

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, June 15, 2002 - - 9:30 a.m.**

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

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Mr. Baier, Director of Transportation and Environmental Services; Ms. Ross, Deputy Director of Planning and Zoning; Mr. Neckel, Director of Finance; Ms. Davis, Director of Housing; Mr. Eiffert, Deputy Director of Housing; Ms. Lennox, ARHA staff; Code Enforcement Director Dahlberg; City Engineer Baker; Public Information Officer Gordon; Legislative Director Caton; Mr. Mandley, Director of General Services; Ms. Baron, Division Chief, Office of Housing; Public Affairs Officer Smith; Mr. Smith, Boards of Architectural Review staff; and Police Lieutenant Uzzell.

Recorded by: 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 with Councilwoman Pepper arriving at 9:40 a.m.

2. Public Discussion Period.

(a) Jennifer Zarbock, 1900 South Eads Street, #1011, Arlington, VA, Choose Peace Festival Co-Chair, which is a youth-led community festival to try to promote peace, reported that the Virginia Chapter of the SGI-USA will be hosting a non-sectarian festival to be held on Market Square on Saturday, August 17, from 1:00 p.m. to 7:00 p.m. She invited the Mayor and Members of Council to be present to receive a gift in commemoration of September 11.

Mayor Donley stated that Council will wait to hear from the Special Events Committee which will coordinate a lot of the logistics, but he felt that Council would be supportive of the goals and objectives of the festival.

Vice Mayor Cleveland noted that there is a young man by the name of Lenny Harris who wants to do the same thing. Mr. Cleveland will provide him the information given to Council by Ms. Zarbock so that Mr. Harris can get in touch with the group.

(A copy of the material provided by Ms. Zarbock is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 2(a); 6/15/02, and is incorporated herewith as part of this record by reference.)

(b) Geraldine Baldwin, 431 South Columbus Street, #301, Vice President, Old Towne West Community, requested that speed bumps be installed on South Alfred Street between Wolfe and Gibbon Streets to assist in slowing down traffic. In addition, speaker Baldwin requested that "Children at Play" signs be installed in their neighborhood.

Mayor Donley asked that Director of Transportation and Environmental Services Baier contact Ms. Baldwin to facilitate the application process for the speed bumps/speed tables request. He noted that he thought that the signs could be handled administratively and probably would not require Council action to have them installed.

Councilwoman Pepper noted that the request is a valid one, and she would hope that they would consider speed tables to slow the traffic down.

(A copy of the petition relating to Ms. Baldwin's item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(b); 6/15/02, and is incorporated herewith as part of this record by reference.)

(c) Jessica Cavrerra, 3805 Mount Vernon Avenue, #5, representing Alexandria United Teens, asked support for a teen center in their area.

Mayor Donley noted that Council did set aside dollars to study a teen center. The biggest problem that has been entailed is available space. Ms. Woodson and he have toured a number of locations in Alexandria and had discussions with some property owners about leasing space for a teen center.

Councilwoman Woodson reported that she had met with one of the representatives of the organization and talked about the availability of properties in the Del Ray/Arlandria area. We have concluded that the cost is prohibitive for a center there; however, we do have options where it is centrally located and where the majority of the teenagers in the City of Alexandria currently are living, and notwithstanding that there are teenagers living in Del Ray, she understands the teens' position. However, we are looking to create a teen center that will provide the very thing that you are looking for that will be within a reasonable commute in the entire City and that will provide access to public transportation as well as parking. She indicated that she will be glad to talk with the organization to discuss its needs. Ms. Woodson stated that she will continue to push for greater acknowledgment for the needs of youth in the City.

(d) Jon Wilbor, 310 South Lee Street, spoke to Council's decision regarding the relocation of the volleyball court at Windmill Hill Park, and expressed concerns.

Mayor Donley stated that this was studied for over a year, i.e., two public hearings, a citizens' task force, and he would appreciate staff working with Mr. Wilbor about his concern whether regrading for the relocated volleyball court has to occur or not.

(e) James Hurysz, 127 South Fairfax Street, 202, spoke to his letter that he sent to Council regarding dogs and electronic leashes. He expressed concern about off-leash dogs in Alexandria parks and questioned why the ordinance is so lax for off-leash dogs. He hopes that the new ordinance will include a ban on electronic collars for dogs.

(f) Amy Slack, 2307 East Randolph Avenue, lavished some praise and gratitude on members of staff and all the various departments, Members of Council and the Planning Commission for all of the time spent on issues. She spoke to recent articles in the newspapers regarding redevelopment of Clarendon and a piano bar in Adams Morgan, hoping that these things can happen in Del Ray. Ms. Slack noted that she also met with the director of the YMCA. She stated that the YMCA has a program that is aimed at development and leadership skills for teens and is aggressively trying to promote that program.

(g) Linda Couture, 422 North Union Street, requested City Council to support the BAR on appeals regarding historic properties' renovations and teardowns. In addition, she spoke to her concerns about the proposed tax referendum. Ms. Couture addressed affordable housing and what was happening at Hunting Towers and expressed concern about VDOT's increasing the rents of the residents of Hunting Towers. She also spoke to the Berg and scattered housing. Ms. Couture suggested that since the Health Department is relocating that the building be renovated for affordable and public housing and to hold on to this valuable asset.

(h) Tim Elliott, 422 South Fairfax Street, spoke to the relocation of the dog exercise area and the volleyball court at Windmill Hill Park, and requested that they remain where they currently are.

(i) Stewart Schwartz, 1415 Oronoco Street, representing the Coalition for Smarter Growth, spoke to the upcoming sales tax referendum. He stated that the sales tax needs much more public debate in Alexandria and in this region before moving forward with any resolutions.

(j) Bruce Park, 827 Fontaine Street, Chair of the Virginia Chapter of the Sierra Club, urged the Council not to support the current sales tax referendum but to hold out for a more balanced approach that could be crafted in the coming years.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-18)

Planning Commission

Without objection, City Council removed docket item nos. 6, 8, 12, 13, 14, 15, and 18 from the action consent calendar and considered them under separate motions.

3. SPECIAL USE PERMIT #2002-0027 -- 4603 DUKE ST -- FOXCHASE CENTER -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial General. Applicant: Yu Ping Wu.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 6/15/02, and is incorporated herewith as part of this record by reference.)

4. SPECIAL USE PERMIT #2002-0029 -- 5801 DUKE ST -- LANDMARK CENTER -- Public Hearing and Consideration of a request for a special use permit to operate a farmer's market; zoned CR/Commercial Regional. Applicant: Northern Neck Vegetable Growers Association, Inc., by Gary Allensworth.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 6/15/02, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2002-0030 -- 2387 S DOVE ST --VERONICA'S BAKERY -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant in conjunction with an existing bakery; zoned OCM-50/Office Commercial Medium. Applicant: OAVAR's, Inc., trading as Veronica's Bakery & Café, by Oswaldo A. Salinas.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 6/15/02, and is incorporated herewith as part of this record by reference.)

7. SPECIAL USE PERMIT #2002-0036 -- 2730 EISENHOWER AV -- STRAYER UNIVERSITY -- Public Hearing and Consideration of a request for a special use permit to add seating for a private school and request to provide off-site parking; zoned OCM-100/Office Commercial Medium. Applicant: Strayer University, Inc., by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 6/15/02, and is incorporated herewith as part of this record by reference.)

9. ENCROACHMENT #2002-0001 -- 815 KING ST -- Public Hearing and Consideration of a request for encroachment into the public right-of-way for construction of two first-floor store fronts; zoned CD/Commercial Downtown. Applicant: Rob Kaufman.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 6/15/02, and is incorporated herewith as part of this record by reference.)

10. ENCROACHMENT #2002-0003 -- 220-228 N PAYNE ST -- Public Hearing and Consideration of a request for encroachment into the public right-of-way for construction of an iron fence at the front of the property; zoned RB/Residential. Applicant: Charles and Mildred Curtis, by Deborah Jean Curtis.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 6/15/02, and is incorporated herewith as part of this record by reference.)

11. TEXT AMENDMENT #2002-0001 -- NOTICE OF APPEALS TO CITY COUNCIL -- Public Hearing and Consideration of an amendment to Section 11-300 of the Zoning Ordinance to provide for additional notice of appeals to City Council in land use cases.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 6/15/02, and is incorporated herewith as part of this record by reference.)

16. SPECIAL USE PERMIT #2002-0025 -- 2700 JEFFERSON DAVIS HY --AFGHAN RESTAURANT -- Public Hearing and Consideration of a special use permit review of a restaurant; zoned I/Industrial. Applicant: Afghan Restaurant, Abdul Hafiz Khan and Gulahmad Abassi, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 6/15/02, and is incorporated herewith as part of this record by reference.)

A copy of a letter from the Del Ray Citizens Association dated June 11, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 6/15/02, and is incorporated herewith as part of this record by reference.)

17. SPECIAL USE PERMIT #2002-0031 -- 201 KING ST -- LILY'S COFFEE & TEA -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant (coffee shop); zoned CD/Commercial Downtown. Applicant: Nancy L. Lilley, trading as Lily's Coffee & Tea, by Lonnie C. Rich, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 6/15/02, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the action consent calendar as presented with the exception of docket item nos. 6, 8, 12, 13, 14, 15, and 18 which were considered under separate motions. The action of City Council follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
9. City Council approved the Planning Commission recommendation.
10. City Council approved the Planning Commission recommendation.
11. City Council approved the Planning Commission recommendation.
16. City Council approved the Planning Commission recommendation.
17. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

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

6. SPECIAL USE PERMIT #2002-0034 -- 3250 DUKE ST -- CAFÉ MONTI -- Public Hearing and Consideration of a request for a special use permit to add seating and request for a parking reduction for the existing restaurant; zoned CG/Commercial General. Applicant: Alvi, Inc., Café Monti, by Anjuman Akhter.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 6/15/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck expressed concerns regarding this parking arrangement and what happens if the applicant loses the lease in the future for the additional parking spaces. Planning and Zoning Deputy Director Ross addressed his concerns and indicated that the applicant would have to come back before the Planning Commission and City Council.

WHEREUPON, upon motion by Councilman Speck, 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:

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

8. **SPECIAL USE PERMIT #2002-0037 -- 305 HOOFF'S RUN DR -- Public Hearing and Consideration of a request for a special use permit for an expansion of the existing health club and request for a parking reduction; zoned CDD-2/Coordinated Development District. Applicant: Fitness Centers II, LLC, by Chris D. Kosmakos.**

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 6/15/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck expressed concerns about this parking reduction, and Planning and Zoning Deputy Director Ross spoke to his concerns and the future development of the Hoffman property.

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"

Without objection, City Council considered docket item nos. 12, 13, 14 and 15 together and under one motion.

12. **MASTER PLAN AMENDMENT #2002-0002 -- REZONING #2002-0002 -- 2100 MT VERNON AV -- Public Hearing and Consideration of a request for a master plan amendment to change the land use designation and request for rezoning of the subject property from R-2-5/Residential to CL/Commercial Low. Applicant: Tom and Anne Welsh.**

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 6/15/02, and is incorporated herewith as part of this record by reference.)

13. **Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to amend the Master Plan to change the land use designation of a portion of the property at 2100 Mt. Vernon Avenue to CL/Commercial Low.**

(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. 1 of Item No. 13; 6/15/02, 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 received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 6/15/02, and is incorporated herewith as part of this record by reference.)

14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to rezone a portion of the property at 2100 Mt. Vernon Avenue to CL/Commercial Low Zone, subject to a proffer.

(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. 1 of Item No. 14; 6/15/02, 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 received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 6/15/02, and is incorporated herewith as part of this record by reference.)

15. DEVELOPMENT SPECIAL USE PERMIT #2002-0015 -- 2100 MT VERNON AV -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of a woodworking shop and office, with zone transition setback modification and to allow tandem parking; zoned R-2-5/Residential (CL pending). Applicant: Tom and Anne Welsh.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/15/02, and is incorporated herewith as part of this record by reference.)

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

Thomas Welsh, 2100 Mount Vernon Avenue, applicant, requested a change to condition #6 regarding the planting of a large shade tree on the south property line and changing that to planting two large shade trees on the green space between the sidewalk and the curb upon recommendation of the City Arborist and the City staff.

There was discussion amongst Council, the applicant and staff regarding noise emanating from the woodworking shop, and changing the hours of operation to conform to the hours permitted under code pertaining to hours permitted for construction. The applicant accepted the change in hours represented in condition #12 of docket item no. 15.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried unanimously, City Council approved docket item nos. 12, 13, 14 and 15 as follows:

12. City Council approved the Planning Commission recommendation.

13. City Council introduced the Ordinance on First Reading; set it for Public Hearing, Second Reading and Final Passage on Tuesday, June 25, 2002.

14. City Council introduced the Ordinance on First Reading; set it for Public Hearing, Second Reading and Final Passage on Tuesday, June 25, 2002.

15. City Council approved the Planning Commission recommendation with the following amendments: condition #6 was amended to read as follows: "6. The applicant shall plant large shade trees to the satisfaction of the Director of Planning and Zoning."; and condition #12 was amended to read as follows: "12. The hours of operating woodworking equipment shall be limited to 7 a.m. to 6 p.m. Monday through Friday, 9 a.m. to 6 p.m. on Saturday, and not on Sunday."

The voting was as follows:

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

18. SPECIAL USE PERMIT #2002-0035 -- 1400 DUKE ST -- SHILOH BAPTIST CHURCH -- Public Hearing and Consideration of a request for a special use permit for a parking reduction for a church; zoned OCM-50/Office Commercial Medium. Applicant: Shiloh Baptist Church, by Herbert D. Spears.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 6/15/02, and is incorporated herewith as part of this record by reference.)

Members of Council posed questions to Ms. Fields, church administrator.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

19. Consideration of the Report and Recommendation of the Budget and Fiscal Affairs Advisory Commission in Regard to the Proposed 0.5 cent Regional Transportation Sales Tax. (Not a public hearing item.)

(A copy of the Budget and Fiscal Affairs Advisory Commission report dated June 15, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 6/15/02, and is incorporated herewith as part of this record by reference.)

A copy of Mayor Donley's memorandum dated June 11, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19; 6/15/02, and is incorporated herewith as part of this record by reference.

A copy of the Alexandria Chamber of Commerce's resolution pertaining to the transportation sales tax increase dated May 15, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 19; 6/15/02, and is incorporated herewith as part of this record by reference.)

Bruce Johnson, Vice Chair, Budget and Fiscal Affairs Advisory Committee, presented the Committee's report and responded to questions posed by the Members of City Council.

Mayor Donley and Members of City Council provided their views with respect to the upcoming referendum on the Proposed 0.5 cent Regional Transportation Sales Tax.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilman Euille and carried on a vote of 6-to-1, City Council endorsed the sales tax referendum and will work on behalf of its passage for the future of this community. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

Without objection, City Council considered docket item nos. 20 and 21 together but under separate motions.

20. SPECIAL USE PERMIT #2002-0040 -- 2000 JAMIESON AV -- MEDIA STAGING AREA -- Public Hearing and Consideration of a request for a special use permit for a media staging area with off-site parking; zoned OCM-100/Office Commercial Medium. Applicant: City of Alexandria, by Philip Sunderland, City Manager.

COMMISSION ACTION: Recommend Approval 5-2

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 6/15/02, and is incorporated herewith as part of this record by reference.)

21. SPECIAL USE PERMIT #2002-0039 -- 2395 MILL RD -- MEDIA STAGING AREA PARKING -- Public Hearing and Consideration of a request for a special use permit for a parking lot; zoned OCM-100/Office Commercial Medium. Applicant: City of Alexandria, by Philip Sunderland, City Manager.

COMMISSION ACTION: Recommend Approval 5-2

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 6/15/02, and is incorporated herewith as part of this record by reference.)

Communications received on these items are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item Nos. 20 and 21; 6/15/02, and is incorporated herewith as part of this record by reference.

A copy of Ms. Gordon's PowerPoint presentation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item Nos. 20 and 21; 6/15/02, and is incorporated herewith as part of this record by reference.)

Vice Mayor Cleveland stated for the record that he owns a condominium unit in one of the Carlyle Towers buildings located in the Carlyle development. It is conceivable that the property that he owns, as well as the property that many others own who reside at Carlyle Towers, could be affected by Council's decision on the media center project. He indicated that he may have, therefore, what the Virginia Conflict of Interest laws refer to as a "personal interest" in the media center matters. Nonetheless, he believes that he is able to participate in these media center matters fairly, objectively, and in the public interest, and because of this he does intend to participate in these matters.

(A copy of Vice Mayor Cleveland's completed Transaction Disclosure Statement dated June 15, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item Nos. 20 and 21; 6/15/02, and is incorporated herewith as part of this record by reference.)

Barbara Gordon, PIO Officer, provided Council with an overview of the proposed media center and responded to queries from the Members of City Council. City Manager Sunderland and City Engineer Baker participated in the discussion.

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

Matthew Natale, 3401 Martha Custis Drive, spoke against; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of Item Nos. 20 and 21; 6/15/02, and is incorporated herewith as part of this record by reference;

Julie Crenshaw, 816 Queen Street, suggested that the ACVA get involved in the process;

Alan Weinstein, 2151 Jamieson Avenue, #1207, spoke against;

Kenneth Ingram, Esquire, representing Carlyle Towers Condominium Unit Owners Association, spoke in support;

William Casamo, 2181 Jamieson Avenue, spoke against;

Ken Moore, 801 N. Fairfax Street, #402, representing Alexandria Chamber of Commerce, spoke in support;

Alan Rudd, 2121 Jamieson Avenue, spoke against;

Norman T. Hatch, 206 West Mount Ida Avenue, spoke in support and volunteered his services to assist in any way he can since he has had past experience in dealing with large enclaves of media representatives;

Martin Baskin, Carlyle Towers, spoke against;

Sara Harris, Carlyle Towers, spoke against;

Ira Apter, speaking on behalf of Romulo Baptista, Carlyle Towers, spoke against;

Bruce Jackson, speaking on behalf of Mort Cohen, Carlyle Towers, spoke against;

Van Van Fleet, read a letter on behalf of Bob Uttenweiler, Carlyle Towers, against this special use permit application;

Bob Jordan, Carlyle Towers, spoke against;

Gerald Johnson, Carlyle Towers, spoke against;

C.E. Palmer Johnson, Carlyle Towers, spoke against;

Barbara Christopher, Carlyle Towers, her letter against the special use permit application was read by an unidentified woman;

Rita Apter, speaking on behalf of Frank Sugeno, residents of Carlyle Towers and herself, spoke against;

Bill Harvey, Carlyle Towers, spoke against;

J. Waggener, 2181 Jamieson Avenue, #1006, spoke against; and

Pat Rudd, 2121 Jamieson Avenue, spoke against.

The public hearing was concluded.

20. **WHEREUPON**, a motion was made by Councilman Speck, seconded by Councilwoman Eberwein, to approve the Planning Commission recommendation which is approval of the media center and the conditions as applied by the Planning Commission.

There was considerable Council discussion on the motion. City Engineer Baker, Public Information Officer Gordon, certain members of the media, and the City Manager participated in the discussion.

Councilwoman Woodson requested that condition #4 be amended to read as follows: "4. The special use permit approval shall expire on October 1, 2003, or at the end of these two trials, unless extended by City Council."; which amendment was accepted by the maker and seconder.

Councilman Speck added a condition to restore the site to the grassy area post the conclusion of the trials and the use by the media; which amendment was accepted by the seconder.

Councilwoman Eberwein asked that the City Manager work particularly closely with the marshals on a plan to review the construction vehicles that will be going into the site and that are there now and to make sure that we have some aspect when those vehicles are inspected to make sure they're working for legitimate companies that have a right to be on the site. Ms. Eberwein would like to see that Council gets some kind of feedback that communication has happened and that the marshals are actually looking into that because it is a construction site which is an area of concern. She requested a report back from the City Manager with regard to this issue.

Councilman Euille noted that when the City Manager first came to the Council several months ago giving it notification that this special use permit would be coming before both the Planning Commission and the Council before its recess, he highlighted a proposed concept plan. Initially Mr. Euille reacted by stating his disagreement with the concept plan because he thought it was too loose. More candidly, he was concerned about the impacts that having a media staging area adjacent to the courthouse would have on the residents of Carlyle Towers, the ongoing planned construction for the Patent and Trademark Office and other construction development projects nearby. Since he knew very little about it at that time, it was a verbal presentation to the Council in a public session, that a lot of thought had been given to it. Subsequent to that, Councilman Euille must say, based on the fact that there have been a series of meetings in the community, particularly with the Carlyle Towers residents and others, to publicly present the concept plan and to solicit input, what the Council has before it today is a marked improvement over what was originally being considered. He noted what really got his feathers up was the fact there was talk about sort of a tent city. Mr. Euille noted that we have gotten away from the tent, now we have trailers. But what has been expressed by everyone here today and his colleagues is that we really want to avoid chaos, but we're also more importantly concerned about security. He thinks while the site and/or the proposed plan may not be the best, in lieu of the fact that we must address this issue and do something, this proposal today is one that we must move forward. However, there are some amendments to come forward today.

Councilman Euille requested that condition #9 be amended to read as follows: "9. Use of the media staging area shall be limited to representatives of the media who have registered with **and paid applicable fees to the City and who have agreed to use the area** in accord with the City's media staging area regulations."; which amendment was accepted by the maker and seconder of the motion.

Councilman Euille asked that condition #3 be amended to read as follows: "3. The media staging area shall be designed and built pursuant to a plan **not to exceed 15 office trailers** approved by the Directors of the Department of Planning and Zoning and the Department of Transportation and Environmental Services."; which amendment was accepted by the maker and seconder of the motion.

Vice Mayor Cleveland spoke to the inconvenience to the residents of Carlyle Towers and workers at the Time Life building with having only one way to get to their residences and businesses via Englehardt Street, and he expressed his opposition to this special use permit.

Councilwoman Woodson offered another friendly amendment to condition #4 which would read as follows: "4. This special use permit shall run with the trials of Zacarias Moussaoui and John Walker Lindh and end when those trials end unless extended by City Council."

The maker of the motion stated that he would like to tighten it up with more control.

Councilwoman Woodson noted that she addresses this in condition #10 by amending it to read: "10. The Director of Planning and Zoning shall review the special use permit six months following the beginning of the first trial." She would like to have the ability to come back to revisit it, to make adjustments, changes, additions, subtractions, whatever we need.

Councilwoman Woodson offered an amendment to condition #12 to read as follows: "12. The City shall consult residents from Carlyle Towers about moving the restroom trailer to the east side of the subject property, or to another site, and take such action if feasible and desirable."

Finally, in the way of amendments, Councilwoman Woodson suggested the following: "That the trailers on the site at the media center should be limited to only those trailers necessary to accommodate satellite, microwave equipment, editing equipment and other such equipment that is distance sensitive. Off-site work space should be considered wherever possible to reduce the total number of trailers at the media staging center."

Councilwoman Woodson spoke to security.

Councilman Speck and Councilwoman Eberwein accepted Councilwoman Woodson's additional language for condition #4 and condition #10.

With respect to condition #4, City Manager Sunderland inserted one thing on what "ending" means as follows: "until the final action in the U.S. District Court."; which was accepted by the maker and seconder.

The maker of the motion accepted Councilwoman Woodson's suggested amendment to condition #12; however, it was not accepted by the seconder.

Mayor Donley indicated to the Council that we have a motion by Mr. Speck, seconded by Ms. Eberwein that has a number of changes which he paraphrased since the Clerk has them: number one, change to condition #3 that sets a maximum of office trailers at 15; change to condition #4 that was offered by Ms. Woodson that would require that the special use permit run with the trials which would include any post decision or post trial motions; change to condition #9 offered by Mr. Euille that would require that the applicable fees paid to the City by those who agree to use the media center pertaining to the costs associated with it; change to condition #10 that's been offered by Ms. Woodson that would prompt the Director of Planning and Zoning to review the special use permit six months after the trials commence; a condition that was offered by Mr. Speck which is a condition #13 relating to the restoration of the site to its grassy area after the use is gone; and now we'll go to the amendment to condition #12 offered by Councilwoman Woodson.

WHEREUPON, a motion to amend condition #12 was made by Councilwoman Woodson, seconded by Councilman Euille and carried on a vote of 5-to-2, with condition #12 to read as follows: "12. The City shall consult residents from Carlyle Towers about moving the restroom trailer to the east side of the subject property, or to another site, and take such action if feasible and desirable." The voting was as follows:

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

Mayor Donley stated that Council will now return to the main motion and condition #12 as amended respective to the vote of the Council. We will now move to the original motion, as amended, which was made by Councilman Speck and seconded by Councilwoman Eberwein. Any further discussion?

Councilwoman Woodson spoke to her other amendment which would become condition #14 as follows: "That the trailers on the site at the media center should be limited to only those trailers necessary to accommodate satellite, microwave equipment, editing equipment and other such equipment that is distance-sensitive. Off-site work space should be considered wherever possible to reduce the total number of trailers at the media staging center."; which amendment was not accepted by the maker or seconder.

Mayor Donley stated that this is not accepted as a friendly amendment and asked Ms. Woodson if she wanted to make another motion to amend?

WHEREUPON, another motion to amend was made by Councilwoman Woodson to add a new condition #14 as follows: "That the trailers on the site at the media center should be limited to only those trailers necessary to accommodate satellite, microwave equipment, editing equipment and other such equipment that is distance-sensitive. Off-site work space should be considered wherever possible to reduce the total number of trailers at the media staging center."; which motion DIED for lack of a second.

THEREUPON, at this point, Council returned to the main motion, with a number of friendly amendments, which motion was made by Councilman Speck, seconded by Councilwoman Eberwein and carried on a vote of 6-to-1. City Council approved the Planning Commission recommendation, **with the following amendments: condition #3 was amended to read as follows: "3. The media staging area shall be designed and built pursuant to a plan not to exceed 15 office trailers approved by the Directors of the Department of Planning and Zoning and the Department of Transportation and Environmental Services."; condition #4 was amended to read as follows: "4. This special use permit approval will run coincident with the trials of Zacarias Moussaoui and John Walker Lindh and until the final action in the U.S. District Court, or unless extended by city council."; amended condition #9 to read as follows: "9. Use of the media staging area shall be limited to representatives of the media who have registered with and paid applicable fees to the City and who have agreed to use the area in accord with the City's media staging area regulations."; condition #10 was amended to read as follows: "10. The Director of Planning and Zoning shall review the special use permit six months after commencement of the first trial."; amended condition #12 to read as follows: "12. The City shall consult residents from Carlyle Towers about moving the restroom trailer to the east side of the subject property, or to another site, and take such action if feasible and desirable."; and added new condition #13 to**

read as follows: "13. To restore the site to the grassy area post the conclusion of the trials and the use by the media." The voting was as follows:

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

21. **THEREUPON**, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, **with an amendment to condition #4, to make the expiration date consistent with condition #4 in the prior special use permit application which reads: "4. This special use permit approval will run coincident with the trials of Zacarias Moussaoui and John Walker Lindh and until the final action in the U.S. District Court, or unless extended by city council."** The voting was as follows:

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

Whereupon, at 2:25 p.m., City Council recessed for a twenty-minute lunch break.

Thereupon, at 2:45 p.m., City Council reconvened the meeting.

22. **SPECIAL USE PERMIT #2002-0032 -- 4480 KING ST -- ALEXANDRIA HEALTH DEPARTMENT -- Public Hearing and Consideration of a request for a special use permit for a medical care facility; zoned OCM-100/Office Commercial Medium. Applicant: City of Alexandria, Department of General Services, by Edward Mandley, Director.**

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 6/15/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22; 6/15/02, and is incorporated herewith as part of this record by reference.)

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

James Hurysz, 127 South Fairfax Street, 202, representing Fairlington Citizens Association, spoke against and expressed concern about traffic and parking; a copy of the material he provided Council is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item;

Tom Burke, 2909 South Dinwiddie Street, Arlington, VA, spoke against and related his concern about increased traffic and parking problems in his neighborhood of Fairlington; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item; and

Lori Cooper, 2936 Viewpoint Road, representing the Public Health Advisory Commission, spoke in support of this application.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a vote of 6-to-0, City Council approved the Planning Commission recommendation. The voting was as follows:

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

23. SPECIAL USE PERMIT #2002-0024 -- 1508 MT VERNON AV -- MANCINI'S RESTAURANT -- Public Hearing and Consideration of a special use permit review of a restaurant; zoned CL/Commercial Low. Applicant: Barbara Mancini.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 6/15/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 23; 6/15/02, and is incorporated herewith as part of this record by reference.)

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

Duncan W. Blair, 524 King Street, attorney for the applicant, spoke in support of the application and requested that condition #26 calling for a one-year review be deleted.

Pat Miller, 1806 North Cliff Street; Gayle Reuter, 110 East Del Ray Avenue; and Thomas Welsh, 2100 Mount Vernon Avenue were signed up to speak in support of this application, but did not speak.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Woodson and carried unanimously, City Council approved the Planning Commission recommendation **with the deletion of condition #26 relating to a one-year review**. The voting was as follows:

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

24. SPECIAL USE PERMIT #2002-0038 -- 2401-2407 MT VERNON AV -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant and request for a parking reduction; zoned CL/Commercial Low. Applicant: Neighborhood Restaurant Group, by Stephanie W. Babin.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 6/15/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 24; 6/15/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille publicly disclosed that he no longer has a financial interest in the business that the Babins own and will be participating in the discussion and vote on this matter.

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

Stephanie Babin, 308 Hume Avenue, applicant spoke in support of the special use permit and requested that condition #12 be amended by deleting the words "acoustic, non-amplified."

Members of Council posed questions to Applicant Babin and Planning and Zoning Deputy Director Ross. Transportation and Environmental Services Director Baier participated in the discussion.

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

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

Thomas Welsh, 2100 Mount Vernon Avenue, spoke in support.

In response to Councilwoman Woodson's inquiry about no loading and unloading on Oxford and Mt. Ida Avenues, Ms. Babin represented that they had agreed to this prior to the Planning and Zoning hearing, and have no problem with this.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, **with the following amendments: amended condition #12 by deleting the words "acoustic, non-amplified."; and with the modification to condition #23 as follows: "23. The Director of Planning and Zoning shall review the special use permit six months after operation....."** The voting was as follows:

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

25. SPECIAL USE PERMIT #2002-0042 -- 2A WOLFE ST -- NEW HARBORSIDE YACHT CLUB -- Public Hearing and Consideration of a request for a special use permit to operate a private marina; zoned W-1/Waterfront Mixed Use. Applicant: New Harborside Yacht Club, LLC, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 5-0-2

(A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 6/15/02, and is incorporated herewith as part of this record by reference.)

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

Duncan W. Blair, 524 King Street, attorney representing the applicant, spoke in support of the application;

Robert W. Taylor, 2 Duke Street, representing Robinson Terminal Warehouse Corporation, expressed concerns about his ships blocking Harborside's boats and turbulence created by his ships doing damage to the boats; a copy of Mr. Taylor's handout detailing existing dolphins at Robinson Terminal is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of this item;

Windsor Demaine, 8 Wolfe Street, representing Harborside Waterfront Townhouses, spoke in support, and responded to queries posed to him by Members of City Council; and

Phil Rogers, 2 Wolfe Street, spoke against this special use permit.

Mayor Donley stated that we will try to get some answers, with staff input, to the issues raised by Robert Taylor from Robinson Terminal that their ship(s) will cause turbulence which can cause damage to the boats as well as block Harborside boats. Mayor Donley requested that Attorney Blair have the marine architect work with Robert Taylor to resolve the issues.

Councilman Speck has no idea what the consequence of this matter is in terms of how it affects the boats, but it's a material piece of information which we didn't have. What Mr. Speck doesn't want to do is come back on the 25th and have folks on one side say everything's fine, and the folks on the other side say, no it's not. He stated that he thinks we need to be sure that we've had staff counsel on this and give us some advice to be sure that this material information is not impacting either side adversely.

Councilwoman Eberwein noted that this application is from the new Harborside Yacht Club, LLC. We have had assurances from Attorney Blair that only owners who reside at Harborside are investors or are involved in that. She sees no documentation to verify that, and she thinks that this application, since we're essentially doing away with the public parking requirements in order to limit it to the residents of Harborside, we are saying that they do not have to meet the parking requirements; therefore, it is incumbent upon the applicant to show who the investors are in something other than just a verbal assurance. If there are any other kinds of organizations that are involved that are not individuals, we would like to know who is behind them. Additionally, it seems to her there's a need to see some sort of answer to the question of leasing. She would like to see the condition that's in the special use permit strengthened, and perhaps Attorney Blair can come up with some kind of documentation that will satisfy the staff as to how that would be phrased. Ms. Eberwein thinks this is, quite frankly, a simple sentence in here, and it is not strong enough particularly when it raises issues of

who guests are. She believes one of the speakers spoke about how we might want to lease it, and then it was couched as we might want to have guests, and then it was couched as we would only lease it to Harborside people but the guests might be from someplace else. It is fuzzy enough that she thinks that it is incumbent upon you to come back with an agreement that satisfies the rest of her colleagues since she will not be here.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Eberwein and carried unanimously, City Council closed the public hearing, and deferred consideration of this item to the June 25, 2002 legislative meeting with the request for additional information. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

26. Public Hearing and Consideration of Staff Recommendations on the Installation of a Traffic Signal at the Intersection of West Glebe Road and Old Dominion Boulevard. (#12 5/28/02)

(A copy of the City Manager's memorandum dated May 21, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 6/15/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 26; 6/15/02, and is incorporated herewith as part of this record by reference.)

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

Wilma Probst, 3803 Brighton Court, representing Brighton Square Homeowner's Association, spoke in support;

Barbara Hayes, 3603 Old Dominion Boulevard, representing the North Ridge Citizens Association, spoke in support;

William Clayton, 3402 Halcyon Drive, representing North Ridge Citizens Association, spoke in support;

Elliott Branch, 3830 Brighton Court, spoke in support;

Jim Rorke, 3816 Charles Avenue, president, Lenox Place Home Owners Association, spoke in support;

Donna LaFontain, 704-A West Glebe Road, representing herself and neighbors who live on West Glebe Road, spoke against the light and prefers speed tables; and

Laurie Hieta, 710 West Glebe Road, spoke against the light and favors speed tables.

Transportation and Environmental Services Director Baier responded to queries posed to him by Members of City Council.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Woodson and carried unanimously, City Council authorized staff to install a traffic signal at the intersection of West Glebe Road and Old Dominion Boulevard. The voting was as follows:

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

27. Public Hearing and Consideration of the Relocation Assistance Plan for the Samuel Madden Homes (Downtown).

(A copy of the City Manager's memorandum dated June 11, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 6/15/02, 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.

Councilwoman Woodson directed inquiries to ARHA representative Lennox and Housing Director Davis.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council: (1) held the public hearing; (2) approved the relocation **payment** plan for Samuel Madden Homes (Downtown) with the understanding that it may be revised by the U.S. Department of Housing and Urban Development (HUD), and with the clarification, confirmed by ARHA staff at the Landlord-Tenant Relations Board public hearing on this matter, that relocation assistance is not contingent upon good behavior or yard maintenance and **with a request for an explanation with respect to the State-promulgated table and schedule of payments and what that really means**; and (3) authorized the City Manager to execute all legal documents. The voting was as follows:

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

28. Public Hearing and Consideration of the Housing Conversion Assistance Plan for the Lynhaven Apartments.

(A copy of the City Manager's memorandum dated June 10, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 6/15/02, 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.

Councilwoman Eberwein requested Housing Director Davis to be in contact with Wesley Housing Development as they did not attend the last community meeting, and they are to be participatory in the community process.

Ms. Davis explained that they had an incorrect date for that community meeting and that staff will make sure Wesley Housing gets the correct dates for the community meetings in the future.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Eberwein and carried unanimously, City Council: (1) held the public hearing; (2) approved the Conversion Assistance Plan for Lynhaven Apartments; and (3) authorized the City Manager to execute all legal documents. The voting was as follows:

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

ORDINANCES AND RESOLUTIONS

29. Public Hearing on an Ordinance to amend Section 12-1-4 of the City Code to revise the boundaries of the school board election districts to reflect the 2000 Census. (#32 6/11/02) **(Second Reading and Final Passage will be June 25, 2002.)**

(A copy of the City Attorney's memorandum dated June 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 6/15/02, 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. 29; 6/15/02, 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 received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 29; 6/15/02, 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 Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council held and closed the public hearing. Second Reading and Final Passage will be at the June 25, 2002 legislative meeting. The voting was as follows:

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

30. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 3-2-8 of the City Code to increase the fee for processing encroachments to \$150. (#28 6/11/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 30, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 6/15/02, 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 unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4256

AN ORDINANCE to amend and reordain section 3-2-82 (PROCESSING FEE FOR ENCROACHMENTS) of Article G (FEE FOR PROCESSING REQUESTS FOR VACATION OF PUBLIC RIGHTS AND REQUESTS FOR ENCROACHMENTS AND CHARGE FOR COMMERCIAL ENCROACHMENTS), 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 3-2-82 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is, amended and reordained to read as follows:

Sec. 3-2-82 Processing fee for encroachments.

A fee of \$150 shall be charged to process each request to be allowed to encroach upon any public way or right including, but not limited to, streets, alleys, sidewalks and public places; provided, however, that no fee shall be charged to process a request received after January 1, 1987, which involves an encroachment by residential property that existed as of December 31, 1986, and which seeks permission for the same or a lesser encroachment to continue to encroach upon a public way or right. Notwithstanding the first sentence of this section, the city manager or the manager's designee is authorized to grant a waiver of the \$150 fee when it is determined that the fee constitutes an undue hardship to the person requesting the encroachment or is disproportionate to the value of the requested encroachment or that a waiver of the fee is otherwise in the public interest.

Section 2. That this ordinance shall become effective on July 1, 2002.

KERRY J. DONLEY
Mayor

Introduction: 06/11/02
First Reading: 06/11/02
Publication: 06/13/02
Public Hearing: 06/15/02
Second Reading: 06/15/02
Final Passage: 06/15/02

* * * * *

31. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the water and sewer regulations in Title 5 of the City Code to increase the sanitary sewer connection fees charged for new construction. (#29 6/11/02)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 31; 6/15/02, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

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

Scott McGeary, 6801 Industrial Road, Springfield, VA, representing the Alexandria Chapter, Northern Virginia Building Industry Association, 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. 2 of this item;

Ken Moore, 801 North Fairfax Street, Suite 402, representing the Alexandria Chamber of Commerce, agreed with the comments of Mr. McGeary and spoke to the Chamber's letter which was sent to Council; and

Cathy Puskar, 2100 Clarendon Boulevard, Suite 1300, Arlington, VA, representing KSI Services, Inc., reported that KSI has been working with the City since last fall on an application that should be before Council this coming fall. She indicated that during the past month and a half they have been working with the City Manager and an Assistant City Manager. She thanked them for their willingness to listen to the concerns as related to this client and appreciates their acknowledgment of their continuing efforts to work with staff and their grandfathering of this application from these increase in fees.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Eberwein and carried on a unanimous ROLL-CALL vote, City Council finally passed the substitute Ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The substitute ordinance finally passed reads as follows:

ORDINANCE NO. 4257

AN ORDINANCE to amend Division 1 (GENERAL PROVISION) of Article B (SEWAGE DISPOSAL AND DRAINS), Chapter 6 (WATER AND SEWER), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-6-25.1 (SEWER CONNECTION PERMITS AND SERVICE FEES; CONSTRUCTION COSTS; CONSTRUCTING SEWERS BY OWNERS RATHER THAN CITY; ADDITIONAL CONNECTIONS).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 6 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding new section 5-6-25.1 to read as follows:

Sec. 5-6-25.1 Sewer connection permits and service fees; construction costs; constructing sewers by owners rather than city; additional connections.

(a) Any person who is required, or who desires, to provide a connection for sewer service from his property, through any sewer constructed by or belonging to the city or any sewer serving the area annexed to the city in 1952, but belonging to a county, by direct connection at a city sewer main, trunk or lateral, shall, before starting to make such connection, apply to the director for a permit to make the connection, and the director shall issue a permit for the sewer connection when and after the person shall have paid to the department of finance the sum hereinafter provided.

(1) For each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling, the amount of \$4,200.

(2) For each multifamily dwelling, an amount equal to the product of the number of dwelling units in the multifamily dwelling, multiplied by fifty percent (50%), multiplied by \$4,200.

(3) For each nonresidential property, an amount determined in accordance with the following fee schedule based on the size of each water meter which serves such nonresidential property:

Meter Size (inches)	Max. Capacity (GPM)	3/4" Meter Equiv.	Fee
3/4 or smaller	30	1.00	\$4,200
1	50	1.67	\$7,000
1½	100	3.33	\$14,000
2	160	5.33	\$22,400
3	320	10.76	\$45,200
4	500	16.67	\$70,000
6	1000	33.33	\$140,000
8	1600	53.33	\$224,000
10	2300	76.67	\$322,000

(4) For each mixed use property, where such property includes both residential and nonresidential uses, an amount equal to the sum of the fee determined for the residential portion of such property, in accordance with this section, plus the fee determined for the nonresidential portion of such property, in accordance with this section; provided, however, if the residential portion and nonresidential portion of such property are served by a single water meter, the fee shall be an amount determined by the director in his reasonable discretion.

(5) On July 1 of each of fiscal years 2004 and 2005, the foregoing fees shall increase by three percent (3%) over the fee for the preceding fiscal year. The fees applicable to each fiscal year are subject to annual review by city council.

(b) Extension of service; credits.

(1) A person required or desiring to provide extension of sewer service to his property shall construct or have constructed such extension at his own expense. The person shall execute a satisfactory agreement with the city, as prescribed by the city manager, agreeing to construct such sewer or sewers in accordance with plans and specifications approved by the director and the person shall in addition furnish such guarantee of performance and maintenance to the city as the city manager may require. Such sewers shall become the property of the city upon completion and acceptance of the work.

(2) If, pursuant to a written requirement of the director, the person constructs such extension in a manner that exceeds the requirements to provide service to the property of such person, a credit shall be available to be applied to the fees otherwise due under this section, in an amount equal to the difference between the cost of such extension, constructed in accordance with the written requirement of the director, and the cost of such extension, constructed as originally proposed by the person, such amount to be determined by the director. The amount of the credit shall be estimated by the director prior to commencement of construction, and an interim fee shall be paid by the person in an amount equal to the fees otherwise due under this section minus the estimated credit; provided, the minimum interim fee shall be for each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling residential unit, \$100, for each dwelling unit in a multifamily dwelling, \$100, and for each floor of a nonresidential property, \$100 or eight cents (\$0.08) per square foot of floor space, whichever is greater.

(3) Upon satisfactory completion of the work, the actual amount of the credit shall be determined by the director based on certified bills submitted to and approved by him. The final fee to the person shall be an amount equal to the fees otherwise due under this section minus the amount of the actual credit; provided, the minimum final fee shall be for each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling residential unit, \$100, for each dwelling unit in a multifamily dwelling, \$100, and for each floor of a nonresidential property, \$100 or eight cents (\$0.08) per square foot of floor space, whichever is greater. Any difference between the interim fee and the final fee shall immediately be paid to or refunded by the department of finance.

(4) If the amount of the credit estimated under subsection (b)(2) above exceeds the amount of the fees otherwise due under this section without regard to the minimum fee calculated under subsection (b)(2) of this section, prior to the commencement of construction, the city shall agree to pay the person an amount equal to such excess or shall withdraw the written requirement of the director for construction of such extension in a manner that exceeds the requirements to provide service to the property of such person.

(c) Exclusions and exemptions.

(1) Notwithstanding anything to the contrary contained in this section, no fee shall be charged to connect a sewer system or sewage disposal system which serves exclusively a fire sprinkler system, installed pursuant to section 906.0 of the Virginia Uniform Statewide Building Code, as amended, a fire standpipe system, installed pursuant to section 915.0 of the Virginia Uniform Statewide Building Code, as amended, or a yard hydrant, installed pursuant to section 917.0 of the Virginia Uniform Statewide Building Code, as amended.

(2) Notwithstanding anything to the contrary contained in this section, no fee shall be charged to connect a sewer system or sewage disposal system which serves property owned by the Alexandria City Public Schools, the Alexandria Redevelopment and Housing Authority, or an entity in which the Alexandria Redevelopment and Housing Authority holds an ownership interest and the purpose of such entity is to develop property using federal low income tax housing credits.

(3) The fees established and imposed by this section shall not apply to a connection where (i) such connection is within the limits of a coordinated development district approved by city council, (ii) the main or trunk line to which such connection will be made extends from such coordinated development district directly to the publicly owned treatment works of the Alexandria Sanitation Authority, without connection at the time of its construction to any city sewer, unless such a connection is made pursuant to a written requirement of the director and exceeds the requirements to provide service to the coordinated development district, (iii) such main or trunk line was constructed totally at private expense, and (iv) the application for such connection is submitted within fifteen (15) years of the date of issuance of the first building permit subsequent to April 1, 2002, within such coordinated development district. Upon satisfaction of the foregoing criteria, a permit for the sewer connection shall be issued upon payment of a fee for each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling residential unit, of \$100, for each dwelling unit in a multifamily dwelling, of \$100, and for each floor of a nonresidential property, of \$100 or eight cents (\$0.08) per square foot of floor space, whichever is greater; provided, however, in the event construction of the improvements to be served by such permitted connection has not substantially commenced within sixteen (16) years of the date of issuance of the first building permit subsequent to April 1, 2002, within such coordinated development district, the permit for the sewer connection issued shall expire and thereafter the fees established and imposed generally by this section shall apply.

(d) If the city manager finds that construction of an extension by a person would constitute a hardship on such person, by reason of his inability to secure a satisfactory contract, or otherwise, the city manager may direct that the construction be done by or for the city; provided, however, that the cost to the city shall not exceed the fees paid by such person less for each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling residential unit, \$100, for each dwelling unit in a multifamily dwelling, \$100, and for each floor of a nonresidential property, \$100 or eight cents (\$0.08) per square foot of floor space, whichever is greater. Costs in excess of such fees shall be paid by the person prior to making any connection to such sewer.

(e) The total sum to be paid to the department of finance for sewer service at the city sewer main, trunk or lateral for any property in the city, the sewage of which will be transported from such property through sewers constructed previously by private parties into sewers constructed or belonging to the city, except for such sewers as may have been constructed by private parties under the control or supervision of the city or other public authority, shall be as provided generally in this section for each such property so connected.

(f) Any person desiring additional sewer service connection to any property shall make application to the director for permission to construct such connection and shall pay to the department of finance the sum as provided generally in this section for each additional connection prior to the issuance of the permit for the sewer connection.

(g) Nothing in this chapter shall be construed to prevent the city sanitation authority from making a service charge for collecting and treating sewage.

Section 2. That the provisions of section 5-6-25.1 shall become effective on July 1, 2002, and shall apply to all applications for permits for sewer connections which may be filed after such date; provided, however, that:

(a) With respect to any property for which a preliminary site plan was filed with the city and determined by the Director of Planning and Zoning to be complete prior to April 1, 2002, the applicable fee shall be determined in accordance with section 5-6-25, with the exception of any credit, which shall be determined not in accordance with subsection (e) of section 5-6-25, but in accordance with subsection (b) of section 5-6-25.1; provided, however, in the event construction of the improvements to be served by such permitted connection has not substantially commenced prior to April 1, 2004, the permit for the sewer connection issued shall expire and thereafter the fees established and imposed by section 5-6-25.1 shall apply, without any adjustment.

(b) With respect to any property for which a preliminary site plan is filed and determined by the Director of Planning and Zoning to be complete from April 1, 2002, until September 30, 2002, the fee shall be the product of the fee determined in accordance with section 5-6-25.1, multiplied by fifty percent (50%); provided, however, in the event construction of the improvements to be served by such permitted connection has not substantially commenced prior to April 1, 2004, the permit for the sewer connection issued shall expire and thereafter the fees established and imposed by section 5-6-25.1 shall apply, without any adjustment.

(c) With respect to any property for which a preliminary site plan is filed or determined by the Director of Planning and Zoning to be complete from and after October 1, 2002, the fee shall be as provided in section 5-6-25.1, without any adjustment.

Section 3. That section 5-6-25 of The Code of the City of Alexandria, 1981, as amended, be, and the same hereby is, repealed, effective as of April 1, 2004.

Section 4. That, except as provided in sections 2 and 3 above, this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction:	06/11/02
First Reading:	06/11/02
Publication:	06/13/02
Public Hearing:	06/15/02
Second Reading:	06/15/02
Final Passage:	06/15/02

At 5:20 p.m., Mayor Donley announced that it was necessary for him to leave the meeting at this time in order to catch a plane to attend the U.S. Conference of Mayors annual conference in Madison, WI.

Councilwoman Eberwein also announced and apologized that it was necessary for her to leave the meeting at this time as she had a flight change in her international flight for an earlier departure.

Without objection, City Council considered docket item no. 50 at this time.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

50. Public Hearing and Consideration of an Increase in the Voluntary Contribution to the City's Housing Trust Fund. (#27 6/11/02)

(A copy of the City Manager's memorandum dated June 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 50; 6/15/02, and is incorporated herewith as part of this record by reference.

A copy of Mr. Hertel's memorandum to the Mayor and Members of City Council is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 50; 6/15/02, and is incorporated herewith as part of this record by reference.)

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

Scott McGeary, 6801 Industrial Road, Springfield, VA, representing the Alexandria Chapter, Northern Virginia Building Industry Association, 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. 3 of this item; and

Mariella Posey, 915 Second Street, spoke in support.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried on a vote of 4-to-0, City Council closed the public hearing. The voting was as follows:

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

THEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a vote of 4-to-0, City Council affirmed its prior approval as follows: (1) Increased the voluntary contribution to the Housing Trust Fund from \$0.50 to \$1.00 per gross square foot by amending the language in the *"Summary of the Affordable Housing Policy with Regard to the Housing Trust Fund"* addressing the Housing Trust Fund contribution as follows: "It shall be the City's policy that a standard charge of \$1.00 per square foot on all new housing and/or commercial development should be paid at certificate of occupancy in the case of office, retail, hotel or rental apartments, and paid at sale to the end user in the case of condominium or single-family houses *in developments of five units or more*. If the general assembly so authorizes, this charge shall become mandatory; however, regardless of general assembly action, this remains the City's standard to be negotiated by staff. Staff will prepare administrative procedures for implementing this policy for review by the Affordable Housing Advisory Committee and review and approval by Council. In lieu of this charge, a developer may submit an Affordable Housing Plan proposing another means of meeting the affordable housing requirement, e.g., provision of on-site or off-site housing units, or a lesser fee in combination with affordable units, with or without receiving some form of incentive from the City. While selection of the method of compliance with the Affordable Housing Policy lies with the developers to provide affordable home ownership *or rental* units, in lieu of a monetary contribution, whenever feasible."; and (2) applied the increased contribution amount to all development applications receiving final special use permit or site plan approval by City Council and/or the Planning Commission after July 15, 2002. The voting was as follows:

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

At this point, City Council returned to docket item no. 32.

ORDINANCES AND RESOLUTIONS (continued)

32. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the animal control regulations in Title 5 and Title 6 of the City Code to clarify that, except in a dog exercise area, or on private property with the consent of the owner, a dog must be kept on an actual, physical leash. (#30 6/11/02) **[ROLL-CALL VOTE]**

(A copy of the City Attorney's memorandum dated June 5, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 32; 6/15/02, 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. 32; 6/15/02, 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 received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 32; 6/15/02, and is incorporated herewith as part of this record by reference.

Correspondence received on this item is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 4 of Item No. 32; 6/15/02, and is incorporated herewith as part of this record by reference.)

THIS ITEM WAS DEFERRED TO SEPTEMBER AT THE JUNE 11, 2002 REGULAR MEETING.

Without objection, City Council noted the deferral.

33. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the taxicab regulations in Title 9 of the City Code to repeal the requirement that the name of the owner/driver of a taxicab be displayed on the exterior of the vehicle, and to provide that children under 5 years of age ride without charge. (#31 6/11/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 33; 6/15/02, 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 Councilman Euille, seconded by Councilwoman Woodson and carried on a ROLL-CALL vote of 5-to-0, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4258

AN ORDINANCE to amend and reordain Section 9-12-95 (INFORMATION TO BE DISPLAYED ON OUTSIDE OF VEHICLE) of Division 4 (EQUIPMENT, MAINTENANCE AND USE OF VEHICLES), and subsection (a)(2) of Section 9-12-132 (AMOUNT OF FARE TO BE CHARGED) of Division 6 (FARES), all of Article A (TAXICABS AND FOR-HIRE VEHICLES), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 9-12-95 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. 9-12-95 Information to be displayed on outside of vehicle.

(a) Every taxicab operated pursuant to this article shall bear on the rear thereof and on each side thereof in lettering at least two and one-half (2 1/2) inches high the word "taxicab" or "cab."

(b) The certificate number of the owner, clearly visible, shall be placed on the rear and on each side of each taxicab.

(c) The prevailing rates of fare for taxicabs shall be displayed on each side of taxicabs by means of cards or stickers, furnished by the director of finance at a cost of seventy-five cents (\$0.75) per sticker, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.

(d) For-hire vehicles other than taxicabs shall have the certificate number printed or painted on each side of the for-hire vehicle.

Section 2. That subsection (a)(2) of Section 9-12-132 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. 9-12-132 Amount of fare to be charged.

(a) The rates to be charged passengers by owners or drivers of taxicabs shall be as follows, and it shall be unlawful for any owner to permit or a driver to make any greater or lesser charge:

(2) For the second and for each additional passenger who is 5 years of age or older, \$1.25.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage, provided, however, that the changes in subsection (a)(2) of Section 9-12-132 shall not be implemented until July 1, 2002.

KERRY J. DONLEY
Mayor

Introduction: 06/11/02
First Reading: 06/11/02
Publication: 06/13/02
Public Hearing: 06/15/02
Second Reading: 06/15/02
Final Passage: 06/15/02

* * * * *

34. Public Hearing, Second Reading and Final Passage of an Ordinance to make supplemental appropriations for the support of the government of the City of Alexandria for FY 2002. (#33 6/11/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 34; 6/15/02, 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 Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 5-to-0, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4259

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, and for the payment of municipal expenditures by providing supplemental appropriations of amounts required to defray certain expenditures and liabilities of the city for fiscal year 2002, which began on the first day of July 2001, and ends on the thirtieth day of June 2002.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2002, the source of such amount being external grant awards for which revenues were authorized and adjusted after July 1, 2001, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2002, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE :

City Manager	\$ 400,000
Office on Women	<14,475>
Court Service Unit	<19,271>
General Services	500,000
Transportation and Environmental Services	22,132
Fire	110,756

Police	<51,303>
Housing	2,813,973
MH/MR/SA	1,081,078
Human Services	1,032,888
Recreation	8,398
Total Estimated Revenue	\$ 5,884,176

APPROPRIATION:

City Manager	\$ 400,000
Office on Women	<14,475>
Court Service Unit	<19,271>
General Services	\$ 500,000
Transportation and Environmental Services	22,132
Fire	110,756
Police	<51,303>
Housing	2,813,973
MH/MR/SA	1,081,078
Human Services	1,032,888
Recreation	8,398
Total Estimated Revenue	\$ 5,884,176

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2002, the source of such amounts being intergovernmental revenue, and further, that the council does hereby allot the amount so appropriated for fiscal year 2002, as follows:

COMPONENT UNIT

ESTIMATED REVENUE:

Intergovernmental Revenue	\$ 1,632,842
Total Estimated Revenue	\$ 1,632,842

APPROPRIATION:

Component Unit Library	\$ <4,831>
Component Unit Schools	1,637,673
Total Appropriation	\$ 1,632,842

Section 3. That the Council of the City of Alexandria, Virginia, does hereby authorize the transfer from the General Fund (Designated General Fund Balance) to the Capital Projects Fund (Reserved Capital Project Fund Balance), and does make provision for and appropriate to the latter fund, the amount hereafter stated that is required to defray certain expenditures and liabilities for the city in fiscal year 2002 and further, that the council does hereby allot the amount so appropriated as follows: (i) to the following capital projects which are included in the city's fiscal year 2002-2007 capital improvement program, adopted by city council May 7, 2001 city capital improvement project nos. 002 (Branch Libraries), 003 (Downtown Transportation/Parking, Municipal Waterfront Improvement Program, Mt. Vernon Avenue Improvements, Route 1 Beautification, South Waterfront, Streams Maintenance and Waterfront Dredging), 004 (Bike Trails, Cameron Station, Chinquapin Park and Recreation Center, Park Improvements, Land Acquisition, Fort Ward Park, Northern Virginia Regional Park, Park Improvements, Landscaping of Public Sites, Recreation Facilities Improvements, Four Mile Run Park), 005 (Preservation of Historic Buildings, Market Square Renovations, Renovation and Maintenance of Existing City Facilities, Energy Conservation, Animal Shelter, City Visitor Center), 006 (Peumansend Creek Regional Jail), 008 (Driver Training Track), 009 (Rapid Rail Transit, Metrobus/Rail Capital, Bus Replacement/Bus Shelters, Traffic Facilities), 011 (Potomac Yard Road and Bridge Improvements, Flood Control Tunnels, Undergrounding of Utilities and Street Lighting, Bridge Repairs, King Street Metro Station Area Improvements, King and Beauregard Intersection, Mill Road Realignment, Sidewalk, Curb, and Gutter, Street and Pedestrian Improvements), 012 (Storm Sewer Reconstructions and Extensions Oronoco Outfall), 013 (Sanitary Sewer Reconstructions and Extensions, Sewer Rehabilitation and Abatement), 015 (Information Technology Connectivity Projects, Information Technology Systems Development), and 016 (Northern Virginia Community College); and (ii) to the capital projects identified in the Alexandria City Public Schools' capital budget approved by the school board on January 18, 2001.

GENERAL FUND

FINANCING USE:

Transfer Out to Capital Projects Fund	\$ 7,500,000
Total Transfer Out	\$ 7,500,000

CAPITAL PROJECT FUND:

ESTIMATED REVENUE:

Transfer In from General Fund	\$ 7,500,000
Total Financing Source	\$ 7,500,000

APPROPRIATION:

Capital Projects	\$ 7,500,000
Total Appropriation	\$ 7,500,000

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that are required to defray certain expenditures and liabilities of the city for fiscal year 2002, the source of such amount being Equipment Replacement Retained Earnings, and further, that the council does hereby allot the amount so appropriated to the various city departments for fiscal year 2002, as follows:

EQUIPMENT REPLACEMENT FUND

APPROPRIATION:

Sheriff	\$ 30,400
Transportation and Environmental Services	26,400
MH/MR/SA	115,800
Human Services	40,500
Total Appropriation	<u>\$ 213,100</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2002, the source of such amount being Component Unit - School Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

COMPONENT UNIT

APPROPRIATION:

Component Unit Schools	\$ 1,535,595
Total Appropriation	<u>\$ 1,535,595</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the City for fiscal year 2002, the source of such amount being license and permits revenues, and further, that the Council does hereby allot the amount so appropriated for fiscal year 2002 as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Licenses and Permits	\$ 317,017
Total Estimated Revenue	<u>\$ 317,017</u>

APPROPRIATION:

Transportation and Environmental Services	\$ 93,483
Fire	\$ 223,534
Total Appropriation	\$ 317,017

Section 7. That this ordinance shall become effective upon the date and time at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 06/11/02
First Reading: 06/11/02
Publication: 06/13/02
Public Hearing: 06/15/02
Second Reading: 06/15/02
Final Passage: 06/15/02

35. Public Hearing, Second Reading and Final Passage of an Ordinance to make appropriations for the support of the government of the City of Alexandria for FY 2003. (#34 6/11/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 35; 6/15/02, 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 Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 5-to-0, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4260

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, for the payment of interest and principal on the city debt and other municipal expenditures and expenses, and for other purposes, for the fiscal year beginning on the first day of July 2002, and ending on the thirtieth day of June 2003.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to section 6.07 of the city charter, the sum of \$496,654,479 be, and the same hereby is, appropriated for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2002 and ending on the thirtieth day of June 2003.

Section 2. That, pursuant to section 6.07 of the city charter, the sum of \$496,654,479 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2002, and ending on the thirtieth day of June 2003, be, and the same hereby is, further appropriated to the following city departments, major operating units, component units and major categories of expenditures in the amounts set forth below:

<u>Department/Unit/Component Unit/ Category of Expenditure</u>	<u>Appropriation</u>
18th Circuit Court	\$ 1,162,007
18th General District Court	85,493
18th Juvenile Court	33,948
Citizens Assistance	544,118
City Attorney	1,402,831
City Clerk and Clerk of Council	334,262
City Council	455,708
City Manager	1,820,099
Clerk of Court	1,306,510
Commonwealth's Attorney	2,500,387
Contingent Reserves	950,000
Court Services Unit	845,289
Finance	7,037,172
Fire	27,040,772
General Debt Service	17,739,094
General Services	9,013,490
Health	6,926,459
Human Rights	366,925
Human Services	41,326,597
Human Services Contributions	875,500
Information Technology Services	5,971,390
Internal Audit	197,963
Law Library	122,865
MH/MR/SA	22,477,424
Non-Departmental	7,598,339
Office of Historic Alexandria	2,338,904
Office of Housing	3,121,307
Office of Management and Budget	913,849
Office on Women	1,402,724
Other Correctional Activities	3,568,576
Other Educational Activities	13,246
Other Planning Activities	2,169,245
Personnel	2,227,865
Planning & Zoning	3,068,776
Police	37,980,481
Real Estate Assessments	980,950
Recreation, Parks & Cultural Activities	15,214,589
Registrar of Voters	887,928
Sheriff	18,875,509
Transit Subsidies	10,287,978

Transportation and Environmental Services	21,556,925
Capital Projects	54,678,360
Component Unit-Library	5,650,196
Component Unit-Schools	148,147,167
Internal Service	<u>5,435,262</u>

TOTAL APPROPRIATIONS \$496,654,479

Section 3. That, pursuant to section 6.07 of the city charter, the sum of \$496,654,479 appropriated in section 1 of this ordinance for the support of the City of Alexandria in the fiscal year beginning on the first day of July 2002, and ending on the thirtieth day of June 2003, be, and the same hereby is, further appropriated to the following principal objects of city expenditures:

<u>Object of Expenditures</u>	<u>Appropriation</u>
Personnel Services	\$163,734,068
Non-Personnel Services	111,287,132
Capital Outlay	287,627
Component Unit-Library	5,650,196
Component Unit-Schools	148,147,167
Component Unit-Alexandria Transit Company	6,659,200
Pilot Recycling Program	775,467
Equipment Replacement	5,435,262
Capital Projects	<u>54,678,360</u>

TOTAL APPROPRIATIONS \$496,654,479

Section 4. That the sum of \$496,654,479 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2002, and ending on the thirtieth day of June 2003, is estimated to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
General Property Taxes	\$208,856,000
Other Local Taxes	84,118,000
Permits, Fees and Licenses	4,000,000
Fines and Forfeitures	3,882,000
Intergovernmental Revenue	111,117,058
Charges for Services	19,577,566
Revenue from Use of Money and Property	7,252,597
Miscellaneous Revenue	1,879,607
Bond Proceeds	24,242,263
Unreserved Fund Balance - General Fund:	
Subsequent Year's Budget	9,816,624
Unreserved Fund Balance-Capital Projects Fund:	
Subsequent Year's Budget	5,600,000
Schools' Fund Balance	877,502
Retained Earnings - Internal Service	<u>5,435,262</u>

TOTAL ESTIMATED REVENUE \$496,654,479

Section 5. That, pursuant to section 6.14 of the city charter, the sum of \$54,678,360 be, and the same hereby is, appropriated for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2002, and ending on the thirtieth day of June 2003. This sum, which consists of the \$54,678,360 appropriated as Capital Projects in section 2 of this ordinance, is appropriated as follows:(i) \$35,077,868 to the following capital projects which are included in the city's government fiscal year 2003-2008 capital improvement program adopted by city council on May 7, 2002, and \$19,600,492 to the capital projects identified in the Alexandria City Public Schools' capital budget approved by the school board on January 17, 2002.

Section 6. That the sum of \$54,678,360 appropriated in section 5 of this ordinance for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2002 and ending on the thirtieth day of June 2003 is estimated to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
Transfer In from General Fund	\$14,200,000
Bond Interest Earnings	636,097
Designated General Fund Balance	15,600,000
Bond Proceeds	<u>24,242,263</u>
TOTAL ESTIMATED REVENUE	<u>\$ 54,678,360</u>

Section 7. That the sum of \$161,018,962 be, and the same hereby is, authorized to be transferred between the following funds maintained by the city, as set forth below:

<u>From</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
General Fund	\$ 21,334,865	Special Revenue Fund - General	\$ 21,334,865
General Fund	24,487	Enterprise Fund - Recycling	24,487
General Fund	14,200,000	Capital Projects Fund	14,200,000
General Fund	115,329,680	Component Unit-Schools	115,329,680
General Fund	4,834,200	Component Unit-Alexandria Transit Company	4,834,200
General Fund	5,295,730	Component Unit-Library	5,295,730
TOTALS	\$161,018,962	TOTALS	\$161,018,962

Section 8. That the sum of \$496,654,479 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2002, and ending on the thirtieth day of June 2003, is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each city department, major operating unit, component unit and major category of expenditure, to the funds maintained by the city as shown in Table I on the following page of this ordinance.

Section 9. That the sum of \$496,654,479 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2002, and ending on the thirtieth day of June 2003, is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each major source of revenue, to the funds maintained by the city as shown in Table II on the following page of this ordinance.

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

KERRY J. DONLEY
Mayor

Attachments: Table I and Table II

Introduction:	06/11/02
First Reading:	06/11/02
Publication:	06/13/02
Public Hearing:	06/15/02
Second Reading:	06/15/02
Final Passage:	06/15/02

* * * * *

TABLE I

Department	General Fund	Special Revenue Fund	Capital Projects	Enterprise Fund: Recycling Program	Internal Service Fund: Equipment Replacement	Component Units			Total
						Schools	Library	Alexandria Transit Co.	
18th Circuit Court	\$ 1,162,007								\$ 1,162,007
18th General District Court	85,493								85,493
18th Juvenile Court	33,948								33,948
Citizens Assistance	538,718	5,400							544,118
City Attorney	1,402,831								1,402,831
City Clerk and Clerk of the Council	334,262								334,262
City Council	455,708								455,708
City Manager	1,820,099								1,820,099
Clerk of Courts	1,306,510								1,306,510
Commonwealth's Attorney	2,042,879	457,508							2,500,387
Contingent Reserves	950,000								950,000
Court Services Unit	585,994	259,295							845,289
Finance	7,037,172								7,037,172
Fire	26,746,272								27,040,772
General Debt Service	17,739,094	294,500							17,739,094
General Services	9,013,490								9,013,490
Health	6,926,459								6,926,459
Human Rights	341,925	25,000							366,925
Human Services	6,142,741	35,183,856							41,326,597
Human Services Contributions	875,500								875,500
Information Technology Services	5,971,390								5,971,390
Internal Audit	197,963								197,963
Law Library		122,865							122,865
Mental Health/Mental Retardation/ Substance Abuse	601,688								601,688
Non-Departmental	7,598,339	21,875,736							22,477,424
Office of Historic Alexandria	2,145,583	193,321							2,338,904
Office of Housing	1,200,460	1,920,847							3,121,307
Office of Management and Budget	913,849								913,849
Office of Women	982,837	419,887							1,402,724
Other Correctional Activities	3,236,126	332,450							3,568,576
Other Educational Activities	13,246								13,246
Other Planning Activities	2,169,245								2,169,245
Personnel	2,221,865	6,000							2,227,865
Planning and Zoning	3,068,776								3,068,776
Police	37,841,737	138,744							37,980,481
Real Estate Assessments	980,950								980,950
Recreation and Cultural Activities	15,044,602	169,987							15,214,589
Registrar of Voters	887,928								887,928
Sheriff	17,571,642	1,303,867							18,875,509
Transit Subsidies	3,628,778						6,659,200		10,287,978
Transportation and Environmental Services	20,334,156	447,302		775,467					21,556,925
Capital Improvement			54,678,360						54,678,360
Component Unit - Library				5,650,196					5,650,196
Component Unit - Schools					148,147,167				148,147,167
Internal Service					5,435,262				5,435,262
TOTAL	\$ 212,152,262	\$ 63,156,565	\$ 54,678,360	\$ 775,467	\$ 5,435,262	\$ 148,147,167	\$ 5,650,196	\$ 6,659,200	\$ 496,654,479

T A B L E II

Source of Revenue	General Fund	Special Revenue Fund	Capital Projects	Enterprise Fund: Recycling Program	Internal Service Fund: Equipment Replacement	Component Units			Total
						Schools	Library	Alexandria Transit Co.	
General Property Taxes	\$ 208,856,000	\$	\$	\$	\$	\$	\$	\$	\$ 208,856,000
Other Local Taxes	84,118,000								84,118,000
Permits, Privilege Fees and Licenses	4,000,000								4,000,000
Fines and Forfeitures	3,882,000								3,882,000
Intergovernmental Revenue	45,905,800	35,643,444		29,360,331		207,483			111,117,058
Charges for Services	9,863,800	5,521,557		471,480		1,748,746		1,825,000	19,577,566
Revenue from Use of Money and Property	6,271,000	6,000	636,097	279,500					7,252,597
Miscellaneous Revenue	458,000	650,699				770,908			1,879,607
Bond Proceeds			24,242,263						24,242,263
Unreserved Fund Balance - General Fund	9,816,624		15,600,000						25,416,624
Capital Projects Fund									
Schools-General Fund				877,502					877,502
Retained Earnings - Internal Service Fund					5,435,262				5,435,262
Future Bond Proceeds									
TOTAL	\$ 373,171,224	\$ 41,821,700	\$ 40,478,360	\$ 750,980	\$ 5,435,262	\$ 32,817,487	\$ 354,466	\$ 1,825,000	\$ 496,654,479

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Board of Architectural Review Old and Historic Alexandria District

36. [CASE BAR-2002-0049] -- 209 SOUTH LEE STREET -- Public Hearing on and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on May 1, 2002, denying a request for a permit to demolish portions of a dwelling located at 209 South Lee Street, zoned RM Residential. APPLICANT: Amy Bayer, APPELLANT: Moore and Poe Architects.

(A copy of the Board of Architectural Review report is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 36; 6/15/02, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated May 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 36; 6/15/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 36; 6/15/02, and is incorporated herewith as part of this record by reference.)

Mr. Smith, principal staff, Boards of Architectural Review, provided Council with a brief overview of the issue before them.

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

Duncan W. Blair, 524 King Street, attorney for the applicant and appellant, spoke in support of the appeal;

Matthew Poe, 7711 Elba Road, architect, spoke in support of the appeal;

Amy Bayer, 209 South Lee Street, applicant, spoke in support of the appeal;

Meg Carter, 207 South Fairfax Street, spoke in support of the appeal;

Oscar Fitzgerald, 206 West Monroe Avenue, representing the Board of Architecture, spoke against the appeal and provided the Board of Architectural Review's views on its decision to deny;

Members of Council, Dr. Fitzgerald, City Attorney Pessoa and Attorney Blair participated in a discussion.

Councilwoman Pepper spoke to the inner easement to this house.

Dr. Fitzgerald indicated that issue did come up at the Board of Architectural Review Meeting and stated that it is explained in a letter from Charles Trazzo regarding the easement, but basically Mr. Trazzo's commission did not want to do that because it would be tantamount to endorsing a large encapsulation of a large part of the building, and they didn't want to essentially facilitate the loss of this historic fabric.

Councilwoman Pepper asked if that was made a proffer here, and it was acceptable to the owner, would they be willing then because then it would be a done deal?

Dr. Fitzgerald stated that is exactly what happened. The applicant said that they would be willing to offer an easement, but Charles Trazzo said that his commission would not accept that easement because they didn't think that was in the interest of historic preservation.

Councilman Euille noted that he certainly accepts the premise that this is an historical piece of property, and we want to maintain that, and he respects that; however, he accepted the premise that the existing house had several additions built on the back and obviously there is no room to build. Because there is no room to build in the back, he didn't see a problem with it because there is a 40-foot setback and there is a retaining wall that extends out to the driveway. That's not going to be removed, and quite frankly, you won't be able to see it from the street.

City Attorney Pessoa interjected that even if the Historic Alexandria Restoration and Preservation Commission doesn't want an easement, in the past there have been some [easements] that have been given to the City to preserve interior walls once they have been encapsulated. So, that is one alternative. Most of them do go to the Commission, but a couple of them have gone directly to the City.

Councilwoman Pepper asked if the owner is willing to do that?

Attorney Blair responded that at the May public hearing of the Board, the applicant was asked that question, and she said that she would. Attorney Blair stated that in the Sugar House encapsulation which was approved a year and a half ago, a covenant was put on by the owner that runs with the land that the wall would remain exposed inside the house.

There was further discussion by the Members of City Council.

City Attorney Pessoa stated that technically the interior program uses of the house are not relevant to the BAR standards either before the BAR or on appeal to City Council. What we have here is the demolition permit alone, not the appropriateness of a potential addition. The reason the ordinance really bifurcates those two things is so that in terms of preserving historic fabric, the Board or the Council on appeal and the public discourse, doesn't get seduced by the attractiveness of the addition when deciding the separate question of whether or not the demolition or encapsulation is appropriate. The way the process is supposed to work is that you make the decision on the demolition, and if that is approved, then you go to the second step and talk about the replacement, but you don't get there until you have made the initial determination whether you are going to permit the demolition. That's why the Board, when they heard this, denied the demolition, and they did not pass on the second part of it which is the appearance of the replacement or addition.

Denise Dunbard, 407 Duke Street, spoke in support of the appeal;

Stephanie Mansfield, 217 South Lee Street, spoke in support of the appeal;

Carolyn Merck, 324 North Royal Street, representing Old Town Civic Association, spoke against the appeal as the City's historic fabric must be protected and preserved and cannot support the demolition and addition on the north wall;

Lawrence O'Connor, 207 South Lee Street, spoke against the appeal;

Charles Ablard, 803 Hall Place, representing the Historic Alexandria Foundation, spoke against the appeal and to the easement. He noted that if something is encapsulated, there is no way you can enforce what is done on the inside of it, whereas, most of the easements that the Commission takes are for open space where you can actually from the wall, look and see what is behind the wall. He urged Council to support the BAR.

Members of City Council, BAR staff Smith, City Attorney Pessoa and Deputy Planning and Zoning Director Ross participated in a discussion concerning encapsulation/demolition and setback.

City Attorney Pessoa explained the legal standards for demolition and encapsulation are the same, and the reason for that, in part, is that once it's encapsulated, it ceases to be an exterior feature, and it can be demolished without coming through the permit process. To remedy that, as he stated earlier, in some cases the City has taken a preservation easement on the now interior wall to require that that historic fabric be preserved, because part of the concern with the demolition process is not just how it looks, but the historic fabric itself be preserved, and to address that part of the concern, the City has taken interior easements. As far as an enforcement mechanism is concerned, the City just says you have to let us in once a year on reasonable notice to check the status of the interior.

Bob Weinhagen, 211 Cameron Street, spoke against the appeal; and

Donald Walter, 214 Prince Street, spoke in support of the appeal.

Attorney Blair offered his rebuttal.

WHEREUPON, a motion was made by Councilman Speck, seconded by Councilman Euille that City Council uphold the appeal and overturn the decision of the Board of Architectural Review.

THEREUPON, a motion to amend was made by Councilwoman Pepper, seconded by Vice Mayor Cleveland to close the public hearing and defer until the June 25, 2002 legislative meeting; which motion FAILED on a vote of 2-to-3. The voting was as follows:

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

WHEREUPON, Council returned to the main motion made by Councilman Speck, seconded by Councilman Euille and carried on a vote of 3-to-0-to-2, City Council upheld the appeal and overturned the decision of the Board of Architectural Review. The voting was as follows:

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

37. [CASE BAR-2002-0079] -- 610 SOUTH ST. ASAPH STREET -- Public Hearing on and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on May 1, 2002, denying a request for approval of a permit to demolish portions of the dwelling located at 610 South St. Asaph Street, zoned RM Residential. APPLICANT: Philip L. VanderMyde, APPELLANT: Katherine Philipp, Owner.

(A copy of the Board of Architectural Review report is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 37; 6/15/02, and is incorporated as part of this record by reference.

A copy of the appeal dated May 10, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 37; 6/15/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 37; 6/15/02, and is incorporated as part of this record by reference.)

Mr. Smith, principal staff, Boards of Architectural Review, provided Council with a brief overview of the issue before them.

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

Katherine Philipp, 610 South Saint Asaph Street, appellant, spoke in support of the appeal and responded to questions directed to her by Members of City Council;

Oscar Fitzgerald, 206 West Monroe Avenue, representing the Board of Architectural Review, spoke against the appeal and provided rationale for the Board's denial;

Charles Ablard, 803 Hall Place, representing the Historic Alexandria Foundation, spoke against the appeal and in support of the Board of Architectural Review's decision; and

Carolyn Merck, 324 North Royal Street, representing Old Town Civic Association, spoke against the appeal as the City's historic fabric must be protected and preserved.

The Members of City Council participated in a discussion on this appeal with the applicant and staff member Smith.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilman Euille and carried on a vote of 5-to-0, City Council remanded this back to the Board of Architectural Review. The voting was as follows:

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

38. [CASE BAR-2002-0071] -- 300 SOUTH LEE STREET -- Public Hearing on and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on May 1, 2002, approving portions and denying a portion [window wells] of a request for approval of alterations to the dwelling located at 300 South Lee Street, zoned RM Residential. APPLICANT: Stephanie Dimond, Architect, APPELLANT: Elizabeth Gibney, Owner.

(A copy of the Board of Architectural Review report is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 38; 6/15/02, and is incorporated as part of this record by reference.

A copy of the appeal dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 38; 6/15/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 38; 6/15/02, and is incorporated herewith as part of this record by reference.)

Mr. Smith, principal staff, Boards of Architectural Review, provided Council with a brief overview of the issue before them.

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

Duncan W. Blair, 524 King Street, attorney representing the appellant, spoke in support of the appeal;

Stephanie Dimond, 6 West Maple Street, representing the appellant, spoke to the design of the window wells and responded to questions asked by Members of City Council;

Elizabeth Gibney, 300 South See Street, spoke in support of the appeal;

Oscar Fitzgerald, 206 West Monroe Avenue, representing the Board of Architectural Review, spoke in support of the Board of Architectural Review's decision and expressed concern about the chipping away of the City's historic fabric;

John Kennahan, 302 South Lee Street, spoke against the appeal and affirmance of the Board of Architectural Review's decision;

John Wilbor, 310 South Lee Street, spoke against the appeal;

Robert Webster, 304 South Lee Street, spoke against the appeal; and

Charles Ablard, 803 Hall Place, representing the Historic Alexandria Foundation, spoke against the appeal and in support of the Board of Architectural Review's decision.

Attorney Blair and Architect Dimond responded to questions asked by Members of Council.

WHEREUPON, upon motion Councilman Speck, seconded by Councilwoman Pepper and carried on a vote of 5-to-0, City Council closed the public hearing and deferred final action to the June 25, 2002 legislative meeting. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (39-49)

Planning Commission (continued)

39. TEXT AMENDMENT #2002-0002 -- 4251 EISENHOWER AV -- CITY RECYCLING CENTER -- Public Hearing and Consideration of an amendment to Section 6-105 of the Zoning Ordinance to allow a recycling center in the POS zone.

COMMISSION ACTION: Deferred 7-0

40. DEVELOPMENT SPECIAL USE PERMIT #2002-0007 -- 4251 EISENHOWER AV -- CITY RECYCLING CENTER -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for a recycling facility; zoned POS/Public Open Space. Applicant: City of Alexandria, Department of Transportation and Environmental Services, by Richard Baier, Director.

COMMISSION ACTION: COMMISSION ACTION: Deferred 7-0

41. MASTER PLAN AMENDMENT #2002-0003 -- 1700 DUKE ST -- Public Hearing and Consideration of a request for amendment to the King Street/Eisenhower Avenue Small Area Plan Chapter of the 1992 Master Plan to change the land use designation of the subject property from office and retail use to residential and retail use. Applicant: JBG Rosenfeld Duke Street, LLC, by Harry P. Hart, attorney.

COMMISSION ACTION: Deferred

42. CDD CONCEPT PLAN #2002-0002 -- 1700 DUKE ST -- Public Hearing and Consideration of a request for approval of a Coordinated Development District (CDD) Concept Plan; zoned CDD-1/Coordinated Development District, Duke Street. Applicant: JBG Rosenfeld Duke Street, LLC, by Harry P. Hart, attorney.

COMMISSION ACTION: Deferred

43. DEVELOPMENT SPECIAL USE PERMIT #2002-0009 -- 1700 DUKE ST -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of a mixed-use retail and residential development project; zoned CDD-1/Coordinated Development District, Duke Street. Applicant: JBG Rosenfeld Duke Street, LLC, by Harry P. Hart, attorney.

COMMISSION ACTION: Deferred

44. SPECIAL USE PERMIT #2002-0047 -- 1700 DUKE ST -- 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 CDD-1/Coordinated Development District, Duke Street. Applicant: JBG Rosenfeld Duke Street, LLC, by Harry P. Hart, attorney.

COMMISSION ACTION: Deferred

45. VACATION #2002-0001 -- 1700 DUKE ST -- Public Hearing and Consideration of a request for vacation of a portion of the public right-of-way located at the southwest corner of Duke Street and Holland Lane; zoned CDD-1/Coordinated Development District, Duke Street. Applicant: JBG Rosenfeld Duke Street, LLC, by Harry P. Hart, attorney.

COMMISSION ACTION: Deferred

46. DEVELOPMENT SPECIAL USE PERMIT #2002-0006 -- 323 S FAIRFAX ST -- OLD PRESBYTERIAN MEETING HOUSE -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct an addition, with modifications, and for reduction of required off-street parking; zoned RM/Residential. Applicant: Old Presbyterian Meeting House, by Duncan W. Blair, attorney.

COMMISSION ACTION: Deferred (Stayed as result of filing of BZA appeal)

47. SPECIAL USE PERMIT #2002-0026 -- 4111 DUKE ST -- DANCING PEPPERS RESTAURANT -- Public Hearing and Consideration of revocation of a special use permit for a restaurant; zoned CC/Commercial Community. Applicant: Grupo Dos Chiles, LLC, by Alfred W. Shriver, III. Staff: Department of Planning and Zoning.

COMMISSION ACTION: Deferred 7-0

48. SPECIAL USE PERMIT #2002-0028 -- 1001 KING ST -- SECOND GENESIS -- Public Hearing and Consideration of a request for a special use permit to add a fourth floor to the existing building for social service use; zoned CD/Commercial Downtown. Applicant Second Genesis, Inc., by William C. Thomas, Jr., attorney.

COMMISSION ACTION: Deferred 7-0

FOR INFORMATIONAL PURPOSES ONLY

49. CHARTER SECTION 9.06, CASE #2002-0001 -- 4480 KING ST -- ALEXANDRIA HEALTH DEPARTMENT -- Consideration of a proposal by the City of Alexandria to acquire property for the use of a public building, pursuant to the provisions of Section 9.06 of the City Charter. Applicant: City of Alexandria, Department of General Services, by Edward Mandley, Director.

COMMISSION ACTION: Approved 7-0

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the deferrals.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried on a vote of 5-to-0, at 7:50 p.m., the Public Hearing Meeting of Saturday, June 15, 2002, was adjourned. The voting was as follows:

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

* * * * *

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Beverly I. Jett, CMC

City Clerk