

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, April 16, 2005 - - 9:30 a.m.

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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 Councilwoman Joyce Woodson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Baier, Director, Transportation and Environmental Services (T&ES); Ms. Smith-Page, Director, Real Estate Assessments; Mr. Dahlberg, Director, Code Enforcement; Mr. Neckel, Director, Finance; Ms. Davis, Director, Office of Housing; Mr. Johnson, Director, Office of Management and Budget (OMB); Ms. Fogarty, Director of Planning and Zoning; Mr. Josephson, Deputy Director of Planning and Zoning; Mr. Farner, Planning and Zoning; Mr. Smith, BAR Liaison, Planning and Zoning; Mr. Siley, Planner; Mr. Phipps, Planning and Zoning; Ms. Hannold, Planning and Zoning; Police Lt. Uzzell; and Mr. Farid, General Services.

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 the members of City Council were present.

2. Public Discussion Period.

(a) Linda Couture, 505 Duke Street, spoke about the Gunston Hall Apartments renovation progress and showed a photo of what the building will look like when it is done and said they will have an open house tomorrow to show everyone the building and the wide open space. She noted they have talked with developers in the area who have done affordable housing renewals.

(b) Lawrence O'Connor, 207 S. Lee Street, spoke about Gunston Hall progress and the efforts in exploring the Gunston Hall Apartments eligibility for listing on the National Register of Historic Places. He noted their group will submit papers to initiate the State Historic Preservation Office formal review process. The State staff has also encouraged them to promote an amendment to the nomination of the National Register of the Old and Historic Alexandria District to update the period of relevance of its contributing structures to conform with the general national historic preservation standards and a meeting with the State staff has been scheduled. Mr. O'Connor said the appraisers engaged to determine the fair market value of the apartments are to make their own physical inspection of the property this coming week.

(c) Jack Wilmer, 504 Malcolm Place, spoke about the City considering not passing along to the Schools the \$160,000 in State aid for education by the General Assembly and he asked Council to make available the money provided. Mr. Wilmer spoke about the diversity at T.C. Williams and increasing property values and asked Council to place the highest value on its schools.

(d) James Hurysz, 127 S. Fairfax Street, #202, spoke about increased assessments in Arlington and Alexandria and the lack of a traffic mitigation policy. He said they need sufficient taxes returned to them for necessary infrastructure.

(e) Julie Crenshaw, 716 Queen Street, spoke about the problems with Hunting Towers and what has not been done, which is to not engage any of the services in the City to help the people. She said there is now a working group on Jones Point Park and nothing has been done, and over a year ago the City was told by VDOT and the National Park Service that changes were going to be made for parking. She said it had come to her attention that the Mayor said he didn't know and the City wasn't aware and now it can't be done in two months, as directives were not given.

(f) Roger Fons, 815 1/2 King Street, Old Town Theater, spoke about the proposed admissions tax and said he is a struggling theater and put \$1 million into the place to give back to the City. He said the 50 cent admissions tax will put him out of business.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-7)

Planning Commission

3. SPECIAL USE PERMIT #2005-0005
2 SOUTH JORDAN 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 Planning Commission report dated April 3, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 4/16/05, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2005-0006
249 SOUTH VAN DORN STREET, SUITE 289
(parcel address 201 S. Van Dorn Street)
RESTAURANT/ICE CREAM SHOP
Public Hearing and Consideration of a request for a special use permit to operate a restaurant/ice cream shop; zoned CG/Commercial General. Applicant: Layek Chowdhury

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report dated April 5, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 4/16/05, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2005-0008
5310 EISENHOWER AVENUE
AUTOMOTIVE REPAIR
Public Hearing and Consideration of a request for a special use permit for change of ownership and to expand an existing light automobile repair business to include general automobile repair as an expansion of a noncomplying use; zoned OCH/Office Commercial High. Applicant: Adrian Mungiu

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report dated April 5, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 4/16/05, and is incorporated as part of this record by reference.)

7. ENCROACHMENT #2004-0002
105 & 107 SOUTH FAIRFAX STREET
STABLER LEADBEATER APOTHECARY MUSEUM
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for the construction of a temporary stoop and handicapped accessible ramp; zoned CD/Commercial Downtown. Applicant: Stabler Leadbeater Apothecary Museum by C. Richard Bierce, agent

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report dated April 5, 2005, is on file in the office

of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 4/16/05, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the consent calendar, with the exception of docket item #5, which was considered under separate motion.

- 3. City Council approved the Planning Commission recommendation.
- 4. City Council approved the Planning Commission recommendation.
- 6. City Council approved the Planning Commission recommendation.
- 7. City Council approved the Planning Commission recommendation.

The voting was as follows:

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

- 5. SPECIAL USE PERMIT #2005-0007
477 NORTH ARMISTEAD STREET APT #1
(parcel address 435 N. Armistead Street)
CHILD CARE HOME
Public Hearing and Consideration of a request for a special use permit to operate a child care home; zoned RA/Residential. Applicant: Madelaine Cuello

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report dated April 5, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 4/16/05, and is incorporated as part of this record by reference.)

Councilman Smedberg asked questions about the day care center in the condominium complex, which were answered by Ms. Fogarty and Mr. Josephson.

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"

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

8. Public Hearing on the Draft Consolidated Plan for Housing and Community Development For FY 2006-2010.

(A copy of the City Manager's memorandum dated April 13, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 4/16/05, and is incorporated as part of this record by reference.)

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

(a) Nancy Carson, 301 W. Masonic View, member of the Affordable Housing Advisory Committee, complimented Ms. Davis and her staff for producing the plan. She said that from the Housing Action Commission, she said the plan is excellent but does not speak to the larger housing crisis they face. She said Housing Action has recommended a vision study and needs an active action plan that involves the citizens in outlining not just numeric targets for housing, but more flexible policy tools, revisiting questions of homeownership, surveying the faith based properties, the public properties and a whole range of things they need to look at. They also need stronger and more legislation to give strength to the importance of housing policies, they need better involvement of the community and they need more dedicated revenue.

(b) Bob Eiffert, 1418 Juliana Place, spoke about the plan and looking at the goal of developing up to 500 units of new affordable housing through the Housing Development Corporation or other corporate means. He urged a dedicated revenue stream, not just for affordable housing in general, but to go to the housing trust fund or the housing opportunities fund, and he encouraged the one cent on property tax and said the most important thing is to do dedicated revenue.

Councilman Krupicka asked that the data comparing Alexandria's density to other jurisdictions demonstrating that the scope was a little different than the way it is used in the Plan, and he asked that the characterization be included as opposed to the current characterization.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing on the draft Consolidated Plan for Housing and Community Development for FY 2005-2010, which includes the one-year action plan containing the City's application for City Fiscal Year 2006 Funding for \$1,411,586 in Community Development Block Grant monies and \$874,864 in Home Investment Partnerships Program monies; and to docket the consolidated plan and one-year action plan for final Council consideration on May 14, 2005. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Board of Architectural Review

Items 9 and 10 were heard together:

9. Case No. 2002-0300 - Appeal - Board of Architectural Review, 718, 722, 820A, 820B, 906 and 922 South Washington Street and 719 South Saint Asaph Street, RCX Residential. Appeal of the BAR's Decision Denying a Request for Replacement Roofing. Appellant is Miles Properties, Inc., by Howard Middleton.
10. Case No. 2002-0300 - Appeal - Board of Architectural Review, 718, 722, 820A, 820B, 906 and 922 South Washington Street and 719 South Saint Asaph Street, RCX Residential. Appeal of the BAR's Decision Approving a Request For Replacement Windows and Through the Wall HVAC Units. Appellant is City of Alexandria, by James K. Hartmann, City Manager.

(A copy of Planning Commission report dated April 16, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9 and 10, 4/16/05, and is incorporated as part of this record by reference.)

Ms. Fogarty made a presentation of the staff report. Ms. Fogarty and Mr. Phipps answered questions of Council.

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

(a) Howard Middleton, 3110 Fairview Park Drive, Falls Church, attorney and applicant for Miles Property, Inc., said he would withdraw the appeal for the slate roof and he asked for denial of item #10, the appeal filed by the City for the air conditioning and repair of the windows. Mr. Middleton said they have agreed to retain the windows and repair them thoroughly, however, they did express their willingness to either repair the windows or to proceed with the BAR approval with the replacement windows, and they are willing to do either one. He said they would like to replace the bathroom windows, which number around 103. For the remainder 590 windows, they would do replacement as approved or repair as urged by staff.

Mr. Middleton and Mr. John Huckaby, with Miles Properties, along with Mr. Phipps and Mr. Dahlberg answered questions of Council regarding the air conditioning units, the windows, the roof and the duct work.

(b) Oscar Fitzgerald, 206 W. Monroe Avenue, representing the Board of

Architectural Review, Old and Historic District, said the BAR is happy with the compromise on repairing the windows, and for the air conditioning, if they put a centralized system in, they might have window units, so the BAR thought the through the wall units were a good compromise. In response to a question from Mayor Euille, Mr. Fitzgerald said the BAR has no problem with the installation now or later of storm windows, and they are not part of BAR approval.

(c) Caroline Orner, 907 S. Washington Street, Apt. 201, said the best solution with the windows is to take out everything and put in new as was approved in Monticello Lee and she explained the air conditioning units in Monticello Lee. She noted they never received condo documents and what will happen with the money that's been set for condo fees.

(d) Allison Chandler-Ramell, 718 S. Washington Street, Apt. 204, spoke about the windows and said it is not just an efficiency problem, but she considered it to be a fire hazard and are inoperable, so repairing is not an option. She said she did not believe the properties will appreciate if they keep the old windows in. She also spoke about the condo fee problem.

(d) Thomas Meagher, 820 S. Washington Street, Apt. 229, spoke in support of replacement of the windows and said the windows also present a personal security risk.

(e) Mary Knepel, 719 S. Saint Asaph Street, Apt. 101, spoke in support of replacement of windows.

(f) Lindsey LaFontaine, 719 S. Saint Asaph Street, Apt. 103, spoke in support of replacement of windows.

(g) Robbie Roberts, 719 S. St. Asaph Street, Apt. 107, spoke in support of replacement of all the windows.

(h) Kellyann Whitley, 820-A S. Washington Street, Apt. 325, spoke about replacing her roof, which has leaked for five years and she asked for the roof to be replaced.

In response to a question from Council, Mr. Middleton said they have begun to repair parts of the slate roof and will continue to repair it. He said they are willing to abide by the BAR decision on the slate roof.

(i) Aaron Ybarea, 907 S. Washington Street, Apt. 105, spoke about windows that are in horrible condition and said they need replaced and the roof needs repaired.

Mr. Middleton said his client is willing to withdraw the withdrawal of the appeal and are willing to do the asphalt roof or the repair of the slate roof.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and accepted the staff compromise which was worked out, with the exception that there must be new one-over-one replacement windows, and there be a new asphalt faux slate roof that will look like slate, and there be through the wall air conditioning units.

The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

11. DEVELOPMENT SPECIAL USE PERMIT #2002-0041 (A)
VACATION #2004-0012 (B)
1514-1602 KING STREET AND 1602 DECHANTEL STREET
DSF/LONG KING STREET - MIXED USE
Public Hearing and Consideration of request for a development special use permit, with site plan to construct a 65 multi-family dwelling unit with ground floor retail and underground parking, a request for a vacation of public street right-of-way and a request to consolidate six parcels into one. Applicant: DSF Long King Street I LLC by Jonathan P. Rak, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report dated April 5, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 4/16/05, and is incorporated as part of this record by reference.)

Ms. Fogarty made a presentation of the staff report and she and Mr. Farner answered questions of Council concerning pedestrian and streetscape.

(a) Jonathan Rak, 1750 Tysons Blvd., McLean, attorney representing the applicant, spoke in favor of the request.

(b) Julie Crenshaw, 816 Queen Street, said she had no objection to the project, but she objected to the pumping of the King Street Retail Strategy by staff, as Council has not seen it and this should be considered separately from the Strategy.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried 6-1, City Council approved the Planning Commission recommendation, with an amendment to condition 5g to set aside the \$15,000

contribution for enhancement to the King Street Park, in consultation with staff prior to spending the money on the King Street Park to see how things progress and more of a decision is made on the whole stretch of King Street. The voting was as follows:

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

Mayor Euille appointed the following viewers for the vacation: Ross Bell, Gila Harris and Elizabeth Wright as chair.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Board of Architectural Review (continued)

12. Case No. 2004-0274 - Appeal - Board of Architectural Review, 325 N. Patrick Street, zoned RB Residential. Appeal of the BAR's Decision Approving a Request For a Garage Addition. Appellant is Raymond P. Deakins on Behalf of Petitioners.

(A copy of Planning Commission report dated April 16, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 4/16/05, and is incorporated as part of this record by reference.)

Mr. Phipps made a presentation of the staff report.

(a) Raymond Deakins, 2409 S. Inge Street, Arlington, the appellant, showed photographs of the building on the overhead and spoke in favor of the appeal and said he asked for deferral at the BAR hearing, but that was not done, so he appealed. He asked that it be remanded back to the BAR with instructions to consider alternatives.

(b) William Cromley, 421 North Alfred Street, chair of the Board of Architectural Review, Parker Gray District, said their charge is to enforce the design guidelines for mass, scale and architectural character. If it does not meet the guidelines, the BAR cannot pass it, but if it meets it, then opinions of the public and the board do not matter, and the building meets the mass and scale of the neighborhood.

(c) Kevin Abbott, 330 N. Patrick Street, spoke in opposition to the appeal.

(d) Robert Landis, 433 N. Patrick Street, spoke in support of the appeal.

(e) Orney F. Harris, 907 Princess Street, representing her mother Dorothy Harris, spoke in opposition to the appeal.

(f) Karen Tonkey, 325 N. Patrick Street, the owner of the property, spoke in

opposition to the appeal and said the reason for the shape is so they don't kill the 30 foot crepe myrtle tree.

(g) Bill Tonkey, 325 N. Patrick Street, the owner of the property, spoke in opposition to the appeal and spoke about notification to Mr. Deakins.

Mr. and Mrs. Tonkey answered questions of Council concerning the size of the addition, the fencing, and the alley.

A MOTION WAS MADE by Councilman Macdonald, seconded by Vice Mayor Pepper, to close the public hearing and remand this back to the BAR with a request to work with staff, the applicant and the appellant to see if there are some architectural modifications that would be amenable to both parties to resolve the underlying conflict.

After discussion and questions of staff and the applicant, Councilman Macdonald withdrew his motion.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Macdonald and carried 5-2, City Council docketed this item for the next legislative meeting and asked staff to work with the applicant and consult with the appellant to identify ways to bring down the mass on the second floor. The voting was as follows:

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

(City Council took a five minute break at this time.)

ORDINANCES AND RESOLUTIONS

- 13. Public Hearing on an Ordinance to Establish the Real Estate and Personal Property Tax Rates For Calendar Year 2005. Adoption is scheduled for May 2, 2005. (#18, 3/22/05) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated April 13, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 4/16/05, 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. 13, 4/16/05, 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. 13,

4/16/05, and is incorporated as part of this record by reference.)

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

a. Michael Wenk, 1007 Beverly Drive, said the tax rate was one of the big issues to the Park Fairfax Condominium Board and said their average tax rate increase is 28 percent, so they are hoping the City will give them some additional services. He asked if the once a year spring clean-up could be extended to the condo. They are having difficulties with trees, as several are dying, and the City park services are making efforts to help the local community to save their trees. He said they have old sewers and asked that their sewers that extend to the City sewers would help. On traffic calming, one of the four approved sites will not have sufficient funding to be done this year, and are hoping that in next year's budget that the fourth site in Park Fairfax will be funded.

b. Chris Marston, chair of the Alexandria Republican City Committee, spoke in support of the taxpayers and civic associations that have called for a reduction in the tax rate and restraint in spending. He said limiting growth to three percent would allow for tax relief at 84 cents per \$100 of assessed value. Such a rate, coupled with restraint on spending, will not require the Council to raise revenue through other taxes, such as those proposed for admissions and cell phones. He provided a copy of their resolution for the record.

c. Peter Dykhuis, 714 West Braddock Road, spoke about his concern for a lot of people on the low end and who are retired, who will be hurt if they have this kind of runaway tax increases. He said he didn't know if the budget needs to be three percent, but they need to look long-term.

d. William Donovan, 723 North Fayette Street, asked Council to maintain the budget at a sustainable level and keep the increases at or below the rate of inflation after factoring in any increased tax base due to new construction. He asked Council to set aside excess revenue for a rainy day fund, and he said true property tax relief should be based on ensuring the property tax rate is adjusted after the assessments have been made to result in the property tax bill not to exceed the rate of inflation. He said he hoped that when new projects come down the pike, that the City gets the developers to pay in for the increased infrastructure cost.

e. Roger Waud, 501 Slaters Lane, president of the board of Marina Towers and president of North Old Town Independent Citizens Association, said the City has to look at spending, as tax rates get driven by spending. To replace the 300,000 square foot, 14-story building at Marina Towers, it would cost \$38 million, and to build a Police building between \$60 and \$70 million, and the Police building can't be anywhere as large as Marina Towers. He said the T.C. Williams High School cost is up to \$100 million, and he asked why it has a parking deck for students. He said that on the schools, if it computes the ratio of staff to non teaching personnel, they will find that ratio is climbing and it needs to be looked into.

f. Lou Cordia, 904 Vicar Lane, on behalf of Alexandrians for a three percent compromise, asked Council to adopt a three percent compromise in the budget. He explained that he used all funds numbers, as opposed to the City Manager using general funds numbers in a memo. He said all federal and state dollars are spent on Alexandria programs and should be counted. In a review of the last three years of federal and state aid, each and every year the federal and state dollars have increased and updated budgets reflect Alexandria receiving more federal and state dollars than projected. The three percent spending increase results in a three percent increase in total property tax revenue and is a compromise as it strikes a balance between last year's spending level and this year's 6.4 percent cap on a tax rate of \$.915. He said their request calls for Council, staff and citizens to start undertaking an investigation of how to restrain the growth of real property taxes and control spending for the FY07 budget and beyond. He asked that Council direct staff to provide Council with an FY06 revised budget that recommends how they would allocate 3.5 percent spending over last year.

g. Liz Cordia, 903 Vicar Lane, speaking on behalf of friends who are struggling to pay property tax bills, said Alexandrians for a three percent compromise have a petition with concerns. Over the last five years, the average residential property tax bill increased at double digit rates each year, and by next year, the bill will nearly double from what it was in 2000. Council must stop talking about tax relief - proposing a tax rate cut of a minimum of 8 cents, combined with the largest assessment increase in 25 years, significantly increases the tax bills, and that is not tax relief. She said staff proposed 8 percent growth on spending, on top of a 8.7 percent increase the previous year. Long time residents and small businesses are leaving Alexandria and will continue to leave unless it takes action now. She asked Council to not stop at 88 cents - but to go to 86 cents.

h. Annabelle Fisher, 6161 Edsall Road, said she supports property tax owners getting some reduction, but as a renter, with the three percent compromise, the property owners of all the apartment buildings in Alexandria will be paying over \$40 million in property taxes and 14.5 percent of the budget, and those taxes are being passed on to the renters, and those rent increases are non-negotiable. For Schools, she thought that when School Board members, superintendents and PTA parents members use children as pawns to raise money for their own special interests, that makes her angry. On business, she said they need to cut the economic development package. Ms. Fisher asked Council to do the three percent.

i. Chip Carlin, 1302 Prince Street, speaking on behalf of the coalition of Alexandria associations for the three percent cap, said his effort is involved in organizing associations across the City to endorse the three percent cap resolution, and it calls for the same thing Mr. Cordia's citizens initiative calls for, which is a restraint in spending as a pause for the community and for the Council to make a commitment to the community to leave no stone unturned and look at the planning, pace and amounts of the spending. He noted the associations that have adopted the resolution since last

Monday are as follows: Seminary Hill Association, Brookville Seminary Valley Civic Association, Early Village Homeowners Association, Seminary West Civic Association, Carlyle Eisenhower Civic Association, North Old Town Independent Citizens Association and Yates Garden Civic Association, and they expect more in the coming weeks.

j. Dan Gainor, 401 Holland Lane, #207, spoke to the three percent cap and said the danger of out of control spending impacts each and every person who hopes to own a home in the City. He asked how Council could justify spending double or triple the numbers of inflation and how will it tax in the lean years.

k. Mariella Posey, 915 Second Street, said her assessment went up 38 percent, and she said the three percent compromise sounds good on the surface, but then she had to ask herself if the cap is put on, what services will be eliminated or not implemented, such as the Police services, such as foot patrol and monitoring of speeding cars, traffic calming, purchase of open space and the colas to the City employees. She said she knows how hard it is to control spending while allocating enough funds to keep things running smoothly. She urged Council not to support the three percent cap without looking at all the spending it needs to do, and she asked Council to not cut the services that makes Alexandria a great place to live.

l. Vincent Argero, 801 N. Pitt Street, Apt. 1603, said the tax increases in recent years have been increasingly burdensome for them. He went over his actual taxes in 2003, 2004 and 2005 and what it would be if Council adopted certain rates and what it would be percentage wise of his income. He urged Council to adopt the three percent and even lower tax rate.

m. Lamar Cason, 2121 Jamison Avenue, #508, said he moved to Alexandria five years ago, thinking he could live here comfortably in retirement. He said he didn't plan on the City imposing a property tax that was four to five times as much as the rate of inflation. He said that now, five years down the line, he is starting to have to think of moving somewhere else. He said he has always had a certain disrespect for single issue voters, but he thinks he has just become a single issue voter.

n. Van Van Fleet, 26 Wolfe Street, said that to make up the \$16 million deficit, Council has decided to tax cell phones, cigarettes, theaters, sewer maintenance fees and connections to the sanitary sewer system, yet it is funding a \$10 million sports facility, while failing to recognize the School budget is killing them. He said \$17,500 rate per child should send up a red flag. He said there is never any real effort to control spending. In the past, there were bricks and mortar to build to increase the tax base. Now Council must be considering it again as a primary method to raise additional tax revenue. For seven years, he has asked that the City conduct a thorough and effectiveness audit on the operating account, the CIP and the Schools. The City needs to identify redundant and ineffective services, and it needs to streamline City agencies and programs through consolidation, outsourcing and elimination, and better use technology to improve service delivery and reduce costs. It needs better management

tools to make the City services more efficient. Mr. Van Fleet said if that is all done, it would then be able to realistically put a cap on spending for a short duration and freeze assessments at the State level. He said the key is to control spending.

o. Dan McLavahlin, 606 Johnston Place, spoke in favor of the three percent compromise. He said he is appalled at the growth of the budget. He said he is a former senior administration and finance official of a large U.S. city and he had concerns about the over reliance on the personal property tax system in the City. One is the kind of City and civil society it creates. The City should have a reclassification of its tax structure and start looking at different percentages of personal property tax, commercial and industrial. There are a number of organizations who have never been pressed to come up with in lieu of tax agreements as alternative payments. He proposed the City have strong developers linkages. For the personal property tax, it is a regressive tax and it creates a City of have and have nots which will result in a City where its easier to build a dog park more than a ball park.

p. Lillian White, 119 W. Mason Avenue, co-president of the League of Women Voters, said they applaud the continued support of the one cent for the open space fund, but urged it be used for acquisition and not park maintenance. On affordable housing, they support all the relief programs mentioned and would like the City to consider some rent relief. They urged Council to urge City employees to live in the City. She thanked Council for its efforts on air pollution and support an air pollution specialist being hired and they support maintaining the Mirant task force. Also, the purchase of City vehicles should be environmentally safe.

q. Wendy Smith, 13160 Bishop Lane, reading a statement from Lynn Bostain of the Seminary West Civic Association, spoke in favor of the three percent compromise. The Seminary West Civic Association joins those who say enough is enough, and it is time to re-evaluate programs and expenditures and look for alternative resources other than the homeowners, to foot those bills. The Schools deserve a very close scrutiny as far as spending, and she understood that the CIP for Schools provides for expenditures through 2011. Homeowners taxes are being used to facilitate those expenditures and Council needs to determine needs and alternatives. With the proposed compromise, the City could reach a balance between last year's spending level and this year's 6.4 percent cap. She said Alexandria's middle class is quietly disappearing. Ms. Smith said that for herself, she's lived here 26 years and hoped to live the rest of her days here, but she was afraid she and her husband might have to sell their house just to pay their taxes.

r. Poul Hertel, 1217 Michigan Court, said the budget shows what it is spent on, but it doesn't show why it is being spent on. He said his analysis shows the cost associated with development, and in the work session on May 10 it will see proposals from transportation that will require funding directly associated with increased urbanization. Schools should be told to limit their growth. Since 1997, the real expenditure per capita is one half a percent annually. He said there will be more effort placed on dealing with development and development proposals. He urged Council to

look at cutting the school proposal and cutting the CIP proposal, and what doesn't come across in the three percent tax cap are those who need the help are not helped by the cap itself. He said he would much rather see their reduction going to people that really are being pushed out.

Mayor Euille said that closes the public hearing and he said Council would adopt the budget on May 2, 2005.

14. Public Hearing and Second Reading of an Ordinance to Increase the Monthly Sanitary Sewer Maintenance Fee to \$1.00 per Thousand Gallons on Water Used. Adoption is scheduled for May 2, 2005. (#20, 4/12/05)

(A copy of the City Manager's memorandum dated April 4, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 4/16/05, 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, 4/16/05, 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, 4/16/05, and is incorporated as part of this record by reference.)

There being no speakers, the public hearing was closed.

15. Public Hearing and Second Reading of an Ordinance to Increase the Fees Charged for New Connections to the Sanitary Sewer System. Adoption is scheduled for May 2, 2005. (#21, 4/12/05) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated April 4, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 4/16/05, 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, 4/16/05, 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, 4/16/05, and is incorporated as part of this record by reference.)

There being no speakers, the public hearing was closed.

16. Public Hearing, Second Reading and Final Passage of an Ordinance to Revise the Membership of the Marketing Committee. (#22, 4/12/05) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated April 4, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 4/16/05, 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. 16, 4/16/05, 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. 16, 4/16/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing and approved the ordinance to revise the membership of the Marketing Committee. The voting was as follows:

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

The ordinance is as follows:

ORDINANCE NO. 4388

AN ORDINANCE to amend and reordain Section 2-4-64 (COMPOSITION), of Article G (ALEXANDRIA MARKETING COMMITTEE), Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), of 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 Section 2-4-64 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended to read as follows:

Sec. 2-4-64 Composition.

The committee shall consist of the following city officers or their designees, and one representative from each of the following groups or areas:

- (1) Alexandria Chamber of Commerce;
- (2) Alexandria Convention and Visitors Association (ACVA);
- (3) Alexandria Economic Development Partnership (AEDP);
- (4) Alexandria Hotel Association (AHA);
- (5) Alexandria City Manager or designee;
- (6) Alexandria Restaurant's;
- (7) King Street Metro Enterprise Team (KSMET);
- (8) Landmark Mall;
- (9) Eisenhower Partnership;
- (10) Potomac West Business Association (PWBA);
- (11) Torpedo Factory Artists' Association (TFAA);
- (12) Alexandria City Council;
- (13) West End Business Association; and
- (14) Director of the Office of Historic Alexandria or designee.

Section 2. That no provision of this ordinance shall be deemed to affect the appointments or terms of the members of the Alexandria Marketing 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.

17. **Public Hearing, Second Reading and Final Passage of an Ordinance to Establish Overnight Restricted Parking Districts. (#23, 4/12/05) (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. 17, 4/16/05, 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. 1 of Item No. 17,

4/16/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing and adopted the ordinance to establish overnight restricted parking districts. The voting was as follows:

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

The ordinance is as follows:

ORDINANCE NO. 4389

AN ORDINANCE to amend and reordain Article F (PARKING PERMIT DISTRICTS) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-8-82 (RESTRICTED OVERNIGHT PARKING DISTRICTS).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article F, of Chapter 8, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Section 5-8-82 to read as follows:

Sec. 5-8-82 Restricted overnight parking districts.

(a) Prohibited parking. It shall be unlawful for any person to park a motor vehicle within any block face which is posted with one or more restricted overnight parking district signs contrary to any of the conditions set forth on the sign, unless the vehicle displays a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, *et seq* ., of this code, or a guest or visitor permit issued pursuant to this section.

(b) Parking restrictions. Restricted overnight parking district signs shall prohibit parking by motor vehicles which do not display a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, *et seq* ., of this code, or a guest or visitor permit issued pursuant to this section, during the posted overnight hours between 12 midnight and 6:00 a.m. the following morning. As used in this section, parking means the stopping or standing of a motor vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of the vehicle.

(c) Establishment of district. A restricted overnight parking district may be established in accordance with the following criteria and procedures:

(1) All property within the district must be zoned for residential use.

(2) No district shall include property which is included within a residential permit parking district established pursuant to this article F.

(3) The district must include a minimum of 200 on street parking spaces.

(4) A petition requesting the establishment of a restricted overnight parking district, describing the area proposed to be designated, and signed by not less than 66 and 2/3 percent of the residents abutting each block face in the proposed district, shall be filed with the city manager.

(5) Upon receipt of a petition which meets the minimum criteria, the city manager shall conduct one or more surveys of the on street parking spaces within the proposed district during the restricted parking hours, on an evening other than a Friday, Saturday or Sunday evening. If the surveys reasonably demonstrate to the satisfaction of the city manager that at least 25 percent of the vehicles parked within the proposed district did not display a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, *et seq.*, of this code, the manager shall refer the petition to the traffic and parking board. If the surveys do not so demonstrate, the petition shall be deemed denied.

(6) The traffic and parking board shall conduct a public hearing, and make a recommendation to the city council concerning the establishment of the district.

(7) Upon receipt of the recommendation of the traffic and parking board, the city council shall determine whether or not to establish the restricted overnight parking district. Prior to making its decision, the city council may elect to hold a public hearing on the proposed designation.

(8) The board and council shall consider the following factors: the availability of off street parking in the district, the degree of congestion or utilization of on street parking typical in the district during the restricted hours, such geographic features of the area as may impact access to, or availability of, parking during the restricted hours, the likely effect of establishment of the district on surrounding areas within the city, and such additional factors as the board or council reasonably determine are relevant to its consideration of the matter.

(9) If the city council approves the establishment of the district, the director of transportation and environmental services shall forthwith post the signs described in subsection (b) within the district, and record the district on the permit parking district map.

(d) The city manager shall provide for the convenient issuance of guest and visitor permits, as provided in section 5-8-74, for use within a restricted overnight parking district.

(e) All relevant provisions of this code, including without limitation the provisions of this article F, which are not in conflict with the provisions of this section, shall apply to the establishment, procedures, penalties and enforcement of a restricted overnight parking district established pursuant to this section.

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

17.1 Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Establish a Tax on Admission Charges for Certain Events, Not To Exceed 50 Cents Per Ticket.

(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. 17.1, 4/16/05, 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. 1 of Item No. 17.1, 4/16/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously, City Council introduced the ordinance and set the public hearing for April 26 for the ordinance to establish a tax on admission charges for certain events, not to exceed 50 cents per ticket. Adoption is set for May 2, 2005. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (18-19)

Planning Commission (continued)

18. MASTER PLAN AMENDMENT #2005-0002 (A)
TEXT AMENDMENT #2005-0002 (B)
REZONING #2005-0003 (C)

KING STREET RETAIL STRATEGY

Public Hearing and Consideration of a request for : (1) an amendment to the City's Master Plan, adopting the King Street Retail Strategy as a chapter of the Master Plan; (2) enactment of Section 6-700 of the Alexandria Zoning Ordinance pertaining to the King Street Urban Retail zone; and (3) amendments to the City of Alexandria zoning map to reflect the King Street Urban Retail zone. Applicant: Department of Planning and Zoning
PLANNING COMMISSION ACTION: Deferred

- 19. TEXT AMENDMENT #2005-0003 (A)
REZONING #2005-0005 (B)
KING STREET OUTDOOR DINING

Public Hearing and Consideration of a request for: (1) enactment of Section 6-800 of Alexandria Zoning Ordinance pertaining to the King Street Outdoor Dining Overlay Zone; and (2) amendment to the City of Alexandria zoning map to reflect the King Street Outdoor Dining Overlay Zone. Applicant: Department of Planning and Zoning
PLANNING COMMISSION ACTION: Deferred

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

New Business Item No. 1: City Manager Hartmann noted budget memos being passed out on identification of \$16.4 million in budget resources to pay for an additional four cent tax reduction, on final revenue adjustments and on transit operating subsidy estimates, along with a copy of the BFAAC report.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, the public hearing meeting of April 16, 2005, was adjourned at 2:50 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC City Clerk