifies the definition of disability under the Plan; and (3) incorporates the technical

changes required by the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), as required by the Internal Revenue Service Code. The voting was as follows:

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

The resolution reads as follows:

**RESOLUTION NO. 2050**

**WHEREAS**, the City of Alexandria maintains the **City of Alexandria Retirement Income Plan for Firefighters and Police Officers** (the "Plan"); and

**WHEREAS**, the City of Alexandria desires to adopt and incorporate certain amendments to the Plan as set forth in the "First Amendment to the City of Alexandria Retirement Income Plan for Firefighters and Police Officers" (the "Plan Amendment") attached hereto; and

**WHEREAS**, the Plan, as amended, is intended to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable;

**NOW, THEREFORE, BE IT RESOLVED** that the Alexandria City Council does hereby recognize, adopt, approve and restate the Plan to incorporate the Plan Amendment attached hereto and incorporated fully herein by reference; and

**BE IT FURTHER RESOLVED** that the City Manager be, and he hereby is, authorized and directed to make on behalf of the City of Alexandria any other changes to the Plan as may be requested by the Internal Revenue Service, or, based on the advice of counsel, as may be necessary or desirable for the Plan to meet or continue to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable; and

**BE IT FURTHER RESOLVED** that this Resolution shall be effective immediately; provided, however, that the amendments hereby approved shall be effective as stated in the Plan Amendment.

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(A copy of **Resolution No. 2050**, together with the "**First Amendment to the City of Alexandria Retirement Income Plan for Firefighters and Police Officers**," is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 23; 12/10/02, and is incorporated herewith as part of this record by reference.)

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24. Consideration of a Resolution adopting amendments to the City of Alexandria Firefighters and Police Officers Disability Income Plan. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated 12/6/02, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 12/10/02, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried on a unanimous ROLL-CALL vote, City Council adopted the resolution which amends the City of Alexandria Firefighters and Police Officers Disability Income Plan to: (1) credit a participant with "earnings" solely for purposes of calculating disability benefits during periods a participant is on leave without pay due to the injury or illness that gives rise to the disability; (2) eliminate the offset for other earnings that is applicable to those on partial disability; (3) increase the "floor" on service connected disability benefit payable at age 60 from 50 percent to 66 2/3 percent; (4) recalculate a participant's earnings at age 60 (based on the current base salary applicable to other employees holding the same rank and grade) for purposes of computing the "floor" disability benefit at age 60; (5) provide a cost-of-living adjustment to participants receiving disability benefits; and (6) incorporate the technical changes required by the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), as required by the Internal Revenue Service. The voting was as follows:

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

The resolution reads as follows:

#### **RESOLUTION NO. 2051**

**WHEREAS**, the City of Alexandria maintains the **City of Alexandria Firefighters and Police Officers Disability Income Plan** (the "Plan"); and

**WHEREAS**, the City of Alexandria desires to adopt and incorporate certain amendments to the Plan as set forth in the "Amendment Number Four to the City of Alexandria, Virginia Plan Agreement Covering the Firefighters and Police Officers Disability Income Plan" (the "Plan Amendment") attached hereto; and

**WHEREAS**, the Plan, as amended, is intended to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable;

**NOW, THEREFORE, BE IT RESOLVED** that the Alexandria City Council does hereby recognize, adopt, approve and restate the Plan to incorporate the Plan Amendment attached hereto and incorporated fully herein by reference; and

**BE IT FURTHER RESOLVED** that the City Manager be, and he hereby is, authorized and directed to make on behalf of the City of Alexandria any other changes to the Plan as may be requested by the Internal Revenue Service, or, based on the advice of counsel, as may be necessary or desirable for the Plan to meet or continue to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable; and

**BE IT FURTHER RESOLVED** that this Resolution shall be effective immediately; provided, however, that the amendments hereby approved shall be effective as stated in the Plan Amendment.

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(A copy of **Resolution No. 2051**, together with "**Amendment Number Four to the City of Alexandria, Virginia Plan Agreement Covering the Firefighters and Police Officers Disability Income Plan**," is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 24; 12/10/02, and is incorporated herewith as part of this record by reference.)

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25. Consideration of a Resolution adopting amendments to the City of Alexandria Retirement Income Plan for Deputy Sheriffs and Emergency Rescue Technicians. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 12/10/02, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council adopted the resolution which amends the City of Alexandria Retirement Income Plan for Deputy Sheriffs and Emergency Rescue Technicians in order to incorporate the technical changes required by the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), as required by the Internal Revenue Service Code. The voting was as follows:

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

The resolution reads as follows:

**RESOLUTION NO. 2052**

**WHEREAS**, the City of Alexandria maintains the **City of Alexandria Retirement Income Plan for Deputy Sheriffs and Emergency Rescue Technicians** (the "Plan"); and

**WHEREAS**, the City of Alexandria desires to adopt and incorporate certain amendments to the Plan as set forth in the "First Amendment to the City of Alexandria Retirement Income plan for Deputy Sheriffs and Emergency Rescue Technicians" (the "Plan Amendment") attached hereto; and

**WHEREAS**, the Plan, as amended, is intended to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable;

**NOW, THEREFORE, BE IT RESOLVED** that the Alexandria City Council does hereby recognize, adopt, approve and restate the Plan to incorporate the Plan Amendment attached hereto and incorporated fully herein by reference; and

**BE IT FURTHER RESOLVED** that the City Manager be, and he hereby is, authorized and directed to make on behalf of the City of Alexandria any other changes to the Plan as may be requested by the Internal Revenue Service, or, based on the advice of counsel, as may be necessary or desirable for the Plan to meet or continue to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable; and

**BE IT FURTHER RESOLVED** that this Resolution shall be effective immediately; provided, however, that the amendments hereby approved shall be effective as stated in the Plan Amendment.

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(A copy of **Resolution No. 2052**, together with the "**First Amendment to the City of Alexandria Retirement Income plan for Deputy Sheriffs and Emergency Rescue Technicians**," is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 25; 12/10/02, and is incorporated herewith as part of this record by reference.)

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26. Consideration of a Resolution adopting amendments to the City of Alexandria Supplemental Retirement Plan. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item 26; 12/10/02, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried on a unanimous ROLL-CALL vote, City Council adopted the resolution which: (1) amends the City of Alexandria Supplemental Retirement Plan in order to provide coverage for members of the City Council, beginning July 1, 2003; and (2) incorporates the technical changes required by the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), as required by the Internal Revenue Service Code. The voting was as follows:

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

The resolution reads as follows:

#### **RESOLUTION NO. 2053**

**WHEREAS**, the City of Alexandria maintains the **City of Alexandria Supplemental Retirement Plan** (the "Plan"); and

**WHEREAS**, the City of Alexandria desires to adopt and incorporate certain amendments to the Plan as set forth in the "First Amendment to the City of Alexandria Supplemental Retirement Plan" (the "Plan Amendment") attached hereto; and

**WHEREAS**, the Plan, as amended, is intended to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable;

**NOW, THEREFORE, BE IT RESOLVED** that the Alexandria City Council does hereby recognize, adopt, approve and restate the Plan to incorporate the Plan Amendment attached hereto and incorporated fully herein by reference; and

**BE IT FURTHER RESOLVED** that the City Manager be, and he hereby is, authorized and directed to make on behalf of the City of Alexandria any other changes to the Plan as may be requested by the Internal Revenue Service, or, based on the advice of counsel, as may be necessary or desirable for the Plan to meet or continue to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable; and

**BE IT FURTHER RESOLVED** that this Resolution shall be effective immediately; provided, however, that the amendments hereby approved shall be effective as stated in the Plan Amendment.

\* \* \* \* \*

(A copy of **Resolution No. 2053**, together with the "**First Amendment to the City of Alexandria Supplemental Retirement Plan**," is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 26; 12/10/02, and is incorporated herewith as part of this record by reference.)

\* \* \* \* \*

**Without objection**, City Council considered **docket item no. 31** at this time.

31. Consideration of a Resolution adopting amendments to the City of Alexandria Pension Plan for Firefighters and Police Officers. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 31; 12/10/02, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried on a unanimous ROLL-CALL vote, City Council adopted the resolution which amends the City of Alexandria Pension Plan for Firefighters and Police Officers in order to incorporate the technical changes required by the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), as required by the Internal Revenue Service Code. The voting was as follows:

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

The resolution reads as follows:

**RESOLUTION NO. 2054**

**WHEREAS**, the City of Alexandria maintains the **City of Alexandria Pension Plan for Firefighters and Police Officers** (the "Plan"); and

**WHEREAS**, the City of Alexandria desires to adopt and incorporate certain amendments to the Plan as set forth in the "First Amendment to the City of Alexandria Pension Plan for Firefighters and Police Officers" (the "Plan Amendment") attached hereto; and

**WHEREAS**, the Plan, as amended, is intended to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable;

**NOW, THEREFORE, BE IT RESOLVED** that the Alexandria City Council does hereby recognize, adopt, approve and restate the Plan to incorporate the Plan Amendment attached hereto and incorporated fully herein by reference; and

**BE IT FURTHER RESOLVED** that the City Manager be, and he hereby is, authorized and directed to make on behalf of the City of Alexandria any other changes to the Plan as may be requested by the Internal Revenue Service, or, based on the advice of counsel, as may be necessary or desirable for the Plan to meet or continue to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended, and of the Economic Growth and Tax Relief Reconciliation Act of 2001, as applicable; and

**BE IT FURTHER RESOLVED** that this Resolution shall be effective immediately; provided, however, that the amendments hereby approved shall be effective as stated in the Plan Amendment.

\* \* \* \* \*

(A copy of **Resolution No. 2054**, together with the "**First Amendment to the City of Alexandria Pension Plan for Firefighters and Police Officers**," is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 31; 12/10/02, and is incorporated herewith as part of this record by reference.)

\* \* \* \* \*

**OTHER**

27. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated December 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 12/10/02, and is incorporated herewith as part of this record by reference.)

Assistant City Manager Evans suggested that the next Community Meeting be held on Wednesday, February 19, and the alternative night is Wednesday, February 5. It was decided to hold it on February 19. Vice Mayor Cleveland indicated that he will arrive late due to a prior commitment.



**WHEREUPON**, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council received the revised calendar which includes: (a) the Alexandria Chamber of Commerce State of the City Breakfast on Thursday, February 27, 2003, at 8:00 a.m., at the Radisson Hotel on North Fairfax Street; (b) the City's Days of Remembrance at noon on Monday, April 28, at Market Square, and (c) **added a Community Meeting to be held at 7:30 p.m. on Wednesday, February 19, at the Charles Houston Center.** The voting was as follows:

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

### CONTESTED APPOINTMENTS

28. Alexandria Board of Architectural Review - Parker-Gray District  
1 Citizen Member

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

NAME

ENDORSED BY:

Lawrence Landgraff

Douglas Meick

\* \* \* \* \*

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 28; 12/10/02, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following result: City Council appointed Douglas Meick as a Citizen Member to the Alexandria Board of Architectural Review Parker-Gray District. The voting was as follows:

Donley	-	Meick
Cleveland	-	Meick
Eberwein	-	Meick
Euille	-	Meick
Pepper	-	Meick
Speck	-	Meick
Woodson	-	Meick

\* \* \* \* \*

29. Alexandria Commission on Persons With Disabilities  
4 Citizen Members (Two of Whom Must Have A Disability)

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

NAME	ENDORSED BY:
Chester Avery* (Identified a Disability)	Barbara A. Gilley, Chair Commission on Persons with Disabilities
Jane Kachulis* (Identified a Disability)	Barbara A. Gilley, Chair Commission on Persons with Disabilities
Barbara Gilley* (Identified a Disability)	Barbara A. Gilley, Chair Commission on Persons with Disabilities
Patrick Reilly	
Tom Sachs* (Identified a Disability)	Barbara A. Gilley, Chair Commission on Persons with Disabilities

\*Incumbent

\*\*\*\*\*

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 29; 12/10/02, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council reappointed Chester Avery (Identified a Disability), Jane Kachulis (Identified a Disability), Barbara Gilley (Identified a Disability) and Tom Sachs (Identified a Disability) as Citizen Members to the Alexandria Commission on Persons with Disabilities. The voting was as follows:

Donley	-	Avery, Kachulis, Gilley, Sachs
Cleveland	-	Avery, Kachulis, Gilley, Sachs
Eberwein	-	Avery, Kachulis, Gilley, Sachs
Euille	-	Avery, Kachulis, Gilley, Sachs
Pepper	-	Avery, Gilley, Reilly, Sachs
Speck	-	Avery, Kachulis, Gilley, Sachs
Woodson	-	Avery, Kachulis, Gilley, Sachs

\*\*\*\*\*

Councilwoman Eberwein noted that there was a letter received from Ms. Gilley that said Tom Sachs might reapply for the business slot, and asked if that meant he would move into that and if there would be a new open seat available so that the fifth applicant might be able to reapply next month? Ms. Boyd responded in the affirmative. Mayor Donley requested Ms. Boyd to let Mr. Reilly know that is up and available, and ask that he send Council an e-mail or call Council as a reminder.

**EXECUTIVE SESSION**

30. Consideration of the Convening of an Executive Session to discuss with legal counsel and staff the acquisition of real property for a public purpose, pursuant to Va. Code Section 2.2-3711(A)(3), and probable litigation, pursuant to Va. Code Section 2.2-3711(A)(7).

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, at 10:15 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 briefing by staff with respect to probable litigation involving the Department of Human Services, and pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, for the purpose of discussing the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City. The voting was as follows:

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

**THEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried on a vote of 6-to-0, at 10:50 p.m., City Council reconvened the meeting. The voting was as follows:

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

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

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

The resolution reads as follows:

**RESOLUTION NO. 2055**

**WHEREAS**, the Alexandria City Council has this 10th day of December 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, at 10:55 p.m., the Regular Meeting of Tuesday, December 10, 2002, was adjourned. The voting was as follows:

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

\* \* \* \* \*

**APPROVED BY:**

\_\_\_\_\_  
**KERRY J. DONLEY**                      **MAYOR**

**ATTEST:**

\_\_\_\_\_  
Beverly I. Jett, CMC                      City Clerk