

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting  
Saturday, June 14, 2003 - - 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; Mr. Baier, Director of Transportation and Environmental Services; Mr. Neckel, Director of Finance; Ms. Davis, Director of Housing; Mr. Mandley, Director of General Services; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Gordon, Public Information Officer; Ms. Boyd, Director of Citizen Assistance; Police Chief Samarra; Police Lieutenant Uzzell; Ms. Smith-Page, Director of Real Estate Assessments; and Ms. Mitchell, Executive Director, Alexandria Convention and Visitors Association.

Recorded by: Ms. Jackie M. Henderson, City Clerk and Clerk of Council.

\*\*\*\*\*

## OPENING

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

### 2. Public Discussion Period.

Gayle Reuter, 110 East Del Ray Avenue, along with representatives of neighborhood civic associations, presented proclamations to Mayor Donley, Vice Mayor Cleveland, Councilwoman Eberwein and Councilman Speck.

Council moved adoption of the proclamations.

Amy Slack, 2307 E. Randolph Avenue, spoke about the study for Mt. Vernon Avenue and she thanked those who helped begin the study.

Mariella Posey, 915 Second Street, thanked Mayor Donley, Vice Mayor Cleveland, Councilwoman Eberwein and Councilman Speck for their service throughout the years.

Cathy Puskar, 215 E. Dak Street, spoke to Council about the Youth Policy Commission and the program started for youth called "Catching Youth Doing Right."

Jon Wilbor, 310 S. Lee Street, thanked Mayor Donley, Vice Mayor Cleveland, Councilwoman Eberwein and Councilman Speck for their service to the City. He also spoke about the Windmill Hill Park sand piles and for the relocation of the trail from the Wilkes Street tunnel to the Union Street sidewalk on the old alignment, and for undergrounding of the overhead wires by the volleyball court.

Pat Rudd, 2121 Jamieson Avenue, on behalf of Allan Rudd, SECA's president, thanked City Council for its efforts during this term, and thanked Mayor Donley, Vice Mayor Cleveland, Councilwoman Eberwein and Councilman Speck for their service to the City, and asked the new Council to support the City's special use permit and

enforce conditions. She spoke also of Mayor-elect Euille's desire that Alexandria civic and citizens association to work with the Chamber of Commerce. She said SECA will work with Council to enhance Alexandria.

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

### **ACTION CONSENT CALENDAR**

#### **Planning Commission**

Without objection, Council removed items 5, 6, 8, 10 and 14 from the action consent calendar and considered them under separate motions.

3. SPECIAL USE PERMIT #2003-0028 -- 241 SOUTH REYNOLDS STREET -- CREATIVE WORLD LEARNING CENTER, INC. -- Public Hearing and Consideration of a request for a special use permit to operate a child care center; zoned RCX/Medium Density Apartment. Applicant: Michele Tyler

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 6/14/03, and is incorporated herewith as part of this record by reference.)

4. SPECIAL USE PERMIT #2003-0030 -- 1725 DUKE STREET SUITE B -- PIZZA BIANCA -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned OCH/Office Commercial High. Applicant: Zak Driouche

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 6/14/03, and is incorporated herewith as part of this record by reference.)

7. SPECIAL USE PERMIT #2003-0032 -- 2400 MILL ROAD -- SAN ANTONIO GRILL -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant with outdoor seating and live entertainment; zoned CDD-2/Coordinated Development District. Applicant: San Antonio Grill, by M. Catherine Puskar, attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 6/14/03, and is incorporated herewith as part of this record by reference.)

9. SPECIAL USE PERMIT #2003-0054 -- 4613 DUKE ST - FOXCHASE -- CURVES FOR WOMEN -- Public Hearing and Consideration of a special use permit to operate a fitness and weight loss center; zoned CG/Commercial General. Applicant: Jim Gasson

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 6/14/03, and is incorporated herewith as part of this record by reference.)

11. SPECIAL USE PERMIT #2003-0041 -- 1609 KING STREET -- UPTOWNER CAFE -- Public Hearing and Consideration of a change of ownership and review for a special use permit to operate a restaurant; zoned CD/Commercial Downtown. Applicant: Eun Joo Park

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 6/14/03, and is incorporated herewith as part of this record by reference.)

12. SPECIAL USE PERMIT #2003-0023 -- 5902 FARRINGTON AVENUE -- RECYCLE AMERICA ALLIANCE -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a recycling facility; zoned I/Industrial. Applicant: Michael Taylor

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 6/14/03, and is incorporated herewith as part of this record by reference.)

13. ENCROACHMENT #2002-0007 -- 1104 KING STREET -- Public Hearing and Consideration of a request for an encroachment into the public right-of-way; zoned CD/Commercial Downtown. Applicant: Robert Test

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 6/14/03, and is incorporated herewith as part of this record by reference.)

15. SPECIAL USE PERMIT #2003-0051 -- 4948 EISENHOWER AVE - UNIT B -- AUTO WORLD -- Public Hearing and Consideration of a special use permit review for an automobile repair garage; zoned OCM/Office Commercial Medium. Applicant: Rodolfo and Nelly Herbel

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/14/03, and is incorporated herewith as part of this record by reference.)

16. SPECIAL USE PERMIT #2003-0055 -- 1019 KING ST -- Public Hearing and Consideration of a request for a special use permit to change the ownership and hours of operation of an existing restaurant; zoned CD/Commercial Downtown. Applicant: Thanatath Sooksomat

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 6/14/03, and is incorporated herewith as part of this record by reference.)

17. SPECIAL USE PERMIT #2003-0012 -- 2922 DUKE STREET -- SHELL GASOLINE STATION -- Public Hearing and Consideration of a request to change the ownership of an existing gasoline station/convenience store/restaurant; zoned CG/Commercial General. Applicant: Obayedul Houge

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Action Consent

Calendar as presented, with the exception of docket item nos. 5, 6, 8, 10 and 14, 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.
7. City Council approved the Planning Commission recommendation.
9. City Council approved the Planning Commission recommendation.
11. City Council approved the Planning Commission recommendation.
12. City Council approved the Planning Commission recommendation.
13. City Council approved the Planning Commission recommendation.
15. 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:

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

Without objections, Council heard docket items 5 and 6 together.

5. SPECIAL USE PERMIT #2003-0035 -- 5800 EDSALL ROAD -- ENTERPRISE LEASING COMPANY -- Public Hearing and Consideration of a special use permit amendment to remove automobile sales use and continue automobile rental use; zoned CG/Commercial General. Applicant: Enterprise Leasing Company, by M. Catherine Puskar, attorney

COMMISSION ACTION: Recommend Approval 7-0

6. SPECIAL USE PERMIT #2003-0034 -- 5800 EDSALL ROAD -- KOONS USED CAR OUTLET -- Public Hearing and Consideration of a request for a special use permit to operate an automobile sales business; zoned CG/Commercial General. Applicant: Koons Used Car Outlet, by M. Catherine Puskar, attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 6/14/03, and are incorporated herewith as part of this record by reference.

A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 6/14/03, and is incorporated herewith as part of this record by reference.)

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

Larry Stansbury, 6101 Edsall Road, #1503, expressed concerns on #5, condition #10, and on #6, conditions #3, 6 and 7.

Cathy Puskar, the applicant, spoke in favor of the application.

In response to discussion from staff, Ms. Puskar said she would have no problem adding a condition for no vehicles including car carriers.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation for #5 and 6, and amended condition #6 in item no. 6 to add car carriers to the language. The voting was as follows:

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

8. SPECIAL USE PERMIT #2003-0042 -- 235 SWAMP FOX ROAD -- BREAD AND CHOCOLATE -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CDD-2/Coordinated Development District. Applicant: Ernest Moser

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 6/14/03, and is incorporated herewith as part of this record by reference.)

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

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

10. SPECIAL USE PERMIT #2003-0039 -- 664 S. PICKETT STREET -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial General. Applicant: Seifu Tessema

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 6/14/03, and is incorporated herewith as part of this record by reference.)

There was a discussion among Council and staff on the hours of operation of the restaurant.

Mr. Tessema, the applicant, said he had no objection to stop serving alcohol at 1:00 a.m. and having patrons leave by 2:00 a.m.

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with an amendment to condition #5 to read as follows: The hours of operation shall be limited to 12:00 noon to 1:00 a.m. daily. The voting was as follows:

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

14. SPECIAL USE PERMIT #2003-0024 -- 2838 DUKE ST -- Public Hearing and Consideration of review of a special use permit for an automobile service station; zoned CG/Commercial General. Applicant: Essam Danfora.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Woodson and carried unanimously, City Council deferred action on this item until September. The voting was as follows:

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

#### REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

18. Public Hearing on Martin Luther King, Jr. Work Group recommendations regarding a memorial to Dr. King in the City of Alexandria.

(A copy of the City Manager's memorandum dated June 11, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 6/14/03, and is incorporated herewith as part of this record by reference.)

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

George Latsios, 1208 Russell Road, spoke against the proposal.

Howard Woodson, 1407 Wayne Street, president of the Alexandria NAACP, and also a member of the working group, spoke in favor of the proposal.

Betsy Anderson, 105 N. Union Street, on the Alexandria Commission on the Arts, said the Commission would like to be included in any planning of this or any other arts projects.

Nate Chappelle, 1525 Kenwood Avenue, vice president of the Alexandria Kiwanas and representing himself, spoke in favor of the memorial.

Sherry Brown, 1600 Prince Street, spoke about the standards for public art and the design of the memorial.

Julie Krenshaw, 816 Queen Street, said she has mixed feelings on the statue and is in limbo on whether this is the right place for the memorial.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Woodson and carried unanimously, City Council received the report, closed the public hearing and set the final passage for June 24, 2003. The voting was as follows:

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

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

At this point, Council took docket item #24 out of order.

24. SPECIAL USE PERMIT #2003-0013 -- 5312 EISENHOWER AVE -- Public Hearing and Consideration of a review of a special use permit and a request to conduct general automobile repair; zoned OCH/Office Commercial High. Applicant: BNK Corporation, by William C. Thomas, Jr., attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission recommendation dated June 12, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 6/14/03, and is incorporated herewith as part of this record by reference.)

William C. Thomas, the applicant, 11320 Random Hills Road, #325, Fairfax, said there is an amendment to condition #22.

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilwoman Euille and carried 5-0, City Council approved the Planning Commission recommendation, with the following amendment to condition #22: "Car wash discharges resulting from commercial operations shall not be indiscriminately discharged into a storm sewer system. If the applicant proposes on-site service customer car washing, only those vehicles already being serviced at the facility may be washed and only in conjunction with the service activity at the facility and the applicant shall comply with one of the following three alternatives:

- a. Car washes are to be done at an off site commercial car wash facility.
- b. Wash water may be discharged into the sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
- c. The applicant may choose to seek coverage under a general VPDES (Virginia Pollution Discharge Elimination System) permit issued by Virginia Department of Environmental Quality to discharge wash water from car washed into surface waters/storm sewer and comply with the conditions specified therein."

The voting was as follows:

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

19. SPECIAL USE PERMIT #2003-0016 -- 1950 DUKE ST -- CARLYLE DEVELOPMENT -- Public Hearing and Consideration of a request for an amendment to the Carlyle development plan special use permit; zoned CDD-1/Coordinated Development District. Applicant:Carlyle Development Corporation and LCOR Ballenger Avenue LLC, by Jonathan P. Rak, attorney

COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 6/14/03, and is incorporated herewith as part of this record by reference.)

The Planning staff made a presentation of the staff report.

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

Bill Harvey, 2121 Jameson Avenue, a member of the Carlyle Eisenhower Civic Association, spoke in support of the application.

Jonathan Rak, the applicant, 1750 Tysons Blvd., McLean, spoke in favor of the application.

Councilman Speck asked questions concerning the concourse and the construction. City Manager Sunderland, Director of Transportation and Environmental Services Baier, Mr. Rak and Lloyd Clingingfield, with Norfolk Southern Corporation, answered the questions.

Mayor Donley said that regarding construction of the concourse, he asked Mr. Rak, for the record, if he was committed to the construction, it is fully funded, and the City is committed to it.

Mr. Rak said yes, he is committed to the construction.

There were questions from Council regarding a banquet room, and Reed Freeman, with Regent Partners, responded to the questions about the banquet room and meeting space requirements.

Pat Rudd, vice chair of the Board of Directors of the Carlyle Eisenhower Civic Association, requested that the summary of the Planning Commission action states that the transfer was proposed by the applicant, and she requested that the record be corrected to indicate that the transfer request for an additional 30,000 square feet from block P to add an additional story to shield the concrete facade was initiated by SECA and endorsed by the applicant. She also spoke about completing the dog run.

Mayor Donley asked staff to get back to Council regarding the status of the dog run.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilman Speck and carried unanimously, City approved the Planning Commission recommendation with an amendment to condition 102(a) as follows: To add the following sentence: "A grocery store of no less than 25,000 square feet shall be provided within the retail space at Carlyle." The voting was as follows:

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

Without objection, City Council considered docket items nos. 20 and 21 together.

20. MASTER PLAN AMENDMENT #2003-0003 -- REZONING #2003-0002 -- 101 SOUTH VAN DORN -- BJ'S WHOLESALE CLUB -- Public Hearing and Consideration of a request for an amendment to the Landmark/Van Dorn Small Area Plan chapter of the 1992 Master Plan to change the land use designation from CRMU-M, Commercial Residential Mixed Use (Medium) to CG/Commercial General, and a rezoning to change the zoning map from CRMU-M to CG, with proffers. Applicant: BJ's Wholesale Club, by Erika Byrd, attorney

COMMISSION ACTION: MASTER PLAN AMENDMENT: Approved 7-0  
REZONING: Recommend Approval 7-0

21. DEVELOPMENT SPECIAL USE PERMIT #2003-0003 -- 101 SOUTH VAN DORN -- BJ'S WHOLESALE CLUB -- Public Hearing and Consideration of a request for a development special use permit to add five fueling stations and a freestanding retail building with a parking reduction; zoned CRMU/Commercial Residential Mixed Use-Medium. Applicant: BJ's Wholesale Club, by Erika Byrd, attorney

COMMISSION ACTION: Recommend Approval 7-0



(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 6/14/03, and is incorporated herewith as part of this record by reference.

A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 6/14/03, and is incorporated herewith as part of this record by reference.)

Planning Director Fogarty made a presentation of the staff report.

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

Erika Byrd, attorney representing the applicant, 1750 Tysons Blvd, McLean, presented the application and spoke in favor of the application. She said she has a modified condition that was introduced by the Planning Commission, which staff has addressed, for a recycled trailer for the automotive tires.

Lonnie Rich, 101 W. Uhler Terrace, representing Kent Taylor, owner of Landmark Mobil, spoke against the application, noting that B.J.'s wants to add gas to their product line to attract new members and to generate club traffic, and their concern is to the overall economic vitality, general welfare and character of the City.

Councilman Speck asked questions about the gas pumps and the level of use, to which Mr. Taylor, the proprietor at Landmark Towers Mobil, answered the questions.

Ms. Byrd, speaking again, spoke about the traffic issue brought up by Mr. Rich and answered questions from the Council regarding the gasoline sales.

Richard Saslaw, 4418 Random Court, Annandale, owner of service stations in Annandale, Maryland and Dulles, spoke against the application.

Andy Pohl, 203 Yoakum Parkway, #120, spoke against the application.

Paul Darby, 5030 Gardner Drive, spoke in support of the application.

Ann Foster, 6370 Brampton Court, zoning and land use chairman for Landmark Mews, spoke against the application.

Tim Foster, 6370 Brampton Court, spoke against the application.

Larry Stansbury, 6101 Edsall Road, #1503, spoke against the application.

Kent Taylor, 190 South Whiting Street, owner of Landmark Towers Mobil, spoke against the application.

David Decker, 5817 Dawes Avenue, spoke in support of the application.

Betty Stewart Matthews, 225 South Whiting Street, #604, spoke in opposition to the application.

Alfred Gray, Chaucer View Circle, spoke in opposition to the application.

William Huber, 5601 Dawes Avenue, spoke about the competition.

Ellen Duffy, 307 Yoakum Parkway, Apt. 904, spoke in opposition to the application.

Jim Cisco, 205 Yoakum Parkway, spoke in opposition to the application.

Theresa Coleson, 14 South Ingram Street, spoke in favor of the application.

Ms. Byrd, speaking again, said the applicant has agreed to proffer to make the gas purchases "members only."

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried by a vote of 6-1, City Council denied the request for rezoning and the special use permit. The voting was as follows:

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

22. SPECIAL USE PERMIT #2003-0026 -- 2 EAST GLEBE ROAD -- ALMOST HOME FAMILY CHILD DEVELOPMENT CENTER -- Public Hearing and Consideration of a request for a special use permit to operate a child care center and a parking reduction; zoned CL/Commercial Low. Applicant: Zadie Hudson

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried 6-0, City Council approved the Planning Commission recommendation.

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

23. SPECIAL USE PERMIT #2003-0031 -- 5125 DUKE STREET -- ROSENTHAL/LANDMARK HONDA -- Public Hearing and Consideration of a request for a special use permit to change the hours of operation for an automobile dealership; zoned CG/Commercial General. Applicant: Rosenthal/Landmark Honda, by J.H. Griffin, officer

COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Eberwein and carried 5-0, City Council approved the Planning Commission recommendation. The voting was as follows:

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

25. SPECIAL USE PERMIT #2003-0052 -- 1225 POWHATAN ST -- RUFFINO'S RESTAURANT -- Public Hearing and Consideration of a review of a special use permit for a restaurant; zoned RB/Residential. Applicant: Romas and Robin Gomez

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 6/14/03, and is incorporated herewith as part of this record by reference.)

Paol Hertel, 1217 Michigan Court, representing the Northeast Citizens Association, endorsed the changes made by the Planning Commission.

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

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

26. SPECIAL USE PERMIT #2003-0053 -- 4111 DUKE ST -- DANCING PEPPERS -- Public Hearing and Consideration of the revocation of a special use permit for a restaurant; zoned CC/Commercial Community. Applicant: Grupo Dos Chiles

COMMISSION ACTION: Recommend Revocation 7-0

(A copy of the Planning Commission report dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 6/14/03, and is incorporated herewith as part of this record by reference.)

City Attorney Ignacio Pessoa said most of the work has been done, the applicant has agreed to deposit \$500 in escrow to complete the work, and he asked that this be deferred until September.

There were questions from Council on the work to be done, to which Barbara Ross responded.

Alfred W. Shriver, the applicant, said he has every intention on making good on the agreement made today.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council deferred this item until September.

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

27. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the issuance of general obligation bonds by the City of Alexandria in the amount of \$64,700,000. (#22 5/13/03) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried 6-0, 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	"aye"
Donley	"aye"	Speck	out of room
	Woodson	aye	

ORDINANCE NO. 4303

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA  
 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION CAPITAL  
 IMPROVEMENT BONDS FOR VARIOUS PUBLIC IMPROVEMENTS IN THE  
 ESTIMATED MAXIMUM AMOUNT OF \$64,700,000; AND PROVIDING FOR  
 REIMBURSEMENT TO THE CITY OF ALEXANDRIA FROM BOND PROCEEDS

WHEREAS, the City Council of the City of Alexandria, Virginia ("City") has determined that it is advisable to issue up to \$64,700,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below.

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

1. **Authorization of Bonds and Use of Proceeds.** The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$64,700,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to pay all or a portion of the costs of the Projects as described below and the Director of Finance is authorized and directed to determine the portion of the cost of each Project to be financed with Bond proceeds.

<u>General Project Description</u>	<u>Estimated Maximum Cost</u>
<u>Schools</u>	
Construction, remodeling and repairing of school buildings and acquisition of necessary equipment (this project includes projects contained in the capital improvement program under "Schools").	\$32,200,000
<u>Libraries</u>	
Construction, renovation and improvement of City libraries, including roof repairs, mechanical, electrical and fire safety systems and other improvements (this project includes projects contained in the capital improvement program under "Libraries").	\$500,000
<u>City Parks and Buildings</u>	
Construction, renovation and improvement of existing or new City buildings and park facilities and acquisition of necessary land and equipment (this project includes projects contained in the capital improvement program under "Recreation and Parks" and "Public Buildings").	\$22,200,000
<u>Traffic Improvements</u>	
Maintenance and upgrade of the City's traffic control facilities (this project includes projects contained in the capital improvement program under "Traffic Improvements and Rapid Transit").	\$800,000
<u>Infrastructure</u>	
Construction, renovation and improvement of City streets, bridges, storm and sanitary sewers and acquisition of the necessary equipment (this project includes projects	\$9,000,000

contained in the capital improvement program under "Streets and Bridges" and "Sewers").	
<u>Total:</u>	\$64,700,000

2. **Pledge of Full Faith and Credit.** The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. **Details and Sale of Bonds.** The Bonds shall be issued upon the terms established pursuant to this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The Bonds shall be issued in one or more series, in fully registered form, shall be dated such date or dates as the City Manager and the Director of Finance, or either of them, may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the City Manager and the Director of Finance, or either of them, may approve, provided that the final maturity of the Bonds is not more than approximately 25 years from their date and the aggregate principal amount of the Bonds is not more than the maximum amount set forth in paragraph 1 above. The City Manager and the Director of Finance, or either of them, is authorized and directed to accept the bid for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold to the successful bidder at such price as may be set forth in the bid so accepted; provided that the true interest cost of the Bonds shall not exceed 7.0% per annum. The City Manager and the Director of Finance, or either of them, is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City. The City Council may provide for additional or other terms of the Bonds by subsequent resolution.

4. **Form of Bonds.** The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. **Book-Entry-Only-Form.** The Bonds shall be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds shall be registered to Cede & Co. Beneficial owners of the Bonds shall not receive physical delivery of the Bonds. Principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds shall be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. The City shall notify DTC of any notice required to be given pursuant to this Ordinance or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given. The City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

Replacement Bonds (the "Replacement Bonds") shall be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

- (i) DTC determines not to continue to act as securities depository for the Bonds; or
- (ii) The City has advised DTC of its determination not to use DTC as a securities depository; or
- (iii) The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of the event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to the Ordinance to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Ordinance and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Ordinance and the Bonds.

6. **Appointment of Bond Registrar and Paying Agent.** The City Manager and the Director of Finance, or either of them, are authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds and as long as the Bonds are in book-entry form, either of such officers may serve as Paying Agent.

The City Council may appoint a subsequent registrar and/or one or more paying agents for the Bonds by subsequent resolution and upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

7. **Execution of Bonds.** The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. **CUSIP Numbers.** The Bonds shall have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

9. **Registration, Transfer and Exchange.** Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Ordinance and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

10. **Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

11. **Typewritten or Printed Bonds.** The City may initially issue any or all of the Bonds in typewritten or printed form, as determined by the Director of Finance and the City Manager, or either of them. If any of the Bonds are to be issued in printed form, the City may initially issue such Bonds in temporary, typewritten form and shall promptly prepare, execute and deliver to the registered owners Bonds in printed form of the same maturity and interest rate and for the same aggregate principal amount as the typewritten Bonds. Appropriate variations, omissions and insertions may be made in the Bonds to facilitate printing. The Bonds will also be eligible for deposit with The Depository Trust Company.

12. **Non-Arbitrage Certificate and Tax Covenants.** The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

13. **Disclosure Documents.** The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Director of Finance shall determine. The Director of Finance is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

14. **Further Actions; Public Hearing.** The City Manager and the Director of Finance and such officers and agents of the City as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

The Clerk of the City is authorized and directed to advertise a public hearing to be held by the City Council in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended before the issuance of the Bonds.

15. **Reimbursement.** The City Council adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The City Council reasonably expects to reimburse advances made or to be made by the City to pay the costs of the Projects from the proceeds of its debt. The maximum amount of debt expected to be issued for the Projects is set forth in paragraph 1 above. The City hereby authorizes the Director of Finance, on behalf of the City, to specifically declare the City's official intent to reimburse portions of the cost of the Projects with Bond proceeds.

16. **Effective Date; Applicable Law.** In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Ordinance shall take effect at the time of its enactment.

28. 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 2003. (#24 6/10/03) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 12, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried 6-0, 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	out of room
	Woodson	"aye"	

ORDINANCE NO. 4304

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 2003, which began on the first day of July 2002 and ends on the thirtieth day of June 2003.

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 amounts hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2003, the source of such amount being external grant awards for which revenues were authorized and adjusted after July 1, 2002, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2003, as follows:

**SPECIAL REVENUE FUND**

**ESTIMATED REVENUE:**

Office on Women	\$ 24,748
Commonwealth's Attorney	30,378
Court Service Unit	<1,477>
Sheriff	<554,698>
Transportation and Environmental Services	219,898
Fire	55,622
Police	339,485
Housing	1,763,971
Mental Health/Mental Retardation/Substance Abuse	2,091,199
Human Services	<915,878>
Historic Alexandria	48,230



Total Estimated Revenue	<u>\$ 3,101,478</u>
-------------------------	---------------------

**APPROPRIATION:**

Office on Women	\$ 24,748
Commonwealth's Attorney	30,378
Court Service Unit	<1,477>
Sheriff	<554,698>
Transportation and Environmental Services	219,898
Fire	55,622
Police	339,485
Housing	1,763,971
Mental Health/Mental Retardation/Substance Abuse	2,091,199
Human Services	<915,878>
Historic Alexandria	<u>48,230</u>
Total Estimated Revenue	<u>\$ 3,101,478</u>

**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 for fiscal year 2003, the source of such amount being intergovernmental revenue, and further that the council does hereby allot the amount so appropriated for fiscal year 2003, as follows:

**COMPONENT UNIT**

**ESTIMATED REVENUE:**

Intergovernmental Revenue	<u>\$ 2,207,544</u>
Total Estimated Revenue	<u>\$ 2,207,544</u>

**APPROPRIATION:**

Component Unit Schools	<u>\$ 2,207,544</u>
Total Appropriation	<u>\$ 2,207,544</u>

**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 2003, 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 2003 - 2008

capital improvement program, adopted by city council May 6, 2002 [city capital improvement project nos. 002 (Branch Libraries), 003 (Downtown Transportation, Municipal Waterfront Improvement, Mt. Vernon Avenue Improvements, Route 1 Beautification, Streams Maintenance and Waterfront Dredging, Samuel Madden (Downtown) Redevelopment, Redevelopment of Upper Potomac West), 004 (Bike Trails, Cameron Station, Chinquapin Park and Recreation Center, Park Improvements, Land Acquisition, Fort Ward Park, Northern Virginia Regional Park, 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, Vola Lawson Animal Shelter, City Visitor Center), 006 (Peumansend Creek Regional Jail), 008 (Driver Training Track), 009 (Rail Rapid 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 all the capital projects identified in the Alexandria City Public Schools' capital budget approved by the school board on January 17, 2002, except the generic elementary school expansion category.

**GENERAL FUND**

**FINANCING USE:**

Transfer Out to Capital Project Fund	<u>\$12,300,000</u>
Total Transfer Out	<u>\$12,300,000</u>

**CAPITAL PROJECT FUND**

**ESTIMATED REVENUE:**

Transfer In from General Fund	<u>\$ 2,300,000</u>
Total Financing Source	<u>\$12,300,000</u>

**APPROPRIATION:**

Capital Projects	<u>\$12,300,000</u>
Total Appropriation	<u>\$12,300,000</u>

**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 in fiscal year 2003, 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 2003, as follows:

**EQUIPMENT REPLACEMENT FUND**

**APPROPRIATION:**

General Services	\$ 200,000
Total Appropriation	\$ 200,000

**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 2003, 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	\$ 1,754,174
Total Appropriation	\$ 1,754,174

**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 2003, the source of such amount being license and permits, and developer contributions revenues, and further, that the Council does hereby allot the amount so appropriated for fiscal year 2003 as follows:

**SPECIAL REVENUE FUND**

**ESTIMATED REVENUE:**

Licenses and Permits	\$ 150,000
Developer Contributions	288,657
Total Estimated Revenue	\$ 438,657

**APPROPRIATION:**

Transportation and Environmental Services	\$ 195,094
Fire - Code Enforcement	243,563
Total Appropriation	\$ 438,657

**Section 7.** 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 2003, the source of such amount being intergovernmental revenues, and further,

that the council does hereby allot the amount so appropriated for fiscal year 2003 as follows:

**GENERAL FUND**

ESTIMATED REVENUE:

Intergovernmental Revenues	<u>\$ 541,785</u>
Total Estimated Revenues	<u>\$ 541,785</u>

APPROPRIATION:

Sheriff	<u>\$ 541,785</u>
Total Appropriation	<u>\$ 541,785</u>

**Section 8.** 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 2003, the source of such amount being charges for services, and further, that the council does hereby allot the amount so appropriated for fiscal year 2003, as follows:

**GENERAL FUND**

ESTIMATED REVENUE:

Charges for Services	<u>\$ &lt;400,000&gt;</u>
Total Estimated Revenue	<u>\$ &lt;400,000&gt;</u>

FINANCING USE:

Transfer Out to Capital Projects Fund	<u>\$ &lt;400,000&gt;</u>
Total Transfer Out	<u>\$ &lt;400,000&gt;</u>

**Section 9.** That this ordinance shall become effective upon the date and time at the time of its final passage.

- 29. 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 2004. (#25 6/10/03) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 5, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON,** upon motion by Councilman Eulle, seconded by Vice Mayor Cleveland and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

ORDINANCE NO. 4305

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 2003 and ending on the thirtieth day of June 2004.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

**Section 1.** That, pursuant to section 6.07 of the city charter, the sum of \$553,078,684 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 2003 and ending on the thirtieth day of June 2004.

**Section 2.** That, pursuant to section 6.07 of the city charter, the sum of \$553,078,684 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 2003 and ending on the thirtieth day of June 2004 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:

Department/Unit/Component Unit/  
Category of Expenditure

Appropriation

18th Circuit Court	\$1,177,008
18th General District Court	85,493
18th Juvenile Court	33,948
Citizens Assistance	578,036
City Attorney	1,466,068
City Clerk and Clerk of Council	345,487
City Council	546,001
City Manager	1,856,211
Clerk of Court	1,323,984
Commonwealth's Attorney	2,601,534
Contingent Reserves	925,000
Court Services Unit	958,981
Finance	7,395,667
Fire	28,530,415
General Debt Service	21,299,500
General Service	9,620,993
Health	7,045,019
Human Rights	465,480
Human Services	41,807,008

Human Services Contributions	1,100,000
Information Technology Services	6,111,589
Internal Audit	184,032
Law Library	130,714
Mental Health/Mental Retardation/Substance Abuse	22,817,201
Non-Departmental	6,606,221
Office of Historical Alexandria	2,447,282
Office of Housing	3,695,060
Office of Management and Budget	948,688
Office on Women	1,486,169
Other Correctional Activities	3,882,620
Other Educational Activities	13,058
Other Planning Activities	2,248,399
Personnel	2,282,527
Planning & Zoning	3,222,051
Police	40,384,510
Real Estate Assessments	1,013,399
Recreation, Parks & Cultural Activities	16,068,064
Registrar of Voters	895,714
Sheriff	19,809,668
Transit Subsidies	10,874,451
Transportation and Environmental Services	22,438,493
Capital Projects	88,949,838
Component Unit-Library	5,832,437
Component Unit-Schools	157,197,703
Internal Services	4,376,963
<b>TOTAL APPROPRIATIONS</b>	<b>\$553,078,684</b>

**Section 3.** That, pursuant to section 6.07 of the city charter, the sum of \$553,078,684 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 2003 and ending on the thirtieth day of June 2004 be, and the same hereby is, further appropriated to the following principal objects of city expenditures:

<u>Object of Expenditures</u>	<u>Appropriation</u>
<u>Personnel Service</u>	<u>\$167,781,650</u>
<u>Non-Personnel Services</u>	<u>121,683,523</u>
<u>Capital Outlay</u>	<u>241,570</u>
<u>Component Unit-Library</u>	<u>5,832,437</u>
<u>Component Unit-Schools</u>	<u>157,197,703</u>
<u>Component Unit-Alexandria Transit Company</u>	<u>7,015,000</u>

<u>Equipment Replacement</u>	<u>4,376,963</u>
<u>Capital Projects</u>	<u>88,949,838</u>
<b><u>TOTAL APPROPRIATIONS</u></b>	<b><u>\$553,078,684</u></b>

**Section 4.** That the sum of \$553,078,684 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 2003 and ending on the thirtieth day of June 2004 is estimated to be derived from the following sources of revenue:

Source of Revenue Amount

General Property Taxes	\$233,827,402
Other Local Taxes	89,013,000
Permits, Fees and Licenses	4,277,660
Fines and Forfeitures	4,000,000
Intergovernmental Revenue	110,819,737
Charges for Services	19,574,805
Revenue from Use of Money and Property	5,999,024
Miscellaneous Revenue	3,272,463
Bond Proceeds	64,700,000
Unreserved Fund Balance - General Fund:	
Subsequent Year's Budget	7,536,601
Unreserved Fund Balance - Capital Projects Fund:	
Subsequent Year's Budget	4,200,000
Schools' Fund Balance	1,592,324
Retained Earnings - Internal Services	<u>4,265,668</u>
<b>TOTAL ESTIMATED REVENUE</b>	<b><u>\$553,078,684</u></b>

**Section 5.** That, pursuant to section 6.14 of the city charter, the sum of \$88,949,838 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 2003 and ending on the thirtieth day of June 2004. This sum, which consists of the \$88,949,838 appropriated as Capital Projects in section 2 of this ordinance, is appropriated as follows: (i) \$47,328,486 to capital projects which are included in the city's government fiscal year 2004-2009 capital improvement program adopted by city council on April 29, 2003, \$38,716,352 to the capital projects identified in the Alexandria City Public Schools' capital budget approved by the school board on February 16, 2003 and \$2,905,000 for the Open Space Trust Fund Account.

**Section 6.** That the sum of \$88,949,838 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 2003 and ending on the thirtieth day of June 2004 is estimated to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
<u>Transfer In from General Fund</u>	<u>16,955,000</u>
<u>Permits, Fees and Licenses</u>	<u>900,000</u>
<u>Bond Interest Earnings</u>	<u>994,838</u>
<u>Designated General Fund Balance</u>	<u>4,200,000</u>
<u>Bond Proceeds</u>	<u>64,700,000</u>
<u>Miscellaneous Revenue</u>	<u>1,200,000</u>
<b><u>TOTAL ESTIMATED REVENUE</u></b>	<b><u>\$88,949,838</u></b>

**Section 7.** That the sum of \$171,705,385 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>
<u>General Fund</u>	<u>\$22,926,756</u>	<u>Special Revenue Fund - General</u>	<u>\$22,926,756</u>
<u>General Fund</u>	<u>16,955,000</u>	<u>Capital Projects Fund</u>	<u>16,955,000</u>
<u>General Fund</u>	<u>121,191,334</u>	<u>Component Unit-Schools</u>	<u>121,191,334</u>
<u>General Fund</u>	<u>5,170,000</u>	<u>Component Unit-Alexandria Transit Company</u>	<u>5,170,000</u>
<u>General Fund</u>	<u>5,462,295</u>	<u>Component Unit-Library</u>	<u>5,462,295</u>
<b><u>TOTALS</u></b>	<b><u>\$171,705,385</u></b>	<b><u>TOTALS</u></b>	<b><u>\$171,705,385</u></b>

**Section 8.** That the sum of \$553,078,684 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 2003 and ending on the thirtieth day of June 2004 is, for accounting purposes and in accordance with accepted accounting principles generally accepted in the United States of America, 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 \$553,078,684 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 2003 and ending on the thirtieth day of June 2004 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.

30. Public Hearing, Second Reading and Final Passage of an Ordinance to reduce the minimum size requirement for open-space use taxation to one-quarter of an acre. (#26 6/10/03) [ROLL-CALL VOTE]



(A copy of the City Manager's memorandum dated June 12, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilman Euille and carried unanimously, City Council deferred passage of the Ordinance for further study and consideration to the Parks and Recreation Commission and the Budget and Fiscal Affairs Advisory Committee. The voting was as follows:

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

31. Public Hearing, Second Reading and Final Passage of an Ordinance to permit the supplemental real estate tax assessment of new buildings substantially completed after November 1 of the tax year. (#27 6/10/03) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 4, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 31; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Eberwein and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

#### ORDINANCE NO. 4306

AN ORDINANCE to amend and reordain Section 3-2-187 (ASSESSMENT OF NEW BUILDINGS SUBSTANTIALLY COMPLETED) of Division 1 (REAL ESTATE), ARTICLE M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia 1981, as amended.

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

Section 1. That Section 3-2-187 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

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

All new buildings shall be assessed when substantially completed or fit for use and occupancy, regardless of the date of completion or fitness, and the director or real estate assessments shall enter in the books the fair market value of such building. No partial assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the department of real estate assessments and made available for public inspection. The total tax on any such new building for that year shall be the sum of (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, and (ii) the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year. With respect to any assessment made under this section after November 1 of any year, no penalty for nonpayment shall be imposed until the last to occur of (i) December 5 of such year or (ii) 30 days following the date of the official billing.

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

32. Public Hearing, Second Reading and Final Passage of an Ordinance to change the Second Presbyterian Church polling place to the Douglas MacArthur School. (#29 6/10/03) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 30, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 32; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Speck and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

ORDINANCE NO. 4307

AN ORDINANCE to amend and reordain subsection (n) (SECOND PRESBYTERIAN CHURCH 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 (n) 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:

(n) The Douglas MacArthur School 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 Douglas MacArthur School Election District shall be at the Douglas MacArthur School, located at 1101 Janney's Lane.

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 Douglas MacArthur School Election District, in replacement of the of the Second Presbyterian Church 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.

33. Public Hearing, Second Reading and Final Passage of an Ordinance to extend the telephone franchise of Verizon Virginia, Inc. (#30 6/10/03) **[ROLL-CALL VOTE]**

(A copy of the City Attorney's memorandum dated June 2, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 33; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

ORDINANCE NO. 4308

AN ORDINANCE to amend and reordain Ordinance No. 2165, as amended, to grant a one-year extension of franchise rights to Verizon Virginia, Inc., formerly known as Bell Atlantic-Virginia, Incorporated, formerly known as the Chesapeake and Potomac Telephone Company of Virginia.

WHEREAS, on March 22, 1977, the city council enacted Ordinance No. 2165 which granted a franchise to the Chesapeake and Potomac Telephone Company of Virginia and its successors and assigns for the purpose of providing a telephone and telegraph service and system within the city; and

WHEREAS, Section 17 of Ordinance No. 2165 provided that the franchise rights and privileges provided by the ordinance were to continue for a term of 20 years, from May 1, 1977 until May 1, 1997; and

WHEREAS, in order to await the resolution of issues arising from the enactment of certain state and federal legislation affecting the rights of municipalities and telecommunications providers, the city council, on October 25, 1997, enacted Ordinance No. 3961, which extended the franchise an additional two-year period until April 30, 1999, and on April 17, 1999, enacted Ordinance No. 4039, which extended the franchise until April 30, 2000 and again, on April 15, 2000, enacted Ordinance No. 4126, which extended the franchise until April 30, 2001; and on May 12, 2001, enacted Ordinance No. 4202, which extended the franchise until April 30, 2002; and on May 18, 2002, enacted Ordinance No. 4249, which extended the franchise until April 30, 2003; and

WHEREAS, the negotiation of a new franchise has been delayed due to Verizon's involvement with other ongoing business; and

WHEREAS, the city council has determined that it is in the public interest to extend for an additional one-year period the franchise granted by Ordinance No. 2165 to Verizon Virginia, Inc., as the successor to Bell Atlantic-Virginia, Incorporated, which was the successor to the Chesapeake and Potomac Telephone Company of Virginia; now, therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to Article VII, Section 9 of the Virginia Constitution and Article 1 of Chapter 21 of Title 15.2 of the Code of Virginia, Section 17 of Ordinance No. 2165, which defines the term of the franchise granted to the Chesapeake and Potomac Telephone Company of Virginia and its successors and assigns, be, and the same hereby is, amended to set the term at 27 years, such that the franchise shall expire on April 30, 2004, unless sooner voluntarily surrendered by

the franchisee with the consent of the city council, or unless sooner forfeited as provided by law.

Section 2. That Ordinance No. 2165, as amended by Section 1 of this ordinance, be, and the same hereby is, reordained.

Section 3. That this ordinance shall be effective upon the date and at the time of its final passage, and shall operate retroactively to extend the term of the franchise heretofore granted until April 30, 2004.

34. Public Hearing, Second Reading and Final Passage of an Ordinance to adopt the Potomac West Small Area Plan Chapter, Alexandria Open Space Plan Chapter, and Strategic Master Plan for Recreation, Parks and Cultural Activities Chapter, as part of the City of Alexandria Master Plan. (#31 6/10/03)  
**[ROLL-CALL VOTE]**

(A copy of the Planning Director's memorandum dated June 11, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 34; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage, with the following amendment: to the Potomac West Chapter that 10 percent of such units be affordable as defined by the City Affordable Housing Policy. The voting was as follows:

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

#### ORDINANCE NO. 4309

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendments heretofore approved by city council to such master plan as Master Plan Amendment Nos. 2003-0005, 2003-0006 and 2003-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendments.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2003-0005, the planning commission, on its own motion, initiated a comprehensive amendment to the 1992 Master Plan (1998 ed.) of the City of Alexandria, by adopting amendments to the Potomac West Small Area Plan Chapter, including the Upper Potomac West Task Force Report, the Long-Term Vision for the Arlandria Neighborhood and new and revised CDD guidelines.

2. In Master Plan Amendment No. 2003-0006, the planning commission, on its own motion, initiated a comprehensive amendment to the 1992 Master Plan (1998 ed.) of the City of Alexandria, by adopting the Alexandria Open Space Plan as a chapter of the said Master Plan.

3. In Master Plan Amendment No. 2003-0007, the planning commission, on its own motion, initiated a comprehensive amendment to the 1992 Master Plan (1998 ed.) of the City of Alexandria, by adopting Strategic Master Plan for Recreation, Parks and Cultural Activities as a chapter of the said Master Plan.

4. The said amendments have heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

5. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the amended Potomac West Small Area Plan Chapter, including the Upper Potomac West Task Force Report, the Long-Term Vision for the Arlandria Neighborhood and new and revised CDD guidelines, attached hereto and incorporated fully herein by reference, be, and the same hereby are, adopted as an amendment to the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 2. That the Alexandria Open Space Plan, attached hereto and incorporated fully herein by reference, be, and the same hereby is, adopted as a chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That the Strategic Master Plan for Recreation, Parks and Cultural Activities, attached hereto and incorporated fully herein by reference, be, and the same hereby is, adopted as a chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 4. That all provisions of the Potomac West Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of Section 1 of this ordinance be, and same hereby are, repealed.

Section 5. That all provisions of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of Sections 2 and 3 this ordinance be, and same hereby are, repealed.

Section 6. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendments, as part of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 7. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 8. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 9. That this ordinance shall become effective upon the date and at the time of its final passage.

35. Public Hearing, Second Reading and Final Passage of an Ordinance to implement the Potomac West Small Area Plan Chapter of the Master Plan, as part of the City of Alexandria Zoning Ordinance. (#32 6/10/03) **[ROLL-CALL VOTE]**

(A copy of the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 35; 6/14/03, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, 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"	

ORDINANCE NO. 4310

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES); to add a new Section 4-1400 (NEIGHBORHOOD RETAIL ZONE (ARLANDRIA)) to Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), and to amend and reordain and Paragraphs (6) (CDD No. 6 ARLANDRIA CENTER/BERKEY PHOTO) and (7) (CDD No. 7 ROUTE 1 PROPERTIES) of, and to add a new Paragraph (12) (CDD No. 12 SAFEWAY/DATATEL) to, Subsection (A) (CDD DISTRICTS), of Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS), all of the City of Alexandria Zoning Ordinance, in accordance with the said zoning map and text amendments heretofore approved by city council as Rezoning No. 2003-0003 and Text Amendment No. 2003-0003.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2003-0002 and Text Amendment No. 2003-0003, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, on its own motion initiated the comprehensive rezoning of the area comprising the Arlandria portion of the Potomac West Small Area Plan;
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
3. The said rezoning is in conformity with the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as amended, and
4. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Sheets of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, shown on Exhibits 1-1, 1-2, 1-3 and 1-4, attached hereto and incorporated fully by reference, be, and the same hereby are, amended by changing, in the manner set forth in the said Exhibits, the zoning classification of the property therein described.

Section 2. That Paragraph (6) of Subsection (A) of Section 5-602 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as shown on Exhibit 2, attached hereto and incorporated fully by reference.

Section 3. That Paragraph (7) of Subsection (A) of Section 5-602 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as shown on Exhibit 3, attached hereto and incorporated fully by reference.

Section 4. That Subsection (A) of Section 5-602 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding there to a new Paragraph (12), as shown on Exhibit 4, attached hereto and incorporated fully by reference.

Section 5. That Article 4 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 4-1400, as shown on Exhibits 5-1 through 5-16 inclusive, attached hereto and incorporated fully by reference.

Section 6. That the director of planning and zoning be, and hereby is, directed to record the foregoing map and text amendments.

Section 7. That the Sheets of the "Official Zoning Map, Alexandria, Virginia," as amended pursuant to Section 1 of this ordinance, Section 5-602, as amended

pursuant to Section 2, Section 3 and Section 4 of this ordinance, and Article 4, as amended pursuant to Section 5 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 8. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

36. Public Hearing, Second Reading and Final Passage of an Ordinance to establish dispute resolution procedures and standards for owners and operators of taxicabs subject to City regulation. (#28 6/10/03) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 36; 6/14/03, and is incorporated herewith as part of this record by reference.)

This item was deferred at the June 10, 2003 Meeting.

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

37. (CASE BAR-2002-0049) -- **209 SOUTH LEE STREET** -- Public Hearing on and Consideration on remand from the Circuit Court 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.

(A copy of the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 37; 6/14/03, and is incorporated herewith as part of this record by reference; and a copy of the letter seeking withdrawal dated June 13, 2003 is also incorporated herewith as part of this record by reference.)

This item was withdrawn at the request of the applicant.

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

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

**Planning Commission (continued)**

38. SPECIAL USE PERMIT #2003-0033 -- 4513 DUKE STREET - FOXCHASE DANCE HALL -- Public Hearing and Consideration of a request to amend a special use permit to include private restaurant with food and alcohol service for dance hall members; zoned Commercial General. Applicant: Mounyg Hi Yi

COMMISSION ACTION: Deferred by staff.

39. SPECIAL USE PERMIT #2003-0038  
3100 JEFFERSON DAVIS HIGHWAY  
MARINO'S RESTAURANT  
Public Hearing and Consideration of a review of a special use permit for a restaurant and to add seating; zoned CSL/Commercial Service Low. Applicant: Ather Subzwari

COMMISSION ACTION: Deferred

40. SPECIAL USE PERMIT #2003-0044  
3020 - 3030 DUKE STREET  
SHAKER MOTOR CO.

Public Hearing and Consideration of a review and to change the ownership of a special use permit of an automobile sales business; zoned CG/Commercial General. Applicant: Gholam Shaker

COMMISSION ACTION: Deferred

41. REZONING #2002-0004  
11-21 NORTH QUAKER LANE  
QUAKER VIEW

Public Hearing and Consideration of a request to rezone the property to amend a proffer prohibiting residential use; zoned CL\Commercial Low. Applicant: Jade Development Company, by Duncan Blair, attorney

COMMISSION ACTION: Recommend Denial 6-1 (Applicant has requested that this item be deferred to September.)

**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 Pepper, seconded by Vice Mayor Cleveland and carried unanimously, at 2:42 p.m., the public hearing meeting of Saturday, June 14, 2003, was adjourned. The voting was as follows:

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

\* \* \* \* \*

The meeting was adjourned at 2:42 p.m.

**APPROVED BY:**

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

**ATTEST:**

\_\_\_\_\_  
Jacqueline M. Henderson, CMC      City Clerk

*This docket is subject to change.*



\* \* \* \* \*

***Full-text copies of ordinances, resolutions, and agenda items are available in the Office of the City Clerk and Clerk of the Council.***

\* \* \* \* \*

***Individuals with disabilities who require assistance or special arrangements to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 838-4500 (TTY/TDD 838-5056). We request that you provide a 48-hour notice so that the proper arrangements may be made.***

\* \* \* \* \*

***Individuals who require translation services to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 838-4500. We request that you provide a 48-hour notice so that the proper arrangements may be made.***

\* \* \* \* \*