

3A  
10-8-02

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Public Hearing Meeting  
Saturday, September 14, 2002 - - 9:30 a.m.**

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

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Mr. Baier, Director of Transportation and Environmental Services; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Davis, Director of Housing; Mr. Eiffert, Deputy Director of Housing; Code Enforcement Director Dahlberg; Deputy Directors of Transportation and Environmental Services McCobb and Culpepper; Public Information Officer Gordon; Dr. Claiborn, Director of Mental Health, Mental Retardation and Substance Abuse; Urban Planners Peterson and Farner; Ms. Smith-Page, Director of Real Estate Assessments; Deputy Fire Marshal Hazel; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Mr. Kincannon, Deputy Director of Recreation, Parks and Cultural Activities; Mr. Simmons, Special Assistant, Recreation, Parks and Cultural Activities; Mr. Smith, Boards of Architectural Review staff; and Police Lieutenant Uzzell.

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

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**OPENING**

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

2. Public Discussion Period.

(a) Bert Ely, 200 South Pitt Street, urged Council to reconsider its support of the one-half cent sales-tax referendum that will be on the ballot on November 5.

(A copy of Mr. Ely's statement dated September 14, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(a); 9/14/02, and is incorporated herewith as part of this record by reference.)

(b) Judy McVay, 207 North Columbus Street, representing the Coalition for a Sensible Bridge, indicated that the Coalition is still very much concerned with the situation at Hunting Towers and Hunting Terrace complexes and preservation of affordable housing. She spoke to its earlier request that Council form a task force which would begin discussions with VDOT in an effort to get historic easements on the buildings that will remain after the Wilson Bridge construction is finished. Ms. McVay requested the Council to form a task force with representation from the Alexandria Historical Restoration and Preservation Commission, the Historic Alexandria Foundation, the Hunting Towers/Hunting Terrace Residents' Association, the Coalition for a Sensible Bridge, and representation from the Alexandria Commission on Persons with Disabilities.

**WHEREUPON**, a motion was made by Vice Mayor Cleveland and seconded by Councilwoman Woodson, to establish a task force as outlined by Ms. McVay.

Members of Council, City Manager Sunderland and Ms. McVay participated in a discussion on this item.

Mayor Donley suggested that if preservation of affordable housing at the Hunting Towers/Hunting Terrace site is the goal, potentially one vehicle may be an historic easement. He indicated that there may be another way to achieve that goal. He requested a report from staff, including the Office of Historic Alexandria, about what would be the potential best process for Council to follow. Once the Council gets more information, if a task force is what is suggested, then Council will appoint a task force.

Councilman Euille noted that the Woodrow Wilson Bridge Task Force will be adding this as one of the items for the task force on which to continue to focus and work.

**WHEREUPON**, a substitute motion was made by Councilman Speck, seconded by Councilwoman Woodson, that Council pursue the Mayor's suggestion of asking staff to flesh this out and come back to Council with recommendations for action and timing.

**THEREUPON**, Mayor Donley stated that the first question before the Council is whether to consider the substitute motion. The voting was as follows:

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

**WHEREUPON**, the substitute motion is now on the floor for consideration, which substitute motion was made by Councilman Speck, seconded by Councilwoman Woodson and carried unanimously, Council pursued the Mayor's suggestion of asking staff to flesh this out and come back to Council with recommendations for action and timing. The voting was as follows:

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

(c) Judy W. Evans, 5380-A Eisenhower Avenue, representing Suburban Printing Service, Inc., spoke to the economic injury to Alexandria businesses since 9/11. She requested an emergency business tax relief program for qualified businesses. She asked the City to grant relief of the business property tax for a period of three years for businesses who have met the stringent requirements in order to obtain a disaster loan from the SBA.

Mayor Donley spoke to Ms. Evans' request, regarding those businesses which received Federal disaster loans, that the City grant some type of exemption. Mayor Donley stated that there are two questions, i.e., (1) whether we have the authority to do so; and (2) what the fiscal impact would be. He asked the City Manager to provide the Council with a report to address those particular questions and any other issues that he feels is information that the Council needs to know, and then the Council can make a decision. Mayor Donley noted that Council is constrained in the authority that is granted the City by the General Assembly and may not, in fact, have that kind of authority. He also requested staff to provide some information to Ms. Evans so that she knows the status of her request.

(d) Dorothy White, 606 South Payne Street, asked that the 600 block of South Payne Street be removed from the residential parking permit district since there is no longer construction going on in that block. She noted that she has a petition and that the majority of residents in that block are in agreement that they do not need the parking permits.

Transportation and Environmental Services Deputy Director McCobb explained that all that staff needs is a petition from the homeowners living on the block which would then be presented to the Traffic and Parking Board. He said if it is received soon, staff could try to get it on the October docket of the Traffic and Parking Board.

Mayor Donley requested that Ms. White provide Mr. McCobb with the petition that she has.

(e) Peter Freeman, 619 Upland Place, asked that the volleyball court at Windmill Hill Park remain in its current location.

(f) Kammy Knox, 2003 Mill Road, police officer, spoke regarding the Eisenhower Connector and indicated that an additional road is needed. She stressed that it is very important that there be another access to this area as it is too dangerous otherwise for public safety reasons.

Councilwoman Pepper noted that what she is going to suggest at some point after the whole issue of the major connector is settled, she thinks that we need to take a look at some kind of emergency route for the police and possibly for the fire. She indicated that is a separate issue and is a valid point.

Mayor Donley stated that it is a very important point and thanked Kammy for bringing it up because it gets lost in a lot of the other debate and issues that are going on about the connector. Public safety is part of our evaluation criteria and will remain a part of our evaluation criteria at the task force level. He thanked Officer Knox for bringing it to the attention of the Members of Council who do not serve on the task force.

(g) Barry Schiftic, 1301 Hancock Avenue, reiterated what Officer Knox said regarding the need for an Eisenhower Connector. He indicated that access to the valley is becoming more and more difficult for the police to get in and out of the valley, and the need for a connector is crucial. Officers are hampered by the congestion in getting to scenes in critical situations. Police response time is important and if you cannot get through, it is hurting the public safety of our citizens.

(h) Converse M. West, 200 North Pickett Street, #704, a member of the Ad Hoc Eisenhower-to-Duke Street Connector Task Force, spoke to a recent article in the *Gazette-Packet* newspaper. He explained that he was assured that there would be no vote taken at the meeting that he had to miss. He noted that he had received regular updates while out of town from T&ES, and feels that he is qualified to participate even though he missed a meeting. Mr. West indicated that the article had mentioned that there was a vote on the process of deliberation that was 7-to-6 in favor of emphasizing apparently a no-build solution. He wanted to state that he certainly would have voted against that from what he read. He stated that it looks like the task force is going to end up being pretty well polarized with a 7-to-7 split on the build or no-build, and therefore, the City Council is going to end up having to go through this process all over again and make the very serious decision as to whether or not to build a connector road. Mr. West is firmly in favor of connecting the two ends of the City. He noted that we now have an unprecedented opportunity to have the State participate in paying for a connector road, but ten years down the road after we decline the opportunity to have the State participate, we might have to end up paying for our own road. Mr. West indicated that at Wednesday's meeting of the task force he will present some proposals.

Mayor Donley and Councilwoman Pepper spoke to the task force's action.

(A copy of Mr. Baier's memorandum dated September 17, 2002, together with VDOT's letter dated September 12, 2002, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 2(h); 9/14/02, and is incorporated herewith as part of this record by reference.)

(i) Jonathan Wilbor, 310 South Lee Street, representing the Old Town Civic Association, requested a moratorium on spending any public funds on improvements to Windmill Hill Park until Council has a public hearing on the issue of the relocation of the dog park and the volleyball courts.

(j) George Foote, 910 Vicar Lane, member, Eisenhower-to-Duke Street Connector Task Force, clarified a recent news article in the *Gazette-Packet* relating to the September 4 vote of the task force. He understands that the factual information regarding supposed agreements on voting was upon the basis of inaccurate information and will be corrected by the newspaper in its next edition. Mr. Foote stated that the process that he thinks the task force has adopted and hopes it will follow on September 18, when it votes, will follow to the letter the three dictates that are in section 5 of Council's resolution of April 23. He indicated the task force will use objective criteria, generate a no-build alternative, and determine its two top build alternatives. The process is moving forward and is going forward in good faith. He appreciates the chance to participate in this conversation about traffic, neighborhoods, congestion and growth in the City.

At this point, Councilwoman Eberwein addressed a recent letter to the editor that appeared in the *Alexandria Gazette Packet* from a Jim Roberts. Ms. Eberwein wanted to set the record straight that she has never advocated turning Duke Street into eight lanes, and she is sure no one in this City has ever advocated that, contrary to what the

letter said. She hopes that people consider some of the things that are in print because it is hard to dispute them, but at the same time, sometimes they are just totally inaccurate. Ms. Eberwein stated that as far as she knew, there is no discussion to doing anything to Duke Street except to make some additional traffic improvements to it. She hopes that no one thinks she ever made that kind of statement.

Mayor Donley noted that one of the other aspects is the factual accuracy of some of the information that is being disseminated by some of the citizen groups, i.e., there was one statement portraying the connector as a six-lane road, and that's incorrect. Mayor Donley conveyed to Mr. Foote that it is also important that he carries that message back to some of the civic associations that he is representing on the task force because there is and have been a number of misstatements of fact about what is actually before us.

(k) David Fromm, 2307 East Randolph Avenue, spoke to the planning process in the City.

(l) David Kaszowicz, 911 Green Street, #2, representing the Alexandria Commission on Persons with Disabilities, spoke in support of the preservation of affordable housing at Hunting Towers and Hunting Terrace.

(m) Julie Crenshaw, 816 Queen Street, spoke to the comments being made regarding the connector task force.

(n) Dick Hobson, 99 North Quaker Lane, spoke to task force procedures, and the members should feel free to adopt their views of how decisions should be made and not feel bound that they must adopt a consultant's recommendation. He spoke to the history of the Bluestone connector issue.

(o) Tom Parry, 317 Skyhill Road, spoke to the process and criteria of the Eisenhower-to-Duke Street Connector Task Force.

Councilman Euille announced that Council will receive the Task Force report on Tuesday, October 8, 2002; have a work session at 5:30 p.m. on Wednesday, October 23, 2002; public hearing on the Task Force report on Tuesday, October 29, 2002, at 7:00 p.m. in the Council Chamber; and consideration on Tuesday, November 12, 2002.

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**New Business Item No. 1:** Councilman Speck noted that Council gathered earlier this morning to celebrate the disappearance of the Datatel building. He suggested that Council discuss what, if anything, it might want to initiate or discuss that will help to improve that area on an interim basis.

City Manager Sunderland reported that staff will be coming forward with a report on the work of Phase II of the Upper Potomac West Work Group Task Force, and will have a work session probably in early November on where we're going. It tells you what we're going to recommend in the short term, medium term and long term.

Councilman Speck noted that the reason he brought this up is that he thinks the Datatel demolition in part, staff did some great work here, but one of the things that Council did was use its role effectively of aggressively putting this out front to get it done. To the extent that we, as a Council, can continue to take that leadership role, use us in that capacity of continuing to aggressively look to initiate things that can improve that property. We need to keep the pressure on in improving the area.

## REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

### ACTION CONSENT CALENDAR (3-10)

#### Planning Commission

**Without objection, City Council removed docket item nos. 4 and 9 from the Action Consent Calendar and considered them under separate motions.**

3. SPECIAL USE PERMIT #2002-0056 -- 1001 BERNARD ST -- Public Hearing and Consideration of a request for a special use permit for a temporary trailer for office use; zoned CSL/Commercial Service Low. Applicant: Madison Homes, Inc., by Greg Poulson.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 9/14/02, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2002-0055 -- 2101 MT VERNON AV -- Public Hearing and Consideration of a request for a special use permit for a health and wellness facility (massage establishment); zoned CL/Commercial Low. Applicant: Maryellen M. Thorp.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 9/14/02, and is incorporated herewith as part of this record by reference.)

6. SPECIAL USE PERMIT #2002-0058 -- 3856 MT VERNON AV -- LA FERIA DEL PESCADO -- Public Hearing and Consideration of a request for a special use permit for expansion of a restaurant; zoned CL/Commercial Low. Applicant: Julio Irazabal, by Fernando Irazabal.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 9/14/02, and is incorporated herewith as part of this record by reference.)

7. SPECIAL USE PERMIT #2002-0067 -- 1104 QUEEN ST -- Public Hearing and Consideration of a request for a special use permit for limited delivery service and to change the hours of operation of a restaurant; zoned CD/Commercial Downtown. Applicant: Qi Lin and Dao Shu Lin, by Peter Cheng.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 9/14/02, and is incorporated herewith as part of this record by reference.)

8. DEVELOPMENT SPECIAL USE PERMIT #2002-0016 -- 2001 MILL RD -- PUBLIC SAFETY CENTER -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct an accessory building with parking lot expansion; zoned OCM-100/Office Commercial Medium. Applicant: City of Alexandria, Department of General Services, Pete Geiling, Deputy Director.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 9/14/02, and is incorporated herewith as part of this record by reference.)

10. SPECIAL USE PERMIT #2002-0008 -- 900 VIRGINIA AV -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a nursing home; zoned R-8/Residential. Applicant: HR Acquisition 1 Corporation and Capstone Capital Corporation, by Donald L. Husi, and John McGranahan, attorney.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 9/14/02, and is incorporated herewith as part of this record by reference.)

A copy of an e-mail from John Rice dated September 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 9/14/02, and is incorporated herewith as part of this record by reference.)

#### **END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council approved the Action Consent Calendar as presented with the exception of docket item nos. 4 and 9 which were considered under separate motions. The action of City Council follows:

3. City Council approved the Planning Commission recommendation.
5. Councilman Speck requested staff to correct language in condition #3 to make it consistent with all our language regarding parking.

City Council approved the Planning Commission recommendation.

6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation.

10. Councilman Speck noted condition #29 where it goes into some detailed language about employee training sessions. He was impressed with the way they have laid out some of the importance of educating the people that work there on the conditions and the significance of those conditions to the neighborhood and recognizing that this is a particularly important use. It's one with a long record of existence in that residential neighborhood. He thinks that some of the intent of that could easily be incorporated into a lot of our other special use permits, and he wanted to note that and ask if that is something that we can look at for other ones. It makes a lot of sense.

Planning and Zoning Deputy Director Ross stated that the language of that particular condition was worked out by the applicant, the North Ridge Civic Association, individual neighbors and staff. She agreed with Councilman Speck and thinks it's good. She thinks that staff can take the flavor and intent of it, capsulize it, and use it in other reports.

Councilman Speck thought it was good staff work and something it can discuss with Planning Commission to include with some of the applications received for restaurants, for example.

City Council approved the Planning Commission recommendation.

**END OF ACTION CONSENT CALENDAR**

The voting was as follows:

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

4. SPECIAL USE PERMIT #2002-0057 -- 4513 DUKE ST -- FOXCHASE CENTER -- Public Hearing and Consideration of a request for a special use permit for a dance studio (commercial school); zoned CG/Commercial General. Applicant: Mammoth, Inc., by Jung H. Oh.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 9/14/02, and is incorporated herewith as part of this record by reference.)

Mayor Donley questioned the applicant about the rationale for the 2 a.m. closing hour.



**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, **and amended condition #4 to read as follows: "4. The dance studio shall not be open prior to 11:00 a.m. daily. On Sunday through Thursday, the dance studio shall close by 11:30 p.m. On Friday and Saturday, the dance studio shall close no later than 1:00 a.m. The dance studio shall close no later than 1:00 a.m. on holidays and special events (limited to five occasions every year).** The voting was as follows:

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

9. VACATION #2002-0002 -- 1202 S WASHINGTON ST & SOUTH ST -- Public Hearing and Consideration of a request for vacation of the City's public right-of-way easement for South Street to accommodate the proposed widening of Interstate 95; zoned RC/Residential. Applicant: Virginia Department of Transportation, by Ronaldo T. Nicholson, and appointment of viewers for same.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 9/14/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille commented that St. Mary's School and VDOT have had discussions underway for more than a year now in terms of reaching a negotiated settlement on the impacts of the Woodrow Wilson Bridge project on the school. He understands that those discussions have somehow gotten off track. Mr. Euille encouraged the City staff to do whatever it can to assist both parties to getting back to the table and hopefully seeking some type of reasonable solution to their discussions. The closing of this street will certainly have an impact not only on the entire neighborhood, but also St. Mary's School.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation and authorized the appointment of viewers. Judy Lowe, chair, and Lee Roy Steele and Bill Brandon were appointed as viewers. The voting was as follows:

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

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

**Planning Commission (continued)**

Without objection, City Council considered docket item nos. 31 and 32 at this time.

**Board of Architecture Review  
Old and Historic Alexandria District**

31. [CASE BAR-2002-0113] -- 721 South Fairfax Street -- Public Hearing on and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on June 19, 2002, granting a request for approval of a permit to demolish a brick wall located at 721 South Fairfax Street, Zoned RM Residential. APPLICANT: Jerry L. Chambers. APPELLANTS: Susan B. and Bernard K. Kellom on behalf of petitioners.

32. [CASE BAR-2002-0114] -- 721 South Fairfax Street -- Public Hearing on and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on June 19, 2002, granting a request for approval of a fence to be located at 721 South Fairfax Street, Zoned RM Residential. APPLICANT: Jerry L. Chambers. APPELLANTS: Susan B. and Bernard K. Kellom on behalf of petitioners.

(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 Nos. 31 and 32; 9/14/02, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated June 24, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 31 and 32; 9/14/02, and is incorporated herewith as part of this record by reference.

Communications received from Mr. Chambers are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item Nos. 31 and 32; 9/14/02, and is incorporated herewith as part of this record by reference.

A copy of the Kelloms' lawsuit, filed with the Clerk of Courts September 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item Nos. 31 and 32; 9/14/02, and is incorporated herewith as part of this record by reference.)

City Attorney Pessoa will report back when the status is known.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council deferred this matter at least until there is some resolution on the civil action one way or another before the matter comes back to Council. The voting was as follows:

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

**Planning Commission (continued)**

**Without objection**, City Council considered docket item nos. 11, 12, 13 and 14 together but under separate motions.

11. CDD CONCEPT PLAN #2002-0001 -- 2310 & 2318 MILL RD and 2201 EISENHOWER AV -- MILL RACE -- Public Hearing and Consideration of a request for approval of a Coordinated Development District (CDD) Concept Plan; zoned CDD-2/Coordinated Development District, Eisenhower Avenue. Applicant: TC MidAtlantic, Inc., by Jonathan P. Rak, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 9/14/02, and is incorporated herewith as part of this record by reference.)

12. DEVELOPMENT SPECIAL USE PERMIT #2002-0002 -- 2310-2318 MILL RD -- MILL RACE (office and retail) -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of an office and retail project; zoned CDD-2/Coordinated Development District, Eisenhower Avenue. Applicant: TC MidAtlantic, Inc., by Jonathan P. Rak, attorney.

COMMISSION ACTION: Recommend Approval 7-0

13. DEVELOPMENT SPECIAL USE PERMIT #2002-0003 -- 2201 EISENHOWER AV -- MILL RACE (residential and retail) -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of a residential and retail project; zoned CDD-2/Coordinated Development District, Eisenhower Avenue. Applicant: TC MidAtlantic, Inc., by Jonathan P. Rak, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item Nos. 12 and 13; 9/14/02, and is incorporated herewith as part of this record by reference.)

14. SPECIAL USE PERMIT #2002-0003 -- 2201 EISENHOWER AV and MILL RD -- MILL RACE -- Public Hearing and Consideration of a request for a special use permit for a transportation management plan (TMP); zoned CDD-2/Coordinated Development District, Eisenhower Avenue. Applicant: Trammell Crow Company, by Jonathan P. Rak, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 9/14/02, and is incorporated herewith as part of this record by reference.)

A copy of the PowerPoint presentation for this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 11-14; 9/14/02, 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 Nos. 11-14; 9/14/02, and is incorporated herewith as part of this record by reference.)

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

Planning and Zoning Director Fogarty provided Council with a PowerPoint presentation on these items and responded to questions from Council;

Jonathan Rak, 1750 Tysons Boulevard, McLean, VA, attorney representing the applicant, spoke in support of these applications, made a presentation and responded to questions posed to him by Members of City Council;

Katy Cannaday, 20 East Oak Street, spoke; a copy of Ms. Cannady's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item;

Sharon Hodges, 2121 Eisenhower Avenue, Suite 200, representing the Eisenhower Partnership, spoke in support;

Alan Rudd, 2121 Jamieson Avenue, representing the Carlyle Eisenhower Civic Association, spoke in support and with the Carlyle Design Review Board review and approval;

Pat Rudd, 2121 Jamieson Avenue, representing the Carlyle Eisenhower Civic Association, spoke in support and with the Carlyle Design Review Board review and approval;

Bill Cusamo, 2121 Jamieson Avenue, representing the Carlyle Eisenhower Civic Association, spoke in support and addressed short-term public parking;

Julie Crenshaw, 816 Queen Street, spoke to parking and telecommuting;

Poul Hertel, 1217 Michigan Court, spoke in support and with the Carlyle Design Review Board review and approval;

Steve Cloud, 399 Tennessee Avenue, representing Eisenhower Partnership, spoke in support;

Bill Harvey, 2151 Jamieson Avenue, #1809, spoke in support and with the Carlyle Design Review Board review and approval; and

Tom Parry, 317 Skyhill Road, spoke to parking.

The public hearing was concluded.

There was Council and staff discussion on these items.

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

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

12. **THEREUPON**, a motion was made by Councilman Euille, seconded by Councilwoman Eberwein that City Council approve the Planning Commission recommendation with the following amendments: **amend condition #3 to read as follows: "3. The applicant shall contribute \$160,000 in 2002 dollars (adjusted per the CPI) to the Eisenhower East Open Space Fund. The contribution shall be paid prior to the issuance of the first final site plan for the project.";** amend condition #6 and #7 by changing the last sentence in the first paragraphs of each condition to read as follows: "The final design and details of the building shall also be subject to review and comment by the Carlyle Design Review Board."; amend condition #28(e), by deleting 28(e) by the Planning Commission in its entirety, and replace it with the following language: "28(e). That the 372 office parking spaces should afford a flexibility to allow for additional short-term public parking spaces as necessary with approval of the Planning and Zoning Director and in agreement with the developer"; amend condition #43 by adding the following sentence to the end of condition #43: "The Director of T&ES may approve an alternate construction phasing plan to permit the office building to proceed without the construction of the HRTS realignment if the applicant demonstrates to the Director's satisfaction that sewer construction will be coordinated with the construction of the third westbound lane on Eisenhower Avenue and that the construction will coincide with the realignment across the Hoffman Town Center property."; and amend condition #64 to read: "64. The 13 affordable set-aside sales units (seven one-bedrooms priced at \$158,200 and six two-bedrooms priced at \$210,000) shall be made affordable to households with at least one member that lives or works in the City of Alexandria and with incomes not exceeding the City's income guidelines for discounted sales units, subject to the following:..... (d) Whatever incentives are offered to any potential homebuyers will also be offered to households that meet the City's income guidelines. (e) The long-term affordability of the discounted sales units shall be provided through deed restrictions in accordance with the set-aside resale procedures outlined in the attached memorandum (Attachment II), modified to replace all references to VHDA income limits with City income limits....."

There was Council discussion on the motion with staff participating and responding to questions.

**WHEREUPON**, Councilman Speck offered an amendment to the motion to restore the original language of condition #3, which restores the contribution to \$325,000; which motion to amend DIED for lack of a second.

Councilman Speck noted that the description of the TMP was a very good model for the kinds of practical and procedural and programmatic things that Council talks about as wanting to see developed in a TMP. He commended everyone who was involved in this.

There was further discussion on the motion.

**THEREUPON**, a motion to amend the motion on the floor was made by Councilwoman Pepper and seconded by Vice Mayor Cleveland to restore conditions #6 and #7, to the language that was reported out of the Planning Commission so that the Carlyle Design and Review Board will review and approve; which motion FAILED on a vote of 2-to-5. The voting was as follows:

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

Members of Council, Planning and Zoning Director Fogarty and Attorney Rak participated in a discussion regarding the role of the Carlyle Design and Review Board.

**WHEREUPON**, Council returned to the main motion, as amended, which motion was made by Councilman Euille, seconded by Councilwoman Eberwein and carried on a vote of 6-to-1, City Council approved the Planning Commission recommendation with the following amendments: **amended condition #3 to read as follows: "3. The applicant shall contribute \$160,000 in 2002 dollars (adjusted per the CPI) to the Eisenhower East Open Space Fund. The contribution shall be paid prior to the issuance of the first final site plan for the project.";** amended condition #6 and #7 by changing the last sentence in the first paragraphs of each condition to read as follows: "The final design and details of the building shall also be subject to review and comment by the Carlyle Design Review Board."; amended condition #28(e), by deleting 28(e) by the Planning Commission in its entirety, and replaced it with the following language: "28(e). That the 372 office parking spaces should afford a flexibility to allow for additional short-term public parking spaces as necessary with approval of the Planning and Zoning Director and in agreement with the developer"; amended condition #43 by adding the following sentence to the end of condition #43: "The Director of T&ES may approve an alternate construction phasing plan to permit the office building to proceed without the construction of the HRTS realignment if the applicant demonstrates to the Director's satisfaction that sewer construction will be coordinated with the construction of the third westbound lane on Eisenhower Avenue and that the construction will coincide with the realignment across the Hoffman Town Center property."; and amended condition #64 to read: "64. The 13 affordable set-aside sales units (seven one-bedrooms priced at \$158,200 and six two-bedrooms priced at \$210,000) shall be made affordable to households with at least one member that lives or works in the City of Alexandria and with incomes not exceeding the City's income guidelines for discounted sales units, subject to the following:..... (d) Whatever incentives are offered to any potential homebuyers will also be offered to households that meet the City's income guidelines. (e) The long-term affordability of the discounted sales units shall be provided through deed restrictions in accordance with the set-aside resale procedures outlined in the attached memorandum (Attachment II), modified to replace all references to VHDA income limits with City income limits....."

The voting was as follows:

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

13. **THEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation **with the same amendments to the conditions as in the previous item**. The voting was as follows:

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

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

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

**Without objection**, at 1:30 p.m., City Council broke for lunch.

At 2:00 p.m., City Council reconvened the meeting.

**Without objection**, City Council considered docket item nos. 15, 16, 17, 18, 19 and 20 together but under separate motions.

15. **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:** Approved 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 9/14/02, and is incorporated herewith as part of this record by reference.)

16. **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:** Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 9/14/02, and is incorporated herewith as part of this record by reference.)

17. 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: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 9/14/02, and is incorporated herewith as part of this record by reference.)

18. 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: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 9/14/02, and is incorporated herewith as part of this record by reference.)

19. 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, and appointment of viewers for same.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 9/14/02, and is incorporated herewith as part of this record by reference.)

A copy of Mr. Hart's letter dated September 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 15-19; 9/14/02, and is incorporated herewith as part of this record by reference.

A copy of Ms. Smith-Page's memorandum dated September 10, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 19; 9/14/02, and is incorporated herewith as part of this record by reference.)

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

Harry P. Hart, 307 North Washington Street, attorney for the applicant, presented the application and spoke to requested amendments to conditions;

Members of Council participated in a discussion with Attorney Hart and Planning and Zoning Deputy Director Ross.

Alan Rudd, 2121 Jamieson Avenue, representing Carlyle Eisenhower Civic Association, spoke in support of this project with comment and approval from the Carlyle Design Review Board;



Poul Hertel, 1217 Michigan Court, spoke in support, with comment and approval from the Carlyle Design Review Board, urged Council to look into how to set the numbers for payment in lieu of open space, and addressed traffic circulation; and

Julie Crenshaw, 816 Queen Street, welcomed this project and spoke to the mass of the building and suggested that landscaping be added between the sidewalk and the building.

The public hearing was concluded.

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

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

16. **THEREUPON**, a motion was made by Councilwoman Pepper, seconded by Vice Mayor Cleveland, that City Council approve the Planning Commission recommendation, and amended condition #3 to read: **"3. The proposed development shall comply with the Carlyle Design guidelines, streetscape guidelines and the building shall be reviewed and approved by the Carlyle Design Review Board and such approval process shall be completed by October 4, or as soon thereafter as possible."**

There was Council discussion on the motion.

**WHEREUPON**, a motion to amend the main motion was made by Councilman Speck to amend condition #3 that would change the language to comment and review by the Carlyle Design Review Board; which motion DIED for lack of a second.

**THEREUPON**, a motion to amend the main motion was made by Councilwoman Eberwein, seconded by Councilman Euille and carried on a vote of 6-to-1, to include the language in condition #3 as follows: **"and such approval process shall be completed by October 4, if not completed by then, it shall be done to the satisfaction of the Director of Planning and Zoning."** The voting was as follows:

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

**WHEREUPON**, Council returned to the main motion, as amended, which motion was made by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation, and amended condition #3 to read: **"3. The proposed development shall comply with the Carlyle Design guidelines, streetscape guidelines and the building shall be reviewed and approved by the Carlyle Design Review Board and such approval process shall be completed by October 4, if not completed by then, it shall be done to the satisfaction of the Director of Planning and Zoning."** The voting was as follows:

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

17. Councilwoman Woodson spoke to attachment 1, a schematic of the proposed structure which staff provided to Council today. Urban Planner Farnier explained that there was some question by some Council Members as to what attachment 1 would be for the entire building, so we've included it for clarification purposes as part of the record.

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilwoman Woodson and carried unanimously, City Council approved the Planning Commission recommendation **with the modification to condition #2 as reflected in the previous motion which shall read: "2. The proposed development shall comply with the Carlyle Design guidelines, streetscape guidelines and the building shall be reviewed and approved by the Carlyle Design Review Board and such approval process shall be completed by October 4, if not completed by then, it shall be done to the satisfaction of the Director of Planning and Zoning."**; and incorporated the rest of the amendments that are in the letter dated September 13, 2002, from Harry P. Hart, Attorney. The voting was as follows:

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

Councilman Speck indicated that he didn't get a chance to offer an amendment and would like to amend condition #84, and speak to the open space condition.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council reconsidered the motion. The voting was as follows:

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

Councilman Speck requested a friendly amendment to condition #84 to read: **"84. Controlled access shall be provided to the underground parking. All ceilings and walls in the garages are to be painted white or to the satisfaction of the Police Chief."**; which amendment was accepted by the maker and seconder of the original motion.

Councilman Speck asked, with respect to the open space condition, if an East Eisenhower Open Space Fund has been formally created? Planning and Zoning Deputy Director Ross responded that Mr. Speck is correct in that no such fund has been created yet, but staff intends to create it. Councilman Speck asked Ms. Ross if the intent is when open space monies for the Eisenhower East area are collected, are they going to stay in the Eisenhower East area? Ms. Ross responded in the affirmative.

Whereupon, Council returned to the main motion, as amended, which now reads as follows:

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilwoman Woodson and carried unanimously, City Council approved the Planning Commission recommendation **with the modification to condition #2 as reflected in the previous motion which shall read: "2. The proposed development shall comply with the Carlyle Design guidelines, streetscape guidelines and the building shall be reviewed and approved by the Carlyle Design Review Board and such approval process shall be completed by October 4, if not completed by then, it shall be done to the satisfaction of the Director of Planning and Zoning."**; and incorporated the rest of the amendments that are in the letter dated September 13, 2002, from Harry P. Hart, Attorney, and amended condition #84, to read as follows: **"84. Controlled access shall be provided to the underground parking. All ceilings and walls in the garages are to be painted white or to the satisfaction of the Police Chief."** The voting was as follows:

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

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

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

19. **WHEREUPON**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation **and incorporated the change to condition #1 in the letter from Mr. Hart dated September 13, 2002, which condition #1 now reads as follows: "1. The applicant shall pay fair market value as determined by the Department of Real Estate Assessments, offset by the cost of undergrounding the Dominion Virginia Power equipment located in the intersection of Duke Street and Holland Lane, not to exceed the fair market value. The cost of the undergrounding shall be verified by the Director of T&ES. The applicant shall be responsible for performing the work and for payment of the difference between the fair market value and the cost of undergrounding of the power equipment. The payment shall be made prior to the issuance of the first Certificate of Occupancy."**; and authorized the appointment of viewers. Paul Smedberg, chair, Rodger Digilio, and Libby Cooperman were appointed as viewers.

The voting was as follows:

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

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

20. Public Hearing and Consideration of Renewal of Law Enforcement Block Grant Program for FY 2003. (#9 9/10/02)

(A copy of the City Manager's memorandum dated September 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 9/14/02, 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.

**WHEREUPON**, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried unanimously, City Council closed the public hearing and (1) approved the submission of the City's on-line grant application, in the amount of \$120,881, of which 90 percent, or \$108,793, will be federal funds, and 10 percent, or \$12,088, will be provided from the FY 2003 Police Department operating budget for the local match; and (2) authorized the City Manager to execute any documents that may be required to receive the grant and release the grant funds to the City for expenditure. The voting was as follows:

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

21. Public Hearing and Consideration of Report on the Community Partnership Fund for Human Services Recommended Priorities for the FY 2004 Competitive Grant Cycle. (#12 9/10/02)

(A copy of the City Manager's memorandum dated September 5, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 9/14/02, and is incorporated herewith as part of this record by reference.)

A copy of the City Manager's memorandum dated September 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 9/14/02, and is incorporated herewith as part of this record by reference.)

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

Aaron Spevacek, 2210 Mount Vernon Avenue, representing the Alexandria Volunteer Bureau, endorsed the proposal put forward by the Coalition for Nonprofits and highlighted the benefits of volunteerism; and

Michael Cooper, 3100 Clarendon Boulevard, Arlington, VA, representing the Endependence Center of Northern Virginia and serving Alexandrians with disabilities, spoke in support with the suggestion to include training on Section 504 of the Rehabilitation Act.

The public hearing was closed.

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously, City Council approved the report and recommendations of the City Manager, approved the following additional recommendation reflected in the memorandum dated September 13, 2002, that an Americans with Disabilities Act (ADA) training initiative be incorporated into the FY 2004 priorities for the Community Partnership Fund, and added training on Section 504 of the Rehabilitation Act as suggested by speaker Cooper. The voting was as follows:

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

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

### **Planning Commission (continued)**

**Without objection**, City Council considered docket item nos. 22 and 23 together but under separate motions.

22. 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: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 9/14/02, and is incorporated herewith as part of this record by reference.)

23. 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: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 9/14/02, and is incorporated herewith as part of this record by reference.)

A copy of a PowerPoint file is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23; 9/14/02, and is incorporated herewith as part of this record by reference.)

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

Kenyon Larsen, 107 West Howell Avenue, representing the Alexandria Environmental Policy Commission, spoke in support of these items.

Deputy Director of Transportation and Environmental Services McCobb and Deputy Director of Planning and Zoning Ross responded to queries by Members of City Council.

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

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

23. **THEREUPON**, upon motion by Councilman Speck, seconded by Councilwoman Eberwein and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

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

24. **ENCROACHMENT #2002-0002 -- 300 S LEE ST -- Public Hearing and Consideration of a request for encroachment into the public right-of-way for construction of two window wells and a front stoop; zoned RM/Residential. Applicant: Brian and Elizabeth Gibney, by Stephanie Dimond.**

**COMMISSION ACTION:** Recommend Approval 5-2

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 9/14/02, and is incorporated herewith as part of this record by reference.)

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

John Kennahan, 302 South Lee Street, spoke against this request for encroachment and requested a deferral for further study by Planning and Zoning and until the conditions agreed to by the applicant on June 25, 2002, have been addressed and fulfilled;

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

Stephanie Dimond, 6 West Maple Street, architect for the applicant, was available for questions of Council.

Councilman Speck asked Attorney Blair what if any work is done that should, in any way, damage adjacent property, what is his response? Mr. Blair responded that insurance will be provided, a bond will be provided, and the building code provides that access to the property is given, and the owner is responsible for damage caused by the activities.

Councilman Speck asked when the applicant has detailed plans, drawings, etc., do you intend to share them? Attorney Blair responded in the affirmative.

Mayor Donley stated that Mr. Blair has made the representations, as he has in the past, regarding the bond and any damage done to adjoining properties.

Attorney Blair stated that they will be done prior to the issuance of the building permit and in a timely manner.

**WHEREUPON**, upon motion by Councilman Speck, 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:

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

25. SPECIAL USE PERMIT #2002-0070 -- 3360 DUKE ST - LUCKETT PARK SKATEPARK -- Public Hearing and Consideration of a request for a special use permit to provide a skatepark (public park); zoned POS/Public Open Space. Applicant: City of Alexandria, Department of Recreation, Parks and Cultural Activities, by Sandra Whitmore, Director.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 9/14/02, and is incorporated herewith as part of this record by reference.

A copy of Ms. Whitmore's memorandum dated September 9, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25; 9/14/02, and is incorporated herewith as part of this record by reference.

A copy of a communication regarding the Quaker Village concerns about the skatepark is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 25; 9/14/02, and is incorporated herewith as part of this record by reference.)

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

Kathryn Bachman, 31 Arell Court, spoke to the process and against this location for a skatepark;

Jack Taylor, 8750 Jefferson Davis Highway, spoke in support;

Thomas F. McCarsky, 31 Arell Court, spoke against this location for a skatepark and expressed concern about noise;

Daniel O'Guillory, 307 Cambridge Road, spoke in support;

Carlton Dunbar, 51 Arell Court, spoke against this location for a skatepark and addressed concerns about safety;

Chris Carrigan, 1408 Crestwood Drive, spoke in support;

Diane Kain, 12 Arell Court, representing the Quaker Village Homeowner's Association, spoke against this location for a skatepark and expressed concerns about safety due to the amount of traffic in this area;

Richard Kain, 12 Arell Court, president, Quaker Village Homeowner's Association, objected to the process and use of tax dollars for a skatepark, expressed concern about increased noise, does not want to see lighting on this site, and it should be locked at dark;

Jonathan Freeman, 619 Upland Place, spoke in support;

Robert Haines, 23 Arell Court, spoke against this location for a skatepark and to safety issues;

David Jones, Jr., 9 East Oak Street, spoke in support;

Dick Hobson, 99 North Quaker Lane, reinforced the need for a pedestrian crosswalk and suggested some type of landscape screening on top of the berm;

Connie Eisaman, 3 Arell Court, spoke against this location for a skatepark;

Carol Freeman, 619 Upland Place, spoke in support;

Judy Noritake, 605 Prince Street, spoke in support; and

Wayne Hulehan, 809 South Overlook Drive, spoke in support.

The public hearing was concluded.

Members of City Council participated in a discussion on this item. There was considerable discussion with respect to the meaning of "dark."

City Attorney Pessoa suggested the following language for condition #4: **"4. The park shall be closed, locked and secured between sunset and 9 a.m. as posted by the Director of Recreation, Parks and Cultural Activities."**

City Attorney Pessoa explained that would give the Director of Recreation, Parks and Cultural Activities Whitmore the direction that it would never be opened before 9 a.m., which takes care of the neighbors' concerns, and it would give her the direction to post the sign whether it's by three months, two months or whatever the periods are when sunset is to approximate the closing of the park. He indicated that he does have a concern as this park is not designed to be used in the dark. It would be a problem if we would allow people to use it in the dark. We do have to make sure that it is not accessible after dark. That condition would give her sufficient direction.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council approved the Planning Commission recommendation, **amended condition #4 to read: "4. The park shall be closed, locked and secured between sunset and 9 a.m. as posted by the Director of Recreation, Parks and Cultural Activities."**; and requested staff to address the issue of the pedestrian crossing, not only the time-activated pedestrian lights at Arell/Wheeler and Duke/Quaker, but also the need for a differentiated strip of brick or whatever material decided upon by the Director of Transportation and Environmental Services. The voting was as follows:

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



26. SPECIAL USE PERMIT #2002-0069 -- 4480 KING ST -- CLUBHOUSE  
Public Hearing and Consideration of a request for a special use permit for a social service use; zoned OCM/Office Commercial Medium. Applicant: Alexandria Community Services Board, by William L. Claiborn, Ph.D.

COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 9/14/02, and is incorporated herewith as part of this record by reference.)

The following persons in support of this item chose not to speak:

Phillip Bradbury, 1250 South Washington Street, #805, Community Services Board chair;  
Hunter Alexander, 4520 King Street, #404;  
John Wanzer, 900 Wolfe Street; and  
Carol Holmes, 3121 Ravensworth Place.

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

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

27. DEVELOPMENT SPECIAL USE PERMIT #2001-0022 -- 1300 N VAN DORN ST -- JAMESTOWNE VILLAGE COMMUNITY CENTER -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of a private community center; zoned RA/Residential. Applicant: Jamestowne Village, LLC, by Kevin Washington, Christopher Consultants.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 9/14/02, and is incorporated herewith as part of this record by reference.)

Photographs pertaining to 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. 27; 9/14/02, 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. 27; 9/14/02, and is incorporated herewith as part of this record by reference.)

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

Sterling Clifton, 1651-A North Van Dorn Street, spoke in support; and

Dwight Dunton, 1237 North Van Dorn Street, spoke in support.

The public hearing was concluded.

Planning and Zoning Division Chief Johnson responded to questions posed to her by Members of City Council.

Councilwoman Eberwein would like staff, for the future, to start looking at requiring some concrete parking pavers which are hollow, permit proper drainage, they're grass, have the appearance of green space, and aren't impervious. She noted that particularly in areas where people are coming before Council and asking Council to increase the parking in private development, she would like to have from staff, sort of an analysis of how much more expensive it would be for the applicant and what kind of benefits we get. Ms. Eberwein indicated that a lot of places moved to this way back in the 70's and then got away from it because asphalt is cheaper, but she is concerned about the amount of imperviousness we keep adding to Alexandria.

**WHEREUPON**, a motion was made by Councilwoman Woodson and seconded by Councilwoman Pepper, that City Council approve the Planning Commission recommendation, **with the deletion of condition #1, so that both of the parking lots, A and B, will be approved for the number of parking spaces that the applicant has requested, and requested some assurance from staff that the large tree, as depicted in the photograph, will be preserved.**

**THEREUPON**, a motion was made by Councilman Speck and seconded by Councilwoman Eberwein, to amend the main motion that Lot A be limited to 11 spaces; which motion FAILED on a vote of 2-to-5. The voting was as follows:

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

**WHEREUPON**, Council returned to the main motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, **with the deletion of condition #1, so that both of the parking lots, A and B, will be approved for the number of parking spaces that the applicant has requested, and requested some assurance from staff that the large tree, as depicted in the photograph, will be preserved.** The voting was as follows:

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

28. 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: Recommend Approval 6-0-1

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 9/14/02, 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; and

Matthew Poe, 1200 Quincy Street, architect representing the applicant, spoke in support, to the design, and responded to questions posed to him by Mayor Donley.

The public hearing was concluded.

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

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

29. TEXT AMENDMENT #2002-0003 -- NONCOMPLYING STRUCTURES -- Public Hearing and Consideration of an amendment to Section 12-102 of the Zoning Ordinance to allow noncomplying structures on King Street in Old Town to convert to residential uses with special use permit approval.

**COMMISSION ACTION:** Recommend Approval 7-0

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 9/14/02, and is incorporated herewith as part of this record by reference.)

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

Poul Hertel, 1217 Michigan Court, expressed concerns about the proposed text amendment, allowing the market conditions to push the zoning ordinance, parking concerns, and urged if this does get approved, that it be on the condition that the residents that move in will be treated with equal par for the residents who are already there; and

Julie Crenshaw, 816 Queen Street, expressed concerns that this may set a precedent and cause other properties in this area of the City to want to convert to residential as well, and also expressed concern about parking.

The public hearing was concluded.

Planning and Zoning Deputy Director Ross responded to questions directed to her by Councilwoman Pepper.

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

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

30. TEXT AMENDMENT #2002-0004 -- ATM REGULATIONS -- Public Hearing and Consideration of an amendment to Section 7-1800 of the Zoning Ordinance to revise the automatic teller machines (ATMs) regulations within the Historic Districts of Alexandria.

COMMISSION ACTION: Recommend Approval 6-0-1

(A copy of the Planning Commission report dated September 3, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 9/14/02, and is incorporated herewith as part of this record by reference.

A copy of a PowerPoint file is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 30; 9/14/02, and is incorporated herewith as part of this record by reference.

A copy of an e-mail from Mr. Avery dated September 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 30; 9/14/02, and is incorporated herewith as part of this record by reference.)

Mayor Donley stated, due to the nature of his employment with Virginia Commerce Bank, he has a conflict of interest on this matter and will not participate. He turned the meeting over to Vice Mayor Cleveland.

(A copy of Mayor Donley's Transactional Disclosure Statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 30; 9/14/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille disclosed that he serves on the Alexandria Advisory Board for Virginia Commerce Bank which was a financial institution here in the City that was affected by the matter of the ATMs when this first evolved. He is disclosing that he serves on this advisory board. He does not own stock. He is not a voting member of the board. He will be participating in the discussion on this matter.

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

Julie Crenshaw, 816 Queen Street, said that she served on a task force regarding this and what the task force, Planning and Zoning staff, and citizens in this area want to see is what Council has before it today, and she hoped that Council would approve it; and

Barbara Gilley, 145 Century Drive, #519, spoke to an e-mail from Chet Avery to the City Council. She stated that she was not pleased with the process. The ATM issue as it relates to talking ATM technology is a technical issue. She noted that she provided the Planning staff with a white paper on the issue. Mr. Avery, who was unable to attend the task force meeting, asked that the white paper be discussed. Ms. Gilley was unable to attend in his stead and does not know if it was discussed, but the Commission on Persons with Disabilities would like to see voice-activated technology included in what Council adopts.

Planning and Zoning Deputy Director Ross responded that the task force chose not to include this technology in this text amendment at this time. This is pending at the federal level with respect to ADA regulations.

Staff was requested to further explore the issue of voice-activated machines and to report back to Council with more information on the matter.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried on a vote of 5-to-1, City Council approved the Planning Commission recommendation. The voting was as follows:

Woodson	"aye"	Cleveland	"no"
Euille	"aye"	Eberwein	"aye"
Donley	out of room	Pepper	"aye"
	Speck	"aye"	

## **ORDINANCES AND RESOLUTIONS**

33. Public Hearing, Second Reading and Final Passage of An Ordinance to amend and reordain subsection (h) (GEORGE WASHINGTON SCHOOL ELECTION DISTRICT) of Section 2-2-10 (ESTABLISHMENT OF ELECTION DISTRICTS AND VOTING PLACES), and to amend and reordain "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by Section 2-2-13 (MAP OF ELECTION DISTRICTS AND VOTING PLACES), all of Chapter 2 (ELECTIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended. (#18 09/10/02) **[ROLL-CALL VOTE]**

(A copy of the joint City Attorneys' memorandum dated September 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 33; 9/14/02, 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.

**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. 4266**

AN ORDINANCE to amend and reordain subsection (h) (GEORGE WASHINGTON SCHOOL ELECTION DISTRICT) of Section 2-2-10 (ESTABLISHMENT OF ELECTION DISTRICTS AND VOTING PLACES), and to amend and reordain "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by Section 2-2-13 (MAP OF ELECTION DISTRICTS AND VOTING PLACES), all of Chapter 2 (ELECTIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

#### **THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That subsection (h) of Section 2-2-10 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:

(a) The Immanuel Lutheran Church Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Immanuel Lutheran Church Election District shall be at the Immanuel Lutheran Church, located at 1801 Russell Road.

Section 2. That "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by Section 2-2-13 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained as shown on Exhibit 1, attached hereto and incorporated fully by reference, to reflect the designation and description of the Immanuel Lutheran Church Election District, in replacement of the George Washington School Election District.

Section 3. That the general registrar of voters be, and he hereby is, directed to record the foregoing amendments on the said map.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that the changes in the Election District names and voting places herein made shall not be implemented until the changes are first submitted to the Attorney General of the United States and no objection is interposed within 60 days of the submission, as required pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

KERRY J. DONLEY  
Mayor

Introduction: 09/10/02  
First Reading: 09/10/02  
Publication: 09/12/02  
Public Hearing: 09/14/02  
Second Reading: 09/14/02  
Final Passage: 09/14/02

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

### **DEFERRAL/WITHDRAWAL CONSENT CALENDAR (34-41)**

#### **Planning Commission (continued)**

34. SPECIAL USE PERMIT #2002-0041 -- 300 N LEE ST -- CENTRAL PARKING -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a parking facility; zoned CD/Commercial Downtown. Applicant: Central Parking System of VA, Inc., by Art Alabin.

COMMISSION ACTION: Deferred.

35. SPECIAL USE PERMIT #2002-0062 -- 301 N FAIRFAX ST -- CENTRAL PARKING -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a parking facility; zoned CD/Commercial Downtown. Applicant: Central Parking System of VA, Inc., by Art Alabin.

COMMISSION ACTION: Deferred.

36. SPECIAL USE PERMIT #2002-0063 -- 333 N FAIRFAX ST -- CENTRAL PARKING -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a parking facility; zoned CD/Commercial Downtown. Applicant: Central Parking System of VA, Inc., by Art Alabin.

COMMISSION ACTION: Deferred.

37. SPECIAL USE PERMIT #2002-0064 -- 222 N LEE ST -- Public Hearing and Consideration of a request for a special use permit to operate a children's learning center (commercial school); zoned CD/Commercial Downtown. Applicant: A Jump on Genius, LLC, by Abigail C. Romaine and Christopher D. Romaine.

COMMISSION ACTION: Deferred.

38. SPECIAL USE PERMIT #2002-0068 -- 210 N LEE ST -- Public Hearing and Consideration of a request for a special use permit to operate a yoga studio (commercial school); zoned CD/Commercial Downtown. Applicant: Valerie Ianieri.

COMMISSION ACTION: Deferred.

39. SPECIAL USE PERMIT #2002-0054 -- 611 KING ST -- BREAD and CHOCOLATE -- Public Hearing and Consideration of a request for a special use permit to intensify an existing restaurant; zoned CD/Commercial Downtown. Applicant: Bread and Chocolate, Inc., by Ernst Moser.

COMMISSION ACTION: Deferred (improper notice)

40. 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 (Applicant's request)

41. 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 by Staff

#### END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

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

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Woodson and carried unanimously, at 5:05 p.m., the Public Hearing Meeting of Saturday, September 14, 2002, was adjourned. The voting was as follows:

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

\* \* \* \* \*

**APPROVED BY:**

\_\_\_\_\_  
**KERRY J. DONLEY**                      **MAYOR**

**ATTEST:**

\_\_\_\_\_  
Beverly I. Jett, CMC                      City Clerk