

**City of Alexandria
Meeting Minutes
City Council Legislative Meeting
Council Chambers
Tuesday, June 25, 2013, 7:00 p.m.**

Present: Mayor William D. Euille, Vice Mayor Allison Silberberg, Members of Council John Taylor Chapman, Timothy B. Lovain, Redella S. Pepper, Paul C. Smedberg, and Justin M. Wilson.

Absent: None.

Also Present: Mr. Jinks, Deputy City Manager; Mr. Banks, City Attorney; Mr. Fletcher, Special Assistant to the City Manager; Ms. Evans, Deputy City Manager; Mr. Gates, Deputy City Manager; Police Chief Cook; Police Sergeant Seskey; Mr. Baier, Director, Transportation and Environmental Services (T&ES); Mr. Trobridge, Director, Information Technology Services (ITS); Sheriff Lawhorne; Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities (RPCA); Ms. Hamer, Director, Planning and Zoning (P&Z); Ms. Contreras, Urban Planner, P&Z; Mr. Page, Acting Director, Real Estate Assessments; Mr. Spengler, Director, RPCA; Ms. Jaatinen, Civil Engineer, T&ES; Mr. Farner, Deputy Director, P&Z; Mr. Fifer, Deputy Director, Office of Communications and Public Information; Ms. Sanders, Principal Planner, T&ES; Mr. McPike, Director, General Services; Dr. Gilmore, Executive Director, Department of Community and Human Services; Dr. Haering, Health Director, Health Department; Mr. Stewart, Division Chief, General Services; Ms. Triggs, Chief Financial Officer/Finance Director; Mr. Mason, Assistant Director, Human Resources; Ms. Boyd, Special Assistant to the City Manager; Mr. Bever, Budget Analyst, Office of Management and Budget (OMB); Mr. Lambert, Deputy Director, T&ES; Police Captain Wemple; Ms. Bryan, ITS; and Mr. Lloyd.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council.

City Council held a work session with the Alexandria Redevelopment and Housing Authority at 6:00 p.m., in the Council workroom.

1. Calling the Roll.

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

2. Moment of Silence and Pledge of Allegiance.

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

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

The Regular Meeting Minutes of June 11, 2013.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the regular meeting minutes of June 11, 2013. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

4. Recognition of SisterMentors Program.

Vice Mayor Silberberg recognized the SisterMentors Program, represented by Dr. Shireen Lewis, Ruby Abate, and Fanny Allen.

PROCLAMATIONS

5. Presentation of a Proclamation to the Catalogue for Philanthropy.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Silberberg and carried unanimously, City Council endorsed the proclamation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER CONSENT CALENDAR (6-15)

(Resignations and Uncontested Appointments)

6. Receipt of the Following Resignations from Members of Boards, Commissions and Committees:

- (a) Commission on Aging
Janet Barnett
Betty Morrison
- (b) Commission on Persons with Disabilities
John Bollinger
- (c) Historic Alexandria Resources Commission
Bernie Schultz

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 06/25/13, and is incorporated as part of this record by reference.)

7. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Archaeological Commission
1 Member At-Large
- (b) Board of Architectural Review - Parker-Gray Board
2 Citizen Members
- (c) Beauregard Design Advisory Committee
2 Citizen Members
2 Qualified Professional Members Skilled in Architecture, Planning, Landscape Architecture and/or Urban Design
- (d) Beautification Commission
1 Citizen Member
- (e) Commission on Employment
1 Business Representative From Among Recognized Area Businesses Including Minority-Owned and Small Businesses
- (f) Commission on HIV/AIDS
1 Commission for Women Representative
- (g) Community Services Board
1 Consumer (Current or Former Direct Recipient of Public or Private Mental Health, Intellectual Disability, or Substance Abuse Treatment Rehabilitation Services) or Family Members (Immediate Family Member or the Principal Caregiver Who is Not Paid) of Consumer
- (h) Convention and Visitors Association Board of Governors
1 Hotel Owner/Manager Representative
- (i) Emergency Medical Services Council
1 Alexandria Operational Medical Director
- (j) George Washington Birthday Celebration Committee
1 Member Nominated by the Gadsby's Tavern Museum Society
- (k) Historical Restoration and Preservation Commission
1 Citizen Member
- (l) Public Health Advisory Commission
1 Citizen Member Who Shall Be a Health Professional and at the Time of Appointment Derive, or Within the Previous Five Years Derived Their Principal Income From Providing Health Care, Health Services or Health Related Activities
- (m) Torpedo Factory Art Center Board
1 Citizen Member
- (n) Towing Advisory Board
1 Citizen Member Who Shall Have Expertise in Property Management or is a Business Owner

- 1 Citizen Member
- 1 Police Department Representative

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 06/25/13, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

- 8. Consideration of a Grant Renewal to the United States Department of Agriculture (USDA) Child and Adult Food Program for At-Risk After School Snack Program for the FY 2014 School Year Snack Program Sponsored by the Department of Recreation, Parks and Cultural Activities.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 06/25/13, and is incorporated as part of this record by reference.)

- 9. Consideration of a Grant Application to the 2013 Port Security Grant Program, U.S. Department of Homeland Security, Federal Emergency Management Agency.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 06/25/13, and is incorporated as part of this record by reference.)

- 10. Consideration of the Alexandria Community Services Board's FY 2014 Performance Contract with the State.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 06/25/13, and is incorporated as part of this record by reference.)

- 11. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 06/25/13, and is incorporated as part of this record by reference.)

- 12. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures for Alexandria City Public Schools (ACPS).

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 06/25/13, and is incorporated as part of this record by reference.)

- 13. Consideration of Application for the Renewal of the Justice Assistance Grant for the Police Department's Part I Crimes Task Force.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office

of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 06/25/13, and is incorporated as part of this record by reference.)

14. Consideration of a Grant Fund Request of Up to \$400,000 to Repair and Renovate the Fire Department's Burn Building.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 06/25/13, and is incorporated as part of this record by reference.)

15. Approval of the Revised Long Range Planning and Plan Implementation Work Program for FY 2014 and Beyond.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 06/25/13, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council approved the consent calendar, with the exception of docket items 11 and 12, which were considered under separate motion. The City Manager's recommendations were as follows:

6. City Council accepted the following resignations with regret: (a) Janet Barnett and Betty Morrison, Commission on Aging; (b) John Bollinger, Commission on Persons with Disabilities; and (c) Bernie Schultz, Historic Alexandria Resources Commission.

7. City Council appointed the following persons to boards and commissions: (a) reappointed Jacob Hoogland as the member at-large to the Archaeological Commission; (b) reappointed Philip Moffat and Brendan Owens as the two citizen members to the Board of Architectural Review - Parker-Gray Board; (c) appointed Donald Buch and Donna Fossum as the two citizen members and appointed Abed Benzina and Robert DiBernardo Emard as the two qualified professional members skilled in architecture, planning, landscape architecture and/or urban design to the Beauregard Design Advisory Committee; (d) reappointed Denise Tennant as the citizen member to the Beautification Commission; (e) reappointed Jacqueline Woodard as the business representative from among recognized area businesses including minority-owned and small businesses to the Commission on Employment; (f) reappointed William Smith as the Commission for Women representative Commission on HIV/AIDS; (g) reappointed Doris Stanley as the consumer (current or former direct recipient of public or private mental health, intellectual disability, or substance abuse treatment rehabilitation services) or family members (immediate family member or the principal caregiver who is not paid) of consumer to the Community Services Board; (h) reappointed Charlie Banta as the hotel owner/manager representative to the Convention and Visitors Association Board of Governors; (i) reappointed Joseph Marfori as the Alexandria Operational Medical Director to the Emergency Medical Services Council; (j) reappointed Danny Smith as the member nominated by the Gadsby Tavern Museum Society to the George Washington Birthday Celebration Committee; (k) reappointed John Sprinkle as the citizen member to the Historical Restoration and Preservation Commission; (l) appointed Eric Nelson as the citizen member to the Torpedo Factory Art Center Board; and (m) appointed Charity Ave-Lallemant as the citizen

member who shall have expertise in property management or is a business owner, appointed Amy Slack as the citizen member, and appointed Don Hayes as the Police Department representative to the Towing Advisory Board.

8. City Council authorized the City Manager to: (1) submit the At-Risk After School grant renewal application to the United States Department of Agriculture for Fiscal Year 2014 (due date September 1, 2013); (2) affirm that there are no funds available in the City budget to continue these activities once the grant funds are expended; and (3) execute all documents that may be required.

9. City Council: (1) authorized the submission of the grant application (due on June 24, 2013); and (2) authorized the City Manager to execute all the necessary documents that may be required.

10. City Council: (1) approved the Board's Performance Contract with the State; and (2) approved an increase of 1.0 FTE to be fully supported by \$170,055 in additional special revenues.

13. City Council: (1) approved the grant application (due July 9, 2013) to the U. S. Department of Justice in the amount of \$35,129; and (2) authorized the City Manager to execute all the necessary documents that may be required.

14. City Council authorized the City Manager to: (1) submit a grant application to the Virginia Department of Fire Programs to repair and renovate the Fire Department's burn building; and (2) execute all necessary documents and agreements that may be required to receive funding under this grant program.

15. City Council approved the FY2014 planning initiatives and work program as revised by Council at its May 28, 2013 legislative session.

The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

11. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 06/25/13, and is incorporated as part of this record by reference.)

Councilman Wilson inquired whether funding for the aquatics portions was just for a Chinquapin feasibility study.

In response to Councilman Wilson, Mr. Bever, Office of Management and Budget, explained the funding structure for the aquatics portion and what the feasibility study covered.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council authorized \$36,975,508 for capital project allocations and planned expenditures for the capital projects as detailed in the Capital

Improvement Program (CIP) Expenditure Summary. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

12. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures for Alexandria City Public Schools (ACPS).

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 06/25/13, and is incorporated as part of this record by reference.)

Councilman Wilson asked about the funding for capital projects for the schools and if this allocation would be in sync with the City's budgeting practices.

In response to Councilman Wilson, Chief Financial Officer Triggs explained the schools funding for projects that occurred during the summer and stated that the allocation would be in keeping with the City's budgeting practices.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council authorized \$14,140,911 for capital projects allocations and planned expenditures for Alexandria City Public Schools (ACPS) as detailed in the ACPS June 2013 allocation request. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilman Smedberg and Councilman Wilson; Opposed, none.

CONTESTED APPOINTMENTS

16. Affordable Housing Advisory Committee
1 Representative of an Employer in the City Who Employs at Least 100 Employees

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

NAME: ENDORSED BY:

Alma Allen Christine Candio, CEO Inova Alexandria Hospital

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and ballots were tallied with the following results: City Council waived the residency requirement and appointed Alma Allen as the representative of an employer in the City who employs at least 100 employees to the Affordable Housing Advisory Committee. The vote was as follows:

Euille – Allen
Silberberg – Allen
Chapman – Allen
Lovain – Allen
Pepper – Allen

Smedberg – Allen
Wilson- Allen

17. Alexandria-Caen Sister City Committee
1 Citizen Member

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

NAME: ENDORSED BY:

Sarah Greiner
Richard Lake
Megan McBeath Hay

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and ballots were tallied with the following results: City Council reappointed Megan McBeath Hay as the citizen member to the Alexandria-Caen Sister City Committee. The vote was as follows:

Euille – Hay
Silberberg – Greiner
Chapman – Hay
Lovain – Hay
Pepper – Hay
Smedberg – Hay
Wilson – Hay

18. Beauregard Urban Design Advisory Committee
2 Qualified Professional Members Skilled in Architecture, Planning, Landscape Architecture and/or Urban Design

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

NAME: ENDORSED BY:

Eric Colbert
David Kitchens

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 06/25/13, and is incorporated as part of this record by reference.)

Councilman Smedberg requested that the appointment be postponed to allow more applicants, preferably City residents, to apply.

Mr. Farner, Deputy Director, Planning and Zoning, explained the timeline for projects and what the scope of the Beauregard Urban Design Advisory Committee would entail and

how soon the board would need to be formed in order to meet the timeframe.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried 6-1, City Council deferred this appointment and requested that the City Clerk readvertise the vacancy. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilwoman Pepper, Councilman Smedberg, and Councilman Wilson; Opposed, Councilmember Lovain.

19. Board of Architectural Review - Old and Historic District
2 Architect Members
1 Citizen Member

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

NAME:	ENDORSED BY:
Chip Carlin	Susanne Arnold
Wayne Neale	Edward Weaver
Lisa Lettieri	
Adam Porter	
David Arnaudo	
Cara Burke	
Margaret Grubiak	
Ann Horowitz	
Christine Roberts	Laura Francis

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and ballots were tallied with the following results: City Council reappointed Chip Carlin and Wayne Neale as the two architect members to the Board of Architectural Review – Old and Historic District. Because no one received a majority of the vote for the citizen member position a revote was needed. The vote was as follows:

Euille – Carlin, Neale, Horowitz
Silberberg – Carlin, Neale, Horowitz
Chapman – Carlin, Neale, Roberts
Lovain – Carlin, Neale, Arnaudo
Pepper – Carlin, Lettieri, Grubiak
Smedberg – Carlin, Lettieri, Roberts
Wilson – Carlin, Lettieri, Roberts

WHEREUPON, ballots were again distributed, tellers were again appointed and ballots were again tallied with the following results. City Council appointed Christine Roberts as the citizen member to the Board of Architectural Review – Old and Historic District. The vote was as follows:

Euille – Horowitz
Silberberg – Horowitz

Chapman – Roberts
Lovain – Roberts
Pepper – Roberts
Smedberg – Roberts
Wilson – Roberts

20. Budget and Fiscal Affairs Advisory Committee
2 Members-at-Large

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

NAME: ENDORSED BY:

Derek (Dak) Hardwick
Thomas Karol
Charles Sumpter

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed, and ballots were tallied with the following results: City Council appointed Derek (Dak) Hardwick and reappointed Thomas Karol as the two members-at-large to the Budget and Fiscal Affairs Advisory Committee. The vote was as follows:

Euille – Hardwick, Karol
Silberberg – Hardwick, Karol
Chapman – Hardwick, Sumpter
Lovain – Hardwick, Karol
Pepper – Hardwick, Karol
Smedberg – Hardwick, Sumpter
Wilson – Hardwick, Sumpter

21. Commission for Women
1 Citizen Member

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

NAME: ENDORSED BY:

Alicia Daly
Alethea Predeoux

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed, and ballots were tallied with the following results: City Council appointed Alicia Daly as the citizen member to the

Commission for Women. The vote was as follows:

Euille – Daly
Silberberg – Daly
Chapman – Daly
Lovain – Predeoux
Pepper – Daly
Smedberg – Daly
Wilson – Daly

22. Community Services Board
2 Citizen Members

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

NAME: ENDORSED BY:

Adrienne Barr
Roberta New
Roy Shannon

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers appointed and ballots tallied with the following results: City Council reappointed Roberta New and Roy Shannon as the two citizen members to the Community Services Board. The vote was as follows:

Euille – New, Shannon
Silberberg – New, Shannon
Chapman – New, Shannon
Lovain – New, Shannon
Pepper – New, Shannon
Smedberg – New, Shannon
Wilson – New, Shannon

23. Convention and Visitors Association Board of Governors
2 Retail Business Owner/Manager Representatives

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

NAME: ENDORSED BY:

Debra Arnett Patricia Washington
Amy Rutherford Patricia Washington

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers appointed and ballots tallied with the following results: City Council appointed Debra Arnett and reappointed Amy Rutherford as the two retail business owner/manager representatives to the Convention and Visitors Association Board of Governors. The vote was as follows:

Euille – Arnett, Rutherford
Silberberg – Arnett, Rutherford
Chapman – Arnett, Rutherford
Lovain – Arnett, Rutherford
Pepper – Arnett, Rutherford
Smedberg – abstain, Rutherford
Wilson – Arnett, Rutherford

24. Real Estate Assessments Review Board
2 Members Appointed by City Council

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

NAME: _____ ENDORSED BY: _____

Janet Coldsmith
Leon Duncan, Sr.
Richard Novak

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and ballots tallied with the following results: City Council appointed Janet Coldsmith and reappointed Leon Duncan, Sr., as the two members appointed by City Council to the Real Estate Assessments Review Board. The vote was as follows:

Euille – Coldsmith, Duncan
Silberberg – Coldsmith, Duncan
Chapman – Coldsmith, Duncan
Lovain – Coldsmith, Duncan
Pepper – Coldsmith, Duncan
Smedberg – Coldsmith, Duncan
Wilson – Coldsmith, Duncan

25. Towing Advisory Board
1 Licensed Towing and Recovery Operator Doing Business in the City
1 Police Department Representative

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

NAME: _____ ENDORSED BY: _____

Dwight Gochenour, II
Dianne Gittins

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and ballots tallied with the following results: City Council waived the residency requirement and appointed Dwight Gouchenour, II as the licensed towing and recovery operator doing business in the City and waived the residency requirement and appointed Dianne Gittins as the Police Department representative to the Towing Advisory Board. The vote was as follows:

Euille – Gouchenour, Gittins
Silberberg – Gouchenour, Gittins
Chapman – Gouchenour, Gittins
Lovain – Gouchenour, Gittins
Pepper – Gouchenour, Gittins
Smedberg – Gouchenour, Gittins
Wilson – Gouchenour, Gittins

26. Waterfront Commission
1 Representative from the Alexandria Seaport Foundation

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

NAME: ENDORSED BY:

Mari Lou Livingood

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and ballots tallied, with the following results: City Council waived the residency requirement and appointed Mari Lou Livingood as the representative from the Alexandria Seaport Foundation to the Waterfront Commission. The vote was as follows:

Euille – Livingood
Silberberg – Livingood
Chapman – Livingood
Lovain – Livingood
Pepper – Livingood
Smedberg – Livingood
Wilson – Livingood

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

27. Consideration and Approval of the City of Alexandria to Host the USATF National Road Racing Championship.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 06/25/13, and is incorporated as part of this record by reference.)

Jack Browand, Recreation, Parks and Cultural Activities, responded to questions from Council about the route for the race, race coverage and costs for the race.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the City of Alexandria's hosting of the USA Track and Field National Road Racing Championship proposed for Sunday, November 17, 2013. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

28. Consideration of Ratification of a Contingent Contract to Sell City Property at 509 North Saint Asaph Street and 511, 513 and 515 Oronoco Street.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council ratified the City Manager's contract with Y-12 Investments to sell 509 North Saint Asaph Street and 511, 513, and 515 Oronoco Street for \$5,230,000 plus an affordable housing contribution of approximately \$100,943 with the contract contingent upon approval of the sale per Section 9.06 of the City Charter. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

29. Consideration of Release of Funds From FY 2014 Contingent Reserves for the Funding of a Contract Senior Mental Health Therapist Position Within the Department of Community and Human Services and to Increase the Department of Community and Human Services Personnel by One FTE For FY 2014.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilwoman Pepper and carried unanimously, City Council : (1) authorized the release of \$42,900 from FY 2014 contingent reserves to fund a Senior Mental Health Therapist position within the Sheriff's Office; and (2) authorized the increase of one full-time Senior Therapist in the Department of Community and Human Services. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

30. Consideration of a Proposal to Eliminate Ordinance 4516§1 Section 11-4.2 Governing the Permitting and Inspection of Massage Therapy Establishments and Permitting of Massage Therapists.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion Councilman Wilson, seconded by Councilman Chapman and carried unanimously, City Council: (1) indicated its intention to repeal the ordinance and request staff to initiate the process necessary for formal repeal at the first legislative meeting in September 2013; and (2) repealed the City Ordinance, but directed that those providing Massage Therapy Services in the City must be licensed and approved by the Virginia Department of Health Profession - Board of Nursing. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Mayor Euille reported that he attended the 81st U.S. Conference of Mayors Annual Meeting in Las Vegas over the weekend and he noted that it was a great networking opportunity and a good chance to exchange ideas with other cities. Mayor Euille stated that there was much discussion about the funding cuts that cities have been subjected to from the Federal government and how programs like the Community Development Block Grants have experienced deep cuts.

(b) Mayor Euille reported that he attended an Innovation Forum in Philadelphia and met Google representatives during that forum. Mayor Euille noted that the City will be reaching out to Google in the near future to help the City convert to Wi-Fi and to meet other broadband needs.

(c) Mayor Euille reminded everyone that schools were out for summer and asked everyone to be safe and look out for children playing and enjoying their break.

(d) Mayor Euille reported that the Helicopter Association of America had a ribbon cutting to open their new facility on Ballenger Avenue in the Carlyle area.

(e) Mayor Euille reported that the City made its presentation to Moody's and Standard and Poor's last week in New York City and are waiting on word about the City's bond ratings, which should remain AAA.

(f) Councilwoman Pepper stated that a dedication ceremony was held at the Charles Houston Recreation Center to dedicate the mural and the Hall of Fame. Councilwoman Pepper noted that there was a spectacular turnout for the event and she pointed out that Mayor Euille was among the honorees inducted into the Hall of Fame.

(g) Councilwoman Pepper reported that the Fourth Annual Ruby Tucker Day was held, honoring Ms. Tucker's dedication to community service and volunteering in the community.

(h) Vice Mayor Silberberg mentioned that she also attended the dedication ceremony at the Charles Houston Recreation Center and she noted how wonderful the event was.

(i) Vice Mayor Silberberg reported that she attended a Juneteenth celebration at the Freedom House sponsored by the Northern Virginia Urban League to commemorate the Freedom House being opened for 5 years.

(j) Vice Mayor Silberberg wished Ferdinand Day a Happy Birthday and noted that he will be celebrating his 95th birthday on August 7.

(k) Vice Mayor Silberberg congratulated all the participants in the RARE (Reach and Rise for Excellence) for CCNA (Concerned Citizens Network Alexandria) program for all the hard work that they have done improving lives of the City's youth.

(l) Vice Mayor Silberberg reported that she attended a dedication for the new playground at Cora Kelly Elementary School.

(m) Vice Mayor Silberberg noted that the Council on Your Corner monthly meetings she hosts throughout the City will be on summer hiatus and she will resume the meetings in September.

(n) Vice Mayor Silberberg congratulated Nancy Coats on her retirement after 36 years of service to the City and thanked her for her service and leadership.

(o) Vice Mayor Silberberg announced that there will be a meeting tomorrow, June 26, at 7:00 p.m., held in the Sisters Cities Conference Room regarding Hunting Point and all were welcome to attend.

(p) Councilmember Lovain reported that Sean McEneaney was elected to be the upcoming chair of the Children, Youth and Families Collaborative Commission.

(q) Councilman Wilson congratulated Mayor Euille and Councilman Paul Smedberg on 10 years of service with the City Council.

(r) Councilman Wilson requested that Sheriff Lawhorne update Council on the City's relationship with the Pneumansand Creek Regional Jail Authority.

Sheriff Lawhorne reported that a board meeting was held and that the City's need for the number of beds that are paid at the regional jail for has changed. Sheriff Lawhorne stated that he would recommend that the City explore ending the relationship once the bond for the facility is paid off in 2017.

(s) Councilman Wilson reported that he, along with Councilman Smedberg and Councilmember Lovain, distributed a memo earlier, outlining their interest in convening a special task force over the summer to review business tax initiatives available to City to enhance business opportunities.

Council had a discussion to address concerns about task force composition, timelines and scope of their charge.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Lovain and carried unanimously, Council requested that the City Manager constitute a task force (that is broad and flexible) to address the business tax issue in the City as outlined in the memorandum dated June 25, 2013. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

ORAL REPORT FROM THE CITY MANAGER

Deputy City Manager Jinks gave Council an update on the National Science Foundation (NSF) move to the City and a briefing on an unsolicited proposal received by the City.

Mr. Jinks showed a video and he, along with Val Hawkins, President/CEO, Alexandria Economic Development Partnership, gave a presentation about the next steps for the NSF move and responded to questions from Council.

Mr. Jinks requested that Mr. Farner, Deputy Director, Planning and Zoning, present the unsolicited bid information to build an entertainment/recreation facility that the City received.

Mr. Farner presented the unsolicited bid proposal received by the City from the St. James Group to build an entertainment/recreation facility off of Eisenhower Avenue. Mr. Farner noted that the City was not actively involved in the process with the St. James Group and tonight was for informational purposes only and to work toward a process for receiving unsolicited bids in the future. Mr. Farner, along with Mr. Jinks, responded to questions from Council about the community meetings the St. James Group will hold, the process for receiving unsolicited bids, and staff and City resources used for the process.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilwoman Pepper and carried 6-1, City Council accepted the proposed process to receive unsolicited bid proposals as presented in the City Manager/City Attorney memorandum dated June 6, 2013. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Wilson; Opposed, Councilman Smedberg.

ORDINANCES AND RESOLUTIONS

31. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Sheet No. 47.02 of the "Official Zoning Map, Alexandria, Virginia," Adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by Rezoning a Portion of the Property at 5801 Duke Street and a Portion of the Property at 5815 Duke Street from CR/Commercial Regional to CRMU/M/Commercial Residential Mixed Use - Medium in Accordance With the Said Zoning Map Amendment Heretofore Approved by City Council as Rezoning No. 2013-0002. (Implementation Ordinance for the Map Amendment (Rezoning) Approved by City Council on June 15, 2013 for the Landmark Mall project)

(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. 31; 06/25/13, 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. 31; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance to amend and reordain Sheet No. 47.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning a portion of the property at 5801 Duke Street and a portion of the property at 5815 Duke Street from CR/Commercial Regional to CRMU/M/Commercial Residential Mixed Use- Medium in accordance with the said zoning map amendment heretofore approved by City Council as Rezoning No. 2013-0002. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4821

AN ORDINANCE to amend and reordain Sheet No. 47.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning a portion of the property at 5801 Duke Street and a portion of the property at 5815 Duke Street from CR/Commercial Regional to CRMU/M/Commercial Residential Mixed Use - Medium in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2013-0002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2013-0002 the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on June 4, 2013 of a rezoning a portion of the property at 5801 Duke Street and a portion of the property at 5815 Duke Street from CR/Commercial Regional to CRMU/M/Commercial Residential Mixed Use - Medium, which recommendation was approved by the City Council at public hearing on June 15, 2013;

2. The said rezoning is in conformity with the Master Plan of the City of Alexandria, Virginia, as amended;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 47.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the

property hereinafter described:

LAND DESCRIPTION: the 11.2 acres of land which consists of a portion of 5801 Duke Street (Tax Map #: 047.02-03-05) and a portion of 5815 Duke Street (Tax Map #: 047.02-03-09 (formerly 047.02-03-02)) as described on the legal description and map titled "Description of Application Area Within Landmark Mall, Alexandria Virginia" dated March 6, 2013 and prepared by Urban, Ltd attached hereto as Exhibit A and as shown on the map titled "Metes and Bounds Map" dated March 13, 2013 prepared by Urban, Ltd attached hereto as Exhibit B

From: CR/Commercial Regional

To: CRMU/M/Commercial Residential Mixed Use - Medium

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 47.02 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

32. Public Hearing, Second Reading, and Final Passage of an Ordinance to Vacate a Portion of the Public Right-of-way at 1000 and 1002 Pendleton Street Heretofore Approved by City Council as Vacation No. 2013-0002. (Implementing ordinance for the Vacation Approved by City Council on May 18, 2013)

(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. 32; 06/25/13, 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. 32; 06/25/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and passed an ordinance to vacate a portion of the public right-of-way at 1000 and 1002 Pendleton Street heretofore approved by City Council as Vacation No. 2013-0002. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4822

AN ORDINANCE to vacate a portion of the public right-of-way at 1000 and 1002 Pendleton Street heretofore approved by city council as Vacation No. 2013-0002. (Implementing ordinance for the vacation approved by City Council on May 18, 2013)

WHEREAS, Classic Cottages, LLC (Owner) has applied for the vacation of a portion of the public right-of-way adjacent to the property at 1000 and 1002 Pendleton Street in the City of Alexandria, Virginia; and

In Vacation No. 2013-0002, the planning commission recommended approval to the City Council on May 7, 2013 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on May 18, 2013; and

WHEREAS, viewers, Raighne Delaney, David Kaplan and Sandy Murphy have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation titled "Exhibit Plat Showing The Proposed Vacation of an Alley" dated November 8, 2102 attached hereto as Exhibit A and incorporated herein by reference and as described in the metes and bounds titled "Description of A Portion of a Public Alley to be Vacated Adjoining 1000-1002 Pendleton Street" dated February 27, 2103, attached hereto as Exhibit B and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance, be, and the same hereby is, subject to the conditions set forth below:

1. The vacated right-of-way shall be consolidated with the adjoining property at 1000-1002 Pendleton Street and the plat of consolidation shall be filed with the Departments of Planning and Zoning and Transportation and Environmental Services. The approved plat shall be recorded in the Land Records of the City of Alexandria. (P&Z)(T&ES)
2. A minimum 10' clear width must be maintained in the alley at all times. (T&ES)
3. The applicant shall pay fair market value for the area to be vacated as determined by the Director of Real Estate Assessments. (T&ES)
4. The applicant shall provide utility easements for all public and private utilities within the vacated right-of-way. Such easements shall be shown on the plat of consolidation.

(T&ES)

5. The property owner shall not construct any buildings or improvements, including any additional parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increase floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the Director of Planning & Zoning prior to recordation. (P&Z)
6. The applicant shall allow for the relocation of an existing utility pole at 1004 Pendleton to a location adjacent to the common property line between 1000/1002 Pendleton and 1004 Pendleton if such relocation is approved by Dominion Virginia Power. The applicant shall also not erect any new fencing that extends farther toward the remaining public alley than the existing fence at 1004 Pendleton Street. (PC)

Section 3. The term "Owner" shall be deemed to include Classic Cottages, LLC and its respective successors in interest.

Section 4. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 5. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at his or her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

33. Second Reading and Final Passage of an Ordinance to Amend Chapter 7 (Bicycles), Title 10 (Motor Vehicles and Traffic) of the Code of the City of Alexandria, Virginia.

(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. 33; 06/25/13, 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. 33; 06/25/13, and is incorporated as part of this record by reference.)

Director of Transportation and Environmental Services Baier reviewed the criteria for

prohibition of riding bicycles on sidewalks throughout the City and he reported on public concerns about bicycles, particularly near the Waterfront. Mr. Baier reviewed the changes to the ordinances and responded to questions from members of Council.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council passed an ordinance to amend Chapter 7 (Bicycles), Title 10 (Motor Vehicles and Traffic) of the Code of the City of Alexandria, Virginia. City Council requested that staff bring the ordinance back in September to consider deletion of Sec. 10-7-3 for consideration. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4823

AN ORDINANCE to amend and reordain Chapter 7 (BICYCLES), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended, by amending certain sections thereof as set forth more fully below.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 7 of Title 10 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by amending the following sections to read as follows:

(New language is underlined; deleted language is ~~stricken through~~)

Sec. 10-7-1 ~~--Registration and license tags; fees.~~ Reserved.

~~The owner of every bicycle kept or regularly operated within the city shall register the same with the police chief and shall obtain from him a license tag for such vehicle, which tag shall be attached and sealed on the rear of the bicycle. The registration and tag shall cost \$0.25 and shall be effective throughout the life of the bicycle; except, that in the event of any transfer, the new owner shall obtain a transfer of license tag from the police chief at a cost of \$0.10.~~

Sec. 10-7-2 ~~--Owner's report of change of ownership, etc.~~ Reserved.

~~Within 10 days after change of ownership or dismantling and removal from operation of any bicycle, the previous owner shall report the information to the police chief.~~

Sec. 10-7-3 Reports required of bicycle dealers

Every person engaged in the business of buying or selling new or secondhand bicycles shall report to the police chief every bicycle purchased or sold by such person, as well as the name and address of the person from whom it is purchased or to whom it is sold, a description of the bicycle name or make, the frame number thereof, and the number of the license tag, if any, found thereon

Sec. 10-7-4 - ~~Designation of~~ Non-roadway bicycle routes; duties of riders.

Unless designated by signage prohibiting such conduct, persons may ride a bicycle upon any sidewalks located within the City, subject to the following conditions

- (a) A person riding a bicycle on a sidewalk or shared-use path shall yield the right-of-way to any pedestrian and shall give an audible signal, either verbally or by the use of a bell or other device capable of giving a signal audible for a distance of 100 feet, before overtaking and passing any pedestrian.
- (b) A person riding a bicycle on a sidewalk or shared-use path shall have all the rights and duties of a pedestrian under the same circumstances.
- (c) ~~With the exception of~~ The foregoing sections shall not apply to bicycles operated by police officers in the course of their law enforcement duties, ~~no bicycle shall be operated on any sidewalk in city, except such sidewalks or portions thereof which city council shall by resolution designate as bicycle routes.~~
- (d) Bicycling on the sidewalk shall be prohibited in King Street/Union Street Commercial Zone. This zone is on King Street, from West Street east to the Potomac River, and on Union Street, between Prince Street and Cameron Street.
- (e) The designation of additional zones within which riding bicycles on the sidewalk is prohibited shall be determined by the Director of Transportation & Environmental Services after consultation with the chief of police and a public hearing before and recommendation from the Traffic & Parking Board, pursuant to criteria to be promulgated by the Director of Transportation and Environmental Services.

Sec. 10-7-5 - Definitions.

The following words, when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

- (1) *Bicycle.* A device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached hereto, having two or more wheels in tandem, including children's bicycles except a toy vehicle intended for use by young children. A bicycle is a vehicle when operated on the roadway. ~~Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 20 inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.~~
- (2) *Roadway:* That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" shall refer to any roadway separately but not to all roadways collectively.
- (3) *Sidewalk.* That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (4) *Shared-use path:* a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the roadway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chair conveyances, joggers, and other nonmotorized users.
- (5) *Bike Lane:* That portion of a street designed and used for bicycle travel.

Sec. 10-7-6 - Manner of operating on roadway

- (a) Every person riding a bicycle upon a roadway has all rights and is subject to all the duties applicable to the driver of a motor vehicle except those provisions which by

their vary nature can have no application or to the extent that different rights and restrictions are expressly imposed by this chapter or applicable state law.

- ~~(b) Every person operating a bicycle on a roadway shall rider as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.~~
- ~~(c) Whenever any person shall ride a bicycle on a sidewalk designated by the city council as a bicycle route, the person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian or bicycle.~~
- ~~(d) Wherever a bicycle route designated as such pursuant to section 10-7-4 of this chapter is provided adjacent to a roadway, bicycle riders shall use such bicycle route and shall not use the roadway. (Code 1963, Sec. 6-4.2)~~

Sec. 10-7-7 ~~Brakes, lights, etc., as prerequisite to registration, etc.~~ Reserved.

~~The police chief shall have the authority to refuse to register, license or transfer a tag on any bicycle which is not equipped with effective brakes and with lights and reflectors as required in this title.~~

[Intervening section unchanged]

Sec. 10-7-9 - Riding abreast.

Persons riding bicycles upon roadways, designated by the city council as bicycle routes may shall not ride two or more abreast so long as they do not impede traffic. Persons riding bicycles may not ride more than two abreast.

Sec. 10-7-10 - Parking.

No person shall park a bicycle in the city in a manner that unreasonably impedes pedestrian or vehicular traffic on a public roadway, shared-use path or sidewalk. other than against a curb or in a sidewalk rack or against a building in such manner as to cause the least possible obstruction to traffic.

Sec. 10-7-11 – Safety Equipment Warning devices

Front white light and red rear reflector lights are required on bicycles ridden between sunset and sunrise as required by state law. Every bicycle operated in the city shall be equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except, that no bicycle shall be equipped with any siren or whistle.

Sec. 10-7-12 - Bicycle helmets.

- (a) *Requirement.* Every person 14 years of age or younger shall wear a protective helmet when riding or being carried on a bicycle on any roadway, sidewalk or public bicycle shared-use path within the city. For the purpose of this section, "protective helmet" shall refer to any helmet that meets the Consumer Product Safety Commission standard shall refer to any helmet that meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation.
- (b) *Civil penalty.* The parents of any person who violates this section shall be, jointly and severally, liable for a civil penalty. For each such violation, the parents of the violator shall be liable for a penalty of \$25; provided, that such penalty shall be suspended (i) for any person's first violation and (ii) for any person's second or subsequent violation, if the person provides proof of ownership of, or of having purchased or

acquired, subsequent to the violation but prior to the deadline for payment of the civil penalty, a helmet of the type required by this section.

(c) *Procedures.* If a violation of this section has occurred, the violator shall be given written notice of the violation. The notice shall state:

- (1) that the parents of the violator shall be liable for the civil penalty set forth in subsection (b);
- (2) the circumstances under which the civil penalty may be suspended, as provided in subsection (b); and
- (3) the deadline by which the parents of the violator must appear, either in person or by mail, before the treasurer of the city and admit liability for or plead no contest to the violation, and pay the civil penalty established for the violation, or alternatively provide satisfactory proof of ownership, purchase or acquisition, within the time specified in subsection (b), of a helmet of the type required by subsection (a).

An admission of liability or a statement of no contest to a violation of this section shall not be deemed a criminal violation for any purpose. If the parents of a violator do not elect to admit liability or plead no contest, the violation shall be tried in the Alexandria General District Court upon the filing of a warrant in debt.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

OTHER

34. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated June 19, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of No. 34; 06/25/13, and is incorporated as part of this record by reference.)

City Council received the updated calendar schedule.

EXECUTIVE SESSION

35. Consultation With Legal Counsel and Staff Regarding Actual or Probable Litigation and Consultation With Legal Counsel Regarding Specific Legal Matters, For Discussion of a Prospective Business Opportunity, and to Discuss Personnel Matters.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council convened in closed executive session at 10:29 p.m., to consult with legal counsel and staff regarding actual or probable litigation and consultation with legal counsel regarding specific legal matters, for discussion of a prospective business opportunity, and to discuss personnel matters, pursuant to Section 2.2-3711(a)(7) of the Code of Virginia. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

WHEREUPON, upon motion Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council reconvened the meeting at 11:14 p.m. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman,

Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted a resolution pertaining to the Executive Session. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2571

WHEREAS, the Alexandria City Council has this 25th day of June 2013, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

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

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

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the regular meeting of June 25, 2013 at 11:15 p.m. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Gloria Sitton, CMC Deputy City Clerk