

LEGISLATIVE UPDATE

Actions of the City Council for February 22, 2010

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.

Closed Session: Pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia for "[c]onsultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigation 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. [FCWA v. City of Falls Church].

Following the general public comment period, Council went into closed session at 8:45 p.m. and returned to open session at 9:25 p.m.

Other Motions

Motion: Mr. Lippman MOVED, seconded by Mr. Snyder, that the City Council authorize the City Attorney, in consultation with outside counsel at the law firm of Reed smith to respond to the counteroffer from the Fairfax County Water Authority in *Fairfax County Water Authority v. City of Falls Church*, Case No. 2008-16114, and to make a revised offer to resolve the case, all according to the terms discussed in Closed Session.

PASSED on roll call vote, unanimously 7-0.

Legislation

(1) **(TO10-03-Rev)** Ordinance To Amend Chapter 48, Zoning, Of The Code Of The City Of Falls Church, Virginia, By Adding A New Section 48-455(3), Special Exceptions In The B-1, Limited Business District; Section 48-488(4), Special Exceptions In The B-2, Central Business District; And Section 48-523(3), Special Exceptions In The B-3, General Business District Uses; In Order To Allow By Special Exception, With Approval Criteria, Modifications To The Off-Street Parking And Loading Requirements.

MOTION TO DEFER public hearing and final passage to March 22, 2010
PASSED on roll call vote, unanimously 7-0.

(2) **(TO10-04)** Ordinance To Amend Chapter 48, Zoning, Of The Code Of The City Of Falls Church, Virginia, By Adding A New Section 48-1142(F) In Order To Provide For An Administrative Site Plan Amendment Process To Allow The Planning Director To Permit, With Approval Criteria, The Construction Or Modification Of A Patio Or Attached Open Deck Or Porch In Site Planned Communities Where Such Features Were Not Shown On The Approved Site Plan.

PASSED on roll call vote, unanimously 7-0. (Ord. 1840)

(3) **(TO10-05)** Ordinance To Revise Chapter 26 Of The Falls Church City Code, “Motor Vehicles And Traffic, Article V, “Towing And Immobilization Of Vehicles,” Section 26-136, “Towing Advisory Board” and Section 26-138, “Removal Of Trespassing Vehicles By Owners Of Parking And Other Lot Or Building” In Accordance With The Code Of Virginia As Of July 1, 2009

PASSED on roll call vote, unanimously 7-0, with second reading and public hearing scheduled for March 8, 2010.

Consent Calendar

(1) Authorize the City Manager to Award a Contract to AM-Liner East, Inc. for Sewer Main Lining in Various Locations of the City Sewer System in the Amount of \$400,000.00

CONSENT MOTION: MOVE to Authorize the City Manager to Award a Contract to AM-Liner East, Inc. for Sewer Main Lining in Various Locations of the City Sewer System in the Amount of \$400,000.00.

(2) Confirmation of Resolution 2010-09, Rescinding the Declaration of Local Emergency of February 5, 2010

CONSENT MOTION: MOVE to confirm Resolution 2010-09, Rescinding the Declaration of Local Emergency of February 5, 2010

CONSENT ITEMS PASSED on roll call vote, unanimously 7-0.

Other Business – None.

Appointments

(1) New Appointments

- (a) Ms. Beth Stoffel - Recreation and Parks Advisory Board - (09/01/08) – 08/31/11
- (b) Mr. John O. Metya - Long Range Financial Working Group - (02/22/10) - 07/01/11
- (c) Mr. Anthony Scardino - Long Range Financial Working Group - (02/22/10) - 07/01/11
- (d) Mr. Mike Novotny - Zoning Ordinance Advisory Council - (12/08/08) -12/31/10

(2) Reappointments

- (a) Ms. Bea Brady – Senior Citizens Commission - 03/01/10 – 02/28/13
- (b) Ms. Anne Norloff - Northern Virginia Juvenile Detention Commission - 01/01/10 – 12/31/12
- (c) Ms. Anna Dworken - Human Services Advisory Commission - 03/01/10 – 02/28/13
- (d) Mr. William Schellstede - Environmental Services Council - 03/01/10 – 02/28/13

(e) Ms. Linda Neighborgall - Girls' Home Advisory Board - 10/01/09 – 09/30/13

(3) The City Council was requested to make the recommendation that the City Attorney submit a Praecepte and Order to the Arlington County Circuit Court requesting the appointment of Mr. Jamie Craig to the City's Board of Equalization for the term of February 1, 2010 through January 31, 2013.

(4) Term Correction - The City Council was requested to correct the terms of the previously appointed members of the Long Range Financial Working Group to match the terms set in Resolution 2009-27.

(a) Mr. Richard Sommerfeld – 12/14/09 – 07/1/11

(b) Mr. Tom Kaye – 12/14/09 – 07/01/11

(c) Mr. Greg Rasnake – 12/14/09 – 07/01/11

All appointments PASSED on roll call vote, unanimously 7-0.

Approval of Minutes

Approval of the minutes of the October 26, 2009 and November 23, 2009 City Council meetings.

Minutes of October 26, 2009 APPROVED on voice vote, 5-0, with Mayor Gardner and Mr. Snyder abstaining.

Minutes of November 23, 2009 APPROVED unanimously on voice vote, as presented.

Adjournment

Upon proper motion and unanimous voice vote, the meeting was ADJOURNED at 10:50 p.m.

Check List

	Legislation	Done
Agendas-Notices-Legislative Updates	Res. 2010-09 Ord. 1840	
Update Code Book	Ord. 1840	

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