

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, May 12, 2001 - - 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; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Urban Planner Farner; City Engineer Baker; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Urban Planner Beeton; Mr. Smith, Principal Staff, Boards of Architectural Review; and Sergeant Story and Lieutenant Hazel, Police Department.

Recorded by: Mrs. Beverly I. Jett, City Clerk and Clerk of Council.

OPENING

The Meeting was called to Order by Mayor Donley, and the City Clerk called the Roll; all Members of City Council were present with Councilwoman Pepper arriving at 9:40 a.m.

2. Public Discussion Period.

(a) Cathy Puskar, 3422 Old Dominion Boulevard, member, Youth Policy Commission, invited the public to attend a meeting to hear the results of the Developmental Asset Survey, a study of student health, behavior and attitudes, as well as to try to kickoff a community effort to become more involved with the well being and promotion of our youth. The meeting will be held on May 24, 2001, at 7:00 p.m., refreshments at 6:30 p.m., at the Minnie Howard Ninth Grade Center, 3801 West Braddock Road.

(A copy of the announcement pertaining to this meeting is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(a); 5/12/01, and is incorporated herewith as part of this record by reference.)

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-12)

Planning Commission

Without objection, City Council removed docket item nos. 8 and 11 from the action consent calendar and considered them under separate motions.

3. SPECIAL USE PERMIT #2001-0016 -- 407 E BRADDOCK RD -- SUBWAY RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to change the ownership and hours of operation of a restaurant; zoned CSL/Commercial Service Low. Applicant: R. P. Kapani.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/12/01, and is incorporated herewith as part of this record by reference.)

4. SPECIAL USE PERMIT #2001-0018 -- 4646 SEMINARY RD -- F C HAMMOND MIDDLE SCHOOL -- Public Hearing and Consideration of a request for a special use permit to add one trailer for classroom use; zoned R-8/Residential. Applicant: Alexandria City Public Schools, by Mark F. Krause.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/12/01, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2001-0019 -- 5700 SANGER AV -- WILLIAM RAMSAY ELEMENTARY SCHOOL -- Public Hearing and Consideration of a request for a special use permit extension for trailers for classroom use; zoned RA/Residential and POS/Public Open Space. Applicant: Alexandria City Public Schools, by Mark F. Krause.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/12/01, and is incorporated herewith as part of this record by reference.)

6. SPECIAL USE PERMIT #2001-0036 -- 3330 KING ST -- T C WILLIAMS HIGH SCHOOL -- Public Hearing and Consideration of a request for a special use permit to add one trailer for classroom use; zoned R-20/Residential. Applicant: Alexandria City Public Schools, by Mark F. Krause.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/12/01, and is incorporated herewith as part of this record by reference.)

7. SPECIAL USE PERMIT #2001-0022 -- 4553 DUKE ST -- FOXCHASE SHOPPING CENTER -- SUBWAY RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial General. Applicant: Subway Real Estate Corporation, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 5/12/01, and is incorporated herewith as part of this record by reference.)

9. DEVELOPMENT SPECIAL USE PERMIT #2001-0005 -- 3625 JEFFERSON DAVIS HY -- POTOMAC YARD CENTER -- HOPS RESTAURANT -- Public Hearing and Consideration of a request for a development special use permit amendment to allow off-premises sales of beer manufactured on the premises, and to extend the hours of operation of a restaurant; zoned CDD-10/Coordinated Development District, Potomac Yard/Greens. Applicant: Hops of Virginia Ltd., by J. Howard Middleton, Jr., attorney.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/12/01, and is incorporated herewith as part of this record by reference.)

10. ENCROACHMENT #2001-0002 -- 210 WILKES ST -- Public Hearing and Consideration of a request for encroachment into the public sidewalk right-of-way for an entrance stoop and stairs. zoned RM/Residential. Applicant: Russell and Sally Murray, by James W. Ritter, architect.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 5/12/01, and is incorporated herewith as part of this record by reference.)

12. SPECIAL USE PERMIT #2001-0024 -- 3701 MT VERNON AV -- (Birchmere Building) -- Public Hearing and Consideration of a request for a special use permit to operate a private school; zoned CDD-6/Coordinated Development District, Arlandria Center/Berkey Photo. Applicant: The Child and Family Network Centers, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 5/12/01, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Speck, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council approved the Action Consent Calendar as presented with the exception of docket item nos. 8 and 11 which were considered under separate motions. The Planning Commission recommendations are as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
9. City Council approved the Planning Commission recommendation.
10. City Council approved the Planning Commission recommendation.
12. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

Speck	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	not yet arrived
		Woodson	"aye"

8. SPECIAL USE PERMIT #2001-0028 -- 710 - 714 KING ST -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a restaurant; zoned CD/Commercial Downtown. Applicant: 710 King Street LLC, by Mustapha Meliani.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/12/01, and is incorporated herewith as part of this record by reference.)

Councilman Speck directed questions to Deputy Director of Planning and Zoning Ross with respect to combining the two separate permits into one and which now creates a single, much larger, restaurant.

WHEREUPON, upon motion by Councilman Speck, 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:

Speck	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	not yet arrived
		Woodson	"aye"

11. SPECIAL USE PERMIT #2001-0009 -- 2762 DUKE ST -- GREATER SHILOH BAPTIST CHURCH -- Public Hearing and Consideration of a request for a special use permit for a parking reduction for a church; zoned CG/Commercial General. Applicant: Greater Shiloh Baptist Church, by Diane Alvin.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 5/12/01, and is incorporated herewith as part of this record by reference.)

At 9:40 a.m., Councilwoman Pepper arrived during the discussion of this item.

Members of City Council, Deputy Director of Planning and Zoning Ross, and Attorney Riegle, representing the applicant, participated in a discussion on this item.

Councilman Speck stated his interest to the church and to City staff that if it looks like the shuttle system is not as ideal as hoped, that the City will take a look at something, that might have only a Sunday utilization, that might help to get pedestrians back and forth across the street.

Mayor Donley expressed concern about the agreement that the church has with the medical complex across the street, which is a one-year agreement, and if that agreement goes away after one year, there's a major problem particularly if they own the site. They are going to have to find a way to make it work, and clearly there is not sufficient parking nearby or on the south side of Duke Street in that regard.

Councilman Euille noted that off of Roth Street there is a warehouse building that is currently being occupied by a business, and they have created some additional parking. He queried the attorney for the applicant if he has approached them to possibly lease some spaces on Sundays.

Greg Riegle, attorney for the applicant, indicated that they have considered all of the very legitimate concerns that Council has raised, particularly the Mayor's. He expressed that the Mayor is correct that they are acquiring the property, and that they are the ones sitting in the position of risk as much as anyone, owning the building and improving it. The church's ultimate goal is to acquire an ownership interest in the property. The staff has correctly summarized the nature of the relationship with the medical plaza which has since strengthened their letters indicating the year-by-year renewal is simply to account for the maintenance costs and not any intent to pull it back. We understand the risk. We respect the risk.

Mr. Riegle stated that they have talked with the warehouse provider suggested by Councilman Euille, and at this point in time, they were unwilling to enter into an agreement, but they have left the door open. He stated for the record that he understands Council's concerns. They are acutely aware of them.

Councilwoman Pepper asked whether the no parking sign on Witter Drive could be removed. She also questioned whether the church had explored parking at the Fruit Growers parking lot at the very end of Witter Drive.

Mr. Riegle indicated that they have not, but certainly the church will follow-up on that.

Mr. Riegle stated for the record that the church is happy to work with the City to try to facilitate a crosswalk for pedestrian traffic, and have made the offer to fund it, if necessary.

With respect to the shuttle, Mr. Riegle further explained that the church parishioners will drop off their guests so that you do not have the entire car trying to get back across the street. There will be three shuttles. The church will staff it with people with two-way radios in all places both to discourage people from crossing the street and to ensure that everything is moving accordingly.

Councilwoman Woodson suggested using the ARHA parking lot and perhaps on Sundays, Witter Drive could allow parking.

City Engineer Baker will take a look at Witter Drive to see about the width restrictions and if it's possible to allow parking on it and report back.

Planning and Zoning Deputy Director Ross reported that the applicant already has an agreement with ARHA with respect to parking.

Councilman Euille questioned the use of the church for funeral services.

Mr. Riegle stated that the church's representative indicated to him that funeral services would not be in the first phase of its development, but maybe in subsequent phases. Operationally, what the church has committed to do is any time someone schedules an event at the church, they have to coordinate with the parking coordinator so the shuttle can be up and running. He further represented that the funerals could not occur during the week days simply because the agreements with Alexandria Medical Plaza don't allow that and that's just a reality until a permanent solution is found.

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

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

* * * * *

At this point with respect to docket item no. 12, Councilwoman Pepper expressed, after the action consent calendar was adopted, her concern about how persons dropping their children off would turn around and exit.

Attorney Blair responded that you would continue behind the building where there is a loop to turn around.

Councilwoman Pepper stated to staff that the arrangements for the playground are critical and are a very important component of whether or not this works. If playgrounds are too far from this facility, particularly in winter, the children will not get out. I know it has been left up to the staff to make sure that there are adequate play areas, and in the future, she would like to see that worked out a little better before it comes to Council. It is just too big of a component to be left dangling.

Attorney Blair noted that the Early Childhood Development is now accepting of the proposal. In fact, he has a scheme that he is going to try to work with an adjacent owner as dedicated property to the Chesapeake Bay open space which is right next to it and would be a very good shared use, and maybe increase their corporate image. This is well under control.

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New Business Item No. 1: Mayor Donley recognized a number of students from Bishop Ireton who are in attendance for an assignment of their government class.

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REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

13. Public Hearing on the Draft One-Year Action Plan of the Consolidated Plan for Housing and Community Development for the Period July 1, 2001 - June 30, 2002.

(A copy of the City Manager's memorandum dated May 7, 2001, together with the Draft Action Plan, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 13; 5/12/01, and is incorporated herewith as part of this record by reference.)

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

Jan L. Landskroner, 622 North Howard Street, #103, spoke to the goals and encouraged the City to continue to preserve the 423 subsidized units at Fox Chase; a copy of Ms. Landskroner's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 5/12/01, and is incorporated herewith as part of this record by reference.

Members of City Council participated in the discussion and directed questions to Director of Housing Davis.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council held and concluded the public hearing on the Draft One-Year Action Plan for Housing and Community Development for FY 2002, which includes the City's application for Federal Fiscal Year 2001 funding for \$1,243,000 in Community Development Block Grant (CDBG) monies and \$672,000 in Home Investment Partnerships Program (HOME) monies; and docketed the Action Plan and Community Development Block Grant and Home Investment Partnerships Program applications for final Council approval on May 22, 2001. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

14. DEVELOPMENT SPECIAL USE PERMIT #2000-0051 -- 124 S WEST ST -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct an office building, with waiver of zone transition setback requirement, increase in permitted floor area ratio and modification to crown coverage requirements; zoned CD/Commercial Downtown. Applicant: Riverport Land Company, by Duncan W. Blair, attorney. (#9 4/21/01)

COMMISSION ACTION: Recommend Denial 3-3-1

(A copy of Ms. Fogarty's memorandum dated May 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 5/12/01, and is incorporated herewith as part of this record by reference.

A copy of the Planning Commission report dated April 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 5/12/01, and is incorporated herewith as part of this record by reference.

A copy of Mr. Blair's memorandum dated May 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 14; 5/12/01, and is incorporated herewith as part of this record by reference.

A copy of Mr. Maginniss' letter dated May 9, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 14; 5/12/01, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 5 of Item No. 14; 5/12/01, and is incorporated herewith as part of this record by reference.

A copy of the PowerPoint presentation material is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 6 of Item No. 14; 5/12/01, and is incorporated herewith as part of this record by reference.)

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

Planning and Zoning Director Fogarty and Urban Planner Varner made a PowerPoint presentation on this item;

Duncan W. Blair, 112 South Alfred Street, attorney for the applicant, spoke in support of this application and responded to questions directed to him by Members of City Council;

Ray Waller, 6201 Elati Court, executive director, American Statistical Association, spoke in support and provided Council with a history of its presence in Alexandria;

Stephen Kulinski, 104 North West Street, architect, spoke in support of this application;

Peter Spencer, 121 Harvard Street, representing the Upper King Street Civic Association, spoke in support and explained that they have participated in the process and their concerns have been addressed;

Jonathan Wilbor, 310 South Lee Street, representing the Old Town Civic Association, spoke to the mass of this building and indicated that it is not compatible with most of the buildings in the neighborhood; and

David Olinger, 100 Prince Street, requested that this special use permit be denied.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilwoman Woodson and carried unanimously, City Council overturned the Planning Commission recommendation and approved the application with all original staff recommendations, intact, subject to the alley agreements as outlined in the exchange of letters dated May 8 and May 9, 2001, between Duncan Blair and Skip Maginniss, and with a requirement that the developer at least explore with the Upper King Street Civic Association, the potential of siting a bench in the pedestrian plaza. The voting was as follows:

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

15. SPECIAL USE PERMIT #2001-0014 -- 1104 QUEEN ST -- LEVI'S RESTAURANT -- Public Hearing and Consideration of a special use permit review for a restaurant; zoned CD/Commercial Downtown. Applicant: Levi T. Durham, Jr.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 5/12/01, and is incorporated herewith as part of this record by reference.)

Winston Gilchrist, general manager of the restaurant, responded to questions directed to him by the Members of City Council.

Planning and Zoning Deputy Director Ross answered questions posed by Members of City Council.

WHEREUPON, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Eberwein and carried unanimously, City Council approved the Planning Commission recommendation **with the following amendments: amended condition #25 by changing one year to ninety days, which condition now reads as follows: "25. The applicant shall screen the dumpster within ninety days of approval to the satisfaction of the Director of Planning and Zoning."**; and added the staff note as condition #26 which reads: **"26. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour."** The voting was as follows:

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

16. SPECIAL USE PERMIT #2001-0017 -- 1225 POWHATAN ST -- RUFFINO'S RESTAURANT -- (Dixie Pig Restaurant site) -- Public Hearing and Consideration of a request for a special use permit for a nonconforming restaurant use; zoned RB/Residential. Applicant: Robin Gamzeh and Romas Inc., trading as Ruffino's.

COMMISSION ACTION: Recommend Approval 5-1-1

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 5/12/01, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 16; 5/12/01, and is incorporated herewith as part of this record by reference.)

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

Murray A. Kivitz, 5454 Wisconsin Avenue, #650, Chevy Chase, MD, attorney representing the applicant, spoke in support of the application;

Poul Hertel, 1217 Michigan Court, representing the Northeast Citizens Association, spoke against this application and expressed concern with respect to parking, intensification of use, appropriateness, and non-conforming use;

Councilwoman Eberwein directed questions to Mr. Hertel.

Mariella Posey, 915 Second Street, expressed concern about parking and requested denial of this application; a copy of Ms. Posey's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item;

Sylvia Sibrover, 915 Second Street, stated concern that this may become a destination restaurant causing parking problems in the neighborhood and requested that the special use permit be denied; a copy of Ms. Sibrover's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item;

Mary Jane Kramer, 1219 Powhatan Street, supported the application provided that all conditions are enforced, that lighting be maintained, removal of the grease build-up on the roof, and a review by staff in six months; and

Maureen Walters, 1220 Portner Road, spoke against and to the many problems with the previous owner and parking, and should this be approved, that it be reviewed in six months.

Attorney Kivitz offered his rebuttal.

City Council held the public hearing.

General Discussion. Members of City Council, Ms. Kramer and Mr. Hertel, and Deputy Director of Planning and Zoning Ross participated in the discussion.

WHEREUPON, a motion was made by Councilwoman Pepper, seconded by Councilman Euille to deny this application and overturn the Planning Commission.

THEREUPON, a motion was made by Councilman Speck, seconded by Councilwoman Eberwein that City Council defer this to the first legislative meeting in June and asked the neighbors and the applicant to take one more crack at seeing whether they can work out any details.

Mayor Donley noted that the question before the Council is whether to consider the substitute motion; which motion to substitute was made by Councilman Speck, seconded by Councilwoman Eberwein and carried on a vote of 6-to-1. The voting was as follows:

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

Mayor Donley noted that the substitute motion is now on the table.

WHEREUPON, Council returned to the substitute motion made by Councilman Speck, seconded by Councilwoman Eberwein and carried on a vote of 4-to-3, City Council deferred this to the first legislative meeting in June and asked the neighbors and the applicant to take one more crack at seeing whether they can work out any details. The voting was as follows:

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

17. SPECIAL USE PERMIT #2001-0021 -- 3112-3114 MT VERNON AV -- VILLAGE IL PORTO RISTORANTE -- (former John's Pizza Restaurant) -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CRMU-M/Commercial Residential Mixed Use. Applicant: Village Il Porto Inc., by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 5/12/01, and is incorporated herewith as part of this record by reference.

A copy of the Del Ray Citizens Association's memorandum dated May 9, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 5/12/01, and is incorporated herewith as part of this record by reference.)

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

Mary Catharine Puskar, 2200 Clarendon Boulevard, Suite 1300, Arlington, VA, attorney representing the applicant, spoke in support of the application with the request that the hours on Friday and Saturday be increased to 1:00 a.m.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation **with an amendment to condition no. 4 changing the hours of operation on Friday and Saturday night to 1:00 a.m.** The voting was as follows:

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

18. SPECIAL USE PERMIT #2001-0020 -- 1508 MT VERNON AV -- MANCINI'S RESTAURANT -- Public Hearing and Consideration of a request for a special use permit for intensification to allow on-premise alcohol sales and to extend the hours of operation for a restaurant; zoned CL/Commercial Low. Applicant: Barbara Mancini.

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated May 1, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 5/12/01, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 18; 5/12/01, and is incorporated herewith as part of this record by reference.

Photographs, submitted by Ms. Beckwith, are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 18; 5/12/01, 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 representing the applicant, spoke in support of the application;

Councilwoman Eberwein posed questions regarding loading issue to Planning and Zoning Deputy Director Ross and Transportation and Environmental Services Deputy Director McCobb.

Cynthia O'Brien Beckwith, 239 East Monroe Avenue, spoke against the special use permit and addressed violations of which she provided photographs to Council;

Stewart Beckwith, 239 East Monroe Avenue, spoke against the special use permit;

Barbara Mancini, 100 East Monroe Avenue, applicant, spoke in support and addressed concerns;

Cristina Coletto, 226 East Monroe Avenue, spoke against the special use permit and expressed concern about alcohol and parking;

Paul Linehan, 401 East Monroe Avenue, spoke in support;

Sarah Hauk, 228 East Nelson Avenue, spoke in support and referred to the Del Ray Citizens Association's memorandum dated May 12, 2001; a copy of which is on file in the office of the City Clerk and Clerk of Council, and marked Exhibit No. 4 of this item;

Al Collins, 421 East Alexandria Avenue, spoke in support;

Russ Davis, 15A East Windsor Avenue, spoke in support; and

Lillian J. White, 119 West Mason Avenue, spoke in support.

Councilman Speck requested Planning and Zoning Director Fogarty to take a new and fresh look at the whole matter of defining closing hours.

Councilwoman Woodson encouraged the applicant to find a method to dealing with the neighbors amicably.

Planning and Zoning Deputy Director Ross responded to questions posed to her by the Members of City Council.

WHEREUPON, a motion was made by Councilman Speck, seconded by Councilwoman Pepper to overturn the Planning Commission and approve the application with the following amendments: that staff include some language in condition no. 26 that says something to the effect: "that if the director has received a request from any person to docket the permit for review, it should be as a result from a complaint that arises to the level of a violation."; and added the staff note as condition no. 29 which reads: "29. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour."

Councilman Euille offered a friendly amendment that this special use permit have a six-month review; which was not accepted by the maker of the motion.

Councilman Euille offered a friendly amendment to condition no. 28 that the dumpster be serviced at least **three** times a week; which was accepted by the maker and seconder of the motion.

Councilwoman Eberwein spoke to staff working with the applicant with respect to loading on the City streets, and amended condition no. 16 by adding "unless authorized by staff."; which was accepted by the maker and seconder of the motion.

Councilwoman Woodson suggested that condition no. 5 be amended by striking the words "including loading and unloading," and add reference to condition no. 16; which was acceptable to the maker and seconder of the motion.

WHEREUPON, City Council returned to the amended motion made by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council overturned the Planning Commission and approved the application, **with the following amendments: amended condition no. 5 by striking the words "including loading and unloading,"**; amended condition no. 16 to read: "16. Loading or unloading shall only occur between 6 a.m. and 10 p.m., and no loading or unloading shall occur from the City right-of-way unless authorized by staff." ; staff is to include some language in condition no. 26 that says something to the effect: "that if the director has received a request from any person to docket the permit for review, it should be as a result from a complaint that rises to the level of a violation."; amended condition no. 28 to read: "The dumpster shall be located adjacent to the building as depicted on the plat referenced in Ordinance #4048 and shall be completely screened from public review to the satisfaction of the Director of Planning and Zoning, with the requirement that the dumpster be serviced at least three times a week."; and added the staff note as condition no. 29 which reads: "29. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour." The voting was as follows:

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

ORDINANCES AND RESOLUTIONS

19. Public Hearing, Second Reading and Final Passage of An Ordinance authorizing the Issuance of General Obligation Capital Improvement Bonds for Various Public Improvements in the estimated maximum amount of \$54,500,000; and providing for reimbursement to the City of Alexandria from Bond Proceeds. (#16 4/10/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated April 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 5/12/01, and is incorporated herewith as part of this record by reference.)

The 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 upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4198

AN ORDINANCE authorizing the issuance of General Obligation Capital Improvement Bonds for various Public Improvements in the Estimated maximum amount of \$54,500,000; and providing for reimbursement to the City of Alexandria from bond proceeds.

WHEREAS, the City Council of the City of Alexandria, Virginia ("City") has determined that it is advisable to issue up to \$54,500,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below; and

WHEREAS, the City Council by Ordinance No. 4139, has previously authorized the issuance and sale of general obligation bonds of the City in the maximum amount of \$75,000,000, and has issued bonds in the amount of \$55,000,000, leaving a balance of \$20,000,000 unissued bonds; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

1. Authorization of Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$34,500,000 which may be issued and sold together with the bonds previously authorized but unissued pursuant to Ordinance No. 4139 in an aggregate principal amount of \$54,500,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to pay all or a portion of the costs of the Projects as described below and the Director of Finance is authorized and directed to determine the portion of the cost of each Project to be financed with Bond proceeds.

<u>General Project Description</u>	<u>Estimated Maximum Cost</u>
<u>Schools</u>	
Construction, remodeling and repairing of new or existing school buildings and acquisition of necessary equipment (this project includes projects contained in the capital improvement program under "Schools").	\$40,500,000
<u>City Parks and Buildings</u>	
Construction, renovation and improvement of new or existing City buildings and park facilities and acquisition of necessary land and equipment (this project includes projects contained in the capital improvement program under "Recreation and Parks" and "Public Buildings").	\$8,000,000
<u>Infrastructure</u>	
Construction, renovation and improvement of City streets, bridges, storm and sanitary sewers and acquisition of the necessary equipment (this project includes projects contained in the capital improvement program under "Streets and Bridges" and "Sewers").	\$6,000,000
<u>Total:</u>	\$54,500,00

2. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The Bonds shall be issued in one or more series, in fully registered form, shall be dated such date or dates as the City Manager and the Director of Finance, or either of them, may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the City Manager and the Director of Finance, or either of them, may approve,

provided that the final maturity of the Bonds is not more than approximately 20 years from their date and the aggregate principal amount of the Bonds is not more than the maximum amount set forth in paragraph 1 above. The City Manager and the Director of Finance, or either of them, is authorized and directed to accept the bid for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold to the successful bidder at such price as may be set forth in the bid so accepted; provided that the true interest cost of the Bonds shall not exceed 8.5% per annum. The City Manager and the Director of Finance, or either of them, is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City. The City Council may provide for additional or other terms of the Bonds by subsequent resolution.

4. Form of Bonds. The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. Book-Entry-Only-Form. The Bonds shall be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC. Only fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds shall be registered to Cede & Co. Beneficial owners of the Bonds shall not receive physical delivery of the Bonds. Principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds shall be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. The City shall notify DTC of any notice required to be given pursuant to this Ordinance or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given. The City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

Replacement Bonds (the "Replacement Bonds") shall be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

- (i) DTC determines not to continue to act as securities depository for the Bonds; or
- (ii) The City has advised DTC of its determination not to use DTC as a securities depository; or
- (iii) The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of the event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to the Ordinance to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Ordinance and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Ordinance and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The City Manager and the Director of Finance, or either of them, are authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds.

The City Council may appoint a subsequent registrar and/or one or more paying agents for the Bonds by subsequent resolution and upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

7. Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. CUSIP Numbers. The Bonds shall have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

9. Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Ordinance and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

10. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

11. Typewritten or Printed Bonds. The City may initially issue any or all of the Bonds in typewritten or printed form, as determined by the Director of Finance and the City Manager, or either of them. If any of the Bonds are to be issued in printed form, the City may initially issue such Bonds in temporary, typewritten form and shall promptly prepare, execute and deliver to the registered owners Bonds in printed form of the same maturity and interest rate and for the same aggregate principal amount as the typewritten Bonds. Appropriate variations, omissions and insertions may be made in the Bonds to facilitate printing. The Bonds will also be eligible for deposit with The Depository Trust Company.

12. Non-Arbitrage Certificate and Tax Covenants. The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

13. Disclosure Documents. The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Director of Finance shall determine. The Director of Finance is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

14. Further Actions: Public Hearing. The City Manager and the Director of Finance and such officers and agents of the City as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

The Clerk of the City is authorized and directed to advertise a public hearing to be held by the City Council in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended before the issuance of the Bonds.

15. Reimbursement. The City Council adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The City Council reasonably expects to reimburse advances made or to be made by the City to pay the costs of the Projects from the proceeds of its debt. The maximum amount of debt expected to be issued for the Projects is set forth in paragraph 1 above. The City hereby authorizes the Director of Finance, on behalf of the City, to specifically declare the City's official intent to reimburse portions of the cost of the Projects with Bond proceeds.

16. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Ordinance shall take effect upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction:	April 10, 2001
First Reading:	April 10, 2001
Publication:	April 19, 2001; April 26, 2001
Public Hearing:	May 12, 2001
Second Reading:	May 12, 2001
Final Passage:	May 12, 2001

Exhibit A - FORM OF BOND
UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA

No. R- **CITY OF ALEXANDRIA**

GENERAL OBLIGATION CAPITAL IMPROVEMENT BOND, SERIES ____

MATURITY DATE **INTEREST RATE** **CUSIP**

REGISTERED OWNER:

PRINCIPAL AMOUNT:

CITY OF ALEXANDRIA, VIRGINIA (the "City"), for value received, acknowledges itself indebted and promises to pay to the registered owner of this Bond or legal representative, the principal amount stated above on the maturity date set forth above and to pay interest on the principal amount of this Bond at the rate specified above per annum, payable semiannually on _____ 1 and _____ 1, beginning on _____ 1, _____. This Bond shall bear interest (a) from _____, _____, if this Bond is authenticated before _____ 1, _____ or (b) otherwise from the _____ 1 or _____ 1 that is, or immediately precedes, the date on which this Bond is authenticated; provided that, if at the time of authentication of this Bond, interest on this Bond is in default, this Bond shall bear interest from the date to which interest has been paid. Both principal of and interest on this Bond are payable in lawful money of the United States of America. The principal of this Bond is payable upon presentation and surrender hereof at the office of _____, as Bond Registrar and Paying Agent ("Bond Registrar"). Interest on this Bond is payable by check or draft mailed to the registered owner hereof at its address as it appears on the registration books maintained by the Bond Registrar without presentation of this Bond (or by wire if requested by any owner of at least \$1,000,000 in principal amount of the Bonds). All interest payments shall be made to the registered owner as it appears on the registration books kept by the Bond Registrar on the fifteenth day of the month preceding each interest payment date.

This Bond has been duly authorized by the City Council and is issued for the purpose of providing funds to pay the costs of various capital improvements for the City. The full faith and credit of the City are irrevocably pledged for the payment of the principal of and premium, if any, and interest on this Bond in accordance with its terms.

This Bond is one of a series of \$_____ General Obligation Capital Improvement Bonds, Series ____ of the City, (the "Bonds") of like date and tenor, except as to number, denomination, rate of interest and maturity, issued under the authority of and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, and, more particularly, issued pursuant to the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended and an ordinance adopted by the City Council on _____, 2001 (the "Ordinance").

Bonds maturing on or before _____, _____ are not subject to redemption before maturity. Bonds at the time outstanding which are stated to mature on or after _____, _____ may be redeemed before their maturities on or after _____, _____, at the option of the City in whole or in part (in installments of \$5,000) at any time or from time to time during the following redemption periods upon payment of the following redemption prices (expressed as a percentage of the principal amount to be redeemed) together with the interest accrued thereon to the date fixed for redemption:

Redemption Period (both dates inclusive)	Redemption Price
_____, _____ through _____, _____	____%
_____, _____ through _____, _____	____%
_____, _____ and thereafter	____%

If less than all of the Bonds are called for redemption, the maturities of the Bonds to be redeemed shall be selected by the Director of Finance of the City in such officer's discretion. If less than all of the Bonds of any maturity are called for redemption, the Bonds or portions thereof to be redeemed within a maturity shall be selected by lot by the Bond Registrar, each portion of \$5,000 principal amount being counted as one Bond for such purpose.

If any of the Bonds or portions thereof are called for redemption, the Bond Registrar shall send notice of the call for redemption identifying the Bonds by serial or CUSIP numbers, and in the case of partial redemption, identifying the principal amount to be redeemed, and identifying the redemption date and price and the place where Bonds are to be surrendered for payment, by first class mail not less than 30 nor more than 60 days before the redemption date to the registered owner of each Bond to be redeemed at such owner's address as it appears on the registration books maintained by the Bond Registrar, but failure to mail such notice shall not affect the validity of the proceedings for redemption. Provided funds for their redemption are on deposit at the place of payment on the redemption date, all Bonds or portions thereof so called for redemption shall cease to bear interest on such date, shall no longer be secured by the Ordinance and shall not be deemed to be outstanding. If a portion of this Bond shall be called for redemption, a new Bond in principal amount equal to the unredeemed portion hereof will be issued to the registered owner upon the surrender of this Bond.

The Bonds are issuable as fully registered bonds in denominations of \$5,000 and integral multiples thereof. Any Bond may be exchanged for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations at the principal office of the Bond Registrar.

This Bond may be transferred only by an assignment duly executed by the registered owner hereof or such owner's attorney or legal representative in a form satisfactory to the Bond Registrar. Such transfer shall be made in the registration books kept by the Bond Registrar upon presentation and surrender hereof and the City shall execute, and the Bond Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner hereof or such owner's attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Bond Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The City may designate a successor Bond Registrar and/or Paying Agent, provided that written notice specifying the name and location of the principal office of any such successor shall be given to the registered owner of the Bonds. Upon registration of transfer of this Bond, the Bond Registrar shall furnish written notice to the transferee of the name and location of the principal office of the Bond Registrar and/or the Paying Agent.

The Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the 15th day of the month preceding each interest payment date. This Bond shall not be valid or obligatory for any purpose unless and until authenticated at the foot hereof by the Bond Registrar.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this Bond have happened, exist or been performed in due time, form and manner as so required and that the indebtedness evidenced by this Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City Council of the City of Alexandria, Virginia, has caused this Bond to be signed by the facsimile signature of its Mayor, a facsimile of its seal to be affixed and attested by the facsimile signature of its Clerk and this Bond to be dated _____, ____.

CITY OF ALEXANDRIA, VIRGINIA

By _____
Mayor, City of Alexandria, Virginia

[SEAL]
ATTEST:

Clerk, City Council,
City of Alexandria, Virginia

* * * * *

20. Public Hearing, Second Reading and Final Passage of an ordinance to add a new Section 5-8-117 to the City Code to revise the procedures for approval, in residential areas, of on-street parking spaces reserved for the use of persons with disabilities. (#17 5/8/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 5/12/01, and is incorporated herewith as part of this record by reference.

A copy of the Human Rights Commission's memorandum dated May 10, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 20; 5/12/01, and is incorporated herewith as part of this record by reference.

A copy of the Alexandria Commission on Persons with Disabilities' memorandum dated May 11, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 20; 5/12/01, and is incorporated herewith as part of this record by reference.)

The 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 Vice Mayor Cleveland, seconded by Councilwoman Eberwein and carried on a unanimous ROLL-CALL vote, City Council passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4199

AN ORDINANCE to amend Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-8-117 (ESTABLISHMENT OF PARKING SPACES FOR PERSONS WITH A DISABILITY).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 8 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Section 5-8-117 to read as follows:

Sec. 5-8-117 Establishment of parking spaces for persons with a disability.

(a) Preemption of other law. Notwithstanding any contrary provision in this code, reserved parking spaces in the public right-of-way in single-family, two-family and townhouse residential areas for use by persons with a disability shall be established and removed as provided in this section.

(b) Application requirements. An application for a reserved parking space for persons with disabilities in the public right-of-way in residential areas must comply with the following criteria in order to be considered:

(1) There must be no off-street parking at the applicant's residence, or the applicant must demonstrate, as provided in paragraph (6), that existing off-street parking is not feasible for use by the applicant.

(2) The applicant must have a valid Virginia DMV disabled parking license plate or placard.

(3) The applicant must reside at the address in front of which the space is requested.

(4) The applicant must demonstrate that a vehicle is registered in Alexandria to a person who resides at the address requested.

(5) Legal parking must be available in front of the applicant's address.

(6) Each applicant must supply a copy of the medical certification submitted to the Department of Motor Vehicles, or a new such certification, which demonstrates eligibility for a DMV disabled parking license plate or placard, and, where existing off-street parking exists, must supply additional medical evidence to demonstrate that such parking is not feasible for use by the applicant.

(c) Approval requirements. If an application fails to meet any of the criteria listed in subsection (b), it will not be approved, unless a waiver is sought and approved under subsection (e). If the application is denied, the applicant shall be notified in writing as to the specific reasons for the denial, and shall also be notified of any right to appeal provided under this section.

(d) Block Limits. No more than one reserved parking space for persons with disabilities will be authorized for one side of any street, between intersecting streets (block face).

(e) Waivers. The City Manager is authorized to waive:

(1) The block limits standard under the following conditions:

(a) (i) The applicant demonstrates to the satisfaction of the City Manager that the applicant has a severe mobility impairment, and that (1) the applicant or a resident of the applicant's household owns a motor vehicle especially equipped to permit operation by, or transport of, the applicant, or (2) the applicant has a life threatening condition, or

(ii) The applicant demonstrates to the satisfaction of the City Manager that the block on which the applicant resides is of unusual or exceptional length, and that permitting an additional space would be the functional equivalent of the application of the usual block limit standard; and

(b) The applicant demonstrates to the satisfaction of the City Manager that the applicant otherwise meets the criteria in subsection (b) of this section; and

(c) If granted, a waiver shall be valid for a period of one year only, but the applicant may re-apply for additional one year periods.

(2) The requirement that legal parking must be available in front of the applicant's address, under the following conditions:

(a)(i) There is a fire hydrant, city no-parking regulation, or other similar impediment to parking in front of the applicant's address, or the applicant's property is of insufficient width to accommodate the reserved space, and the applicant demonstrates to the satisfaction of the City Manager that installation of the reserved space at another location will not unduly burden any other person; or (ii) the owner of the property in front of which the reserved space is proposed to be located has consented, in writing, to such location, in which case the waiver shall be granted as a matter of course, and

(b) The applicant demonstrates to the satisfaction of the City Manager that the applicant otherwise meets the criteria in subsection (b) of this section; and

(3) The City Manager may impose such conditions on any waiver as the manager deems reasonable.

(f) Use of reserved spaces. A parking space for persons with disabilities will be available for use by any eligible person with a DMV disabled license plate or placard on a first come, first served basis, and is not reserved for the exclusive use of the applicant. Only those vehicles used by, or to transport, a person with a disability may park in the reserved space, and the applicant's vehicle is expected to use the reserved space when parked in the neighborhood. Reserved spaces are not intended for use by companions except when transporting persons with disabilities, and displaying a DMV plate or placard. Use of the parking space by other persons when not transporting the person with a disability is a parking violation that carries a \$100 to \$500 fine, as provided in Section 10-4-19 of this code and Section 46.2-1249 of the Virginia Code.

(g) Administrative procedures. The Director of Transportation and Environmental Services shall be responsible for administering this section.

(1) All applications must be submitted to the Director for consideration and review. The Director will (a) evaluate satisfaction of eligibility criteria; (b) verify the validity of the disabled parking license plate or placard; (c) verify vehicle registration; (d) confirm residency; (e) determine availability of off-street and on-street parking; and (f) ensure conformance to the terms of this section in making a decision.

(2) Applications for a determination that an existing off-street parking space is not feasible for use by the applicant, and for a block limit or availability of parking waiver shall be submitted to the Director, for review and recommendation, and shall be decided by the City Manager.

(3) Any person aggrieved may appeal the Director's decision to the City Manager, by filing an appeal, in writing, with the Director, within 15 days of the Director's decision. The appeal shall be limited to the record upon which the Director based his decision, and such additional written submissions as the parties may provide. The Manager's decision on appeal, or on an application for a waiver, shall state the findings of fact and reasons for the decision, and shall be final and not appealable to City Council.

(4) The Director shall implement procedures to ensure the confidentiality of any medical information submitted by an applicant, including DMV medical certifications, which shall at minimum provide for the maintenance of such information in a sealed file, with access permitted only to Department employees or the City Manager on a need-to-know basis, during the pendency of an application. Once a decision has been

made on an application, access shall be permitted only on the written authorization of the Director or Acting Director. This information shall be held strictly confidential, and shall not be released to any individual or entity, other than the applicant, outside of the Department of T&ES, the City Manager or the Manager's designee appointed hereunder. All employees who have potential access to said information shall be trained on this policy and the strict confidentiality requirements adhered to. Medical information submitted by an applicant is exempt from mandatory disclosure under FOIA, and shall not be subject to discretionary release.

(h) Annual recertification. Each year the Director will mail a recertification form to each resident who received approval for the installation of a reserved parking space, including those parking spaces that were approved prior to [effective date of this ordinance]. In order to retain the reserved space, the resident must complete and execute the form affirming continued satisfaction of all of the eligibility criteria in subsection (b) of this section, except such criteria as may have been waived by the City Manager pursuant to subsection (e) of this section. The requirement of paragraph (b)(5) that the space be located in front of the applicant's residence, and the block limit requirement of subsection (d) shall not apply to the recertification of spaces approved prior to [effective date of this ordinance]. If the Director determines that the eligibility criteria are no longer satisfied, the resident will be notified in writing and must provide a response to the Director with proper evidence of compliance within 45 days of notification. Failure to provide the information in accordance with the requested deadline will result in a second letter and failure to respond to the second letter within 30 days shall result in the removal of the reserved space.

(i) Revocation. A reserved space is subject to revocation as follows:

(1) In the event that a complaint is made to the Director that the applicant no longer satisfies the eligibility criteria of subsection (b) of this section, or that the space is being repeatedly used in a manner contrary to subsection (f), by persons residing in or visiting the applicant's household, the Director will conduct a preliminary inquiry to determine if the complaint is supported by substantial and credible evidence. If the Director determines that the complaint is so supported, the applicant will be notified in writing of the nature and specifics of the complaint, and must provide a response within 45 days to the Director. The applicant and complainant(s) shall have the right to appear before the Director, upon 15 days written notice of the time and place of the hearing, and be heard in person or by counsel, but such hearing shall be conducted in an informal manner. The Director shall revoke a reserved parking space designation only if (i) the Director finds by a preponderance of the evidence that the applicant did not, or does not continue to, meet the criteria in subsection (b), or if (ii) the Director finds by clear and convincing evidence that the space is being repeatedly used in a manner contrary to subsection (f), by persons residing in or visiting the applicant's household. The Director shall notify all parties of the decision in writing, within 15 days of the close of the hearing. The decision shall state the findings of fact and the reasons for the decision. The notice shall inform the parties of their right to appeal the decision to the City Manager, and of the procedure for making such an appeal.

(2) Any person aggrieved may appeal the Director's decision to the City Manager, by filing an appeal, in writing, with the Director, within 15 days of issuance of the decision. The City Manager shall schedule a hearing on the matter within 30 days of the filing of the appeal, and shall give the parties 15 days notice of the time and place of the hearing. The Manager shall notify all parties of the Manager's decision in writing, within 15 days of the close of the hearing. The Manager's decision shall state the findings of fact and the reasons for the decision, and the decision shall be final and not appealable to City Council.

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

KERRY J. DONLEY
Mayor

Introduction: 05/08/01
First Reading: 05/08/01
Publication: 05/10/01
Public Hearing: 05/12/01
Second Reading: 05/12/01
Final Passage: 05/12/01

* * * * *

21. Public Hearing, Second Reading and Final Passage of an ordinance to amend Section 9-12-132 of the City Code to increase taxicab fares. (#18 5/8/01)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 5/12/01, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's memorandum dated May 9, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 5/12/01, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

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

City Manager Sunderland explained his recommendation to Members of Council.

Shahnawaz Biag, 4811 Manitoba Drive, representing Suhail Shanzad and Drivers' Action Committee, requested that the fares remain the same and that certificates be provided to the drivers and not to the cab companies;

Randy Stephens, P. O. Box 19029, representing Drivers' Action Committee, spoke to certificates, asked that a task force be formed to re-evaluate the issue of putting the certificates back into the driver's names, responsibility be given back to the Traffic and Parking Board and taken out of City Manager's hands, and stated that there is no grievance procedure;

Chand Dodhy, 51 West Reed Avenue, president, UTOP, representing the United Taxi Cab Operators' Association, spoke against the ordinance and supported giving the certificates back to the cab drivers;

Robert Hoar, representing Diamond Cab Company, suggested that there be a \$2.50 drop, maintain a 25 cent surcharge, and drop the age to charge for a child to 6 years old;

Ahmad Latif, president, White Top Cab, supported the testimony of Mr. Hoar;

Jim Yates, 3025 Mount Vernon Avenue, president, Alexandria Yellow Cab, Inc., supported the City Manager's recommendation and is willing to answer any questions concerning the management of the company and to discuss with a task force;

Jacob Mayhew, 3025 Mount Vernon Avenue, vice president, Alexandria Yellow Cab, Inc., supported the proposal submitted by the City Manager as the proposal does offset the increase;

David Estes, 433 Mount Vernon Avenue, spoke against the fare increase as it would be detrimental to the customers as stand dues would increase, supported the dropping the age of children passengers from 12 to 6 years old, giving the certificates to the cab drivers, establishing a control board if certificates are not given to the drivers so that there will be a grievance process, and putting a freeze on certificates as there are too many cabs; and

Zari Karimian, owner, VIP Cab Company, supported the ordinance and agreed that the age limit should be reduced to six years of age.

City Council, City Manager Sunderland and City Attorney Pessoa participated in a lengthy dialogue on this item; a copy of the verbatim transcript of Council's discussion is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item.

WHEREUPON, a motion was made by Councilman Euille and seconded by Vice Mayor Cleveland to defer action on this item today, and asked the Mayor to appoint two Members of Council to form a task force that will work with the City Manager in developing a recommendation that would come back to Council in terms of scope of work.

There was discussion on the motion.

THEREUPON, a substitute motion was made by Councilwoman Eberwein and seconded by Councilwoman Pepper to adopt the City Manager's recommendation and to have the Mayor to appoint a task force that would look at some of these other issues.

Mayor Donley stated that the question before the Council right now is whether to consider the substitute motion. It's not debatable. All those in favor of considering the substitute motion say "aye"; those opposed "no." That motion passes by a vote of 5-to-2. The voting was as follows:

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

Mayor Donley indicated that Council will now move to the new motion on the floor which is the motion by Ms. Eberwein, seconded by Mrs. Pepper to support the Manager's recommendation and then appoint a task force, as well.

There was discussion on the motion. Councilman Speck asked if the maker and seconder would agree to a significant friendly amendment to defer this to the next legislative meeting for final action?

Councilwoman Eberwein and Councilwoman Pepper withdrew their substitute motion.

Councilman Euille and Vice Mayor Cleveland withdrew the original motion, and a new motion was made as follows:

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Woodson and carried unanimously, City Council closed the public hearing, deferred Second Reading and Final Passage to the May 22, 2001 Legislative Meeting, and designated two Members of City Council, i.e., Vice Mayor Cleveland and Councilwoman Woodson, to work with the City Manager to determine whether a task force is necessary and, if so, what the scope of the task force work would be. The voting was as follows:

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

22. Public Hearing, Second Reading and Final Passage of an ordinance to amend Section 10-2-7 of the City Code to authorize the Director of Transportation and Environmental Services to establish certain types of electrically operated traffic signals or devices. (#19 5/8/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 5/12/01, and is incorporated herewith as part of this record by reference.)

The 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 unanimous ROLL-CALL vote, City Council 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	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4200

AN ORDINANCE to amend and reordain Section 10-2-7 (TRAFFIC CONTROLS REQUIRING ACTION BY CITY COUNCIL) of Article A (TRAFFIC DIVISION), Chapter 2 (TRAFFIC REGULATION), Title 10 (MOTOR VEHICLES AND TRAFFIC), of The Code of the City of Alexandria, Virginia, 1981.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-2-7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 10-2-7 Traffic controls requiring action by city council.

The following shall be established by the director of transportation and environmental services only when authorized by action of the city council:

- (1) one-way streets;
- (2) parking meter zones;
- (3) traffic lights;
- (4) prohibition of parking on more than one-half of any city block, including both street sides;
- (5) transit routes, and
- (6) truck routes.

Section 2. That the establishment by the director of transportation and environmental services of any electrically operated signal or device, other than traffic lights, on or before the effective date of this ordinance, and without action by the city council, be, and the same hereby is, ratified and confirmed.

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

KERRY J. DONLEY
Mayor

Introduction: 05/08/01
 First Reading: 05/08/01
 Publication: 05/10/01
 Public Hearing: 05/12/01
 Second Reading: 05/12/01
 Final Passage: 05/12/01

23. Public Hearing, Second Reading and Final Passage of an ordinance to add a new Section 10-4-44 to the City Code to increase the fine for parking in an HOV lane during restricted hours from \$35.00 to \$50.00. (#20 5/8/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 5/12/01, and is incorporated herewith as part of this record by reference.)

The 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 Speck, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4201

AN ORDINANCE to amend Chapter 4 (STOPPING, STANDING AND PARKING) of Title 10 (MOTOR VEHICLES AND TRAFFIC), of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 10-4-44 (PARKING PROHIBITED IN HOV LANE).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 of Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Section 10-4-44 to read as follows:

Sec. 10-4-44 Parking prohibited in HOV lane.

(a) It shall be unlawful for the operator of any vehicle, or for any person in whose name a vehicle is registered, to cause, allow, permit or suffer a vehicle to park, stop or stand in a commuter lane designated for the exclusive use of busses and high occupancy vehicles pursuant to section 10-3-2 of this code, on the days and during the hours specified in section 10-3-2 or in the resolution designating the commuter lane, as the case may be, for the exclusive use of such lane by busses and high occupancy vehicles.

(b) The provisions of Article S of Chapter 2, Title 3 of this code shall be applicable to the payment, contest and enforcement of parking citations issued for violation of this section; provided, however, that the penalty for the violation of this section, when the citation which was issued for the violation is uncontested, and payment is tendered to the director of finance within 30 calendar days from the date the citation was issued, shall be \$50.00.

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

KERRY J. DONLEY
Mayor

Introduction: 05/08/01
First Reading: 05/08/01
Publication: 05/10/01
Public Hearing: 05/12/01
Second Reading: 05/12/01
Final Passage: 05/12/01

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24. Public Hearing, Second Reading and Final Passage of an ordinance to extend for one year the telecommunication franchise which authorizes use of the public rights-of-way by Verizon. (#21 5/8/01) **[ROLL-CALL VOTE]**

(A copy of the City Attorney's memorandum dated May 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 5/12/01, and is incorporated herewith as part of this record by reference.)

The 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 unanimous ROLL-CALL vote, City Council 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	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4202

AN ORDINANCE to amend and reordain Ordinance No. 2165, as amended, to grant a one-year extension of franchise rights to Verizon Virginia, Inc. formerly known as Bell Atlantic-Virginia, Incorporated, formerly known as the Chesapeake and Potomac Telephone Company of Virginia.

WHEREAS, on March 22, 1977, the city council enacted Ordinance No. 2165 which granted a franchise to the Chesapeake and Potomac Telephone Company of Virginia and its successors and assigns for the purpose of providing a telephone and telegraph service and system within the city; and

WHEREAS, Section 17 of Ordinance No. 2165 provided that the franchise rights and privileges provided by the ordinance were to continue for a term of twenty years, from May 1, 1977 until May 1, 1997; and

WHEREAS, in order to await the resolution of issues arising from the enactment of certain state and federal legislation affecting the rights of municipalities and telecommunications providers, the city council, on October 25, 1997, enacted Ordinance No. 3961, which extended the franchise an additional two-year period until April 30, 1999, and on April 17, 1999, enacted Ordinance No. 4039, which extended the franchise until April 30, 2000 and again, on April 15, 2000, enacted Ordinance No. 4126, which extended the franchise until April 30, 2001; and

WHEREAS, resolution of the rights and responsibilities of local governments and telecommunications providers awaits the outcome of cases pending before federal courts of appeal, and such resolution will affect the terms of a new long-term franchise; and

WHEREAS, Verizon Virginia, Inc. and the city have agreed to delay negotiations of a new franchise agreement until July 1, 2001; and

WHEREAS, the city council has determined that it is in the public interest to extend for an additional one-year period the franchise granted by Ordinance No. 2165 to Verizon Virginia, Inc. as the successor to Bell Atlantic-Virginia, Incorporated, which was the successor to the Chesapeake and Potomac Telephone Company of Virginia; now, therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to Article VII, Section 9 of the Virginia Constitution and Article 1 of Chapter 21 of Title 15.2 of the Code of Virginia, Section 17 of Ordinance No. 2165, which defines the term of the franchise granted to the Chesapeake and Potomac Telephone Company of Virginia and its successors and assigns, be, and the same hereby is, amended to set the term at 25 years, such that the franchise shall expire on April 30, 2002, unless sooner voluntarily surrendered by the franchisee with the consent of the city council, or unless sooner forfeited as provided by law.

Section 2. That Ordinance No. 2165, as amended by Section 1 of this ordinance, be, and the same hereby is, reordained.

Section 3. That this ordinance shall be effective upon the date and at the time of its final passage, and shall operate retroactively to extend the term of the franchise heretofore until April 30, 2002.

KERRY J. DONLEY
Mayor

Introduction: 05/08/01
First Reading: 05/08/01
Publication: 05/10/01
Public Hearing: 05/12/01
Second Reading: 05/12/01
Final Passage: 05/12/01

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (25-30)

Planning Commission (continued)

25. DEVELOPMENT SPECIAL USE PERMIT #2000-0032 -- 5010 DUKE ST -- CAMERON STATION - PHASE V -- Public Hearing and Consideration of a request for a development special use permit amendment to remove the area west of Tancretti Lane from the Phase V plan; zoned CDD-9/Coordinated Development District. Applicant: Cameron Associates LLC, by David T. McElhaney, engineer.

COMMISSION ACTION: Deferred 7-0

26. DEVELOPMENT SPECIAL USE PERMIT #2000-0031450 FERDINAND DAY DR -- ARCHSTONE - CAMERON STATION (Phase VI) -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct apartment buildings; zoned CDD-9/Coordinated Development District. Applicant: Archstone Communities Trust, by Anthony C. Morse, engineer, and Jonathan Rak, attorney.

COMMISSION ACTION: Deferred 7-0

27. SPECIAL USE PERMIT #2000-0085 -- 450 FERDINAND DAY DR -- ARCHSTONE - 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 apartment buildings; zoned CDD-9/Coordinated Development District. Applicant: Archstone Communities Trust, by Anthony C. Morse, engineer, and Jonathan Rak, attorney.

COMMISSION ACTION: Deferred 7-0

28. VACATION #2001-0001 -- 706-708 MONTGOMERY ST -- Public Hearing and Consideration of a request for vacation of the public alley and court rights-of-way; zoned CD-X/Commercial Downtown. Applicant: Rafat Mahmood, by Duncan W. Blair, attorney; and appointment of viewers for same.

COMMISSION ACTION: Deferred (Applicant's Request)

29. MASTER PLAN AMENDMENT #2001-0001 -- REZONING #2001-0001 -- 2111 & 2121 EISENHOWER AV; -- 2320 MILL RD -- EISENHOWER CENTER -- Public Hearing and Consideration of a request for amendment to the King Street/Eisenhower Avenue Small Area Plan chapter of the 1992 Master Plan to change the land use designation and zoning from OCM-100/Office Commercial Medium to OCH/Office Commercial High. Applicant: Simpson Development Company Inc., Simpson Mill Road Family Partnership, and Eisenhower Avenue Limited Partnership, by Harry P. Hart, attorney.

COMMISSION ACTION: Deferred 7-0

Board of Architectural Review, Old and Historic District

30. CASE BAR-2000-0081 -- 619 SOUTH SAINT ASAPH STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on March 21, 2001, denying a portion and deferring a portion for restudy, of a request for approval of driveway gates at 619 South Saint Asaph Street, zoned RM Residential, will be heard. APPLICANT AND APPELLANT: Linda White.

BOARD ACTION: Denied portion, deferred portion for restudy 4-1

(A copy of the applicant's letter dated May 2, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 5/12/01, and is incorporated herewith as part of this record by reference.)

The applicant/appellant has requested that this appeal be deferred to the October 13, 2001 Public Hearing Meeting.

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without Objection, City Council noted the deferrals.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, at 2:15 p.m., the Saturday, May 12, 2001 Public Hearing Meeting was adjourned. The voting was as follows:

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

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Beverly I. Jett, CMC

City Clerk