

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Public Hearing Meeting**  
**Saturday, October 15, 2005 - - 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, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Kincannon, Director, Parks, Recreation and Cultural Activities; Mr. Baier, Director, Transportation and Environmental Services; Mr. Culpepper, Deputy Director, T&ES; Mr. Haynes, T&ES; Ms. Fogarty, Director, Planning and Zoning; Mr. Farner, Planning and Zoning; Mr. Josephson, Planning and Zoning; Ms. Petersen, Planning and Zoning; Ms. Baker, Director, Office on Women; Ms. Federico, Director, Historic Alexandria; Ms. Davis, Housing Director; Mr. Mason, Acting Public Information Officer; Police Chief Samarra; Police Lt. Uzzell; Mr. Johnson, Director, Office of Management and Budget; Ms. Padron, Budget Analyst, Office of Management and Budget; Mr. Eisinger, Budget Analyst, Office of Management and Budget; Ms. Murphy, Budget Analyst, Office of Management and Budget; Mr. Mandley, Director, General Services; Mr. Geiling, Deputy Director, General Services; and Mr. Farid, Telecommunications Coordinator, Information Technology.

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

**OPENING**

1. Calling the Roll.

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

2. Public Discussion Period.

(a) Amy Slack, 2307 E. Randolph Avenue, spoke of the Urban Forestry Steering Committee's tree sale at Ft. Ward Park on October 22 from 8 a.m. to 1 p.m., and she spoke of what to consider and tips to think about before purchasing and

planting trees.

(b) Nancy Carson, 301 W. Masonic View, representing Housing Action, a citizen coalition dedicated to finding constructive approaches to the housing dilemma, said they appreciate the progress being made in affordable housing. She urged Council to help them to move from projects to a program. She said that although they have two projects on the horizon, the impending sale of Winkler portfolio should remind everyone that they need a long-term plan and strategy and need a program, not pieces. She said that since March, Housing Action has been meeting with City leaders and asking to be part of creating an action plan - to include policy, education, finance and staffing to move them forward. Ms. Carson said she wants the Planning Office to be on their team and for all of them to work together. She said they need to create a new vision and plan for how the community will develop, and she said it may be necessary for Council to mandate the development of the action plan and said she would send the outline of the steps they have discussed. She said they have compiled their own set of suggestions and would like to do it with the City but shouldn't have to do it themselves. Ms. Carson said they appreciate Council's commitment and said they need to move ahead in a coherent and focused manner as other communities do, and she said their motto for this year is "Show me the units."

(c) Poul Hertel, 1217 Michigan Court, thanked the Council for its continued commitment to dealing with Mirant and the actions the City has undertaken. Mr. Hertel said he also wished to speak about outdoor dining. He said he heard from Planning and others what is tantamount to saying high density narrow sidewalks create vibrancy, and he begs to differ on that. He said outdoor seating is problematic in the way it's chaotically being implemented and the restaurateurs do not appreciate what they have with outdoor dining. He said he proposes two things. One is that instead of having the five foot curb from curb, because of the tree wells and light wells, what it needs to have is a clear unfettered five foot path up and down so pedestrians can walk. The second is that the restaurateurs should be charged because this is public right-of-way they are encroaching upon, and the money will make them appreciate it more and also curtail themselves, as many have shown no restraint. He urged that the money to be collected should be put in the pot to pay for the maintenance and upkeep of historic buildings.

(d) Jim Hurysz, 127 S. Fairfax Street, #202, said that on Mirant, if anyone wants to know who Pepco, the Southern Company and Mirant gave political contributions to since 1993, that is on the federal election commission website and there was a wide range of elected officials from both parties that received contributions. Mr. Hurysz said he opposes the widening of I-66, 395 and interstate and local highways, as it is time for traffic mitigation, not more traffic. He spoke of the energy bill to promote the use of van pool, ride sharing and evaluating using the Internet to evaluate that use, and said that several states that have begun ride and van pooling saw reductions of traffic by up to 15 percent during rush hours, and he spoke of the link of air pollution from vehicles to significantly increased pulmonary disease, such as asthma. He suggested the City begin a comprehensive effort for traffic mitigation.

Councilman Macdonald asked Mr. Hurysz to provide a list of studies on the effects.

Mr. Hurysz said the website is [www.epidem.com](http://www.epidem.com), and is the November issue.

(e) Pat Troy, 310 Wolfe Street, said he counted 36 street lights out on King Street from the Masonic Temple to the end and in the 500 block of King Street alone, four of them were out. He said one has to call Richmond to get the lightbulbs in and he said they drive all the way up from Richmond to put the bulbs in. He said he would like an appeal on behalf of the citizens and visitors to have the walkways lit up. He asked that the City be lit up at nighttime to make it vibrant.

Mayor Euille noted they are working on the lighting problem City-wide and also with Dominion Power on a number of power and lighting issues.

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

### **ACTION CONSENT CALENDAR<sup>1</sup> (3-8)**

#### **Planning Commission**

3. SPECIAL USE PERMIT #2005-0085  
4928-C EISENHOWER AVENUE  
LIGHT AUTO REPAIR  
Public Hearing and Consideration of a request for a special use permit to operate a light automobile repair business; zoned OCM(100)/Office Commercial Medium. Applicant: Davaadorj Battuvshin

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 4, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 3, 10/15/05, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2005-0086  
512-D SOUTH VAN DORN STREET  
COMMERCIAL SCHOOL  
Public Hearing and Consideration of a request for special use permit to operate a martial arts school; zoned CG/Commercial General. Applicant: Teresa P. Dos

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 4, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 4, 10/15/05, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2005-0089  
315 MADISON STREET  
A LA LUCIA RESTAURANT  
Public Hearing and Consideration of a request for a special use permit amendment to increase the number of seats at a restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: DelNayeri Company LLC/a La Lucia by Mehran Nayeri

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 4, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 5, 10/15/05, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2005-0066  
5800 EDSALL ROAD  
KOON'S SELECT PRE-OWNED  
Public Hearing and Consideration of a request for a special use permit amendment to expand an existing automobile sales business; zoned CG/Commercial General. Applicant: Koon's Used Car Outlet by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 4, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 6, 10/15/05, and is incorporated as part of this record by reference.)

7. SPECIAL USE PERMIT #2005-0087  
907 KING STREET  
RESTAURANT  
Public Hearing and Consideration of a request for a special use permit to allow the service of alcohol and to change the hours of operation at a restaurant; zoned CD/Commercial Downtown. Applicant: Lek's Family, Inc. by Mary Catherine Gibbs, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 4, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 7, 10/15/05, and is incorporated as part of this record by reference.)

8. SPECIAL USE PERMIT #2005-0091  
601 HOLLAND LANE  
CARLYLE DEVELOPMENT  
Public Hearing and Consideration of a request for a special use permit

amendment to transfer gross floor area from Block L to Block O in the Carlyle Development District; zoned CDD-1/Coordinated Development District. Applicant: Post Carlyle II, LLC by M. Catharine Puskar

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 4, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. #8, 10/15/05, and is incorporated as part of this record by reference.)

**END OF ACTION CONSENT CALENDAR**

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

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation.

Vice Mayor Pepper noted that on docket item #6, Koon's Select Pre-Owned, she had a call from a constituent who monitors the area around there and there was a concern that the property has not been kept up to the type of standard they like to see, with landscaping and appearance of the lot, so she hoped there would be a mechanism to see to it that it does continue looking nice. She said she visited the lot and it seemed to be looking better.

The voting on the motion was as follows:

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

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

9. Public Hearing To Obtain Citizens Input on the City's Proposed Fiscal Year 2007 Budget and Capital Improvement Program (CIP.)

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

(a) Tim Lovain, 2606 Davis Avenue, representing the views of the Budget and Fiscal Affairs Advisory Committee, said they want to emphasize two things. The first is the importance of adhering to sound financial policies and procedures, and the second is the importance of maintaining long-term budget perspective. He said with regard to sound financial policies and procedures, the hearing is the first step in a revised budget calendar to make the budget process more deliberative and transparent, and BFAAC supports those objectives. He said they are pleased that staff will present to Council an estimate of expenditures needed to maintain current services. They urge Council to encourage and monitor the efficiency audits of individual agencies. He said they encourage staff to make greater use of performance measures and urged Council to use those measures in its budget decision-making. He said they urge Council to adhere to its current debt policy guidelines. The City will be at or near target borrowing capacity through to fiscal 2009. He said BFAAC renews its concern on the danger of the City's heavy reliance on volatile real property taxes. The City needs to continue to try to diversify its revenue sources. BFAAC urges Council to closely scrutinize personnel expenditures, which account for most of the operating budget. Because health care costs are increasing, they urge the City to consider cost containment strategies in its employee health benefits.

(b) Karen Epperson, 514 Fontaine Street, past-president of the George Mason Elementary School PTA, spoke to urge the Schools budget. She noted that the quality of schools is dependent on attracting and retaining high quality teachers, and they must ensure that their salary and benefits remain competitive. Keeping classes small is essential. There are many and varied resource considerations that go into the continued improvement of their learning environment and they must rededicate themselves to do so.

(c) Mary Reilly, 202 E. Alexandria Avenue, chair of the Alexandria Community Services Board, asked that Council continue its support of the Department of Mental Health, Mental Retardation and Substance Abuse and of citizens who struggle with disabilities. She said Council will hear many pleas about the need for tax relief, but she asked that they not provide relief at the expense of programs that serve the neediest citizens. She said there are wait lists for persons with disabilities needing housing, wait lists for psychiatric counseling, substance abuse services and case management. In their mental retardation group homes, individuals are aging and developing severe medical needs with each passing year and the current staffing level is no longer able to safely meet their needs. She said they have one nurse who works 10 hours a week at five group homes and coordinates the delivery of more than 214 different medications to 43 consumers with more than 50 medical conditions. She said 100 people per year come to the detox unit but cannot be admitted due to lack of nursing staff. She said Police staff estimate that of the 956 drunk in public cases last year, 40-50 percent were not even brought to detox because of the limitation in staffing. She noted the issue of competing salaries for staffing positions such as nurses, therapists and psychiatrists

and there are on-going vacancies and turnover dramatically effect their ability to serve their consumers. Ms. Reilly asked Council to remember that Alexandria's median annual income is almost \$75,000, but approximately half of the citizens they serve make less than \$5,000.

(d) Danelle Fortune, 452 W. Glebe Road, PTA president at Charles Barrett Elementary, spoke in support of the School budget. She spoke about the importance of maintaining small class sizes and she spoke of the need to maintain their physical education, art and music instruction.

(e) Susan Johnson, 2918 N. Rosser Street, speaking on behalf of the Early Childhood Commission, said they take seriously the phrase "minimal cost to taxpayer," and they assume it means to them that they be cost effective and cost cautious and she believed that if it was looking at quality, cost is an important factor in quality. She said they have not yet identified all of the children who are not getting the quality preschool and universal access to the preschool and try to identify why they are not getting that service, and she wanted to make sure it was reflected in the budget. Ms. Johnson said that if it is an important issue, that the City Manager address all of the departments, not just human services and the schools, in the importance of educating their youngest population. She asked Council to give them seed money if it finds itself with a few pennies in the budget, specified for universal access, so they can continue to fund grants and look for other opportunities to increase universal access to preschool.

(f) Marla Howell, president of the Alexandria Arts Forum, thanked Council for its support of the arts in the community, and with her are Ulysses James, with the Washington Metropolitan Philharmonic, Silvia Alimena, from Eclipse Chamber Orchestra, Jim Fraser, with the Alexandria Performing Arts Association, Kathryn Brown and Marlin Lord from the Del Ray Artisans, and Fran Redmon, arts advocate. She said their funding has allowed them to provide programming that allows access to the arts for all Alexandrians. Ms. Howell asked for Council's continued support through funding of the Commission for the Arts, the Alexandria Arts Festival, and other arts initiatives.

(g) Donald Wallace, 5909 Quintana Court, Burke, vice chair of the Board of Directors for Food For Others, said they are the largest provider of emergency food services in Northern Virginia, and said their mission is to obtain and distribute free food for the hungry in Northern Virginia and support food programs for other community based organizations. He said they have a staff of seven people and over 600 volunteers, and they serve 1,000 families a month. He said there has been a sharp increase in Alexandria clients during the last 15 months. In the last fiscal year, they provided food to 958 Alexandria families, which is over seven percent of their total emergency funds. He said the number is increasing while numbers from other Northern Virginia communities seem to be reducing slightly. He said City of Alexandria vehicles frequently bring families to their warehouse to pick up emergency food and because Alexandria clients have become significant to them, Food for Others is interested in being part of the Alexandria budget process for the purpose of obtaining monetary assistance, as it does from Arlington and Fairfax.

Mayor Eulle asked Mr. Wallace to put his request in writing so they can get it reviewed through the proper process.

Councilwoman Woodson asked Mr. Wallace to provide a broader overview of what their services are, what dollars are spent, what it looked like last year, years past and this year, as she would like to get her arms around what Alexandria's needs are and how they have been growing and what those projected needs are going to be in the future.

In response to a question from Councilman Smedberg, Mr. Wallace said they get the information on where the residents live from their clients, and he would submit that information with his request.

(h) Sheryl Gorsuch, 408A E. Raymond Avenue, speaking on behalf of the PTA Council, said she wanted to respond to articles in the press about fewer students/more money and said Virginia sets the bar for achievement comparatively high. She said the number of students that is expected to achieve rises each year until 2014, when 100 percent of students will be expected to pass the annual test and achieving those goals requires new spending, including specialized teachers, additional staff training, test specific materials, and innovative programs. She said educating an ESL student costs 1.3 times more than an average student, special education students costs two times more and low-income students cost 1.35 times more, and a significant number of Alexandria students are classified in two, even all three of the high risk, high cost categories in a high cost of living area. She spoke of the cost of the No Child Left Behind Act. She said the PTA Council's November 9 meeting will include a presentation of the laptop integration program.

(i) Judy Noritake, 605 Prince Street, representing the Park and Recreation Commission, spoke of the Charles Houston Recreation Center, and said it looks like it is a bigger project than anyone anticipated and that would have to be taken into consideration in the budget cycle. She said Patrick Henry was scheduled to begin 6-8 months past that, and she didn't expect it would be a much different situation, as it is a big project. She said they have a number of fields in the works coming on that they will be getting because of funding from other projects, but there is a lot of discussion of what it needs to do to bring fields up and the department is hiring a consultant to help them lay a road map into the future.

Councilman Macdonald asked Ms. Noritake if she would provide a summary of the budget needs in writing.

(j) Joe Eggerton, 106 W. Bellefonte Avenue, thanked Council for the tree trimming on King Street. Mr. Eggerton said that speaking on behalf of the Alexandria Convention and Visitors Bureau, businesses are being burdened by taxes. He said the tourism industry is part of the diversity in the tax base. He said investing in ACVA has proven to bring back dollars for City services. Mr. Eggerton said any slow down in the

effort to bring tourism into Alexandria could have a major effect on a City with fewer dollars flowing into the hotels, restaurants and retail establishments.

(k) Molly Chrein, 711 Fontaine Street, PTA President at MacArthur Elementary, said Council should fully support the schools by allocating sufficient funds for their budget. She said one of the most important factors in determining property value is the quality of public schools, and all but two of Alexandria's schools are State accredited and there has been significant progress of the two remaining unaccredited schools. No Child Left Behind has added to the burdens placed on the school system and this is not the time to consider making cuts to the schools budget. She said they need to keep highly qualified teachers and staff to meet the demands, and at the very least, the City must offer the teachers salary and benefits comparable to the surrounding school systems.

(l) Christina Forbes, 108 Commerce Street, chair of the Alexandria Commission on Aging, said their senior population is growing more rapidly than the younger population and family structures, because of the high number of single and smaller families, mean the families are more fragmented. She said 25 percent of Northern Virginia residents don't have automobiles. The Commission thanked the Council for two programs - the transportation program, senior taxi, and the DOT programs have been beneficial and hope to have continued stress on that. She said the high priorities areas the Commission has identified through needs assessment are health care costs are the most important and number one issue, the second is affordable housing, and third is transportation. She spoke of the Eleanor Iger Fund, which was replenished by extra DHS money and serves the emergency needs of at-risk seniors. The total amount of funds were around \$10,000 and it should be around \$25,000 a year and they would like Council to contemplate a sustained, reliable funding for the emergency needs.

Vice Mayor Pepper asked for information to be given on if there are resources within the Department of Human Services that can be used.

(m) Wolfhard Ramm, 15 East Alexandria Avenue, chair of the School Board's budget advisory committee, spoke in support of the Schools budget and said most of the projected increase is driven by State and national developments, such as higher contributions to the Virginia Retirement System, new special education mandates, increases in health insurance and energy costs and the need to keep pace with the compensation packages offered by other districts. Mr. Ramm urged Council to take into account the broader context of the school systems needs and City resources. He noted that in FY2005, Alexandria ranked third among nine surrounding jurisdictions in spending per pupil. However, he said, student needs tend to be higher in Alexandria, and among those nine districts, Alexandria ranks first in free and reduced lunch eligibility, third in English as a second language and fourth in special education services.

Councilman Smedberg asked for a copy of Mr. Ramm's remarks and to have a

copy for the Budget and Fiscal Affairs Advisory Committee.

(n) Jim Singleton, 1733 King Street, spoke on behalf of the ACVA as a member of the board and as CEO of the City Manager's Association of America. He encouraged Council to continue its support of ACVA. He spoke of the businesses that left communities in Mississippi and Louisiana and are looking at \$500 million that won't be back, and that revenue won't be replaced. He said two of the states that were impacted by the natural disaster did not have an active convention and visitors bureau supporting and promoting who and what they were. He asked Council to think about what the investment on tourism has on the businesses and the City as a whole.

(o) Pat Troy, 310 Wolfe Street, said he is speaking for the ACVA and said that 33 years ago, when he came to the City in business, he didn't know much about the ACVA but found out about it over the years. He said he became a member of the board of governors. He said there is accountability as they are audited every year. He said the ACVA brings people to the City and visitors. He said he always thought the greatest show in the City was the St. Patrick's Day parade, but he now knows it is the Alexandria Convention and Visitors Association, as they are here 365 days a year.

(p) Charlie Collum, 801 N. Fairfax Street, Suite 402, chair of the Alexandria Chamber of Commerce, said the Chamber encourages Council to develop a budget that is properly prioritized based on available revenue rather than increases and expenses, and can be implemented using normal assessed values but limiting the real estate tax rate so the average bill doesn't increase by more than a percentage that does not unduly burden homeowners. He said the average homeowners tax bill was increased 12 percent and they expect this year's increase to be lower. He said they encourage Council to continue to explore the possibility of achieving cost savings through increasing efficiency of existing systems and processes, such as combining services and facilities that are currently provided separately by both City employees and school employees to reduce costs and increase efficiency. He said the Chamber supports the tax relief available to low income homeowners and it may be necessary to increase the amount of relief to shield the homeowners from the increases this year. He said the Chamber encourages the development of a workforce housing plan to secure an adequate supply of workforce housing for middle income homeowners. Mr. Collum said the Chamber supports continuing the City's policy of balancing the use of cash capital and debt financing to finance needed improvements and is imperative to keep the AAA bond rating.

(q) Joan Renner, 801 N. Fairfax Street, Suite 402, speaking as past chair of the Alexandria Chamber of Commerce, said the Chamber has always believed that the best way to relieve the burden on residential real estate tax, and the best way to generate additional revenue is to grow a healthy business community. She said the revenue from Alexandria business helps provide for public safety, programs for needy families, for public education, and helps maintain the infrastructure. The revenue does not have to come from real estate tax on their homes. She said the Chamber supports initiatives that encourage commercial activity because a healthy business community

benefits all of Alexandria. A healthy business community will be needed to carry out the strategic vision for the future and the type of community envisioned in the strategic plan depends on having restaurants, shops and local businesses, and the revenue to support the community depends on healthy Alexandria businesses. She said Alexandria businesses face growing competition from new and trendy business districts in neighboring jurisdictions. Ms. Rennor said what businesses need are programs and initiatives that promote the ease of doing business in Alexandria.

(r) Rick Dorman, 801 N. Fairfax Street, Suite 402, speaking for the Alexandria Chamber of Commerce, said the business license tax affects businesses, and is pleased that the City implemented a simplified procedure for business licenses for new businesses, which removes a financial roadblock to job creation and replaces it with a smooth system to encourage new businesses. The simplification is a significant step forward, business license tax rates still vary between local jurisdictions. He said the Chamber encourages the City to review the overall structure of the business license tax rates and classifications to ensure fairness and comparability with other jurisdictions and supports measures to improve transit, transportation and traffic. The Chamber encourages the Council to build on the success of the lunchtime bus from the PTO area to encourage office workers to move throughout the City and spend their money with Alexandria businesses. Mr. Dorman said the Chamber supports a public safety budget that promotes the goal of maintaining a safe City. Excellent public education enriches the entire City and the Chamber is pleased that the Schools have volunteered to participate in the Governor's efficiency audit and the Chamber supports a school budget that supports excellence in educational programming.

(s) Peter Heimberg, 201 E. Windsor Avenue, president of the Mt. Vernon Community School PTA, said the Mt. Vernon Community School adopted a modified school calendar. He said the coordinator, staff and PTA are working hard to make sure the program gets all the attention it needs to be successful. More than half the students are native Spanish speakers, many of which speak only Spanish at home. He said the modified calendar provides the more constant development required of the large number of students who need to attain literacy in English and he spoke of the needs of all students. They urge Council to continue to fund the fledging experimental modified calendar programs at both Tucker and Mt. Vernon Schools, to make it a benefit to their children and continuing the program into the next year is their number one priority.

(t) Ellen Stanton, 2600 King Street, chair of the Historic Alexandria Resources Commission, spoke of the video she is going to show which speaks of the problems that exist in the historic buildings that are owned by the City and said they are requesting consideration by Council of increased money in the CIP as well as the CFMP budget for those historic sites. Money is needed in the CIP budget for major capital improvements for those sites and money is needed in the CFMP budget for those regular, on-going maintenance needs. Ms. Stanton said they are requesting \$150,000 each year in the five years from 2007 to 2011. Ms. Stanton said multiple revenue streams are needed--City funds, grants, revenue that comes from efforts of the sites themselves, and private and corporate donations. She said deferred maintenance

is not fiscally responsible, as they recently found out that the replacement of the HVAC system at Gadsby's Tavern Museum will now cost \$100,000 more than was previously estimated, with the total cost at \$614,000. Ms. Stanton showed a video of the needs of the historic properties in the City.

Councilman Smedberg asked Ms. Stanton for a copy of her statement.

(u) Marlin Lord, 2724 Hickory Street, said the Calasando Center at 2704 Mt. Vernon Avenue is a City building and home of the Del Ray Artisans and needs tender loving care and is handled by volunteerism, and areas they need to look at to keep from deteriorating is the basement with its water problem, siding needs put back on, it needs Pergo flooring, the cable box out front was inadvertently put in and is an eyesore, they need funding for signage, the fence along the school grounds is not good looking, the lights needed for the pool has taken a couple of years to get to, it needs handicapped toilets for the pool, and long-term perhaps it should enclose the pool for year-round use. Mr. Lord said he serves as chair of the Chinquapin Gardens Advisory Board and they want to put emphasis on the need for staffing and park maintenance for Chinquapin Gardens and Park, under the Department of Parks and Recreation. The City keeps adding open space but doesn't have staff to keep track of that maintenance, and he said there needs to be a water fountain. He said he serves on the King Street Gardens Park Foundation, the board is established, will have its 501(c)(3) basis and are looking to get an advance to offset that with the \$15,000 coming from development proffers. Mr. Lord said they need to make certain they have sufficient funding for traffic calming along Mt. Vernon Avenue as it does the construction for straightening Route 1 and the Monroe Avenue bridge.

Mayor Euille asked for a list of his projects in writing.

(v) Winston Burse, representing the Friends of Clubhouse of Alexandria's Mental Health, a day support program, said it is alive and well in Alexandria. He said he is mental health and is still in the program. He said he heard people talk about some of the problems they have on King Street, and the majority of the problems on King Street are brought on by mental health people, as they are out there bumming money. He said that last year, they were talking about opening a shelter for mental health at the old clubhouse on Patrick Street. If that is granted, a lot of the people on King Street will have a place to go to. Mr. Burse said he is a firm believer that it works and said he is coming up on four years of sobriety due to the help of mental health and his 12-step program.

(w) Chernelle Herring, 715 N. Ashton Street, chair of the Alexandria Commission for Women, and speaking on behalf of the Office for Women, the Commission for Women and the citizens of Alexandria, asked Council to approve the \$17,000 supplemental budget request. The Office on Women has a program called the sexual assault and awareness program, known as SARA, which provides a 24-hour hotline, police to hospital accompaniment, court advocacy, self defense courses and individual therapy and support groups. It also provides programs to prevent sexual

assault. She said that due to a loss of grant funding from the Department of Health, the SARA program will lose its position if it cannot get \$17,000 from the City. When they found that it lost the funding, they immediately sought to get a grant, and it did, but they would lose the position for the community outreach specialist without the \$17,000 from the City. Ms. Herring said the City cannot afford to lose this position.

(x) Ed Hiltz, 3405B South Stafford Street, Arlington, treasurer, Fairlington Citizens Association, spoke about the unsafe condition of the entrance to the Bradlee Shopping Center and said it has several traffic conflicts. He said the estimated cost to solve the problem is around \$450,000, which is design, construction and inspection and a concept design has been developed. Mr. Hiltz said they hope to get design funds in the budget to get the project started.

(y) Vicky Menjivar, 3801 Mt. Vernon Avenue, spoke in Spanish and was interpreted in English by Jon Liss. Ms. Menjivar said she was speaking for the Tenants and Workers Support Committee and said they represent low-wage working people from around the City, most are tenants and most are people of color. She spoke about the affordable housing crisis and said that last year the City dedicated over \$3 million for affordable housing, which is a good start and the money could probably pay for 10 units of housing within a year, and with hard work, it can probably be leveraged to provide up to 100 units per year. She said that many affordable apartments became unaffordable condominiums and Mark Winkler is currently selling 3,000 apartments, which house most of the working poor that live in the West End, and that is unacceptable. Once the housing is gone, the people who live there will be gone forever. She said the City has the power of eminent domain and has the political and legal authorization to seize property for the public good. Affordable housing is considered for the public good and they urge Council to set aside the money necessary to make the commitment that is also necessary to stop the displacement of close to 10 percent of the City.

Mr. Jon Liss, while interpreting, also requested \$3,000 for translation equipment so people who did not speak English could fully participate in the meeting.

(z) Raul Luna, 3801 Mt. Vernon Avenue, spoke in Spanish and was interpreted in English by Jon Liss. Mr. Luna said he was speaking for the Tenants and Workers Support Committee and said they represent low-wage working people from around the City, most are tenants and most are people of color. Mr. Luna said Alexandria is not delivering a quality education for all of its students. African-American and Latino students lag 40-50 percent behind white students in standardized tests and are disproportionately suspended or expelled from the school system. He said whites are over five times more likely to be identified as gifted and talented than students of color. Mr. Luna said that to address the unacceptable achievement gap, parents need to be massively involved in efforts to improve the school system and City resources, independent of the school system, need to be dedicated to supporting African-American and Latino families involvement in the school system.

(aa) Janelle Kasper-Wolfe, 1706 Commonwealth Avenue, representing the Tenants and Workers Support Committee, urged the City to develop a participatory budget process that solicits the participation of thousands and not just dozens of the City's members. She said it means creating a bottom up process, with extra resources that are dedicated to the communities that need the most help. She said the current budget process involves a fraction of Alexandria's residents and the only way to build popular support is through an active engagement of thousands of residents and in many global cities, over 10 percent of the population is actively involved and Alexandria needs to develop a similar participatory process, such as the one other global cities are doing. Ms. Kasper-Wolfe asked Council to make a commitment to investigate and implement such a process in the City and the grants program is a great place to start. She said they are committed to working with the City to begin such a program with the hope of expanding it for use within portions of the City's operating budget in the near future.

(Council took a 10 minute recess at this time - 11:50 a.m.)

(bb) Laurie McNamara, 304 East Spring Street, president, Del Ray Citizens Association, asked Council to continue to support the development of its neighborhoods. In particular, she said, the implementation of the Mt. Vernon Avenue Plan, which includes items for funding consideration, including a demonstration project of pedestrian lighting along three blocks of Mt. Vernon Avenue. Ms. McNamara asked Council to consider improvements to the northern gateway of Del Ray at Commonwealth Avenue and Mt. Vernon Avenue, specifically additional landscaping improvements to the Duncan Library expansion, as well as upgrades and improvements to the Mt. Vernon Recreation Center, particularly the tennis court and additional improvements to the median on Commonwealth Avenue. Ms. McNamara asked Council to continue to fund the open space acquisition funds as three properties nominated by the Del Ray Citizens Association are at or near the top of the list of recommended properties, as well as a fourth property nominated by a number of neighbors.

(cc) Eva Liebress, 6307 Millwood Circle, Springfield, spoke about her daughter Nancy, who is 49 years old with multiple disabilities and has been living in a supervised apartment for the last seven years. Ms. Liebress described a typical week in Nancy's life. She said she is grateful for the life Nancy has and gives thanks for the much needed services she receives, such as subsidized taxis, the sheltered workshop, running her apartment independently, and services of her counselors. Ms. Liebress said any cut backs of the funding currently in effect would have the unintended result of hurting her daughter and many others by dismantling their lives.

(dd) Bernard Schulz, member of the Historic Alexandria Resources Commission, thanked Paul Wilson, a member of their Commission, who donated his services for the production of the video, and he noted that no City resources went into the production of the video shown by Ms. Stanton. He also thanked Director Jean Federico for being a tireless champion for the Office of Historic Alexandria. Mr. Schulz

thanked Vice Mayor Pepper, Councilman Smedberg and Councilman Krupicka for attending a work session that they actually co-sponsored with the Historic Alexandria Foundation to view the video and discuss recommendations for funding and priorities. He said when individuals look at the priorities of a City, they look to the budget, but unfortunately for the years past, they have not had significant resources allocated to the stewardship of their historic resources. Mr. Schulz applauded the City Manager and Members of Council in terms of looking at additional resources for the budget, specifically looking to add additional funding for the maintenance costs and he encouraged Council to do so for the unfunded years with the CIP and to look at the recommendations discussed at the October 1 work session.

(ee) Ronnie Campbell, 5731 Loverette Court, said she wished to speak in support of the School budget and said she is a member and past co-chair of the special education advisory committee and a member of the budget advisory committee, appointed by the School Board. She said the proposed budget excludes any new initiatives and requests support to maintain the ones already invested in. She said ACPS has great resources, however, they mean nothing without great teachers to utilize them. She said they are fairly competitive with Loudoun, Arlington and Fairfax County, but with the housing costs in Alexandria, they are continuing losing teachers to area districts. She said their special education and dual language teachers are also growing in demand. Ms. Campbell said the diversity of their residents and children makes Alexandria a great City. She said 17 percent of the students have special needs, which is 1,700 children. She said one new requirement in the Individuals with Disabilities Education Improvement Act, the IDEIA, is a new law that requires ACPS to serve special education students that aren't Alexandria residents, and if they are enrolled and attending a private school, they will be responsible to serve them, and they will have no control over the amount of services needed. Ms. Campbell said on a completely different note, she wanted to advocate for children in the schools to not have vending equipment that serves sodas and candy.

(ff) Carolyn Merck, 324 N. Royal Street, spoke about the competing needs for the residents and to keep it the best it can be. She said she underscored what Charlie Collum, the chair of the Chamber of Commerce said, with regard to the City's property tax rate, as the increases are not sustainable and the tax burden and rate needs to be under control. She said she represents the AAACSF, the Alexandrians Against An All City Sports Facility. She said the multi-million dollar boondoggle is being rammed through the City as the pet project of an in-group of people. She said that in 2001, the City began a two year expensive process to survey all City residents and put together the preferences for what is wanted and needed with regard to parks and recreation facilities, which led to the development of the existing operational City strategic master plan for parks and open space. She said the top five priorities in the report that residents of the City want with regard to recreation are: walking and biking trails, neighborhood parks, playgrounds for children, indoor swimming centers, and community and recreation centers. She said there is no human cry going out for lighted night football in the City. Ms. Merck said it would cost \$5 million of City money and maybe \$11-15 million if the dreamed up private money does not materialize. She

asked Council to drop the project.

(gg) Anne Marie Ardura, 5707 Grisby Avenue, representing the John Adams Elementary PTA, spoke of improvements to John Adams, which include a new playground, an elevator for their disabled students and their library renovation, and all the projects have been halted. In addition, an overhaul of the HVAC system has also been postponed. The central office is replacing the school systems copiers, but John Adams has to wait until it is their turn, although they do not have functional copiers. She said that in order to remain such an attractive place, they need to ensure a quality education for their children. She asked Council to fully fund the school forecast for 2007 to maintain their infrastructure and top teachers.

(hh) Kim Blake-Wilcox, 4600 Duke Street, Suite 305, said she teaches 9th grade English at Minnie Howard and 12th grade English at T.C. Williams night school program. She said she sits on the Board of Directors and Education Council of the Education Association of Alexandria and urged support for the school budget and also to consider reflecting upon the EAA's perspective on the budget regarding compensation and benefits. She said the EAA is asking to add money to the masters and masters plus 30, at the top of the scale, where they are least competitive with surrounding districts. She spoke to health insurance and said teachers received a very small premium reduction, as most teachers don't have Kaiser, and health insurance consultants anticipate a 15 percent increase in Mamsi and 12 percent increase in Kaiser premiums. She urged Council to support the issues, as the foundation of their community depends on quality education of their children.

(ii) Margaret Moore, 6632 Cypress Point Road, said she wished to speak in support of the Community Services Board's mental health program and to promote getting a new clubhouse for the program, and she thanked Council for the beautiful West End club on King Street. She said she just became a senior citizen and has worried about what would happen to her child when she is no longer around. She said that thanks to the Alexandria mental health program, her son is independent and working and is able to take care of himself and she noted the help he has received from mental health, and her son now works, with full benefits and takes care of his own finances.

(jj) Mariella Posey, 915 Second Street, president of the Northeast Citizens' Association, said that later today, Council will address the master plan amendment and rezoning for the Slaters Lane condo project. Two of the conditions require a continuous brick sidewalk from the project to the rail crossing. She said they ask that funds be budgeted for the removal of that remaining pole and the undergrounding of the overhead wiring connected to that pole and the City coordinate it with the developer when they implement the project. She said that on the rest of the south side of Slaters, between the rail crossing and the GW Parkway, the sidewalk is very narrow with rail poles in the middle. She said they encourage the City to find funds to remove the poles and underground the rest of the overhead lines between the rail line and the parkway in order to make the sidewalk more pedestrian friendly. If it is done, it should be

implemented in a way that has no negative impact or reduction of the parking for Mason Hall.

(kk) Lillian J. White, 119 W. Mason Avenue, said the Planning Director has hired a Preservationist, which is important, as that position should be at the table in every planning and zoning decision. She said the Preservationist might immediately recognize that the City needs to partner with the National Park Service to encourage renovation of the oldest light house in the country at Jones Point and make it a museum. A Preservationist might recognize that a memorial for Freeman Cemetery, should look like a cemetery. She said a Preservationist inspires the culture of preservation, linking the past with the present and connecting the old with the new, and saving old buildings would be at the top of the list. She said the person should have skills to work with OMB, the Office of Historic Alexandria and Historical Preservation Community to find funding, state, federal and tax credits, grants and private donations to help preserve historical buildings and to ensure Gadsby's has adequate restrooms and the Lyceum has accessibility. Ms. White said another problem is affordable workforce housing, and she supported bonding for affordable housing be at \$25 million, so the City will have adequate resources available to partner with private, non-profit, Federal or State in financing affordable workforce housing. She said the eight percent real estate tax rate reduction in 2005 benefitted all Alexandrians and should stay or drop lower. She thanked the Mayor for his efforts to preserve the air in Alexandria and funding for the scientific and legal activity to shut down the Mirant Plant. Ms. White commended Council for its commitment to the new budget initiatives to improve effectiveness and efficiency in City government.

(ll) Louisa Lancetti, 2426 Davis Avenue, spoke about the need for continued critical support for those with special needs. In her case, she said, she has a brother who has lived in Alexandria all his life and is mentally retarded. She supported the efforts and funding for community services and for the Recreation Department because of the activities and efforts they provide, which are essential.

(mm) Wendy Albert, 4120 Tulsa Place, spoke in support of the ACVA. She said that as the City gets larger and larger, they have more to market and more to offer and more to attract people to the City. She said it is important to have an organization like the ACVA to help unify the City.

(nn) Alberto Quiroga, 5827 Columbia Pike, #200, Falls Church, executive director of the Hispanic Committee of Virginia, spoke of the needs for the Hispanic community. He said the Alexandria office is the only service provider in the West End that serves not only Hispanics but all immigrants that seek their services. Mr. Quiroga said that during 2005, the Hispanic Committee of Virginia has provided 13,000 direct services in the West End, with about 2,926 direct beneficiaries in the area of direct referral, immigration, employment and social services, and the majority of their clients are Hispanic and make up about 15 percent of Alexandria's total population and 56 percent of Hispanics live in the West End of Alexandria. He said their funding sources through Alexandria, United Way and their own funds will not be sufficient enough to

maintain staff and resources in order to continue serving their clients. The in-kind office space donated by Inova will no longer be available in 2007, if not sooner, leaving them without a physical location to operate from. He asked Council to consider their financial position and situation as the budget is prepared.

(oo) Gordon Johnston, 419 E. Windsor Avenue, spoke in support of funding for the schools. He said that for decades, their nation has failed to develop a real health care policy and this has led to higher costs for City employees for health insurance and for the Virginia retirement system and this failure falls on local governments. Mr. Johnston said they knew after the oil shortages of the 1970's that it was only a matter of time before it ran out of oil, that the rise of world economies primarily in Asia, combined with increasing world population, would lead to huge demands for natural resources, and they failed to invest in technologies to support a sustainable future. He said the failure has led to higher costs for the fuel to run their buses and their City and the building materials to sustain their City, to build their schools. He said the national failure disproportionately falls on local governments. He said the greatest failure they could do would be to fail to support their children in their schools. Failure costs and it would be a failure to pretend that simply adjusting for inflation will take care of that.

Mayor Euille noted that a letter was received from Jean Marie Antone, 704 S. Fairfax Street, who asked that her letter be part of the record.

- 10. Public Hearing on the Report on the Alexandria Community Partnership Fund For Human Services and Coordination With the Children's Fund and the Youth Fund and Recommended Community Partnership Fund Priorities for FY 2007. (#26, 10/11/05)

(A copy of the City Manager's memorandum dated September 28, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/15/05, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion from Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council to move approval. The voting was as follows:

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

- 11. Public Hearing on the Proposed City-owned Site on Wheeler Avenue for the Proposed New Police Department Headquarters Facility. (#16, 10/11/05)

(A copy of the City Manager's memorandum dated October 6, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/15/05, and is incorporated as part of this record by reference.)

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

(a) David Fromm, 2307 E. Randolph Avenue, said he is the Federation representation on the ad-hoc task force to evaluate the site for the new Police station, and he urged Council to accept the Wheeler site as the location for the new facility, so the design process can move forward. He said that as far as he knew, all members of the task force are in favor of it.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing and moved approval of the site selection, and it will be docketed for formal action at the October 25, 2005, meeting. The voting was as follows:

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

Councilman Smedberg asked if there are any cost estimates that have to be revised from the time the original report was done on this, given the factors they are all aware of.

Assistant City Manager Evans said they are working on that for the upcoming retreat and preparation of the budget.

Councilman Macdonald said he supports the proposal and hoped it would be energy efficient, attractive, functional, sufficient but not excessive space, and hoped nothing exceptional would have to be done for 100 years and he hoped it was a long-lasting solution.

Mayor Euille said they should think out of the box in terms of not just a facility for public safety, but a facility that can address and meet the needs of an array of services and programs, including workforce housing, housing for Police and other support staff in that same location and building.

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

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

12. SPECIAL USE PERMIT #2005-0077  
1201 BRADDOCK PLACE  
MERIDIAN AT BRADDOCK STATION  
Public Hearing and Consideration of a request for a special use permit to operate a convenience store; zoned OCH/Office Commercial High. Applicant: Potomac Club Residences, LP by Michael D. Bushkoff

PLANNING COMMISSION ACTION: Recommend Approval w/amendments  
6-0

(A copy of the Planning Commission report dated October 4, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 12, 10/15/05, and is incorporated as part of this record by reference.)

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

(a) Mary Catherine Gibbs, 307 N. Washington Street, attorney representing the applicant, said there were initially two entrances to the convenience store - one from the interior for the convenience of the residents, which would be controlled by key card access, as well as the exterior entrance. Based upon the testimony at the Planning Commission hearing, the applicant conceded that if the Planning Commission was so inclined, they would like to have their convenience store and if the concern was nuisance related offenses that may occur from off-premises alcohol sales, that they would at least like to maintain their interior entrance. Since the Planning Commission hearing, she has asked that there be a little bit of flexibility in that the developer is not going to be the operator of the convenience store and will find a tenant to operate it. If the operator agrees not to sell alcohol, then they would like to be able to have the exterior entrance and she has proposed alternative language for condition #17 to add the phrase to the condition to read, "unless the applicant agrees in writing to prohibit the sale of alcohol from the store."

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council approved the Planning Commission recommendation, with an amended condition #17 to read as follows: "The convenience store shall be accessed from inside the building only unless the applicant agrees in writing to prohibit the sale of alcohol from the store." The voting was as follows:

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

13. MASTER PLAN AMENDMENT #2005-0004  
REZONING #2005-0006

800 AND 820 SLATERS LANE  
DIAMOND-SLATERS LANE

Public Hearing and Consideration of a request for an amendment to the master plan and zoning map to change the land designation from CSL/Commercial Service Low to RC/Residential; zoned CSL/Commercial Service Low. Applicant: Diamond Slaters, LLC by Harry P. Hart, attorney

PLANNING COMMISSION ACTION: MPA #2005-0004 Recommend Approval

6-0

REZONING #2005-0006 Recommend Approval 6-0

(A copy of the Planning Commission report dated October 4, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 13, 10/15/05, and is incorporated as part of this record by reference.)

Director of Planning and Zoning Fogarty made a presentation of the staff report.

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

(a) Mary Catherine Gibbs, 307 N. Washington Street, attorney representing the applicant, spoke in favor of the request.

(b) Larry Grossman, 1123 Powhatan Street, representing Bike Walk Alexandria, an advocacy group for improved bike walk facilities, spoke in favor of the project and passed out photographs and spoke about pedestrian safety on the sidewalk and in the area.

(c) Mariella Posey, 915 Second Street, president of the North East Citizens' Association, spoke in favor of the request on behalf of the Association and said that as a result of many association and land use committee meetings, the developer has agreed to include many public amenities with the project.

(d) Poul Hertel, 1216 Michigan Court, member of the North East Land Use Committee and member of the Board, apologized for a remark made to Mr. Panos at the Planning Commission meeting, and he spoke in favor of the request.

(e) Nicholas Panos, 828 Slaters Lane, Unit #303, president/treasurer of the Old Town Crescent Unit Owners Association, said he didn't have outstanding issues with the developer, but in the City's interpretation of public access easement and he said no one took ownership of their condo knowing there was a public access easement, and he said he wanted a legal answer for what is happening with respect to the definition of public access easement.

**A MOTION WAS MADE** by Councilman Smedberg, seconded by Councilman Krupicka, to close the public hearing and uphold the recommendations of the Planning Commission for the amendment to the master plan to change the land use designation of the site, to accept the consideration of the request for an amendment to the rezoning map to change the land use designation of the site, and consideration of a request to construct a 28 unit condominium building, with an amendment to condition #27, as submitted by the applicant in the letter dated October 14, 2005, with a change to the amendment at the bottom of the first page, to strike the last sentence, "The applicant further agrees to pay an additional \$5,000 to the Old Town Crescent Unit Owners Association for the first year of the..."

In response to a question from Council, Ms. Gibbs said the applicant intends to honor his commitment of the \$5,000 to the Association and they stand by their agreement.

**WHEREUPON**, a substitute motion was made by Councilman Gaines, seconded by Councilman Macdonald, and which carried 5-2, to include all the original motion, with a change to not strike the \$5,000 contribution and to include the \$5,000 as written in the letter dated October 14, 2005. The voting on the substitute was as follows:

Gaines	"aye"	Pepper	"aye"
Macdonald	"aye"	Krupicka	"no"
Euille	"aye"	Smedberg	"no"
	Woodson	"aye"	

The voting on the main motion carried 6-1 and was as follows:

Gaines	"aye"	Pepper	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"no"
	Woodson	"aye"	

Vice Mayor Pepper noted that just because an agreement is made with the other members of the community, the developer, the Planning Commission or the Planning Office, the vote is with Council.

### **Board of Architectural Review**

14. Public Hearing and Consideration of an Appeal of the Board of Architectural Review for Case No. 2005-0130, a decision denying after-the-fact approval of painting previously unpainted masonry at 727 S. Pitt Street, zoned RM/Residential. APPELLANT: Linda Cole.

This item was deferred at the request of the appellant.

### **ORDINANCES AND RESOLUTIONS**

15. Public Hearing, Second Reading and Final Passage. An Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Public Improvements. (#13, 9/27/05) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated September 22, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/15/05, 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. 15,

10/15/05, 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. 15, 10/15/05, and is incorporated as part of this record by reference.)

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

(a) James Hoben, 3306 Circle Hill Road, co-chair of Housing Action, spoke in support of the issuance of the \$71,000,000 bond and to applaud the inclusion of funds for affordable housing, spoke to amending and increasing the bond by the 10 percent allowed and hoped there would be an amendment from the floor.

(b) Poul Hertel, 1217 Michigan Court, thanked Council for its leadership in this and echoed Tim Hobes words on this and thanked Council for its efforts on Gunston Hall.

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

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

In response to a request from Councilwoman Woodson, Assistant City Manager Jinks explained the process for increasing the affordable housing bond amount in the bond ordinance and answered questions about the bonds and bond amounts, changing those amounts and what those amounts would be.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council passed the ordinance authorizing and empowering the issuance, sale and delivery of general obligation bonds to finance various public improvements, with an amendment to increase the amount of the bond to \$22.1 million for affordable housing, for a total of \$78,100,000.00. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4423

AN ORDINANCE of the city council of the City of Alexandria, Virginia authorizing the issuance of general obligation capital improvement bonds in the estimated maximum amount of \$78,100,000; 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 \$78,100,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below (the "Projects").

THE CITY COUNCIL OF THE CITY 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 \$78,100,000 (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").	\$23,500,000
<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").	\$14,200,000
<u>Traffic Improvements</u>	
Maintenance and upgrade of the City's traffic control facilities (this project includes projects contained in the capital	\$6,000,000

improvement program under "Traffic Improvements/Rapid Transit").	
<u>Infrastructure</u>	
Construction, renovation and improvement of City streets, bridges, storm and sanitary sewers and acquisition of the necessary equipment (this project includes projects contained in the capital improvement program under "Community Development," "Streets and Bridges," "Storm Sewers" and "Sanitation Sewers").	\$11,300,000
<u>Information Technology</u>	
Maintenance and upgrade of the City's information technology infrastructure and hardware, networks, and software (this project includes projects contained in the capital improvement program under "Information Technology Plan").	\$500,000
<u>Open Space</u>	
Acquisition and improvement of land to be preserved for open space or other passive or active recreational uses.	\$500,000
<u>Affordable Housing</u>	
Acquisition, construction, remodeling and repairing of affordable housing and acquisition of necessary land and equipment.	\$22,100,000
<u>Total:</u>	\$78,100,000

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 taxable or tax-exempt 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 any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than \$78,100,000. The City Manager and the Director of Finance, or either of them, is authorized and directed to accept a bid or bids 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 or bidders at such price as may be set forth in the bid or bids so accepted; provided that the true interest cost of the Bonds shall not exceed 6.5% 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") may 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. **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.

12. **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.

13. **Further Actions.** 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.

14. **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.

15. **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.

16. Public Hearing, Second Reading and Final Passage. An Ordinance to Establish a Personal Property Tax Amnesty Program. (#18, 10/11/2005) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated October 3, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 10/15/05, 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. 16, 10/15/05, 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. 16, 10/15/05, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried 6-0 by roll-call vote, City Council passed the ordinance to establish a personal property tax amnesty program. The voting was as follows:

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

The ordinance reads as follows:

**ORDINANCE NO. 4424**

AN ORDINANCE to amend and reordain Section 3-2-230, Division 3 (TANGIBLE PERSONAL PROPERTY AND MACHINERY) of Article M (LEVY AND COLLECTION OF PROPERTY TAXES) of Chapter 2 (TAXATION) of 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 Division 3 (Tangible Personal Property and Machinery) of Article M (Levy and Collection of Property Taxes) of Chapter 2 (Taxation) of Title 3 (Finance, Taxation and Procurement) of the Code of the City of Alexandria, Virginia, 1981, as

amended, be, and the same hereby is, amended by enacting an amended Section 3-2-230, to read as follows:

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

(a) The taxes levied on tangible personal property, on machinery and tools, and on mobile homes, motor vehicles, boats and trailers, except those which become subject to said tax after September 5, shall be due and payable to the director on or before October 5 of the year for which they are levied and shall be considered delinquent after that date. To all of said taxes so delinquent there shall be added and collected as a part thereof a penalty of 10 percent or \$10, whichever is greater; provided, however, that for tax year 2002 and subsequent tax years, the penalty for taxes levied on motor vehicles subject to the Personal Property Tax Relief Act of 1998 shall be calculated based solely on the portion of the taxes levied which the taxpayer is required to pay under such Act, and provided further that the penalty shall in no case exceed the amount of tax due from the taxpayer, and provided further that the entitlement to personal property tax relief for qualifying vehicles arising under the provisions of § 58.1-3524 of the Code of Virginia (1950), as it existed prior to the amendments made in Chapter 1 of the Acts of Assembly, 2004 Special Session I, for tax year 2005 and all prior tax years, shall expire on September 1, 2006, or such date as state funds for reimbursement of the state share of such bills have become unavailable, whichever earlier occurs, for any qualifying vehicle for which personal property tax, penalty, and interest remains due and owing as of September 1, 2006, for tax year 2005 and/or any prior tax years. In addition thereto, interest on the taxes and penalty due from the taxpayer shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum. There shall also be due, in addition to all penalties and interest, fees for administrative costs and reasonable attorney's fees or collection agency's fees incurred in the collection of such taxes, not to exceed the maximum permitted under section 58.1-3958 of the Code of Virginia (1950), as amended.

(b) The taxes levied on motor vehicles, boats and trailers which become subject to taxation between September 6 and December 31 of any given year shall be due and payable not more than 30 days after they become so subject to taxation. These taxes shall be considered delinquent if not paid on or before the thirtieth day from the date any motor vehicle, boat or trailer becomes subject to taxation. To all taxes so delinquent, there shall be added and collected as a part thereof, a penalty of 10 percent or \$10, whichever is greater; provided, however, that for tax year 2002 and subsequent tax years, the penalty for taxes levied on motor vehicles subject to the Personal Property Tax Relief Act of 1998 shall be calculated based solely on the portion of the taxes levied which the taxpayer is required to pay under such Act, and provided further that the penalty shall in no case exceed the amount of tax due from the taxpayer, and provided further that the entitlement to personal property tax relief for qualifying vehicles arising under the provisions of § 58.1-3524 of the Code of Virginia (1950), as it existed prior to the amendments made in Chapter 1 of the Acts of Assembly, 2004 Special

Session I, for tax year 2005 and all prior tax years, shall expire on September 1, 2006, or such date as state funds for reimbursement of the state share of such bills have become unavailable, whichever earlier occurs, for any qualifying vehicle for which personal property tax, penalty, and interest remains due and owing as of September 1, 2006, for tax year 2005 and/or any prior tax years. In addition thereto, interest on the taxes and penalty due from the taxpayer shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum. There shall also be due, in addition to all penalties and interest, fees for administrative costs and reasonable attorney's fees or collection agency's fees incurred in the collection of such taxes, not to exceed the maximum permitted under section 58.1-3958 of the Code of Virginia (1950), as amended.

(c) With respect to the expiration, set forth in (a) and (b) above, of the entitlement to personal property tax relief for qualifying vehicles arising under the provisions of § 58.1-3524 of the Code of Virginia (1950), as it existed prior to the amendments made in Chapter 1 of the Acts of Assembly, 2004 Special Session I, for any qualifying vehicle for which personal property tax, penalty, and interest remains due and owing as of September 1, 2006, or such date as state funds for reimbursement of the state share of such bills have become unavailable, whichever earlier occurs, for tax year 2005 and/or any prior tax years, there shall be due for each such qualifying vehicle a supplemental amount equal to the credit for any reimbursable amount to which such qualifying vehicle would have been entitled pursuant to the provisions of Virginia Code § 58.1-3524 as it existed prior to the amendments effected by Chapter 1 of the Acts of Assembly of 2004, Special Session I, plus penalty and interest thereon in the amounts provided for in this section. Penalty and interest with respect to bills issued pursuant to this subsection shall be computed on the entire amount of the tax owed. Interest shall be computed at the rates provided in this section from the original due date of the tax.

(d) There is hereby established an amnesty program for payment of delinquent taxes imposed under §§ 3-2-224 of this Code, for tax years 2004 and prior, the intent of which program being to improve voluntary compliance with the City's personal property tax ordinances and to increase and to accelerate collections of such taxes owed to the City, as follows:

(1) The program shall be conducted during the period November 1, 2005, through December 31, 2005.

(2) All penalties and interest assessed or assessable, as provided in this section, with respect to the tax imposed under §§ 3-2-224 of this Code, which are the result of nonpayment, underpayment, nonreporting or underreporting of tax liabilities, shall be waived upon receipt of the payment of the amount of taxes owed, except that no person currently under investigation or prosecution for filing a fraudulent return or failing to file a return with the intent to evade tax shall qualify to participate.

(3) Any taxpayer who defaults upon any agreement to pay tax arising out of a grant of amnesty is subject to reinstatement of the penalty and interest forgiven and any such other penalties as may apply, as though the taxpayer retained the original outstanding balance at the close of the amnesty program.

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

17. Public Hearing, Second Reading and Final Passage. An Ordinance to Vacate the Public Right-Of-Way at 1514 -1602 King Street and 1602 Dechantel Street. (#19, 10/11/2005) **(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. 17, 10/15/05, 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. 17, 10/15/05, and is incorporated as part of this record by reference.)

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

(a) Poul Hertel, 1217 Michigan Court, asked Council to speed forward the extension of the boundaries so they can have a more historic discourse as to what is appropriate and what is not.

(b) Katy Cannady, 20 East Oak Street, said it is within Council's power to refuse the vacation or deny it and to say to the developer that he must revise his plan and she asked that Council take the advice of the viewers to deny or defer the vacation.

(c) Douglas Thurmann, 804 Duke Street, asked Council to defer the vote and give it more time to see what can be worked out.

(d) Boyd Walker, 922 Cameron Street, spoke in opposition to the ordinance to vacate.

(e) Leslie Zupan, 1309 Queen Street, asked Council to defer the ordinance.

(f) Jonathan Rak, 1750 Tysons Blvd., #1800, McLean, attorney representing the land owner and applicant for the vacation, spoke in support of the ordinance to vacate.

**A MOTION WAS MADE** by Councilman Macdonald, seconded by Councilman Gaines, to deny the vacation.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried 6-1, a substitute motion was made to uphold the vacation as voted on with the original special use permit to vacate the public right-of-way at 1514-1602 King Street and 1602 Dechantel Street. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"no"
	Woodson	"aye"	

The voting on the main motion carried 6-1 by roll-call vote and is as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"no"
	Woodson	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4425

AN ORDINANCE to vacate a portion of the public street right-of-way of adjacent to 1514 - 1524, 1600 and 1602 King Street (VAC No. 2004-0002).

WHEREAS, DSF/Long King Street I, LLC (Owner) has applied for the vacation of a portion of the public street right-of-way of adjacent to 1514 - 1524, 1600 and 1602 King Street, in the City of Alexandria, Virginia; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation of such public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, viewers, Elizabeth Wright, Chair, Gila Harris and Ross bell, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in notwithstanding the contrary report of the viewers, and in consideration of all other evidence relative to this vacation and of compliance with the

conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the public street right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, consisting of the 49 square feet of existing, encroaching building area along 1514 - 1524 King Street, and of the 105 Square feet of existing, encroaching building area along 1600 and 1602 King Street, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

1. Owner shall rededicate to the City the area vacated, subject to the reservation of an easement unto the Owner to maintain the the existing historic building at 1520, 1522 1524 King Street, and the facade of the existing building at 1600 King Street, and the construction behind the facade authorized pursuant to DSUP No. 2004-0041. The reserved easement shall be in a form approved by the City Attorney.

2. Easements shall be reserved unto the City of Alexandria for existing public and private utilities, if any, with the area vacated.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

Items 18 and 19 were heard together:

18. Public Hearing, Second Reading and Final Passage. An Ordinance to Adopt the Hunting Creek Area Plan as Part of the City's Master Plan. (#20, 10/11/2005)

**(ROLL-CALL VOTE)**

19. Public Hearing, Second Reading and Final Passage. An Ordinance to Amend the City's Zoning Ordinance to Implement the Hunting Creek Area Plan. (#21, 10/11/2005) **(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 Nos. 18 and 19, 10/15/05, 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 Nos. 18 and 19, 10/15/05, and is incorporated as part of this record by reference.)

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

(a) Howard Middleton, 3110 Fairview Park Drive, Falls Church, attorney representing IDI, Inc., and Kay Management Company, spoke in favor of the ordinance.

(b) Ardith Campbell Dentzer, 1204 S. Washington Street, Apt. 823 W., representing the Hunting Towers and Hunting Terrace Tenants' Association, said many of the residents have lived there for decades and cannot and will not be moved, and she spoke of the building and the tenants and the problems with the buildings.

(c) Michelle L'Heureux, 1120 S. Alfred Street, Apt. 203B, said she was concerned that her home was threatened, as she loves where she lives, and asked that the plan include detailed, specific and strong language to preserve affordable housing at Hunting Terrace and Hunting Towers.

(d) Ellen Pickering, 103 Roberts Lane, asked that everything be removed from Section 3.4.3, as the Planning Commission recommended. She said on item #19, page six, Section 3-908.1, landscaping, she approved of the first part, however, some of the buildings will be able to come 10-15 higher than they were before, and she asked that it put in a sentence after figure 16 in the Hunting Creek Plan, to read, "The height of any or all new structures shall be calculated from the original grade of the site."

(e) David Murphy, 1100 Ohio Drive, SW., Washington, D.C., representing the National Park Service, spoke of the Washington Street provisions and said the lack of specificity on building height and concern gives the National Park Service concern because the RC zoning for the area would allow buildings to 150 feet. Mr. Murphy asked Council to provide a clear understanding of where the building heights could or should be retained in the planning area, and they suggest the existing building heights of Hunting Towers is a standard they would hope Council would consider.

Mr. Middleton, speaking again, said it is his client's intent to provide affordable

housing on the site and was the main reason to insert Section 3.4.3 in the plan. He said the provision in the plan now and they ask to keep in the plan encourages affordable housing. Mr. Middleton said Council has ample opportunity to delineate and limit the perimeters of the affordable housing and height or density from this point on.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried 6-1 by roll-call vote, City Council passed the ordinance to adopt the Hunting Creek Area Plan as part of the City's Master Plan (docket item #18.) The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson		"no"

The ordinance reads as follows:

#### ORDINANCE NO. 4426

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. 2005-0003, 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. 2005-0003, the planning commission, on its own motion, initiated a comprehensive amendment to the 1992 Master Plan (1998 ed.) of the City of Alexandria, by adopting an amendment to the Old Town Small Area Plan Chapter, to include the Hunting Creek Area Plan and new and revised zoning text and maps to implement same.

2. The said amendment has heretofore been approved by the planning commission and city council 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, Hunting Creek Area Plan, as amended, approved and adopted by the City Council of Alexandria as Docket Item No.20, on September 27, 2005, which is incorporated fully herein by reference, be, and the same hereby is, adopted as an amendment to the 1992 Master Plan (1998 ed.) of the City of

Alexandria, Virginia.

Section 2. That all provisions of the Old Town Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of Section 1 of this ordinance be, and same hereby are, repealed.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment, as part of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

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, together with a copy of the Plan incorporated pursuant to Section 1, 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.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried 6-1 by roll-call vote, City Council passed the ordinance to amend the City's Zoning Ordinance to Implement the Hunting Creek Area Plan (docket item #19.) The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"no"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4427

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), and to amend and reordain Paragraph (A)(1) (FRONT YARD REQUIREMENTS) of Section 3-906 (BULK AND OPEN SPACE REGULATIONS) of, and add a new Section 3-908 (ADDITIONAL REQUIREMENTS FOR CERTAIN PROPERTIES ABUTTING THE GEORGE WASHINGTON MEMORIAL PARKWAY) to, Section 3-900 (RC/HIGH DENSITY APARTMENT ZONE), all of the City of Alexandria Zoning Ordinance, in accordance with the said zoning map and text amendments heretofore approved by city council as Rezoning No. 2005-0004

and Text Amendment No. 2005-0004.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2005-0004 and Text Amendment No. 2005-0004, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, on its own motion initiated the comprehensive rezoning of the area comprising the Hunting Creek Area portion of the Old Town Small Area Plan;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. The said rezoning is in conformity with the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as amended, and

4. 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 "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by making the amendments shown on the sketch plan entitled "Proposed Rezoning 2005-0004 Hunting Creek Area Plan," attached hereto as Exhibit 1 and incorporated fully by reference.

Section 2. That Paragraph (A)(1) of Section 3-906 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as shown on Exhibit 2, attached hereto and incorporated fully by reference.

Section 3. That 3-900 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding there to a new Section 3-908, as shown on Exhibit 2, attached hereto and incorporated fully by reference.

Section 4. That the director of planning and zoning be, and hereby is, directed to record the foregoing map and text amendments.

Section 5. That the Sheets of the "Official Zoning Map, Alexandria, Virginia," as amended pursuant to Section 1 of this ordinance, and Section 3-900, as amended pursuant to Sections 2 and 3 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 9. 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.

**WHEREUPON**, a motion was made by Councilman Macdonald, seconded by Councilwoman Woodson and failed 2-5, to reconsider item #18. The voting was as follows:

Macdonald	"aye"	Pepper	"no"
Woodson	"aye"	Gaines	"no"
Euille	"no"	Krupicka	"no"
	Smedberg	"no"	

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

### **DEFERRAL/WITHDRAWAL CONSENT CALENDAR (20-21)**

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

20. TEXT AMENDMENT #2005-0005

**AFFORDABLE HOUSING**

Public Hearing and Consideration of a text amendment to amend Section 7-700 of the Zoning Ordinance to regulate affordable housing options for approved zoning bonuses. Staff: Department of Planning and Zoning and Office of Housing

PLANNING COMMISSION ACTION: Deferred

21. DEVELOPMENT SPECIAL USE PERMIT #2002-0054

**1261 MADISON STREET**

**BRADDOCK METRO PLAZA CONDOMINIUM**

Public Hearing and Consideration of a request for a development special use permit, with site plan to construct a condominium building and for a parking reduction; zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: Madison Street, LLC by Harry P. Hart, attorney.

PLANNING COMMISSION ACTION: Deferred

### **END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

City Council noted the deferrals.

\* \* \* \* \*

Mayor Euille reminded everyone of the work session on Thursday, October 20, at 7:00 p.m. at the Auditorium at the Patent and Trade Office, there will be a forum discussion on preservation, sustainability, livable communities in Alexandria by an outside consultant, Mr. Ed MacMahon.

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, the public hearing City Council meeting of October 15, 2005, was adjourned at 4:07 p.m. The voting was as follows:

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

APPROVED BY:

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WILLIAM D. EUILLE    MAYOR

ATTEST:

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Jacqueline M. Henderson, CMC City Clerk