

3A
5-14-02

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, April 13, 2002 - - 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; Mr. Jinks, Assistant City Manager; Public Information Officer Gordon; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Mr. Baier, Director of Transportation and Environmental Services; Ms. Davis, Director of Housing; Mr. Skrabak, Division Chief, Environmental Quality; Mr. Eiffert, Deputy Director of Housing; Mr. Neckel, Director of Finance; Mr. Mandley, Director of General Services; Mr. Dahlberg, Director of Code Enforcement; Ms. Johnson, Development, Division Chief; Urban Planners Beeton, Hashemi and Tate; and Lieutenant Uzzell, Police Department.

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

OPENING

The Meeting was called to Order by Mayor Donley, and the Deputy City Clerk called the Roll; all Members of City Council were present, with Councilman Euille arriving at 10:15 a.m.

New Business Item No. 1: Mayor Donley announced that there will be a special meeting of the Woodrow Wilson Bridge Neighborhood Task Force on Monday, April 15, at 7:30 p.m. in the City Council workroom. Virginia Secretary of Transportation Whittington Clement is coming to Alexandria at our request to discuss Alexandria's noise mitigation requests. The new commissioner, Mr. Shucet, will be here as well to receive a briefing and meet with the Task Force. Prior to the meeting, Council will be having a tour of the area, and the Mayor will meet with the Secretary prior to the tour.

2. Public Discussion Period.

(a) Philip Marston, 612 South Fairfax Street, on behalf of the Coalition for a Sensible Bridge, spoke on the expenditure of federal funds on the Woodrow Wilson Bridge construction when the mandated regional authority has never been formed;

(b) Judy McVay, 207 North Columbus Street, speaking on behalf of the Coalition for a Sensible Bridge, addressed the task force which is to be appointed in an effort to have historic easements granted to the Hunting Towers and Hunting Terrace complexes, and she urged that this task force be formed so that negotiations can begin with VDOT before this affordable housing can be demolished;

(c) Bert Ely, 200 South Pitt Street, speaking on behalf of the Coalition for a Sensible Bridge, addressed the need for downsizing of the Woodrow Wilson Bridge project, and he went over charts reflecting the serious financial problems and the increased cost of the bridge project; a copy of Mr. Ely's statement, with charts, are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of this item;

For the record, Mayor Donley stated that he will deliver the materials Mr. Ely has given to Council directly to the Secretary of Transportation on Monday when he meets with him, and he will ask for a formal response.

Mayor Donley directed questions to Mr. Ely about a press conference held by the Coalition for a Sensible Bridge at the Lyceum, where he understands that a public information officer from the Woodrow Wilson Bridge Project was present but was asked to leave by members of the Coalition, and that information passed out to the press was not given to the representative. The Mayor stated his opinion that The Lyceum is a public building accessible to the public, and people should not be denied access or information.

(d) Julie Crenshaw, 816 Queen Street, suggested that utilization of native plants for landscaping of the City would decrease the amount of care and water required, and keep the area looking nice without spending a lot of money or resources;

(e) Amy Slack, 2307 East Randolph Avenue, spoke to the Mount Vernon Avenue Guidelines, pointing out that the Guidelines were formulated for the entire Mount Vernon Avenue, and she suggested that Council incorporate these Guidelines into some of the planning going forth since a great deal of time has been spent on this. These are merely guidelines and can only be enforced through the special use permit process, but she would like to see businesses encouraged and given incentive to buy into these Guidelines. Lighting of signage and overflow into the atmosphere need to be given more attention as well;

Councilman Euille arrived at 10:15 a.m.

Mayor Donley questioned Planning and Zoning Deputy Director Ross about how to make the guidelines apply to by-right uses, and Ms. Ross assured him that she encourages applicants for sites that are not on special use permit uses to be aware of the guidelines on a case-by-case basis.

Councilwoman Eberwein brought up the subject of facade grants, which in many instances, with a small amount of seed money, can help to encourage existing businesses to update their facades. Planning and Zoning Director Fogarty explained that the Alexandria Economic Development Partnership had a small program in the Upper Potomac West area which gave assistance to small businesses to do just that; and

(f) Katharine Smeallie, 600 Woodland Terrace, spoke in support of full funding for the proposed skate park.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR

Planning Commission

Without objection, City Council removed docket item nos. 4 and 7 from the Action Consent Calendar and considered them under separation motions.

3. SPECIAL USE PERMIT #2002-0006 -- 3310 LANDOVER ST -- Public Hearing and Consideration of a request for a special use permit for a child care home; zoned RA/Residential. Applicant: Katy Ford.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 4/13/02, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2001-0135 -- 107 N WEST ST -- MARIO'S GOURMET ALLEY -- Public Hearing and Consideration of a special use permit review of a wholesale specialty foods business and request to add outdoor sales of plants and produce and to hold special events; zoned CD/Commercial Downtown. Applicant: Dobbin Enterprises, Inc., by Nancy Perez.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 4/13/02, and is incorporated herewith as part of this record by reference.)

6. SPECIAL USE PERMIT #2002-0010 -- 1640 KING ST -- CATE'S BISTRO -- Public Hearing and Consideration of a special use permit review for a restaurant; zoned OCH/Office Commercial High. Applicant: Catherine M. Archuleta.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 4/13/02, and is incorporated herewith as part of this record by reference.)

8. SPECIAL USE PERMIT #2002-0005 -- 1501 DUKE ST -- ST COLETTA SCHOOL -- Public Hearing and Consideration of a request for a special use permit for a private school; zoned OCH/Office Commercial High. Applicant: St. Coletta of Greater Washington, Inc., by Mary Catherine Gibbs, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 4/13/02, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Action Consent Calendar as presented with the exception of docket item nos. 4 and 7 which were considered under separate motions. The action of City Council follows:

- 3. City Council approved the recommendation of the Planning Commission.
- 5. City Council approved the recommendation of the Planning Commission.
- 6. City Council approved the recommendation of the Planning Commission.
- 8. City Council approved the recommendation of the Planning Commission.

The voting was as follows:

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

4. SPECIAL USE PERMIT #2002-0017 -- 295-297 S VAN DORN ST -- VAN DORN PLAZA -- JUMEIRA RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial General. Applicant: SS Columbia, Inc., by Dilawar Hossain.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/13/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck spoke to his concern of the cumulative effects on parking and traffic of individual parking reductions given to applicants, similar to the Bradlee situation. Urban Planner Hashemi replied that there is sufficient parking to meet the requirement at this site. Mayor Donley stated that as the retail nature of the center moves to more restaurant uses, parking is going to be problematic, so the owners of the shopping center can understand Council's concerns for future uses there. Planning and Zoning Deputy Director Ross participated in the discussion, as did Vice Mayor Cleveland, and Councilwoman Pepper.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Eberwein and carried on a vote of 5-to-0, City Council approved the recommendation of the Planning Commission. The voting was as follows:

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

7. SPECIAL USE PERMIT #2002-0001 -- 3901 MT VERNON AV -- LILLIAN'S RESTAURANT -- Public Hearing and Consideration of a special use permit review and request to change the hours of operation for a restaurant; zoned CL/Commercial Low. Applicant: OAVARS, Inc., by Oswaldo A. Salinas.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 4/13/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck removed this item from Consent because of his concern about the expanded hours. Planning and Zoning Deputy Director Ross responded to his queries, and Councilwomen Eberwein and Woodson participated in the discussion.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

9. Public Hearing on the Draft One-Year Action Plan for Housing and Community Development for the City's Fiscal Year 2003.

(A copy of the City Manager's memorandum dated April 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 4/13/02, and is incorporated herewith as part of this record by reference.)

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

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council (1) closed the public hearing on the Draft One-Year Action Plan for Housing and Community Development for FY 2003, which includes the City's application for Federal Fiscal Year 2002 funding for \$1,241,000 in Community Development Block Grant (CDBG) monies and \$671,000 in Home Investment Partnerships Program (HOME) monies; and (2) docketed the Action Plan and Community Development Block Grant and Home Investment Partnerships Program applications for final Council consideration on May 14, 2002. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

10. MASTER PLAN AMENDMENT #2002-0001 -- REZONING #2002-0001 -- 111 E REED AV -- PRESTON CONDOMINIUM AND TOWNHOMES -- Public Hearing and Consideration of a request for a master plan amendment to change the land use designation and request for rezoning of the subject property from RB/Residential and CSL/Commercial Service Low to CRMU-M/Commercial Residential Mixed Use, Medium. Applicant: A & A Limited Partnership, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 4/13/02, and is incorporated herewith as part of this record by reference.

A signed copy of Planning Commission Resolution No. MPA 2002-0001 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 4/13/02, and is incorporated herewith as part of this record by reference.)

Planning and Zoning Director Fogarty made a presentation on this project; a copy of which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item Nos. 10 and 11; 4/13/02, 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, 524 King Street, attorney for the applicant, introduced the developers, Danny and Paul Abramson, and their project architects at Cooper Cary, and he complimented all those who were involved on this collaborative process. They are still working with Lynnhaven to develop the park, so there is not a final park plan.

Councilwoman Pepper expressed concern at the loss of parking, and Planning and Zoning Director Fogarty explained that was initially the case, but in the final plan, all the parking spaces remain.

Councilman Speck asked Attorney Blair what happened in this development process to make it such a congenial one so that Council and other developers might understand how things can go. Mayor Donley and Councilwoman Eberwein participated in the discussion, as did Planning and Zoning Director Fogarty.

Amy Slack, 2307 East Randolph Avenue, representing Del Ray Citizens Association, spoke in support of the applications and raised the concern about how the redevelopment of this parcel will impact the existing small houses across the street. She urged the City to take steps to find options for providing more affordable housing; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item.

Councilman Euille reiterated Ms. Slack's point relative to this project's impact on the neighbors, and he encouraged staff, developers, and others to continue to work to protect existing residents so that they can continue to live in their homes; and

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

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

11. DEVELOPMENT SPECIAL USE PERMIT #2002-0001 -- 111 E REED AV -- PRESTON CONDOMINIUM AND TOWNHOMES -- Public Hearing and Consideration of a request for a development special use permit, with site plan and subdivision, for construction of a multi-family condominium and townhouse project; zoned RB/Residential and CSL/Commercial Service Low (CRMU-M rezoning pending). Applicant: A & A Limited Partnership, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 4/13/02, and is incorporated herewith as part of this record by reference.

A copy of the memorandum of the Del Ray Citizens Association dated April 12, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 4/13/02, and is incorporated herewith as part of this record by reference.)

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

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

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

12. SPECIAL USE PERMIT #2002-0002 -- 2412 JEFFERSON DAVIS HY -- ALEXANDRIA TOYOTA -- Public Hearing and Consideration of a request for a special use permit to change the ownership and expand an automobile sales business; zoned I/Industrial. Applicant: Alexandria Toyota and John E. Taylor, Jr., by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of a letter from Attorney Gibbs dated April 12, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 4/13/02, and is incorporated herewith as part of this record by reference.

A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 4/13/02, and is incorporated herewith as part of this record by reference.)

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

Mary Catherine Gibbs, 307 North Washington Street, attorney for the applicant, reported that the applicant has agreed with staff on just about all the landscaping requests and asked for changes to condition nos. 20 and 43 as outlined in her letter. Ms. Gibbs advised that Mr. Taylor met with Amy Slack at the site this week and came to an agreement on the light issue; and

Amy Slack, 2307 East Randolph Avenue, representing herself, supports the change of ownership request and has no objection to the increase in the illumination of the site with the conditions set out in her memorandum; a copy of her letter dated April 12, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item.

Staff will look into the concern expressed by Councilwoman Pepper that the Texaco station next door to this site has more than the approved lighting.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council approved the Planning Commission recommendation as amended with the following changes: condition #20 will now read: **"20. The Applicant shall maintain existing landscaping in good condition, and provide and maintain in good condition landscaping, and repaint the light posts in a manner generally consistent with staff's plan (dated March 2002) to the satisfaction of the Director of Planning and Zoning."**; and condition #43 will now read: **"43. The exterior lighting shall be shielded or directed so as to confine the area of diffusion to the property which it is intended to illuminate, and the amount of the illumination shall not exceed 50 foot candles, reduction to 32 foot candles one hour after the end of business. Relocation of any light standards shall be to the satisfaction of the Director of Planning and Zoning."**
The voting was as follows:

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

13. SPECIAL USE PERMIT #2002-0007 -- 1501 MT VERNON AV -- Public Hearing and Consideration of a request for a special use permit for a restaurant with off-street parking reduction; zoned CL/Commercial Low. Applicant: Marylisa Damiani.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 4/13/02, and is incorporated herewith as part of this record by reference.

The applicant's statement, together with photographs, are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 13; 4/13/02, and is incorporated herewith as part of this record by reference.)

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

Marylisa Damiani, 8002 Imperial Street, the applicant, asked that Council reconsider the wording of condition #24;

Tony Damiani, 604 Cameron Street, attorney for the applicant, suggested language to address the concerns on lighting raised by the neighbors; and

Amy Slack, 2307 East Randolph Avenue, representing Del Ray Citizens Association, supports the land use recommendations, including the issue of signs, and that the Mount Vernon Guidelines should be adhered to.

Councilwoman Eberwein queried Planning and Zoning Deputy Director Ross about the signs, and their locations, being requested.

Councilwoman Pepper asked that parking on the site be closely monitored by staff in case a reduction in the number of seats is necessary. In response to Councilwoman Pepper's concern about the condition of the parking lot, the applicant reported that the lot will be repaired and striped.

Councilman Speck **noted for the record**, on page 10, under Parking Requirement Reduction, "The applicant should be aware that substantial parking problems in the neighborhood related to the restaurant are likely to necessitate changes in the special use permit." He also noted condition #18, that employees who drive to work are required to use off-street parking.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilman Euille and carried unanimously, City Council approved the recommendation of the Planning Commission with the amendment to condition #24 to read: "... **Directional signage attached to the building [such as 'No Parking' or 'Loading Area'] is allowed. The existing sign on the Nelson Avenue side (southern side) of the subject building shall be removed. A replacement sign of smaller size [without internal illumination may] be erected on the building to the satisfaction of the Director of Planning and Zoning, after consultation with the applicant and the citizens association.**" The voting was as follows:

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

14. DEVELOPMENT SPECIAL USE PERMIT #2001-0026 -- 5010 DUKE ST -- ROCKY GORGE - CAMERON STATION (Phase III) -- Public Hearing and Consideration of a request for a development special use permit amendment to enlarge building footprint for Building #4 of the Phase III site plan; zoned CDD-9/Coordinated Development District. Applicant: Rocky Gorge at Main Street, LC, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 4/13/02, and is incorporated herewith as part of this record by reference.)

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

M. Catharine Puskar, 2200 Clarendon Boulevard, Suite 1300, Arlington, representing Rocky Gorge at Main Street, LC, reported on the matters on which the applicant is still working with the civic association and staff: (1) the possible need for additional brick detailing and faux windows on the facade of building number 4, and (2) making sure there is a good transition in the color and tone of brick as you go from the Cameron Club to building number 4; and

Roland Gonzales, 4914 Gardner Drive, president of Cameron Station Civic Association, spoke in support of the application and reported that it has been working with the applicant and staff.

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

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

ORDINANCES AND RESOLUTIONS

15. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the provisions of Title 2 of the City Code to establish the Ladrey Senior Building as an election precinct and polling place, instead of the United Way of America election precinct and polling place. (#24 4/9/02) **[ROLL-CALL VOTE]**

(A copy of the City Attorney's memorandum dated April 5, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 4/13/02, and is incorporated herewith as part of this record by reference.)

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

Councilwoman Eberwein inquired whether looking at a nine-district option for School Board would entail coming up with all new polling places. City Attorney Pessoa explained that staff have been looking at that and have been trying to produce the nine-district plan to minimize any impact on the existing precincts.

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

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

The ordinance finally passed reads as follows:

ORDINANCE NO.4245

AN ORDINANCE to amend and reordain subsection (a) (UNITED WAY OF AMERICA ELECTION DISTRICT) of Section 2-2-10 (ESTABLISHMENT OF ELECTION DISTRICTS AND VOTING PLACES), and to amend and reordain "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by Section 2-2-13 (MAP OF ELECTION DISTRICTS AND VOTING PLACES), all of Chapter 2 (ELECTIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

(a) The Ladrey Senior Building Election District shall be bounded and described by the census blocks shown on the map adopted by Section 2-2-13 of this code as comprising the said district.

The voting place within the Ladrey Senior Building Election District shall be at the Ladrey Senior Building, located at 300 Wythe Street.

Section 2. That "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by Section 2-2-13 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained as shown on Exhibit 1, attached hereto and incorporated fully by reference, to reflect the designation and description of the Ladrey Senior Building Election District, in replacement of the United Way of America Election District.

Section 3. That the general registrar of voters be, and he hereby is, directed to record the foregoing amendments on the said map.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that the changes in the Election District names and voting places herein made shall not be implemented until the changes are first submitted to the Attorney General of the United States and no objection is interposed within 60 days of the submission, as required pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

KERRY J. DONLEY
Mayor

Attachment

Introduction: April 9, 2002
First Reading: April 9, 2002
Publication: April 11, 2002
Public Hearing: April 13, 2002
Second Reading: April 13, 2002
Final Passage: April 13, 2002

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CITY OF ALEXANDRIA
2001 Precinct Census Blocks

ID TRACT	BLKGRP	BLOCK	ID TRACT	BLKGRP	BLOCK
Ladrey Senior Building			Ladrey Senior Building		
803 201801	2	2000	825 201801	3	3005
804 201801	2	2001	826 201801	3	3006
805 201801	2	2002	831 201801	3	3011
806 201801	2	2003	832 201801	3	3012
807 201801	2	2004	833 201801	3	3013
808 201801	2	2005	834 201801	3	3014
809 201801	2	2006	835 201801	3	3015
810 201801	2	2007	836 201801	3	3016
811 201801	2	2008	837 201801	3	3017
812 201801	2	2009	838 201801	3	3018
813 201801	2	2010	839 201801	3	3019
814 201801	2	2011	840 201801	3	3020
815 201801	2	2012	843 201801	3	3023
816 201801	2	2013	844 201801	3	3024
817 201801	2	2014	845 201801	3	3999
818 201801	2	2015	858 201802	1	1000
819 201801	2	2999	859 201802	1	1001
820 201801	3	3000	860 201802	1	1002
821 201801	3	3001	861 201802	1	1003
822 201801	3	3002	862 201802	1	1004
823 201801	3	3003	863 201802	1	1005
824 201801	3	3004	870 201802	1	1012

EXHIBIT 1

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16. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the provisions of Title 3 of the City Code which establish penalties for the late filing and payment of certain local taxes. (#25 4/9/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated April 10, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 4/13/02, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's memorandum dated April 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 4/13/02, and is incorporated herewith as part of this record by reference.)

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

Jack Taylor, 3750 Jefferson Davis Highway, business owner, spoke in support of the ordinance; and

Duncan Blair, 801 North Fairfax Street, Suite 402, vice chair of the Chamber of Commerce Government Affairs Committee and also co-chair of the Fourth Philanthropy Summit to be held on May 10, in Alexandria, speaking on behalf of the members of the Alexandria Chamber of Commerce, spoke in support of the ordinance and declared that the entire tax system needs amendment.

Councilwoman Eberwein asked about the potential revenue loss from these changes, and City Manager Sunderland detailed a total potential loss of \$580,000. Mayor Donley and Councilman Euille participated in the discussion with the City Manager as well.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the Substitute Ordinance upon 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 substitute ordinance finally passed reads as follows:

ORDINANCE NO. 4246

AN ORDINANCE to amend and reordain Section 3-2-229 (DUTY OF TAXPAYER TO FILE RETURN; PENALTY ASSESSMENT; ESTIMATES) and Section 3-2-230 (WHEN TAXES DUE, DELINQUENT TAXES; PENALTY) of Division 3 (TANGIBLE PERSONAL PROPERTY AND MACHINERY AND TOOLS), of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (d) of Section 3-2-229 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-229 Duty of taxpayer to file return; penalty assessment; estimates.

(d) (1) Whenever a return required by subsection (b) to be filed with the director is not timely filed, the director shall assess a penalty of \$10 or 5 percent of the amount of tax assessable on the property in question, whichever is greater; provided, that, for tax year 2002 and subsequent tax years, the penalty assessed shall not exceed \$500, if the return required by subsection (b) is filed within 30 days of the due date, and provided further, that the penalty may not exceed the amount of the tax. Such penalty when so assessed shall become a part of the tax and shall be collected in the same manner as is provided by law for the collection of taxes.

(2) Whenever a return required by subsection (c) to be filed with the director is not timely filed, the director shall assess a penalty of \$10 or 5 percent of the amount of tax assessable on the property in question, whichever is greater; provided, that, for tax year 2002 and subsequent tax years, the penalty for taxes levied on motor vehicles subject to the Personal Property Tax Relief Act of 1998 shall be calculated based solely on the portion of the taxes levied which the taxpayer is required to pay under such Act, and provided further, that the penalty may not exceed the amount of the tax. Such penalty when so assessed shall become a part of the tax and shall be collected in the same manner as is provided by law for the collection of taxes.

Section 2. That Section 3-2-230 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-230 When taxes due, delinquent taxes; penalty.

(a) The taxes levied on tangible personal property, on machinery and tools, and on mobile homes, motor vehicles, boats and trailers, except those which become subject to said tax after September 5, shall be due and payable to the director on or before October 5 of the year for which they are levied and shall be considered delinquent after that date. To all of said taxes so delinquent there shall be added and collected as a part thereof a penalty of 10 percent or \$10, whichever is greater; provided, however, that for tax year 2002 and subsequent tax years, the penalty for taxes levied on motor vehicles subject to the Personal Property Tax Relief Act of 1998 shall be calculated based solely on the portion of the taxes levied which the taxpayer is required to pay under such Act, and provided further that the penalty shall in no case exceed the amount of tax due from the taxpayer. In addition thereto, interest on the taxes and penalty due from the taxpayer shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum. There shall also be due, in addition to all penalties and interest, fees for administrative costs and reasonable attorney's fees or collection agency's fees incurred in the collection of such taxes, not to exceed the maximum permitted under section 58.1-3958 of the Code of Virginia (1950), as amended.

(b) The taxes levied on motor vehicles, boats and trailers which become subject to taxation between September 6 and December 31 of any given year shall be due and payable not more than 30 days after they become so subject to taxation. These taxes shall be considered delinquent if not paid on or before the thirtieth day from the date any motor vehicle, boat or trailer becomes subject to taxation. To all taxes so delinquent, there shall be added and collected as a part thereof, a penalty of 10 percent or \$10, whichever is greater; provided, however, that for tax year 2002 and subsequent tax years, the penalty for taxes levied on motor vehicles subject to the

Personal Property Tax Relief Act of 1998 shall be calculated based solely on the portion of the taxes levied which the taxpayer is required to pay under such Act, and provided further that the penalty shall in no case exceed the amount of tax due from the taxpayer. In addition thereto, interest on the taxes and penalty due from the taxpayer shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum. There shall also be due, in addition to all penalties and interest, fees for administrative costs and reasonable attorney's fees or collection agency's fees incurred in the collection of such taxes, not to exceed the maximum permitted under section 58.1-3958 of the Code of Virginia (1950), as amended.

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

KERRY J. DONLEY
Mayor

Introduction: April 9, 2002
First Reading: April 9, 2002
Publication: April 11, 2002
Public Hearing: April 13, 2002
Second Reading: April 13, 2002
Final Passage: April 13, 2002

* * * * *

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

17. Public Hearing on the Recommended Concept Plan for Windmill Hill Park.
(#18 4/9/02)

(A copy of the City Manager's memorandum dated April 4, 2002, together with the concept plan, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 17; 4/13/02, and is incorporated herewith as part of this record by reference.

The written testimony of Cindy Anderson, 2709 Valley Drive, who left the meeting without speaking, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17, 4/13/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein addressed an anonymous flier that was posted at the park. She explained that, to her knowledge, no Member of Council is entertaining any idea of moving the dog exercise area off-site completely; she addressed other points raised in the flier; and reported that Congressman Moran had mentioned to all Members of Council at a recent work session that he wasn't interested in pursuing federal funding for this park at this time, but she will continue working with his office.

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

Robert Odle, 476 South Union Street, a resident of Harborside, described the City's process as being open, candid and fair and raised his concerns about whether a dog run is really needed; do all the components of the plan make sense; should there be boat slips at what has always been a marina; and the need to finally remove the unsafe and ugly pilings; a copy of Mr. Odle's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item;

Jon Wilbor, 310 South Lee Street, speaking on behalf of the Old Town Civic Association, spoke in support of the plan with no adjustments, but he expressed concern about the cost to implement it and suggested that Council prioritize individual improvements within the plan; speaking of his concerns as a taxpayer, he stated that the plan is a good one, and he endorsed it; however, the amount of money to remove the pilings could better be dedicated to supporting the park service throughout Alexandria;

Andrew Macdonald, 513 Robinson Court, chair of the Steering Committee, spoke in support of the plan and addressed the positive attributes about the plan and process: we have a new waterfront park plan and a small craft launch site. He explained that access to the water should not be equated with more parking per se, and regarding the dog park, the Committee was not asked to evaluate whether a dog park would exist in this particular site, but where it would exist, and the Committee picked the site thought to be least intrusive, developing a boardwalk around it that would keep dogs and people separated to a certain degree. He stressed that Council look for ways to fund the plan in the near future, not in the long term;

Peter Kilcullen, 464 South Union Street, speaking on behalf of the Harborside Condominium Association, spoke in support of the plan;

Brian Buzzell, One Wilkes Street, read his statement in support of the proposed concept plan as recommended by City staff. He commended the Mayor and Council, the City Manager, Sandra Whitmore and posthumously, Lori Godwin, for navigating the difficult public process through uncharted waters, and he commended the Task Force. Due to the estimated cost to execute this plan, he suggested a phased approach by completing the park improvements that are least costly but provide the most benefit to citizens while leaving the water improvements until the City can find a source of funds to complete the project properly;

Windsor Demaine, 8 Wolfe Street, a member of the Task Force and subcommittees on water safety and education, spoke in support of the plan, and reported that this is a consensus plan, and the committee did come to a consensus on the 12 issues that were voted on in the end;

Joe Oliva, 11 Keith's Lane, president of Ford's Landing Home Owners Association, reported that it supports the plan but is concerned about the condition of the river and supports the proposed dredging;

Cathleen Curtin, 412 Wilkes Street, representing Friends of Windmill Hill Park, spoke as an advocate of the plan and of the dog run as proposed; a copy of the petition from Friends of Windmill Hill Park is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item;

Robert Ritsch, 419 Franklin Street, spoke in support of the plan, and stressed the importance of leaving the dog walk in its current location and maintaining water access;

In response to questions from Councilman Speck and Councilwoman Eberwein about the access of dogs to the water and the cost of enforcement, Recreation, Parks and Cultural Activities Director Whitmore explained that times would be allotted for dogs' access to the water. She explained that Recreation staff believe that they can help control usage, along with the Animal Shelter. It will be peer control as much as anything.

James McCall, 537 South Fairfax Street, spokesman for the Waterfront Alliance and also Friends of Windmill Hill Park, stated that the collaborative effort of this process was beneficial to everyone involved, and they fully support the plan;

Joan Pryce, 322 South Lee Street, spoke in favor of the plan, and that it preserves open space and views of the river. She asked that Council reconsider the 60-foot setback on both sides which would cut the size of the dog park;

Councilwoman Pepper asked that if the dog park is left where it is now, will we still have the wetlands and boardwalk? Recreation, Parks and Cultural Activities Director Whitmore responded that the area is smaller than what the dogs are enjoying today, but the group agreed to meet the criteria in the Dog Exercise Master Plan with the 60-foot setbacks and the one area designed for dogs to go into the water.

Al Kalvaitis, 17 Franklin Street, chair of the Ford's Landing External Communications Committee, spoke in support of the plan;

Julie Crenshaw, 816 Queen Street, stated that she will submit her comments in writing and brought to Council's attention that in the report the first two meetings of the task force include the public comments but the rest of the meetings do not. She feels it would be worthwhile for Council to know what people had to say;

Ms. Crenshaw was assured by the Mayor that citizens have until May 14, when Council takes formal action, to present written comments.

Councilwoman Pepper questioned whether the pilings are dangerous and would preclude dredging. Environmental Quality Chief Skrabak responded that the decaying wood is falling into the river and is a hazard for boating. The pilings do prevent any further dredging for either the removal of hydrilla or for sedimentation. Transportation & Environmental Services does support the removal of all the pilings, except that the larger pilings delineating the channel would be restored.

Ross B. Bell, 820 South Washington Street, #B-329, spoke in support of the plan;

Stephen T. Gallagher, 411 Franklin Street, spoke in support of the plan;

Kirby Rodriguez, 516 Duke Street, endorsed the plan;

Teresa Miller, 808 South Lee Street, representing Yates Garden Civic Association, spoke in support of the plan and stressed that there is a very strong neighborhood community that supports this park;

Jack Sullivan, 4300 Ivanhoe Place, a member of the Windmill Hill Park Steering Committee, reported that the Steering Committee did a good job. He addressed two issues: (1) the water safety subcommittee on which he served did make decisions to move the kayak and canoe launch because of safety issues only, and (2) his concern about dogs going into the water, stating that he was one of three for moving the dog park but didn't feel it was worth writing a minority report;

Councilman Speck reiterated his earlier question that if you are following the rules that are imposed on dogs off-leash, you cannot get from the dog park to the water unleashed, and City Attorney Pessoa explained that there is no doubt in his mind that the existing dog park boundary includes access to the water. Everybody understands that the dogs today have access to the water. With respect to the new plan, it's clear from the text that there is to be a pipestem from the bulk of the dog park out to the water so that the existing condition can be preserved; and

Poul Hertel, 1217 Michigan Court, spoke in favor of the plan and urged the City to study what is appropriate use of the waterfront area.

Councilman Euille stated that Council needs to bring this to closure, particularly in terms of identifying funding. He asked if the Governor's proposed new \$5 per ton fee for trash haulers coming into the state, that will generate about \$75 million annually, would be available for payment toward the cost of this plan. City Manager Sunderland reported that the funds are going into a current preservation program and the City is not likely to be eligible; however, he will look into it.

Councilwoman Woodson inquired why bulkheads are recommended versus rip rap. Greg Long, from Baker and Associates, explained that the committee selected encapsulation of the bulkhead in the south side as the best plan, even though it is expensive, in order to provide shoreline stabilization and safe access to the actual water.

To address concerns raised about the details of dogs and their owners reaching the river and how they will be controlled, Recreation, Parks and Cultural Activities Director Whitmore will provide Council with an improved graphic to more clearly depict the wetlands and waterline relating to access to the dog water exercise area. The Steering Committee chair, Andrew Macdonald, explained that the boardwalk is the main pathway; that the Task Force's point was to make sure there was a point under the boardwalk to allow access; it did not address the issue of an owner getting to the water with the dog.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council held and concluded the public hearing on this item. Final consideration is scheduled for May 14, 2002. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (18-21)

18. 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 6-1

19. DEVELOPMENT SPECIAL USE PERMIT #2000-0031 -- 450 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, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Deferred 6-1

20. 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, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Deferred 6-1

21. SPECIAL USE PERMIT #2002-0004 -- 115-117 KING ST -- LANDINI BROTHERS RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to add seating and make interior alterations to a restaurant; zoned CD/Commercial Downtown. Applicant: Landini Brothers, Inc., by Franco Landini.

COMMISSION ACTION: Deferred (Applicant not present)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the deferrals.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried unanimously, at 1:52 p.m., the Public Hearing Meeting of Saturday, April 13, 2002, was adjourned. The voting was as follows:

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

* * * * *

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Susan K. Seagroves, Deputy City Clerk