

EXHIBIT NO.

1

~~16~~
12-16-00

~~24~~
~~11-18-00~~

Docket Item # 17
SPECIAL USE PERMIT #2000-0119

Planning Commission Meeting
November 9, 2000

ISSUE: Consideration of a request for a special use permit for a nonconforming day labor agency.

APPLICANT: Ace Temporaries Inc.
by Chuck Carlton

LOCATION: 717 Pendleton Street

ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, NOVEMBER 9, 2000: On a motion by Mr. Wagner, seconded by Ms. Fossum, the Planning Commission voted to recommend denial of the request. The motion carried on a vote of 6 to 0.

Reason: The Planning Commission agreed with the staff analysis and members of the Commission asked staff to review the issue of whether the use was appropriate for the property zoned CL.

Speakers:

Mike Schlee, 712 Pendleton Street, expressed concern about litter, loitering, verbal harassment, drug activity, vandalism, and the lack of on-street parking caused by the applicant's clients.

Jacqueline Dudley, resident who lives across North Columbus Street, expressed concern about noise and trash and stated that she has spoken with the applicant in the past regarding those problems.

Carolyn Karr, resident who owns two properties at the corner of North Columbus and Pendleton Streets, stated that the existing business is out of character with the other permitted and special uses allowed in this zone.

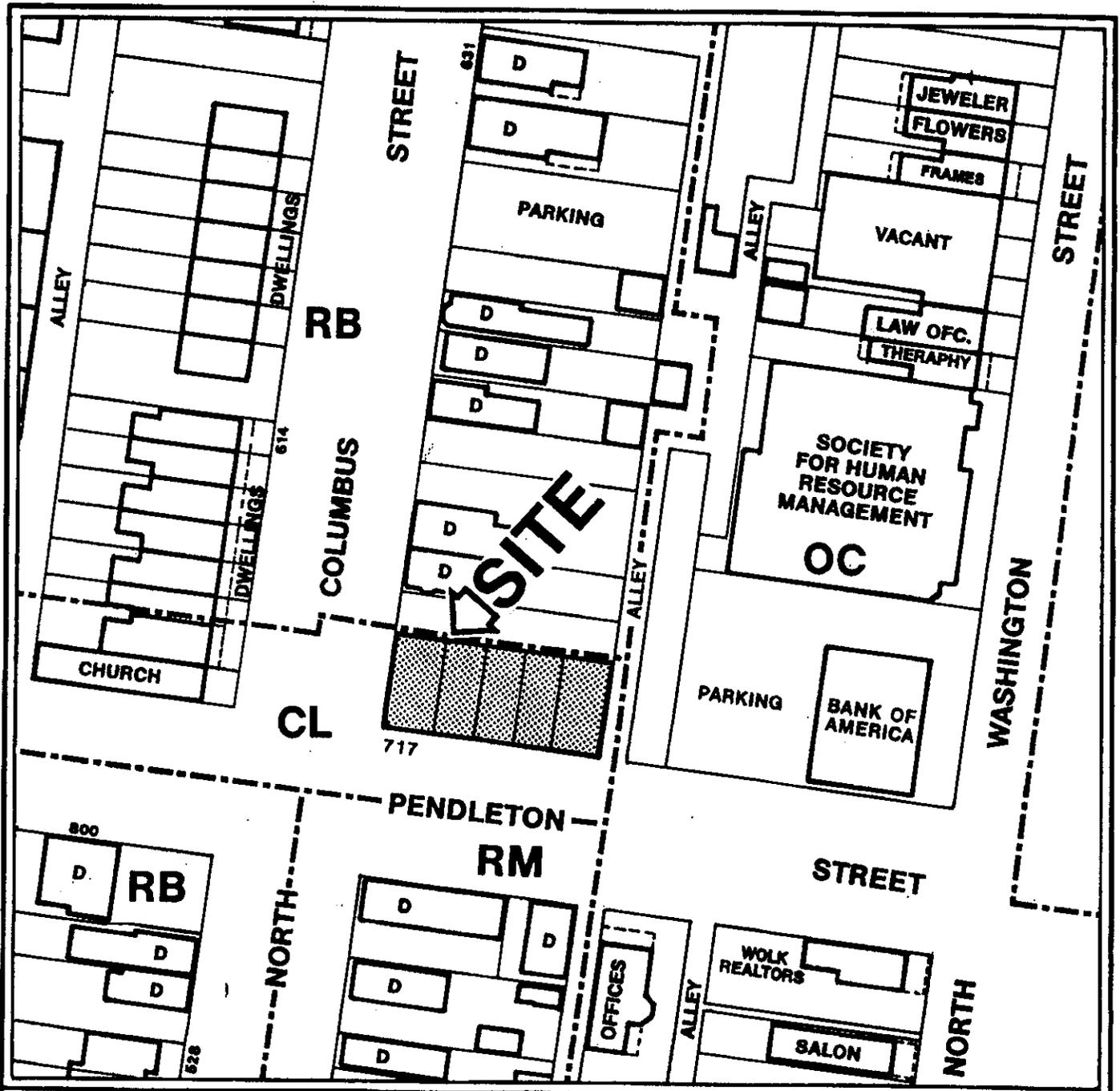
Scott Overby, previous resident of 513 ½ North Columbus Street, stated that people congregate in the alley beside the building, that he has had items stolen from his car, and that he has been accosted by persons demanding money.

Al Hendershot, 526 North Columbus Street, stated that his family will not walk past the building when going to the new Saul Center development on North Washington Street.

Slade Owens spoke in opposition to the applicant's request.

Sean Pratt, 532 North Columbus Street, stated that he previously worked for day labor agencies in New York City and that he witnessed the problems the neighbors' describe. He noted that those agencies were located in warehouse districts away from residential neighborhoods.

Chuck Carlton, applicant, stated that he has operated the business for ten years and been in this location for approximately two years. He stated that he was unsure how many complaints raised by the residents were caused by his clients and stated that he would not hire persons engaging in these activities, and that he has not been made aware of the residents' concerns.



SUP #2000-0119

11/9/00



(Not to Scale)

STAFF RECOMMENDATION:

Staff recommends **denial** of the applicant's request. If Council approves the request, staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit is granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The day labor agency shall expand its existing waiting room in order to provide a seating capacity large enough to accommodate all employees and potential employees on the site at any one time. The waiting room shall be heated and/or cooled to an ambient temperature suitable and comfortable for the agency's clients and shall contain sufficient rest room space to meet code standards. No alcohol or drugs shall be permitted on the premises. (P&Z)
3. The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday. (P&Z)
4. The applicant shall require the agency's clients to enter the building upon arrival of the agency's employees. The agency's offices will not close until all clients have left the premises. (P&Z)
5. The applicant shall prohibit clients and potential clients from waiting or gathering outside the building on or in the vicinity of the subject property. The applicant shall require such persons standing outside the building to disperse or to enter the premises. (P&Z)
6. The day labor agency shall keep the area within 100 feet from each of its exterior doors free of litter at all times. (P&Z)
7. The applicant shall provide at least one trash container inside the waiting room for its clients' use. (P&Z)
8. No pay telephones shall be installed on the exterior of the building. (P&Z)
9. The applicant shall not establish transport pick up locations within the city other than at Metro stations, inside homeless shelters or other such locations that staff approves. (P&Z)

10. The applicant shall maintain its driver bonus program and shall encourage its clients to participate. (P&Z)
11. The applicant shall encourage its clients and staff to use mass transit or to carpool when travelling to and from the agency, by posting in the waiting room information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
12. The applicant shall post a sign inside the building prohibiting double parking of clients' vehicles on Pendleton and North Columbus Streets. (P&Z)
13. The applicant shall contact the Alexandria Police Department, Division of Crime Prevention, for a security survey of the business and a robbery awareness program for all employees. (Police)
14. The Director of Planning and Zoning shall review the special use permit one year after this approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Ace Temporaries, Inc., by Chuck Carlton, requests special use permit approval to allow the continuation of a nonconforming day labor agency located at 717 Pendleton Street.
2. The subject property is one lot of record with approximately 93 feet of frontage on Pendleton Street, approximately 40 feet of frontage on North Columbus Street and a total lot area of approximately 3,758 square feet. The site is developed with a one story building. The property is located in the Parker-Gray Historic District.

The property is surrounded by residential uses to the north, south and west. Immediately across Columbus Street is a church, and there are additional commercial uses west of there on the north side of Pendleton. Bank of America and its parking lot are located adjacent to the east of the property. A ten foot wide alley runs between the subject property and the Bank of America parking lot.

3. The applicant seeks permission to allow the existing nonconforming day labor agency to continue to operate. A day labor agency is defined in the zoning ordinance as, "A place where arrangements for short term employment are made, characterized by the gathering of employees who are hired typically for a one-day period. Employers often transport the employees to the work site and return them to the day labor agency" (Section 2-133.1).
4. In 1998, Planning and other city department staff became aware of complaints, including litter, loitering, urination, and noise, associated with the operations of two existing day labor agencies from their residential neighbors. In May 1999, City Council adopted legislation classifying day labor agencies as special uses, so that the city may review the appropriateness of the location, their proximity to residential uses, and impose conditions to limits their impact on other uses. Existing day labor agencies were required either to obtain special use permit approval within eighteen months or cease operations. After the adoption of the ordinance, staff sent a letter to the applicant advising him that he must either obtain special use permit approval to continue the business or cease operations by November 21, 2000 (see attached). This application followed.
5. The applicant's office was previously located at 1000 Queen Street, at the corner of Queen and North Patrick Streets, across from Jim's Groceries. After All Star Temporaries vacated the subject property, the applicant relocated his office to the subject property.

6. The applicant describes its business as one which provides temporary labor to construction and industrial clients. Persons seeking employment who have not already been assigned to a client normally report to the Pendleton office in the morning between 4:30 a.m. and 8:00 a.m. to be assigned. Many other persons call in or meet at off-site locations. Approximately 100 people visit the site each morning seeking employment. The applicant estimates that workers typically remain on site for 10 to 15 minutes. The workers then travel to their worksites either by their own or by public transportation. In addition to finding work for potential employees, Ace Temporaries also pays most workers; those workers return to the office between 3:00 p.m. and 6:00 p.m. to get paid. According to the applicant, approximately 150 workers report back to the office to get paid each day. All payments are by check and workers are paid daily or weekly depending on their job.
7. The applicant occupies approximately 3,000 square feet of space in the building. A small portion of the building is used as a waiting room by workers and plastic chairs and a trash container are provided for workers' use. A small bathroom is also located in this area.
8. According to the applicant, it has a pick up location in Washington, D.C. that it uses occasionally, but it does not plan to offer regular pick up and drop off activities for workers at that location or any others in Alexandria.
9. All workers submit an application in order to work. The company checks identification and requires drug testing only if required by a particular employer.
10. The hours of operation are from 4:30 a.m. to 6:00 p.m. Monday through Friday, and 5:30 a.m. to 6:00 p.m. on Saturdays. The applicant anticipates that two to four employees will operate the office.
11. Section 8-200(A)(20) of the zoning ordinance requires a 3,000 square foot office type to provide at least six parking spaces. No off-street parking is provided. Because the building has been used as offices for many years, the lack of parking is considered grandfathered and no off-street parking is required for a continued office use.
12. In the application materials, the applicant states that it tries to make employee placements in advance and over the telephone, has upgraded its computer systems to assign and pay employees more quickly, increased the waiting area to guarantee indoor accommodation for waiting employees and improved the level of comfort in the waiting area, and encouraged employees to remain indoors while waiting.

13. Another pre-existing day labor agency, All Star Temporaries, has obtained special use permit approval to relocate its offices from this site to 4926-D Eisenhower Avenue within the Build America Six warehouse complex (SUP #99-0085).
14. Zoning: The subject property is located in the CL/Commercial low zone. Section 4-103(C.1) of the zoning ordinance allows a day labor agency in the CL zone only with a special use permit.
15. Master Plan: The subject property is located in the Braddock Road Metro Station small area plan chapter of the Master Plan which designates the property for commercial low uses.

STAFF ANALYSIS:

Staff recommends denial of the continued operation of the day labor agency at 717 Pendleton Street because the use is too active and has too many potentially negative impacts for this neighborhood, which is primarily residential. The Police report that a total of six calls for service were received last year and that another six calls have been received to date this year. The types of calls received include: burglary, drunk, disorderly, suspicious person, fight and trespassing. Staff has also spoken with residents who live near the agency who described their concerns about the agency and its operations. They report on-going problems with workers who litter and loiter outside the building, and with early morning noise in the neighborhood.

Staff has visited the property in the early morning and witnessed the continuous arrival and departure of workers by foot, bus, and car. Staff observed workers entering the building, obtaining their assignments for that day, and leaving the building. The duration of these visits is approximately 10 to 15 minutes. As a consequence, there is a steady flow of workers during the early morning hours. Much of the noise generated by the workers is caused by the opening and closing of car doors and by workers greeting each other on the sidewalk in front of the building on Pendleton Street and in the street. Although the witnessed behavior is not objectionable in isolation, given the number of arriving workers and the early morning schedule, staff believes the use is inappropriate for nearby residential uses.

T&ES staff also recommend against the applicant's request based on concerns about the limited availability of on-street parking, the impact of the use on traffic flow through the neighborhood, noting the limited site distances at the intersection of North Columbus and Pendleton Streets due to on-street parking, and the insufficient accommodation for workers' pick-up and drop-off activities both on-site and on the streets.

SUP #2000-0119
717 Pendleton St

Staff did support the relocation of another day labor agency from Old Town to a property on Eisenhower Avenue (SUP #99-0085). In its support of that application staff noted that the site is on a major road, in an industrial zone within a tenant space in a mixed use warehouse building, and at a distance from residential uses. Staff continues to believe that the best location for these uses is in an area with good access to public transportation but that is physically removed from residences so that the traffic and other impacts, like litter and loitering that may be associated with these uses, are not borne by their residential neighbors.

For these reasons, staff recommends denial of the applicant's request to continue to operate a day labor agency at 717 Pendleton Street.

STAFF: Barbara Ross, Acting Director, Department of Planning and Zoning; Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 Available on-street parking is very limited.
- F-2 This operation has the potential to significantly disrupt traffic flow through the neighborhood. Pendleton Street is a primary collector and is served by both DASH and METRO bus service. Although the intersection is signalized, site distances are limited due to existing on-street parking.
- F-3 The applicant has not shown sufficient accommodation for pick-up and drop-off of clients either on-site or on the public street.
- R-1 T&ES recommends denial of this application.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- R-1 Security survey for the business, this is to be completed prior to the business occupying this building.
- R-2 Robbery awareness program for all staff employees

APPLICATION for SPECIAL USE PERMIT # **2000-0119**

[must use black ink or type]

PROPERTY LOCATION: 717 Pendleton Street, Alexandria, VA 22314

TAX MAP REFERENCE: 054.04, Block 14, Lot 16

ZONE: CL

APPLICANT Name: Ace Temporaries, Inc.

Address: 717 Pendleton Street, Alexandria, VA 22314

PROPERTY OWNER Name: ACH, L.L.C.

Address: 711 Pendleton Street, Alexandria, VA 22314

PROPOSED USE: Office for existing temporary employment agency.

Nonconforming day labor agency

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Chuck Carlton
Print Name of Applicant or Agent

711 Pendleton Street
Mailing/Street Address

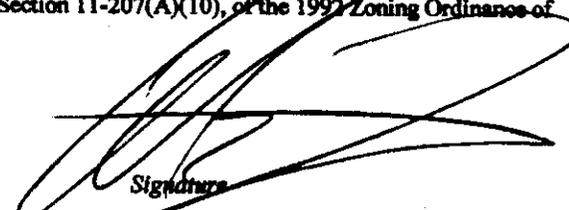
Alexandria, VA
City and State

22314
Zip Code

(703) 683-3500
Telephone #

(703) 683-8950
Fax #

September 21, 2000
Date



DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received:

Date &- Fee Paid:

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ACTION - PLANNING COMMISSION:

ACTION - CITY COUNCIL:

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (*check one*) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Chuck Carlton	9811 Hampton Road, Fairfax Station, VA 22039	50%
Adam Schramm	9409 Eagle Trace, Fairfax Station, VA 22039	50%

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

In the interest of maintaining good relations with the City and the community and in the interest of saving Ace Temporaries and the City exorbitant legal fees, we are filing this application and pursuing a Special Use Permit. However, by no means should this be construed as a waiver of our previously stated position that the Special Use Permit does not apply to Ace Temporaries, Inc. Beyond this, we are applying for a Special Use Permit to continue operating our existing temporary employment agency.

Ace Temporaries has been in business for ten years, the past six in the City of Alexandria. We are in the business of supplying temporary industrial personnel to construction and industrial clients. The temporaries are employees of Ace Temporaries that we contract out to our clients. Employees wishing to work who have not already been assigned to a client normally report to our office in the morning (usually between 0430 and 0800) to be assigned to a client. Many others call in or meet at off-site locations. Normally, about 100 employees report to the office in the morning. Given the broad expanse of reporting times and the fact that employees are usually assigned within minutes, the number of employees on-site at any given time is relatively low. The employees then travel to their worksite, virtually always by either their own or public transportation. At the end of the workday (1500 to 1800) most employees report back to the office to get paid. Many others get paid less frequently. Normally, about 150 employees report to the office in the afternoon. Because of speed with which we can issue checks (a matter of seconds), the number of employees in the office at any given time is kept low.

In an effort to reduce any impact of our business on the community we have taken many actions and continually strive to improve our operation. Some of the measures we have taken include such things as making more employee assignments in advance and over the phone, upgrading our computer systems to assign employees and pay employees more quickly, increasing waiting area accommodations to guarantee indoor accommodation even given the scenario with the most waiting employees, improving the comfort level of our waiting area and encouraging employees to remain indoors while waiting.

USE CHARACTERISTICS

4. The proposed special use permit- request is for: (check one)

a new use requiring a special use permit,

a development special use permit,

an expansion or change to an existing use without a special use permit,

expansion or change to an existing use with a special use permit.

other. Please describe: **After operating legally in the City for the past 6 years, the City is now requesting a Special Use Permit.**

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

0430 to 1830 Monday through Friday. Normally no more than 20 employees at any given time are anticipated.

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

Normally, 2-4 staff members during hours of operation.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

See Above

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

None other than normal conversational noise.

B. How will the noise from patrons be controlled?

Employees will be indoors. It is Ace Temporaries policy to encourage any waiting employees to remain indoors.

8. Describe any potential odors emanating from the proposed use and plans to control them:

N/A

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Typical office garbage (papers, etc...)

B. How much trash and garbage will be generated by the use?

Nominal

C. How often will trash be collected?

Weekly

D. How will you prevent littering on the property, streets and nearby properties?

Exterior trash receptacles, employees indoors, grounds policed regularly.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

- ii. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

No safety concerns.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

N/A

B. How many parking spaces of each type are provided for the proposed use:

N/A Standard spaces

N/A Compact spaces

N/A Handicapped accessible spaces.

N/A Other.

C. Where is required parking located? N/A on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. A-E other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? N/A

B. How many loading spaces are available for the use? N/A

C. Where are off-street loading facilities located? N/A

D. During what hours of the day do you expect loading/unloading operations to occur?

N/A

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

N/A

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Access is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

3000 sq. ft. (existing) + 0 sq. ft. (addition if any) = 3000 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center:

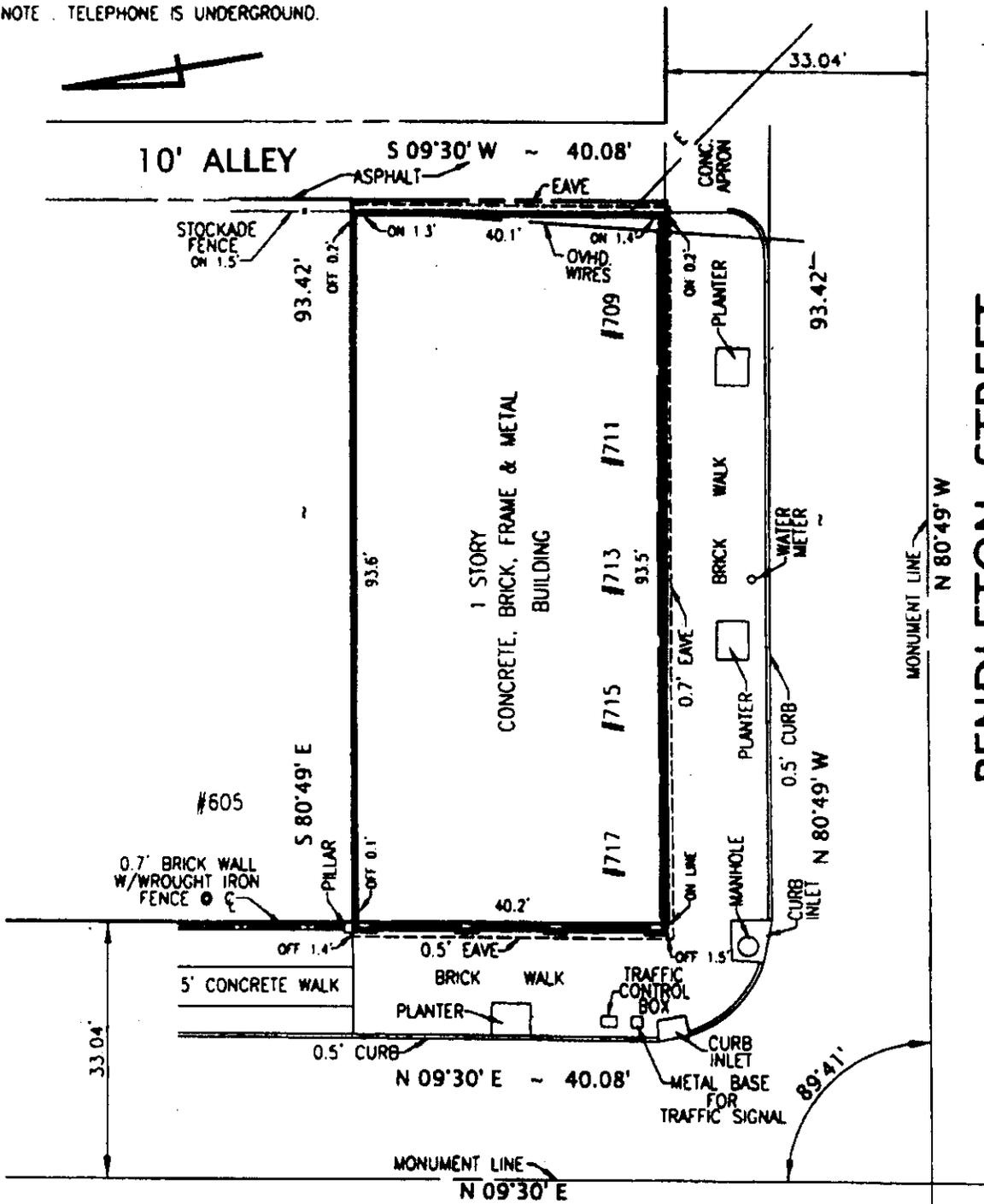
an office building. Please provide name of the building:

other, please describe:

BEGINNING at the intersection of the North line of Pendleton Street with the east line of Columbus Street, thence running north along the east side of Columbus Street 40.08 feet to a point; thence eastwardly and parallel to the north line of Pendleton Street 93.42 feet to an alley 10 feet wide; thence along the west line of said alley parallel to Columbus Street 40.08 feet to the north side of Pendleton Street; thence along the north line of Pendleton Street Westwardly 93.42 feet to the point of beginning, including the premises formerly known as Nos. 601 and 603 North Columbus Street and the lot in rear of No. 601 North Columbus Street, and now known as Nos. 709, 711, 713, 715 and 717 Pendleton Street.

SUP 2000-0119

NOTE . TELEPHONE IS UNDERGROUND.



NORTH COLUMBUS STREET

PLAT

SHOWING HOUSE LOCATION ON
THE PROPERTY LOCATED AT

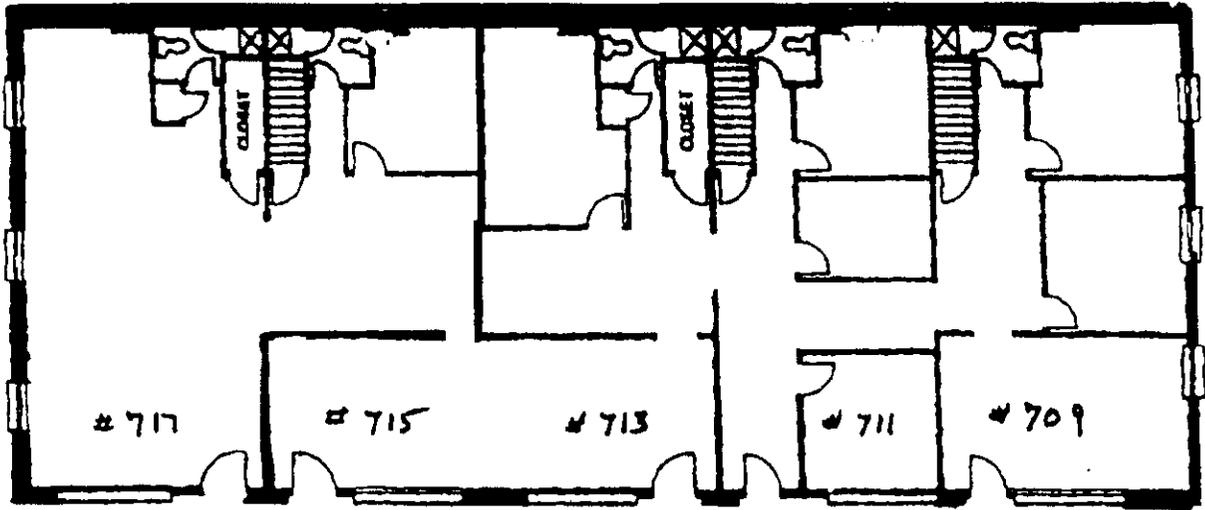
#709, #711, #713, #715 & #717

PENDLETON STREET

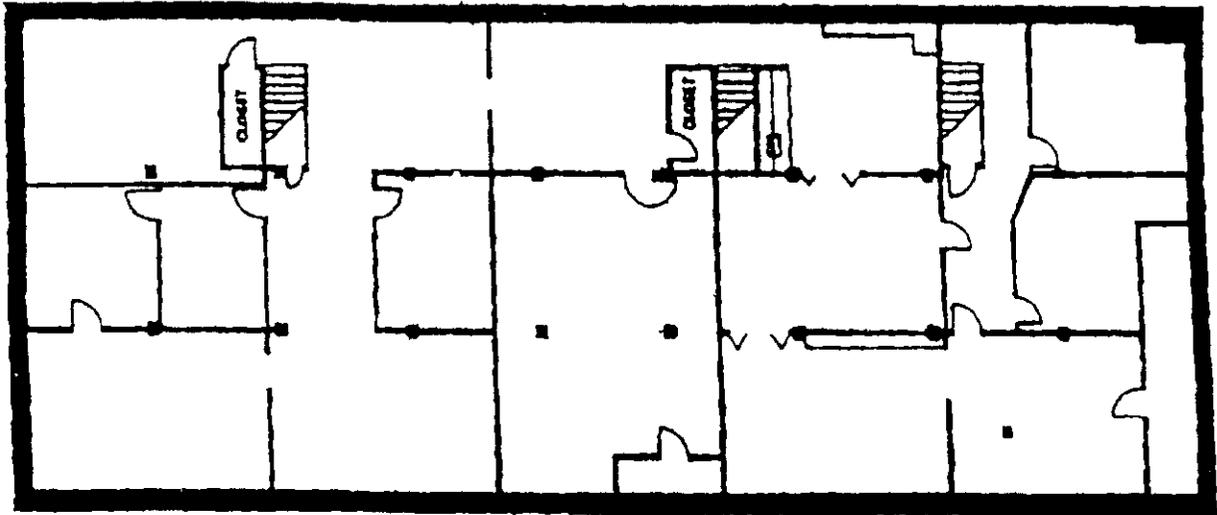
CITY OF ALEXANDRIA, VIRGINIA

93'

40'



Upper Level



Lower Level

SUP 2000-0119



City of Alexandria, Virginia



DEPARTMENT OF PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314
(703) 838-4886
FAX (703) 838-8393

May 21, 1999

BY HAND DELIVERY

Mr. Charles Colton
Ace Temporaries, Inc.
717 Pendleton Street
Alexandria, Virginia 22314

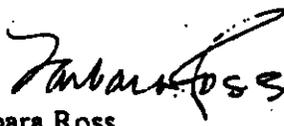
Re: Notice of nonconforming use

Dear Mr. Colton:

This is to advise you that pursuant to section 12-215 of the City's zoning ordinance, adopted by Council on May 15, 1999, your day labor agency at 717 Pendleton Street is considered a nonconforming use. Under that provision, you have eighteen months from today's date to obtain a special use permit allowing the business. If a special use permit is not granted within that time, the business must cease operation. You should be aware that the special use permit process typically takes approximately two months from the time a complete application is filed until a decision is made on the application.

If you have any questions, please contact me.

Very truly yours.


Barbara Ross
Deputy Director

cc: Sheldon Lynn, Director

#17 SUP 2000-0119

November 1, 2000

**Department of Planning and Zoning
Room 2100, City Hall
301 King Street
Alexandria, VA 22314**

Commission Members:

I wish to submit my views and experience bearing on your consideration of Special Use Permit #2000 - 0119 at 717 Pendleton Street. I have resided at 712 Pendleton Street since November 1992. Since Ace Temporaries moved into their current location more than two years ago, the "quality of living" at both my home and in the neighborhood have markedly declined. In order to summarize and document this statement, I will outline recurring problems as well as specific incidents in this two year plus period.

Recurring problems:

- 1) Litter: The front of my home has become a trash can. While some minimum efforts have been made to police the front of 717 Pendleton, the patrons of that location constantly and without reservation litter in front of my residence at 712 Pendleton. Litter is on a daily basis, day in and day out, six days a week. Frequent litter includes beer bottles and cans, liquor bottles, fast food empty and partially filled containers, coffee cups, stubs from Ace pay checks, cigarette butts and empty food packages galore, parts of newspapers, banana peels, partially eaten sandwiches and a variety of trash. On two occasions I had feces laden underwear in my flower beds; as well as condoms on the sidewalk and in the street. On three occasions, the litter was vomit on the sidewalk and steps. I have kept several weekly logs of the trash which I've picked up in the past two plus years which I will be happy to present. There are recurring incidents of beer cans and bottles being consumed in then dropped from parked cars in front of my home. Also, there is recurring trash which could indicate drug use or sales (very small baggies, etc.).**

- 2) **Noise:** Beginning at 4:00 a.m. six days a week, there are a wide variety of disruptive noises to include blaring car stereos, car alarms going off, loud conversation as well as occasional yelling, car doors and office doors slamming, "screeching tire car take-offs." This peaks again in the later afternoon hours. Frequently, people are loitering after the closing hours for Ace and are frequently talking well above conversational levels. On some Sundays sometimes there are "group meetings" in front of 717 Pendleton Street.
- 3) **Loitering:** The block in front of 717 Pendleton has become a hang out place for varying numbers of persons. While there is a bus stop, the loitering folks seldom catch buses. This loitering area occasionally moves across the street to the front of my residence. On several occasions I have been blocked from entry into my home by people sitting on my steps who begrudgingly move when asked. Also, there are frequently cars with 4-5 people hanging out in front of my residence. As an example, an Ace worker slept in one of the doorways at 717 Pendleton on the night of October 30, 2000 and this was not the first time.
- 4) **Drug dealing:** I have been advised by two police officers that the intersection of Pendleton and North Columbus Streets is now a "well known" drug area and is under frequent surveillance.
- 5) **Verbal Harassment:** Both my significant other and I have been subjected to racist as well as vulgar comments from persons loitering on both sides of the 700 block of Pendleton Street during the past two years.
- 6) **Theft:** I know of at least four packages left by delivery men (UPS, Post Office) which have been taken from the front of our home. In two of the incidents the package coverings were found and these thefts were reported to the police. My daily Washington Post has been taken dozens of times.
- 7) **Vandalism:** I have replaced three radio antennas which have been broken off in the past two years. I've experienced scratches on both of my vehicles from people leaning on and sitting on my cars.
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- 5) I can cite numerous other incidents to the Commission or Council.

In addition to the recurring problems and incidents, I will make several observations of misstatements in the Application for Special Use Permit #2000 - 0119.

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Section 7: This is just not true. I have cited the types of noise pollution earlier. Additionally, these personnel do not stay primarily indoors.

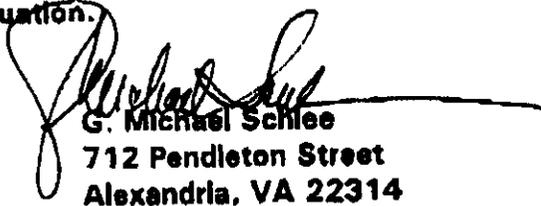
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Also, trash (as described above) is not just "typical office garbage/papers, etc.")

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The Pendleton Street location is just flatly wrong for this type of operation. Any modified plan will truly lack any real enforcement aside from that of the residents in the area. We have put up with, I believe, an awful lot in the past thirty months. In the strongest possible terms, I urge you to reject this application. I will be happy to meet with the Commission or Council to discuss our unfortunate experiences with this dreadful situation.


G. Michael Schlee
712 Pendleton Street
Alexandria, VA 22314

#17 SUP 2000-0119

Alexandria Planning Commission
and Alexandria City Council: Attn: Kathleen Becton

I would like to go on record as opposing the request for a Special Use Permit
for the existing temporary employment agency at 717 Pendleton St.

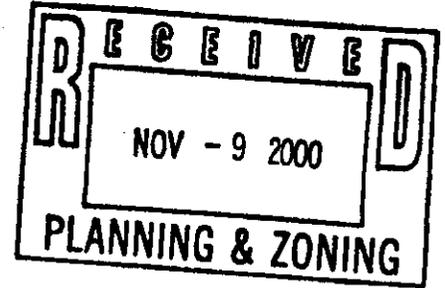
This agency has been a serious problem for my tenants across the
street and I join them in feeling that this is an inappropriate business
for this location.

Thank you.



Elizabeth Hines
314 Wolfe St.
Alexandria, Va 22314

Phone: 703-548-5332



#17 SUP 2000-0119
submitted to P.C. on 11-9-00.

PETITION

To Members of the Alexandria City Council and the Alexandria Planning Commission:

We, residents of the neighborhood surrounding Ace Temporaries, Inc. ("Ace"), respectfully request that the Application for Special Use Permit filed by Ace be denied.

The primary reasons for our position are:

- **Noise.** Loud voices and vehicle honking begin at 4:30 or 5:00 A.M.
- **Violence.** Fights among Ace laborers break out in the street—usually in the afternoon when children are in transit from school.
- **Trash.** The amount of litter in the streets, on the sidewalks and in residential yards has risen dramatically since Ace's predecessor (also a day labor agency) took possession of the premises and has remained constant during Ace's tenure.
- **Vulgarity.** Ace laborers have leered at and made inappropriate comments to women (including a pregnant woman) walking by the premises, shouted profanities and urinated in a neighboring yard.
- **Public Alcohol Use:** Upon returning to the premises following the day's work, Ace laborers openly drink in the street and on the sidewalk. Drugs may also be involved.
- **Precedent:** If Ace, which identifies itself as an industrial outfit, is permitted to operate in our neighborhood, we wonder what will be permitted next.

We work hard to make our neighborhood a friendly, peaceful place to live and to raise children. Ace hinders these efforts.

Please heed our petition and oppose the granting of a special use permit to Ace.

Printed Name

Signature

Address

SEAN PRAN Sean Prans 532 N. Columbus St.
 POPE WARD Pope Ward 524 N. Columbus St
 Lisa Ward Lisa Ward 524 N Columbus St.
 Walter Gids Walter Gids 520 N. Coll us St
 PETER BONTA Peter Bonta 515 N. Columbus St
 Brian Brennan Brian Brennan 513 1/2 N. Columbus St.
 CHRISTINE ANNE BRENNAN Christine Anne Brennan 513 1/2 N. Columbus St
 JAMES B. VARITZ James B Varitz 504 N. COLUMBUS ST ALEXANDRIA, VA 22314
 Kelly L. Varitz Kelly L Varitz 504 N. Columbus St Alexandria VA
 JASON MARS Jason Mars 502 N. Columbus St ALEXANDRIA VA
 JAY PUSEY Jay Pusey 502 N Columbus St Alexandria
 R. Truiston Ross R. Truiston Ross 500 N. Columbus St 22314
 MARY Jo DEANBKA Mary Jo Deankuz 514A N Columbus St 22314
 WILLIAM CROMLEY William Cromley 401 N. Alfred St.
 Eli Dawson Eli Dawson 418 N Columbus St.
 Kara Chodler Kara Chodler 419 N. Columbus St.
 LAUREL ECKART & CHAD 421 A N. Columbus St 223
 ANNE HAYMES 718 DRONOCO ST #2 Alex VA 22314
 DAVE SMITH 718 DRONOCO ST #1 Alex, VA 22314
 Janice Smith Janice Smith 718 Dronoco St #1 Alex, VA 22314
 Shannon Parks Shannon Parks 532 N. Columbus St Alex, VA 22314
 Ed Braswell — 676 N. Columbus St
 Jan Johnson 709 DRONOCO #2
 Meredith Childers Meredith Childers 711 Dronoco #3
 Jonathan Childers Jonathan Childers 711 Dronoco #3
 ERAS H. WYER 503 COLUMBIA ST

Printed Name	Signature	Address
JASON DALCARA		505 N. Columbus St.
FAREDAUS JENSEN	FAREDAUS JENSEN	507 N. Columbus St.
BLAKE PHILLIPS	BLAKE PHILLIPS	515 N. Columbus St.
KATHARINE BRANDT	K BRANDT	515 N. Columbus St.
Katherine Elkins	Katherine Elkins	529 N. Columbus St.
Jade Elkins	Jade Elkins	529 N. Columbus St.
Sean Bird	Sean Bird	527 N. Columbus
Carolyn Luepkes	Carolyn Luepkes	615 N. Columbus St.
Luxe Zupicich	Luxe Zupicich	802 Pendleton St
Stearling Chandler	Stearling Chandler	802 Pendleton St
Dennis Bural	Dennis Bural	523 N Columbus St
JODIE LONDON	Jodie London	523 N. Columbus St.
Louis Franklin	Louis Franklin	604 N. Columbus St.
Penelope Paulou	Penelope Paulou	614 N. Columbus St;
Stephen Tomou	Stephen Tomou	614 N. Columbus St.
Trish Horowitz	Trish Horowitz	620 N. Columbus St.
Daniel Horowitz	Daniel Horowitz	620 N. Columbus St.
Jha Hochheimer	Jha Hochheimer	626 W. Columbus St
Viki Sara	Viki Sara	531 N. Alfred St.
TIM SARA	TIM SARA	531 N. ALFRED ST.
AL HENDERSON	AL HENDERSON	526 N. Columbus
Doris Henderson	Doris Henderson	526 N. Columbus
MICHAEL COLBERT	MICHAEL COLBERT	526 N. Columbus
CHARLENE COLBERT	Charlene	512 N. Columbus
SARAH MCCOY	Sarah McCoy	508 N. Columbus
T.C. COLLIS	T.C. COLLIS	420 N. Columbus St.

Printed Name

Signature

Address

Printed Name	Signature	Address
CHRIS PEICHARD	[Signature]	419 N Columbus St
Ruby Shipp	[Signature]	525 N. Alfred St
Anne Price	Anne W. Price	513 N. Columbus
RON KIRBY	Ronald Kirby	528 N. Columbus
SE. MILLER	[Signature]	525 N. COLUMBUS
J. FRASER	[Signature]	433 N. COLUMBUS
Margaret Murphy	[Signature]	421 N North Columbus St.
Marc Esper	[Signature]	409 N. Columbus St.
ANDREA L. ESPEL	Andrea L. Espe	409 N. Columbus St.
Alicia Spence	Alicia Spence	431 N. Columbus St.
Tara Reilly Mica	Tara Reilly Mica	511 N. Columbus St.
Stacy Dudley	[Signature]	602 N Columbus St.
Mary Noel McMillan	Mary Noel McMillan	530 N. Columbus St.
Martha Kemberg	Martha Kemberg	531 N. Columbus St.
Michael Sallee	G. Michael Sallee	712 Pendleton St
Cheryl Huff	Cheryl Huff	712 Pendleton St
Lick STATON	Lick STATON	811 Oronoco St
Merrie Morris	Merrie Morris	815 Oronoco St.
Alan Zlotky	Alan Zlotky	815 Oronoco St
Gerald B. Knorr	[Signature]	501 N Alfred St
Susan Bradshaw	Susan Bradshaw	501 N. Alfred St
L. Woy	Linda Woy	513 N. Alfred St

Robert E. Battle, P.C.

Attorney at Law

24
11-18-00

ALEXANDRIA OFFICE
526 KING STREET, SUITE 423
ALEXANDRIA, VIRGINIA 22314

OF COUNSEL
ALBO & OBLON, L.L.P.

700 EAST MAIN STREET, SUITE 1631
RICHMOND, VIRGINIA 23219
TEL: (804) 644-5889
FAX: (804) 644-9905

ADMITTED TO PRACTICE
VIRGINIA
DISTRICT OF COLUMBIA

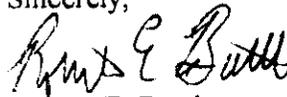
November 14, 2000

**Re: Ace Temporaries, Inc., application for SUP
sent by fax (703)838-6433**

Dear Honorable Mayor Donley and Members of City Council:

I have been asked by the President of Ace Temporaries, Inc., to represent his company before Council on the public hearing regarding Ace's application for a Special Use Permit. It is my understanding that this matter is on the docket for this Saturday, November 18, 2000. I am requesting that this matter be deferred until December so that I will have adequate time to prepare and present to Council Ace's side of this matter. I thank you in advance for your consideration.

Sincerely,



Robert E. Battle

16
12-16-00~~24~~
~~11-18-00~~

November 1, 2000

Department of Planning and Zoning
Room 2100, City Hall
301 King Street
Alexandria, VA 22314

Commission Members:

I wish to submit my views and experience bearing on your consideration of Special Use Permit #2000 – 0119 at 717 Pendleton Street. I have resided at 712 Pendleton Street since November 1992. Since Ace Temporaries moved into their current location more than two years ago, the "quality of living" at both my home and in the neighborhood have markedly declined. In order to summarize and document this statement, I will outline recurring problems as well as specific incidents in this two year plus period.

Recurring problems:

- 1) Litter: The front of my home has become a trash can. While some minimum efforts have been made to police the front of 717 Pendleton, the patrons of that location constantly and without reservation litter in front of my residence at 712 Pendleton. Litter is on a daily basis, day in and day out, six days a week. Frequent litter includes beer bottles and cans, liquor bottles, fast food empty and partially filled containers, coffee cups, stubs from Ace pay checks, cigarette butts and empty food packages galore, parts of newspapers, banana peels, partially eaten sandwiches and a variety of trash. On two occasions I had feces ladened underwear in my flower beds; as well as condoms on the sidewalk and in the street. On three occasions, the litter was vomit on the sidewalk and steps. I have kept several weekly logs of the trash which I've picked up in the past two plus years which I will be happy to present. There are recurring incidents of beer cans and bottles being consumed in then dropped from parked cars in front of my home. Also, there is recurring trash which could indicate drug use or sales (very small baggies, etc.).

- 2) **Noise:** Beginning at 4:00 a.m. six days a week, there are a wide variety of disruptive noises to include blaring car stereos, car alarms going off, loud conversation as well as occasional yelling, car doors and office doors slamming, "screeching tire car take-offs." This peaks again in the later afternoon hours. Frequently, people are loitering after the closing hours for Ace and are frequently talking well above conversational levels. On some Sundays sometimes there are "group meetings" in front of 717 Pendleton Street.
- 3) **Loitering:** The block in front of 717 Pendleton has become a hang out place for varying numbers of persons. While there is a bus stop, the loitering folks seldom catch buses. This loitering area occasionally moves across the street to the front of my residence. On several occasions I have been blocked from entry into my home by people sitting on my steps who begrudgingly move when asked. Also, there are frequently cars with 4-5 people hanging out in front of my residence. As an example, an Ace worker slept in one of the doorways at 717 Pendleton on the night of October 30, 2000 and this was not the first time.
- 4) **Drug dealing:** I have been advised by two police officers that the intersection of Pendleton and North Columbus Streets is now a "well known" drug area and is under frequent surveillance.
- 5) **Verbal Harassment:** Both my significant other and I have been subjected to racist as well as vulgar comments from persons loitering on both sides of the 700 block of Pendleton Street during the past two years.
- 6) **Theft:** I know of at least four packages left by delivery men (UPS, Post Office) which have been taken from the front of our home. In two of the incidents the package coverings were found and these thefts were reported to the police. My daily Washington Post has been taken dozens of times.
- 7) **Vandalism:** I have replaced three radio antennas which have been broken off in the past two years. I've experienced scratches on both of my vehicles from people leaning on and sitting on my cars.
- 8) **Parking:** Spaces on the block in front of my home are nearly impossible to get until after 7:00 p.m. Additionally, there is a lot of come and go traffic from 4:00 a.m. – 9:00 a.m. and 3:00 p.m. – 7:00 p.m.

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- 2) On two occasions, I had to remove feces laden underwear from my flower beds.
- 3) On a Saturday morning in April 2000, I was picking up trash in front of my home and was verbally threatened by an employee of Ace. His verbal tirade ended with words to the effect of "Why don't you move away from here."
- 4) Approximately a year ago, we were getting into our car and a worker with a shovel started yelling and verbally threatening us. We departed before he made it to us.
- 5) I can cite numerous other incidents to the Commission or Council.

In addition to the recurring problems and incidents, I will make several observations of misstatements in the Application for Special Use Permit #2000 – 0119.

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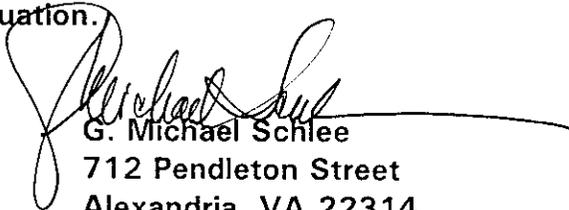
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G. Michael Schlee
712 Pendleton Street
Alexandria, VA 22314

APPLICATION for SPECIAL USE PERMIT # **2000-0119** ¹⁶

[must use black ink or type]

PROPERTY LOCATION: **717 Pendleton Street, Alexandria, VA 22314**

TAX MAP REFERENCE: **054.04, Block 14, Lot 16**

ZONE: **CL**

APPLICANT Name: **Ace Temporaries, Inc.**

Address: **717 Pendleton Street, Alexandria, VA 22314**

PROPERTY OWNER Name: **ACH, L.L.C.**

Address: **711 Pendleton Street, Alexandria, VA 22314**

PROPOSED USE: **Office for existing temporary employment agency.**

Noncentering day labor agency

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Chuck Carlton

Print Name of Applicant or Agent

711 Pendleton Street

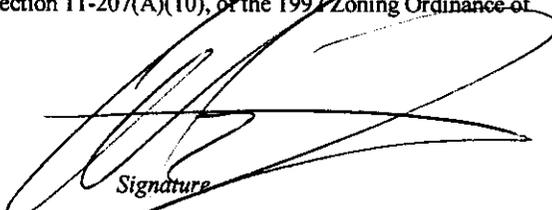
Mailing/Street Address

Alexandria, VA

City and State

22314

Zip Code



Signature

(703) 683-3500

Telephone #

(703) 683-8950

Fax #

September 21, 2000

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received:

Date &- Fee Paid:

\$

ACTION - PLANNING COMMISSION:

11/09/00

Recommend Denial

7-0

ACTION - CITY COUNCIL:

11/18/00PH -- CC noted the deferral of this item to the December 16, 2000 public hearing meeting.// 12/16/00PH -- See attached.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**Planning Commission (continued)**16. SPECIAL USE PERMIT #2000-0119
717 PENDLETON STREET

Public Hearing and Consideration of a request for a special use permit for a nonconforming day labor agency; zoned CL/Commercial Low. Applicant: Ace Temporaries Inc., by Chuck Carlton. (#24 11/18/00)

COMMISSION ACTION: Recommend Denial 7-0

Councilman Speck met with the attorney for the applicant who indicated a willingness to accept a condition for the placement of a private uniformed security officer at the property during peak work hours, and he asked those who will be testifying to comment on their reaction to that.

Mr. Carlton does not have a problem having a security officer on-site during peak hours. The problem in the past was finding off-duty police officers who were willing to work those times. As an option, Mr. Carlton has offered the use of their end unit for a police substation for which he would provide the phone system, the furniture, a coffee maker and anything else they needed.

Deputy Police Chief Hilleary could not address whether the Police Department has ever considered a satellite facility (an unstaffed office front location where officers may find it convenient to go to write reports from time to time) there. He understands that there is an existing parking problem at this location, and a satellite facility requires parking for two cruisers.

For the record, Councilman Euille stated that it is not the business of the City government or any agency to put a company out of business, and that is not what staff is requesting. Their recommendation is for denial of this particular application at this particular location, and they have offered and suggested other site potential on Eisenhower Avenue.

Councilwoman Eberwein abstained from voting on the motion. She stated that she is very sympathetic to the residents but this is an issue that she would have preferred to see a workout period of a year, and then if it hadn't worked, she would have voted with the residents.

City Council upheld the Planning Commission recommendation to deny the special use permit request and permitted a 90-day relocation period for this business.
Council Action: _____

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

DOCKET ITEM NO. 16

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Robert Battle
2. ADDRESS: 526 King Street, Suite 423, Alexandria, VA 22314
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Ace Temporaries, Inc.
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,
LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE
COUNCIL? YES NO _____

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.



ROUGH DRAFT

**CITY OF ALEXANDRIA, VIRGINIA
Public Hearing Meeting – December 16, 2000
Partial Verbatim**

* * * * *

- 16. SPECIAL USE PERMIT #2000-0119 – 717 PENDLETON STREET – Public Hearing and Consideration of a request for a special use permit for a nonconforming day labor agency; zoned CL/Commercial Low. Applicant: Ace Temporaries, Inc., by Chuck Carlton. (#24 11/18/00)

COMMISSION ACTION: Recommend Denial 7-0

Mayor: Okay,

Speck: Mr. Mayor, before we start this.

Mayor: Mr. Speck.

Speck: Mr. Mayor, I want to just make a comment because I'm hoping that anyone that's going to be speaking on this will, will comment on that. As of yesterday, the in meeting with the attorney for the applicant, there was an indication from him that a willingness to accept a condition for the placement of a private uniformed security officer at the property during the peak work hours and to ensure the sort of orderliness in behavior of the people as they are using these services, and I want to ask those that are going to be speaking to comment on that as to whether, just what their reaction is to it. Thank you, Mr. Mayor.

Mayor: Okay. We have a number of speakers on this item. The first will be Bob Battle representing the applicant and he'll present the application and he'll be followed by Shawn Pratt. Bob.

Battle: Good morning, Mr. Mayor, Members of City Council, City Attorney's office. My name is Bob Battle and I'm here on behalf of Ace Temporaries and the 545 black, low-income residents of Alexandria that have been provided work by Ace Temporaries in the last year and a half. I guess I'd start by saying what would you say to a businessman who chooses to locate a business in the City of Alexandria who provides work to the hardest-to-employ members of our city who has invested nearly half a million dollars in good faith in a property that was being used for this exact type of business for several years prior to going there. What would you say to a businessman who in the past year has paid out over three-

quarters of a million dollars to City of Alexandria residents. Over \$350,000 in wages to people in the 22314 area code alone. Hopefully, today it's not going to be bah humbug. With all due respect to Mike Anderson who was voted this city's businessman of the year, I honestly think if you look at what Chuck Carlton has done for this city, has done to provide work and jobs for people, that he, with the numbers I just cited, should be the businessman of the year. Instead, the neighbors are here. The Planning Commission has voted to boot him out of a property, and I've already told you about the investment that he's put in it. Prior to Mr. Carlton approaching me, he had talked to some other attorneys. He had been told about the, before the ordinance being passed about the special use permit. He retained them and they advised him after thoroughly researching the issue that, one, he was grand fathered into that area and that, two, the definition of day labor agency was poorly written and wouldn't apply to him. His thought at that time was to sue immediately. Another attorney with a cooler head contacting me knowing I'd grown up in the City of Alexandria, and I assured him that we could say to the City Council, say to members of the City, because they would know that he is providing jobs to the hardest-to-employ in the City. And he's certainly had a, a incredible argument to be made that, hey, we're willing to work with you on this property and hopefully work out a solution. On May 15th I appeared before the City Council, Mr. Carlton was out of town, none of the neighbors were here that day. I wish they were. A gentleman appeared. Now the rest, except for Councilwomen Woodson and Eberwein were not here at that time but a gentlemen appeared, I didn't know he was going to here. It was like he was from central casting. He was someone who worked for the agency who basically was a minister, a black man, got up every morning at 4 a.m., went out, worked that day, took his wages, went back, had another hotel room for the night, got up the next day and did it again. It just amazes me. I see, my wife's a physician in Richmond. I see another person who is a doctor who's about to get fired because he can't his rear end out of bed. Any stereotype you may have is shattered by the people who show up day after day to work for Ace Temporaries. A few other things, the citizen, I see have it. They have a, a petition, a petition that when they showed up before had I think roughly 80 signatures. Looking at some of the addresses, I said to Mr. Carlton, I am certain that quite a few people on that have no, they're not even aware of the existence of Ace Temporaries. About a week and a half ago we went out and tried to talk to every name on there who hadn't appeared in front of the Planning Commission, and we knew what their problems were. Sure enough, we spoke to people like Mary Morris who signed the petition at 815 Oronoco who after hearing about the jobs provided said she'd be willing to sign any petition on behalf of Ace, that Ace is very good, and that Ace is the best thing that ever happened to the City. Talked to two other people who thought they were signing a petition in favor of Ace, Laura Lekkerd at North Columbus and a Michele Colbert and Charlene Colbert at 512 North Columbus. Talked to quite a

few other people and not surprisingly had nothing personal and didn't even know of the existence of Ace Temporaries.

Mayor: Mr. Battle, can I get you to, to start to sum up, and you'll be available for questions.

Battle: Right. Basically, what our position is is that Mr. Carlton made a good-faith investment that the Ace Temporaries position, Mayor, Mr. Mayor, is the perfect position because if you look at a map of the City of Alexandria, in blue today, what, what you see in the blue on the map are all the areas where people from Ace Temporaries come from. In the red zones, we went to the Black History Museum—those are the traditional black neighborhoods of the City of Alexandria. He is in the perfect position. He is willing to work with conditions. I'll just sum up by saying I agree. I spoke to Councilman Speck. He would be willing to put, to put conditions and have uniformed officers out there, but the neighbors have drawn a line in the sand. Mr. Schlee is going to comment, I don't know if Ms. Carr is here today, but Mr. Carlton has reached out to them. They said, no, there's nothing that's acceptable said Mr. Carlton's ready willing and able, but if any, if any of you –

Mayor: All right. All right. Okay. All right. Hurry up, Bob.

Battle: But if any of you were a business person and were told, hey, some of your employees are causing problems and you tried to say which ones and they said we're not going to tell you, you'd feel the frustration that Mr. Carlton has.

Mayor: Okay. Thank you. You'll be available for questions. We'll also hear from, from Mr. Carlton.

Woodson: Kerry, Kerry. I'll ask it later. You're going to have questions of him.

Mayor: Yeah. Yeah. Sean Pratt to be followed by Michael Schlee, yes, Schlee. I'm sorry. Mr. Pratt.

Pratt: Good morning. My name is Sean Pratt. I live at 532 North Columbus Street which is located diagonally across from the business. I wasn't prepared to sort of have to defend the petition that I went around personally, I personally went around and had the 80 people sign the petition. It should be in your records if you'd like another copy I'd be happy to give it to you. But I can tell you from my own experience since I was the person who walked it around that I had everybody read the petition. I'm not sure the few people that he chose to bring up now as somehow saying that it was for Ace, Ace Temporary, but the petition as it reads is very unequivocal about what it says. And we also had prominent members in our

community sign this. Well, I'll just pick one here who happens to be my neighbor across the street, Ardelia Hunter, who many of you may know being involved with the Alexandria public school system for many, many years. I can answer more questions about the petition later if I'm allowed to come back. I'd like to just touch a few points very quickly. I'm an actor by profession. I make my living as an actor, and when I began my career in New York my, the way I paid the rent was working out of a day labor agency because I did carpentry and I worked in Manhattan in the Bowery section and in Red Hook in Brooklyn. And the same activity happened there. 4:30 in the morning I get off the bus, I go get my yellow slip to tell me where to go and there were guys on the streets, lots of noise, we all got our stuff, we all went off to work, we all came back at 5, we all got our check and some guys would go and get, you know, drank on the streets, there were fights that might break out here and there. There was all the same activity that's in, in your statement or in your file there. The crucial difference was that we were in a warehouse district and not in a residential neighborhood. I have nothing, there is, I have no problem with the business as it exists. It's there for a reason. It helped pay my rent in New York. But that's not the issue for me. The issue is where it's located, and there are other areas of the city that it can be located where it will not have an impact on the quality of life of a residential neighborhood. This area is coming up. Families are moving back into this residence and they are trying to fix up their property and bring up families there. I'd just like to say that I would ask that we, that a check of the employee records to be made to see how many people, how many men actually come from the area because anecdotal evidence suggests that they car pool in from Maryland, D.C. and other parts of Virginia. And also if I can just draw one quick, oh, my time up? If I can draw one quick analogy as an actor. When I work I work through an agent. The producer calls my agent, they want an actor to fill a specific position. The same is true for the agency. A contractor calls Mr. Carlton, I need 8 men on this site to do "x" and those number of men show up, he picks 8, they go off. And as long as they show up on time, do the work at the site and come back, he doesn't have a problem with them. All this activity takes place outside the agency, and not necessarily in front of the agency. There's an alley way located across the street. Lots of activities happen back there, up and down the neighborhood. There's been alcohol, beer bottles, there's been misdemeanor crime. Now granted, unless there's been a specific police arrest record saying employee "x" did "a" and employee "y" did "b" it's all anecdotal, but the citizens that I talked to you –

Cleveland: Can I get you to sum in up?

Pratt: Oh, I'm sorry. Yes. That I talked to when I go this petition I got a real education in this, saying in the last few years the level of misdemeanor crime in this area has risen markedly. My fellow neighbors will probably extrapolate on other issues. Thank you very much.

Cleveland: Mr. Michael Schlee and then Chuck Carlton.

Schlee: Yeah. Thank you very much for the opportunity to visit with you this morning concerning the special use permit at, with Ace properties. I've lived at 712 Pendleton Street since November of 1992. I hasten to add that I've observed the area. There was a temporary place there for a brief period of time prior to Ace, but there was nothing there probably for four or five years when I moved in from '92 to '96, Mr. Battle, and I lived there. So you were in error on that statement. Quite frankly, in the last two years the quality of life in the neighborhood as well as my family's quality of life has declined. I'd like to spell out the reasons. You do have an extensive letter that I wrote to the Planning Commission. I'd like to touch on the eight primary areas. Litter. My, my front, the front of my house is a livable trash can. Contrary to what they may say, I live there, I observe things, guys pull in there when they go over to Ace Temporaries, when the car comes out there is the, the brown paper bag with the malt liquor cans on there frequently. This morning I went out prior to coming up here, which I do Saturday, which I do about six days a week. Since I last picked up Thursday afternoon, three malt liquor cans, two of them in brown bags, two empty Marlboro packs, a variety of cigarette butts, two wrappers from 7-11, and there was actually a two-foot of baling rope out there. Now that's, that's in a day and a half. I mean that's on an everyday, six day-a-week occurrence. I really didn't want to air it publically but apparently I have to, but in addition to this type of trash on two occasions I have pulled feces-laden underwear out of my flowerbed in the front. Additionally, on three occasions I have walked out my front door, one time stepping in it, where there was vomit on my step or right in front of my house. This did not happen in the six years living there prior to Ace being there. The second area is noise. This morning, 4:45, Saturday morning, a car pulls up, idling the engine. I hear a greeting outside, a loud greeting, I look out the window. People are out just kibitzing at that stage of the game. About five minutes later, it was 5:05, the lights went on across the street. This noise goes on from 4:45 in the morning. Many times even after Ace closes, guys will "hang around" and, and linger there. And my third point is loitering. This happens on a recurring basis. It did not happen in the six years prior to Ace. It happens now. Drug dealing. This is not Mike Schlee. This is two uniformed officers of Alexandria police says since Ace has come in the 600 block of North Columbus Street has become a watch area for drug use. I'm not making this up. Two of your officers told me that. Why was I talking to the officers? They were at my house, number one, for vandalism when I had one of three antennas torn off my car. Number two, when I saw remnants of a package addressed up, that had been torn open and we found it around the corner. Verbal harassment. Both my significant other and I have had, ignored verbal harassment that came from the people there, and we just go by it. Theft. I've mentioned I know of at least four packages, UPS and Postal Service will leave them on the step. I know of at least remnants of packages. I'll have four things

stolen. Vandalism as I mentioned earlier, I've had three antennas snapped off my cars, my junker I don't even bother to put an antenna back—it's worthless. Additionally, guys even have been sitting on my cars since Ace has been there. I have some scratches on an old vintage car that I, I prize highly. The third area, parking. Parking is impossible there. There is in and out parking. The guys come up, they walk over to Ace Temporaries and contrary to what they may claim, I'm very sure they're not making Mary Kay deliveries over there or they're working in there and picking up their paycheck. We do have a chad problem because on a recurring basis, you know, we get the little tear outs from their computer pay stubs in front of my house, so heaven forbid we have a chad problem on, on Pendleton Street. Also, I have cited in my letter in the application itself there are some misstatements of the, the manner in which traffic flows, people arriving, the times are not wrong, what is contained in some of that application just isn't true. And Mr. Carlton's contention before the Planning Commission was that I wouldn't let my people do that. Well, darn it, I live there. I see guys get out of cars. I see guys walk into Ace. I see guys come up the street walk into Ace and then come out and dump the stuff on the street. I live there. I see it. Six days a week and sometimes even on Sunday. I think parking is, I again emphasize a critical issue in the area. As far as serving the residents. Just on a personal note, while I was in college for three summers I was a proud member of the Lime, Gypsun and Cement Workers of America. I worked union. I worked hard labor for three summers. It was hard labor. They did give us a good, fair working wage. But two weeks ago on Saturday morning I went out and looked at the cars who were not neighborhood cars parked in front of my house, across the street in front of Ace and in the bank parking lot. Eleven cars. This is only anecdotal because I don't have access nor will we ever have full access to his records, but anecdotally four cars had D.C. tags, four cars had Virginia tags, not a single Old Town parking sticker there, and three cars had Maryland tags.

Mayor: Thank you. Thank you, Mr. Schlee.

Speck: Mr. Mayor. Mr. Mayor, could I ask Deputy Chief Hilleary a question? The statement was made that the police are targeting that area for drug problems and I guess the inference was because of Ace. Can you comment on whether that in fact is something that's taking place.

Hilleary: Without knowing specifically what the officer said I'd have a hard time commenting on that, but it is very possible that, that they are referring to the fact that it falls into one of our general drug target areas. It means that we've made reports on in the past as part of the city manager's drug task force, and I think that probably would be accurate in that context.

Mayor: Okay. Thank you, Deputy Chief Hilleary. Chuck Carlton to be followed by Adam Schramm.

Carlton: Actually, could Mr. Schramm go first?

Mayor: Sure.

Schramm: Morning, Mayor, City Council Members. I'm Adam Schramm, vice president of Ace Temporaries. I'll be using my time to address a couple of key points that I hope will put this matter into perspective. First, Ace Temporaries provides a valuable service to the community. We provide employment to low-skilled, low-income workers which as Council knows are in abundance in the area of Alexandria where we are located. More than 40 percent of our work force comes from the City of Alexandria. That's the city itself, not surrounding areas that use Alexandria as a mailing address. These are 545 real people, real Alexandrians with real needs. The overwhelming majority of these people just want to go to work, get paid and then go on about their business. They don't want to bother anyone, and they don't. This describes well over 90 percent of our work force, probably much higher, maybe 95 or 99 percent. How is putting their employer out of business and eliminating their jobs justified? We are talking about a handful of mischievous acts perpetrated by a few miscreants. This is an obvious case of using a meat cleaver when you should be using a scalpel. Putting Ace out of business eliminates the jobs of thousands of people, hundreds of them Alexandria residents. It eliminates millions of dollars in wages to the most needy members of our society. This year more than \$750,000 to Alexandria residents alone. It also eliminates a business which no one disputes is a valuable service to the community. The second point is our location. For two years we have heard the question asked. Is this location a proper place for a business like Ace? I contend that it is. As I mentioned before, 40 percent of our work force live in the City of Alexandria. That is 545 people, 277 of whom live in the 22314 zip code alone. Scores if not hundreds of these people live within a few blocks of our office. Interestingly, none of these people live on Eisenhower Avenue. As you can see from the map that you saw a few minutes ago from Mr. Battle, most of these people are concentrated in areas near our office, especially in the housing projects immediately to the west, north and east of us. Looking at the map we appear to be precisely in the right place for a business like ours. At the Planning Commission hearing Mr. Pratt talked about working for a day labor agency in New York and how it was located in the warehouse district. That may be fine for someone who has their own transportation or in a city with better public transportation, but that is not the situation here. Our employees do not live in warehouses on Eisenhower Avenue. Less than a third of our employees have their own transportation. The expense of taking Metro out to Van Dorn Station and additional Metro expenses going to and from job sites would cost each of our city employees an extra \$4 per

day. It may not be much to you, Mr. Pratt, or me, but it is a lot to someone working hard just trying to get by. In addition, the hours and schedules of Metro make it absolutely impossible for these employees to get to an office near Van Dorn Street Station, then out to their job sites on time. One could just as easily ask the questions: do residents of the city bear some measure of responsibility for the choice they made in where they purchased or are renting a home? Just as it is stated that we are a commercial use near residential uses, they are residential uses near commercial uses. I find it impossible to believe that the residents who are complaining were unaware of the surrounding commercially zoned areas or their proximity to low-income housing, most notably areas like the Berg, the Hump, Uptown, etc. The people of these neighborhoods have interests as well and those interests need to be very heavily weighted. Thank you.

Mayor: Good. Before we have any more testimony, I'm going to make a, a suggestion. A couple of the, the speakers have made personal references. I'm not going to tolerate any more of that. So, you know, if you're going to reference somebody's name, I'm going to gavel you down, and that goes for both sides, but the issues that are before us are issues about the operation of this business. It has nothing to do with somebody's name or somebody's representation. So, let's keep it to the issues before us and not get it, not keep it personal. That's not the way we do business in this, in these chambers. Got it?

Schramm: Got it.

Mayor: Mr. Carlton.

Carlton: Thank you, Mr. Mayor, Members of City Council. I'm Chuck Carlton and I'm the president of Ace Temporaries. I've got a very brief statement and then I want to go back through and address a few things mentioned by folks already. I'd like to start off by reiterating a point that I made in my application. The regulation that the City claims requires us to obtain a special use permit does not apply to Ace Temporaries, and as stated in the application, the reason we have decided to go through this process is an attempt to save both us and the City excessive attorneys' fees. First off, I reject the premise of why we are here today. The City claims that we are required to obtain a special use permit pursuant to section 2-133.1. In all of their findings, discussions and recommendations, much of which is misleading or just plain false, they have failed to show how this regulation applies to Ace. In fact, the definition set forth in the regulation and restated in their discussion is shown quite clearly to be inapplicable to Ace even by their own findings. By the City's own definition, Ace Temporaries is not a day labor agency and thus not subject to a special use permit. This is just one of several reasons this regulation does not apply to Ace in addition to the myriad of other legal shortcomings that afflict this regulation. Additionally, you are being asked to vote

on this measure based on a record that is filled with inaccuracies, misleading statements and quite a few just plain untruths. These inaccuracies have been put forth by the neighbors, the City and the neighbors even claim by us. However, we dispute this last assertion. Along with many legitimate concerns expressed by local residents, they have also included a laundry list of other problems that are not attributable to Ace at all, some of which are attributable to our predecessor All Star Temporaries, and some of which are just part and parcel of living in the inner city. In their zeal they even went so far as to put forth a petition that is very questionable in how legitimate it is. The City went along with the vocal few in their efforts to railroad Ace Temporaries. That includes misleading and inaccurate information in their findings and discussions. I can't imagine you would feel comfortable putting a company out of business and the hundreds of city residents out of work based on the distortions included in this record. But in the end that is not why we're here today. We're here looking at addressing the legitimate concerns of the neighbors who are bothered by our business while balancing the needs of the citizens who rely on the business as well as the needs, rights and concerns of the business itself. The only way to do this is to issue a special use permit with the same restrictions placed on our competitor, then going forward meeting with neighbors and City officials regularly to see if there are further reasonable steps that should be taken. This is something that only one neighbor has been willing to do in the past year and a half. It seems they have hung their hats on using compliant City officials to shut down Ace and that is not why we should be here today. I, I'd like to just very briefly address a couple of the questions that have already arisen. Councilman Speck addressed the issue of a security officer during peak hours. I don't have a problem with that per se. It's something that I discussed with Mayor Donley probably four or five years ago. The problem we had was finding off-duty police officers who were willing to work those times. We talked to several police officers and, and we, we were not, did not have much luck. As, as an option, we offered the use of our end unit. We have a building that has five units, we use four, the end one is vacant. We offered the use of that end one for a police substation. The City has not taken us up on that offer. I think if they were to take us up on that offer we would provide the, the phone systems, the furniture, a coffee maker, anything that they needed, and just the police presence I think would take care of 90 plus percent of the problems that we hear. I also wanted to reiterate that the numbers cited by Bob Battle earlier are Alexandria residents only. That 545 people in the last year and a half are only city residents. That does not include all of our employees. There was also mention of a facility in New York. I don't think it's proper to compare the two based on the differences in the public transportation. He mentioned getting off the, the bus at 4:30 in the morning. You can't get from here to Eisenhower Avenue to Van Dorn Street Station at 4:30 in the morning because the train doesn't start running until 5:30 in the morning. Plus Mr. Schramm mentioned that it's an additional \$4 once you factor in everything.

Mayor: Mr. Carlton, could I get you to sum up please?

Carlton: Yeah. I, I was just addressing the last couple of questions. I, I think if we're going to check things out I have no problem with checking my employee records. I think we also have to check the level of crime that is cited as a, as the neighbors said as going up in the last couple years. I think the officer also mentioned a, a drug target area that we fall into. What is the expanse of this drug target area and does Ace have anything to do with that area being a drug target area? And, I'd be more than happy to answer any additional questions.

Mayor: All right. You'll be available for other questions.

Carlton: Absolutely.

Mayor: Okay. Thank you, Mr. Carlton.

Euille: Mr. Mayor, could I ask Mr. Carlton a question while it's fresh in my mind? You made reference to the fact that it's apparent that the City's trying to put your company out of business. What, what, how do you preclude that?

Carlton: Well, in, in order to, basically I, I basically base that on what's happened so far. We, we didn't get much cooperation from the City going through this process last year. We were told that the City was going to contact through the business outreach and through some other program. That never happened. We saw that All Star was basically moved out to Eisenhower Avenue. While that appears to be, appears to be okay for All Star, it's not apples and oranges. We're first of all much larger than All Star. We're much more dependent on city residents than All Star and also they have lost considerable business since moving out there.

Mayor: Let me ask, ask you a question. How long have, has, All Star used to be in this location. We had this debate once before and actually the debate became who's the biggest transgressor, Ace versus All Star. But All Star's been out on, on Eisenhower how long?

Carlton: We, we've been in the city for about five years, actually closer to six years. We were on Queen Street. In January of '99?

Battle: July of '99 I believe All Star moved out there when, when the ordinance was passed May 15th of '99 All Star was operating out of the back of a hair salon. But they found they, at that time had no location, they found a location and they applied and were granted a special use permit in July of '99.

- Mayor: Okay. But, but you've been here since about, at this location, I know you've been in the city much longer. But, but you've been in this location since about, on or about July '99, is that correct?
- Carlton: No. That's incorrect. We, we put an offer in on that building in January of '99. As a condition before we could close we had to evict their current tenants, which was All Star. We closed I believe in March of '99 and moved in the first of April of '99. At that point All Star moved across the street to an alley operating out of the back of a hair salon for about four or five weeks.
- Mayor: Okay. Well, I'm just trying to establish when All Star left and, and when –
- Carlton: And at the time this came up last year, the, the complaints at that time had all been about All Star and not about Ace. All Star has since gone. We have since moved into their location. I, I would, not sure how much of the citizens' complaints are about us as opposed to All Star because many of them are very old complaints. One mentioned at the Planning Commission was about the arresting of one of the temporaries in front of the building with police officers with guns drawn. That actually made the Journal and right here it says Fairfax County detectives erase, arrest so and so in front of All Star Temporary Services. So that complaint is obviously before we even moved in there.
- Euille: Mr. Mayor, the reason why I, I asked my question was because for the record I want it clearly stated that it's not about the business of the City government or any agency to put another business out of, out of business, and that's not what staff is requesting. Staff is, their recommendation is for denial of this particular application and this particular location. It's, and has offered and suggested other site potential on Eisenhower Avenue. So, I, you know, I don't take kind to the criticism that's, this City is, is trying to put you out of business.
- Carlton: I think –
- Euille: As a business owner you have a responsibility to look at other locations to keep your business up and running. Now the City can put you out of business if you're doing a lot of things that are, you know, inappropriate and in violation, but that is not the case here.
- Carlton: No. You're right that, that it's not the case, and they'll even attest to the fact that all of these activities are happening outside of our control outside of our premises. But I, I've tried to explain that for us Eisenhower Avenue is an unworkable solution because of the fact that we rely heavily on Alexandria city residents. All Star did not, and I think you all remember that when you were here two years ago almost when they brought a bunch of W-2s and dumped 'em on you and they were

from all over the place, and what they considered Alexandria was down Richmond Highway and down on Huntington Avenue. That's not what we're contesting here. We're, our 40 percent are City of Alexandria residents, and for them Eisenhower Avenue is an unworkable solution. There was another day labor agency out on Eisenhower Avenue prior to that and they've since gone out of business because of the lack of people that can be recruited out on Eisenhower Avenue.

Mayor: All right. Question? Ms. Woodson and then Mr. Cleveland.

Woodson: Well, first of all I think that this is going on quite awhile and I would like that you know we would conclude it so I have several questions and I'd like for your answers to be short. My first statement though is that I take some offense to the tone that you address this body and also to agree with Mr. Cleveland that I personally don't appreciate the slights to our staff. You were a recipient of a letter dated January 15th that made very clear some of the problems that you were going to incur and if you chose not to do anything about it, or not to believe it, or to simply believe that it is unfair, well, that's your choice. But you were made aware of some of the problems. Now, I have some questions. The first one I'd like to direct to Mr. Battle but you can answer it, Mr. Carlton, if you like and perhaps it's not really a question so much as it is a statement. I am very confused by the suggestion that this needs to be located in what is historically a black community. Are you suggesting that you are only serving black residents? Because I don't want this body to be making a decision that affects the entire community because there is some guilt associated with not providing some support for this needy group that you're suggesting this group is. So can you answer that for me, please, as briefly as possible?

Battle: It is a socioeconomic situation. These are people who are otherwise when they come there they don't have a job that day. This is, this is where the low-income people live. As, as a matter of how it has it turned out, yes, these are black residents but it's not he's saying that this is a black business, it's just happens that the people who live there who he is found are willing to put in a hard day's work and get a honest wage and a honest day's work live there. It's a socioeconomic thing.

Woodson: I would suggest that the density doesn't support that because there is a socioeconomic similarity in Arlandria but I don't see you operating anything there as well in the far west end and I don't see you operating anything there. So perhaps this is a convenient location but the density doesn't support your statement. The second question. The laborers, and this is my understanding, I may be incorrect so I'd like for you to correct me if that's the case. The laborers

are often rented equipment, hats, boots, you know, utility materials. Is that no longer true?

Carlton: That was never true with us, m'am.

Woodson: You do not rent anything to your laborers.

Carlton: We do not rent equipment. We do not sell equipment to laborers. If they need equipment it is loaned to them for the day, they return it when they come back.

Woodson: It is loaned. It is never rented.

Carlton: No.. It is never.

Woodson: Okay, so then the person who told me that they were paying rent for this lied.

Carlton: Absolutely.

Woodson: Thank you. Second, third question. You made a statement and I'm not sure who but I think it must have been Mr. Carlton because it's fairly low on my list and Mr. Battle spoke earlier that 40 percent of the people that you currently serve live in the Alexandria area and that is in the city proper.

Carlton: Yes, ma'am.

Woodson: That suggests of course that 60 percent come from elsewhere. Now, the 40 percent, are you suggesting that that 40 percent live immediately within the walking distance?

Carlton: No, ma'am. If you, if you look at the map, a concentration of them live within walking distance. Some live up farther north. Actually, actually, I –

Woodson: What is the concentration? What does that mean? I mean, what numbers are we talking here?

Carlton: Basically, we're talking, well, as Mr. Battle mentioned, in the zip code 22314 which is right around our office, there are 277 of those 545. The others are in either 22304 or 22301, 22302, I believe, 22305. Just to give you a little bit of a sense, I had them cut this map up to, to fit it in this frame. This is the part that goes above it, and, and there are more, many employees who live up here and then somemore that are even off the map in, in ?.

Woodson: Sure, and Mr. Carlton, how do these people get there?

Carlton: It, it varies from person to person. If they have their own transportation, they drive there. If they live close enough they walk there, and some of them take public transportation.

Woodson: But it would be fair to say that a good number of your employees are not walking to your site.

Carlton: Yes, a good number of them would not.

Woodson: Okay. That being the case, then they can get to another site if they are currently not walking to your site. So your argument that another location would put you out of business because your employees would have no means of getting there doesn't exactly hold true. The question might be that they can't take a Metro.

Carlton: Well, it would mean that the, just to, to throw out numbers, this is not a number that I have checked, but let's say 25 percent of them walk. If we were to move to Eisenhower Avenue, those 25 percent could not get to us. They could get to us but the Metro starts running at 5:30. If we're down near Van Dorn Street Station they're getting us to 6, around 6. They're not going to be at a job at 6 o'clock or at 6:30 or at 7 o'clock.

Woodson: Okay. Then let me ask you this. The neighbors have mentioned that there are car pools. Is this true?

Carlton: Yes. We pool as many of our employees as we possibly can.

Woodson: We? You provide the car pooling?

Carlton: No, what we do is if, if we have an order for four people over in Tysons Corner and we have fellow there with a car, we will put, find three other people to go with him—

Mayor: So it's to the job site.

Carlton: Yes.

Mayor: And not, not to your, your —

Carlton: No, not to the premises.

Woodson: But is there anything precluding car pooling to your premises as we have encouraged car pooling throughout the city and throughout the metropolitan area?

- Carlton: No, there would be nothing to preclude it. The, the only, the only thing that, that would kind of put a damper on it is the fact that we are a temporary service which means some people work one day a week, some people work one day a month, some people work every day. For folks who are, are regular, I suppose they could figure out some kind of car pooling method, but because of the fact that it is very sporadic it would be very, it would be impossible on our part to, to create some time of car pooling.
- Woodson: That brings me to my final question and, and comment and observation as well. You have suggested that you have space in your building that you'd be willing to turn over to the police, that you would be willing to subsidize their locating a substation there with a variety of amenities, all of which are resources which translates to me to mean money. Would that be correct? That translates to you to mean money. There's money associated with all of the benefits that you'd like to provide to a police substation.
- Carlton: I, I guess that's, I'm not sure where you're going with this –
- Woodson: Well, I'll tell you where I'm going with it but I just need a yes or no from you.
- Carlton: Yes, it, it is. Those services I guess have value, yes.
- Woodson: Okay. Yes. Well, they have value but they have a dollar amount associated with them. Where I'm going with this is to suggest that if you have these kind of resources at your disposal, not to mention, I mean notwithstanding the fact that of course you have a building that is underutilized, so that's a resource that's there irregardless. But if you have these kind of resources available, what is to prevent you from providing some sort of car pooling van if you will as other agencies have done. It is my understanding that in years past Manpower has provided pickups at certain locations. I've certainly seen independent pickups at certain locations throughout the city. It may be ad hoc. It, it just might grow out of the need, but what is to prevent you from providing that kind of service if in fact only 25 percent of your employees at any given time might need it doesn't sound like you need that large of a van service. And perhaps another location might also allow you to expand your business.
- Carlton: Well, the, the main problem is as you mentioned people like Manpower, people like Manpower have gotten out of this business for precisely the reasons that we've noted that it very hard to control. It is very sporadic. It's, it's basically, we, we are the black sheep of the temporary business and people like formerly Personnel Pool who's Interim and Manpower have all gotten out of it. The places who used to use vans to shuttle people all over town, I'm sure a few of you remember a company called Tracy Labor over on Henry Street. They used to have

a, a fleet of these raggedy vans that they used to cart people around with. It, it doesn't work well, and it is very, very expensive. The difference between offering a couple of desks and a phone system and a coffee maker, that's a few thousand dollars and, and the use of a building that we already have. A van itself, one van, a 15-passenger van is, is somewhere in the neighborhood of \$30,000. Then you have to get insurance on it. You have to get a driver for it, and that driver comes with a salary –

Mayor: We've got

Carlton: You've got maintenance and gas and –

Mayor: We've got four other speakers that want to speak so why don't we hear from, from them as well.

Woodson: Oh, I didn't realize we had other speakers. I thought we were finished.

Mayor: Yes. No. Huh uh.

Cleveland: I had, I, I wanted to ask a question too because you know I voted against you the last time that you were here, except for I know about the other, the other person that were there, so to me it's not the, it's not the same. You're, you're, I can understand where you're coming from where you're talking about 40 percent of the, of the people that work for you live in the City of Alexandria. It's like you know people that live here, 60 percent of the people live in the City of Alexandria rent but they're still here so I can understand where you're coming from. But what's going to turn it for me, Mr. Carlton, is not providing a substation for the, for the police department, it's providing a police officer, not a security officer. Okay? It's going to be providing a police officer to do exactly, to, to make it, to make it for me comfortable for the people in that neighborhood. If you provide that, I will be willing to switch my vote. If you pick, that's a police officer, or deputy sheriff, that's the same as a, or I say a law, a Virginia law enforcement officer for that. That will turn it for me. Okay? Other than that, if you can't provide that I won't vote for it.

Carlton: Okay. Well, as I expressed to the Mayor four or five years ago, that is something we were willing to do. The, the practical matter was we, we had a difficult time finding anyone willing to do it. We would be, be more than happy to, to say that we'll do that. I, I hope we can find officers willing to do it, and, and we are willing to, to pay –

Mayor: Okay. Thank you, Mr. Carlton. We've got some other speakers. Ron Kirby to be followed by Samuel Overby. Good morning, Ron.

Kirby: Morning, Mayor Donley and Members of the City Council. I appreciate the opportunity to speak to you this morning. I live at 528 North Columbus Street which is just a few doors away from this particular employment center. I've lived there for 20 years and it's been a very peaceful neighborhood until these folks arrived two years ago. I want to state right up front I'm in support of the staff recommendation and the action the Planning Commission took, which I think is very appropriate and well-argued. The issue here is the time of operation primarily. These folks start at 4:30 in the morning and whether you have security people or police or whatever, the nature of the operation involves people driving up, parking, going in, opening and closing doors, conversing, coming out again, starting up their cars again, arranging car pools, and going to job sites. And all of this is occurring in this time frame of 4:30 to 5:30 in the morning. And as you know, you know, that's a very quiet time. You know we're all, many of us sleeping at that time, and noise at that time really carries, and the noise of the cars and the opening and closing of doors and the conversation is what bothers me. I'm far enough away from this location that I haven't had some of the problems my other neighbors have talked about in terms of nuisance, the nuisances. But it's the noise that's my problem, and I think that's the critical issue that the staff identified in their report and that's the reason why this belongs elsewhere in a location where you don't have people sleeping at that time of the morning and being awakened by the noise. So that would be my point. I would focus on that and in response to Mr. Speck's request that we comment on the notion of a security person, I do not think that will solve the problem because you're not going to be able to eliminate the noise and the activity that's associated with this operation. So I think the staff's recommendation's here and the Planning Commission's recommendation. There are plenty of other locations in the city where this kind of operation can function without impacting on residential neighborhoods. In this case they're literally across the street from a number of residential locations and they're impacting all of us very negatively. Thank you very much.

Mayor: Ron, do you want to use your remaining time to give us a primer on air quality conformity and analysis and the ?? Long-range plan?

Kirby: I, I can't claim to that this is having any worse impact on air quality than it would in another location so I'm not going to try to use that argument in this instance. Thank you, Mr. Mayor.

Mayor: For those of you who don't know, Mr. Kirby is, works at the Council of Governments and works for the Transportation Planning Board on air quality conformity analysis, transportation improvement plans and the constrained long-range plan, and hopefully we won't have to have a weighted, divided vote.

Kirby: I, I certainly hope not.

Speck: Mr. Mayor, I was just going to comment that, that given the amount of work that we know Ron is doing that I was surprised when he said he was asleep at 5:30. He probably never sleeps.

Kirby: I need to. I need to.

Mayor: Thank you, Ron.

Kirby: Thank you.

Mayor: Samuel Overby to be followed by Carolyn Karr.

Overby: Good morning, or I believe now afternoon. I'd like to say thank you to you Councilwoman Woodson and Councilman Euille for bringing us back on the proper direction for what we're actually considering on this. As expressed by myself and other neighbors in the planning board hearing, Ace Temporaries is not actually the type of business which should be located in this residential area, and I'm requesting denial of the special use permit for the following reasons. The type of business, whether it be termed a day labor or any other definition does not actually conform with the City Council's definition of a Commercial Low business. If you take the time to read that, a CL zone is intended to provide for small-scale retail and services use offering pedestrian-oriented shopping and services for individual consumers and households located primarily in nearby residential areas. Proximity to residences require that commercial operation be conducted at a scale and intensity commensurate with nearby residential development, the development designed so as to be in character with such development, and to be of such characteristic as not to be detrimental or a nuisance to nearby residential properties. Clearly, it's not pedestrian-oriented. Their services rendered are not for companies, they're for companies, not the local, nearby residents. The intensity and scale of operation is not commensurate with nearby residents and even with 18 months of notification the operation continues to be detrimental and a nuisance to the residential properties. Secondly, the hours of operation and type of business are clearly in violation of chapter 5 of the city code which sets regulations concerning noise control. After last month's and today's different Woodrow Wilson meetings, I'll skip the references, but I've highlighted them in case you'd like to take a look at that, but refer to the code, specifically where it talks about maximums and the type of ongoings prior to 7 a.m. which half of their focus does occur before that time as they've stated. 87 other residents, with two that were knocked out, we could down to 85 other residents who signed a petition affirming the repeated problems and noise, violence, trash, vulgarity and public alcohol use by the employees of Ace. And I

am asking that you refer to the laundry list as well as the problems cited in the report submitted by the Planning Commission. I'd planned on ending there, but after hearing at the hearing a couple of weeks ago, I made the statement that day labor provides a valuable needed service to the community and that's been reiterated here. However, it was pointed out to me by someone that has done a little bit of research in the area that I was wrong. Employees often provide demanding physical labor and barely receive minimum wage in return for the services that they render. Furthermore, they do not receive health care, sick days, vacation time, life insurance, disability coverage, retirement plans or 401(k)s. Day labor as a whole, and I'm speaking on an industry level and not targeting anyone, if I may continue, day labor is an industry which makes cash off the homeless and the underprivileged. Day labor exploits those with no skills, no prospects and nowhere else to turn. Research on day labor agencies show that they are part of a contingency worker trend that could create a permanent underclass with no job security and few rights. Day labor is an interim measure that grows and becomes an answer and then the people don't look for any long-term answers. With unemployment below four percent even people with very low skills can get a full-time job. However, as long as day labor agencies continue to operate, companies will still utilize their services to avoid their responsibilities that come with full-time labor.

Mayor: I, I think we've got, we got the jist.

Overby: I have reports that I pulled up in quick 30-minute internet search if you all would like to look at those statistics.

Mayor: Okay.

Overby: And regarding the issues of security, I oversee operations for Six Flags theme parks and I have a strong background in security. I hire, one of my departments is security and I hire over 160 security officers for that property. I also supplement with local law enforcement, so we have arrest powers and local jurisdiction. We pay \$35 an hour and it's difficult as they have stated –

Mayor: Okay.

Overby: to maintain coverage, and I agree. That is a wonderful solution but improbable

Mayor: Carolyn Karr to be followed by Jason Dellara.

Karr: Hello, I'm Carolyn Karr. I own two houses catty-corner to Ace Temporaries, one of which I live in and the other which I rent. I won't reiterate the many, many similar experiences that both my tenants and I

have had since Ace Temporaries moved in but I will say that the notion that a security officer or police officer, deputy sheriff sort of individual would, would not solve the problem. First of all, one person would, would be inadequate to sort of cope with the very disparate nature of what's going on, most of which is not per se illegal or criminal. It's the noise. It's the shouting waking me up before 5 o'clock at least three days a week during normal operations. The cars, the engines, the, you know, revving up as they pull in and out, you know, how would, how would such a person be able to catch someone who is planning to come over and urinate in my yard as has happened and been witnessed by an elderly visitor. This sort of thing is, is really, I think, endemic to the kind of business which this is and for that reason in addition to others I think it simply doesn't belong in a residential neighborhood and I, I think that there have just been an ample number of arguments that support this approach and I do hope that the City Council will act in accordance with the Planning Commission's recommendation and deny this permit. It's been very burdensome on the residents to tolerate the business and also it's taken a lot of our time, you know, to fight it, and I, I think that it probably even should be removed from the list of possible special uses because it's inherently unsuitable for a residential area. Thanks.

Mayor: Okay. The last speaker is Jason Dellara.

Dellara: My name is Jason Dellara. I live at 505 North Columbus Street which is probably seven or eight houses down, about half a block away, and I'll try, try to brief and not reiterate too much, but my feeling and I think most of my neighbors is that, that this is just the wrong location for this use. I don't think most of use have a problem with temporary agencies. I personally feel they provide a service it's just not right there. I mean he bought the building, you know, there was a residential neighborhood already there when he bought the building and he bought it a year and a half ago. That's what he said. We were already there and you know there's noise, there's trash, there's activity, it happens early in the morning. It's just the nature of the business. That's the reason you have zoning regulations. That's the reason why it really needs to be somewhere else. I don't think anybody objects to some kind of transition time where this gentlemen can find a new building. I think my understanding procedurally where we are is that that's kind of already happened. He's had a year to try and find another location and yet we're back here having the same discussion. Councilman Speck and Councilman Cleveland, you know, talked about your support of having

a security guard and how this would be meaningful for you. But I voice the same opinion of my neighbor in that I don't think it really solves the problem. I mean the very nature of what's going on with people and noise and trash, and a security guard really isn't going to solve and I mean how many of you want to live you know, you know, five houses away from an activity that needs a security guard. I mean that's sort of the whole point. It just needs to be in a different location and I hope the Council supports the Planning Commission recommendation and we've had you know six or seven neighbors here. We've been here through postponement. We've 80 some our neighbors sign. You know, within a two-radius, I mean these aren't people from 60 percent from some other place. And you know it's very frustrating for us to have people say well, you know, petitions ?? You know we talked to two people, I mean this is ridiculous. We have 80 people that I know, I mean I've talked to you know slews of these people and we've had a core group come and come again. I mean we're all here for the same reason. It's just the wrong, it's the wrong location for this use and it's very, very frustrating.

Speck: Mr. Mayor.

Mayor: Mr. Speck.

Speck: Does that conclude public hearing?

Mayor: Yes, it does.

Speck: Mr. Mayor, a couple of comments and then I'm just going to put a motion on, on the floor just so we can have something to react to. This is another instance I think it's sort of a classic issue of, of the relationship of a commercial and a residential zone next to each other. I mean somebody was talking about this as a residential zone. This property is CL zone. It is in the same block that fronts on Washington Street and every time this comes up and you see this, this tension between residents and, and commercial, we are going to have the same issue and that is there's no buffer and you know whether it's this or something else commercial use is inherently incompatible with residential use and to some extent vice versa and we're always going to struggle with that so I do just want to note that the property is in commercial, in a commercial zone. The second thing I was going to say is that as some of you recall when this came up before I actually went over there and, and visited one morning and got the guided

tour which I'm sure everyone was on their best behavior, but it was when the All Star people were back behind that alley and it was pretty clear where the problems were coming from by my observation but, and you don't even know this, Mr. Carlton. I made another field trip about three weeks ago and came over one morning so I was one of those cars idling. I was there from about 5 to 6:30 just watching and just trying to sort of see for myself without you know any guide what was going on. I mean the problem was pretty obvious that, that you could have a hundred people behaving perfectly appropriately and one person not, and there's a problem. I mean, and, and that's true. We've struggled with that in Old Town over the years with the rowdyism problem that no matter how well things are going, if, if one person is loud and drunk in front of your house, there's a rowdy problem. And I don't know if we're ever going to control that and I'm not even sure how much of it is attributable to Ace or anyone else. I mean it could be a variety of things. I, I mean my struggle here is that I think that there is a need being met and I think you have this kind of a business where the people are and that doesn't mean that's it's impossible for it to be somewhere else. I, I saw the petition. You know, I don't question the petition. I mean, who in their right mind wouldn't sign it. I mean, I'd, if you brought it, if I lived there and you brought it to me and I didn't know anything about it I'd sign it just to see the litany of complaints you'd have to sign it so, and I really don't know how Council feels about this but I'm going to make the following motion and that is to overturn the Planning Commission, move approval with the following requirements: That there be a sworn police officer or deputy sheriff on duty outside Monday through Friday, from 5 to 7 a.m. and 4 to 6 p.m., and on Saturday from 6 to 8 a.m. and 4 to 6 p.m.; that there be a one-year review; and that there be a monthly meeting, in whatever form it is, with the neighbors to discuss any problems that take place and issues that need to be addressed to sort of head them off. And that's my motion.

Cleveland: Second.

Mayor: Motion by Mr.—

Pepper: Mr. Mayor.

Mayor: Motion by Mr. Speck seconded by Mr. Cleveland to overturn the Planning Commission recommendation to add a condition relative to coverage with sworn police officer or deputy sheriff during specified hours Monday

through Saturday and also requiring a meeting with the neighbors with a one-year review. It's been seconded by Mr. Cleveland. Mrs. Pepper and –

Pepper: I'd like to offer a substitute motion. I'd like to uphold the Planning Commission's recommendation that we deny this request.

Woodson: Second.

Mayor: We have a substitute motion by Mrs. Pepper to affirm the Planning Commission recommendation. It's been seconded by Ms. Woodson. Ms. Pepper.

Euille: Mr. Mayor.

Mayor: Or, Mr., Mr. Euille.

Euille: Yeah, I'd like to offer, I will be supporting the, the substitute motion ?? also taking into consideration the fact that this business is going to need time along with working with staff to look for relocation. Again, it's not our perview, I mean, our prerogative to want to put someone out of business but I think we ought to show good, common business sense and sensitivity and afford a period of about 90 days or three months to allow this business time to do what it needs to do to relocate somewhere within the city limits of Alexandria. So I offer that as a, hopefully, a friendly amendment to the substitute motion.

Mayor: Is that acceptable to the maker and the seconder?

Pepepr: I'm quite pleased to accept that.

Mayor: Okay, that is acceptable to the maker and the seconder of the motion to permit a 90-day relocation period for, for the business should this vote pass. Ms. Pepper.

Pepper: Yes, I appreciate the suggestion of a sworn police officer or a security person of any kind but I just don't see that as happening. I think that this idea was suggested some time ago and it was a very difficult thing to do and my concern would be that even if it was affordable and obtainable that there would be problems with it because the kind of problems the neighbors are talking about aren't just right there by the particular site. It, it's

everywhere. It's sort of pervasive through the neighborhood and they are quick actions. Also, how on earth would a security guard or a person arrest people for being a little noisy for a few minutes on the street? Or for slamming their car door? It's, it's just that it's the accumulation of all of these conversations and all the slamming of doors and it just really is not a, a good place. I understand that in terms of Ace it's a good place for them but I, I just think that the neighbors have suffered enough and I also feel, I have to tell you I didn't appreciate people puh puhing this petition that went around. I think these neighbors really talked to people and that the things that happened really did in fact happen and that their source really was Ace. I, I believe that. So anyway I am of course not going to support their staying there. Thank you.

Mayor: Well, I came here – well, go ahead, Mr. Cleveland.

Cleveland: Mr. Mayor, I, I would just like to address the security measures we're talking about when a police officer would ?? I understand the gentleman was coming up and talking about the beer bottles. He was talking about the rowdiness and the other things that were going on. A police officer, a sworn police officer has the jurisdiction, especially one in Virginia, to do that. We passed the law about beer bottles, having, having open containers of beer. That's a \$250 fine. Anyone, anyone with that, they're not going to make that during the day. That's a fine that is enforceable. It's the other things too. The reason why this, this area is one of the five target areas anyway before Ace Temporaries or anyone else. They are one of the five target areas for looking in, at drug, drug activity and other things like this so it is a, a part, a part of that area. When you have a police officer or a law enforcement officer in that immediate vicinity believe me the activity goes down. You can look at our crime statistics to prove that so to me it's, it is a good workable solution to that. Slamming of car doors? No, you can't do that. You get that anywhere. But, but for the main, for the main reason of, of the security and the other things like that and especially the drinking and the drunken, and the rowdiness, that can be taken care of immediately, post haste. Thank you.

Mayor: Okay. We're going to try to move this along a little bit. I'm going to make a brief comment and then we'll vote on the substitute motion. I came here today wanting to, intending to support the application because I do think it, it does provide a valuable use. And I was particularly intrigued with some of the discussion relative to the, the employment of a sworn officer, deputy

sheriff or a police officer, sort of along the lines Mr. Speck and Mr. Cleveland have talked about. The bottom line for me is that this is a, a commercial area right across the street. You know, you guys make the representation that he knew that when he moved there. Well, quite frankly, you knew it when you moved there as well because it is a commercial property. You guys had – no, we've had the testimony, thank you very much. Besides, I don't think you want to take issue with me because I'm going to support you. Okay? So, okay, so, so just, just keep, keep quiet, you know. A closed mouth gathers no feet. What, what I do think is, is the major problem is the hours. It's not the activity. It's not, you know, I know that, that you know we've got noise and stuff, but it's the hours when you get right down to it, and if there were another business there we would have restrictive hours, and the fact of the matter is that restrictive hours don't work for the nature of this business. That's the issue, and, and I think even if we had a, a sworn officer it's the overall impact, and you know when you're talking at 4:30, 5:00 o'clock in the morning, people should be sleeping. People should be sleeping and, that's the issue.

Cleveland: I get up at 4.

Mayor: Well, sometimes I am too, but, but at any rate, I mean, that, that's really what the bottom line is so I'm going, I'm going to support the substitute motion in this case. I, I have worked with, with Mr. Carlton to try, try to make this successful and I just don't think that this is, this is the, the right the location, the bottom, bottom line. So we've got a substitute motion on the floor. It's been seconded. Ms. Eberwein, and then we'll vote.

Eberwein: I have actually two questions, and one of them is for the city manager. There was talk about this police substation aspect. Has, did the City decide they didn't need a police substation at that location or is it something that's not useful to them since this is already an area that's targeted for increased police scrutiny, do you have an office there that you're currently using?

Sunderland: Let me let Joe address that.

Mayor: Joe.

Hilleary: I cannot address whether we've ever considered putting a satellite facility at that location. A satellite facility is an unstaffed office front location where officers may find it convenient to go in and write reports from time to time.

One of the, one of the down sides of this particular location is, I understand, there is already a parking situation that exists. One thing that we must have before we'll approve a satellite location is parking for the officers for at least two cruisers. That's, that's a given because the officers won't use it unless they can park there. If we've already got a parking crunch, I think that enveys somewhat against it. We do have other satellite –

Eberwein: There is no off-street parking at that site?

Hilleary: I can't answer that.

Speck: Mr. Mayor.

Mayor: Mr. Speck.

Speck: I, I understand that the original motion will be defeated but I did want to point out in terms of your comment that one result of the original motion with the condition would be that for those 80 neighbors who signed that petition there would now be a dedicated police officer on the beat six days a week.

Mayor: Okay. We have a motion and a second.

Eberwein: I'm not done with my comment.

Mayor: Oh. I'm sorry. I thought you were.

Eberwein: I just wanted that question. That, that's fine, that's fine. I, I was very, very troubled by this case and, and it's clear to me that the substitute motion is going to pass. I was prepared to support the compromise and I'd like to say why. I, I'm not convinced that this site would work, but I do think some of the problems that have been talked about were the result of All Star Temporaries and not of, of Ace itself. I do believe it does provide jobs for residents of the area and I'm, I'm really troubled by the fact that we will not be, we will not be doing that. I think to talk about the Eisenhower Valley as a, as an option is, is, it's just not feasible. It's difficult for me to get down to the Eisenhower Valley and I have access to two vehicles. I think you can't always located your services out of the inner-city where the people live. That is exactly why people in Fairfax County who need these kinds of low-skilled services are actually sending buses into the inner-city, into the

District of Columbia to get these people to the site. So you can't always shove them to Eisenhower Valley or some of these other difficult-to-get-to sites. Sometimes if you really care about providing jobs for the people that need them the most you have to locate them near their areas. It is a day labor operation. It's clear that it is the black sheet so to speak of the, of the labor market, but I want to make one comment. It was stated that they don't offer retirement plans or 401(k) plans and yet you also say these people have no prospects of employment and they have low skills. Now, I'd like to know what kind of business offers a 401(k) plan or a retirement plan to people who have no potential to get the kind of high-skilled jobs where those are much sought after benefits. That's, that's, I'm sorry to say that, that argument sort of lost its validity for me. These people are desperate for hourly wages. I think a 401(k) plan is not even close to being on their horizon when they get out of whatever bed it is they roll out of in the morning. I was prepared to support the compromise. I like the idea of the police officer and I'm willing to, to bow to Mr. Cleveland's superior knowledge about what a police officer does on the beat. I know we have police officers that live in neighborhoods because we know the crime does go down. That's why we push our residential police program. I was prepared to have this come back for a one-year review and I like the day, the idea of the monthly meetings. If it had not worked a year from now I was prepared to vote against it and go again and give 90 days for the business to move. It may be that it's more appropriate to be located closer to something like the homeless shelter. I'm going to abstain from the substitute motion. I want to state my reasons. I am very sympathetic to the residents, but I think this is an issue that I would have preferred to see a workout period of a year and then if it hadn't have worked I would have voted with the residents, but I'm uncomfortable with this motion to not even try so I will be abstaining.

Mayor: Okay. All right. The question that's before the Council right now is whether to consider the substitute motion. So all those in favor of considering the substitute motion say aye; those opposed, no. The motion to consider the substitute motion, I believe, I believe you voted on that one, Ms. Eberwein?

Eberwein: Yes, I did.

Mayor: Okay. The motion to consider the substitute passes 4-to-3. The main motion on the floor right now is the, is the motion made by Mrs. Pepper,

seconded by Ms. Woodson with the friendly amendment offered by Mr. Euille relative to a 90-day relocation period. Is there any further discussion on that motion? All those in favor say aye; all those opposed, no. That motion carries 4-to-2 with one abstention. All right. That's it. We'll move to item 17.

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