

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting  
Saturday, October 17, 2009 - - 9:30 a.m.

\* \* \* \* \*

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia Hughes, K. Rob Krupicka, Redella S. Pepper, and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Ms. Hamer, Director, Planning and Zoning (P&Z); Ms. Ross, Deputy Director, P&Z; Mr. Johnson, Chief Financial Officer, Office of Management and Budget (OMB); Mr. Baier, Director, Transportation and Environmental Services(T&ES); Mr. Randall, Urban Planner, P&Z; Mr. Milone, Division Chief, P&Z; Mr. Mallamo, Director, Office of Historic Alexandria; Mr. Catlett, Director, Office of Building and Fire Code Administration; Ms. Harris, Communications Officer, City Manager's Office; Mr. Castrilli, Communications Director, City Manager's Office; Mr. Gates, Assistant City Manager, City Manager's Office; Officer Mitchell-Young, Police Department; Police Captain Uzzell, Police; Mr. Garbacz, Division Chief, T&ES; Ms. Contreras, Urban Planner, P&Z; Dr. Gilmore, Executive Director, Mental Health, Mental Retardation and Substance Abuse; Ms. McLean, ITS; and Mr. Lloyd.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council.

## OPENING

### 1. Calling the Roll.

Mayor Euille called the meeting to order and the Deputy City Clerk called the roll. All members of Council were present.

### 2. Public Discussion Period.

(a) Mark Grello, 1829 Dalmation Drive, McLean, requested that Council include an exemption in Resolution 2347 for certified contractors requiring them to submit a certificate of insurance for cutting, welding and saturating. Mr. Grello requested that the City accept the State permit and not require a special permit.

In response to Mr. Grello's request, City Attorney Banks stated that City staff will need more time to address Mr. Grello's request adequately and examine the City's

requirement in relation to the state requirement to assure the requirement is reasonable in nature.

Vice Mayor Donley inquired whether the City is consistent with other jurisdictions.

In response, Mr. Catlett, Director, Office of Building and Fire Code Administration, noted that the City's requirement is consistent with other jurisdictions requirements. Mr. Catlett also pointed out that this request might have to go through the State Building Code process for amendment.

Vice Mayor Donley requested that staff review other jurisdictions enforcement of the issue and see if there are some changes that work for the City of Alexandria.

(b) Pat Miller, 1806 North Cliff Street, thanked Council for their help with the recent Art on the Avenue event in Del Ray.

(c) Gary Carr, 216 Aspen Street, requested that Council consider repairing the fields and restoring the running tracks at Francis Hammond and George Washington Middle Schools. Mr. Carr stated that no field in the City should be repaired until the ones at the schools are repaired and new development should include a track, or at minimal, a perimeter path, to make it useful to the entire community.

(d) Dean Graves, 4850 Mark Center Drive, representing the Institute for Defense Analyses (IDA), spoke in opposition to planned construction of a highway ramp from Shirley Highway into the Mark Center including several options going through the Winkler Botanical Preserve and across IDA property to provide access for employees to commute to their new location. Mr. Graves requested that Council oppose any consideration of roads or highways ramps that intrude into the Botanical Preserve or IDA's property.

(e) David Fromm, 2307 East Randolph Avenue, spoke about the proposed plans for changes to the election process in the City and he stated that he was unhappy that the work on the new process has been shaped behind the scenes for weeks. Mr. Fromm stated that the change should put the election on the Presidential election cycle and focus on other changes that would increase participation, like absentee balloting.

Mayor Euille stated that the discussion and planning for the election process will be a public, democratic process before any formal action is taken.

(f) JoAnne Lepanto, 4009 North Garland Street, representing the Seminary Hill Association, Inc., thanked Council and City staff for the changes that have been made to Fort Ward Park and restoring peace to the area.

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

### **ACTION CONSENT CALENDAR (3-4)**

## **Planning Commission**

3. SPECIAL USE PERMIT #2009-0041  
618 A SOUTH PICKETT STREET (Parcel Address: 600 S. Pickett Street)  
GENERAL AUTOMOTIVE REPAIR  
Public hearing and Consideration of a request to operate a general automobile repair business; zoned I/Industrial. Applicant: Tahir Mahmood

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/17/09, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2009-0044  
702 NORTH PATRICK STREET  
PARKING REDUCTION  
Public Hearing and Consideration of a request for a parking reduction; zoned RB/Residential. Applicant: Alamin and Nadia Negash

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

(A copy of the Planning Commission report dated October 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/17/09, and is incorporated as part of this record by reference.)

10. SPECIAL USE PERMIT #2009-0045  
1121 KING STREET  
PERFORMING ARTS CENTER AND THEATER  
Public Hearing and Consideration of a request to operate a performing arts center (amusement enterprise); zoned KR/King Street Retail. Applicant: Foundation for the Preservation of Medieval Arts and History represented by Thomas Booth.

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

(A copy of the Planning Commission report dated October 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/17/09, and is incorporated as part of this record by reference.)

## **END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council approved the action consent calendar and included docket item number 10 as part of the action consent

calendar. The approval was as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
10. City Council approved the Planning Commission recommendation. (added to the consent calendar)

The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

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

5. Public Hearing to Obtain Citizens Input on the City's Proposed Fiscal Year 2011 Budget and Capital Improvement Program (CIP).

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

(a) Christine Jones, 4650 Kirkpatrick Lane, representing the Commission on HIV/AIDS, stated that the Commission on HIV/AIDS has no budget and she noted that the statistics on HIV/AIDS for the City of Alexandria are steadily climbing. Ms. Jones requested financial support to continue working toward prevention in the City. Ms. Jones offered to raise money to match any money Council granted the Commission.

(b) Ulysses James, 4009 Gibbs Street, representing the Alexandria Arts Forum, spoke about the importance of the arts and cultural organizations in the community, and he pointed out that arts activities are important to the economic health of the City. Mr. James requested that Council continue to support their activities.

(c) Sherry Brown, 1600 Prince Street, #603, representing the Alexandria Arts Forum, spoke about the importance of arts in the City and requested that the funding for their activities be maintained. Ms. Brown stated that the money they raise will hopefully be matched by the City. Ms. Brown recognized others present at the meeting in support of the arts.

(d) John Porter, 17 West Oak Street, speaking on behalf of ACT for Alexandria and as the co-chair to the Alexandria Council of Human Services Organization, stated that the purpose of these organizations was to form a public - private partnership to organize and improve human services through cross-sector collaboration to benefit the entire community. Mr. Porter stated that the three funds making grants to nonprofits are the most direct ways to address the human service

needs in Alexandria and he requested that Council not decrease the funds any further.

(e) Lawson Smith, 7616 Court Corkglen, spoke in support of maintaining the Untouchables Program and the Peer Advisory Program. Mr. Smith asked that the programs be maintained in order to prepare children for a positive future.

(f) Julie Peckinpaugh, 4600 Duke Street, #532, spoke in support of maintaining the funding for the Senior Center at St. Martin de Porres and presented Council with a petition supporting the center.

(g) Norman Price, 1312 Pendleton Street, representing the Untouchables, requested that the funding for the peer/mentor program and the mental health team be maintained. Mr. Price presented information to Council about the program activities that have been administered throughout the years.

(h) Carlton Miller, 909 North Patrick Street, spoke about maintaining the Peer Advisor Program and the Untouchables Program by not cutting the funding for the staff. Mr. Miller outlined the different programs that have been sponsored by the funding and he presented a petition in support of the funding.

(i) Bob Bussler, 2515 Page Terrace, spoke in support of maintaining funding for programs supporting Senior Services of Alexandria, particularly the Meals on Wheels and Senior Taxi Programs.

(j) Ramona Hatten, 4625 Kirkpatrick Lane, spoke in opposition to the proposed budget reductions from the State that would affect the Community Services Board services rendered to the community.

(k) Louis Chamberlain, 6060 Towers Court, Apt. 1508, spoke in opposition to the proposed reductions from the State that would affect the Community Services Board and their ability to serve the community, including the cuts to the Untouchables Program.

(l) Fay D. Slotnick, 311 Second Street, representing the Parent Leadership Training Institute (PLTI) of Alexandria, stated that budget constraints create a greater need for services and she noted that PLTI is concerned with the welfare of children and families in the community. Ms. Slotnick requested that Council restore their original funding levels to fund PLTI to improve the quality of advocacy in the community.

(m) Kristina Messner, 1224 Princess Street, representing the Hopkins House, requested that Council remember that it remains the responsibility of government to help those, particularly children and families, who are unable to meet their basic needs, including safe, accessible childcare. Ms. Messner noted that last year's budget provided funding to allow more than 300 children to receive fee subsidies to attend preschool and she noted that is essential that the City continue the funding to keep the childcare subsidies list clear in the FY 2011.

(n) Bill Harris, 1106 Tuckahoe Lane, spoke in support of maintaining services to the senior citizen community and asked Council to be mindful of them during their budget deliberations.

(o) Diane Charles, 1705 Fern Street, representing the Stop Child Abuse Now (SCAN) of Northern Virginia, reported on two programs operated by SCAN, the Court Appointed Special Advocacy (CASA) Program and Parent Education Program. Ms. Charles requested that Council continue to fund these much needed human services to help maintain the building of strong families in the City. Ms. Charles noted that the City funding will be combined with several other sources of funding from outside the City.

(p) Glenn Hopkins, 1224 Princess Street, representing the Hopkins House, stated that the City's investment in children and families is a critical investment during this budgeting period. Mr. Hopkins requested that Council sustain its long-standing commitment to full and increased human services for residents in the City and he noted that the money the City granted to Hopkins House has generated \$1.2 million in programs and services for Alexandria residents.

(q) Gene Kendall, 209 East Luray Avenue, representing the Alexandria Neighborhood Health Service, stated that the community health center always operates at capacity and he gave statistics on the number of people served by the health center. Mr. Kendall thanked Council for their continued support and noted that the center has benefitted from the first round of stimulus awards from the Federal government.

(r) Peggy Morrison Curtis, 3112 Circle Hill Road, representing the Giving Circle of Alexandria, spoke about the importance of prevention programs and programs to benefit children. Ms. Curtis stated that the Giving Circle of Alexandria has given more than \$350,000 to help programs in Alexandria succeed. Ms. Curtis noted that this budget season is an opportunity for everyone to work together and pool their resources.

(s) Alison DeCoursey, 4220 Peachtree Street, representing the Hopkins House, spoke in support of maintaining an ongoing investment in critical human service programs that provide a social safety net for many in the community.

(t) Albertha Gray, 1605 Princess Street, spoke in support of keeping the prevention and early intervention services for the City's children, particularly keeping funding for the Untouchables Program.

(u) Mary Anne Weber, 124 Roberts Lane, representing the Community Services Board, spoke about maintaining treatment and assistance for residents with mental illness and she explained what would happen if the safety net that the Community Services Board provided is removed. Ms. Weber asked that the City not cut funding for the programs they support.

(v) Willie Slade, 901 Bashford Street, spoke in support of maintaining funding

for the Untouchables Program and other prevention programs that support mentoring children.

(w) Mathew Johnson, 4426 Vermont Avenue, spoke in support of maintaining the prevention programs and programs to benefit children throughout the City.

(x) Eileen Wallace, 613 South Saint Asaph Street, representing New Neighbors Education Center, noted that the center provides English As A Second Language instruction to immigrants and refugees. Ms. Wallace stated that the center experienced a record enrollment providing language instructions, childcare services and family literacy classes by partnering with other organizations throughout the City. Ms. Wallace also noted that a grant from the Community Partners fund provided 15% of the operating budget and she pointed out that Council's continued support would benefit the entire community.

(y) Giselle Pelaez, 1900 North Beauregard Street, Suite 200, representing the Center for Alexandria's Children, stated that the Center provides onsite investigations, treatment and prevention services, and raising community awareness about abuse and neglect. Ms. Pelaez encouraged Council to preserve the safety net for Alexandria's neediest and most vulnerable citizens and prioritize the Center's ability to meet the human service needs of Alexandria's children and families.

(z) Tina Leone, 801 North Fairfax Street, Suite 402, representing the Alexandria Chamber of Commerce, stated that in order to address the needs of the community, Council needs to support businesses and look for ways to expand the commercial tax base of the City. Ms. Leone noted that the City has made numerous strides in economic sustainability and pointed out that the small area plans needed to be completed and implemented in order to be ready when the economic tides turn. Ms. Leone stated that in order to grow the economic base, Council should consider expanding trolley hours, seek better parking arrangements and support the Convention and Visitors Bureau.

(aa) Lisa Stapleton, 108 South Washington Street, Chief of the Adult Probation Office, expressed concern about the proposed elimination of treatment for sex offenders provided by the Community Services Board. Ms. Stapleton stated that by not addressing the needs of this segment of the community puts the entire community at increased risk and makes access to treatment difficult for the neediest offenders.

(bb) Nina Randolph, 424 North Union Street, representing Healthy Families Alexandria, pointed out that they focus on timely prenatal care and home visits and requested that Council maintain funding for the program to encourage successful parenting and families.

(cc) Nanci Pedulla, representing Healthy Families, stated that their program and the network of programs provided by their partners are vital for these families to live and survive in this community. Ms. Pedulla urged Council to continue to support

programs that will protect and sustain the development of the neediest children in the City and asked that no more cuts be made to the programs servicing these children.

(dd) David Kaplan, 418 Queen Street, requested that Council take a serious look at the funding for the mass transit in the City and how any reduction in funding will affect much of the future planning the City has spent many hours and a lot of money on.

(ee) Linda Silk, 2704 Mount Vernon Avenue, representing the Del Ray Artisans, spoke in support of maintaining funding and support for the arts in the City.

(ff) Dak Hardwick, 5181 Brawner Place, suggested that neighborhoods throughout the City consider taking on some of the responsibilities that have been cut from the budget, such as park maintenance. Mr. Hardwick suggested that City work with residential and civic associations to come up with alternatives to addressing budget cuts without having to increase tax rates for residents.

(gg) Kathleen Burns, 1036 North Pelham, representing the West End Business Association, offered suggestions to increase revenue for the City, including making funds available for marketing the West End, funding economic development activities at a high rate, additional staff time should be devoted to simplifying regulations that will encourage the growth of small businesses and funding the hiring of additional transportation planners.

(hh) Pat Miller, 1806 North Cliff Street, representing the Alexandria Commission for the Arts, spoke in support of maintaining the funding for arts in the City. Ms. Miller noted that the Commission will be presenting a public art funding policy in the near future to Council and that keeping the arts strong in Alexandria is a collective enterprise that everyone has a stake in its success.

(ii) Edmund Barker, 14 Ashby Street, representing the homeowners of Auburn Village Condominiums, requested that Council fund increased sewer capacity on East Glebe Road in order to alleviate some of the problems with flooding the homeowners are experiencing.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing to obtain citizens input on the City's Proposed Fiscal Year 2011 Budget and Capital Improvement Program (CIP). The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

6. Public Hearing to Receive Public Comment on the Proposed VDOT HOTLanes



Project.

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

(a) Alice Cave, 3435 Gunston Road, acknowledged other residents present from ParkFairfax and spoke about the environmental impacts that their task force research showed would result if the project proceeds. Ms. Cave stated that a categorical exclusion was granted to the project by Federal Highways because the project was based originally on restriping of existing HOV lanes. Ms. Cave noted that there would be many negative impacts to ParkFairfax as a result of the project, including environmental impacts, building damage and declining property values, and significantly different traffic patterns because of increased cut-through traffic. Ms. Cave submitted a petition from the neighborhood opposing the VDOT HOTLanes project and requested that Council pass a strong resolution opposing the project.

(b) Alex Luchenitser, 1240 Martha Custis Drive, expressed concerns about the City's legal strategy concerning the HOTLanes project. Mr. Luchenitser noted that there were three reasons for his concerns, including the timeliness of the City's joining the Arlington lawsuit, the suit may be settled without the City having any input, and a later lawsuit will likely be more expensive than joining Arlington's suit.

(c) Greg Cota, 1142 Valley Drive, spoke in opposition of the HOTLanes improvement and he stated that the HOTLanes will increase traffic at both the Shirlington and Seminary roads exits and in the adjacent neighborhoods because of the increase of single-occupancy drivers. Mr. Cota also noted that VDOT may change the plans at any time which could exacerbate the problem even more.

(d) Junior Bridge, 1404 Martha Custis Drive, spoke in opposition of the HOTLanes improvement site because the plan fails to take into consideration the tremendous environmental, financial, historical and community impact for the surrounding community. Ms. Bridge requested that Council take the necessary steps it could to get rid of the project.

(e) Joanne Lepanto, 4009 North Garland Street, representing the Seminary Hill Association, Inc., stated that Seminary Hill is opposed to the I-95/395 HOTLanes project, particularly inside the Beltway. Ms. Lepanto stated that the Association is opposed to any off ramps at Seminary Road, they are opposed to the proposed changes to Shirlington Circle, they expressed safety concerns about the narrow lanes and virtually nonexistent shoulders and they expressed concerns about the visual pollution caused by the construction. Ms. Lepanto stated that the most important thing is to provide direct access into the BRAC site from I-395 so that none of the traffic has to enter the Seminary Road interchange or the streets of Alexandria. Ms. Lepanto urged Council to pass a resolution opposing the HOTLanes project in the strongest terms possible.

(f) Geoffrey Goodale, 493 Naylor Place, representing the

Brookville-Seminary Valley Civic Association, Inc., stated that the City should refrain from joining the Arlington County lawsuit at this time and urged that Council focus on providing direct access from I-395 to the BRAC site. Mr. Goodale urged that the City monitor closely the Arlington County lawsuit and that in the future the City may be willing to file an amicus curiae brief on behalf of the City to protect its interest. Mr. Goodale stated that he hoped the City engage as soon as possible with the VDOT regarding the interchange justification report that it is conducting relating to direct access from I-395 to the BRAC site.

(g) Susan D'Amico, 1511-C North Van Dorn Street, spoke in opposition to the HOTLanes project and noted the environmental and noise concerns of the community. Ms. D'Amico suggested some of the types of structures that could be put in place if the HOTLanes project proceeds.

(h) Charles Trozzo, 209 Duke Street, representing the Alexandria Historical Restoration and Preservation Commission, spoke about the impact the project would have on the historical nature of ParkFairfax and he hoped that the City would consider joining the Arlington lawsuit.

(i) Annabelle Fisher, 5001 Seminary Road, stated that the City has not been fully engaged in this process on the HOTLanes. Ms. Fisher noted that Senator Ticer has stated that there is no bond money available for the project and stated that the City should talk to the Virginia Department of Transportation. Ms. Fisher stated that the focus should be on the direct access into the BRAC site.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing to receive public comment on the proposed Virginia Department of Transportation (VDOT) HOTLanes Project. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, Council directed staff to prepare a resolution that states clear opposition to the HOTLanes project for Council to consider at its next legislative meeting. The resolution should take into consideration the commentary from this meeting as well as the commentary from the Transportation Commission, focusing on the Shirlington Circle and the Seminary Road interchange. The resolution should also address access to the BRAC site and how the City should take affirmative action to pursue legislative solutions. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"

Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

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

**Planning Commission (continued)**

7. DEVELOPMENT SPECIAL USE PERMIT #2007-0002

630 & 636 NORTH PATRICK STREET  
 CHURCH OF GOD AND SAINTS OF CHRIST

Public hearing and Consideration of a request for a development special use permit, with site plan and modifications, to construct an addition on an existing church building; zoned RB/Residential. Applicant: Church of God and Saints of Christ, Sixteenth Tabernacle represented by R. McGhee (#8, 9/1/09)

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/17/09, and is incorporated as part of this record by reference.)

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

(a) Ronnie McGhee, 740 6th Street, NW, architect/agent for owner, requested a waiver of the \$8,000 contribution toward the City's Combined Sewer Separation Fund.

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

Krupicka	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Pepper	"aye"	

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously, City Council approved the Planning Commission recommendation, removing the word "*voluntarily*" from the condition. The voting was as follows:

Krupicka	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

8. SPECIAL USE PERMIT #2009-0033  
504 JOHN CARLYLE STREET  
7-ELEVEN

Public Hearing and Consideration of a request to operate a convenience store; zoned CDD-1/Coordinated Development District. Applicant: 7-Eleven Incorporated represented by Michael Vanderpool (#6, 9/1/09)

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 5-1

(A copy of the Planning Commission report dated October 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/17/09, and is incorporated as part of this record by reference.)

Urban Planner Randall gave a brief staff presentation of the proposed project and responded to questions from Council.

Officer Mitchell-Young responded to questions from Council about safety and nuisance issues at 7-Eleven stores around the City.

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

(a) Mike Vanderpool, 9200 Church Street, Manassas, Virginia, attorney for the applicant, spoke in support of the application and responded to questions from Council.

(b) Pam Denson, 520 John Carlyle Street, #115, spoke in support of the application and she hoped that the addition would spur the development in the mixed-use development.

(c) Lori Geftic, 520 John Carlyle Street, #107, spoke in opposition to the application and presented the findings from an informal survey determining the residential opinions of the inclusion of the 7-Eleven in their building.

(d) Seth Geftic, 520 John Carlyle Street, #107, spoke in opposition to the application, noting that crime would increase because of the store being opened 24 hours and that the property values of the homes would decrease stating that the 7-Eleven is not the ideal tenant for an upscale neighborhood.

(e) Elizabeth Smith, 430 John Carlyle Street, spoke in opposition to the application and gave a brief history of the Carlyle Development, noting that Block L is supposed to be predominantly a residential area. Ms. Smith stated that she would rather not have a 7-Eleven in their building but if it must be located in the building the store should not be allowed to operate 24 hours.

(f) Robert Harris, 430 John Carlyle Street, spoke in opposition to the application noting that Block L is supposed to be a predominantly residential area,

particularly at night. Mr. Harris also stated that the 7-Eleven would increase the crime in the neighborhood and he would likely be obtaining a concealed weapon to protect his family and his property.

(g) M. Catherine Puskar, 2200 Clarendon Boulevard, Suite 1300, attorney for Post Properties, spoke in support of the application and responded to questions from Council about retail in the mixed-use development.

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

Pepper	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

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

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

- 9. TEXT AMENDMENT #2009-0003  
SMALL BUSINESSES IN CAMERON STATION  
Public Hearing and Consideration of a request for an amendment to Section 11-513 of the City's Zoning Ordinance to apply the zoning regulations governing certain small businesses to the Cameron Station development. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/17/09, and is incorporated as part of this record by reference.)

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

- (a) Dak Hardwick, 5181 Brawner Place, representing Cameron Station Civic Association, stated that the Cameron Station Civic Association supports the text amendment, but noted that it does not go far enough in respect to restaurants and the amount of seating required for administrative approval for Special Use Permit (SUP) process. Mr. Hardwick requested that Council examine the administrative SUP process

versus the full SUP process.

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

Hughes	"aye"	Donley	"aye"
Krupicka	"aye"	Fannon	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

10. SPECIAL USE PERMIT #2009-0045  
1121 KING STREET  
PERFORMING ARTS CENTER AND THEATER  
Public Hearing and Consideration of a request to operate a performing arts center (amusement enterprise); zoned KR/King Street Retail. Applicant: Foundation for the Preservation of Medieval Arts and History represented by Thomas Booth.

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

(A copy of the Planning Commission report dated October 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/17/09, and is incorporated as part of this record by reference.)

This item was considered with the action consent calendar items.

### **Board of Architectural Review**

11. Public Hearing and Consideration of an Appeal of the Board of Architectural Review's (BAR) decision approving, as amended, a permit to demolish the building at 224 N. Fayette Street, zoned CRMU/M Commercial, BAR Case 2009-0109. Applicant: William Cromley. Appellant: Boyd Walker on behalf of petitioners; and Appellant: James K. Hartmann, City Manager.

(A copy of the Planning Department report dated October 17, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/17/2009, and is incorporated as part of this record by reference.)

Councilwoman Pepper stated that in the interest of full disclosure that her husband is a member of the lodge that sold the property to Mr. Cromley and that she has no conflict in evaluating the merits of this case and she would be participating in the discussion and voting on this matter.

Mr. Milone, Division Chief, Planning and Zoning, gave a presentation on the appeal.

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

(a) Kathleen Pepper, 5320 Phayer Avenue, representing the Alexandria Archeological Commission, requested that Council overturn the decision of the BAR and deny the permit to demolition because the structure is a contributing member to the designation of the Parker-Gray Historic District.

(b) Sonja Ingram, 767 Main Street, Danville, Virginia, representing Preservation Virginia, requested that Council overturn the decision of the BAR and deny the demolition.

(c) Richard Lloyd, 208 North Payne Street, representing the Parker-Gray District Board of Architectural Review, spoke in support of the demolition and explained the reasoning for the BAR making the decision to allow the demolition.

(d) David L. Thompson, 3305 Alabama Avenue, representing the Historic Alexandria Resources Commission, requested that Council overturn the decision and remand it back for further review.

(e) Katy Cannady, 20 East Oak Street, requested that Council overturn the decision of the BAR and deny the demolition because the building was a symbol of an important period in the history of the City and should remain a part of the City's landscape.

(f) Carlton Funn, Sr., 5121 Holmes Run Parkway, representing the Alexandria Society for the Preservation of Black Heritage, Inc., requested that Council overturn the decision of the BAR and deny the demolition, citing the history of the building.

(g) Gail C. Rothrock, 209 Duke Street, representing the Historic Alexandria Foundation, requested that Council overturn the decision of the BAR and deny the demolition.

(h) Charles L. Trozzo, 209 Duke Street, representing the Alexandria Historical Restoration and Preservation Commission, requested that Council overturn the decision of the BAR and deny the demolition.

(i) Dino Drudi, 315 North West Street, spoke in support of the BAR decision to allow the demolition and requested that Council uphold the decision.

(j) James Edward Ablard, 18 West Del Ray Avenue, requested that Council overturn the decision of the BAR and deny the demolition. Mr. Ablard submitted an estimate for the removal of the asbestos from the building and submitted the Department of Defense asbestos abatement procedures, as well as gave a brief history of the building.

(k) Poul Hertel, 1217 Michigan Court, requested that Council overturn the decision of the BAR and deny the demolition. Mr. Hertel stated that the building is an important part of the City's history and historical preservation efforts.

(l) Boyd Walker, 220 East Bellefonte Avenue, appellant, representing the Greater Alexandria Preservation Alliance, requested that Council overturn the decision of the BAR and deny the demolition. Mr. Walker noted that the best decision would be to overturn the BAR decision and require that the building be preserved. Mr. Walker also noted that the history of the building and the uniqueness of the architecture are specific to the City of Alexandria.

(m) John Mercer, 1115 Cameron Street, #403, requested that Council uphold the decision of the BAR and allow the demolition.

(n) Melissa Luby, 312 1/2 North Henry Street, requested that Council uphold the decision of the BAR and allow the demolition, noting the crime surrounding the building and the state of disrepair the building has been in for a number of years.

(o) Duncan W. Blair, 524 King Street, attorney for the applicant, spoke in support of the BAR decision to allow the demolition and requested that Council review the requested changes in the letter submitted to Council on October 16, 2009 regarding the consolidation of Conditions 1 and 10 of the BAR design review guidelines to eliminating the conflict between the two conditions.

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

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

Mr. Milone, Division Chief, Planning and Zoning and Mr. Mallamo, Director, Office of Historic Alexandria responded to questions from Council about contributing structures, architecture, and BAR guidelines.

**A motion was made** by Councilwoman Hughes and seconded by Councilwoman Pepper, to overturn the BAR decision and deny the demolition of the building. This motion died because of a substitute motion.

**WHEREUPON**, upon a substitute motion by Councilman Krupicka, seconded by Councilwoman Hughes and carried 6-1, City Council upheld the Board of Architectural Review's decision and mandated that the applicant cannot begin demolition for six months. During the six months time period, the applicant will entertain any and all



reasonable and financially sound offers to purchase or move the property. A ratified contract must be obtained in order to prevent demolition. City Council also requested that staff consolidate conditions #1 and #10 of the Parker-Gray Board of Architectural Review's guidelines and create consistency and clearly define the process by which there are appropriate plans to interpret and commemorate history. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Pepper	"no"
	Smedberg	"aye"	

## **ORDINANCES AND RESOLUTIONS**

12. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish a Late Payment Fee For Food Establishments and Vending Machine Operators That Are More Than 14 days Late in Paying Their Annual Permit Fees. (#11, 10/13/09)

(A copy of the City Manager's memorandum dated October 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/17/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 10/17/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 10/17/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council adopted an ordinance to establish a late payment fee for food establishments and vending machine operators that are more than 14 days late in paying their annual permit fees. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

### **ORDINANCE NO. 4627**

AN ORDINANCE to amend and reordain Section 11-2-21 (b) (PERMITS FOR FOOD ESTABLISHMENTS) and Section 11-2-23 (b) (PERMITS FOR VENDING MACHINES) of ARTICLE C (COMPLIANCE PROCEDURES) of Chapter 2 (FOOD AND FOOD ESTABLISHMENTS), Title 11 (HEALTH, ENVIRONMENTAL AND SAFETY REGULATIONS) of The Code of The City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-2-21 (b) of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-21 (b)

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted food establishment including temporary food stands operating less than 14 days. These fees shall be in the amounts established by the General Assembly of the Commonwealth of Virginia and/or the Alexandria City Council. Such fees shall not be applicable to food establishments operated by the Alexandria City Public Schools. The application fees shall be based on a calendar year and shall be due and payable on or before December 31 or upon initial application. The fees shall not be prorated. A late payment fee in an amount established by the Alexandria City Council shall be assessed to each food establishment owner who pays their renewal application fee more than 14 days after their permit has expired.

Section 2. That Section 11-2-23 (b) of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-23 Permits for vending machines.

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted vending machine. These fees shall be in the amounts established by the Alexandria City Council. The application fees shall be based on a calendar year and shall be due and payable on or before December 31 or upon initial application. The fees shall not be prorated. A late payment fee in an amount established by the Alexandria City Council shall be assessed to each vending machine operator who pays their renewal application fee more than 14 days after their permit has expired.

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

13. Consideration of a Resolution to Establish a Late Payment Fee for Food

Establishments and Vending Machine Operators That Are More Than 14 Days Late in Paying Their Annual Permit Fees.

(A copy of the City Manager's memorandum dated October 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 10/17/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted a resolution to establish a late payment fee for food establishments and vending machine operators that are more than 14 days late in paying their annual permit fees. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

The resolution reads as follows:

**RESOLUTION NO. 2365**

Resolution to Adopt Late Payment Fees for Operators  
of Vending Machines and Owners of Food Establishments  
That Pay Their Annual Permit Renewal Application Fees Late

**WHEREAS**, pursuant to Section 2.07 of the City Charter, City Council has the authority to establish fees to be charged for services provided by the City of Alexandria ("City"); and

**WHEREAS**, the City has not charged food establishment owners or vending machine operators a late payment fee when they are late in paying their annual permit application renewal fee; and

**WHEREAS**, many other local jurisdictions in the Washington, D.C. Metropolitan area charge a late payment fee; and

**WHEREAS**, the Environmental Health Division is expending a considerable amount of resources trying to elicit payment for permit application renewal fees; and

**WHEREAS**, the late payment fee is in addition to the annual state and City fees charged to these establishments; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Alexandria, Virginia:

1. That a late payment fee of \$25.00 shall be assessed to each food establishment owner that pays their annual permit renewal application fee more than 14 days late.
2. That a late payment fee of \$25.00 shall be assessed to each vending machine operator that pays their annual permit renewal application fee more than fourteen days late.
3. That Sections 1 and 2 of this resolution shall be effective January 1, 2010.
14. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 3-2-52 (Assessment of Fee For Courthouse and Jail) of the Alexandria City Code. (#12, 10/13/09)

(A copy of the City Manager's memorandum dated September 25, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/17/09, 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; 10/17/09, 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; 10/17/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted an ordinance to amend and reordain Section 3-2-52 (Assessment of Fee for Courthouse and Jail) of the Alexandria City Code. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

**ORDINANCE NO. 4628**

AN ORDINANCE to amend and reordain Section 3-2-52 of Article E (Assessment of Court Costs and Fees) of Chapter 2 (Taxation) of Title 3 (Finance, Taxation and Procurement) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-52 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-52                      Assessment of fee for courthouse and jail.

In addition to any other fee or cost prescribed by law, there is hereby assessed a fee of \$2, for the support of the courthouse and jail, as part of the fees taxed as costs in each civil action filed in the Alexandria Circuit and General District Courts, in each criminal and traffic case in the Alexandria Circuit and General District Courts, and in each adult criminal and juvenile traffic case in the Juvenile and Domestic Relations District Court, in which the defendant is charged with a violation of any statute or ordinance.

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

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Massage Regulations and to Allow Council to Establish Permit Application Fees and Plan Review Fees By Resolution. (#13, 10/13/09)

This item was deferred.

16. Consideration of a Resolution to Increase Permit Fees for Massage Therapists, Massage Establishments, and Home Massage Therapy and to Establish Plan Review Fees for Massage Establishments, Permit Reinstatement Fees for Massage Therapists, and Late Payment Fees for Massage Establishment Owners, Home Massage Permit Holders, and Massage Therapists.

The item was deferred.

17. Public Hearing, Second Reading and Final Passage of an Ordinance to Repeal Chapter 4 of the Code of the City of Alexandria Which Will Deregulate Coin-operated Dry Cleaners and Coin-operated Laundries. (#14, 10/13/09)

(A copy of the City Manager's memorandum dated September 25, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/17/09, 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; 10/17/09, 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;

10/17/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted an ordinance to repeal Chapter 4 of the Code of the City of Alexandria which will deregulate coin-operated dry cleaners and coin-operated laundries. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

### **ORDINANCE NO. 4629**

AN ORDINANCE to repeal Chapter 4 (COIN-OPERATED DRY CLEANING ESTABLISHMENTS) and Chapter 5 (COIN-OPERATED LAUNDRIES), 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 Chapter 9-4 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, repealed.

Section 2. That Chapter 9-5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, repealed.

Section 3. That this ordinance shall become effective on January 1, 2010.

18. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Further Extend the Pilot Program Established by City Council by Ordinance No. 4566 to Authorize Portable Signs in the Public Right-of-way For Businesses in the Central Business District, With Administrative Approval.

(A copy of the City Manager's memorandum dated October 9, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 10/17/09, 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. 18; 10/17/09, 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. 18; 10/17/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council approved the ordinance on first reading and scheduled it for second reading, public hearing and final passage on October 27, 2009. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

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

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

None.

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council adjourned the public hearing meeting of October 17, 2009 at 5:15 p.m. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

APPROVED BY:

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

ATTEST:

\_\_\_\_\_  
Gloria A. Sitton, CMC    Deputy City Clerk