

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Public Hearing Meeting**  
**Saturday, February 22, 2003 - - 9:30 a.m.**

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**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; Mr. Jinks, Assistant City Manager; Mr. Baier, Director of Transportation and Environmental Services; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Mr. Kincannon, Deputy Director of Recreation, Parks and Cultural Activities; Mr. Culpepper, Deputy Director of Transportation and Environmental Services; Mr. Dahlberg, Director of Code Enforcement; Urban Planners Peterson, Hashemi, McLeod and Farner; and Police Lieutenant Uzzell.

**Recorded by:** Susan K. Seagroves, Deputy City Clerk and Clerk of Council.

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**OPENING**

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

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**New Business Item No. 1.** City Manager Sunderland presented a report on the snow and snow removal in the City during the storm, explaining street-cleaning priorities and other issues related to the impact of the snow on normal City operations. He will have an action report for Council setting out how the City will improve its response in future snowstorms.

Transportation and Environmental Services Director Baier responded to questions and participated in a discussion with City Council about the City's snow response and about Metro's failure to plow the sidewalks on the Duke Street overpass. Mayor Donley asked that Director Baier meet with other organizations such as Metro and Virginia American Water Company to determine what snow removal is their responsibility and what is ours.

Members of Council directed questions to Director Baier and to Recreation, Parks and Cultural Activities Director Whitmore regarding plowing of parks, and they participated in the discussion. Councilwoman Eberwein suggested that the Recreation Department plowing priorities be switched from the parks to arterials and other areas [during severe storms] and expressed her desire that this be included in the snow plan coming back to Council.

Councilwoman Eberwein spoke to the matter of snow removal from sidewalks. She stated that she understood it would have been impossible for residents to remove this snow within 24 hours, but she asked the City Manager to look at businesses and homeowners who are able to do so, to perhaps not have a uniform time, but have the time tied to the type of snowstorm that we have. Ms. Eberwein requested a correlative study on that issue to make sure that citizens do their part in future storms.

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**New Business Item No. 2.** Councilwoman Woodson addressed a flyer which has been distributed to senior citizens about a change to the taxicab system so that it would no longer support services to seniors and the disabled. She stated that she finds despicable the use of scare tactics against the City and to those who are most vulnerable, our seniors and disabled citizens. Under no circumstances will this Council, while she is sitting on it, pass anything to limit their support for our seniors and disabled residents, particularly from John Muir and Diamond Cab.

Vice Mayor Cleveland stated that he would never do anything to harm our senior citizens.

Mayor Donley announced that general taxicab issues will be taken up at a work session on Tuesday evening.

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2. Public Discussion Period.

(a) Robert Bisson, 206 South Lee Street, spoke in opposition to the new location of the dog run in Windmill Hill Park and requested that Council reconsider its decision.

(Copies of Mr. Bisson's handouts are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 2(a); 02/22/03, and is incorporated herewith as part of this record by reference.)

(b) Jonathan Wilbor, 310 South Lee Street, spoke in support of leaving Windmill Hill Park the way it is and asked for a public hearing on the amended plan. Mr. Wilbor presented Council with a 185-signature petition from Alexandria residents who like the park the way it is.

(A copy of the petition is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(b); 02/22/03, and is incorporated herewith as part of this record by reference.)

(c) Joanne Tomasello, 511 North Picket Street, asked for a status report on the Foxchase Theater and expressed her ongoing concern about its continuing location in the Foxchase shopping center.

Planning and Zoning Deputy Director Ross gave a status report and stated that the landlord's expectation is that the theater will be replaced with something else as soon as theater's lease has expired.

**Without objection**, M. Catharine Puskar, attorney for the landlord, related that the landlord is committed to updating the center and plans to move forward, including the neighbors in the planning.

(d) Amy Slack, 2307 East Randolph Avenue, expressed her appreciation for the City Clerk's staff who are always helpful, and in the Department of Planning and Zoning, Kim Johnson will be sorely missed, as will Linda Ritter, who is never seen but should be recognized.

(e) Poul Hertel, 1217 Michigan Court, praised the City on the Dash bus system, and stated, for the record, his opinion that the Windmill Hill process was not breached and Council surely was within its rights to render the decision.

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

**ACTION CONSENT CALENDAR (3-7) (14-17)**

**Planning Commission**

**Without objection**, City Council removed docket item nos. 3, 5, 6 and 7 from the Action Consent Calendar and considered them under separate motions.

4. SPECIAL USE PERMIT #2002-0121 -- 410 S VAN DORN ST -- EL PASO OF LANDMARK -- Public Hearing and Consideration of a review of a special use permit for a restaurant; zoned CG/Commercial General. Applicant: El Paso of Landmark, by Rigoberto Gomez.

COMMISSION ACTION: Recommend Approval by Unanimous Consent

(A copy of the Planning Commission report dated February 4, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 02/22/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilman Euille and carried unanimously, City Council approved the Action Consent Calendar as presented with the exception of docket item nos. 3, 5, 6 and 7 which were considered under separate motions and noted the deferral of docket item nos. 14-17. The voting was as follows:

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

**END OF ACTION CONSENT CALENDAR**

3. SPECIAL USE PERMIT #2002-0119 -- 73-75 S BRAGG ST -- Public Hearing and Consideration of a review of a special use permit for a church to use off-street parking within 300 feet of the church property; zoned OCM-100/Office Commercial Medium. Applicant: Ethiopian Orthodox Tewahdo Hamere Nahe Kidane Mehret Church, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval by Unanimous Consent

(A copy of the Planning Commission report dated February 4, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 02/22/03, and is incorporated herewith as part of this record by reference.)

This item was removed from the Action Consent Calendar because speakers had signed up to testify; however, none of the speakers were in attendance when called.

Mary Catherine Gibbs, attorney for the applicant, was available to answer any concerns raised by the speakers.

**WHEREUPON**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Eberwein and carried on a vote of 5-to-0, City Council approved the Planning Commission recommendation. The voting was as follows:

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

5. DEVELOPMENT SPECIAL USE PERMIT #2002-0005 -- 5700 SANGER AV -- RAMSAY SCHOOL & FORD NATURE CENTER -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for renovations to the existing school and construction of a nature center; zoned POS/Public Open Space. Applicant: Alexandria City Public Schools, by Jerry Eastridge.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 4, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 02/22/03, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein removed this item to speak about the facility on which she was privileged to work as a member of the School Board's Facilities Committee. She thanked the School System for a job well-done and complimented the Council for funding it.

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council approved the Planning Commission recommendation. The voting was as follows:

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

6. SPECIAL USE PERMIT #2002-0100 -- 2705 HEMLOCK AV -- Public Hearing and Consideration of a request for a special use permit for construction of a single-family dwelling on a substandard lot with two tandem parking spaces; zoned R-8/Residential. Applicant: Sidney and Linda Lowery.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 4, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 02/22/03, and is incorporated herewith as part of this record by reference.)

Councilman Speck questioned staff about determining what becomes a developable, substandard lot, and Planning and Zoning Deputy Director Ross responded to his queries. Council Members posed questions to staff and participated in the discussion.

Councilwoman Pepper inquired if this is a buildable lot due to the slope and ditches on the site, and she questioned the location of parking for 2707 Hemlock Avenue. Deputy Director Ross explained that the lot was taken into consideration by Mr. Lowery [the applicant] when planning his house and has been considered by both the applicant and staff. Staff explained that the parking for 2707 Hemlock Avenue is on their property; the garage is actually for the applicant's current residence at the 105 Mount Ida property.

Mr. Speck explained that he noted this as an example of what Council will be talking about a little more this spring as an opportunity for retaining open space and not allowing it to be built upon.

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

Amy Slack, 2307 East Randolph Avenue, representing Del Ray Citizens Association, encouraged the City's use of pocket parks and urged Council's consideration of the question of how the City will maintain these pocket parks over the years.

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

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

7. SPECIAL USE PERMIT #2002-0116 -- 728 N PATRICK ST -- MY FATHER'S HOUSE CHRISTIAN CHURCH -- Public Hearing and Consideration of a request for a special use permit for a reduction of off-street parking; zoned CSL/Commercial Service Low. Applicant: My Father's House Christian Church, by Louis G. Whiting.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 4, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 02/22/03, and is incorporated herewith as part of this record by reference.

A copy of an e-mail dated February 21, 2003, relating to the applicant's request for withdrawal is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 7; 02/22/03, and is incorporated herewith as part of this record by reference.)

Mayor Donley explained that the applicant had called the City Clerk's office to ask that his application be canceled. When asked if he wanted to have the item deferred, he responded that he does not, and that he didn't want to put his request in writing.

Councilwoman Eberwein inquired if there was any confusion on the applicant's part. City Attorney Pessoa directed Council's attention to the last pages of the docket item which indicate there were some lease disputes with the landlord. The City Attorney assumed this request was predicated on the fact that the lease negotiations fell through. He suggested that if Council allows it simply to be withdrawn, the application can be refiled with no penalty attaching to a withdrawal as opposed to a denial.

**Without objection**, City Council noted the withdrawal.

8. SPECIAL USE PERMIT #2002-0110 -- 2402 MT VERNON AV -- YOGA IN DAILY LIFE -- Public Hearing and Consideration of a request for a special use permit for a change of hours of operation, for expansion and a reduction of off-street parking for an existing yoga studio; zoned CL/Commercial Low. Applicant: American Association of Yoga in Daily Life, by Simon J. Adel.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 4, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 02/22/03, and is incorporated herewith as part of this record by reference.

A copy of a letter dated February 22, 2003, from David McGarvey, 32 West Glendale Avenue, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8, 02/22/03, and is incorporated herewith as part of this record by reference.)

Councilman Speck expressed concern about the significant parking problem in that area and the lack of the usual special use permit condition regulating parking. Staff explained that condition #4 requires the applicant to have 15 off-street parking spaces where employees who drive to work will park.

Councilwoman Woodson explained that she has lived in this neighborhood for years, and it is clear there is a lot of walking in the area. Ms. Woodson stated that she is not aware of a significant level of a parking problem there and urged that in order to continue encouraging the kind of growth we are looking for on Mount Vernon Avenue, we need to take that all into consideration.

Councilman Speck reported that the business association and civic association there are interested in being involved in doing a more thorough parking study to assess what kinds of needs there may be, and Councilwoman Woodson stated her support of that study.

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

Amy Slack, 2307 East Randolph Avenue, representing Del Ray Citizens Association, spoke in support of the application;

James Henriksen, 151 North Quaker Lane, a student at the center, spoke in support of the use; and

Sandy Modell, 400 East Custis Avenue, representing DASH, and also a student, spoke in support of this business and reported that it has done a lot in terms of promoting transit by posting schedules and encouraging their students to use DASH.

**WHEREUPON**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Woodson and carried on a vote of 6-to-0, City Council approved the Planning Commission recommendation. The voting was as follows:

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

9. ENCROACHMENT #2002-0006 -- 724 S ST ASAPH ST -- MONTICELLO-LEE APARTMENTS -- Public Hearing and Consideration of a request for encroachment into public right-of-way for a trash dumpster and recycling bins with fencing; zoned RCX/Residential. Applicant: Scott Management Inc., by Harald Mangold.

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated February 4, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 02/22/03, 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 Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried on a vote of 5-to-0, City Council approved the Planning Commission recommendation and upheld the denial. The voting was as follows:

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

Docket Item Nos. 10 and 11 were heard together.

10. DEVELOPMENT SPECIAL USE PERMIT #2001-0024 -- 5699 EISENHOWER AV -- KSI - VAN DORN METRO MIXED USE -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of a mixed use development with an increase in the floor area ratio for residential units, retail and personal service space with associated parking and Metro parking spaces, and for a temporary sales trailer; zoned OCH/Office Commercial High. Applicant: Van Dorn Metro II, LLC, by M. Catharine Puskar, attorney. (#18 11/16/02)

COMMISSION ACTION: Recommend Denial 7-0

11. SPECIAL USE PERMIT #2001-0115 -- 5699 EISENHOWER AV -- KSI - VAN DORN METRO MIXED USE -- Public Hearing and Consideration of a request for a special use permit for a transportation management plan (TMP) for a proposed mixed use development; zoned OCH/Office Commercial High. Applicant: Van Dorn Metro II, LLC, by M. Catharine Puskar, attorney. (#19 11/16/02)

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated February 7, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 10 and 11; 02/22/03, and is incorporated herewith as part of this record by reference.

A copy of a letter, with attachments, dated February 19, 2003, from Ms. Puskar is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item Nos. 10 and 11; 02/22/03, and is incorporated herewith as part of this record by reference.

A copy of a memorandum dated November 13, 2002, from Mr. Wagner is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item Nos. 10 and 11; 02/22/03, and is incorporated herewith as part of this record by reference.

A copy of the PowerPoint presentation made by Planning and Zoning Director Fogarty is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item Nos. 10 and 11; 02/22/03, and is incorporated herewith as part of this record by reference.

Communications received on these items are on file in the office of the Clerk of Council, marked collectively as Exhibit No. 5 of Item Nos. 10 and 11; 02/22/03, and is incorporated herewith as part of this record by reference.)

Planning and Zoning Director Fogarty made a PowerPoint presentation. Planning Commission Chair Wagner, Planning Commission Members Komoroske and Robinson made opening remarks, explaining the Planning Commission's strong feelings on this issue and their desire to communicate this to Council.

The Members of City Council, City Manager and staff participated in the discussion, as did the Planning Commission Members. Planning and Zoning Director Fogarty addressed questions directed to her by Council and participated in the discussion on the issues raised.

Councilman Speck stated that City Council has been encouraged in the past not to rush to judgment in making important land-use decisions, and he would rather have the public hearing and not make a decision today.

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

M. Catharine Puskar, 2200 Clarendon Boulevard, attorney for the applicant, made opening remarks and introduced the KSI development team which was available to answer questions;

Keith Orlesky, KSI Urban Designer, Cooper Robertson, 311 West 43rd Street, New York, gave a PowerPoint presentation;

Maurice Walters, KSI Services architect, 1300 Spring Street, Silver Spring, MD, gave a PowerPoint presentation detailing their proposal for the site;

Ronald L. Habegger, 600 Fifth Street, N.W., Washington, D.C., representing WMATA, spoke in support of KSI's proposal, stating that WMATA has been involved for well over a year in the design process, he believes this is the best mixed use available at this location and requested approval;



Cheryl Cort, 1777 Church Street, N.W., Washington, D.C., representing Washington Regional Network for Livable Cities, spoke in opposition to the application; a copy of her testimony together with a fact sheet, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of these items;

Sharon Hodges, speaking on behalf of Jim Hanagan, 4620 Newcomb Place, president, Eisenhower Avenue Partnership, read Mr. Hanagan's statement of support; a copy of which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 7 of these items;

Jack Sullivan, 4300 Ivanhoe Place, speaking on behalf of Seminary Hill Association, spoke in opposition;

Mayor Donley and Councilman Speck directed questions to Mr. Sullivan about development on the site, and he participated in the discussion.

Lois L. Walker, 417 South Royal Street, spoke in support of the application as part of a process to begin creating an urban, pedestrian-oriented development;

Sam Black, 1025 Thomas Jefferson Street, Washington, D.C., chair, Smart Growth Alliance, spoke in support; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 8 of these items;

Alan Rudd, 2121 Jamieson Avenue, president, Carlyle-Eisenhower Civic Association, spoke in opposition to this development and in support of a process for an orderly planning process;

Sharon Hodges, 2121 Eisenhower Avenue, executive director, Eisenhower Partnership, spoke in support of the KSI project;

Barbara Merkel, 1008 Harrison Circle, homeowner and resident of Summer's Grove, spoke in support of the KSI project;

John Merkel, 1008 Harrison Circle, stated his support for the KSI project;

Douglas R. Porter, 5406 Trent Street, Chevy Chase, MD, president, Smart Growth Institute, and KSI advisor, spoke in support of the project;

Joanne Tomasello read notes from Jeff Bernholz, 4708 Richmarr Place, representing Holmes Run Park Committee, urging denial of this SUP, and in support of the Planning Department and Planning Commission recommendation;

Ellen Pickering, 103 Roberts Lane, on behalf of Taylor Run Civic Association, spoke in opposition to the KSI project;

Victor Addison, 157 Somerville Street, representing Cameron Station Civic Association, spoke against the KSI project;

Joseph S. Bennett, 5027 B Barbour Drive, spoke on behalf of Cameron Station Civic Association which has twice voted unanimously to oppose the KSI application;

Maria Collins, 5814 Pearson Lane, a resident of Summer's Grove, spoke in support of the KSI project, expressed the quality of air coming from the City's incinerator, and asked that Summer's Grove not be referred to as a "mistake" any more;

Phil Hendrickson, 304 East Spring Street, explained his opposition to the project;

Hilda Menendez, 5810 Pearson Lane, a Summer's Grove homeowner, spoke in support of KSI;

Edward Collins, 5814 Pearson Lane, a resident of Summer's Grove, spoke in support of the KSI project and presented a nine-page petition of Summer's Grove signatures in support, a copy of the petition is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 9 of these items;

Rodney Salinas, 5812 Summers Grove Road, a Summer's Grove resident, spoke in support;

D. Terrell McIlwain, 1038 Harrison Circle, a Summer's Grove resident, spoke in support;

Jack Taylor, 3750 Jefferson Davis Highway, a residential owner of property in Alexandria, a business owner and commercial property owner, spoke in support and urged Council to pay more attention to the people who work in the City who can't afford to live in the City;

Kendall Millard, 1036 Harrison Circle, a resident and member of the Summer's Grove board of directors, reported that the homeowners association voted in favor of the KSI proposal;

Elizabeth Wright, 113 South Ingram Street, expressed her view that Councilman Euille has the ability to change Metro's parking policy as a member of the WMATA board. She presented to Council a copy of the criteria for the Smart Growth award which she obtained from the Web, and she spoke in opposition to the KSI project; a copy of her statement and award criteria are file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 11 of these items;

Ellen Pickering summarized the statement of Judy McVay, 207 North Columbus Street, who agrees with all the points made by the Planning Commission and the Planning Department in opposition;

Tom Parry spoke on behalf of Jim Butler, 406 Skyhill Road, Clover-College Park Civic Association, who asked him to report that the Association opposes the application;

Mark R. Schwartz, 5109 Gardner Drive, on behalf of Cameron Station Civic Association, spoke in opposition to the plan, and of the need for the City to obtain a plan and maintain its priorities;

Tom Parry, 317 Skyhill Road, spoke against KSI's application and of the need for the City to follow through on the planning process;

Roland Gonzales, 4914 Gardner Drive, urged Council to support the Planning staff and the Planning Commission and oppose this project; and

Poul Hertel, 1212 Michigan Court, urged Council to deny the application.

**WHEREUPON**, Councilwoman Pepper made a motion, seconded by Vice Mayor Cleveland, that City Council deny this application for a special use permit and that we uphold the ruling of the Planning Commission.

Members of Council discussed the item at some length. Staff and Attorney Puskar answered questions posed by Council and participated in the discussion.

Attorney Puskar reported that KSI is still committed to this site and requested that KSI be permitted to withdraw the application, versus denying it, to continue to work. We can understand the concerns raised and KSI understands that it will have to start over with a new site plan and a new application. They are prepared to do that. KSI is very willing to work with staff, and after today's hearing they have a little better idea of what might be acceptable.

Director Fogarty reported that she has been very impressed with KSI, and has found it to be highly professional and very capable. She stressed that as we go forward in Eisenhower West, this is the kind of company Alexandria would like to have in the City.

Councilwoman Pepper agreed to withdraw her motion, and this was acceptable to the seconder of the motion as well.

**Without objection**, the plan was withdrawn by the applicant.

## **ORDINANCES AND RESOLUTIONS**

12. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Title 2, Chapter 4 of the City Code to establish the Budget and Fiscal Affairs Advisory Committee by ordinance as a standing committee, and revise the qualifications for membership. (#14 02/11/03) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated February 5, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 02/22/03, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 02/22/03, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 11/12/02, and is incorporated herewith as part of this record by reference.)

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

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

The ordinance reads as follows:

ORDINANCE NO. 4291

AN ORDINANCE to amend Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), of Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Article R (BUDGET AND FISCAL AFFAIRS ADVISORY COMMITTEE).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 of Title 2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding thereto a new Article R to read as follows:

ARTICLE R

Budget and Fiscal Affairs Advisory Committee

Sec. 2-4-130 Creation, composition, organization and term.

(a) The Budget and Fiscal Affairs Advisory Committee initially established by Resolution No. 1464, is hereby established by ordinance and designated as a standing committee known as the Budget and Fiscal Affairs Advisory Committee.

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

- (1) seven members, one each of whom shall be designated by the mayor and members of city council;
- (2) three members appointed at-large in accordance with the provisions of section 2-4-7 of this code;
- (3) one member designated by the Alexandria School Board; and
- (4) two members designated by the Alexandria Chamber of Commerce.

(c) The members designated by the mayor and members of city council, the school board, or the chamber of commerce shall serve at the pleasure of the mayor, member of council, school board or chamber of commerce designating such person, and any vacancies in such positions shall be filled in the same manner as the original appointment. Members appointed at large shall serve for a term of two years, and vacancies and reappointments shall be handled in the manner prescribed in section 2-4-7 of this code.

(d) All members of the committee shall:

- (1) by virtue of their education and employment in the public or private sector, have demonstrated competence in one or more of the following areas: accounting, financial analysis, budget and fiscal management, public finance, or urban economics;

- (2) be residents of and residing in the City of Alexandria at the time of appointment and continue to do so during the term of their appointment. The provisions of section 2-4-7(d) notwithstanding, this provision may not be waived; and
- (3) not be (i) a member of any other board or commission having one or more members appointed by the city council, or (ii) an employee of the city, the school board, the Alexandria Chamber of Commerce, or any agency of any such entity or organization.
- (4) declare to the committee their position as an officer or director of any entity or organization, and abstain from discussing, participating or voting on any matter before the committee, that directly relates to any appropriation or grant made or awarded by or through the city to the entity or organization of which the member is an officer or director.

Sec. 2-4-131 Functions, powers and duties; staff assistance.

(a) The functions, powers and duties of the committee shall be to advise and support the city council as to:

- (1) an examination of the city's budget procedures and process and ways of improving such procedures and process, including participation by the public therein;
- (2) the forecasting of future revenue and expenditure requirements and the effect on the several taxes and fees levied by the city and burden of taxation imposed on Alexandria citizens and business organizations;
- (3) an evaluation of the comparative tax, revenue and expenditure levels in Alexandria with those in neighboring jurisdictions and the effect of such differences on the ability of Alexandria to attract new residents and economic development; and
- (4) such other tasks as may be requested by the city council.

(b) Except as expressly provided in this article, the committee may adopt rules and regulations in regard to procedure and other matters for the conduct of its business, so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions, duties and purpose.

(c) Subject to the availability of funds and staff, and recognizing that the city manager must give priority attention to requests from the city council, the city manager is authorized to provide such staff or other assistance to the committee as requested, and to make such information available to the committee as is available to the public generally.

Section 2. That no provision of this ordinance shall be deemed to affect the appointments or terms of the members of the Budget and Fiscal Affairs Advisory Committee in office on the effective date hereof.

Section 3. That Resolution No. 1464 be, and the same hereby is, rescinded.

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

KERRY J. DONLEY  
Mayor

Introduction: 02/11/03  
First Reading: 02/11/03  
Publication: 02/13/03  
Public Hearing: 02/22/03  
Second Reading: 02/22/03  
Final Passage: 02/22/03

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13. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the provisions of Title 3, Chapter 2 of the City Code to revise the criteria for real estate tax exemptions and deferrals for the elderly and disabled. (#15 02/11/03) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated February 21, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 02/22/03, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's memorandum dated February 6, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 02/22/03, and is incorporated herewith as part of this record by reference.)

The Mayor asked staff to look at some different variations and come back with a response, before Council takes final action, about how we might fit, if we had something similar to the Arlington model where we've got an exemption that goes from zero to 40,000 and then a partial exemption and a deferral option on 40,000 to 60,000 on the income limits. He realizes the Manager has proposed a three-tiered system, but what he'd like to consider is a little bit simpler, and a two-tiered system that broadens the net because it would take into account a higher income classification on the exemption and then partial deferral element. That would keep us competitive but it also broadens the eligibility.

Councilman Euille supported not acting on this today and giving staff additional direction if necessary, but he asked that staff revisit this and bring it back at staff's earliest date.

Councilwoman Woodson concurred but stated that she would like to sit down personally with either Assistant City Manager Jinks or Finance Director Neckel to better explain what she envisioned within the parameters of the City's enabling legislation.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council deferred this ordinance to receive further clarification from staff, with no specific time for this to come back to Council. The voting was as follows:

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

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR (14-17)**

**Planning Commission (continued)**

14. SPECIAL USE PERMIT #2002-0117 -- 85 S BRAGG ST -- Public Hearing and Consideration of a request for a special use permit for a commercial school for nursing assistants; zoned OCM-100/Office Commercial Medium. Applicant: Gloria B. Quist.

COMMISSION ACTION: Deferred by unanimous consent

15. DEVELOPMENT SPECIAL USE PERMIT #2002-0050 -- 3750 JEFFERSON DAVIS HY -- ALEXANDRIA TOYOTA -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to add service bays and a parking structure to the existing automobile sales facility; zoned CDD-7/Coordinated Development District. Applicant: Alexandria Toyota Inc., by Harry P. Hart, attorney.

COMMISSION ACTION: Deferred 4-3

16. DEVELOPMENT SPECIAL USE PERMIT #2002-0052 -- 201 N QUAKER LA -- DARTMOUTH PLACE -- Public Hearing and Consideration of a request for a development special use permit amendment to construct a fence with a storage area within a conservation area; zoned R-20/Residential. Applicant: Dartmouth Place Homeowners Association, by Wallace Christner.

COMMISSION ACTION: Deferred (Improper notice)

17. SPECIAL USE PERMIT #2002-0118 -- 1004 MADISON ST -- Public Hearing and Consideration of a request for a special use permit for a restaurant and for an off-street parking reduction; zoned CSL/Commercial Service Low. Applicant: James Lee.

COMMISSION ACTION: Deferred (Improper notice)

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

**Without objection**, City Council noted the deferrals.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, at 3:18 p.m., the Public Hearing Meeting of Saturday, February 22, 2003, was adjourned. The voting was as follows:

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

\* \* \* \* \*

**APPROVED BY:**

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**KERRY J. DONLEY**

\_\_\_\_\_  
**MAYOR**

ATTEST:

\_\_\_\_\_  
Susan K. Seagroves, Deputy City Clerk