

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, June 13, 2009 - - 9:30 a.m.**

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Timothy B. Lovain, Paul C. Smedberg and Justin M. Wilson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Snow, Assistant City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Castrilli, Communications Director, City Manager's Office; Ms. Harris, Communications Officer, City Manager's Office; Mr. Caton, Legislative Director; Mr. Gates, Assistant City Manager; Police Captain Ogden; Ms. Baker, Interim Director, Transportation and Environmental Services; Mr. Lambert, Bicycle and Pedestrian Coordinator, Transportation and Environmental Services; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Mr. Keller, Office of Housing; Mr. Cochran, Office of Housing; Ms. Hamer, Director, Planning and Zoning; Mr. Farner, Planning and Zoning; Ms. Wright, Planning and Zoning; Mr. Randall, Planning and Zoning; Ms. Escher, Planning and Zoning; Ms. Sun, Planning and Zoning; Mr. Wagner, Planning and Zoning; Ms. Oviatt, Planning and Zoning; Ms. Parker, Planning and Zoning; Ms. Rafferty, Planning and Zoning; Mr. Farner, Planning and Zoning; Mr. Geratz, Planning and Zoning; Ms. Contreras, Planning and Zoning; Mr. Johnson, Chief Financial Officer; Ms. Taylor, Office of Management and Budget; Mr. Catlett, Director, Office of Building and Fire Code Administration; Mr. Hunt, Office of Building and Fire Code Administration; Ms. Boyd, Director, Citizen Assistance; Mr. Baier, Interim Director, Recreation, Parks and Cultural Activities; Mr. Noelle, City Arborist, Recreation, Parks and Cultural Activities; Mr. Skrabak, Director, Office of Environmental Quality; Mr. Tran, Office of Environmental Quality; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

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

2. Public Discussion Period.

(a) Gary Carr, 216 Aspen Street, spoke about the restoration of the running tracks at Frances Hammond and George Washington Middle Schools. He said Landbay L is a bad idea and it should be maintained and is the most likely place for an eight lane track. He said that instead of making it the Fun Side of the Potomac it should be the Run Side of the Potomac.

(b) Annabelle Fisher, 5001 Seminary Road, spoke about bicycles in the City and the need to have law enforcement for bicyclists running stop signs and lights and disobeying the rules of the road. Ms. Fisher also spoke of copying costs for documents received from City Hall, noting that she was charged \$.60 per page from the Department of Planning and Zoning, and she said a clear cut policy should be made for anything over 10 pages.

(c) Van Van Fleet, 26 Wolfe Street, spoke of the prioritizing the funding needs. He said the parks need to be mowed, which hasn't been done since Parks and Recreation had to get rid of several positions. He said the Department of Planning and Zoning is now spending hundreds of thousands of dollars on consultants to do a waterfront plan, and he asked why the plan is being initiated during the economic turndown. He said it should take the consultant money and give it to the departments that need it - especially those that have had to lay off workers.

(d) Sandra Cope, 626 N. Washington Street, spoke of her alley being blocked off with a school playpen and that they can no longer use their parking spaces, two spaces behind each building for five townhouses, and no trash truck will be able to pick up the trash. She asked Council to investigate the situation and see how it happened and how it can be corrected.

(e) Pat Troy, 310 Wolfe Street, spoke of the ethnic festivals, noting that as of June, Parks and Recreation has pulled the plug on every ethnic festival. Mr. Troy noted that for the last three years, they paid fees to the City for the St. Patrick's Day festival. He said he was told that the ethnic festivals and parades cost from \$300,000 to \$500,000, and he said that needs to be audited and checked and he asked where the money goes for the ethnic festivals. He asked if the City would support the three parades in the coming year.

Interim Director of Recreation, Parks and Cultural Activities Baier responded, noting that the staff is looking at how to best and most equitably cut \$150,000 out of a \$450,000 special events budget. He noted that staff had faxed to Mr. Troy an estimate for the cost of his Irish Festival, and that cost was about \$3,500. He said they are telling people to begin to take steps to realize that they may have to look at the routes or the set-up to bring the costs down. He noted where the costs for the Irish Festival

come from. He said that by the end of July, they will have a full plan to come back to Council to be presented in September.

Councilman Krupicka asked that staff bring forward in September an update on special events, to get a clear picture of where they are.

(f) Lisa Lettieri, 513 E. Nelson Avenue, speaking on behalf of the Del Ray Citizens Association Land Use Committee, spoke of the ordinance to simplify small business approval procedures and standards that was adopted in December 2008, and they asked that the small business text amendment be incorporated into the Mt. Vernon Avenue overlay and Arlandria so that potential business owners have the most up-to-date information and that the update be published on the City's website.

(g) Leslie Zupan, 1309 Queen Street, president, Inner City Civic Association, said they had invited the new parking coordinator and Deputy Director of T&ES Tom Culpepper to their May meeting to talk about parking issues, and they were concerned about two issues that came up. One was a contribution from a developer Bill Cromley, a \$10,000 contribution for a parking study for The Lofts, but they were surprised to hear Mr. Abram say he had found the \$10,000 in an unencumbered account, and he had applied it to a new parking study which is being conducted of King Street, and they were concerned to hear that and wanted clarification. Ms. Zupan said they also heard there was going to be a plan that only the affordable housing tenants at the new Bland project will be given district parking permits, and they like that idea, but she was puzzled because she went through the Bland special use permit and found no mention that there would be restrictions on the parking permits. She asked when they would have an answer.

Interim Director of Transportation and Environmental Services Baker noted that T&ES staff and Mr. Abram and the parking staff are working on a memo that they expect to get out in the next couple of weeks that will be an overview of the entire parking study process. They are looking at an extensive City-wide parking analysis and they will outline what the boundaries are, impacts to residences as well as impacts to businesses for parking, are coordinating with the Planning Department, ACVA and AEDP.

City Manager Hartmann said he would make sure staff answered the questions asked by Ms. Zupan.

(h) Richard Ward, 4806 Peacock Avenue, spoke of the Eisenhower west industrial land use study, a \$75,000 study carried out because of a conglomeration of four industries near residences and was hindering the development of the Van Dorn Corridor. He said they wanted to see Landmark Mall developed and a good gateway to the City will help that development. He said the study is just comparing the value of the properties versus the value of the four properties to the City after any redevelopment. He said the question should be what is the impact on the surrounding area. He said they need a broad reaching study that will consider the entire City as a whole and will

bring in income to pay for running tracks and the ethnic festivals.

(i) Charlotte Landis, 433 N. Patrick Street, spoke in support of Leslie Zupan's comments on the parking issues and study. She said that after one month, it was totally inappropriate for the City not to have responded to her email and a snub and a brush-off is inappropriate.

(j) Poul Hertel, 1217 Michigan Court, president, Old Town Civic Association and on the board of Northeast, spoke about the property inventory study and recommendations for the disposal. He said they are grateful to the City Manager for putting in the report that the need to communicate with the appropriate civic associations, as there is a conflict of interest in the manner that the process is being set up, notably the report states that the City shall lease or otherwise dispose of properties that it determines are not needed for public purpose after determining what the highest and best use is. He said the question is, if the City is pursuing highest and best use, who would then ensure that it conforms to the norms for the small area plans of the neighborhoods.

(k) Cathy Puskar, chairman, the Alexandria Chamber of Commerce, 215 E. Oak Street, thanked Councilmembers Gaines, Lovain and Wilson for their service over the past few years and the Council as a whole for continuing to support small businesses and to look at and improve the special use permit process. Specifically, at the last meeting, Council reduced the fees to apply for a sign in the Old and Historic District and they thank Council for bringing that fee back down. She commended Council for starting the process to look at having an administrative approval of that sign program. They also thank the Council for looking at the tree and trash can fees and the lowering of those fees at the last meeting.

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Mayor Euille noted that Boy Scout Troop 680 from St. Lewis Catholic Church was in the audience today, seeing government in action as part of their civic duties and responsibility.

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-6)

Planning Commission

3. SPECIAL USE PERMIT #2009-0014
3112 MOUNT VERNON AVENUE (Parcel Address: 3110 Mount Vernon Avenue)
CAFE PIZZAIOLO RESTAURANT
Public Hearing and Consideration of a request to allow delivery service and live

entertainment at an existing restaurant; zoned CRMU-M/Commercial Residential Mixed Use Medium. Applicant: Culinary Concepts Corporation by Larry Ponzi

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 6/13/09, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2009-0015
831 AND 833 BASHFORD LANE
PARKING REDUCTION
Public Hearing and Consideration of a request for reapproval of a parking reduction: zoned RB/Residential. Applicant: Robert Pierre Johnson Housing Development Corporation

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 6/13/09, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2009-0016
25 S. DOVE STREET
KING STREET CATS
Public Hearing and Consideration of a request to operate an animal shelter; zoned OCM(50)/Office Commercial Medium (50). Applicant: King Street Cats, Inc., by Allie Phillips

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 6/13/09, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2009-0021
5150-5184, 5200-5228, 5230-5258 EISENHOWER AVENUE
UMBRELLA SUP EXTENSION
Public Hearing and Consideration of an amendment to extend the deadline for City Council review and a change of ownership for an umbrella SUP which allows a variety of noncomplying and special uses; zoned OCM(100)/Office Commercial Medium (100). Applicant: Veslor Properties by Jonathan Rak, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 6/13/09, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the consent calendar, with the removal of item #4, which was considered under separate motion, and directed staff to modify the applications as appropriate to conform with the policy adopted by City Council on June 9, 2009 and noted in the June 11, 2009 memorandum.

3. City Council approved the Planning Commission recommendation.

5. City Council approved the Planning Commission recommendation, as amended to include the newly adopted special use permit streetscape improvement fund for street trees and trash cans, and remove condition #9 requiring a \$575 contribution for litter fund.

6. City Council approved the Planning Commission recommendation.

The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson		"aye"

4. SPECIAL USE PERMIT #2009-0015
831 AND 833 BASHFORD LANE
PARKING REDUCTION
Public Hearing and Consideration of a request for reapproval of a parking reduction: zoned RB/Residential. Applicant: Robert Pierre Johnson Housing Development Corporation

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 6/13/09, and is incorporated as part of this record by reference.)

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

(a) Herb Cooper-Levy, 1527 Oronoco Street, executive director, RPJ Housing, said the new fee for trash cans and trees would be applied to this special use permit, and this is a step it goes through as a non-profit in seeking low-income housing

tax credits from the Virginia Housing Development Authority, and this is to preserve affordable housing, so it is already spending \$500 in postage and staff time, and he reminded that this is a non-profit.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried 6-0-1, City Council approved the Planning Commission recommendation, as stands without implementing the policy from June 9 on street trees and trash cans. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	abstain
	Wilson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

7. Public Hearing on the Environmental Action Plan (Phase II) for the Eco-City Alexandria Project. (#13, 6/9/09)

(A copy of the City Manager's memorandum dated June 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 7; 6/13/09, and is incorporated as part of this record by reference.)

In response to questions from City Council, Director of Environmental Quality Skrabak spoke of the cost and the process and policy issues. He noted that the adoption of the plan is the roadmap they will use and any cost implications and policy decisions will come back before Council as it moves forward.

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

(a) Bob Custard, 4480 King Street, representing the Alexandria Health Department, asked that it insert into the document language that was omitted in the process, which was sent to City Council previously, and is as follows: on page 34, add the following bullet: "Developing a simple environmental health impact assessment process which will assure that the relevant and potential human health issues related to vector control, water quality, air quality, food supply, toxic exposures, and the built environment are addressed in review of area development plans and special use permits." He said they would also like to add the words "Consider the potential for" before that bulleted point.

(b) Joe Schilling, 10 E. Custis, and with the Metropolitan Institute of Virginia Tech, 1021 Prince Street, said the process has created a consensus document, and he said the Charter does set the sustainability vision with its ten principles. He said what is good for the economy is good for the environment, so it is in a whole different paradigm than it was 12-18 months ago in terms of green jobs, energy, stimulus money and a whole new green economy. He recommended adoption.

(c) Patrick Hagan, 304 Fontaine Street, member of the Environmental Policy Commission, spoke in favor of the passage of the Plan.

(d) Jennifer Hovis, 1705 Potomac Greens Drive, member of the Environmental Policy Commission, spoke in favor of the passage of the Plan and she urged its quick adoption.

(e) Bill Hendrickson, 304 E. Spring Street, said a commitment is needed by City Council to implement the Plan, including the significant funding. He urged Council to consider more pilot programs, to experiment with various green street techniques and examine the potential savings of these techniques vis-a -vis the status quo system.

(f) Danielle Fidler, 536 E. Glendale Avenue, speaking as a member of the Environmental Policy Commission and as a resident, spoke in support of the Plan. She submitted a letter for the record from vice chair of the Commission Joy Pochatila, who could not be present today.

(g) Peter Pannington, 1213 Prince Street, member of the Environmental Policy Commission, said Alexandria can make a change, and Alexandria is well equipped to take on the role of leadership on moving forward with environmental issues.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing and noted adoption would be June 23, 2009. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

8. Public Hearing on the Receipt of the Final Report of the Affordable Housing Initiatives Work Group and Consideration of Recommendations From the Work Group. (#33, 6/9/09)

(A copy of the City Manager's memorandum dated June 4, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 20; 6/13/09, and is incorporated as part of this record by reference.

Housing Director Davis made a presentation of the report.

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

(a) Herb Cooper-Levy, 1527 Oronoco Street, spoke of the extraordinary job staff has done with this process and spoke in favor of the report.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing and adopted the principal recommendation as outlined in A, refer recommendations B to the Housing Master Plan process and defer recommendation C to a future fiscal year when the City's fiscal situation has improved. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

9. SPECIAL USE PERMIT #2009-0018
212 QUEEN STREET
MOMO SUSHI RESTAURANT

Public Hearing and Consideration of a request to increase seating and expand the hours of operation at an existing restaurant; zoned CD/Commercial Downtown. Applicant: Yeon Sin Son

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 6/13/09, and is incorporated as part of this record by reference.)

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

Smedberg	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

In response to a question from Council regarding the trash issue, Planning Consultant Ross said the concern was discussed at the Planning Commission and a condition on overflowing trash was restored in the conditions, and the owner has agreed to additional trash pick-ups and has a requirement of no overflowing trash.

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

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

10. DEVELOPMENT SPECIAL USE PERMIT #2009-0007
 1101 FINLEY LANE
 PICKETT'S RIDGE - PHASE II

Public Hearing and Consideration of a permit for an extension of phase 2 of a previously approved development special use permit, with site plan, for two single family homes; zoned R-20/Residential. Applicant: Sutton Building Corporation by Greg Sutton.

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

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 6/13/09, and is incorporated as part of this record by reference.)

In response to questions from Council, Planner Parker spoke of the condition added by the Planning Commission to allow the extension for 18 months rather than three months, and to add a condition that was part of the text amendment to require the site to be maintained in good condition during the period of extension.

Interim Director of Transportation and Environmental Services Baker noted that staff would be working with the applicant and will be looking at the site to make sure there aren't any drainage impacts and they are required to maintain erosion and sediment control on the site.

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

(a) Duncan Blair, attorney representing the applicant, 524 King Street, spoke in favor of the request.

(b) Richard Ward, 4806 Peacock Avenue, area 8 representative for Seminary Hill Association, asked that any extension of the DSUP be conditioned on the strict enforcement of the existing DSUP requirements, especially with regard to the stormwater runoff and erosion control, and he asked that Council ask Planning and Zoning to look at the stormwater management again.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the 36 month extension but to give staff the ability to bring it back earlier than the 36 months if necessary, if there is a belief that the water and erosion control issues are not being responsibly addressed by the

applicant, and that after 18 months, a status report be provided to City Council and the staff. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson		"aye"

11. ENCROACHMENT #2009-0001
3500 GOODARD WAY
RETAINING WALL

Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a retaining wall; zoned RB/Townhouse Residential. Applicant: Duke Crossing, Inc.

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 6/13/09, and is incorporated as part of this record by reference.)

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

Smedberg	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson		"aye"

Councilman Wilson noted that in the interest of full disclosure, his wife grew up on this site and the house was sold to the developer, but there is no conflict of interest.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with the added condition of the \$2,000 contribution to the City for public improvements. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson		"aye"

12. MASTER PLAN AMENDMENT #2009-0001
URBAN FORESTRY MASTER PLAN

Public Hearing and Consideration of an amendment to the City's Master Plan to

adopt the Urban Forestry Master Plan. Staff: Department of Recreation, Parks and Cultural Activities

PLANNING COMMISSION ACTION: Resolution Adopted 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 6/13/09, and is incorporated as part of this record by reference.)

Recreation, Parks and Cultural Activities Arborist Noelle made a presentation of the report and responded to questions of City Council.

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

(a) Bill Hendrickson, 304 E. Spring Street, said he served as a member of the committee that helped produce the urban forestry plan, spoke of the need to plant more trees and longer term pruning, as well as it needs to create an engaged partnership between the City staff and citizens, community groups and business groups.

(b) Poul Hertel, 1217 Michigan Court, spoke of the need for trees and said consideration needs to be given to lighting so trees don't obscure the lighting, the plan needs to be do-able, and he would like to see the empty treewells in old town filled up.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the amendments as recommended by the Planning Commission: add a new condition #15 to increase the canopy coverage; amend old condition #52 to add language to encourage the activity of volunteers, to engage the tree stewards of Alexandria and Arlington and develop programs which it can engage volunteers to accomplish the goals of the plan; and in the executive summary, the language that was changed that implementing the recommendation would require significant increase in funding and if funding is not available, alternative resources such as grants, sponsorships and volunteer efforts must be actively sought out and engaged to move closer to achieving the goals of the plan, and with an amendment that this come back as a work session in the Fall.

Councilman Krupicka said the work session should focus on implementation, what is the context of the plan, how does it implement it and what are the tools and how does it balance the changes in the community and make sure those happen in a way that is sensitive to the plan. He encouraged staff to include the beautification commission and potentially Parks and Rec and other commissions as appropriate to participate in that.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
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Krupicka	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

13. TEXT AMENDMENT #2009-0002
 OUTDOOR DISPLAY OF RENTAL BICYCLES
 Public Hearing and Consideration of a text amendment to the City's Zoning Ordinance to allow outdoor display of rental bicycles. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Denial 3-3

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 6/13/09, and is incorporated as part of this record by reference.)

Planning consultant Ross made a presentation of the report and responded to questions of City Council. Bicycle and Pedestrian Coordinator Lambert also made comments on the proposal and responded to questions of Council.

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

(a) Stephanie Brown, president and CEO, Alexandria Convention and Visitors Association, 421 King Street, Suite 300, spoke in favor of the text amendment.

(b) Douglas Meick, 1103 N. Royal Street, representing the Old Dominion Boat Club, endorsed the Planning Commission's recommendation of denial of the text amendment and he read a letter from the Old Dominion Boat Club into the record.

(c) Stephen Marks, One Wales Alley, owner of Bike and Roll in Alexandria, said they are a new business and he spoke in favor of the text amendment.

(d) Poul Hertel, president, Old Town Civic Association, said the Board is against the implementation of the proposal.

(e) Cathy Puskar, chair of the board of directors, Alexandria Chamber of Commerce, 215 E. Oak Street, spoke in favor of the text amendment.

(f) Bert Ely, treasurer, Old Town Civic Association, spoke against the text amendment and to a statement of constraints from the Old Town Civic Association.

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

Krupicka	"aye"	Gaines	"aye"
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Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

Mayor Euille noted that because this was denied by the Planning Commission, this requires a super majority vote of six members voting to support it.

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

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

14. SPECIAL USE PERMIT #2009-0020
 113, 115 AND 117 KING STREET
 LANDINI BROTHER'S RESTAURANT
 Public Hearing and Consideration of a request for an expansion and to increase the hours of operation at an existing restaurant; zoned KR/King Street Retail.
 Applicant: Noe Landini

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 6/13/09, and is incorporated as part of this record by reference.)

Mayor Euille noted that not only is Franco Landini and the Landini Brother's restaurant friends, and he said that in the recent past he has held political campaign events at the restaurant, but he would participate in the discussion of the docket item.

Planner Randall made a presentation of the report and responded to questions of City Council.

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

- (a) Cathy Puskar, chair of the board of directors, Alexandria Chamber of Commerce, 215 E. Oak Street, said the Chamber has no complaints about the restaurant, but they have an issue with one of the parking conditions and ask that it be stricken, which is condition #22 about maintaining an agreement with area garages by which the regular parking price is discounted by at least \$1.00 for customers.

Interim Director of Transportation and Environmental Services Baker noted that staff would be coming to Council in the Fall with the recommendation that they appoint

a working group of citizens and business community to work through the parking policies for Council to consider the policies starting in the beginning of 2010.

(b) Franco Landini, owner, Landini's Restaurant, said they would like to open by December 1, 2009.

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

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council approved the Planning Commission recommendation, with an amendment to condition #22 to make it clear that when the City adopts a comprehensive parking strategy, it may supersede or modify that item, and to include the newly adopted special use permit streetscape improvement fund for street trees and trash cans and to remove condition #30 requiring \$575 contribution for litter fund. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

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City Council took a 30-minute lunch break at 1:15 p.m.

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- 15. DEVELOPMENT SPECIAL USE PERMIT #2007-0009
521 EAST MONROE AVENUE
VIRGINIA DOMINION POWER SUBSTATION
Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct an enclosed electrical substation; zoned CSL/Commercial Service Low. Applicant: Virginia Electric and Power Company by Joanna Frizzell, attorney

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

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/13/09, and is incorporated

as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the amendments as submitted by the applicant in a memo dated June 12, 2009 and agreed to by staff, as follows:

Condition #11, replace paragraph 11(h) with the following: "The applicant shall work with Leslie Properties and the staff on the mutually agreeable sale of an area of land or an easement right five feet wide by approximately 180 feet running along the full length of the common property line that would provide Leslie Properties with emergency pedestrian access along the eastern wall of their building and with an area to maintain the eastern wall of their building. Such area shall be separated from the substation with either a wall or a fence and shall be a secure area without access by the general public." Also, to include the amendments requested by the Planning Director in a memo dated June 12, 2009, as follows:

Condition 2(e)(3) to add the words: "Provide \$500.00 to the Living Landscape Fund in lieu of the two proposed *Tilia cordata*."

Condition 11(g): Add the words: "If the applicant and Potomac Yard Development, LLC reach the agreement referenced in paragraph e herein, then" to the beginning of the paragraph.

The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

- 16. SPECIAL USE PERMIT #2008-0047
501 EAST MONROE AVENUE AND 1509 LESLIE AVENUE
GOLD CRUST BAKERY
Public Hearing and Consideration of a request of an amendment to relocate loading spaces; zoned CSL/Commercial Service Low. Applicant: Gold Crust Bakery by Mary Catherine Gibbs, attorney

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

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 6/13/09, and is incorporated as part of this record by reference.)

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

Krupicka	"aye"	Pepper	"aye"
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Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

17. DEVELOPMENT SPECIAL USE PERMIT #2007-0027
 4880 MARK CENTER DRIVE
 INSTITUTE FOR DEFENSE ANALYSIS

Public hearing and Consideration of a request for a development special use permit, with site plan and a modification, for office buildings and a request for increased penthouse height; zoned CDD-4/Coordinated Development District 4. Applicant: Institute for Defense Analysis by Kenneth Wire, attorney

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

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 6/13/09, and is incorporated as part of this record by reference.)

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

(a) Kenneth Wire, land use attorney with McGuire Woods, 1750 Tysons Blvd., McLean, representing the applicant, spoke in favor of the application and referenced his letter requesting three revisions to conditions 20, 22 and 25.

Deputy Director of Planning and Zoning Wright, along with Planner Geratz, responded to the requests for revisions to conditions 20, 22 and 25.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with amendments to conditions #20, 22a and 25 as suggested by the applicant in his letter dated June 12, 2009, as follows:

Condition 20: "Maintain a ~~minimum of 25%~~ the crown coverage in **accordance with the DSUP submission** unless changed by DoD road or security improvements. Provide percentage calculations for required, existing and proposed crown coverage on the final site plan."

Condition 22a: "~~Continue to work with staff to explore revising the first floor area design of both the Phase I and Phase II buildings to increase the perception of height and tectonic strength. A suggestion is to move the currently recessed columns outboard of the respective building facades, which would also allow the height of these columns to be extended into the fascia of the facade above, enhancing the expression of structural support, and adding additional detail and shadow lines, as depicted in graphic #1.~~"

To condition #25, which was discussed by Council which eliminates all the language in "E" and replaces it with language that says, "failure to achieve LEED certification will first go to staff for review, and if staff determines a good faith effort was not made to achieve LEED silver certification, then any existing City-wide policies on Green

Buildings will apply." The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

18. CITY CHARTER, SECTION 9.06 CASE #2009-0001
3550 COMMONWEALTH AVENUE

Public Hearing and Consideration of a proposal by the City of Alexandria to acquire the property at 3550 Commonwealth Avenue, pursuant to the provisions of Section 9.06 of the City Charter; zoned RA/ Multifamily Residential. Staff: Department of Recreation, Parks and Cultural Activities and the Office of the City Manager

PLANNING COMMISSION ACTION: Approved

This item is for your information only - no approval necessary.

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 6/13/09, and is incorporated as part of this record by reference.)

City Council received the item.

19. CDD CONCEPT PLAN #2008-0005
MASTER PLAN AMENDMENT #2008-0006
DEVELOPMENT SPECIAL USE PERMIT #2007-0017
TRANSPORTATION MANAGEMENT PLAN SUP #2008-0091
ENCROACHMENT #2008-0006
2250 MILL ROAD AND 2200 MILL ROAD
EISENHOWER EAST BLOCKS 19 & 20

Public Hearing and Consideration of a request for 1) approval of a CDD concept development plan; 2) a master plan amendment to the Eisenhower East Small Area Plan for increased height limits on Block 20; 3) a development special use permit, with site plan, for a residential and office development with bonus density for affordable housing pursuant to Section 7-700 of the Zoning Ordinance, a request for increased penthouse heights and to construct more than one penthouse; 4) approval of a transportation management plan; and 5) approval of an encroachment for a canopy in the public right-of-way; zoned CDD-2/Coordinated Development District. Applicant: Eisenhower-Lane-CFRI-Venture II, LLC by Jonathan Rak, attorney

PLANNING COMMISSION ACTION:

CDD	Recommend Approval	6-0
MPA	Adopted Resolution	6-0

DSUP Recommend Approval w/amendments	6-0
SUP Recommend Approval	6-0
ENC Recommend Approval	6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 6/13/09, and is incorporated as part of this record by reference.)

Planner Sun made a presentation of the report and responded to questions of City Council, and Mr. Keeler, from the Office of Housing, also made a presentation.

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

(a) Jonathan Rak, attorney representing the applicant, 1750 Tysons Blvd., #1800, McLean, spoke in favor of the request and noted his June 13 letter with changes to conditions #12, 26(g), 41, and 113, and noted they were interested in similar language on the LEED requirement in condition #19(e).

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the amendments as noted by the applicant in a letter dated June 13, 2009, as agreed by the applicant and staff, as follows:

Condition 12: "Except for the visitor parking area and residential patio areas immediately north of the residential buildings on Block 19, provide perpetual public access easements over all at-grade privately owned open space areas. The perpetual open space easement(s) shall enable the open space areas to be fully accessible to the public for hours and guidelines approved by the Directors of RP&CA and P&Z in consultation with the applicant. The open space easement areas shall not be considered a street or public right-of-way and the applicant shall have the right to conduct ordinary maintenance and repairs without obtaining a T&ES permit. All easements and reservations shall be depicted on the easement plat and shall be approved prior to the release of the final site plan.* (P&Z) (RP&CA)"

Condition 26g: "The developer will work with the City and ARHA to consider the possibility of providing 16 public housing replacement units to ARHA as an alternative to some or all of the aforementioned units."

Condition 41: "Create a TMP fund, based on the reduction goal of 45% of single occupant vehicles, established for Eisenhower East Blocks 19 & 20, the project's size and the benefits to be offered to participating residents. The annual contribution rate for this fund shall be \$120 per occupied residential unit and ~~\$0.39~~ **\$0.16** per usable square foot of office and/or retail space. The annual contributions rate for the residential buildings may be reduced provided that the applicant maintains the reduction goal of 45% for single occupant vehicles. These reduction goals may be revised in the future based on City wide TMP policies or legislation. These rates have been established on a temporary basis and they reflect an average of residential and retail space for other projects in the Eisenhower Avenue area. ~~It shall be necessary to~~

~~revise these rates when the developer decides on the number of residential units and retail square foot for the project. Annually, to being one year after the initial CO is issued, The annual TMP~~ rate shall increase by an amount equal to the rate of inflation (Consumer Price Index - CPI of the United States) for the previous year, unless a waiver is obtained from the Director of T&ES. For the residential units, the increase shall begin one year after the initial CO is issued. For the commercial portion, the rate increase shall commence upon approval of this application. The TMP fund shall be used exclusively for the approved transportation activities detailed in the attachment. (T&ES)"

Condition 113: "Contribute ~~\$1,246,050~~ **\$350,000** towards the Eisenhower East Open Space Fund prior to release of the final site plan. If substantial construction does not commence within three years of this approval, the contribution amount shall be \$1,246,050. All checks shall be made payable to the City of Alexandria and submitted to the Department of P&Z with a cover letter citing the project name, contribution amount, and the condition being fulfilled. *(P&Z)

Also to replace the language on condition 19(e) with the following: "failure to achieve LEED certification will first go to staff to review, and if staff determines a good faith effort was not made to achieve LEED silver certification, then any existing City-wide policies on Green Buildings will apply."

Councilman Smedberg noted that this was another major project in a significant area that has no public art, noting that the architecture and materials itself could be made as a statement for public art, and it bothered him that they have lost that opportunity.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Wilson	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

ORDINANCES AND RESOLUTIONS

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Impose a Maximum Service Period of 10 Consecutive Years for Any Member of a Board, Committee or Commission, Unless the Term of Service is Otherwise Governed by State Law, City Code or By Another Document That Creates the Committee, Board or Commission. (#15, 5/12/09, #14, 5/26/09) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 21, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 20; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 20;

6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 20; 6/13/09, and is incorporated as part of this record by reference.)

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

(a) Poul Hertel, 1217 Michigan Court, president, Old Town Civic Association, urged exclusion of the Board of Architectural Review and to introduce a more gradual approach to provide a much smoother transition.

(b) Bill Dickinson, 805 Quaker Lane, the City's appointee to the Northern Virginia Regional Park Authority Board for 12 years, spoke of the need for recruitment and introduction of a data base of citizens and he encouraged enactment.

(c) Annabelle Fisher, 5001 Seminary Road, said she is a member of the Landlord Tenant Board but is speaking for herself and she spoke in support of term limits for boards and commission and spoke of the need to consolidate some of the boards.

(d) Cynthia Claire, 8200 Little River Turnpike, Annandale, representing the Landlord Tenant Relations Board, said Ms. Fisher was the only one on the board who did not vote in favor of their comments. Ms. Claire spoke in opposition to the terms limits and asked that the Landlord Tenant Relations Board be exempt from the term limits, however, if that is rejected, they requested that limits be waived if incumbents are unopposed by a qualified applicant for appointment.

(e) Christopher Campagna, 816 Duke Street, spoke in opposition to term limits but leave it to Council to make determinations, as terms expire, so there is an opportunity to make changes to the members.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Wilson and carried 6-1 by roll-call vote, City Council adopted the ordinance to impose a maximum service period of 10 consecutive years for any member of a board, committee, or commission, unless the term of service is otherwise governed by

State Law, City Code or by another document that creates the committee, board or commission. The voting was as follows:

Lovain	"aye"	Pepper	"no"
Wilson	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4595

AN ORDINANCE to amend and reordain Section 2-4-4 (COMPOSITION, TERMS AND DUTIES OF COMMITTEES), Article A (GENERAL PROVISIONS), Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-4 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 2-4-4 Composition, terms and duties of committees.

(a) The composition, term of office, mission and function and other substantive duties relating to the work of any committee are those set forth by the terms of a committee's enabling legislation together with any additional functions or duties that may be assigned to a committee from time to time by the city council or other appropriate local authority.

(b) Whenever the city council has heretofore made or hereafter makes an appointment or reappointment of any person to any committee, and neither the law governing the appointment nor the council specifies any term of office for the person appointed then the appointment shall be deemed to be made for a term of two years beginning on the date of appointment.

(b.1) Unless otherwise specified in City Code, state law or in a document creating the committee, no person shall be eligible for reappointment to any committee after having served ten consecutive years as a member thereof. This provision may be waived by City Council by resolution. Notwithstanding the foregoing, any person serving on a committee serving as of the effective date of this ordinance who would be rendered ineligible for reappointment by operation of this section shall be eligible for reappointment for one additional term without resolution of City Council.

(c) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each committee shall:

(1) designate one of its members as head of the committee and one member to act as the secretary of the committee for the purpose of keeping and preparing minutes or reports of all meetings or actions taken at any meeting and designate such other officers as required by its enabling legislation. Where an officer or employee of the city has been assigned to assist a committee, such officer or employee may be designated as secretary unless the assignment is inconsistent with other tasks being performed by such officer or employee. The committee may also appoint any additional officers as it may deem proper.

(2) prepare and file with the executive secretary a copy of all such minutes or reports not more than 30 days after the conclusion of any meeting of the committee. A notation shall appear on the minutes indicating whether they have been officially approved by the committee.

(d) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each standing committee shall:

(1) hold at least one regular meeting each year and as many additional meetings as may be required by its enabling legislation or as the business of the committee may require.

(2) prepare and submit to the city council an annual report within 60 days after the close of the fiscal year or as shortly thereafter as possible. The report shall include, but not be limited to, a listing of the members of the committee, a description of the committee's principal activities during the reporting period and any recommendations of the committee for improving its functions and duties or making changes in other laws, procedures, policies or programs within the subject matter of its jurisdiction, including recommendations for additional federal or state legislation. These reports shall become available for public inspection and copying after submission to the city council.

(3) in addition to its annual report, any committee is authorized to make additional or special reports, oral or written, to the city manager of the city council at any other time that the committee determines that such reports may be needed, except that, no report requesting additional city funds or staff shall be submitted to the city council until it shall first have been submitted to the city manager for his comments and recommendations.

(4) prepare, in consultation with the city manager an annual budget, showing both the funding and staff directly assigned to the committee and estimated sums and staff time that may be used by the committee but are not directly assigned to it.

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

21. Public Hearing, Second Reading and Final Passage of an Ordinance to Change the Election of the Mayor and City Council to the November General Election Cycle. (#6, 5/16/09, #31, 6/24/08, #29, 5/13/08, #3, 6/14/08) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 12, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 21; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 21; 6/13/09, and is incorporated as part of this record by reference.)

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

(a) Townsend Van Fleet, 26 Wolfe Street, spoke in opposition to the ordinance.

(b) Karen DeYoung, 3402 Gunston Road, spoke in opposition to the ordinance.

(c) Andrew Campanelli, 1201 Braddock Place, #505, spoke in opposition to the ordinance.

(d) Lynnwood Campbell, 521 S. Henry Street, a member of the committee on elections, spoke of the committee's suggestion that it not make a change at this time.

(e) Joyce Woodson, 1407 Wayne Street, a member of the committee on elections, spoke in opposition to the ordinance.

(f) Kelly Thomasson, 3318 Valley Drive, spoke in support of the ordinance.

(g) John Howard Eisenhower, 630 South Pitt Street, spoke in support of the ordinance.

(h) Michael Lane, 1213 Portner Road, spoke in opposition to the ordinance.

(i) Patrick Costello, 807 S. Royal Street, spoke in opposition to the ordinance.

(j) Annabelle Fisher, 5001 Seminary Road, spoke in opposition to the ordinance.

(k) Michael E. Hobbs, 419 Cameron Street, spoke in opposition to the ordinance.

(l) Phil Cefaratti, 3812 Griffith Place, spoke in opposition to the ordinance.

(m) Chris Terrell, 460 West Glebe Road, spoke in opposition to the ordinance.

(n) Katy Cannady, 20 E. Oak Street, president, Alexandria League of Women Voters, spoke in opposition to the ordinance on behalf of the League.

(o) Tom Raycroft, 132 Moncure Drive, spoke in opposition to the ordinance.

(p) Julie Jakopic, 3210 Landover Street, spoke in support of the ordinance.

(q) Stephen Dreikorn, 2701 Park Center Drive, Apt. B, spoke in opposition to the ordinance.

(r) Susan Kellom, 719 S. Fairfax Street, spoke in support of the ordinance.

(s) Christopher Campagna, 816 Duke Street, spoke in opposition to the ordinance.

(t) Judy Miller, 507 N. View Terrace, spoke in opposition to the ordinance.

(u) Sean Kumar, 510 E. Windsor Avenue, spoke in support of the ordinance.

(v) Magee Whelan, 209 N. Fairfax Street, spoke in opposition to the ordinance.

(w) Pat Troy, 310 Wolfe Street, spoke in opposition to the ordinance.

(x) Leonard Rubenstein, 17 W. Cedar Street, spoke in support of the ordinance.

(y) Don Mela, 501 Slaters Lane, spoke in opposition to the ordinance.

(z) Poul Hertel, 1217 Michigan Court, spoke in opposition to the ordinance.

(aa) Jean Antone, 704 S. Fairfax Street, spoke in opposition to the ordinance.

(bb) Charlotte Landis, 433 N. Patrick Street, spoke in opposition to the ordinance.

(cc) Brandon Shultz, 1227 E. Longview Drive, Woodbridge, said he is Councilman-elect Fannon's aide and he spoke in opposition to the ordinance.

(dd) Jermaine Mincey, 722 S. Fayette Street, Apt. 11, spoke in opposition to the ordinance.

(ee) Kerry Donley, 609 N. Pickett Street, spoke in support of the ordinance.

(ff) David Fromm, 2307 E. Randolph Avenue, spoke in opposition to the ordinance.

(gg) Jessica Killeen, 902 Commonwealth Avenue, spoke in support of the ordinance.

(hh) Dino Drudi, 315 N. West Street, spoke against the ordinance.

(ii) Chris Marston, 110 Shooters Court, spoke in opposition to the ordinance.

(jj) Sean Spicer, 711 Upland Place, spoke in opposition to the ordinance.

(kk) Andrew Macdonald, 217 N. Columbus Street, spoke in opposition to the ordinance.

(ll) Carlyle C. Ring, Jr., 308 Monticello Blvd., spoke in opposition to the ordinance.

(mm) Clark Mercer, 3318 Valley Drive, spoke in support of the ordinance.

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

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Wilson and carried 5-2 by roll-call vote, City Council adopted the ordinance to change the election of the Mayor and City Council to the November General Election Cycle, and asked that the City's Legislative Director start working with the City Council and the new City Council to gather input about Charter changes that can further improve the electoral process based on the comments it had today. The voting was as follows:

Krupicka	"aye"	Pepper	"no"
Wilson	"aye"	Gaines	"no"

Euille "aye" Lovain "aye"
Smedberg "aye"

The ordinance reads as follows:

ORDINANCE NO. 4596

AN ORDINANCE to change the date of the election of the mayor and city council from the May general election date to the November general election date.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Charter of the City of Alexandria, Virginia, § 10.01, 1950 as amended ("Charter"), provides that the election of the mayor and city council be held during the May general election cycle every third year after May, 1973.

Section 2. That the General Assembly of the Commonwealth of Virginia granted to the council of a city or town with a charter that provided for the election of a mayor and council the right to change those elections to the November general election date by properly adopted ordinance of said city or town. Va. Code § 24.2-222.1 (1950 as amended).

Section 3. That the election of the mayor and city council of Alexandria shall take place in the November general election cycle starting in November 2012 and continuing every third year thereafter.

Section 4. That Section 2-2-1 of the Code of the City of Alexandria, Virginia, 1981 as amended, be, and the same is hereby adopted to read as follows:

Sec. 2-2-1 November election of mayor and councilmen.

The mayor and council shall be elected at the November general election date every third year beginning in 2012. The terms of office for those so elected shall commence on January 1 immediately following said election.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

22. Public Hearing, Second Reading and Final Passage of an Ordinance to Increase the Fees For Handicapped Parking Fines, HOV Parking Fines and Moving Violation Fines in HOV Lanes. (#14, 6/9/09) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 12, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 21; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 21; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance to increase fees for handicapped parking fines, HOV parking fines and moving violation fines in HOV lanes.

Councilman Smedberg said the issue was raised at the economic sustainability meeting that at some point it has to look at all park all pay policies, as there is abuse going on in that area as well, and it deserves review and to be brought back to Council.

The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4597

AN ORDINANCE to amend and reordain Section 10-3-2 (COMMUTER BUS AND HIGH OCCUPANCY VEHICLES LANES) of Article A (GENERAL PROVISIONS) and Section 10-3-1242 (PARKING IN SPACES RESERVED FOR PERSONS WITH A DISABILITY) of Article B (RECKLESS DRIVING, SPEEDING, ETC.), both of Chapter 3 (OPERATION OF VEHICLES), Title 10 (MOTOR VEHICLES AND TRAFFIC); and Section 10-4-44 (PARKING PROHIBITED IN HOV LANE) of Chapter 4 (STOPPING, STANDING AND PARKING), Title 10 (MOTOR VEHICLES AND TRAFFIC), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-3-2 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-3-2 Commuter bus and high occupancy vehicles lanes.

(a) The city council, by resolution, may designate commuter lanes on the streets of the city under its exclusive jurisdiction for the exclusive use of buses and high occupancy vehicles during specified days and hours. No vehicles other than buses and high occupancy vehicles shall, for any purpose, enter or travel in a commuter lane designated by council during the days and hours specified by council, except that any vehicle may enter and travel in a commuter lane if it turns at the first intersection or at any point before such intersection, following the point it enters the lane.

(b) Unless otherwise stated in the council resolution designating a commuter lane, commuter lane restrictions shall be in effect from 7:00 a.m. to 9:00 a.m. for lanes in which traffic moves in a northerly direction, and from 4:00 p.m. to 6:00 p.m., for lanes in which traffic moves in a southerly direction, Monday through Friday, excluding legal holidays. Unless otherwise stated in the council resolution describing a commuter lane, at least two persons must occupy a vehicle in order for it to constitute a high occupancy vehicle and thus be entitled to travel in the commuter lane when the lane's restrictions are in effect.

(c) Signs designating a commuter lane shall state the minimum number of persons who must occupy a vehicle in order for it to be entitled to use the commuter lane, and shall state the days and hours during which this occupancy requirement is in effect. Such signs shall be plainly posted along the entire route of a commuter lane, at least one per block. In addition, one such sign shall be posted in the block preceding the first block of the commuter lane.

(d) Any person operating a vehicle in a commuter lane in violation of this section shall be guilty of a traffic infraction that is not a moving violation. Upon conviction, such infractions shall be punishable as follows:

(1) for a first offense, by a fine of \$125;

(2) for a second offense within a period of five years from the first offense, by a fine of \$250;

(3) for a third offense within a period of five years of the first offense, by a fine of \$500; and

(4) for a fourth or subsequent offense within a period of five years of the first offense, by a fine of \$1,000.

Section 2. That Section 10-3-1242 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-3-1242 Parking in spaces reserved for persons with a disability.

(a) It shall be unlawful:

(1) for any person to park a vehicle that does not display disabled parking license plates, or an organizational, permanent or temporary removable windshield placard, issued by the department of motor vehicles, or by another state or country, for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with a disability, in a parking space reserved for persons with a disability; or

(2) for any person who is not limited or impaired in his ability to walk to park a vehicle that displays disabled parking license plates, or an organizational, permanent or temporary removable windshield placard, issued by the department of motor vehicles, or by another state or country, for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with a disability, in a parking space that is reserved for persons with a disability, except when transporting a person with such a disability in the vehicle.

(b) In any prosecution charging a violation of this section, proof that the vehicle described in the parking ticket, citation or summons was parked in violation of the section, together with proof of the registered owner of the vehicle at the time of the violation, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(c) The penalty for the violation of this section shall be a fine of \$500.

(d) Parking spaces reserved for persons with a disability shall be identified by above-grade signs meeting the requirements of section 36-99.11 of the Code of Virginia (1950), as amended; provided, that no violation of this section shall be dismissed because of a property owner's failure to comply strictly with those requirements, so long as the parking space in question is clearly distinguishable as a space reserved for persons with a disability.

Section 3. That Section 10-4-44 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-4-44 Parking prohibited in HOV lane.

(a) It shall be unlawful for the operator of any vehicle, or for any person in whose name a vehicle is registered, to cause, allow, permit or suffer a vehicle to park, stop or stand in a commuter lane designated for the exclusive use of buses and high occupancy vehicles pursuant to section 10-3-2 of this code, on the days and during the hours specified in section 10-3-2 or in the resolution designating the commuter lane, as the case may be, for the exclusive use of such lane by buses and high occupancy vehicles.

(b) The provisions of article S of chapter 2, title 3 of this code shall be

applicable to the payment, contest and enforcement of parking citations issued for violation of this section; provided, however, that the penalty for the violation of this section, when the citation which was issued for the violation is uncontested, and payment is tendered to the director of finance within 30 calendar days from the date the citation was issued, shall be \$200.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

- 23. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Landmark / Van Dorn Small Area Plan Chapter of the 1992 Master Plan (2008 ed.) of the City of Alexandria, to Include the Landmark / Van Dorn Corridor Plan. (#15, 6/9/09) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance to amend the Landmark/Van Dorn Small Area Plan Chapter of the 1992 Master Plan of the City of Alexandria, to include the Landmark/Van Dorn Corridor Plan. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4598

AN ORDINANCE to amend and reordain the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2008-0008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. 2008-0008, the planning commission initiated on its own motion the amendment of the Landmark/Van Dorn Small Area Plan Chapter of the 1992 Master Plan (2008 ed.) of the City of Alexandria, to include the Landmark/Van Dorn Corridor Plan, as variously described *infra* .

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Landmark/Van Dorn Small Area Plan Chapter of the 1992 Master Plan (2008 ed.) of the City of Alexandria, be, and the same hereby is, amended to include the Landmark/Van Dorn Corridor Plan, as attached hereto and incorporated fully herein by reference, with the amendments to said Corridor Plan adopted by City Council on February 21, 2009.

Section 2. That the director of planning and zoning be, and hereby is, directed to record all of the foregoing amendments of the Landmark/Van Dorn Small Area Plan Chapter of the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, to include the Landmark/Van Dorn Corridor Plan as amended by City Council.

Section 3. That all provisions of the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the 1992 Master Plan (2008 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia.

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

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

24. Public Hearing, Second Reading and Final Passage of an Ordinance to Grant a Franchise By the City of Alexandria to Verizon to Use the Public Rights-of-way to Provide Telecommunications Services, Excluding Cable Services. (#16, 6/9/09)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 3, 2009, is on file in the

Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 24; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 24; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance to grant a franchise by the City of Alexandria to Verizon to use the public rights-of-way to provide telecommunications services, excluding cable services. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

Councilman Krupicka noted that there are still additional conversations to have with Verizon, and he noted that Verizon has sent a formal letter as relates to those negotiations and he wanted it to be clear that the letter is still a guiding principle that they are using for the discussion.

The ordinance reads as follows:

ORDINANCE NO. 4599

AN ORDINANCE to grant to Verizon Virginia Inc., its successors and assigns a franchise, under certain conditions, permitting the grantee to use the public rights-of-way in the City of Alexandria, for the design, construction, maintenance, and operation of a telecommunications system, excluding cable services, in the City.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That this Franchise is hereby granted to Verizon Virginia Inc., hereinafter referred to as "Grantee," its successors and assigns, to permit the Grantee to design, construct, maintain, and operate a telecommunications system, excluding cable services, using the public rights-of-way in the City.

Section 2. That the said Franchise is awarded to the Grantee after public notice and invitation for bids, as required by law, pursuant to Section 2 of Ordinance No. 4586, and after the invitation for bids was duly closed and all bids were fully and carefully investigated and evaluated.

Section 3. That the Grantee be, and hereby is, granted a Franchise for 25 years to design, construct, maintain, and operate a telecommunications system, excluding cable services, for the benefit of residents, businesses and government in the City. The Grantee shall strictly comply with the terms of this Ordinance and with the Telecommunications Franchise Agreement attached hereto and incorporated fully herein by reference, together with all applicable laws and regulations of the City of Alexandria, the Commonwealth of Virginia and the United States, and any regulatory agency having jurisdiction, including, without limitation, with the following conditions:

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

2. All necessary permits shall be obtained as set forth in paragraph 28 of the Franchise; including but not limited to boring in and/or under a public right-of-way or other public place.

3. In the event the relocation, construction, reconstruction, maintenance or repair by the City, the Commonwealth of Virginia or the Washington Metropolitan Area Transit Authority of any facilities or services is necessary or desirable, and it is necessary to alter or relocate, either permanently or temporarily, any of the Grantee's property in the public rights-of way or other public property in order to accomplish same, the Grantee will, after reasonable notice, move, alter or relocate its property in accordance with paragraphs 12 and 39 of the Franchise and should the Grantee fail to comply with such notice, its property may be removed, altered or relocated by the City, state or Washington Metropolitan Area Transit Authority at the cost of the Grantee and without liability for any resulting damage. The Grantee will do everything reasonably necessary, in a timely manner, to prevent any delays in construction projects of the City, the state or the Washington Metropolitan Area Transit Authority.

4. This Franchise may be assigned or transferred; provided, however, that Grantee shall provide notice to the City within thirty days after any filing with the Virginia State Corporation Commission seeking consent to such proposed transaction, as further set forth in paragraph 62 of the Franchise.

5. The Grantee shall provide to the City a surety in the amount of \$500,000 in a form acceptable to the City, to ensure completed construction of the fiber-to-the premises network. Upon completion of the construction of the network, the Grantee shall provide to the City a \$250,000 surety in a form acceptable to the City.

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

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

8. With respect to the construction and placement of the fiber-to-the premises network as permitted by this Franchise, the Grantee shall comply with the conditions as set forth in the Franchise, including but not limited to those set forth in paragraph 21 of the Franchise.

9. The Grantee shall protect all property of the City or any other person during any work of designing, constructing, maintaining, or operating its system in or adjacent to the public rights-of-way or other public place, and shall fully restore, in kind, any property damaged or destroyed during any such work as set forth in paragraph 34 of the Franchise.

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

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

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

25. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations For the Support of the City Government For Fiscal Year 2009. (#17, 6/9/09) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 25; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 25; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by

Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance to make supplemental appropriations for the support of the City government for fiscal year 2009, noting the correction by staff in the memo to make it 2009. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4600

AN ORDINANCE making supplemental appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2009.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2009, the source of such amount being external grant awards for which revenues were authorized and adjusted after July 1, 2009, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2009, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Fire	-1,349
Housing	116,302
Human Services	1,893,551
Mental Health, Mental Retardation and Substance Abuse	\$ 515,000
Total Estimated Revenue	\$ <u>2,523,504</u>

APPROPRIATION:

Fire	-1,349
Housing	116,302
Human Services	1,893,551
Mental Health, Mental Retardation and Substance Abuse	\$ 515,000
Total Estimated Revenue	\$ <u>2,523,504</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby

make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2009 the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2009 as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects	\$ <u>417,062</u>
Total Estimated Revenue	\$ <u>417,062</u>

APPROPRIATION:

Capital Projects	\$ <u>417,062</u>
Total Appropriation	\$ <u>417,062</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby authorize the transfer from the General Fund (Designated General Fund Balance) to the Capital Projects Fund (Reserved Capital Project Fund Balance), and does make provision for and appropriate to the latter fund, the amount hereafter stated that is required to defray certain expenditures and liabilities for the city in fiscal year 2009 and further, that the Council does hereby allot the amount so appropriated as follows: (i) to capital projects which are included in the city's government fiscal year 2009- 2014 capital improvement program, adopted by Council May 5, 2008.

GENERAL FUND

FINANCING USE:

Transfer Out to Capital Project Fund	\$ <u>8,950,000</u>
Total Transfer Out	\$ <u>8,950,000</u>

CAPITAL PROJECT FUND

ESTIMATED REVENUE:

Transfer In from General Fund	\$ <u>8,950,000</u>
Total Financing Source	\$ <u>8,950,000</u>

APPROPRIATION:

Capital Projects	\$ <u>8,950,000</u>
Total Appropriation	\$ <u>8,950,000</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that are required to defray certain expenditures and liabilities of the city in fiscal year 2009, the source of such amount being Equipment Replacement Retained Earnings, and further, that the Council does hereby allot the amount so appropriated to the various city departments for fiscal year 2009, as follows:

EQUIPMENT REPLACEMENT FUND

APPROPRIATION:

Office of the City Manager	19,000
Information and Technology Services	400,000
Transportation and Environmental Services	80,000
Recreation, Parks and Cultural Activities	89,000
Mental Health Mental Retardation and Substance Abuse	\$ 207,000
Total Appropriation	<u>\$ 795,000</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2009, the source of such amount being Component Unit - School Fund Balance, and further, that the Council does hereby allot the amount so appropriated, as follows:

COMPONENT UNIT

APPROPRIATION:

Component Unit - Schools	\$ 801,559
Total Appropriation	<u>\$ 801,559</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that are required to defray certain expenditures and liabilities of the city for fiscal year 2009, the source of such amount being Recovered Damages revenue and further, that the Council does hereby allot the amount so appropriated for fiscal year 2009 as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Recovered Damages Revenue	\$ 432,060
Total Estimated Revenues	<u>\$ 432,060</u>

APPROPRIATION:

Non-Departmental	\$ 432,060
Total Appropriation	<u>\$ 432,060</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2009, the source of such amounts being Transfer In from General Fund, and further, that the Council does hereby allot the amount so appropriated for fiscal year 2009, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Transfer In From General Fund	\$ 3,243
Total Estimated Revenue	<u>\$ 3,243</u>

APPROPRIATION:

Library	\$ 3,243
Total Appropriation	<u>\$ 3,243</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and reduce the appropriation to the fund hereafter stated the amount hereafter stated that is required to address the shortfall in General Fund revenue projected for fiscal year 2009, the source of such amount being a reduction in General Fund revenue in support of the Special Revenue Fund, and the same hereby is, further reduced to the follow City Department in the amount set forth below:

SPECIAL REVENUE FUND/COMPONENT UNIT

ESTIMATED REVENUE:

Designated General Fund Balance	\$ (66,835)
Total Estimated Revenue	<u>\$ (66,835)</u>

APPROPRIATION/REDUCTION:

Human Services	\$ (66,835)
Total Appropriation	<u>\$ (66,835)</u>

Section 10. That this ordinance shall become effective upon the date and time of its final passage.

26. Public Hearing, Second Reading and Final Passage of an Ordinance to Make

Appropriations For the Support of the City Government For Fiscal Year 2010.
(#18, 6/9/09) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 26; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 26; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 26; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance to make appropriations for the support of the city government for fiscal year 2010. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4601

AN ORDINANCE making appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2010.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to section 6.07 of the city charter, the sum of \$703,504,135 be, and the same hereby is, appropriated for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2009 and ending on the thirtieth day of June 2010.

Section 2. That, pursuant to section 6.07 of the city charter, the sum of \$703,504,135 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2009 and ending on the thirtieth day of June 2010, be, and the same hereby is, further appropriated to the following city departments, major operating units, component units and major categories of expenditures in the amounts set forth below:

<u>Department/Unit/Component Unit/ Category of Expenditure</u>	<u>Appropriation</u>
18 th Circuit Court	\$ 1,340,904
18 th General District Court	79,228
18 th Juvenile Court	34,155
Citizen Assistance	
563,093	
City Attorney	2,806,519
City Clerk and Clerk of Council	419,178
City Council	524,157
City Manager	1,654,638
Clerk of Court	1,563,551
Commonwealth's Attorney	2,866,019
Contingent Reserves	983,160
Court Services Unit	1,520,096
Economic Development	3,246,153
Finance	8,700,366
Fire	40,551,947
General Debt Service	37,418,614
General Services	11,549,392
Health	6,866,006
Human Rights	649,103
Human Services	54,604,373
Human Services Contributions	2,033,259
Information Technology Services	6,504,441
Internal Audit	223,233
Law Library	163,713
Mental Health/Mental Retardation/Substance Abuse	30,702,632
Non-Departmental	12,281,818
Office of Communications	1,306,261
Office of Historic Alexandria	3,041,230
Office of Housing	4,252,462
Office of Management and Budget	1,139,968
Office on Women	1,814,304
Other Correctional Activities	5,366,650
Other Educational Activities	12,304
Other Health Activities	1,038,600
Personnel	3,096,821
Planning & Zoning	5,337,436
Police	53,664,695
Procurement	910,105
Real Estate Assessments	1,516,494
Recreation, Parks & Cultural Activities	19,263,486

Registrar of Voters	1,070,439
Sheriff	26,887,310
Transit Subsidies	19,745,685
Transportation and Environmental Services	29,501,834
Capital Projects	72,285,573
Component Unit-Library	6,733,841
Component Unit-Schools	211,019,067
Internal Services	4,649,822
TOTAL APPROPRIATIONS	<u>\$ 703,504,135</u>

Section 3. That, pursuant to section 6.07 of the city charter, the sum of \$703,504,135 appropriated in section 1 of this ordinance for the support of the City of Alexandria in the fiscal year beginning on the first day of July 2009 and ending on the thirtieth day of June 2010 be, and the same hereby is, further appropriated to the following principal objects of city expenditures:

<u>Object of Expenditures</u>	<u>Appropriation</u>
Personnel Service	\$ 229,518,011
Non-Personnel Services	167,561,835
Capital Outlay	326,986
Component Unit-Library	6,733,841
Component Unit-Schools	211,019,067
Component Unit-Alexandria Transit Company	11,409,000
Equipment Replacement	4,649,822
Capital Projects	72,285,573
TOTAL APPROPRIATIONS	<u>\$ 703,504,135</u>

Section 4. That the sum of \$703,504,135 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2009 and ending on the thirtieth day of June 2010 is estimated to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
General Property Taxes	\$ 329,451,111
Other Local Taxes	115,930,000
Permits, Fees and Licenses	6,629,109
Fines and Forfeitures	4,781,325
Intergovernmental Revenue	131,709,695
Charges for Services	36,854,123
Revenue from Use of Money and Property	5,353,189
Miscellaneous Revenue	2,556,191
Bond Proceeds - Future Sale	55,666,546
Unreserved Fund Balance - General Fund:	

Subsequent Year's Budget as Designated	11,672,511
Unreserved Fund Balance – Capital Projects Fund	
Unreserved Fund Balance – Sewer Fund	135,261
Retained Earnings - Internal Services	<u>2,765,074</u>
TOTAL ESTIMATED REVENUE	<u>\$ 703,504,135</u>

Section 5. That, pursuant to section 6.14 of the city charter, the sum of \$72,285,573 be, and the same hereby is, appropriated for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2009 and ending on the thirtieth day of June 2010. This sum, which consists of the \$72,285,573 appropriated as Capital Projects in section 2 of this ordinance, is appropriated as follows: (i) \$60,249,896 to capital projects which are included in the city's government fiscal year 2010 - 2015 capital improvement program adopted by City Council on April 27, 2009; \$12,035,677 the capital projects identified in the Alexandria City Public Schools' capital budget approved by the school board on February 5, 2009.

Section 6. That the sum of \$72,285,573 appropriated in section 5 of this ordinance for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2009 and ending on the thirtieth day of June 2010 is estimated to be derived from the following sources of revenue:

Source of Revenue
Amount

Transfer In from General Fund	\$	4,400,038
Transfer In from Special Revenue Fund - Sewer		4,745,050
Permits and Licenses		985,000
Use of Money and Property – Bond Interest Earnings		1,487,713
Designated General Fund Balance		5,001,226
Bond Proceeds - Future Sale		<u>54,073,839</u>
TOTAL ESTIMATED REVENUE	\$	<u>72,285,573</u>

Section 7. That the sum of \$226,022,075, and the same hereby is, authorized to be transferred between the following funds maintained by the city, as set forth below:

<u>From</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
General Fund	\$ 34,930,146	Special Revenue Fund - General	\$ 34,930,146
Special Revenue Fund – Sewer	1,274,349	General Fund	1,274,349
		Special Revenue Fund – Affordable	

General Fund	2,306,072	Housing	2,306,072
Special Revenue Fund – Sewer	4,745,050	Capital Projects	4,745,050
General Fund	4,400,038	Capital Projects Fund	4,400,038
General Fund	164,594,674	Component Unit-Schools	164,594,674
General Fund	7,699,000	Component Unit-Alexandria Transit Company	7,699,000
General Fund	<u>6,072,746</u>	Component Unit-Library	<u>6,072,746</u>
TOTALS	<u>\$ 226,022,075</u>	TOTALS	<u>\$ 226,022,075</u>

Section 8. That the sum of \$703,504,135 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2009 and ending on the thirtieth day of June 2010, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each city department, major operating unit, component unit and major category of expenditure, to the funds maintained by the city as shown in Table I on the following page of this ordinance.

Section 9. That the sum of \$703,504,135 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2009 and ending on the thirtieth day of June 2010 is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each major source of revenue, to the funds maintained by the city as shown in Table II on the following page of this ordinance.

Section 10. That the sum of \$3,100,000 be appropriated from fund for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2009 and ending on the thirtieth day of June 2010 is appropriated in the amounts set forth below:

ESTIMATED REVENUE:

Designated General Fund Balance	<u>\$ 3,100,000</u>
Total Estimated Revenue	<u>\$ 3,100,000</u>

APPROPRIATION:

Non-Departmental	<u>\$ 3,100,000</u>
Total Appropriation	<u>\$ 3,100,000</u>

Section 11. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriation to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2009, but which are payable in fiscal year 2010 and for which amounts were appropriated but not expended in fiscal year 2009 and further, that the council does hereby allot the amounts so appropriated to the several city departments for fiscal year 2010 as follows:

GENERAL FUND

Citizen Assistance	\$ 7,000
City Attorney	3,000
City Manager	4,000
Commonwealth's Attorney	7,000
Finance	980,000
Fire	250,000
General Services	100,000
Health	130,000
Human Rights	3,000
Human Services	550,000
Information and Technology Services	695,000
Non-Departmental	300,000
Office of Communications	24,000
Office of Historic Alexandria	16,000
Office of Management and Budget	21,000
Office on Women	10,000
Other Correctional Activities	14,000
Personnel	7,000
Planning and Zoning	320,000
Police	291,000

Recreation, Parks and Cultural Activities	362,000
Registrar of Voters	11,000
Sheriff	500,000
Transit Subsidies	500,000
Transportation and Environmental Services	<u>\$2,600,000</u>
Total General Fund	<u>\$7,705,000</u>

Section 12. That this ordinance shall become effective upon the date and at the time of its final passage.

27. Public Hearing, Second Reading and Final Passage of an Ordinance to Authorize the Sale of the City Owned Property at 322 Wesmond Drive. (#19, 6/9/09) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 27; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 27; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 27; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance to authorize the sale of the City owned property at 322 Wesmond Drive. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4602

AN ORDINANCE approving and authorizing the sale of property owned by the City of Alexandria, located at 322 Wesmond Drive in the City of Alexandria, Virginia to an income-eligible household participating in the City's Homeownership Assistance Program (HAP).

WHEREAS, the City of Alexandria owns the real property located at 322 Wesmond Drive in Alexandria, Virginia, having acquired it at foreclosure sale in July 2007; and

WHEREAS, the sale of this property by the city as a long-term affordable homeownership opportunity has been submitted to and approved by the planning commission on June 3, 2008; and

WHEREAS, the city manager has recommended the sale of this property to a first-time home buyer for not more than \$279,900 and as a long-term affordable homeownership opportunity; and

WHEREAS, the city council is of the opinion that the sale of this property will benefit the City's housing goals and that its sale to a first-time home buyer for not more than \$279,900 and as a long-term affordable homeownership opportunity is in the public interest; and

WHEREAS, an income-eligible first-time home buyer has not been found to purchase the property; however, the city council is of the opinion that there may be an opportunity to sell the property while it is in recess; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sale of the real property described below to a first-time home buyer for not more than \$279,900 and as a long-term affordable homeownership opportunity, be, and the same is hereby, approved and authorized:

Lot numbered ELEVEN (11), Block SEVEN (7), Section FIVE (5), LYNHAVEN, as the same appears duly dedicated, platted and recorded in Deed Book 201, page 410, among the land records of the City of Alexandria.

Section 2. That the city manager be and hereby is authorized, on behalf of the City of Alexandria, to do all things necessary and desirable to carry out the sale of the real property described in Section 1, including, but not limited to, the execution and delivery of a deed and other appropriate documents.

Section 3. That the city clerk be and is hereby authorized to attest to the execution of the deed and other necessary documents executed by the city manager pursuant to Section 2, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

28. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend

the Employee Homeownership Incentive Program to Increase the Maximum Loan To Be Used at Closing on the Property From \$5,000 to \$10,000, to Make the Loans Secured Rather Than Unsecured Personal Loans and Make Two Technical Corrections Related to the Allowable Purchase Price Level For the Program. (#20, 6/9/09) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 28; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 28; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 28; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance to amend the employee homeownership incentive program to increase the maximum loan to be used at closing on the property from \$5,000 to \$10,000, to make the loans secured rather than unsecured personal loans and make two technical corrections related to the allowable purchase price level for the program. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4603

AN ORDINANCE to amend and reordain Sections 2-5-33, 2-5-35, 2-5-36, and 2-5-37, in Article C (Employee Homeownership Incentive Program) of Chapter 5 (Officers and Employees) of Title 2 (General Government) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article C (Employee Homeownership Incentive Program) of Chapter 5 (Officers and Employees) of Title 2 (General Government) of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby amended

and reordained by enacting amended Sections 2-5-33, 2-5-35, 2-5-36, and 2-5-37, to read as follows:

Sec. 2-5-33 Same--eligibility; restrictions generally.

A loan under this article shall be subject to the following restrictions and conditions:

(1) The applicant shall be, at the time of approval of his or her application, a full or part time (at least 20 hours per week, or equivalent), but not a seasonal, employee of a covered entity.

(2) The purchase price of the dwelling to be purchased by the applicant shall not exceed 1.3 times the average assessed value for all housing types of residentially assessed property in the City, as determined by the director of real estate assessments.

(3) The applicant shall own at least 50 percent interest in the dwelling.

(4) The applicant, together with any member of the applicant's household, shall not concurrently own the dwelling and 50 percent or more interest in other residential property in the City or elsewhere, unless such other property is actively marketed for sale in conjunction with the purchase of the dwelling.

(5) The applicant must at all times occupy the dwelling for which the loan is sought as his or her principal residence.

(6) An applicant shall submit the application required by section 2-5-35 prior to closing on the purchase of the dwelling, and within such time as established by regulation to permit the orderly processing of such application.

(7) An applicant for a loan provided under this article may apply for and receive benefits under other homeownership assistance programs administered by the City or any other entity, to the extent permitted by the regulations applicable to such other programs.

(8) Only one application shall be made per household, irrespective of the number of eligible applicants residing in the household.

(9) In the case of an applicant who is an employee of a covered entity other than the City of Alexandria, the applicant, in addition to complying with the provisions of this article, shall comply with any additional terms and conditions, not in conflict with the provisions of this article, as the covered entity may provide by general rule or regulation.

Sec. 2-5-35 Same--procedure for application.

(a) Any applicant for a loan under this article shall file with the city manager, in such manner as the manager shall prescribe and on forms to be supplied by the City, an affidavit or written statement providing the following:

(1) the name of the applicant;

(2) the address of the dwelling to be purchased;

(3) such additional information as the city manager reasonably determines to be necessary to determine eligibility for a loan pursuant to this article.

(b) If, after audit and investigation, the city manager determines that the

applicant is eligible for a loan, the manager shall so certify to the director of finance, who shall issue a check in the approved amount payable jointly to the applicant and the applicant's settlement company, and the applicant shall execute a note and deed of trust evidencing such loan at closing.

Sec. 2-5-36 Same--amount limitations.

(a) The maximum amount of each loan under this article shall be as follows:

(1) Applicant who is a full time (40 hours per week or equivalent) employee - \$10,000.

(2) Applicant who is a part time (less than 40 hours but at least 20 hours per week or equivalent) employee - \$10,000 times the ratio of the number of hours per week the applicant is regularly employed over 40 (or equivalent denominator).

(b) For each covered entity, the total amount of loans under this article in any fiscal year shall not exceed the sum lawfully appropriated therefor or allocated thereto by the Alexandria City Council, from funds other than state funds, and for covered entities other than the City of Alexandria, shall in addition not exceed the sum approved for such loans by such covered entity. Loans under this article shall be subject to such funding availability, and provided on a first-come, first-served basis.

Sec. 2-5-37 Same--interest, repayment, secured loan.

(a) No interest shall accrue on the principal of any loan authorized pursuant to this article; provided, however, that interest on any past due amount shall accrue at the rate specified in the note evidencing such loan.

(b) Any loan under this article shall become due, and shall be repaid to the City in full, upon the sale of the dwelling, or when the applicant otherwise ceases to own and occupy the dwelling as his or her principal residence, which ever shall occur first; provided, however, that in the event an applicant voluntarily terminates his or her employment by a covered entity within a period of 36 months following closing on the purchase of the dwelling, the amount calculated by multiplying one thirty sixth of the loan balance by the number of months of such 36 month period remaining at the time of termination, shall become due and payable upon such termination of employment; and provided further, that in the event a qualifying applicant sells such applicant's dwelling and purchases another qualifying dwelling within 30 days, the loan shall become due and payable upon the sale of, or other event which triggers repayment with respect to, such other qualifying dwelling.

(c) Any loan under this article shall be secured by the real property related thereto.

(d) Upon written approval of the City, a loan under this article may be subordinated to the lien of another deed of trust.

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

29. Public Hearing, Second Reading and Final Passage of an Ordinance to Modify

the Membership of the Alexandria-Caen Sister City Committee. (#21, 6/9/09)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 29; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 29; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 29; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance to modify the membership of the Alexandria-Caen Sister City Committee. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4604

AN ORDINANCE to amend and reordain Section 2-4-140 of Article S (ALEXANDRIA-CAEN SISTER CITY COMMITTEE), Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-140 of Article S, Chapter 4, Title 2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended and reordained to read as follows:

ARTICLE S Alexandria-Caen Sister City Committee

Sec. 2-4-140 Creation, composition, organization and term.

(b) The members of the committee shall be appointed by the City Council as

follows:

- (1) seventeen citizen members; and

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

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

- 30. Public Hearing, Second Reading and Final Passage of an Ordinance Amending Ordinance Number 4584 Authorizing and Empowering the Option of Issuance, Sale and Delivery of General Obligation Bonds as Build America Bonds. (#22, 6/9/09) [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 30; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 30; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 30; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance amending Ordinance No. 4584 authorizing and empowering the option of issuance, sale and delivery of general obligations bonds as Build America Bonds. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4605

AN ORDINANCE amending Ordinance No. 4584 for the purpose of authorizing the City Manager and Director of Finance of the City of Alexandria, Virginia, or

either of them, to accept a bid for the purchase of all or a portion of the bonds authorized under Ordinance No 4584 as Build America Bonds (Direct Payment) under the provisions of the American Recovery and Reinvestment Act of 2009, and irrevocably designate such bonds as Build America Bonds.

WHEREAS, the City Council of the City of Alexandria, Virginia (the "City Council") previously adopted Ordinance No. 4584, authorizing the issuance by the City of Alexandria, Virginia (the "City") of its general obligation bonds in the estimated maximum amount of \$106,700,000 (the "Bonds"); and

WHEREAS, the City Council has determined that it may be advisable to issue all or a portion of the Bonds as Build America Bonds (Direct Payment) under the provisions of the American Recovery and Reinvestment Act of 2009; and

WHEREAS, the City Council has determined that it may be advisable to authorize the reallocation of a portion of the proceeds of the Bonds for affordable housing projects.

THE CITY COUNCIL OF THE CITY OF ALEXANDRIA HEREBY ORDAINS:

1. "Build America Bonds" Authorized. The City Council hereby determines that it is advisable for the City to accept a bid for the purchase of all or a portion of the Bonds as Build America Bonds under the provisions of the American Recovery and Reinvestment Act of 2009, if such bid results in the lowest true interest cost to the City, and to irrevocably designate such Bonds as "Build America Bonds."

2. Affordable Housing Projects. The City Council hereby authorizes the City Manager and the Director of Finance, or either of them, to reallocate a portion of the proceeds of the Bonds for affordable housing projects if deemed desirable by the City Manager and the Director of Finance, or either of them.

3. Authority of City Manager and Director of Finance. The City Manager and the Director of Finance, or either of them, are hereby authorized to accept a bid for the purchase of all or a portion of the Bonds as Build America Bonds under the provisions of the American Recovery and Reinvestment Act of 2009 if such bid results in the lowest true interest cost to the City, as determined by the City Manager and the Director of Finance, or either of them, and the City Manager and the Director of Finance, or either or them, are hereby authorized to irrevocably designate such Bonds as "Build America Bonds."

4. Effective Date. This Ordinance shall take effect at the time of its enactment.

31. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the City Code to Remove the Amounts of Certain Fire Prevention Inspection Fees from City Code and Allow Those Fees To Be Set by City Council by

Resolution. (#23, 6/9/09) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 29, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 31; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 31; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 31; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council adopted the ordinance to amend the City Code to remove the amounts of certain fire prevention inspection fees from the City Code and allow those fees to be set by City Council resolution. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4606

AN ORDINANCE to amend and reordain Section 4-2-21 (CHANGES IN VIRGINIA STATEWIDE FIRE PREVENTION CODE), Article B (FIRE PREVENTION), Chapter 2 (FIRE PROTECTION AND PREVENTION), Title 4 (PUBLIC SAFETY) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 4-2-21 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 4-2-21 Changes in Virginia Statewide Fire Prevention Code.

[INTERVENING CODE SECTIONS INTENTIONALLY OMITTED]

(9) Chapter 1, Table F-108.2 is deleted. Chapter 1, Table 107.2 replaces Table F-108.2 and is amended by adding the following quantities and approval:

[The third column in Table 107.2 setting forth the fees for each Operational Permit is deleted in its entirety]

(10) Chapter 1, Section 107.12 is amended by adding the following after the last sentence of the paragraph to read:

The permit fees for each item set forth in Table 107.2, Operational Permit Requirements, shall be set from time to time by City Council by resolution.

[SUBSEQUENT CODE SECTIONS INTENTIONALLY OMITTED]

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

32. Consideration of a Resolution to Adopt Code Administration Fee Increases for FY 2010. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 32; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 32; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 32; 6/13/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council passed a resolution to adopt Code Administration fee increases for FY 2010, with the amendment to add the word "not" into the staff memo, as recommended by staff. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2347

Resolution to Adopt Fees Increases Administered by the Office of Building and Fire Code Administration

WHEREAS, pursuant to Section 2.07 of the City Charter, City Council has the authority to establish fees to be charged for services provided by the City; and

WHEREAS, the majority of fees charged by the Office of Building and Fire Code Administration fell within the Baltimore Washington CPI-U fee adjustment guidelines set forth by City Council in Fiscal 2008; and

WHEREAS, the fees associated with the services provided by the Office of Building and Code Administration are significantly below what other jurisdictions charge and the costs of maintaining the staff and programs therein; and

WHEREAS, the costs of maintaining the staff, facilities and programs provided by the Office of Building and Fire Code Administration continue to increase year-by-year and the current fees do not cover the entire costs associated therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

1) That the fees charged by the Office of Building and Fire Code Administration for the various permits and inspection and other services shall be as updated beginning July 1, 2009, as set forth in Attachment 1.

2) That this resolution shall be effective on the date and at the time of adoption.

33. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish the Charles Houston Recreation Center (in Lieu of Fire Department Headquarters) and the Patrick Henry Recreation Center (In Lieu of St. Martin De Porres Senior Center) as Polling Places in the City of Alexandria. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 33; 6/13/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 33; 6/13/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the

Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 33; 6/13/09, and is incorporated as part of this record by reference.)

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

(a) Anna Leider, 125. N. Lee Street, #401, Secretary, Alexandria Electoral Board, said the Electoral Board unanimously voted to urge adoption of the two changes to the polling places.

(b) Poul Hertel, 1217 Michigan Court, said he was notified of this change one and a half days ago, and he said the notion that Charles Houston is a reasonable alternative, which is in the center of James Bland, and they both have reduced parking, but while the James Bland project is on-going, it might not be a smart move to move, and he wanted the fire station to still be a focal point of the neighborhood.

(c) Mariella Posey, 915 Second Street, president, Northeast Citizens' Association, spoke about the board's displeasure at the way they were notified of the proposed change to their polling place and she spoke of the parking problem for those that will have to drive, and she asked Council to defer it until the Fall.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and which carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to establish the Patrick Henry Recreation Center (in lieu of St. Martin De Porres Senior Center) as a polling place in the City of Alexandria and did not adopt the change to the Charles Houston Recreation Center (in lieu of Fire Department Headquarters) until it has had time to consult with the neighbors but to also think through the construction project and how it will impact the site. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4607

AN ORDINANCE to amend and reordain Section 2-2-10 (ESTABLISHMENT OF ELECTION DISTRICTS AND POLLING PLACES), Chapter 2 (ELECTIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-2-10 of the Code of the City of Alexandria,

Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 2-2-10 Establishment of election districts and voting places.

The following election districts and voting places are hereby established for the City of Alexandria, Virginia:

(a) The Ladrey Senior Building Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Ladrey Senior Building Election District shall be at the Ladrey Senior Building, located at 300 Wythe Street.

(b) The City Hall Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the City Hall Election District shall be at City Hall, located at 301 King Street.

(c) The Lyles Crouch School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Lyles Crouch School Election District shall be at the Lyles Crouch School, located at 530 South St. Asaph Street.

(d) The Durant Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Durant Center Election District shall be at the Durant Center, located at 1605 Cameron Street.

(e) The Lee Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Lee Center Election District shall be at the Lee Center, located at 1108 Jefferson Street.

(f) The Cora Kelly Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Cora Kelly Center Election District shall be the Cora Kelly Center, located at 25 West Reed Avenue.

(g) The Mt. Vernon Recreation Center Election District shall be by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Mt. Vernon Recreation Center Election District shall be the Mt. Vernon Recreation Center, located at 2710 Commonwealth Avenue.

(h) The George Washington Middle School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the George Washington Middle School Election District shall be at the, George Washington Middle School located at 1005 Mount Vernon Avenue.

(i) The Fire Department Headquarters Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Fire Department Headquarters Election District shall be the Fire Department Headquarters, located at 900 Second Street.

(j) The Maury School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Maury School Election District shall be the Maury School, located at 600 Russell Road.

(k) The George Mason School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the George Mason School Election District shall be at the George Mason School, located at 2601 Cameron Mills Road.

(l) The Agudas Achim Congregation Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Agudas Achim Congregation Election District shall be at the Agudas Achim Congregation, located at 2908 Valley Drive.

(m) The Blessed Sacrament Church Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Blessed Sacrament Church Election District shall be the Blessed Sacrament Church, located at 1427 West Braddock Road.

(n) The Douglas MacArthur School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this Code as comprising the said district.

The voting place within the Douglas MacArthur School Election District shall be at the Douglas MacArthur School, located at 1101 Janney's Lane.

(o) The Chinquapin Park Recreation Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Chinquapin Park Recreation Center Election District shall be at the Chinquapin Park Recreation Center, located at 3210 King Street.

(p) The Temple Beth El Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within Temple Beth El Election District shall be Temple Beth El, located at 3830 Seminary Road.

(q) The Northern Virginia Community College Arts Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Northern Virginia Community College Arts Center Election District shall be the Northern Virginia Community College Arts Center, located at 3001 North Beauregard Street.

(r) The James K. Polk School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the James K. Polk School Election District shall be the James K. Polk School, located at 5000 Polk Avenue.

(s) The Patrick Henry Recreation Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of

this code as comprising the said district.

The voting place within the Patrick Henry Recreation Center Election District shall be at the Patrick Henry Recreation Center, located at 4643 Taney Avenue.

(t) The Samuel Tucker School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Samuel Tucker School Election District shall be the Samuel Tucker School, located at 435 Ferdinand Day Way.

(u) The Charles E. Beatley, Jr., Central Library Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place for the Charles E. Beatley, Jr., Central Library Election District shall be the Charles E. Beatley, Jr., Central Library, located at 5005 Duke Street.

(v) The John Adams School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the John Adams School Election District shall be at the John Adams School, located at 5651 Rayburn Avenue.

(w) The William Ramsay Recreation Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the William Ramsay Recreation Center Election District shall be at the William Ramsay Recreation Center, located at 5650 Sanger Avenue.

(x) The South Port Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place for the South Port Election District shall be the South Port Apartment Complex, located at 6112 Edsall Road.

(y) The Cameron Station Community Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this Code as comprising the said district.

The voting place within the Cameron Station Community Center Election District shall be at the Cameron Station Community Center, located at 200 Cameron Station

Boulevard.

(z) The St. James Church Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this Code as comprising the said district.

The voting place within the St. James Church Election District shall be at the St. James Church, located at 5000 Echols Avenue.

Section 2. That this ordinance shall become effective upon receipt of approval from the United States Department of Justice pursuant to Section 5 of the federal Voting Rights Act, 42 U.S.C. 1973, et seq.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

* * * * *

NEW BUSINESS ITEM NO. 1: Introduction of an ordinance amending the City Code to allow the outdoor display of rental bicycles.

City Clerk Henderson read the following ordinances into the record:

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Sections 5-2-29 (STREET ENCROACHMENTS), Section 5-2-19 (SALE OF ARTICLES OF COMMERCE FROM VEHICLES PROHIBITED OR LIMITED WHILE PARKING ON CITY STREETS), and Section 5-2-16 (PLACING MERCHANDISE ON OR OTHERWISE OBSTRUCTING SIDEWALKS AND OTHER PUBLIC RIGHTS-OF-WAY) all of Article A (GENERAL PROVISIONS) Chapter 2 (STREETS AND SIDEWALKS), Title 4 (PUBLIC SAFETY) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-2-29 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 5-2-29 Street encroachments.

Any encroachment into a public street, alley, sidewalk or other right-of-way may be authorized only by a special ordinance adopted by city council, unless the encroachment is authorized pursuant to one of the following exceptions or is otherwise authorized by this code or the City of Alexandria Zoning Ordinance:

Steps. Steps not more than 12 feet in length, including the required landings, may project beyond the street lot line up to five feet on streets with a right-of-way width of 100 feet or more, up to four feet on streets with a right-of-way width between 66 and 100 feet, up to three feet on streets with a right-of-way width between 50 and 66 feet and, notwithstanding the above, up to 20 inches on Union Street and on King Street between the Potomac River and the R.F.&P. railroad right-of-way. The term "steps" in this subsection includes ramps and similar structures necessary to provide access to the handicapped.

Architectural decorations. Belt courses, lintels, sills, architraves, pediments and similar architectural decorations may project up to four inches beyond the street lot line when less than 10 feet above the curb level, and up to 10 inches beyond the street lot line when 10 feet or more above the curb level.

Sign A sign may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.

(d) Canopies, awnings and marquees. Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line, and extending to no more than one foot from the established curb line, may be erected.

(e) Nonpermanent planters. Planters which are nonpermanent may be located in a right-of-way subject to the following:

(1) A permanent planter is one which is attached in any permanent manner to a public right-of-way or to a building, building appurtenance or any other structure, or which rests on a foundation or substructure other than a sidewalk. A permanent planter requires a building permit and an encroachment ordinance. Above-grade permanent planters located in an historic district also require approval by the board of architectural review.

(2) A nonpermanent planter is a portable container that is light enough to be transported by two people when empty of soil and plants.

(3) A nonpermanent planter may not project into a public right-of-way more than steps would be allowed to project under subsection (a) above and may not exceed 30 inches in height. There is no limit to the number of planters permitted as long as the conditions of this subsection (e) are complied with and the planters are maintained in good condition.

(4) A nonpermanent planter must be located so as to maintain a path for public travel at least five feet in width at all points, along any adjacent sidewalk.

(5) A permit for a nonpermanent planter must be obtained from the department of transportation and environmental services. The permit application shall include the address of the planter, adequate location drawings, and a sketch, photo or dimensions of the planter. Visual inspection by the director of transportation and environmental services or his designee may be substituted for drawings if the location and description of the planter are recorded on the permit application. After a permit has been granted, it may be revoked and the planter removed from the right-of-way by the director or his designee whenever the applicant fails to comply with any permit conditions. A permit application will be reviewed to determine compliance with the following:

a. The location of the planter shall not unduly obstruct the public right-of-way.

b. The planter shall be of such design and construction, and the contents shall be of such nature, so as not to constitute a nuisance or public hazard.

c. The planter shall be of a design, material and color which are generally recognized as intended for and suitable for the display of plant materials on the public right-of-way in an urban environment and, if located in an historic district, are compatible with the streetscape in the district and are consistent with the applicable design guidelines adopted by the board of architectural review.

d. The owner of the planter shall agree to move the planter whenever the city requires access to the planter location.

(f) **Benches.** Benches and similar street furniture may be placed in a public right-of-way, subject to the following:

(1) The bench or street furniture shall be located immediately adjacent to the closest building wall, shall touch the wall along the length of the bench or street furniture, and shall not project from the wall more than 30 inches.

(2) The bench or street furniture shall not be used as part of a business for advertising, or for making sales or providing services to customers, and shall be available for use by the general public.

(3) The director of transportation and environmental services or his designee shall review any bench or street furniture proposed for a right-of-way and its location, and approve it if he finds that it will not interfere with pedestrian access and safety, will not be an attractive nuisance and will promote the health, safety and welfare of the city.

(4) The director of planning and zoning or his designee shall review any bench or street furniture proposed for a right-of-way and shall approve it if he finds that its design is compatible with the character of the surrounding area.

(g) Rental Bicycles. Bicycles offered for rent may be displayed and rented from areas of right of way pursuant to Section 7-2400 of the Zoning Ordinance and this section 5-2-29.

(h) Encroachment requirements. In addition to any other restrictions or requirements imposed by this code or the City of Alexandria Zoning Ordinance, the owner of any sign, canopy, awning or marquee, nonpermanent planter, bench, bicycle display or similar street furniture that encroaches into a public right-of-way pursuant to this section shall also comply with the following:

(1) Liability insurance. The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest), and the city as an additional named insured, against all claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment.

(2) Removal of encroachment. The owner or any successor in interest shall remove the encroachment if the city determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the city shall provide the owner or successor in interest with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the owner or successor in interest cannot be found, or fails to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the owner or successor, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal.

Section 2. That Section 5-2-19 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 5-2-19 Sale of articles of commerce from vehicles prohibited or limited while parking on city streets.

It shall be unlawful for any person to offer for sale or sell any goods, wares, merchandise, foodstuffs or similar items from a vehicle or trailer that is parked, placed or stopped on a city street alongside of or next to a parking meter. It shall also be unlawful for any person to offer for sale or sell any goods, wares, merchandise,

foodstuffs or similar items from a vehicle or trailer that has been parked, placed or stopped for longer than 20 minutes in any one place on a city street that does not contain parking meters. Notwithstanding this prohibition, a display of bicycles offered for rent from the public right of way pursuant to section 7-2400 of the Zoning Ordinance and section 5-2-29(g) is permitted.

Section 3. That Section 5-2-16 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows

Sec. 5-2-16 Placing merchandise on or otherwise obstructing sidewalks and other public rights-of-way.

(a) No person shall place any goods, wares, merchandise, foodstuffs or similar items on, or in any way obstruct, any street, sidewalk, walkway of the city or occupy or use any of such sidewalks or walkways or other public right-of-way or use any such public right-of-way for the display or sale of any goods, wares, merchandise, foodstuffs or similar items, except either pursuant to a permit issued in accordance with section 7-2400 of the zoning ordinance and section 5-2-29(g) 7-6-44(1) of this code or when receiving or delivering such items, in which case the items may remain on the public right-of-way only so long as is reasonably necessary for the delivery of same.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

ORDINANCE NO. _____

AN ORDINANCE to add a new Section 7-2400 (REGULATIONS) under Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That section 7-2400 of the City of Alexandria Zoning Ordinance, be and the same hereby is, added to read as follows:

The following is all new language.

Sec. 7-2400 Outdoor Display of Rental Bicycles

7-2400 Outdoor Display of Rental Bicycles. Notwithstanding any regulation in this ordinance to the contrary, the outdoor display of bicycles for rent is permitted within the City to the following extent, and pursuant to the following guidelines:

(a) A business which rents bicycles may display those bicycles

directly outside the building in which its business is located if a permit by the Director is approved subject to this section 7-2400

(b) An application under this section for outdoor display of bicycles shall be accompanied by a plan showing the proposed display and, at a minimum, the following:

- (1) the location of the display;
- (2) the arrangement of bicycles within the display;
- (3) the number of bicycles proposed to be displayed;
- (4) any barriers proposed or required to surround the display area;
- (5) any additional features proposed to be part of the display.

(c) The display must, at a minimum, comply with the following:

- (1) The display must be consistent with this section 7-2400 and with the plan approved pursuant to section 7-2400(b), including any conditions that are made part of the approval.
- (2) All bicycles must be maintained in an orderly arrangement;
- (3) All bicycles must be retained within the area permitted for the display, which may not include a flower or tree bed, the area within two feet of the curb where vehicle parking is permitted, or the area adjacent to the display where a clear, safe and adequate pedestrian passageway must be maintained.
- (4) The bicycle display may not block a doorway or fire hydrant.
- (5) No signs are permitted as part of the display except as permitted on the building by the zoning ordinance for the business.
- (6) All improvements used in an outdoor display area on the public right of way must be readily removable without damage to the surface of the right of way.
- (7) Within a historic district, the design of the area shall comply with any Board of Architectural Review approved design guidelines for such displays.

- (d) The rental of bicycles is permitted from the display area.
- (e) The display may be located on the public right of way, if permitted in the approved plan and subject to the requirements for encroachments under section 5-2-29 of the City Code.
- (f) Bicycle means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, or an judicial review; shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

Councilman Smedberg asked that the language in City ordinances be gender neutral.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Gaines and which carried by a vote of 5-1, City Council introduced the ordinance on first reading and set the public hearing and final passage for June 23, 2009. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"no"	Lovain	absent
	Wilson	"aye"	

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Smedberg, seconded by Councilman Krupicka and carried 6-0, the City Council meeting of June 13, 2009, was adjourned at 7:40 p.m. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	absent
	Wilson	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk