

# **CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Public Hearing Meeting**  
**Saturday, December 15, 2007 - - 9:30 a.m.**

\*\*\*\*\*

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Timothy B. Lovain, Paul C. Smedberg and Justin M. Wilson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Ms. Harris, Communications Office, City Manager's Office; Police Captain Ogden; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Ms. Vosper, Recreation, Parks and Cultural Activities; Mr. Noelle, Arborist, Recreation, Parks and Cultural Activities; Mr. Dieruf, Arborist, Recreation, Parks and Cultural Activities; Mr. Baier, Director, Transportation and Environmental Services; Mr. Culpepper, Deputy Director, Transportation and Environmental Services; Mr. Hunt, Transportation and Environmental Services; Ms. Hamer, Director, Planning and Zoning; Mr. Farner, Planning and Zoning; Mr. Milone, Planning and Zoning; Mr. Smith, Planning and Zoning; Mr. Bray, Planning and Zoning; Ms. Peterson, Planning and Zoning; Ms. Motten, Planning and Zoning; Mr. Wagner, Planning and Zoning; Ms. Triggs, Director, Finance Department; Mr. Johnson, Director, Office of Management and Budget; Ms. Taylor, Office of Management and Budget; Fire Chief Thiel; Mr. Catlett, Director, Code Enforcement; Ms. Smith-Page, Director, Real Estate Assessments; and Mr. Lloyd.

Recorded by: Jacqueline 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 Council were present.

## **New Business Item No. 1:**

Mayor Euille wished everyone a Happy New Year and asked everyone to be

safe. He also reminded everyone of First Night on December 31 in Alexandria.

Vice Mayor Pepper noted the exhibit in the Vola Lawson Lobby today on the 50th anniversary of NICE - National International Cultural Exhibits. It is an exhibit of the contributions and achievements of African Americans, Hispanics, Asian Americans and women.

Mayor Euille noted that Council was at the groundbreaking for the Potomac Yard Fire Station this morning.

## 2. Public Discussion Period.

(a) Gary Carr, 218 Aspen Street, spoke about his meeting with staff regarding the construction of an eight-lane track or the reconstruction of a track at Hammond and George Washington Middle School and noted the synopsis of the meeting was that if an eight-lane track was going to be built, the only site available is at the George Washington site. He said he was informed of construction difficulties to build it at that site, but it is an argument worth having. Mr. Carr said that in the absence of the building of the eight-lane track at George Washington, a six-lane track could be built at the Braddock Road field site and at the Hammond upper field site. The only impediment to doing that, he said, is money. He said this is a health issue and said childhood obesity has reduced life expectancy of children, it is a safety issue in that the track coach doesn't have a place to practice, and it will be two years if Council doesn't take any action on some kind of immediate basis.

(b) Amy Slack, 2307 E. Randolph Avenue, addressed tradition and said that traditional is happy holidays and it used to be Merry Christmas. They have heard what is tradition - tradition is what they make it and is not something that is set in stone and is subject to change as life and circumstances change. Ms. Slack said in the new Transportation Master Plan (TMP) and the economic sustainability report, there were a couple of things they have traditionally not given a great deal of look at, and that is how do they get transportation moving around other than cars. Ms. Slack said the TMP has addressed that nicely and she was amazed at how much work has gone into it. One of the things they haven't looked at as they have tried to calm traffic and make it more pedestrian friendly is how do they still move goods and services through the community. If they make streets narrower, how do the trucks navigate those streets, and how do they help the small businesses get the goods they need in a timely fashion where they need to have them? It is important that as a City, they also look at how do they help their small businesses and medium businesses and growing technologies with getting them those goods and services in a safe fashion that is compatible with the other plan, and in an expedited fashion.

(c) Maria Nieto, 422 N. Armistead Street, #202, on behalf of the Linden LaRouche group, requested Council to implement the Homeowners and Bank Protection Act of 2007 to avoid more deeply people being out on the streets and said the crisis will be deeper than the 1930's.

Mayor Euille said they would ask staff in the Office of Housing and others to track it and bring it to Council's attention as necessary.

(d) Deborah T. Johnson, 907 W. Glebe Road, with local government affairs for Dominion Resources, said they became aware yesterday that Council was considering action on a power station they have proposed in Wise County, Virginia and said they were not able to have one of the experts or project managers to be at this meeting and she asked Council to delay its vote to afford Dominion the opportunity to give Council a detailed briefing on the project. With regard to timing, she said it is their understanding that there is concern about a State Corporation Commission public hearing on the project in January and she would observe that matters in this resolution primarily concern the projects air quality permit, which is within the purview of the State Air Pollution Control Board, not the State Corporation Commission. Ms. Johnson said the Department of Environmental Quality has not yet published the permit for public comment and expects to do so in the next few weeks, and once this occurs, there will be a 45-day period for public comment, so there is no urgency for Council to act today on this matter, and she requested a delay of this resolution.

(e) Julie Crenshaw Van Fleet, 26 Wolfe Street, spoke about a matter that requires Police Chief Baker's attention, in that the other night, she went to the Saul Center to use Kinko's. She said she had parked in the parking garage because she understood tow trucks are towing people from the no parking circle in front. When she got near her car, she heard yelling and screaming and someone rushing around, so she got in the car and locked it and called the Police. Ms. Crenshaw Van Fleet said she said to the fellow on the phone that she was in the upper parking garage on North Washington Street at the Saul Center and there is someone running around who sounds like they are a nut and said she was by herself. She said the response she received was if she knew if the person was homeless or drunk. She said she wondered why they didn't ask her if she was okay or what is the proximity of this person and if she thought the person was dangerous. She said he was at the window of the car, so she couldn't drive off, as she could hit the person and didn't look at him. She said she didn't know if he was armed and didn't care. Ms. Crenshaw Van Fleet said she couldn't tell him the number block or exact block address, but only that it was North Washington Street at the Saul Center, behind Starbucks and Kinkos, but was told by the person she was talking to that he had to have the number address or he couldn't help her. She said the Police need training for instances such as this and said she was very dissatisfied with the Police Department. She said she would park in the no parking zone from now on and she dared them to bring a wrecker to tow her car. She said there is a problem with the Police Department and they do not know how to address these issues and she said she will write about this.

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

### **ACTION CONSENT CALENDAR (3-9)**

## **Planning Commission**

3. SPECIAL USE PERMIT #2007-0111  
1432 DUKE STREET  
COMMERCIAL SCHOOL  
Public Hearing and Consideration of a request to operate a commercial school; zoned OCM(50)/Office Commercial Medium. Applicant: Alexander Atwood

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 12/15/07, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2007-0109  
502 JOHN CARLYLE STREET (Parcel Address: 520 John Carlyle Street)  
MOE'S SOUTHWEST GRILL  
Public Hearing and Consideration of a request to operate a restaurant; zoned CDD-1/Coordinated Development District. Applicant: A Guy Named Moe At Carlyle, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 12/15/07, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2007-0120  
2411 MT VERNON AVENUE (PARCEL ADDRESS: 2401 MT VERNON AVE.)  
CHEESTIQUE  
Public Hearing and Consideration of a request for an amendment to an existing restaurant to allow the off-premise sale of alcohol; zoned CL/Commercial Low. Applicant: Phillipa Jill Erber

PLANNING COMMISSION ACTION: Recommend Approval w/amendments  
6-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 12/15/07, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2007-0104  
1743 KING STREET  
ERNIE'S CRAB HOUSE  
Public Hearing and Consideration of a request for an amendment to increase the hours and the seating at a restaurant; zoned OCH/Office Commercial High.

Applicant: James Mao (Deferred from November docket)

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 12/15/07, and is incorporated as part of this record by reference.)

7. TEXT AMENDMENT #2007-0007

INFILL REGULATIONS

Public Hearing and Consideration of a request to amend Section 7-1002 of the Zoning Ordinance to extend interim regulations on threshold height and the subdivision criteria. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 12/15/07, and is incorporated as part of this record by reference.)

8. SPECIAL USE PERMIT #2007-0110

1023 DUKE STREET

SALES AND INFORMATION TRAILERS

Public Hearing and Consideration of a request for an information and sales trailer; zoned CL/Commercial Low. Applicant: Van Metre Residential Investments, LLC by M. Catharine Puskar

PLANNING COMMISSION ACTION: Recommend Approval w/amendments  
7-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 12/15/07, and is incorporated as part of this record by reference.)

9. STREET NAME CASE #2007-0002

BARECROFT PLACE

OAK GROVE DEVELOPMENT

Public Hearing and Consideration of a request for a street name change; zoned R-20/Residential. Applicant: City of Alexandria, Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 12/15/07, 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 adopted the consent calendar, with the removal of items #3, 4, 5, 7 and 9 and considered them under separate motions, as follows:

6. City Council approved the Planning Commission recommendation.

8. City Council approved the Planning Commission recommendation.

The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

3. SPECIAL USE PERMIT #2007-0111  
1432 DUKE STREET  
COMMERCIAL SCHOOL  
Public Hearing and Consideration of a request to operate a commercial school;  
zoned OCM(50)/Office Commercial Medium. Applicant: Alexander Atwood

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 12/15/07, and is incorporated as part of this record by reference.)

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

(a) Jim Mysliwiec, 7626 Trail Run Road, Falls Church, property manager for 1432 Duke Street, Merrifield Properties, and he spoke for denial of the application.

There were questions from City Council about the trash and problems outside the building, along with yearly review of the application, which were answered by Planning and Zoning Department staff.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Wilson	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"

Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

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

Wilson	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

4. SPECIAL USE PERMIT #2007-0109  
502 JOHN CARLYLE STREET (Parcel Address: 520 John Carlyle Street)  
MOE'S SOUTHWEST GRILL  
Public Hearing and Consideration of a request to operate a restaurant; zoned CDD-1/Coordinated Development District. Applicant: A Guy Named Moe At Carlyle, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 12/15/07, and is incorporated as part of this record by reference.)

There was discussion among Council on the Alexandria Economic Development Partnership roundtable discussion on a model for retail development in Carlyle and how the Planning staff report was written, as it misstated what happened at the roundtable. There was also discussion of a need for an update and clarity on the roundtable discussion and on any landuse changes in Carlyle.

**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"	Lovain	"aye"
	Wilson	"aye"	

5. SPECIAL USE PERMIT #2007-0120  
2411 MT VERNON AVENUE (PARCEL ADDRESS: 2401 MT VERNON AVE.)  
CHEESTIQUE  
Public Hearing and Consideration of a request for an amendment to an existing restaurant to allow the off-premise sale of alcohol; zoned CL/Commercial Low. Applicant: Phillippa Jill Erber

PLANNING COMMISSION ACTION: Recommend Approval w/amendments  
6-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 12/15/07, and is incorporated as part of this record by reference.)

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

(a) Maria Wasowski, 306 Hume Avenue, speaking on behalf of the Potomac West Business Association, spoke in favor of the request.

(b) Amy Slack, 2307 E. Randolph Avenue, spoke in favor of the request.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Wilson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

Questions were asked by City Council regarding the administrative process for review, which were answered by Planner Bray.

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

Wilson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

7. TEXT AMENDMENT #2007-0007  
INFILL REGULATIONS

Public Hearing and Consideration of a request to amend Section 7-1002 of the Zoning Ordinance to extend interim regulations on threshold height and the subdivision criteria. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7,



12/15/07, and is incorporated as part of this record by reference.)

Questions were asked by Council about the timeframe of the recommendations coming from the task force and if they might see it before the projected Fall of 2008 timeframe, which was answered by Planner Peterson that they are on schedule.

**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"	Lovain	"aye"
	Wilson	"aye"	

9. STREET NAME CASE #2007-0002  
BARECROFT PLACE  
OAK GROVE DEVELOPMENT  
Public Hearing and Consideration of a request for a street name change; zoned R-20/Residential. Applicant: City of Alexandria, Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 12/15/07, and is incorporated as part of this record by reference.)

Questions were asked by Council with regard to the reasoning for using the word "president" in the name, which was answered by Planner Farner and Deputy City Manager Evans.

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

Wilson	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

Mayor Euille said that at the point in time that they will move forward with it, he asked that it is a program/ribbon cutting dedication and they invite the Ford family.

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

10. Public Hearing and Consideration of Adoption in Principle of the Recommendations of the Mayor's Economic Sustainability Work Group.

(A copy of the City Manager's memorandum dated December 11, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/15/07, and is incorporated as part of this record by reference.)

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

(a) Rick Dorman, 2724 Kenwood Avenue, representing the Alexandria Chamber of Commerce, spoke in support of adoption of the report and recommendations.

(b) Elizabeth Moon, 1110 W. Mason Avenue, chair-elect of the Alexandria Chamber of Commerce, spoke in support of the work group plan in full.

(c) Lonnie Rich, 1199 N. Fairfax Street, representing the Alexandria Chamber of Commerce and a member of the workgroup, spoke in support of the report and he also spoke about Metrorail and the waterfront.

(d) Jack Sullivan, 4300 Ivanhoe Place, said that he is not speaking on behalf of the Seminary Hill Association, he is reflecting the views of that organization, and said he was concerned about the proposal to revisit the zoning laws and SUP process once again and by endorsing the report, they are making a significant shift in the City's development philosophy. He said affordable housing remains a goal, but this report suggests it cannot be allowed to trump other important objectives, which include revenue returns to Alexandria. He urged adoption of the report.

(e) David M. Martin, 1400 King Street, president of Old Town Business and Professional Association, spoke in full support of adoption of the Plan.

(f) Leslie Zupan, 1309 Queen Street, president-elect, Inner City Civic Association but speaking on her own behalf, spoke in support of adoption of the Plan and said she was concerned with the Braddock Road Metro area and the proposed development there. She also spoke about the potential of return to the community through the redevelopment of public housing, property of which is owned by ARHA.

(g) Maria Wasowski, 306 Hume Avenue, spoke in support of the Plan.

(h) Larry Grossman, 1123 Powhatan Street, spoke in support of the Plan and spoke of renaming Metro stations, Zoning Ordinance compliance with the Master Plan, and the building of a new Metro station.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council adopted in principle the recommendations of the Economic Sustainability Work Group. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

11. Public Hearing and Consideration of the Proposed Gypsy Moth Suppression Program For Spring 2008. (#15, 11/27/07)

(A copy of the City Manager's memorandum dated November 20, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/15/07, and is incorporated as part of this record by reference.)

Questions were asked by Council concerning notice of the spraying, which was answered by City Arborist Noelle and Arborist Dieruf.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing and moved approved the Gypsy Moth Suppression Program for Spring 2008, as follows: 1. aerial application of *Bacillus thuringiensis* (B.t.) over one spray block totaling 100-acres that includes 427 properties located in the Beverley Hills community bounded by South Overlook Drive and Pulman Place on the north, Old Dominion Boulevard and Washington Circle on the east, Allison Street on the south and Wellington Road on the west in cooperation with the Virginia Department of Agriculture and Consumer Services (VDACS); 2. declaration that the aerial and ground spray programs are to be voluntary, that a 200-foot buffer zone will be maintained around the property of any resident or property owner objecting to the aerial application over their residence or property; 3. notification of all residents and property owners within the proposed spray block and wind-drift buffer area; 4. voluntary ground spray of B.t. for susceptible tree species located on properties within the 200-foot buffer zone created by an objecting property owner; 5. authorization for the City Manager to submit the State and federal funding applications and to enter into the required agreements for the Gypsy Moth Suppression program and file the required congested area flight plan; and 6. implementation of other gypsy moth suppression measures to include the distribution of burlap for banding trees and educational materials in cooperation with VDACS. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

12. Consideration of Proposed Authorization to Acquire Properties at 4530 and 4600 King Street and 3451 North Beauregard Street.

(A copy of the City Manager's memorandum dated December 12, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 12/15/07, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously by roll call vote, City Council: 1. authorized the City Manager to execute an acquisition agreement for 4530 and 4600 King Street and 3451 N. Beauregard Street as outlined in the Principal Terms of Agreement; 2. authorize funding on a temporary basis the acquisition of these six parcels (\$5.0 million) and the demolition of the existing medical office building (\$0.8 million) from previously appropriated pay-as-you-go cash capital funds; 3. authorize funding on a permanent basis the \$5.8 million from the proceeds of a future general obligation bond or general obligation note sale; and 4. adopted the resolution declaring the City's intent to reimburse itself the \$5.8 million temporary cash funding source from the proceeds of a future general obligation bond or note sale. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The resolution reads as follows:

#### RESOLUTION NO. 2263

#### THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE FINANCINGS TO ACQUIRE CERTAIN REAL ESTATE

The City Council of the City of Alexandria, Virginia (the "City") has determined that it may be necessary or desirable to advance money to pay the costs of acquiring certain real estate or interests therein and demolish certain structures thereon (the "Project").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

The City Council adopts this declaration of official intent under Treasury

Regulations Section 1.150-2.

The City Council reasonably expects to reimburse advances made or to be made by the City to pay the costs of the Project from the proceeds of its debt or other financings. The maximum amount of debt or other financing expected to be issued in one or more series for the Project is \$5,800,000.

This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the City Council at its meeting on December 15, 2007, by the following roll call vote:

<u>Member</u>	<u>Vote</u>
Pepper	Aye
Krupicka	Aye
Euille	Aye
Gaines	Aye
Lovain	Aye
Smedberg	Aye
Wilson	Aye

Absent:

None

13. CITY CHARTER, SECTION 9.06  
CASE #2007-0005  
4530, 4600 & 4600 B&D KING STREET AND 3451 BEAUREGARD STREET  
Consideration of a proposal by the City of Alexandria to acquire the properties at 4530 & 4600 King St. and 3451 Beauregard St. pursuant to the provisions of Section 9.06 of the City Charter. Staff: Office of the City Manager

PLANNING COMMISSION ACTION: Approved 7-0

**(THIS ITEM IS NOT SET FOR PUBLIC HEARING BUT IS FOR CITY COUNCIL'S INFORMATION ONLY - NO APPROVAL IS NECESSARY.)**

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 12/15/07, and is incorporated as part of this record by reference.)

City Council received the report.

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

## Planning Commission (continued)

14. SPECIAL USE PERMIT #2007-0108  
598 SOUTH ALFRED STREET (Building Address: 525 S Columbus Street)  
CHILD CARE HOME  
Public Hearing and Consideration of a request to operate a home child day care;  
zoned RB/Residential. Applicant: Avis Walker

PLANNING COMMISSION ACTION: Recommend Approval w/amendments  
6-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 12/15/07, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka and seconded by Councilman Gaines, City Council closed the public hearing and moved to approve the Planning Commission recommendation.

Questions were asked by Council concerning the calls for service to the home, correspondence from the neighbors, the state licensing agency coordination, and playground space, which were answered by Planner Bray.

The voting on the motion carried 5-0-2, as follows:

Krupicka	"aye"	Pepper	abstain
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	abstain
	Wilson	"aye"	

15. DEVELOPMENT SPECIAL USE PERMIT #2006-0019  
2312 MOUNT VERNON AVENUE  
2312 MOUNT VERNON AVENUE MIXED USE DEVELOPMENT  
Public Hearing and Consideration of a request for a form based development special use permit, with site plan and modifications, to construct a retail/office mixed use building; zoned  
CL/Commercial Low. Applicant: Shops at Del Ray, LLC by Duncan Blair, attorney (Deferred from November docket)

PLANNING COMMISSION ACTION: Recommend Approval w/ amendments  
7-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 12/15/07, and is incorporated as part of this record by reference.)

Planner Farner made a presentation of the staff report and responded to questions of City Council.

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

(a) Duncan Blair, attorney representing the applicant, spoke in favor of the request.

(b) Amy Slack, 2307 E. Randolph Avenue, speaking on behalf of the Del Ray Citizens Association, spoke in favor of the request with three requested modifications as outlined in their letter dated December 14, 2007 pertaining to parking fees, the designated loading zone space and delivery loading and unloading for tenants.

(c) David Fromm, 2307 E. Randolph Avenue, member of the Mt. Vernon Avenue Working Group, spoke of the shared parking plan and on-site loading, and he urged Council to require the on-site loading.

(d) Maria Wasowski, 306 Hume Avenue, speaking on behalf of the Potomac West Business Association, spoke in favor of the request and also spoke to the loading spaces and pedestrian art.

(e) Sarah Haut, 228 E. Nelson Avenue, spoke in favor of the request and spoke to the concern of a lack of a specified loading zone on the property.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing. The voting was as follows:

Wilson	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

Questions were asked by City Council regarding the old tanks on site, the public art feature, the trash receptacles and the contribution to the affordable housing fund, which were answered by Mr. Culpepper, Mr. Farner, Mr. Blair and Mr. Baier.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Krupicka and carried unanimously, City Council approved the Planning Commission recommendation, with the following amendments: to condition 15o: The applicant and tenants agree to participate in a shared parking and coordinated loading programs at such time as they are implemented; 15p: The applicant and tenants shall coordinate with its vendors to ensure that its vendors deliver within the permitted loading times; and 15q: The applicant shall provide an on-site loading area of a sufficient size for smaller delivery vehicles to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services.

Mr. Blair asked if the motion included the issue of the disclosures on the potential basement, to do it without parking, as part of the final site plan.

Mr. Farner said if Mr. Blair is willing to represent that the basement can be constructed in a way that doesn't require parking, then that can be done administratively. If it does require parking, then it will come back to the Planning Commission and City Council.

The voting was as follows:

Wilson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

16. CDD DEVELOPMENT CONCEPT PLAN #2007-0001  
POTOMAC YARD/POTOMAC GREENS CDD - AMENDMENT  
(The area bordered by the Arlington County line on the north, Jefferson Davis Highway to the east, George Washington Parkway on the west and Braddock Road on the south.) Public Hearing and Consideration of a request to amend conditions of the CDD concept development plan approval for Potomac Yard/Potomac Greens; zoned CDD-10/Coordinated Development District. Applicant: Potomac Yard Development, LLC by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/amendments  
7-0

(A copy of the Planning Commission report dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 12/15/07, and is incorporated as part of this record by reference.)

Mr. Farner made a presentation of the staff report.

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

(a) M. Catharine Puskar, 2200 Clarendon Blvd., Suite 1300, Arlington, attorney representing the applicant, spoke in favor of the request.

(b) Roland Meisner, 710 Scarborough Way, an owner in Old Town Greens, spoke of the rail park and the provision for at-grade access into the park across Old Town Greens property.

(c) Sandy Modell, 400 E. Custis Avenue, founder of the Del Ray Dog Owners Group, spoke in favor of the project and spoke of the dog park.



(d) Boyd Walker, 220 E. Bellefonte Avenue, spoke in favor of the project, the rail project and the dog park.

(e) Paul Haire, 2000 A Jefferson Davis Highway, owner of Your Dogs Best Friend, spoke in favor of the project and spoke of the dog park.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows:

Wilson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Lovain	"aye"	

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

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

## **ORDINANCES AND RESOLUTIONS**

17. Public Hearing, Second Reading and Final Passage of An Ordinance to Revise Taxicab Fares. (#15, 12/11/07) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 5, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 12/15/07, 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. 17; 12/15/07, 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. 17; 12/15/07, and is incorporated as part of this record by reference.)

Mayor Euille said the public hearing is on the ordinance to revise taxicab fares and what is not before Council is anything dealing with the taxicab ordinance on anything outside the taxicab fares and on revocation of permits for companies.

Mr. Culpepper made a presentation of the staff report.

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

(a) Randy Stephens, 5610 Bloomfield Drive, spoke about the taxicab ordinance and the revocation of taxicab permits and said the fare increase means little to them at this time.

(b) Lewis Davis, vice president of Alexandria Yellow Cab, 3014 Calvin Street, spoke in support of the fare increase.

(c) Zari Kanmian, 85 S. Bragg Street, owner of VIP Cab, spoke of the revocation of their license.

(d) Mary Cook, 6522 Rivington Road, Springfield, spoke of the need for a fare increase and said they do not want to do away with the gas surcharge.

(e) Hamid Abdulhamid, 6165 Cinnamon Court, passed his time to the next speaker.

(f) Abdul Q. Nassir, 7019 Stone Inlet Drive, Ft. Belvoir, spoke of the problems with the taxi ordinance.

(g) Mirahmad Mirzai, 4812 Christie Jane Lane, Fairfax, VIP Cab, spoke of the closure of the taxi companies.

(h) Joseph G. Feghali, 5800 Quantrell Avenue, said the fare increase will not help at this point and spoke of the problems for the drivers.

(i) Anhanassali Abousaids, 3709 S. George Mason Drive, spoke of the closing of the taxi companies.

(j) Josh Henson, FOB 2196, Columbus Cab, requested time to meet individually with Council members and spoke in opposition to the rate increase and about the closing of the taxi companies.

(k) Samuel MacFox, 9913 Goodluck Road, VIP Taxi Cab Company, spoke of the closing of the taxi companies.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"

Wilson "aye"

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council passed the ordinance to revise taxicab fares. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
Wilson	"aye"		

The ordinance reads as follows:

#### ORDINANCE NO. 4509

AN ORDINANCE to amend and reordain Section 9-12-132 (AMOUNT OF FARE TO BE CHARGED), of Division 6 (FARES), Article A.1 (TAXICABS), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION), of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 9-12-132 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 9-12-132 Amount of fare to be charged.

(a) The rates to be charged to passengers in taxicabs shall be as follows. It shall be unlawful to make any greater or lesser charge:

(1) For the initial meter charge (referred to as the first drop), \$2.75.

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

(3) For each one-sixth mile or fraction thereof for one or more passengers,  
\$0.34.

(4) For each one hour of waiting time for one or more passengers, \$22.50. The incremental cost of this charge shall be \$0.34 for each 54 seconds. Waiting time shall include time consumed while the taxicab is waiting and available to passengers beginning three minutes after the time of arrival at the place to which it has been called, time consumed while the taxicab is stopped or slowed for traffic to a speed of less than seven miles per hour and time consumed for delays or stopovers en route

at the direction of a passenger. No time shall be allowed for a premature response to a call. There shall be no charge for mileage when time is being charged for a taxicab that is stopped or slowed for traffic to a speed of less than seven miles per hour. Waiting time shall not include time lost on account of the inefficiency of a taxicab.

(5) For each suitcase or similar piece of travel luggage in excess of two bags placed in the trunk, \$0.50 if handled by the driver, plus an additional \$1, if carried by the driver to the door of a single-family residence, or the main entrance of any building other than a single-family residence. There shall be no charge made for fewer than three suitcases or pieces of luggage. The maximum charge for all such items shall be \$2.

(6) For each trunk, footlocker, duffel bag or other bulky or heavy item, \$2, if handled by the driver, provided that there will be no charge for wheelchairs, walkers, crutches or other items used to assist persons with disabilities.

(7) For three or more grocery and/or shopping bags, \$1 if handled by the driver in the immediate vicinity of the taxicab, plus an additional \$1, if carried by the driver to the door of a single-family residence, or the main entrance of any building other than a single-family residence. There shall be no charge made for fewer than three grocery and/or shopping bags. The maximum charge for all such items shall be \$2.

(8) For each animal, \$1; provided, that there shall be no charge for guide dogs or service animals assisting persons with disabilities.

(9) For each trip originating at Ronald Reagan Washington National Airport, the fee required to be paid to the airport for the privilege of picking up passengers.

(10) Taximeter fares shall be increased by \$5 during any period in which a snow emergency plan is in effect in the city, as declared by the city manager or his authorized representative. In addition, taximeter fares shall be increased by \$5 in the event that the director of transportation and environmental services determines that driving conditions in the city are, or are reasonably expected to become, unduly hazardous due to the accumulation of snow, sleet or ice on the streets. The transportation division of the department of transportation and environmental services will notify each taxicab company by telephone of the exact time any such taximeter fare increase is to go into effect and the exact time that such fare increase is terminated.

(11) Taximeter fares may be increased by a surcharge authorized by the city manager, in the event that the city manager determines that a sudden

increase in the cost of gasoline requires a surcharge to maintain stability in the provision of taxicab services in the city and to prevent the gas cost increase from having a serious adverse financial impact on the drivers of taxicabs. The surcharge shall continue in effect for such period, not to exceed one year, as the city manager shall determine, but may be terminated sooner if the manager determines that the surcharge is no longer warranted. The determination of the city manager shall be based on information provided by taxicab companies, and from such other sources as the city manager deems appropriate. The transportation division of the department of transportation and environmental services will notify each taxicab company in writing of any such surcharge. Such notice shall indicate the amount of the surcharge, and the period during which such surcharge shall be permitted. The hack inspector shall furnish to the driver of each taxicab operated under this article a copy of such notice, which shall be displayed within the vehicle in addition to the rate card required under section 9-12-134.

(b) This section shall not apply when any taxicab is operated pursuant to a contract provided for in section 9-12-133 of this chapter.

(c) Nothing contained herein shall prevent a certificate holder from establishing a coupon or reward program for its customers where a discount coupon, customer loyalty certificate or some other marketing device is accepted as part of the allowed fare set forth herein.

Section 2. That this ordinance shall become effective January 1, 2008.

\* \* \* \* \*

City Council recessed for lunch from 1:51 p.m. to 2:15 p.m.

\* \* \* \* \*

### **Board of Architectural Review**

18. CASE BAR 2007-0097. Appeal. Public Hearing and Consideration of an Appeal of the Board's decision denying a request for approval of demolition/encapsulation at 323 N. St. Asaph Street, zoned RM Residential. Applicant and Appellant: Laurie Lowe and Carl Gudenius by Robert Bentley Adams & Associates.

(A copy of the Planning Department report dated December 15, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 12/15/07, and is incorporated as part of this record by reference.)

Mr. Milone made a presentation of the staff report and he, along with Mr. Smith,

responded to questions of City Council.

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

(a) Duncan Blair, 524 King Street, attorney representing the applicant, spoke in favor of the appeal.

(b) John Williams, 327 N. St. Asaph Street, spoke in opposition of the appeal.

(c) Juan F. Vasquez, 317 N. St. Asaph Street, spoke in opposition of the appeal.

(d) Laura and Jerome Teresinski, 319 N. St. Asaph Street, speaking together, spoke in opposition of the appeal.

(e) John Hynan, 405 S. Fairfax Street, representing the Historic Alexandria Foundation, spoke in opposition of the appeal.

(f) Murney Keleher, 208 N. Royal Street, representing the Historic Alexandria Foundation, spoke in opposition of appeal.

(g) Dale E. Bosley, 370 N. St. Asaph Street, spoke in support of the appeal.

(h) Janine H. Bosley, 370 N. St. Asaph Street, spoke in support of the appeal.

(i) John G. Kester, 313 N. St. Asaph Street, spoke in opposition of the appeal.

(j) Hazel and John Rigby, 330 N. Pitt Street, speaking together, spoke in opposition of the appeal.

(k) Whitney and Jaime Steve, 325 N. St. Asaph Street, speaking together, spoke in opposition of the appeal.

(l) Daniel N. Nelson, 403 N. St. Asaph Street, spoke in opposition of the appeal.

(m) Van Van Fleet, 26 Wolfe Street, spoke in opposition of the appeal.

(n) Thor E. Ronay, 328 N. Pitt Street, spoke in opposition of the appeal.

(o) Billie Schaeffer, 327 N. St. Asaph Street, spoke in opposition of the appeal.

(p) Poul Hertel, 1217 Michigan Court, spoke in opposition of the appeal.

- (q) Elaine Lamontagne, 307 S. Fairfax Street, spoke in support of the appeal.
- (r) Arthur Mitchell, 4316 Wheeler Avenue, spoke in support of the appeal.
- (s) Oscar Fitzgerald, 206 W. Monroe Avenue, member of the Board of Architectural Review, spoke in opposition of the appeal.

Mr. Blair spoke in rebuttal.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council upheld the decision of the Board of Architectural Review and allowed no demolition. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

### **Planning Commission**

19. Subdivision #2007-0006. Appeal. Public Hearing and Consideration of an Appeal of the Planning Commission's decision to deny a request to resubdivide the subject properties at 407 Duke Street and 219 South Royal Street, zoned RM/Residential. Applicant: William F. Dunbar, IV and Denise G. Dunbar and 219 S. Royal, LLC by Duncan Blair, attorney.

(A copy of the Planning Director's memorandum dated December 10, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 12/15/07, and is incorporated as part of this record by reference.)

Mr. Bray made a presentation of the staff report and responded to questions of City Council.

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

- (a) Duncan Blair, 524 King Street, attorney representing the applicant, spoke in favor of the appeal for resubdividing the properties.

(b) Stew Dunn, 418 S. Lee Street, representing the Planning Commission, spoke in opposition of the appeal and noted the Planning Commission findings.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

Mr. Dunn, Mr. Blair and City Attorney Pessoa responded to questions of City Council.

Mr. William Dunbar, 407 Duke Street, responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Gaines and carried unanimously, City Council deferred action on the appeal to the next legislative meeting and asked that staff prepare further commentary on the questions that have been brought up today and also any other information that seems pertinent from both sides of the case that Council can review in a more thoughtful process. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

## **Transportation and Environmental Services**

20. Appeal. Public Hearing and Consideration of an appeal of a denial of the decision of the Department of Transportation and Environmental Services for a request to widen an existing curb cut at 321 E. Custis Avenue.

(A copy of the City Manager's memorandum dated December 10, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 12/15/07, and is incorporated as part of this record by reference.)

Transportation and Environmental Services Director Baier and Mr. Milone made a presentation of the staff report.

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

- (a) James Breeding, 321 E. Custis Avenue, owner of the property, spoke in



support of the appeal and responded to questions of City Council.

(b) Michael Derrick, 401 E. Custis Avenue, spoke in favor of the appeal.

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Lovain	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

Mr. Milone and Mr. Baier responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council upheld the decision of the directors of Transportation and Environmental Services and Planning and Zoning. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

## **ORDINANCES AND RESOLUTIONS (continued)**

21. Public Hearing, Second Reading and Final Passage of An Ordinance to Require the Submission and Approval of Drainage Plans and Related Information in Connection With Certain Types of Infill Development. (#14, 12/11/07)  
**[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 12/15/07, 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. 21; 12/15/07, 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. 21; 12/15/07, 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. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council deferred action on the ordinance and sent it to the Infill Task Force for its consideration at the next meeting to bring a recommendation back to City Council in February. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

22. Public Hearing, Second Reading and Final Passage of An Ordinance to Prohibit Through Trucks on a Portion of West Taylor Run Parkway. (#16, 12/11/07)  
**[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. 22; 12/15/07, 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. 22; 12/15/07, 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 prohibit through trucks on a portion of West Taylor Run Parkway. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4510

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, 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;

(19) the 200 block of South West Street between the hours of 11:00 p.m. and 7:00 a.m. only; and

(20) West Taylor Run Parkway between Janneys Lane and Duke Street.

(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 on the date and at the time of final passage.

23. Public Hearing, Second Reading and Final Passage An Ordinance to Extend the King Street Outdoor Dining Regulations Until March 31, 2008. (#17, 12/11/07)  
**[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. 23; 12/15/07, 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. 23; 12/15/07, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried 6-0 by roll-call vote, City Council closed the public hearing and passed the ordinance to extend the King Street Outdoor Dining Regulations until March 31, 2008. The voting was as follows:

Pepper	"aye"	Gaines	absent
Krupicka	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4511

AN ORDINANCE to extend the sunset date of Ordinance No. 4494, from December 31, 2007 until March 31, 2008.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the December 31, 2007 sunset date established by Section 4 of Ordinance No. 4494, be, and the same hereby is, extended until March 31, 2008, unless sooner amended or repealed.

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

24. Public Hearing, Second Reading and Final Passage of An Ordinance to Designate Certain Commercial and Industrial Property as a Separate Classification For Real Estate Tax Purposes. (#19, 12/11/07) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 12/15/07, 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. 24; 12/15/07, 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. 24; 12/15/07, and is incorporated as part of this record by reference.)

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

(a) Julie Crenshaw Van Fleet, 26 Wolfe Street, noted that she spoke to three merchants today and most are not aware that this ordinance is happening and she noted the lack of communication between Council and the businesses. She asked Council to not implement the ordinance unless it has to give itself the ordinance, and if it does, it should notify every property owner and merchant and business about it.

Deputy City Manager Jinks and Director of Real Estate Assessments Smith-Page responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council passed the ordinance to designate certain commercial and industrial property as a separate classification for real estate tax purposes. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	absent
Euille	"aye"	Lovain	"aye"
Wilson		"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4512

AN ORDINANCE to amend Division 1 (REAL ESTATE) of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Division 1, Article M of Chapter 2 of Title 3 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended by adding thereto a new Section 3-2-188 to read as follows:

Sec. 3-2-188            Classification and taxation of certain commercial and industrial real property.

Pursuant to the authority granted by Section 58.1-3221.3 of the Code of Virginia (1950), as amended, all commercial and industrial real property in the City of Alexandria classified by the General Assembly as a separate class of real property for local taxation shall be designated, assessed and taxed as a separate class of real property. Such separate class of real property shall not include any residential uses excluded by Section 58.1-3221.3 of the Code of Virginia.

In addition to all other taxes and fees permitted by law, the class of real property designated in this section may, and if imposed by ordinance shall, be subject to a real property tax, in addition to that imposed by City Code Section 3-2-181 and any other applicable law, at the rate established by the City Council of the City of Alexandria, not to exceed the rate authorized by the Code of Virginia.

All revenues generated from the real property tax imposed by this Section 3-2-188 shall be used exclusively for transportation-related projects and services that benefit the City of Alexandria.

The real property tax imposed by this Section 3-2-188 shall be levied, administered, enforced and collected in the same manner as set forth in Subtitle III of Title 58.1 of the Code of Virginia and Chapter 2 of this Title for the levy, administration, enforcement and collection of local taxes.

The director of the department of real estate assessments shall separately assess and set forth upon the City of Alexandria's land book the fair market value of that property that is designated as a separate class of real property in accordance with the provisions of this section.

Section 2. That this ordinance shall become effective January 1, 2008.

24.1 Consideration of a Resolution in Support of the Chesapeake Climate Action Network on the Coal Fired Power Plant in Wise County. **[ROLL-CALL VOTE]**

(A copy of the resolution is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24.1; 12/15/07, and is incorporated as part of this record by reference.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Krupicka and carried unanimously, City Council deferred action on this item and will work with the City Attorney to come up with language showing Council's support for this. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
Wilson	"aye"		

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

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR (25-27)**

**Planning Commission (continued)**

25. SPECIAL USE PERMIT #2007-0029  
625 BURNSIDE PLACE (Parcel Address: 619 Burnside Place)  
POTOMAC RECYCLING  
Public Hearing and Consideration of a request to amend a special use permit to increase the allowed daily tonnage at a waste recycling facility; zoned I/Industrial.  
Applicant: Sandra Crippen (Deferred from June, October and November dockets)

PLANNING COMMISSION ACTION: Deferred 7-0

26. TEXT AMENDMENT #2007-0006  
KING STREET OUTDOOR DINING  
Public Hearing and Consideration of a request to amend Section 6-800 of the Zoning Ordinance, the King Street Outdoor Dining Overlay Zone. Staff: Department of Planning and Zoning  
PLANNING COMMISSION ACTION: Deferred Without Objection

27. DEVELOPMENT SPECIAL USE PERMIT #2007-0005(A)  
SPECIAL USE PERMIT #2007-0051(B)  
800 NORTH HENRY STREET  
THE MADISON

Public Hearing and Consideration of a request for a development special use permit, with site plan and modifications to construct a mixed use residential/retail building, a request for a parking reduction and a special use permit request for a approval of a transportation management plan (TMP); zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: TC MidAtlantic Development III, Inc. by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Deferred 6-1

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

City Council noted the deferrals.

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, the City Council public hearing meeting of December 15, 2007, was adjourned at 5:41 p.m. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

APPROVED BY:

\_\_\_\_\_  
WILLIAM D. EUILLE      MAYOR

ATTEST:

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