

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, March 12, 2005 - - 9:30 a.m.

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Ms. Evans, Assistant City Manager; Mr. Pessoa, City Attorney; Mr. Jinks, Assistant City Manager; Mr. Baier, Director, Transportation and Environmental Services; Ms. Davis, Director of Housing; Mr. Eiffert, Deputy Director of Housing; Ms. Gordon, Public Information Officer; Ms. Fogarty, Director of Planning and Zoning; Mr. Josephson, Deputy Director of Planning and Zoning; Mr. Farner, Planning and Zoning; Ms. Beeton, Planning and Zoning; Mr. Fogle, Planning and Zoning; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Ms. Vosper, Landscape Architect, Parks, Recreation and Cultural Activities; Ms. Durham, Parks, Recreation and Cultural Activities; Mr. Slavin, Senior Appraiser, Real Estate Assessments; Captain Bill Johnson, Police Department; Police Lt. Uzzell; Mr. Dahlberg, Director, Code Enforcement; and Mr. Farid, Information Technology.

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

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille and the City Clerk called the roll; all members of Council were present.

New Business Item No. 1: Captain Johnson from the Police Department gave an update on the status of the recent shooting and homicide of Corey Hargrow, noted that they are meeting with the neighboring civic associations, and the reassignment of the Resident Police Officer and the Community support section officers. Captain Johnson answered questions of Council.

2. Public Discussion Period.

(a) Nancy Carson, 301 W. Masonic View, on behalf of Housing Action, a citizens coalition dedicated to preserving and expanding the range of housing options in the City, spoke in support of the affordable housing in the City Manager's budget and in support of the use of the recordation tax. She complimented the budget, in that it expands the funding for the Affordable Housing Ownership Preservation Program, which provides tax relief to moderate income families.

(b) Margorie Golden, 1120 Francis Hammond Parkway, said she and her husband Michael support the Key Drive flood project in the pending budget, which is a 50-year old problem and has adversely impacted their neighborhood with every major storm.

(c) Tom Tuttle, 521 S. Lee Street, chair of the Alexandria Seaport Foundation, spoke about youth that don't complete high school, and the Foundation has been working on a program designed to address the needs of kids who may be disadvantaged or at-risk and for whom the traditional school system is not working. He said they give the kids a job, teach them a set of skills, and the result is that over the last dozen years they have had 220 kids who have gone through their program, and of those, 65 percent have gone on to a decent job, the military, back to school to graduate and go on to college, and have stayed out of trouble. They would like Council to be fully aware of what they are doing, as it is so important and the Foundation will be contacting the Council offices to set up individual times to see the program in action, with the idea of putting some money into the City budget for providing these kinds of services to program.

(d) Jack Sullivan, 9300 Ivanhoe Place, distributed a flyer to Council entitled, "Support Smart Growth - Bring a Grocery Store to North Old Town," which accuses the City's Planning staff of trying to suppress discussion of potential developments. He said the flyer appears to be a product of the Smart Growth Alliance, but it is not - it was concocted by members of the Board of The Loft Condos. He said Mr. Patrick Traylor called and emailed him to acknowledge the authorship. He said he faxed the flyer to both the Chesapeake Bay Foundation and the Smart Growth Alliance, and the Foundation has asked that the flyer not be circulated with its name on it, and the Alliance has also asked that the flyer be altered. He said he hoped Council would make it clear that misleading material like the flyer have no standing in the community.

After discussion and questions from Council, Councilman Gaines suggested that in a letter Council communicate to the Board, through the Planning staff, exactly what the process is, so there are no misconceptions.

(e) James Hurysz, 127 S. Fairfax Street, Arlington, said he lives in Arlington in Fairlington and spoke of the parking problems in his neighborhood, of high density in-fill, and HR3, which provides money for transportation and the earmarks received

from that, and the wants and needs which drive the earmarks.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-5)

Planning Commission

3. ENCROACHMENT #2004-0011
315 NORTH PAYNE STREET
RETAINING WALL

Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a retaining wall and fence; zoned RB/Residential. Applicant: Linda Lewis by C. Kaya Biron, AIA

PLANNING COMMISSION ACTION: Recommend Approval 7-0

4. SPECIAL USE PERMIT #2004-0110
3023 DUKE STREET
7-ELEVEN, INC.

Public Hearing and Consideration of a request for a special use permit to operate a nonconforming convenience store use; zoned CL/Commercial Low. Applicant: 7-Eleven, Inc. by Maynard Sipe, attorney.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

5. SPECIAL USE PERMIT #2005-0002
814 N. SAINT ASAPH STREET
3PT PERSONAL FITNESS STUDIO

Public Hearing and Consideration of a request for a special use permit to expand an existing personal fitness studio and a parking reduction; zoned CD-X/Commercial Downtown. Applicant: Andre Prue

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 3/12/05, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Gaines, seconded by Councilman Macdonald and carried unanimously, City Council approved the action consent calendar, with the removal of items 3 and 4 and considered them under separate motion.

5. City Council approved the Planning Commission recommendation.

The voting was as follows:

Gaines	"aye"	Pepper	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

3. ENCROACHMENT #2004-0011

315 NORTH PAYNE STREET
RETAINING WALL

Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a retaining wall and fence; zoned RB/Residential. Applicant: Linda Lewis by C. Kaya Biron, AIA

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 3/12/05, and is incorporated as part of this record by reference.)

Council asked questions about the easement and widening the sidewalk in front of the house and removing the retaining wall, which were answered by Deputy Director of Planning and Zoning Josephson.

Ms. Linda Lewis, the applicant, answered questions and noted that it is not just this property, but the entire block is encroaching to one degree or the other. She said she has a damaged wall, which is in need of replacement, and the future will be whatever it is, but it has to be looked at as an entire project, if it gets to that point.

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

Krupicka	"aye"	Pepper	"aye"
Macdonald	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

4. SPECIAL USE PERMIT #2004-0110

3023 DUKE STREET
7-ELEVEN, INC.

Public Hearing and Consideration of a request for a special use permit to operate a nonconforming convenience store use; zoned CL/Commercial Low. Applicant: 7-Eleven, Inc. by Maynard Sipe, attorney.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 3/12/05, and is incorporated as part of this record by reference.)

Questions were asked from Council regarding landscaping and recycling, which was answered by Mr. Josephson and Ms. Fogarty.

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

Mr. Maynard Snipe, attorney representing 7-Eleven, in response to a question from Council, said 7-Eleven recycles cardboard and complies with the City's recycling program.

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

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

Councilwoman Woodson asked what the possibility is of visiting the issue of sale of alcohol to minors for all convenience stores, whether coming up for a special use permit renewal or other consideration or not. She said she knows a particular convenience store is selling alcohol to minors.

After discussion, Mayor Euille suggested she put the request in writing.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

6. Public Hearing on Recommendations From the Open Space Steering Committee on the Proposed Pocket Park Program. (#21, 2/22/05)

(A copy of the City Manager's memorandum dated February 17, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 3/12/05, and is incorporated as part of this record by reference.)

Director of Parks, Recreation and Cultural Activities Kincannon made a presentation of the report and answered questions of Council.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing on the

proposed pocket park program, received the report and approved the pocket park program. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

- 7. MASTER PLAN AMENDMENT #2005-0001
 REZONING #2005-0001
 TEXT AMENDMENT #2005-0001
 MT. VERNON SMALL AREA PLAN

(The commercial properties along the Mt. Vernon Avenue corridor bounded generally by Herbert Street to the north and Nelson Street to the south, including the properties located at 415 and 425 Monroe Avenue.)

Public Hearing and Consideration of a request for:

- (1) A revision of and an amendment to the Potomac West Small Area Plan chapter of the Master Plan to include the Mt. Vernon Avenue Business Area Plan and new CDD guideline and general updated language;
- (2) Amendments to the City of Alexandria zoning map to reflect the Mt. Vernon Avenue Urban Overlay Zone, a new CDD #13, a new CDD #14;
- (3) Amendments to Section 5-602 of the Alexandria Zoning Ordinance to add a new CDD #13 and a new CDD #14;
- (4) Amendments to Section 2-100 of the Alexandria Zoning Ordinance to add definitions; and
- (5) Enactment of Section 6-600 of the Alexandria Zoning Ordinance pertaining to the Mr. Vernon Avenue Urban Overlay Zone.

Applicant: City of Alexandria, Department of Planning and Zoning

PLANNING COMMISSION ACTION:

MPA #2005-0001	Recommend Approval, as amended	7-0
REZ #2005-0001	Recommend Approval	7-0
TA #2005-0001	Recommend Approval, as amended	7-0

(A copy of the Planning Commission report dated March 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 3/12/05, and is incorporated as part of this record by reference.)

Ms. Fogarty and members of the Planning and Zoning staff made a presentation of the report. Ms. Fogarty noted the amendment that was passed out regarding making it clear that the plan's goal for mixed use development in the Triangle site with the provision for quality on-site open space and underground parking. Ms. Fogarty, Ms.

Fogle and Mr. Baier answered questions of Council pertaining to the Triangle area, reducing speeding, keeping small businesses in operation, standards for live theater, pedestrian lighting, and bringing DASH bus and the narrowing of the road.

Mayor Euille acknowledged the work of the Planning and Zoning Office, City Manager's Office, Planning Commission, the consultants, the Mt. Vernon Avenue work group, and the inter-departmental efforts.

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

(a) Boyd Walker, 922 Cameron Street, said his family owns the Evening Star Restaurant and Daily Planet Blind Shop, and he spoke to the proposed expansion of their building. He noted the problem with the Plan is that he didn't think it provided the mechanism to reduce the parking or increase the low FAR that is currently required.

(b) Joseph Lavigne, 403 E. Nelson Avenue, an architect and a member of the work group, spoke in favor of the Mt. Vernon Small Area Plan. He noted one issue that has come up, which is the 28 degree setback angle or bulk plane that is related to the back property.

(c) Gayle Reuter, 110 E. Del Ray Avenue, speaking on behalf of the Potomac West Business Association, spoke in full support of the Mt. Vernon Small Area Plan.

(d) Arthur Johnson, 2712 Mosby Street, spoke of several concerns in the plan, such as the 28 degree angle, the plan and how it relates to other plans, and some minor changes will need to be made.

(e) Harry Falconer, 44 Kennedy Street, representing the Warwick Village Citizens Association and a work group member, spoke in support of the Plan.

(f) David Fromm, 2307 E. Randolph Avenue, representing the Del Ray Citizens Association, spoke in support of the Plan.

(g) Lonnie Rich, 101 W. Uhler Terrace, representing Jim Yates, who owns Alexandria Yellow Cab and Alexandria Diamond Cab, which own several of the parcels in the Triangle area, said that Jim Yates has found other property to move to, so he is in a position to sell his parcels in that Triangle, and all the parcel owners have come together to assemble their property for sale to a developer. He noted his concern that all the perimeters of the plan may be difficult to achieve all together, and he urged Council's approval of the Plan.

(Councilman Gaines left the meeting at this time, 11:50 a.m., to attend a National League of Cities Program in Washington, D.C.)

Council asked questions regarding administrative decisions of the staff and how the plan fit into other analysis, which were answered by Ms. Fogarty.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Macdonald and carried unanimously, City Council approved the Planning Commission's recommendation on the master plan amendment, the rezoning, and the text amendment for the Mt. Vernon Small Area Plan. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Macdonald	"aye"	Gaines	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

8. Public Hearing and Consideration of an Appeal of the decision of the Planning Commission for Development Site Plan #2004-0018, 520 N. Armistead Street, a request to appeal a decision of the Planning Commission that requires the removal of three units from the proposed site plan. Appellant: M. Catharine Puskar, Attorney.

(A copy of the Planning Commission report dated March 7, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 3/12/05, and is incorporated as part of this record by reference.

(A copy of the appeal is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8, 3/12/05, and is incorporated as part of this record by reference.)

Ms. Fogarty made a presentation of the staff report.

Questions were asked by Council regarding the Planning Commission approval with the definition of multi-family versus townhouse, the townhouse buffer to Beauregard, the site characteristics and protection of the site resources, which were answered by Ms. Fogarty and Mr. Farner.

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

(a) Ms. Cathy Puskar, attorney representing the applicant, asked Council to approve the 41 units as opposed to the 38 approved by the Planning Commission, and she clarified the open space requirements and said more open space is being provided in this proposal than if it went with the other rules.

(b) Ellen Pickering, 103 Roberts Lane, asked Council to uphold the Planning Commission in the decision.

(c) Elizabeth Wright, 113 S. Ingram Street, said Kathleen Burn asked her to read a statement on her behalf.

Mayor Euille noted that Council had received Ms. Burn's letter, but Ms. Wright could not speak for Ms. Burn and then for herself.

Ms. Wright, speaking for herself, stated that the City needs to revamp the land use decisions and she sensed back room agreements being made, and she asked where the platform for citizen review and comment is after all the extended negotiations have gone on after a decision has been made. She asked for respect for the appointed Planning Commission and Council and she asked Council to go back to the law.

In response to a question from Vice Mayor Pepper about the number of units that should be allowed, Ms. Wright said she didn't come up with an exact number.

(d) Poul Hertel, 1217 Michigan Court, said the question is should this be a multi-family or townhouse, and the criteria is that if it designs a multi-family, the Code is clear in conveying what is essential in order to make the multi-family or townhouses livable. He said he felt the multi-family requirement should be applied in this case and it should be designed as multi-family.

In response to a question from Vice Mayor Pepper, Mr. Hertel said his personal feeling is that it should go to townhouse, which is the removal of 10 units, but it should go back to the Planning Commission, which is 38.

(e) Jesse Jennings, 1019 Oronoco Street, said the comments referenced this evening by the Planning Commission were made by certain members of the Planning Commission, but did not necessarily reflect the consensus of the Commission. The applicant came in with a multi-family proposal and many felt it was adequate, but then the question came up on how it planned to market the units, which was answered that it would be marketed as townhouse style. He said if he would have had the opportunity, he would have put a motion on the floor to support the 41 units. The thing that drove the 38 units was compromise, which was to move the discussion forward.

WHEREUPON, a motion was made by Councilman Krupicka, seconded by Councilman Smedberg, that City Council close the public hearing and uphold the appeal.

A MOTION WAS MADE by Councilman Macdonald to vacate the decision of the Planning Commission and remand it back to the Planning Commission to look at the number of units the site can actually accommodate and review much more carefully the basic zoning and the site plan characteristics that they are setting out to meet. The motion failed for lack of a second.

A SUBSTITUTE MOTION WAS MADE by Vice Mayor Pepper, seconded by Councilman Macdonald and failed 2-4 to uphold the action of the Planning Commission.

The voting was as follows:

Pepper	"aye"	Gaines	absent
Macdonald	"aye"	Krupicka	"no"
Euille	"no"	Smedberg	"no"
	Woodson	"no"	

The voting on the original motion carried by a vote of 4-2, recorded as follows:

Krupicka	"aye"	Pepper	"no"
Smedberg	"aye"	Gaines	absent
Euille	"aye"	Macdonald	"no"
	Woodson	"aye"	

ORDINANCES AND RESOLUTIONS

9. Public Hearing, Second Reading and Final Passage of an Ordinance Making Supplemental Appropriations For Fiscal Year 2005. (#16, 3/8/05) (**ROLL-CALL VOTE**)

(A copy of the City Manager's memorandum dated February 28, 2005 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 3/12/05, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council marked Exhibit No. 2 of Item No. 9, 3/12/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 9, 3/12/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council passed the ordinance to make supplemental appropriations for fiscal year 2005. The voting was as follows:

Pepper	"aye"	Gaines	absent
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4381

AN ORDINANCE making supplemental appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2005.

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 2005, the source of such amount being external grant awards for which revenues were authorized and adjusted after July 1, 2004, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2005, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office on Women	\$ <39,260>
Transportation and Environmental Services	1,523,500
Police	281,643
Housing	693,691
Mental Health/Mental Retardation/Substance Abuse	336,644
Human Services	<u>1,800,378</u>
Total Estimated Revenue	<u>\$ 4,596,596</u>

APPROPRIATION:

Office on Women	\$ <39,260>
Transportation and Environmental Services	1,523,500
Police	281,643
Housing	693,691
Mental Health/Mental Retardation/Substance Abuse	336,644
Human Services	<u>1,800,378</u>
Total Appropriations	<u>\$ 4,596,596</u>

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

10. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish the Citizen Corps Council as a Standing Committee. (#17, 3/8/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council marked Exhibit No. 1 of Item No. 10, 3/12/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10, 3/12/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg and seconded by Vice Mayor Pepper to pass the ordinance to establish the Citizen Corps Council as a Standing Committee.

There was discussion among Council about why this was being made as a permanent committee along, with the name of the committee.

The voting on the motion carried unanimously by roll-call vote and is as follows:

Smedberg	"aye"	Gaines	absent
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4382

AN ORDINANCE to amend Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), of Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Article T (CITIZEN CORPS COUNCIL).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

ARTICLE T

Citizen Corps Council

Sec. 2-4-140 Creation, composition, organization and term.

(a) The Citizen Corps Council, initially established on December 8, 2003, is hereby established by ordinance and designated as a standing committee known as the Citizen Corps Council.

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

- (1) five citizen members;
- (2) a representative of the Alexandria Chapter of the American Red Cross;
- (3) a representative of the Alexandria business community;
- (4) a representative of Alexandria civic associations;
- (5) a representative of the Alexandria Commission on Persons with Disabilities;
- (6) a member in good standing of the CERT program;
- (7) a citizen designated by the Alexandria School Board;
- (8) a representative of the Crime Prevention Council, or an individual with law enforcement or crime prevention experience;
- (9) a representative of the Emergency Medical Services Council, Medical Reserve Corps, or a person with emergency medical response experience; and
- (10) two members of city council, appointed by the mayor, who shall be non-voting members.

(c) The members of the committee shall be appointed in the manner prescribed in title 2, chapter 4, article a of this code. The members shall serve for a term of three years, and such terms shall be staggered.

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

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

- (1) ensuring that the entire community is well prepared to respond appropriately to natural, accidental, and human-caused emergencies;
- (2) evaluating, catalyzing and empowering individuals, groups, civic

associations, schools, utilities, business, governments and institutions to prepare for and respond to such emergencies; and

(3) providing essential support to all persons in the city by effectively and efficiently working to deliver unified emergency services;

(4) to do all things necessary or convenient to carry out the responsibilities expressly given in this subsection; and

(5) such other tasks as may be requested by the city council.

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

(c) Subject to the availability of funds and staff, the city manager is authorized to provide, through the Fire Department, Office of Emergency Management, and other departments, such staff or other assistance to the council as requested.

Section 2. That no provision of this ordinance shall be deemed to affect the appointments or terms of the members of the Citizen Corps Council in office on the effective date hereof.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Revise the Membership of the Alexandria-Caen Exchange Committee. (#18, 3/8/05)
(ROLL-CALL VOTE)

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council marked Exhibit No. 1 of Item No. 11, 3/12/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11, 3/12/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council passed the ordinance to revise the membership of the Alexandria-Caen Exchange Committee. The voting was as follows:

Pepper	"aye"	Gaines	absent
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4383

AN ORDINANCE to amend Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), of Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Article S (ALEXANDRIA-CAEN EXCHANGE COMMITTEE).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

ARTICLE S

Alexandria-Caen Exchange Committee

Sec. 2-4-140 Creation, composition, organization and term.

(a) The Alexandria-Caen Exchange Committee, initially established on November 13, 1990, is hereby established by ordinance and designated as a standing committee known as the Alexandria-Caen Exchange Committee.

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

- (1) sixteen citizen members; and
- (2) one member representing the Sister Cities Committee.

(c) The members of the committee shall be appointed in the manner prescribed in title 2, chapter 4, article a of this code. The members shall serve for a term of two years, and such terms shall be staggered.

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

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

(1) economic development and tourism programs, academic/educational student and staff exchanges, arts and cultural program exchanges, and professional health program exchanges, between the City of Alexandria, Virginia and the City of Caen, France, and the residents thereof;

(2) to do all things necessary or convenient to carry out the responsibilities expressly given in this subsection; and

(3) such other tasks as may be requested by the city council.

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

(c) Subject to the availability of funds and staff, the city manager is authorized to provide such staff or other assistance to the committee as requested.

Section 2. That no provision of this ordinance shall be deemed to affect the appointments or terms of the members of the Alexandria-Caen Exchange Committee in office on the effective date hereof.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

12. Public Hearing, Second Reading and Final Passage of an Ordinance to Revise the Membership of the Youth Policy Commission. (#19, 3/8/05) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated March 4, 2005 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 3/12/05, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council marked Exhibit No. 2 of Item No. 12, 3/12/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12, 3/12/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council passed the substitute ordinance to revise the membership of the Youth Policy Commission. The voting was

as follows:

Pepper	"aye"	Gaines	absent
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

Ordinance No. 4384

AN ORDINANCE to amend and reordain Section 12-13-2 (COMPOSITION; APPOINTMENT; TERMS; CHAIRPERSON AND OFFICERS; COMMITTEES), of Chapter 13 (YOUTH POLICY COMMISSION), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-13-2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended and reordained to read as follows:

Sec. 12-13-2 Composition; appointment; terms; chairperson and officers; committees.

(a) The commission shall consist of 21 members, 20 of whom shall be voting members and one a non-voting member. Ten of the voting members shall be citizens, two shall be from community non-profit agencies that have an interest in youth issues, three shall be from the public sector, and five shall be from city boards or commissions or other organizations which have an interest and involvement with youth including two members of the Alexandria City School Board's advisory committees. The majority of the members of the commission shall not be elected officials or employees of a public or private service agency that provides services to the city's youth. The non-voting member shall be a judge from the juvenile and domestic relations court, as determined by the chief judge of that court.

(1) Citizen members. These ten members shall be appointed by city council and shall be city residents. They shall consist of: three parents of children 18 years of age or younger, one of whom shall be a resident of school board election District A, one of whom shall be a resident of District B and one of whom shall be a resident of District C (see section 12-1-4); two individuals younger than 18 years of age; two representatives of the business community; two members of professions which require special training or knowledge in issues affecting youth; and one individual who has an interest in issues affecting youth in the city. The terms of the citizen members shall be three years and shall be staggered; except the terms of the citizen members younger than 18 years of

age shall be one year. The members younger than 18 years of age may be reappointed by city council as long as they will be younger than 18 years of age during their reappointment.

(2) Community non-profit agency members. These two members shall be appointed by city council and shall be city residents. They shall represent non-profit community agencies that have an interest in youth issues. The terms of these members shall be three years and shall be staggered.

(3) Public sector members. These three members shall be the mayor, , a member of the school board designated by the board, and a member of the public health advisory commission designated by the commission. The mayor shall serve on the commission for so long as he holds office. The other two public sector members shall serve terms of three years which shall be staggered.

(4) Members from city boards or commissions or other organizations. These five members shall be appointed by city council, and shall be residents of the city. Two of the members shall be members of city boards or commissions, or of other organizations, which, in the course of performing their duties and functions, come into significant contact with the city's youth or which otherwise have an interest in youth issues. Two of the members shall be members of the Alexandria City School Board's advisory committees. The fifth member shall be a member of the park and recreation commission. The terms of these members shall be three years and shall be staggered.

(b) The commission shall elect from among its voting members a chairperson and such other officers as it deems necessary.

Section 2. That no provision of this ordinance shall be deemed to affect the appointments or terms of the members of the Youth Policy Commission in office on the effective date hereof.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Revise the Local Filing and Other Requirements For Conversion Condominium Registrations. (#20, 3/8/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council marked Exhibit No. 1 of Item No. 13, 3/12/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13, 3/12/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council passed the ordinance to revise the local filing and other requirements for conversion condominium registrations, as amended. The voting was as follows:

Pepper	"aye"	Gaines	absent
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4385

AN ORDINANCE to amend and reordain Chapter 4 (CONDOMINIUMS AND COOPERATIVES) of Title 7 (PLANNING AND DEVELOPMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 of Title 7 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:

CHAPTER 4

Condominiums and Cooperatives

Sec. 7-4-1 Generally.

Any building or structure erected or proposed to be erected, or converted or proposed to be converted, within the city which is subject to the Condominium Act, Va. Code § 55-79.39, et seq., or Virginia Real Estate Cooperative Act, Va. Code § 55-424, et seq., or any amendments thereto, or the land on which they may be proposed or situated, shall be treated as though it be a building, structure or land without the feature of condominium ownership or cooperative ownership, except where such treatment would be inconsistent with the general law governing a condominium or cooperative regime established under the Condominium Act or Virginia Real Estate Cooperative Act.

Sec. 7-4-2 Reserved.

Sec. 7-4-3 Filing of documents and information.

(a) (1) The developer of a conversion condominium as defined in the

Condominium Act shall at the time the application for registration of the condominium is filed with the Virginia Real Estate Board, simultaneously file in the office of the clerk of the city council all the information which is required by the Board under section 55-79.89 of the Code of Virginia (1950), as amended.

(2) Such developer shall simultaneously file with the city clerk all supplemental information or additional documents which are filed with the Board, including a copy of the final registration.

(3) Such developer shall file with the city clerk, by hand delivery or certified mail, return receipt requested, a complete copy of the formal notice actually sent to each of the tenants of the building pursuant to the Condominium Act, including the name and address of each tenant to whom such notice was sent. Such copy shall be filed with the city clerk on or before the date such notice is given to the tenant named in the notice.

(4) There shall be no fee for such filings.

(b) (1) The developer of a conversion cooperative as defined in the Virginia Real Estate Cooperative Act shall at the time the application for registration of the cooperative is filed with the Virginia Real Estate Board, simultaneously file in the office of the clerk of the city council all the information which is required by the Board under section 55-498 of the Code of Virginia (1950), as amended.

(2) Such developer shall simultaneously file with the clerk all supplemental information or additional documents which are filed with the Board, including a copy of the final registration.

(3) Such developer shall file with the city clerk, by hand delivery or certified mail, return receipt requested, a complete copy of the formal notice actually sent to each of the tenants of the building pursuant to the Cooperative Act, including the name and address of each tenant to whom such notice was sent. Such copy shall be filed with the city clerk on or before the date such notice is given to the tenant named in the notice.

(4) There shall be no fee for such filings.

(c) No developer of a conversion condominium or a conversion cooperative may offer or dispose of any interest in a condominium or cooperative unit located in the city prior to the time the information regarding the condominium or cooperative which includes such unit is filed in accordance with this section and any contract for the purchase and sale of an interest in a unit in violation of this section shall be deemed an illegal contract.

Sec. 7-4-4 Chapter supplemental and additional to other code provisions.

The provisions of this chapter shall be in addition and supplemental to all other provisions of this code.

Sec. 7-4-5 Conversion condominiums and conversion cooperatives--definitions; extensions of leases and dislocation reimbursement required.

(a) For the purposes of this section:

(1) "Declarant" shall mean any person or group of persons acting in concert that:

a. Offers to dispose of his or its interest in a condominium unit not previously disposed of or, as part of a common promotional plan, offers to dispose of his or its cooperative interest not previously disposed of;

b. Reserves or succeeds to any special declarant right; or

c. Applies for registration of the condominium or the cooperative under title 55, Code of Virginia (1950), as amended.

(2) "Disabled" means a person suffering from a severe, chronic physical or mental impairment which results in substantial functional limitations.

(3) "Elderly" means a person not less than 62 years of age.

(b) The elderly or disabled tenants occupying as their residence, at the time of the issuance of a general notice of condominium conversion or cooperative conversion, shall be offered leases or extensions of leases on the apartments or units they then occupied or, on other apartments or units of at least equal size and overall quality. The terms and conditions thereof shall be as agreed upon by the lessor and the lessee, except that the lessor must offer the lessee the option of a term of up to and including three years, and provided that the rent for such apartment or unit shall not be in excess of reasonable rent for comparable apartments or units in the same market area as such converted condominium or cooperative. Nothing herein shall require that such leases or extensions be offered on more than 20 percent of the apartments or units in such converted condominium or cooperative, or that such leases or extensions extend beyond three years from the date of such notice. Such leases or extensions shall not be required, however, in the case of any apartments or units which will, in the course of the conversion, be substantially altered in the physical layout, restricted exclusively to nonresidential use or be converted in such a manner as to require relocation

of the tenant in premises outside of the project being converted.

- (c) Any declarant of any residential condominium or cooperative converted from multifamily rental use shall pay any tenant displaced by the conversion for actual moving expenses, but not to exceed the amount calculated according to the Moving Expense Schedule promulgated pursuant to 24 VAC 30-41-220. In lieu of paying for actual expenses incurred, the declarant may elect to pay the full amount calculated according to such schedule. The foregoing provisions shall not apply if declarant has elected to follow Alexandria's housing relocation assistance policy.

Sec. 7-4-6 Violations and penalties.

(a) Any violation of the provisions of this chapter shall be punishable as a class one civil violation.

(b) The following acts or omissions constitute a violation of this chapter:

(1) Failure to file any document required to be filed with the city clerk pursuant to this chapter within the time required, or filing with the city clerk any document, required or otherwise, in connection with the registration of a conversion condominium or conversion cooperative which is materially false, inaccurate, incomplete or contrary to law.

(2) Failure to send to a tenant within the time required any notice required to be filed with the city clerk pursuant to this chapter, or sending any notice, required or otherwise, to a tenant in connection with the registration of a conversion condominium or conversion cooperative which is materially false, inaccurate, incomplete or contrary to law.

(3) Failure to make any payment required by this chapter to a tenant displaced by a condominium conversion or cooperative conversion, or unreasonably delaying, conditioning or withholding any such payment.

(4) Failure to make or offer any lease required by this chapter to an elderly or disabled tenant, or unreasonably delaying, withholding or conditioning any such lease.

(c) Whenever the city attorney has reasonable cause to believe that any person has engaged in, or is engaging in, or is about to engage in, the use of any deception, fraud, false pretense, false promise or misrepresentation in connection with the registration, sale, offering for sale, lease or offering for lease of a unit in a conversion condominium or conversion cooperative to a tenant, the city attorney may obtain a civil investigative order, or bring an action to enjoin such acts or omissions, pursuant to the Virginia Consumer Protection Act, Va. Code § 59.1-196, et seq.

(d) Prior to the issuance of a notice of civil violation pursuant to subsection (a), or to the commencement of an enforcement proceeding under subsection (c), the responsible party shall be afforded written notice and a 10 day opportunity to correct the violation; provided, however, that such notice and opportunity to correct shall not be required for any willful violation.

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

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish a Polling Place at the Durant Center, in Lieu of the Jefferson Houston School. (#21, 3/8/05) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated February 28, 2005 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 3/12/05, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council marked Exhibit No. 2 of Item No. 14, 3/12/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 14, 3/12/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council passed the ordinance to establish a polling place at the Durant Center, in lieu of the Jefferson Houston School. The voting was as follows:

Pepper	"aye"	Gaines	absent
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4386

AN ORDINANCE to amend and reordain subsection (d) (JEFFERSON HOUSTON 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 (d) 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:

(D) The Durant Center 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 Durant Center Election District shall be at the Durant Center, located at 1605 Cameron Street.

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 Durant Center Election District, in replacement of the Jefferson Houston 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.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Prohibit Through Trucks From the 200 block of South West Street, at Certain Times. (#22, 3/8/05) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated February 28, 2005 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 3/12/05, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council marked Exhibit No. 2 of Item No. 15, 3/12/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of

Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 15, 3/12/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council passed the ordinance to prohibit through trucks from the 200 block of South West Street, at certain times.

Mr. Baier noted that even though they are putting a truck restriction on the block, the solid waste vehicles will be operating in the summer hours between 6:00 and 7:00 to do their normal routine pick-ups.

The voting on the motion was as follows:

Macdonald	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	absent
Euille	"aye"	Krupicka	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4387

AN ORDINANCE to amend and reordain Section 10-1-15.1 (TRUCK TRAFFIC; PROHIBITED ON CERTAIN STREETS; PENALTY), of Chapter 1 (GENERAL PROVISIONS), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-1-15.1 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. 10-1-15.1 Truck traffic; prohibited on certain streets; penalty.

(a) Motor trucks are prohibited from using the following streets or portions of streets:

- (1) Powhatan Street between North Washington Street and Henry Street;
- (2) South Gordon Street;
- (3) South Early Street;
- (4) South Floyd Street;
- (5) the 200 block of South Fayette Street;
- (6) the 200 block of South Payne Street;

- (7) the 600 block of South Saint Asaph Street;
- (8) the 300 and 400 blocks of North Fayette Street;
- (9) the 300 and 400 blocks of North Payne Street;
- (10) the 1200 and 1300 blocks of Queen Street;
- (11) the 1200 and 1300 blocks of Princess Street;
- (12) the 1200 and 1300 blocks of Oronoco Street;
- (13) Pickett Street between Seminary Road and Pegram Street;
- (14) Jordan Street between Seminary Road and Duke Street;
- (15) Howard Street between Seminary Road and Jordan Street;
- (16) Richenbacher Avenue between north Van Dorn Street and Pickett Street;
- (17) Taney Avenue between north Van Dorn Street and Jordan Street;
- (18) the 300 block of South Henry Street; and
- (19) the 200 block of South West Street between the hours of 11:00 PM and 7:00 AM only.

(b) The prohibition set out in subsection (a) shall not apply to public utility motor trucks or to motor trucks whose purpose is receiving loads or making deliveries on the streets or portions of streets listed in subsection (a) or on an adjacent residential street to which no other access is available.

(c) Any person violating this section shall be fined not less than \$100.

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

None

New Business Item No. 2: Assistant City Manager Evans noted that the Affordable Housing Development Corporation can't make it to the work session that was set for March 22, so it will be set for April 12, 2005.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council adjourned the meeting at 1:25 p.m. The voting was as follows:

Krupicka	"aye"	Gaines	absent
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

* * * * *

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jackie M. Henderson, CMC, City Clerk