

200
1-13-01

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, December 16, 2000 - - 9:30 a.m.**

Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mrs. Godwin, Assistant City Manager; Ms. Bertsch, Acting Public Information Officer; Mr. Baier, Director of Transportation and Environmental Services; Ms. Ross; Deputy Director of Planning and Zoning; Ms. Fogarty, Director of Planning and Zoning; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Ms. Johnson, Division Chief, Planning and Zoning; Ms. Beeton and Mr. Cox, Urban Planners, Planning and Zoning; Mr. Smith, Principal Staff, Boards of Architectural Review; City Engineer Baker; Mr. Skrabak, Chief, Environmental Health, Transportation and Environmental Services; Ms. Barnett, Deputy Director of Recreation, Parks and Cultural Activities; Dr. Claiborn, Director of Mental Health, Mental Retardation and Substance Abuse; Fire Chief Hawkins; and Deputy Police Chief Hilleary.

Recorded by: Ms. Susan K. Seagroves, Deputy City Clerk and Clerk of Council.

OPENING

The Meeting was called to Order by Mayor Donley, and the Deputy City Clerk called the Roll; all Members of City Council were present.

2. Public Discussion Period.

(a) Bert Ely, 200 South Pitt Street, representing the Coalition for a Sensible Bridge, addressed issues arising from the construction of the Woodrow Wilson Bridge relating to construction traffic, parking, noise, and staging areas.

(A copy of Mr. Ely's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(a); 12/16/00, and is incorporated herewith as part of this record by reference.)

Mayor Donley asked Councilman Euille and Councilman Cleveland, who represent City Council on the Woodrow Wilson Bridge Task Force, to take this under advisement and work with the Woodrow Wilson Bridge officials to get some of those plans amended that have been submitted by Maryland.

Councilman Euille explained that all these items were discussed at the first organizational meeting of the task force last Thursday evening, and staff was directed to do just what Mr. Ely has indicated.

(b) Julie Crenshaw, 816 Queen Street, complimented Members of Council for their participation in the Jones Point Park/Woodrow Wilson Bridge process, and she expressed support for the community gardens and for the protection of the wetlands near the playing fields at Jones Point.

(c) Sofia Estevez, 733 Bernard Street, spoke to the situation at Bernard Street with Mason Hall Apartments and requested that the gates be closed.

City Manager Sunderland reported on discussions with the Mason Hall Apartments over the last three weeks. An agreement was reached with them which was distributed to the North East Citizens' Association last night for their comments. This agreement calls for the closing of the gates, and it will come back to Council in the form of an amendment to the vacation ordinance.

(d) Mark Kartchner, 805 Bernard Street, spoke to his concerns about safety and requested the gates be closed.

(e) Marianne Kartchner, 805 Bernard Street, reiterated the request that the gates be closed.

(f) Edward O'Keefe, 1310 Michigan Avenue, spoke to the situation with Mason Hall Apartments.

(g) Barbara Clark, 731 Bernard Street, objected to the extra conditions to the agreement that City Manager Sunderland spoke about, and she restated the residents' original request for fencing.

(A copy of the first page of the petition and a memorandum from former Planning and Zoning Director Lynn dated April 13, 1999, is in file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 2(g); 12/16/00, and is incorporated herewith as part of this record by reference.)

(h) Poul Hertel, 1217 Michigan Court, representing North East Citizens' Association, thanked City Council for their efforts concerning Slaters Lane. He spoke to safety issues and asked that the vacation be given to Mason Hall with no conditions, and that the City erect the fence at the end of Bernard Street.

City Attorney Pessoa clarified that the plan staff has worked out is a settlement of the law suit with Mason Hall which he feels is better than a simple vacation.

Mayor Donley suggested that City Manager Sunderland and he meet with Mr. Hertel and some of the citizens to go over the agreement and asked the City Manager to schedule that within the next two weeks.

City Manager Sunderland restated that the legal view is that if the City wants to close the gates, that needs to be done through an agreement. Mason Hall has to close it on their own because the City does not have the authority to erect something on the public right-of-way. This agreement accomplishes what the neighbors want, which is to close the gates and get the cars off the streets. If we don't accomplish it this way, unless the legal view changes, we don't have another way to accomplish it.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-13)

Planning Commission

Without Objection, City Council removed docket item nos. 3, 4, 5, 10 and 12 from the Action Consent Calendar and considered them under separate motions.

6. SPECIAL USE PERMIT #2000-0134 -- 3101 PARK CENTER DRIVE -- Public Hearing and Consideration of a request for a special use permit to operate a convenience store located within the lobby of an office building; zoned CRMU-H/Commercial Residential Mixed Use. Applicant: Hyung C. Kim.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/16/00, and is incorporated herewith as part of this record by reference.)

7. SPECIAL USE PERMIT #2000-0135 -- 50 SOUTH PICKETT STREET, #24 -- PICKETT CENTER -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial General. Applicant: Samson Beyen.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 12/16/00, and is incorporated herewith as part of this record by reference.)

8. SPECIAL USE PERMIT #2000-0139 -- 111-119 E REED AVENUE -- NATIONAL CAR RENTAL -- Public Hearing and Consideration of a request for a special use permit amendment to extend the time of approval for an existing automobile maintenance, sales and storage business; zoned CSL/Commercial Service Low and RB/Residential. Applicant: National Car Rental System, Inc., by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 12/16/00, and is incorporated herewith as part of this record by reference.)

9. SPECIAL USE PERMIT #2000-0145 -- 107 NORTH WEST STREET -- MARIO'S GOURMET ALLEY -- Public Hearing and Consideration of a request for a special use permit for a wholesale business; the applicant also operates a retail business at this location; zoned CD/Commercial Downtown. Applicant: Dobbin Enterprises, Inc., by Nancy Perez.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 12/16/00, and is incorporated herewith as part of this record by reference.)

11. REZONING #2000-0005 -- 3-5-7-9 EAST MAPLE STREET -- Public Hearing and Consideration of a request to change the zoning of the subject property from R-2-5/Residential to RB/Residential. Applicant: Gerald E. and Jean A. Lee, Leon Duncan, Mira Kuic, Mary Morrison and John Perlman.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/16/00, and is incorporated herewith as part of this record by reference.)

13. SPECIAL USE PERMIT #2000-0141 -- 33 SOUTH PEYTON STREET -- SAINT COLETTA -- Public Hearing and Consideration of a request for a special use permit to operate a private school to provide vocational training and employment resources for adults with mental retardation or autism; zoned OCH/Office Commercial High. Applicant: St. Coletta of Greater Washington, Inc., by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 12/16/00, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Action Consent Calendar, with the exception of docket item nos. 3, 4, 5, 10 and 12 which were considered under separate motions. The recommendations of the Planning Commission are as follows:

6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation.
9. City Council approved the Planning Commission recommendation.
11. City Council approved the Planning Commission recommendation.

13. Councilwoman Pepper noted a problem with the line of school buses on South Peyton Street as they wait for the children, which will only be worse with Council's approval of this request. Council must remember that as any other applications come forward there just is not room unless the school can make other provisions for the storage of the buses as they wait for the kids. She feels that this is really an inappropriate site for such a school.

City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

Euille	"aye"	Eberwein	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

3. DEVELOPMENT SPECIAL USE PERMIT #2000-0048 -- 1456 DUKE STREET -- MARRIOTT RESIDENCE INN -- Public Hearing and Consideration of a request for a development special use permit amendment to reduce the amount of parking provided for the hotel; zoned OCH/Office Commercial High. Applicant: Marriott, Inc. and Residence Inn by Marriott, Inc. and 1460 Duke, LLC, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 12/16/00, and is incorporated herewith as part of this record by reference.)

Responding to Councilwoman Eberwein's inquiry about Zoning Ordinance parking requirements, Planning and Zoning Director Fogarty reported that one of the studies the department will be undertaking over the next several months will be a study of the parking needs by zoning category, starting with residential and then looking at commercial. They will also be looking at parking space size for opportunities for greater economy of scale.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Eberwein	"aye"	Cleveland	"aye"
Pepper	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

4. SPECIAL USE PERMIT #2000-0129 -- 4948 EISENHOWER AVENUE, #B -- BUILD AMERICA SIX WAREHOUSE -- Public Hearing and Consideration of a request for a special use permit to change the ownership of an automobile repair garage; zoned OCM/Office Commercial Medium. Applicant: Rodolfo A. Herbel and Nelly E. Herbel.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 12/16/00, and is incorporated herewith as part of this record by reference.)

WHEREUPON, a motion was made by Councilwoman Eberwein and seconded by Vice Mayor Cleveland, to approve the Planning Commission recommendation with a change to condition #2 to allow the applicant to continue to operate until 8:00 p.m., Monday through Saturday.

Members of Council participated in a discussion on the proposed change to condition #2 which would change the closing hour from 7 p.m. to 8 p.m. Councilwoman Eberwein explained it would comport with what the applicant is actually doing now and would just let them operate as they currently do. She felt this would be beneficial to a small business; however, she did not speak to them about the change.

Mayor Donley noted in the application that the applicant requested 8 a.m. to 7 p.m. on Monday through Friday, and 8 p.m. to 3 p.m. on Saturday; staff actually gave them an extra four hours on Saturday.

Planning and Zoning Deputy Director Ross explained that the 7 p.m. time was chosen because that is what they asked for; the 8 p.m. practice was a predecessor operator.

[Ms. Eberwein noted that the applicants had been informed by the City that their current 8 p.m. time was in violation of the original SUP closing time of 7 p.m.]

Members of Council participated in further discussion.

Councilman Speck requested the maker and the seconder of the motion if they would agree to make the motion as an amendment so Council can vote on it separately, which they did agree to.

Mayor Donley stated that the first vote will be whether to change the hours, and then there will a vote on the main motion which would be the passage of the special use permit.

WHEREUPON, Council returned to the motion made by Councilwoman Eberwein, seconded by Vice Mayor Cleveland, to amend condition #2 to close at 8 o'clock [p.m.] on Monday through Saturday, to continue their existing hours of operation, which motion FAILED on a vote of 3-to-4. The voting was as follows:

Eberwein	"aye"	Euille	"no"
Cleveland	"aye"	Pepper	"no"
Donley	"aye"	Speck	"no"
		Woodson	"no"

THEREUPON, Council returned to the main motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, to approve the Planning Commission recommendation. The voting was as follows:

Eberwein	"aye"	Euille	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

5. SPECIAL USE PERMIT #2000-0132 -- 816 NORTH SAINT ASAPH STREET -- Public Hearing and Consideration of a request for a special use permit to operate a commercial school (dance studio) with a reduction of off-street parking; zoned CD-X/Commercial Downtown. Applicant: Carlos M. Balmaceda.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/16/00, and is incorporated herewith as part of this record by reference.)

[Ms. Eberwein made positive comments regarding the application.]

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Eberwein	"aye"	Euille	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

10. SPECIAL USE PERMIT #2000-0124 -- 600 RUSSELL ROAD -- MAURY ELEMENTARY SCHOOL -- Public Hearing and Consideration of a request for a special use permit for a trailer for classroom use; zoned R-5/Residential. Applicant: Alexandria City Public Schools, by Mark F. Krause.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/16/00, and is incorporated herewith as part of this record by reference.)

A copy of a letter from Margaret Ann Jones dated December 7, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 12/16/00, and is incorporated herewith as part of this record by reference.)

Mayor Donley spoke to condition #6 which requires the School Board to recommend that the Capital Improvement budget for the media center addition to the school be moved up by one year. He noted that this is a financial commitment that involves the expenditure of public funds, and while it doesn't obligate the School Board to approve it nor does it obligate the City Council to approve it, this is a condition in a land use application. Mayor Donley stated that the School Board and neighbors can strike an agreement and they can bring it forward; however, his recommendation is that this condition be eliminated from the land use application.

[Ms. Eberwein, concurring with the Mayor, also recommended striking condition #7.]

Planning and Zoning Deputy Director Ross pointed out that this is not standard language but language which representatives of the School Board and neighbors worked out in agreement among themselves. They presented it to the Planning Commission, both sides said they agreed, and Planning Commission directed staff to include these as conditions.

For the record, Councilman Speck stated that in removing condition #7, the inference is not that Council doesn't want the School Board to be working with the neighborhood.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation as amended by deleting conditions #6 and #7. The voting was as follows:

Eberwein	"aye"	Euille	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

12. **DEVELOPMENT SPECIAL USE PERMIT #2000-0045 -- 800-804 NORTH COLUMBUS STREET --** Public Hearing and Consideration of a request for a development special use permit, with site plan and subdivision, to expand the existing unit on the site and to construct a second attached unit; a parking reduction of two spaces is requested for the existing unit and modifications to zoning requirements are requested for both units; zoned RB/Residential. Applicant: Mark Poskaitis, GCM, Inc., by R. C. Fields, Jr., engineer.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 12/16/00, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein asked what authority staff has in situations such as this to request something like a softer transition on the facade between two buildings. Division Chief Johnson advised that staff does have that ability and staff could make that a requirement of this SUP. However, in this case, staff deferred to the Board of Architectural Review process which has not yet occurred since usually design considerations are addressed in that forum and staff would address it in that forum. She explained that it is something City Council could also add here if they wanted to.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Eberwein	"aye"	Euille	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

Without Objection, at this point City Council took docket item no. 38 out of order.

38. Consideration of Report on the Woodrow Wilson Bridge Project Plans for Jones Point Park and the Urban Deck. (#12 12/12/00, #12 11/18/00, #15 10/24/00)

(A copy of the City Manager's memorandum dated December 14, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 38; 12/16/00, and is incorporated herewith as part of this record by reference.)

A copy of the City Manager's memorandum dated December 8, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 38; 12/16/00, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's memorandum dated October 20, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 38; 12/16/00, and is incorporated herewith as part of this record by reference.)

Mayor Donley advised that he and City Manager Sunderland will be talking to the federal department of transportation to renegotiate the settlement agreement of the City's law suit with regard to the Woodrow Wilson Bridge, and in doing so, will negotiate new benefits which will accrue to the City of Alexandria.

Councilwoman Woodson received confirmation from City Manager Sunderland of her understanding that by voting on this motion Council will be satisfying not only its concerns for the entire City but the concerns for the neighbors who are most affected, and that these neighbors are comfortable moving forward as Council is comfortable moving forward.

Members of City Council and City Manager Sunderland participated in the discussion of this item.

Councilwoman Pepper raised points of concern which she wants to have pursued and brought back to Council: (1) use of flexible pavement or other new technology to address bridge noise issues; (2) signs to discourage noise from truck jack breaks; (3) hiring of a full-time engineer to oversee the project; (3) a City web site for updates on the Woodrow Wilson Bridge progress; (4) the expansion of Jones Point Park Road; (5) monitoring of the cutting down of the trees; (6) no unnecessary thinning of vegetation and trees; and (7) noise during construction and after the bridge is built.

Mr. Heil, representing Potomac Crossing Consultants, clarified the issues raised of noise during construction and noise after the bridge is built. The Project is committing to ensure that all of the noise requirements are met during construction, and as the bridge is built the Project can continue to take ambient background noise level readings to confirm what is known today, what we knew three years ago, and see if there's a trend in the changing of the noise. One of the last elements of work on the project would be ensuring that all the noise mitigation was complied with.

Councilman Speck explained that his comments made previously on the garden plots were not made to impugn the private citizen who administers the community gardens on Royal Street. He stated that he knows of nothing improper being done and nothing he said should be interpreted that way. Councilman Speck expressed his concern that because this land was carved out from the rest of the property, the City lost an opportunity to look broadly at the entire design and whether that particular piece might have worked as a part of the City's planning for athletic facilities or something else. He found it interesting that this has been segregated from the remainder of the park, and he just wants more information.

City Manager Sunderland reported that the plan is to continue the recycling center at Jones Point.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council approved the recommendations in the City Manager's memorandum dated December 8, 2000, as follows: (1) approve the interim plan for Jones Point Park (Attachment 2 to the October 24 memorandum), with

the understanding that the two athletic fields (and possibly the parking spaces) shown in the interim plan will be modified to accommodate the retention of the woodland area that is described in Recommendation 2; (2) approve the final plan for Jones Point Park (Attachment 1 to the October 24 memorandum), with the following modifications: (a) reduce the size of the two athletic fields north of the new Wilson bridge from 120 yards by 75 yards to 110 yards by 60 yards; (b) change the alignment of the western field from a north/south to an east/west direction (see Attachment 1 to the docket memorandum); and (c) eliminate the secondary bike path that runs through the woodland area to the north of the bridge. These modifications reduce the amount of woodland to be removed for the fields in the area north of the bridge from approximately 4.1 acres to approximately 1.9 acres (leaving approximately 18.1 acres of woodland in this northern area), and the number of trees 24 of more inches in diameter from 9 to 4; and (3) approve the concept of the smaller deck plan for the Urban Deck (as shown in Attachment 3 to the October 24 memorandum), conditioned upon the City and the Federal Highway Administration agreeing to an amendment to their March 1, 1999, Settlement Agreement in which the City agreed to dismiss the law suit it had initiated over the Woodrow Wilson Bridge replacement project. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

14. Public Hearing and Consideration of Potomac West Apartments Conversion Assistance Plan.

(A copy of the City Manager's memorandum dated December 8, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 12/16/00, and is incorporated herewith as part of this record by reference.)

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council: (1) held and closed the public hearing; (2) approved the Conversion Assistance Plan for Potomac West Apartments (Attachment I to the docket memorandum), noting comments from the public hearing held by the Landlord-Tenant Relations Board (Attachment II to the docket memorandum); and (3) authorized the City Manager to execute a Conversion Plan agreement. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

15. SPECIAL USE PERMIT #2000-0142 -- 3515 MOUNT VERNON AVENUE; 3602, 3620, 3634 EDISON STREET -- POTOMAC WEST APARTMENTS -- Public Hearing and Consideration of a request for a special use permit for a parking reduction necessitated by the applicant's proposed renovation of the existing apartment building; zoned RA/Multifamily and RB/Townhouse. Applicant: Regency Investment Associates, Inc., by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the City Manager's memorandum dated December 12, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 12/16/00, and is incorporated herewith as part of this record by reference.

A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 12/16/00, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Mary Catherine Gibbs, 307 North Washington Street, attorney representing the applicant, advised that the applicant is available to answer any questions and that the applicant has agreed to the addition of the new condition; and

Ellen Marie Guldan, 142 Dale Street, representing Hume Springs Civic Association, spoke in support of the special use permit but addressed the parking problems in Hume Springs due to a severe inadequacy of parking. She urged Council to take this opportunity to review the parking needs of all Hume Springs residents, both in the apartments and in the adjacent homes.

(A copy of Ms. Guldan's statement is on file in the office of the City Clerk and Clerk of Council marked Exhibit No. 3 of Item No. 15; 12/16/00, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper asked staff to look into something that could be done to provide more parking in Hume Springs. Staff will meet with the neighbors to see what they can do.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council approved the recommendation of the Planning Commission, as amended, by adding the following condition to the Special Use Permit for Potomac West Apartments as noted in the memorandum from the City Manager dated December 12, 2000: "Developer shall provide an access ramp from the parking area to the rear of 3620 Edison Street, and provide one fully accessible living unit and an accessible rental office at this location, to the satisfaction of the Director of Planning and Zoning and the Director of Housing." The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	out of room
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

16. SPECIAL USE PERMIT #2000-0119 -- 717 PENDLETON STREET -- Public Hearing and Consideration of a request for a special use permit for a nonconforming day labor agency; zoned CL/Commercial Low. Applicant: Ace Temporaries Inc., by Chuck Carlton. (#24 11/18/00)

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 12/16/00, and is incorporated herewith as part of this record by reference.)

Councilman Speck advised that he met with the attorney for the applicant who indicated a willingness to accept a condition for the placement of a private uniformed security officer at the property during peak work hours, and he asked those who will be testifying to comment on their reaction to that.

The following persons participated in the public hearing on this item:

Robert Battle, 526 King Street, Suite 423, attorney for the applicant, spoke in support of the special use permit;

Sean Pratt, 532 North Columbus Street, spoke in opposition to the special use permit;

G. Michael Schlee, 712 Pendleton Street, spoke in opposition;

(A copy of Mr. Schlee's statement is on file in the office of the City Clerk and Clerk of Council marked Exhibit No. 2 of this item;

Adam Schramm, 9409 Eagle Trace, Fairfax Station, vice president of Ace Temporaries, spoke in support of the special use permit;

Chuck Carlton, 9811 Hampton Road, Fairfax Station, co-owner of Ace Temporaries, spoke in support. Mr. Carlton does not have a problem having a security officer on-site during peak hours. The problem in the past was finding off-duty police officers who were willing to work those times. As an option, Mr. Carlton reported he has offered the use of their end unit for a police substation for which he would provide the phone system, the furniture, a coffee maker and anything else they needed.

Deputy Police Chief Hilleary could not address whether the Police Department has ever considered a satellite facility there. He understands that there is an existing parking problem at this location, and a satellite facility requires parking for two cruisers.

For the record, Councilman Euille stated that it is not the business of the City government or any agency to put a company out of business, and that is not what staff is requesting. Their recommendation is for denial of this particular application at this particular location, and they have offered and suggested other site potential on Eisenhower Avenue.

Councilwoman Woodson directed questions to Mr. Carlton regarding his testimony.

Ronald F. Kirby, 528 North Columbus Street, spoke in opposition, and he did not believe a security officer would be of any help;

Samuel Scott Overby, 510 North Alfred Street, spoke in opposition, and he felt that it would be difficult for a security officer to provide coverage;

Carolyn Karr, 534 North Columbus Street, spoke in opposition and stated that a security officer could not help; and

Jason Dallara, 505 North Columbus Street, spoke in opposition and stated that a security guard would not solve the problem.

WHEREUPON, a motion was made by Councilman Speck, and seconded by Vice Mayor Cleveland, to overturn the Planning Commission recommendation and move approval with the following requirements: That there be a sworn police officer or deputy sheriff on duty outside Monday through Friday, from 5 to 7 a.m. and 4 to 6 p.m., and on Saturday from 6 to 8 a.m. and 4 to 6 p.m.; that there be a one-year review; and that there be a monthly meeting, in whatever form it is, with the neighbors to discuss any problems that take place and issues that need to be addressed to sort of head them off.

THEREUPON, a substitute motion was made by Councilwoman Pepper and seconded by Councilwoman Woodson to uphold the Planning Commission's recommendation that Council deny this request.

Councilman Euille offered a friendly amendment to the substitute motion to permit a 90-day relocation period for this business, which friendly amendment was accepted by the maker and seconder of the motion.

There was considerable discussion on the motions among the Members of City Council.

Councilwoman Eberwein explained she will abstain from voting on the substitute motion. She stated that she is very sympathetic to the residents but this is an issue that she would have preferred to see a workout period of a year **[for the compromise motion]**, and then if it hadn't worked, she would have voted with the residents.

WHEREUPON, Council voted on whether to consider the substitute motion, which passed on a vote of 4-to-3. The voting was as follows:

Pepper	"aye"	Cleveland	"no"
Woodson	"aye"	Eberwein	"no"
Donley	"aye"	Euille	"yes"
	Speck		"no"

Mayor Donley confirmed with Councilwoman Eberwein that she did vote **[against]** the **[consideration of the]** substitute motion.

THEREUPON, Council returned to the substitute motion, as amended, made by Councilwoman Pepper, seconded by Councilwoman Woodson, and carried on a vote of 4-to-2-to-1, City Council upheld the Planning Commission recommendation to deny the special use permit request and permitted a 90-day relocation period for this business. The voting was as follows:

Pepper	"aye"	Cleveland	"no"
Woodson	"aye"	Eberwein	"abstain"
Donley	"aye"	Euille	"aye"
	Speck		"no"

17. SPECIAL USE PERMIT #2000-0121 -- 3050 DUKE STREET -- DUNKIN DONUTS -- Public Hearing and Consideration of a request for a special use permit for expansion of a restaurant; zoned CG/Commercial General. Applicant: Bhavana, Inc, by Fausto R. Bayonet of the Heiserman Group.

COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 12/16/00, and is incorporated herewith as part of this record by reference.)

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

18. DEVELOPMENT SPECIAL USE PERMIT #2000-0042 -- 1712 MOUNT VERNON AVENUE; 205-207 DUNCAN AVENUE -- FANNON COLOR PRINTING -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to build an addition to the noncomplying printing business and to construct a parking lot at 205-207 Duncan Avenue with increase in floor area ratio, and request for reduction of parking requirements to allow tandem parking; zoned CL/Commercial Low. Applicant: Mary Ellis Fannon, trading as Fannon Color Printing, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of City Manager's memorandum dated December 15, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 12/16/00, and is incorporated herewith as part of this record by reference.)

A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 12/16/00, and is incorporated herewith as part of this record by reference.

A copy of correspondence received on this item is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 18; 12/16/00, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Duncan W. Blair, 112 South Alfred Street, attorney for the applicant, spoke in support of the special use permit application; and

Lloyd Martin, 2218 Mount Vernon Avenue, president of Potomac West Business Association, spoke in support.

Members of City Council and Mr. Blair, attorney for the applicant, participated in the discussion of the parking at this site and the preservation of an existing tree.

Council provided guidance to Mr. Blair that if possible we should preserve the 24-inch tree; however, the parking lot should be designed in a way that maximizes its utility as a parking lot and does not potentially have an adverse impact on nearby properties. The staff and applicant are willing to work together.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation with the deletion of condition #13a and the revision of condition #19 so that it now reads: "19. Given the relative hazard of this operation, proximity of residential properties and the lack of fire department access to the proposed addition, an automatic fire suppression system shall be installed in the addition, and the applicant shall control any openings from the addition, to the satisfaction of the Director of Code Enforcement." Staff and the applicant will work together to make the parking lot design one that is feasible and properly landscaped. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

19. SPECIAL USE PERMIT #2000-0136 -- 1215-1217 FIRST STREET; 1018 NORTH HENRY STREET -- YATES AUTO CARE -- Public Hearing and Consideration of a request for a special use permit to allow a noncomplying general automobile repair garage and to expand a car washing facility located at 1018 North Henry Street; zoned CRMU-H/Commercial Residential Mixed Use. Applicant: Yates Auto Care, by Jeffrey Yates.

COMMISSION ACTION: Recommend Approval 6-0-1

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 12/16/00, and is incorporated herewith as part of this record by reference.

A copy of correspondence received on this item is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 19; 12/16/00, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Jeffrey Yates, 2525 King Street, owner of Yates Auto Care, spoke in support of this special use permit application;

Ira M. Bloom, 2801 New Mexico Avenue, N.W., Washington, D.C., spoke in opposition; and

Dorothy Crowder Coffey, 720 South Fairfax Street, representing Crowder Corporation, spoke in opposition.

Without Objection, at 1:13 p.m., City Council recessed the meeting during discussion of docket item no. 19 in order to attend the dedication of the Wiley F. Mitchell, Jr. pavilion and reception held in the Vola Lawson Lobby of City Hall.

At this time, Councilwoman Woodson left the meeting.

Whereupon, at 2:16 p.m., the meeting was reconvened and Council continued its discussion of item no. 19.

Councilwoman Eberwein asked that in the budget process that Council ask the City Manager to hire some outside consultants to bolster the Planning and Zoning staff in doing some signage studies and design standards. She noted that the staff is hard-working but they are overwhelmed, and if they continue to respond on a piecemeal basis they will never be able to do what the voters have asked Council to do, and that is to do some proper planning in the small business, residential and commercial areas of the City.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilman Euille and carried on a vote of 6-to-0, City Council upheld the Planning Commission's recommendation for approval with the following changes: add a new condition that repair work shall be limited to automobile repair light; delete condition #6; amend condition #7 to read: "All repair work, detailing and hand car washing shall be done inside the building. Cars from 1018 North Henry Street may be brought to the parking spaces on the east side of the building at 1215 and 1217 First Street for drying or finishing."; amend condition #22 to make it a five-year expiration; and restore condition #24. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	left meeting

20. SPECIAL USE PERMIT #2000-0140 -- 2400 RUSSELL ROAD -- ALEXANDRIA COUNTRY DAY SCHOOL -- Public Hearing and Consideration of a request for a special use permit amendment to (1) increase the enrollment by adding 25 students, (2) change the hours of operation to open earlier by allowing the school to operate at 8:00 A.M. rather than 8:30 A.M., (3) provide some parking off-site, (4) modify a condition about trash pick-up to allow City pick-up at alternate times, and (5) delete several conditions requiring a specific type of outdoor play equipment and allowing the Alexandria Presbyterian Church to operate on the day school property; zoned R-12/Residential. Applicant: Alexandria Country Day School, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 12/16/00, and is incorporated herewith as part of this record by reference.)

Duncan Blair, attorney for the applicant, was available to answer questions.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	left meeting

Board of Architectural Review

21. CASE BAR-2000-0250 -- 224 NORTH COLUMBUS STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, denying a request for approval of an awning at 224 North Columbus Street, zoned RM Residential. Applicant: Karon Cullen by R. Cromley, Architect.

BOARD ACTION: Denied 4-3

(A letter dated December 15, 2000, requesting deferral, from Karon N. Cullen, applicant and appellant, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 12/16/00, and is incorporated herewith as part of this record by reference.

A copy of the report of the Board of Architectural Review, Old and Historic Alexandria District, dated December 16, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 12/16/00, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated November 20, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 21; 12/16/00, and is incorporated herewith as part of this record by reference.)

City Council noted the deferral of this item at the request of the applicant.

ORDINANCES AND RESOLUTIONS

22. Public Hearing, Second Reading, and Final Passage of an Ordinance to add a new Section 4-2-25, and to amend Section 11-5-8, of the City Code to authorize new construction inspectors and existing structures inspectors within the Code Enforcement Bureau to enforce the parking regulations applicable to fire lanes and fire hydrants, and the noise control regulations applicable to construction activities. (#18 12/12/000) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 7, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 12/16/00, and is incorporated herewith as part of this record by reference.)

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	left meeting

The ordinance finally passed reads as follows:

ORDINANCE NO. 4176

AN ORDINANCE to amend Chapter 2 (FIRE PROTECTION AND PREVENTION) of Title 4 (PUBLIC SAFETY), by adding thereto a new Section 4-2-25 (AUTHORITY OF CODE ENFORCEMENT INSPECTORS), and to amend and reordain Section 11-5-8 (ADMINISTRATION) of Chapter 5 (NOISE CONTROL), Title 11 (HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS), all of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 2 of Title 4 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding thereto a new Section 4-2-25 to read as follows:

Sec. 4-2-25 Authority of code enforcement inspectors.

The new construction inspectors and existing structures inspectors within the Code Enforcement Bureau are hereby authorized to enforce within the City, in the manner provided by law, the provisions of Section 10-4-42 of this code relating to parking near fire hydrants, fire stations or in fire lanes, and other like provisions of local and state law.

Section 2. That Section 11-5-8 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-5-8 Administration.

(a) The director shall be charged with administering and enforcing the provisions of this chapter.

(b) The city manager shall, upon the request of the director, allocate such resources of the police department as the city manager shall deem necessary to assist the director in the administration and enforcement of the provisions of this chapter.

(b.1) The fire marshal, deputy fire marshals, new construction inspectors and existing structures inspectors within the Code Enforcement Bureau shall have concurrent jurisdiction to enforce the provisions of this chapter relating to construction, construction devices and power equipment as defined in Section 11- 5-2 of this code.

(c) The engineer and the director shall whenever possible coordinate their activities to the end that noise pollution in the city is regulated, prevented, abated and controlled.

(d) In addition to any other powers vested in him, the director may, subject to the availability of funds:

(1) conduct studies, investigations and research relating to noise pollution and its prevention, abatement and control;

(2) issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;

(3) hold hearings relating to any aspect of or matter in the administration of this chapter;

(4) secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;

(5) prepare and develop a comprehensive plan or plans for the prevention, abatement and control of noise pollution;

(6) advise, consult and cooperate with other local governmental units, agencies of the state, industries, interstate or interlocal agencies and the federal government, and with interested persons and groups;

(7) review those matters having a bearing upon noise pollution referred by other agencies (such as planning, zoning, building and fire departments) and make reports, including recommendations, to the referring agencies with respect thereto;

(8) collect and disseminate information and conduct educational and training programs relating to noise pollution;

(9) encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter;

(10) do any and all acts which may be necessary for the successful prosecution of the policy of this chapter and such other acts as may be specifically enumerated herein;

(11) prepare annually a report to the city council on progress in implementation and enforcement of the provisions of the noise control code and make recommendations to the council of any changes in the noise control code he deems desirable;

(12) may coordinate the noise control activities of all agencies and departments of the city government and advise, consult, cooperate and coordinate noise control activities with other local governmental units, state agencies, interstate and interlocal agencies, the federal government, and with interested persons and groups with respect to the provisions of this chapter;

(13) may make recommendations to the city council for changes to this chapter to make it consistent with all preemptive state and federal legislation.

(e) The city manager shall submit to the city council recommended noise design limits to be incorporated in city planning and zoning and the design and construction of buildings, streets and highways and in the routing and rerouting of motor vehicle and pedestrian traffic.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 12/12/00
First Reading: 12/12/00
Publication: 12/14/00
Public Hearing: 12/16/00
Second Reading: 12/16/00
Final Passage: 12/16/00

23. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend Section 10-4-6 of the City Code to characterize school buses as "commercial vehicles," the overnight parking of which is prohibited on residential streets. (#19 12/12/00) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 12, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 12/16/00, and is incorporated herewith as part of this record by reference.)

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	left meeting

The ordinance finally passed reads as follows:

ORDINANCE NO. 4177

AN ORDINANCE to amend and reordain Section 10-4-6 (PARKING TRUCKS OR COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS) of Chapter 4 (STOPPING, STANDING AND PARKING), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-4-6 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-4-6 Parking trucks or commercial vehicles in residential districts.

(a) Parking of trucks or commercial vehicles, including buses or vans, on the streets in a residential district of the city is prohibited; provided, that a truck or commercial vehicle may be parked on such a street for not more than eight hours within any 24-hour period while being loaded or unloaded or while its custodian is performing services for a residence or site abutting the street on which it is parked.

(b) Notwithstanding any other definition in this code, for purposes of this section the following words and phrases shall have the meanings respectively ascribed to them as follows:

(1) Commercial vehicle. Every motor vehicle, other than a passenger car, truck (which is covered by subsection (b)(2)), and recreational vehicle and trailer (which are regulated under section 10-4-9), which is designed or used to carry, deliver, handle or move goods, to transport one or more persons who perform services in commerce, industry or trade, or to transport more than eight persons of any age, including the driver, and which has painted or displayed upon it any sign identifying or advertising any business, commercial venture, school or passenger transport service of any kind, or is registered with the Virginia Department of Motor Vehicles, or leased by the registered owner, to a corporation, partnership, sole proprietor, other business or commercial entity or school.

(2) Truck. Every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

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

KERRY J. DONLEY
Mayor

Introduction: 12/12/00
First Reading: 12/12/00
Publication: 12/14/00
Public Hearing: 12/16/00
Second Reading: 12/16/00
Final Passage: 12/16/00

24. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend Section 2-143 of the Zoning Ordinance, to include within the definition of "family" only those group homes licensed by the Virginia Department of Social Services, which comply with Alexandria Community Services Board Policy No. 13. (#20 12/12/00) **[ROLL-CALL VOTE]**

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
	Woodson		left meeting

The ordinance finally passed reads as follows:

ORDINANCE NO. 4178

AN ORDINANCE to amend and reordain Section 2-143 (FAMILY), of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance (TA No. 00-0001).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-143 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

2-143 Family. A group of people living together as a single housekeeping unit and consisting of:

(A) One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or

(B) Not more than four unrelated persons or two unrelated adults plus their children; or

(C) Those groups identified in Code of Virginia, Section 15.2- 2291(A), or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of Code of Virginia, Section 15.2-2291(A), and which have been determined by the director, following review and recommendation by the Alexandria Community Services Board (CSB), to be in compliance with CSB Policy No. 13 in effect at the time of such determination; or

(D) Any other housekeeping unit not specified above which may be approved through the issuance of a special use permit as being compatible with the character of the neighborhood in which it is to be located; provided, however, that such housekeeping unit shall not exceed nine persons.

(E) In calculating the number of persons permitted to constitute a family pursuant to subsections (C) and (D) of this section, a maximum of eight children under the age of seven who live with their parent in a housekeeping unit may be counted according to the formula: two such children equal one person.

(F) The operation of the home permitted under Section 2-143(C) may be directed and administered from the home. No other business of any type, including without limitation the direction and administration of other homes, shall be conducted in the home, except as may be authorized as a home occupation pursuant to Section 7-300 of this ordinance. The operation of the home permitted under Section 2-143(C) shall at all times comply with CSB Policy No. 13 in effect at the time of approval of the home.

Section 2. That family groups, as defined in Section 2-143(C) of the City of Alexandria Zoning Ordinance, licensed by the Virginia Department of Social Services, and lawfully existing on December 16, 2000, but which have not been determined by the director of planning and zoning, following review and recommendation by the CSB to be in compliance with CSB Policy No. 13, shall, as to the premises occupied on such date, be characterized as noncomplying uses, pursuant to Section 12-300 of the Zoning Ordinance.

Section 3. That Section 2-143 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, or on judicial review; shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Section 2 of this Ordinance and Article XII of the Zoning Ordinance.

KERRY J. DONLEY
Mayor

Introduction: 12/12/00
First Reading: 12/12/00
Publication: 12/14/00
Public Hearing: 12/16/00
Second Reading: 12/16/00
Final Passage: 12/16/00

* * * * *

25. Public Hearing, Second Reading, and Final Passage of an Ordinance authorizing the City of Alexandria to become a member of and participate in the "Virginia Governmental Electricity Purchasing Association." (#21 12/12/00)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 6, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 12/16/00, and is incorporated herewith as part of this record by reference.)

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	left meeting

The ordinance finally passed reads as follows:

ORDINANCE NO. 4179

AN ORDINANCE to authorize the City of Alexandria to become a member of and participate in the "Virginia Governmental Electricity Purchasing Association."

WHEREAS, the VML/VACO Virginia Power Steering Committee (the "Committee"), composed of representatives of the City of Alexandria and other municipalities and political subdivisions of the Commonwealth, has for several decades negotiated on behalf of such governmental entities for their purchase of electricity from Virginia Power as a sole source provider; and

WHEREAS, Section 15.2-1300, et seq. of the Virginia Code (the "Joint Powers Act") authorizes political subdivisions to exercise jointly powers they otherwise are authorized to exercise independently, under the terms and conditions set forth in the Joint Powers Act; and

WHEREAS, the Electric Utility Restructuring Act (the "EUR Act") further authorizes municipalities and other political subdivisions in the Commonwealth to aggregate their electricity supply requirements for the purpose of their joint purchase of such requirements from licensed suppliers, and the EUR Act provides that such aggregation shall not require licensure; and

WHEREAS, the Virginia Public Procurement Act (the "Procurement Act") exempts from its competitive sealed bidding and competitive negotiation requirements (the "Procurement Act Requirements") the joint procurement by public bodies, utilizing competitive principles, of electricity supply purchased through member associations under the conditions set forth in the Procurement Act; and

WHEREAS, the Committee has voted unanimously to fund an effort to aggregate local governmental purchase of up to approximately 117,000,000 kWh of annual electricity supply (the "Supply") from competitive licensed suppliers during a pilot period commencing no earlier than January 1, 2001, and extending through no later than December 31, 2002 (the "Pilot Period"); and

WHEREAS, the Committee recommends (i) the aggregation and joint procurement of the Supply as provided in the form of the Joint Powers Association Agreement, a copy of which is attached to and made a part of this ordinance (the "Joint Powers Agreement"); (ii) that one or more requests for proposals ("RFP") be issued requesting licensed suppliers (the "Proposers") to submit proposals (the "Proposals") to furnish the Supply to the interval accounts (the "Accounts") selected by the Proposers from among approximately 200 interval accounts of the municipalities and other political subdivisions that presently purchase electricity supply from Virginia Power; (iii) that for the Accounts selected, approximately 30% of the kWh shall be for schools on Virginia Power's Rate Schedules 100 and 110 and approximately 70% of the kWh shall for non-schools on its Rate Schedule 130; and (iv) that a contract or contracts for the furnishing of the Supply be awarded to the Proposer (or Proposers) by considering which Proposals (a) best meet the requirements and conditions of the RFP; (b) offer the greatest dollar savings for the aggregated group as a whole; and (c) offer a price for each Account selected that is projected to be lower than the projected price that would otherwise obtain applying the Virginia Power supply rate under which the Account would otherwise be served; and

WHEREAS, the Committee has agreed to provide funds from its operating budget in an amount not to exceed \$40,000 to pay the fees and expenses of its counsel, Christian & Barton, L.L.P, and its utility consultant, the Columbia Group, to prepare the documents necessary for the aggregation, the RFP process, the evaluation of the Proposals, and the award and execution of the contract or contracts on behalf of the municipalities and political subdivisions owning the Accounts for which the Supply will be furnished; and

WHEREAS, the Committee recommends that the municipalities and political subdivisions participating in the aggregation process agree to contribute back to the Committee's budget up to 25% of the estimated savings projected to be realized with respect to such of their Accounts, if any, for which the Supply is to be furnished during the Pilot Period, provided that the aggregate of such contributions back to the Committee shall not exceed \$40,000; and

WHEREAS, the Committee recommends that the aggregation and procurement of the Supply for the Pilot Period be effectuated as provided in the Joint Powers Agreement utilizing competitive principles pursuant to an exemption from the Procurement Act Requirements; and

WHEREAS, the procurement of the Supply through the Joint Powers Agreement is structured such that the projected costs of the electrical energy requirement of the City of Alexandria can only be less than such costs would otherwise be under otherwise applicable rates, and it has heretofore been determined on behalf of the City of Alexandria that competitive sealed bidding and competitive negotiations by the City of Alexandria for such of the Supply as may be applicable to any of its Accounts are not fiscally advantageous to the public; and

WHEREAS, it appearing to the Council of the City of Alexandria that the joint procurement of the Supply pursuant to the Joint Powers Agreement is otherwise in the best interests of The City of Alexandria; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the aggregation and joint procurement of the Supply during the Pilot Period pursuant to the Joint Powers Agreement be, and hereby is, approved.

Section 2. That the Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of The City of Alexandria be, and hereby are, authorized and approved.

Section 3. The City Manager be, and hereby is, authorized and directed to execute and deliver the Joint Powers Agreement on behalf of The City of Alexandria in substantially the form attached to this ordinance.

Section 4. That the return to the Committee of up to 25% of any savings projected to be realized by The City of Alexandria on any of its Accounts, as provided in and subject to the overall limitation set forth in the Joint Powers Agreement be, and hereby is, authorized and approved.

Section 5. The payment obligations of The City of Alexandria pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to the annual appropriation of requisite funds therefor by the Council of the City of Alexandria.

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Attachment

Introduction:	12/12/00
First Reading:	12/12/00
Publication:	12/14/00
Public Hearing:	12/16/00
Second Reading:	12/16/00
Final Passage:	12/16/00

* * * * *

DRAFT

C&B Draft: 09/15/00

VIRGINIA GOVERNMENTAL ELECTRICITY PURCHASING ASSOCIATION

JOINT POWERS ASSOCIATION AGREEMENT

THIS AGREEMENT ("Agreement"), made and entered into as of the _____ day of _____, 2000, by and among the local governments and other political subdivisions of the Commonwealth of Virginia which are signatories hereto and more particularly identified on Schedule B hereto (each a "Member" and, collectively, the "Members").

WITNESSETH:

WHEREAS, the Members are each authorized by law to acquire electric utility services as necessary or appropriate for the operation of their respective public facilities; and

WHEREAS, Virginia Code §15.2-1300 (the "Code") provides that any power, privilege or authority exercised or capable of being exercised by a political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority except where express statutory procedure is otherwise provided for the joint enterprise; and

WHEREAS, the Code authorizes two or more political subdivisions to enter into agreements with one another for such joint action and to appropriate funds and sell, lease, give or otherwise supply such property, personnel or services therefor as may be within their legal power to furnish; and

WHEREAS, the Members, pursuant to the authority granted in the Code, desire to create a joint powers association (the "Association") and associate as members hereunder with the assistance of the Consultant and Counsel (identified below) for the purposes, among other things,

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of promoting the interest and welfare of the Members, and developing a closer relation among them, all as hereinafter more particularly set forth; and

WHEREAS, Virginia Electric and Power Company ("Virginia Power") has agreed in principle to permit localities purchasing energy from Virginia Power ("Virginia Power Localities") to participate in a pilot program ("Pilot Program") whereby the Virginia Power Localities may purchase up to 117,000,000 kWh of their annual electricity supply ("Supply") commencing no sooner than January 1, 2001, and continuing through no later than December 31, 2002, from one or more competitive licensed suppliers ("Suppliers"); and

WHEREAS, the VML/VACo Virginia Power Steering Committee, which is composed of representatives of municipalities and other political subdivisions of the Commonwealth, including the Members ("Committee"), with the advice and consultation of the Consultant and Counsel, has assisted the Virginia Power Localities in connection with the negotiation of contracts for the supply of electricity, and the Committee has recommended that the Virginia Power Localities aggregate their purchases for the Pilot Program pursuant to one or more requests for proposals ("RFP") to provide electricity service to the accounts (the "Accounts") selected by the Suppliers from among approximately 200 interval accounts with a total kWh of approximately 1 billion kWh as identified on Schedule A hereto (the "Member Accounts") with the specifications (the "Specifications") that the contract or contracts awarded for the Pilot Program (the "Pilot Program Contracts") will (a) serve up to approximately 117,000,000 kWh on an annual basis for all or any portion of the period commencing no earlier than January 1, 2001, and ending no later than December 31, 2002 (the "Pilot Period") and (b) be allocated so that approximately 30% of the 117,000,000 kWh will be allocated to schools on Virginia Power Rate

Schedules 100 and 110 and approximately 70% of the 117,000,000 kWh will be allocated to non-schools on Virginia Power Rate Schedule 130; and

WHEREAS, the Committee has further recommended that the Virginia Power Localities whose electricity accounts are included within the Member Accounts form a membership association pursuant to the authority granted to localities under the Code; and

WHEREAS, the Members consist of all or a portion of the Virginia Power Localities whose electricity accounts are included within the Member Accounts; and

WHEREAS, the Members desire to use an RFP process that will permit them during all or any portion of the Pilot Period to aggregate their purchases of the Supply from one or more Suppliers using competitive principles; and

WHEREAS, the Members desire the continued assistance of the Committee, the Consultant and Counsel in connection with the matters to be undertaken by the Association.

NOW, THEREFORE, in consideration of the premises and the undertakings hereinafter stated, the Members agree as follows:

1. **Name**. The undertaking of the Members hereunder shall be named and designated as the Virginia Governmental Electricity Purchasing Association (hereinafter the "Association").
2. **Term of the Agreement**. This Agreement shall be effective for the period commencing on the date hereof (with each Member to adopt the Agreement on or after such commencement date) and shall terminate upon the earlier of (a) completion of the RFP process and, as applicable, the completion of the Pilot Program and any matters necessary to wind up the administration of the Pilot Program, or (b) a vote by 75% of the members of the Board (as

defined below in this Agreement) to turn over the administration of the Pilot Program to a successor association.

3. **Purpose of the Agreement.** The Members enter into this Agreement for the purpose of acting jointly to promote their interests and welfare and to promote the interest and welfare of, and develop close relationships with, similar public bodies. This promotion and development shall consist of the following actions undertaken by the Association as the agent for the Members: (a) issuance of one or more RFPs, (b) evaluation of responses to the RFP, (c) award of one or more contracts to one or more Suppliers, if any, whose responses are selected pursuant to the evaluation of such responses in accordance with the terms of this Agreement, and (d) the administration of any Pilot Program Contracts that may be awarded pursuant to the RFP. All such actions by the Association shall be done with the advice and consultation of the Consultant and Counsel and approved by the Board.

4. **Purchase of the Supply.**

(a) After evaluating any responses submitted by Suppliers to the RFP, the Board shall determine what contracts, if any, should be awarded for the purchase of the Supply for the Accounts for the Pilot Period. The purchase of the Supply shall be made pursuant to the exemption from competitive sealed bidding and competitive negotiation as set forth in Virginia Code Section 11-45.G of the Virginia Public Procurement Act (the "Act") using competitive principles, and, to the extent applicable, other relevant provisions of the Act. Each Member agrees, subject to annual appropriation, to purchase its respective share of the Supply for its Accounts selected by the successful Supplier(s) from among the Member Accounts and to pay therefor the rate for such Accounts negotiated in the procurement process for the Supply, subject to the provisions of subsection (b) of this Section 4. No member shall be liable or responsible

for any payments owed the successful Supplier(s) under any contract(s) for any portion of the Supply by any other Member with respect to the Account of any such other Member.

(b) The Board shall determine which one or more of the responses to the RFP, if any, (i) best meets the requirements and conditions of the RFP, (ii) offers the greatest projected savings, in aggregate, for all or some portion of the Supply, (iii) meets the Specifications and (iv) proposes a price for each Account to be served under any Pilot Program Contract that is projected to be lower than the projected price that would otherwise pertain when applying the Virginia Power supply rate under which the Account would otherwise be served (the "Virginia Power Rate").

(c) The Pilot Program Contracts awarded hereunder by the Association for the purchase of the Supply shall be executed by the Chairman or the Vice Chairman of the Association on behalf of the Members owning the Accounts to be served under the Pilot Program Contracts.

(d) The Association shall cause to be communicated to other municipalities and political subdivisions in the Commonwealth the advantages of this Agreement with a view to furthering their economic interests in the aggregation and procurement of electricity services on a competitive basis.

5. **Governance.**

(a) The Board. The Association shall be governed by a Board (the "Board") that shall initially consist of the primary representatives of the Members listed on Schedule B hereto. The Members listed on Schedule B may also appoint a secondary representative who may attend all meetings of the Board, but who shall not have voting privileges unless the primary representative of the Member shall be absent. The Board shall have power to decide all matters

relating to the Association's activities and operations, subject to the provisions set forth herein. Whenever any Member withdraws from the Association in accordance with this Agreement, that Member shall no longer have any representation on the Board.

(b) Meeting of the Board. The Board shall meet at such times and places within the Commonwealth of Virginia as shall be designated by the Chairman. Three working days' notice by fax or E-mail shall be given in advance of all Board meetings.

(c) Officers of the Board. Paul Proto is hereby designated as Chairman of the Board and Steve Sinclair is hereby designated as its Vice Chairman, to serve until the earlier of (a) the termination of the Association or (b) the submission of such officer's resignation or his removal and the election of a successor by the Board. The Chairman shall preside at all meetings of the Board, and in his absence, the Vice Chairman shall preside. Vacancies in such offices may be filled by the Board at any meeting. Steve Craig of the VML, or its designee, shall serve as the Board's secretary, but without vote.

(d) Quorum. Twenty-five percent of the members of the Board shall constitute a quorum for any Board meeting.

(e) Actions by the Board. All matters for action by the Board may be adopted upon the affirmative vote of a majority of the Members present and voting.

(f) Consultant and Counsel. The Columbia Group is hereby initially designated as Consultant to the Association and Christian & Barton, L.L.P., is hereby initially designated as Counsel to the Association.

6. Budget of the Association.

(a) There is hereby established a budget of \$40,000 for the RFP process and the selection of and contracting with the successful Supplier, based upon an estimate therefor of

\$20,000 for the Consultant and \$20,000 for Counsel, including fees and expenses. The budget shall be funded from amounts set aside by the Committee from its current operating budget.

(b) Each of the Members owning any of the Accounts shall, subject to annual appropriation, contribute back to the Committee by December 31, 2001, for credit to the Committee's current operating budget an amount of up to 25% of such Member's savings projected to be realized from purchasing its respective share of the Supply for its Accounts compared to the amount that otherwise would be projected to be paid by applying the Virginia Power Rate for such Accounts; provided, that the aggregate of such contributions back to the Committee shall not exceed \$40,000 total for all members. Such projected savings and contributions back to the Committee shall be reasonably determined by the Consultant following the award of the contract or contracts for the Supply and a written report thereof promptly delivered by the Consultant to the Committee and to each of the Members. Should the projected aggregate savings for all the Accounts exceed \$160,000 ($.25 \times \$160,000 = \$40,000$), the percentage of each Member's contribution back shall be adjusted by the Consultant in making its determinations by multiplying .25 by a fraction, the numerator of which shall be 160,000 and the denominator of which shall be the sum of the projected savings for all the Accounts. No Member shall be required to pay any portion of any contribution back assessed to, but unpaid by, any other Member.

(c) The Association shall not create or incur any liability for the Members, jointly or severally, other than (i) the costs incurred by any Member in paying for any Accounts of the Member that are served under any Pilot Program Contracts and (ii) the reimbursement owed to the Committee pursuant to subsection (b) above.

7. **Withdrawal of Members.** A Member may withdraw from the Association effective upon the earlier of (a) notice from the Association that no Pilot Program Contract will serve any of the Member's Member Accounts, or (b) notice from the Association that the term of all Pilot Program Contracts serving any of the Member's Member Accounts has expired and the Member has reimbursed the Committee for any amounts owed under Section 6(b) of this Agreement.

8. **Notices.** Unless otherwise provided for herein, notices, approvals, requests, consents and other communications under this Agreement shall be in writing and shall be deemed to have been given when delivered in person, by fax or by E-mail or mailed by first class, registered or certified mail, postage prepaid, addressed to the primary representatives of the Members at the addresses shown on Schedule B. The Members may designate by notice given hereunder any further or different addressees or addresses to which subsequent communications under this Agreement shall be sent.

9. **Execution of Multiple Originals.** This Agreement may be executed by the Members in multiple original counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

WITNESS the following signatures, effective as of the date first above written.

MEMBERS:

By: _____

Title: _____

[TO BE COMPLETED]

#530251.10

26. Public Hearing, Second Reading, and Final Passage of an Ordinance authorizing an exchange of land and easements with Dominion Virginia Power, in connection with the underground relocation of Virginia Power's 230KV transmission line between Jefferson Street and Glebe Road. (#22 12/12/00) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 8, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 12/16/00, and is incorporated herewith as part of this record by reference.)

The Deputy City Clerk read the docket item.

Mr. Neil Kessler, 1111 East Main Street, Richmond, Virginia, attorney for Virginia Power, and Mr. Blaine Garrett, Richmond, Virginia, attorney for Dominion Virginia Power, were available to answer questions.

WHEREUPON, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Euille	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	left meeting

The ordinance finally passed reads as follows:

ORDINANCE NO. 4180

AN ORDINANCE approving and authorizing the conveyance and exchange of land and easements with Virginia Electric and Power Company, in connection with the underground relocation of Virginia Power's 230KV transmission line between Jefferson Street and Four Mile Run.

WHEREAS, the City of Alexandria ("City") and Virginia Electric and Power Company ("Virginia Power") desired to relocate underground Virginia Power's 230KV transmission line ("Line") between Jefferson Street and Four Mile Run, in connection with the redevelopment of the Potomac Yard, and such underground relocation has been accomplished; and

WHEREAS, the City and Virginia Power now wish to provide for the conveyance by the City to Virginia Power of certain real property owned by the City through and under which the Line runs, and for the immediate conveyance of such property by Virginia Power back to the City, subject to certain easements for the maintenance and operation of the Line ("the Land Exchange"); and

WHEREAS, such property is shown on the Plats entitled "Virginia Electric and Power Co., Jefferson Street - Glebe Potomac Yard Relocation," dated September 16, 1996, and bearing Sheet Nos. 7A&B and 16, attached hereto ("the Property"); and

WHEREAS, the Land Exchange has heretofore been approved by the planning commission pursuant to Section 9.06 of the City Charter; and

WHEREAS, the Land Exchange has heretofore been approved by the School Board of the City of Alexandria, as to so much of the Property as is subject to the control of the Board; and

WHEREAS, the city manager has recommended the approval of the Land Exchange, subject to the terms and conditions of the Deeds attached hereto; and

WHEREAS, the city council is of the opinion that the Land Exchange, subject to terms and conditions of the Deeds attached hereto, is in the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the conveyance by the City to Virginia Power of the Property, subject to the terms of the Special Warranty Deed between the City as grantor and Virginia Power as grantee, and subject to the immediate reconveyance by Virginia Power to the City of the Property, subject to the terms of the Special Warranty Deed between Virginia Power as grantor and the City as Grantee, both of which Deeds are attached hereto and incorporated herein fully by reference, be, and the same hereby is, approved and authorized.

Section 2. That the city manager be, and he hereby is, authorized, on behalf of the City of Alexandria, to do all things necessary and desirable to carry out the Land Exchange, including, but not limited to, (1) the approval with the concurrence of the city attorney of minor amendments to, and (2) the execution and delivery of, the Deeds and other appropriate documents.

Section 3. That the city clerk be, and she hereby is, authorized to attest the execution of the Deeds and other necessary documents executed by the city manager pursuant to Section 2, and to affix thereon the official seal of the City of Alexandria, Virginia.

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

KERRY J. DONLEY
Mayor

Attachments: Plats and Special Warranty Deeds

Introduction:	12/12/00
First Reading:	12/12/00
Publication:	12/14/00
Public Hearing:	12/16/00
Second Reading:	12/16/00
Final Passage:	12/16/00

* * * * *

Prepared by:
Neil S. Kessler, Esq.
Mays & Valentine L.L.P.
1111 East Main Street, 23rd Floor
Richmond, VA 23219

Tax Map Parcel No.: _____

*THIS SPECIAL WARRANTY DEED OF GIFT IS EXEMPT FROM RECORDATION TAXES
PURSUANT TO THE PROVISIONS OF § 58.1-811(D) OF THE CODE OF VIRGINIA, 1950, AS AMENDED.*

SPECIAL WARRANTY DEED OF GIFT

THIS SPECIAL WARRANTY DEED OF GIFT (the "Deed") is made as of _____,
2000 by and between **VIRGINIA ELECTRIC AND POWER COMPANY**, a Virginia public
service corporation ("Grantor"), and the **CITY OF ALEXANDRIA**, a Virginia municipal
corporation ("Grantee").

RECITALS:

By a certain Special Warranty Deed of even date herewith, Grantee conveyed to Grantor
certain real property, located in the City of Alexandria, Virginia and more particularly described
in Exhibit A, attached hereto and by this reference made a part hereof (the "Property").
Grantee's conveyance of the Property to Grantor therein was for the purpose of permitting
Grantor to acquire certain permanent easements and rights to the Property. Grantor now desires
to reconvey the Property to Grantee as a gift, while reserving the easements and rights which are
more particularly described herein. Grantee agrees to accept Grantor's gift of the Property,
subject to the easements and rights reserved herein.

CONVEYANCE:

NOW, THEREFORE WITNESSETH, that for and as a gift to Grantee, Grantor does
hereby grant and convey unto Grantee, subject to the matters set forth herein, with special
warranty of title, the Property.

In addition to those matters described below, this conveyance is made subject to all other easements, agreements, encumbrances, conditions and restrictions of record insofar as they may lawfully affect the Property.

Grantor hereby reserves unto itself and its licensees, invitees, successors and assigns an exclusive, perpetual variable width surface and underground easement, through, upon, under and across the Property (the "Easement"), as more particularly depicted and labeled as "Prop. 8' VEPCO R/W" on those two certain plats of survey, each entitled "Plat to Accompany Deed from City of Alexandria Jefferson St. - Glebe Potomac Yard Relocation," each prepared by Virginia Electric and Power Company, and each dated September 17, 1996, the first of which is labeled "No. 16" and the second of which is labeled "No. 7A&B" (collectively, the "Plats"), copies of which Plats are attached hereto as Exhibits B-1 and B-2, respectively, and by this reference made a part hereof, for the following purposes: (i) for attaching, locating, laying, constructing, installing, operating, using, maintaining, inspecting, rebuilding, removing, replacing, repairing, improving, and relocating at any time and from time to time within the area encumbered by the Easement (the "Easement Area") (1) one or more lines of underground conduits and cables for transmitting and/or distributing electric power and/or for communications purposes, together with all reasonably necessary surface or underground wires, cables, conduits, lines, subways, duct banks, transformers, transformer enclosures, concrete pads, manholes, handholds, meters and other attachments, equipment, accessories and appurtenances that Grantor or Grantor's licensees, invitees, successors and/or assigns may from time to time deem desirable in connection therewith (collectively, the "Facilities") and/or (2) the similar underground wires and reasonably necessary surface or underground facilities of any other public service corporation; and (ii) for making such changes, modifications, alterations, substitutions, additions to or

extensions of the Facilities or any part thereof as Grantor or Grantor's licensees, invitees, successors and/or assigns may from time to time deem advisable, including, without limitation, the right to increase or decrease the voltage and number of wires.

Grantor further reserves unto itself and its licensees, invitees, successors and assigns (i) a construction easement (the "Temporary Construction Easement") of variable width on, over, under, through and across portions of the Property, as more particularly described on the Plats and labeled thereon as "Temporary Construction Easement (Variable Width)" and "Temporary Construction Easement (25' Width)", for the purposes of constructing, laying, installing, maintaining, adding to, altering, substituting, rebuilding, removing, improving, locating, relocating, or replacing all or any part of the Facilities; (ii) the permanent exclusive right of ingress and egress on, under, over, across and through such portions of the Property and Grantee's other lands adjacent to and contiguous with the Property which are mutually satisfactory to Grantee, Grantor and Grantor's licensees, invitees, successors and assigns for the purposes of gaining ingress, egress and access to the Easement Area; and (iii) the permanent right to keep the Easement Area clear of all buildings or structures, trees, stumps, roots and undergrowth which may interfere with Grantor's use of the Easement Area and/or the installation, construction, operation, use, maintenance, repair or replacement of the Facilities or any part thereof.

The Facilities shall at all times remain the property of Grantor or Grantor's licensees, invitees, successors or assigns, as the case may be.

Grantor and its licensees, invitees, successors and assigns, as applicable, shall provide Grantee with plans showing the actual or proposed locations of the Facilities within the Easement Area. If Grantor or its licensees, invitees, successors or assigns relocate any of the

Facilities within the Easement Area, they shall provide Grantee with a set of plans showing the new location of such Facilities. Prior to placing, constructing or installing any Facilities in, over, along, on or under the Easement Area, Grantor or its licensees, invitees, successors or assigns, as applicable, shall obtain any and all permits required by Grantee or by any other applicable governmental entities for such work; provided, however, that in the event of an emergency, Grantor and its licensees, invitees, successors and assigns may locate, lay, construct, install, operate, use, maintain, inspect, rebuild, remove, replace, repair, improve, relocate within the Easement Area, change, alter, substitute, add to or extend all or part of the Facilities without first obtaining such permits.

Grantor and its licensees, invitees, successors and assigns shall not place, construct, install, move, change the location of, or alter any Facilities within the Easement Area, or dig in, cut or disturb any public street, public alley or public place belonging to Grantee, without first (i) giving written notice of its intention to do so to that certain department or agency of the City of Alexandria that the City Manager or the City Council of the City of Alexandria has at that time designated to receive such notice (the "Overseeing City Department or Agency") and (ii) obtaining written permission to do so from the Overseeing City Department or Agency, which permission shall not be unreasonably withheld; provided, however, that in the event of an emergency, or in cases where the notice and permission requirements have been waived by the Overseeing City Department or Agency, no such notice need be given and no such permission need be obtained. Any permission provided pursuant to this paragraph shall be conditioned upon compliance with the reasonable provisions, terms, conditions, and limitations set forth in this Deed and with such other reasonable provisions, terms, conditions and limitations that Grantee, in its reasonable discretion, determines will (a) preserve, protect or promote the safety of the

public while using the streets, alleys and other public places belonging to Grantee; (b) prevent unreasonable interference with, or unreasonable obstruction of, the use by the public or by another public utility or public service corporation of streets, alleys and other public places belonging to Grantee; or (c) preserve, protect or promote the health, safety and general welfare of the City of Alexandria and its citizens.

Grantor and its licensees, invitees, successors and assigns shall, in placing, constructing, installing, improving, maintaining, repairing, and using the Facilities, avoid all unnecessary damage to the trees in and along the public streets, public alleys and other public places belonging to Grantee and shall not cut or otherwise injure said trees to an extent greater than is necessary to exercise the rights reserved in this Deed.

In the event that, in the course of placing, constructing, installing, improving, maintaining, repairing, and using the Facilities, Grantor or its licensees, invitees, successors or assigns damages or causes damage to any pavement, sidewalk, sewer, water or other pipe or works belonging to Grantee, or to other property of Grantee, including landscaping, the responsible party shall, within sixty (60) days after receipt of written notice from Grantee stating that such damage has taken place, initiate repair or replacement such damage at such responsible party's own cost and expense. In the event the repair or replacement of such damage has not been initiated within sixty (60) days after receipt of such notice, Grantee may undertake to repair or replace such damage, and Grantor or its licensees, invitees, successors or assigns, as applicable, shall thereafter reimburse Grantee for any and all reasonable costs incurred by Grantee in performing such repair or replacement.

Grantee shall have the right to the Easement Area for any purpose not inconsistent with Grantor's rights reserved herein, including the right to maintain thereon an asphalt path for pedestrian and non-vehicular uses.

Grantor shall indemnify Grantee for, and shall hold Grantee harmless from, any and all losses, damages, judgments, liabilities, costs or expenses directly arising from or based upon the claims of third parties who incur personal injury, property damage or other loss caused, in whole or in part, by the presence, location, construction, installation, improvement, maintenance, repair, removal, relocation or use by Grantor of any Facilities; provided, that Grantor shall not be liable for any consequential damages and shall not be required to indemnify and hold Grantee harmless for losses, damages, judgments, liabilities, costs or expenses arising from or based upon the claims of third parties who incur personal injury, property damage or other loss which has been caused, in whole or in part, by the negligence, omission, act or willful misconduct of the City or any of its agents, employees, contractors, servants, licensees, invitees, successors or assigns.

[The remainder of this page is intentionally left blank.]

WITNESS the following signature and seal:

GRANTOR: VIRGINIA ELECTRIC AND POWER COMPANY,
a Virginia public service corporation

By: _____ (SEAL)

Name: _____

Title: _____

STATE OF VIRGINIA
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2000, by _____, who is _____ of VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, on behalf of the corporation.

Notary Public

My commission expires: _____.

GRANTEE'S ADDRESS:
City of Alexandria
c/o Ignacio Pessoa, Esq., City Attorney
301 King Street, Suite 1300
Alexandria, VA 22314

#782177v4

EXHIBIT A

[PROPERTY DESCRIPTION]

EXHIBITS B-1 and B-2

[THE PLATS]

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Prepared by:
Neil S. Kessler, Esq.
Mays & Valentine L.L.P.
1111 East Main Street, 23rd Floor
Richmond, VA 23219

Tax Map Parcel No.: _____

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (the "Deed") is made as of _____, 2000
by and between the **CITY OF ALEXANDRIA**, a Virginia municipal corporation ("Grantor"),
and **VIRGINIA ELECTRIC AND POWER COMPANY**, a Virginia public service
corporation ("Grantee").

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and
other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor
does hereby grant and convey unto Grantee, with special warranty of title, that certain real
property, located in the City of Alexandria, Virginia, and more particularly described in Exhibit
A, attached hereto and by this reference made a part hereof (the "Property").

This conveyance is made subject to all easements, conditions and restrictions of record
insofar as they may lawfully affect the Property.

WITNESS the following signature and seal:

Approved as to Form:

THE CITY OF ALEXANDRIA, VIRGINIA
a Virginia municipal corporation

Ignacio B. Pessoa, Esq., City Attorney

By: _____ (SEAL)
Name: _____

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Title: _____

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STATE OF VIRGINIA
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2000,
by _____, who is the _____ of the City of
Alexandria, Virginia, on behalf of the City.

Notary Public

My commission expires: _____.

GRANTEE'S ADDRESS:
Virginia Electric and Power Company
One James River Plaza
P.O. Box 26666
Richmond, Virginia 23261

#787502v2

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EXHIBIT A

[PROPERTY DESCRIPTION]

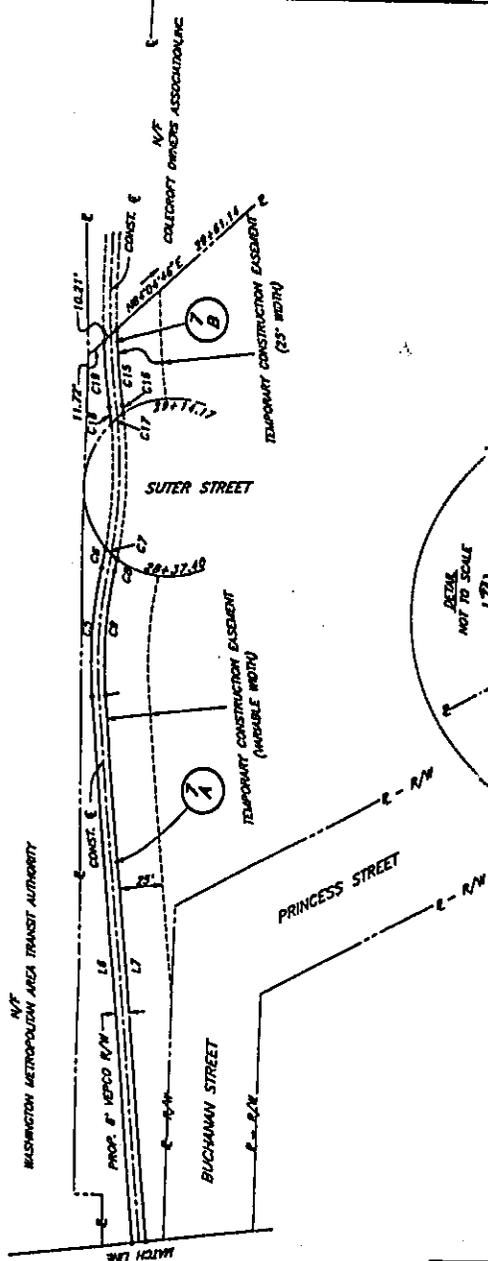
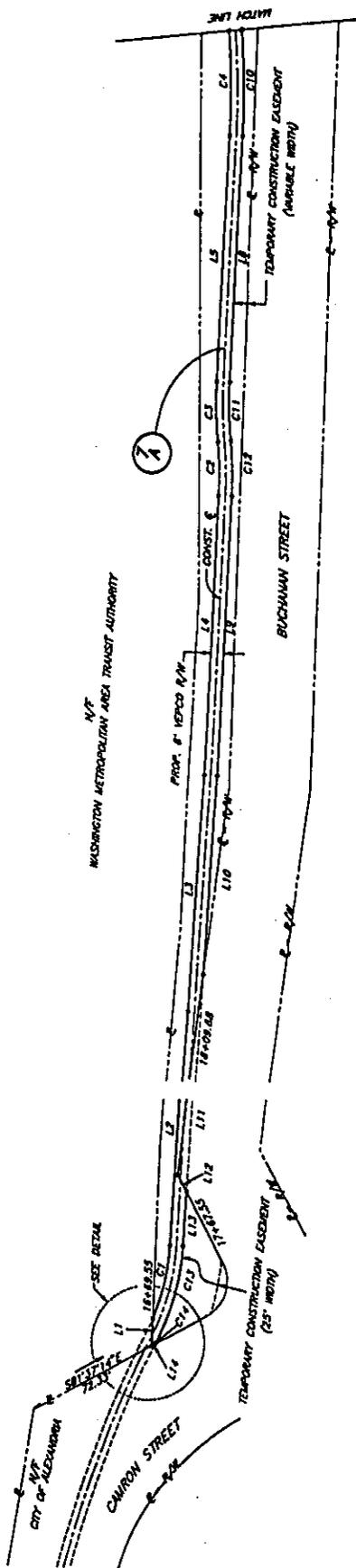
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4369
CITY OF ALEXANDRIA



LINE TABLE

NUMBER	BEARING	DISTANCE
L1	N59°36'45"E	18.80'
L2	N59°36'45"E	726.62'
L3	N59°36'45"E	726.62'
L4	N59°36'45"E	726.62'
L5	N59°36'45"E	726.62'
L6	N59°36'45"E	726.62'
L7	N59°36'45"E	726.62'
L8	N59°36'45"E	726.62'
L9	N59°36'45"E	726.62'
L10	N59°36'45"E	726.62'
L11	N59°36'45"E	726.62'
L12	N59°36'45"E	726.62'
L13	N59°36'45"E	726.62'
L14	N59°36'45"E	726.62'
L15	N59°36'45"E	726.62'

CURVE TABLE

NUMBER	RADIUS	DELTA	ARC	CHORD	CHORD BEARING	TANGENT
C1	148.77'	120.00°	17.08'	48.44'	N45°41'15"E	21.25'
C2	224.50'	120.00°	26.87'	75.17'	N45°41'15"E	18.80'
C3	448.00'	120.00°	53.74'	150.34'	N45°41'15"E	18.80'
C4	896.00'	120.00°	107.48'	300.68'	N45°41'15"E	18.80'
C5	1792.00'	120.00°	214.96'	601.36'	N45°41'15"E	18.80'
C6	3584.00'	120.00°	429.92'	1202.72'	N45°41'15"E	18.80'
C7	7168.00'	120.00°	859.84'	2405.44'	N45°41'15"E	18.80'
C8	14336.00'	120.00°	1719.68'	4810.88'	N45°41'15"E	18.80'
C9	28672.00'	120.00°	3439.36'	9621.76'	N45°41'15"E	18.80'
C10	57344.00'	120.00°	6878.72'	19243.52'	N45°41'15"E	18.80'
C11	114688.00'	120.00°	13757.44'	38487.04'	N45°41'15"E	18.80'
C12	229376.00'	120.00°	27514.88'	76974.08'	N45°41'15"E	18.80'
C13	458752.00'	120.00°	55029.76'	153948.16'	N45°41'15"E	18.80'
C14	917504.00'	120.00°	110059.52'	307896.32'	N45°41'15"E	18.80'
C15	1835008.00'	120.00°	220119.04'	615792.64'	N45°41'15"E	18.80'
C16	3670016.00'	120.00°	440238.08'	1231585.28'	N45°41'15"E	18.80'
C17	7340032.00'	120.00°	880476.16'	2463170.56'	N45°41'15"E	18.80'
C18	14680064.00'	120.00°	1760952.32'	4926341.12'	N45°41'15"E	18.80'
C19	29360128.00'	120.00°	3521904.64'	9852682.24'	N45°41'15"E	18.80'

20

1 = 0.21 AC (8971 SF)
3 = 0.01 AC (377 SF)
21 = 0.22 AC (9348 SF)

VIRGINIA ELECTRIC AND POWER CO.
JEFFERSON ST. - GLEBE
POTOMAC YARD RELOCATION
PLAN TO ACCOMPANY DEED

CITY OF ALEXANDRIA
STATE VA
SCALE: 1 INCH = 50 FT.
SURVEYED BY SAW
DRAWN BY DATE

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (27-37)

Planning Commission (continued)

27. DEVELOPMENTAL SITE PLAN #2000-0043 -- 1710 PRINCE STREET OFFICE BUILDING -- Public Hearing and Consideration of an appeal from a decision of the Planning Commission, on November 9, 2000, imposing as conditions to its approval of Applicant's site plan, certain requirements, numbered 10, 22, 30, and 34, for a development site plan amendment for construction of an office building with structured parking on the property located at 1710 Prince Street, zoned OCH/Office Commercial High. Applicant and Appellant: Duke Enterprises, Inc., by Robert L. Calhoun, attorney.

COMMISSION ACTION: Approved 7-0

(A copy of a letter dated December 6, 2000, from Robert L. Calhoun, attorney for the applicant, requesting deferral, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 12/16/00, and is incorporated herewith as part of this record by reference.)

The attorney for the applicant has requested that this item be deferred to the January 13, 2001 Public Hearing Meeting.

28. SPECIAL USE PERMIT #2000-0110 -- 1605-1611 MOUNT VERNON AVENUE -- ALEXANDRIA TOYOTA (Car lot site) -- Public Hearing and Consideration to Amend Special Use Permit #2000-0110 to Change the Name of the Applicant to Conform to the Applicant on the Hyundai Dealership Site. (#18 11/28/00)

This item has been deferred to the January 13, 2001 Public Hearing Meeting.

29. SPECIAL USE PERMIT #2000-0131 -- 5320 EISENHOWER AVENUE -- EAST COAST COLLISION REPAIR -- Public Hearing and Consideration of a request for a special use permit amendment to increase the number of vehicles allowed to be parked or stored at an existing automobile repair garage; zoned OCH/Office Commercial High. Applicant: East Coast Collision, by Gary Manjikian.

COMMISSION ACTION: Deferred 7-0

30. SPECIAL USE PERMIT #2000-0148 -- 535 EAST BRADDOCK ROAD -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a restaurant; zoned CRMU-H/Commercial Residential Mixed Use. Applicant: Carlo Pascarella.

COMMISSION ACTION: Noted Deferral

31. SPECIAL USE PERMIT #2000-0120 -- 3211 COLVIN STREET -- PDQUICK GROCERY -- Public Hearing and Consideration of a request for a special use permit for a use not listed in the Zoning Ordinance; zoned I/Industrial. Applicant: PDQuick, Inc., by Fred McLaughlin.

COMMISSION ACTION: Deferred (Inadequate Notice)

32. SPECIAL USE PERMIT #2000-0127 -- 3211 COLVIN STREET -- Public Hearing and Consideration of a request for a special use permit for a reduction of off-street parking; zoned I/Industrial. Applicant: D. King Boynton.

COMMISSION ACTION: Deferred (Inadequate Notice)

33. DEVELOPMENT SPECIAL USE PERMIT #2000-0030 -- 400 CAMERON STATION BOULEVARD -- HALLMARK - CAMERON STATION (Phase VII) -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct a senior housing and assisted living building; zoned CDD-9/Coordinated Development District. Applicant: KG Virginia-CS LLC, by Erika L. Byrd, attorney.

COMMISSION ACTION: Deferred (Applicant's Request)

34. SPECIAL USE PERMIT #2000-0084 -- 400 CAMERON STATION BOULEVARD -- HALLMARK - CAMERON STATION -- Public Hearing and Consideration of a request for a special use permit amendment to the Cameron Station transportation management plan (TMP) to incorporate the site area of the proposed senior housing and assisted living development; zoned CDD-9/Coordinated Development District. Applicant: Cameron Associates, LLC and KG Virginia-CS, LLC, by Erika L. Byrd, attorney.

COMMISSION ACTION: Deferred (Applicant's Request)

35. SPECIAL USE PERMIT #2000-0138 -- 3901 MOUNT VERNON AVENUE -- LILLIAN'S RESTAURANT -- Public Hearing and Consideration of a request for a special use permit amendment to a restaurant to (1) add live entertainment, (2) hold an outdoor community event, (3) increase the hours of operation, and (4) add outdoor seating; zoned CL/Commercial Low. Applicant: Oavars, Inc., by Harry P. Hart, attorney.

COMMISSION ACTION: Deferred (Applicant's Request)

Board of Architectural Review

36. CASE BAR-2000-0171 -- 608 CAMERON STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, denying a request for approval of a permit to demolish portions of a dwelling located at 608 Cameron Street, zoned CD Commercial. Applicant and Appellant: Richard Clausen by Harry P. Hart, attorney.

BOARD ACTION: Denied 4-3

The attorney for the applicant has requested that this item be deferred to the February 24, 2001 Public Hearing Meeting.

