

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, November 18, 2000 - - 9:30 a.m.

Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Ms. Ross, Acting Director of Planning and Zoning; Mr. Baier, Director of Transportation and Environmental Services; Mr. Neckel, Director of Finance; Mrs. Barnett, Deputy Director of Recreation, Parks and Cultural Activities; City Engineer Baker; Ms. Federico, Director of Historic Alexandria; Mr. Skrabak, Manager, Environmental Quality, Transportation and Environmental Services; Ms. Beeton and Mr. Cox, Urban Planners; Mr. Smith, Principal Staff, Boards of Architectural Review; Fire Chief Hawkins; and Lieutenant Butler, Police Department.

Recorded by: Mrs. Beverly I. Jett, City Clerk and Clerk of Council.

OPENING

The Meeting was called to Order by Mayor Donley, and the City Clerk called the Roll; all Members of City Council were present.

2. Public Discussion Period.

(a) Presentation of Proclamation Declaring Thursday, November 23, 2000, as Turkey Trot Day in the City of Alexandria.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(a); 11/18/00, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper presented the proclamation.

WHEREUPON, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously, City Council endorsed the proclamation. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Pepper	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

(b) Presentation by the 250th Anniversary Commission to the Members of City Council.

Chairman Brooks presented Members of Council with copies of William Seale's book, *A Guide to Historic Alexandria*.

(c) Jack Sullivan, 4300 Ivanhoe Place, spoke to a regional transportation authority. Should one be created, he would hope that it would be placed on the ballot for a referendum.

Mayor Donley noted that there is a study commission with respect to this which was created last year by the General Assembly. It is to report back to the General Assembly in a two-year time frame.

(A copy of a fact sheet provided to Council by Mr. Sullivan is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(c); 11/18/00, and is incorporated herewith as part of this record by reference.)

(d) Julie Crenshaw, 816 Queen Street, spoke to docket item no. 12 which was on the docket for the November 14, 2000 legislative meeting. This item related to a change in the docking operations plan to add a commercial boat slip at the City Marina. She expressed concern that an addition of another slip would create a safety issue.

(e) Van Van Fleet, 26 Wolfe Street, also spoke to the addition of another boat slip at the City Marina. In addition, he suggested disbanding the Alexandria Waterfront Committee.

(f) Brian Buzzell, One Wilkes Street, representing the Waterfront Alliance, spoke to the waterfront improvement project. With respect to the Old Town Yacht Basin, he recommended that City Manager Sunderland chair a working task group of citizens and civic associations with City staff input to start working to come up with a plan that makes sense, that has citizen input and is affordable.

Mayor Donley requested that Mr. Buzzell get together with City Manager Sunderland and him to work out some type of a task force arrangement to explore some of the recommendations.

(g) Sarita Schotta, 104 Prince Street, spoke to some issues concerning the waterfront. She personally feels that this comes from the lack of direct contact with Council and senior staff. She is looking forward to the arrival of Ms. Fogarty. Mr. Baier has been very receptive. Ms. Schotta stated that the Waterfront Alliance will be coming to Council with a formal proposal of how they think they can work more directly with Council and with the senior staff.

(h) Arnold Hart, 121 East Raymond Avenue, co-chair, Advisory Board at Mount Vernon Community Center, stated that the Mount Vernon Recreation Center is an inappropriate site for the Veterans' Memorial. He requested that City Council reconsider its action.

(i) Lynette Hart, 121 East Raymond Avenue, spoke to due process and questioned why the Park and Recreation Commission was not involved in the decision to place a memorial to Rocky Versace at the Mount Vernon Recreation Center.

(j) Theresa Edwards, 1212 Franklin Street, spoke to the need for youth facilities and programs in the City.

(k) James Corrie, 209 East Raymond Avenue, stated that the Veterans' Memorial should not be located at the Mount Vernon Avenue Recreation Center.

(l) Lloyd Martin, 2218 Mount Vernon Avenue, representing Potomac West Business Association, spoke in support of the Rocky Versace Vietnam Memorial which honors those who are our patriots and heroes for their sacrifices.

(m) Gio Gutierrez, 801 Bernard Street, spoke to the parking problem on Bernard Street created by the residents of Mason Hall. She requested that the hole in the fence be closed.

(n) Paul Van Remortel, 801 Bernard Street, also addressed the parking problem created by overflow parking from residents of Mason Hall.

City Manager Sunderland provided City Council with an overview of the issues.

(o) Sergio Alvarez, 739 Bernard Street, also addressed the issue of parking on Bernard Street which has become a safety issue.

(p) Michael S. O'Neil, 731 Bernard Street, read a letter from Sofia Estevez and Alfredo Millian-Jerez requesting that Mason Hall be required to return the parking lot to grass and to repair the fence.

(A copy of the above letter dated November 17, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(p); 11/18/00, and is incorporated herewith as part of this record by reference.)

(q) Barbara L. Clark, 731 Bernard Street, requested a resolution to the problems with respect to parking on Bernard Street and that the hole in the fence be repaired.

(A copy of a letter dated June 9, 2000, with respect to the outside trash containers at Mason Hall Apartments, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(q); 11/18/00, and is incorporated herewith as part of this record by reference.)

(r) Martha Welch, 1604(a) Hunting Creek Drive, also addressed Mason Hall parking.

(s) Bud Hart, 307 North Washington Street, representing Watauga Properties, LLC, spoke to expediting a new SUP application for the new commercial building to be constructed at 101 Wales Alley.

(A copy of Mr. Hart's letter dated November 17, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(s); 11/18/00, and is incorporated herewith as part of this record by reference.)

(t) John Chapman Gager spoke.

* * * * *

New Business Item No. 1: Councilman Euille presented to the City Manager a grant in the amount of \$10,000 from the William D. Euille Foundation to provide fuel assistance to the citizens in Alexandria who have a need.

New Business Item No. 2: Councilman Speck noted that a member of the Council family is convalescing. Barbara Carter broke her arm and may be facing some additional surgery. Councilman Speck requested that the Clerk convey to Ms. Carter that Council is thinking of her and wishes her a speedy recovery and to come back soon.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-10)

Planning Commission

Without Objection, City Council removed docket item nos. 3 and 6 from the Consent Calendar and considered them under separate motions.

Mayor Donley also noted that when Council gets to docket item no. 24, it will be deferred until the December 16, 2000 Public Hearing Meeting at the request of the applicant.

4. SPECIAL USE PERMIT #2000-0116 -- 1609 KING STREET -- UPTOWNER CAFE -- Public Hearing and Consideration of a request for a special use permit for intensification of a restaurant and to add outdoor seating; zoned CD/Commercial Downtown. Applicant: Moon Ock Cho.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/18/00, and is incorporated herewith as part of this record by reference.)

5. ENCROACHMENT #2000-0009 -- 1609 KING STREET -- UPTOWNER CAFE -- Public Hearing and Consideration of a request for encroachment into the public sidewalk right-of-way for outdoor restaurant seating; zoned CD/Commercial Downtown. Applicant: Moon Ock Cho.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/18/00, and is incorporated herewith as part of this record by reference.)

7. SPECIAL USE PERMIT #2000-0126 -- 829 SOUTH WASHINGTON STREET -- ALEXANDRIA PASTRY SHOP & CAFE -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant with a reduction of off-street parking; zoned CRMU-L/Commercial Residential Mixed Use, Low. Applicant: Thomas Lally.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 11/18/00, and is incorporated herewith as part of this record by reference.)

8. SPECIAL USE PERMIT #2000-0128 -- 4115 MT VERNON AVENUE -- PIZZA HUT -- Public Hearing and Consideration of a review of a special use permit for a restaurant; zoned CL/Commercial Low. Applicant: Pizza Hut Inc., by William C. Thomas, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/18/00, and is incorporated herewith as part of this record by reference.)

9. VACATION #2000-0007 -- 930 S ST ASAPH STREET -- Public Hearing and Consideration of a request for vacation of a portion of a public alley and street right-of-way; zoned RM/Residential. Applicant: Michael Wheeler, and appointment of viewers for same.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 11/18/00, and is incorporated herewith as part of this record by reference.)

A copy of Mr. Lause's letter dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 9; 11/18/00, and is incorporated herewith as part of this record by reference.)

10. SPECIAL USE PERMIT #2000-0130 -- 201 HUME AVENUE -- Public Hearing and Consideration of a review of a special use permit for a nonconforming artist studio with accessory residential use; zoned R-2-5/Residential. Applicant: Andrew Wingfield and Tania Karpowitz.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 11/18/00, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried on a vote of 6-to-0, City Council approved the Consent Calendar as presented with the exception of docket item nos. 3 and 6 which were considered under separate motions. The recommendations of the Planning Commission are as follows:

4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation.
9. City Council approved the Planning Commission recommendation. The Mayor subsequently appointed Lee Roy Steele, chair, Ruby Fitzgerald, and Cathy Major as Viewers.
10. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

Cleveland	"aye"	Eberwein	out of room
Euille	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

3. SPECIAL USE PERMIT #2000-0115 -- 1104 QUEEN STREET -- Public Hearing and Consideration of a request for a special use permit for a restaurant; zoned CD/Commercial Downtown. Applicant: Levi T. Durham, Jr.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Winston Gilchrist, 1104 Queen Street, representing the applicant, spoke to condition nos. 7 and 9. He wanted an earlier opening time of 6:00 a.m., and to be able to make deliveries.

Members of City Council, Acting Planning and Zoning Director Ross and the applicant's representative, Mr. Gilchrist, participated in a discussion.

Councilman Speck suggested that the applicant come back in six months with a more well-developed plan for how to manage deliveries.

Councilwoman Pepper wanted to underline that when the applicant comes back with a more solid package that Council does mean parking spaces for the delivery vehicles.

Councilman Speck suggested that Council should revisit the issue of hours of operation for special use permits at a later time.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation, **with the hours of operation being changed to 5:30 a.m. to 8:00 p.m., with the understanding that the applicant will open for business at 6:00 a.m., and with a six-month review.** The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	"aye"

6. **SPECIAL USE PERMIT #2000-0122 -- 3648 KING STREET -- DESERT MOON CAFE -- BRADLEE SHOPPING CENTER -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial General. Applicant: TJAZ Development, by M. Catharine Puskar, attorney.**

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/18/00, and is incorporated herewith as part of this record by reference.)

Councilman Speck noted that this use is another intensification of the entire shopping center. He requested staff to come back to Council with a complete overall look at the parking situation now to determine whether we are accumulatively creating some issues that we're not aware of by approving some of these individual applications which appear to be meritorious.

Ms. Puskar, attorney for the applicant, noted that by right a retail use could go into this space which could be a high volume use more so than a restaurant.

Ms. Puskar spoke to the issue of hours of operation which was mentioned in the previous item. She indicated that she does represent a lot of restaurant owners and operators, and it has always been her understanding that hours of operation are just that, the hours of operation, especially, because there is a condition that says, "that the applicant shall post the hours of operation at the entrance to the restaurant."

Acting Director of Planning and Zoning Ross agreed to look at this issue as Councilman Speck has suggested with respect to hours of operation.

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

Speck	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	"aye"

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

11. Public Hearing on the Proposed City Legislative Package for the 2001 General Assembly Session. (#17 10/24/00)

(A copy of the City Manager's memorandum dated October 18, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Sue Capers, 311 Wolfe Street, representing Virginia Coalition for Homeless, addressed rental assistance to fill the gap between income and housing costs and encouraged support of and inclusion in the legislative package of a proposal by Delegates VanLandingham and Janet Howell; a copy of Ms. Capers' statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of this item;

Nancy Jenkins, 421 King Street, #400, chair, Human Rights Commission, urged support for amending the current Hate Crimes laws; amending the state law to provide for automatic restoration of voting rights to ex-felons who have completed their sentences; changing the rules for assistance loans from the Virginia Housing Development Authority; and endorsed the concept of an independent Civil Rights Commission in Virginia; a copy of Ms. Jenkins' statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item;

Scott Schwartz, 1326 Bayliss Drive, read a letter from Jane Curtis supporting amending the current Hate Crimes laws to include gender, sexual orientation and disability;

Sally Campbell, 5249 Duke Street, Suite 308, representing Northern Virginia Family Service, supported increased funding for the Healthy Families programs statewide; a copy of the Northern Virginia Family Service's letter dated November 16, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item;

Christopher Marston, 110 Shooters Court, representing the Alexandria Republican City Committee, presented the position statement on the City's Legislative Package with respect to regional position on transportation funding, tax credits for student technology interns, immunity for parents who take babies to a safe haven, and domestic violence protective order reform; a copy of the position statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of this item;

Pat Butler, 400 Woodland Terrace, spoke in support of recommendation 1.A., notification prior to the sale of historic properties; and

Barbara Gilley, 145 Century Drive, chair of Commission on Persons with Disabilities, spoke in support to the Northern Virginia Disability Network's 2001 legislative platform addressing 3 areas: (1) funding for Disabilities Services Board; (2) housing initiatives to address the need for affordable, barrier-free housing by people with disabilities; and (3) initiatives to enhance long-term community-based services and supports for people with disabilities; a copy of Ms. Gilley's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of this item.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council held and concluded the public hearing on this item. City Council adoption of the legislative package will be at the Tuesday, November 28, 2000 legislative meeting. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Woodson	"aye"

12. Public Hearing on the Report on the Woodrow Wilson Bridge Project Plans for Jones Point Park and the Urban Deck. (#15 10/24/00)

(A copy of the City Manager's memorandum dated October 20, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/18/00, and is incorporated herewith as part of this record by reference.

A copy of Ms. O'Regan's memorandum dated November 15, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 11/18/00, and is incorporated herewith as part of this record by reference.

A copy of Ms. Whitmore's memorandum dated November 16, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 11/18/00, and is incorporated herewith as part of this record by reference.

Communications received pertaining to this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 4 of Item No. 12; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Mary Ellen Henry, 2705 Fordham Road, representing the Historic Alexandria Resources Commission, spoke to issues relating to the preservation and interpretation of historic resources; a copy of Ms. Henry's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of this item;

Cathy Puskar, 3422 Old Dominion Boulevard, representing the Alexandria Youth Policy Commission, endorsed the recommendations for the recreation items for Jones Point Park;

John DeLargy, president, Friends of Jones Point, opposed the athletic fields;

Katherine Keith, 508 Virginia Avenue, representing the Alexandria Lacrosse Club, spoke in support of the athletic fields;

Hal Arata, 919 South Alfred Street, representing the Hunting Creek Neighborhood Association, spoke in support of a reduced urban deck, dignified entry into the cemetery, and passive recreation, and opposed to active recreation;

Teresa Whisenant Miller, 808 South Lee Street, president, Yates Gardens Citizens Association, spoke against the athletic fields;

Scott Oswald, 828 South Lee Street, representing Yates Gardens Citizens Association, spoke against the athletic fields;

Sanden Swanson, 5 East Chapman Street, president, Alexandria Soccer Association, spoke in support of staff recommendation and the athletic fields;

Oscar Fitzgerald, 206 West Monroe Street, representing the Board of Architecture Review, Old and Historic District, spoke in support;

Andrew MacDonald, 513 Robinson Court, spoke in opposition to athletic fields at Jones Point as presently located, and addressed preservation of natural qualities, vistas, fishing areas, forest, sound impacts, and historic qualities;

Katy Cannady, 20 East Oak Street, spoke to preserving Freedmen's Cemetery and trees; a copy of Ms. Cannady's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of this item;

Al Kalvaitis, 17 Franklin Street, representing Ford's Landing Homeowners Association, spoke in opposition to staff's proposal, and expressed concern about loss of trees, location of sports fields, and noise;

Judy Guse-Noritake, 605 Prince Street, chair, Park and Recreation Commission, spoke in support; a copy of Ms. Guse-Noritake's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 7 of this item;

Kathleen Pepper, 4246 Raleigh Avenue, #201, representing the Alexandria Archaeological Commission, spoke to preserving Freedmen's Cemetery;

Frank Shafroth, 410 Virginia Avenue, representing the Alexandria Soccer Association, spoke in support of the staff recommendation;

Tom Witte, 19 Chetworth Place, representing Friends of Alexandria Archaeology, spoke to preserving Freedmen's Cemetery and archaeology finds, and addressed noise; a copy of Mr. Witte's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 8 of this item;

Judy McVay, 207 North Columbus Street, spoke to staging area, saving forested areas, location of athletic fields;

Mark Fields, 4430 Roundhill Road, chair, Alexandria Archaeological Commission, spoke in support and preserving Freedmen's Cemetery; a copy of the Commission's letter is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 9 of this item;

Sabrina Taylor, 101 North Ripley Street, #103, representing the Alexandria Raiders, spoke in support of athletic fields;

Timothy J. Dennee, 11 East Bellefonte Avenue, representing Friends of Freedmen's Cemetery, spoke to preserving Freedmen's Cemetery;

Clarence Cooper, 415 South Royal Street, representing Friends of Freedmen's Cemetery, read statement of Lillie Finklea in support of preserving Freedmen's Cemetery;

Louise H. Massoud, 220 Green Street, representing Friends of Freedmen's Cemetery, spoke to preserving Freedmen's Cemetery;

Char Bah, 110 Columbus Core Road, Stafford, VA, representing Friends of Freedmen's Cemetery, spoke to preserving Freedmen's Cemetery;

Ludwig Gaines, 1613-B Hunting Creek Drive, representing Freedmen's Cemetery, spoke to preserving Freedmen's Cemetery;

Henry Williams, 4011 Taney Avenue, representing Ebenezer Baptist Church, spoke to preserving Freedmen's Cemetery;

Yvonne Weight, 735 South Lee Street, spoke against staff's recommendation; a copy of issues addressed by Ms. Weight is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 10 of this item;

Douglas A. Willinger, 911 Larch Avenue, Takoma Park, MD, representing Takoma Park Highway Design Studio, spoke against staff's recommendation and in support of a longer urban deck and alternative design for Route 1 interchange; a copy of Mr. Willinger's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 11 of this item;

Bruce Dwyer, 604 Melrose Street, representing the Alexandria Bicycle Committee, spoke in support;

J. Hunt Brasfield, 1313 Trinity Drive, spoke in support of athletic fields;

Drew Carroll, 904 Crescent Drive, representing Alexandria Little League, spoke in support of athletic fields; a copy of Mr. Carroll's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 12 of this item;

Alice Wigglesworth, 911 Second Street, spoke to preserving Freedmen's Cemetery;

Mariella Posey, 915 Second Street, representing Northeast Citizens Association, opposed staff's recommendation;

Sylvia Sibrover, 915 Second Street, representing Northeast Citizens Association, spoke to preserving Freedmen's Cemetery;

Bill Boyle, 2809 Central Avenue, vice president, Alexandria Soccer Association, spoke in support of athletic fields;

Bill Dickinson, 805 Quaker Lane, representing Seminary Hill Association, spoke to Freedmen's Cemetery;

Thad Carpen, 3201 Cameron Mills Road, representing the Alexandria Soccer Association, spoke in support of athletic fields;

Steven Troxel, 1200 Colonial Avenue, spoke to Freedmen's Cemetery;

Morrison Southworth, 820 South Washington Street, National Park Service Coordinator for Community Gardens at Jones Point, spoke against staff's recommendation;

Mark S. Feldheim, 1215 Prince Street, representing Old Town Civic Association, spoke to mitigation measures, no interim construction of athletic fields, removing trees to make parkland does not make sense, all staging limited to under the bridge, keeping Jones Point Park open during construction creates safety issues; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 13 of this item;

Chester Ponikowski, 22 Sunset Drive, representing Rosemont B Team, spoke in support of athletic fields;

Jon Wilbor, 310 South Lee Street, spoke to preserving Freedmen's Cemetery and against placing fields at Jones Point Park;

Phillip Bradbury, 1250 South Washington Street, #805, representing Porto Vecchio Condominium Association, spoke to issue of noise, and to the size and shape of urban deck; a copy of Mr. Bradbury's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 14 of this item;

George Quarries, 516 Canterbury Lane, spoke in support of staff recommendation;

Patricia Carter, 1250 South Washington Street, #111, representing Porto Vecchio Condominium Association, expressed concern about noise;

Rodger Digilio and Ms. Ottinger, 624 South Pitt Street, suggested that Council rethink this and preserve the environment;

Ellen Pickering, 103 Roberts Lane, indicated that it is premature to make a decision, search around for property to put athletic fields, and save the trees; and

Julie Crenshaw, 816 Queen Street, representing Sierra Club, addressed the 1984 agreement between the City of Alexandria and the National Park Service. The lease for this agreement was signed by the City and the NPS in 1986. She requested that Council adhere to the 1984 agreement and have the area north of the bridge natural and taken care of.

Members of City Council commented on some of the issues raised.

(A draft verbatim transcript of Council's comments is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 15 of this item.)

Without objection, City Council held and concluded the public hearing on this item. Final consideration by City Council will be at the Tuesday, December 12, 2000 legislative meeting.

At 2:55 p.m., City Council broke for lunch.

At 3:20 p.m., City Council reconvened the meeting.

13. Public Hearing on and Consideration of the Revisions to the Residential Parking Policy for Persons with Disabilities. (#14 10/24/00)

(A copy of the City Manager's memorandum dated October 18, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Chet Avery, 16 East Linden Street, representing the Human Rights Commission, spoke in support;

Rosa Byrd, 203 Wesmond Drive, representing the Lynnhaven Citizens Association, spoke in support; and

Mark S. Feldheim, 1215 Prince Street, representing the Old Town Civic Association, spoke in support.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Eberwein and carried unanimously, City Council approved the City Manager's recommendation and requested the City Attorney to prepare the necessary ordinance to implement the policy as approved by Council. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Eberwein	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	"aye"

14. Public Hearing on the Report on Traffic Calming and City Efforts to Address Citizen Concerns about Traffic Issues. (#19 9/27/00; #22 6/27/00)

(A copy of the City Manager's memorandum dated September 22, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 11/18/00, and is incorporated herewith as part of this record by reference.)

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. City Council consideration of this item will be at the December 12, 2000 legislative meeting. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

15. Public Hearing on the *City of Alexandria, Virginia 2000 Annual Report*. (#15 9/27/00)

(A copy of the *City of Alexandria, Virginia 2000 Annual Report*, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 11/18/00, and is incorporated herewith as part of this record by reference.)

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

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

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

16. Public Hearing and Consideration of Resolution Authorizing the Acquisition of Alexandria Union Station by the City of Alexandria. (#13 11/14/00)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 11/18/00, and is incorporated herewith as part of this record by reference.)

Without Objection, City Council noted that the public hearing will be held at the Tuesday, November 28, 2000 legislative meeting.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

17. SPECIAL USE PERMIT #2000-0023 -- 120 N ROYAL STREET -- Public Hearing and Consideration of a request for a special use permit to operate a health and athletic club with a reduction of off-street parking; zoned CD/Commercial Downtown. Applicant: TSI Old Towne, LLC, trading as Washington Sports Clubs, by J. Howard Middleton, Jr., attorney. (#31 9/16/00)

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated September 5, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 11/18/00, and is incorporated herewith as part of this record by reference.)

A copy of Mr. Middleton's letter dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 11/18/00, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 17; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Howard Middleton, 3110 Fairview Park Drive, Falls Church, attorney representing the applicant, spoke in support;

Kathleen Hanley, 225 North Royal Street, representing the local neighborhood, spoke against;

Mark S. Feldheim, 1215 Prince Street, representing the Old Town Civic Association, spoke against;

Ellison S. Burton, 202 North Royal Street, spoke against;

Pat Troy, 310 Wolfe Street, representing Pat Troy's Restaurant and Pub and the Irish Walk, spoke in support;

Michael E. Hobbs, 419 Cameron Street, spoke against;

Philip G. Matyas, 219 North Pitt Street, spoke against;

Rob Aronson, 429 Cameron Street, spoke against;

Carolyn Merck, 324 North Royal Street, spoke against;

Richard Klingenmaier, 505 Cameron Street, spoke against; and

Joan Tackett, 504 Cameron Street, spoke against.

Mr. Middleton offered his rebuttal, and Members of City Council participated in a discussion of this item.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-1, City Council upheld the Planning Commission recommendation and denied the special use permit. The voting was as follows:

Woodson	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Speck		"no"

18. DEVELOPMENT SPECIAL USE PERMIT #2000-0028 -- 2301 EISENHOWER AVENUE, NORTH OF EISENHOWER AVENUE -- HOFFMAN TOWN CENTER -- Public Hearing and Consideration of a request for an amendment to a development special use permit to add an office building, and to refine the design of approved retail and parking garage; zoned CDD-2/Coordinated Development District. Applicant: Hoffman Management, Inc., by J. Howard Middleton, Jr., attorney. (#8 10/14/00)

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 3, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 11/18/00, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's memorandum dated November 16, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Howard Middleton, 3110 Fairview Park Drive, Falls Church, attorney representing the applicant, spoke in support and addressed conditions.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, **with the addition of replacement condition #53 as noted in the memorandum from the City Manager dated November 16, 2000, and the deletion of the following two carried-forward conditions: #3, page 7 of the staff report, and #12, page 8 of the staff report.** The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
	Woodson		"aye"

19. **TEXT AMENDMENT #2000-0001 -- RESIDENTIAL GROUP HOMES**
Public Hearing and Consideration of an amendment to Section 2-143 (C) of the Zoning Ordinance concerning residential group homes licensed by the State of Virginia Department of Social Services.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Bill Dickinson, 805 Quaker Lane, representing the Seminary Hill Association, spoke in support;

Phillip Bradbury, 1250 South Washington Street, representing the Alexandria Community Services Board, spoke in support;

Barbara Gilley, 145 Century Drive, representing the Alexandria Commission for Persons With Disabilities, spoke in support;

David Fromm, 2307 East Randolph Avenue, representing the Del Ray Citizen Association, spoke in support; and

Frank A. Putzu, 1423 Juliana Place, spoke in support.

Acting Planning and Zoning Director Ross, and Mental Health, Mental Retardation and Substance Abuse Director Claiborn responded to questions posed by Members of City Council.

Councilman Speck requested that staff let Council know how these new policies are working.

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

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

20. **SPECIAL USE PERMIT #2000-0114 -- 2414 OAKVILLE STREET --**
Public Hearing and Consideration of a request for a special use permit for an amusement enterprise with a reduction of off-street parking; zoned I/Industrial. Applicant: Abayumi M. Baruwa.

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 11/18/00, and is incorporated herewith as part of this record by reference.)

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried on a vote of 5-to-0, City Council upheld the Planning Commission recommendation and denied the special use permit. The voting was as follows:

Euille	"aye"	Eberwein	out of room
Cleveland	"aye"	Pepper	out of room
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

21. VACATION #2000-0004 -- 1001-1013 NORTH VAN DORN STREET; 5401-5445 RICHENBACHER AVENUE; -- 1000-1014 VAIL STREET; 1001-1015 VAIL STREET; -- 1000-1014 TERRILL STREET; 1001-1015 TERRILL STREET; -- 1000-1040 NORTH PELHAM STREET -- Public Hearing and Consideration of a request for vacation of public street rights-of-way and easements which comprise access roads in the KMS Townhouse subdivision; zoned RA/Residential. Applicant: City of Alexandria, and appointment of viewers for same.

COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Patrick Devereux, 5324 Polk Avenue, spoke in support;

Paul T. Dillon, 5423 Richenbacher Avenue, spoke in support; and

Melanie Rommel, 1005 North Vail Street, spoke in support.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation. Mayor Donley subsequently appointed Donald Allen, chair, Katrine Fitzgerald and Judy Lowe as Viewers. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

22. SPECIAL USE PERMIT #2000-0117 -- 2423 MT VERNON AVENUE -- Public Hearing and Consideration of a request for a special use permit for a reduction of off-street parking for a church; zoned CL/Commercial Low. Applicant: Reverend Dr. Daniel L. Brown.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 11/18/00, and is incorporated herewith as part of this record by reference.)

A copy of Reverend Brown's proposed amendment to condition #8, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Harry P. Hart, 307 North Washington Street, attorney for the applicant, spoke in support and addressed condition #8.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried on a vote of 6-0-1, City Council approved the Planning Commission recommendation, **and amended condition #8, to read: "8. The applicant shall provide 30 off-street parking spaces in the evenings and no less than 35 off-street parking spaces on Sundays and will annually provide to the Director of Planning and Zoning a copy of the arrangements by which this parking is provided."** The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
	Speck		"abstain"

23. SPECIAL USE PERMIT #2000-0118 -- 103 NORTH ALFRED STREET; 821-823 KING STREET -- BITTERSWEET -- Public Hearing and Consideration of a request for a special use permit amendment to expand a restaurant and allow off-premise sales of beer and wine; zoned CD/Commercial Downtown. Applicant: Serendipitous Inc., by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 11/18/00, and is incorporated herewith as part of this record by reference.)

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

Duncan W. Blair, 112 South Alfred Street, attorney representing the applicant, spoke in support and spoke to off-premise sale of beer and wine.

WHEREUPON, a motion was made by Councilman Speck to approve the Planning Commission recommendation with the following amendments: Amend condition #16 to read: **"16. Alcohol is permitted for on-premise consumption. Off-premise alcohol sales shall be limited to catering operations."** Add a new condition #18 to read: **"18. Off-premise sales of beer and wine are permitted provided: (1) beer in quantities not less than a six pack, except single bottles of beer, may be sold with a food purchase of not less than \$5; and (2) bottles in quantities not less than 750 ml of non-fortified wines may be sold."**; which motion DIED for lack of a second.

THEREUPON, a motion was made by Councilwoman Woodson, seconded by Councilwoman Pepper to approve the Planning Commission recommendation with condition #16 amended to read: **"16. Alcohol is permitted for on-premise consumption. Off-premise alcohol sales shall be limited to catering operations."**

There was discussion on the motion by Members of City Council.

Mayor Donley asked the maker and seconder if they would agree to divide the question with a vote on the maker's recommended change to condition #16 separately, because everybody supports the overall application. The Mayor stated that he didn't hear an objection, so Council divided the question.

Mayor Donley noted that the matter before the Council at this point would be: a yes vote would be in agreement with Councilwoman Woodson's change to condition #16, which would be to delete the language after operations in the second sentence. So, that would be an affirmative vote. A negative vote would be to not support that change, then Council would go back to the original motion which would be to support the Planning Commission's recommendation.

WHEREUPON, a motion was made by Councilwoman Woodson, seconded by Councilwoman Pepper to delete the language after operations in the second sentence of condition #16; which motion FAILED on a vote of 2-to-5. The voting was as follows:

Woodson	"aye"	Cleveland	"no"
Pepper	"aye"	Eberwein	"no"
Donley	"no"	Euille	"no"
		Speck	"no"

Council now moved to the original motion which was made by Councilwoman Woodson, seconded by Councilwoman Pepper, which is approval of the Planning Commission recommendation with the original language to condition #16.

There was further discussion on the motion. Councilman Speck questioned the \$7 cost. He suggested deleting the minimum cost of \$7 per bottle or six pack. Councilman Speck queried staff from whence the \$7 figure came.

Acting Director of Planning and Zoning Ross stated that the \$7 cost was an educated stab at matching the condition with the proposal for gourmet retail. She indicated staff is trying to make conditions regarding alcohol relate to the land use that's being proposed which is very difficult to do in this specificity. There is no magic in \$7.

WHEREUPON, a motion was made by Councilman Speck, seconded by Mayor Donley to amend condition #16 eliminating the reference to a minimum cost; which motion FAILED on a vote of 3-to-4. The voting was as follows:

Speck	"aye"	Eberwein	"no"
Donley	"aye"	Euille	"aye"
Cleveland	"no"	Pepper	"no"
		Woodson	"no"

THEREUPON, Council returned to the main motion made by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Speck	"aye"

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

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 11/18/00, and is incorporated herewith as part of this record by reference.

A copy of Mr. Battle's letter dated November 14, 2000, requesting a deferral, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24; 11/18/00, and is incorporated herewith as part of this record by reference.)

Without Objection, City Council noted the deferral of this item to the December 16, 2000 public hearing meeting.

City Council considered docket item nos. 25 and 26 together, but under separate motions.

25. SPECIAL USE PERMIT #2000-0123 -- 1707 MT VERNON AVENUE -- ALEXANDRIA HYUNDAI -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a noncomplying automobile sales and service facility; zoned CL/Commercial Low. Applicant: Alexandria Hyundai, LLC and John E. Taylor, Jr., by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 11/18/00, and is incorporated herewith as part of this record by reference.)

26. SPECIAL USE PERMIT #2000-0110 -- 1605-1611 MT VERNON AVENUE -- ALEXANDRIA TOYOTA -- Public Hearing and Consideration of a request for a special use permit for the continuation of a nonconforming motor vehicle parking and storage lot; zoned CL/Commercial Low. Applicant: Alexandria Toyota Inc., by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 11/18/00, and is incorporated herewith as part of this record by reference.)

The City Clerk read both item nos. 25 and 26 in order to have one hearing; however, City Council made a separate motion on each item.

The following persons participated in the public hearing on these items:

Harry P. Hart, 307 North Washington Street, attorney representing the applicant, spoke to condition #14;

Lillian J. White, 119 West Mason Avenue, spoke against;

Marilyn Doherty, 12 West Mount Ida Avenue, spoke against;

Rod Kuckro, 209 East Alexandria Avenue, spoke against;

Lloyd Martin, 2218 Mount Vernon Avenue, representing Potomac West Business Association, spoke in support;

Tuckie Westfall, 404 Hanson Lane, spoke in support;

Pat Miller, 1806 North Cliff Street, spoke in support;

Beth Fujishige, 21 Kennedy Street, spoke in support;

Gayle Reuter, 110 East Del Ray Avenue, spoke in support;

Ruth M. Brannigan, 8403 Osman Drive, spoke in support;

Charles Bailey, 308 Summers Drive, spoke in support;

Viola Miller, 1604 DeWitt Avenue, spoke in support;

Beth Offenbacker, 205 Evans Lane, spoke in support;

Amy Slack, 2307 East Randolph Avenue, suggested a compromise with respect to landscaping, safety and parking;

David Fromm, 2307 East Randolph Avenue, requested a comprehensive parking plan for all vehicles;

Bill Hendrickson, 212 East Spring Street, spoke against; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 25 and 26;

David Randal Allen, 108 East Del Ray Avenue, spoke in support;

Chris Myers, 204 West Myrtle Street, spoke in support;

John L. Porter, 17 West Oak Street, spoke in support; and

Ashley Chappell, 503 East Windsor Street, spoke against.

Mr. Hart was available for questions.

WHEREUPON, a motion was made by Councilwoman Woodson to deny item no. 25; which motion DIED for lack of a second.

Councilwoman Woodson disclosed that she bought a car from Jack Taylor Toyota, and spoke to her position on this item. She stated that she believes that this is no longer an appropriate use on this site.

Councilman Euille made the disclosure that he has personally known Jack Taylor for more than 25 years; secondly, Jack Taylor has been a contributor to his political campaigns in the past; and thirdly, Councilman Euille is currently working on a fund-raising event on behalf of the Boy Scouts of America in the Washington area which will be honoring Mr. Taylor.

Mayor Donley disclosed that he has received campaign contributions and bought a used car from Jack Taylor.

Vice Mayor Cleveland noted that he had also purchased a car from Jack Taylor.

Councilman Speck disclosed that he has also purchased a car from Jack Taylor.

Councilman Speck directed questions to Mr. Hart and Mr. Taylor with respect to the carrier being unable to unload cars on either of the properties.

Councilman Speck would like the applicant to look at the unloading issue of whether there are not some alternatives that we have not yet explored.

Mr. Hart requested that condition #14 read: "The number of vehicles allowed to be parked in the parking lot shall be in accordance with an approved plot plan that shall be submitted to staff within the next thirty days."

Acting Planning and Zoning Director Ross stated that without knowing what it's going to show, we don't know if a plot plan is sufficient or if he's going to trigger a site plan review. She suspected strongly that there are ways to do this as a minor amendment to the existing site plan, but without anything in front of her, it's very hard to sign off on that.

Mr. Hart asked that the language for condition #14 be as follows: "14. The number of vehicles allowed to be parked in the parking lot shall be in accord with a plan that is submitted and approved by the appropriate city agencies."

Acting Planning and Zoning Director Ross indicated that would do.

WHEREUPON, a motion was made by Councilman Speck, seconded by Councilman Euille that City Council approve the Planning Commission recommendation, **with the following amendments: Condition #7 was amended to read: "7. No vehicles, under the control of the applicant, shall be displayed, parked, or stored on a public right-of-way, including without limitation sales or repair vehicles."; Condition #9 was amended to read: "9. There shall be no parking or storing of automobiles, under the control of the applicant, on Duncan Avenue or Mason Avenue or road testing of automobiles on these streets at any time."; Condition #14 to read as was agreed to by Mr. Hart and Ms. Ross, which is: "14. The number of vehicles allowed to be parked in the parking lot shall be in accord with a plan that is submitted and approved by the appropriate city agencies."; and #13 amended to read as follows: "13. There will be an allowance of up to \$9000 set aside for a landscaping plan that will be approved by the Directors of Planning and Zoning, and Recreation, Parks and Cultural Activities upon consultation with the local community."**

There was discussion on the motion. Councilwoman Pepper asked questions with respect to the amended condition #13.

Councilwoman Eberwein offered a friendly amendment to retain condition #13 as written. She indicated that she was very uncomfortable with coming up with a per-square-foot construction cost, including landscaping construction costs **[because costs vary greatly depending on materials used and there was no supporting basis.]** She felt that the community process can be incorporated in condition #13. She would prefer to not set a precedent and start to come up with dollar figures. She stated she thinks it sets a bad precedent for Council in general for future projects.

Mayor Donley stated that Councilwoman Eberwein has offered a friendly amendment which was acceptable to the maker and seconder.

Mayor Donley stated that condition #13 is on the table as written, with the understanding that the representation has been made that the applicant will consult with the appropriate neighborhood groups.

Mr. Hart responded that the answer is yes.

Councilwoman Pepper acknowledged that she does not now nor has she ever owned a car from Jack Taylor. She disclosed that she has accepted contributions from Mr. Taylor, but as anybody who has ever contributed to her campaign knows that they always come with no strings attached.

WHEREUPON, Council returned to the amended motion made by Councilman Speck, seconded by Councilman Euille and carried on a vote of 6-to-1, City Council approved the Planning Commission recommendation, **with the following amendments: Condition #7 was amended to read: "7. No vehicles, under the control of the applicant, shall be displayed, parked, or stored on a public right-of-way, including without limitation sales or repair vehicles.";** Condition #9 was amended to read: "9. There shall be no parking or storing of automobiles, under the control of the applicant, on Duncan Avenue or Mason Avenue or road testing of automobiles on these streets at any time."; Condition #14 to read as was agreed to by Mr. Hart and Ms. Ross, which is: "14. The number of vehicles allowed to be parked in the parking lot shall be in accord with a plan that is submitted and approved by the appropriate city agencies."; and approved, #13, as written, with the understanding that the representation has been made that the applicant will consult with the appropriate neighborhood groups. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
	Woodson		"no"

At this point, City Council considered docket item no. 26.

WHEREUPON, a motion was made by Councilwoman Woodson, seconded by Councilwoman Eberwein to uphold the Planning Commission recommendation to deny this application.

There was discussion on the motion.

Councilwoman Eberwein spoke to her reasoning for voting against this item. She indicated that she believes that this is a chance to remake Del Ray because there is an increasingly important gateway coming into Del Ray, and that's Monroe Avenue, particularly if the bridge is redone. She stated that the orientation of the citizens **[and Master Plan]** is to make Del Ray a walking neighborhood.

Mayor Donley indicated that this application makes docket item no. 25 for the dealership work more efficiently and more effectively and would potentially mitigate the adverse impacts, if there are any, of the dealership.

WHEREUPON, Council returned to the motion made by Councilwoman Woodson, seconded by Councilwoman Eberwein to uphold the Planning Commission recommendation to deny this application; which motion FAILED on a vote of 2-to-5. The voting was as follows:

Woodson	"aye"	Cleveland	"no"
Eberwein	"aye"	Euille	"no"
Donley	"no"	Pepper	"no"
		Speck	"no"

Members of Council and Mr. Hart participated in a discussion with respect to a new condition that within 10 years from the approval of this special use permit, the applicant shall file an application for extension of this permit, and the continuance of this use shall be reviewed by the Planning Commission and the City Council.

Councilwoman Pepper stated that at the time this special use permit comes back to Council, she wants to include whether or not at that time this use fits into what Council wants as part of the Master Plan.

WHEREUPON, upon motion by Councilman Speck, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-1, City Council overturned the Planning Commission recommendation and approved the special use permit, subject to compliance with all applicable codes, ordinances and staff recommendations, **with the added condition #13 to read as follows: "13. Within 10 years from the approval of this special use permit, the applicant shall file an application for extension of this permit, and the continuance of this use shall be reviewed by the Planning Commission and the City Council.";** with modification to condition #7, similar to what Council did previously, which would be to insert the following language: **"7. No vehicles, under the control of the applicant,....";** and directed staff to discuss with dealer on the west side, who is not subject to a sup, whether they will voluntarily agree to include that in their management since we have no sup in position on them. The voting was as follows:

Speck	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	"no"

At 7:00 p.m., Councilman Euille left the meeting.

ORDINANCES AND RESOLUTIONS

27. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 2-4-100 and Section 2-4-101 of the City Code to conform the composition and responsibility of the Alexandria Community Criminal Justice Board to recent changes in state law. (#14 11/14/00) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 8, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 11/18/00, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Vice Mayor Cleveland, seconded by Councilman Speck and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the ordinance on its Second Reading and Final Passage. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Speck	"aye"	Euille	left meeting
Donley	"aye"	Pepper	"aye"
		Woodson	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4170

AN ORDINANCE to amend and reordain Section 2-4-100 (CREATION, COMPOSITION AND ORGANIZATION) and Section 2-4-101 (RESPONSIBILITIES AND AUTHORITY), both of Article L (ALEXANDRIA COMMUNITY CRIMINAL JUSTICE BOARD), 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 2-4-100 and Section 2-4-101 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, amended and reordained to read as follows:

Sec. 2-4-100 Creation, composition and organization.

(a) There is hereby established a board to be known as the Alexandria Community Criminal Justice Board.

(b) The board shall consist of 15 members to be appointed by the city council. The composition of the board shall be as follows:

- (1) one judge of the Alexandria general district court;
- (2) one judge of the Alexandria circuit court;
- (3) one judge of the Alexandria juvenile and domestic relations court;
- (4) the chief magistrate for the city;
- (5) the chief of police;
- (6) the sheriff;
- (7) the commonwealth's attorney;
- (8) the administrator of the city's community services board;
- (9) a local educator;

(10) the chief public defender;

(11) a member of city council or the city manager, or a deputy or assistant city manager appointed by city council;

(12) the director of the city's office of adult probation and parole;

(13) two citizens; and

(14) the director of the city's court services unit.

(c) Members of the board shall be appointed in the manner prescribed by article A of this chapter; provided, that:

(1) the member who is a local educator shall be nominated by the superintendent of schools and confirmed by city council; and

(2) all members of the board, except for the citizen members, shall be exempt from the application requirement set forth in section 2-4-7(c) of this code.

(d) The citizen members and the member who is a local educator shall serve for a term of two years, except in the case of an appointment to fill the unexpired portion of a term.

Sec. 2-4-101 Responsibilities and authority.

(a) The responsibilities and authority of the board shall be as follows:

(1) to advise on the development and operation of local pretrial services and community-based probation programs and services pursuant to Virginia Code § 53.1-182.1 for use by the courts in diverting offenders from local correctional facility placements;

(2) to assist community agencies and organizations in establishing and modifying programs and services for offenders on the basis of an objective assessment of local needs and resources;

(3) to monitor and evaluate community programs, services and facilities to determine their impact on local offenders;

(4) to develop and, when appropriate, amend a criminal justice plan in accordance with the guidelines and standards set forth by the Virginia department of criminal justice services and oversee the development and amendment of the community-based corrections plan as required by Virginia Code § 53.1-82.1 for approval by city council.

(5) to review the submission of all criminal justice grants regardless of the source of funding;

(6) to facilitate local involvement and flexibility in responding to the problem of crime in the city; and

(7) to do all things necessary or convenient to carry out the responsibilities expressly given in this subsection.

(b) The board is authorized to adopt rules in regard to procedure and other matters, so long as the rules are not inconsistent with this code, including, but not limited to, the establishment of committees to assist it in carrying out its responsibilities.

(c) A board chair, vice-chair and secretary shall be elected annually by the board at its first meeting in each calendar year.

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

KERRY J. DONLEY
Mayor

Introduction: 11/12/00
First Reading: 11/12/00
Publication: 11/15/00
Public Hearing: 11/18/00
Second Reading: 11/18/00
Final Passage: 11/18/00

* * * * *

28. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 3-2-186, and add a new Section 3-2-187, to the City Code to conform the requirement for disclosure to the Director of Real Estate Assessments of income and expense statements for certain types of commercial property, and to conform the Director's authority to make a supplemental assessment on real property which is improved during the tax year, to recent changes in state law. (#15 11/14/00)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 3, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 11/18/00, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Speck and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the ordinance on its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Speck	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	left meeting
		Woodson	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4171

AN ORDINANCE to amend and reordain Section 3-2-186 (OWNERS OF INCOME-PRODUCING PROPERTY TO FURNISH INCOME AND EXPENSE STATEMENTS) and to enact new Section 3-2-187 (ASSESSMENT OF NEW BUILDINGS SUBSTANTIALLY COMPLETED) of Division 1 (REAL ESTATE), Article M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That section 3-2-186 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. 3-2-186 Owners of income-producing property to furnish income and expense statements.

Every person owning income-producing real estate subject to taxation pursuant to section 3-2-181 of this code, other than real estate producing income solely from the rental of no more than four dwelling units, and other than real estate being used exclusively as an owner-occupied property, not as a hotel, motel, or office building over 12,000 square feet, and not engaged in a retail or wholesale business where merchandise for sale is displayed, shall furnish to the director of real estate assessments annually on or before May 1, a statement of the income and expenses attributable to each such parcel of real estate for the immediately preceding calendar or fiscal year. Every statement shall be certified by an owner of the real estate for which the statement is furnished, or his duly authorized agent, as being true and accurate to the best of his knowledge and belief.

Section 2. That Chapter 2 of Title 3 of The Code of the City of Alexandria, 1981, as amended, be, and the same hereby is, amended by adding new section 3-2-187, to read as follows:

Sec. 3-2-187 Assessment of new buildings substantially completed.

All new buildings substantially completed or fit for use and occupancy prior to November 1 of the year of completion shall be assessed when so completed or fit for use and occupancy, and the director of real estate assessments shall enter in the books the fair market value of such building. No partial assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the department of real estate assessments and made available for public inspection. The total tax on any such new building for that year shall be the sum of (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, and (ii) the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for

use and occupancy bears to the entire year. With respect to any assessment made under this section after September 1 of any year, the penalty for nonpayment by December 5 shall be extended to February 5 of the succeeding year.

KERRY J. DONLEY
Mayor

Introduction: 11/12/00
First Reading: 11/12/00
Publication: 11/15/00
Public Hearing: 11/18/00
Second Reading: 11/18/00
Final Passage: 11/18/00

* * * * *

Without Objection, City Council considered docket item nos. 29 and 30 together, but under separate motions.

29. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the Zoning Map adopted by Section 1-300 and Section 10-102 of the Zoning Ordinance to expand the boundaries of the Old and Historic Alexandria District along North Washington Street, North Saint Asaph Street and North Columbus Street. (#16 11/14/00) **[ROLL-CALL VOTE]**

30. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 10-105A)(3) of the Zoning Ordinance to revise the standards for approval of a certificate of appropriateness along Washington Street. (#17 11/14/00) **[ROLL-CALL VOTE]**

(A copy of Councilwoman Eberwein's amendment is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 11/18/00, and is incorporated herewith as part of this record by reference.)

The City Clerk read docket item nos. 29 and 30.

The following persons participated in the public hearing on these items:

Connie Graham, 1217 Michigan Court, spoke in support of the task force's recommendations and against the proposed amendment;

Martha Welch, 1604-A Hunting Creek Drive, representing Northeast Civic Association, read a statement from Poul Hertel in support of the task force's recommendations and against the proposed amendment;

Ed Braswell, 426 North Columbus Street, speaking on behalf of himself, the Washington Street Task Force, and Mark Feldheim, president of Old Town Civic Association, supported docket item no. 29 as presented to Council. With respect to docket item no. 30, spoke against the proposed amendment by Councilwoman Eberwein;

Donald Mela, 501 Slaters Lane, #722, member of Washington Street Task Force, speaking on behalf of himself and Sally Ann Greer, president of North Old Town Independent Citizens, supported the Task Force's recommendations and against the proposed amendment;

Tom Witte, 819 Chetworth Place, spoke in support of the Task Force's recommendations and against the proposed amendment;

Richard Leibach, 200 North Pickett Street, #507, co-chair of Washington Street Task Force, spoke in support of the Task Force's recommendations and against the proposed amendment;

Katy Cannady, 20 East Oak Street, spoke in support of the Task Force's recommendations; and

Jean Caldwell, 1117 Powhatan Street, representing Save the G.W. Parkway Coalition, spoke in support of the Task Force's recommendations and against the proposed amendment.

29. **WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council closed the public hearing and amended the zoning map adopted by section 1-300 and section 10-102 of the Zoning Ordinance to expand the boundaries of the Old and Historic Alexandria District along North Washington Street, North Saint Asaph Street and North Columbus Street and [finally passed the ordinance on its Second Reading and Final Passage.] The voting was as follows:

Eberwein	"aye"	Cleveland	"aye"
Pepper	"aye"	Euille	left meeting
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4172

AN ORDINANCE to amend and reordain so much of Sheet Nos. 54.02, 54.04 and 64.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), as demarcate the boundaries of the "Old and Historic Alexandria District" established by Section 10-102 (DISTRICT ESTABLISHED) and of the "Parker-Gray District" established by Section 10-202 (DISTRICT ESTABLISHED), all of the City of Alexandria Zoning Ordinance, by amending the boundaries of the said Districts in accordance with the recommendations of the Washington Street Task Force, and in accordance with the said zoning map amendment heretofore approved by city council (REZ No. 00-0007).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That so much of Sheet Nos. 54.02, 54.04 and 64.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300, as demarcate the boundaries of the "Old and Historic Alexandria District" established by Section 10-102 and of the "Parker-Gray District" established by Section 10-202, all of the City of Alexandria Zoning Ordinance, be, and the same hereby are, amended to revise the boundaries of the said Districts as shown on the sketch plan entitled "Effect of Changes on Historic District of Proposed Change to Historic District Boundaries," attached hereto and incorporated herein by reference.

Section 2. That the director of planning and zoning be, and he hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet Nos. 54.02, 54.04 and 62.02 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

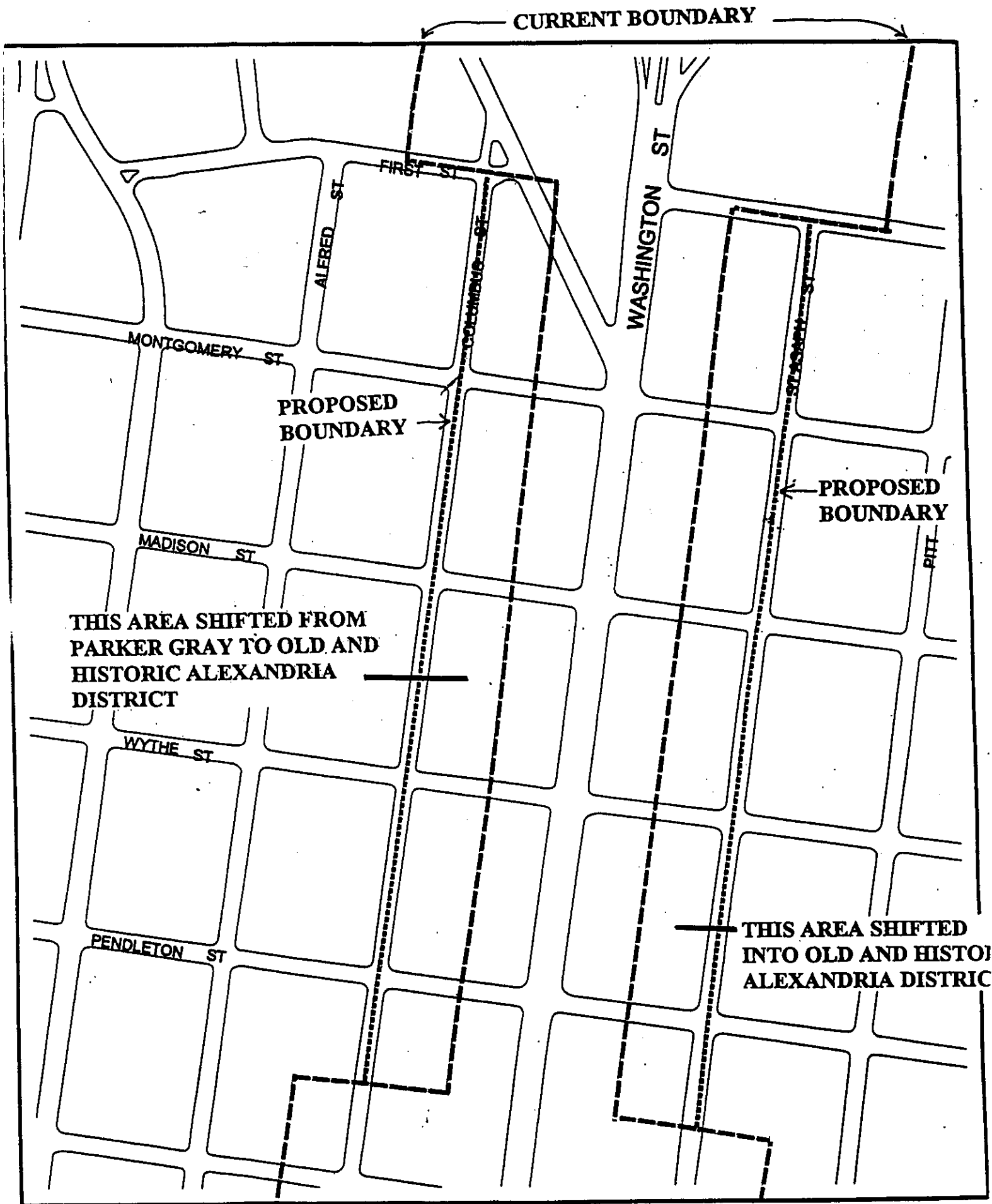
Section 4. That the amendment made by this ordinance shall have no effect upon the boundaries of the height districts established by Section 6-401 of the City of Alexandria Zoning Ordinance.

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

KERRY J. DONLEY
Mayor

Attachment

Introduction:	11/12/00
First Reading:	11/12/00
Publication:	11/15/00
Public Hearing:	11/18/00
Second Reading:	11/18/00
Final Passage:	11/18/00



EFFECT OF CHANGES ON HISTORIC DISTRICT OF PROPOSED CHANGE TO HISTORIC DISTRICT BOUNDARIES

250 0 250 Feet

Councilwoman Eberwein stated that she would like a chance to consider the public commentary that Council heard today.

30. **WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council closed the public hearing on docket item 30, but deferred [Second Reading] and Final Passage until November 28, 2000. The voting was as follows:

Eberwein	"aye"	Euille	left meeting
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

31. Public Hearing, Second Reading and Final Passage of an Ordinance to approve an encroachment into the public right-of-way for a window at 1203 King Street. (#18 11/14/00) **[ROLL-CALL VOTE]**

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the ordinance on its Second Reading and Final Passage. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Pepper	"aye"	Euille	left meeting
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4173

AN ORDINANCE authorizing the owner of the property located at 1203 King Street to establish and maintain an encroachment into the public right-of-way of 1203 King Street in the City of Alexandria, Virginia.

WHEREAS, Nabi Nasser ("Owner") is the owner of the commercial property located at 1203 King Street in the City of Alexandria, Virginia; and

WHEREAS, owner desires to establish and maintain a bay window which will encroach into the public right-of-way at 1203 King Street; and

WHEREAS, the public right-of-way at that point on 1203 King Street will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be and the same hereby is authorized to establish and maintain an encroachment into the public right-of-way of 1203 King Street in the City of Alexandria, said encroachment consisting of a bay window, 13 feet 3 inches in width and approximately 1 foot deep, as shown generally on the attached plat, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

Section 3. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 4. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner's maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 5. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 6. That applicant shall timely pay to the City of Alexandria for the encroachment authorized herein the annual charge established in § 3-2-85 of The Code of the City of Alexandria, Virginia, 1981, as amended.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment caused by the removal.

Section 8. That this ordinance shall be effective upon the date and at the time of its final passage.

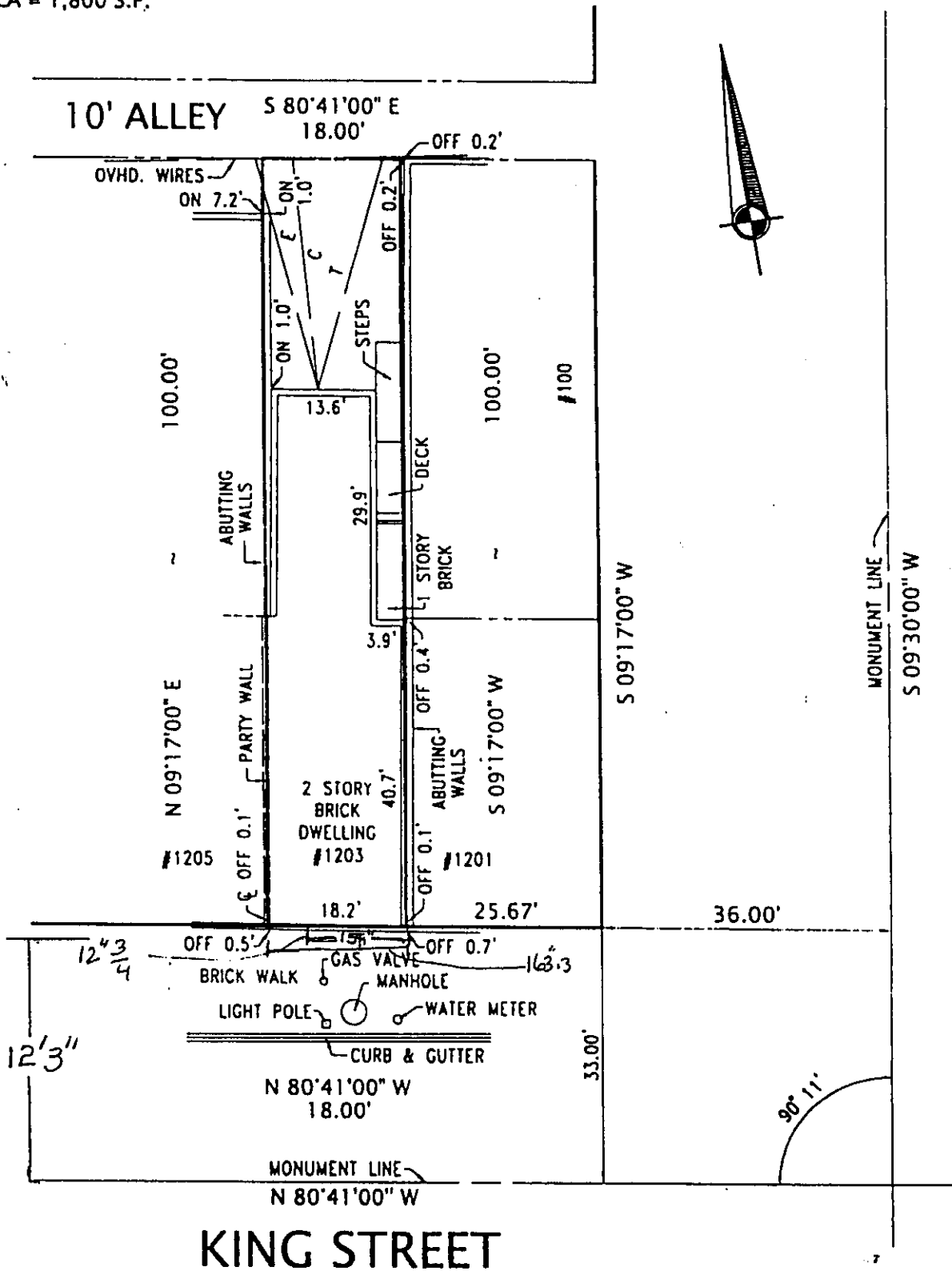
KERRY J. DONLEY
Mayor

Introduction:	11/12/00
First Reading:	11/12/00
Publication:	11/15/00
Public Hearing:	11/18/00
Second Reading:	11/18/00
Final Passage:	11/18/00

* * * * *

BY ALEXANDRIA SURVEYS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

AREA = 1,800 S.F.



door 3.3
4.3

KING STREET

PLAT

SHOWING HOUSE LOCATION ON
ON THE PROPERTY LOCATED AT

#1203 KING STREET
CITY OF ALEXANDRIA, VIRGINIA

4

ENC. 2000-0008

32. Public Hearing, Second Reading and Final Passage of an Ordinance to approve the vacation of a portion of the public right-of-way at 101 Uhler Terrace. (#20 11/14/00) **[ROLL-CALL VOTE]**

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the ordinance on its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	left meeting
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4174

AN ORDINANCE to vacate a part of the public street right-of-way in front of 101 Uhler Terrace, in the City of Alexandria, Virginia.

WHEREAS, Lonnie Rich ("Applicant"), the owner of the property at 101 Uhler Terrace in the City of Alexandria, Virginia, has applied for the vacation of four parcels, referred to herein as Outlot A, Outlot B, Outlot C and Outlot D, totaling 8, 813 square feet, which are adjacent to applicant's property and the property of others in the vicinity of 101 Uhler Terrace; and

WHEREAS, the outlot parcels are shown on the plat prepared by Kenneth W. White and dated August 14, 2000 ("Plat") (attached hereto); and

WHEREAS, the vacation has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; and

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

WHEREAS, viewers, Judith L. Lowe, Chair; Ruby Fitzgerald and Amoret Bunn, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, and have made their report in conjunction with this vacation; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the right-of-way to be vacated by this ordinance be purchased by the abutting owner, unless such owner has elected not to purchase the abutting portion of right-of-way, in which case the applicant may do so; and

WHEREAS, the Del Ray Baptist Church has elected not to purchase the portion of right-of-way abutting its property, Outlot C, and the applicant has agreed to do so; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of compliance with the conditions set forth in this ordinance for \$10,800, the Council of the City of Alexandria has concluded that the public street right-of-way is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Outlot A shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot A be purchased by Cynthia B. Caples, 100 Uhler Terrace, Alexandria, Va. 22301, or her successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$3,200.

Section 2. That Outlots B and C shown on the Plat be, and the same hereby are vacated, provided that the said Outlots B and C be purchased by the applicant, or his successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$8,600.

Section 3. That Outlot D shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot D be purchased by Tim and/or Judy O'Brian, 2418 Sanford Street, Alexandria, Va. 22301, or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$1,200.

Section 4. That the vacations made and provided by the preceding sections of this ordinance be, and the same hereby are, subject the conditions set forth below:

(1) The vacated right-of-way shall be consolidated with the existing abutting lots, and the plat of consolidation filed with the director of planning and zoning.

(2) A continuous easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church shall be provided to the satisfaction of the director of planning and zoning.

(3) Easements shall be retained for all public and private utilities located within the vacated right-of-way.

(4) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within the 12 month period specified, the applicant may purchase the affected outlot within 6 months of the expiration of such 12 month period.

(5) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within 18 months of the effective date of this ordinance, the vacation and this ordinance shall be void as to any such outlot.

Section 5. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 6. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

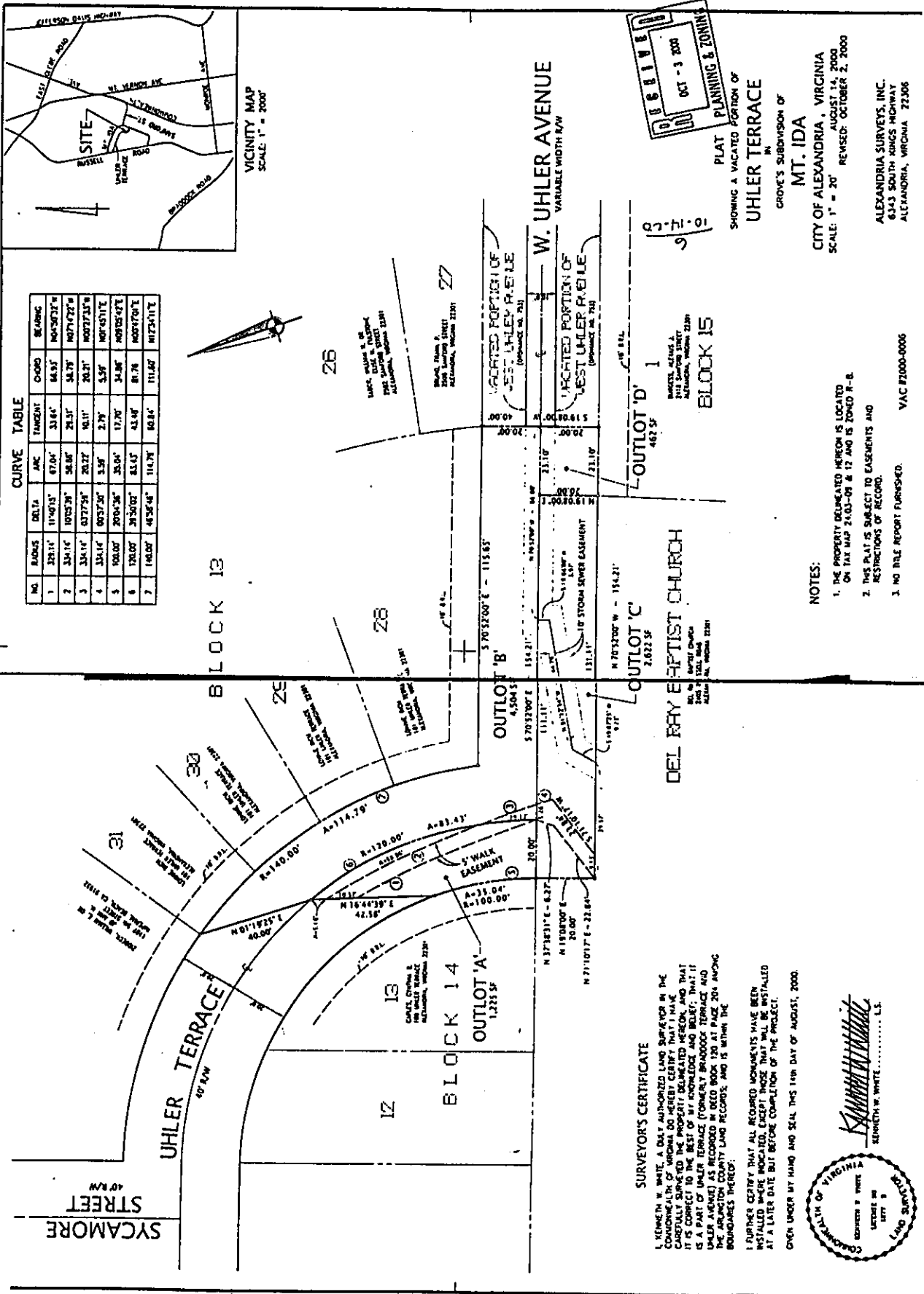
Section 7. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying one or more of the outlots vacated by this ordinance to a purchaser. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance as to the outlot or outlots so conveyed. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the purchaser as grantee, and such recordation shall be done by the grantee at his or her own expense.

KERRY J. DONLEY
Mayor

[Attachment: Vacation Plat]

Introduction:	11/12/00
First Reading:	11/12/00
Publication:	11/15/00
Public Hearing:	11/18/00
Second Reading:	11/18/00
Final Passage:	11/18/00

* * * * *



CURVE TABLE

NO.	BURNS	DELTA	ARC	TANGENT	CHORD	BEARING
1	329.14	11°07'15"	67.04'	33.64'	64.93'	N04°50'27"W
2	334.14	10°05'30"	58.80'	28.51'	54.79'	N07°17'27"W
3	334.14	07°57'51"	28.27'	16.11'	26.21'	N09°27'23"W
4	334.14	05°57'26"	5.59'	2.79'	5.59'	N04°53'17"E
5	100.00'	20°04'36"	35.04'	17.70'	34.98'	N07°05'47"E
6	125.00'	29°30'00"	53.43'	43.44'	61.76'	N02°17'01"E
7	145.00'	48°56'48"	114.79'	68.86'	114.60'	N17°24'17"E

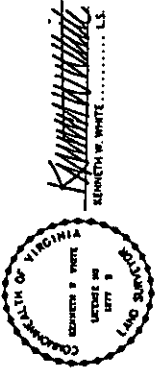


SHOWING A VACATED PORTION OF
UHLER TERRACE
 GROVE'S SUBDIVISION OF
MT. IDA
 CITY OF ALEXANDRIA, VIRGINIA
 SCALE: 1" = 20'
 AUGUST 14, 2000
 REVISED: OCTOBER 2, 2000

ALEXANDRIA SURVEYS, INC.
 6343 SOUTH KINGS HIGHWAY
 ALEXANDRIA, VIRGINIA 22305

- NOTES:**
1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 24-03-09 & 12 AND IS ZONED R-8.
 2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 3. NO TITLE REPORT FURNISHED. VAC #21000-0006

SURVEYOR'S CERTIFICATE
 I, KENNETH W. WHITE, A DAILY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED HEREON, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PART OF UHLER TERRACE (FORMERLY BRANDOOK TERRACE AND BRANDOOK AVENUE) AS RECORDED IN DEED BOOK 120 AT PAGE 204 AMONG THE PUBLIC RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA, AND IS WITHIN THE BOUNDARIES THEREOF.
 I FURTHER CERTIFY THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED, EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE COMPLETION OF THE PROJECT.
 GIVEN UNDER MY HAND AND SEAL THIS 14th DAY OF AUGUST, 2000.



REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (33-38)

Planning Commission (continued)

33. SPECIAL USE PERMIT #2000-0124 -- 600 RUSSELL ROAD -- MAURY ELEMENTARY SCHOOL -- Public Hearing and Consideration of a request for a special use permit for a trailer for classroom use; zoned R-5/Residential. Applicant: Alexandria City Public Schools, by Mark F. Krause.

COMMISSION ACTION: Deferred 7-0

34. MASTER PLAN AMENDMENT #2000-0005 -- REZONING #2000-0006 -- 20 ROTH STREET; 2500-2600 BUSINESS CENTER DRIVE -- ARCHSTONE ALEXANDRIA -- Public Hearing and Consideration of a request for amendment to the Taylor Run/Duke Street Small Area Plan Chapter of the 1992 Master Plan to change the land use designation from I/Industrial to RH/Residential High and request for rezoning of the subject property from I/Industrial to RC/Residential High Density, with proffers. Applicant: Archstone Communities Trust, by Harry P. Hart, attorney.

COMMISSION ACTION: Withdrawn

(A copy of Mr. Hart's letter dated November 9, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 34; 11/18/00, and is incorporated herewith as part of this record by reference.)

35. SPECIAL USE PERMIT #2000-0120 -- 3211 COLVIN STREET -- PDQUICK GROCERY -- Public Hearing and Consideration of a request for a special use permit for a use not listed in the Zoning Ordinance; zoned I/Industrial. Applicant: PDQuick Inc., by Fred McLaughlin.

COMMISSION ACTION: Deferred (Applicant's request)

36. SPECIAL USE PERMIT #2000-0127 -- 3211 COLVIN STREET -- Public Hearing and Consideration of a request for a special use permit for a reduction of off-street parking; zoned I/Industrial. Applicant: D. King Boynton.

COMMISSION ACTION: Deferred (Applicant's request)

37. SPECIAL USE PERMIT #2000-0121 -- 3050 DUKE STREET -- DUNKIN DONUTS -- Public Hearing and Consideration of a request for a special use permit for expansion of a restaurant; zoned CG/Commercial General. Applicant: Bhavana Inc, by Fausto R. Bayonet of the Heiserman Group.

COMMISSION ACTION: Deferred 7-0

38. SPECIAL USE PERMIT #2000-0125 -- 304 CALVERT AVENUE -- Public Hearing and Consideration of a request for a special use permit to operate a general automobile repair and sales facility; zoned I/Industrial. Applicant: Julio A. Benavides.

COMMISSION ACTION: Deferred 7-0

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without Objection, City Council noted the deferrals and withdrawal.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by the entire Council present, seconded by the entire Council present and carried on a vote of 6-to-0, at 7:40 p.m., the Public Hearing Meeting of Saturday, November 18, 2000, was adjourned. The voting was as follows:

Cleveland	"aye"	Euille	left meeting
Eberwein	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

* * * * *

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Beverly I. Jett, CMC

City Clerk