

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting  
Saturday, October 16, 2004 - - 9:30 a.m.

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Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald and Paul C. Smedberg.

Absent: Councilwoman Joyce Woodson

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Ms. Gordon, Public Information Officer; Mr. Johnson, Director of the Office of Management and Budget (OMB); Mr. Neckel, Director of Finance; Mr. Baier, Director of Transportation and Environmental Services; Police Lt. Uzzell; Mr. Fifer, E-Government Manager, ITS; Mr. Robinson, Master Electrician; Ms. Padron, Budget Analyst; Mr. Dahlberg, Code Enforcement Director; Ms. Federico, Historic Alexandria; Mr. Smith, BAR liaison, Planning and Zoning; Mr. Phipps, Division Chief, Planning and Zoning; and Ms. Irps, Urban Planner.

Recorded by: Jackie M. Henderson, City Clerk and Clerk of Council

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## OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille and the City Clerk called the roll; all members of Council, except Councilwoman Woodson, were present.

**New Business Item No. 1:** Mayor Euille recognized the four Ukrainian physicians and their facilitator in the Chambers, who are spending a week in Alexandria, sponsored by the Library of Congress, Rotary International and the local Alexandria Rotary Club.

2. Public Discussion Period.

(a) Roger Waud, 501 Slaters Lane, #1203, president of the North Old Town Independent Citizens Association, and vice president of Marina Towers, spoke about his concern of the deferment of the text amendment for the Mirant Power Plant and said it needs to be moved on. Mr. Waud also spoke to the development along First

Avenue at the corner of North Royal going north to Third Street, and noted their concern about the impact on transportation and there should be a review of the transportation plan with an eye to increasing DASH bus frequencies and to have increased transportation from that area to the Braddock Road station.

(b) Laura Lantzy, 433 Old Town Court, representing her neighbors of Old Town Station Owners Association, Old Town South Owners Association, and the Southwest Quadrant Civic Association, asked Council to give attention to the problem of traffic flow in the southwest quadrant of Old Town, and she showed a photograph of the Route 1 south approach to the new ramp to the Beltway and Woodrow Wilson Bridge. She said the residents are seeking remedies that will help reduce the increasing number of traffic violations and other hazards plaguing their residential streets and aggravating the flow of traffic to the bridge. She said they will formulate their recommendations and cost estimates to reduce the number of traffic violations and other hazards and will bring the final plan to Council and the Traffic and Parking Board before the start of the new year. She asked Council to put a placeholder in the budget for traffic control initiatives in the southwest quadrant.

(c) Christine Michaelis, 3976 Seminary Road, on behalf of the Seminary Hill Association, spoke about the speeding problem on Seminary Road, and she asked the City to extend its study of speeding on Seminary Road. Ms. Michaelis presented a preliminary petition to the Council indicating concerns about the speeding in a residential area and asking the City to make it more pedestrian friendly and walkable.

(d) Justin Wilson, along with Pat Miller, Gayle Reuter, Patty Moran, Rosa Byrd, Judy Lowe, Jack Taylor and Tom Welsh, presented a proclamation declaring October 16, 2004, as City Manager Phil Sunderland Day, along with a gift basket to Mr. Sunderland for his work to the City.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the proclamation. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

### **ACTION CONSENT CALENDAR (#3)**

#### **Planning Commission**

3. DEVELOPMENT SPECIAL USE PERMIT #2004-0027  
4951 BRENMAN PARK DRIVE

**CAMERON STATION - PHASE I**

Public Hearing and Consideration of a request for a development special use permit amendment to expand the definition of permitted commercial uses to include day care centers and other uses; zoned CDD-9/Coordinated Development District. Applicant: Main Street Retail, L.C. by Duncan Blair, attorney

**PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0**

(A copy of the Planning Commission report dated October 5, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 10/16/04, and is incorporated as part of this record by reference.)

**END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the action consent calendar as follows:

- 3. City Council approved the Planning Commission recommendation.

The voting was as follows:

Gaines	"aye"	Krupicka	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

- 4. Public Hearing To Obtain Citizens Input on the City's Proposed Fiscal Year 2006 Budget and Capital Improvement Program (CIP.)

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

(a) Robert L. Smith, 1102 Bayliss Drive, chair of the USS Alexandria Liaison Committee, expressed appreciation for the matching grant in the 2005 budget. He requested that Council consider putting another matching grant in the 2006 budget in the amount of \$5,000.

(b) Robert Caulk, 1109 Portner Road, president, Friends of Ft. Ward, requested support to help and look at Ft. Ward, as it is 40 years old and deteriorating.

(c) Thurman Roberts, 10630 Canterbury Road, president of the Civil War Roundtable, representing Ft. Ward and the museum and park, asked for support of the park.

(d) Joan Renner, 801 N. Fairfax Street, chair, Alexandria Chamber of Commerce, spoke in support of initiatives that support commercial activity and she encouraged Council to give high priority to programs that foster a healthy business community, such as the Small Business Development Center.

(e) Charlie Collum, 801 N. Fairfax Street, chair-elect of the Alexandria Chamber of Commerce, spoke about the real estate tax rate degree of increase and said the Chamber preferred to encourage additional revenue by encouraging additional commerce to take place and encouraged the real estate tax rate be reduced to 95 cents or less, and the Chamber encourages fiscal responsibility with regard to the operating budget and personnel costs. He said the Chamber supports the acquisition of open space through the one cent tax and other means within the recommendations of the Open Space Task Force. He also noted that the Chamber looks forward to moving forward on a waterfront plan and to balancing the use of cash capital and debt financing to finance needed capital improvements and for the City to maintain its AAA rating.

(f) John Renner, 801 N. Fairfax Street, speaking on behalf of the Alexandria Chamber of Commerce, said the Chamber supports the tax relief available to low-income homeowners but would like to see more people who are eligible take advantage of the relief, and he noted that the City needs to change the way they finance affordable housing. The Chamber encourages the City to review the overall structure of the business license tax rates to ensure they are competitive with other jurisdictions.

(g) Ken Moore, 416 Stanton Place, president and CEO of the Alexandria Chamber of Commerce, spoke about the Office of Code Enforcement and the need for filling of remaining vacant positions. The Chamber supports measures to improve transit, traffic and transportation and to continue to promote the use of the DASH system. Mr. Moore said the Chamber supports a school budget that supports excellence in education. The Chamber encourages the City to make as many business procedures as possible available on-line. The Chamber applauds the efforts to make outdoor dining a reality. He said the Chamber applauds the City staff and City Manager for its professionalism.

(h) Gary Fenton, 5400 Ox Road, Fairfax Station, executive director of the Northern Virginia Regional Park Authority, spoke of the success of the NVRPA system and said that historically, the jurisdictions have provided almost all of their capital budget and about one-fifth of the operating budget. He said they are asking for a significant increase in their capital budget, and Alexandria would provide 1.75 percent in their operating budget.

(i) Ann Davin, 3307 Wyndham Circle, Apt. 4169, representing the Alexandria Archaeological Commission, spoke about the maintenance budget for the Alexandria Archaeological Museum and she asked for the allocation of additional funds for its maintenance needs.

(j) David Martin, 1400 King Street, representing KSMET and OTBA, thanked Council for the banner program and asked that the banners be doubled.

(k) Cheryl Bell, 910 Gibbon Street, asked Council to raise the threshold for low income families for subsidized child care from 185 percent to 250 percent by using pass through matching funds money to supplement the cost of child care for low income families.

(l) Justin Wilson, representing the Del Ray Citizens Association, said they have provided Council a memo on the requests for the upcoming year. He said they would like to see funding for increased pedestrian oriented elements on Mt. Vernon Avenue, they would like to see budget for improvement to the open space on the corner of Mt. Vernon and Commonwealth Avenue adjacent to the school, and after the add/drop process by Council, they would like the ability to comment on the proposals after they are made.

(m) Tim Lovain, 2606 Davis Avenue, representing the Budget and Fiscal Affairs Advisory Committee, said they wish to recognize the importance of establishing and adhering to sound financial policies and procedures and keeping a long-term perspective. The City should keep one eye on the future as it works to meet next year's budget challenges; the City should continue to adhere to its current debt policy guidelines; Council should pay close attention to the operating budget, particularly employee compensation issues; and the Council should continue to work toward the development of strategic plans that ensure the City's long-term financial sustainability.

(n) Philip Bradbury, 1250 S. Washington Street, chair of the Community Services Board, spoke about mental health care problems and noted three areas they want to increase supervision in residential programs: 1. After hours supervision of group homes; awake overnight coverage in four group homes; and upgrading three apartments from low to high supervision apartments. 2. Mental retardation transitioning youth. 3. Title IV funding, a federal funding that has been cut off, in the amount of \$143,000. Mr. Bradbury expressed support for the infant assessment center at the Clubhouse and a Spanish-speaking therapist for the jail program.

(o) Adriana Williams, 431 South Columbus Street, Apt. 604, spoke about her concern of parents being denied child care assistance because Social Services says their incomes overqualify them. She said low-income working parents should be able to afford and receive child care assistance. She said their main concern is the increase in the threshold for eligibility for child care be raised from 185 percent to 250 percent.

(p) Darryl Francois, 212 Guthrie Avenue, representing the Youth Policy Commission, said Alexandria has devoted considerable resources to developing the assets young people must have to assure their growth into adults. He asked Council to continue that pattern of investment in their young people--youth employment and increase support for the youth fund.

(q) Joe Youcha, 0 Thompsons Alley, director of the Alexandria Seaport Foundation, thanked Council for including the Seaport Foundations apprenticeship program in the current budget and he said they would match every City dollar approximately 15 to 1. He said Council's support pays off.

(r) Duncan Blair, 524 King Street, said he agreed with Joe Youcha's comments and looked forward to meeting with Council to unveil a concrete program.

(s) B.J. Norris, 2709 Valley Drive, vice president for programs for the PTA Council, asked for support for the schools, applauded the Council's efforts to increase the level of collaboration between the City and the school system, the ability to attract and maintain qualified teachers, and for the City to continue to explore ways to make housing more affordable for school employees.

(t) Mark Delligatti, 1601 Crestwood Drive, secretary of the Alexandria-Caen Exchange Committee, requested Council's continued financial support for the Committee.

(u) Markevi Bell, 910 Gibbon Street, asked Council to increase the threshold for subsidized child care for the working poor from 185 percent to 250 percent.

(v) Sherry Brown, 1600 Prince Street, Unit 603, spoke of a healthy arts scene and asked for an increase in arts staff for Recreation, Parks and Cultural Activities, and an increase in grant money.

(w) Townsend Van Fleet, 26 Wolfe Street, suggested that the results of the City-wide audit be available to the Council and to the taxpayers. He said the Schools budget should be audited to determine the fiscal stability efficiency and effectiveness of all facets. Council should not raise the assessments in this next year and should spend the \$30-40 million windfall on their favorite programs. He requested tax relief for those residents who cannot afford the increased assessment rates.

(x) Mariella Posey, 915 Second Street, president, the North East Citizens' Association, requested funds to be allocated to two of the parks in their area. The playground in Powhatan was destroyed by vandalism and she asked for funds for replacement equipment in this park. The State deeded the parcel of land at the corner of Bashford and Powhatan to the City as public open space, but they now need funding for the initial landscaping of the site to begin the transition from a plain piece of open space to a neighborhood pocket park.

Mayor Euille asked staff to provide Council a report with regard to the status of the play equipment at the park.

(y) Carlton Funn, Sr., 5121 Holmes Run Parkway, representing the Alexandria Society for the Preservation of Black Heritage, Inc., said they wanted to go

on record in support of the supplemental request by the Office of Historic Alexandria to help ensure that the Black History Museum, as well as the other museums within the museum department, have the funds needed to cover all the incidental costs needed to deal with the numerous and unanticipated repairs that arise during the course of the year. He asked Council to approve the supplemental funds to cover the maintenance costs.

(z) Katy Cannady, 20 East Oak Street, said there was a proffer in a recent special use permit for \$10,000 to renovate a nearby park, and she was not in favor of proffers for park maintenance. She said she hoped there were sufficient funds in the next budget to maintain and improve City parks. Ms. Cannady suggested that as a budgetary consideration, they should be bonding for \$25 million for open space now instead of some now and some in the future.

(aa) Melinda Mount, 312 Crown View Drive, vice president of the Board of Gadsby's Tavern Museum Society, spoke of the history of the Tavern and said historic properties require a great deal of maintenance to preserve them for future generations, and the museum is waiting for funds for repairs and maintenance, and they hope Council will support Alexandria's historic properties with a dedicated maintenance fund.

(bb) Richard Kain, 12 Arell Court, said Council needs to say no and look for ways to reduce the size of government. He said the Schools budget should be cut by 10 percent this year and 10 percent the next year and the year after that. The increase in administrative staff could be moved back into the classrooms to have more teachers. The goal of government should be to provide the students and children of Alexandria the opportunity to live their lives productively, and if a program is not measurable and the success of it cannot be seen, it should be cut out.

(cc) Charles Trozzo, 209 Duke Street, chair of the Alexandria Historic Restoration and Preservation Commission, said they own the Lloyd House, and the City has a long-term lease for that house, and he said the historic properties are the first face that the people who visit Alexandria see and if they are not maintained and the appearance becomes seedy, that is a bad face for Alexandria to put forward. He asked that the maintenance and capital requirements of the facilities be given Council's serious consideration.

(dd) Precious Giwa, 905 Gibbon Street, said she is a child care provider and she asked that Council raise the percentage from 185 to 250 percent for the poverty level for subsidized child care to help low income families.

5. Public Hearing on the Proposed Action Plan to Protect Properties Identified in the Open Space Priority List.

(A copy of the City Manager's memorandum, dated September 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 10/16/04, and is incorporated as part of this record by reference.)

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

(a) Jim Rapp, 110 Roberts Lane, #101, with Fort Ellsworth Condominium, spoke of the access to the Masonic grounds and said he wanted to see the entire nine acres maintained as open space and he hoped the Masons would open up a dialogue with Ft. Ellsworth, Shooter's Hill and Upland Street housing community about getting better access.

(b) Bill Hendrickson, 301 E. Spring, member of the Open Space Steering Committee, read a letter on behalf of David Speck, which spoke to a much more concerted effort for outreach and education in the community, and there should be a constant effort to educate and publicize the information and asked that some of the open space funding for an on-going, professionally administered campaign to educate and publicize the opportunities and techniques for land preservation that are available to property owners and how those opportunities may be more beneficial to the owner or donor than a market driven sale or development.

(c) Judy Noritake, 605 Prince Street, on behalf of the Open Space Steering Committee, said that over the course of the summer, several of the top priority sites were solved and actions taken. She asked for Council's support with real dollars to address the rest of the list. Ms. Noritake spoke on her own behalf in support of the Old Dominion Boat Club (ODBC.)

(d) Ray Cobean, 1 King Street, historian of the Old Dominion Boat Club, gave a history of the Club.

(e) Debbie Wells, 504 Summers Court, president, Alexandria Crew Boosters, spoke about the Crew Booster program and its support of rowing in Alexandria.

(f) Jan Epstein, 4704 Upland Drive, member of the Board of Governors of the ODBC, said he is a product of the Alexandria Public Schools rowing program, and he shared the history of the ODBC.

(g) Frank Fannon Sr., 1105 Duke Street, member of the ODBC, said that parking is essential to their club success, and with the loss of their parking and ramp facilities, the boat club will just fade away and another historical part of Alexandria will be gone.

(h) Frank Fannon Jr., 7102 Park Terrace Drive, member of the ODBC, passed out a picture of the boat club from the 1930's and noted the club's accomplishments over the past 124 years, and he said they trust the decisions Council makes today will not jeopardize their club.

(i) Julie Crenshaw, 816 Queen Street, said she is a big proponent of open space, green space, trees and forest, but she is not in favor of land grabs and takings,

and she was not in favor of parking lots on the waterfront, but they have them. She said some of the properties are in title disputes, and if that is the case, the City would have to go through the governmental and court process to get it resolved.

(j) Harry Harrington, P.O. Box 1245, Waterfront Chairman of the Old Dominion Boat Club, explained the suit brought on the landowners by the Federal Government, and he noted their contributions to the community.

(k) Hunt Burke, 1705 Hollindale Drive, said the ODBC has been in keeping with Alexandria's history. He said the number of parking spaces for the boat club are used, and he said he would hate that the parking lot become a pocket park and it doesn't make good economic sense to borrow the money where they pay the taxes on it to take their parking lot from them.

(l) Charlie Hulfish, 1 King Street, said he is dismayed the City is trying to take the oldest remaining active waterfront operation, and he said the ODBC is the only remaining tie to their waterfront heritage. He said the 700 members of the ODBC have tried repeatedly to work out a compromise plan with the City to improve the site and make it more attractive and accessible to everyone.

(m) Douglas Wood, 309 Vassir Road, a member of the ODBC and past member of the Board of Governors, spoke in favor of keeping the boat club as a boat club, as well as keeping the parking lot an alley. He read a letter received from the Red Cross in reference to their participation in a Red Cross river exercise to get a Humvee and ambulance across the Potomac River in the event of another 9/11.

(n) Marianne McInerney, 1403 Russell Road, board member and past chair, ODBC, said she has spoken before Council and the Planning Commission to ask to stop the development of open space, and while open space should be preserved, such goals should not threaten historical organizations such as the ODBC, which has been an active volunteer organization.

(o) Greg Paspatis, 201 Carlise Drive, past president of the Alexandria Sportsman's Club, read a statement on behalf of President John Keegan, concerning the disservice to the Sportsman's Club if the efforts to remove the ODBC from its current location are successful.

(p) George Elmore, P.O. Box 1245, said he has been a member of the ODBC since 1968, as well as chairs of many other organizations, and he has three passions: his family, the City of Alexandria and the Old Dominion Boat Club, and he didn't want that to change, as they are a perfect use for the foot of King Street.

(q) Christopher Marino, 1 King Street, president, Old Dominion Boat Club, said they support charitable, community service, athletic and water related activities, and he spoke of the endeavors the ODBC participates in. He said if their property is taken, it will destroy the club.

(r) Harry Hart, 307 N. Washington Street, asked those in the audience in support of the ODBC to stand (approximately 45 people stood up.) Mr. Hart said ODBC should be preserved and its use is in keeping with the master plan for a vibrant, active, boating dependent waterfront. He asked Council to work with ODBC, as there is a resolution.

(s) Ann Davin, 3307 Wyndham Circle, Apt. 4169, at-large member of the Alexandria Archeological Commission, and a newly appointed member of the Open Space Committee, said the Commission thanks the Open Space Committee for developing the action plan and including historic resources as one of the criteria in assessing the importance of a property. She said preserving the ten historic structures located between the Potomac River and Union Street and enhancing their surroundings are obvious choices. Ms. Davin said the waterfront portion of the Mt. Vernon trail have good potential for Native American sites, and the Commission recommends that an archeological assessment be an early component of the planning process, and that an archaeological assessment be done for the Monticello Park if plans for that property change. She also spoke to the future use of the George Washington Masonic Temple.

(t) Joel Kravetz, 1200 Braddock Place, Unit 711, speaking as president of the Board of Directors of the Braddock Place Condominiums, said an open space exists adjacent to their property and they strongly support the initiative the Open Space Committee developed criteria for small pocket parks and they request that the property be considered as a pocket park in the next fiscal year on the open space priority list action plan.

(u) Michael Nardolilli, vice president of the Northern Virginia Conservation Trust, said the NVCT supports the action today on the action plan and joins in the remarks of Judy Noritake. He said NVCT has been working with the owner of Lloyd's Lane/Russell Road site on the terms and conditions of the conservation easement, which will protect the wooded lot on the corner of Lloyd's Lane and Russell Road, and he emphasized the value of having a targeted list.

(v) Townsend Van Fleet, 26 Wolfe Street, said he is a member of the ODBC and endorses everything that was said on their behalf. Speaking on his own behalf, he asked why the City is in such a hurry to procure the waterfront properties. He said it took a year to come up with a unified position on Wyndmill Hill Park and nothing much has been done with it except a sidewalk and repaving of the basketball park. He said the control of the Jones Point Park should be remanded back to the Park Service, as the City has not been a good tenant there. The City dock behind the Torpedo Factory has yet to be repaired after Hurricane Isabelle because the City was waiting for FEMA funds, but no FEMA funds are forthcoming.

City Manager Sunderland said no decision from FEMA has been made yet.

(w) Sarita Schotta, 104 Prince Street, urged that the report be finished and it

be converted from a wish list to an analysis. She spoke to the selection of members of the Open Space Committee, the meetings that were held at 7:00 a.m., the lack of cumulative research with regard to the available parking in the Old Town area, their concern that Santa Cruz, California has a waterfront that is an amusement park, there was talk of factories and casinos at a Chamber of Commerce sponsored meeting, and she spoke of gambling boats. Ms. Schotta said there is no impact analyst of the impact statement and analysis of the waterfront neighborhoods.

(x) Michael Hobbs, speaking for the Old Town Civic Association, said they endorse the issuance of a \$10 million open space bond issue, and they endorse the initiation of a waterfront planning process. Mr. Hobbs suggested that the study area bounded by Queen, Union and Wolfe Streets is a key area, but the waterfront planning should be comprehensive, encompassing the immediately objectives but the entire context of the waterfront over the next decade. Council should be cautious about appearing to commit to the acquisition or condemnation of specific parcels, even before that planning process has begun. On the Mt. Vernon trail site, there is every reason for the City to pursue to a prompt conclusion its negotiation with the State to protect the site.

(y) Pat Troy, 310 Wolfe Street, said the open space plan is a start and he spoke about the open space bus tour. He said something needs to be done with the waterfront, but he didn't like the word prioritizing. He said the ODBC is a part of the City's history and should be left the way it is. The other places should be bought, but the City should not push people out and grab their land.

(z) Maria Ross, 0 Prince Street, representing Potomac Party Cruises, which operates the Dandy and Nina's Dandy, said their interest is in the City's desire to purchase waterfront property, which includes 0 Prince Street and the area along The Strand. She asked what accommodations will be made for businesses currently along the river and would like to know if they will be afforded the opportunity to have input in what takes place on the waterfront, should the City acquire these areas.

(aa) Ellen Pickering, 103 Roberts Lane, said she serves on the Open Space Committee and urged Council to go forward with the list. The Braddock Valley property will preserve an RFP and hope to have a walkway along; the Seminary/Beauregard will bring an open space play area to a part of the City that has none available; the George Washington Masonic Temple property can have good things happen; the Monticello Park is their own wonderful avery and anything they can do to enhance that property is a gift to everyone; Clairemont Cove is another to look at because of its RFP; and the Mt. Vernon trail. Ms. Pickering said that for the ODBC parking lot, they don't need a parking lot on the waterfront.

(bb) Larry Grossman, 1123 Powhatan Street, said they owe a great deal to Ellen Pickering for her efforts, and he congratulated the Open Space Committee for getting the open space acquisition priorities right. He said the City should take the initiative to acquire the waterfront parcels, including the critical shoreline link between

Hunting Point and the Mt. Vernon trail.

(cc) Poul Hertel, 1217 Michigan Court, said the discussions with the waterfront have been prioritized as needing to be a continued access point for the City. He said they should pursue an uncluttered waterfront. He said that pocket parks should seriously be prioritized.

Mayor Euille noted that Council would formally act on the Plan on October 26, 2004.

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

**Planning Commission (continued)**

- 6. SPECIAL USE PERMIT #2004-0072  
105, 107 & 109 KING STREET  
FISHMARKET RESTAURANT  
Public Hearing and Consideration of a request for a special use permit to expand a restaurant; zoned CD/Commercial Downtown. Applicant: Old Town Food Service Corporation by Duncan Blair, attorney

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated October 5, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 10/16/04, and is incorporated as part of this record by reference.)

Ms. Fogarty made a presentation of the staff report.

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

- (a) Duncan Blair, 524 King Street, attorney representing the applicant, spoke in favor of the special use permit.

Questions were asked by Council in regard to the definition of special events, parking for tour buses, the auxiliary kitchen, and parking in Old Town, which were answered by Ms. Fogarty and Ms. Irps.

- (b) Michael Hobbs, 419 Cameron Street, speaking on behalf of the Old Town Civic Association, spoke in opposition to the requested special use permit.

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

Pepper      "aye"      Krupicka      "aye"

Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

7. SPOT BLIGHT ABATEMENT CASE #2004-0001  
325 DUKE STREET

Public Hearing and Consideration of designation of property as blighted and consideration of proposed work plan to abate blighted conditions. Applicant: City of Alexandria, Code Enforcement

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated October 5, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 10/16/04, and is incorporated as part of this record by reference.)

Vice Mayor Pepper asked if the City had the authority to require that people do not paint things in inappropriate colors.

Mr. Pessoa said that within the historic district, the Board reviews colors when they are an initial part of an addition or redevelopment or rehabilitation of the property, but once that point is past, people are free to select a color as long as the color does not turn into an architectural feature itself.

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

(a) Scott Sinclair, 321 Duke Street, spoke in support of the designation of the property as blighted.

(b) Michael Hobbs, 419 Cameron Street, speaking for the Old Town Civic Association, spoke in support of the recommendation of the staff and Planning Commission to designate the property as blighted.

(c) Pat Troy, 310 Pitt Street, spoke in support of the designation of the property as blighted and suggested that the Council not give the owner 30 days to comply.

In response to a question from Mayor Euille, Mr. Dahlberg said there is not a requirement to give someone 30 days, but that has been the tradition in the past. He said it is in Council's purview to eliminate that.

(d) Fred Morhart, 318 Duke Street, spoke in support of the designation of the property as blighted and also had a letter from his neighbor, William and Elizabeth Wiley, at 316 Duke Street, who were not able to be here today and also want the property to be designated as blighted.

There were questions from Council in regard to allowing immediate action and City responsibility, to which the City Attorney responded. The City Attorney also suggested that on condition #14, which reads "scrape and paint exterior surfaces," to add to that "with a color palette approved by the Department of Planning and Zoning" so that in this case, it is clear that they will have color approval over this project.

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation and instructed staff to take the necessary action to bring the building up to Code, as well as to include in condition #14 that the color palette ultimately meet the approval of the Department of Planning and Zoning, and that there be a restriction of ten days for the original property owner to take corrective action. The voting was as follows:

Gaines	"aye"	Krupicka	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson		absent

8. SPECIAL USE PERMIT #2004-0115  
301 LAVERNE AVENUE  
SUBSTANDARD LOT DEVELOPMENT  
Public Hearing and Consideration of a request for a special use permit to construct a single family dwelling on a substandard lot and for a parking reduction; zoned R/Residential. Applicant: Brett D. Rice (Deferred from the 9/21/04 meeting)

PLANNING COMMISSION ACTION: RECOMMEND DENIAL 7-0

This item was deferred because of incorrect notice.

**Board of Architectural Review  
Old and Historic Alexandria District**

9. CASE NO. 2004-0154  
Public Hearing and Consideration of an Appeal of the decision of the Board of Architectural Review, for door alternations at 407 S. Washington Street, zoned CL Commercial. Applicant: Pari Payravi. The appellant is Ray Lewis.

(A copy of the Planning Department report dated October 16, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 10/16/04, and is incorporated as part of this record by reference, as well as a copy of the appeal, marked Exhibit No. 2, is incorporated as part of this record by reference.)

Mr. Phipps made a presentation of the staff report.

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

(a) Ray Lewis, 1007 King Street, designer for the appeal for Ms. Payravi, spoke in support of the appeal and noted an appeal signed by the neighbors that went to the BAR.

(b) Pari Payravi, owner, 407 S. Washington Street, showed pictures she took of Old Town houses where they changed their door, and she spoke in support of the appeal.

There were questions from Council to the applicant and owner on the design of the door.

(c) Tom Hulfish, 510 King Street, Chairman of the BAR, said it would be a mistake to alter the facade.

(d) Charles Trozzo, 209 Duke Street, spoke in support of the BAR and the staff report.

There were questions from Council regarding the neighboring houses, liability of the owner, reconciling the doors in the photos, fixing the step-up into the building, which were answered by the owner, Mr. Hulfish and staff.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing and upheld the decision of the BAR. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson		absent

10. CASE NO. 2004-0030

Public Hearing and Consideration of two Appeals of the decision of the Board of Architectural Review for approval to demolish the Gunston Hall Apartments at 915 S. Washington Street, zoned RCX Residential. Applicant: Basheer & Edgemoore. The first appellant is Linda Couture on behalf of petitioners. The second appellant is Lawrence O'Connor on behalf of petitioners.

(A copy of the Planning Department report dated October 16, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 10/16/04, and is incorporated as part of this record by reference, as well as a copy of the two appeals, marked Exhibit No. 2, is incorporated as part of this record by reference.)

Ms. Fogarty made a presentation of the staff report.

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

(a) Linda Couture, 505 Duke Street, said that on behalf of her petitioners and herself, she asked Council to save Gunston Hall from demolition.

(b) Lawrence O'Connor, 207 S. Lee Street, said that he and his wife, as well as 30-40 petitioners, want to express their concern about the BAR decision to demolish Gunston Hall apartments. He asked Council to deny the application to demolish.

(c) Audrey F. Calhoun, speaking for the National Park Service, noted that they had submitted a letter opposing the demolition and asked Council to consider the memorial character of South Washington Street and deny the request to demolish the apartments.

(d) John Rust, 1215 Cameron Street, went over the history of the property and spoke of the submitted site plan the developer submitted.

(e) Anne Adams, 2300 N Street, NW, Washington, D.C., architectural historian with Shaw Pittman, asked Council to concur in the decision of the BAR to allow for the demolition of the apartments.

(f) Ann Davin, 3307 Wyndham Circle, Apt. 4169, with the Alexandria Archeological Commission, spoke about the commission's concern about the demolition of the apartments and they feel the mass and scale of the new construction is inappropriate for the setting and threatens the preservation of other historical properties on Washington Street.

(g) Robert Weinhagen, 211 Cameron Street, member of the Board of Historic Alexandria Foundation, spoke in support of the appeal.

(h) John Nolan, 414 E. Glendale Avenue, #2, spoke about the design process for the property and showed depictions of what the new buildings would look like and spoke in support of the demolition.

(i) Engin Artemel, 120 Madison Place, spoke about the project from a planning perspective and spoke in support of the demolition.

(j) Agnes Artemel, 120 Madison Place, continued Mr. Artemel's remarks and spoke in support of the demolition. She also referenced a letter by Mr. Ed Brazwell.

(k) Teresa Miller, 801 Lee Street, asked Council to vote against the demolition of the property.

(l) Townsend Van Fleet, 26 Wolfe Street, spoke in support of the appeal and said the City should not destroy affordable housing.

(m) Michael Hobbs, 419 Cameron Street, on behalf of the Old Town Civic Association, spoke in support of the appeal.

(n) Harry Hart, 307 N. Washington Street, attorney representing the applicant for the renovation of the site, spoke in opposition to the appeal.

(o) Loren Pope, Washington, D.C., spoke about the issue of affordable housing and in opposition to the appeal.

(p) Diane Cox Basheer, 2071 Chain Bridge Road, #510, Vienna, with Basheer and Edgemoore, developer of the property, spoke in opposition to the appeal.

(q) Dory Winkelman, 1409 N. Herndon Street, Arlington, senior vice president with Basheer and Edgemoore, spoke in opposition to the appeal.

(r) Jill McClure, 901 S. Washington Street, read a letter from her neighbor, Ms. Sheffield, who lives at Gunston Hall apartments, in favor of the appeal. Ms. McClure also spoke in support of the appeal for herself.

(s) Katy Cannady, 20 East Oak Street, spoke in support of the appeal.

(t) Jean Oseth, 207 Duke Street, representing the Historic Alexandria Resources Commission, said the Commission opposes the demolition of the apartments.

Mr. Hart, speaking again, said there was a petition signed by 29 people opposing the appeal, along with other letters from neighboring residents opposing the appeal.

(u) Shawn Weingast, 7643 Fullerton Road, spoke in support of the proposed project and the use of Gunston Hall and asked Council to defer to the BAR.

(v) Bernard Fagelson, 1775 Jamison Avenue, spoke in opposition to the appeal.

(w) Charles Trozzo, 209 Duke Street, chair of the Alexandria Historical Restoration and Preservation Commission, submitted his statement for the record, and he spoke in support of the appeal.

(x) Lillian J. White, 119 W. Mason Avenue, co-president of the League of Women Voters, spoke in support of the appeal.

(y) Tom Hulfish, 510 King Street, Chairman of the BAR, spoke of the BAR's decision for demolition.

(z) Terry A. Necciai, 2201 Russell Road, spoke in support of the appeal.

(aa) Lee Ann Gardner, 905 S. Washington Street, Apt. 215, spoke in support of the appeal.

(bb) Ellen Pickering, 103 Roberts Lane, spoke in support of the appeal.

(cc) Douglas Bannerman, 1250 S. Washington Street, spoke in opposition to the appeal.

(dd) Poul Hertel, 1217 Michigan Court, spoke in support of the appeal.

(ee) Kevin Scheid, 815 Green Street, spoke in opposition to the appeal.

(ff) Elizabeth F. Jones, 2414 North Hampton Drive, spoke in support of the appeal.

(gg) Susan Craft, 818 Green Street, spoke in opposition to the appeal.

(hh) Sarita Schotta, 104 Prince Street, spoke in support of the appeal.

(ii) Larry Mason, 819 Green Street, spoke in opposition to the appeal.

(jj) Sarah Humphreys, 819 Green Street, spoke in opposition to the appeal.

(kk) Steve Crime, 809 Green Street, spoke in opposition to the appeal.

(ll) Julie Crenshaw, 816 Queen Street, spoke in support of the appeal.

Mr. Hart, speaking again, summed up the speakers that were in opposition to the appeal.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council approved the appeals and denied the right to demolish the buildings.

Mayor Euille and the City Council spoke of their support for the motion.

Councilman Smedberg asked the City Manager, outside of the motion, to look at the designation of the healthy trees on the property as specimen trees.

The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

## ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Public Improvements. (#15, 9/28/04) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated September 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/16/04, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11, 10/16/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11, 10/16/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed the ordinance authorizing and empowering the issuance, sale and delivery of bonds not to exceed \$54.8 million to finance various public improvements, including \$10.0 million for open space acquisition. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

The ordinance reads as follows:

### ORDINANCE NO. 4364

AN ORDINANCE authorizing the issuance of general obligation capital improvement bonds for various public improvements in the estimated maximum amount of

\$54,825,000; 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 \$54,825,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below; 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 \$54,825,000 (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 school buildings and acquisition of necessary equipment (this project includes projects contained in the capital improvement program under "Schools").	\$23,425,000
<u>City Parks and Buildings</u>	
Construction, renovation and improvement of existing or new 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").	\$14,600,000
<u>Traffic Improvements</u>	
Maintenance and upgrade of the City's traffic control facilities (this project includes projects contained in the capital improvement program under "Traffic Improvements and Rapid Transit").	\$950,000
<u>Infrastructure</u>	
Construction, renovation and improvement of City streets, bridges,	\$5,850,000

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").	
<u>Open Space</u>	
Acquisition and improvement of land to be preserved for open space or other passive or active recreational uses.	\$10,000,000
<u>Total:</u>	\$54,825,000

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 25 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 6.0% 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. One 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 and as long as the Bonds are in book-entry form, either of such officers may serve as Paying Agent.

The City Manager and the Director of Finance, or either of them, may appoint a subsequent registrar and/or one or more paying agents for the Bonds 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 at the time of its enactment.

12. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations For the Support of the Government of the City of Alexandria for FY 2005. (#12, 10/12/04) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 10/16/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12, 10/16/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance and accepted the monetary and non-monetary gifts and donations to the City described in the report on monetary and non-monetary gifts and donations. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

The ordinance reads as follows:

**ORDINANCE NO. 4363**

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 2005, which began on the first day of July 2004 and ends on the thirtieth day of June 2005.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

**Section 1.** That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2004, but which are payable in fiscal year 2005, and for which amounts were appropriated but not expended in fiscal year 2004, and further that the council does hereby allot the amounts so appropriated to the several city departments for fiscal year 2005, as follows:

**GENERAL FUND**

Citizen Assistance	\$ 24,180
Commonwealth's Attorney	21,790
Sheriff	288
Clerk of Courts	20,000
Other Correctional Activities	6,820
Information and Technology Services	117,725
Finance	361,353
Real Estate Assessment	4,655
Personnel	25,152
Planning and Zoning	309,868
Registrar of Voters	6,592
General Services	23,383
Transportation and Environmental Services	95,203
Transit Subsidies	60,000
Fire	8,038
Police	124,360
Housing	4,200
Health	5,391
Human Services	34,932

Office of Historic Alexandria	22,519
Recreation and Cultural Activities	90,210
Non-Departmental	<u>159,283</u>
Total General Fund	<u>\$ 1,525,942</u>

**EQUIPMENT REPLACEMENT RESERVE FUND**

Sheriff	\$ 42,691
Transportation and Environmental Services	567,200
Fire	108,107
Police	<u>85,464</u>
Total Equipment Replacement Reserve Fund	<u>\$ 803,462</u>

**COMPONENT UNIT**

Alexandria Transit Company	\$ 864
Total Component Unit	<u>\$ 864</u>

**Section 2.** That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2005, the source of such amount being external grant awards for which the proceeds were received or accepted prior to June 30, 2004, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2005, as follows:

**SPECIAL REVENUE FUND**

ESTIMATED REVENUE:

City Manager	\$ 90,273
Office on Women	54,335
Commonwealth's Attorney	76,932
Sheriff	23,260
Clerk of the Court	62,915
Court Services	96,022

Human Rights	25,655
General Services	500,000
Transportation and Environmental Services	908,864
Fire	449,575
Police	990,901
Housing	10,074,758
Mental Health/Mental Retardation/Substance Abuse	10,356
Human Services	1,431,811
Office of Historic Alexandria	99,068
Recreation and Cultural Activities	41,714
Non-Departmental	<u>2,588,782</u>
Total Estimated Revenue	<u>\$17,525,221</u>

**SPECIAL REVENUE FUND**

APPROPRIATION:

City Manager	\$ 90,273
Office on Women	54,335
Commonwealth's Attorney	76,932
Sheriff	23,260
Clerk of the Court	62,915
Court Services	96,022
Human Rights	25,655
General Services	500,000
Transportation and Environmental Services	908,864
Fire	449,575
Police	990,901
Housing	10,074,758
Mental Health/Mental Retardation/Substance Abuse	10,356
Human Services	1,431,811

Office of Historic Alexandria	99,068
Recreation and Cultural Activities	41,714
Non-Departmental	<u>2,588,782</u>
Total Appropriation	<u>\$17,525,221</u>

**Section 3.** That the Council of the City of Alexandria, Virginia, does hereby make provision and appropriate to the Special Revenue Fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2005, the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2004, but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2005 as follows:

**SPECIAL REVENUE FUND**

ESTIMATED REVENUE:

Office on Women	\$ (17,137)
Commonwealth's Attorney	(95,200)
Sheriff	(65,680)
Court Services	72,118
Human Rights	(5,224)
Transportation and Environmental Services	(11,202)
Fire	505,797
Police	772,120
Housing	406,986
Mental Health/Mental Retardation/Substance Abuse	165,580
Human Services	(696,107)
Recreation	<u>14,466</u>
Total Estimated Revenue	<u>\$ 1,046,517</u>

**SPECIAL REVENUE FUND**

APPROPRIATION:

--	--

Office on Women	\$ (17,137)
Commonwealth's Attorney	(95,200)
Sheriff	(65,680)
Court Services	72,118
Human Rights	(5,224)
Transportation and Environmental Services	(11,202)
Fire	505,797
Police	772,120
Housing	406,986
Mental Health/Mental Retardation/Substance Abuse	165,580
Human Services	(696,107)
Recreation	14,466
Total Appropriation	<u>\$ 1,046,517</u>

**Section 4.** That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2005, the source of such amount being the residual balances accumulated as of June 30, 2004, in accounts for donations and activities, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2005, as follows:

**SPECIAL REVENUE FUND**

**ESTIMATED REVENUE:**

Office on Women	\$ 27,653
Citizen Assistance	3,656
Commonwealth's Attorney	19,458
Sheriff	104,969
Clerk of the Court	35,355
Court Services	2,603
Personnel	50
Planning and Zoning	80,000

Fire	2,936
Police	354,396
Human Services	48,639
Office of Historic Alexandria	42,538
Recreation	<u>73,690</u>
Total Estimated Revenue	<u>\$ 795,943</u>

**SPECIAL REVENUE FUND**

**APPROPRIATION:**

Office on Women	\$ 27,653
Citizen Assistance	3,656
Commonwealth's Attorney	19,458
Sheriff	104,969
Clerk of the Court	35,355
Court Services	2,603
Personnel	50
Planning and Zoning	80,000
Fire	2,936
Police	354,396
Human Services	48,639
Office of Historic Alexandria	42,538
Recreation	<u>73,690</u>
Total Appropriation	<u>\$ 795,943</u>

**Section 5.** That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the General Fund the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2005, the source of such amount being undesignated General Fund Balance, and further that the Council does hereby allot the amount so appropriated to the several city departments, as follows:

**GENERAL FUND**

ESTIMATED REVENUE:

Undesignated General Fund Balance	\$ 68,107
Total Estimated Revenue	\$ 68,107

APPROPRIATION:

Citizen Assistance	\$ 2,242
City Clerk and Clerk of Council	1,815
Office of Historic Alexandria	64,050
Total Appropriation	\$ 68,107

**Section 6.** That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2005, the source of such amount being Designated General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Designated General Fund Balance	\$ 1,922,038
Total Estimated Revenue	\$ 1,922,038

APPROPRIATION:

City Manager	\$ 5,000
Management and Budget	24,000
Information & Technology Services	157,000
Other Planning Activities	48,713
Housing	387,000
Mental Health/Mental Retardation/Substance Abuse	60,000
Human Services	237,580
Recreation	64,000

Non-Departmental	938,745
Total Appropriation	\$ 1,922,038

**Section 7.** That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2005, the source of such amount being intergovernmental revenue, and further, that the council does hereby allot the amount so appropriated for fiscal year 2005 as follows:

**COMPONENT UNIT**

**ESTIMATED REVENUE:**

Intergovernmental Revenues	\$ (4,642)
Total Estimated Revenue	\$ (4,642)

**APPROPRIATION:**

Component Unit Library	\$ (4,642)
Total Appropriation	\$ (4,642)

**Section 8.** That this ordinance shall be effective upon the date and at the time of its final passage.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Prohibit Trucks in the 300 Block of South Henry Street. (#13, 10/12/04) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 10/16/04, and is incorporated as part of this record by reference.)

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13, 10/16/04, and is incorporated as part of this record by reference.)

**WHEREUPON,** upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council passed the ordinance to prohibit trucks in the 300 block of South Henry Street. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

The ordinance reads as follows:

ORDINANCE NO. 4361

AN ORDINANCE to amend and reordain Section 10-1-15.1 (TRUCK TRAFFIC; PROHIBITED ON CERTAIN STREETS; PENALTY), of Chapter 1 (GENERAL PROVISIONS), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-1-15.1 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-1-15.1 Truck traffic; prohibited on certain streets; penalty.

(a) Motor trucks are prohibited from using the following streets or portions of streets:

- (1) Powhatan Street between North Washington Street and Henry Street;
- (2) South Gordon Street;
- (3) South Early Street;
- (4) South Floyd Street;
- (5) the 200 block of South Fayette Street;
- (6) the 200 block of South Payne Street;
- (7) the 600 block of South Saint Asaph Street;
- (8) the 300 and 400 blocks of North Fayette Street;
- (9) the 300 and 400 blocks of North Payne Street;
- (10) the 1200 and 1300 blocks of Queen Street;
- (11) the 1200 and 1300 blocks of Princess Street;
- (12) the 1200 and 1300 blocks of Oronoco Street;
- (13) Pickett Street between Seminary Road and Pegram Street;
- (14) Jordan Street between Seminary Road and Duke Street;
- (15) Howard Street between Seminary Road and Jordan Street;
- (16) Richenbacher Avenue between north Van Dorn Street and Pickett Street;
- (17) Taney Avenue between north Van Dorn Street and Jordan Street;
- and
- (18) the 300 block of South Henry Street.

(b) The prohibition set out in subsection (a) shall not apply to public utility motor trucks or to motor trucks whose purpose is receiving loads or making deliveries on the streets or portions of streets listed in subsection (a) or on an adjacent residential street to which no other access is available.

(c) Any person violating this section shall be fined not less than \$100.

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

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

### **DEFERRAL/WITHDRAWAL CONSENT CALENDAR (14-18)**

#### **Planning Commission (continued)**

14. SPECIAL USE PERMIT #2004-0073  
2705 MOUNT VERNON AVENUE  
RITA'S ITALIAN ICE  
Consideration of a request for a special use permit to operate a restaurant; zoned CL/Commercial Low. Applicant: Gary L. Jones and Robynn Thornton-Howie  
(Deferred from September Docket)

PLANNING COMMISSION ACTION: DEFERRED (Applicant's request)

15. TEXT AMENDMENT #2004-0008  
AMENDMENT TO NONCOMPLYING USE REGULATION APPLICABLE TO  
COAL FIRED POWER PLANTS  
Consideration of a request for a text amendment to the Zoning Ordinance to revoke the noncomplying use status of coal fired power plants, which was granted in 1992, and to categorize such plants as nonconforming uses, subject to abatement.  
Applicant: City of Alexandria, City Attorney's Office

PLANNING COMMISSION ACTION: DEFERRED 7-0

16. SPECIAL USE PERMIT #2004-0089  
1300 & 1400 NORTH ROYAL STREET  
MIRANT POTOMAC RIVER GENERATING STATION  
Consideration of a request for the revocation of Special Use Permit #2296, granted in 1989, which approved the construction and use of 18,000 square feet of administrative offices, laboratories, conference, training and other space at the Mirant Potomac River Generating Station. Applicant: City of Alexandria, City Attorney's Office

PLANNING COMMISSION ACTION: DEFERRED 7-0

- 17. SPECIAL USE PERMIT #2004-0090  
1300 & 1400 NORTH ROYAL STREET  
MIRANT POTOMAC RIVER GENERATING STATION  
Public Hearing and Consideration of a request for the revocation of Special Use Permit #2297, granted in 1989, which approved the Transportation Management Plan required for the Mirant Potomac River Generating Station. Applicant: City of Alexandria, City Attorney's Office

PLANNING COMMISSION ACTION: DEFERRED 7-0

- 18. SUBDIVISION #2004-0007  
108 NORTH QUAKER LANE  
Public Hearing and Consideration of a request to subdivide one lot into two lots; zoned R-20/Residential. Applicant: John Smucker  
PLANNING COMMISSION ACTION: DEFERRED (Applicant's request)

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

City Council noted the deferrals.

- 19. Consideration of Convening An Executive Session Closed to the Public To Discuss the Appointment of the New City Manager at such times, dates and places as determined by City Council, pursuant to Section 2.2-3711(A)(1) of the *Code of Virginia*.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council adopted a resolution pertaining to an executive session held September 28, 2004. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	absent	

The resolution reads as follows:

RESOLUTION NO. 2121

WHEREAS, the Alexandria City Council has this 16th day of October 2004, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by

the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

ADOPTED: October 16, 2004

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, that City Council to convene in closed executive session from time to time at the call of the Mayor and within 15 days of this date, pursuant to Section 2.2-3711(A)(1) of the *Code of Virginia* for the purpose of interviewing candidates for the position of City Manager. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	absent	

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**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council adjourned the meeting at 5:06 p.m. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	absent	

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APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jackie M. Henderson, CMC, City Clerk