

# City of Alexandria

*301 King St., Room 2300  
Alexandria, VA 22314*



## Action Docket

**Tuesday, October 9, 2012**

**7:00 PM**

**Council Chambers**

**City Council Legislative Meeting**

**Present:** Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia Hughes, Redella S. Pepper, Paul C. Smedberg and David Speck.

**Absent:** None.

**Also Present:** Mr. Young, City Manager; Mr. Banks, City Attorney; Mr. Fletcher, Special Assistant to the City Manager; Mr. Gates, Deputy City Manager; Mr. Baier, Director, Transportation and Environmental Services (T&ES); Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Ms. Davis, Director, Office of Housing; Ms. Seau, Division Chief, Office of Housing; Ms. Chis, Executive Deputy Department Director, Department of Community and Human Services (DCHS); Ms. Triggs, Chief Financial Officer/ Director, Finance; Ms. Kidd, Assistant Director, Finance; Ms. Wright, Division Chief, Planning and Zoning; Mr. Spera, Deputy City Attorney; Mr. Skrabak, Deputy Director, T&ES; Mr. Sharma, Division Chief; T&ES; Mr. Tran, Senior Air Pollution Control Specialist, T&ES; Ms. Colton, Regional Program Director, Recreation, Parks and Cultural Activities; Ms. Ludington, Long Term Care Coordinator, DCHS; Ms. Griffin, Director Division on Aging, DCHS; Ms. Layer, Center Director, DCHS; Mr. Martinez, ITS; Police Captain Wemple; and Mr. Lloyd.

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

### **The Mirant Monitoring Group Will Hold a Reception at 6:30 p.m. in the Vola Lawson Lobby at City Hall.**

*A reception was held in the the Vola Lawson Lobby honoring the Mirant Monitoring Group.*

#### **1 Calling the Roll.**

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

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

[13-0736](#)

Roll-Call Card

#### **2 Moment of Silence and Pledge of Allegiance.**

*All participated in the moment of silence and recited the Pledge of Allegiance.*

**All participated in the moment of silence and recited the Pledge of Allegiance.**

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

[13-0720](#)

The Regular Meeting Minutes of September 27, 2012.

*City Council approved the regular meeting minutes of September 27, 2012.*

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously, City Council approved the regular meeting minutes of September 27, 2012. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck. Opposed, None.

## **RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL**

**None.**

## **PROCLAMATIONS**

- 4**      [13-0714](#)      Presentation of a Proclamation Recognizing the Work of the Mirant Community Monitoring Group.

*City Council endorsed the Proclamation.*

**(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/09/12, and is incorporated as part of this record by reference.)**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council endorsed the proclamation. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, None.

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (five min.)**

### **CONSENT CALENDAR**

**(5-12)**

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

- 5**      [13-0715](#)      Receipt of the Following Resignations From Members of Boards, Commissions and Committees:

- (a) Beautification Commission  
Tom Walczykowski
- (b) Children, Youth and Families Collaborative Commission  
Carrie Stoltz
- (c) Environmental Policy Commission

Kristen Nelson

**( 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. 5; 10/09/12, and is incorporated as part of this record by reference.0**

### **Uncontested Appointments to Boards, Commissions and Committees:**

**6**      [13-0717](#)      Uncontested Appointments to Boards, Commissions and Committees:

(a) Carr/Norfolk Southern (Carlyle) Design Review Board  
1 Citizen Member

(b) Commission on Aging  
1 Representative From the Commission for Women

(c) Commission on Persons with Disabilities  
1 Citizen Member

(d) Real Estate Assessment Review Board  
1 Citizen Member

(e) Urban Design Advisory Committee  
1 North Old Town Resident

**(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. 6; 10/09/12, and is incorporated as part of this record by reference.)**

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

**7**      [13-0548](#)      Consideration of Selection of the Artist Team For Public Art for the Contrabands and Freedmen's Cemetery Memorial.

**(A copy of the City Manager's report dated October 3, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/09/12, and is incorporated as part of this record by reference.)**

**8**      [13-0632](#)      Consideration of Acceptance of a Funding Allocation From the National Capital Region (NCR), Urban Area Security Initiative (UASI) in the Amount of \$487,000 for City of Alexandria Emergency Management Programs.

**(A copy of the City Manager's report dated October 3, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/09/12, and is incorporated as part of this record by reference.)**

**9**      [13-0579](#)      Consideration of Release of Funds from FY 2013 Contingent Reserves for the Implementation of Sunday Meals on Wheels Delivery.

**(A copy of the City Manager's report dated October 3, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No.**

9; 10/09/12, and is incorporated as part of this record by reference.)

- 10     [13-0725](#)     Consideration of the Monthly Financial Report for the Period Ending August 31, 2012.
- (A copy of the City Manager's report dated October 3, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/09/12, and is incorporated as part of this record by reference.)**
- 11     [13-0563](#)     Introduction and First Reading. Consideration. Passage on First Reading of An Ordinance Authorizing the Owners of the Property Located at 401 East Braddock Road (Parcel Addresses: 401, 405 East Braddock Road; 515 Mount Vernon Avenue) to Construct and Maintain an Encroachment For an Ornamental Wall, Raised Planters and Planting Beds in a Portion of the Public Right of Way at That Location. (Project Name: Yates Corner)
- (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. 11; 10/09/12, 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. 11; 10/09/12, and is incorporated as part of this record by reference.)**
- 12     [13-0630](#)     Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Authorizing the United States General Services Administration (GSA) to Construct and Maintain an Encroachment for a Perimeter Security Line Consisting of Hardened Garden Fences, Retractable and Non-retractable Bollards and Security Booths Within the Public Access Easement for the Public Right of Ways Known as Jamieson Avenue, Courthouse Square South, and Elizabeth Lane All Adjacent to the Albert V. Bryan United States Federal Courthouse.
- (A copy of the City Manager's report dated October 3, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/09/12, 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. 12; 10/09/12, 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 Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item no. 12; 10/09/12, and is incorporated as part of this record by reference.)**

## END OF CONSENT CALENDAR

*City Council approved the consent calendar. The City Manager's recommendations were as follows:*

5. *City Council received the following resignations with regret: (a) Tom Walcykowski,*

*Beautification Commission; (b) Carrie Stoltz, Children, Youth and Families Collaborative Commission; and (c) Kristen Nelson, Environmental Policy Commission.*

6. *City Council made the following appointments to boards and commissions: (a) reappointed Alvin Boone as the citizen member to the Carr/Norfolk Southern (Carlyle) Design Review Board; (b) reappointed Joan Dodaro as the representative from the Commission for Women to the Commission on Aging; (c) appointed Mark Friese as the citizen member to the Commission on Persons with Disabilities; (d) reappointed Leon Duncan as the citizen member to the Commission on Persons on Disabilities; and (e) appointed Roger Waud as the North Old Town Resident to the Urban Design Advisory Committee.*

7. *City Council: (1) received the recommendation of the Alexandria Commission for the Arts and (2) scheduled a public hearing on Saturday, October 13.*

8. *City Council: (1) authorized the City Manager to accept the funding from the Urban Area Security Initiative grant program in the amount of \$487,000; and (2) authorized the City Manager to execute all the necessary documents that may be required.*

9. *City Council authorized the allocation of \$39,983 in previously designated funds from the FY 2013 General Fund Contingent Reserves to the Department of Community and Human Services for implementation of Sunday Meals on Wheels, pending verification that program costs will not exceed the allocated amount for the remainder of the fiscal year.*

10. *City Council received the City's Monthly Financial Report for the period ending August 31, 2012.*

11. *City Council introduced the ordinance, passed it first reading and scheduled it for public hearing, second reading and final passage on October 13, 2012.*

12. *City Council introduced the ordinance, passed it first reading and scheduled it for public hearing, second reading and final passage on October 13, 2012.*

**WHEREUPON, upon motion by Councilwoman Hughes, seconded by Vice Mayor Donley and carried unanimously, City Council approved the consent calendar. The City Manager's recommendations were as follows:**

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The vote was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

## CONTESTED APPOINTMENTS

13      [13-0716](#)      Alexandria-Caen Sister City Committee  
2 Citizen Members

*City Council reappointed Dean DeGood and appointed Jessica Krantz as the two citizen members to the Alexandria-Caen Sister City Committee.*

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

**NAME:            ENDORSED BY:**

Dean DeGood  
Jessica Krantz    Kathleen Barnett, Alexandria-Caen Sister City Committee  
Peter Smith

(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. 13; 10/09/12, 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 reappointed Dean DeGood and appointed Jessica Krantz as the two members to the Alexandria Caen Sister City Committee. The vote was as follows:

Euille – DeGood, Krantz  
Donley – DeGood, Krantz  
Fannon – DeGood, Krantz

Hughes – DeGood, Krantz  
Pepper – DeGood, Krantz  
Smedberg – DeGood, Krantz  
Speck – DeGood, Krantz

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

None.

## REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

## ORAL REPORTS BY MEMBERS OF CITY COUNCIL

## ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

*Mayor Euille acknowledged October as Breast Cancer awareness month and noted that the City would have its annual Breast Cancer walk on October 20 at the AMC Hoffman Theater.*

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## ORAL REPORT FROM THE CITY MANAGER

*None.*

**None.**

## ORDINANCES AND RESOLUTIONS

- 14**     [13-0647](#)     Consideration of a Resolution Designating the Acting City Manager During Temporary Absence of the City Manager. [ROLL-CALL VOTE]
- City Council repealed Resolution 2486 and adopted a resolution designating the acting City Manager during temporary absence of the City Manager. (RES. NO. 2524)*
- (A copy of the City Manager's report dated October 3, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/09/12, and is incorporated as part of this record by reference.)**
- WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council repealed Resolution 2486 and adopted resolution designating the acting City Manager during temporary absence of the City Manager. The vote was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, None.**

The resolution reads as follows:

**RESOLUTION NO. 2524**

**WHEREAS, Section 4.05 of the City Charter provides that, in the event of the temporary absence, disability or resignation of the City Manager, the City Council may by resolution appoint a person to perform the duties of City Manager until the Manager returns to duty, or a successor to the City Manager is duly appointed.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA:**

**1. That, in the scheduled absence of City Manager Rashad M. Young, the City Manager may designate one of the following individuals to be appointed and authorized to perform the duties of the City Manager: Deputy City Manager/Chief of Staff Tom Gates, Deputy City Manager Michele Evans, Deputy City Manager Mark Jinks, or Deputy City Manager Debra Collins;**

**2. In the event the City Manager is unable to perform his duties due to illness, emergency or other unforeseen situation, and is unable to designate a person according to Section 1 above, the following is the order in which these persons shall assume the position of Acting City Manager:**

**(a) Deputy City Manager/Chief of Staff Tom Gates, until Mr. Young returns to duty;**

**(b) In the absence of Tom Gates, Deputy City Manager Michele Evans, until either Mr. Young or Mr. Gates returns to duty;**

**(c) In the absence of Mr. Young, Mr. Gates, and Ms. Evans, Deputy City Manager Mark Jinks, until Mr. Young, Mr. Gates, or Ms. Evans returns to duty; and**

**(d) In the absence of Mr. Young, Mr. Gates, Ms. Evans, and Mr. Jinks, Deputy City Manager Debra Collins until Mr. Young, Mr. Gates, Ms. Evans, or Mr. Jinks returns to duty;**

**3. That this resolution shall take effect upon its adoption, and shall replace Resolution No. 2486, which shall be, and hereby is, rescinded.**

**15**      [13-0631](#)

Consideration of Resolution from the Landlord-Tenant Relations Board Regarding the Voluntary Rent Guidelines. [ROLL-CALL VOTE]

*City Council adopted a resolution from the Landlord-Tenant Relations Board regarding the Voluntary Rent Guidelines. (RES. NO. 2525)*

**(A copy of the City Manager's report dated October 3, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/09/12, and is incorporated as part of this record by reference.)**

**WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted a resolution from the Landlord Tenant Relations Board regarding the Voluntary Rent Guidelines. The voting was as follows: In favor, Mayor Euille,**

Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg, and Councilman Speck; Opposed, None.

The resolution reads as follows:

**RESOLUTION NO. 2525**

**2012 VOLUNTARY RENT GUIDELINES RESOLUTION  
CITY OF ALEXANDRIA, VIRGINIA**

**WHEREAS, more than half of the dwelling units in the City of Alexandria are renter-occupied; and**

**WHEREAS, the Alexandria City Council has continually expressed its concern for the well-being of the City's tenants and landlords through proposed charter changes, legislation, and establishment of the Landlord-Tenant Relations Board; and**

**WHEREAS, the Alexandria Landlord-Tenant Relations Board has previously expressed its concern to the City Council regarding excessive rent increases;**

**NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alexandria, Virginia calls upon the Alexandria Landlord-Tenant Relations Board to monitor and investigate complaints of rent increases in excess of the following guidelines and to conduct a review of the guidelines every six months and forward recommendations to Council at a minimum of every 12 months:**

- **If the tenants pay all utilities, not more than five percent cumulatively per year;**
- **If all utilities are included in the rental amount, not more than seven percent cumulatively per year;**

**PROVIDED, however, that Board investigators will recognize and take into account any unusual costs, capital improvements and major repairs to the property (which should be substantiated by the owner), and extraordinary increases (more than 50%) in assessments;**

**PROVIDED, further, that the landlord may apportion increased real estate taxes in an equitable manner;**

**PROVIDED, further, that when a landlord converts utilities to a sub-metered or individually metered system, the amounts of monthly rents, plus annualized utility costs, shall remain within these guidelines.**

**BE IT FURTHER RESOLVED that the Landlord-Tenant Relations Board will report to City Council on the adequacy of the above guidelines in 2013.**

**IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Alexandria to be affixed this 9th day of October, 2012.**

Ordinance. [ROLL-CALL VOTE]

*City Council passed the ordinance to adopt Supplement Number 56 of the Zoning Ordinance. (ORD. NO. 4774)*

**(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. 16; 10/09/12, 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. 16; 10/09/12, and is incorporated as part of this record by reference.)**

**WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council passed the ordinance to adopt Supplement Number 56 of the Zoning Ordinance. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg, and Councilman Speck; Opposed, None.**

The ordinance reads as follows:

**ORDINANCE NO. 4774**

**AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.**

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

**Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 56," are hereby adopted as and shall constitute "The Fifty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."**

**Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 28, 2011 and June 26, 2012 inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.**

**Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it**

affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 28, 2011 and June 26, 2012, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 26, 2012.

Section 4. That one complete set of pages comprising "The Fifty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

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

## OTHER

17      [13-0682](#)      Consideration of City Council Schedule.

*City Council: (1) scheduled a work session with the ATC Annual Stockholders and DASH at 5:30 p.m. before Council's Tuesday, February 26 legislative meeting; and (2) approved the City Council Schedule.*

(A copy of the City Manager's report dated October 3, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/09/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Vice Mayor Donley and carried unanimously, City Council: (1) scheduled a work session with the ATC Annual Stockholders and DASH at 5:30 p.m. before Council's Tuesday, February 26 legislative meeting; and (2) approved the City Council Schedule. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg, and Councilman Speck; Opposed, None.

## Adjourn.

*The meeting was adjourned at 7:45 p.m.*

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the regular meeting of October 9, 2012, at 7:45 p.m. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, None.

*Note: The action docket is a summary of Council's meeting deliberations prepared largely for staff follow-up. Formal minutes of the meeting, when approved by Council become the official record of the meeting and of Council decisions made at the meeting.*