

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, March 23, 2004 - - 7:00 p.m.

* * * * *

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Ms. Evans, Assistant City Manager; Mr. Pessoa, City Attorney; Mr. Jinks, Assistant City Manager; Mr. Caton, Legislative Director; Ms. Fogarty, Director of Planning and Zoning; Police Lieutenant Uzzell; Mr. Kincannon, Director of Parks, Recreation and Cultural Activities; Ms. Boyd, Citizen Assistance; Mr. Baier, Transportation and Environmental Services Director; Ms. Baker, City Engineer; Mr. Eiffert, Deputy Director of Housing; Ms. Gordon, Public Information Officer; Mr. Neckel, Finance Director; Ms. Neibauer, Director of Human Rights; Ms. Barnett, Deputy Director of Program Operations, Parks, Recreation and Cultural Activities; Mr. Dahlberg, Code Enforcement Director; and Ms. Collins, Human Services Director.

Recorded By: Jackie M. Henderson, City Clerk and Clerk of Council.

Work Session:

A work session was held from 5:30 to 8:15 p.m. in the Council Chambers to discuss Taxicab matters.

(Material pertaining to the work session item is on file in the Office of the City Clerk and Clerk of Council and is incorporated herewith as part of this record by reference.)

OPENING

1. Calling the Roll.

The Meeting was called to order by Mayor Euille at 8:15 p.m., and the City Clerk called the Roll; all Members of City Council were present.

2. Moment of Silence and Pledge of Allegiance.

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

3. Reading and Acting Upon the Minutes of the Following Meetings of City Council:

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the minutes of the regular meeting of March 9, 2004, and the public hearing meeting of March 13, 2004, with the noted correction on page 10, item 22 of the March 9 minutes, to note the vote of Councilman Macdonald as being "no." The voting was as follows:

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

NEW BUSINESS ITEM NO. 1: Council recognized Bomb Sniffing Dog "Bear" and his handler, Sergeant John Zook, who recently rated the number one canine bomb disposal recognition dog in the United States at the United States Police Canine Championships in Bay St. Louis, Mississippi, and the McFadden family, who donated Bear to the City.

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

4. Recognition of the T.C. Williams Wrestling Team.

City Council recognized the students from the wrestling team.

PROCLAMATIONS

5. Presentation of a Proclamation Declaring the Month of April as Sexual Assault Awareness Month.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 3/23/04, and is incorporated as part of this record by reference.)

Councilman Smedberg presented the Proclamation.

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

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

6. Presentation of a Proclamation Declaring the Week of April 18-24, 2004, as Days of Remembrance.

(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, 3/23/04, and is incorporated as part of this record by reference.)

Councilman Krupicka presented the Proclamation.

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

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

7. Presentation of a Proclamation Recognizing Former Recreation, Parks and Cultural Activities Director Sandra Whitmore.

(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, 3/23/04, and is incorporated as part of this record by reference.)

Vice Mayor Pepper presented the Proclamation.

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

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

NEW BUSINESS ITEM NO. 2: City Manager Sunderland introduced Kirk Kincannon, who was recently promoted to Director of Recreation, Parks and Cultural Activities.

8. Presentation of a Proclamation Declaring April 3, 2004, as City Homeownership Fair Day.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 3/23/04, and is incorporated as part of this record by reference.)

Councilman Gaines presented the Proclamation.

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

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

9. Presentation of a Proclamation Declaring April 24, 2004, as Earth Day.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 3/23/04, and is incorporated as part of this record by reference.)

Councilman Macdonald presented the Proclamation.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (10-17)

(Resignations and Uncontested Appointments)

10. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
- (a) Alexandria Commission for the Arts
Robert Mosher
 - (b) Alexandria Human Rights Commission
Susan H. Rumberg

(A copy of the above resignations is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 10 (a-b), 3/23/04, and

is incorporated 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
 - 1 Member From the Historic Alexandria Foundation
- (b) Alexandria Commission for the Arts
 - 1 Member Who Represents the Public-at-Large As An Art Consumer and Participant
 - 2 Members Who Represent Arts Education or Business Expertise Relative To Arts and Cultural Development, Including Such Perspectives As Marketing, Finance/Funding, Tourism Promotion and Organizational Development
- (c) Alexandria Commission on HIV/AIDS
 - 1 Member From and Representing the Inova Visiting Nurses Home Health Association
- (d) Alexandria Landlord-Tenant Relations Board
 - 1 Landlord or Representative of A Landlord
 - 1 Tenant Member
- (e) Alexandria Law Library Board
 - 1 Citizen Member
- (f) Alexandria Redevelopment and Housing Authority Board of Commissioners
 - 1 Representative of the Alexandria Landlord-Tenant Relations Board
- (g) Alexandria Youth Policy Commission
 - 1 Member From the Alexandria Park and Recreation Commission

(Material pertaining to the above appointments is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 11 (a-g), 3/9/04, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

12. Receipt of the Annual Report from the Public Records Advisory Commission.

(A copy of the City Manager's memorandum dated March 14, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12,

3/23/04, and is incorporated as part of this record by reference.)

13. Consideration of Authorization of Recommended Capital Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated March 14, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 3/23/04, and is incorporated as part of this record by reference.)

14. Consideration of Monthly Financial Report for the Period Ending February 29, 2004.

(A copy of the City Manager's memorandum dated March 15, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 3/23/04, and is incorporated as part of this record by reference.)

15. Consideration of a Grant Application to the Virginia Commission for the Arts for Funds for a Local Government Challenge Grant for the Department of Recreation, Parks and Cultural Activities.

(A copy of the City Manager's memorandum dated March 11, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 3/23/04, and is incorporated as part of this record by reference.)

16. Authorization for Grant Submission to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services to Provide Prevention Programming in Preschools and Homeless Shelters for Children Ages Three and Older.

(A copy of the City Manager's memorandum dated March 12, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 3/23/04, and is incorporated as part of this record by reference.)

17. Authorization for a Grant Submission to the Virginia Tobacco Settlement Foundation to Provide Tobacco Prevention Programming in Preschools.

(A copy of the City Manager's memorandum dated March 11, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17, 3/23/04, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

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

10. City Council received the following resignations with regret: (a) Robert Mosher, Alexandria Commission for the Arts; and (b) Susan H. Rumberg, Alexandria Human Rights Commission.

11. City Council made the following appointments: (a) appointed Samuel Lang as the member from the Alexandria Society for the Preservation of Black Heritage and reappointed Walter Hall as the member from the Historic Alexandria Foundation to the Alexandria Archaeological Commission; (b) reappointed Lauren Mays as the member who represents the public-at-large as an art consumer and participant and Alisa Carrel and Meera Wolfe as the members who represent arts education or business expertise relative to arts and cultural development, including such perspectives as marketing, finance/funding, tourism promotion and organizational development to the Alexandria Commission for the Arts; (c) appointed Cynthia Bees as the member from and representing the Inova Visiting Nurses Home Health Association to the Alexandria Commission on HIV/AIDS; (d) waived the residency requirement and reappointed Cynthia Clare as the landlord or representative of a landlord representative and appointed Evelyn Oliver as the tenant member to the Alexandria Commission on HIV/AIDS; (e) appointed Michael Stamp as the citizen member to the Alexandria Law Library Board; (f) reappointed Fletcher Johnston as the representative of the Alexandria Landlord-Tenant Relations Board to the Alexandria Redevelopment and Housing Authority Board of Commissioners; and (g) reappointed William Conkey as the member from the Alexandria Park and Recreation Commission to the Alexandria Youth Policy Commission.

12. City Council received the report of the Public Records Advisory Commission and thanked the Commission for their efforts on behalf of the City.

13. City Council authorized the capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Expenditure Summary.

14. City Council received the Monthly Financial Report for the period ending February 29, 2004.

15. City Council authorized the City Manager to: (a) Submit a grant application, in the amount of \$5,000 to the Virginia Commission for the Arts' Local Government Challenge grant program; and (b) execute all necessary documents that may be required.

16. City Council (a) Approved the grant application to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services for funding in the amount of \$100,000 to provide mental health services to an additional 100 preschool children by consulting with teachers and parents regarding child behavior problems, providing parenting workshops and facilitating groups at the City's homeless shelters;

and to train teachers at 15 preschools to implement AI's Pals, increasing services through the AI's Pals program by 220 children; and (b) authorized the addition of a Therapist III (1.0 FTE) and a part-time Therapist II (0.30 FTE) to the Preschool Prevention Team in the Department of Mental Health, Mental Retardation and Substance Abuse.

17. City Council (a) Authorized the grant application to the Virginia Tobacco Settlement Foundation, in the amount of \$75,000, to train 21 preschool teachers to implement the AI's Pals program, increasing services by 220 children per week; and to provide consultation to parents and teachers regarding child behavior problems; and (b) authorized the addition of a full-time Therapist II (1.0 FTE) to the Preschool Prevention Team in the Department of Mental Health, Mental Retardation and Substance Abuse.

The voting was as follows:

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

CONTESTED APPOINTMENTS

18. Alexandria Affordable Housing Advisory Committee
1 Homeowner

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

NAME: ENDORSED BY:

Katharine Dixon
Robin Eddington
David Englin
Matthew Mishkind
Nancy Lopez

(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. 18, 3/23/04, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed David Englin to the Alexandria Affordable Housing Advisory Committee. The voting was as follows:

Euille	-	Englin
Pepper	-	Englin
Gaines	-	Eddington
Krupicka	-	Englin

Macdonald - Englin
Smedberg - Englin
Woodson - Englin

19. Alexandria Community Criminal Justice Board
1 Citizen Member

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

NAME: ENDORSED BY:

Edna Burns
Mary Flowers
Frank Spangler

(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. 19, 3/23/04, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed Mary Flowers as the citizen member to the Alexandria Community Criminal Justice Board. The voting was as follows:

Euille - Flowers
Pepper - Flowers
Gaines - Flowers
Krupicka - Flowers
Macdonald - Flowers
Smedberg - Flowers
Woodson - Flowers

20. Alexandria Sister Cities Committee
1 Citizen Member

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

NAME: ENDORSED BY:

Jeremy Jalorina
Matthew Mueda

(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. 20, 3/23/04, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed Matthew Mueda as the citizen member to the Alexandria Sister Cities Committee. The voting was as follows:

Euille	-	Mueda
Pepper	-	Mueda
Gaines	-	Jalorina
Krupicka	-	Mueda
Macdonald	-	Jalorina
Smedberg	-	Mueda
Woodson	-	Mueda

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

21. Update on the Duke Street Concourse. (Staff presentation)

(A copy of the City Manager's memorandum dated March 19, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21, 3/23/04, and is incorporated as part of this record by reference.)

City Engineer Baker and Transportation and Environmental Services Director Baier made a presentation of the Duke Street Concourse.

22. Receipt of Report on the FY 2003 Fall Festival of the Arts and Recommendations Concerning the 2004 Fall Festival of the Arts.

(A copy of the City Manager's memorandum dated March 19, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22, 3/23/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved continuing the Fall Festival of the Arts in 2004 with it becoming an annual event; set the 2004 date for the two-day festival as Saturday, September 11 and Sunday, September 12; and acknowledged that the Arts Festival Committee will serve as the sponsor of the event in 2004, with the recommendation that the President of the Alexandria Arts Forum be named as the third co-chair. The voting was as follows:

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

23. Consideration of the FY 2003 City Employee Work Force Utilization Analysis and FY 2003 Applicant Tracking Report.

City Council deferred action until the next legislative meeting.

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Mayor Euille said the WMATA public hearing on the bus and rail fare and parking garage and lots increases will be held in Council Chambers at City Hall on March 25 at 7:30 p.m.

(b) Councilman Macdonald noted that he and the Mayor are co-chairs of the Woodrow Wilson Bridge Neighborhood Task Force and they meet regularly with citizens related to the construction of the Bridge.

A report on the action of VDOT on the temporary relocation and displacement of the residents of Hunting Terrace was given by Mr. Russell Fuhrman, a representative of Potomac Crossing Consultants, the General Engineering Contractor, supporting both the Virginia and Maryland State Highway Departments.

There were questions and comments from Council.

Mayor Euille asked staff to take into consideration the recommendation of involving the Mental Health Department in the moves.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) **WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, the following motion was made: 1. That the City Council find that substantial change in the taxi industry in Alexandria is required to strike an appropriate balance between maintaining high standards of customer service, driver independence and opportunity for mobility, competition between cab companies, and economic stability within the industry; 2. That the City Council instruct the City Manager to establish a taxi industry work group of five driver representatives and five company representatives, to be chaired by the City's consultant, Bruce Schaller, with staff support from such City staff as the Manager designates; 3. That such work group shall review such surveys, reports and additional information as have been outlined by the consultant at the work session on March 23, 2004, shall report as to such proposed changes in the industry as to which the work group has reached consensus, and shall report as to proposed changes as to which there is no consensus; 4. That such work group shall endeavor to complete its work for presentation to Council at its legislative meeting on May 11, 2004; and 5. That City Council shall endeavor to adopt by ordinance such changes as the Council approves not later than June 22, 2004. (In paragraph three, under surveys, it is understood to

include consumer surveys and there will be outreach to the senior and disabled [DOT Program] participants.) The voting was as follows:

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

(b) Vice Mayor Pepper said she was concerned on the Second Presbyterian Church process that Council will not meet with the Planning Commission until April 20, and it will hear from the Steering Committee of the Open Space Plan not much before that. The Planning Commission will have to schedule a public hearing for May, and that may not give the Council time to digest everything that is decided on April 20. Therefore, she thought they may wish to have the Planning Commission not advertise for a May meeting but instead a June meeting.

A MOTION WAS MADE by Councilman Gaines, which was seconded by Vice Mayor Pepper, to recommend to the City Manager that the Second Presbyterian item be docketed for the June Planning Commission meeting.

After discussion, Councilman Gaines removed his motion from the floor.

Vice Mayor Pepper asked to have the discussion of the Second Presbyterian Church docketed for Council discussion for the first legislative meeting in April.

Mayor Euille said there is a request of the City Manager to bring the thoughts back in the form of a recommendation for the next legislative meeting.

(c) Councilwoman Woodson noted that the City Council meeting was closed-captioned this evening.

(d) Councilman Gaines noted that a number of Alexandria neighborhoods were recognized as great places to live in the April issue of *Washingtonian Magazine*, and in particular Ford's Landing and Rosemont were two of the 50 best neighborhoods to live.

ORAL REPORT FROM THE CITY MANAGER

There were none.

ORDINANCES AND RESOLUTIONS

24. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Supplement 34 to the City of Alexandria Zoning Ordinance. **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24, 3/23/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24, 3/23/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously by **roll-call vote**, City Council introduced and passed the Ordinance on First and Second Reading to adopt Supplement No. 34 to the Zoning Ordinance. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4342

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 34," are hereby adopted as and shall constitute "The Thirty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 10, 2003 and June 14, 2003, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 10, 2003 and June 14, 2003, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 14, 2003.

Section 4. That one complete set of pages comprising "The Thirty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

25. Consideration of a Resolution to Authorize the City to Acquire By Purchase or Condemnation Certain Permanent Storm Water Utility and Temporary Construction Easements in Furtherance of the Eisenhower East Small Area Plan and Mill Race SUP approval.
(ROLL-CALL VOTE)

(A copy of the City Attorney's memorandum dated March 19, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25, 3/23/2004, and is incorporated as part of this record by reference.)

City Attorney Pessoa explained the resolution.

Mr. Clark Ewart, with Peridine Development, explained the construction of the storm sewer.

Mr. Paul Terpek, with Blankingship and Keith, explained the reason for the request.

Mr. Harry Hart, representing Mill Race, explained the problems.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Krupicka and carried 6-1 by **roll-call vote**, City Council adopted a

resolution to acquire by purchase or condemnation certain permanent storm water utility and temporary construction easements in furtherance of the Eisenhower East Small Area Plan and Mill Race Special Use Permit approval, with the understanding that the Mayor, City Manager, City Attorney and others will meet to seek a solution to the problem. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2100

WHEREAS, the City of Alexandria, Virginia desires to acquire by purchase or eminent domain certain permanent, public storm water utility and temporary construction easements over real property located in the City at 2210 and 2299 Eisenhower Avenue; and

WHEREAS, the City is empowered by Chapter 13 of its charter to acquire by purchase or eminent domain private property for the purpose of carrying out its powers and duties; and

WHEREAS, the City Council finds and determines that the acquisition of the permanent, public storm water utility and temporary construction easements at this time is necessary and convenient (1) to implement the Eisenhower East Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, (2) to promote the orderly and proper development of the Eisenhower East Small Area Plan area, and (3) to permit the development of the Mill Race project as approved by CDD Concept Plan No. 2002-0001 and DSUP Nos. 2002-0002 and 2002-0003; and

WHEREAS, the City Council further finds and determines that a public necessity exists for the acquisition of the easements for such aforesaid public uses and purposes; and

WHEREAS, the City Council wishes to authorize the City Manager and City Attorney to proceed with the acquisition of the easements;

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

1. That the City Manager and City Attorney be, and hereby are, authorized and directed to negotiate with and execute on behalf of the City a contract to acquire by purchase the permanent, public storm water utility and temporary construction

easements over the real property located in the City at 2210 and 2299 Eisenhower Avenue, as shown as "Areas I, II and III" on the plats attached hereto and incorporated herein by reference, at a price reasonably related in their judgement to the fair market value of the easements, and on such terms and conditions as they deem advantageous to the City, and any such contract is hereby ratified and confirmed by the City Council; and

2. That in the event no such contract can be agreed upon, the City Manager and City Attorney be, and hereby are, authorized and directed to institute appropriate condemnation proceedings in the Circuit Court of the City of Alexandria for the acquisition of the said easements by eminent domain; and

3. That funding for the purchase price for the said easements and all other acquisition costs, including, if necessary litigation costs, is the responsibility of the permit holder or holders under CDD Concept Plan No. 2002-0001 and DSUP Nos. 2002-0002 and 2002-0003, and that the contribution of such funds to the City or for the City's benefit be, and same hereby is, accepted and approved; and

4. That the expenditure of the funds so contributed to the City or for the City's benefit for the purchase of the easements as authorized pursuant to Paragraph 1, or to pay any condemnation award as may be entered in any proceeding authorized pursuant to Paragraph 2, and for all other acquisition costs, be, and the same hereby is, authorized and approved; and

5. That the City Manager and City Attorney be, and hereby are, authorized and directed to take such additional actions as may be necessary or convenient to accomplish the acquisition of the easements as required by this Resolution; and

6. That the City Clerk be, and hereby is, authorized and directed to affix the seal of the City to such documents as may be necessary or convenient to accomplish the acquisition of the property as required by this Resolution; and

7. That this Resolution shall be effective immediately.

ADOPTED: March 23, 2004

OTHER

26. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated March 19, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26, 3/23/04, and is incorporated as part of this record by reference. A copy of the City Manager's revised memorandum dated March 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 26, 3/23/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the schedule of Council's regular City Council meetings for March 2004 through June 2004, with the following additions and changes: reschedule the March 23 work session with the Public Health Advisory Commission to 5:30 p.m., on Tuesday, April 13 with the Flora Krause Casey Awards reception at 6:30; schedule a work session on the Mirant Plant consultant study at 5:30 p.m. on Wednesday, March 31, in the Council Workroom; change the date of Council's Tuesday, May 11, 2004, 5:30 p.m. work session on open space and the 7:00 p.m. legislative meeting to Wednesday, May 12, 2004; schedule the first of two community forums on the Council's strategic plan for the City at 7:00 p.m. on Tuesday, May 11 at the Lee Center Exhibit Hall; schedule a follow-up work session on the Council's strategic plan with consultant Lyle Sumek at 4 p.m. on Wednesday, May 12, 2004; schedule a second community forum on Council's strategic plan at 7:00 p.m., on Thursday, May 20, in the Lee Center Exhibit Hall; schedule a work session on the Council's strategic plan with consultant Lyle Sumek on Saturday, May 22, 2004, from 8:30 a.m. to 11:00 a.m.; and receive the revised calendar which includes a work session with the Planning Commission to discuss Second Presbyterian on April 20 at 7:00 p.m.; the National Youth Services Day reception on May 17 at 6:00 p.m., in the Vola Lawson Lobby; and the City employees picnic on June 24 from 4:00 p.m. to 8:00 p.m. at Fort Ward Park.

Mayor Euille stated that he would not be here for the employee picnic on June 24.

Councilwoman Woodson said she would not be here for the Wednesday, March 31 Mirant Plant Consultant Study meeting and the May 17, National Youth Services Day reception.

The voting was as follows:

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

EXECUTIVE SESSION

27. Consideration of Convening An Executive Session Closed to the Public For Discussion of Probable Litigation, Pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia*.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, at 10:53 p.m., City Council convened in executive session, 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 concerning the environmental contamination of land. The voting was as

follows:

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

THEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, at 11:23 p.m., City Council reconvened the meeting. The voting was as follows:

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

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

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

The resolution reads as follows:

RESOLUTION NO. 2101

WHEREAS, the Alexandria City Council has this 23rd day of March 2004, 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 Councilman Gaines and carried unanimously, at 11:24 p.m., the Regular Meeting of March 23, 2004, was adjourned. The voting was as follows:

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

* * * * *

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jackie M. Henderson, City Clerk

This docket is subject to change.

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Full-text copies of ordinances, resolutions, and agenda items are available in the Office of the City Clerk and Clerk of the Council.

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Individuals with disabilities who require assistance or special arrangements to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 838-4500 (TTY/TDD 838-5056). We request that you provide a 48-hour notice so that the proper arrangements may be made.

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