

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, October 16, 2010 - - 9:30 a.m.

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia Hughes, K. Rob Krupicka, Redella S. Pepper, and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Spera, Deputy City Attorney; Ms. Hamer, Director, Planning and Zoning (P&Z); Ms. Ross, Deputy Director, P&Z; Mr. Johnson, Chief Financial Officer/Director, Office of Management and Budget (OMB); Mr. Castrilli, Communications Director, Office of Communications and Public Information; Mr. Gates, Assistant City Manager, City Manager's Office; Ms. Blackford, Communications Officer, Office of Communications and Public Information; Mr. Garbacz, Division Chief, Transportation and Environmental Services (T&ES); Ms. Contreras, Urban Planner, P&Z; Mr. Lerner, Deputy Director, T&ES; Ms. Wright, Division Chief, P&Z; Mr. Catlett, Director, Code Administration; Mr. Wagner, Principal Planner, P&Z; Ms. McLean, ITS, Police Captain Ogden; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

Mayor Euille called the meeting to order and the Deputy City Clerk called the roll; all members of Council were present, with Councilwoman Hughes arriving to the meeting at 9:39 a.m.

2. Public Discussion Period.

The following people participated in the public discussion period:

(a) Nicole Canzoneri, 6100 Larstan Drive, representing Heywood Glen/Lincolnia Hills Neighborhood, spoke about the traffic that the BRAC-133 project will bring to the area, causing safety hazards for the residents in the area, particularly the children. Ms. Canzoneri requested that some traffic calming measures be granted to the Heywood Glen/Lincolnia Hills Neighborhood to help alleviate the problem and the

budget be restored for traffic calming implementation.

(b) Jack Sullivan, 4300 Ivanhoe Place, thanked Councilman Krupicka and Councilman Smedberg for their letter of September 29 requesting that Council and the Planning Commission table all plans for higher density in the West End until the City can devise a workable and viable transportation plan for the area. Mr. Sullivan stated that he hoped the other members of Council would endorse the request.

(c) Annabelle Fisher, 5001 Seminary Road, thanked Officer Mike Nugent who responded to her emergency call when her wallet was stolen recently and she requested that the City Manager implement a policy allowing citizens one free copy of a report, noting she sent in a request to the City Manager in 2008 regarding the matter.

(d) Susan Clay, P.O. Box 9142, Alexandria, spoke on behalf of children in the City with special needs and asked that services for them be increased throughout the City. Ms. Clay noted that many children with special needs are particularly susceptible to bullying and she praised the work of the Therapeutic Recreation Program.

(e) Sean McEneaney, 732 South Alfred Street, thanked the Mayor and members of Council for their support of the annual Rock the Ante fund-raiser for Rebuilding Together Alexandria and he reported that the event was successful in raising nearly \$23,000. Mr. McEneaney reported that on October 23, Rebuilding Together Alexandria will be hosting Energize Alexandria to help more than 30 Alexandria homeowners weatherize and receive energy efficient upgrades to their homes.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR

Planning Commission

3. SPECIAL USE PERMIT #2010-0036
626 NORTH PATRICK STREET
RESIDENTIAL PARKING REDUCTION
Public Hearing and Consideration of a request for a parking reduction; zoned RB/Residential. Applicant: Kulinski Group Architects, P.C., presented by Stephen Kulinski

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 5, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/16/10, and is incorporated as part of this record by reference.)

4. ENCROACHMENT #2010-0006

818 NORTH SAINT ASAPH STREET (Parcel Address: 600 Montgomery Street)
VILLA D'ESTE RESTAURANT
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for outdoor dining; zoned CRMU-X/Commercial Residential Mixed Use (Old Town North). Applicant: Maria Quilla

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 5, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/16/10, and is incorporated as part of this record by reference.)

5. ENCROACHMENT #2010-0007
320 MONTGOMERY STREET
THAI RESTAURANT
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for outdoor dining; zoned CRMU-X/Commercial Residential Mixed Use (Old Town North). Applicant: Philip McCombie

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 5, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 10/16/10, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2010-0045
1222 KING STREET
LA FROMAGERIE RESTAURANT
Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Sebastien Tavel

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 5, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 10/16/10, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council approved the action consent calendar, with the exception of docket item #6, which was considered under separate motion. The approval was 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.

The voting was as follows:

Pepper	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

6. SPECIAL USE PERMIT #2010-0045
1222 KING STREET
LA FROMAGERIE RESTAURANT
Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Sebastien Tavel

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 5, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 10/16/10, and is incorporated as part of this record by reference.)

Councilman Smedberg requested clarification on the modified language relating to fortified wines.

In response to Councilman Smedberg, Deputy Director of Planning and Zoning Ross stated that the language has been used before for similar businesses and in this particular case, relates to specialized ports and sherries.

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

Smedberg	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

7. Public Hearing to Obtain Citizen Input on the Report on the Proposed Articles of Incorporation and By-Laws for the Torpedo Factory Art Center Board (Final Consideration of the Item Will Be on Tuesday, October 26, 2010). (#15, 10/12/10)

(A copy of the City Manager's memoranda dated October 7, 2010 and October 10, 2010, are on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/16/10, and are incorporated as part of this record by reference.)

Mr. Gates, Assistant City Manager, gave a presentation of the proposed articles of incorporation and by-laws for the Torpedo Factory Art Center Board and answered questions from members of Council.

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

(a) Charlotte A. Hall, 205 The Strand, representing the Potomac River Boat Company, stated that a representative of the City Manager's Office needed to be a voting member of the board, allowing the initiatives to be passed through Council. Ms. Hall also stated that the Chief Executive Officer (CEO) of the Alexandria Convention and Visitors Association (ACVA) needed to be a voting member on the board to provide a critical marketing link for the Torpedo Factory.

(b) Tanya Davis, 105 North Union Street, spoke about mission clarity and the revision process for the articles. Ms. Davis stated that mission clarity is the key to success and moving the Torpedo Factory Art Center (TFAC) forward.

(c) Kathleen Pepper, 5320 Phayer Avenue, representing the Alexandria Archaeology Commission, stated that the Archaeology Commission would like to have voting member status on the board for the Torpedo Factory, enabling them to inform the Commission and protect the historic nature of the building.

(d) Penelope Barringer, 105 North Union Street, representing the Torpedo Factory Artist Association Board of Directors, stated that they are committed to the continued growth and vitality of the TFAC and that the Board of Directors are not in full agreement with the proposed changes being presented.

(e) Marian Van Landingham, 1100 Cameron Street, spoke in support of the amendments proposed by Councilman Krupicka, deleting the ex officio membership voting rights.

(f) Mary Jane Nugent, 607 West Windsor Avenue, representing the Alexandria Archaeology Commission, requested that the Archaeology Commission be included as a voting member under the new proposal.

(g) Dr. John Belshe', 600 South Royal Street, stated that any changes to Torpedo Factory governance should be postponed until the completion of the Waterfront Small Area Plan and citizens' associations have had time to integrate the proposal into the Waterfront Study.

(h) Katy Cannady, 20 East Oak Street, spoke on the consultants report and about the role of the artists in the management of the TFAC and she noted that the

board should have a majority of artists representing the Torpedo Factory.

(i) Linda Hafer, 105 North Union Street, representing the Art League, thanked the City for its support of the center over the years. Ms. Hafer noted that the Factory would benefit from the management and marketing expertise the new proposal will bring to the governance of the TFAC.

(j) Andrew Macdonald, 217 North Columbus Street, stated that the artists should be the majority membership on the board and that a greater discussion about the entire waterfront as an arts designation would be an appropriate conversation to have at this time.

(k) Matthew Harwood, 1755 North Cliff Street, stated that there needed to be stronger definitions of individual artists and their role in the TFAC outlined in the proposed articles. Mr. Harwood also noted that emphasis needed to be put on the fact that the artists in the TFAC are professionals.

(l) Jean Bondareff, 102 Princess Street, welcomed the proposal to merge the Friends with the rest of the governing board to bring greater clarification to the mission of the Friends and their fundraising efforts. Ms. Bondareff requested that the integrity of the Torpedo Factory be protected through these changes and offered her support for the amendments proposed by Councilman Krupicka.

(m) Gloria Barbare, 105 North Union Street, requested that Council consider during this process the appearance of the TFAC, including an identifying sign to be placed on the building, enhancement of signage directing people to the TFAC and changes to the marketing material distributed to visitors.

(n) Christine Parson, 1377 Massachusetts Avenue, SE, Washington, D.C., expressed concerns about the push to make the TFAC an economic model as opposed to maintaining it as a center for art education and appreciation.

(o) Sherry Brown, 1600 Prince Street, #603, stated that the City should delay taking over the governance of the Torpedo Factory until the artists have had a chance to implement improvements, with City establishing clear goals and benchmarks for the artists to follow.

(p) Lisa Schumaier, 2403 Leslie Avenue, stated that the TFAC brings art to the public and the most important thing in the proposed document is to strengthen the mission statement. Ms. Schumaier also noted that artists needed a greater voice on the board.

(q) Pamela Day, 320 South Henry Street, expressed concern that the interests of the artists are being overlooked in the exchange for economic sustainability. Ms. Day urged the City to reconsider the structuring of the governing board and ensure that there is adequate artist representation on the board.

(r) Michael E. Hobbs, 419 Cameron Street, noted that the City should not have the power to dictate the activities of TFAC simply because it owns the building. Mr. Hobbs also pointed out that the City should not be intervening in the management of the facility but if it must, their role should be as an advisory board.

(s) Susan Sanders, 1600 Prince Street, #206, stated that the ex officio members should not be voting members of this new board. Ms. Sanders also stated that the City should protect the integrity of the TFAC and not turn it into a purely tourist attraction. Ms. Sanders noted that the TFAC can benefit from business leadership and marketing expertise.

(t) Josh Gosling, 208 South Fayette Street, representing the Old Town Civic Association (OTCA), stated that the OTCA is supportive of the amendments proposed by Councilman Krupicka. Mr. Gosling pointed out that the City should include all the other elements of the Waterfront under the oversight of the proposed board and delay further action on the Waterfront plan until the governance board has been established.

(u) William Clayton, 3402 Halcyon Drive, stated that he supported a board that would provide a balance of the management group and he noted that ex officio members should not have a vote.

(v) Poul Hertel, 1217 Michigan Court, stated that the implementation of this board has cause pain in the Torpedo Art Factory community and there should be greater artist representation on the board.

(w) Ellen Stanton, 2600 King Street, representing the Historic Alexandria Resources Committee, stated that the historic community should be a voting member of the proposed board.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing on the proposed articles of incorporation and by-laws for the Torpedo Factory Art Center Board and scheduled final consideration of the item on Tuesday, October 26, 2010. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

8. Public Hearing to Obtain Citizens Input on the City's Proposed Fiscal Year 2012 Budget and Capital Improvement Program (CIP).

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

(a) Jim Butler, 406 Skyhill Road, Budget Fiscal Affairs Advisory Committee (BFAAC) representative, stated that the change in the budgeting program and process has provided the citizens with transparency and made it easier for citizens to understand the budget, providing more opportunity for citizen input. Mr. Butler noted that long term fiscal outlook is not good and the changes for the coming year would only be marginal changes and the budget should be tied to City's goals and objectives to make more usefulness of the funds available. Mr. Butler noted that the committee does not see how the CIP program current ten year projects cannot be funded in the current plan.

(b) Gene Kendall, 209 East Luray Avenue, representing Alexandria Neighborhood Health Services, Inc. (ANHSI), thanked Council for their support of ANHSI. Mr. Kendall requested that Council consider working with ANHSI to increase the community health services in the community and he asked that the City help ANHSI work to receive capital funding from the Health Care Reform Act in the upcoming months. Mr. Kendall thanked Council for including access to healthcare in the City's strategic plan.

(c) Jason Middough, 2702 King Street, representing Northern Virginia Community College Board, requested that the City view the college as a strategic partner to help realize at least six of its visionary goals: economic development, increasing transit options while emphasizing interjurisdictional coordination, supporting and enhancing the well-being, success and achievement of the City's children, youth and families, ensure the safety and security of the residents, and providing lifelong learning opportunities.

(d) Tina Fontaine, 5249 Duke Street, #308, spoke in support of continuing the funding for Healthy Families and gave a personal testimony.

(e) John Stephenson, 133 North Payne Street, Apt. #1, representing Alexandria Taxpayers United, offered suggestions of how the City could cut spending and refrain from tax increases in order to grow the local economy.

(f) Daniel Sweeney, 22 East Oak Street, representing the Friends of the Alexandria Mental Health Center, stated that he hoped that Council gives appropriate consideration to mental health and substance abuse services in the City during their budget consideration.

(g) Gilda Hagan-Brown, 317 8th Street, NW, Washington, D.C., representing Higher Achievement, spoke in support of the Higher Achievement Program and requested that Council include funding for the program in its budget consideration.

(h) Annie Hallman, 317 8th Street, NW, Washington, D.C., representing Higher Achievement, requested that Council continue supporting the program that encourages higher achievement for middle school students. Ms. Hallman stated that continued funding will allow the program to continue grow and reach more students.

(i) Kafi Joseph, 317 8th Street, NW, Washington, D.C., representing Higher Achievement, requested that the City of Alexandria continue to invest in the Higher Achievement program and that the grant awarded by the City continue to be maintained.

(j) Amelia Crowl, 317 8th Street, NW, Washington, D.C., representing Higher Achievement, requested continued funding from the City in order to expand the program and reach more scholars.

(k) Catherine Clinger, 206 West Myrtle Street, representing T. C. Williams Parent Teachers Students Association (PTSA), asked the Council to continue to support T. C. Williams as they strive to make the school successful.

(l) Patty Winters, 915 North Van Dorn Street, Apt. 202, spoke in support of the Flora Casey Health Center and highlighted reasons why the center is extremely important to those lacking health care insurance.

(m) Poul Hertel, 1217 Michigan Court, requested that the Capital Improvement Program be integrated more closely into the present budget process to give more funding options in the future.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council closed the public hearing on the City's Proposed Fiscal Year 2010 Budget and Capital Improvement Program (CIP). The voting was as follows:

Pepper	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

9. TEXT AMENDMENT #2010-0003
ILLUMINATED SIGNS

Public Hearing and Consideration of a request for a text amendment to change Section 9-105 (P) of the City's Zoning Ordinance to allow lighted signs on buildings above 35 feet tall with SUP approval. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated October 5, 2010, is on file in

the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/16/10, and is incorporated as part of this record by reference.)

Ms. Contreras, Urban Planner, Planning and Zoning, gave a presentation of the Text Amendment and responded to questions from Council.

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

(a) Tim McGhee, 1420 West Abingdon Drive, #104, spoke in opposition to the text amendment and he stated that the lighted signs would contribute to light pollution and harm the natural environment in Alexandria.

(b) Poul Hertel, 1217 Michigan Court, urged Council to maintain the language regarding the George Washington Parkway and include the monumental core protection policy as it relates to illuminated signs.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	"aye"	

WHEREUPON, a motion was made by Councilman Smedberg and seconded by Councilwoman Pepper and carried that City Council approved the Planning Commission recommendation.

Councilman Krupicka offered a friendly amendment stating that staff will report back to Council within two years and include a recommendation to convert the approval back to an Administrative Special Use (SUP) process. The amendment was accepted by the maker and seconder of the motion and became a part of the motion.

The voting on the amended motion was as follows:

Smedberg	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	"aye"	

- 10. CDD CONCEPT PLAN #2010-0001
DEVELOPMENT SPECIAL USE PERMIT #2010-0021
1401, 1801, 2401, 2403, 2405, 2901, 3901 POTOMAC AVENUE; 2301, 2801, 3951 JEFFERSON DAVIS HIGHWAY; 800, 1000, 1400, 1600, 1800, 1801, 2000, 2001, 2300, 2301, 2600, 2601, 2800, 2801, 2802, 2900 MAINLINE

BOULEVARD; 650 MASKELL STREET; 600 EAST MONROE; 1702, 1880 POTOMAC GREENS DRIVE (Properties within the boundaries of CDD #10 and the Potomac Yard/Potomac Greens Small Area Plan)

POTOMAC YARD DEVELOPMENT

Public hearing and Consideration of: a) an amendment to the CDD concept plan with regard to the completion of the Potomac Avenue roadway; b) an amendment to the development special use permit for Landbays I and J East to remove the requirement to construct residential units from south to north.; zoned CDD #10/Coordinated Development District #10 - Potomac Yards/Greens. Applicant: Potomac Yard Development LLC and RP MRP Potomac Yard, LLC by M. Catharine Puskar

PLANNING COMMISSION ACTION:

CDD#2010-0001 Recommend Approval of Condition 15A only - 7-0
DSUP#2010-0021 Recommend Approval of Condition 83 only - 7-0

(A copy of the Planning Commission report dated October 5, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/16/10, and is incorporated as part of this record by reference.)

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

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

City Council took a recess for lunch from 1:30 p.m. until 2:00 p.m.

ORDINANCES AND RESOLUTIONS

Please note: The following docket item was considered before docket item #11.

12. Public Hearing, Second Reading and Final Passage of an Ordinance Extending the Applicable Period for Reduced Fees for Certain Sewer Connections. (#10,10/12/10)

(A copy of the City Manager's memorandum dated October 6, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/16/10, 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. 12; 10/16/10, 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. 12; 10/16/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and approved an ordinance extending the applicable period for reduced fees for certain sewer connections. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4682

AN ORDINANCE to amend and reordain certain provisions of Division 1 (GENERAL PROVISIONS), Article B (SEWAGE DISPOSAL AND DRAINS), Chapter 6 (WATER AND SEWER), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 1, Article B, Chapter 6 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the following amendments to the identified sections, as follows:

Sec. 5-6-25.1 Sewer connection permits and service fees; construction costs; constructing sewers by owners rather than city; additional connections.

(Intervening sections remain unchanged)

(c) Exclusions and exemptions.

(Intervening sections unchanged)

(3) The fees established and imposed by this section shall not apply to a connection where (i) such connection is within the limits of a coordinated development district approved by city council, (ii) the main or trunk line to which such connection will be made extends from such coordinated development district directly to the publicly owned treatment works of the Alexandria Sanitation Authority, without connection at the

time of its construction to any city sewer, unless such a connection is made pursuant to a written requirement of the director and exceeds the requirements to provide service to the coordinated development district, (iii) such main or trunk line was constructed totally at private expense, and (iv) the application for such connection is submitted within twenty-two (22) years of the date of issuance of the first building permit subsequent to April 1, 2002, within such coordinated development district. Upon satisfaction of the foregoing criteria, a permit for the sewer connection shall be issued upon payment of a fee for each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling residential unit, of \$100, for each dwelling unit in a multifamily dwelling, of \$100, and for each floor of a nonresidential property, of \$100 or \$0.08 per square foot of floor space, whichever is greater; provided, however, in the event construction of the improvements to be served by such permitted connection has not substantially commenced within twenty-three (23) years of the date of issuance of the first building permit subsequent to April 1, 2002, within such coordinated development district, the permit for the sewer connection issued shall expire and thereafter the fees established and imposed generally by this section shall apply.
(Subsequent sections remain unchanged)

Section 2. That this ordinance shall become effective upon final passage

11. Public Hearing, Second Reading and Final Passage of an Ordinance Amending Certain Provisions of the Taxicab Ordinance, as recommended by the Traffic and Parking Board on September 27, 2010. (#11, 10/12/10)

(A copy of the City Manager's memorandum dated October 6, 2010, is on file in the Office of the City Clerk and Clerk Council, marked Exhibit No. 1 of Item No. 11; 10/16/10, and is incorporated as part of this record by reference.

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

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

Deputy City Attorney Spera and Division Chief Garbacz gave a presentation on the proposed changes for the taxicab ordinance and responded to questions from Council about the proposed changes.

Councilwoman Pepper noted for the record that as a member of the Senior Services Board, she does not have a conflict of interest and will be participating in the discussion and voting on this item.

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

(a) John Scheidegger, 225 South Whiting Street, spoke about making taxis more accessible and available for the disabled community and more compliant with Americans With Disabilities Act (ADA) requirements. Mr. Scheidegger noted that many of the cabs in the City are currently unable to transport passengers in wheelchairs.

(b) Zari Karimian, 85 South Bragg Street, owner of VIP Cab Company, spoke of her company's struggles working with the GPS dispatch system and requested that the City give more time for her business to overcome those struggles.

(c) Bert Ely, 200 South Pitt Street, a taxicab customer, spoke of the importance of having competing companies to offer the customer choices. Mr. Ely spoke about the lack of taxicabs cruising the streets and at the sanctioned taxi stands during the daytime hours.

(d) Catherine Rollins, 1105 Tuckahoe Lane, spoke of the need for taxi services for the senior citizens and disabled in the community and the need for the dispatch services in order for them to receive a much needed service.

(e) Berhanu Shitayewoldetsadik, Fairfax, spoke about the dispatch system and the services that taxi drivers provide to the citizens of Alexandria.

(f) Ken Bynum, 1010 Cameron Street, attorney for Alexandria Union Cab, spoke of the importance of Mobile Knowledge dispatch system for measuring taxi movements throughout the City. Mr. Bynum noted that the transfer of drivers through the industry would control itself through competition and he stated that the penalties against the drivers would be unconstitutional without due process rights. Mr. Bynum pointed out that the behavior clause of the ordinance imposes on First Amendment rights.

(g) Teshome Workagegnehu, 4576 Airlei Way, Annandale, spoke of police harassment of the taxi drivers at taxi stands and about the behavior of the passengers in the taxicabs.

(h) Francis Samba, 10620 Larksong Court, Manassas, representing Alexandria Union Cab Company, stated that he thinks drivers give excellent service to the City and the market forces will determine where the drivers ultimately work.

(i) James R. Yates, III, 3014 Colvin Street, owner of Alexandria Yellow Cab, stated that the most important issue was that dispatch companies maintain enough drivers to provide dispatch services. Mr. Yates stated that there needed to be protection provided to assure that there will be reliable dispatch service throughout the City.

(j) Rhett Buer, 3014 Colvin Street, employee for Alexandria Yellow Cab, spoke about stand dues that drivers have to pay and the quality of the technology that

Alexandria Yellow Cab provide for the drivers and how they adapt to consumer behaviors.

(k) Mujahid Ahmad, 2001 North Daniel Street, #102, Arlington, president of GoGreen Cab, stated that the minimum authorizations for each company should be the same no matter the size of the company, that transfers should not be limited to 5% every two years because that number hurts smaller companies and driver transfers should be allowed every year to allow drivers to leave companies not prospering. Mr. Ahmad requested Council give his company 40 authorizations in order to allow his company to grow and compete.

(l) Ken Aggrey, 3706 Mount Vernon Avenue, representing White Top Cab Company, spoke in support of the new proposed ordinance because the ordinance will allow companies to provide quality service to the citizens in the City of Alexandria.

(m) Ahmad Latif, 3706 Mount Vernon Avenue, president of White Top Cab Company, requested that Council approved the ordinance allowing two dispatch call per day to ensure quality service to the customers in Alexandria.

(n) Chap Peterson, 3706 Mount Vernon Avenue, attorney for White Top Cab Company, noted that in 2005, the ownership of the driver certificates were given to the drivers and the two call standard was included to provide a balance. Mr. Peterson stated that if the standard is eliminated, the drivers will go to companies with the cheapest stand dues and upset the balance in the market.

(o) Sanders Partee, 5904 Richmond Highway, spoke about how the technology that tracts dispatch service is beneficial to the taxi industry and requested that Council strengthen the dispatch service in Alexandria because it is good for the business community.

(p) Abdul Karim, 5408 Charlottesville Road, Springfield, owner King Cab Company, spoke in support of the proposed ordinance and requested that Council review the credit card acceptance standard and the issue of certificate ownership before approving the ordinance.

(q) Bernard Kellom, 719 South Fairfax Street, representing the Commission on Aging, stated that the Commission recommended that taxicab companies continue to be required to accept at least two dispatch calls per drivers in order to provide a necessary service to the City's elderly and disabled population.

(r) Pernell Clayton, 3014 Colvin Street, employee of Alexandria Yellow Cab Company, spoke about the enforcement of rules and regulations of the City's ordinance and noted that Yellow Cab takes complaints seriously and offers driver training to all drivers.

(s) Randy Stephen, 5610 Bloomfield Drive, stated that there was not any

driver representation during the discussion of this proposed ordinance. Mr. Stephen also noted his disagreement with the behavior clause in the ordinance.

(t) Syed T. Hussain, Alexandria, spoke in support of protecting the drivers ability to move between companies without penalty.

(u) Margaret Gray, 5240 North Morgan Street, spoke in support of dispatch taxi service, particularly for the disabled community.

(v) Emilie Gray, 411 North Fayette Street, spoke in support of having reliable taxicab service in the City and she noted that she would like to have the ability to avail herself of the many technological conveniences to obtain a cab.

(w) Jamil Ahmed, Beacon Hill Road, Fairfax, spoke in opposition to the inclusion of the behavior clause in the proposed ordinance, particularly without a due process procedure.

(x) Josh Henson, P.O. Box 2196, Fairfax, spoke about the fairness of the proposed ordinance and keeping companies in business that are not compliant. Mr. Henson stated that the law must be equally enforced for all companies.

(y) Abbassali Abousaidi, 3709 South George Mason Drive, spoke against the proposal concerning the return of the driver certificate once they leave the industry because it will hurt the companies.

(z) Ayele Abebe, 5313 Montgomery Street, spoke about how the stand rates currently affect the industry, influencing market competition.

(aa) Surafel Wolfmekiem, spoke in opposition to the behavior clause in the proposed ordinance.

(bb) LeTasha Williams, 624 South Payne Street, stated that service provided by Union Cab Company is adequate and she hoped that services from places like the Metro will be measured. Ms. Williams noted that contracted calls should not be included in the count for documented City calls.

(cc) Amy Slack, 2307 East Randolph Avenue, stated that she was a member of the Traffic and Parking Board and she noted the she was in disagreement with the Board's decision to drop the calls documented to one call. Ms. Slack noted her concern for the amount of staff time that would be use to track the documented city calls.

(dd) Kyle Summers, 3014 Colvin Street, employee of Alexandria Yellow Cab Company, stated that there are three companies in the City with computer dispatch and that dispatch service is expensive in general. Mr. Summers stated that the dispatch service should be protected in order to give a choice in the market.

(ee) Spencer Kimball, 3014 Colvin Street, employee of Alexandria Yellow Cab Company, stated that there is no true way to accurately track all the calls received, but the most accurate measure is to count dispatch calls. Mr. Kimball stated that dispatch calls need to be protected in order for citizens to receive the best possible service.

(ff) Shelia Pollack, 930 North Henry Street, stated the City should not be concerned with the management of the taxicab industry and she noted that it should be easier to obtain taxi services in the day.

(gg) Zahir Ahmed, spoke in opposition to the behavior clause and he noted that there are many cabs in the areas causing vigorous competition in the market. Mr. Ahmed also stated that drivers should be able to transfer certificates between cab companies.

(hh) Chand Dohdy, 3801 Mount Vernon Avenue, spoke in favor of the drivers being included in the discussion for the changes to the ordinance and noted that the ordinance should not be changed in favor of dispatch companies.

(ii) Daniel W., 304 South Washington Street, president of Alexandria Union Cab Company, spoke about driver mobility and asked Council to protect the driver so that they will be able to provide superior service to the City.

(jj) Joyce Woodson, 1407 Wayne Street, representing the taxi drivers, stated that the trips and completed trips should be measured in order to obtain the best service for the citizens. Ms. Woodson also stated that response time should be measured in order to improve service throughout the City. Ms. Woodson pointed out that growth and driver protection is not in the scope of the Council's decision-making role but she noted that contracts should be offered to the drivers in order to make the market fair and equitable. Ms. Woodson stated that the ordinance still needed work in order to achieve a fair balance for all.

Deputy City Attorney Spera responded to some concerns from speakers regarding the appeal process for civil penalties, the enforcement of the 2005 ordinance, and the issue of contracts with independent drivers.

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

Donley	"aye"	Fannon	"aye"
Krupicka	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

WHEREUPON, a motion was made by Vice Mayor Donley, seconded by Councilman Krupicka, that City Council adopt the ordinance amending certain

provisions of the taxicab ordinance as recommended by the Traffic and Parking Board on September 27, 2010, with the following amendments: (1) the addition of language for section 9-12-1(7.3), as it relates to documented city trips which states the following: (7.3) Documented City trip. A non-dispatched trip served by the driver while on duty that originates without a call to a central dispatch center in one of the following manners: (a) a pick-up from an authorized Alexandria taxi stand; (b) a pick-up from a Metro Station located within the City of Alexandria; (c) a pick-up from Washington Reagan Airport where the final destination is within the City of Alexandria; or (d) a trip arranged by direct communication between the customer and the driver. With respect to each of the foregoing, in order to constitute a documented City trip, such trip must be contemporaneously documented on the company's business records via a regular established business procedure, so that a company record of the trip exists independent of what may be recorded in the driver's manifest, including, without limitation, the date of the trip, the time and location of both the origination and termination point of the trip and the number of passengers served on the trip; (2) a change to the language in section 9-12-32(c), stating, the following," in addition, in no circumstances may regulation provide that more than 25% of the required call volume be satisfied by documented City trips; (3) change section 9-12-31(i)(1)(D) to read as follows, "The net impact on any certificate of all transfers allowed during any single biennial review process shall not reduce the size of any certificate holder by more than 2.5% of the number of authorizations held at the time of the biennial review, nor may it increase the size of any certificate holder by more than 20 percent of the number of authorizations held at the time of the biennial review; (4) delete section 9-12-32 (t) regarding credit card payments in taxicabs; (5) delete section 9-12-34 (c) regarding the driver's authorization; and (6) section 9-12-60 (a)(13) will read as follows, " while on duty, assault, threaten, abuse, insult, provoke, intervene with, impede, obstruct, or use profane language or obscene gestures towards a passenger, a City official while that official is engaged in the performance of his or her duties related to the taxicab industry, or a member of the public.

Councilman Krupicka offered a friendly amendment to change section 9-12-31 (i)(1)(D) to read as follows, "The net impact on any certificate of all transfers allowed during any single biennial review process shall not reduce the size of any certificate holder in compliance with section 9-12-32 (c) by 10 percent of the number of authorizations held at the time of the biennial review, nor may any new company increase its size by more than 20 percent of the number of authorizations held at the time of the biennial review." The amendment was accepted by the maker and the seconder of the motion and became part of the motion.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg, a motion was made to leave in section (t) regarding credit card payments in taxicabs. The motion failed 2-5. The voting was as follows:

Hughes	"aye"	Donley	"no"
Smedberg	"aye"	Fannon	"no"
Euille	"no"	Krupicka	"no"

Pepper "aye"

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried 6-1, City Council removed the new language for section 9-12-60(a)(13) and it will remain as it is currently constituted under the 2005 ordinance. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"no"
	Smedberg	"aye"	

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried 6-1 by roll-call vote, City Council adopted the ordinance amending certain provisions of the taxicab ordinance, as recommended by the Traffic and Parking Board on September 27, 2010, with the following amendments: (1) the addition of language for section 9-12-1(7.3) as it relates to documented city trip which states the following: (7.3) Documented City trip. A non-dispatched trip served by the driver while on duty that originates without a call to a central dispatch center in one of the following manners: (a) a pick-up from an authorized Alexandria taxi stand; (b) a pick-up from a Metro Station located within the City of Alexandria; (c) a pick-up from Washington Reagan Airport where the final destination is within the City of Alexandria; or (d) a trip arranged by direct communication between the customer and the driver. With respect to each of the foregoing, in order to constitute a documented City trip, such trip must be contemporaneously documented on the company's business records via a regular established business procedure, so that a company record of the trip exists independent of what may be recorded in a driver's manifest, including, without limitation, the date of the trip, the time and location of both the origination and termination point of the trip and the number of passengers served on the trip;(2) a change to the language in section 9-12-32(c), stating, the following, in addition, in no circumstances may regulation provide that more than 25% of the required call volume be satisfied by documented City trips; (3) changed 9-12-31 (i)(1)(D) to read as follows, "The net impact on any certificate of all transfers allowed during any single biennial review process shall not reduce the size of any certificate holder in compliance with section 9-12-32 (c) by 10 percent of the number of authorizations held at the time of the biennial review, nor may any new company increase its size by more than 20 percent of the number of authorizations held at the time of the biennial review;(4) delete section 9-12-32 (t) regarding credit card payments in taxicabs; (5) delete section 9-12-34(c) regarding the driver's authorization; and (6) section 9-12-60 (a) (13) will remain as it is currently constituted under the 2005 ordinance. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"no"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4683

AN ORDINANCE to amend and reordain certain provisions of Article A (TAXICABS), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A, Chapter 12 of Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the following amendments to the identified sections, as follows:

ARTICLE A. 1 TAXICABS
DIVISION 1 Generally

Sec. 9-12-1 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

(Intervening sections are unchanged)

(5.1) Dispatch service. A service that receives telephone, text or e-mail requests for taxi service and wirelessly dispatches those requests to taxicabs in the field.

(5.2) Dispatch Call. A taxicab trip generated by the customer contacting a central dispatch center and the call being dispatched to one of that company's taxicabs by the dispatch center.

(Intervening sections are unchanged)

(7.1) Driver move. When a driver leaves his existing company to another company that has a vacant authorization. A driver move may take place at any time and has no impact on the number of authorizations held under either company's certificate of public convenience and necessity.

(7.2) Driver transfer. When a driver moves from his existing company to another company through the biennial transfer process set forth in Section 9-12-31(i). For each such driver transfer approved, the number of authorizations held under the original company's certificate of public convenience and necessity shall be reduced by

one authorization and the number of authorizations held under the new company's certificate of public convenience and necessity shall be increased by one authorization.

(7.3) Documented City trip. A non-dispatched trip served by the driver while on duty that originates without a call to a central dispatch center in one of the following manners: a) a pick-up from an authorized Alexandria taxi stand; b) a pick-up from a Metro Station located within the City of Alexandria; c) a pick-up from Washington Reagan Airport where the final destination is within the City of Alexandria; or 4) a trip arranged by direct communication between the customer and the driver. With respect to each of the foregoing, in order to constitute a documented City trip, such trip must be contemporaneously documented on the company's business records via a regular established business procedure, so that a company record of the trip exists independent of what may be recorded in a driver's manifest, including, without limitation, the date of the trip, the time and location of both the origination and termination point of the trip and the number of passengers served on the trip.

(Intervening sections are unchanged)

Sec. 9-12-30 Amending certificates of public convenience and necessity.

(a) The number of taxicabs authorized by a certificate may be amended once every two years during the biennial review of the industry and the following procedures shall apply:

(1) A certificate holder may apply for an amendment to the number of vehicles authorized by the certificate, no later than August 1 of each year in which a review is conducted, on the form provided by the city manager.

(2) An owner whose vehicle is has been affiliated with one certificate holder for not less than two years may apply not more frequently than once during a year in which a review is conducted, on the form provided by the city manager, to have that affiliation transferred to a different certificate holder. Any such application shall be submitted to the city manager no later than November 15 of that year. All applications from eligible owners will be approved in order of seniority, subject to the net authorization loss limitations set forth in section 9-12-31(c) herein. Notwithstanding the foregoing, no owner shall be denied his or her application for a transfer pursuant to this section more than two consecutive review cycles, regardless of whether or not granting such an application results in the limit set forth in section 9-12-31(c) being exceeded by application of this policy. In the event the application of this policy results in the net reduction of more than the limit set forth in section 9-12-31(c) of any taxicab company's authorized vehicles, the city manager shall have the authority to grant the impacted taxicab company such additional authorized vehicles as to allow the company to only suffer a net reduction in authorized vehicles equal to the limit set forth in section 9-12-31(c), upon a finding that such a grant will be in the public convenience and necessity including, without limitation, promoting high quality dispatch and customer service. Each such application shall be signed by the prospective certificate holder,

certifying acceptance of the owner if the transfer of affiliation is approved.

(3) A public hearing on all such applications shall be held by the board as part of the biennial review of the taxi industry pursuant to section 9-12-31, and the board shall make a recommendation thereon to the city manager.

(Intervening sections remain unchanged)

Sec. 9-12-31 Biennial review of taxi industry.

(a) Between September 1 and November 15 of 2010, and during the same period every two-years thereafter, the board and city manager shall conduct a review of the taxicab industry in Alexandria. The board shall conduct a public hearing, after giving reasonable notice to all applicants, existing certificate holders and the public. The board shall receive comment as to the economic condition of the taxicab industry, the adequacy of public service rendered by the industry, and whether any changes to the regulation of the industry are necessary or desirable, including changes to the number of taxicabs authorized for each taxicab company holding a valid certificate.

(b) Performance information required to be submitted by certificate holders pursuant to section 9-12-32 shall be considered by the board and the city manager as part of the review.

(c) In reviewing applications to renew certificates of public convenience and necessity, the board and city manager shall consider the certificate holder's record of compliance with section 9-12-32, and shall establish the maximum and minimum number of vehicles that may be affiliated with each certificate holder, as follows:

(1) the minimum number of authorized taxicabs for each certificate holder shall not be fewer than 10 percent less than the number authorized at the time of the biennial review, except by operation of section 9-12-30(a)(2). Notwithstanding the foregoing, the minimum number of authorized taxicabs for any company that has substantially met the level of dispatch service required under this Code for the intervening two-years since the prior review shall not be reduced below the number of authorizations allowed in the prior review.

(2) the maximum number shall provide a sufficient number of taxicab authorizations for each certificate holder to provide a satisfactory level of dispatch service based on current and anticipated number of dispatch trips provided.

(3) in the event that the board and city manager shall authorize the issuance of one or more new certificates, the minimum number of taxicabs authorized for each existing certificate holder may be further reduced by an additional five percent below the current authorization.

(d) The board and city manager shall set the total number of vehicles to be

authorized for each taxicab company holding a valid certificate, giving consideration to such factors as bear on public convenience and necessity, including but not limited to:

(1) the demonstrated need on a company-by-company basis on the number of cabs necessary to provide satisfactory public service, including ensuring adequate availability of taxicabs for dispatch service and taxi stands;

(2) changes in the number of trips actually served by taxicabs for each existing company;

(3) the ability of current drivers to earn a living wage;

(4) a demonstrated commitment to specifically serve the needs of the elderly and/or disabled community;

(5) the dispatch levels attained during the two-year period immediately preceding the biennial review, so that no company shall be granted more authorizations than supported by its actual dispatch performance for the prior two-year period; and

(6) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.

(Intervening sections remain unchanged)

(g) The biennial review of the taxicab industry shall also include a review of the fares and industry fees, including a review of the base fare, permitted additional charges and all fees charged to and by the certificate holders, owners and drivers. The public hearing before the board shall include comments on such fares, charges and fees and any recommended changes thereof. The board shall forward its conclusions, recommendations and findings of fact as to such fares, charges and fees as part of its report pursuant to subsection (f) of this section. In reviewing such fares, charges and fees, the board and city manager shall, without limitation, take the following factors into consideration:

(1) driver income compared to the City of Alexandria adopted living wage;

(2) cost of industry related regulatory and enforcement expenditures; and

(3) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.

(h) Not later than December 15 of the year in which the biennial review is conducted, the city manager shall issue an order stating the manager's findings and conclusions as to the economic condition of the taxicab industry and determinations as to any pending applications or proposals under section 9-12-30. In issuing his order, the city manager shall presume that the factual findings of the board are prima facie

correct. If the manager disagrees with any of the recommendations of the board, the manager shall, with the issuance of the order, enumerate the reasons for not accepting such recommendations. The order of the city manager may be used by him in determining the public convenience and necessity under the provisions of this article.

(i) The city manager may approve taxicab owner applications to transfer affiliation from one certificate holder to another certificate holder during the biennial review process. In reviewing transfer applications, preference shall be given based on driver seniority to the extent feasible, and the board and city manager shall give consideration to such factors as bear on public convenience and necessity including but not limited to:

(1) the individual and cumulative effect of the transfer on the transferee and transferor certificate holders, including, without limitation, the following factors;

(A) no transfers will be allowed to a transferee certificate holder that would put that company out of compliance with the dispatch requirements set forth in Section 9-12-32(c) herein, based upon its demonstrated dispatch service levels for the two-year period immediately preceding the review;

(B) in order to be eligible to transfer pursuant to this section, drivers seeking to transfer from certificate holders that were in compliance with the dispatch requirements set forth in Section 9-12-32(c) for the two-year period immediately preceding the review must have been in compliance with the driver dispatch service requirement set forth in Section 9-12-57(n) for the same period. This restriction shall not apply to drivers seeking to transfer from certificate holders that were not in compliance with the dispatch requirements set forth in Section 9-12-32(c) for the two-year period immediately preceding the review.

(C) no transfers will be allowed to certificate holders that were not in compliance with the dispatch requirements set forth in Section 9-12-32(c) for the two-year period immediately preceding the review.

(D) The net impact on any certificate of all transfers allowed during any single biennial review process shall not reduce the size of any certificate holder in compliance with Section 9-12-32(c) by more than 10 percent of the number of authorizations held at the time of the biennial review, nor may it increase the size of any new certificate holder by more than 20 percent of the number of authorizations held at the time of the biennial review.

(Intervening sections remain unchanged)

Sec. 9-12-32 Requirements for certificate holders.

Each certificate holder shall:

- (a) provide 24-hour service;
- (b) provide a radio dispatch service located within the boundaries of the city that meets the following:
 - (1) dispatch must be provided 24 hours a day, seven days a week;
 - (2) if less than 130 taxicabs are authorized under the certificate, dispatch may be provided not less than 16 hours a day, seven days a week;
 - (3) if the certificate has been issued for less than one year, dispatch may be provided not less than 16 hours a day, seven days a week until one year following the date of issuance, after which dispatch must be provided as set out in paragraph (1) or (2), depending on the size of the certificate holder;
- (c) provide the minimum level of service for dispatch and documented City trips and call response time as prescribed by regulation; however, in no circumstance may regulation set an average dispatch and documented City trip call volume equaling less than two calls per driver per day. In addition, in no circumstances may regulation provide more than 25% of the required call volume be satisfied by documented City trips. Dispatch and documented City trip service requirements shall be calculated based on the total number of properly documented calls served by the certificate holder during the time period reviewed by City staff.
- (d) maintain a business office and required records within the boundaries of the city;
- (e) have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of 50 percent of the total number of taxicabs authorized under this article. This limitation may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification.
- (f) provide a minimum of one vehicle, or one percent of the vehicles authorized under the certificate, whichever is greater, for ADA compliant handicap accessible transportation, and every vehicle permit issued for a handicap accessible vehicle shall state on the permit that it is to be used for a handicap accessible vehicle only. Each certificate holder has an affirmative obligation to make such ADA complaint vehicles available during the hours in which it provides dispatch service for dispatch to a qualified handicapped passenger in the event not less than 2 hours notice is provided by the passenger;

(following sections remain unchanged)

(Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-58 Temporary suspension of permits and civil penalties.

(a) The chief of police or the hack inspector shall have the power to suspend any driver's permit for a period not to exceed five days for any one or more of the following causes:

- (1) any violation of section 9-12-56;
- (2) any violation of section 9-12-57; or
- (3) any violation of section 9-12-60.

(b) In addition to the foregoing, any driver who violates sections 9-12-56, 9-12-57 or 9-12-60 shall be guilty of a class five civil violation. The hack inspector shall have the authority to assess the civil penalties set forth for such violations in City Code Section 1-1-11 and shall coordinate with the office of the City Attorney to determine when suspensions, civil penalties or a combination of both shall be imposed.

Sec. 9-12-59 Appeal from temporary suspension.

Whenever the chief of police or hack inspector has suspended a permit pursuant to section 9-12-58, the driver may appeal to the board, by filing a written notice of appeal with the hack inspector, within five days after being notified of his suspension. The hack inspector shall thereupon schedule, within a reasonable time, a hearing before the board. Notice of such hearing shall be given the applicant at least five days before the hearing. Any suspension shall be stayed pending the hearing before and decision of the board. The board shall have authority to affirm, reverse or modify the suspension appealed from. The action of the board shall be final and there shall be no rehearing. There shall be no appeal to the Traffic & Parking Board from the imposition of a civil penalty not accompanied by a suspension, but civil penalties not accompanied by a suspension may be contested in the manner set forth in City Code 1-1-11(c)(3).

Sec. 9-12-81 Requirements for vehicles.

Every taxicab and the equipment used in connection therewith, subject to a vehicle permit pursuant to this division, shall at all times comply with the following minimum standards:

(Intervening sections remain unchanged)

(h) Information to be displayed on outside of vehicle.

(1) Every taxicab shall bear on the rear thereof and on each side thereof in lettering at least three inches high the word "taxicab" or "cab."

(2) The certificate number under which the taxicab is operated, clearly visible, shall be placed on the rear and on each side of each taxicab.

(3) The prevailing rates of fare shall be displayed on each side of the taxicab by means of cards or stickers, furnished by the director of finance at a cost established by regulation, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.

(i) Display of permit. Every driver shall post his driver's permit in such a place as to be in full view of all passengers while the driver is operating a taxicab.

(j) Display light. Every taxicab shall be equipped with a plainly visible light signal permanently affixed on the exterior of the cab of a design approved by the hack inspector, which signal shall be turned on and exhibited at all times when the taxicab is on duty and available for hire.

(Subsequent sections remain unchanged)

Section 2. That this ordinance shall become effective upon final passage.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

13. DEVELOPMENT SPECIAL USE PERMIT #2010-0015
1701 DUKE STREET
EDMONDSON PLAZA - AMENDMENT
Public Hearing and Consideration of an amendment for special use permit approval to allow a sign with illumination on a building taller than 35 feet and an amendment to an existing development special use permit to allow an illuminated sign; zoned OCH/Office Commercial High. Applicant: 1701 Duke Street, LLC presented by Leigh Bell and Jude Collins of Kearney and Company.

PLANNING COMMISSION ACTION: Deferred (inadequate notice)

14. MASTER PLAN AMENDMENT #2010-0004
CDD CONCEPT PLAN #2010-0001
AMENDMENT TO THE DESIGN GUIDELINES
TEXT AMENDMENT #2010-0004
DEVELOPMENT SPECIAL USE PERMIT #2010-0012
DEVELOPMENT SPECIAL USE PERMIT #2010-0021
SPECIAL USE PERMIT #2010-0033
SPECIAL USE PERMIT #2010-0058
1401, 1801, 2401, 2403, 2405, 2901, 3901 POTOMAC AVENUE;
2301, 2801, 3951 JEFFERSON DAVIS HIGHWAY; 800, 1000, 1400, 1600,

1800, 1801, 2000, 2001, 2300, 2301, 2600, 2601, 2800, 2801, 2802, 2900
MAINLINE BOULEVARD; 650 MASKELL STREET; 600 EAST MONROE; 1702,
1880 POTOMAC GREENS DRIVE (Properties within the boundaries of CDD #10
and the Potomac Yard/Potomac Greens Small Area Plan)

POTOMAC YARD DEVELOPMENT

Public Hearing and Consideration of a request for an amendment to the Potomac Yard/Potomac Greens Small Area Plan to increase building height limits within Landbay H and in Landbay I/J and to convert and increase density in Landbay G; b) various amendments to the CDD concept plan and design guidelines; c) an amendment to the CDD table in Section 5-602 of the City's Zoning Ordinance; d) an amendment to development special use permit conditions to remove the requirement for construction of the North Trail and other enhancements in Landbay K, and any references to the construction of the pedestrian bridge in lieu of a monetary contribution; e) an amendment to development special use permit conditions for Landbays I & J to remove the requirement for construction phasing; f) an amendment to remove special use permit conditions regarding the construction of the pedestrian bridge; g) an amendment to special use permit conditions to modify the timing of and provide an option for a monetary contribution in lieu of requirements for Landbay D; zoned CDD #10/Coordinated Development District #10 - Potomac Yards/Greens. Applicant: Potomac Yard Development LLC and RP MRP Potomac Yard, LLC by M. Catharine Puskar

PLANNING COMMISSION ACTION:

MPA#2010-0004 Deferred 7-0

CDD#2010-0001 Recommend Approval of Condition 15A only - All Other
Amendments Deferred 7-0

DESIGN GUIDE Deferred 7-0

TA#2010-0004 Deferred 7-0

DSUP#2010-0012 Deferred 7-0

DSUP#2010-0021 Recommend Approval of Condition 83 only - All Other
Amendments Deferred 7-0

SUP#2010-0033 Deferred 7-0

SUP#2010-0058 Deferred 7-0

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council adjourned the public hearing meeting of October 16, 2010 at 6:21 p.m. The voting was as follows:

Donley "aye" Fannon "aye"

Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Gloria A. Sitton, CMC Deputy City Clerk