

## Gloria Sitton

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**From:** DONNA GOLD <djaygold@comcast.net>  
**Sent:** Wednesday, June 17, 2020 6:05 PM  
**To:** Gloria Sitton  
**Subject:** Re: Ordinance on Firearms

Dear Council Members:

I am in full support of the proposed ordinance that would prohibit possession of firearms on properties owned and operated by the City of Alexandria. This ordinance will make Alexandria a safer place for its residents and visitors. I and my neighbors in Alexandria prefer to patronize gun free environments.

I applaud you for taking this principled and reasoned stand to ensure our community's safety. It says to me that Alexandria is a leader in Virginia for sensible gun laws. By adopting this ordinance the Alexandria City Council you will set an example for other municipal governments in Northern Virginia and the Commonwealth of Virginia. Thank you for taking this action!

Donna Gold  
2908 Richmond Lane  
Alexandria, VA 22305

City of Alexandria Council Members

In 2004, the Law Enforcement Officers' Safety Act (LEOSA) was signed into law. It exempts qualified active and retired law enforcement officers (LEOs) from local (and state) prohibitions on the carrying of concealed firearms. Following amendments in 2010 and 2013, it is now cited as 18 USC 926B (for active duty LEOs) and 18 USC 926C (for retired LEOs).

The legislation was needed to protect retired LEOs from retribution for activities during their in-service years. As enacted, the statutes require yearly classroom instruction and a actual live-fire qualification before being granted the annual permit to concealed carry.

In view of these statutes, I ask that proposed ordinance (Docket Number 19) be amended to include explicit recognition of statutes 18 USC 926b and 926C and pro-actively eliminate any possible future confusion while enforcing the proposed legislation.

A cursory review of issues arising after the enactment of these statutes yields numerous cases where active duty officers in many other jurisdictions were unaware of these statutes and detained and/or arrested qualified, retired LEOs carrying under applicable provisions of the statutes. This would be especially problematic for holders of security clearances. It is understandable that all departments are not uniformly aware of these statutes.

Thank you for the opportunity to provide this recommendation and I ask that you include explicit language regarding these statutes as exemptions in the proposed ordinance.

Andrew C. Jagusiak, J.D.

US Postal Inspector (Ret.)

## Gloria Sitton

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**From:** Andrew Jagusiak <lexlupis@gmail.com>  
**Sent:** Monday, June 15, 2020 11:17 AM  
**To:** Gloria Sitton  
**Subject:** [EXTERNAL]Proposed Firearms Ordinance, Docket Number 19  
**Attachments:** LEOSA II City Council.docx

Dear Ms. Sitton,

First, may I express my appreciation for forwarding my comments on this proposed ordinance to the City Council in advance of the June 20, 2020, meeting.

I have attached my comments to this message and wish to add my telephone number for contact in the event the Council has questions or would like to discuss my proposed amendment. It is (703) 203-9144.

Thank you again for your assistance.

Andrew Jagusiak  
401 Holland Lane, Unit 1506  
Alexandria, VA 22314

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I am a senior single woman living and working in Alexandria, Virginia. I also am a hand gun owner. I have taken and passed certification and have a permit to carry a concealed weapon. With the violence and crime (even in Alexandria) I am concerned about my safety. Two weeks ago while stopped at the stop sign on the corner of Fairfax and King(right next to City Hall) streets a man approached my car and tried to open the door. Fortunately it was locked. And this was in the afternoon not at night. Another incident occurred several months ago at the parking garage on Union Street. As I approached my parked car I noticed a man walking around the cars, when he saw me he started towards me, luckily another couple came along and he turned and left. By banning guns in parking lots and parks I would feel less safe. I am a law-abiding citizen and believe it is my right to carry a hand gun for my personal protection.

Alexandria City Council  
Public Hearing, June 20, 2020

Agenda Item #20-0967  
Ordinance to prohibit firearms on City property

Statement of: Joseph Canny  
1250 South Washington St.  
Alexandria, VA 22314

Mayor Wilson and members of the Council:

I wish to warmly commend you for your proposal to prohibit the carrying of firearms on City property and I strongly support the prompt enactment and implementation of this ordinance.

All Alexandria residents who do business at City Hall, patronize the weekly farmers' market, vote in public schools and use our parks and recreation facilities deserve to be free from the threat of firearm violence while using these facilities. Regrettably, we know from recent experience in Virginia Beach, or from Charlottesville, that real violence, or the threat of violence from firearm bearers, is a serious concern for citizens on City properties.

Law enforcement statistics indicate that more than 80,000 Americans have been killed by firearms just in the years since the Sandy Hook School massacre. The tragic carnage from firearm use is a serious national problem which requires action well beyond the powers of the City Council. However, your proposal to prohibit the carrying of firearms on City property is a substantial step towards protecting Alexandria residents and visitors.

I urge you to promptly enact the ordinance.

[ Note to the City Clerk: In order to save time at the public hearing, I would be happy to have this statement made available to Council members and entered into the record in lieu of my presenting it orally.]

### **Ordinance 20-0967: Prohibition of Firearms on City Property**

I'd like to speak today to encourage City Council members to vote yes on the proposed ordinance, "Prohibition of Firearms on City Property." I'm a resident of Alexandria in Fairfax County, but I work full-time in the City of Alexandria, and my son attends preschool in the city. Our family spends much of our time enjoying city parks and recreation centers, and we attend numerous events year-round that receive permits from the city.

As a mom, my single biggest fear is losing my child. As an American, my son is far more likely to die in a mass shooting than in any other country on earth. As a Virginian, this likelihood is increased by our state's infamously lax gun safety laws, including the allowance of open carry. I was utterly relieved when Virginia legislature finally passed common-sense gun safety measures this year, including a red flag law and strengthening background check requirements. These laws will save lives, especially from suicide, which accounts for nearly two-thirds of gun deaths in Virginia.

One of the recently passed laws allows local jurisdictions to determine their own policies on firearm possession in government buildings and spaces, and I'm very pleased to see the Alexandria City Council proactively exercise this new right. This ordinance will keep Alexandria residents, employees, visitors, and their families safer from gun violence. It includes exemptions to ensure that the right people are allowed to carry firearms, including law enforcement and military personnel. These individuals are highly trained, and in the event of a dangerous situation, this ordinance will make it easier for first responders to differentiate friend from foe.

I am not opposed to personal possession of firearms, and this ordinance—and all of the laws passed by the Virginia legislature—conforms to Second Amendment jurisprudence and does not infringe on Americans' Second Amendment rights. I strongly support the proposed ordinance and look forward to the City of Alexandria becoming safer for families like mine.

To the attention of Mayor Wilson, City Council, Mark McHugh and Gloria Sitton,

My name is Jesse Kirk, some of you may remember me as I attended the opening session of City Council of 2019 with my 12 year old Mentee, who was selected to recite the pledge of allegiance. I have been a homeowner in Alexandria for five years and actively volunteering in it for 6 with Casa Chirilagua in both their afterschool program and as a mentor. Alexandria is where my family and I proudly call home. It is also where I chose to locate my medical business which has assisted in supplying free PPE to first responders and city departments.

Recently the City council has determined that its citizens legally carrying firearms and ammunition are a threat and a problem for the City of Alexandria. I oppose the new proposal to ban the open carrying and concealed carrying of firearms, the latter requires being vetted by Virginia State Police and Alexandria Sheriff Department which require in person applications and proof of competency.

I regularly conceal carry a firearm when I take my children on walks to Alexandria parks, bike paths and streets at all hours as it is impossible to expect our already busy police department to put an officer at every corner. The data shows it is impossible for police to be everywhere whether it is random shootings by criminals in certain parts of the city or even politically motivated ones that make national news. I appreciate the right I have to provide an extra layer of protection.

This provision also places yet another weight on our already overtaxed police departments. It is yet another thing for them to enforce. In addition, it is likely to lead to an increase in reported stolen firearms as visitors to our city would be forced to leave firearms in unattended vehicles. Let's allow law enforcement to focus their limited resources on actual threats—including and especially individuals who carry weapons but have failed to undergo the vetting by Virginia State Police.

There is a lot the City Council should be doing to decrease gun violence and improve safety in Alexandria. For example, run a gun buy back program which gives residents that may have guns illegally a chance to turn them in. Another example of being proactive would be to help promote gun safety courses in the community for all ages.

Alexandria citizens that conceal carry a firearm are not a threat to City Council or its community, we have done nothing wrong, we vote, we volunteer, we are proud of our city, and we go out of our way to ensure we safely exercise our 2<sup>nd</sup> amendment rights. Please shut down this ban that wrongly punishes legal gun owners and puts more work on the police department.

I would like the opportunity to speak at the next council hearing on this matter. Please let me know the process so that I can speak at the next meeting

Thanks,

Jesse Kirk

703-999-9120

[Jesse.R.Kirk@gmail.com](mailto:Jesse.R.Kirk@gmail.com)

## Gloria Sitton

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**From:** David Hotle <david.hotle@gmail.com>  
**Sent:** Saturday, June 13, 2020 12:19 AM  
**To:** City Council  
**Subject:** [EXTERNAL]Very Upset About Proposed Alexandria City Gun Control Laws

Hello,

I'm David Hotle an Alexandria City resident, Business Owner, and HOA Treasurer here in the city. I am so upset that the city council would be so short-sighted to consider banning firearms on public property, parks, and near permitted events (even with a valid concealed carry permit). I have a valid Virginia concealed carry permit because I have had multiple death threats against my life in the last 3 years. I carry a gun to protect myself and, in dire situations, protect those around me.

I am very proud to live in Alexandria, and I work really hard to make this a great place to live for those around me. This issue will absolutely force me to leave the city and move my business from the city. If this goes through, I need taxpayer funded private security to make sure that I am safe in the interim.

Fiscally, this was not a smart move because Alexandria is already in a crunch because of Coronavirus. This will force businesses/residents, like me, to leave (costing even more taxpayer money). Undoubtedly, if this passes Alexandria will also rightfully be sued by a whole host of gun rights groups and spend millions in legal fees. I am so upset that the city that I love living in would consider passing unconstitutional measures, making me less safe, and not being good stewards of the taxpayer dollars in which they've been entrusted.

I strongly encourage you to reconsider this measure! This proposed law turns good citizens, like me, into criminals.

David

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Interestingly, we wouldn't have had a Second Amendment in the first place had it not been for the advocacy of Virginia's first governor, Patrick Henry. (1)

As the largest slave-holder in Virginia, he was extremely concerned that the new U.S. Constitution included, in his view, the power, under Article 1, Section 8, for the federal government to undermine state militias. He viewed the Virginia militia as a bulwark against slave revolts and he believed that the federal government would eventually seek to abolish slavery. Thus, he convinced James Madison, himself a slave owner and an ambitious politician, who would eventually become president, that special language needed to be included in his Bill of Rights to protect the authority of states over their militias. That's why although Madison's first draft of the amendment used the word "country," Madison was convinced to change it to "state." This is the language approved as ratified by Thomas Jefferson:

"A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

Of note, although Supreme Court Justice Antonin Scalia wrote the Heller decision in 2008, and found, for the first time in our history, a right for individuals to own guns for self-protection outside the context of a militia, Patrick Henry and the other slave states that approved the amendment simply would never have approved that interpretation. Why? It would have put constitutionally-protected firearms in the hands of free blacks instead of just the white-controlled militias. That would have been a direct threat to the continuation of slavery. Unfortunately, Scalia, who long advocated for interpreting the Constitution as it was originally intended ignored his philosophy and that logic to achieve his political goal.

(1) [https://www.salon.com/2019/06/17/how-fears-of-abolition-shaped-the-second-amendment\\_partner/](https://www.salon.com/2019/06/17/how-fears-of-abolition-shaped-the-second-amendment_partner/)

**STATEMENT IN SUPPORT OF THE ORDINANCE  
TO BAR FIREARMS FROM CITY PROPERTY**

June 10, 2020

Dear Mr. Mayor and City Council,

I am writing to thank you for taking the first step in passing an ordinance to bar people from carrying firearms on city property. Finally.

This has had to wait until the state government allowed it. It's only because Democrats took control of Richmond that it's now possible. Voting Democratic matters.

This measure will significantly improve our safety and frustrate mal-adjusted people seeking to upset and scare people in their presence.

No longer will people be able to openly use an AR-15 or similar weapon to intimidate our elected officials with a show of force on the street or in a park near their home.

No longer will people be able to openly use an AR-15 or similar weapon to intimidate people who simply want to enjoy a Farmers' Market.

No longer will people be able to openly use an AR-15 or similar weapon to intimidate people by entering a public building with it, especially one where children may be playing.

These people have endangered our lives and emotionally upset our community. Thankfully, we no longer have to accept that.

Additionally, some of those opposed have cited the Second Amendment to the Constitution as a reason not to pass this ordinance. Yet, even under the Supreme Court's current interpretation, people are only entitled to a gun to defend themselves in their homes. Government is not barred from limiting the brandishing of firearms in public. Specifically, in the *District of Columbia v. Heller* decision, the court held that:

"Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. For example, concealed weapons prohibitions have been upheld under the Amendment or state analogues. The Court's opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."

## Gloria Sitton

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**From:** Chris Oconnor <coholdings@gmail.com>  
**Sent:** Thursday, June 11, 2020 3:53 PM  
**To:** Gloria Sitton  
**Subject:** [EXTERNAL]City council meeting comment

TO the honorable members,

I would like you to vote no on item 30 of the meeting agenda, is 20-0902.

Creating gun free zones is an infringement on the rights of citizens. It never has the intended consequences. Gun free zone means in reality defenseless victim zone.

You are putting lives at risk and infringing on citizens rights for a platitude that will only be followed by honest citizens, not the criminals who will disregard this law anyway.

DO the right thing and vote against gun free zones in VA.

THank you  
Chris O'Connor

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## Gloria Sitton

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**From:** mayfiat <mayfiat@yahoo.com>  
**Sent:** Thursday, June 11, 2020 11:27 PM  
**To:** Gloria Sitton  
**Subject:** [EXTERNAL]Do not pass the legislation for 20-0902 "gun free zones"

To whom it may concern, we are addressing our disapproval for the gun ban being promoted in Alexandria City or any other local jurisdiction in the state of Virginia. Virginia is a Commonwealth with laws protecting the 2nd Amendment, we are proud gun owners, we are law abiding citizens and want our rights to carry protected.

File 20-0902 creates "gun-free zones" where law-abiding citizens are left defenseless while criminals ignore such arbitrary boundaries.

We are not in support of these radical moves that will eventually make our cities and State more vulnerable to crime. It is proven that open and concealed carry localities are safer because criminals know that they will likely not be successful in the efforts to commit crimes. Law abiding citizens need to have their rights protected.

Thank you, May Fiat

Sent from my iPad

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## **Gloria Sitton**

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**From:** Jesse Kirk <jesse.r.kirk@gmail.com>  
**Sent:** Wednesday, June 10, 2020 3:07 PM  
**To:** Mark McHugh  
**Cc:** Justin Wilson; Gloria Sitton  
**Subject:** Re: your inquiry re: public discussion

To the attention of Mayor Wilson, City Council, Mark McHugh and Gloria Sitton,

My name is Jesse Kirk, some of you may remember me as I attended the opening session of City Council of 2019 with my 12 year old Mentee, who was selected to recite the pledge of allegiance. I have been a homeowner in Alexandria for five years and actively volunteering in it for 6 with Casa Chirilagua in both their afterschool program and as a mentor. Alexandria is where my family and I proudly call home. It is also where I chose to locate my medical business which has assisted in supplying free PPE to first responders and city departments.

Recently the City council has determined that its citizens legally carrying firearms and ammunition are a threat and a problem for the City of Alexandria. I oppose the new proposal to ban the open carrying and concealed carrying of firearms, the latter requires being vetted by Virginia State Police and Alexandria Sheriff Department which require in person applications and proof of competency.

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This provision also places yet another weight on our already overtaxed police departments. It is yet another thing for them to enforce. In addition, it is likely to lead to an increase in reported stolen firearms as visitors to our city would be forced to leave firearms in unattended vehicles. Let's allow law enforcement to focus their limited resources on actual threats—including and especially individuals who carry weapons but have failed to undergo the vetting by Virginia State Police.

There is a lot the City Council should be doing to decrease gun violence and improve safety in Alexandria. For example, run a gun buy back program which gives residents that may have guns illegally a chance to turn them in. Another example of being proactive would be to help promote gun safety courses in the community for all ages.

Alexandria citizens that conceal carry a firearm are not a threat to City Council or its community, we have done nothing wrong, we vote, we volunteer, we are proud of our city, and we go out of our way to ensure we safely exercise our 2<sup>nd</sup> amendment rights. Please shut down this ban that wrongly punishes legal gun owners and puts more work on the police department.

I would like the opportunity to speak at the next council hearing on this matter. Please let me know the process so that I can speak at the next meeting

Thanks,

NATIONAL RIFLE ASSOCIATION OF AMERICA

**INSTITUTE FOR LEGISLATIVE ACTION**

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



**NRA**

The Honorable Mohamed E. Seifeldein

NATIONAL RIFLE ASSOCIATION OF AMERICA  
**INSTITUTE FOR LEGISLATIVE ACTION**  
11250 WAPLES MILL ROAD  
FAIRFAX, VIRGINIA 22030



**NRA**

June 9, 2020

The Honorable Justin M. Wilson  
301 King Street  
Alexandria, Virginia 22314

Dear Mayor Wilson:

On behalf of our members in Alexandria, I would like to communicate our opposition to file #20-0902 on the City Council consent calendar.

For years Virginia had maintained a strong Dillon Rule status, preventing localities from creating a patchwork of laws and regulations that will inevitably lead to confusion. As you are aware, during this most recent legislative session, the General Assembly passed HB421 and SB35 despite bipartisan opposition.

File #20-0902 will lead to misunderstandings and risk severe penalties for individuals exercising their Second Amendment rights in Northern Virginia. The geographic proximity of Alexandria to numerous other localities who have not adopted similar ordinances will only risk further complicating matters for law-abiding gun owner from throughout the Commonwealth and region.

Sincerely,

D.J. Spiker  
Virginia State Director  
NRA-ILA

CC: The Honorable Elizabeth B. Bennett-Parker  
The Honorable Canek Aguirre  
The Honorable John Taylor Chapman  
The Honorable Amy B. Jackson  
The Honorable Redella S. Pepper

## **Gloria Sitton**

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**From:** Mr. Joseph Judson Smith III <jjudsonsmith@verizon.net>  
**Sent:** Tuesday, June 09, 2020 12:57 PM  
**To:** Gloria Sitton  
**Subject:** [EXTERNAL]Section 2-3-5, "Prohibition of Firearms on City Property"

I understand the city council is considering banning the carrying of firearms on city property which I imagine means city parks as well. This proposal apparently would apply even to people that have a license to carry openly or concealed.

I can understand the banning in a building like city hall, but not in parks and recreations areas. Not that one would necessarily need a firearm there, but if properly licensed there is no harm in people in having a firearm in one's possession. People with evil in their hearts think twice about attacking someone not knowing if their targeted victim is armed or not. Criminals love "no gun zones." What it means to them is easy pickings.

All this debate may be for naught, as the law or ordinance, whatever you may call it, will be challenged and overturned under the Second Amendment with the result of a lot of needless legal fees on both sides.

I don't have a dog in this fight as I do not have a concealed carry permit and would only have a firearm in my possession walking to my car on the way to a hunting trip or a field trial. But I am intent that citizens' Second Amendment rights not be infringed as outlined in the Constitution.

Mr. Joseph Judson Smith III  
Alexandria, VA 22314

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## Gloria Sitton

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**From:** Demetrius Miguel Brown <dmiguelbrown@gmail.com>  
**Sent:** Tuesday, June 09, 2020 7:10 PM  
**To:** Gloria Sitton  
**Subject:** Re: Additional information about speaking tonight during public comment period

I would like to comment via a written statement on Docket Item 30 "Prohibitions of Firearms on City Property" for tonight's council meetings. I also will be speaking June 20th for public comments in regards to the same ordinance.

I'm NOT a resident of Alexandria (Prince William County), but I do frequent the city with my family very often. I do hope you value my comments just as much as you do the residents of Alexandria. I'm a African-American/Puerto Rican taxpayer, father, husband, and more importantly a law abiding citizen who values the Constitution. It saddens me that the local government wants to infringe on the rights of its residents, especially those who took it upon themselves to go the extra mile and get their Concealed Carry Permit in a city they pay taxes to not to mention paid the license fee to. I don't understand how you think that passing unequal "gun control" laws will keep your constituents or visitors like me safe. A criminal doesn't care about your prohibitions nor fears the ramifications of carrying an illegal firearm that he/she could use on your residents. If I choose to take my children to a city park in the great city of Alexandria with a legal firearm and my CHP to protect MY children from people like that it's because it's MY God given right and my responsibility as a loving father. The government should not have the right to "unarm" me by infringing on my right to bear arms, or make me choose whether to risk being "unlawful" because I could be charged with a CLASS 1 Misdemeanor if caught. As far as this being an unequal law, why are police exempt? Why are you only applying this to citizens? Current events should show why we need to be responsibly armed, self sufficient, life valuing citizens. I don't agree with this prohibition especially the fact that CHP holders aren't exempt, as a representative of an African American 2A gun rights advocacy group (in which many members are from Alexandria), as a law abiding father, and most importantly as an American. I love you all and can't wait to speak before you on the 20th.

Demetrius Miguel Brown

On Tue, Jun 9, 2020 at 4:57 PM Demetrius Miguel Brown <[dmiguelbrown@gmail.com](mailto:dmiguelbrown@gmail.com)> wrote:  
Thank you.

On Tue, Jun 9, 2020, 4:40 PM Gloria Sitton <[Gloria.Sitton@alexandriava.gov](mailto:Gloria.Sitton@alexandriava.gov)> wrote:

Sure you can send any comments to me to be forwarded to Council. They will have discussion on both days.

Gloria Sitton

City Clerk and Clerk of Council

City of Alexandria, Virginia

703-746-4550 (office)

[gloria.sitton@alexandriava.gov](mailto:gloria.sitton@alexandriava.gov)

Comments for Alexandria City Council, June 9th, 2020 on item 20-0902

My name is Philip Van Cleave and I am the president of the Virginia Citizens Defense League, an organization to protect the rights of law-abiding gun owners. No sooner did the General Assembly grant localities the power to enact gun-control, than Alexandria jumped on the bandwagon. People have a basic human-right to be able to protect their lives. These proposed restrictions are not respectful of that right. This extreme proposed ordinance doesn't even have an exemption for concealed handgun permit holders, who are statist. Alexandria has not had any new gun-control ordinances since 1987 and the City had to stop enforcing pre-1987 ordinances. Finally, speaking for the minority members of our organization, gun control in Virginia has been about controlling the rights of law-abiding gun owners. I urge City Council to oppose proposed ordinance 20-0902 and stand with Virginia's peaceful gun-owners, as well as the

Class 1 Misdemeanor. This change is designed to avoid unnecessarily subjecting our citizens to criminal incarceration and heavy fines for violations of this ordinance. As a latino, and as demonstrated daily in the protests around the nation, criminal punishment is many times used disproportionately against minorities and those of color. I urge you to ensure this law balances public safety with the unnecessary criminalization of our community.

- **Statutory Predictability:** Remove language that could deem a location as becoming a restricted location if an event occurs “that would otherwise require a permit”. Such a requirement could result in a law abiding citizen violating the law due to an event that is being unlawfully held without a required permit. Additionally, I have clarified the requirement for signage to be properly posted as required by the ordinance as a condition of criminality.

The changes I propose ensure that the City, its properties, events, citizens and employees remain safe and secure in their persons. These changes also ensure that inadvertent violations of the ordinance will not result in unnecessarily harsh criminal penalties on our citizens.

I respectfully request that council approve the ordinance subject to the changes reflected in the attached.

Respectfully submitted,

\_\_\_\_\_  
/s

Bernardo Piereck  
219 E Mason Ave  
Alexandria, VA 22301

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Bernardo Piereck  
[piereck@gmail.com](mailto:piereck@gmail.com)

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## Gloria Sitton

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**From:** Mark Jinks  
**Sent:** Monday, June 08, 2020 9:35 PM  
**To:** Gloria Sitton  
**Cc:** Joanna Anderson; Sarah G. Taylor  
**Subject:** Fwd: [EXTERNAL]Alexandria Firearm Ordinance  
**Attachments:** Change-Pro Redline - ALX Ordinance and Proposed Modification ALX Ordinance.pdf; ATT00001.htm; Proposed Modification ALX Ordinance.docx; ATT00002.htm

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Did Council get this?

Sent from my iPhone

Begin forwarded message:

**From:** Bernardo Piereck <[piereck@gmail.com](mailto:piereck@gmail.com)>  
**Date:** June 8, 2020 at 9:09:29 PM EDT  
**To:** [mark.jinks@alexandriava.gov](mailto:mark.jinks@alexandriava.gov)  
**Subject:** [EXTERNAL]Alexandria Firearm Ordinance

Dear City Manager Jinks –

I am writing to you to respectfully request changes to the proposed ordinance prohibiting the carrying of firearms in any city owned building, park and other property used by the City.

I understand the city's and its citizens' desire to provide for the public safety and security and to respect our residents' desire to feel safe and secure in their persons. I understand the concerns of private citizens and lawmakers concerning the public display of firearms as has occurred on multiple occasions in recent times. While none of the public displays of open carry have ever resulted in violence on our streets and city property, they have created apprehension and fear in our population, which should be addressed.

However, as a lawful handgun owner and law abiding citizen, I urge you to carefully solve the problem of public display of firearms on city property without turning law abiding citizens into criminals. To that end, I propose some changes to the proposed ordinance that are intended to achieve the following goals:

- **Building Safety:** Ensure that buildings owned or used by the city are free from the presence of openly carried weapons;
- **Public Security:** Ensure that no weapons are carried openly in any property owned or used by the city;
- **Opportunity for Lawful Compliance:** Ensure that there are lawful alternatives, consistent with those provided by Virginia Law with respect to the carrying of firearms on school grounds, to enable law abiding gun owners to comply with the intent of the new ordinance without being exposed to criminal liability. These changes have been modeled after those set forth in Section 18.2-308.1 of the Virginia Code.
- **Criminal Equity:** Reduce the punishment for a first violation of the ordinance from being a Class 1 Misdemeanor to being a Class 4 Misdemeanor. Provides that subsequent violations are a

**Gloria Sitton**

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**From:** John Johnson <[johnwjohnson99@gmail.com](mailto:johnwjohnson99@gmail.com)>  
**Sent:** Wednesday, June 17, 2020 7:55 AM  
**To:** Gloria Sitton  
**Subject:** [EXTERNAL]MVUC Supports Gun Ban Ordinance

The Mount Vernon Unitarian Church (MVUC) Gun Violence Prevention Task Force supports the proposed ordinance that would prohibit possession of firearms on properties owned and operated by the City of Alexandria. This ordinance will make Alexandria a safer place for its residents and visitors. We know that the vast majority of Alexandrians and visitors prefer to patronize gun free environments.

By adopting this ordinance the Alexandria City Council will set an example for other municipal governments in Northern Virginia and the Commonwealth of Virginia. Thank you for being out front on this issue.

We know that it takes courage to stand up to the gun lobby. However, **Virginians support courage**.

John Johnson, Chair  
MVUC Gun Violence Prevention Task Force  
[johnwjohnson99@gmail.com](mailto:johnwjohnson99@gmail.com)  
Cell 319-389-7382

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## Gloria Sitton

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**From:** Marty <triptoph@gmail.com>  
**Sent:** Wednesday, June 17, 2020 9:33 AM  
**To:** Gloria Sitton  
**Subject:** [EXTERNAL]Proposed ordinance

To City Clerk Gloria Sutton;

I wish to express my support for the upcoming proposed ordinance banning firearms on City of Alexandria property. I am a resident of Alexandria of Fairfax County, and frequently spend time in the Old Town region. I believe this ordinance will make Alexandria a safer place for its residents and visitors, and I prefer to patronize gun-free environments.

I believe fewer guns means a safer environment, and more guns means a more dangerous one.

By adopting this ordinance the Alexandria City Council will set an example for other municipal governments in Northern Virginia and the Commonwealth of Virginia. Thank you for being out front on this issue.

We know that it takes courage to stand up to the gun lobby. However, **Virginians support courage!**

--Martin J. Bredeck

7817 Schelhorn Rd, Alexandria, VA 22306

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**Gloria Sitton**

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**From:** cheryl focht <cherylfocht@yahoo.com>  
**Sent:** Wednesday, June 17, 2020 12:25 PM  
**To:** Gloria Sitton  
**Subject:** [EXTERNAL]Proposed firearm possession prohibition

As a Pediatrician and member of the Mount Vernon Unitarian Church Gun Violence Prevention Task Force I strongly SUPPORT the proposed ordinance that would prohibit possession of firearms on properties owned and operated by the City of Alexandria.

This ordinance will make Alexandria a safer place for its residents and visitors. We know that the vast majority of Alexandrians and visitors prefer to patronize gun free environments.

By adopting this ordinance the Alexandria City Council will set an example for other municipal governments in Northern Virginia and the Commonwealth of Virginia. Thank you for being out front on this issue.

Cheryl Focht, MD, MPH

Sent from Yahoo Mail on Android

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comes we investigated.”<sup>10</sup> The outcomes studied included mass shootings, suicide, unintentional injuries and deaths, and violent crime.<sup>11</sup>

**A restriction on the possession of firearms in a public building did not prevent the Virginia Beach tragedy**

According to news reports, Virginia Beach employees inside the Virginia Beach Municipal Center were prohibited from possessing firearms at their workplace.<sup>12</sup> This policy did not stop the municipal employee that perpetrated the tragedy from bringing a firearm to his workplace. Moreover, the perpetrator had badge access to employee only parts of the building and used this access during his attack.<sup>13</sup>

Prior to the shooting, one of the victims expressed concerns about the safety of her workplace.<sup>14</sup> This employee was encouraged by her husband to carry a concealed firearm in order to defend her self from potential threats at work.<sup>15</sup> In order to remain in compliance with Virginia Beach policy, the victim did not exercise her Right-to-Carry at her workplace.<sup>16</sup>

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Daniel Spiker  
State Director, NRA-ILA

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Katherine Hafner, *Husband of Virginia Beach shooting victim speaks out about wife's concerns, city's response*, The Virginian-Pilot, June 11, 2019.

<sup>13</sup> Michael E. Miller, Peter Jamison and Rachel Weiner, *Virginia Beach gunman resigned hours before mass shooting, officials say*, The Washington Post, June 2, 2019.

<sup>14</sup> Katherine Hafner, *Husband of Virginia Beach shooting victim speaks out about wife's concerns, city's response*, The Virginian-Pilot, June 11, 2019

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*



In recent years, gun control activists have drawn attention to the open carry of firearms in Alexandria in their broader effort to undermine the rights of all Virginia gun owners.<sup>4</sup>

If this observable exercise of Second Amendment rights is the primary concern of Alexandria politicians, rather than the discrete carry of firearms for self-defense, the City Council should consider altering the proposed legislation to exempt concealed carry by concealed handgun permit holders. An examination of carry permit holder revocation data in large states, such as Florida and Texas, has long made it clear that permit holders are among the most law-abiding demographics in society.

#### **Available research does not support an increase in gun-free zones**

Gun-free zones disarm law-abiding gun owners, leaving them susceptible to criminal violence. An individual intent carrying out a violent criminal attack will not be deterred from acting based on a concern for violating a lesser criminal statute.

An analysis mass public shootings conducted by Economist John R. Lott found that the vast majority of such incidents occur in locations that prohibit ordinary citizens from carrying a firearm for protection.<sup>5</sup> The analysis used a definition of mass public shooting that included shootings resulting in four or more victims slain that occurred in public places (such as commercial areas and government property).<sup>6</sup> As with Department of Justice Research on the topic, gang or drug-related shootings were not included in the definition.<sup>7</sup> The definition of gun-free zone included locations where firearms possession is prohibited by law, locations with posted firearms prohibitions, and jurisdictions where Right-to-Carry is not recognized or severely restricted.<sup>8</sup>

A survey of the available research on gun-free zones by the RAND Corporation explained that such restrictions “are intended to reduce violent crime, suicides, unintentional firearm injuries and deaths, and mass shootings in specific locations.”<sup>9</sup> However, RAND concluded that “We found no qualifying studies showing that gun-free zones decreased any of the eight out-

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<sup>4</sup> David Pratt, Old Town, *Alexandria Incident Highlights Why “Open Carry” Laws in Virginia Must Be Repealed*, *Blue Virginia*, September 9, 2019, <https://bluevirginia.us/2019/09/old-town-alexandria-incident-highlights-why-open-carry-laws-in-virginia-must-be-repealed>.

<sup>5</sup> John R. Lott, *UPDATED: Mass Public Shootings keep occurring in Gun-Free Zones: 94% of attacks since 1950*, *Crime Prevention Research Center*, (June 15, 2018), <https://crimeresearch.org/2018/06/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> The Effects of Gun-Free Zones, RAND Corporation, March 2, 2018, <https://www.rand.org/research/gun-policy/analysis/gun-free-zones.html>.

State law, VA Code Ann. § 18.2-283.1, also prohibits firearms at any courthouse in the Commonwealth. Even prior to the enactment of HB421/SB35, localities retained the authority under the state preemption statute to prohibit firearms as “any local or regional jail [or] juvenile detention facility.”

It should be noted that in the document accompanying the proposed ordinance, City Manager Mark B. Jinks did not cite any problems resulting from the lawful carry of firearms in the locations that the ordinance would cover.

The document does mention the May 31, 2019 Virginia Beach shooting in passing. However, that incident involved a municipal employee who violated an existing policy that prohibited the possession of firearms in his workplace. Even prior to the enactment of HB421/SB35, localities retained the authority to adopt “workplace rules relating to terms and conditions of employment of the workforce” that prohibited the possession of firearms in the workplace.

**The proposed ordinance would undermine Virginia’s tradition of firearms law uniformity and respect for the Right-to-Carry**

Prior to the enactment of HB421/SB35, Virginia statute ensured that those living and traveling throughout Virginia were subject to the same predictable firearm law wherever they were in the Commonwealth. With this regimen, law-abiding gun owners could move about the state without fear of being ensnared by a confusing patchwork of disparate local ordinances.

Since adopting a shall-issue concealed handgun permitting statute in 1995, Virginia has embraced law-abiding citizens’ Right-to-Carry for defense of themselves and others. There are currently over 630,000 Virginia concealed handgun permit holders.<sup>1</sup> In 2016, Democratic Governor Terry McAuliffe signed legislation that ensured the Commonwealth would recognize Right-to-Carry permits from all other states.<sup>2</sup>

Until 2020, Virginia statute provided for discrete and predictable areas where gun possession was prohibited even for concealed handgun permit holders.<sup>3</sup> These locations could not be augmented by local governments.

Alexandria’s proposed ordinance would work to undo this respect for the Right-to-Carry by creating a convoluted and unpredictable local firearms prohibition scheme. Unable to predict or comprehend the contours of the various ordinances in Alexandria and Virginia’s 95 counties and 37 other independent cities, concealed handgun permit holders would be forced to forego their Right-to-Carry for fear of running afoul of an obscure or complicated local law.

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<sup>1</sup> As of June 1, 2020, there are 632,235 active permit holders in Virginia according the Virginia State Police Firearm Transaction Center.

<sup>2</sup> Jenna Portnoy, *McAuliffe signs gun control compromise into law*, Washington Post, February 26, 2016.

<sup>3</sup> E.G. VA Code Ann. §§ 18.2-283.1, 18.2-308.1.

Consider the language which bars the “possession, carrying or transportation of firearms (a) in any buildings, or part thereof, owned or used, by the City.”

It would be difficult enough for the average resident to determine each and every building under the direct control of the locality and comport their behavior accordingly. However, the proposed legislation would bar firearms in any building “used” by the city. “Used” is not defined to determine the extent to which the city must utilize a building to trigger the prohibition, nor is there a temporal requirement. As written, any fleeting use of a building by the city could be interpreted to establish a prohibition at the location for an indeterminate period of time.

More concerning is the prohibition on firearms,

*in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.*

This language creates an incomprehensible patchwork of ever-shifting gun-free zones.

Law-abiding individuals intent on exercising their Right-to-Carry would be forced to keep track of any number of permitted events each day throughout the city and to avoid their location and even the public rights of way adjacent to their location. A driver with a firearm in their personal vehicle who unwittingly passed by a location where a permitted event was being held could be found in violation of the proposed ordinance. Those who live in an area where a permitted event is taking place could be restricted from entering or leaving their property with a firearm.

Worse, this prohibition pertains to “an event that would otherwise require a permit.” A gun owner could theoretically, however exceedingly difficult a task, obtain the public permit information required to comport with the permitted events restriction. It is impossible to predict where unpermitted events that should be permitted are to take place. Under the ordinance, law-abiding gun owners would be tasked with becoming a combination of the city Special Event Permit Manager and a psychic.

The state and proposed local requirement to post notice of the firearms prohibition at local gun-free zones provides little safety for the gun owner. Neither the amended VA Code Ann. § 15.2-915 nor the proposed changes to the Alexandria code provide for a manner in which a prohibition shall be posted that adequately ensures a gun owner is placed on notice that they are nearing a gun-free zone.

#### **New gun-free zones are unnecessary**

Virginia already prohibits the possession of firearms at sensitive public buildings and locations by state law.

VA Code Ann. § 18.2-308.1 prohibits firearms at “any public, private or religious elementary, middle or high school.” The many community centers and other public-use buildings located at schools are already covered by the existing prohibition.

NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
11250 WAPLES MILL ROAD  
FAIRFAX, VIRGINIA 22030



## COMMENTS OF THE NATIONAL RIFLE ASSOCIATION ON FILE #20-0967

June 20, 2020

### Overview:

On April 22, Gov. Ralph Northam signed HB421/SB35 into law as part of a wide-ranging effort to restrict gun rights in the Commonwealth. The legislation altered the state firearms pre-emption statute, VA Code Ann. § 15.2-915, to permit localities to prohibit firearms in an array of locations at their discretion.

Specifically, those locations are:

- (i) in any building, or part thereof, owned or used by such locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes;*
- (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality;*
- (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or*
- (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.*

The legislation in File #20-09067 would amend the Code of the City of Alexandria § 2-3-5 to create gun-free zones at each of the locations enumerated in the amended VA Code Ann. § 15.2-915.

The proposed ordinance does not exempt concealed handgun permit holders from this prohibition. A violation of the proposed ordinance would be punishable as a Class 1 Misdemeanor, which carries a penalty of up to 12 months in jail and up to a \$2,500 fine.

### **The proposed ordinance is confusing, unpredictable, and would imperil otherwise law-abiding gun owners**

The locations that would be subject to a firearms prohibition under the legislation in File #20-0967 are ill-defined and unpredictable, which will lead law-abiding residents to forego their Right-to-Carry for self-defense for fear of fine or incarceration.

## Gloria Sitton

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**From:** Meeting Moderator  
**Sent:** Saturday, June 20, 2020 1:30 PM  
**To:** Gloria Sitton  
**Subject:** FW: [EXTERNAL]Infringement on God given rights

**From:** Dr. Bob Long <bob3638@msn.com>  
**Sent:** Saturday, June 20, 2020 12:49 PM  
**To:** Meeting Moderator <council.meeting@alexandriava.gov>  
**Subject:** [EXTERNAL]Infringement on God given rights

My question is why us this body infringing on my gun rights going along with anti gun mob mentality? Dosnt anyone have guts to stand up for our constitutional rights? You spit in the face of my Marine corps brothers who gave their lives to defend our people, our constitutional gun rigjts, civil liberties and our American way of life. You spit in our face and military families to trample on what so many young men and woman gave their lives to defend.....I regret risking my life in hot spots around the globe. We waisted thousands of lives to see this committee neglect their duties.

Sent from my T-Mobile 4G LTE Device

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