

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA****Regular Meeting****Tuesday, September 9, 2008 - - 7:00 p.m.**

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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; Mr. Castrilli, 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; Police Captain Reyes; Deputy Police Chief Spruill; Ms. Boyd, Director, Citizen Assistance; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Ms. Colton, Recreation, Parks and Cultural Activities; Ms. Carroll, Recreation, Parks and Cultural Activities; Dr. Gilmore, Director, Mental Health/Mental Retardation and Substance Abuse; Ms. Bassing, Mental Health/Mental Retardation and Substance Abuse; Mr. Josephson, Deputy Director, Planning and Zoning; Ms. Triggs, Director, Finance Department; Mr. Johnson, Director, Office of Management and Budget; Fire Chief Thiel; Battalion Chief North; Mr. Catlett, Director, Code Enforcement; Mr. Penn, Emergency Management Coordinator; Ms. Collins, Assistant City Manager/Director, Human Services; Ms. Baker, Office on Women; Ms. Dunn, Office on Women; Ms. Niebauer, Director, Office of Human Rights; Mr. Skrabak, Director, Office of Environmental Quality; Mr. Tran, Office of Environmental Quality; and Mr. Lloyd.

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

**OPENING**

Town Crier Bill North Rudin opened the Council meeting.

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the members of Council were present.

2. Moment of Silence and Pledge of Allegiance.

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

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

- (a) The Regular Meeting Minutes of June 24, 2008; and
- (b) The Special Meeting Minutes of July 1, 2008.

**WHEREUPON**, a motion was made by Councilman Gaines, seconded by Vice Mayor Pepper, to approve the minutes of June 24, 2008 and the minutes of July 1, 2008.

There was discussion among Council about item #30 from the June 24 meeting, the report on the regulation of industrial uses, and the language in the motion and how the motion should read.

**WHEREUPON**, a substitute motion was made by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council deferred approval of the regular meeting minutes of June 24, 2008, and approved the special meeting minutes of July 1, 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**

None.

**PROCLAMATIONS**

4. Presentation of a Proclamation Recognizing the Meals on Wheels Program in Alexandria.

(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; 9/9/08, 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"
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Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

5. Presentation of a Proclamation Declaring September as Family Day - A Day to Eat Dinner With Your Children.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 9/9/08, 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"	

6. Presentation of a Proclamation Declaring September as Emergency Management/Alexandria Prepares Month in Alexandria.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 9/9/08, and is incorporated as part of this record by reference.)

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

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

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

### **CONSENT CALENDAR (7-15)**

#### **(Resignations and Uncontested Appointments)**

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

- (a) Alexandria-Caen Sister City Committee

C. Edward Bernier

- (b) Alexandria Beautification Commission  
Thomas L. Pullen
- (c) Alexandria Commission on Aging  
Mary Clark
- (d) Virginia Paving Community Liaison Committee  
Micki I. Aronson

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 7 (a-d); 9/9/08, and is incorporated as part of this record by reference.)

8. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Affordable Housing Advisory Commission  
1 Representative of the Faith Community
- (b) Alexandria-Gyumri Sister City Committee  
1 Citizen Member
- (c) Alexandria Commission on HIV/AIDS  
1 Representative of the Alexandria City Public Schools
- (d) Alexandria Commission on Persons With Disabilities  
1 Citizen Member Who Has A Disability
- (e) Alexandria Early Childhood Commission  
1 Representative of the President of the Alexandria Chamber of Commerce
- (f) Alexandria Public Health Advisory Commission  
1 Representative from the Alexandria Community Services Board  
1 Citizen Member Who Is A Health Professional Who at the Time of Appointment Derives, or Within the Previous Five Years Derived, Principal Income From Providing Health Care, Health Services or Health Related Activities
- (g) Alexandria Sister Cities Committee  
1 Representative of the Alexandria-Gyumri Sister City Committee
- (h) Alexandria Social Services Advisory Board  
2 Citizen Members

- (i) Alexandria Urban Design Advisory Committee  
1 Professional Skilled in Urban Design, Architecture or Landscape Architecture
- (j) Alexandria Waterfront Committee  
1 Representative From the Alexandria Convention and Visitors Association (ACVA) Board of Governors

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 8 (a-j); 9/9/08, and is incorporated as part of this record by reference.)

**(Reports and Recommendations of the City Manager)**

- 9. Consideration of Joint Application From the Arlington County Schools and the Alexandria Department of Human Services to Participate in Phase 2 of the Virginia Star Quality Initiative Demonstration Pilot For Early Childhood Programs.

(A copy of the City Manager's memorandum dated September 3, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 9; 9/9/08, and is incorporated as part of this record by reference.)

- 10. Consideration of Grant Renewal to the U.S. Department of Agriculture Child and Adult Care Food Program For the At-Risk After School Snack Program.

(A copy of the City Manager's memorandum dated September 2, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 10; 9/9/08, and is incorporated as part of this record by reference.)

- 11. Consideration of a 2-year Grant Application to the Department of Criminal Justice Services For Training For Allied Professionals Serving Sexual and Domestic Violence Survivors.

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

- 12. Consideration of a Recommendation to Remove the Traffic Signal at the 4600 King Street Entrance to the Former Jefferson Hospital Medical Office Building.

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

- 13. Consideration of Appointment of Two City Representatives to the Police/Fire Pension Board.

(A copy of the City Manager's memorandum dated September 3, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 13; 9/9/08, and is incorporated as part of this record by reference.)

14. Receipt of the Revised City Policy on Public Art for Council's September 13 Public Hearing Meeting.

(A copy of the City Manager's memorandum dated September 2, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 14; 9/9/08, 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 Amend the Requirements for Child Care Providers.

(A copy of the City Manager's memorandum dated September 4, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 15; 9/9/08, 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. 15; 9/9/08, 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. 15; 9/9/08, and is incorporated as part of this record by reference.)

#### **END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the consent calendar, with the exception of docket items #11 and 14, which were considered under separate motions. The City Manager's recommendations were as follows:

7. City Council accepted the following resignations with regret: (a) C. Edward Bernier, Alexandria-Caen Sister City Committee; (b) Thomas L. Pullen, Alexandria Beautification Commission; (c) Mary Clark, Alexandria Commission on Aging; and (d) Micki I. Aronson, Virginia Paving Community Liaison Committee.

8. City Council made the following appointments: (a) reappointed Marilyn Patterson as the one representative of the faith community to the Alexandria Affordable Housing Advisory Commission; (b) waived the residency requirement and reappointed Karyn Christine Miller as the one citizen member to the Alexandria-Gyumri Sister City

Committee; (c) reappointed Dennis Burstein as the one representative of the Alexandria City Public Schools to the Alexandria Commission on HIV/AIDS; (d) appointed Pat Troy (identified a disability) as the one citizen member who has a disability to the Alexandria Commission on Persons with Disabilities; (e) reappointed Sean McEneaney as the one representative of the President of the Alexandria Chamber of Commerce to the Alexandria Early Childhood Commission; (f) reappointed Mary Riley as the one representative from the Alexandria Community Services Board and waived the residency requirement and reappointed Lami Jeffrey-Coker as the one citizen member who is a health professional who at the time of appointment derives or within the previous five years derived, principal income from providing health care, health services or health related activities to the Alexandria Public Health Advisory Commission; (g) appointed James Lewis as the one representative of the Alexandria-Gyumri Sister City Committee to the Alexandria Sister Cities Committee; (h) appointed Marcus Fisk and reappointed Saida Musse as the two citizen members to the Alexandria Social Services Advisory Board; (i) reappointed Daniel Straub as the one professional skilled in urban design, architecture or landscape architecture to the Alexandria Urban Design Advisory Committee; and (j) reappointed John Renner as the one representative from the Alexandria Convention and Visitors Association (ACVA) Board of Governors to the Alexandria Waterfront Commission.

9. City Council: 1. approved the submission of an application that was due on August 18, 2008, to participate in the second year of the Star Quality Initiative (no funding is involved); and 2. authorized the City Manager to execute all necessary documents.

10. City Council authorized the City Manager to: 1. submit and accept, if awarded, the At-Risk After School grant renewal application for \$142,447, to the United States Department of Agriculture for Fiscal Year 2009 (due September 1, 2008); and 2. execute all documents that may be required.

12. City Council authorized staff to remove the traffic signal at the King Street entrance to the former Jefferson Hospital and Medical Office Building site. The Traffic and Parking Board held a hearing on the proposal on May 19, 2008 and voted unanimously to recommend that the signal be removed.

13. City Council ratified the appointment of Bruce Johnson as a City representative member and Kathleen Schramm as the alternate City representative member to the Firefighters and Police Officers Pension Plan Board.

15. City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, September 13, 2008.

The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Lovain	"aye"

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

11. Consideration of a 2-year Grant Application to the Department of Criminal Justice Services For Training For Allied Professionals Serving Sexual and Domestic Violence Survivors.

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

Councilman Smedberg asked questions about the outreach and training that is being done for the Police Department, which was answered by Ms. Dunn, Office on Women.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council authorized the City Manager to: 1. submit the grant application to DCJS for a two-year period in the amount of \$49,218; and 2. execute all documents that may be required. The voting was as follows:

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

14. Receipt of the Revised City Policy on Public Art for Council's September 13 Public Hearing Meeting.

(A copy of the City Manager's memorandum dated September 2, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 14; 9/9/08, and is incorporated as part of this record by reference.)

Mr. Kincannon, Director, Recreation, Parks and Cultural Activities, along with the Director of the Office on the Arts, Ms. Carroll, and Cultural Arts Administrator Ms. Colton, made a presentation of the policy.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council received the revised proposed policy on public art and made the document available for comment for Council's Saturday, September 13 public hearing meeting. The voting was as follows:

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



## CONTESTED APPOINTMENTS

16. Alexandria Citizen Corps Council  
1 Representative of the Alexandria Chapter of the American Red Cross

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

NAME: ENDORSED BY:

Lisette Bishins

(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; 9/9/08, 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 waived the residency requirement and appointed Lisette Bishins as the one representative of the Alexandria Chapter of the American Red Cross to the Alexandria Citizen Corps Council. The voting was as follows:

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

17. Alexandria Commission on HIV/AIDS  
1 Citizen-at-Large  
1 Representative of the Alexandria Chapter of the American Red Cross

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

NAME: ENDORSED BY:

1 Citizen Member:  
Lillian Thompson  
Erich Veitenheimer  
Malik Williams

1 Representative of the Alexandria Chapter of the American Red Cross:  
Gina Gunn

(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; 9/9/08, 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 Lillain Thompson as the one citizen member and waived the residency requirement and appointed Gina Gunn as the one representative of the Alexandria Chapter of the American Red Cross to the Alexandria Commission on HIV/AIDS. The voting was as follows:

Euille	-	Thompson, Gunn
Pepper	-	Thompson, Gunn
Gaines	-	Thompson, Gunn
Krupicka	-	Thompson, Gunn
Lovain	-	Thompson, Gunn
Smedberg	-	Veitenheimer, Gunn
Wilson	-	Thompson, Gunn

18. Alexandria Commission on Persons With Disabilities  
1 Citizen Member

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

NAME:	ENDORSED BY:
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Joseph Delfico  
Cathy Healy

(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; 9/9/08, 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 Joseph Delfico as the one citizen member to the Alexandria Commission on Persons with Disabilities. The voting was as follows:

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

19. Alexandria Industrial Development Authority  
2 Citizen Members

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

NAME:

ENDORSED BY:

Charles Collums, Jr.  
Mark Schofield  
Mark Williams  
Karen Woody

(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; 9/9/08, 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 Charles Collum, Jr. and Mark Williams as the two citizen members to the Alexandria Industrial Development Authority. The voting was as follows:

Euille	-	Collum, Williams
Pepper	-	Collum, Williams
Gaines	-	Collum, Williams
Krupicka	-	Collum, Schofield
Lovain	-	Collum, Williams
Smedberg	-	Collum, Williams
Wilson	-	Collum, Williams

20. Alexandria Park and Recreation Commission  
1 Member From Among the High School Youth in the City

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

NAME:

ENDORSED BY:

Matthew Coda  
Marshanika Rich

(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; 9/9/08, 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 Marshanika Rich as the one high school youth member to the Alexandria Park and Recreation Commission. The voting was as follows:

Euille	-	Coda
Pepper	-	Rich
Gaines	-	Rich
Krupicka	-	Rich
Lovain	-	Rich
Smedberg	-	Rich
Wilson	-	Rich

21. Alexandria Public Records Advisory Board  
1 Citizen Member

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

NAME:	ENDORSED BY:
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Virginia Arnold  
Nieda Holloway

(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; 9/9/08, 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 Virginia Arnold as the one citizen member to the Alexandria Public Records Advisory Board. The voting was as follows:

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

22. Alexandria Social Services Advisory Board  
1 Citizen Member

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

NAME:	ENDORSED BY:
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Richelle Ridgley

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 22; 9/9/08,

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 deferred this appointment in order to readvertise the position, and to talk with the Commission itself if members have suggestions about who to serve.

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION**

23. Consideration of Update on City Efforts to Institute Voluntary Limitation on Hours of Off-premise Alcohol Sales in the Arlandria Area.

(A copy of the City Manager's memorandum dated September 4, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 23; 9/9/08, and is incorporated as part of this record by reference.)

Deputy Director of Planning and Zoning Josephson, along with Deputy Chief Spruille and --- made a presentation on the report and efforts and they, along with Human Services Director Collins and Mental Health/Mental Retardation and Substance Abuse Director Gilmore responded to questions of City Council.

Mr. Tom Thomas, attorney representing the applicant, said he is okay with them coming back in two weeks to resolve the language and spoke to the off-duty officers hours on Friday, Saturday and Sunday.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilmember Lovain and carried unanimously, City Council: 1. received the staff update; 2. requested staff to continue with efforts to implement the Targeted Area Plan for Substance Abuse; and 3. asked staff to bring back at the September 23 legislative meeting the application for 24 Express, approving the additional hour on Friday, Saturday and Sunday nights, continuing the requirement of a uniformed police requirement on Friday, Saturday and Sunday nights, leaving the private security in place for the remaining nights, to have a six month review before Council, and then bring back new language on loitering. The voting was as follows:

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

24. Receipt of the National Capital Regional Climate Change Report and Preliminary Results of the City of Alexandria's Greenhouse Gas Emissions Inventory.

(A copy of the City Manager's memorandum dated September 3, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 24; 9/9/08, and is incorporated as part of this record by reference.)

Mr. David Robinson, executive director, the Washington Metropolitan Council of Governments, along with Mr. Jeff King, also with COG, made a presentation of the climate change report. Mr. Skrabak also made a presentation on the report and he, along with Mr. Robinson and Mr. King, responded to questions of City Council.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council: 1. received the National Capital Region Climate Change Report; 2. authorized the staff to submit technical comments to COG on the draft Climate Change Report and proposed greenhouse gas reduction goals for the region; and 3. received the preliminary results of the City's greenhouse gas emissions inventory. The voting was as follows:

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

## **REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES**

None

## **ORAL REPORTS BY MEMBERS OF CITY COUNCIL**

(a) Councilmember Lovain said that since their last meeting, the Transportation Commission has begun meeting and set their meetings for the first Wednesday of each month at 7:30 p.m. in the Sister Cities conference room, and they welcome the public's attendance. Part of what the Commission would like to do is help increase the public awareness of the transportation policy and transportation funding choices they are facing.

(b) Mayor Euille noted that the Motor Coach Task Force has been meeting all summer long and has had very good meetings in dealing with the number of motor coaches and tourist buses that come to the City and their impacts, and not to deter their coming to the City but to find solutions to balance their needs versus the quality of life. Mayor Euille noted that the report will be coming back to Council shortly for a status update.

(c) Councilman Smedberg said he and Councilman Krupicka serve on the Economic Sustainability Task Force and it has been meeting about once a month and are making good progress.

## **ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

(a) Councilman Smedberg said he understood that the Human Rights

Commission had a hearing on the TGIFriday's case, and he understood there is a document in the City Manager's Office waiting signature. He asked the City Manager if he had an update, and one of the questions he had from a resident is why is it taking so long.

City Manager Hartmann said he does have a recommendation from the Human Rights Commission, and it is one that he wanted to spend some time reviewing and he has done that. He said he learned a couple of days ago that there has been a filing in Court on it, and the Director of the Office of Human Rights and he discussed about meeting with the City Attorney, but he expected to have the decision out within the next two weeks or so.

(b) Vice Mayor Pepper said Ben Broswell was installed as pastor at the Commonwealth Baptist Church. She said the Church used to be Temple Baptist Church and they have just recently changed its name.

(c) Vice Mayor Pepper said that over the weekend, they had pretty bad storms and all members of Council received a picture of a tree in Holmes Run that was washed into Holmes Run. She said she thought it was unfortunate and could have been prevented and foreseen. She said that as she understood, there were not many trees that fell.

(d) Vice Mayor Pepper said that as she was watching the various news commentators talking about the storms, she appreciated the fact that they also added that Alexandria was very well prepared and showed pictures of the sandbags. She said it made Alexandria look like it was on top of the situation.

(e) Councilman Krupicka said that over the summer, the City began Saturday industrial waste collection, and it dovetails with the conversation about climate change. One of the reasons it wants expanded industrial waste recycling options is because compact fluorescent lightbulbs have to be recycled. The previous hours for recycling were on Tuesday and they have now added Saturday hours. It will make a big difference for people who want to recycle the compact fluorescent lightbulbs and other hazardous waste, such as batteries, paint, paint thinner, chemical, pesticides, etc. He encouraged citizens to take advantage of it.

(f) Councilmember Lovain thanked everyone who participated in Street Car Forum on July 22. He said there were interesting presentations on how street cars can be a cost-effective method of high capacity transit, but also as a development tool. He said street cars is great for helping induce the kind of development that they are seeking.

(g) Councilmember Lovain noted that school has begun and he asked people to drive safely around the schools, and he encouraged parents to attend back to school nights.

(h) Mayor Euille said they have a brand new School superintendent, Dr. Morton Sherman, and he is off and running. Mayor Euille said he had the opportunity to meet with him on the opening day of school at Jefferson Houston Elementary School and they proceeded to other schools throughout the day. He said enrollment at schools has been up and it is higher than originally projected and anticipated.

## **ORAL REPORT FROM THE CITY MANAGER**

Special Assistant to the City Manager Mason made presentation/update on the ethanol transloading facility and what has occurred over the summer. City Attorney Pessoa made a presentation on the legal and lobbying matters of the ethanol transloading facility and both he and Mr. Mason responded to questions of City Council.

Deputy City Manager Jinks gave an update on the City's financial report and outlook and responded to questions of City Council.

City Manager Hartmann spoke of the tropical storm Hannah and said it activated the emergency operations shelter and the City was ready.

## **ORDINANCES AND RESOLUTIONS**

25. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Supplement Number 86 of the City Code.  
**[ROLL-CALL VOTE]**

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 9/9/08, 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. 25; 9/9/08, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the ordinance to adopt Supplement Number 86 of the City Code. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4558



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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 86," are hereby adopted as and shall constitute "The Eighty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 23, 2008 through April 12, 2008, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after February 23, 2008, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 23, 2008 through April 12, 2008, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

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

to any person desiring to inspect the same.

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

## **OTHER**

### **26. Consideration of City Council Schedule.**

(A copy of the City Manager's memorandum dated September ?, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 26; 9/9/08, 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: 1. noted that a joint work session with the Alexandria Redevelopment and Housing Authority, the Planning Commission and the Parker Gray Board of Architectural Review on the James Bland Redevelopment Plan is scheduled for 7:30 p.m. on Wednesday, September 10, 2008 at 1100 North Fayette Street; 2. changed the location of the Tuesday, October 28 legislative meeting from City Hall to the School Board Building at 2000 North Beauregard Street and scheduled a work session on the Landmark Van Dorn Plan at 5:30 p.m. before the legislative meeting; 3. adopted the Council meeting schedule for September 2008 through June 2009, which includes Council's legislative and public hearing meetings with the changed meeting location for October 28 and the November meeting dates as decided above; 4. scheduled the annual City Council Retreat on Saturday, October 25 at 9:30 a.m. (location to be determined) after the Walk to Fight Breast Cancer; 5. scheduled a public hearing on the proposed FY 2010 Budget at 7:00 p.m. in the Council Chambers on Thursday, October 30; 6. held Thursday, November 6 as a possible date for the Capital Improvement Program community meeting; 7. added the Mayor's Annual United Breakfast at the Mark Hilton on Wednesday, November 26 at 7:30 a.m.; 8. scheduled a work session to discuss Potomac Yard Retail at 5:30 p.m. before the Tuesday, December 9 legislative meeting; 9. noted other additions to the calendar since June, including: the September 11, 2001, Remembrance Ceremony at 1:00 p.m. in Market Square on Thursday, September 11; the dedication of the Hunter-Miller Park Playground at 8:30 a.m. on Saturday, September 13; the Departments of Transportation and Environmental Services and Recreation, Parks and Cultural Activities' new facility open house at 2900 Business Center Drive on Friday, September 19, from 9:00 a.m. to 12:00 p.m.; the Historic Alexandria Museum Gala, "Making Alexandria History," at the Torpedo Factory Art Center at 7:00 p.m. on Saturday, September 27; the Wesley Housing ParcView grand opening event on Thursday, October 23, from 11:00 a.m. to 1:00 p.m.; and the Animal Welfare League of Alexandria Annual Dinner and Silent Auction on Saturday, October 25, at the Holiday Inn and Suites, 625 First Street. The silent auction begins at 6:30 p.m. and dinner is at 8:00 p.m.; and 10. scheduled a City Council/Schools Joint Work Session in November. Date to be determined. The voting was as follows:

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

Mayor Euille noted that Council would determine possibly changing the November legislative meeting and the public hearing meeting at a later date and also the date for the dedication of the Monroe Avenue Bridge will be decided at another time.

Deputy City Manager Evans noted that the City employee picnic will be held on Thursday, October 2 from 4:00 to 8:00 at Fort Ward Park, and that will come back on a future schedule.

## EXECUTIVE SESSION

27. Consideration of Convening An Executive Session Closed to the Public To Discuss Acquisition of Real Estate and Terms of a Public Utility Franchise Agreement, and to discuss a Personnel Matter.

**WHEREUPON**, a motion was made by Councilmember Lovain and seconded by Councilman Smedberg, City Council moved to convene in Executive Session, pursuant to Section 2.2-3711(A)(3) and (A)(7) of the *Code of Virginia*, for the purpose of discussing the acquisition and disposition of property for public purposes, the terms and conditions of award of a public utility franchise contract, and the conduct of an administrative inquiry into the handling of the ethanol transloading facility matter and briefing from council and staff relative to such matters.

Councilman Krupicka noted that he would like to discuss the conduct of the administrative review of the ethanol transloading facility in a public meeting.

**WHEREUPON**, a substitute motion was made by Councilman Krupicka and seconded by Councilman Smedberg, to remove the conduct of an administrative inquiry into the handling of the ethanol transloading facility matter from the executive session.

Councilman Wilson noted that related to the issue are personnel issues to be discussed in executive session.

Councilman Krupicka, as maker of the substitute motion, and Councilman Smedberg, as seconded, agreed to adding personnel issues to be discussed in executive session.

The motion carried 4-3 and was as follows:

Krupicka	"aye"	Pepper	"no"
Smedberg	"aye"	Gaines	"no"

Euille	"no"	Lovain	"aye"
	Wilson	"aye"	

At 9:58 p.m., City Council convened in Executive Session, pursuant to Section 2.2-3711(A)(3), (A)(7) and (A)(2) of the *Code of Virginia*, for the purpose of discussing the acquisition and disposition of property for public purposes, the terms and conditions of award of a public utility franchise contract, and discussion of personnel matters related to the ethanol transloading facility matter.

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, at 11:40 p.m., City Council reconvened the meeting. The voting was as follows:

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

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

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

The resolution reads as follows:

#### RESOLUTION NO. 2294

WHEREAS, the Alexandria City Council has this 9<sup>th</sup> day of September 2008, 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.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Wilson and carried unanimously, City Council moved to docket the question of the inquiry into the ethanol transloading facility as requested by the Cameron Station Civic Association for the next legislative meeting (September 23.) The voting was as follows:

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

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, the City Council meeting of September 9, 2008, was adjourned at 11:44 a.m. The voting was as follows:

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

APPROVED BY:

\_\_\_\_\_  
WILLIAM D. EUILLE      MAYOR

ATTEST:

\_\_\_\_\_  
Jacqueline M. Henderson, CMC, City Clerk