

**City of Alexandria  
City Council Legislative Meeting  
Tuesday, October 27, 2020 6:00 PM  
Virtual Meeting  
Meeting Minutes**

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Present: Mayor Justin M. Wilson, Vice Mayor Elizabeth Bennett-Parker, Members of Council Canek Aguirre, John Taylor Chapman, Amy B. Jackson, Redella S. Pepper, and Mohamed E. Seifeldein.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. Triggs, Deputy City Manager; Ms. Collins, Deputy City Manager; Ms. Baker, Deputy City Manager; Ms. K. Taylor, Director, Finance; Mr. Greenlief, Assistant Director, Finance; Ms. S. Taylor, Legislative Director; Ms. Weledes, Special Assistant to the City Manager; Ms. Garvey, Director, Department of Community and Human Services (DCHS); Police Chief Brown; Ms. Wixson, Division Chief, DCHS; Ms. Layer, Assistant Director, DCHS; Ms. Bulova, Director, Office of Historic Alexandria; Mr. Duer, Emergency Services, DCHS; Mr. Barre, Information Technology Services; Mr. Skrabak, Deputy Director, T&ES; and Mr. Smith, Information Technology Services.

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

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1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All the members of City Council were present via Zoom webinar.

Mayor Wilson stated that due to the COVID-19 Pandemic Emergency, the October 27, 2020 Legislative Meeting of the Alexandria City Council is being held electronically pursuant to Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on June 20, 2020 and Section 4-0.01(g) in HB29 and HB30, enacted by the 2020 Virginia General Assembly (Virginia Acts of Assembly Ch. 1283 and 1289), to undertake essential business. All the members of the City Council and staff are participating from remote locations through a video conference call on Zoom. This meeting is being held electronically, unless a determination is made that it is safe enough to be held in person in the City Council Chamber at 301 King Street, Alexandria, Virginia. The meeting can be access by the

public through the live broadcast on the government channel 70, streaming on the City's website, and can be accessed via Zoom.

2. Closed Meeting.

6:00 p.m. - Consideration of a closed meeting to discuss actual or probable litigation and a prospective business interest in locating or expanding its facilities in the City and for the discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council convened in closed executive session at 6:03 p.m., to consult with Legal Counsel and staff regarding actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the public body and discussion of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected; specifically, potential settlement of litigation involving improvements at a school on the west end of the City; and the potential investment of public funds for development on the west end of the City; pursuant to Section 2.2-3711(A)(7) and (A)(6) of the Code of Virginia. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilwoman Jackson and carried 6-0, City Council reconvened in open session at 7:22 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none; Absent, Councilman Chapman.

**WHEREUPON**, upon, motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council adopted the resolution regarding the closed executive session previously circulated to Council. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none; Absent, Councilman Chapman.

The resolution reads as follows:

**RESOLUTION NO. 2964**

**WHEREAS**, the Alexandria City Council has this 27 day of October, 2020 recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

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

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

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilwoman Jackson and carried unanimously, City Council authorized the City Attorney to enter into the settlement agreement to resolve the following four lawsuits to which the City is a party involving the improvements to the Parker Gray Stadium at T.C. Williams High School in the terms discussed in closed session:

\*Ky Lewis et. al. v. City of Alexandria et. al, Case No. CL-18-002864

\*William and Mimi Goff, et. al. v. The City Council of Alexandria, et. al., Case No. CL-18-003477

\*Dario Lugo III, et. al v. The City Council of Alexandria, et.al., Case No. CL-18-003479

\*Ethel Cacheris v. The City Council of Alexandria, et. al., Case No. CL-18-003463

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

\*\*Mayor Wilson recognized the passing of two Alexandrians: Bernard Cohen, former State Delegate and attorney for the historic Loving v. Virginia case and Joe Shumard, City volunteer with many causes including the George Washington Birthday Celebration Parade, the Chamber of Commerce, the Friendship Firehouse and First Night Alexandria.\*\*

3. Public Discussion Period.

There were no speakers for the public discussion period.

Tim Sargent, Vic Atwall, and Rob McIntyre from Dominion Power were present to respond to questions and concerns about the recent power outages and how they plan to address the issues that have arose.

## **ORAL REPORTS FROM MEMBERS OF COUNCIL ON BOARDS, COMMISSIONS AND COMMITTEES**

### **\*Legislative Subcommittee (Mayor Wilson and Vice Mayor Bennett-Parker)**

Mayor Wilson reported that the Legislative Subcommittee met to discuss the City's upcoming Legislative Package for 2021 and a review about the special session. Mayor Wilson noted that principles from the previous year were reviewed as well as recommendations from City boards and commissions, including various stormwater related items and the work session with the delegation is scheduled for November.

### **\*ARHA Redevelopment Committee (Mayor Wilson and Councilman Chapman)**

Mayor Wilson reported former Ramsey Homes will be completed soon with occupants moving in shortly thereafter and the ARHA Board making significant progress in selecting development partners for their other properties and they are awaiting final action on their HUD applications for final restructuring from the Federal government.

### **\*City/Schools Subcommittee (Mayor Wilson and Councilman Chapman)**

Mayor Wilson reported that the subcommittee discussed how the City could continue to partner with the schools to support reopening through City policies and other assistance to support a safe return for students.

### **\*COG Board of Directors (Mayor Wilson)**

Mayor Wilson reported that the Board adopted the jurisdictional contributions for the next year, decreasing the rate for the jurisdiction. Mayor Wilson reported that there was presentation on the regional rail run-through study and the feasibility of allowing inter-regional transit commuting with VRE and MARC.

### **\*Library Board (Vice Mayor Bennett-Parker)**

Vice Mayor Bennett-Parker reported that the majority of the meeting was discussing the 10% budget reduction that the Library has been requested to submit for City Budget planning, with the potential elimination of Sunday services. Vice Mayor Bennett-Parker reported the usage statistics of the Library during the pandemic including well attended virtual events for Constitution Week and Hispanic Heritage Month.

### **\*Visit Alexandria Board of Governors (Vice Mayor Bennett-Parker)**

Vice Mayor Bennett-Parker reported that the Board received a presentation on researching trends and slow recovery for travel during the pandemic, noting that people are feeling better about travel but remaining closer to home and fewer stops than in the past. Vice Mayor Bennett-Parker noted that travel was not expected to return to normal

volume until 2023. Visit Alexandria is planning Alexandria is planning Alexandria Shop Small week for November 27 – December 6 for the holidays.

**\*Northern Virginia Regional Commission (NVRC) (Vice Mayor Bennett-Parker and Councilman Chapman)**

Vice Mayor Bennett-Parker reported that the Commission approved the preliminary FY2022 budget and does not include an increase to per capita dues and renames the environmental division to environmental and resiliency planning adding a new position to address the issue of flooding. Vice Mayor Bennett-Parker noted that the Commission authorized the executive director to sign agreements with transportation technology partners to provide services to military bases in Northern Virginia. Vice Mayor Bennett-Parker noted that there was discussion about electronic participation at meetings. Councilman Chapman noted that most of the Commission was open to the discussion about the electronic participation at meetings.

**\*Washington Metropolitan Area Transit Authority (WMATA) (Councilman Aguirre)**

Councilman Aguirre noted that the WMATA received the audit and the opinion was that the financial statement was unmodified without any compliance issues and he thanked Chair Smedberg for his work on the audit. Councilman Aguirre reported that the rider advisory committee reported the lack of mask distribution and hand sanitizing stations at metro stations and he noted that there is increased communication campaign on the steps WMATA is taking to keep stations clean and safe for ridership.

**\*Alexandria Transportation Commission (Councilman Aguirre and Councilman Chapman)**

Councilman Aguirre reported that the Commission discussed the Transportation Long-Range Plan and the scoring sheets for specific projects, noting that the Commissioners agree with how staff has prioritized the projects. Councilman Aguirre reported that Commission reviewed the electric vehicle charging station strategy.

**\*COG Transportation Planning Board (Councilman Aguirre)**

Councilman Aguirre reported Citizen Advisory Committee is changing its name to the Community Advisory Committee and increasing membership from 15 seats to 21 seats with emphasis on participation.

**\*Potomac Yard Metrorail Implementation Group (PYMIG) (Councilman Aguirre and Mayor Wilson)**

Councilman Aguirre reported that the Metro station is on schedule. Mayor Wilson noted that there is a DSUP amendment to come before Council for consideration soon.

**\*2020 Census Complete Count Committee (Councilman Aguirre)**

Councilman Aguirre thanked staff that worked on the Census Complete Count and helped get the committee work into the community. Councilman Aguirre reported that the City of Alexandria had a self-response rate of 73.7% and the area census office reached 100%.

**\*INOVA Alexandria Health Systems Partners Board (Councilwoman Jackson)**

Councilwoman Jackson reported that received an updated from the Board and discussed vaccine distribution when it is ready. Councilwoman Jackson noted that Dr. Khan from Neighborhood Health reported that a majority of the visits to the clinic are telemedicine instead of walk-ins, with mobility community based testing. Councilwoman Jackson noted that opioid overdoses have increased significantly during the pandemic and the distribution of Narcan has increased. Councilwoman Jackson congratulated the Office of Emergency Management Responses on receiving a Gold Award for Cardiac Care. Councilwoman Jackson reported that patient capacity is below 50% but there has been a significant turnover of staff because of fatigue and PTSD during the pandemic. Councilman Seifeldein reported that the vaccination deployment plan was due to VDHS and they were waiting on approval of the plan.

**\*Children, Youth, and Families Collaborative Commission (Councilwoman Jackson and Councilman Aguirre)**

Councilwoman Jackson reported that the Commission discussed affecting change through policy and concepts by applying a racial equity lens to the master plan for 2025. Councilwoman Jackson also noted that the Commission would focus on inclusion on mental health in the master plan for 2025. Councilman Aguirre recognized Ms. Eickert would work to engage a large group of individuals, particularly youth members, through workshops to gather feedback for master plan. Councilman Aguirre noted that the plan would be implanted in January 2021.

**\*Eisenhower East Design Review Board (Councilwoman Pepper)**

Councilwoman Pepper reported that the Board reviewed the two towers and approved the changes to the plans for the towers and those SUPs will be coming to Council for consideration.

**ORAL REPORT FROM THE CITY MANAGER**

City Manager Jinks reported that many of the streetlights throughout the City have been switched to LED lights and have helped reduced the cost of City's electricity bill, brighter lights and are using less energy.

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER  
CONSENT CALENDAR (4-5)**

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

4. Consideration of the Monthly Financial Report for the Period Ending August 31, 2020.

(A copy of the City Manager’s memorandum dated October 21, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/27/20, and is incorporated as part of this record by reference.)

5. Receipt of the Viewers’ Report for Vacation for the vacation of a portion of the public right-of-way adjacent to 2 East Mason Avenue and along Commonwealth to add area to a residential side yard for a fence.

(A copy of the viewers’ report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 10/27/20, and is incorporated as part of this record by reference.)

**END OF CONSENT CALENDAR**

City Council approved consent calendar items 4 and 5 under separate motions.

4. Consideration of the Monthly Financial Report for the Period Ending August 31, 2020.

(A copy of the City Manager’s memorandum dated October 21, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/27/20, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilwoman Pepper and carried unanimously, City Council received the Monthly Financial Report. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none.

5. Receipt of the Viewers’ Report for Vacation for the vacation of a portion of the public right-of-way adjacent to 2 East Mason Avenue and along Commonwealth to add area to a residential side yard for a fence.

(A copy of the viewers’ report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 10/27/20, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried unanimously, City Council received the viewers’ report for the vacation of a portion of the public right-of-way adjacent to 2 East Mason Avenue and along Commonwealth Avenue to add area to a residential side yard for a

fence. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

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

### 6. Report on the 2021 General Assembly Special Session.

City Council received the report on the 2021 General Assembly Special Session from Legislative Director Sarah Taylor and responded to questions from Council.

### 7. Public Safety and Behavioral Health Response Models.

(A copy of the City Manager's memorandum dated October 21, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/27/20, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Seifeldein, seconded by Councilwoman Jackson and carried unanimously, City Council: (1) directed staff to continue work on policing and behavioral health issues identified in this report, including (a) data outcomes, (b) stakeholder engagement, (c) human services outreach in city facilities, and (d) coordination of the Children and Youth Master Plan Initiatives, and report back with an update to Council in six months; (2) considered resource needs related to policing and behavioral health issues in upcoming budget and policy discussions; and (3) allocate \$75,000 from the FY 2021 Policing Initiatives contingent to fund the recommended data analyst position for half a year. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

A motion was made by Councilman Chapman, seconded by Councilwoman Pepper, to defer docket item #8 and #9

**WHEREUPON**, upon substitute motion by Councilwoman Jackson, seconded by Vice Mayor Bennett-Parker and carried 6-1, to defer docket item #9. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilman Seifeldein; Opposed, Councilwoman Pepper. The motion became the main motion.

**WHEREUPON**, upon motion by Councilwoman Jackson, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council deferred docket item #9. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Pepper; Opposed, none.

\*\*\*Docket item #8 was heard out of order.\*\*\*

8. Office of Historic Alexandria Report on Plans and Initiatives.

(A copy of the presentation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/27/20, and is incorporated as part of this record by reference.)

City Council received the report from the Office of Historic Alexandria on Plans and Initiatives from Director Bulova.

9. Receipt of Proposed Coordinated Community Post-COVID-19 Recovery Plan.

(A copy of the City Manager's memorandum dated October 21, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/27/20, and is incorporated as part of this record.)

This item was deferred until a legislative meeting in November.

\*\*\*Docket Items #10 and #11 were heard out of order.\*\*\*

10. Consideration of the Reallocation of up to \$1.5 Million in Federal CARES Funding for Round 2 of Small Business Assistance Grants and for Winterization and Outdoor Activation Grants.

(A copy of the City Manager's memorandum dated October 21, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/27/20, and is incorporated as part of this record.)

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council approved the allocation of Federal CARES funding to the following business support activities: (1) allocate up to \$995,000 in additional funding towards the second round of small business assistance grants to be administered by the Alexandria Economic Development Partnership (AEDP); and (2) allocate \$500,000 to initiate a Winterization and Outdoor Activation grants program for restaurants, retail, and fitness businesses with permits/permission to operate outdoors, to be administered by the AEDP. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

## **ORDINANCES AND RESOLUTIONS**

11. Passage of an Ordinance to amend Title 5, Chapter 6 of the City Code to update the existing Sewage Disposal Ordinance related to the Discharge of Fats, Oils and Grease (FOG) into the Sanitary Sewer Collection System from Food Service Establishments.

(A copy of the City Manager's memorandum dated October 21, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/27/20, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 10/27/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11; 10/27/20 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council approved on second reading the ordinance that has been updated based on the feedback received from City Council following the introduction of the ordinance on October 6th and the public hearing on October 17th. A copy of the September 30th docket memo to City Council provides background information about Fats, Oils, and Grease (FOG) and a discussion that summarizes the need for a new ordinance and clarified that the date of enactment was July 1, 2021. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none.

The ordinance reads as follows:

**ORDINANCE NO. 5304**

AN ORDINANCE to amend Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended by adding new Division 4 (FATS, OILS, AND GREASE (FOG), FOG MANAGEMENT PROGRAM).

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That Chapter 6 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Division 4 as follows:

**Division 4 - FATS, OILS, AND GREASE (FOG), FOG MANAGEMENT PROGRAM**

**Sec. 5-6-226 - Purpose.**

The purpose of this division is to aid in preventing the introduction and accumulation of fats, oils and grease into the City's sanitary sewer collection system that may cause or contribute to sanitary sewer blockages, obstructions, and sanitary sewer overflows. All new and existing food service establishments and other industrial or commercial establishments generating wastewater containing fats, oils, and grease are subject to this section.

**Sec. 5-6-227 - Application.**

The FOG management program shall apply to all new and existing food service establishments and other industrial or commercial establishments generating wastewater containing fats, oils, and grease within the City of Alexandria.

**Sec. 5-6-228 - Definitions.**

(a) *Fats, oils, and grease (FOG)* shall mean any material, either liquid or solid, composed of fats, oils, or grease from animal or vegetable sources. Examples of FOG include, but are not limited to: kitchen cooking grease, cooking oil, shortening, fat from meats, dairy products, oily sauces, and any organic polar compounds derived from animal and/or plant sources that contain multiple carbon triglyceride molecules. FOG may be referred to herein as "grease" or "greases".

(b) *Food service establishments (FSE)* shall mean any commercial, industrial, institutional, or food processing facility discharging kitchen or food preparation wastewaters including, but not limited to: restaurants, commercial kitchens, caterers, hotels, cafeterias, prisons or jails, care institutions, hospitals, schools, and churches.

(c) *FOG Best management practices (BMPs)* shall mean a collection of industry accepted practices for handling and disposing of FOG laden wastewaters. Examples include, but are not limited to: prohibiting pouring or scraping FOG wastes down the drain; wiping grease out of pots, pans and plates prior to washing; posting "No Grease" signs; retaining operation and maintenance records; and related training of kitchen staff.

(d) *Grease control device (GCD)* shall mean a device used to collect, contain, or remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the sanitary sewer collection system. Devices include, but are not limited to grease interceptors, grease traps, grease recovery devices, and other devices approved by the Director.

(e) *Grease interceptor* shall mean a structure or device, usually located underground and outside of a food service establishment, designed to collect, contain, and remove FOG from the wastewater while allowing the remaining wastewater to be discharged to the City's sanitary sewer collection system by gravity.

(f) *Grease recovery device* shall mean an active, automatic device that separates and removes FOG from the wastewater and cleans itself of accumulated FOG at least once every twenty-four (24) hours.

(g) *Grease trap* shall mean a device, typically located indoors and under the sink, designed for separating and retaining FOG prior to the wastewater exiting the trap and entering the City's sanitary sewer collection system. Such devices are typically passive and compact with removable baffles.

(h) *Director* shall mean director of the department of transportation and environmental services or an authorized designee.

(i) *City's sanitary sewer collection system* shall mean the sanitary sewers owned, maintained, and operated by the City of Alexandria.

**Sec. 5-6-229 - FOG discharge limitations.**

No person shall discharge or cause to be discharged from any food service establishment any wastewater with FOG unless it employs a passive or active system as proscribed in this division.

Under no circumstances shall any food service establishment use the City's sanitary sewer collection system for disposal of FOG, including, but not limited to, discharging undiluted FOG or FOG that is not contained in wastewater into the City's sanitary sewer collection system.

**Sec. 5-6-229.1- Passive system requirements.**

(a) *Grease traps*. A grease trap shall be sized and engineered based upon the anticipated load and/or conditions of actual use and must be approved by an official designated by the City. A grease trap shall receive grease laden waste discharge from major point sources. A floor drain shall not be considered a major point source.

(b) *Grease interceptor*. The size, type, and location of each grease interceptor must be approved by an official designated by the City. Grease interceptors of pre-cast or poured in-place concrete shall be constructed of sound durable material, not be subjected to excessive corrosion or decay, and shall be water and gas tight.

**Sec. 5-6-229.2 - Active system requirements.**

(a) *Grease recovery devices*. Grease recovery devices shall be permitted in lieu of grease interceptors or grease traps as approved by an official designated by the City and in accordance with the following requirements:

(1) *Location*. Grease recovery devices shall receive all grease laden waste discharge from the major point sources. A floor drain shall not be considered a major point source.

(2) *Sizing*. Grease recovery devices shall be sized based upon the anticipated load and/or conditions of actual use.

### **Sec. 5-6-229.3- Installation of Active and Passive systems**

Food service establishments shall be required to install, operate, and maintain all active or passive systems in compliance with this division and the Virginia Plumbing Code or its successors, if applicable, and any other applicable laws. Grease control devices shall be installed prior to the issuance of a certificate of occupancy.

Active and passive systems shall be installed by a plumber licensed in the Commonwealth of Virginia. Prior to installation of grease control devices, any permits required to be obtained in accordance with the Virginia Plumbing Code or its successor must be secured. All systems shall be installed and connected so that it may be readily accessible for inspection, cleaning, and removal of the intercepted food waste and grease at any time.

Under no circumstances shall wastewater containing FOG be directly discharged into the City's sanitary sewer collection system in a manner that circumvents an installed active or passive system.

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#### **Sec. 5-6-229.4- Existing establishments.**

Existing food service establishments in operation as of the effective date of this division shall be allowed to operate and maintain their existing grease control devices, provided such grease control devices are in proper operating condition and not found to be contributing FOG. If its grease control device is determined to be inadequately sized or maintained and is contributing FOG into the City's sanitary sewer collection system, the offending food service establishment shall comply with the requirements of this division.

#### **Sec. 5-6-229.5- Retrofitting and renovations by existing establishments.**

(a) Existing food service establishments may be required to install or upgrade their active or passive system in accordance with this division if such food service establishment is contributing FOG to the sanitary sewer system, as determined by the City of Alexandria.

(b) Food service establishments that are renovated or expanded shall, if required by the Virginia Plumbing Code, install new grease control devices meeting the requirements of such Code.

#### **Sec. 5-6-229.6 - Maintenance of active and passive systems.**

(a) All systems shall be maintained at the owner's expense. Maintenance shall include the complete removal of all contents, including floating material, wastewater, and settled solids. Decanting or discharging of removed waste back into the grease interceptor or private sewer line or into any portion of the City of Alexandria sanitary sewer collection system is prohibited.

(b) Grease interceptors shall be pumped out completely when the total accumulation of FOG, including floating solids and settled solids, exceeds twenty-five percent (25%) of the overall liquid volume. At no time shall a grease control device be cleaned less frequently than once every 3 months unless allowed by the director for good cause shown. Approval may be granted at the director's discretion on a case-by-case basis upon submittal of a request by the food service establishments, documenting reasons for the proposed frequency variance. The director shall not approve any request unless the applicant demonstrates that the frequency will not result in the introduction of any greater quantities of FOG into the City's sanitary sewer collection system than would otherwise be introduced.

(c) All other grease control devices shall be opened, inspected and completely cleaned of food solids and FOG a minimum of once per week, unless allowed by the director for good cause shown. Approval may be granted at the director's discretion on a case-by-case basis upon submittal of a request by the food service establishments documenting reasons for the proposed frequency variance. The director shall not approve any request unless the applicant demonstrates that the frequency will not result in the introduction of any greater quantities of FOG into the City's sanitary sewer collection system than would otherwise be introduced. In no event shall the content of food solids and FOG exceed twenty-five percent (25%) of the overall liquid depth of the device.

(d) The director may establish a more frequent cleaning schedule if the food service establishment is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer collection system.

(e) The use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria are prohibited for use as grease management control; provided, however, that additives may be used to clean the food service

establishment drain lines so long as the usage of such additives will not cause FOG to be discharged from the grease control device to the sanitary sewer system. The use of additives shall not be substituted for the maintenance procedures required by this section.

(f) No materials removed from grease control devices shall be returned into any portion of the City's sanitary sewer collection system.

**Sec. 5-6-229.7 - Record Keeping**

Food service establishments shall retain and make available for inspection, records of all cleaning, maintenance, and disposal (waste manifests) for the previous 18 months for all grease control devices. Cleaning and maintenance records shall include, at a minimum, the dates of cleaning or maintenance, the names and business address of the company or person performing each cleaning or maintenance, the volume of waste removed in each cleaning, the transporter and the disposal site. Such records shall be kept on site and shall be made immediately available to the director or his or her designee. This includes grease that is donated, sent for recycling, or any other form of disposal

**Sec. 5-6-229.8 - Inspection of grease control devices.**

The director, or his or her designee, shall have the right of entry into any food service establishments for the purpose of making inspections, observation, measurements, sampling, testing or records review of the sanitary sewer collection system and active or passive systems installed in such building or premise to ensure that the food service establishment is in compliance with this division. The owner or occupant may accompany the director or his or her designee. Operational changes, maintenance, and repairs required by the director shall be implemented as noted in the written notice received by the food service establishments.

**Sec. 5-6-229.9 - FOG program compliance.**

Compliance with the requirements of the FOG program is mandatory for all food service establishments within the City of Alexandria and may require existing food service establishments to modify or repair any noncompliant active or passive systems and appurtenances as noted in the written notice received by the food service establishments.

If a food service establishment receives written notice requiring installation of an active or passive system, the food service establishment shall install such necessary grease interceptors within 120 days of receipt of the written notification or grease traps within 90 days of receipt of written notification.

**Sec. 5-6-229.10 - Penalties**

(a) It shall be unlawful for any food service establishment to fail to comply with any provision of this division that applies to it. The owner of any such food service establishment that fails to comply with any applicable provision shall be in violation of this division.

(b) Violations of this division shall be addressed, and penalties shall be issued in accordance with City Code 1-1-11. For each violation, the owner shall be liable for a class four civil violation.

(c) Each day that a violation exists or persists shall constitute a separate violation of this chapter.

(d) The remedies provided in this section are cumulative and not exclusive. The designation of a violation of this chapter as a civil violation shall not be construed as prohibiting initiation

of appropriate administrative or civil procedures pursuant to city, state, or federal law to prevent, correct, restrain, or abate violations of the chapter, including injunctive relief.

Section 2. That Chapter 6 of Title 5 is amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective July 1, 2021.

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

1. Councilman Aguirre reported that Senator Warner visited Alexandria to discuss Temporary Protective Status and discuss the issue with the community.
2. Councilman Aguirre thanked staff for the work on the Arlandria-Chirilagua Small Area Plan and work to include all the members of the community offering meetings in English and Spanish.
3. Councilman Aguirre thanked the Chamber of Commerce from restarting Leadership Alexandria, where he, Mayor Wilson, and City Manager Jinks participated in a session.
4. Councilman Chapman reported that the 100th Anniversary Celebration for Parker-Gray was held.
5. Councilman Chapman congratulated Councilman Aguirre on being named 40 Under 40 by the Chamber of Commerce.

## **OTHER**

12. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated October 21, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/27/20, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Vice Mayor Bennett-Parker and carried 6-0, City Council: (1) received the updated FY 2021 City Council Schedule which includes: the City CIP/Process Overview and Major Project Updates Work Session on Thursday, October 29, 2020 at 7:00 p.m. (Virtual); the City CIP/Major Project Updates (continued) on Monday, November 16, 2020 at 7:00 p.m., location TBD; the Joint Work Session with City Council with City Council and ACPS on Tuesday, November 17, 2020 at 7:00 p.m., location TBD; and (2) adopted the FY 2021 City Council Scheduled for October 2020 through July 2021. City Council noted that the November 10 Legislative Meeting, November 14 Public Hearing meeting and the November 7 City Council Retreat would be held virtually. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilman Jackson, and Councilman Seifeldein; Opposed, none; Absent, Councilwoman Pepper.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Seifeldein and carried 6-0, City Council adjourned the legislative meeting of October 27, 2020 at 11:56 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilman Seifeldein; Opposed, none; Absent, Councilwoman Pepper.

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**APPROVED BY:**

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**JUSTIN M. WILSON    MAYOR**

ATTEST:

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Gloria A. Sitton, CMC    City Clerk

Adopted:     February 9, 2021  
Ratified: