

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Public Hearing Meeting**  
**Saturday, November 21, 2009 - - 9:30 a.m.**

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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; Mr. Gates, Assistant City Manager; Police Lt. Uzzell; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lambert, Transportation and Environmental Services; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Mr. Noelle, Recreation, Parks and Cultural Activities; Ms. Hamer, Director, Planning and Zoning; Ms. Wright, Planning and Zoning; Ms. Ross, Planning and Zoning; Ms. Escher, Planning and Zoning; Mr. Randall, Planning and Zoning; Ms. Rafferty, Planning and Zoning; Mr. Wagner, Planning and Zoning; Fire Chief Thiel; Mr. Catlett, Director, Office of Building and Fire Code Administration; Mr. Hunt, Office of Building and Fire Code Administration; Ms. Triggs, Director, Finance Office; Mr. Johnson, Chief Financial Officer; and Mr. Lloyd.

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

**OPENING**

1. Calling the Roll.

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

2. Public Discussion Period.

(a) Gary Carr, 216 Aspen Street, expressed condolences to the family of Emma Cabrera, noting that his daughter was taught by her. Mr. Carr spoke of the restoration of the running tracks and fields at Frances Hammond and George Washington Middle Schools, and he noted the lack of running tracks in the City, and there are no running track facilities after 5:00 p.m. in the City. He asked if they will build an artificial turf that is funded for this fiscal year at a park or at a school - does it fix a

nonfunctional field at Hammond or a functional field in need of maintenance at Ben Brenman Park. He spoke to strategic planning goal #2, respects, protects and enhances the health of its citizens, and goal #4, the public schools should be among Northern Virginia's best. He said the field at Brenman will be fenced and empty during school hours, and a new field at Hammond will provide inspiration to the next generation of athletes and leaders. Mr. Carr said his daughter Christine will not be speaking, but she was going to speak to the lack of a fixed concession stand at T.C. Williams.

Councilman Krupicka said Council will have a work session on the field and open space issues at the second legislative meeting in January, and it should be brought up in the monthly School meetings.

(b) Jack Sullivan, 4300 Ivanhoe Place, asked that the two parcels east of 395 that are currently part of the Beauregard Corridor planning process be eliminated from the process. Any changes in the area should be considered within the existing Strawberry Hill/ Seminary Hill Small Area Plan, noting that the two parcels are not in the Beauregard corridor but separated by a major highway. He said many were closely involved in the crafting of the current Seminary Hill/Strawberry Hill plan, it has served the neighborhood well and they do not want to see it vitiated in this way and to allow two parcels to be carved out of the existing plan is akin to permitting spot zoning, and the current process will slow down consideration of the proposed development on the sites. Mr. Sullivan said Council can ask the Planning Director to eliminate these parcels from consideration. He said Seminary Hill has not yet had a chance to vote on the proposed change but will have consideration at its December meeting, and they will likely will be back formally requesting action if nothing positive has occurred in the meantime.

Mayor Euille asked Mr. Sullivan to give Council a formal request in writing to get this started.

(c) Eileen MacLennan, 903 N. Howard Street, spoke of political signs in residential areas, noting the three small median strips near her street and on each of them were posted 25 signs, and it is an eyesore and a safety hazard. She said the numbers of signs need to be limited and the signs should not go up more than 30 days prior to the election.

(d) Gwen Fuller, 4017 Forth Worth Avenue, said she is a Council appointed member of the Alexandria Library Board, and she spoke of her concerns about the projected cuts suggested for the City's libraries. She noted the percentage of population that have library cards and use computers in the libraries and she asked the Council to support the libraries and think and re-think the deep cuts that have been proposed.

(e) Eileen Bradley, 4705 W. Braddock Rd, Friends of Burke Branch Library, urged Council to do as little possible cutting in the library budget. She noted how the

libraries operate on a daily basis and how citizens use the libraries. She said the library is not just a discretionary activity or an expendable activity, but it is a critical and essential service that provides help to all members of the community.

(f) Susan Birchler, 311 Lannon Court, said she is speaking on behalf of 12-14 people who live in her neighborhood, and she spoke of the Norfolk Southern night operation, noting the noises and sounds that come from the operation at midnight and throughout the night. She asked the City to find a regulatory agency and have them see what Norfolk Southern is doing, to ask them to stop doing it at night, and to have Norfolk Southern out of their backyard.

(g) Mindy Lyle, Cameron Station Civic Association, spoke of the City's winning the Virginia Municipal League communications award for the handling of the Norfolk Southern fiasco. She said the City should only enter competitions where the award was deserved. The purpose of the VML award was to recognize the commitment to creative, imaginative and cost effective local government, and the entries should reflect the highest standards of professionalism and innovation. Ms. Lyle said that if this was the basis of the award, the City should never have entered the competition. She said the 2,500 pages posted to the City's website was only done after a FOIA request from the Cameron Station Civic Association. Ironically, she said, the award-winning communication plan also failed to notify residents and the public of a recent ethanol spill until a day after it occurred. She said this should be classified as inept management in the City government and ineffective oversight by elected and appointed officials. The entry into the competition and the City's acceptance of the award are a slap in the face not only to Cameron Station, but Summers Grove and the entire West End community. She said residents are awakened in the middle of the night by the rail car operation, when it begins activity after 11:00 p.m. and continues to 4:00 a.m. She said they suggest a sound barrier with both a sound wall and a vegetative barrier should be constructed on the railroad side of the run and along the park. Ms. Lyle said another thought is to call David Lawson's home when the transloading operations start in the middle of the night, so that if he shares their pain, something might be done about it, along with calling Mayor Euille and Mr. Hartmann so they can see what the residents are going through. She said the City needs to actively look for solutions and not just give lip service to the problem.

E-Government Manager Fifer explained the VML award, noting that the award specifically targeted the City's communications after the transloading operation had begun with the posting of the emails on the City's website and documentation of the project, powerpoint, memos, reports and correspondence.

Mayor Euille said the request for a sound barrier is a sound suggestion, and he said there was discussion with Norfolk Southern for a sound barrier wall and they are committed to seeking permanent solutions to the problems.

Vice Mayor Donley asked that the City Manager get back to Council with a report on the screening and landscaping, particularly evergreens that will last all year.

(h) Nancy Jennings, 2115 Marlboro Drive, King Street/Beauregard Project, spoke of the King Street/Beauregard improvement project. Ms. Jennings said the project is good news, and the project is slated to improve capacity and flow on King Street by adding more turn lanes and restricting some movements, but it does not yet reduce congestion caused by three lanes of traffic being reduced to two. She said the City may now have the opportunity to widen King Street to the west between Beauregard and Dawes Avenue, and the project should be extended about 100 yards west to the City boundary with Fairfax County, widening that section to six lanes, as well as improving the sidewalks. She said she hoped the project would benefit them all by reducing overflow traffic on residential streets and allowing customers easier access to the businesses in that end of Alexandria.

(i) Ingrid Sanden, 5238 Bessley Place, secretary of the Cameron Station Civic Association, said tone-deaf is what she wrote down when the discussion of the communications effort came up, because it equals spin and they are tired of spin. Ms. Sanden spoke of the proposed new stormwater tax structure, noting that at the November Cameron Station Civic Association meeting, City staff presented the new proposal to their residents, and the Cameron Station Homeowners Association is responsible for and maintains all sidewalks, private parks, a community center, streets and other services in their neighborhood, including stormwater management. She said the new tax would fall on each individual home, the various condo associations and the HOA itself, which they already pay for via their quarterly dues to the HOA - essentially the Cameron Station residents would pay the new stormwater tax twice and it would still be the HOA's responsibility to maintain the community stormsewers and not the City's responsibility. Ms. Sanden also spoke of the shuttle service to and from the Van Dorn Metro Station, noting that they are not allowed to use the drop off point at the kiss and ride because the shuttle buses are six inches too long and instead are dropped off on Eisenhower Avenue itself. She said they are begging Council to reopen and solve the issue.

Director of Transportation and Environmental Services Baier explained the credit policy under consideration for the stormwater utility fee. Mr. Baier also explained that WMATA is trying to re-work the parking lot at the Metro Station and the City is working with WMATA on the problem.

(j) Katy Cannady, 20 E. Oak Street, president, Alexandria League of Women Voters, spoke in support of a basic league principle that Americans should not be impeded in the exercise of the right to vote. She said she spoke to Registrar Tom Parkins about the 2012 election with the Presidential race, the Council seats and the School Board seats all on the ballot, using the resources he had in 2008, voters might wait in line to vote for 4-6 hours, and she asked how could the Council contemplate such a thing. The City will have to spend money - she has heard \$200,000 in additional expenses, over what would have been needed for a Presidential election alone. Ms. Cannady said they were told last Spring that having Council elections in November would make things easier for voters and save money, but it doesn't look that way today.

She said they need a Council election in 2011, as it is the only solution.

(k) Amy Slack, 2307 E. Randolph Avenue, said she is a member of the Del Ray Citizens Association, the co-chair of the land use committee for that body, a member of the Federation, on the Federation of Civic Associations Board and their representative to the Wayfinding Program, and a member of the Traffic and Parking Board, and said she is an engaged and interested citizen and participates and she finds herself increasingly found irrelevant by many members of Council, who seeks the disengaged and disenfranchised and those who don't participate, at the expense of those who do. She said she found it increasingly disconcerting that those who have gone to the public meetings and hearings and tried to form and participate in their small area plans and policies on many different issues are being found irrelevant because the special interest groups are superseding what they have had to say. She said most recently on Monday evening, she was supposed to participant in a public hearing on the taxi industry, and the outcome of that was a u-turn by Council and the City Manager to form a workgroup, and she said she is a member of the workgroup and she asked each member of Council to contact her and let her know what is the intent of the workgroup and their feelings of the outcome of the workgroup.

(l) Poul Hertel, 1217 Michigan Court, president, Old Town Civic Association, said the Planning Commission rejected the adult use text amendment on November 5, and during the public hearing, representatives of the Alexandria Chamber of Commerce, the Economic Development Partnership, and the Alexandria Convention and Visitors Association spoke in favor of keeping Alexandria a business friendly City, and the Commissioners decided that the right to buy objects and not harming any business overrode all other considerations. In the end, he said, the Commissioners proudly announced that Alexandria is still the only local jurisdiction that does not regulate adult stores. He said he is disappointed that the members of the business community pushed the City into something that could jeopardize all retailers on King Street. Mr. Hertel said that one of the Commissioners commented on how important the business community turnout had been for the result, so in the end it was about business is business, and being so afraid to appear business unfriendly. He said it now has to be porn friendly on King Street. He said Council has the authority to bring the text amendment on its own and he urged Council to do so, as it is not about being business friendly.

(m) Anne Paul, 706 Prince Street, with the Alexandria Historical Society Board of Directors, spoke of their concern with the Alexandria libraries and special collections. She noted that Brooksie Koopman, chair of the Library Board, Dick Hobson, a member of the Library Board, and Linden Brenner, the deputy director of Libraries, are all present today. She said special collections opened in 1975, and the Historical Society collected over 12,000 documents for that particular library. She said the City has cut the hours of special collections to a bare minimum and is giving them a skeleton staff. She asked Council to reconsider what it is doing to their libraries and to special collections, as it is giving a setback to education.

(n) Carla Fleming, 4918 A Barbour Drive, Alexandria, chair, Alexandria Regional Council of the United Way of the National Capital Area, said the United Way campaign has kicked off and the chair for the campaign this year is Delegate David Englin. She invited Council to join them on December 11 at the Alexandria mid-campaign launch at the Dunbar Alexandria Olympic Boys and Girls Club on Payne Street. She said the goal is to raise \$1 million for the regional council of the United Way capital areas community impact club - #9001. She asked for Council's help in making a personal commitment to contribute \$500 to the community impact fund, and they ask the residents of the community to match them and meet their challenge.

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

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

#### **Planning Commission**

3. SPECIAL USE PERMIT #2009-0053  
616 C SOUTH PICKETT STREET (Parcel Address: 600 South Pickett Street)  
AUTOMOTIVE REPAIR SHOP  
Public Hearing and Consideration of a request to operate a general repair automotive shop; zoned I/Industrial. Applicant: Qasem Rawad

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/21/09, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2009-0047  
CARLYLE DEVELOPMENT - 333 JOHN CARLYLE STREET  
Public Hearing and Consideration of a request for an amendment to the special use permit for the Carlyle development to extend the time frame that office space is permitted in the southeastern corner of 333 John Carlyle Street; zoned CDD-I/Coordinated Development District. Applicant: 1900 Duke Street, LP by Kenneth Wire, attorney

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

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/21/09, 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, with the removal of item #4, which was considered under separate motion. The approval was as follows:

3. City Council approved the Planning Commission recommendation.

The voting was as follows:

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

4. SPECIAL USE PERMIT #2009-0047  
CARLYLE DEVELOPMENT - 333 JOHN CARLYLE STREET  
Public Hearing and Consideration of a request for an amendment to the special use permit for the Carlyle development to extend the time frame that office space is permitted in the southeastern corner of 333 John Carlyle Street; zoned CDD-I/Coordinated Development District. Applicant: 1900 Duke Street, LP by Kenneth Wire, attorney

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

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/21/09, and is incorporated as part of this record by reference.)

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

(a) Bill Harvey, 2151 Jamieson Avenue, #1809, spoke in opposition to the request for a waiver and asked that Council get a comprehensive assessment of all the vacant retail space in Carlyle.

(b) Ken Wire, 1750 Tysons Blvd., McLean, attorney representing the applicant, spoke in favor of the request.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Krupicka and carried 6-0, City Council closed the public hearing and approved the Planning Commission recommendation, as amended, with a change to condition #102C to delete the words "running until December 31, 2019, upon which any and all office uses shall be discontinued" and adding the words, "The permitted office lease term shall commence upon tenant occupancy of the space, but in no case shall the term extend beyond December 31, 2021." The voting was as follows:

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

Smedberg "aye"

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

- 5. Public Hearing on the Report from the Naming Committee on Naming the Gymnasium and Pool at Charles Houston Recreation Center. (#6, 11/10/09)

(A copy of the City Manager's memorandum dated November 4, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 5; 11/21/09, and is incorporated as part of this record by reference.)

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

(a) Mr. Jim Henson, 607 S. Pitt Street, chair of the Charles Houston Recreation Center ad-hoc naming committee, expressed support for the naming of the gym and pool at the Charles Houston Rec Center, the gym to be named after Coach Louis Johnson and Morris Seibert, and the pool to be named The Memorial Pool in honor of the nine African American youths who drowned in the Potomac River, since they were not permitted to swim in the Alexandria Municipal Pool before integration.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried unanimously, City Council closed the public hearing and named the rooms at the Charles Houston Recreation Center as follows: The gymnasium be named after Coach Louis Johnson and Mr. Morris Seibert and the swimming pool be named The Memorial Pool in honor of the nine African American youths who drowned in the Potomac River, recognizing that before integration, African American youths were not permitted to swim in the Alexandria Municipal Pool. The voting was as follows:

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

Mayor Euille said he hoped that the placement of the names for the memorialization does not take long.

- 6. Virginia Department of Transportation (VDOT) Proposed Route I-395 Direct Access Ramp Alternatives for the BRAC-133 Project at Mark Center:
  - a) Presentation of Alternatives by Representatives of the Virginia Department of Transportation; and
  - b) Preliminary Public Hearing on Proposed Alternatives.

(A copy of the City Manager's memorandum dated November 16, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No.



6; 11/21/09, and is incorporated as part of this record by reference.)

Director of Transportation and Environmental Services Baier, along with Paul Perdoe, vice president of Baker Engineering, and Transportation Division Chief Garbacz, made a presentation of the alternatives and they responded to questions of City Council.

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

(a) Nancy Jennings, 2115 Marlboro Drive, member of the BRAC Advisory Commission and president of the Seminary Hill Association, speaking for Seminary Hill, said they have asked for direct access to and from all 395 lanes into the BRAC site, and said she sensed they would modify their position to be a little more open to other alternatives after they meet again.

(b) Laura Medhurst, 1704 Crestwood Drive, member of the Environmental Policy Commission, said the Commission would like to see the Winkler Preserve preserved, and they support any proposal which encourages use of public transportation or carpooling.

(c) Jack Sulser, 917 N. Ashton Street, said anyone who traverses the Beauregard/Seminary area regularly is already well aware how the traffic backs up every morning for the employees going into the Mark Center, and yet somehow in less than two years, that traffic will have to accommodate 6,400 DOD employees and the IDA has announced that they wish to put up another building for an additional 400 people, and the additional turn lanes will not be ready by then. Any kind of direct access from 395 is many years in the future. Mr. Sulser said the alternative plans need clarification, and it would help to have good estimates of the number of vehicles to be affected by each of the alternatives. He said he would favor only those alternatives that do not involve encroachment on the nature preserve.

(d) Chet Humberd, 4850 Mark Center Drive, director of administration for the Institute for Defense Analysis, said the newly approved IDA office building faces directly on the preserve and nearly abuts the property line, and the Army's development has already done great damage to the Mark Center plan by eliminating open space, cutting down trees and building on top of the planned campus green. He said they learned that VDOT and City staff were considering several alternatives for providing direct access to 395 for the BRAC 133 complex, and they discovered that several of them would have serious adverse impacts on IDA. Alternative B-1 would have the access ramp end not in the public road structure but directly into the IDA owned driveway that provides access to and from their parking garage. Mr. Humberd said alternative B-2, D and E would put an access ramp partially behind IDA's current building and partially not in the Preserve but on IDA's property, and it would also significantly effect the security profile by wrapping IDA with a public road with essentially no stand-off distance. He said that if an access ramp is required, then it seems fair that the main burden of that ramp fall on the BRAC 133 property and not on its neighbors or the community at large, and they

recommend the City focus its attention on alternatives A-1, A-2 and C, which affect the BRAC property alone.

(e) Mark Rosen, 4825 Mark Center Drive, with the Center for Naval Analysis, said their 900 employees are at 4825 and 2900 Mark Center Drive, and he associated himself with some of the comments of Mr. Humberd. He said the Planning staff had showed them a ramping structure in which a ramp would directly enter the Mark Center, which was northeast of building 4825 and would directly access into the road structure in the Mark Center. Unfortunately, none of the plans which have been offered by VDOT are anywhere close to that and they would hope that the City would take a hard look at the proposals. He asked the City to take another look at the proposals and hoped they would dust off the original one the Planning staff had come up with. He said direct access into the Army parking garage does not seem to be equitable or appropriate.

(f) Alice Cave, 3736 Gunston Road, spoke in support of their neighbors in Seminary Hills concerning a possible direct access to the BRAC 133 installation from 395. She said DOD should be forced to pay for all transportation improvements in the area, and the best option is to keep traffic off the Seminary Road exit and provide a dedicated direct access from 395. She said desirable attributes include HOV access, service to places beyond that BRAC installation, no encroachment on the Winkler Preserve and a sensible solution and not just the cheapest option. She said if improvements were funded and designed today for the transportation improvements, they heard that it would take four years to complete, and BRAC 133 is scheduled to open in less than two years. Ms. Cave said the project should not be considered complete and open without direct access from 395, and she didn't understand why there was no recourse to challenge the Army on it. She noted increased consequences of poor BRAC transportation solutions.

(g) Duncan Blair, 524 King Street, attorney representing the Winkler Botanical Preserve, said they are the owner of a defined area established in 1979 to promote the research, education and enjoyment of native plants and species and is not a piece of land for which a road can be built on without dire consequences to the habitat and environment that has been established over the last 20 years. A one lane road will not be one lane, as it impacts the Preserve - it is an integral integrated eco-system of innovative technologies and stormwater management disregard any of it as dire consequences on the whole. Mr. Blair said the project and the Foundation cannot support any of the alternatives which will have a negative impact on the nature preserve.

(h) Geoffrey Goodale, 493 Naylor Place, president, Brookville Seminary Valley Civic Association, a member of the board of directors of the Alexandria Federation of Civic Associations, and the vice chair of the BRAC Mark Center Advisory Group, said he is speaking as vice chair of the Advisory Group. He gave Council a copy of a resolution passed by the Alexandria Federation of Civic Associations urging the Council to request that VDOT conduct one public hearing before issuing its interchange justification report. Mr. Goodale said the Advisory Group adopted guiding

principles relating to VDOT's BRAC access IJR, and a number of the options currently being considered by VDOT include encroachment upon the Winkler Preserve and the IDA and seem undesirable. He went over the guiding principles, noting that it should be transit oriented and accommodate HOV lanes; be consistent with the City's transportation master plan as well as the TMP being developed as part of the BRAC Center process; provide for amenities incentives to encourage alternate transit use; reduce traffic impacts to the 395 and Seminary Road interchange; serve the entire Mark Center campus; protect the Winkler Preserve; be designed for long-term use, seeking the most transit efficient alternative, not necessarily the least expensive or more expedient; the improvements needs to consider and accommodate future development in the surrounding areas, including Mark Center and the Beauregard Corridor; should be funded by the Federal Government through the design and construction phase; and recommends the City urgently work to develop and implement solutions to the current and projected traffic problems on Seminary Road from George Mason to Beauregard, and at least to Kenmore Avenue on the east and consider the Route 7/King Street corridor from Skyline to 395 rather than just Seminary Road, and the City should review traffic solutions along Beauregard Street to the intersection with Little River Turnpike.

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

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

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried 6-0, City Council held the public hearing to receive testimony on the seven direct access ramp alternatives being considered by VDOT for their IJR analysis; requested the Transportation Commission to hold a second public hearing on this matter on December 2, 2009; and scheduled the item for final Council public hearing and consideration on Saturday, December 12, 2009. The voting was as follows:

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

Item 7 and 8 were heard together:

7. Public Hearing on the City's Proposed Legislative Package for the 2010 Virginia General Assembly.
8. Public Hearing on the Following Charter Amendments: 1. An amendment to

increase the membership of the City's Board of Review of Real Estate Assessments (sometimes referred to as the Board of Equalization) from five to nine; 2. An amendment to authorize the Board of Review of Real Estate Assessments to create panels of three members to hear assessment appeals. All three members would have to be present to constitute a quorum for any appeal. If the panel decision is unanimous with regard to an appeal, the panel decision would be final unless the full Board voted to hear the appeal. The full Board would also hear any appeals in which a panel decision was not unanimous; and 3. An amendment to authorize the Board of Zoning Appeals to grant a variance to a property owner to "alleviate a clearly demonstrable hardship." Charter language currently requires a property owner to demonstrate that the hardship is "approaching confiscation." This change would bring Charter language into conformity with the language in State law, which was amended in the 2009 General Assembly Session.

(A copy of the City Manager's memorandums dated November 21, 2009, and October 19, 2009, are on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No's 7 and 8; 11/21/09, and are incorporated as part of this record by reference.)

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

(a) Monique Miles, 3304 Old Dominion Blvd., spoke about the proposed immigration measures and she encouraged the City to view the long term cause the effect the measures would have on Alexandria. She spoke to 8 USC 1601, the national policy concerning welfare and immigration, and 8 USC 1373, which governs communication between government agencies and federal immigration authorities, 8 USC 1623, limitation on eligibility for preferential treatment of aliens not lawfully present on the basis of residence for higher education benefits. She spoke of the federal government prohibition of local governments from giving benefits and services to illegal immigrants, and Virginia has not passed a law granting the permission for the local government to do so, and a resolution opposing further restrictions would not make any sense. Ms. Miles said regarding sanctuary policies, the Federal law prohibits states and local governments from restricting an officer or government agencies ability to communicate with Federal immigration officials, and any measures to limit communication with the Police Department or local government agencies would be preempted under the Federal law. She spoke of the Northern Virginia Regional Gang Task Force report on the crack down on illegal immigrants, which are driving gangs out of Northern Virginia and into Maryland and D.C., and she encouraged Council to look at the report.

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

Smedberg "aye" Fannon "aye"

Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council held the public hearing, received the report and scheduled it for final adoption on November 24, 2009. The voting was as follows:

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

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

**Planning Commission (continued)**

- 9. SPECIAL USE PERMIT #2009-0046  
29 EAST WALNUT STREET  
SUBSTANDARD LOT CONSTRUCTION  
Public Hearing and Consideration for reapproval to construct a single family dwelling on a substandard lot; zoned R-2-5/Single and Two-Family. Applicant: Mark Poskaitis

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 11/21/09, and is incorporated as part of this record by reference.)

Planner Rafferty and Planning and Zoning Deputy Director Ross made a presentation of the report and responded to questions of City Council.

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

(a) Caroline Wedding, 28 E. Maple Street, said her back yard adjoins 29 E. Walnut Street and her back yard is six feet lower and she was concerned about drainage and flooding.

(b) David Williamson, 22 E. Walnut Street, said he is speaking for himself and Leslie Jones, who are neighbors on Walnut Street, and he spoke in opposition to the permit and spoke about the permit application process and to the loss of shade trees, permeable surface and open space, all of which contribute to flooding and pollution problems.

Ms. Ross and Mr. Baier, Director, Transportation and Environmental Services, responded to comments from the speakers.

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, Council called the question. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilman Fannon, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with an amendment on page 6, recommendation #8, the words "plot plan" should read "grading plan." The voting was as follows:

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

10. TEXT AMENDMENT #2009-0005  
ADMINISTRATIVE APPROVAL FOR SIGNS IN HISTORIC DISTRICTS  
Public Hearing and Consideration of an amendment to the City's Zoning Ordinance to allow administrative approval of some signs in the historic districts.  
Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Initiated by Planning Commission 6-0  
Recommend Approval 6-0

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 11/21/09, and is incorporated as part of this record by reference.)

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

(a) M. Catherine Puskar, 2200 Clarendon Blvd., Suite 1300, Arlington, representing the Alexandria Chamber of Commerce, spoke in support of the text amendment, noting that as to the size of the signs, by right under the Zoning Ordinance you can get one square foot of signage per linear foot of frontage, and they suggest that it should be able to be done administratively as well, and they asked that staff be cognizant that when it goes for review before the BAR, that if it is working correctly if they might be able to increase the size of the signs if not to one square linear foot to .75.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. 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 Councilman Smedberg and carried 6-0, City Council approved the Planning Commission recommendation, and to add to the look-back provision that staff has recommended to revisit it in the future to see how it is going, a condition that it look at the size of the signs as well during that review. The voting was as follows:

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

11. TEXT AMENDMENT #2009-0007  
PUBLIC DISCLOSURE

Public Hearing and Consideration of an amendment to add Section 11-350 of the Zoning Ordinance requiring public disclosure of parties having an ownership interest in an applicant or the real estate which is the subject of an application. Staff: Office of the City Attorney and Planning and Zoning Department

PLANNING COMMISSION ACTION: Initiated by Planning Commission 6-0  
Recommend Approval 6-0

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 11/21/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried 6-0, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

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

12. SPECIAL USE PERMIT #2009-0043  
115 KING STREET

**LANDINI'S RESTAURANT - VALET PARKING**

Public Hearing and Consideration of a request for valet parking; zoned KR/King Street Retail. Applicant: Noe Landini

**PLANNING COMMISSION ACTION:** Recommend Approval 6-0

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/21/09, and is incorporated as part of this record by reference.)

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

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

**13. SPECIAL USE PERMIT #2009-0052**

118 KING STREET

**PIZZERIA PARADISO RESTAURANT**

Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Paradise OT, LLC represented by M. Catharine Puskar, attorney

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

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/21/09, and is incorporated as part of this record by reference.)

Planner Randall and Ms. Ross made a presentation of the report and responded to questions of City Council.

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

(a) M. Catherine Puskar, 2200 Clarendon Blvd., Suite 1300, Arlington, attorney representing the applicant, spoke in favor of the request and spoke to the off premises sales of single beers and requested that the applicant be allowed to have single sales of beer and asked Council to eliminate condition 7 and revise condition 8 to say "on and off-premises alcohol sales may be permitted. Alcohol sold for off-premises consumption is limited to sales in conjunction with the take-out order of food."

(b) Poul Hertel, 1217 Michigan Court, president, Old Town Civic Association, spoke about the Small Area Plan and the restaurant policy, which speaks about parking



and retaining a mix of restaurants and shops, and the loss of the retailer in the location is a concern and they would like the staff reports and applications to address that directly, as many applicants say "not applicable" when it comes to the application of the parking impact. He said they would like more adherence to the Small Area Plan and restaurant policy. He spoke of the need for a comprehensive study to ensure it is not a first-come, first-serve but that it serves public purpose and the public purpose dictates that the amendments and changes to it ought to be put in place. Mr. Hertel said they need to retain the residential retail restaurant mix that works for the community.

(c) Amy Slack, 2307 E. Randolph Avenue, spoke in support of the Police Department's recommendation that single sales not be allowed for this establishment, and if Council wants to make a change, it should not do it on an ad-hoc basis but that it go through a public process to allow the entire community to look at it.

**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 Councilwoman Pepper and carried 4-3, City Council approved the Planning Commission recommendation, with the acceptance of the amendment to condition #6, to delete the words "No delivery service shall be available from the restaurant (P&Z)" and add the words "or adequate loading zone for delivery vehicles. The use, adequacy and other limitations of a nearby loading zone for delivery service vehicles will be subject to a determination by the Directors of Planning and Zoning and Transportation and Environmental Services that there are sufficient existing, available, well-located zones for use by Old Town restaurants desiring delivery service." Council asked staff to use whatever process is appropriate to review the issue of single sales for restaurants and other uses, to look at it City-wide, and after the study of single sales prohibition, if new language or approach comes up, it can be applied to this application. The voting was as follows:

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

14. SPECIAL USE PERMIT #2009-0051  
902 & 904 KING STREET  
REDROCKS PIZZA NAPOLETANA RESTAURANT  
Public Hearing and Consideration of a request to operate a restaurant zoned

KR/King Street Retail. Applicant: Firebrick Food Group, Inc., represented by Duncan Blair, attorney

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

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 11/21/09, and is incorporated as part of this record by reference.)

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

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

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

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

15. SPECIAL USE PERMIT #2009-0054  
2615-2619 MOUNT VERNON AVENUE  
LOS TIOS GRILL RESTAURANT EXPANSION  
Public Hearing and Consideration of a request to expand an existing restaurant and a request for a parking reduction; zoned CL/Commercial Low. Applicant: Mejia Brothers, Inc.

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

(A copy of the Planning Commission report dated November 21, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 11/21/09, and is incorporated as part of this record by reference.)

Mr. Randall, with Planning and Zoning, made a presentation of the application

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

(a) Amy Slack, 2307 E. Randolph Avenue, with the Del Ray Citizens Association, spoke in support of the application, noting that they have asked that the signs for their off-premises parking be visible from the street; the applicant has asked for a loading zone and by putting that in front, it would help with the business and the neighborhood; and with the valet parking, there is nothing that limits valet parking to Old Town, and rather than the applicant having to come back, they would allow a condition

to allow the applicant to provide valet parking in accordance with the ordinance in place for Old Town. She asked the City to put a bicycle rack in front of the restaurant.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation.

There was a discussion of the valet parking among Council and staff.

The voting was as follows:

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

## **ORDINANCES AND RESOLUTIONS**

16. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 3-2-246 (Exemptions; Limitations on Application) of Article N (Tax on Meals Sold by Restaurants) of the Alexandria City Code (#8, 11/10/2009) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 28, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 16; 11/21/09, 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 as Exhibit No. 2 of Item No. 16; 11/21/09, 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. 16; 11/21/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain Section 3-2-246 (exemptions, limitations on application) of Article N (tax on meals sold by restaurants) of the Alexandria City Code. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4631

AN ORDINANCE to amend and reordain Section 3-2-246 of Article N (TAX ON MEALS SOLD BY RESTAURANTS) 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 3-2-246 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. 3-2-246 Exemptions; limitations on application.

The tax imposed under this article shall not be levied on the following:

(1) Meals furnished by restaurants to employees of the restaurant in the course of or in connection with their employment when no charge is made to the employees.

(2) Meals purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

(3) Meals sold by public or private (a) day care centers, (b) elementary or secondary schools, or (c) colleges or universities, to their students or employees.

(4) Meals for use or consumption and which are paid for directly by the Commonwealth, any political subdivision of the Commonwealth or the United States.

(5) The following items, as more particularly described in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act:

(a) except as provided in subsection 3-2-241(2), any food or food product for home consumption;

(b) in the case of persons who are 60 years of age or over, persons who receive supplemental security income benefits, disabled persons, or blind persons, and their spouses, meals prepared by and served in senior citizens' centers and other facilities which serve such persons;

(c) in the case of persons who are 60 years of age or over, persons who are

physically or mentally handicapped or disabled, or persons who are otherwise so disabled they are unable adequately to prepare all of their meals, and their spouses, meals prepared for and delivered to such persons at their home by a public or private nonprofit organization or by a private establishment under contract with the appropriate government agency to perform such services;

(d) in the case of narcotics addicts or alcoholics, and their children, served by drug addiction or alcoholic treatment and rehabilitation programs, meals prepared and served under such programs;

(e) in the case of persons who are residents in certain public or private nonprofit group living arrangements, meals prepared and served under such arrangements;

(f) in the case of women and children temporarily residing in public or private nonprofit shelters for battered women and children, meals prepared and served by such shelters; and

(g) in the case of homeless persons, meals prepared for and served by a public or private nonprofit establishment (approved by an appropriate government agency) that feeds such persons or by a private establishment under contract with an appropriate government agency to offer meals for such persons.

(6) Alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption.

(7) Food and beverages sold through vending machines.

(8) Meals sold by volunteer fire departments and rescue squads; nonprofit churches or other religious bodies; educational, charitable, fraternal, or benevolent organizations, on an occasional basis, not exceeding three times per calendar year as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes.

(9) Meals provided by churches that serve meals for their members as a regular part of their religious observances.

(10) Meals provided by hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof.

(11) Meals provided by homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics.

(12) Meals provided by age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees.

(13) Meals provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

(14) Meals provided by private establishments that contract with the appropriate agency of the Commonwealth of Virginia to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

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

17. Public Hearing, Second Reading and Final Passage of an Ordinance to Add a New Article X (Pollution Control Equipment Tax Exemption) to Chapter 2 (Taxation) of Title 3 (Finance, Taxation and Procurement) of the Alexandria City Code. (#9, 11/10/2009) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 28, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 17; 11/21/09, 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 as Exhibit No. 2 of Item No. 17; 11/21/09, 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; 11/21/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to add a new Article X (pollution control equipment tax exemption) to Chapter 2 (taxation) of Title 3 (finance, taxation and procurement) of the Alexandria City Code. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4632

AN ORDINANCE to add a new Article X (POLLUTION CONTROL EQUIPMENT TAX EXEMPTION) 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 Article X of Chapter 2 of Title 3 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, added to read as follows:

ARTICLE X Pollution Control Equipment Tax Exemption

Sec. 3-2-395 Separate class of property.

Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property.

Sec. 3-2-396 Definitions.

(a) As used in this article the term "certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth of Virginia and which the state certifying authority having jurisdiction with respect to such property has certified to the Virginia Department of Taxation as having been constructed, reconstructed, erected or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip or mulch trees, tree stumps, underbrush and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing and distributing or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall not include the land on which such equipment or facilities are located.

(b) As used in this article the term "state certifying authority" shall mean the State Water Control Board, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for coal, oil, and gas production, including gas, natural gas and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities and landfill gas production facilities and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth of Virginia.

(c) As used in this article "local tax rate" shall mean the real estate property tax

rate or personal property tax rate, as applicable.

Sec. 3-2-397 Exemption authorized.

Tax exemption is provided according to the terms of this article for qualified property owners who possess certified pollution control equipment or facilities.

Sec. 3-2-398 Administration of exemption.

The exemption shall be administered by the local revenue administration division and the local real estate assessments office according to the general provisions of this article.

Sec. 3-2-399 Requirements for exemption.

Exemption shall be granted to persons subject to the following provisions:

(1) The title of the property for which exemption is claimed is held, or partially held, on the first day of the taxable year, by the person or persons claiming exemption.

(2) The state certifying authority has certified that the applicant has met all requirements qualifying the equipment or facilities for exemption from taxation.

Sec. 3-2-400 Claiming the exemption.

Upon receipt of the certificate from the state certifying authority, the local revenue administration division or real estate assessments officer shall proceed to determine the value of such qualifying pollution control equipment or facilities.

Sec. 3-2-401 Amount of exemption.

The amount of the exemption provided by this article shall be determined by applying the pertinent local tax rate to the value of the certified pollution control equipment or facilities and subtracting this amount from the total personal property tax due on the personal property or subtracting this amount from the total real estate property tax due on the real property to which the equipment, facilities or devices are attached.

Sec. 3-2-402 Effective date of exemption.

This article shall be effective for the tax year beginning on January 1, 2011.

Section 2. That this ordinance shall become effective on January 1, 2011.

18. Public Hearing, Second Reading and Final Passage of an Ordinance to Repeal Article T (Daily Rental Tax) and to Adopt and Reordain a New Article T



(Short-Term Rental Tax) to Chapter 2 (Taxation) and Title 3 (Finance, Taxation and Procurement) of the Alexandria City Code. (#10, 11/10/2009) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 27, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 18; 11/21/09, 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; 11/21/09, 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; 11/21/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to repeal Article T (daily rental tax) and to adopt and reordain a new Article T (short-term rental tax) to Chapter 2 (taxation) and Title 3 (finance, taxation and procurement) of the Alexandria City Code. The voting was as follows:

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

The ordinance reads as follows:

**ORDINANCE NO. 4633**

AN ORDINANCE to repeal Article T (DAILY RENTAL TAX) of Chapter 2 (Taxation) of Title 3(Finance, Taxation and Procurement) and to adopt and reordain Article T (SHORT-TERM RENTAL TAX) 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 Article T, Chapter 2, Title 3 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, repealed in its entirety, and the daily rental tax therein established is abolished.

Section 2. That Chapter 2, Title 3 of the Code of the City of Alexandria,

Virginia, 1981, as amended, be, and the same hereby is, adopted and reordained by adding thereto revised Article T, to read as follows:

Sec. 3-2-356 Definitions.

The following words, phrases and terms shall for the purposes of this article, have these meanings:

(a) Affiliated means a person that is an officer, director, partner, member, shareholder, parent or subsidiary of the lessee or if a person and the lessee have any common ownership interest in excess of 5 percent. Any rental to a person affiliated with the lessee shall be treated as rental receipts but shall not qualify for purposes of the 80 percent requirement of subsection (f)(1) below or the 60 percent requirement of subsection (f)(2) below.

(b) Certificate of registration means the annual certificate issued pursuant to section 3-2-359 to persons engaged in a short-term rental business.

(c) Director means the director of finance or a designee duly authorized to act for the director.

(d) Gross proceeds means the total amount charged to persons, including penalties, late charges and interest, for the rental of short-term rental property by a short-term rental business, excluding any state and local sales taxes paid pursuant to chapter 6 of title 58.1 of the Code of Virginia (1950), as amended.

(e) Gross rental receipts means the total amount charged to persons, including penalties, late charges and interest for the rental of short-term rental property by a short-term rental business, less the portion of such amount which is for the retention of personal services for the operation, but not the delivery or installation of the property.

(f) A person is engaged in the short-term rental business if:

(1) Not less than 80 percent of the gross rental receipts of such business during the preceding year arose from transactions involving the rental of short-term rental property, other than heavy equipment as defined in subsection (2) below, for periods of 92 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee; or

(2) Not less than 60 percent of the gross rental receipts of such business during the preceding year arose from transactions involving the rental of heavy equipment property for periods of 270 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee. For purposes of this article "heavy equipment property" means rental property of an industry that is described under code 532412 or 532490 of the 2002 North American Industry Classification System as published by the United States Census Bureau, excluding

office furniture, office equipment and programmable computer equipment and peripherals as defined in section 58.1-3503(A)(16) of the Code of Virginia (1950), as amended.

(g) Short-term rental property means all tangible personal property held for rental and owned by a person engaged in a short-term rental business, except trailers as defined in section 46.2-100 of the Code of Virginia (1950), as amended, and other tangible personal property required to be licensed or registered with the Virginia Department of Motor Vehicles, the Virginia Department of Game and Inland Fisheries or the Virginia Department of Aviation.

Sec. 3-2-357 Levy and rate of short-term rental tax.

(a) In addition to all other taxes of every kind now or hereinafter imposed by law, for tax year 2009 and each year thereafter, there is hereby levied and imposed:

(1) on every person engaged in a short-term rental business as defined in 3-2-356(f)(1) a short-term rental tax of one percent on the gross proceeds of such business; and

(2) on every person engaged in a short-term rental business as defined in 3-2-356(f)(2) a short-term rental tax of one-and-one-half percent on the gross proceed of such business.

(b) This tax shall be levied in addition to the sales tax levied under 3-2-91 of this code.

(c) The imposition and collection of a short-term rental tax pursuant to this article with respect to rental property shall be in lieu of taxation of such rental property as tangible business personal property in the same tax year.

(d) Except for daily rental vehicles, rental property shall be classified, assessed and taxed as tangible personal property if such property:

(1) is owned and rented by a person not engaged in the short-term rental business as defined in 3-2-356(f); or

(2) has acquired situs in the Commonwealth of Virginia and is owned and rented by a person who does not collect and remit to the city a short-term rental tax with respect to the rental of such property.

Sec. 3-2-358 Application for certificate of registration.

(a) Every person engaging in a short-term rental business shall annually file with the director an application for a certificate of registration. The application shall be filed by January 31 of each year or within 30 days of the start of a short-term rental

business. The application shall be on a form prescribed by the director and shall contain:

(1) the name under which the applicant operates or intends to operate the business;

(2) each location in the city from which the business is to be conducted, as well as the location of the short-term rental business headquarters;

(3) the subsection of 3-2-356(f) under which the applicant asserts that it is qualified for certification as a short-term rental business;

(4) a statement of the total gross receipts, as that term is defined in section 9-1-2 of this code, the total gross proceeds and the total gross rental receipts of the business for the immediately preceding calendar year;

(5) a statement of the portion of the business' gross proceeds for the immediately prior year for which no short-term rental tax was assessable pursuant to section 3-2-357 or 3-2-368;

(6) a listing of all the short-term rental property owned by the business of January 1 of the current year;

(7) a listing of all property leased or licensed to, and held for rental by, the business on January 1 of the current year, and the name and address of the owner of such property;

(8) an oath signed by the person making the application or by an officer, partner or duly authorized agent of the applicant that the business is qualified for tax treatment as a short-term rental business and that the business will collect and remit short-term rental taxes in the time and manner prescribed by law; and

(9) such other information as the director may require.

(b) A person who has not previously been engaged in the short-term rental business who applies for a certificate of registration pursuant to this section shall be eligible for registration upon his certification that he anticipates meeting the requirements of either 3-2-356(f)(1) or 3-2-356(f)(2), designated by the applicant at the time of application, during the year for which registration is sought.

#### Sec. 3-2-359 Certificate of registration.

Upon approval of the application by the director, required by section 3-2-358, a certificate of registration shall be issued for each location from which a short-term rental business is to be conducted or operated in the city. The certificate shall be conspicuously displayed at all times at the place of business for which it is issued. The

certificate shall not be assignable and shall be valid only for the business and location designated thereon.

#### Sec. 3-2-360 Decertification and recertification.

(a) In the event that the director makes a written determination that a rental business previously certified as short-term rental business, pursuant to section 3-2-359, has failed to meet either of the tests set forth in section 3-2-356(f) during a preceding tax year, such business shall lose its certification as a short-term rental business and shall be subject to the business personal property tax with respect to all rental property for the tax year in which such certification is lost and any subsequent tax years until such time as the rental business obtains recertification pursuant to this article.

(b) In the event that a rental business loses its certification as a short-term rental business pursuant to this section, such business shall not be required to refund to customers short-term rental taxes previously collected in good faith and shall not be subject to assessment for business personal property taxes with respect to rental property for tax years preceding the year in which the certification is lost unless the director makes a written determination that the business obtained its certification by knowingly making materially false statements in its application, in which case the director may assess the taxpayer the amount of the difference between short-term rental taxes remitted by such business during the period in which the taxpayer wrongfully held certification and the business personal property taxes that would have been due during such period but for the certification obtained by the making of the materially false statements.

(c) A rental business that has been decertified pursuant to this section shall be eligible for recertification for a subsequent tax year upon a showing that it has met one of the tests provided in section 3-2-356(f) for at least ten months of operations during the present tax year.

#### Sec. 3-2-361 Appeals.

Any assessment made pursuant to section 3-2-360(b) and any determination not to certify or to decertify a rental business as a short-term rental business as defined in this article, may be appealed pursuant to the procedures and requirements set forth in section 58.1-3983.1 of the Code of Virginia (1950), as amended, for appeals of local business taxes, which shall apply mutatis mutandis to such assessments and certification decisions.

#### Sec. 3-2-362 Collection and record-keeping.

(a) Every person engaging in a short-term rental business with a valid certificate of registration shall collect the short-term rental tax from each lessee of short-term rental property at the time of the rental. The amount of the tax shall be separately stated and added to the rental price or charge.

(b) Every person collecting the short-term rental tax shall maintain a record of the rental transactions for which the tax is collected. This record shall, for each transaction, contain the following:

- (1) a description of the property rented;
- (2) the period of time over which the property was rented;
- (3) the name and address of the person to whom the property was rented; and
- (4) the total amount charged for the rental, including all late charges, penalties and interest.

(c) Every person engaging in a short-term rental business shall maintain a record of the rental transactions which are claimed to be exempt from payment of the short-term rental tax. In addition to the information specified in subsection (b), this record shall, for each transaction, contain the following as applicable:

- (1) a copy of the Virginia Department of Taxation tax exemption certificate;
- (2) a copy of the U.S. State Department tax exemption certificate which specifies the exempt lessee by name; or
- (3) other explanation and proof of the claimed exemption.

#### Sec. 3-2-363 Quarterly returns and remittance of tax.

(a) Each certified short-term rental business subject to the provisions of this article shall file quarterly tax returns with the director. Such returns shall be filed within 15 days of the end of a quarter and shall state for the quarter just ended:

- (1) the total gross receipts, as the term is defined in section 9-1-2 of this code, of the business;
- (2) the total gross proceeds of the business;
- (3) the portion of the total gross proceeds of the business claimed to be exempt from the short-term rental tax pursuant to section 3-2-357 or 3-2-368; and
- (4) the total short-term rental taxes due and owing for the quarter.

(b) The director shall assess the tax due, and the short-term rental business shall pay the tax so assessed to the director not later than the last day of the month following the end of the quarter. Until paid to the city, any short-term rental taxes collected by the business shall be deemed to be held in trust for the city.

(c) Whenever any person required to collect a tax under this article shall cease to operate the short-term rental business, such person shall, within 20 days of ceasing to operate the business, file with the director a report containing the information required by subsection (a) and shall make the payment required by subsection (b).

#### Sec. 3-2-364 Effect of failure or refusal to collect tax.

The certificate of registration of any person engaging in a short-term rental business who fails or refuses to collect the tax imposed under this article shall, after 15 days notice by the city, be revoked. Thereafter, unless a new certificate is issued, the business shall be ineligible for the tax status conferred by this article and shall be subject to all applicable taxes levied by this code.

#### Sec. 3-2-365 Penalties and interest; failure to file return or pay over taxes collected.

(a) If any person engaging in a certified short-term rental business fails or refuses, within the time specified in this article, to file a return required by section 3-2-363 or to remit to the director the taxes required to be collected, there shall be added to the taxes past due a penalty equal to 6 percent of such taxes if the failure is not for more than one month, with an additional 6 percent for each additional month, or fraction thereof, during which the failure continues, not to exceed 30 percent in the aggregate. In no case, however, shall the penalty be less than ten dollars and such minimum penalty shall apply whether or not any tax is due for the period for which such return was required. If such failure is due to providential or other good cause shown to the satisfaction of the director, such return with or without remittance may be accepted exclusive of penalties.

(b) In the case of a false or fraudulent return where willful intent to defraud the city of the tax due under this article, or in the case of a willful failure to file a return with the intent to defraud the city of any such tax, a specific penalty of 50 percent of the amount of the proper tax shall be assessed. It shall be prima facie evidence of intent to defraud the city of any tax due under this article when any person engaged in a short-term rental business reports his gross proceeds at 50 percent or less of the actual amount.

(c) In addition, interest on both the overdue taxes and the penalty shall commence on the first day following the day such taxes are due and shall continue until all taxes and penalties are paid. Interest at a rate determined in accordance with section 58.1-15 of the Code of Virginia (1950), as amended, shall accrue on the tax until the same is paid, or until an assessment is made, pursuant to section 58.1-15 of the Code of Virginia (1950), as amended, after which interest shall accrue as provided therein.

(d) All penalties and interest imposed by this article shall be payable by the person engaged in the short-term rental business and collectible by the director in same

manner as if they were part of the tax imposed.

(e) The imposition of a penalty under this section shall not be deemed a defense to any criminal prosecution for failure to comply with any of the requirements of this article.

Sec. 3-2-366 Uncertified lessor prohibited from collecting tax; erroneously collected taxes to director.

(a) It shall be unlawful for any person to collect from a lessee the short-term rental tax levied by section 3-2-357, unless said person possesses a valid certificate of registration issued by the director. Any person violating this prohibition shall be subject to the penalty set out in section 3-2-367. Any taxes collected in a manner not authorized by law shall be forfeited to the city.

(b) Any person collecting the tax on transactions exempt or not taxable under this article shall transmit to the director such erroneously or illegally collected tax unless and until he can affirmatively show that the tax has since been refunded to the lessee.

Sec. 3-2-367 Criminal penalties.

(a) Any person failing or refusing to file a return or remit taxes, as required by section 3-2-363, or failing or refusing to file a supplemental return or other data as required under this article, or who makes a false or fraudulent return with intent to evade the tax hereby levied, or who makes a false or fraudulent claim for refund, or who gives or knowingly receives a false or fraudulent exemption certificate, or who violates any other provision of this article, punishment for which is not otherwise herein provided, shall be guilty of a class 1 misdemeanor.

(b) The punishment provided for in this section shall be in addition to any other remedy for the collection of taxes provided by law.

Sec. 3-2-368 Exemptions.

(a) No such tax shall be assessed on the following:

(1) rentals of tangible personal property to the Commonwealth of Virginia, to any political subdivision of the Commonwealth or to the United States; or

(2) rentals of durable medical equipment, as this term is defined in section 58.1-609.10(10) of the Code of Virginia (1950), as amended.

(b) The exemptions provided in sections 58.1-609.1 through 58.1-609.11 of the Code of Virginia (1950), as amended, shall apply to the short-term rental tax.

Section 3. That this ordinance shall become effective upon the date and at



the time of its final passage.

- 19. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt 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. (#11, 11/10/2009) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 19; 11/21/09, 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. 19; 11/21/09, 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. 19; 11/21/09 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to adopt 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. The voting was as follows:

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

The ordinance reads as follows:

**ORDINANCE NO. 4634**

AN ORDINANCE to amend and reordain Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT), Division B (DEVELOPMENT APPROVALS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES), all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2009-0003.

WHEREAS, the City Council finds and determines that:

- 1. In Text Amendment No. 2009-0003, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 6, 2009 of a text

amendment to the Zoning Ordinance to make the zoning regulations governing certain small businesses apply to the Cameron Station development, which recommendation was approved by the City Council at public hearing on October 17, 2009;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-513 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language, as shown:

Section 11-513 *Administrative Special Use Permit.*

Section 11-513 (O) *Application to Certain Development Special Use Permits* . The provisions of this section 11-513 have no application to any CO Planned Residential/Commercial Development and shall not preempt any conditions in any DSUP or CDD Concept Plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may be classified as permitted uses or as administrative SUP uses under this section 11-513 and under Ordinance #4573, adopted December 13, 2008, except as provided below:

*Cameron Station, DSUP #2004-0026* . In the commercial space along Brenman Park Drive, the provisions of this section 11-513 and Ordinance #4573 are applicable with regard to restaurants, day care centers, private schools, academic or commercial, with a maximum of twenty students on the premises at any one time, and massage establishments and shall preempt any conflicting provisions of such DSUP.

Section 2. To the extent that any section or provision of Ordinance #4573 is inconsistent with the foregoing, such section or provision is hereby repealed.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 4. That Section 11-513, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations For The Support of the City Government For Fiscal Year 2010. (#12, 11/10/2009) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 20; 11/21/09, 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. 20; 11/21/09, 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. 20; 11/21/09 and is incorporated as part of this record by reference.)

**WHEREUPON**, a motion was made by Vice Mayor Donley and seconded by Councilwoman Pepper that City Council adopt an ordinance to make supplemental appropriations for the support of the City government for fiscal year 2010.

In response to a comment from Councilwoman Hughes regarding Sections 6 and 8, Chief Financial Officer Johnson explained what Sections 6 and 8 refer to in the reappropriations.

The motion carried by a 6-1 roll-call vote and is as follows:

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

The ordinance reads as follows:

**ORDINANCE NO. 4635**

**AN ORDINANCE** making provision for the support of the government of the City of

Alexandria, Virginia for fiscal year 2010.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2009, but which are payable in fiscal year 2010, and for which amounts were appropriated but not expended in fiscal year 2009 and further that the council does hereby allot the amounts so appropriated to the several city departments for fiscal year 2010, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

Sheriff	\$	90,698
Transportation and Environmental Services		834,437
Fire		309,630
Police		416,228
MHM RSA		215,140
Human Services		19,541
Recreation		<u>67,800</u>
Total Equipment Replacement Reserve Fund	\$	<u>1,953,475</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2010 the source of such amount being external grant awards for which the proceeds were received or accepted prior to June 30, 2009, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2010, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office on Women	\$	3,483
Commonwealth's Attorney		40,998
Sheriff		5,846
Court Service Unit		154,693
Human Rights		34,281
Transportation and Environmental Services		509,497
Fire		428,227
Police		186,251
Housing		5,211,336
Human Services		255,931
Recreation		40,497
Non-Departmental		<u>152,000</u>

Total Estimated Revenue

\$ 7,023,040

SPECIAL REVENUE FUND

APPROPRIATION:

Office on Women	\$ 3,483
Commonwealth's Attorney	40,998
Sheriff	5,846
Court Service Unit	154,693
Human Rights	34,281
Housing	5,211,336
Fire	428,227
Police	186,251
Transportation and Environmental Services	509,497
Human Services	255,931
Recreation	40,497
Non-Departmental	<u>152,000</u>
Total Appropriation	<u>\$ 7,023,040</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision and appropriate to the Special Revenue Fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2010 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2009 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2010 as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office on Women	\$ 922
Commonwealth's Attorney	15,403
Sheriff	(31,456)
Court Services Unit	69,359
Transportation and Environmental Services	506,253
Fire	1,059,360
Police	114,599
Housing	141,259
Mental Health/Mental Retardation/Substance Abuse	399,413
Human Services	2,250,533
DASH	<u>25,000</u>
Total Estimated Revenue	<u>\$4,550,645</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Office on Women	\$ 922
Commonwealth's Attorney	15,403
Sheriff	(31,456)
Court Services Unit	69,359
Transportation and Environmental Services	506,253
Fire	1,059,360
Police	114,599
Housing	141,259
Mental Health/Mental Retardation/Substance Abuse	399,413
Human Services	2,250,533
DASH	<u>25,000</u>
Total Appropriation	<u>\$4,550,645</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision and appropriate to the Stimulus Fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2010 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2009 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2010 as follows:

STIMULUS FUND

ESTIMATED REVENUE:

Office on Women	\$ 36,884
Sheriff	323,939
Housing	335,003
Mental Health Mental Retardation and Substance Abuse	78,777
Human Services	<u>1,387,273</u>
Total Estimated Revenue	<u>\$ 2,161,876</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Office on Women	\$ 36,884
Sheriff	323,939
Housing	335,003
Mental Health Mental Retardation and Substance Abuse	78,777
Human Services	<u>1,387,273</u>
Total Appropriation	<u>\$ 2,161,876</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2010 the source of such amount being the residual balances accumulated as of June 30, 2009, in accounts for donations and activities, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2010 as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office on Women	\$	10,898
Citizen Assistance		10,300
Commonwealth's Attorney		13,796
Court Service Unit		8,315
Clerk of the Court		33,752
Planning and Zoning		173,007
Transportation and Environmental Services		2,275
Sanitary Sewer Fund		9,895,087
Fire		4,402
Police		435,733
Housing		8,255
MHM RSA		36,631
Health		565
Human Services		301,516
Historic Alexandria		111,866
Recreation		79,874
Non-Departmental		<u>35,413</u>
Total Estimated Revenue	\$	<u>11,161,685</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Office on Women	\$	10,898
Citizen Assistance		10,300
Commonwealth's Attorney		13,796
Court Service Unit		8,315
Clerk of the Court		33,752
Planning and Zoning		173,007
Transportation and Environmental Services		2,275
Sanitary Sewer Fund		9,895,087
Fire		4,402
Police		435,733
Housing		8,255

MHMRSA	36,631
Health	565
Human Services	301,516
Historic Alexandria	11,866
Recreation	79,874
Non-Departmental	<u>35,413</u>
Total Estimated Revenue	\$ <u>11,161,685</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the General Fund the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2010 the source of such amount being undesignated General Fund Balance, and further that the Council does hereby allot the amount so appropriated to the several city departments, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Undesignated General Fund Balance	\$ <u>11,421</u>
Total Estimated Revenue	\$ <u>11,421</u>

APPROPRIATION:

Citizen Assistance	\$ 995
City Clerk and Clerk of Council	2,152
Office of Historic Alexandria	<u>8,274</u>
Total Appropriation	\$ <u>11,421</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2010, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2010, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects	\$ <u>278,653</u>
Total Estimated Revenue	\$ <u>278,653</u>

APPROPRIATION:

Capital Projects	\$ <u>278,653</u>
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Total Appropriation \$ 278,653

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2010, the source of such amount being Designated General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Designated General Fund Balance	\$ <u>1,694,734</u>
Total Estimated Revenue	\$ <u>1,694,734</u>

APPROPRIATION:

Human Services	\$ 105,000
Housing	207,843
Planning and Zoning 100,000	
Contingent Reserves	755,218
Non-Departmental	<u>476,673</u>
Total Appropriation	\$ <u>1,694,734</u>

Section 9. That the Council of the City of Alexandria, Virginia, does hereby and make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that is required to defray certain expenditures and liabilities of the city.

GENERAL FUND

APPROPRIATION:

Human Resources	\$ (167,682)
Finance	167,682
Fire/Code	(1,097)
Fire/EMS	(5,118)
Police	(81,729)
Transportation and Environmental Services	(21,308)
General Services	(6,781)
Non-Departmental	93,143
Recreation	<u>22,890</u>
Total Appropriation	\$ <u>0</u>

Section 10. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter

stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2010, the source of such amount being Special Revenue Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2010, as follows:

SPECIAL REVENUE FUND

APPROPRIATION:

ESTIMATED REVENUE:

Transfer in From General Fund – Recreation	\$	175,313
Special Event Reimbursement		<u>226,513</u>
Total Estimate Revenue	\$	<u>401,826</u>

APPROPRIATION:

Recreation	\$	<u>401,826</u>
Total Appropriation	\$	<u>401,826</u>

Section 11. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2010, the source of such amount being Intergovernmental Revenue, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Intergovernmental Revenue	\$	<u>418,858</u>
Total Estimated Revenue	\$	<u>418,858</u>

APPROPRIATION:

Non-Departmental – Debt Service	\$	<u>418,858</u>
Total Appropriation	\$	<u>418,858</u>

Section 12. That this ordinance shall be effective upon the date and at the time of its final passage.

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

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

**Planning Commission (continued)**

None.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the public hearing meeting of November 21, 2009 at 2:12 p.m. The voting was as follows:

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

APPROVED BY:

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WILLIAM D. EUILLE                      MAYOR

ATTEST:

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Jacqueline M. Henderson  
City Clerk and Clerk of Council