

MEMORANDUM

TO: THE HONORABLE MAYOR AND
MEMBERS OF CITY COUNCIL

FROM: IGNACIO B. PESSOA *IBP*
CITY ATTORNEY

KAREN S. SNOW *KSS/IBP*
ASSISTANT CITY ATTORNEY

DATE: JUNE 2, 2003

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, 2004.

Recommendation: That city council pass the proposed ordinance on first reading, and set the ordinance for public hearing, second reading and final passage on June 14, 2003.

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 sixth 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. As we have noted with respect to the grant of extension of the franchise over the past six years, Verizon has been involved in internal changes within the company as a result of the merger between Bell Atlantic and GTE, together with franchise negotiations between Verizon and other local governments which have prevented its general counsel and staff to complete negotiations for a new franchise agreement with city staff. However, Verizon's general counsel, has assured us that he and his staff will be available to resume negotiations this summer.

It is our intention to have a new franchise ready for presentation to council by March 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, 2004.

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:	06/10/03
Public hearing:	06/14/03
Second reading and enactment:	06/14/03

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 ordinance enacted in 1977, which permits equipment and facilities of Verizon Virginia, Inc. to be located within the public rights-of-way in the City of Alexandria, to April 30, 2004.

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 on May 18, 2002, enacted Ordinance No. 4249, which extended the franchise until April 30, 2003: 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 27 years, such that the franchise shall expire on April 30, 2004, 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 granted until April 30, 2004.

KERRY J. DONLEY
Mayor

Introduction: 6/10/03
First Reading: 6/10/03
Publication:
Public Hearing:
Second Reading:
Final Passage:

24-32
6-10-03

- 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, June 14, 2003, at 9:30 a.m., or as soon thereafter as may be heard on the hereinafter described ordinances.

TITLE OF ORDINANCE

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, and for the payment of municipal expenditures by providing supplemental appropriations of amounts required to defray certain expenditures and liabilities of the city for fiscal year 2003, which began on the first day of July 2002 and ends on the thirtieth day of June 2003.

The proposed ordinance appropriates supplemental funds for the operation of city government in fiscal year 2003.

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TITLE OF ORDINANCE

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, for the payment of interest and principal on the city debt and other municipal expenditures and expenses, and for other purposes, for fiscal year 2004, beginning on the first day of July 2003 and ending on the thirtieth day of June 2004.

The proposed ordinance appropriates funds for the operation of the city government in fiscal year 2004.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Section 3-2-205 (DUTIES OF REAL ESTATE ASSESSOR; RIGHTS OF AGGRIEVED PARTIES) of Division 2 (TAXATION OF REAL ESTATE DEVOTED TO OPEN-SPACE USE), 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 proposed ordinance reduces the minimum size requirement for open-space use taxation to one-quarter of an acre.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Section 3-2-187 (ASSESSMENT OF NEW BUILDINGS SUBSTANTIALLY COMPLETED) of Division 1 (REAL ESTATE), 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 proposed Ordinance will permit the supplemental real estate tax assessment of new buildings substantially completed after November 1 of the tax year.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Article A (TAXICABS AND FOR-HIRE VEHICLES) of Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Division 7 (CONDITIONS OF CERTIFICATES AND PERMITS). The proposed ordinance adopts dispute resolution procedures for the taxicab industry to provide a fair and equitable means for taxicab company owners, managers and drivers to work out disputes that arise between companies and drivers. The Taxicab Task Force, the Traffic and Parking Board and City staff have recommended the adoption of such procedures.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain subsection (n) (SECOND PRESBYTERIAN CHURCH 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 proposed ordinance changes the voting place within the Second Presbyterian Church Election District from the Second Presbyterian Church, located at 1400 Janney's Lane, to the Douglas MacArthur School, located at 1101 Janney's Lane. No change is made to the existing boundaries of the election district. However, in accordance with the practice of naming the election districts after the associated voting place, the name of the district is changed to the Douglas MacArthur School Election District. With the sale of

the Second Presbyterian Church property, that site will no longer be available for use as a voting place.

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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 ordinance enacted in 1977, which permits equipment and facilities of Verizon Virginia, Inc. to be located within the public rights-of-way in the City of Alexandria, to April 30, 2004.

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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 amendments heretofore approved by city council to such master plan as Master Plan Amendment Nos. 2003-0005, 2003-0006 and 2003-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendments. The proposed ordinance accomplishes the final adoption of Master Plan Amendment Nos. 2003-0005, 2003-0006 and 2003-0007, to adopt amendments to the Potomac West Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, and to add the Alexandria Open Space Plan and the Strategic Master Plan for Recreation, Parks and Cultural Activities as chapters of the said Master Plan.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES); to add a new Section 4-1400 (NEIGHBORHOOD RETAIL ZONE (ARLANDRIA)) to Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), and to amend and reordain Paragraphs (6) (CDD No. 6 ARLANDRIA CENTER/BERKEY PHOTO) and (7) (CDD No. 7 ROUTE 1 PROPERTIES) of, and to add a new Paragraph (12) (CDD No. 12 SAFEWAY/DATATEL) to, Subsection (A) (CDD DISTRICTS), of Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS), all of the City of Alexandria Zoning Ordinance, in accordance with the said zoning map and text

amendments heretofore approved by city council as Rezoning No. 2003-0003 and Text Amendment No. 2003-0003.

The proposed ordinance accomplishes the final adoption of Rezoning No. 2003-0003 and Text Amendment No. 2003-0003, to implement the zoning changes required by the recently approved amendments to the Arlandria portion of the Potomac West Small Area Plan Chapter of the City's Master Plan.

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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 A FREE FULL-TEXT COPY FROM THE CITY CLERK AT CITY HALL. JACKIE HENDERSON, CMC, CITY CLERK

To be published in the:

Northern Virginia Journal on Thursday, June 12, 2003
Alexandria Gazette Packet on Thursday, June 12, 2003

ORDINANCE NO. 4308

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.

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KERRY J. DONLEY
Mayor

Final Passage: June 14, 2003