

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting
Tuesday, September 12, 2006 - - 7:00 p.m.**

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

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Caton, Legislative Director; Acting Police Chief Baker; Deputy Chief Corle; Police Lt. Uzzell; Ms. Boyd, Director, Citizen Assistance; Mr. Johnson, Director, Office of Management and Budget; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Ms. Barnett, Deputy Director, Recreation, Parks and Cultural Activities; Ms. Vosper, Landscape Architect, Recreation, Parks and Cultural Activities; Mr. Culpepper, Deputy Director, Transportation and Environmental Services; Mr. Skrabak, Division Chief, Environmental Quality, Transportation and Environmental Services; Ms. Baker, City Engineer; Mr. Mason, Special Assistant to the City Manager; Mr. Hannigan, Public Information Officer; Mr. Owens, Communications Officer; Mr. Fairchild, Business Facilitator; Mr. Neckel, Director, Finance Department; Mr. Josephson, Deputy Director, Planning and Zoning; Ms. Beeton, Planning and Zoning; Ms. Davis, Director, Office of Housing; Ms. McIlvane, Deputy Director, Office of Housing; Fire Chief Mesaris; Assistant Chief Whitmore; Emergency Operations Manager Penn; Dr. Gilmore, Director, Mental Health, Mental Retardation and Substance Abuse; Mr. Mackay, Acting Director, Historic Alexandria; and Mr. Lloyd.

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

OPENING

(The following item was heard out of turn:)

- 3. Recognition of Town Crier William North-Rudin.

Town Crier William North-Rudin opened the City Council meeting.

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the 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.

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

- (a) The Regular Meeting Minutes of June 27, 2006; and
- (b) The Special Meeting Minutes of July 5, 2006.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the regular meeting minutes of June 27, 2006 and the special meeting minutes of July 5, 2006. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

5. Recognition of Youth Who Participated in the 5th Annual Summer Youth Institute Hosted by the Tenants and Workers Association.

City Council recognized the youth who participated in the 5th Annual Summer Youth Institute.

PROCLAMATIONS

6. Presentation of a Proclamation Noting the 25th Anniversary of Elder Crafters.

(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; 9/12/06, and is incorporated as part of this record by reference.)

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

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

7. Presentation of a Proclamation Declaring September as National Preparedness 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. 7; 9/12/06, and is incorporated as part of this record by reference.)

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

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

8. Presentation of a Proclamation Declaring September as Save A Life 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. 8; 9/12/06, and is incorporated as part of this record by reference.)

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

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

9. Presentation of a Proclamation Noting the 100th Anniversary of the Alexandria Chamber of Commerce.

(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, 9/12/06, and is incorporated as part of this record by reference.)

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

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

10. Presentation of a Proclamation Declaring September 25, 2006, as Family Day - A Day to Eat With Your Children.

(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; 9/12/06, and is incorporated as part of this record by reference.)

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

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

11. Recognition of Alexandria Resident P.K. Johnson on her new book, *Alexandria Virginia at Your Fingertips*.

City Council recognized Ms. Johnson for her book, "Alexandria, VA at Your Fingertips."

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (12-21)

(Resignations and Uncontested Appointments)

12. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
 - (a) Alexandria-Caen Exchange Committee
Linda Greenway
 - (b) Alexandria Budget and Fiscal Affairs Advisory Committee
Timothy Lovain
 - (c) Alexandria Commission for the Arts
George A. Chadwick, III
David H. Roane

- (d) Alexandria Commission on Aging
Christina C. Forbes
Justine Rowe
- (e) Alexandria Commission on HIV/AIDS
Tiffany Sanchez-Brown
- (f) Alexandria Commission on Persons With Disabilities
Michael Carrasco
Melanie DeMayo
- (g) Alexandria Community Services Board
Lenwood Harris
- (h) Alexandria Convention and Visitors Association Board of Governors
Robert Canady
- (i) Alexandria Environmental Policy Commission
Jill D. Bennis
- (j) Historic Alexandria Resources Commission
Carole Smith
- (k) Alexandria Social Services Advisory Board
J. Lester Feder
Linda Hoogeveen-App
- (l) Alexandria Woodrow Wilson Bridge Neighborhood Task Force
David Olinger
- (m) Alexandria Youth Policy Commission
Shane Canfield
Darryl Francois
Lisa Lombard
Christina Richardson-Jones

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively Exhibit No. 1 of Item No. 12(a-m); 9/12/06, and is incorporated as part of this record by reference.)

13. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Beautification Commission
1 Citizen Member
- (b) Alexandria Budget and Fiscal Affairs Advisory Committee

1 Member Designated by Mayor William D. Euille
1 Member Designated by Council Member Timothy B. Lovain

- (c) Alexandria Citizen Corps Council
1 Representative of An Alexandria Civic Association
- (d) Alexandria Commission on Aging
1 Citizen Member
- (e) Alexandria Commission on Employment
1 Business Representative From Among Recognized
Area Businesses Including Minority-Owned and
Small Businesses
- (f) Alexandria Commission on HIV/AIDS
1 Citizen-at-Large
- (g) Alexandria Commission on Information Technology
1 Member From and Representing the Alexandria
Chamber of Commerce
- (h) Alexandria Convention and Visitors Association Board of Governors
2 Hotel Owner/Manager Representatives
1 At-Large Member
- (i) Alexandria Environmental Policy Commission
1 Student Attending High School in the City of Alexandria
- (j) Alexandria George Washington Birthday Celebration Committee
1 Member Nominated by the Alexandria Federation of
Civic Associations
- (k) Historic Alexandria Resources Commission
1 Representative From Christ Church
- (l) Alexandria Historical Restoration and Preservation Commission
1 Citizen Member
- (m) Alexandria Public Health Advisory Commission
1 Representative of the Alexandria Community Services Board
- (n) Alexandria Sister Cities Committee
1 Representative From the Alexandria-Gyumri Sister
City Committee
- (o) Alexandria Urban Design Advisory Committee

1 Qualified Professional Skilled in Urban Design, Architecture
or Landscape Architecture

- (p) Alexandria Waterfront Committee
1 Representative From the Alexandria Convention and Visitors
Association Board of Governors

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 13 (a-p); 9/12/06, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

14. Receipt of the 2005-2006 Annual Report from the Historic Alexandria Resources Commission.

(A copy of the City Manager's memorandum dated September 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 9/12/06, and is incorporated as part of this record by reference.)

15. Consideration of Acceptance of a Federal Grant for the City to Oversee the Development of a Public Service Announcement (PSA) Campaign for Northern Virginia to Increase Awareness of Regional Gang Issues and Gang Prevention Efforts.

(A copy of the City Manager's memorandum dated September 1, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 9/12/06, and is incorporated as part of this record by reference.)

16. Consideration of Grant Application to the United States Department of Agriculture for the After School Snack Program for At Risk Children.

(A copy of the City Manager's memorandum dated August 31, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 9/12/06, and is incorporated as part of this record by reference.)

17. Consideration of the Fiscal Year 2008 Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Regional Surface Transportation Program (RSTP) Projects.

(A copy of the City Manager's memorandum dated September 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 9/12/06, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

18. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Expand the Membership of the Affordable Housing Advisory Committee (AHAC.)

(A copy of the City Manager's memorandum dated September 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 9/12/06, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 9/12/06, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 18; 9/12/06, and is incorporated as part of this record by reference.)

19. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Revise the Membership of the EMS Council.

(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. 19; 9/12/06, 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. 19; 9/12/06, and is incorporated as part of this record by reference.)

20. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Eisenhower East Small Area Plan.

(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. 20; 9/12/06, 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. 20; 9/12/06, and is incorporated as part of this record by reference.)

21. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Approve an Encroachment for the St. Paul's Episcopal Church.

(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. 21;

9/12/06, 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. 21; 9/12/06, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

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

12. City Council accepted the following resignations with regret: (a) Linda Greenway, Alexandria-Caen Exchange Committee; (b) Timothy Lovain, Alexandria Budget and Fiscal Affairs Advisory Committee; (c) George A. Chadwick, III and David H. Roane, Alexandria Commission for the Arts; (d) Christina C. Forbes and Justine Rowe, Alexandria Commission on Aging; (e) Tiffeny Sanchez-Brown, Alexandria Commission on HIV/AIDS; (f) Michael Carrasco and Melanie DeMayo, Alexandria Commission on Persons With Disabilities; (g) Lenwood Harris, Alexandria Community Services Board; (h) Robert Canady, Alexandria Convention and Visitors Association Board of Governors; (i) Jill D. Bennis, Alexandria Environmental Policy Commission; (j) Carole Smith, Historic Alexandria Resources Commission; (k) J. Lester Feder, Linda Hoogeveen-App, Alexandria Social Services Advisory Board; (l) David Olinger, Alexandria Woodrow Wilson Bridge Neighborhood Task Force; and (m) Shane Canfield, Darryl Francois, Lisa Lombard and Christina Richardson-Jones, Alexandria Youth Policy Commission.

13. City Council made the following appointments: (a) appointed Rick Tedesco as the one citizen member to the Alexandria Beautification Commission; (b) appointed Elliot Branch as the one member designated by Mayor William D. Euille and Laurie MacNamara as the one member designated by Council Member Timothy B. Lovain to the Alexandria Budget and Fiscal Affairs Advisory Committee; (c) appointed Andrew B. Hall as the one representative of an Alexandria Civic Association to the Alexandria Citizen Corps Council; (d) appointed Lewis Simon as the one citizen member to the Alexandria Commission on Aging; (e) appointed Kenneth Taylor as the one business representative from among recognized area businesses including minority-owned and small businesses to the Alexandria Commission on Employment; (f) appointed Robert Nast as the one citizen-at-large to the Alexandria Commission on HIV/AIDS; (g) waived the residency requirement and appointed R. Mark McLindon as the one member from and representing the Alexandria Chamber of Commerce to the Alexandria Commission on Information Technology; (h) waived the residency requirements and appointed Charles Banta and John Varghese as the two hotel owner/manager representatives and appointed John Renner, II, as the one at-large member to the Alexandria Convention and Visitors Association Board of Governors; (i) appointed Lucy Shapiro as the one student attending high school in the City of

Alexandria to the Alexandria Environmental Policy Commission; (j) reappointed Anna Jones as the one member nominated by the Alexandria Federation of Civic Associations to the Alexandria George Washington Birthday Celebration Committee; (k) waived the residency requirement and appointed Eleanor Wilson as the one representative from Christ Church to the Historic Alexandria Resources Commission; (l) appointed Derek Manning as the one citizen member to the Alexandria Historical Restoration and Preservation Commission; (m) reappointed Mary Riley as the one representative of the Alexandria Community Services Board to the Alexandria Public Health Advisory Commission; (n) waived the residency requirement and appointed Sandra Goshgarian as the one representative from the Alexandria-Gyumri Sister City Committee to the Alexandria Sister Cities Committee; (o) reappointed Daniel Straub as the one Qualified Professional Skilled in Urban Design, Architecture or Landscape Architecture to the Alexandria Urban Design Advisory Committee; and (p) reappointed JoAnne Mitchell as the as the one representative from the Alexandria Convention and Visitors Association Board of Governors to the Alexandria Waterfront Committee.

14. City Council received the report of the Historic Alexandria Resources Commission and thanked the Commission for its efforts on behalf of the City.

15. City Council authorized the City Manager to (a) accept the \$200,000 federal grant for the development of a regional public service announcement campaign; and (b) execute all necessary documents that may be required.

16. City Council authorized the City Manager to (a) approve requests to the U.S. Department of Agriculture for monthly reimbursement not to exceed \$171,288 in estimated annual program expenses; and (b) execute all necessary documents that may be required.

17. City Council (a) approved the priority listing of transportation projects discussed below as those CMAQ and RSTP projects for which the City of Alexandria will request grant funding for FY 2008; and (b) authorized the City Manager to apply for these grants, and enter into agreements to accept those federal grants that may be managed by the Commonwealth of Virginia.

18. City Council passed the ordinance on first reading, and scheduled it for public hearing for September 16, 2006.

19. City Council passed the ordinance on first reading and scheduled it for public hearing for September 16, 2006.

20. City Council passed the ordinance on first reading and scheduled it for public hearing for September 16, 2006.

21. City Council passed the ordinance on first reading and scheduled it for public hearing for September 16, 2006.

The voting was as follows:

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

CONTESTED APPOINTMENTS

22. Alexandria Citizen Corps Council
1 Citizen Member

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

NAME: ENDORSED BY:

Marc DeCoursey
Jeffrey Miller
Joseph Walsh
Cheryl Zadlo

(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. 22; 9/12/06, 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 Marc DeCoursey as the one citizen member to the Alexandria Citizen Corps Council. The voting was as follows:

Euille	-	DeCoursey
Macdonald	-	Miller
Gaines	-	DeCoursey
Krupicka	-	DeCoursey
Lovain	-	Miller
Pepper	-	DeCoursey
Smedberg	-	DeCoursey

23. Alexandria Commission on Persons With Disabilities
1 Citizen Member

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

NAME: ENDORSED BY:

Joseph Delfico
Tamara Dunlap

(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. 23; 9/12/06, 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 Joseph Delfico as the one citizen member to the Alexandria Commission on Persons with Disabilities. The voting was as follows:

Euille	-	Delfico
Macdonald	-	Dunlap
Gaines	-	Delfico
Krupicka	-	Delfico
Lovain	-	Delfico
Pepper	-	Delfico
Smedberg	-	Delfico

24. Alexandria Community Services Board
1 Consumer (Current or Former Direct Recipient of Public or Private Mental Health, Mental Retardation, or Substance Abuse Treatment Rehabilitation Services) or Family Members (Immediate Family Member or the Principal Caregiver Who Is Not Paid) of A Consumer

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

NAME: ENDORSED BY:

Holly Stachelski
Cenda Tyree

(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; 9/12/06, 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 Cenda Tyree as the one Consumer (Current or Former Direct Recipient of Public or Private Mental Health, Mental Retardation, or Substance Abuse Treatment Rehabilitation Services) or Family Members (Immediate Family Member or the Principal Caregiver Who Is Not Paid) of A Consumer to the Alexandria Community Services Board. The voting was as follows:

Euille	-	Tyree
Macdonald	-	Stachelski
Gaines	-	Tyree
Krupicka	-	Tyree

Lovain - Tyree
 Pepper - Tyree
 Smedberg - Tyree

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

25. Presentation by the Police Department Staff on Crime Trends in the City.

Acting Police Chief Baker and Deputy Chief Corle made a presentation of the crime trends and gave a status update and responded to questions of Council.

26. Consideration of the City's Participation in the National Mayors' Initiative to Reduce the Possession, Use and Trafficking of Illegal Guns in the Community.

(A copy of the City Manager's memorandum dated September 1, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 9/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously, City Council concurred with the Statement of Principles adopted by mayors across the country who are participating in the Mayors' Initiative Against Illegal Guns. The voting was as follows:

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

27. Consideration of Evaluation of the Summer Trial Program for the Weekend Pedestrian Plaza in the 100 Block of King Street and Consideration of a Proposal to Continue the Trial Program Through the End of 2006.

(A copy of the City Manager's memorandum dated September 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 9/12/06, and is incorporated as part of this record by reference.)

Director of Recreation, Parks and Cultural Activities Kincannon made a presentation of the staff report and he and Business Facilitator Fairchild responded to questions of Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously, City Council: (a) received the staff evaluation of the results of the trial program for a weekend pedestrian plaza on the 100 block of King Street; (b) approved a proposal to continue a second phase and longer trial pilot period for the weekend pedestrian plaza in the 100 block of King Street for eight weekends during the fall/winter of 2006, beginning the weekend of September 15 and continuing

through the weekend of November 3, 2006; (c) allocated \$21,000 from Council's Contingent Reserve to support the continuation of this program; and (d) requested that staff bring forward before the end of the first quarter of calendar 2007 an evaluation of the extended pilot program and a recommendation in regard to whether or not it should be continued starting in the spring of 2007. The voting was as follows:

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

28. Presentation by Staff and Council Discussion of the National Park Service 2006 Environmental Assessment of Jones Point Park.

(A copy of the City Manager's memorandum dated September 6, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 9/12/06, and is incorporated as part of this record by reference.)

Director of Recreation, Parks and Cultural Activities Kincannon made a presentation of the staff report and responded to questions by Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously, City Council: (a) received the report on the Jones Point Park 2006 Environmental Assessment; (b) requested the Mayor to attend the September 13 National Park Service Public Hearing on the Jones Point Park 2006 Environmental Assessment, and express the City's concerns about the location of the proposed parking, the community garden realignment, the loss of playing fields, and the use of the event lawn for organized sports. Staff recommends that the Mayor advise the NPS that City Council will be seeking further mitigation for the loss of fields, parking and open space and will submit its formal position on the plan before the October 18 deadline; and (c) schedule the NPS Environmental Assessment for public hearing by Council at its Tuesday, September 26 legislative meeting and Council consideration at its Tuesday, October 10 legislative meeting. The voting was as follows:

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

29. Consideration of Funding Application for the Acquisition/Rehabilitation of Parcview Apartments by Wesley Housing Development Corporation.

(A copy of the City Manager's memorandum dated September 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 9/12/06, and is incorporated as part of this record by reference.)

Director of Housing Davis made a presentation of the staff report.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved a loan of \$9.0 million toward the total purchase price of \$24.1 million to the non-profit Wesley Housing Development Corporation for the acquisition and rehabilitation of ParcView Apartments, as follows: (a) the loan would be an interest-only loan at two percent interest, with the interest (and, when possible, principal) to be repaid on a residual receipts basis once the deferred developer's fee earned by WHDC has been fully paid, but beginning not later than eleven years after permanent financing has closed; (b) for the length of WHDC's ownership, but in no event less than 40 years, 80 percent (120) of the property's 149 units shall remain affordable to households at 60 percent of the area median income; (c) in the event WHDC elects to sell the property, WHDC shall offer the right of first refusal to the City, or its designee; (d) indicated Council's intent to raise the affordable housing general obligation bond authorization funded from the one-cent in dedicated real estate taxes from the previously authorized \$22.1 million by \$0.2 million to \$22.3 million; and (e) the loan would be funded by a combination of different City housing fund sources as detailed in the report. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Councilman Smedberg said two things were discussed at the Northern Virginia Transportation Commission meeting. The first is the Northern Virginia metro area has been designated as a test area for pay as you go transit on roads during peak hours a.m. and p.m. Northern Virginia is a high priority area designated by the Department of Transportation and they are beginning to reach out to local jurisdictions in Northern Virginia to test the waters to see how far it will go. He said one of the roads that was talked about was the G.W. Parkway. The second is that Delegates Albo and Rust and State Senator Devolites-Davis were in attendance and are moving their bill forward, which will be discussed in a special session of the legislature, which is September 25. They have done a lot of work on their bill, and a lot of the onus of implementing the revenue generating sources will be placed on local governments.

Mayor Euille said the staffs of the regional localities have been meeting the past couple of days to respond to the transportation funding bill to weigh in on the impacts it

may have on local jurisdictions. He said they will do what it can and needs to do to protect Alexandria's interest. Mayor Euille said there seemed to be some effort to bring closure to the transportation funding, but whether it is successful in the special session of the legislature is yet to be seen. He said he was in Richmond a few weeks ago to meet with the Governor as chair of the Virginia Municipal League's Finance Committee and was talking about tax revenues, homestead exemptions and transportation funding. He said there seems to be an upbeat on the part of the Governor's staff and the Governor that they will make it happen.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Mayor Euille said schools are open and he noted that he has visited the schools, T.C. Williams High School and Minnie Howard 9th Grade Center, and has been in constant communication with new principal at T.C. Williams, and all goes well at the senior high school level. He said he witnessed enthusiasm in the teachers and students and noted that when the elementary schools went back, he has visited at least two schools a day and witnessed positive activity on the part of students, teachers, parents and others. Mayor Euille encouraged citizens and the business community to visit the schools and see what is going on, as there are good things going on in the schools.

(b) Mayor Euille said the recent Arts Festival was very successful. There were more than 175 booths and vendors present and the value of the arts available for sale was in excess of \$15 million. He said the City's festival was ranked 18th out of 100 last year for arts festivals, and this year it is projected that the festival will move to the top 10 of arts festivals in the nation.

(c) In response to a request from Councilwoman Pepper, City Attorney Pessoa gave a report on Mirant. He said that in 2004, Council adopted zoning actions revoking the noncomplying use status of the Plant and revoking two special use permits for the plant. In January 2006, he said, the local Circuit Court overturned those actions and vacated Council's decision. He said that yesterday, the Virginia Supreme Court agreed to hear the appeal of that case, which is a positive sign. He said that hopefully the City will ultimately prevail in the Supreme Court and get the zoning decision of the Council. He noted the process of how it goes through the Court.

Mr. Pessoa said the City filed a common-law nuisance action against the Plant, seeking a declaration that the plant, as it was being operated prior to August of last year, prior to the shut-down, was a common-law nuisance. It has since commenced limited operations under a shifting regulatory scheme, and the nuisance lawsuit trial has been postponed to February 2007, which is a positive development, as it gives the City time to further develop the scientific evidence based on how the plant is actually going to be allowed to operate by the federal and state regulatory agencies as to whether it constitutes a nuisance, and it allows them to amass increasing evidence of complaints from citizens who reside around the plant as to the characteristics of the plant in its various present day operating guises.

Mr. Pessoa said the State Air Quality Control Board on September 25, at 10:00 in Glen Allen, Virginia, the City will ask the AQCB, which has oversight responsibility for DEQ, to force DEQ to aggressively apply the board's regulations to the Plant in order to protect the interest of the people that live around the Plant. The City will be making a presentation and there is also a public comment period during that meeting. He said Ms. Chimento and Mr. Hertel have prepared a flyer that give the details of the hearing.

Mr. Pessoa said that on July 26, the DEQ acceded to the City's request to conduct a new source review (NSR) of the Plant. That says because of the activities at the plant - the construction and changes proposed to the Plant's operation, it should undergo review as if it were a new plant. That is a beneficial outcome from the City's prospective. He said the City is closely monitoring that in connection with the on-going construction of the Plant to make sure those regulations are properly applied. He said a NSR violation is a basis for an independent clean-air act suit by the City and if the City is convinced the regulations are not being properly applied, or that the Plant is failing to go through the proper review, the City will file its own action in Federal Court against the Plant. He said they are in on-going consultation with DEQ as to what they believe needs to be demonstrated by the Plant to enable the State agency to make the new source review determination. In addition, he said, DEQ has directed Mirant to conduct PM2.5 stack emission tests and they are engaged in dialogue with the agency as to exactly what the perimeters of the testing should be.

Mr. Pessoa said the City has retained Reggie Jones as additional counsel in Richmond.

Mr. Pessoa said on the consent decree in the Federal Clean Air Act case, on May 8, the Federal Government lodged the consent decree that started the running of a notice period. The City and seven other parties filed comments and the City filed a motion to deny approval of the consent decree on the basis that the decree is inadequately protective of Alexandria residents and was not a good bargain for the residents. The Federal Government and the State and the City agreed to stay hearing on that motion until the Federal Government responds to the comments.

Councilman Smedberg said Council previously requested the City send a communication to the Governor's Office highlighting some of the concerns they had regarding the Plant at the time, and that communication has not gone forward to the Governor's Office. In light of the update, he said, that needs to be done now. Councilman Smedberg said he also wished to highlight and recognize the work of Elizabeth Chimento and Poul Hertel.

(d) Councilwoman Pepper noted that the City Clerk from 1963 to 1990, Helen Holleman, recently passed away and her funeral was today.

(e) Councilwoman Pepper said that later this month, Jenny Milster, who has been before Council previously, will be celebrating her 100th birthday. She said the

Mayor will be sending a proclamation to honor her.

(f) Vice Mayor Macdonald said he was biking toward Mt. Vernon and noted that they need better signage at the intersection that takes the path to Jones Point, as it was closed beyond the light house, and there need to be signs at South Street at the underpass letting people know that the trail is closed for the day or week.

(g) Vice Mayor Macdonald said other places put up signs in crosswalks that say "stop for pedestrians" and he thought the City should do the same thing - to yield to pedestrians.

(h) Vice Mayor Macdonald said that as a member of the Potomac River Basin Commission, they have been talking about water conservation, and there will be an attempt at new legislation which addresses how it might go about encouraging conservation of water, and one of the ways to do it is through pricing and changing the pricing structure.

(i) Councilman Smedberg said he was also going to raise the issue of bike path signage, as he had been approached by some people and said he could not believe someone has not been hit yet. He said the signage could be better placed than it is currently. He said the parking has been an issue as well, as people have discovered the two streets that are not zoned and are parking there all the time.

(j) Councilman Krupicka said he would echo the comments of Vice Mayor Macdonald about pedestrian signs - the City has been putting up more signs and the Transportation Working Group will be taking a look at the pedestrian component of their plan will talk about creating pedestrian zones with signage. He said he recalled that not long ago, the City put a "stop for pedestrian sign" in the middle of Mt. Vernon Avenue and it had to be removed as cars destroyed the sign.

(k) Councilman Krupicka said he and Councilwoman Pepper put forward a memo on creating a comprehensive environmental action plan, which helps to prioritize all the initiatives across the City as it relates to the environment. He asked that the item be docketed for the first meeting in October so Council can have a conversation about what is the best way to go forward, as relates to the environment.

(l) Councilman Krupicka said he recognized that they are getting ready to enter some difficult budget times, and they will be struggling, and he wanted to put on the table now how important it is they focus on necessities, and one of the necessities is the stormwater management system in the City. He said he is confident there are areas that are not properly equipped to handle 10 year events and the City has to get a handle on it.

Mayor Euille said he had not seen the joint memo on the environment, but he will be talking with staff about dealing with the environment and having community-wide public discussions.

(m) Councilman Lovain said he will chair the Alexandria United Way campaign this year and the kick-off campaign will be Tuesday, September 26 at 10 a.m. at the ALIVE Child Development Center.

ORAL REPORT FROM THE CITY MANAGER

City Manager Hartmann said that over the summer, the City has been working on reformatting the budget process and breaking it down into program budgeting and activity-based costing. He thanked the departments for their hard work over the summer. An update will be given to Council at the Retreat.

Councilman Smedberg asked for an update on where they are on the audits and efficiency studies.

Mr. Hartmann said the Transportation and Environmental Services and Fire Department reports should be coming forward to Council in October.

Councilwoman Pepper asked when Council can expect to get a preliminary budget concept on what it projects will be the income and when it will get the projections.

Deputy City Manager Jinks said Council will get a full projection of all revenues at the Council Retreat.

ORDINANCES AND RESOLUTIONS

30. Consideration of a Resolution Requesting a State Project to Study the Feasibility of Designating Three Dedicated Transit Corridors in Alexandria. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated September 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 9/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council (a) approve the proposed new project to assess the feasibility of three proposed dedicated transit corridors in Alexandria; (b) adopt the project programming resolution requesting programming of RSTP funds to support this project; and (c) authorized the City Manager to enter into any necessary agreements with the Commonwealth to administer these funds. The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Pepper	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"

Smedberg "aye"

The resolution reads as follows:

RESOLUTION NO. 2201

WHEREAS, in accordance with Virginia Department of Transportation procedures, it is necessary that a request be made by Council Resolution for the Department to establish and program funding for a transit project in the City of Alexandria; and

WHEREAS, the City of Alexandria desires to undertake a study to determine the feasibility of creating certain dedicated transit corridors in the City and fund such study with Regional Surface Transportation Program (RSTP) funding previously allocated to the City;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Alexandria, Virginia, hereby requests that the Virginia Department of Transportation establish a transit project to evaluate the feasibility of creating dedicated transit corridors in the City of Alexandria.

BE IT FURTHER RESOLVED, that the Council of the City of Alexandria hereby requests that RSTP project funds previously allocated to the City for project UPC #79794 be programmed to fund this project, understanding that this will not cause local funds to be required since the Commonwealth provides the local match for these funds, and that if the City of Alexandria should elect to cancel this project, the funds will revert to the City of Alexandria's RSTP account for FY 2006.

ADOPTED: September 12, 2006

31. Consideration of a Resolution Approving the Execution and Delivery of a Cooperation Agreement in Connection with the Issuance by the Industrial Development Authority of Loudoun County, Virginia, of its Lease Revenue Bonds for the Benefit of the Northern Virginia Criminal Justice Academy. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated September 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 31; 9/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously by roll-call vote, City Council (a) adopted the resolution and Cooperation Agreement authorized: (1) the lease financing of an Emergency Vehicle Operations Center for the Northern Virginia Criminal Justice Training Academy on property in Prince William County owned by the Academy; (2) refinancing existing remaining indebtedness issued by the Industrial Development

Authority of Loudoun County, Virginia, previously issued for the acquisition of the Academy training facility in Loudoun County, (3) establishing a debt service reserve fund, if required, and (4) financing costs of issuance related to the project; and (b) authorized the City Manager to execute the required documents on behalf of the City and take any other actions, as necessary, to accomplish the intended project and its financing. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2202

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA, APPROVING THE EXECUTION AND DELIVERY OF A COOPERATION AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF LOUDOUN, VIRGINIA OF ITS LEASE REVENUE BONDS FOR THE BENEFIT OF THE NORTHERN VIRGINIA CRIMINAL JUSTICE TRAINING ACADEMY

RECITALS

A. The Northern Virginia Criminal Justice Training Academy (the "Academy") presently owns, operates and maintains a regional criminal justice training academy and other public safety facilities serving the needs of the residents of the City of Alexandria, Virginia (the "City") and its other member jurisdictions.

B. The Authority has determined it to be advisable, necessary and in the best interests of the residents of the City to (i) finance the acquisition and construction of an emergency vehicle operations center located in Prince William County, Virginia (the "Leased Project"); (ii) refinance existing indebtedness originally issued to finance the Academy's training facility; and (iii) finance costs of issuance related thereto (collectively, the "Project") and to finance the Project by requesting the Industrial Development Authority of the County of Loudoun, Virginia (the "Authority") to issue its lease revenue bonds in one or more series in an aggregate principal amount not to exceed \$16,500,000 (the "Bonds") to be secured in part by a leasehold interest in the Leased Project pursuant to a financing lease (the "Financing Lease") between the Authority and the Academy, and if deemed appropriate, Prince William County, Virginia.

C. The City Council of the City (the "Council") has determined to undertake a non-binding obligation to consider certain appropriations in support of the rental payments under the Financing Lease to pay debt service on the Bonds and the Project

conditioned upon the participation of the County Board of Arlington County, Virginia ("Arlington") and the Board of Supervisors, of Loudoun County, Virginia ("Loudoun") in such non-binding obligation.

D. The foregoing arrangements will be reflected in a Cooperation Agreement, (the "Cooperation Agreement"), between the Council, Arlington, Loudoun, the Authority and the Academy, the form of which has been presented to this meeting and filed with the City.

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

1. Approval of Cooperation Agreement. The Cooperation Agreement is approved in substantially the form presented to this meeting, with such changes, insertions or omissions as may be approved by the Mayor, whose approval shall be evidenced conclusively by the execution and delivery of the Cooperation Agreement on the City's behalf; provided, however that the principal amount of Bonds the payment of which is supported by the Cooperation Agreement shall not exceed \$16,500,000 and the true interest cost on the Bonds shall not exceed 6.50%. The Mayor is authorized to execute and deliver the Cooperation Agreement and such other documents and certificates as such officer may consider necessary in connection therewith.

2. No Pledge. Nothing contained herein or in the Cooperation Agreement is or shall be deemed to be a lending of the credit of the City to the Authority, the Academy or to any holder of the Bonds or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the City, nor shall anything contained herein or in the Cooperation Agreement legally bind or obligate the Council to appropriate funds for the purposes described in the Cooperation Agreement.

3. Further Actions; Authorized Representations. All officers and agents of the Council and the City are authorized and directed to take such further actions in conformity with the purpose and intent of this Resolution as may be necessary or appropriate in connection with the issuance and sale by the Authority of the Bonds, the execution, delivery and recording of the Financing Lease, and the execution, delivery and performance of the Cooperation Agreement including the execution and delivery on behalf of the City of such instruments, documents or certificates as necessary or appropriate to carry out the transactions contemplated by this Resolution. All actions previously taken by such officers and agents in connection with the issuance and sale of the Bonds and the execution, delivery and recording of the Financing Lease are ratified and confirmed.

4. Repeal of Conflicting Resolutions. All resolutions are repealed to the extent they are inconsistent with this Resolution.

5. Effective Date. This Resolution shall take effect immediately; provided, however that

the Cooperation Agreement shall not be executed and delivered on behalf of the City until Arlington and Loudoun have authorized the execution of the Cooperation Agreement.

5. Effective Date. This Resolution shall take effect immediately; provided, however that the Cooperation Agreement shall not be executed and delivered on behalf of the City until Arlington, Loudoun and Prince William have authorized the execution of the Cooperation Agreement.

32. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Supplement Number 80 of the City Code. **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 32; 9/12/06, 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. 32; 9/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council passed the ordinance on first and second reading. The voting was as follows

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

The ordinance reads as follows:

ORDINANCE NO. 4458

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 80," are hereby adopted as and shall constitute "The Eightieth Supplement to The Code of

the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eightieth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between January 21, 2006 through May 20, 2006, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after January 21, 2006, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between January 21, 2006 through May 20, 2006, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eightieth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eightieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

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

33. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Supplement Number 40 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. 33; 9/12/06, 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. 33; 9/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously by roll-call vote, City Council passed the ordinance on first and second reading. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4459

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. 40," are hereby adopted as and shall constitute "The Fortieth 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 Fortieth 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 November 12, 2005 and May 2, 2006, 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 November 12, 2005 and May 2, 2006, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fortieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after May 2, 2006.

Section 4. That one complete set of pages comprising "The Fortieth 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.

OTHER

34. Appointments of Council Members to Various Boards and Commissions:

- (a) Alexandria Community Policy and Management Team
(1 position)
- (b) Alexandria Convention and Visitors Association Board of Governors
(1 position)
- (c) City Facilities Naming Committee
(2 positions)
- (d) City Manager's Quality of Life Committee
(2 positions)
- (e) Alexandria Commission on Aging
(1 position)
- (f) Alexandria Commission on Information Technology
(2 positions)
- (g) Alexandria Gang Prevention Community Task Force
(2 positions)
- (h) Council of Governments: Board of Directors
(1 position)

(1 alternate)

- (i) Council of Governments: Ad Hoc Task Force on Regional Water Supply Issues
(1 position)
(1 alternate)
- (j) Council of Governments: Chesapeake Bay Policy Committee
(1 position)
(1 alternate)
- (k) Council of Governments: Human Services Policy Committee
(1 position)
- (l) Council of Governments: Metropolitan Development Committee
(1 position)
- (m) Council of Governments: Metropolitan Washington Air Quality Committee
(1 position)
(1 alternate)
- (n) Council of Governments: Noise Abatement at Reagan National and Dulles Airports
(1 position)
- (o) Council of Governments: Public Safety Policy Committee
(1 position)
- (p) Council of Governments: Regional Transportation Planning Board
(1 position)
(1 alternate)
- (q) Alexandria Economic Development Partnership, Inc. Board of Directors
(2 positions)
- (r) Alexandria Economic Opportunities Commission
(4 positions)
- (s) Alexandria Library Board
(1 position)
- (t) Alexandria Legislative Sub-Committee
(2 positions)

- (u) Local Emergency Planning Commission
(2 positions)
- (v) Northern Virginia Regional Commission
(2 positions)
- (w) Northern Virginia Transportation Commission
(2 positions)
(1 alternate)
- (x) Employee Pension/Compensation Committee
(2 positions)
- (y) Potomac Watershed Roundtable
(1 position)
- (z) Sister Cities Committee
(1 position)
- (aa) Washington Metropolitan Transit Authority Board
(1 position)
- (bb) Alexandria Waterfront Committee
(1 position)
- (cc) Youth Policy Commission
(1 position)
(1 alternate)
- (dd) Alexandria Works! Coalition
(2 positions)
- (ee) City Council/School Board Sub-Committee
(2 positions)
- (ff) Samuel Madden Work Group
(2 positions)
- (gg) Woodrow Wilson Bridge Neighborhood Task Force
(2 positions)
- (hh) Martin Luther King Memorial Work Group
(2 positions)
- (ii) Eisenhower Partnership
(2 positions)

(jj) New Affordable Housing Task Force
(2 positions)

WHEREUPON, upon motion by Councilman Pepper, seconded by Councilman Gaines and carried unanimously, the following Council appointments were made: Councilman Lovain to the Alexandria Community Policy and Management Team; Councilman Gaines to the Alexandria Convention and Visitors Association Board of Governors; Councilman Lovain and Councilwoman Pepper to the City Facilities Naming Committee; Councilman Smedberg and Mayor Euille to the City Manager's Quality of Life Committee; Councilwoman Pepper to the Alexandria Commission on Aging; Councilwoman Pepper and Councilman Krupicka to the Alexandria Commission on Information Technology; Councilman Krupicka and Councilman Gaines to the Alexandria Gang Prevention Community Task Force; Mayor Euille and Councilwoman Pepper (alternate) to the Council of Governments: Board of Directors; Vice Mayor Macdonald and William Skrabak (alternate-City staff) to the Council of Governments Ad Hoc Task Force on Regional Water Supply Issues; Vice Mayor Macdonald and William Skrabak (alternate-City staff) to the Council of Governments Chesapeake Bay Policy Committee; Councilman Lovain to the Council of Governments Human Services Policy Committee; Councilman Gaines to the Council of Governments Metropolitan Development Committee; Councilwoman Pepper and Vice Mayor Macdonald (alternate) to the Council of Governments Metropolitan Washington Air Quality Committee; Councilman Krupicka to the Council of Governments Noise Abatement at Reagan National and Dulles Airports; Councilman Smedberg to the Council of Governments Public Safety Policy Committee; Councilman Lovain, Mayor Euille (alternate) and Richard Baier (second alternate-City staff) to the Council of Governments Regional Transportation Planning Board; Mayor Euille and Councilman Krupicka to the Alexandria Economic Development Partnership, Inc. Board of Directors; Councilman Gaines, Councilman Smedberg, Councilman Krupicka and Vice Mayor Macdonald to the Alexandria Economic Opportunities Commission; Vice Mayor Macdonald to the Alexandria Library Board; Mayor Euille and Councilman Smedberg to the Alexandria Legislative Sub-Committee; Councilman Krupicka and Councilman Gaines to the Local Emergency Planning Commission; Councilman Smedberg and Councilwoman Pepper to the Northern Virginia Regional Commission; Mayor Euille, Councilman Smedberg and Councilman Lovain (alternate) to the Northern Virginia Transportation Commission; Councilman Smedberg and Mayor Euille to the Employee Pension/Compensation Committee; Vice Mayor Macdonald to the Potomac Watershed Roundtable; Councilman Smedberg to the Sister Cities Committee; Mayor Euille to the Washington Metropolitan Transit Authority Board; Vice Mayor Macdonald to the Alexandria Waterfront Committee; Mayor Euille and Councilman Krupicka (alternate) to the Youth Policy Commission; Mayor Euille and Councilwoman Pepper to the Alexandria Works! Coalition; Mayor Euille and Councilman Krupicka to the City Council/School Board Sub-Committee; Mayor Euille and Councilman Krupicka to the Samuel Madden Work Group; Mayor Euille and Vice Mayor Macdonald to the Woodrow Wilson Bridge Neighborhood Task Force; Mayor Euille and Councilman Lovain to the Martin Luther King Memorial Work Group; Mayor Euille and Councilman Smedberg to the Eisenhower

Partnership; and Councilman Gaines and Councilman Krupicka to the New Affordable Housing Task Force.

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

35. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated September 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 35; 9/12/06, and is incorporated as part of this record by reference.)

Deputy City Manager Evans said the work session with the Planning Commission on October 10 on planning priorities will not go forward, and the time on the community meeting on Virginia Paving on September 18 starts at 7:00 p.m. and not 6:30 p.m.

Councilman Smedberg said there is a joint work session September 26 with the Planning Commission on Virginia Paving, and he said when Council is about to make a policy decision, he asked if there was a problem of perception when it has a work session with the Planning Commission prior to Council making a policy decision. He said the Planning Commission's role is to have that first chance at public opinion, make a recommendation and then bring it forward to Council.

Ms. Evans said the issue is that there are questions, and this is an attempt to resolve or answer questions. The Planning Commission would have its meeting the next week and then Council would hear it after that.

Councilman Krupicka said he didn't want there to be a perception that Council is influencing the Planning Commission's decision on the matter, or vice-versa. He questioned whether it is the right thing to brief them together, given how close they are to making a final decision on that issue.

City Manager Hartmann stated that it is Council's pleasure on that, as good issues have been raised. He said if Council has any discomfort, then staff will plan something else.

Mayor Euille said it would forego the joint meeting with the Planning Commission on the 26th, and instead will be a work session with just the Council on the Virginia Paving proposal.

Vice Mayor Macdonald asked that the report be gotten out as soon as possible, so people have time to review it.

Councilman Smedberg noted that he would be out of town November 18 and asked that the budget guidelines be considered prior to that meeting date.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously, City Council (a) adopted the Council meeting schedule for September 2006 through June, 2007, which includes the legislative meeting schedule and the November 28 work session with the City's General Assembly delegation; (b) schedule a work session on the Virginia Paving proposal before Council's Tuesday, September 26 legislative session at 5:30 p.m. in the Council work room; (c) cancelled the joint work session with the Planning Commission before Council's October 10 legislative meeting at 5:30 p.m. in the Council work room to discuss planning priorities; note that the Art in City Hall reception will be held at 5:00 p.m. that night in room 2000; (d) scheduled a work session with the Ad Hoc Transportation Committee before Council's Tuesday, November 14 legislative session at 5:30 p.m. in the Council work room and note that the Senior Services of Alexandria annual reception will be held that night at 5:00 p.m. in the Vola Lawson Lobby; and (e) note the following additions to the calendar: the National Park Service Jones Point Park Environmental Assessment public hearing on Wednesday, September 13 from 6:00 to 9:00 p.m. at the Radisson Old Town, 901 North Fairfax Street; a community meeting on the Virginia Paving proposal on Monday, September 18 at 7:00 p.m. at Samuel Tucker Elementary School, 435 Ferdinand Day Drive; on Saturday, September 30, the Katrina Run from 9:00 a.m. to 11:00 a.m. beginning at Oronoco Bay Park in Old Town, the Potomac Yard 100-year anniversary celebration at 11:00 a.m. at Potomac Yard adjust to the old train signal next to the Potomac Yard Design trailers, and the Emergency Preparedness program sponsored by the Citizen Corps Council at 1:00 p.m. on Market Square; a reception sponsored by the Federation of Civic Associations for City Council before Council's Tuesday, October 24 legislative meeting at 5:30 p.m. in the Vola Lawson Lobby; the groundbreaking ceremony for the INOVA Alexandria Hospital Project 2010 on Monday, October 30 at 5:30 p.m. at the hospital patient entrance area; the Archaeology Volunteer Appreciation and Holiday Party on Saturday, November 4 at 6:00 p.m. at the Archaeology Museum, 105 North Union Street; and the Animal Welfare League of Alexandria Annual Dinner and Silent Auction on Saturday, November 4 at 6:30 p.m. at the Holiday Inn and Suites, 625 First Street. The voting was as follows:

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

EXECUTIVE SESSION

36. Consideration of Convening An Executive Session Closed to the Public For Discussion of Compensation of a Constitutional Officer and Contractual and Land Acquisition Matters.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, at 10:43 p.m., City Council convened in executive session, pursuant to Section 2.2-3711(A)(1) of the *Code of Virginia*, for the purpose of setting the compensation for the Commonwealth's Attorney; pursuant to Section 2.2-3711(a)(3) for the purpose of discussing the acquisition of real property for public housing purposes; and pursuant to Section 2.2-3711(a)(30) for the purpose of discussing the award of a public contract for the development thereof. The voting was as follows:

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

At 12:11 a.m., City Council reconvened the meeting.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council set the compensation of the Commonwealth's Attorney at parity with that of the City Attorney, along the lines discussed in executive session. The voting was as follows:

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

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

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

The resolution reads as follows:

RESOLUTION NO. 2203

WHEREAS, the Alexandria City Council has this 12th day of September 2006, 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 Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, the regular City Council meeting of September 12, 2006, was adjourned at 12:19 a.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk