

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Monday, November 19, 2007 - - 7:00 p.m.

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

Absent: Member of Council Ludwig P. Gaines

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Caton, Legislative Director; Police Captain Ogden; Mr. Baier, Director, Transportation and Environmental Services; Ms. Niebauer, Director, Office of Human Rights; Ms. Hamer, Director, Planning and Zoning; Mr. Josephson, Deputy Director, Planning and Zoning; Mr. Bray, Planning and Zoning; Ms. Collins, Director, Human Services; 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 at 7:21 p.m. by Mayor Euille, and the City Clerk called the roll; all the members of Council were present with the exception of Councilman Gaines.

2. Public Discussion Period.

(a) Joyce Henderson, 5911 Edsall Road, with Top Ladies of Distinction, along with Ciara McPhail, president of Top Teens of America, presented Mayor Euille with a plaque for his belief and support in allowing their group to attend the Area 2 Leadership Conference in Fort Washington, Pennsylvania.

(b) Gene Kendall, 209 E. Luray Avenue, speaking on behalf of the Alexandria Neighborhood Health Services (Arlandria Health Center,) thanked Council for its support of its work over the past 10 years, financially and otherwise. Mr. Kendall said that since they have begun operating as a federally qualified health center as of February 2004, they have seen a 166 percent increase in Alexandria residents seeking health care, and over that same period of time, the City's support has increased only 11 percent. In February 2004, they had just under 2,000 City residents seeking health

care, and as of June 30, 2007, that number is now close to 6,000 and they project that in 2009, that number will be close to 8,000. He spoke of their expansion and growth and said they are requesting FY 2009 grant increase of \$65,000, as an adjustment to the base budget request, for a total grant request of \$350,000. In addition, he said, they have requested a supplemental grant in the amount of \$98,400 to cover the cost of their lease at the Adult Health Center at 2 East Glebe Road. He urged Council to seriously consider their request for an increase in funding, so that the Arlandria Health Center can continue to provide access to care for the neediest residents of the City.

(c) Lyles Carr, 1525 Wilson Blvd., Arlington, said how proud he was of the Mayor and City Council for the position it took on immigration, and said he is proud to be part of a community that has that kind of compassionate embrace. Not only is it reflective of the kind of community where neighbors look out for neighbors, but it was smart. Immigrants come in and become part of the economy and often they step into positions and jobs that others don't take and start to work their way up and become contributing members of their broader community. He said it was smart and compassionate, and he thanked Council for its vision, its caring and its leadership.

* * * * *

City Council went into recess at 7:34 p.m. in order to attend and testify at the Virginia Air Pollution Control Board Public Hearing at the Lee Center, 1108 Jefferson Street, and reconvened the Council meeting at 8:25 p.m.

* * * * *

Public Discussion Period. (continued)

(d) Bert Ely, 200 S. Pitt Street, spoke about the process by which the City determined where new Gadsby style street lights will be placed in the 300 block of South Lee Street. He showed on an illustration the placement of the lights in an eight block area, and there has been a mix of Gadsby style street lights and modern, high up lights in the area that have been positioned in a decidedly irregular pattern, paralleling the haphazard placement of street lights throughout Old Town. However, he said, there has been some success in placing the new Gadsby style lights in an alternating side of the street or zigzag pattern, as now exists in the 200-400 blocks of Prince Street. He said the zigzag light pattern should have continued into the 300 block of S. Lee Street in conjunction with utility undergrounding and would have had there not been a last minute unannounced change in the light placements. He noted that after consultations with residents of the block, the City adopted a revised plan, which continued the zigzag pattern in the 200 block of S. Lee Street, while providing an even distribution of light along the 300 block, and that is the plan that should have been followed. Mr. Ely said that plan was scrapped for the October 23 placement pattern, presumably because two residents objected to lights being placed in front or near their homes, and he understood that Jon Wilbor paid at least \$20,000 to the City to facilitate the change. He said a consistent pattern and open process for placing lights should be followed,

whereby lights are placed for the common good and the aesthetic appearance of Old Town, and he recommended that Council adopt that process and direct the City Manager to place the lights along the 300 block of S. Lee Street in accordance with the September 29 plan.

Director of Transportation and Environmental Services Baier explained the process that it has gone through, the contact with the residents, the lights to be used, and the meetings held.

(e) Carolyn Roehrenbeck, 313 S. Lee Street, said there was no consultation from staff with any of the neighbors and residents. She said there was one neighbor who proceeded with this, and he decided he was going to be the point person and no one else knew what was going on.

Mayor Euille asked to get a report from staff on what the practice and policies are relative to a project like this, noting that he never heard of a block of neighbors paying for something that they want or don't want, and he asked for the response in writing, detailing specifics and what the standard processes are, and he said the communication issue also needs to be resolved.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-7)

Planning Commission

3. SPECIAL USE PERMIT #2007-0098
5220 FILLMORE AVENUE
HOME CHILD DAY CARE
Public Hearing and Consideration of a request to operate a home child day care; zoned R-12/Residential. Applicant: Mossammat Razia Khatun

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 11/19/07, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2007-0099
209 MADISON STREET
WATERFRONT CAFE - AMENDMENT
Public Hearing and Consideration of a request to amend a special use permit to extend the days of operation at an existing restaurant; zoned OCM(50)/Office Commercial Medium. Applicant: Kun Yong Ha

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 11/19/07, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2007-0101
611 SOUTH ALFRED STREET (Parcel Address: 601 South Alfred Street)
HOME CHILD DAY CARE
Public Hearing and Consideration of a request to operate a home child day care; zoned RB/Residential. Applicant Ruth Walker

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 11/19/07, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2007-0100
3648 & 3650 KING STREET
ATLANTIS FAMILY RESTAURANT - EXPANSION
Public Hearing and Consideration of a request to amend a special use permit for an expansion and increased seating at an existing restaurant, and a request for a parking reduction; zoned CG/Commercial General. Applicant: Vasilios and Dimitrios Patrianakos for DP, Inc by Mary Catherine Gibbs

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 11/19/07, and is incorporated as part of this record by reference.)

7. DEVELOPMENT SPECIAL USE PERMIT #2007-0026
4251 EISENHOWER AVENUE
CITY PUBLIC RECYCLING CENTER
Public Hearing and Consideration of a request for continued operation of the City's public recycling drop-off and leaf mulching center; zoned POS/Public Open Space. Applicant: City of Alexandria, Department of Transportation and Environmental Services

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 11/19/07, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

City Council removed all the items from the consent calendar.

3. SPECIAL USE PERMIT #2007-0098
5220 FILLMORE AVENUE
HOME CHILD DAY CARE
Public Hearing and Consideration of a request to operate a home child day care;
zoned R-12/Residential. Applicant: Mossammat Razia Khatun

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 11/19/07, 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 approved the Planning Commission recommendation. The voting was as follows:

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

4. SPECIAL USE PERMIT #2007-0099
209 MADISON STREET
WATERFRONT CAFE - AMENDMENT
Public Hearing and Consideration of a request to amend a special use permit to extend the days of operation at an existing restaurant; zoned OCM(50)/Office Commercial Medium. Applicant: Kun Yong Ha

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 11/19/07, 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 approved the Planning Commission recommendation. The voting was as follows:

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

5. SPECIAL USE PERMIT #2007-0101
611 SOUTH ALFRED STREET (Parcel Address: 601 South Alfred Street)
HOME CHILD DAY CARE
Public Hearing and Consideration of a request to operate a home child day care;
zoned RB/Residential. Applicant Ruth Walker

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 11/19/07, 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 approved the Planning Commission recommendation. The voting was as follows:

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

Mayor Euille noted that when the child care applications come before Council, it would be nice to have a Department of Human Services representative present in the Chambers.

6. SPECIAL USE PERMIT #2007-0100
3648 & 3650 KING STREET
ATLANTIS FAMILY RESTAURANT - EXPANSION
Public Hearing and Consideration of a request to amend a special use permit for an expansion and increased seating at an existing restaurant, and a request for a parking reduction; zoned CG/Commercial General. Applicant: Vasilios and Dimitrios Patrianakos for DP, Inc by Mary Catherine Gibbs

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 11/19/07, 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 approved the Planning Commission recommendation. The voting was as follows:

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

Wilson "aye"

7. DEVELOPMENT SPECIAL USE PERMIT #2007-0026

4251 EISENHOWER AVENUE
CITY PUBLIC RECYCLING CENTER

Public Hearing and Consideration of a request for continued operation of the City's public recycling drop-off and leaf mulching center; zoned POS/Public Open Space. Applicant: City of Alexandria, Department of Transportation and Environmental Services

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 11/19/07, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council approved the Planning Commission recommendation, with a new condition #6 to read: This special use permit shall expire five years from the date of this approval, or upon the adoption of the Eisenhower West Small Area Plan, whichever occurs first; provided, however, that this small area plan limitation shall not be effective in the event the small area plan is adopted within the five year period, and continuation of the use is consistent with the adopted plan. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

8. Public Hearing on the Proposed City Legislative Package for the 2008 General Assembly Session (#13, 10/23/07)

(A copy of the City Manager's memorandum dated October 17, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/19/07, and is incorporated as part of this record by reference.)

Legislative Director Caton made a presentation of the report, noting the bills being proposed.

The following person participated in the public hearing on this item:

(a) Richard Hobson, 99 N. Quaker Lane, said on the item on the election law legislation, he hoped staff would get some favorable response back from the Executive

Secretary, and he said he sent the report to the 20 members of the Alexandria Democratic Committee and he had no problem with anything in here.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council held the public hearing and scheduled adoption for November 27, 2007. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

9. SPECIAL USE PERMIT #2007-0097
430 HUME AVENUE (Parcel Address: 426 Hume Avenue)
MOPEDLAND
Public Hearing and Consideration of a request for an amendment to allow the outdoor display of scooters; zoned CSL/Commercial Service Low. Applicant: Mopedland, Inc. by Bernard Gratz

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 11/19/07, and is incorporated as part of this record by reference.)

In response to questions from City Council, Mr. Bernard Gratz, owner of Mopedland, stated that he would not make repairs on site, other than assembly only upon arrival of the mopeds from the factory, and he would make sure any citizens' mopeds are parked correctly outside.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation.

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

10. SPECIAL USE PERMIT #2007-0103
1026 KING STREET (Parcel Address: 1024 King Street)
HANK'S OYSTER BAR

Public Hearing and Consideration of a request to amend a special use permit to increase the hours of operation, add mixed drinks, and increase the number of seats at an existing restaurant; zoned CD/Commercial Downtown. Applicant: Hank's Oyster Bar Old Town, LLC by David Chamowitz, attorney

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated November 8, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 11/19/07, 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 approved the Planning Commission recommendation. The voting was as follows:

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

ORDINANCES AND RESOLUTIONS

11. Deferral From the May 12, 2007 Meeting for Final Passage of an Ordinance to Approve an Encroachment For a Marquee at 1101 Queen Street. (#14, 5/12/07 and #20, 05/08/07) **(ROLL-CALL VOTE)**

(A copy of the Planning Director's memorandum dated November 13, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 11/19/07, 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. 11; 11/19/07, 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. 11; 11/19/07, and is incorporated as part of this record by reference.)

Deputy Director of Planning and Zoning Josephson, in response to questions from City Council, said the awning is in place and Planning and Zoning and Code Enforcement approved the marquee in error, and that was because it was shown as being approved by Council, however, the approval didn't recognize that the encroachment required an ordinance. After that, the applicant came back for a revision to the permit, in July, and that was after the May date by which Council deferred action. In July, it came to their attention that the marquee was in existence, and staff advised

the applicant that no additional work could be done on the marquee, so since July, there has been no additional work done on the marquee.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried 5-1 by roll-call vote, City Council passed the ordinance to approve an encroachment for a marquee at 1101 Queen Street. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4503

AN ORDINANCE authorizing Crispin Enterprises, LLC, to establish and maintain an encroachment for a marquee at 1101 Queen Street.

WHEREAS, Crispin Enterprises, LLC, ("Owner") is the Owner of the property located at 1101 Queen Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a marquee which will encroach into the public sidewalk right-of-way along Queen and N. Henry Streets; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 1101 Queen Street, in the City of Alexandria, said encroachment consisting of a marquee which will generally encroach a maximum of six feet into the right-of-way, for 32 feet along Queen Street and 43 feet along N. Henry Street, and a maximum of 11 feet in height, as approved by the Parker-Gray Board of Architectural Review, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or

in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public utility company shall be responsible for damage to Owner' property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain

the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. That this ordinance shall be effective upon the date and at the time of its final passage.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (12-14)

Planning Commission (continued)

12. SPECIAL USE PERMIT #2007-0029
625 BURNSIDE PLACE (Parcel Address: 619 Burnside Place)
POTOMAC RECYCLING
Public Hearing and Consideration of a request to amend a special use permit to increase the allowed daily tonnage at a waste recycling facility; zoned I/Industrial.
Applicant: Sandra Crippen (Deferred from June and October dockets)

PLANNING COMMISSION ACTION: DEFERRED (improper notice)

13. SPECIAL USE PERMIT #2007-0104
1743 KING STREET
ERNIE'S CRAB HOUSE
Public Hearing and Consideration of a request for an amendment to increase the hours and the seating at a restaurant; zoned OCH/Office Commercial High.
Applicant: James Mao

PLANNING COMMISSION ACTION: DEFERRED (improper notice)

14. DEVELOPMENT SPECIAL USE PERMIT #2006-0019
2312 MOUNT VERNON AVENUE
2312 MOUNT VERNON AVENUE MIXED USE DEVELOPMENT
Public Hearing and Consideration of a request for a form based development special use permit, with site plan and modifications, to construct a retail/office mixed use building; zoned CL/Commercial Low. Applicant: Shops at Del Ray, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: DEFERRED (applicant's request)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

Executive Session.

15. Consideration of Convening An Executive Session Closed to the Public To Discuss the Acquisition of Real Property for Public Purposes.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, at 9:12 p.m., City Council convened in Executive Session, pursuant to Section 2.2-3711(A)(3) of the *Code of Virginia*, for the purpose of discussing the acquisition of real property for public purposes. The voting was as follows:

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

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried 5-0, at 9:42 p.m., City Council reconvened the meeting. The voting was as follows:

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

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, City Council moved to authorize the City Manager and City Attorney to proceed with the acquisition of the property which was the subject of the executive session along the lines discussed with Council. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
--------	-------	--------	-------

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

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried 5-0, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2251

WHEREAS, the Alexandria City Council has this 19th day of November 2007, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

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

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

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilmember Lovain, seconded by Vice Mayor Pepper and carried unanimously, the City Council public hearing meeting of November 19, 2007, was adjourned at 9:43 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk