

3C  
4-22-03

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Regular Meeting  
Tuesday, April 8, 2003 - - 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; Mr. Jinks, Assistant City Manager; Public Information Officer Gordon; Mr. Baier, Director of Transportation and Environmental Services; Mr. Neckel, Director of Finance; Human Rights Administrator Niebauer; Ms. Boyd, Director of Citizen Assistance; Ms. Fogarty, Director of Planning and Zoning; Ms. Barnett, Deputy Director of Recreation, Parks and Cultural Activities; Ms. Steele, Interim Director of Human Services; City Engineer Baker; Legislative Services Director Caton; Code Enforcement Director Dahlberg; and Police Lieutenant Uzzell.

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

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**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 Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Minutes of the Regular Meeting of March 25, 2003, as submitted. The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"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 April 1, 2003, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/8/03, 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 T.C. Williams Key Club.

City Council recognized the T. C. Williams High School Key Club, and encouraged its members to continue the good work of the club.

#### **OPENING (continued)**

6. Presentation of Proclamation Recognizing Sunday, April 27 through Sunday, May 4, 2003, as Days of Remembrance 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; 4/8/03, and is incorporated herewith as part of this record by reference.)

Mayor Donley presented the proclamation.

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

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

7. Presentation of Proclamation Proclaiming the Month of April 2003, as Child Abuse Prevention 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; 4/8/03, and is incorporated herewith as part of this record by reference.)

Councilman Speck presented the proclamation.

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

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

8. Presentation of Proclamation Proclaiming the Month of April as Fair Housing 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; 4/8/03, and is incorporated herewith as part of this record by reference.)

Councilwoman Woodson presented the proclamation.

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

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

9. Presentation of Proclamation Proclaiming the Week of April 27 through May 3, 2003, as Alexandria Volunteer 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. 9; 4/8/03, and is incorporated herewith as part of this record by reference.)

Vice Mayor Cleveland presented the proclamation.

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

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

10. Presentation of Proclamation Proclaiming Saturday, April 26, 2003, as Earth 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. 10; 4/8/03, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper presented the proclamation.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council endorsed the proclamation. The voting was as follows:

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

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

### CONSENT CALENDAR (11-15) (19-21)

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

- (a) Alexandria Woodrow Wilson Bridge Neighborhood Task Force  
Harold J. Arata
- (b) Alexandria Commission for the Arts  
Ann-Clayton Everett
- (c) Alexandria Community Services Board  
Herbert L. Karp

(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. 11(a-c); 4/8/03, and is incorporated herewith as part of this record by reference.)

12. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Affordable Housing Advisory Committee
  - 1 Residential Tenant in the City
  - 1 Landlord of Residential Property in the City
- (b) Alexandria-Caen Exchange Committee
  - 1 Citizen Member
- (c) Alexandria Budget and Fiscal Affairs Advisory Committee
  - 1 Member Designated by Councilwoman Joyce Woodson
- (d) Alexandria Commission on Aging
  - 1 Representative of A Health Care Provider Organization
- (e) Alexandria Commission on HIV/AIDS
  - 1 Representative of the Alexandria Interfaith Association
- (f) Alexandria Commission on Persons With Disabilities
  - 1 Representative From the Alexandria Commission on Aging
- (g) Alexandria Convention and Visitors Association Board of Governors
  - 1 Restaurant Owner/Manager Representative
- (h) Alexandria Early Childhood Commission
  - 1 Member of the Alexandria Economic Opportunities Commission
- (i) Alexandria George Washington Birthday Celebration Committee
  - 1 Representative From the Business Community Nominated by the Alexandria Chamber of Commerce
- (j) Historic Alexandria Resources Commission
  - 1 Business Representative

- (k) Alexandria Landlord-Tenant Relations Board  
1 Landlord or Representative of A Landlord
- (l) Alexandria Local Emergency Planning Committee  
1 Representative of A Community Group
- (m) Alexandria Social Services Advisory Board  
2 Citizen Members

(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. 12(a-m); 4/8/03, and is incorporated herewith as part of this record by reference.)

13. Receipt of the Alexandria Commission for the Arts Fiscal Year 2001-2002 Annual Report.

(A copy of the City Manager's memorandum dated March 28, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 4/8/03, and is incorporated herewith as part of this record by reference.)

14. Receipt of the Fiscal Year 2002 Annual Report of the Alexandria Commission on HIV/AIDS.

(A copy of the City Manager's memorandum dated March 27, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 4/8/03, and is incorporated herewith as part of this record by reference.)

15. Consideration of a Grant Application for the Summer Food Service Program for Children.

(A copy of the City Manager's memorandum dated March 27, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 4/8/03, and is incorporated herewith as part of this record by reference.)

## **ORDINANCES AND RESOLUTIONS**

19. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to adopt the Eisenhower East Small Area Plan as a chapter of the 1992 Master Plan of 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. 19; 4/8/03, 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 present 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. 19; 4/8/03, and is incorporated herewith as part of this record by reference.)

20. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend the map and text of the Zoning Ordinance of the City of Alexandria to implement the Eisenhower East Small Area Plan Chapter of the 1992 Master Plan of 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. 20; 4/8/03, 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 present 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. 20; 4/8/03, and is incorporated herewith as part of this record by reference.)

21. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend the fire prevention regulations in the City Code to establish a fire protection system retesting program.

(A copy of the City Manager's memorandum dated April 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 4/8/03, 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. 21; 4/8/03, 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 present 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. 21; 4/8/03, and is incorporated herewith as part of this record by reference.)

## **END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council approved the Consent Calendar as presented. The City Manager's recommendations are as follows:

11. City Council received the following resignations with regret: (a) Harold J. Arata from the Alexandria Woodrow Wilson Bridge Neighborhood Task Force; (b) Ann-Clayton Everett from the Alexandria Commission for the Arts; and (c) Herbert L. Karp from the Alexandria Community Services Board; requested the Executive Secretary for Boards and Commissions to send the appropriate letters of appreciation and to advertise the vacancies in the usual manner.

12. City Council: (a) appointed Kerry-Ann Powell as a Residential Tenant in the City, and waived the residency requirement of William Nussbaum and appointed him as a Landlord of Residential Property in the City to the Alexandria Affordable Housing Advisory Committee; (b) appointed L. Diane Wood as a Citizen Member to the Alexandria-Caen Exchange Committee; (c) appointed Steven Abrahamson as a Member Designated by Councilwoman Joyce Woodson to the Alexandria Budget and Fiscal Affairs Advisory Committee; (d) waived the residency requirement and appointed Lisa Wright as a Representative of a Health Care Provider Organization to the Alexandria Commission on Aging; (e) appointed George Dumas as a Representative of the Alexandria Interfaith Association to the Alexandria Commission on HIV/AIDS; (f) appointed Kathryn Edwards as a Representative from the Alexandria Commission on

Aging to the Alexandria Commission on Persons with Disabilities; (g) appointed Patrick Gaffney as a Restaurant Owner/Manager Representative to the Alexandria Convention and Visitors Association Board of Governors (ACVA); (h) appointed Gila Harris as a Member of the Alexandria Economic Opportunities Commission to the Alexandria Early Childhood Commission; (i) reappointed Joseph Shumard as a Representative from the Business Community Nominated by the Alexandria Chamber of Commerce to the Alexandria George Washington Birthday Celebration Committee; (j) reappointed Florence King as a Business Representative to the Historic Alexandria Resources Commission; (k) reappointed Christopher Brunton as a Landlord or Representative of a Landlord to the Alexandria Landlord-Tenant Relations Board; (l) reappointed Karen Helbrecht as a Representative of a Community Group to the Alexandria Local Emergency Planning Committee; and (m) appointed Matthew Livingston and Spencer Tackill as Citizen Members to the Alexandria Social Services Advisory Board.

13. City Council received the report and thanked the Alexandria Commission for the Arts for its efforts on behalf of the arts and the City.

14. City Council received the Annual Report from the Alexandria Commission on HIV/AIDS and thanked the Commission for its efforts on behalf of the City.

15. City Council authorized the City Manager to: (1) submit the grant application to the U.S. Department of Agriculture for its continuation funding, in the amount of \$112,000 in estimated program income; and (2) execute all necessary documents that may be required.

This grant application is due to the U.S. Department of Agriculture on May 16, 2003. To meet the application deadline, staff will submit the grant proposal to the agency, contingent upon City Council's approval at its April 8, 2003 session. It should be noted that there are no funds available in the City budget to continue these activities once the grant funds are expended.

19. City Council introduced and passed the ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, April 12, 2003.

20. City Council introduced and passed the ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, April 12, 2003.

21. City Council introduced and passed the ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on Saturday, April 12, 2003.

**END OF CONSENT CALENDAR**

The voting was as follows:

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

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

16. Consideration of a Reimbursement Cost-Share Program for Back-Flow Preventers for Four Mile Run and Commonwealth Sewer Service Areas.

(A copy of the City Manager's memorandum dated April 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 4/8/03, and is incorporated herewith as part of this record by reference.)

Director of Transportation and Environmental Services Baier provided an overview of the program, and responded to questions posed to him by the Members of City Council. City Manager Sunderland participated in the discussion.

Councilwoman Woodson noted that there is also money that the City provides to homeowners who fall within certain income ranges, as well as the elderly, to fix their property that is in poor shape. She questioned whether they could also use it for this kind of preventive maintenance. Ms. Woodson requested staff to look at the legislation that governs the rehabilitation program to see if it could be used given these circumstances. The City Manager will explore the issue and report back to Council with suggestions.

Councilwoman Eberwein requested Transportation and Environmental Services Director Baier to get in touch with David Nichols regarding his e-mail on this subject to find out exactly what kind of equipment he has. Try to find out if it's the type of equipment that you're suggesting or the effectiveness of his equipment.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council: (1) approved the cost-sharing program for the installation of back-flow preventers as described in the City Manager's memorandum dated April 3, 2003; and (2) authorized the City Manager to take the steps necessary and desirable to implement the program. The voting was as follows:

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

17. Verbal Report of the Presentation of the Annual Report by First Night Alexandria's Executive Director Ann Dorman.

(A copy of the Year End Report dated December 31, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 4/8/03, and is incorporated herewith as part of this record by reference.)

City Council recognized First Night Alexandria Executive Director Ann Dorman and President David Martin who thanked the City Council for its support. In addition, Ms. Dorman provided Council with some statistics on the success of the December 31, 2002, First Night Alexandria celebration. Ms. Dorman presented City Council with a framed poster as a thank you which is to be placed in the Council Office.

Councilman Euille suggested that First Night make brochures available for the Arts Festival which is to take place in September.



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

Assistant City Manager Jinks and Planning and Zoning Deputy Director Ross provided Council with an update on the three corners of lower King Street.

#### **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

None

#### **ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

(a) Councilwoman Pepper extended condolences to School Board Member Gwen Lewis whose husband, Mel Lewis, recently passed away unexpectedly. Services will be held on Friday, April 11, at 11:00 a.m., at the Alfred Street Baptist Church. Meeting with the family will be at 10:30 a.m.

(b) Councilwoman Pepper congratulated the Chamber of Commerce on an absolutely wonderful 17th Annual Public Safety Valor Awards luncheon. It was very well attended, and we're very proud of those who were recognized.

(c) Councilwoman Pepper congratulated Christina L. Gutierrez, teacher at T.C. Williams High School, for being honored by *The Washington Post* as a recipient of an Agnes Meyer Award.

#### **REPORT FROM THE CITY MANAGER**

(a) City Manager Sunderland reported that the City has received notice this week that it is being reimbursed by the state for a little over \$100,000 of our sniper costs. This represents approximately 50 to 60% of what the total costs were.

(b) The City Manager announced that the Fort Ward Museum has won the Joseph Harsh Award for professional achievement and contributions to promoting and preserving local Civil War History.

(c) Mr. Sunderland was pleased to announce the recipients of the 2003 Public Safety Valor Awards as follows: Gold Medal, the highest award for valor and heroism: Fire Lieutenant Wayne Bryant and Police Officers Nancy Everard and Numa Landry. Silver Medal, the second highest award for bravery and heroism: Police Sergeant Steven Carr, Investigator Ned Thompson and Police Officers Jeffrey Ash, John Lytle, William Mayfield, Douglass Serven, Jeffrey Stovall, and Seth Weinstein and Deputy Sheriff John O'Hara and Sheriff Sergeant Janice Parker. Certificates of Valor were awarded to Police Officers Brian Fromm and Kurt Dove. Lifesaving awards were presented to EMTs Jeannie Robinson and Khoa Tran. The luncheon was very well done by the Chamber of Commerce and was appreciated.

(d) Manager Sunderland noted that Christmas in April is on April 26. We have a home for anyone who wants to participate. It's a home that doesn't require a great deal of work.

(e) City Manager Sunderland indicated a couple new budget memos were placed in Council's boxes today. In addition, a memorandum on affordable housing initiatives and the proposal to create an Alexandria-based non-profit housing corporation was also placed in the box. This will be brought back to Council either in late April or May to have a discussion on it. The memo suggests putting together a committee of folks in the City to begin planning for it, doing a lot of thinking and then coming back with Articles of Incorporation, if possible, by the end of June. He is going to get the committee together to bring back some thoughts to the Council.

Councilman Euille requested a report on the snow removal costs. The City Manager noted that Transportation and Environmental Services Director Baier is working on it.

### **ORDINANCES AND RESOLUTIONS (continued)**

22. Consideration of the adoption of an amendment in the nature of a substitute, to the Ordinance to amend the provisions of Title 3, Chapter 2 of the City Code, relating to real estate tax relief, as passed on first reading on February 11, 2003 (Docket Item No. 15).

(A copy of the City Manager's memorandum dated April 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 4/8/03, 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. 22; 4/8/03, 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 present 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. 22; 4/8/03, and is incorporated herewith as part of this record by reference.)

The City Manager's recommendation contained in his April 3, 2003 memorandum is as follows:

"So that it can consider the full range of options during the FY 2004 budget process, that City Council adopt the amendment in the nature of a substitute, and set the ordinance as amended, for public hearing Tuesday, April 22, 2003, and second reading and final passage Tuesday, April 29, 2003. The proposed substitute ordinance is structured with three program options, all or any of which could be adopted if City Council determines in the FY 2004 Add/Delete process that it wishes to fund a further expansion of tax relief. The substitute ordinance is structured to:

1. Expand the existing tax relief program for the elderly and disabled to include the following:

- Increase the maximum income limit to qualify for a full real estate tax exemption from the current \$12,800 to \$40,000;
- Change the maximum income limit to qualify for a partial exemption equal to 50% of the taxes owed for the year from the current \$35,000 to \$50,000;
- Establish the maximum income limit to qualify for a partial exemption equal to 25% of the taxes owed for the year at \$62,000;

- Continue to offer a deferral of real estate taxes for qualified applicants with total income that does not exceed \$62,000;
- Increase the asset eligibility limit for the real estate tax relief program from \$195,000 to the new State limit of \$240,000; and
- Increase the deduction allowed for a family member living in the household from \$6,500 to the new State limit of \$8,500.

2. Establish a new Residential Real Estate Tax Deferral Program for Owner/Occupants which includes the following provisions:

- Permit taxpayers to defer the portion of their actual tax bill that exceeds 110% of their 2002 tax bill;
- Establish the income limit to qualify for the deferral program at \$45,200 for a household of up to two persons (HUD Low-Income measure) and \$4,000 for each additional dependent;
- Subject the deferred tax amount to interest at the IRS Section 6621 rate; and
- Limit the City's first priority lien for deferred taxes and interest to 10% of the sale price, or 10% of the assessed value if there is no sale.

3. Establish a new Small Business Real Estate Tax Deferral Program, which includes the following provisions:

- Permit a business to defer the portion of their actual real estate tax bill that exceeds 110% of their 2002 tax bill;
- Establish the annual gross income limit for a business to qualify for the deferred program at \$100,000;
- Limit the assessed value of the real estate property owned and used by the business to \$499,900; and
- Limit the City's first priority lien for deferred taxes and interest to 10% of the sale price, or 10% of the assessed value if there is no sale."

\* \* \* \* \*

Members of City Council participated in a discussion on this item.

(A copy of the verbatim transcript of the total Council discussion on this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 22; 4/8/03, and is incorporated herewith as part of this record by reference.)

Councilman Euille asked that this be referred to the Budget and Fiscal Affairs Advisory Committee (BFAAC) for its review and comment back to Council, if possible.

**WHEREUPON**, a motion was made by Councilwoman Eberwein and seconded by Councilman Speck to include the City Manager's recommendation one on the program for public hearing on Tuesday, April 22, 2003, and second reading and final passage on Tuesday, April 29, 2003.

Councilwoman Woodson provided staff with information on programs from Loudoun County, Bridgeport, Connecticut, and Florida for its review.

**THEREUPON**, a motion to amend the main motion was made by Councilwoman Woodson and seconded by Vice Mayor Cleveland to include the total City Manager recommendation for discussion and analysis purposes so that citizens have an opportunity to weigh in on the recommendations.

Members of Council and the City Manager participated in a discussion on the motion to amend. Mayor Donley noted that the motion to amend is to include sections two and three of the City Manager's recommendation for a public hearing. For clarification purposes, Councilman Speck noted that the motion was first to approve the recommendation for the expansion of the tax relief program and schedule it for public hearing, which is item one. This is something that Council wants to do and intends to do. In addition, Council is also asking inclusion of items two and three in the public hearing and inviting the public to comment. Mr. Speck stated that Council is not taking a position on whether it wants to do items two and three but is asking for public comment on those proposals. He reiterated that Council knows for certain that it wants to implement the first part of the proposal.

After the lengthy dialogue on the motion to amend, Council returned to the motion to amend as follows:

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-1, City Council amended the main motion to include the total City Manager recommendation for discussion and analysis purposes so that citizens have an opportunity to weigh in on the recommendations. The voting was as follows:

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

**THEREUPON**, Council returned to the original motion, as amended, made by Councilwoman Eberwein, seconded by Councilman Speck and carried unanimously, City Council adopted the amendment in the nature of a substitute, and set the ordinance, as amended, for public hearing on Tuesday, April 22, 2003, and second reading and final passage on Tuesday, April 29, 2003, which includes the total City Manager recommendation for discussion and analysis purposes so that citizens have an opportunity to weigh in on the recommendations. The voting was as follows:

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

Mayor Donley noted that, as the Manager summarized, final passage of this ordinance will be on budget adoption night which is April 29. Council will have the public hearing on April 22. It is Mayor Donley's hope that Council will get some comment from BFAAC. He stated that the elements that Council wants to build into this obviously are going to have to be part of the add/delete process.

**OTHER**

23. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated April 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 4/8/03, and is incorporated herewith as part of this record by reference.)

Vice Mayor Cleveland noted that the public hearing on the tax rate will be on April 22, as well.

Councilman Speck noted that he will not be in town on May 13, for the legislative meeting.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilman Speck and carried on a vote of 6-to-0, City Council received the revised schedule which includes: (a) **canceled the ceremony to recognize the demolition of the Samuel Madden Homes (Downtown) on Saturday, April 12, at 1:30 p.m.**; (b) a work session at 6 p.m., before its Tuesday, April 22 legislative meeting to receive a presentation on the Alexandria Visitors Center consultant study; (c) the City's Bike to Work Day on Friday, May 2, from 6:45 a.m. to 9:00 a.m., at Market Square; (d) *Celebrating Education Day*, on Thursday, May 8, from 1:00 p.m. to 6:00 p.m. Kick off is at The Chart House Restaurant with an awards program followed by a dock party on the waterfront behind the Torpedo Factory at 3:00 p.m.; (e) a work session at 6 p.m., before its Tuesday, May 13 legislative meeting on open space; (f) a work session at 6 p.m. before its Tuesday, May 27 legislative meeting (**revised date**) on the programs provided by the Alexandria Small Business Development Center. The voting was as follows:

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

**CONTESTED APPOINTMENTS**

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

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

NAME	ENDORSED BY:
------	--------------

Timothy Belevetz

H. Richard Lloyd, III

Heather Watenpaugh

\* \* \* \* \*

(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. 24; 4/8/03, 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: No one received a majority vote; therefore, there had to be a second balloting. The voting was as follows:

Donley	-	Watenpaugh
Cleveland	-	Belevetz
Eberwein	-	Lloyd
Euille	-	Belevetz
Pepper	-	Lloyd
Speck	-	Lloyd
Woodson	-	Watenpaugh

\*\*\*\*\*

Thereupon, ballots were again distributed, tellers were again appointed and the ballots again tallied with the following result: City Council appointed H. Richard Lloyd, III as a Citizen Member to the Alexandria Board of Architectural Review - Parker-Gray District. The voting was as follows:

Donley	-	Watenpaugh
Cleveland	-	Belevetz
Eberwein	-	Lloyd
Euille	-	Lloyd
Pepper	-	Lloyd
Speck	-	Lloyd
Woodson	-	Watenpaugh

\*\*\*\*\*

25. Alexandria Human Rights Commission  
1 Citizen Member

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

NAME

ENDORSED BY:

Evelyn Oliver

Bruce Watenpaugh

\*\*\*\*\*

(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. 25; 4/8/03, 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 Evelyn Oliver as a Citizen Member to the Alexandria Human Rights Commission. The voting was as follows:

Donley	-	Oliver
Cleveland	-	Oliver
Eberwein	-	Oliver
Euille	-	Oliver
Pepper	-	Oliver
Speck	-	Watenpaugh
Woodson	-	Oliver

\*\*\*\*\*

26. Alexandria Waterfront Committee  
1 Citizen Representative Who Resides East of Washington Street  
and South of King Street

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

NAME	ENDORSED BY:
David Olinger	The Old Town Civic Association

Yvonne Weight (**Application Withdrawn 4/8/03**)

\*\*\*\*\*

(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. 26; 4/8/03, 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 David Olinger as a Citizen Representative who resides east of Washington Street and south of King Street to the Alexandria Waterfront Committee. The voting was as follows:

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

\*\*\*\*\*

**New Business Item No. 1: 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 resulting from environmental contamination of land. 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 Vice Mayor Cleveland and carried unanimously, at 10:45 p.m., City Council convened in open session. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Speck 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"	Cleveland	"aye"
Speck	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
	Pepper	"aye"	

The resolution reads as follows:

#### **RESOLUTION NO. 2065**

**WHEREAS**, the Alexandria City Council has this 8th day of April 2003, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

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

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

\* \* \* \* \*



**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, at 10:46 p.m., the Regular Meeting of April 8, 2003, was adjourned. The voting was as follows:

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

\* \* \* \* \*

**APPROVED BY:**

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

ATTEST:

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