

CITY COUNCIL OF ALEXANDRIA, VIRGINIA**Regular Meeting****Tuesday, October 9, 2007 - - 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. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Caton, Legislative Director; Ms. Winey, Grants Coordinator, City Manager's Office; Ms. Blackford, Communications Officer, City Manager's Office; Ms. Harris, Communications Officer, City Manager's Office; Police Chief Baker; Police Captain Hassan; Ms. Boyd, Director, Citizen Assistance; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Ms. Barnett, Deputy Director, Recreation, Parks and Cultural Activities; Mr. Baier, Director, Transportation and Environmental Services; Ms. Niebauer, Director, Office of Human Rights; Ms. Baker, Director, Office on Women; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

The meeting was called to order 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 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 September 25, 2007.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council approved the regular meeting minutes of September 25, 2007. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

4. Presentation of a Proclamation Declaring October 2007 as Breast Cancer Awareness Month.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/9/07, 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"	

5. Presentation of a Proclamation Declaring October 13-14, 2007 as Titan Pride and Homecoming Weekend and October 14 as Titan Pride Day.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 10/9/07, and is incorporated as part of this record by reference.)

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

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

6. Presentation of a Proclamation Declaring October as National Arts and Humanities 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. 6; 10/9/07, and is incorporated as part of this record by reference.)

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

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

7. Recognition of Greg Wyshynski as an Honorary Citizen of Alexandria.

Mayor Euille recognized Mr. Wyshynski, along with his new wife, for the letter to the editor in a local newspaper in regard to his recent wedding event in Alexandria.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (8-15)

(Resignations and Uncontested Appointments)

8. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria-Caen Sister City Committee
1 Citizen Member
- (b) Alexandria Beautification Commission
1 Citizen Member
- (c) Alexandria Budget and Fiscal Affairs Advisory Committee
1 Representative of Vice Mayor Redella S. Pepper
- (d) Alexandria Commission on Aging
2 Citizen Members
- (e) Alexandria Commission on Employment
2 Representatives From Such Organizations As Educational Agencies, Organized Labor, Rehabilitation Agencies, Community-Based Organizations, Economic Development Agencies, and the Public Employment Service
- (f) Alexandria Environmental Policy Commission
2 Members From the Field of Environmental Sciences

(e.g. Environmental/Sanitary Engineering, Ecology, Geology, Botany, Hydrology, Chemistry)

- (g) Alexandria Local Emergency Planning Committee
1 Representative of A Community Group
- (h) Alexandria Park and Recreation Commission
1 Member From Among the High School Youth of the City of Alexandria
- (i) Alexandria Public Records Advisory Commission
1 Citizen Member
- (j) Alexandria Woodrow Wilson Bridge Neighborhood Task Force
1 Representative From the Eisenhower Valley Residential Community
- (k) Alexandria Youth Policy Commission
1 Member of City Boards, Commissions or Other Organizations Having An Interest in Youth Issues
- (l) Alexandria Economic Development Partnership
3 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. 8(a-l); 10/9/07, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

- 9. Consideration of a Grant Application by the Office on Women to the Virginia Department of Social Services to Continue the Healthy Marriage and Stable Families Initiative.

(A copy of the City Manager's memorandum dated October 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/9/07, and is incorporated as part of this record by reference.)

- 10. Consideration of Change to the Route of the 2007 Scottish Christmas Walk Parade.

(A copy of the City Manager's memorandum dated October 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/9/07, and is incorporated as part of this record by reference.)

- 11. Consideration of Two Grant Applications for a Training Mini-Grant and a

Computer Hardware Grant From the Virginia Fire Services Board.

(A copy of the City Manager's memorandum dated October 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/9/07, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

12. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Modify the Composition of the George Washington Birthday Celebration Committee.

(A copy of the City Manager's memorandum dated October 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/9/07, 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. 12; 10/9/07, 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. 12; 10/8/07, and is incorporated as part of this record by reference.)

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Modify the Composition and Functions of the Alexandria Marketing Committee, and Establish a New Standing Committee to be Known as the Alexandria Marketing Coordinating Council.

(A copy of the City Manager's memorandum dated October 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 10/9/07, 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. 13; 10/9/07, 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. 13; 10/8/07, and is incorporated as part of this record by reference.)

14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the City's Sanitary Sewer Pretreatment Regulations to Conform to State and Federal Law.

(A copy of the City Manager's memorandum dated October 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/9/07, 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. 14; 10/9/07, 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. 14; 10/8/07, and is incorporated as part of this record by reference.)

15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Authorize the Establishment of Roadway Work Zone Speed Limits, and Prescribe the Penalty For Violating Such Limits.

(A copy of the City Manager's memorandum dated October 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/9/07, 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. 15; 10/9/07, 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. 15; 10/8/07, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the consent calendar, with the exception of docket item #15, which was considered under separate motion. The City Manager's recommendations were as follows:

8. City Council made the following appointments: (a) appointed Nicole Tousley as the one citizen member to the Alexandria-Caen Sister City Committee; (b) appointed Cathleen Curtin as the one citizen member to the Alexandria Beautification Commission; (c) appointed Michael Wenk as the one representative of Vice Mayor Redella S. Pepper to the Alexandria Budget and Fiscal Affairs Advisory Committee; (d) appointed Robert Eiffert and reappointed Mary Parker as the two citizen members to the Alexandria Commission on Aging; (e) waived the residency requirement and reappointed Amy Bell and appointed Brent Eastwood as the two representatives from

such organizations as educational agencies, organized labor, rehabilitation agencies, community-based organizations, economic development agencies, and the public employment service to the Alexandria Commission on Employment; (f) appointed David Evans and reappointed Joy Pochatile as the two members from the field of environmental sciences (e.g. environmental/sanitary engineering, ecology, geology, botany, hydrology, chemistry) to the Alexandria Environmental Policy Commission; (g) appointed Andrew Duncan as the one representative of a community group to the Alexandria Local Emergency Planning Committee; (h) appointed Amara Vogt as the one member from among the high school youth of the City of Alexandria to the Alexandria Park and Recreation Commission; (i) reappointed Louis Gioia as the one citizen member to the Alexandria Public Records Advisory Committee; (j) appointed Harold Hernly as the one representative from the Eisenhower Valley residential community to the Alexandria Woodrow Wilson Bridge Neighborhood Task Force; (k) appointed Charniele Herring as the one member of City boards, commissions or other organizations having an interest in youth issues to the Alexandria Youth Policy Commission; and (l) appointed Barbara Bennett, Donald Simpson, Jr., and Joyce Woodson as the three citizen members to the Alexandria Economic Development Partnership.

9. City Council authorized the Office on Women to submit a grant (due October 12, 2007) and if awarded, accept up to \$22,500 from the Virginia Department of Social services (DSS) for the continuation of the Healthy Marriage and Stable Families Initiative: 1. approve the submission of the grant application to the Department of Social Services to fund a portion (0.25 FTE) of a full-time Outreach and Prevention Specialist position under this initiative. The position falls under the auspices of the Sexual Assault Response and Awareness (SARA) Program, and provides presentations and outreach to students, grades 5-10 on health relationships and domestic and sexual violence; 2. if this grant award was reduced or the program was discontinued, the individual who fills the position has been notified their position may be reduced or eliminated, was notified of this stipulation at the time of employment, and has signed an agreement of understanding with regard to this condition; and 3. authorized the City Manager to execute all documents that may be required.

10. City Council approved the requested change to the 2007 parade route for the Annual Scottish Christmas Walk Parade scheduled for December 1, 2007.

11. City Council approved the submittal of two grants (due August 31, 2007 and September 30, 2007) and if awarded, accept up to \$10,125 from the Virginia Fire Services Board (VFSB) for the following: 1. VFSB funding in the amount of \$9,125 to purchase three laptop computers, two desktop computers, two podiums, and three mid-sized CRT TVs for the Fire & EMS Training Academy at Lee Center; 2. VFSB funding in the amount of \$1,000 to purchase computer hardware for fire incident reporting, which mirrors the national reporting format required by the Commonwealth to report injuries and losses of life or property caused by fire and similar hazards; and 3. authorized the City Manager to execute all the necessary documents that may be required.

12. City Council approved the proposed ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, October 13, 2007.

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The voting was as follows:

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

15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Authorize the Establishment of Roadway Work Zone Speed Limits, and Prescribe the Penalty For Violating Such Limits.

(A copy of the City Manager's memorandum dated October 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/9/07, 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. 15; 10/9/07, 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. 15; 10/8/07, and is incorporated as part of this record by reference.)

Councilman Wilson asked if they can do this type ordinance with other State Code provisions.

City Attorney Pessoa said the City already does.

WHEREUPON, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the proposed ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, October 13, 2007. The voting was as follows:

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

CONTESTED APPOINTMENTS

16. Alexandria Commission on Employment
 1 Business Representative From Among Recognized Area
 Businesses, Including Minority-Owned and Small Businesses

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

NAME: ENDORSED BY:

Patricia Frame
 James Shank
 David Svec

(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. 16; 10/9/07, 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: No one received a majority vote, therefore there had to be a second balloting: The voting was as follows:

Euille	-	Shank
Pepper	-	Svec
Gaines	-	Shank
Krupicka	-	Svec
Lovain	-	Frame
Smedberg	-	Svec
Wilson	-	Frame

WHEREUPON, ballots were again distributed, tellers were again appointed and the ballots were again tallied with the following results: City Council appointed David Svec as the one business representative from among recognized area businesses, including minority-owned and small businesses, to the Alexandria Commission on Employment. The voting was as follows:

Euille	-	Shank
Pepper	-	Svec
Gaines	-	Shank
Krupicka	-	Svec

Lovain	-	Frame
Smedberg	-	Svec
Wilson	-	Frame

17. Alexandria Environmental Policy Commission
1 Citizen Member

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

NAME: ENDORSED BY:

Jennifer Hovis
Peter Pennington

(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. 17; 10/9/07, 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 Peter Pennington as the one citizen member to the Alexandria Environmental Policy Commission. The voting was as follows:

Euille	-	Pennington
Pepper	-	Hovis
Gaines	-	Pennington
Krupicka	-	Pennington
Lovain	-	Pennington
Smedberg	-	Pennington
Wilson	-	Hovis

18. Alexandria Potomac Yard Design Advisory Committee
2 Members Representing the Potomac East Area
(Northeast and Inner City)

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

NAME: ENDORSED BY:

Susanne Carnell
Paul Richman
Maria Wasowski

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 18; 10/9/07, and is incorporated as part of this record by reference.)

City Council deferred this item so that it could be readvertised.

19. Alexandria Redevelopment and Housing Authority Board of Commissioners
1 Citizen Member

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

NAME: ENDORSED BY:

Edward Horton
Carlyle Ring, Jr.

(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; 10/9/07, 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 Carlyle Ring, Jr., as the one citizen member to the Alexandria Redevelopment and Housing Authority Board of Commissioners. The voting was as follows:

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

20. Alexandria Youth Policy Commission
1 Individual Who Has An Interest in Issues Affecting Youth in the City

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

NAME: ENDORSED BY:

Catherine Lada
Keith Perry
Turcores Turner

(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; 10/9/07, 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 Catherine Lada as the one individual who has an interest in issues affecting youth in the City to the Alexandria Youth Policy Commission. The voting was as follows:

Euille	-	Turner
Pepper	-	Lada
Gaines	-	Lada
Krupicka	-	Lada
Lovain	-	Lada
Smedberg	-	Lada
Wilson	-	Lada

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION
None.

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Vice Mayor Pepper noted that she and Councilman Smedberg monitor the activities at the Mirant Plant, and the State Air Quality Board will have its meeting tomorrow at 9:30 a.m. in Richmond at the General Assembly Building, and they will talk about the permits.

City Attorney Pessoa said the DEQ put out two proposed permits they will present to the Board tomorrow. One permit involves the five existing stacks, and the second permit is for the two merged stacks. They see no legitimate reason for the DEQ to present the two stack permits to the Board tomorrow, they have written to the board stating the City's vehement objection to that, and they will reiterate that tomorrow. With respect to the five stack permit, the experts are reviewing that and it is certainly heading in the right direction, but it is not there yet. He said he was not sure whether the Board will publish a permit for public comment and formal consideration tomorrow or whether they will desire to retain it and work on it a little bit more before they publish it for formal deliberation.

(b) Councilman Smedberg said the Northern Virginia Transportation Commission met and discussed the proposed Metro fare increases and parking increases, and there will be a resolution coming forward on that. He noted they had a presentation on the evaluation of the Ride Free program for free bus rides on forecast Code Orange or Code Red Air Quality Days. They are looking at various options, and there is new money coming into the system and how to best use that money. They did a study, are evaluating the data, and are almost complete with that, so there will be a final report next month and a recommendation from the Commission to see what else

can be done with the Ride Free programs other than just on Code Orange or Code Red days.

(c) Councilman Smedberg noted that Mayor Euille was elected vice president of the Virginia Transportation Association.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Vice Mayor Pepper said that after 35 years with the City, Janet Barnett, the deputy director of the Parks and Recreation Department, will be the new executive director of Senior Services of Alexandria. Vice Mayor Pepper said Ms. Barnett will be leaving the City on October 17, and she has been an outstanding worker and was everywhere doing everything and was really an extraordinary member of the Parks and Recreation Office, and she will be missed.

(b) Vice Mayor Pepper said T.C. Williams High School has been called the Project of the Year in the education category of Mid-Atlantic Construction Magazine's Best of 2000 Awards Program.

(c) Vice Mayor Pepper said she and Councilman Wilson attended the ride your bicycle or walk to school day and it was spectacular and they were delighted at the number of people who participated. She said there was an interesting concept that it was not just meant to be a one day event. This was trying to change habits and to do something special about getting people to walk more frequently.

(d) Councilman Wilson said he wanted to follow-up on an email received from Legislative Director Bernie Caton on dangerous dogs. He said he was contacted by a resident whose dog was maimed by a dangerous dog in Arlington County and in trying to deal with that situation, she ran into a bureaucratic quagmire in trying to work through that. Back in 2006, the General Assembly made a number of changes to the State Code to provide for a more organized approach to dealing with dangerous dogs and created a state registry for them to be recorded. He said he is pleased that they have been working on the issue and there are a number of changes that will come to Council over the next few months. At the staff level, they will be training staff to exercise the new authority under the Code and will now use the Code provisions to deal with dangerous dogs in the City. They will also develop a list of all the dangerous dogs. The State Code allowed local jurisdictions to adopt local ordinances to enforce what is in the State Code and they have the opportunity to regulate the dogs. The City Attorney will be bringing forward a couple of amendments to the City Code. Councilman Wilson said the final thing is once they figure out what the policy will be, they will put out signs at the dog parks to reflect that policy.

Councilman Gaines said it would be beneficial to define what dangerous dog means.

City Attorney Pessoa explained the definition of dangerous dogs, noting that a

dangerous dog is one which is capable and has a history of inflicting death or serious injury, and a vicious dog is a dog which has actually done so and on more than two occasions has attacked or bitten without provocation. There is an administrative process through the City Manager and with an appeal to Court under the City Code for the designation of status for a dog and prohibition from the dog parks. It is not an easy thing and is not lightly undertaken.

Councilman Wilson said that in future dog parks, there should be a set-aside area for small dogs versus large dogs.

(e) Councilman Krupicka congratulated the Art on the Avenue Committee and all the volunteers for putting together the most successful Art on the Avenue they have had. It was the 12th Annual Art on the Avenue. He said his hat is off to the Art on the Avenue folks and everyone on City staff who helped - Parks and Recreation, Police, and a number of other departments. He said for an event that brings thousands of tourists to Alexandria, it is not a City-sponsored event and it keeps getting better.

(f) Councilman Krupicka said they received comments from businesses in Old Town and have asked the president of KSMET to look into the issue of when trash is picked up in Old Town. As it gets ready for National Harbor and how it starts thinking about how to make sure it is an inviting place for tourists, a number of businesses would like Council to review or reconsider ways to address trash that gets left out Friday night for a Monday morning pickup. To have those bags of trash on the sidewalk on the weekend when tourists are walking around creates issues. He suggested they sit down with the business groups and maybe be collaborative to talk about how to address the issue, so that King Street looks nice on weekends.

Director of Transportation and Environmental Services Baier said the City picks up trash on the weekends from the street cans themselves. In January 2005, in response to complaints from residents and businesses, the City changed the pick-up day from a Tuesday to a Monday, due to complaints about odor and rat infestation, because of the food stuffs left over from dining were stored for an extra day. He noted they have offered to businesses to offer a list of other services that other vendors provide for picking up trash.

(g) Councilmember Lovain said this Thursday morning is the kick-off for the United Way campaign for the 2007-08 United Way campaign and he encouraged all to be there. He encouraged people to donate to the Community Impact Fund, as that money goes to a committee of Alexandrians who are familiar with the social needs of the City.

ORAL REPORT FROM THE CITY MANAGER

Deputy City Manager Evans reported that Retired Circuit Court Judge Franklin Backus died on Sunday at the age of 93.

ORDINANCES AND RESOLUTIONS

21. Consideration of Alexandria Human Rights Commission Resolution on Immigration Issues. (#18, 9/25/07 **[ROLL-CALL VOTE]**)

(A copy of the City Manager's memorandum dated September 21, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 10/9/07, and is incorporated as part of this record by reference.)

Mayor Euille noted that Council will consider a resolution that restates who the City is as a government and where they stand on immigration issues. He said he asked the Human Rights Commission this summer to prepare a resolution for Council that would reaffirm the City's commitment to inclusiveness in the community. The resolution was received on September 25 and Council asked Councilmembers Gaines and Krupicka to make a few changes to the resolution to come back before Council this evening. Mayor Euille noted that they are stating that Alexandria is a caring community that values its diversity and it prides itself on treating everyone with dignity and respect. The resolution is an extension of what they have already been doing and talking about as a City government. When anyone behaves illegally in Alexandria, the City takes action, regardless of immigration status. Yet, they continue the efforts to reach out to the residents and to ensure that Alexandria continues to be an inclusive and caring community. Mayor Euille noted that for the past four years as Mayor, his theme and support of the Council has been to be a City that cherishes its diversity, respects it and to ensure that all have an opportunity to work together to solve their problems. Mayor Euille noted that the Human Services agencies provide services to Alexandria residents in need in accord with Federal and State laws and regulations. The schools provide education to Alexandria residents as required by Federal law. The Code Enforcement staff monitors and investigates reports of overcrowding and nuisance behavior and acts promptly to address neighborhood issues. The Police Department addresses serious crime and nuisance crime. The City has made gang prevention and enforcement top priorities by addressing gang recruitment and involvement and take prompt action on gang issues, no matter what segment of the population is involved. The City is expanding and enhancing the mentoring programs to provide the youth with strong role models to help them succeed. The City removes all graffiti as quickly as possible with a City interdepartmental team assisting with graffiti removal and prosecution of offenders. Mayor Euille noted that once someone is incarcerated in the detention center, the Sheriff addresses immigration issues in accord with Federal law. He noted that it is not about opening their doors to encourage more illegals to come to Alexandria, but is about taking care of those residents already there and abiding by the law. It is not about getting a one-up on their neighbors, it is about doing what is right for our City and citizens, particularly for the children. Mayor Euille stated that it is about internationals having the desire to seek employment, raise a family, have a quality of life and enjoy economic prosperity in the City. Failure of illegals to become legal should be not tolerated. Illegals should be dealt with by the Federal government and they encourage laws and regulations to address the issue.

WHEREUPON, a motion was made by Councilman Krupicka and seconded by

Councilman Gaines, to adopt the revised resolution on immigration issues.

Mayor Euille stated that should the resolution pass, this is nothing more than an extension of what they have been doing and talking about for a long time, and they recognize the many challenges that illegal immigration presents to localities, however, in Alexandria, they look out for their residents and believe it is the right thing to do.

Vice Mayor Pepper said the Mayor's Unity Breakfast has the same theme of welcoming and valuing diversity, as well as the Mayor's theme of "One Alexandria." This is nothing new for the City and is the way it has chosen to conduct itself. Vice Mayor Pepper said they enforce whatever Federal laws there are, but for the most part, whoever comes before them, they will serve whatever needs there are, unless they are denied by the Federal government. She said it is not the role of the local government to assume Federal responsibilities for immigration law.

Councilman Gaines said this is an appropriate and opportune time for the City to reaffirm its commitment to what distinguishes the City as a City, and that is their openness, inclusiveness, fairness, commitment to quality, willingness as neighbors to reach out to neighbors, to build bridges and not to build barriers, to reach across cultural divides, and to be one family/one Alexandria. This is a highly emotional issue, but when it strips emotion away, they are left with reason and with doing what is right, and at the end of the day, if it looks at what Alexandria has done, is that they have gotten it right on this issue. If it looks anywhere across the Potomac or any other communities in surrounding neighborhoods, they will find that they have wrestled with the issue, but they will also find that when they look to Alexandria, one will see that as a Council and as a government, that they have gotten together with their community and they have worked and listened to the community. The Council has not seen the immigrants as a problem but as an opportunity to welcome everyone into their family, whether it be overcrowding issues, whether it be gang problems, or whether it be crime. It is incumbent upon the Council not to turn their backs, but to reach out their hands to everyone in their community and encourage them to be the very best citizens they can be, not only for Alexandria, but for the country. The City welcomes citizens in Market Square, formerly the site of slave auctions, they welcome new citizens, people who have pledged to do what is right, to be the very best, to be a participant in the electoral process and to be good citizens. That is the right approach - not to put up walls, but to extend their hands and welcome them into our communities. Councilman Gaines said that despite the public pressure that Council has felt, this is an easy choice. He stated that the City is not welcoming anyone who is doing anything illegal - this is not a sanctuary resolution for immigrants, but that is how it's been cast by others who have political agendas. The City will continue to do what it does as a local government, and that is provide for the health, safety and welfare of the residents and look out for everyone in the community.

Councilmember Lovain stated that he wished to note the wonderful contributions the immigrant community in Alexandria makes to their culture and economy and they will be much the poorer City without the immigrants they have. The culture would be

barren and the economy would be in the tank if they didn't have them. He said that in a lot of communications, people see a bright line between the legal immigrants and the criminal illegal immigrants. He said anyone who has gotten to know immigrant families in the City can tell one how muddled and gray that line is. In one family, there will be a legal immigrant and a family member who was legal until an arbitrary and capricious decision of the INS made them illegal and children who were born in this country, who are U.S. citizens, so it is not a bright line. It is a Federal responsibility and not the City's to sort it all out. Councilmember Lovain said that as Prince William County has found out, if they try to deny services to illegals, they are not saving taxpayers money but are costing them money. It is a very costly proposition and it is bound to adversely affect people who are legal immigrants. He said he knew there was concern that people should have an opportunity to be heard on this issue, and if the City were changing policy in some way, then that would be a valid case, but they are not. They are affirming what the City stands for and the policies and practices of the City and intend them to continue to be. Councilmember Lovain noted how few services they have in the City where they have much discretion. There are services that they have to ask about immigration status and some where they cannot ask about immigration status. One that is in that category is the battered women's shelter, and for everyone that wants to deny services to illegals, what would they do in a situation of a battered woman coming with her children to the shelter. He said they would not check her papers and those of her children. As human beings, they owe it to the people who are in need and are suffering to do what they can to help them.

Councilman Krupicka stated that the Council is not changing policy tonight - they are simply affirming what they have been doing for decades in Alexandria. It's been met with great success - they have a declining crime rate, incredibly low unemployment rate, incredible prosperity, a strong economy, and an incredible diversity in the schools that make their children stronger and more successful when they enter the workforce. They have an exceptional City staff that addresses the day-to-day workings of the local government appropriately with Code Enforcement to Police and Fire. They will not turn down fire services at someone's house and wait to find out if they know their immigration status first. They will not tell someone who is being attacked in the street to wait to check their immigration status first. They will not tell someone who has a contagious disease that will affect the health of the entire community sorry, they have to check their immigration status before the Health Department will give you any support. Once they get rid of those fundamental services that local government provides, there isn't that much left to use as a wedge on the issue. The ones that are left don't cost that much money. To the concerns they have heard so many times about the fact that they will waste taxpayer money because of this resolution, the reality is that they have been spending the money for decades. The reality is that where they would be wasting taxpayer money is if they tried to take on Federal responsibilities that the local government doesn't have the infrastructure or the operational capacity or the legal authority to enforce. \$14 million is what Prince William County has to endorse their proposed policies to check every single service in local government. To the extent that money needs to be spent and immigration laws need to be enforced, the Federal government and the State need to step up. They don't need anymore unfunded

mandates from the Federal or State government - they have a role and responsibility to play and they need to do it. He said he is confident that Governor Kaine and the legislature will come forward with some proposals in the General Assembly this year that will make sense and provide a comprehensive approach to the State. Piecemeal immigration law is not affective, is not fiscally prudent and is not the right answer. The right answer is a comprehensive Federal and State approach.

Councilman Wilson said this is an extremely vexing issue, as evidenced by the amount of communication Council has received in the last few days. He said he associated himself with the remarks of his colleagues as relates to the human rights and dignity of the residents of the community. He said he intends on supporting the resolution and he thanked the Mayor and the Human Rights Commission for their leadership. Councilman Wilson said it raises some very important issues about the role of government - local, state and federal and they are issues they need to talk about. He said he saw it as a human rights and dignity issue, but he also saw it as a fiscal responsibility and fiscal accountability issue. He said he was not supportive of the City taking on Federal responsibility without that partnership. He said he would be supportive of a partnership with the Federal and State government to work on the issue, but by definition of partnership, that means there are at least two folks in the partnership. Right now the Federal government has chosen to abrogate its responsibility and until they come to the table with their resolution and until the State comes to the table with their resolution, he didn't support the City taking on the responsibility willy-nilly. There is no value in having the 140 jurisdictions in Virginia coming up with different ways to enforce Federal law, law that are not really theirs to enforce. As relates to process and hearing comment, he would be supportive as they adopt the resolution, as it will be an evolving area as hopefully the Federal government comes to the table and hopefully the State government comes to the table to work on some of the issues. He said it would be appropriate at the convenience of the City to invite input in a public hearing to build on what Council is doing today. He said they should probably set aside some time later in the year to hear input on the policy that the City is reaffirming.

Councilman Smedberg said he agrees with the majority of what Council has said this evening, and with what Councilman Wilson said, in particular. It is the one part of it that has bothered him, given the complexity of the issue, particularly given the fact that it will be addressed to some degree at the State level. He said he agreed that maybe there should have been an opportunity for the citizenry to express comments on both sides.

Councilman Krupicka said it is a very good idea to have a conversation about this issue with the community. He said when one is reaffirming its policy, that doesn't preclude their ability to do that. He suggested that if they have that conversation, that they invite their State and Federal legislators to be there, because the City can't do very much without the State and Federal participation. He said if they can schedule a time when the State and Federal legislators can come and meet with Council, and the community can come with questions or issues they have, that is a very healthy and

appropriate dialogue. The policies Council has implemented over the last ten years that have led to the success they have experienced have all come about because of great community dialogue and furthering that exercise is a good thing to do. They need to make sure all the appropriate players are involved.

Councilman Smedberg said he hoped that was something the Council and the Human Rights Commission could work on together.

Mayor Euille said no vote on that is necessary, as it is the consensus of Council that they share that expression and would collaborate and coordinate with the Human Rights Commission and staff to plan for such an opportunity for dialogue. He said while they are not in any way indicating that the City's floodgates are open and everyone can come here, what it is saying is that folks who reside here and have been here that they will continue to respect them and will provide the services. If someone is illegal and doing something wrong, they will be dealt with to the full extent of the law. Mayor Euille noted that it is not changing policies.

The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2246

WHEREAS, Alexandria strives to be a community based on mutual understanding, where people trust their government and each other; a community that welcomes and values all of its residents, treating everybody with human dignity and respect; and

WHEREAS, people of all races, nationalities and cultures live and work together within Alexandria and bring pride to the community; and

WHEREAS, Alexandria has experienced and continues to experience a period of unprecedented prosperity with low unemployment, declining crime, and improving quality of life; and

WHEREAS, our international diversity has made and continues to make Alexandria and the United States stronger and more economically successful, contributing to our way of life; and

WHEREAS, intolerance and fear threaten the diversity and strength of our community; and

WHEREAS, intolerance and fear lead to discrimination and discord, both of which threaten the health and safety of our community; and

WHEREAS, the City of Alexandria affirms its responsibility to ensure that all people within our City limits are accorded equal protection under the law; and

WHEREAS, it is not the role of state or local governments to assume federal responsibilities for immigration law any more than it is the role of local government to enforce federal tax, patent, or commerce regulations; and

WHEREAS, local government's role is to provide for the health, safety and security of the entire community; and

WHEREAS, it is morally appropriate and fiscally prudent to focus our finite City resources towards addressing and resolving discrete community concerns that are governed by the applicable local laws; and

WHEREAS, the City of Alexandria seeks to celebrate the inclusiveness and diversity that contribute to the strength, safety and quality of life of all Alexandrians; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Alexandria that the City of Alexandria will continue to:

1. Foster an atmosphere of inclusiveness that respects the dignity and worth of every person without regard to race, color, sex, religion, ancestry, national origin, marital status, age, disability, sexual orientation, and familial status;
2. Work towards building bridges of understanding and mutual respect among the diverse members of our community;
3. Comply with all federal and state laws related to immigration, including those that involve eligibility for state and federal programs;
4. Protect the security of its community and will aggressively prosecute all individuals who threaten our security with serious crimes, checking the immigration status of any such person and forwarding this information to appropriate State and Federal officials; and
5. That, beyond what is required by State and Federal law, the City and its various agencies will neither make inquiries about nor report on the citizenship of those who seek the protection of its laws or the use of its services.

OTHER

22. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated October 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 10/9/07, 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: 1. adopted the Council meeting schedule for October 2007 through June 2008, as follows: 1. scheduled a meeting of the Alexandria Transit Company Stockholders at 6:45 p.m. before Council's Tuesday, October 23 legislative meeting in the Council work room; 2. scheduled the annual work session with the Alexandria Convention and Visitors Association at 5:30 p.m. before Council's Tuesday, March 11 legislative meeting in the Council work room; and 3. received the revised calendar, which includes: the Mayor's annual Unity Breakfast at 7:30 a.m. on Wednesday, November 21, at the Mark Center Hilton, 5000 Seminary Road; the dedication of the Sister Cities Conference Center at 2:00 p.m. on Saturday, December 1; a formal dinner for the Sister City delegations and chairs of our Sister City Committees at 7:30 p.m. on Saturday, December 1; the 15th Annual Take Your Daughters and Sons to Work Day on Thursday, April 24. The kickoff will begin at 8:00 a.m. in the Vola Lawson Lobby; scheduled a meeting with BFAAC at 5:30 p.m. before the January 8, 2008 legislative meeting; and with a notation that the date has changed for the grand-opening of the new Westin Hotel, and that has been moved from November 1 to Wednesday, November 7, at 12:00 noon. The voting was as follows:

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

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Gaines, seconded by Councilman Wilson and carried unanimously, the regular City Council meeting of October 9, 2007, was adjourned at 8:32 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk