

EXHIBIT NO. 1

3(a)
6-14-11

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, May 14, 2011 - - 9:30 a.m.**

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

Absent: None.

Also Present: Mr. Johnson, Acting City Manager; Mr. Banks, City Attorney; Mr. Spera, Deputy City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Police Captain Ogden; Deputy Police Chief Reyes; Police Captain Ray; Fire Chief Thiel; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lerner, Deputy Director, Transportation and Environmental Services; Ms. Carrel, Recreation, Parks and Cultural Activities; Mr. McPike, Director, General Services; Mr. Tate, General Services; Ms. Hamer, Director, Planning and Zoning; Ms. Ross, Deputy Director, Planning and Zoning; Ms. Wright, Planning and Zoning; Mr. Mortiz, Planning and Zoning; Ms. Williams, Planning and Zoning; Ms. Blackford, Communications Officer, Office of Communications; Mr. Catlett, Director, Office of Code Administration; Mr. Mallamo, Director, Office of Historic Alexandria; Mr. Skrabak, Director, 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 the members of Council were present. (Councilman Krupicka arrived at 9:41 a.m.)

New Business Item #1:

Mayor Euille welcomed boy scout troop #1906 from Gum Springs, who were in the Chambers observing the meeting.

2. Public Discussion Period.

(a) Richard Merritt, 2729 Franklin Court, chair, Alexandria Public Health Advisory Commission, stated the Commission recommended to City Council placement of public health signs encouraging smokers to refrain from smoking in parks, playgrounds and bus shelters. He said the Commission's primary objective in making the recommendation is to reduce the level of exposure to second-hand smoke of their children, youth and non-smoking adult population. He said the Commission strongly believes that the placement of signs around the City encouraging the smoking residents and visitors to refrain from smoking in the parks, playgrounds and bus shelters is a critical step toward advancing the City's community health goals and vision.

(b) Mary Anne Weber, 124 Roberts Lane, Apt 201, chair, Community Services Board, said the Board voted to support the proposal by the Partnership for a Healthier Alexandria and the Alexandria Public Health Advisory Commission to discourage smoking in public parks, playgrounds and in and around City bus shelters and for the placement of signs at those sites.

(c) Christopher Koeppel, no address given, spoke of his persecution into homelessness for his political and religious beliefs and is going on in the Alexandria public libraries.

(d) Annabelle Fisher, 5001 Seminary Road, asked Council to look into making policy changes for persons contesting parking or meter tickets. She said when she received a meter ticket awhile ago, she had to pay a \$10 fee to go to the adjudication office, but when she received a ticket in D.C., she did not have to pay a fee. She asked that the Acting City Manager meet with the City Attorney and staff to change it so one doesn't have to pay a \$10 fee.

(e) Allen Lomax, 5021 Seminary Road, vice chair, Partnership for a Healthier Alexandria, said that on May 24, City Council will consider a resolution to authorize placement of signs to discourage smoking at public parks, playgrounds and in and around bus shelters, and the Partnership hopes Council will adopt the resolution.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

**ACTION CONSENT CALENDAR (3)
Planning Commission**

3. DEVELOPMENT SPECIAL USE PERMIT #2011-0008
3000 BUSINESS CENTER DRIVE
IMPOUND LOT (DASH SITE)
Public Hearing and Consideration of a request for a development special use permit amendment to use a portion of the DASH bus facility for vehicle storage; zoned I/Industrial. Applicant: City of Alexandria Department of General Services

by Gregory Tate

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 14, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/14/11, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

In response to questions from City Council, Ms. Wright, Planning and Zoning, and Mr. Baier, Director, Transportation and Environmental Services, spoke to the stormwater issue and the reason for the use permit.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council adopted the consent calendar, as follows:

- 3. City Council adopted the Planning Commission recommendation.

The voting was as follows:

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

ORDINANCES AND RESOLUTIONS

- 3.1 Public Hearing, Second Reading and Final Passage of an Ordinance to Establish a Day-Time Parking District for Residents in the Area Impacted by the BRAC-133 Facility. (#19, 5/10/11) **[ROLL-CALL VOTE]**

(A copy of the City Manager's report dated May 5, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3.1, 5/14/11, 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. 3.1; 5/14/11, 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. 3.1; 5/14/11, and is incorporated as part of this record by reference.)

Mr. Lerner, Deputy Director of Transportation and Environmental Services, 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) Kathleen Burns, 1036 N. Pelham Street, spoke in support of the concept of the new parking district and noted that she wants the stronger option.

(b) Patrick Devereux, 5324 Polk Street, spoke in favor of the residential permit system.

(c) Shirley Downs, 1007 N. Vail Street, spoke in support of a smaller parking district rather than a single big district and the hours should be broader, and she asked for the counts that came for the proposals.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council adopted the ordinance to establish a day-time parking district for residents in the area impacted by the BRAC-133, they would ask staff to work with KMS and any other neighborhood to establish a residential parking district if it is warranted. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4718

AN ORDINANCE to amend Article F (PERMIT PARKING DISTRICTS), of Chapter 8 (PARKING AND TRAFFICE REGULATIONS), of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-8-83.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article F of Chapter 8 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby amended by adding thereto new Section 5-8-83, to read as follows:

The following is all new language

Section 5-8-83 - Restricted daytime parking district.

(a) *Prohibited parking.* It shall be unlawful for any person to park a motor vehicle within any block face which is posted with one or more restricted daytime

parking district signs contrary to any of the conditions set forth on the sign, unless the vehicle displays a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, et seq., of this code, or a guest or visitor permit issued pursuant to this section.

- (b) *Parking restrictions.* Restricted daytime parking district signs shall prohibit parking by motor vehicles which do not display a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, et seq., of this code, or a guest or visitor pass issued pursuant to this section, during the posted daytime hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. As used in this section, parking means the stopping or standing of a motor vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of the vehicle.
- (c) *Establishment of district.* The restricted daytime parking district may be established for any block face or adjoining group of block faces within the boundaries set forth in the Daytime Parking District Map approved by the City Council upon passage of the ordinance creating and authorizing this Code Section. City Council may amend the Daytime Parking District Map by resolution. Residents within the district may request that restricted daytime parking district signs be posted on block faces within the district pursuant to the following criteria and procedures:
- (1) A petition requesting the establishment of a placement of restricted daytime parking district signs, describing the area proposed to be designated, and signed by not less than 50 percent of the residents abutting each block face in the proposed area, shall be filed with the city manager.
 - (2) Upon receipt of a petition which meets the minimum criteria, the city manager shall conduct one or more surveys of the on street parking spaces within the proposed area during the proposed restricted parking hours. If the surveys reasonably demonstrate to the satisfaction of the city manager that at least 25 percent of the vehicles parked within the proposed district did not display a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, et seq., of this code, the director of transportation and environmental services shall forthwith post the signs described in subsection (b) within the proposed area, and record the area on the Daytime Permit Parking District Map.
- (d) *Guest/visitor passes.* The city manager shall provide for the issuance of one guest/visitor pass for each residence with any approved area within the restricted daytime parking district at no cost. Such passes shall be transferable to subsequent occupants of the residence without action by the City. If any issued guest/visitor pass is lost or stolen, the requesting resident

may obtain a replacement from the City at a cost of \$100.

- (e) All relevant provisions of this code, including without limitation the provisions of this article F, which are not in conflict with the provisions of this section, shall apply to the establishment, procedures, penalties and enforcement of a restricted daytime parking district established pursuant to this section.

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

- 4. Public Hearing on the Report on the Design Proposal for the Alexandria Police Memorial. (#7, 4/26/11)

(A copy of the City Manager's memorandum dated April 18, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/14/11, and is incorporated as part of this record by reference.)

Ms. Carrel, Recreation, Parks and Cultural Activities, 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) Matthew Harwood, 1755 N. Cliff Street, co-chair, Public Art Committee, and a member of the selection committee, spoke in support of the design for the memorial.

(b) Ann Dorman, 2724 Kenwood Avenue, spoke in support of the design for the memorial.

(c) Harry Mahon, 513 S. Lee Street, a member of the selection committee representing the Historic Alexandria Resources Commission, spoke in support of the design for the memorial.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the artist and design proposal for the Alexandria Police Memorial, as recommended by the Police Memorial Selection Panel, the Public Art Committee, the Alexandria Commission for the Arts and representatives of the Alexandria Police Department. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

5. SPECIAL USE PERMIT #2011-0010
503 KING STREET
CVS/PHARMACY
Public Hearing and Consideration of a request for a ground floor retail establishment over 10,000 square feet; zone KR/King Street Retail. Applicant: CVS/Caremark, Inc., represented by Eugene Harris, agent.

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

This item was deferred at the request of the applicant.

6. MASTER PLAN AMENDMENT #2011-0001
TEXT AMENDMENT #2011-0005
WATERFRONT SMALL AREA PLAN
Public Hearing and Consideration of a request to A) consider an amendment to the City's Master Plan to include the Waterfront Small Area Plan chapter; and B) consider a text amendment to Section 5-500 of the Zoning Ordinance for the W-1/Waterfront Mixed Use zone. Staff: Department of Planning and Zoning.
The Waterfront Small Area Plan boundary includes Daingerfield Island at its north end and Jones Point Park at its southern end (both national parks). In between, the plan is bounded to the east by the Potomac River and to the west by (from north to south) East Abingdon Drive beginning just north of Marina Drive to the railroad tracks, Continuing southeast along the railroad tracks to a point just west of Pitt Street, Continuing east along Bashford Lane to North Royal Street, Continuing south along North Royal Street to Third Street, Continuing east along Third Street to North Fairfax Street, Continuing south along North Fairfax Street to Queen Street, Continuing east along Queen Street to a point approximately 100 feet west of North Union Street, Continuing south about 100 feet west of Union Street to Wolfe Street, Following along the northern, western, and southern boundary of Windmill Hill Park until it meets South Union Street, Continuing south on South Union Street to Jones Point Park.

PLANNING COMMISSION ACTION: MPA 2011-0001: Adopted Resolution w/amendments to the MPA 6-1
TA 2011-0005: Recommend Approval 6-1

(A copy of the Planning Commission report dated May 14, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/14/11, and is incorporated as part of this record by reference.)

Mayor Euille noted that he has polled the members of Council, and Council has decided that it will hear from the public today but will not make a decision on the matter today.

Ms. Hamer, Director, Planning and Zoning, along with Mr. Mortiz, Planning and Zoning, made a presentation of the plan and they, along with Mr. Baier, Director, Transportation and Environmental Services, responded to questions of City Council.

(a) Boyd Walker, 1307 King Street, Greater Alexandria Preservation Alliance, submitted 280 petitions against the plan, and he spoke against the plan as proposed.

(b) Andrew Macdonald, 217 N. Columbus Street, Citizens for an Alternative Alexandria Waterfront Plan, spoke against the plan as proposed and asked that it be revisited.

(c) Stephanie Landrum, 1729 King Street, Suite 410, speaking on behalf of the Alexandria Economic Development Partnership, spoke in support of the plan.

(d) Nathan Macek, 724 Franklin Street, chair, Alexandria Waterfront Committee, spoke in support of a new plan and of the delay in adopting it.

(e) Lauren Garcia, 210 Duke Street, spoke in support of a new plan. Ms. Garcia said she is also vice chair of the board of directors of the AEDP and they are also in support of the plan.

(f) Al Kalvaitis, 17 Franklin Street, spoke against the plan and about the parking and traffic congestion the plan will bring.

(g) Tina Leone, 801 N. Fairfax Street, president and CEO, Alexandria Chamber of Commerce, spoke in support of the original plan.

(h) Mike Anderson, 801 N. Fairfax Street, chair, Alexandria Chamber of Commerce, spoke in support of the original plan.

(i) Skip Maginniss, 801 N. Fairfax Street, said the Alexandria Chamber of Commerce urges adoption of the original plan.

(j) Bob Wood, 711 Potomac Street, spoke in opposition to the plan.

(k) Matthew Harwood, 1755 N. Cliff Street, member, Commission for the Arts and Public Art Committee, spoke in support of the plan.

(l) William Rogalski, Jr. 408 Hanson Lane, spoke in opposition to the plan.

(m) Jaye J Smith, 200 Duke Street, spoke in opposition to the plan.

(n) David Brown, 503 Woodland Terrace, spoke in support of the plan.

(o) Margaret Wood, 711 Potomac Street, spoke in opposition to the plan.

(p) Judy Guse-Noritake, 605 Prince Street, chair, Park and Recreation Commission, spoke of the Commission's concern for the waterfront, including parking, recreation space, the dog park, artful recreation sites, maintenance and use of open space funds on the waterfront.

(q) David Olinger, 100 Prince Street, director of the Old Town Civic Association, spoke in opposition to the plan.

(r) James McCall, 537 S. Fairfax Street, chair, Alexandria Archaeological Commission, said the Commission recommends the plan be postponed until all existing changes have been incorporating into a draft that is available for public comment and they would like to see how the history plan would be implemented.

(s) Dennis Kux, 125 Duke Street, spoke in opposition to the plan.

(t) Linda Couture, 505 Duke Street, president, Founders Park Community Association, said the board of directors is in opposition to the plan.

(u) Cathleen Curtin, 501 Princess Street, chair, Founders Dog Park.com organization, spoke in opposition to the plan.

(v) Katy Cannady, 20 E. Oak Street, spoke in opposition to the plan.

(w) K. Scott Brown, 111 Harvard Street, spoke in support of the plan as proposed.

(x) Bill Hendrickson, 304 E. Spring Street, spoke in support of the plan.

(y) Bruce Miller, 410 Hanson Lane, said he wished to encourage stronger interest and intention to the specifics of the plan and said he was opposed to any plan, but felt it was inadequate.

(z) William Cromley, 421 N. Alfred Street, member of the Park and Recreation Commission and the Park and Rec. representative to the Waterfront Committee, spoke in support of the plan.

(aa) Bernard Schulz, 3272 Martha Custis Drive, vice chair, Historic Alexandria Resources Commission, speaking for the HARC, the Alexandria Archaeological Commission and the Alexandria Historical Restoration and Preservation Commission and the Greater Alexandria Preservation Alliance, said they endorse the plan of the waterfront through a variety of means, and it needs to be routed in the past - the history of the town.

(bb) Van Van Fleet, 26 Wolfe Street, spoke in opposition to the plan and recommended it be rejected or deferred until someone qualified in waterfront planning can develop a reasonable, sane and cost-effective plan.

- (cc) Billie Schaeffer, 327 N. St. Asaph Street, spoke in opposition to the plan.
- (dd) Elizabeth Baldwin, 428 N. Union Street, spoke in opposition to the plan.
- (ee) Robert Atkinson, 1009 Pendleton Street, spoke in support of the plan.
- (ff) Michael Jennings, 10 Potomac Court, spoke in opposition to the plan and requested deferral until it has been refined.
- (gg) Chris Johnson, 314 S. Alfred Street, spoke in opposition to the plan.
- (hh) Donald Templeman, 119 Princess Street, said he is not opposed to the entire plan, but objected to the hotels and restaurants and asked for deferral.
- (ii) Michael Hobbs, 419 Cameron Street, spoke in opposition to the plan as currently proposed.
- (jj) Richard Larson, 319 S. St. Asaph Street, spoke in opposition to the plan.
- (kk) Candace Clary, 305 Duke Street, spoke in opposition to the plan.
- (ll) Caton Burwell, 511 S. Lee Street, spoke in opposition to the plan.
- (mm) Harry P. Hart, 309 N. Washington Street, attorney representing the Old Dominion Boat Club, said the Boat Club asks that Fitzgerald Square and the King Street Pier be removed from the plan as it affects the use of ODBC's property and raise the issue of confiscation by master plan. Mr. Hart said they appreciate the language on alternative uses on page 62, there is no language in the plan yet about the existing use remaining unless and until any other agreement or arrangement is made and that should be included in the plan. He said there is a strong desire by the both sides to resolve the use of ODBC land quickly and a commitment by the chair of the Board to work hard to accomplish that by June 15.
- (nn) William Polak, 205 The Strand, with Potomac Riverboat Company, spoke in support of the plan.
- (oo) Charlotte Hall, 205 The Strand, vice president, Potomac Riverboat Company, speaking on behalf of the Old Town Business Association and the Alexandria Convention and Visitors Association, spoke in support of the plan.
- (pp) Tom Raycroft, 132 Moncure Drive, spoke about the Robinson Terminal north part of the plan, and he said the important part is large sailing vessels and the need for large spaces, as large vessels need large spaces and it needs to be maintained.

(qq) Julie Van Fleet, 26 Wolfe Street, spoke in opposition to the plan.

(rr) Poul Hertel, 1217 Michigan Court, spoke about where it needs to go in the future and thought it would take longer than one month to find a solution and he urged Council to give them time to get a focus.

(ss) John Bly, 418 N. Union Street, spoke in opposition to the plan.

(tt) Bill Gordon, 107 Oronoco Street, owner, 105, 107, 117 and 119 Oronoco Street, and he asked that references to the Pipefitters Building be changed to the Dalton Wharf Office Center and that comprehensive planning occurs.

(uu) Patricia Wootten, 800 S. St. Asaph Street, spoke in opposition to the plan.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and will look to study the plan and come up with final action by June 30. The voting was as follows:

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

ORDINANCES AND RESOLUTIONS

7. Public Hearing, Second Reading and Final Passage of an Ordinance to Adjust the Precinct Boundaries for the Cora Kelly, Mount Vernon, George Washington, Lee Center and Lyles Crouch Precincts Redistricting Certain Legislative Boundaries in the City of Alexandria. (#10, 5/10/11) **[ROLL-CALL VOTE]**

(A copy of the City Manager's report dated May 2, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 5/14/11, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 7; 5/14/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 7; 5/14/11, and is incorporated as part of this record by reference.)

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

- (a) Tom Parkins, 320 East Del Ray Avenue, General Registrar of Voters,

speaking on behalf of the bipartisan Alexandria Electoral Board, said the Board unanimously recommends adoption of the ordinance.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council adopted the ordinance to adjust the precinct boundaries for the Cora Kelly, Mount Vernon, George Washington, Lee Center and Lyles Crouch Precincts redistricting certain legislative boundaries in Alexandria. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4719

AN ORDINANCE to amend and reordain Section 2-2-13 (MAP OF ELECTION DISTRICTS AND VOTING PLACES) by adjusting the precinct boundaries for the Cora Kelly, Mount Vernon, George Washington, Lee Center and Lyles Crouch Precincts, and to make conforming amendments to "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by Section 2-2-13 (MAP OF ELECTION DISTRICTS AND VOTING PLACES), all of 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 "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by 2-2-13 (MAP OF ELECTION DISTRICTS AND VOTING PLACES) is hereby amended as shown on Exhibits 1 and 2, attached hereto and incorporated fully by reference, to reflect the adjusting of precinct boundaries for the Cora Kelly, Mount Vernon, George Washington, Lee Center and Lyles Crouch precincts.

Section 2. That the general registrar of voters be, and he hereby is, directed to record the foregoing amendments on the said map.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that the changes in the Election Districts and voting places herein made shall not be implemented until the changes are first submitted to the Attorney General of the United States and no objection is interposed within 60 days of the submission, as required pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

8. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Tier 1 Potomac Yard Special Services District to Exempt Eligible Non-Profit Multi-Family Housing form the District's Tax Levy. (#11, 5/10/11) **[ROLL-CALL VOTE]**

(A copy of the City Manager's report dated May 2, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/14/11, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8; 5/14/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 8; 5/14/11, and is incorporated as part of this record by reference.)

WHEREUPON, a motion was made by Councilman Krupicka and seconded by Councilwoman Pepper, that City Council adopt the ordinance.

Deputy City Manager Jinks and City Attorney Banks responded to questions about other projects moving forward for approval.

A MOTION WAS MADE by Councilman Fannon and seconded by Councilwoman Hughes, to defer action.

Councilman Krupicka said that in lieu of deferral, he would like to ask staff to come back with an amendment on a revised approach to the issue of how it applies to the target properties without applicability to other non-intended properties that can be acted upon prior to the next subsequent tax payment cycle.

Councilman Fannon withdrew his motion for deferral.

The roll-call vote on the original motion carried 6-0-1 and was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4720

AN ORDINANCE to amend Section 3-2-189 (TIER 1 POTOMAC YARD

METRORAIL SPECIAL SERVICES TAX DISTRICT), of Division 1 (REAL ESTATE), of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), of Chapter 2 (TAXATION), of Title 3 (FINANCE TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 3-2-189(g).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-189, Division 1 of Article M of Chapter 2 of Title 3 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby amended by adding thereto new Section 3-2-189(g), to read as follows:

The following is all new language

Sec. 3-2-189 Tier I Potomac Yard Metrorail Station Special Services District Tax.

(g) Notwithstanding Section 3-2-189(f) of the City Code, the special services district levy shall not apply to any multi-family rental property owned in whole or in part by a 501-c-3 non-profit housing corporation that leases at least 65% of its units to households with incomes at or below 60% of median income of the Washington, D.C. Metropolitan Statistical Area. This subsection shall expire at the end of calendar year 2025.

Section 2. That this ordinance shall become effective January 1, 2011, nunc pro tunc.

OTHER

9. Public Hearing on the City's Proposed Energy and Climate Change Action Plan for 2012-2020. (#17, 5/10/11)

(A copy of the City Manager's report dated May 3, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/14/11, and is incorporated as part of this record by reference.)

Mr. Skrabak, Director of Environmental Quality, made a presentation of the report.

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

(a) Poul Hertel, 1217 Michigan Court, spoke in support of the plan, and he urged Council to think about bringing it to the School system and it should think about focusing on the urban forestry planning.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor

Donley and carried unanimously, City Council closed the public hearing and adopted the energy and climate change action plan for 2012-2020. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)
DEFERRAL/WITHDRAWAL CONSENT CALENDAR
Planning Commission (continued)

10. SPECIAL USE PERMIT #2011-0014
 3601 and 3951 JEFFERSON DAVIS HIGHWAY
 POTOMAC YARD TERMINAL STATION
 Public Hearing and Consideration of a request to allow the permanent operation of an electrical terminal station; zoned CDD #10/Coordinated Development District. Applicant: Virginia Electric and Power Company (d/b/a Dominion Virginia Power) represented by Elizabeth Harper
 PLANNING COMMISSION ACTION: Deferred

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferral.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the public hearing meeting of May 14, 2011 at 4:00 p.m. The voting was as follows:

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

APPROVED BY:

 WILLIAM D. EUILLE MAYOR

ATTEST:

 Jacqueline M. Henderson, MMC
 City Clerk and Clerk of Council