

3A
2-13-01

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, January 13, 2001 - - 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, and David G. Speck.

Absent: Councilwoman Joyce Woodson.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Mr. Baier, Director of Transportation and Environmental Services; Mr. Neckel, Director of Finance; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Ms. Beeton, Urban Planner; Mr. Skrabak, Manager, Environmental Quality, Transportation and Environmental Services; Ms. Federico, Director of Historic Alexandria; Ms. Johnson, Division Chief, Planning and Zoning; City Arborist Noelle; Assistant City Arborist Dieruf; Mr. Jinks, Assistant City Manager; Mrs. Godwin, Assistant City Manager; 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 except Councilwoman Woodson. Councilwoman Pepper arrived at 9:40 a.m.

2. Public Discussion Period.

(a) Julie Crenshaw, 816 Queen Street, spoke to the delineation for the interim fields, the final fields, and the interim parking lot at Jones Point. She noted that some property of the Seaport Foundation is still present at the site.

City Manager Sunderland stated that the delineation of the area to be encompassed by the final fields was laid out prior to the final vote of Council. He noted that the issue of the interim fields and parking lot was raised with the project. The project was not interested or willing to do that. City Manager Sunderland reported that the interim plans are going to be ready in a month or two months. There will be a review period for those.

Recreation, Parks and Cultural Activities Director Whitmore advised Council that the project has given the Seaport Foundation until February 1, to remove themselves from the site. The Seaport Foundation knows that and will have everything out by February 1.

City Manager Sunderland stated that once the final plans come in, staff can go back to the project and ask them again to have somebody on site go out and do what Ms. Crenshaw has requested, but he cannot make them do it.

Councilman Euille encouraged the City Manager to again request the project to mark the delineations for the interim fields and interim parking lot.

City Manager Sunderland indicated that he will raise this at the meeting this coming Wednesday with the Woodrow Wilson Bridge group.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3 - 6)

Planning Commission

WITHOUT OBJECTION, City Council removed docket item no. 3 from the Action Consent Calendar, and considered it under a separate motion.

4. SPECIAL USE PERMIT #2000-0148 -- 535 EAST BRADDOCK ROAD -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a restaurant; zoned CRMU-H/Commercial Residential Mixed Use. Applicant: Carlo Pascarella.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 2, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 1/13/01, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2000-0151 -- 3020-3030 DUKE STREET -- SHAKER MOTOR CAR COMPANY -- Public Hearing and Consideration of a request for a special use permit for expansion of an existing automobile sales business; zoned CG/Commercial General. Applicant: Gholam Reza Shaker, trading as Shaker Motor Car Company, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 2, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 1/13/01, and is incorporated herewith as part of this record by reference.)

6. SPECIAL USE PERMIT #2000-0160 -- 2838 DUKE STREET -- DUKE STREET MOBIL -- Public Hearing and Consideration of a special use permit review for an automobile service station; zoned CG/Commercial General. Applicant: Essam Danfora.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 2, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 1/13/01, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Speck, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council approved the Action Consent Calendar with the exception of docket item no. 3 which was considered under a separate motion. The Planning Commission recommendations are as follows:

4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

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

3. SPECIAL USE PERMIT #2000-0137 -- 412 EAST WINDSOR AVENUE -- Public Hearing and Consideration of a request for a special use permit for a parking reduction to provide two tandem parking spaces with a modification of the front yard setback, in conjunction with the construction of a new single-family dwelling; zoned R-2-5/Residential. Applicant: Robert Nichols.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 2, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 1/13/01, and is incorporated herewith as part of this record by reference.

A copy of the revised plans dated January 12, 2001, submitted by Mr. Nichols, are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 3; 1/13/01, and is incorporated herewith as part of this record by reference.)

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

Robert Nichols, 2934 Fessenden Street, N. W., Washington, D.C., applicant, presented copies of the revisions to the side porch to City Council, and spoke to the change.

Ms. Beeton, Urban Planner, reported that the revised change indicates a side porch that wasn't shown on the original plans. Staff asked the applicant to show the change to you for your review. The Planning Commission did not see the proposed change; however, the staff has no objection to the change.

Councilwoman Eberwein directed questions to staff and the applicant with respect to the side porch.

The applicant agreed with the understanding that the side porch will not be enclosed in the future.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council approved the Planning Commission recommendation, **with the revisions submitted by the applicant regarding the side porch, and with the provision that the side porch will not be enclosed in the future, either screened or glassed.** The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

7. Public Hearing and Consideration of the Acceptance of the Design Proposal for the Captain Rocky Versace Plaza and Vietnam Veterans Project.

(A copy of the City Manager's memorandum dated January 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 1/13/01, and is incorporated herewith as part of this record by reference.

Copies of communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 7; 1/13/01, and is incorporated herewith as part of this record by reference.)

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

Theresa Edwards, 1212 Franklin Street, spoke against the location of this memorial;

Van Van Fleet, 26 Wolfe Street, spoke in support;

Ken Strafer, 5218 Twinbrook Road, Fairfax, VA, spoke in support;

James Corrie, 209 Raymond Avenue, spoke against the location of this memorial, and submitted a petition in opposition; a copy of the petition is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item;

Kevin B. Rue, 13 Canterbury Square, representing The Friends of Rocky Versace, spoke in support;

Margaret Berry, 110 Gibbon Street, representing the Public Art Committee of the Alexandria Commission for the Arts, spoke to the process and in support;

Ruth Brannigan, 8403 Osman Drive, member of Del Ray Citizens Association, spoke in support;

Dorothy Turner, 3010 Manning Street, representing the Harts and the Alexandria Concerned Black Women, spoke against;

Gayle Reuter, 110 East Del Ray Avenue, representing Potomac West Business Association, and herself as a resident, spoke in support;

Jack Taylor, 2313 Commonwealth Avenue, spoke in support;

Sherry Brown, 1600 Prince Street, Unit 603, spoke in support;

Carole Blair, 1600 Prince Street, Unit 600, spoke in support; and

Harry P. Hart, 307 North Washington Street, spoke in support.

There was considerable discussion by the Members of Council with respect to this item and to the process.

WHEREUPON, upon motion by Councilman Speck, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council (1) held the public hearing; and (2) accepted the gift and the design proposal (Attachment 1A to the City Manager's memorandum dated January 8, 2001) for the Captain Rocky Versace and Vietnam Veterans Plaza as recommended by the Alexandria Commission for the Arts and the Park and Recreation Commission. The voting was as follows:

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

8. Public Hearing and Consideration on the Proposed Spring 2001 Gypsy Moth Suppression Program.

(A copy of the City Manager's memorandum dated January 5, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 1/13/01, and is incorporated herewith as part of this record by reference.)

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

Julie Crenshaw, 816 Queen Street, representing the Sierra Club, some members of Stewardship of Creation in the Episcopal Diocese of Virginia, and herself, spoke against aerial spraying; a copy of Ms. Crenshaw's fact sheet is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of this item;

Lois Kelso Hunt, 310 Park Road, member of the Gypsy Moth Advisory Committee, read a statement from Paula Sullivan expressing her opposition to staff's recommendation and in support of Option 3, and Ms. Hunt concurred with the statement of Ms. Sullivan; a copy of Ms. Sullivan's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item; and

Andrew MacDonald, 513 Robinson Court, indicated that he was not totally against spraying, but suggested a reduction in the amount we spray overall and come up with an answer of how we should spray, whether it's better to spray from the air rather than ground spray, but it's important to protect the environment while trying to save our trees and landscape.

Members of City Council participated in a dialogue with Arborist Noelle, Assistant Arborist Dieruf, Recreation, Parks and Cultural Activities Director Whitmore, and Ms. Hunt.

Mr. Noelle explained Option 3.

Ms. Eberwein indicated she was a little uncomfortable with Option 3 because if these trees are defoliated for the second time in two years, a lot of mature trees will just die. They cannot survive it. Ms. Eberwein suspected that by implementing Option 3, we will lose some trees and that is her hesitation on this. She indicated when this comes back next year and we find that there is more acreage and more defoliation, that it would be best to go with Option 2 immediately. She also wanted to correct a misconception that B.t. is not a chemical, but a natural occurring bacterium.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously by all those present, City Council held the public hearing, approved Option 3 on page 3 of the City Manager's memorandum with the following components: (1) that wherever possible, the City do the aerial spraying, and in the areas that have been identified as being appropriate for this; that we do reduce, as much as possible, the area that we have to do if that means scraping the trees or whatever; we should do the banding of the trees and as much educational effort be put forward as possible; and inserted the suggestion of Lois Hunt and Paula Sullivan to go with Option 3, so that the City only goes into the areas that have the oak trees and that staff consult with those neighbors, opt in or opt out, it's very important that we not intrude on people's private property and be spraying in their yards. Option 3 is as follows: -- Aerial application of B.t. in two spray blocks, 50 acres surrounding the Virginia Theological Seminary and adjacent area and 46 acres in Seminary Hill, and the ground spray application of B.t. to properties within the buffer areas surrounding objectors, only if there are oak trees present, one or more gypsy moth egg masses are visible upon inspection of the site, and only upon request of the property owner or resident; in combination with the distribution of burlap banding and educational materials to the public; (2) Declaration that the aerial and ground spray programs are to be voluntary, that a 200-foot buffer zone will be maintained around the property of any objector, and that ground spraying will be provided for those desiring their properties to be treated within the buffer areas surrounding objectors and in other locations specified by the City Arborist; and (3) Implementation of other gypsy moth suppression measures to include the distribution of burlap for banding trees and educational materials in cooperation with the Virginia Department of Agriculture and Consumer Services. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Board of Architectural Review

9. CASE BAR-2000-0251 -- 833 SOUTH WASHINGTON STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, approving, as amended, a request for approval of signage at 833 South Washington Street, zoned CRMU-L/COMMERCIAL MIXED USE. Applicant and Appellant: Workbench by Paul Elgin, Agent.

BOARD ACTION: Approved, as amended 7-0

(A copy of the Board of Architectural Review report dated January 13, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 1/13/01, and is incorporated herewith as part of this record by reference.

A copy of Mr. Elgin's letter dated January 10, 2001, withdrawing the appeal, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 9; 1/13/01, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated November 28, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 9; 1/13/01, and is incorporated herewith as part of this record by reference.)

Without objection, City Council noted the withdrawal.

Planning Commission (continued)

10. DEVELOPMENTAL SITE PLAN #2000-0043 -- 1710 PRINCE STREET OFFICE BUILDING -- Public Hearing and Consideration of an appeal from a decision of the Planning Commission, on November 9, 2000, imposing as conditions to its approval of Applicant's site plan, certain requirements, numbered 10, 22, 30, and 34, for a development site plan amendment for construction of an office building with structured parking on the property located at 1710 Prince Street, zoned OCH/Office Commercial High. Applicant and Appellant: Duke Enterprises, Inc., by Robert L. Calhoun, attorney. (#27 12/16/00)

COMMISSION ACTION: Approved 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; 1/13/01, and is incorporated herewith as part of this record by reference.

A copy of Ms. Fogarty's memorandum dated January 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 1/13/01, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated November 20, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 10; 1/13/01, and is incorporated herewith as part of this record by reference.)

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

Robert Calhoun, 510 King Street, attorney representing the applicant, spoke in support of the appeal.

Members of City Council posed questions to Transportation and Environmental Services Director Baier, Planning and Zoning Division Chief Johnson, and City Attorney Pessoa.

WHEREUPON, a motion was made by Councilwoman Eberwein, seconded by Vice Mayor Cleveland, that City Council approve the application with a change to condition #20 to read as follows: "20. The applicant shall work with the Police Department to improve public safety in the parking garage."; strike condition #34, with the request that the applicant be strongly encouraged to work with Transportation and Environmental Services to not open cut at all; if there is cutting, the applicant can go ahead and do trenching, and then Transportation and Environmental Services will go back within a year to reinspect the area, and, if there is sinking of the asphalt, then the applicant will be required to bring it back up to grade; and all other conditions are left in, including #10, #22 and #30.

There was discussion on the motion.

With respect to condition nos. 10 and 22, Councilman Speck suggested, at some point in time, that Council might want to discuss the issue of voluntary fees more broadly.

Mayor Donley spoke to the Housing Trust Fund and the King Street Metro Area Improvement Fund.

With respect to condition #34, City Attorney Pessoa suggested that the applicant retain a bond amount as part of the maintenance bond for the costs of this resurfacing if it should be necessary within one year.

For the record, Mr. Calhoun objected to this because he does not know what bonds like this cost. He objected for the record and perhaps they can decide to do it afterwards.

In regard to condition #34, Councilwoman Eberwein encouraged staff, if they are going to make this code change, to move it forward so that Council can debate the whole issue.

WHEREUPON, Council returned to the main motion made by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council approved the application with a change to condition #20 to read as follows: "20. The applicant shall work with the Police Department to improve public safety in the parking garage."; struck condition #34, with the request that the applicant be strongly encouraged to work with Transportation and Environmental Services to not open cut at all; if there is cutting, the applicant can go ahead and do trenching, and then Transportation and Environmental Services will go back within a year to reinspect the area, and, if there is sinking of the asphalt, then the applicant will be required to bring it back up to grade; and all other conditions are left in, including #10, #22 and #30. The voting was as follows:

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

11. SPECIAL USE PERMIT #2000-0110 -- 1605-1611 MOUNT VERNON AVENUE -- ALEXANDRIA TOYOTA (Car lot site) -- Public Hearing and Consideration to Amend Special Use Permit #2000-0110 to Change the Name of the Applicant to Conform to the Applicant on the Hyundai Dealership Site. (#28 12/16/00; #18 11/28/00; #26 11/18/00)

(A copy of Ms. Fogarty's memorandum dated January 10, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 1/13/01, and is incorporated herewith as part of this record by reference.

A copy of Council's action on November 18, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 1/13/01, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's memorandum dated November 21, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11; 1/13/01, and is incorporated herewith as part of this record by reference.

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. 4 of Item No. 11; 1/13/01, 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 representing the applicant, spoke in support of this change.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the amendment to Special Use Permit #2000-0110 to change the name of the applicant to Alexandria Hyundai, LLC and John E. Taylor, Jr. The voting was as follows:

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

12. MASTER PLAN AMENDMENT #2000-0007 -- WATER QUALITY MANAGEMENT SUPPLEMENT -- Public Hearing and Consideration of an amendment to the 1992 Master Plan to incorporate the Water Quality Management Supplement to ensure compliance with the Chesapeake Bay Preservation Act.

COMMISSION ACTION: Approved 6-0

(A copy of the Planning Commission report dated January 2, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 1/13/01, and is incorporated herewith as part of this record by reference.)

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

Kenyon Larsen, 107 West Howell Avenue, representing the Alexandria Environmental Policy Commission, spoke in support; and

Julie Crenshaw, 816 Queen Street, spoke in support and suggested replacing some of the vagaries with some specifics in each of the action statements.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a vote of 5-to-0, City Council approved the Planning Commission recommendation. The voting was as follows:

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

13. DEVELOPMENT SPECIAL USE PERMIT #2000-0052 -- 101 WALES ALLEY -- WALES ALLEY OFFICE BUILDING -- Public Hearing and Consideration of a request for a development special use permit reapproval to construct a commercial building with increase in floor area, building height, outlot development and waiver of flood plain restrictions; zoned CD/Commercial Downtown. Applicant: Watauga Properties II, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 2, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 1/13/01, and is incorporated herewith as part of this record by reference.)

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

Mark S. Feldheim, 1215 Prince Street, representing Old Town Civic Association, stated that the association is disappointed that the applicant is before Council again, but has no objection to the extension of the special use permit under the circumstances of this case; and

Harry P. Hart, 307 North Washington Street, attorney representing the applicant, spoke in support, noted that this is before Council as a reapproval, and requested an amendment to condition #20 for a little bit more time, i.e., five or six months.

Councilman Speck spoke to this request and the number of times it has been before the Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Eberwein and carried unanimously by all those present, City Council approved the Planning Commission recommendation, **with an amendment to condition #20, which shall read as follows: "20. This special use permit shall be extended to the end of July 2001.** The voting was as follows:

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

ORDINANCES AND RESOLUTIONS

14. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to vacate public street rights-of-way and easements which comprise access roads in the KMS Townhouse development, along Van Dorn, Vail, Terrill and N. Pelham Streets, and Richenbacher Avenue. (#22 1/9/01) **[ROLL-CALL VOTE]**

(Copies of communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 14; 1/13/01, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

Mayor Donley noted that there were three speakers in support of this item; however, since the Council is also in support, they may choose not to speak on this item.

The speakers waived their right to speak.

Patrick Devereux, 5324 Polk Avenue, thanked the Council for its support.

WHEREUPON, upon motion by Councilman Speck, 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:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4182

AN ORDINANCE to vacate portions of public street rights-of-way and public street easements which comprise access roads in Sections 1, 2 and 3, KMS Townhouses, located in the City of Alexandria, Virginia, along North Van Dorn, Vail, Terrill and North Pelham Streets, and Richenbacher Avenue.

WHEREAS, the City of Alexandria, Department of Transportation and Environmental Services ("Applicant") has applied for the vacation of portions of public street rights-of-way (generally shown on the attached plat as "8' WIDE PUBLIC STREET R/W (HEREBY VACATED)") and portions of public street easements (generally shown on the attached plat as "6' WIDE PUBLIC STREET ESMT. (HEREBY VACATED)"), which comprise service roads along North Van Dorn Street, Richenbacher Avenue, Vail Street, Terrill Street and North Pelham Street, in Sections 1, 2 and 3, KMS Townhouses, located in the City of Alexandria, Virginia; and

WHEREAS, the portions of the public street rights-of-way and public street easements to be vacated by this ordinance were dedicated to the City of Alexandria in 1968, by deed of dedication which is recorded in Deed Book 680, at page 427, among the land records of the City of Alexandria, in 1968, by deed of dedication which is recorded in Deed Book 689, at page 584, among the aforesaid land records, and in 1969, by deed of dedication which is recorded in Deed Book 696, at page 606, among the aforesaid land records; and

WHEREAS, the portions of the public street rights-of-way and public street easements to be vacated by this ordinance are shown on the "Drawing Showing Vacation of Street Right-of-Way and Vacation of a Portion of Easement for Public Street Purposes Originally Dedicated as Part of KMS Townhouses Subdivisions," prepared by Transportation & Environmental Services, Engineering & Design Division - Survey Section, and last modified November 9, 2000 (the "Plat") (attached hereto); and

WHEREAS, the vacation of the portions of the public street rights-of-way and public street easements 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, Donald Allen, Chair; Katrine Fitzgerald and Judith L. Lowe, 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, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of the obligation of the owners of the lots within Sections 1, 2 and 3, KMS Townhouses, to comply with the conditions set forth below, the Council of the City of Alexandria has concluded that the portions of the public street rights-of-way and public street easements are no longer needed for public use as public street rights-of-way and public street easements and that it is in the public interest that they be vacated; and

WHEREAS, it is the desire of the Council of the City of Alexandria that the owners who will acquire title to the property vacated by this ordinance will cooperate with one another and work together to maintain such property for their mutual benefit; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the portions of public street rights-of-way and public street easements that are shown on the Plat as being vacated, be, and the same hereby are, vacated.

Section 2. That title to each of the parcels created by such vacation, as shown on the Plat, (a) shall vest in the current owner of the immediately contiguous lot within Sections 1, 2 and 3, KMS Townhouses, as such lot is shown on the Plat and such owner is identified on Exhibit A attached hereto and incorporated herein by this reference, (b) shall be deemed consolidated with such immediately contiguous lot for purposes of the application of city, state and federal laws and regulations, and (c) may only be conveyed with such immediately contiguous lot.

Section 3. That this vacation is further subject to the conditions set forth below:

(1) The City of Alexandria ("City") expressly reserves, for the use and benefit of the public, public vehicular and pedestrian access easements over the portions of the public street rights-of-way vacated by this ordinance, further subject to the following conditions:

(a) No parking shall be permitted in the areas subject to this reserved easement.

(b) The owner of each lot within Sections 1, 2 and 3, KMS Townhouses shall be responsible for the reasonable maintenance, repair and replacement of the street improvements and facilities (including, without limitation, pavement) located within the portions of the public street rights-of-way and public street easements vacated by this ordinance which are immediately contiguous to such owner's lot.

(c) The City shall continue to maintain the public street rights-of-way and public street easements outside of the portions of the public street rights-of-way and public street easements vacated by this ordinance, including areas in which sidewalks, curbs and gutters are located, according to the same standards and intervals as it does elsewhere in the City.

(d) The City shall have no obligation to maintain, repair or replace any street improvements and facilities located within the portions of the public street rights-of-way and public street easements vacated by this ordinance. In furtherance, but not in limitation, of the foregoing, the City shall not be obligated, within such vacated portions (i) to stripe, clean, plow, salt, pave or repave, or (ii) to erect new signs, or maintain, repair or replace existing signs.

(2) The City expressly reserves emergency vehicle easements over the portions of the public street rights-of-way vacated by this ordinance for the purpose of ingress and egress by emergency and police vehicles.

(3) The City expressly reserves, for its own benefit and the benefit of public and private utilities, underground utility easements for existing facilities beneath the portions of the public street rights-of-way and public street easements vacated by this ordinance, provided the exercise by any public or private utility of any such easement rights shall be subject to the terms of such utility's franchise issued by the City, or, absent such a franchise, other applicable authority pursuant to which such utility occupies public streets in the City.

Section 4. 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 5. 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 6. That the city attorney be and hereby is authorized, prior to recordation of the certified ordinance, as provided in section 7 below, to make such corrections to Exhibit A as are necessary to reflect the record ownership of the lots within Sections 1, 2 and 3, KMS Townhouses at the time of recordation, and to make conforming amendments to the Plat, as may be necessary.

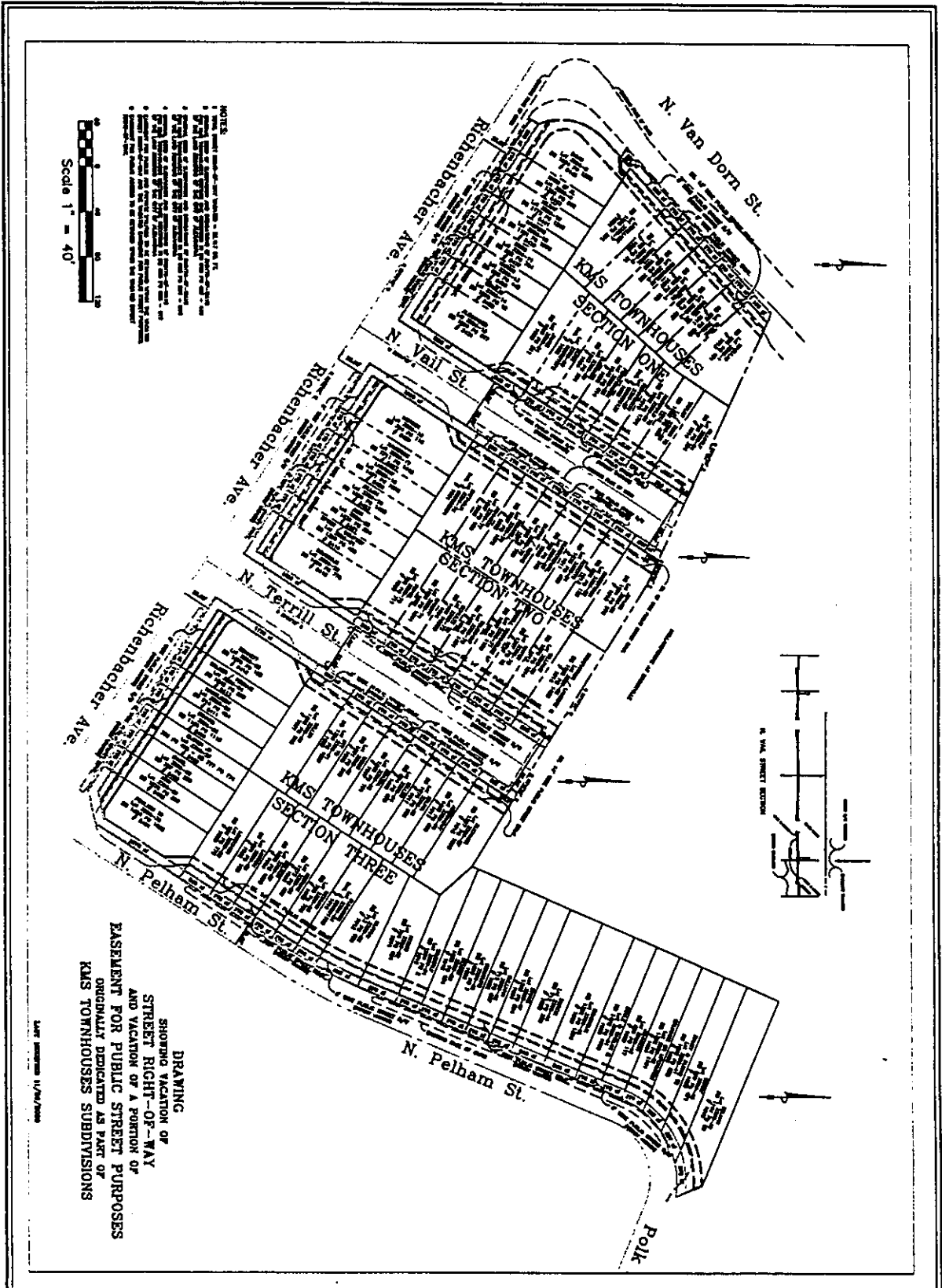
Section 7. That this ordinance shall be deemed to be enacted on the date of its final passage, but shall not be effective until a copy of this ordinance has been certified by the city clerk and has been recorded among the city land records as deeds are recorded. The City of Alexandria, at its expense, shall cause recordation of the certified ordinance, indexed in the name of the CITY OF ALEXANDRIA, as grantor, and the names identified on Exhibit A, as grantees.

KERRY J. DONLEY
Mayor

Attachments: Vacation Drawing
Exhibit A - Owners of Lots

Introduction: 01/09/01
First Reading: 01/09/01
Publication: 01/11/01
Public Hearing: 01/13/01
Second Reading: 01/13/01
Final Passage: 01/13/01

* * * * *



NOTES:

1. THIS DRAWING IS A PRELIMINARY SURVEY AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE SURVEY WAS MADE BY THE SURVEY SECTION OF THE ENGINEERING & DESIGN DIVISION OF THE CITY OF ALEXANDRIA, VIRGINIA.
3. THE SURVEY WAS MADE ON THE BASIS OF THE RECORD PLANS AND SURVEY DATA ON FILE IN THE OFFICE OF THE CITY ENGINEER.
4. THE SURVEY WAS MADE ON THE BASIS OF THE RECORD PLANS AND SURVEY DATA ON FILE IN THE OFFICE OF THE CITY ENGINEER.
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7. THE SURVEY WAS MADE ON THE BASIS OF THE RECORD PLANS AND SURVEY DATA ON FILE IN THE OFFICE OF THE CITY ENGINEER.
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9. THE SURVEY WAS MADE ON THE BASIS OF THE RECORD PLANS AND SURVEY DATA ON FILE IN THE OFFICE OF THE CITY ENGINEER.
10. THE SURVEY WAS MADE ON THE BASIS OF THE RECORD PLANS AND SURVEY DATA ON FILE IN THE OFFICE OF THE CITY ENGINEER.



DRAWING
 SHOWING VACATION OF
 STREET RIGHT-OF-WAY
 AND VACATION OF A PORTION OF
 EASEMENT FOR PUBLIC STREET PURPOSES
 ORIGINALLY DEDICATED AS PART OF
 KMS TOWNHOUSES SUBDIVISIONS

LATE REVISION 11/24/2000



Transportation & Environmental Services
 Engineering & Design Division - Survey Section

P.O. Box 178 Alexandria, Va. 22313

DATE:	PROJECT NO.:	SHEET OF:

EXHIBIT A

KMS TOWNHOUSES OWNERSHIP INFORMATION

1	J.N. & LORI M. <u>LATAILLADE</u> 1001 N. VAN DORN ST. ALEXANDRIA, VA. 22304-2003	D.B. 1328, PG. 291	29.04-02-09
2.	JOSEF J. OR INGRID <u>TOMASEK</u> 1003 N. VAN DORN STREET ALEXANDRIA, VA. 22304-2003	D.B. 752, PG. 51	29.04-02-10
3.	GEORGE N. OR HELEN <u>KARAMBELAS</u> 1005 N. VAN DORN ST. ALEXANDRIA, VA. 22304-2003	D.B. 909, PG. 393	29.04-02-11
4.	JUDITH M. <u>COOPER</u> 1007 N. VAN DORN ST. ALEXANDRIA, VA. 22304-2003	D.B. 1056, PG. 158	29.04-02-12
5.	JOHN B. <u>BODWIN JR.</u> 1009 N. VAN DORN ST. ALEXANDRIA, VA. 22304-2003	D.B. 1095, PG. 657	29.04-02-13
6.	JEFFREY J. <u>CLARKE</u> 1011 N. VAN DORN ST. ALEXANDRIA, VA 22304-2003	D.B. 972, PG. 635	29.04-02-14
7.	JAMES G. OR ANNA S. <u>MAGULAS</u> 1013 N. VAN DORN ST. ALEXANDRIA, VA. 22304-2003	D.B. 695, PG. 481	29.04-02-15
8.	CLAUDE E. OR GRACIE <u>DAVIS</u> 5445 RICHENBACHER AVE. ALEXANDRIA, VA. 22304	D.B. 1644, PG. 1232	29.04-02-08
9.	WOFA N. NASR ET AL 5443 RICHENBACHER AVE. ALEXANDRIA, VA. 22304-2041	D.B. 1306, PG. 602	29.04-02-07

10. JOHN W. OR KAREN R. KILDAY
2118 MARLBORO DR.
ALEXANDRIA, VA. 22304-1050
D.B. 1172, PG. 1203
(FOR 5441 RICHENBACHER)
29.04-02-06
11. FRANCIS D. OR CHARLOTTE M. ROSS
5437 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2041
D.B. 822, PG. 764
29.04-02-05
12. NICHOLAS A. OR MARILYN J. MASTERS
5439 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2041
D.B. 1181, PG. 1976
29.04-02-04
13. GILA HARRIS
5435 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2041
D.B. 805, PG. 448
29.04-02-03
14. THOMAS M. OR ARDEN F. BEASLEY
5433 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2041
D.B. 1675, PG. 12
29.04-02-02
15. BETSY J. ALEXANDER
5431 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2041
D.B. 1099, PG. 617
29.04-02-01
16. JAMES D. OR ELIZABETH P. MERCER
5429 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2046
D.B. 704, PG. 116
29.04-03-07
17. JOSE R. RODRIGUEZ
OR SUSAN E. KAMERICK
5427 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2046
D.B. 1711, PG. 1412
29.04-03-06
18. MARY J. & RITA ANN LARAWAY
5425 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2046
D.B. 1481, PG. 1075
29.04-03-05

19. PAUL T. SR. OR PATRICIA J. DILLON
5423 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304
D.B. 1696, PG. 1430
29.04-03-04
20. DEQA S. OR YUSUF S. ABDI
5421 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2046
D.B. 1639, PG. 294
29.04-03-03
21. RODERICK STANBERY SPEER
OR VIRGINIA M. DEMPSEY
6501 GRETNA GREEN WAY
ALEXANDRIA, VA. 22312-3115
(FOR 5419 RICHENBACHER)
D.B. 1398, PG. 465
29.04-03-02
22. DAVID L. OR MARIA L. SWACK
1011 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1905
D.B. 1495, PG. 82
29.04-03-01
23. ⁵ ROBERT J. OR TARA F. BENNETT
5415 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304
D.B. 1678, PG. 163
38.00-03-34
24. DWANE A. WALKER
OR BETINA V. FERRARI
5413 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2036
D.B. 1542, PG. 803
38.00-03-35
25. RUSSELL E. OR LEE D. MACCLEERY
1500 N.W. 63RD WAY
MARGATE, FL. 33063-2605
D.B. 914, PG. 424
38.00-03-36
(FOR 5411 RICHENBACHER)
26. PAUL A. ERHARD
5409 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2036
D.B. 1186, PG. 1118
38.00-03-37
27. PATRICK J & JACKI WARREN
5407 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2036
INST. # 000014481
38.00-03-38

28. MARY LOUISE ENGEL
5405 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2036
D.B. 787, PG. 230
38.00-03-39
29. YUSUF S. OR DEQA S. ABDI
5403 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2036
D.B. 1576, PG. 292
38.00-03-40
30. RICHARD D. & MARY JANE FOWLKES TR
5401 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2036
D.B. 1604, PG. 1003
38.00-03-41
31. MAIDA H. LOESCHER
1000 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 996, PG. 776
29.04-04-09
32. ANN S. LAWSON
1002 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 1531, PG. 185
29.04-04-10
33. ERIC G. NELSON
1004 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 1550, PG. 1095
29.04-04-11
34. PHILLIS Q. NEWMAN
105 RONDELE DR.
BRANDON, FL 33511-7421
D.B. 1273, PG. 406
(FOR 1006 N. PELHAM)
29.04-04-12
35. PHILLIS Q. JOHNSON
c/o PHILLIS NEWMAN
105 RONDELE DR.
BRANDON, FL 33511-7421
D.B. 766, PG. 796
(FOR 1008 N. PELHAM)
29.04-04-13
36. SCOTT C. & JENNIFER A. LEIBFRIED
1010 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
INST. # 000001188
29.04-04-14

17. GEORGE E. OR ROSE MARIE MURRAY
1012 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 713, PG. 600
29.04-04-15
38. DAVID J. OR EUGENIA, M. NOBES
1014 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 796, PG. 484
29.04-04-16
39. UTE K. WIMBERLY
1016 N. PELHAM ST.
ALEXANDRIA, VA. 22304
D.B. 1294, PG. 2
29.04-04-17
40. JAMES R. DENNIS
1018 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 1623, PG. 184
29.04-04-18
41. GARY A. DEAVOURS
1020 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 1695, PG. 7
29.04-04-19
42. WILLIAM J. OR BETTE JO SULLIVAN
1022 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 712, PG. 607
29.04-04-20
43. KENNETH R. & DUNG L. STOWE
1024 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 1305, PG. 594
29.04-04-21
44. EDWARD D. OR ELIZABETH L. BORCIK
1026 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 712, PG. 380
29.04-04-22
45. JAMES P. S. II OR MONIQUE H. DEVEREUX
5417 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2046
D.B. 1332, PG. 1356
(FOR 1028 N. PELHAM ST.)
29.04-04-23

46. BRIAN D. BOYLE
& EDWARD M. WHELAN III
1030 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 1478, PG. 1039
29.04-04-24
47. ALLIE S. JOHNSON
1032 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 835, PG. 117
29.04-04-25
48. RICHARD H. BRUNNER
OR EVELYN M. UPCHURCH
1034 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 1392, PG. 1101
29.04-04-26
49. JOHN STEPHEN RAMEY
& KATHLEEN M. BURNS TR
1036 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 1683, PG. 532
29.04-04-27
50. DAVID A. OR MARY J. BERRY
1038 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 890, PG. 471
29.04-04-28
51. LEONARD S. OR JOAN L. SELMAN
1040 N. PELHAM ST.
ALEXANDRIA, VA. 22304-1906
D.B. 1194, PG. 88
29.04-04-29
52. JANSEN W. OR REBECCA H. BUCKNER
1015 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1337, PG. 1293
29.04-04-01
53. GILL BAILY ABERNATHY
1013 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1428, PG. 428
29.04-04-02
54. THOMAS OR COLEEN S. KAUNA
1011 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1574, PG. 985
29.04-04-03

5. WAYNE W. MILLER
1009 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 894, PG. 675
29.04-04-04
6. JEROME F. BRAZDA
1007 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1282, PG. 191
29.04-04-05
7. HOWARD M. OR MARY ANNE WEISS
1005 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1081, PG. 248
29.04-04-06
8. WAYNE R. OTT TR
1008 CARDIFF LA.
REDWOOD, CA. 94061-3678
D.B. 1380, PG. 1837
(FOR 1003 N. TERRILL ST.)
29.04-04-07
9. CAROLYN A. MILLER
1001 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1605, PG. 993
29.04-04-08
10. SALLY A. KIRKPATRICK
OR DAVID F. LAMBERT III
1014 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1225, PG. 1433
29.04-03-16
11. MICHAEL K. WILLIAMS
1012 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1570, PG. 1814
29.04-03-17
12. GEORGE & JANE T. MAYER
1421 DENNISTON AVE.
PITTSBURGH, PA. 15217-1332
D.B. 1307, PG. 12
(FOR 1010 N. TERRILL ST.)
29.04-03-18
13. TERRILL TOWNHOUSE LP
7782 TURLOCK RD.
SPRINGFIELD, VA. 22153-2331
D.B. 1507, PG. 1169
(FOR 1008 N. TERRILL ST.)
29.04-03-19

64. RILEY P. TOUSSAINT
1006 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1452, PG. 1451
29.04-03-20
65. ROBERT F. & SUSAN S. SCHULTZ TR
1004 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1486, PG. 360
29.04-03-21
66. LLOYD A. SITKOFF
1002 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 1626, PG. 1844
29.04-03-22
67. NATHAN OR SYLVIA R. FISHEL
1000 N. TERRILL ST.
ALEXANDRIA, VA. 22304-1938
D.B. 702, PG. 711
29.04-03-23
68. HELEN C. BATTAGLIA TR
1001 N. VAIL ST.
ALEXANDRIA, VA. 22304-1939
INST. # 000002654
29.04-03-08
69. RICHARD D. OR LARA S. JOHNSON
1003 N. VAIL ST.
ALEXANDRIA, VA. 22304-1939
D.B. 1610 PG. 158
29.04-03-09
70. MELANIE L. ROMMELL
1005 N. VAIL ST.
ALEXANDRIA, VA. 22304-1939
D.B. 1567, PG. 1572
29.04-03-10
71. RICHARD W. BURRIS OR SHIRLEY DOWNS
1007 N. VAIL ST.
ALEXANDRIA, VA. 22304-1939
D.B. 1555, PG. 785
29.04-03-11
72. JOAN S. HUNERWADEL
1009 N. VAIL ST.
ALEXANDRIA, VA. 22304-1939
D.B. 702, PG. 340
29.04-03-12
73. WILLIAM E. ROBERTS
1011 N. VAIL ST.
ALEXANDRIA, VA. 22304-1939
D.B. 1635, PG. 400
29.04-03-13

74.	<u>JEANETTE S. ROBERTSON</u> 1013 N. VAIL ST. ALEXANDRIA, VA. 22304-1939	D.B. 895, PG. 129	29.04-03-14
75.	<u>CLARENCE JR. OR PORTIA M. JOYNER</u> 1015 N. VAIL ST. ALEXANDRIA, VA. 22304-1939	D.B. 1624, PG. 973	29.04-03-15
76.	<u>HAROLD S. OR EDITH L. GILLOGLY</u> 10509 BRIGHTON RD. OCEAN CITY, MD. 21842-9197	D.B. 786, PG. 384 (FOR 1014 N. VAIL ST.)	29.04-02-16
77.	<u>RUTH EVA TAYLOR</u> & <u>CHRISTINE K. RECK TR</u> 1012 N. VAIL ST. ALEXANDRIA, VA. 22304-1939	D.B. 1602, PG. 455	29.04-02-17
78.	<u>JACQUELIN MCDONALD TR</u> 1010 N. VAIL ST. ALEXANDRIA, VA. 22304-1939	D.B. 1662, PG. 1791	29.04-02-18
79.	<u>STEVEN G. & REBECCA M. CADE</u> 1008 N. VAIL ST. ALEXANDRIA, VA. 22304-1939	INST. # 000005137	29.04-02-19
80.	<u>MEYER OR EDITH B. PERCHONOCK</u> 1006 N. VAIL ST. ALEXANDRIA, VA. 22304-1939	D.B. 1545, PG. 614	29.04-02-20
81.	<u>LAWRENCE JOSEPH CUMMINGS</u> 1004 N. VAIL ST. ALEXANDRIA, VA. 22304-1939	D.B. 1263, PG. 281	29.04-02-21
82.	<u>SCOTT E. & GERLADINE M. COOPER</u> 1002 N. VAIL ST. ALEXANDRIA, VA. 22304-1939	INST. # 000003587	29.04-02-22

83. CAROL L. JAMES
1000 N. VAIL ST.
ALEXANDRIA, VA. 22304-1939
D.B. 1026, PG. 311
29.04-02-23
84. MONIQUE H. DEVEREUX
5417 RICHENBACHER AVE.
ALEXANDRIA, VA. 22304-2046
D.B. 1496, PG. 779
(FOR 5324 POLK AVE.)
29.04-05-01

15. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to amend the provisions of Title 3 of the City Code which establish real estate tax exemptions and deferrals for elderly or permanently disabled persons, to change the manner in which the maximum exemption is determined, and to change the income limits for total and partial exemptions and deferrals. (#23 1/9/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 1/13/01, 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 Euille 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"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	absent

The ordinance finally passed reads as follows:

ORDINANCE NO. 4183

AN ORDINANCE to amend and reordain Section 3-2-161 (DEFINITIONS), Section 3-2-163 (EXEMPTION OR DEFERRAL-ELIGIBILITY, RESTRICTIONS GENERALLY), Section 1-3-165 (EXEMPTION OR DEFERRAL-PROCEDURE FOR CLAIM) and Section 3-2-166 (EXEMPTION OR DEFERRAL-CALCULATION OF AMOUNT; LIMITATION) of Article L (REAL ESTATE TAX EXEMPTION OR DEFERRAL FOR ELDERLY OR PERMANENTLY AND TOTALLY DISABLED PERSONS), 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 3-2-161 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. 3-2-161 Definitions.

The following words and phrases shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Applicant*. Any person who claims an exemption or deferral under section 3-2-165.

- (2) *City council.* The council of the City of Alexandria, Virginia.
- (3) *Deferral.* A deferral of the obligation to pay real estate taxes granted pursuant to the provisions of this article.
- (4) *Dwelling.* The building, or portion of a building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which an exemption from or deferral of taxes is sought pursuant to this article.
- (5) *Exemption.* An exemption from the obligation to pay real estate taxes granted pursuant to the provisions of this article.
- (6) *Net combined financial worth of applicant.* The value of all assets of an applicant, of an applicant's spouse and of any other person who is an owner of and resides in the applicant's dwelling, calculated as of December 31 of the calendar year immediately preceding the taxable year; provided, that the value of the applicant's dwelling, of household furnishings in the dwelling and of up to one acre of the land on which the dwelling is situated shall be excluded.
- (7) *Permanently and totally disabled persons.* An applicant certified as provided by section 3-2-165(d) and found by the city manager to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such applicant's life.
- (8) *Relative.* Any person related by blood to an applicant who uses the applicant's dwelling as his or her principal residence.
- (9) *Taxes on the average residential property.* An amount equal to the product of (i) the real estate tax rate for the taxable year, as set forth in section 3-2-181, multiplied by (ii) the average assessment for the taxable year of properties reported by the city manager, pursuant to section 3-2-235, as single-family detached, single-family semi-detached, single family-row, condominium garden, condominium high-rise, condominium townhouse, and residential cooperative.
- (10) *Taxable year.* The calendar year for which an exemption or deferral is claimed.
- (11) *Spouse.* The husband or wife of any applicant who resides in the applicant's dwelling.
- (12) *Total combined income of applicant.* The annual gross income from all sources, calculated as of December 31 of the calendar year immediately preceding the taxable year, of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling; provided, that up to \$6,500 of the income of any such relative and up to \$7,500 of the income of any applicant, and any other owner residing in the dwelling, who is permanently disabled shall be excluded.

Section 2. That section 3-2-163 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. 3-2-163 Same—eligibility, restrictions generally.

Exemptions from or deferral of real estate taxation in any taxable year shall be granted subject to the following restrictions and conditions:

(1) The total combined income for the calendar year immediately preceding the taxable year of an applicant for an exemption may not exceed \$35,000. Such income of an applicant for a deferral may not exceed \$40,000.

(2) The net combined financial worth of an applicant may not exceed \$195,000.

(3) As of January 1 of the taxable year, the applicant must occupy the real estate for which the exemption or deferral is sought as his or her sole residence and must be expected to so occupy the real estate throughout the year; provided, that an applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(4) An applicant shall file the affidavit or written statement, or annual certification, required by section 3-2-165 no later than April 10 of the taxable year.

(5) Interest on any taxes deferred under this article shall accrue at the rate of eight percent per annum from the date by which such taxes were required to be paid to the date on which such taxes are paid in full. Any and all deferred taxes shall constitute a single lien upon the applicant's real estate as if no deferral had been granted and the taxes had been assessed but not paid. To the extent it exceeds, in the aggregate, 10 percent of the price for which such real estate is sold or, if not sold, 10 percent of its assessed value, any such lien shall be inferior to all other liens.

Section 3. That section 3-2-165 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. 3-2-165 Same—procedure for claim.

(a) For taxable year 2000, and every third taxable year thereafter, and not later than April 10 of the taxable year, any applicant claiming an exemption or deferral of real estate taxes under this article shall file with the city manager, in such manner as the manager shall prescribe and on forms to be supplied by the city, an affidavit or written statement providing the following:

(1) the name and age of the applicant;

(2) a statement whether the applicant is permanently and totally disabled;

(3) the address of the real estate for which the exemption or deferral is claimed;

(4) the names of the applicant's spouse and of the relatives of the applicant and any other owners of the real estate who reside in the applicant's dwelling;

(5) the total combined income of the applicant as defined in section 3-2-161(12);

(6) the net combined financial worth of the applicant as defined in section 3-2-161(6);

(7) the applicant's election of an exemption or deferral; and

(8) the name and addresses of all owners of the real estate other than the owners who reside thereon.

(b) If, after audit and investigation, the city manager determines that the applicant is eligible for an exemption or deferral, the manager shall so certify to the director, who shall deduct the amount of the exemption from the applicant's real estate tax liability or defer such tax liability as herein provided.

(c) Any provision of this article to the contrary notwithstanding, the director may declare eligible to apply for an exemption or deferral any person filing the affidavit or written statement required by subsection (a), or the written certification required by subsection (f), after April 10 but before December 15 of the taxable year, provided good cause is shown for the failure to file the affidavit, statement or certification on or before April 10 of the taxable year.

(d) Any applicant under 65 years of age claiming an exemption or deferral on the basis of a permanent and total disability shall attach to the affidavit or written statement required by subsection (a), or the written certification required by subsection (f), a certification by the Social Security Administration or, if the person is not eligible for social security, an affidavit by two medical doctors licensed to practice medicine in the commonwealth to the effect that the person is unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

(e) Any applicant initially claiming an exemption or deferral of real estate taxes under this article, in a taxable year other than those specifically referred to in subsection (a), shall file for such taxable year the affidavit or written statement required by subsection (a). Thereafter, such applicant shall file an affidavit or written statement, or a written certification, as required by subsection (a) or (f).

(f) For each taxable year as to which an affidavit or written statement is not required by subsection (a), the applicant shall file with the city manager, not later than April 10, a written certification, on forms to be supplied by the city, in which the applicant states that the information contained in the applicant's last filed affidavit or written statement has not changed in a manner which affects either the applicant's eligibility for an exemption or deferral under this article or the amount of the exemption or deferral. In the event that the information in the last filed affidavit or statement has changed in such a manner, the applicant shall file a new affidavit or written statement pursuant to subsection (a).

Section 4. That section 3-2-166 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. 3-2-166 Same—calculation of amount; limitation.

(a) The exemption from or deferral of real estate taxes granted under this article for any taxable year shall be calculated as follows:

(1) when the total combined income of the applicant does not exceed \$12,800, the applicant shall be exempt from the taxes owed for the year;

(2) when the total combined income of the applicant exceeds \$12,800 but does not exceed \$25,600, the applicant shall be exempt from the taxes owed for the year, in an amount equal to the taxes on the average residential property, as defined in section 3-2-161(9) (but in no event greater than the taxes owed for the year), and may defer all or part of the amount of such taxes in excess of the amount exempted;

(3) when the total combined income of the applicant exceeds \$25,600 but does not exceed \$30,000, the applicant shall be exempt from the taxes owed for the year, in an amount equal to seventy-five percent (75%) of the taxes on the average residential property, as defined in section 3-2-161(9) (but in no event greater than the taxes owed for the year), and may defer all or part of the amount of such taxes in excess of the amount exempted;

(4) when the total combined income of the applicant exceeds \$30,000 but does not exceed \$35,000, the applicant shall be exempt from the taxes owed for the year, in an amount equal to fifty percent (50%) of the taxes on the average residential property, as defined in section 3-2-161(9) (but in no event greater than the taxes owed for the year), and may defer all or part of the amount of such taxes in excess of the amount exempted; and

(5) when the total combined income of the applicant exceeds \$35,000 but does not exceed \$40,000, the applicant may defer all or part of the taxes owed for the year.

(b) Notwithstanding the provisions of subsection (a) above, if the real estate identified in the affidavit or written statement filed under section 3-2-165 is not owned solely by the applicant and his or her spouse, the amount of the tax exemption or deferral shall be either the amount of the taxes on the real estate for the taxable year times the percentage ownership interest in the real estate held by the applicant, or by the applicant and his or her spouse, or an amount equal to taxes on the average residential property, as defined in section 3-2-161(9), whichever is less.

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

KERRY J. DONLEY
Mayor

Introduction: 01/09/01
First Reading: 01/09/01
Publication: 01/11/01
Public Hearing: 01/13/01
Second Reading: 01/13/01
Final Passage: 01/13/01

* * * * *

16. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to vacate a portion of the public street and alley right-of-way adjacent to 930 South Saint Asaph Street. (#24 1/9/01) **[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	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	absent	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4184

AN ORDINANCE to vacate a part of the public street and alley right-of-way adjacent to 930 South Saint Asaph Street, in the City of Alexandria, Virginia.

WHEREAS, Edward P. Ford and Lisa Haskins ("Applicants"), the owners of the property at 930 South Saint Asaph Street in the City of Alexandria, Virginia, have applied for the vacation of a portion of the right-of-way of Church Street and a public alley adjacent to Applicants' property, consisting of 2,252 square feet of land, more or less; and

WHEREAS, the areas to be vacated are shown as "Outlot A" and "Outlot B" on the plats prepared by Kenneth W. White and dated August 14, 2000 ("Plats") (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, Lee Roy Steele, Chair; Ruby Fitzgerald and Cathy Major, 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 Applicants; 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, including the payment of \$9,900, 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 Outlots A and B shown on the Plats be, and the same hereby are, vacated, provided that the said Outlots A and B shall be purchased by the Applicants or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$9,900, and if not so purchased, this vacation and this ordinance shall be void.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject to the conditions set forth below:

(1) The Applicants shall submit to the directors of planning and zoning and transportation and environmental services a letter from the owner of the adjoining St. Mary's Catholic Church, relinquishing such owner's rights to acquire the portions of the vacated Outlots abutting the Church property.

(2) The vacated right-of-way shall be consolidated with the existing abutting lot at 930 South Saint Asaph Street, and the plat of consolidation approved by the directors of planning and zoning and transportation and environmental services and recorded among the land records.

(3) Easements to the satisfaction of the director of transportation and environmental services shall be retained by the City or granted by the Applicants for all public and private utilities located within the vacated right-of-way, and for any storm drainage facilities planned or constructed by the City within the vacated right-of-way, and all such easements shall be shown on the plat of consolidation.

(4) In the event evidence of burials (*i.e.*, human remains, coffin wood or coffin hardware) is discovered during construction on the existing lot at 930 South Saint Asaph Street, or on the Outlots during construction, the Applicants and the agents of the Applicants must cease work in the area immediately and call Alexandria Archaeology (703-838-4399). A City Archeologist will come to the site to confirm the presence of burials. If burials are found and need to be moved, as determined by the City Archeologist, the Applicants shall be responsible for exhumation and reinterment and for securing all necessary approvals therefor. The language of this condition must appear on the plot plan and construction drawings, so that on site contractors are aware of the requirements imposed by this condition.

Section 3. 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 4. 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.

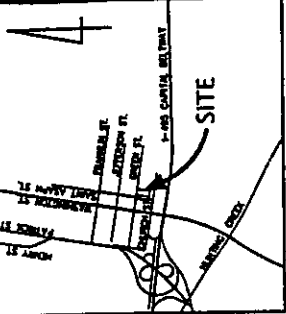
Section 5. That this ordinance shall be deemed to be enacted on the date of its final passage, but shall not be effective until a copy of the ordinance has been certified by the city clerk and has been recorded among the city land records as deeds are recorded. Certification by the city clerk shall be conclusive evidence of the Applicants' compliance with the terms of this ordinance, except as to Condition 4 of Section 2. Recondition of the certified ordinance shall be indexed in the name of the **City Of Alexandria** as grantor, and **Edward P. Ford and Lisa Haskins**, or their successors in interest, as grantees, and such recondition shall be done by the grantees at their own expense.

KERRY J. DONLEY
Mayor

[Attachment: Vacation Plats]

Introduction:	01/09/01
First Reading:	01/09/01
Publication:	01/11/01
Public Hearing:	01/13/01
Second Reading:	01/13/01
Final Passage:	01/13/01

* * * * *



VICINITY MAP
SCALE: 1" = 2000'

- NOTES:
1. THE PROPERTY BELINGATED HEREON IS LOCATED ON TAX MAP 80-04-04 AND IS ZONED R-1.
 2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORDS.
 3. NO TITLE REPORT WAS FURNISHED.

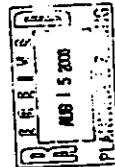
SURVEYOR'S CERTIFICATE

I, KENNETH W. WHITE, A DAILY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY BELINGATED HEREON AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PORTION OF CHURCH STREET AS SHOWN UPON A PLAT OF COLONIAL PROPERTIES SUBDIVISION AND RECORDED IN DEED BOOK 181 AT PAGE 357 ALONG THE CITY OF ALEXANDRIA LAND RECORDS AND IS WITHIN THOSE BOUNDARIES.

I FURTHER CERTIFY THAT ALL REQUIRED MONUMENTATION 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.



Kenneth W. White
KENNETH W. WHITE..... L.S.



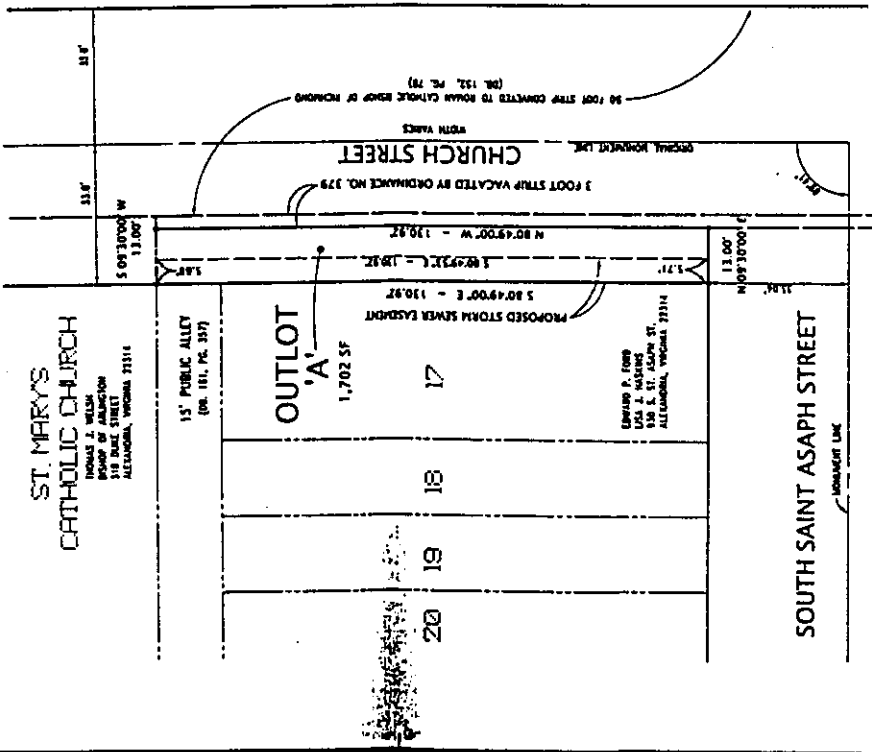
PLAT
SHOWING THE VACATION OF
A PORTION OF
CHURCH STREET
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' AUGUST 14, 2000

ALEXANDRIA SURVEYS, INC.
8343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22308

SHEET 1 OF 1

503.00

11-18-00
6



**ST. MARY'S
CATHOLIC CHURCH**

THOMAS J. WOLSK
BISHOP OF WASHINGTON
310 BUCKLE STREET
ALEXANDRIA, VIRGINIA 22314

S 09°30'00" W - 36.63'

15' PUBLIC ALLEY
(OR 161, PC. 337)

180.00
121.00
59.00

OUTLOT 'B'
550 SF

N 09°30'00" E - 36.71'

18

HENRY A. OR
ASHLAMA W.
CORRELIUM
9334 HILLMOUNT ROAD
BALTIMORE, MD 21236

17

EDWARD P. FORD
GSA J. HASKINS
119 S. ST. LEON ST.
ALEXANDRIA, VIRGINIA 22314

CHURCH STREET
WITH VARIATIONS

ORIGINAL MONUMENT LINE

33.18'
STORM DRAIN
EASEMENT

N 80°49'00" W

15.00'

7.97'

S 80°52'24" E

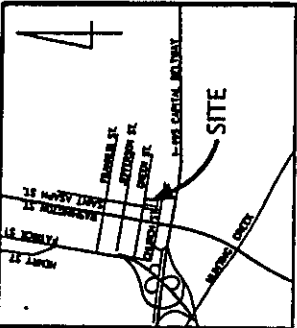
15.00'

7.97'

S 115.92° TO RTX.

SOUTH SAINT ASAPH ST.

VICINITY MAP
SCALE: 1" = 2000'



NOTES:

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 86-04-04 AND IS ZONED R-1.
2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORDS.
3. NO TITLE REPORT WAS FURNISHED.

SURVEYOR'S CERTIFICATE

I, KENNETH W. WHITE, A FULLY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY RECONSIDERED THE PROPERTY DELINEATED HEREON, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. ANY INCONSISTENCIES OF 15 FOOT ALLEYS INDICATED WITH THE PLAT OF COLONIAL PROPERTIES SUBDIVISION AND RECORDED IN DEED BOOK 1817 AT PAGE 357 ALONG THE CITY OF ALEXANDRIA LAND RECORDS AND IS WITHIN THOSE BOUNDARIES.

I FURTHER CERTIFY THAT ALL REQUIRED MONUMENTATION 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.



Kenneth W. White
KENNETH W. WHITE..... L.S.

VAC #2000-0007

(vacation of portion of St Asaph St)

PLAT
SHOWING THE VACATION OF
A PORTION OF
A 15 FOOT PUBLIC ALLEY
IN

COLONIAL PROPERTIES SUBDIVISION

CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 10' AUGUST 14, 2000

ALEXANDRIA SURVEYS, INC.
6343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22308

SHEET 1 OF 1

503-00

11-19 00

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (17-19)

Planning Commission (continued)

17. SPECIAL USE PERMIT #2000-0154 -- 1700 EISENHOWER AVENUE -- VIRGINIA CONCRETE COMPANY -- Public Hearing and Consideration of a special use permit review for a concrete plant; zoned OCM-100/Office Commercial Medium. Applicant: Virginia Concrete Company.

COMMISSION ACTION: Deferred (Inadequate Notice)

Board of Architectural Review (continued)

18. CASE BAR-2000-0250 -- 224 NORTH COLUMBUS STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, denying a request for approval of an awning at 224 North Columbus Street, zoned RM/Residential. Applicant and Appellant: Karon Cullen.

BOARD ACTION: Denied 4-3

The appellant has requested that this item be deferred.

(A copy of Ms. Cullen's letter dated December 23, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 1/13/01, and is incorporated herewith as part of this record by reference.)

19. CASE BAR-2000-0217 -- 311 COMMERCE STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review. Old and Historic Alexandria District, denying a request for approval of a permit to demolish a dwelling at 311 Commerce Street, zoned CD/COMMERCIAL. Applicant and Appellant: Heffner Architects by William C. Thomas, Attorney.

BOARD ACTION: Denied 7-0

The attorney for the applicant has requested that this item be deferred to the March 17, 2001 Public Hearing Meeting.

(A copy of Mr. Thomas' letter dated January 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 1/13/01, and is incorporated herewith as part of this record by reference.)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the deferrals.

OTHER

20. Reading and Acting Upon the Minutes of the Following Meetings of City Council which were Deferred from the Tuesday, January 9, 2001 Regular Meeting:

- (a) The Public Hearing Meeting of November 18, 2000;
- (b) The Regular Meeting of November 28, 2000; and
- (c) The Public Hearing Meeting of December 16, 2000.

THERE BEING NO DISCUSSION, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the Minutes for (a) the Public Hearing Meeting of November 18, 2000; (b) the Regular Meeting of November 28, 2000; and (c) the Public Hearing Meeting of December 16, 2000, as submitted. The voting was as follows:

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

* * * * *

New Business Item No. 1: As a point of personal privilege, with respect to the Versace item (Docket Item No. 7), Councilman Speck spoke to characterizations which were raised concerning the process.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, at 11:55 a.m., the Public Hearing Meeting of Saturday, January 13, 2001, was adjourned. The voting was as follows:

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

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Beverly I. Jett, CMC

City Clerk

Note: After adjournment of the Public Hearing Meeting, City Council went into the work session with the Community Development Office Task Force.

The agenda was followed. Mayor Donley and Councilman Speck made opening remarks.

Chair Flemming provided an overview of the Task Force findings and recommendations. Members Bradbury, Fierro, and Williams presented (a) summary of similar efforts in other governments; (b) community impact; and (c) legal aspects, respectively.

Members of City Council posed questions to the Members of the Task Force and participated in the discussion.

A copy of the report was presented at the end of the work session for Council's review. Receipt of the report will be docketed at the Regular Meeting on January 23, 2001.

(Material pertaining to this work session is on file in the office of the City Clerk and Clerk of Council and made part of the record.)

The work session was concluded at 1:05 p.m.
