

EXHIBIT NO. 1

3(a)

2-26-08

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting

Tuesday, February 12, 2008 - - 7:00 p.m.

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

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; Ms. Bonds, Communications Director, City Manager's Office; Ms. Harris, Communications Officer, City Manager's Office; Mr. Mason, Special Assistant to the City Manager; Police Captain Ogden; Ms. Boyd, Director, Citizen Assistance; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Mr. Baier, Director, Transportation and Environmental Services; Mr. Culpepper, Deputy Director, Transportation and Environmental Services; Ms. Baker, City Engineer, Transportation and Environmental Services; Dr. Gilmore, Director, Mental Health/Mental Retardation and Substance Abuse; Mr. Trobridge, Deputy Director, Office of Information Technology; Ms. Niebauer, Director, Office of Human Rights; Ms. Hamer, Director, Planning and Zoning; Ms. Triggs, Director, Finance Department; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Mr. Johnson, Director, Office of Management and Budget; Mr. Eisenger, Budget Analyst, Office of Management and Budget; Mr. Routt, Office of Management and Budget; Mr. Doku, Budget Analyst, Office of Management and Budget; Ms. Murphy, Budget Analyst, Office of Management and Budget; Ms. Salerno, Budget Analyst, Office of Management and Budget; Mr. Stewart, Budget Analyst, Office of Management and Budget; Ms. Wheel, Budget Analyst, Office of Management and Budget; Ms. Smith-Page, Director, Real Estate Assessments; Mr. Page, Deputy Director, Real Estate Assessments; Mr. Bandy, Division Chief, Real Estate Assessments; Fire Chief Thiel; Sheriff Lawhorne; Ms. Collins, Director/Assistant City Manager, Human Services; Mr. Frazier, Human Services; and Mr. Lloyd.

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

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City Council held a work session prior to the meeting with the Transportation Task Force.

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OPENING

- 1. Calling the Roll.

The meeting was called to order at 7:35 p.m. by Mayor Euille, and the City Clerk called the roll; all the members of Council were present.

- 2. Moment of Silence and Pledge of Allegiance.

City Council observed a moment of silence in remembrance, condolences and prayers to the members and families in Kirkwood, Missouri for the unfortunate shootings that occurred last week at their City Council meeting, and recited the Pledge of Allegiance.

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

- (a) The Regular Meeting Minutes of January 22, 2008.

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the regular meeting minutes of January 22, 2008. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

- 4. Presentation of the America's Promise Alliance Award to the City of Alexandria For Being Named One of the Nation's 100 Best Communities for Young People.

City Council received the award.

PROCLAMATIONS

- 5. Presentation of a Proclamation Recognizing Mike Hatfield as City Employee of the Month for January.

(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; 2/12/08, and is incorporated as part of this

record by reference.)

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"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

6. Presentation of a Proclamation Recognizing the 10th Anniversary of the Arlandria Health Clinic.

(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; 2/12/08, and is incorporated as part of this record by reference.)

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

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

7. Presentation of a Proclamation Recognizing February as Black History Month.

This item was deferred to February 26, 2008.

8. Presentation to the City of the U.S. Conference of Mayors Award of Excellence For The Station at Potomac Yard, a Partnership Between the City of Alexandria and Potomac Yard Development LLC (Pulte Homes and Centex Homes.)

This item was deferred to February 26, 2008.

OPENING (continued)

9. Recommendations and Status Report on Legislation Introduced at the 2008 General Assembly Session.

(A copy of the Legislative Director's memorandum dated February 11, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 2/12/08, and is incorporated as part of this record by reference.)

Legislative Director Caton made a presentation of the report and responded to questions of City Council.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council took the following actions, as recommended by City Council's Legislative Subcommittee (Mayor Euille and Councilman Smedberg): (1) approved the legislative positions included in attachment 1 (recommended positions on bills of importance to the City); and (2) support compromise legislation to reform the Payday Lending Industry (HB 12, attachment 4.) The voting was as follows:

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

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(Councilman Gaines left the meeting at this time - 8:18 p.m.)

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- 10. Presentation of the Proposed Annual Operating Budget for FY 2009 (Including Schools,) Calendar Year 2008 Real Property Assessments, and the Proposed Capital Improvements Program for FY 2009-2014 (including the Schools CIP.)

City Manager Hartmann presented the FY 2009 operating budget, calendar year 2008 real property assessments, and the Capital Improvements Program for FY 2009-2014.

- 11. Receipt of the Calendar Year 2008 Real Property Assessment Information.

Director of Real Estate Assessments Smith-Page provided City Council with the calendar year 2008 real property assessment information and responded to questions of City Council.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (12-18)

(Resignations and Uncontested Appointments)

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

- (a) Alexandria Commission for Women

Donna C. Kloch

- (b) Alexandria Commission on Employment
Alysia Lajune
Kenneth Taylor
- (c) Alexandria Human Rights Commission
Michael Hess

(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-c); 2/12/08, and is incorporated as part of this record by reference.)

13. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Affordable Housing Advisory Committee
1 Builder or Developer of Residential Property
- (b) Alexandria Woodrow Wilson Bridge Neighborhood Task Force
1 Representative From the Eisenhower Valley Business Community
- (c) Alexandria-Gyumri Sister City Committee
1 Citizen Member
- (d) Alexandria Archaeological Commission
1 Member-at-Large
- (e) Alexandria Beautification Commission
1 Citizen Member
- (f) Alexandria Commission on HIV/AIDS
1 Citizen-at-Large
- (g) Alexandria Commission on Persons With Disabilities
1 Representative of the Business Community
- (h) Alexandria Community Policy and Management Team
1 Representative of A Private Organization or Association of Providers of Children's or Family Services Which Provides Such Services Within the City on A Continuing and Consistent Basis
- (i) Alexandria Consumer Affairs Commission
1 Citizen Member
- (j) Alexandria Early Childhood Commission

1 Member of the Alexandria Social Services Advisory Board

- (k) Alexandria Environmental Policy Commission
1 Member From the Field of Environmental Sciences (e.g. Environmental/Sanitary Engineering, Ecology, Geology, Botany, Hydrology, Chemistry), or May Have Alexandria Waterfront Expertise in Lieu of Environmental Sciences
- (l) Alexandria George Washington Birthday Celebration Committee
1 Member Nominated by the Alexandria Jaycees
- (m) Historic Alexandria Resources Commission
1 Representative From the Alexandria Convention and Visitors Association Board of Governors
- (n) Alexandria Public Health Advisory Commission
1 Representative of the Alexandria/Northern Virginia Medical Society
- (o) Alexandria Public Records Advisory Commission
2 Citizen Members
- (p) Alexandria Sister Cities Committee
1 Citizen Member
- (q) Alexandria Social Services Advisory Board
1 Citizen Member
- (r) Alexandria Waterfront Committee
1 Citizen Who Resides East of Washington Street and North of Pendleton Street

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively Exhibit No. 1 of Item No. 13(a-r); 2/12/08, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

- 14. Consideration of a Grant Application to the Virginia Department of Fire Programs to Repair and Renovate the Fire Department's Burn Building.

(A copy of the City Manager's memorandum dated February 6, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 2/12/08, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Permit the Owner of the Property at 700 South Royal Street to Construct a Brick Garden Wall Which Will Encroach into the Public Right-of-way Along Franklin Street.

(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. 15; 2/12/08, 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. 15; 2/12/08, and is incorporated as part of this record by reference.)

16. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Permit the Owner of the Property at 923 King Street to Add Brick Veneer to an Existing Wall Which Will Encroach into the Public Right-of-way Along North Patrick Street.

(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. 16; 2/12/08, 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. 16; 2/12/08, and is incorporated as part of this record by reference.)

17. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Revise the City's Regulations For Child Care Facilities to Conform to Changes in State Law, and to Improve the Inspection Program For Such Facilities.

18. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Revise the City's Regulations Concerning Vicious and Dangerous Dogs to Conform to Changes in State Law.

(A copy of the City Manager's memorandum dated February 8, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 2/12/08, 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; 2/12/08, 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; 2/12/08, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried 6-0, City Council approved the consent calendar, with the exception of docket items #13d, i and o and item 14, which were considered under separate motions. The City Manager's recommendations were as follows:

12. City Council accepted the following resignations with regret: (a) Donna C. Kloch, Alexandria Commission for Women; (b) Alysia Lajune and Kenneth Taylor, Alexandria Commission on Employment; and (c) Michael Hess, Alexandria Human Rights Commission.

13. City Council made the following appointments: (a) appointed Shelly Kaufman as the one builder or developer of residential property to the Alexandria Affordable Housing Advisory Committee; (b) appointed Andres Domeyko as the one representative from the Eisenhower Valley Business Community to the Alexandria Woodrow Wilson Bridge Neighborhood Task Force; (c) waived the residency requirement and reappointed Sandra Goshgarian as the one citizen member to the Alexandria-Gyumri Sister City Committee; (e) reappointed Jill Chiarello as the one citizen member to the Alexandria Beautification Commission; (f) appointed Rebecca Kudla as the one citizen at large to the Alexandria Commission on HIV/AIDS; (g) appointed Thomas Lantz as the one representative of the Business Community to the Alexandria Commission on Persons with Disabilities; (h) appointed Gretchen Abell as the one representative of a private organization or association of providers of children's or family services which provides such services within the City on a continuing and consistent basis to the Alexandria Community Policy and Management Team; (j) reappointed Saida Musse as the one member of the Alexandria Social Services Advisory Board; (k) appointed Keith Freihofer as the one member from the field of environmental sciences (e.g. environmental/sanitary engineering, ecology, geology, botany, hydrology, chemistry,) or may have Alexandria waterfront expertise in lieu of environmental sciences to the Alexandria Environmental Policy Commission; (l) waived the residency requirement and reappointed Sharon Sobel as the one member nominated by the Alexandria Jaycees to the Alexandria George Washington Birthday Celebration Committee; (m) waived the residency requirement and reappointed Stephanie Brown as the one representative from the Alexandria Convention and Visitors Association Board of Governors to the Historic Alexandria Resources Commission; (n) reappointed John Clousia as the one representative of the Alexandria/Northern Virginia Medical Society to the Alexandria Public Health Advisory Commission; (p) appointed John Bramer as the one citizen member to the Alexandria Sister Cities Committee; (q) appointed Christine Samonds as the one citizen member to the Alexandria Social Services Advisory Board; and (r) reappointed Engin Artemel as

the one citizen resident who resides east of Washington Street and north of Pendleton Street to the Alexandria Waterfront Committee.

15. City Council approved the proposed ordinance on first reading and scheduled it for public hearing, second reading and final passage on February 23, 2008.

16. City Council approved the proposed ordinance on first reading and scheduled it for public hearing, second reading and final passage on February 23, 2008.

17. This item was deferred.

18. City Council approved the proposed ordinance on first reading and scheduled it for public hearing, second reading and final passage on February 23, 2008.

The voting was as follows:

Pepper	"aye"	Gaines	absent
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

13. Uncontested Appointments to Boards, Commissions and Committees:

(d) Alexandria Archaeological Commission
1 Member-at-Large

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively Exhibit No. 1 of Item No. 13(a-r); 2/12/08, and is incorporated as part of this record by reference.)

Councilman Krupicka noted the communication received from the incumbent, who, due to illness and other factors, was not able to reapply, and while not customary to re-open an application to extend the deadline, he said it is clear it was a unique one-time occurrence.

WHEREUPON, a motion was made by Councilman Krupicka, seconded by Councilmember Lovain and which failed 2-4, to extend the deadline so the incumbent has the opportunity to reapply for the position. The voting was as follows:

Krupicka	"aye"	Pepper	"no"
Lovain	"aye"	Gaines	absent
Euille	"no"	Smedberg	"no"
	Wilson	"no"	

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried 6-0, City Council appointed James Paul Clark as the one member at large to the Alexandria Archaeological Commission. The voting was as follows:

Pepper	"aye"	Gaines	absent
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

13. Uncontested Appointments to Boards, Commissions and Committees:

- (i) Alexandria Consumer Affairs Commission
1 Citizen Member

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively Exhibit No. 1 of Item No. 13(a-r); 2/12/08, and is incorporated as part of this record by reference.)

Councilman Smedberg noted that while he appreciated the applicant's enthusiasm, he thought they needed to consider readvertising, as the applicant does not live in the City.

WHEREUPON, a motion by made by Councilman Smedberg to readvertise the position as the applicant doesn't live in the City. The motion failed for lack of a second.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilmember Lovain and carried 5-1, that City Council waive the residency requirement and appoint Scott Abeles as the one citizen member to the Alexandria Consumer Affairs Commission. The voting was as follows:

Pepper	"aye"	Gaines	absent
Lovain	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"no"
	Wilson	"aye"	

13. Uncontested Appointments to Boards, Commissions and Committees:

- (o) Alexandria Public Records Advisory Commission
2 Citizen Members

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively Exhibit No. 1 of Item No. 13(a-r); 2/12/08, and is incorporated as part of this record by reference.)

Councilman Smedberg said he felt uncomfortable voting for this person when they are not an incumbent and they haven't received communication from a Commission member and none of the references are from the City itself.

Council asked that when there is a residency waiver for a non-incumbent that the appointment automatically come off the consent calendar, to ask the task force to look at the residency requirements on committees, should non-residents be chairs and should City staff serve on boards and commissions.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried 5-1, City Council appointed Sammye Collins and waived the residency requirement and appointed Ginger Chamberlain as the two citizen members to the Alexandria Public Records Advisory Commission. The voting was as follows:

Pepper	"aye"	Gaines	absent
Krupicka	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"no"
	Wilson	"aye"	

14. Consideration of a Grant Application to the Virginia Department of Fire Programs to Repair and Renovate the Fire Department's Burn Building.

(A copy of the City Manager's memorandum dated February 6, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 2/12/08, and is incorporated as part of this record by reference.)

Fire Chief Thiel responded to questions of City Council regarding the timeframe for the grant application and other jurisdictions' use of the facility.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried 6-0, City Council authorized the City Manager to: (1) submit a grant application to the Virginia Fire Services Board/Virginia Department of Fire Programs by the February 15 deadline to repair and renovate the Fire Department's burn building; and (2) execute all necessary documents and agreements that may be required to receive funding under this grant program. The voting was as follows:

Smedberg	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

CONTESTED APPOINTMENTS

19. Alexandria-Caen Sister City Committee
1 Citizen Member

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

NAME: ENDORSED BY:

Andrew Highfill
Sally Krahn

(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; 2/12/08, 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 reappointed Sally Krahn as the one citizen member to the Alexandria-Caen Sister City Committee. The voting was as follows:

Euille	-	Krahn
Pepper	-	Krahn
Gaines	-	Krahn
Krupicka	-	Krahn
Lovain	-	Krahn
Smedberg	-	Krahn
Wilson	-	Krahn

- 20. Alexandria Board of Architectural Review – Parker-Gray District
 - 1 Architect
 - 1 Citizen Member

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

NAME: ENDORSED BY:

1 Architect
William Conkey
Keith Leonard

1 Citizen Member
Brooks Armandroff
William Montgomery
Deborah Rankin

(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; 2/12/08, 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 William Conkey as the one

architect and appointed Deborah Rankin as the one citizen member to the Alexandria Board of Architectural Review - Parker-Gray District. The voting was as follows:

Euille	-	Conkey, Rankin
Pepper	-	Conkey, Rankin
Gaines	-	Conkey, Rankin
Krupicka	-	Conkey, Rankin
Lovain	-	Conkey, Armandroff
Smedberg	-	Conkey, Armandroff
Wilson	-	Conkey, Rankin

21. Alexandria Commission on Aging
1 Citizen Member

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

NAME: ENDORSED BY:

Annmarie Pittman
John Smucker
Lewis Simon

(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. 21; 2/12/08, 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 reappointed Lewis Simon as the one citizen member to the Alexandria Commission on Aging. The voting was as follows:

Euille	-	Simon
Pepper	-	Simon
Gaines	-	Simon
Krupicka	-	Simon
Lovain	-	Simon
Smedberg	-	Simon
Wilson	-	Simon

22. Juvenile Detention Commission of Northern Virginia
1 Citizen Member

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

NAME: ENDORSED BY:

Brian Baker

Gerylee Baron
Mary Beth Flowers
Doratheia Peters
Michael Strutzel

(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; 2/12/08, 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 Doratheia Peters as the one citizen member to the Juvenile Detention Commission of Northern Virginia. The voting was as follows:

Euille	-	Strutzel
Pepper	-	Peters
Gaines	-	Peters
Krupicka	-	Peters
Lovain	-	Strutzel
Smedberg	-	Peters
Wilson	-	Strutzel

23. Alexandria Public Health Advisory Commission
1 Non-Health Professional

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

NAME: ENDORSED BY:

Jason DuBois
Nancy Roberts

(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; 2/12/08, 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 reappointed Nancy Roberts as the one non-health professional to the Alexandria Public Health Advisory Commission. The voting was as follows:

Euille	-	Roberts
Pepper	-	Roberts
Gaines	-	Roberts
Krupicka	-	Roberts
Lovain	-	Roberts

Smedberg - Roberts
Wilson - Roberts

24. Alexandria Sanitation Authority
2 Citizen Members

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

NAME: ENDORSED BY:

Christopher Campagna
Henry Cardwell
Benton Duffett, III
James Larrison
David Nichols

(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; 2/12/08, 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 James Larrison and reappointed David Nichols as the two citizen members to the Alexandria Sanitation Authority. The voting was as follows:

Euille - Larrison, Nichols
Pepper - Larrison, Nichols
Gaines - Cardwell, Nichols
Krupicka - Larrison, Cardwell
Lovain - Larrison, Duffett
Smedberg - Larrison, Nichols
Wilson - Larrison, Cardwell

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

25. Consideration of City Guarantee to the Alexandria Housing Development Corporation (AHDC) to Facilitate Low Income Housing Tax Credit Funding for The Station at Potomac Yard.

(A copy of the City Manager's memorandum dated February 6, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 2/12/08, and is incorporated as part of this record by reference.)

Deputy Director of Housing McIlvaine made a presentation of the staff report and responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried 4-0, City Council: (1) approved the City's provision of a completion guarantee to support AHDC's performance guarantee and strengthen AHDC's negotiating position with potential tax credit equity investors for The Station at Potomac Yard; and (2) authorized the City Manager to execute agreements, as may be required, to provide this guarantee. The voting was as follows:

Pepper	"aye"	Gaines	absent
Smedberg	"aye"	Krupicka	absent
Euille	"aye"	Lovain	"aye"
	Wilson	absent	

26. Receipt of 2007 Annual Report and Plant Survey From Comcast Cable Communications, Inc.

(A copy of the City Manager's memorandum dated February 6, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 2/12/08, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried 6-0, City Council received the Comcast 2007 Annual Report and Plant Survey. The Commission on Information Technology reviewed the results of the reports at its January 14 meeting and by a unanimous vote accepted the staff analysis. The voting was as follows:

Pepper	"aye"	Gaines	absent
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

27. Receipt of 2007 Comcast Cable Communications, Inc. Annual Subscriber Survey Report.

(A copy of the City Manager's memorandum dated February 6, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 2/12/08, and is incorporated as part of this record by reference.)

Marie Schuler, Director of Government and Community Affairs for Comcast, made a presentation of the subscriber survey and responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council received the 2007 Annual Subscriber Survey Report from Comcast. The Commission on Information Technology monitored the survey interviews during its July 9 meeting, reviewed the results of the Comcast 2007 Subscriber Survey report at its January 14 meeting and by a unanimous vote

accepted the staff analysis. The voting was as follows:

Pepper	"aye"	Gaines	absent
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Vice Mayor Pepper said she and Councilman Smedberg sit on the Northern Virginia Regional Commission and in December, the Secretary of State for Technology Chopra spoke to the group and he has expressed a concern about the fact that Northern Virginia needs to work together for the betterment of Northern Virginia, and his real concern is that they are not attracting a lot of those companies that might be doing a lot of research and development. She said Secretary Chopra will be sending a letter to the City Manager. She said that at the meeting, it was suggested that the local Northern Virginia government economic development staffs be asked to suggest how the jurisdictions could collaborate regionally to attract business that is good for the region, especially small R&D start-ups and in the business of intellectual property, and that Northern Virginia consider establishing criteria to offer tax credits for intellectual property, which would entice growing tech businesses to conduct their R&D in Northern Virginia. Secretary Chopra will look into the production of a CD to promote the advantages of locating new businesses in Northern Virginia.

(b) Vice Mayor Pepper said she and Councilman Smedberg co-chair the committee to monitor the activities at the Mirant Plant, and she said that on January 25, it was the State Air Pollution Control Board that requested that the department post Mirant's sodium bicarbonate emissions test report on the agencies website. The report provides information concerning stack emissions, resulting from the use of sodium bicarbonate in place of trona. The Board requested that the public review the test report and provide comments concerning the test results. The test is part of the two-stack permit. That permit has an extended comment period until the end of business on February 15. The data confirms that the use of sodium bicarbonate, although it does a better job with So₂ than trona does, it will in fact increase the very dangerous emissions of fine particulates and that is what the City has been concerned about. The City will raise its concerns with the Board. The solution the City has been asking for has been to install the bag houses and they haven't won on that so far.

Vice Mayor Pepper said Mirant has recently announced a plan to make some significant upgrades and replacements to their very core elements at the plant for the boilers and generating units. It will give a new generation of useful life to the very

outdated plan. The City will insist that if the work does proceed, it can only do so after new source review and the installation of state-of-the-art pollution control technology.

Councilman Smedberg said the one thing that would change the City's attitude toward the plant would be if the plant installed modern technology and include bag houses - to protect the public health of the citizenry.

(c) Councilman Smedberg said the Marketing Committee held its first meeting of the new group and had a lot of great suggestions and will meet again next week.

(d) Mayor Euille said the U.S. Conference of Mayors had its mid-year meeting in Washington, and he and others had an invitation to meet with representatives of the President's Legislative Affairs staff and general counsel staff to focus on issues of mutual concern and talk about how they can be of help to Alexandria and the Metropolitan area. He said he was one of 14 mayors to be invited to the White House to have a sit-down conversation with Secretary of Commerce Gutierrez to talk about economic development, the economy and other things of importance, and while in the Roosevelt Room, the President came in and spoke to the group. Mayor Euille said the President sat down with them for 45 minutes about the economic stimulus package, and an update on the recent trip to the Middle East and the Iraq war, and despite the fact that he and the President are from two different political parties, he is the President of the United States and it was a very rewarding experience to have the opportunity to sit down with the President of the United States. Mayor Euille also stated they had a photo-op with the President in the Oval Office. Mayor Euille said he had the opportunity today to be invited by the President to be one of about 150 guests to celebrate Black History Month. He said that after the President spoke for about 15 minutes, they were entertained by The Temptations, who were honored for being part of America's Black History.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilman Wilson said he went to the Lynhaven Civic Association meeting, and along with him were Mayor Euille, Vice Mayor Pepper and Councilman Smedberg, and an issue came up on a neighborhood traffic calming application for that area on Glebe Road, and an issue came up regarding what influence multi-family units get on the process about how they count.

Director of Transportation and Environmental Services Baier responded to how the voting was done, explaining that they are looking at the way the voting is done. Where the units are individually owned, they are looking at making a change. Where the units are apartments or a cooperative, they are looking at whether that should be the same as a condo. Condos they see a little differently as apartments, and the residents who live in the single-family homes see that the apartments are a little different than the single-family homes that are attached or semi-attached.

Councilman Smedberg said one of the concerns isn't so much the project itself, but the real issue for some folks is the corner before that - the Route 1 and Glebe Road corner - how awkward it is, and a lot of people ask if the City is planning to do something with that corner in the future, particularly given the fact that the lot is vacant and is for sale.

Councilman Krupicka said he wanted to make sure they are careful on how they create a policy so they are not in any way implying that apartment owners are somehow less important or less valuable as voters than people who have single-family homes.

(b) Councilmember Lovain said on the Climate Change legislation in the Senate, one-third of all greenhouse gas emissions come from the transportation sector, which is the second leading source of greenhouse gas emissions after coal fired electricity generating plants, and 60 percent of the greenhouse gases from the transportation sector come from cars. There are three ways to reduce those emissions: one is fuel efficiency, the second is alternative fuels, and the third is to reduce vehicle miles travelled. The best way to do that is transit - both enhanced transit services and transit oriented development. The Warner Lieberman Climate Change Bill was reported by the Senate Environment and Public Works Committee late last year and at the time, an amendment was successfully offered to provide the one percent of the allocations coming from the cap and trade system that would be set up would go for transit. If cars are 20 percent of the problem, transit is more than one percent of the solution, so there will be an effort when the bill gets to the Senate floor to offer an amendment to increase that allocation for transit. The bill will probably be the model/starting point for legislation next year when they have a good chance of having some climate change passed. He said he hoped the City would encourage its Senators Warner and Webb to support such a Bill when it comes to the floor.

(c) Councilman Krupicka said that a few months ago, they heard from the Child and Family Network Center that there were challenges with their West End facility and were being asked to leave that facility and it put them in a few tight spot where they had a number of kids who were being served on the West End by their high quality preschool service, who potentially were going to be put on the street because there was no alternative location. Councilman Krupicka said he made a call to General Growth Properties who own Landmark Mall and they responded favorably and quickly and he is happy to report that Child and Family Network Center is now operating their West End facility in Landmark Mall. He applauded staff and General Growth for taking care of what could have been a really big problem and handling it quickly and expeditiously.

ORAL REPORT FROM THE CITY MANAGER

None.

ORDINANCES AND RESOLUTIONS

28. Consideration of a Resolution Authorizing the Issuance of Bonds by the

Industrial Development Authority of the City of Alexandria For the American Society of Clinical Oncology. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated February 8, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 2/12/08, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried 6-0 by roll-call vote, City Council adopted the resolution authorizing the issuance of bonds by the Industrial Development Authority of the City of Alexandria for the American Society of Clinical Oncology. The voting was as follows:

Smedberg	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2269
OF THE CITY COUNCIL OF THE
CITY OF ALEXANDRIA, VIRGINIA

WHEREAS, the Industrial Development Authority of the City of Alexandria (the "Authority@") has considered the application of the The American Society of Clinical Oncology, Inc. (the "Applicant"), a not-for-profit 501 (c)(3) organization, for the issuance of the Authority=s revenue bonds in an amount not to exceed \$64,000,000 (the "Bonds"), to finance or refinance certain costs related to the acquisition, construction, renovation and equipping of a five-floor condominium consisting of approximately 123,085 square feet of office space within an office building to be located at 2318 Mill Road (the "Project"), for the Applicant, and has held a public hearing thereon on February 5, 2008;

WHEREAS, the Authority has requested that the City Council (the "Council") of the City of Alexandria approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code");

WHEREAS, a copy of the Authority=s resolution approving the issuance of the Bonds, subject to terms to be agreed upon, a record of the public hearing, and a "fiscal impact statement" with respect to the Project have been filed with the Council;

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

1. The Council hereby approves the issuance of the Bonds and the plan of

financing by the Authority for the benefit of the Applicant to the extent required by Section 147(f) of the Internal Revenue Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist in financing or refinancing the Project.

2. Approval of the issuance of the Bonds, as required by Section 147(f) of the Internal Revenue Code, does not constitute an endorsement of the Bonds or the creditworthiness of the Applicant, but, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the full faith and credit nor the taxing power of the Commonwealth, the City or the Authority shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

29. Second Reading and Final Passage of an Ordinance to Require the Submission and Approval of Drainage Plans and Related Information in Connection With Certain Types of Infill Development. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated February 6, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 2/12/08, and is incorporated as part of this record by reference.)

City Engineer Baker, along with Director of Transportation and Environmental Services Baier responded to questions of City Council.

WHEREUPON, a motion was made by Councilman Smedberg and seconded by Vice Mayor Pepper, to pass the ordinance, with the following amendments, to require the submission and approval of drainage plans and related information in connection with certain types of infill development.

Amendments:

Page 5, line 17: After "Services or"
Strike "his designee" and
Insert "Deputy Director/City Engineer"

Page 5, lines 19 and 20:
After "satisfaction of the Director"
Strike "or his designee, in his sole and absolute discretion, that no drainage impacts will occur due to the proposed construction." and
Insert: "Deputy Director/City Engineer, in his or her reasonable engineering discretion, that no adverse drainage impacts to abutting or adjacent property will occur as a result of the proposed construction. The Director shall; promulgate rules and regulations for the application, consideration, grant or denial of such waiver requests, including without limitation rules and regulations specifying the minimum information required for applications, and reasonable criteria and standards for the consideration of such

requests. The decision on such requests shall be in writing, and shall state the grounds thereof. The decision to grant or deny a waiver request is committed to the discretion of the Director or Deputy Director/City Engineer, and shall not be subject to judicial review."

Page 6, line 14:

After "passage"

Insert "provided, however, that the provisions of this ordinance shall not apply to any complete building permit application pending before any City board, tribunal, department, agency, or bureau on the effective date."

Councilman Krupicka said he had back and forth with the realtor folks today, and the one thing they pointed out is their concern is about the modification to homes less than a few hundred square feet where going in and expecting a detailed water drainage study could be cost prohibitive. He said he wanted to make sure it is clear that when staff is putting together their criteria that they will use to evaluate when it is appropriate and when it is not that they take into consideration the scale of the project.

Councilman Wilson asked that a year from now if they could docket a report on how it has been going, with stats and with an understanding how many have been reviewed and how it has gone.

The motion carried 6-0 by roll-call vote and is as follows:

Smedberg	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4517

AN ORDINANCE to amend and reordain Section 8-1-22 (METHOD OF STORM AND SUBSURFACE WATER DISPOSAL) and Section 8-1-30 (VIOLATIONS AND PENALTIES), of Article B (MISCELLANEOUS CONDITIONS OF PERMITS), Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 8-1-22 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 8-1-22 Method of storm and subsoil water disposal.

(a) Buildings shall have drainage provision for conveying storm water from roofs, paved areas and areaway drains, Subsoil water, condensate, cooling water, etc., on the premise to a public storm sewer: except that where a public storm sewer is not available, an approved method of disposal shall be provided to the satisfaction of the director of transportation and environmental services.

(b) Availability.

(1) For a one-and two-family dwelling, a public storm sewer shall be deemed available when such sewer is within 100 feet of the premises on which the dwelling is located, measured along a street, and a connection may be made lawfully thereto.

(2) For any other buildings, a public storm sewer shall be deemed available when such sewer is within 500 feet of the premises on which the building is located, measured along a street, and a connection may be made lawfully thereto.

(c) Area drains are prohibited from entering septic tanks or public or private sewer systems unless specifically approved in writing by the director of transportation and environmental services.

(d) Prior to the issuance of any building permit for any proposed improvement to real property involving (1) the construction of a new home (2) construction of an addition to an existing home where either (A) the addition exceeds the area of the existing building footprint by 100% or more; or (B) the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining; (3) changes to the existing grade elevation of 1 foot or greater; (4) changes to existing drainage patterns; or (5) land disturbance of 2,500 square feet or greater, a grading and drainage plan prepared by a professional engineer or land surveyor licensed by the Commonwealth of Virginia shall be submitted for review and approval by the Director of Transportation & Environmental Services or Deputy Director/City Engineer. Such plan shall demonstrate that post-development drainage will have no greater impact on adjacent or down-stream property than pre-development conditions. The requirements for such plans, including without limitation form, content, methods of calculation, and procedures for review and approval, shall be established by regulations promulgated by the Director of Transportation & Environmental Services. A plan review fee in the amount of \$500 shall accompany such plan, except that in instances where the proposed improvement is already subject to the erosion and sediment control requirements set forth in section 5-4-1, et seq. of this Code, and a fee has already been paid pursuant to those requirements, no additional fee shall be required. No building permit for improvements subject to this subsection shall be issued until after the grading and drainage plan has been approved. When a grading and drainage plan is required pursuant to subsections (d)(2), (3) or (4) hereof, the requirement may

be waived by the Director of Transportation & Environmental Services or his designee when such a waiver is requested by the property owner and such request is accompanied by sufficient information to demonstrate to the satisfaction of the Director or Deputy Director/City Engineer, in his or her reasonable engineering discretion, that no adverse drainage impacts to abutting or adjacent property will occur as a result of the proposed construction. The Director shall promulgate rules and regulations for the application, consideration, grant or denial of such waiver requests, including without limitation rules and regulations specifying the minimum information required for applications, and reasonable criteria and standards for the consideration of such requests. The decision on such requests shall be in writing, and shall state the grounds thereof. The decision to grant or deny a waiver request is committee to the discretion of the Director or Deputy Director/City Engineer, and shall not be subject to judicial review.

Section 2. That Section 8-1-30 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 8-1-30 Violations and penalties.

(a) With the exception of violations of section 8-1-22, a violation of any section or provision of this article shall be a misdemeanor, and any person found guilty of any such violation shall, upon conviction, be punished by a fine of not more than \$500. Each day a violation of any section or provision of this article continues shall be deemed a separate violation. Notwithstanding the foregoing, if the violation of a section or provision of this article is also a violation of a section or provision of article A of this chapter, then section 8-1-6 shall apply to the violation in lieu of this section.

(b) A violation of any section or provision of this article may, in addition to and notwithstanding the penalty provided for in subsection (a) (c) or (d), be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction.

(c) Notwithstanding the provisions of subsection (a) and (b), any action or omission constituting a violation of a section or provision of this article which also constitutes a violation of a section or provision of article A shall only be subject to the penalties in section 8-1-6.

(d) Any violation of section 8-1-22 of this article shall be a civil violation that shall be enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this code, of \$100 for a person's first violation and of \$150 for each subsequent violation of the same section or provision. Each day during which a violation exists shall constitute a separate violation. However, a series of violations arising from the same operative set of facts shall not give rise to the levying of a civil penalty more frequently than once in any 10-day period, and

shall not result in civil penalties exceeding a total of \$3,000.

(e) In addition to the foregoing penalties, in the event that any person obtains a building permit based on representations that exempt the proposed construction from the grading and drainage plan requirements of Section 8-1-22(d), and those representations prove to be incorrect, the Director of Transportation & Environmental Services or his designee may issue a written order stopping all work at the site until such time as a grading and drainage plan has been submitted for review and approved pursuant to Section 8-1-22(d).

Section 3. That this ordinance shall become effective on the date and at the time of final passage provided, however, that the provisions of this ordinance shall not apply to any complete building permit application pending before any City board, tribunal, department, agency, or bureau on the effective date.

OTHER

30. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated February 8, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 2/12/08, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilmember Lovain and carried 6-0, City Council: 1. adopted the Council meeting schedule for February 2008 through June 2008, with the following notations: (1) Schedule the annual meeting of the Alexandria Transit Company Stockholders at 6:45 p.m. before Council's Tuesday, February 26 legislative meeting in the Council work room; and (2) received the revised calendar which includes: the Alexandria Jaycees annual Community Appreciation Night for City Employees reception on Monday, March 24, at 7:30 p.m. in the Sister Cities Conference Room; the USPTO Trademark Expo April 10-12 with the opening kickoff on Tuesday, April 10 at noon on Market Square; the Flora Krause Casey Public Health Award Reception at 5:30 p.m. before Council's Tuesday, April 22 legislative meeting in the Vola Lawson Lobby; the annual City Employee Service Awards on Wednesday, April 30 at 5:30 p.m. at the Lee Center, 1108 Jefferson Street; and noted the time of the March 3 joint work session with the School Board as 7:30 p.m., instead of 7:00 p.m. The voting was as follows:

Pepper	"aye"	Gaines	absent
Lovain	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried 6-0, the regular City Council meeting of February 12, 2008, was adjourned at 10:36 p.m. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	absent
Euille	"aye"	Krupicka	"aye"
	Wilson	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk