

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, May 20, 2006 - - 9:30 a.m.

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

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Johnson, Director, Office of Management and Budget (OMB); Ms. Fogarty, Director, Planning and Zoning (P&Z); Mr. Baier, Director, Transportation and Environmental Services (T&ES); Mr. Josephson, Deputy Director, P&Z; Ms. Peterson, Urban Planner, P&Z; Mr. Hunt, Urban Planner, P&Z; Mr. Kincannon, Director, Parks, Recreation and Cultural Activities; Ms. Barnett, Deputy Director, Parks, Recreation and Cultural Activities; Ms. Adcock-Stearns, Division Chief, ITS; Mr. Sood, ITS; Mr. Martinez, ITS; Police Lt. Uzzell and Mr. Lloyd.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council.

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the Deputy City Clerk called the Roll; all the Members of Council were present.

2. Public Discussion Period.

The following persons participated in the public discussion period:

(a) Jack Sullivan, 4300 Ivanhoe Place, Alexandria, congratulated Council members on their re-election and thanked the Council for making beneficial use of the connector funds for transportation improvements and to counteract the negative effect that commuter traffic has on the affected neighborhoods.

(b) Thomas Reiner, 505 North Armistead Street, T-1, Alexandria, spoke about a Police misconduct issue and how the complaint against him is being handled.

Police Lt. Uzzell stated that Mr. Reiner's case was pending with the Police Department and he would make sure that Mr. Reiner has the information to contact Internal Affairs to make an official report.

(c) Amy Slack, 2307 East Randolph Avenue, recognized Police Week and thanked the Police Department for the work they do in the community. Ms. Slack also mentioned the Citizen Police Academy and how it helps citizens understand the Police Department.

Mayor Euille expressed condolences on behalf of Alexandria for the police officers who were killed in Fairfax County and recognized the conclusion of National Police Week.

(d) David Fromm, 2307 East Randolph Avenue, announced that the Del Ray House and Garden Tours would be today from 11 a.m. until 5 p.m. and tickets were \$15. Mr. Fromm also announced there would be a benefit auction at 7:00 p.m. at Lonnie Rich's home for the Mount Vernon Community School Parent Teacher Association.

(e) Jim Hurysz, 127 South Fairfax Street, #202, complimented the City on the Bike to Work event and the telecommuting seminar. Mr. Hurysz requested that a federal, state and local effort be launched to improve air quality and eliminate major sources of air pollution in the area.

(f) Lillian J. White, 119 West Mason, requested that Council consider a sidewalk improvement program throughout the City to make Alexandria a more walkable community.

(g) Julie Crenshaw, 816 Queen Street, expressed concerned that Mayor Euille left the Virginia Paving meeting before citizen comment and presentations. Ms. Crenshaw stated that Mayor Euille should have stayed because the meeting was set to accommodate his schedule.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR¹ (3-5)

Planning Commission

3. SPECIAL USE PERMIT #2006-0013
611 KING STREET
BREAD AND CHOCOLATE, INC.
Public Hearing and Consideration of a request for a special use permit to increase the seating at a restaurant; zoned KR/King Street Retail. Applicant: Bread and Chocolate, Inc.

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated May 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/20/06, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2006-0015
1321 LESLIE AVENUE
COMMONWEALTH ACADEMY
Public Hearing and Consideration of a request for a special use permit to expand an existing private school and to increase the number of students allowed; zoned CSL/Commercial Service Low. Applicant: Learning Foundation of Metropolitan Washington, Inc. by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated May 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/20/06, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2006-0007
1561 POTOMAC GREENS DRIVE
JW SALONS AND DAY SPA, LLC
Public Hearing and Consideration of a request for a special use permit to operate a massage therapy facility within a salon and spa; zoned CDD-10/Coordinated Development District. Applicant: John W. Hall

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated May 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/20/06, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper, City Council approved the action consent calendar, with the exception of item number 4, which was considered under separate motion.

3. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.

The voting was as follows:

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

4. SPECIAL USE PERMIT #2006-0015
 1321 LESLIE AVENUE
 COMMONWEALTH ACADEMY
 Public Hearing and Consideration of a request for a special use permit to expand an existing private school and to increase the number of students allowed; zoned CSL/Commercial Service Low. Applicant: Learning Foundation of Metropolitan Washington, Inc. by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated May 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/20/06, and is incorporated as part of this record by reference.)

The following person participated in the public hearing:

Duncan Blair, 524 King Street, attorney, spoke in favor of the special use permit. Mr. Blair responded to questions from Council concerning the proposed project.

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

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

REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

6. Public Hearing on a Report on Establishment of a Poet Laureate for Alexandria. (#20, 4/25/06)

The following persons participated in the public hearing:

(a) Jack Sullivan, 4300 Ivanhoe Place, Alexandria, spoke in support of the establishment of a Poet Laureate.

(b) M. Magnus, 1424 Woodbine Street, spoke in support of the establishment of a Poet Laureate.

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing and advised the City Manager to proceed with the establishment of a Poet Laureate Program. The voting was as follows:

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

ORDINANCES AND RESOLUTIONS

7. Public Hearing, Second Reading and Final Passage of an Ordinance Soliciting Franchise Proposals to Use the Public Right-of-Way to Provide Free Wireless Internet Access Service in the City. (#16, 05/09/06) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum date May 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 5/20/06, 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. 7; 5/20/06, 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. 7; 5/20/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council passed an ordinance soliciting franchise proposals to use the public right-of-way to provide free wireless access service in the City. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4447

AN ORDINANCE to initiate and establish the process for granting a franchise by the City of Alexandria, Virginia, to use the public right-of-way and other public places to provide a citywide wireless network for internet access and other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the City of Alexandria proposes to grant a franchise, in the manner prescribed by law, permitting the design, construction, maintenance, and operation of a citywide wireless network in the public right-of-way and on other public property, as set forth in the following proposed franchise ordinance:

ORDINANCE NO. _____

AN ORDINANCE to grant to _____, its successors and assigns, a franchise, under certain conditions, permitting the grantee to use the public right-of-way and on other public property in the City of Alexandria, for the design, construction, maintenance, and operation of a citywide wireless network for internet access and other purposes, for the benefit of residents, businesses and government in the City.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That this Franchise is hereby granted to _____, hereinafter referred to as "Grantee," its successors and assigns, to permit the Grantee to design, construct, maintain, and operate a citywide wireless network for internet access and other purposes, using the public right-of-way and other public property in the City.

Section 2. That the said Franchise is awarded to the Grantee after public notice and invitation for bids, as required by law, pursuant to Section 2 of Ordinance No. ____, and after the invitation for bids was duly closed and all bids were fully and carefully investigated and evaluated.

Section 3. That the Grantee be, and hereby is, granted a Franchise for _____ years to design, construct, maintain, and operate a citywide wireless network for internet access and other purposes, for the benefit of residents, businesses and government in the City. The Grantee shall strictly comply with the terms of this Ordinance and with the Franchise Agreement attached hereto and incorporated fully herein by reference, together with all applicable laws and regulations of the City of Alexandria, the Commonwealth of Virginia and the United States, and any regulatory agency having jurisdiction, including, without limitation, with the following conditions:

1. Each year an updated map of all facilities within the City, existing and proposed, showing locations, scheduled construction and service dates, and such additional information as the city manager may specify in his reasonable discretion, shall be filed with the city's department of transportation and environmental services.

2. All necessary permits shall be obtained for each and every excavation or installation, including but not limited to boring in and/or under a public right-of-way or other public place.

3. In the event the relocation, construction, reconstruction, maintenance or repair by the City, the Commonwealth of Virginia or the Washington Metropolitan Area Transit Authority of any facilities or services is necessary or desirable, and it is necessary to alter or relocate, either permanently or temporarily, any of the Grantee's property in the public right-of way or other public property in order to accomplish same, the Grantee will, after reasonable notice, move, alter or relocate its property at its own cost and expense, and should the Grantee fail to comply with such notice, its property may be removed, altered or relocated by the City, state or Washington Metropolitan Area Transit Authority at the cost of the Grantee and without liability for any resulting damage. The Grantee will do everything reasonably necessary, in a timely manner, to prevent any delays in construction projects of the City, the state or the Washington Metropolitan Area Transit Authority.

4. This Franchise may be assigned or transferred; provided, however, that no such assignment or transfer shall be effective without the prior written consent of the City, which consent will not be unreasonably withheld.

5. The Grantee will obtain liability insurance to the satisfaction of the city attorney, which insurance shall name the City as an additional insured.

6. The Grantee will not use the privileges granted by this Franchise to provide the functional equivalent of a cable system or cable service as defined in sections 9-3-17 and 9-3-18 of the Alexandria City Code.

7. In exchange for the privileges granted by this Franchise, the City shall have free use of the network for municipal governmental purposes.

8. In exchange for the privileges granted by this Franchise, the general public shall have free use of the network for wireless internet access in the outdoor areas and public facilities in the City designated in the Franchise Agreement.

9. At such time as the City may require underground installation of existing, overhead facilities in any area covered by this Franchise, the Grantee will, at its sole cost and expense, relocate its facilities

underground in accordance with the provisions of the City's underground utilities ordinance, to the extent underground location of such facilities is technically feasible.

10. The Grantee shall protect all property of the City or any other person during any work of designing, constructing, maintaining, or operating its system in or adjacent to the public right-of-way or other public place, and shall fully restore, in kind, any property damaged or destroyed during any such work. In the event the Grantee and any property owner are unable to agree on a remedy, the Grantee agrees to abide by the determination of the City as to compensation or restoration.

11. That nothing in this Franchise shall be construed to obligate the City to continue its franchise with any other franchisee who owns or uses the poles to be used by the Grantee, nor shall this Franchise increase or strengthen the rights that other franchisees may have. The City shall have no liability to the Grantee for exercising any rights the City may have in general or under its franchises with other franchisees, regardless of the effect of such exercise on the Grantee.

12. The Grantee shall remove its property at its own expense at the expiration or termination of this Franchise or any extension hereof.

Section 4. That the city manager be and hereby is authorized to execute such documents as may be required to effectuate the Franchise hereby granted.

Section 5. That the city clerk be and hereby is authorized to attest the execution of said documents and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 2. That as soon as this ordinance has been finally passed, the city clerk shall cause to be advertised once a week for four successive weeks in a newspaper published in the City of Alexandria, a descriptive notice of the proposed ordinance contained in Section 1 of this ordinance, and, in addition thereto, shall by such advertisement invite bids for the Franchise proposed to be granted by such proposed ordinance, by publishing with the descriptive notice of such ordinance a notice which shall be in substantially the following form:

NOTICE

BIDS ARE INVITED BY THE CITY OF ALEXANDRIA, VIRGINIA, FOR THE GRANT OF A FRANCHISE PERMITTING THE FRANCHISEE TO USE THE PUBLIC RIGHT-OF-WAY AND OTHER PUBLIC PLACES IN THE CITY FOR THE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION OF A CITYWIDE WIRELESS NETWORK FOR INTERNET ACCESS AND OTHER PURPOSES, FOR THE BENEFIT

OF RESIDENTS, BUSINESSES AND GOVERNMENT IN THE CITY. DETAILED CONDITIONS AND SPECIFICATIONS FOR THE FRANCHISE ARE ON FILE IN THE OFFICE OF THE DIRECTOR OF INFORMATION TECHNOLOGY SERVICES, 123 NORTH PITT STREET, SECOND FLOOR, ALEXANDRIA VIRGINIA 22314. ALL DOCUMENTS RELATING TO THIS FRANCHISE ARE ALSO AVAILABLE FOR REVIEW AT:

www.wirelessalexandria.com

A PRE-BID CONFERENCE, WHICH SHALL NOT BE MANDATORY, SHALL BE HELD AT THE FOLLOWING TIME AND PLACE [To be determined by city manager]:

THE TERM OF THE FRANCHISE IS NEGOTIABLE, BUT IT SHALL BE FOR A MINIMUM OF FIVE YEARS.

ALL BIDS ARE TO BE SUBMITTED IN WRITING AND DELIVERED TO MICHAEL HERWAY, DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY SERVICES, 123 NORTH PITT STREET, SECOND FLOOR, ALEXANDRIA VIRGINIA 22314, ON OR BEFORE JUNE 23, 2006 AT 3:00 PM. EASTERN TIME. AT THAT TIME BIDS SHALL BE PUBLICLY OPENED AND BIDDERS IDENTIFIED.

IN ADDITION, IDENTIFICATION OF THE BIDDERS SHALL BE ANNOUNCED IN OPEN SESSION OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA IN THE COUNCIL'S CHAMBER, CITY HALL, 301 KING STREET, SECOND FLOOR, ALEXANDRIA, VIRGINIA 22314, ON JUNE 27, 2006, AT 7:00 P.M. AT THAT TIME, THE MAYOR SHALL REFER THE BIDS RECEIVED TO THE CITY MANAGER TO EVALUATE, REVIEW AND CONSIDER IN THE MANNER PRESCRIBED BY LAW, INCLUDING THE SELECTION OF, AND NEGOTIATION OF A FRANCHISE AGREEMENT WITH, A PREFERRED BIDDER. AS SOON THEREAFTER AS PRACTICABLE, THE CITY MANAGER WILL RECOMMEND THE SUCCESSFUL BIDDER, AND PRESENT THE NEGOTIATED FRANCHISE AGREEMENT, FOR CONSIDERATION AND APPROVAL BY CITY COUNCIL.

THE CITY RESERVES THE RIGHT IN THE CITY MANAGER'S SOLE DISCRETION TO REJECT ANY AND ALL BIDS; TO TERMINATE NEGOTIATIONS AT ANY STAGE OF THE SELECTION PROCESS, AND TO REISSUE THE REQUEST FOR BIDS WITH OR WITHOUT MODIFICATION.

THE DESCRIPTIVE NOTICE OF THE PROPOSED FRANCHISE ORDINANCE IS AS FOLLOWS:

The proposed ordinance will grant a franchise, under certain conditions, permitting the grantee to use the public right-of-way and on other public property in the City of Alexandria, for the design, construction, maintenance, and operation of a citywide wireless network for internet access and other purposes, for the benefit of residents, businesses and government in the City. (Complete text of ordinance available in office of the city clerk.)

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

8. Public Hearing, Second Reading and Final Passage of an Ordinance to Increase the Fees Charged for Ambulance Services. (#17, 05/09/06) (**ROLL-CALL VOTE**)

(A copy of the City Manager's memorandum dated May 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/20/06, 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. 8; 5/20/06, 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. 8; 5/20/06, 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 an ordinance to increase the fees charged for ambulance services. The voting was follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4448

AN ORDINANCE to amend and reordain Section 3-2-131 (IMPOSITION; EXCEPTIONS) of Article J (SERVICE CHARGE FOR CITY AMBULANCE

SERVICE), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-131 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-131 Imposition; exceptions.

(a) The following words and phrases, when used in this section, shall have the meanings set out below:

(1) Basic Life Support (BLS): Medical treatment rendered to, or procedures performed upon, a patient as defined by the "National Emergency Medicine Services Education and Practice Blueprint" for the medic – basic (EMT-Basic).

(2) Advanced Life Support, Level 1 (ALS-1): Medical treatment rendered to, or procedures performed upon, a patient beyond the scope of an EMT-Basic level, as defined by the National Emergency Medicine Services Education and Practice Blueprint.

(3) Advanced Life Support, Level 2 (ALS-2): Advanced life support treatment rendered to a patient that includes one or more of the following medical procedures:

- (A) defibrillation/cardioversion,
- (B) endotracheal intubation,
- (C) cardiac pacing,
- (D) chest decompression,
- (E) intraosseous line, or
- (F) the administration of three or more medications.

(4) Ground Transport Mileage (GTM): Distance traveled, measured in statute miles, from the location of the incident to a hospital or other facility to which a patient is transported.

(b) Except as hereinafter provided, there is hereby imposed a service charge of \$300 per BLS transport, \$400 per ALS-1 transport, \$550 per ALS-2 transport, plus a GTM charge of \$7.50, on each person who is transported by ambulance service by the emergency medical services division of the City of Alexandria Fire Department. The funds received shall be paid into the general fund of the city to aid in defraying the cost of providing such service.

(c) No charge shall be imposed on persons in the following instances:

(1) Persons in the custody of the police department or the office of the sheriff of the city;

(2) Persons determined to be medically indigent according to (i) the eligibility determination made by the hospital to which the person is transported, or (ii) Level A of the income level scales established by the health department of the city for the purpose of determining eligibility for health services;

(3) Victims of violent crime, as identified by the commonwealth's attorney for the city;

(4) Persons affected by fire, flood, storm, natural or man-made calamity or disaster, or by widespread public disturbance or disorder when an emergency rescue vehicle of the city responds as a matter of policy without call;

(5) City of Alexandria employees who become ill or are injured during working hours while carrying out work-related duties; or

(6) Children eighteen (18) years of age or younger who require emergency medical service and transport while attending school or a school-related activity.

Section 2. That this ordinance shall become effective July 1, 2006.

9. Public Hearing, Second Reading and Final Passage of an Ordinance to Revise the Membership of the Consumer Affairs Commission. (#18, 05/09/06)
(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. 9; 5/20/06, 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. 9; 5/20/06, 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 an ordinance to revise the membership of the Consumer Affairs Commission. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"

Euille "aye" Smedberg "aye"
Woodson "aye"

The ordinance reads as follows:

ORDINANCE NO. 4449

AN ORDINANCE to amend and reordain Section 12-7-12 (COMPOSITION; OFFICERS; APPOINTMENT, TERM AND COMPENSATION OF MEMBERS), of Article B (CONSUMER AFFAIRS COMMISSION), Chapter 7 (CONSUMER AFFAIRS), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-7-12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended to read as follows:

Sec. 12-7-12 Composition; officers; appointment, term and compensation of members.

The commission shall consist of 11 members appointed by the city council; two of whom shall be members of the business community, two of whom shall be members of local consumer action organizations and seven of whom shall be citizens at large; provided, however, that one of the positions designated for a member of a local consumer action organization may be filled by a representative of a local non-profit organization which deals with consumer issues, or by an employee of a state or federal agency which deals with consumer issues, and provided, further that the vacancy for the consumer action organization member has been advertised and has remained unfilled for a period of three months or longer. All members shall be residents of the city; except that one member of the business community and one member of a consumer action organization may be a nonresident of the city but a resident of the state. . All members shall be appointed by city council for three year terms. Any vacancy shall be filled by the council for the unexpired portion of a term. The commission shall select a chairperson, vice chairperson and secretary by a majority vote of all members of the commission. The chairperson shall serve a two year term and may not succeed himself. In the event that the chair is vacated for any reason, the vice chairperson shall succeed and serve as chairperson for the remainder of the term. A vice chairperson shall be selected by majority vote of all members of the commission to serve as vice chairperson for the unexpired term. Members shall serve without compensation but may receive reimbursement for expenses, subject to the availability of funds.

Section 2. That no provision of this ordinance shall be deemed to affect the appointments or terms of the members of the Alexandria Consumer Affairs Committee in office on the effective date hereof.

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

10. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the City's Master Plan to Designate Route 1 - Jefferson Davis Highway as the Route for Transit-bus Rapid Transit. (#19, 05/09/06) **(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. 10; 5/20/06, 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. 10; 5/20/06, 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 an ordinance to amend the City's Master Plan to designate Route 1 - Jefferson Davis Highway as the route for transit-bus rapid transit. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4450

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2005-0006 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2005-0006, the Planning Commission initiated an amendment to the Transportation Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, to designate Route 1 - Jefferson Davis Highway as a transit corridor.

2. The said amendment has heretofore been approved by the planning commission, and city council with an amendment, after full opportunity for comment and

public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Transportation Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, be, and the same hereby is, amended by adding thereto the following language:

Route 1-Jefferson Davis Highway shall be designated as a transit corridor. Within the corridor high-capacity transit service connecting Braddock Road Metrorail Station to the Crystal City/Pentagon area may be developed in general conformance with the Crystal City/Potomac Yard Transit Corridor Alternatives Analysis and compatible with the operational requirements of both bus rapid transit (BRT) and light rail transit (LRT). If dedicated transit lanes are to be provided for the Crystal City/Potomac Yard Transit Corridor, the lanes shall be provided on Route 1, except that the transit lanes may connect to Potomac Avenue in the vicinity of the Town Center until sufficient right-of-way can be obtained. The final location, type, and design of any future dedicated transit service shall require approval by the Planning Commission and City Council. Any future transit lanes should maintain the character of Route 1 as an urban boulevard with a continual median, trees and street trees, and shall be reserved in perpetuity for exclusive public transit use.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment, as part of the Transportation Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the City's Master Plan to Expand the Boundaries of the Old and Historic

Alexandria District. (#21, 05/09/06) **(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. 11; 5/20/06, 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. 11; 5/20/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed an ordinance to amend the City's Master Plan to expand the boundaries of the Old and Historic Alexandria District. The voting was follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4451

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2006-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2006-0003, the Planning Commission initiated an amendment to the King Street Eisenhower Avenue Metro Station Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, to expand the Old and Historic Alexandria District in the 1500 and 1600 blocks of King Street.

2. The said amendment has heretofore been approved by the planning commission, and city council with an amendment, after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the King Street Eisenhower Avenue Metro Station Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, be, and the same hereby is, amended to include the area shown on the attached sketch plan entitled "MPA #2006-0003 REZ #2006-0001," dated April 4, 2006, within the Old and Historic Alexandria District.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment, as part of the King Street Eisenhower Avenue Metro Station Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

12. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Zoning Map to Expand the Boundaries of the Old and Historic Alexandria District. (#22, 05/09/06) **(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; 5/20/06, 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; 5/20/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council passed an ordinance to amend the Zoning Map to expand the boundaries of the Old and Historic Alexandria District. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4452

AN ORDINANCE to amend and reordain Sheet No. 63.04 of the "Old and Historic Alexandria District" Zoning Map, adopted by Section 10-102 (DISTRICT ESTABLISHED), of the City of Alexandria Zoning Ordinance, by expanding the boundaries of the District to include the 1500 and 1600 blocks of King Street, south side, in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2006-0001.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2006-0001, the Planning Commission initiated a zoning map amendment to expand the boundaries of the Old and Historic Alexandria District to include the 1500 and 1600 blocks of King Street, south side;
2. The said map amendment is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 63.04, and any adjacent sheets, of the "Old and Historic Alexandria District" Zoning Map, adopted by Section 10-102 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by expanding the boundaries of the District to include the 1500 and 1600 blocks of King Street, south side, within the district, as shown on the sketch plan entitled "MPA #2006-0003 REZ #2006-0001," dated April 4, 2006, attached hereto and incorporated herein by reference.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 63.04, and any adjacent sheets, of the "Old and Historic Alexandria District" Zoning Map, as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (13-14)

Planning Commission (continued)

13. MASTER PLAN AMENDMENT #2006-0002
EISENHOWER EAST SMALL AREA PLAN
Public Hearing and Consideration of a request for an amendment to the Eisenhower East Small Area Plan. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: DEFERRED

14. EISENHOWER EAST PLAN IMPLEMENTATION
Public Hearing and Consideration of a request for the Planning Commission and City Council approval of a formula for the implementation of the open space elements of the Eisenhower East Small Area Plan. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: DEFERRED

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

New Business Item No. 1: City Manager Hartmann reported that a request has been received from the attorney representing Virginia Paving Company to defer the consideration of a Special Use Permit and he was recommending deferring the joint work session with the Planning Commission concerning the matter.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the Public Hearing Meeting of May 20, 2006, at 10:36 a.m. The voting was as follows:

Krupicka "aye" Pepper "aye"

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Gloria A. Sitton, CMC Deputy City Clerk