

LEGISLATIVE UPDATE
Actions of the City Council for December 10, 2012
Revised: 12-11-12

The following legislation was considered and acted upon by the City Council of the City of Falls Church. Copies of legislation are available from the City Clerk, Kathleen Buschow, 703-248-5014.

Legislation

Public Hearing: (TR12-41) RESOLUTION GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO MURPHY BROTHERS, INC. THROUGH 2014

PASSED on roll call vote, unanimously 7-0. (Res. 2012-34)

(TR12-39) RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO AMEND SECTION 6.01 OF THE CITY CHARTER TO PROVIDE FOR TO PROVIDE THE CITY COUNCIL WITH THE ABILITY TO ALIGN FISCAL YEARS AND TAX YEARS BY ORDINANCE

PASSED on roll call vote, unanimously 7-0. (Res. 2012-35)
NOT effective until signed by the Governor.

(TR12-36) RESOLUTION ADOPTING THE CITY OF FALLS CHURCH 2013 LEGISLATIVE PROGRAM

PASSED on roll call vote, unanimously 7-0. (Res. 2012-36)

(TR12-40) RESOLUTION PROVIDING GUIDANCE TO THE CITY MANAGER ON THE DEVELOPMENT OF THE FY2014 CITY BUDGET

PASSED on roll call vote, unanimously 7-0. (Res. 2012-37)

Consent Calendar

o *Appointments*

(1) New Appointments

(a) Brian Williams – Economic Development Authority – (12/01/12) – 11/30/16

(b) Erik Pelton – Economic Development Authority – (12/01/10) – 11/30/14

CONSENT PASSED on roll call vote, unanimously 6-0, with Mr. Tarter ABSTAINING.

Other Business

Approval of Minutes – None.

Closed Session

Prior to moving into Closed Session, Mayor Baroukh provided the following:

NADER BAROUKH DISCLOSURE

Post office lot, city center area, EDA property, Atlantic project, and Hitt/ Rushmark project.

While I understand that I am not required to make a disclosure, as a prudential matter, after extensive discussions with the City Attorney, pursuant to VA Code, §§ 2.2-3112 and -3115.G., I would like to disclose as a matter of prudence that:

- 1) Regarding the Post Office lot, EDA property, the Atlantic project, Hitt/Rushmark project, and city center area;
- 2) That (a) I own property at 243 Gundry Dr. and among other things I was a member of the Board of the Winter Hill Community Association and other groups and was a member of the major design team; and the my wife is President of the Association and (b) the Association previously provided comments on the Atlantic project and I also provided comments;
- 3) I am a member of groups (including but not limited to homeowners) which may be affected by the project;
- 4) Based on my review and discussion with the City attorney and given that the project will affect the City as a whole with regard to, among other things, fiscal matters, planning, development, and housing policies, I believe that I can participate in the transactions fairly, objectively, and in the public interest.

Council went into Closed Session at 9:10 p.m. pursuant to § 2.2-3711(A)7. Consultation with legal counsel and briefings by staff members pertaining to actual contract negotiation, where such consultation or briefing in open meeting would adversely affect the negotiating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. [City of Falls Church vs. Atlantic Realty]

Council came out of Closed Session at 9:38 p.m.

Mayor Baroukh noted his disclosure made prior to going into Closed Session.

MOTION: Ms. Barry MOVED, seconded by Mr. Kaylin, on the recommendation of the City Attorney, that the City Council authorize the City Attorney to settle the litigation styled *City of Falls Church, et al. v. Atlantic Realty Companies*, according to the terms and conditions discussed in Closed Session.

ROLL CALL VOTE: There being no further discussion, the Mayor asked the Clerk to call the roll on the motion:

Ms. Barry: YES

Mr. Duncan: YES

Mr. Kaylin: YES
Mr. Peppe: YES
Mr. Snyder: YES
Mr. Tarter: YES
Mayor Baroukh: YES

The motion PASSED 7-0.

Adjournment

Upon proper motion and unanimous voice vote, the meeting was ADJOURNED at 9:39 p.m.

Check List

	Legislation	Done
Agendas-Notices-Legislative Updates	Res. 2012-34 Res. 2012-35 Res. 2012-36 Res. 2012-37	
Update Code Book	Res. 2012-35 not effective until signed by the Governor in 2013	

The City of Falls Church is committed to the letter and spirit of the Americans with Disabilities Act. This document will be made available in alternate format upon request.
Call 703 248-5014 (TTY 711).