

MEMORANDUM

TO: THE HONORABLE MAYOR AND
MEMBERS OF CITY COUNCIL

FROM: IGNACIO B. PESSOA *IBP*
CITY ATTORNEY
KAREN S. SNOW *KS*
ASSISTANT CITY ATTORNEY

DATE: APRIL 29, 2002

SUBJECT: ORDINANCE EXTENDING FRANCHISE OF VERIZON VIRGINIA, INC.
(FORMERLY BELL ATLANTIC-VIRGINIA, INCORPORATED)

Issue: Consideration of a proposed ordinance to extend the franchise of Verizon Virginia, Inc., for one year, until April 30, 2003.

Recommendation: That city council pass the proposed ordinance on first reading, and set the ordinance for public hearing, second reading and final passage on May 18, 2002.

Discussion: The city's franchise to Verizon Virginia, Inc., ("Verizon"), the successor to Bell Atlantic-Virginia, Incorporated, authorizes the company "to use the [city's] streets, alleys, and other public places" and "to acquire, erect, maintain and use posts, poles, wires, manholes, ... and all other necessary apparatus in, under, over and along the streets, alleys and public places of the city for the purpose of providing a telephone and telegraph service and system" within the city. The franchise was granted in 1977 for a 20-year period ending on April 30, 1997. This is the fifth extension of the franchise agreement. As explained below, this extension is at the request of both city staff and Verizon.

As you are aware, for the past two years, the press of other business on Verizon's part has prevented Verizon from meeting with city staff to negotiate a new franchise agreement. Last year, Verizon requested that franchise negotiations with the city resume in the summer 2001, because of the internal changes within the company which were a result of the August 2000 merger between Bell Atlantic and GTE. Verizon's general counsel has advised city staff that he and his staff have been fully occupied by ongoing franchise negotiations with other local governments. However, after five years of protracted negotiations, Verizon and the City of Richmond have agreed to a new franchise, thereby allowing Verizon and its counsel to focus on negotiating a new franchise agreement with the city.

It is our intention to begin meeting with Verizon in June and to have a new franchise ready for presentation to council by February of next year. Therefore, in order to keep the current franchise in effect during this period of negotiation, the proposed ordinance extends the term of the franchise until April 30, 2003.

If you have any questions about this matter, please call us.

Attachment

cc: Philip Sunderland
City Manager

Michele Evans
Assistant City Manager

Rose Boyd
Director, Citizen Assistance

Introduction and first reading:	05/14/02
Public hearing:	05/18/02
Second reading and enactment:	05/18/02

INFORMATION ON PROPOSED ORDINANCE

Title

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.

Summary

The proposed ordinance extends the franchise rights which permit the equipment and facilities of Verizon Virginia, Inc. to be located within the public rights-of-way in the City of Alexandria, to April 30, 2003.

Sponsor

Office of Citizen Assistance

Staff

Rose Williams Boyd, Director of the Office of Citizen Assistance
Karen S. Snow, Assistant City Attorney

Authority

§ 15.2-2100, Code of Virginia (1950), as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

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 20 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 on May 12, 2001, enacted Ordinance No. 4202, which extended the franchise until April 30, 2002; and

WHEREAS, the negotiation of a new franchise has been delayed due to Verizon's involvement with other ongoing business; 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 26 years, such that the franchise shall expire on April 30, 2003, 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.

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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 granted until April 30, 2003.

KERRY J. DONLEY
Mayor

Introduction: 5/14/02
First Reading: 5/14/02
Publication:
Public Hearing:
Second Reading:
Final Passage:

25-30
5-14-02

- CITY SEAL -

Public Hearing will be held by the City Council of the City of Alexandria, Virginia, in the Council Chamber, City Hall, City of Alexandria, Virginia, on Saturday, May 18, 2002, at 9:30 a.m., or as soon thereafter as may be heard on the hereinafter described ordinances.

TITLE OF ORDINANCE

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.

The proposed ordinance extends the franchise rights which permit the equipment and facilities of Verizon Virginia, Inc. to be located within the public rights-of-way in the City of Alexandria, to April 30, 2003.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Section 5-8-25 (REPOSSESSION OF IMPOUNDED VEHICLES; TOWING AND STORAGE CHARGES) of Article C (DISPOSITION OF ABANDONED, UNATTENDED AND IMMOBILE MOTOR VEHICLES), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

The proposed ordinance (a) increases the towing charge for a motor vehicle impounded by the city from \$50 to \$75, (b) increases the storage charge for a vehicle impounded by the city from \$20 to \$30 per day, and (c) increases the charge for administrative costs incurred by the city from \$40 to \$60.

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TITLE OF ORDINANCE

AN ORDINANCE to enact new Section 3-2-52.1 (ASSESSMENT OF FEE FOR COURTHOUSE SECURITY PERSONNEL), and to amend and reordain Section 3-2-53 (COLLECTION, REMITTANCE AND APPROPRIATION) of Article E (ASSESSMENT OF COURT COSTS AND FEES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

As authorized by state law, the proposed ordinance provides for the assessment of a fee of \$5 in certain court cases to fund the costs of courthouse security personnel.

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TITLE OF ORDINANCE

AN ORDINANCE to amend Article E (PRIVATE COLLECTORS) of Chapter 1 (SOLID WASTE CONTROL) 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 5-1-60 (REQUIRED REPORT). The proposed ordinance requires private waste haulers who collect solid waste and recyclable materials in the City to file an annual report with the Director of Transportation and Environmental Services, stating the tonnages of various types of waste collected. This information is required to enable the City to comply with the recycling requirements of state law.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2002-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. The proposed ordinance accomplishes the final adoption of Master Plan Amendment No. 2002-0001 to change the land use designation and proposed zoning at 111-119 East Reed Avenue to CRMU-M/Commercial Residential Mixed Use-Medium, in connection with the redevelopment of the National Car Rental site.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Sheet No. 16.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 111-119 East Reed Avenue to CRMU-M/Commercial Residential Mixed Use-Medium Zone, subject to a proffer, in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2002-0001.

The proposed ordinance accomplishes the final adoption of Rezoning No. 2002-0001, to rezone the property at 111-119 East Reed Avenue to CRMU-M/Commercial Residential Mixed Use-Medium Zone, subject to a proffer limiting use and development of the property to the Preston Condominium and Townhouse project approved by Development Special Use Permit No. 2002-0001.

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THE PUBLIC IS ADVISED THAT AMENDMENTS OR ADDITIONS MAY BE MADE TO PROPOSED ORDINANCES WITHOUT FURTHER PUBLICATION. IT IS RECOMMENDED THAT PERSONS INTERESTED IN ANY OF THESE ORDINANCES OBTAIN FREE FULL-TEXT COPIES FROM THE CITY CLERK AT CITY HALL. BEVERLY I. JETT, CMC, CITY CLERK

To be published in the:

Northern Virginia Journal on Thursday, May 16, 2002
Alexandria Gazette Packet on Thursday, May 16, 2002