

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, June 12, 2010 - - 9:30 a.m.

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

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Gates, Assistant City Manager; Police Captain Ogden; Police Lt. Bergin; Mr. Baier, Director, Transportation and Environmental Services; Ms. Baker, City Engineer, Transportation and Environmental Services; Mr. Lerner, Deputy Director, Transportation and Environmental Services; Ms. Marks, Transportation and Environmental Services; Ms. Hamer, Director, Planning and Zoning; Ms. Wright, Planning and Zoning; Ms. Ross, Planning and Zoning; Mr. Farner, Planning and Zoning; Mr. Randall, Planning and Zoning; Ms. Mitten, Planning and Zoning; Mr. Catlett, Director, Office of Building and Fire Code Administration; Ms. Triggs, Director, Finance Office; Mr. Johnson, Chief Financial Officer; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Ms. Harris, Communications Officer, City Manager's Office; and Mr. Lloyd.

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

OPENING**1. Calling the Roll.**

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

2. Public Discussion Period.

(a) Kathleen Burns, 1036 N. Pelham, spoke about a safety and security issue in their neighborhood, near the intersection of Pelham and Polk, where they have had a long-standing agreement with the former owners about the six-foot tall fence remaining closed. The property changed hands and became Parkside of Alexandria condominiums. A path was constructed through a heavily wooded adjacent area, and a

gate was added opening up traffic to Polk Street, and the reason given was for access for the school children. Ms. Burns said the agreement was abandoned with no discussion with the people it impacted, and the path it is built on is City right-of-way, but the City Code Enforcement Office has taken little interest in rectifying violations or addressing their concerns. Ms. Burns said of equal concern is a flyer that advised Parkside residents to park in their neighborhood, and thus avoid having to pay for the parking sticker for Parkside. She asked the City to investigate their concern and will be submitting a petition.

Vice Mayor Donley asked the City Manager to get Code Administration to work on it and get with Ms. Burns this week.

(b) Philip Matyas, 219 N. Pitt Street, asked someone to explain to him what the W-1 zoning designation is for the Waterfront Park plan and what the pros and cons are. He said he is pro-business and is concerned about the stewardship of the City and the staff and keeping historic Old Town as beautiful and as fertile a place as George Washington would want it to be. He spoke of the Fayette alley and the alley behind O'Connell's and said they are both in terrible shape as far as health codes and parking codes.

Deputy Director of Planning and Zoning Ross said she would get with Mr. Matyas to explain the Waterfront Park plan designation to him.

(c) David Fromm, 2307 E. Randolph Avenue, spoke about the election forums and asked what the status was.

Council answered that November 2012 is the next election.

(d) Amy Slack, 2307 E. Randolph Avenue, said its been over 25 years since she first stepped into the Chambers, and it was to support changes to the ordinance to allow massage therapists, and they have come a long way since then. She thanked everyone who have given her their time and taught her an incredible amount of things, in particular Bernie Fagelson, Duncan Blair, and the City staff. She asked for a moment of silence in memory of Tom Culpepper.

(e) John Gosling, 208 S. Fayette Street, president, Old Town Civic Association, introduced himself and shared observations of cooperation, and said now that they have a parking study, it should use the information to establish a benchmark for the parking, and it should use real estate standards to figure if it is at or near capacity. Mr. Gosling said the lower King Street is a regional draw and doesn't need publicized and it should be folded into the waterfront planning exercise.

Mayor Euille reported on a meeting mid-week with Congressman Moran regarding the construction, timetable and impacts at Jones Point Park, noting the secured parking is in the works, and another was the concern about Jones Point Park being permanently shut down for 18-24 month period while construction was taking

place, and the construction proposal has been postponed and will not be issued until mid to end of July. Mayor Euille said there will be limited use of the park during construction, including the bike trail, Royal Street community gardens, Lee Street community gardens, and the community recycling center, along with other portions of the park. A community meeting is tentatively set for Wednesday, July 7 at 6:30 p.m.

Councilman Smedberg asked the City Manager for a one-page summary of the key points.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-4)➤ Planning Commission

3. SPECIAL USE PERMIT #2010-0022
1008, 1010 and 1012 MADISON STREET (Parcel Address: 727 N. Henry Street)
GLASS AND TIRE XPERTS AUTO REPAIR
Public Hearing and Consideration of a request to operate a light auto repair facility; zoned CSL/Commercial Service Low. Applicant: Glass and Tire Xperts by Sandrine Gome

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 19, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 6/12/10, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2010-0018
2504 OAKVILLE STREET
TRIDENT CROSS FIT
Public Hearing and Consideration of a request to extend the approval and to expand the hours of operation at an existing athletic sports club, and a request for a parking reduction; zoned I/Industrial. Applicant: Trident Athletics, LLC

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 19, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 6/12/10, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

City Council removed items #3 and 4 and considered them under separate motions.

3. SPECIAL USE PERMIT #2010-0022

1008, 1010 and 1012 MADISON STREET (Parcel Address: 727 N. Henry Street)
GLASS AND TIRE XPERTS AUTO REPAIR
Public Hearing and Consideration of a request to operate a light auto repair facility; zoned CSL/Commercial Service Low. Applicant: Glass and Tire Xperts by Sandrine Gome

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 19, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried 4-3, City Council approved the Planning Commission recommendation, with the addition of a new condition #20 to state that the permit will expire on June 12, 2015 unless an SUP application for an extension is approved prior to that date. The voting was as follows:

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

4. SPECIAL USE PERMIT #2010-0018
2504 OAKVILLE STREET
TRIDENT CROSS FIT

Public Hearing and Consideration of a request to extend the approval and to expand the hours of operation at an existing athletic sports club, and a request for a parking reduction; zoned I/Industrial. Applicant: Trident Athletics, LLC

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 19, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 6/12/10, and is incorporated as part of this record by reference.)

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

(a) Amy Slack, 2307 E. Randolph Avenue, pointed out the inconsistency in the language of the ordinance and staff practices, noting that the business was given a change in ownership and there was clear language in the administrative application for the change of ownership that the applicant wanted to change the hours of operation.

(b) Mary Catherine Gibbs, attorney representing the applicant, 307 N. Washington Street, said she appreciated that Ms. Slack was not objecting to the use and asked that Council approve the SUP as its before Council so they can expand their

hours.

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

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

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

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

5. REZONING #2009-0001
TEXT AMENDMENT #2010-0002
CDD CONCEPT DEVELOPMENT PLAN #2009-0001
TRANSPORTATION MANAGEMENT PLAN SUP #2009-0061
STREET NAMING #2010-0002
ADOPTION OF DESIGN GUIDELINES
AUTHORIZATION FOR CITY MANAGER TO SIGN MOU
3601 JEFFERSON DAVIS HWY AND 3601 POTOMAC AVENUE
NORTH POTOMAC YARD
Public Hearing and Consideration of (A) a rezoning from CDD #10 to CDD #19; (B) consideration of amendments to Section 5-602 of the Zoning Ordinance with respect to a new CDD #19 and to Section 5-610 of the Zoning Ordinance with respect to the configuration of and role of Potomac Yard Development Advisory Committee (PYDAC); (C) consideration for a CDD Conceptual Design Plan; (D) approval of special use permit for a transportation management plan; (E) approval of street names for five new streets; (F) adoption of Design Guidelines; and authorization for the City Manager to sign the Memorandum of Understanding for CDD#19. Applicant: CPYR, Inc., by Jonathan Rak, attorney.
PLANNING COMMISSION ACTION:
REZ: Recommend Approval w/amendments 7-0
TA: Recommend Approval w/amendments 7-0
CDD: Recommend Approval w/amendments 7-0

TMP: Recommend Approval w/amendments 7-0
SN: Approved 7-0
DG: Recommend Adoption 7-0

(A copy of the Planning Commission report dated June 19, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 6/12/10, and is incorporated as part of this record by reference.)

The report was presented by Planning Director Hamer, Deputy Director Farnier, Planner Mitten, Ms. Marks, Transportation and Environmental Services, Deputy City Manager Jinks, and Housing Director Davis, and they, along with Director of Transportation and Environmental Services Baier, responded to questions of City Council.

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

(a) Bill Hendrickson, 304 E. Spring Street, spoke in support of the plan, assuming there is a Metro, and noted he was wary of going beyond the 1.4 million square feet of development.

(b) David Fromm, 2307 E. Randolph Avenue, president, Del Ray Citizens Association, spoke in support of the plan and said his biggest concern was the possibility of not getting the Metro.

(c) Jon Eisen, 903 Beverley Drive, spoke in support of the development.

(d) Philip Matyas, 219 N. Pitt Street, spoke of the good plans and vision for the development. He recommended that they use Potomac Yard to store the tour buses that come into Old Town.

(e) Jonathan Rak, 1750 Tysons Blvd., McLean, attorney representing the applicant, spoke in favor of the application, speaking to the memorandum of understanding, and he asked Council to authorize up to 2.25 million square feet of total development on the site, including the existing retail, as the first phase. Mr. Rak said the conditions that require the implementation of the transit way, particularly condition #20(a)(h) states that the transit way stations are triggered by 2 million square feet of development, and if they are capped at 2 million square feet, they can't go beyond that before Metro, then they won't get to the point where the transit way stations are required and delivered.

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 Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission and staff recommendations, with the amendment to condition #12 to state a maximum of 2.25 million square feet of total development which shall include any portion of the existing retail center in existence as of June 12, 2010, which is not demolished or replaced pursuant to future DSUP approvals in CDD #19, shall be permitted in advance of the commencement of construction of a Metrorail station located within or adjacent to CDD #19, provided that the development complies with the conditions required herein, and authorized the City Manager to sign the Memorandum of Understanding.

Vice Mayor Donley asked Mr. Rak, pursuant to an affirmative vote, if his client would execute the Memorandum of Understanding as negotiated with staff.

Mr. Rak said he would.

The voting on the motion was as follows:

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

The following item was taken out of turn:

27. Introduction and First Reading. Consideration. Passage on First Reading of an ordinance implementing A) a rezoning from CDD#10 to CDD#19; B) consideration of amendments to Section 5-602 of the zoning ordinance with respect to a new CDD #19 and to Section 5-610 of the zoning ordinance with respect to the configuration and role of PYDAC; C) consideration for a special use permit for a CDD Conceptual Design Plan; D) approval of a special use permit for a transportation management plan; E) approval of street names for five new streets; F) adoption of Design Guidelines; and authorization for the City Manager to sign the Memorandum of Understanding for CDD#19, as recommended by the Planning Commission on June 3, 2010 and approved by Council during the public hearing portion of the docket on June 12, 2010.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 6/12/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the

Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 27; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Tuesday, June 22, 2010, to include the amendment as approved by City Council on docket item #5. The voting was as follows:

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

6. TEXT AMENDMENT #2010-0001

SMALL BUSINESS ZONING REGULATIONS

Public Hearing and Consideration of a request for an amendment to the City's Zoning Ordinance regulations related to small businesses. Staff: City of Alexandria Department of Planning and Zoning

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

(A copy of the Planning Commission report dated June 19, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 6/12/10, and is incorporated as part of this record by reference.)

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

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

(a) Tina Leone, 801 N. Fairfax Street, president and CEO, Alexandria Chamber of Commerce, spoke in favor of the proposed small business zoning regulations.

(b) Jill Erber, 110 Belleaire Road, representing the Del Ray Business Association, spoke in favor of the small business zoning regulations. She asked that one amendment be given that instead of requiring restaurants to clear the outdoor patios by 10:00 p.m. weekdays, that it be extended to 11:00 p.m.

(c) Dak Hardwick, 5181 Brawner Place, vice president, Cameron Station Civic Association and a board member of the Cameron Station HOA, spoke in support of the changes for Cameron Station.

(d) Sarah Becker, 1200 Princess Street, past president, Inner City Civic Association/West Old Town Citizens Association, spoke in support of the small

business zoning regulations. She said on the appeals that both sides should be given 30 days.

(e) Leslie Zupan, 1309 Queen Street, past president of WOTCA, spoke about notification, noting that a lot of work has to be done with the applicant up-front, so P&Z may wait until the SUP application is clarified, but there is no reason to not get the information out earlier. She suggested that notification be given when the SUP is submitted.

(f) David Fromm, 2307 E. Randolph Avenue, president, Del Ray Citizens Association, speaking of the concerns of the Board and the land use committee, said they support in principle and to varying degrees in practice the text amendment. He noted they support the new definitions, outdoor dining hours as amended by the Planning Commission and not allowing conditions to be put in place by community concerns. Mr. Fromm asked on parking that they wait until the new parking study is done and build it into the recommendations.

(g) Amy Slack, 2307 E. Randolph Avenue, Del Ray Citizens Association Land Use Committee, spoke to the SUP and ASUP process and outdoor dining hours, noting that they propose what the Planning Commission has brought to Council and feels it is an appropriate increase in intensity.

(h) Sarah Haut, 228 E. Nelson Avenue, spoke in support of the text amendment but had concerns to the changes to restaurants and its impact on the neighborhood and is in support of the outdoor dining hours as suggested by the Planning Commission. She spoke of her concern of shared parking once a business owner leaves.

(i) Philip Matyas, 219 N. Pitt Street, spoke of the staff not knowing where alleyways in Old Town are, and asked that they make sure staff get out and walk the neighborhoods and he spoke of the new restaurants opening in Old Town.

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

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

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council adopted the Planning Commission recommendation with an amendment to Section 11-511(c)(4) on page 35, and Section (b)(1) on page 37, that the appeal process go from 14 days to 30 days for both appeals.

Councilman Krupicka asked for a friendly amendment that the number of seats can't exceed the administrative cap.

The amendment was accepted by the maker and seconder of the motion.

Councilman Smedberg asked for a friendly amendment on page 36, Section 11-513(a)(2) as relates to the notification, to add reference to ENews and leave it up to staff how best and which vehicles to use to get notification out prior to the approval or possible approval.

The amendment was also accepted by the maker and seconder of the motion.

The voting on the motion was as follows:

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

The following item was taken out of order:

- 9. SPECIAL USE PERMIT #2010-0017
1224 PRINCESS STREET
HOPKINS HOUSE
Public Hearing and Consideration of a request for expansion of an existing child day care center; zoned RB/Residential. Applicant: Hopkins House by M. Catherine Gibbs, attorney

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

(A copy of the Planning Commission report dated June 19, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 6/12/10, and is incorporated as part of this record by reference.)

Ms. Ross, Deputy Director of Planning and Zoning, made a presentation of the staff report and responded to questions of City Council.

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

- (a) Mary Catherine Gibbs, attorney representing the applicant, spoke in favor of the request and asked those in support to stand.
- (b) Michael Gaw, 1500 Cameron Street, spoke in favor of the request.
- (c) Ashleigh Jones, 4400 N. 4th Street, Arlington, spoke in favor of the

request.

(d) Bari Talente, 6908 Lamp Post Lane, spoke in favor of the request.

(e) Holly Bryant, 2706 Albemarle Drive, spoke in favor of the request.

(f) Amy Liu, 410 N. Alfred Street, spoke in favor of the request.

(g) Sarah Becker, 1200 Princess Street, past president, Inner City Civic Association, spoke of the trash in the street, noting that they have to deal with the give and take of many day care providers, and she spoke to the accreditation of the center.

(h) Carolyn Cummings, 1214 Princess Street, spoke of her concern of the activity from the area - the Boys Club and Hopkins House - and the challenge of parking in the area and the intensification of the use and suggested looking at off-site parking for Hopkins House.

(i) Leslie Zupan, 1309 Queen Street, speaking for civic association president Heidi Ford, said the association does not oppose the addition of 20 more children, but are concerned about parking, asking that they specify the number of parking spaces and to have the parking coordinator involved with it, and she spoke to accreditation and keeping that in.

(j) Dorothy Farrell, 13 E. Oak Street, spoke in favor of the request.

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 Vice Mayor Donley and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

7. Public Hearing on the Draft City of Alexandria Strategic Plan (adoption is

scheduled for June 22, 2010.) (#16, 5/25/10)

(A copy of the City Manager's memorandum dated May 19, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 6/12/10, and is incorporated as part of this record by reference.)

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

(a) David Fromm, 2307 E. Randolph Avenue, said that aspects of protecting and strengthening the neighborhoods is missing and perhaps that could be addressed.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council held the public hearing and noted adoption is scheduled for June 22, 2010. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

8. SPECIAL USE PERMIT #2010-0015
4109 MOUNT VERNON AVENUE
COMMUNITY CENTER

Public Hearing and Consideration of a request for a public community center/public building; zoned NR/Neighborhood Retail. Applicant: City of Alexandria

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 19, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 6/12/10, and is incorporated as part of this record by reference.)

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

(a) Judy Noritake, 605 Prince Street, speaking for Architects Anonymous, said they are here to serve and are happy to do so.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 6-0, City Council closed the public hearing. The voting was as follows:

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

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 6-0, City Council approved the Planning Commission recommendation.

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

10. SPECIAL USE PERMIT 2010-0019

200 COMMERCE STREET
RESTAURANT

Public Hearing and Consideration of a request to operate a restaurant; zoned CL/Commercial Low. Applicant: Boyd Walker

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

(A copy of the Planning Commission report dated June 19, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 6/12/10, and is incorporated as part of this record by reference.)

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

(a) Boyd Walker, owner of the property, spoke in favor of the request.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried 6-0, City Council closed the public hearing. The voting was as follows:

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

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried 6-0, City Council approved the Planning Commission recommendation. The voting was as follows:

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

Smedberg "aye"

ORDINANCES AND RESOLUTIONS

- 11. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Chapter 7 (Animals and Fowl), Article C (Dogs and Other Animals) of the City Code to reflect current state law on providing dogs with adequate space and adequate shelter and to prohibit the tethering of dogs for more than one hour per day, subject to certain conditions. (#13, 5/11/2010) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 6/12/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 6/12/10 and is incorporated as part of this record by reference.)

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

(a) Vola Lawson, 3610 Valley Drive, member of the Animal Welfare League Board of Alexandria, spoke in support of the ordinance.

(b) Martha Armstrong, 4101 Eisenhower Avenue, Executive Director, Animal Welfare League of Alexandria, spoke in support of the ordinance.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend Chapter 7, Article C, animals and fowl, dogs and other animals, to reflect current state law on providing dogs with adequate space and adequate shelter and to prohibit the tethering of dogs for more than three hours per day, subject to certain conditions. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4662

AN ORDINANCE to amend and reordain Section 5-7-31 (DEFINITIONS), and to add new Section 5-7-36.1, (PROVISION OF ADEQUATE SHELTER AND SPACE, TETHERING OF DOGS), all of Article C (DOGS AND OTHER

ANIMALS), Chapter 7 (ANIMALS AND FOWL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-7-31 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 5-7-31 Definitions.

(n) *Adequate space* . Means sufficient space to allow each animal to:

(1) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and

(2) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter or harness, configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

(o) *Adequate shelter* . Means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface (resting platform, pad, floor mat, or similar device) that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this Section, shelters whose wire, grid, or slat floors:

(1) permit the animals' feet to pass through the openings;

(2) sag under the animals' weight; or

(3) otherwise do not protect the animals' feet or toes from injury, are not adequate shelter.

Sec. 5-7-36.1 Provision Of Adequate Shelter And Space, Tethering Of Dogs.

(a) It shall be unlawful for any person to fail to provide any dog with adequate space or adequate shelter. As used in this Section, the terms "adequate space" and "adequate shelter" have the meanings ascribed to them by City Code Section 5-7-31 (DEFINITIONS), subsections n and o, respectively.

(b) Except when a dog's owner, guardian or custodian is physically within reach of the dog, it shall be unlawful for any person to tether a dog to a chain, rope or line of any kind that is too short to enable the dog easily to stand, sit, lie down, turn about, and make all other normal body movements in a comfortable, normal position for the animal, and reach shade as necessary, for more than three hours cumulatively within any twenty-four hour period, whether or not the tethered dog has been provided adequate space.

(c) Notwithstanding any other part of this Section, a dog may be attached to a running cable line or trolley system that allows it to reach shelter and water as necessary, except that no dog may be confined to such a running cable line or trolley system for more than twelve (12) hours cumulatively, within any twenty-four (24) hour period. A running cable line or trolley system is defined as one that is at least twenty (20) feet in length and is mounted at least four (4) feet, but no more than seven (7) feet, above the ground. Under no circumstances shall a dog be attached to a running cable line or trolley system unless the tether attaching it to the running cable line or trolley system is at least ten (10) feet in length or three times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is longer.

(d) Penalties.

(1) A person shall be assessed a civil penalty of \$50 for violating any provision of subsections (a), (b) or (c) of this Section.

(2) A person shall be assessed a civil penalty of \$100 for each subsequent violation of any provision of subsections (a), (b) or (c) of this Section.

(3) If an animal control officer or law enforcement officer determines that a civil penalty violation of this article has occurred, he shall issue and serve, or cause to be served, a Notice of Violation on any and all persons committing the violation. The Notice shall provide that the person served may elect to make an appearance, either in person or in writing by mail, before the treasurer of the city, and admit liability for, or plead no contest to, the violation and pay the civil penalty established for the violation, all within the time period set forth in the Notice. If a person so notified does not elect to admit liability or to plead no contest, the violation shall be tried in the Alexandria General District Court upon a Warrant in Debt or Motion for Judgment, with the same right of appeal as provided in civil actions at law. A finding or admission of liability or a plea of no contest shall not be deemed a criminal conviction for any purpose.

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

12. Public Hearing, Second Reading and Final Passage of an Ordinance to Delay the 2009 Annual Taxicab Industry Review. (#37, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 1, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 6/12/10, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 6/12/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to delay the 2009 Annual Taxicab Industry Review. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4663

AN ORDINANCE authorizing the further postponement of certain matters required by Section 9-12-31 of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. The City Council of the City of Alexandria hereby further temporarily suspends the provisions of Section 9-12-31 (ANNUAL REVIEW OF THE TAXI INDUSTRY), Division 2 (CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY), Article A (TAXICABS), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE) of Title 9 (LICENSING AND REGULATION) related to the dates for conducting the annual review of the City's taxicab industry and actions related thereto

by the Traffic & Parking Board and the City Manager pursuant to Section 9-12-31, subject to the specific terms of this Ordinance, as follows:

A. On December 12, 2009, the City Council enacted Ordinance No. 4640 delaying the annual review of the taxi industry for a period of time while the industry and a subcommittee of the Traffic & Parking Board considered possible adjustments to the City's Taxicab Ordinance. The industry group recently concluded its meetings and made a set of recommendations for proposed Code changes to the Traffic and Parking Board. The Traffic & Parking Board, at its April 26, 2010 meeting, voted to direct staff to prepare proposed changes to code based upon those recommendations and bring them back for consideration by the Board for possible recommendation to Council.

B. The review of the taxicab industry for 2009 required by City Code Section 9-12-31(a) that would normally have taken place between September 1 and November 15 of 2009, including, without limitation, the public hearing, shall be consolidated with the annual review for 2010 and shall take place between September 1 and November 15, 2010.

C. The Traffic & Parking Board's report to the City Manager required by City Code Section 9-12-31(f) shall be transmitted to the City Manager no later than November 15, 2010.

D. The remaining approvals, orders and reports required by City Code Section 9-12-31, including, without limitation, the City Manager's order, findings and conclusions required by City Code Section 9-12-31(h), shall be completed no later than December 15, 2010.

E. This ordinance does not amend the City Code in any way, but merely suspends the applicable Code Section for the limited purpose of allowing the later dates for the matters previously referenced and the review for 2010 shall take forth in the manner and on the dates set forth in the City Code, unless changed by further action of City Council.

F. Apart from the postponements authorized for 2009 by this ordinance, the Traffic & Parking Board and the City Manager shall in all other respects comply with the terms of City Code Section 9-12-31.

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

13. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the City Manager to Execute a 5-Year License Agreement to Authorize 106 Union Dublin, LLC to Utilize a Portion of Wales Alley and To Take Any Other Actions Necessary to Implement the Agreement. (#14, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 26, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 6/12/10, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 6/12/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 6/12/10, and is incorporated as part of this record by reference.)

Mr. Jinks, Deputy City Manager, responded to questions from City Council.

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

(a) Duncan W. Blair, 524 King Street, attorney representing 106 Union Dublin, LLC., spoke in favor of the ordinance and thanked City staff for working with them.

(b) Harry P. Hart, 307 N. Washington Street, attorney representing the Old Dominion Boat Club, stated the Boat Club objection to granting the license for a portion of Wales Alley.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council closed the public hearing. 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 6-1 by roll-call vote, City Council adopted the ordinance authorizing the City Manager to execute a 5-year license agreement to authorize 106 Union Dublin, LLC, to utilize a portion of Wales Alley and to take any other actions necessary to implement the agreement, and that the proceeds from the agreement that are approximated in the staff fiscal impact statement be dedicated to the historic fund. The voting was as follows:

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

Pepper "aye"

The ordinance reads as follows:

ORDINANCE NO. 4664

AN ORDINANCE authorizing the City Manager to execute the attached 5-year license agreement to authorize 106 Union Dublin, LLC to utilize a portion of Wales Alley right of way pursuant thereto and to take any other actions necessary to implement the agreement.

WHEREAS, the City Council finds and determines that:

1. On May 4, 2010, the Planning Commission recommended approval and on May 15, 2010 the City Council approved Special Use Permit Number 2010-0010 authorizing 106 Union Dublin, LLC to operate a restaurant at 106 South Union Street including outdoor dining;
2. The area to be used as outdoor dining for the restaurant would occupy and otherwise encroach into a portion of the Wales Alley right of way, pursuant to the terms specifically set forth in the attached 5-year license agreement;
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 the City Manager execute the attached 5-year license agreement authorizing 106 Union Dublin, LLC to utilize a portion of the Wales Alley right of way pursuant thereto, take any other actions necessary to implement the agreement, and dedicate the proceeds from the agreement that are approximated in the staff fiscal impact statement to the Historic Preservation Fund.

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

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for Support of the City Government for Fiscal Year 2010. (#15, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 2, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 6/12/10, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14;

6/12/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 14; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to make supplemental appropriations for support of the City government for Fiscal Year 2010. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4665

AN ORDINANCE making supplemental appropriations 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 hereafter stated that are 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 revenues 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	3,500
Court Service Unit	319,952
Transportation and Environmental Services	250,000
Fire	257,628
Housing	390,969
Human Services	214,309
Historic Alexandria	50,264
Recreation	726,800

Non-Departmental	5,955,000
Mental Health, Mental Retardation and Substance Abuse	\$ 119,630
Total Estimated Revenue	<u>\$ 8,288,052</u>

APPROPRIATION:

Office on Women	3,500
Court Service Unit	319,952
Transportation and Environmental Services	250,000
Fire	257,628
Housing	390,969
Human Services	214,309
Historic Alexandria	50,264
Recreation	726,800
Non-Departmental	5,955,000
Mental Health, Mental Retardation and Substance Abuse	\$ 119,630
Total Estimated Appropriation	<u>\$ 8,288,052</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 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	\$ 9,572
Total Estimated Revenue	<u>\$ 9,572</u>

APPROPRIATION:

Capital Projects	\$ 9,572
Total Appropriation	<u>\$ 9,572</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby authorize the transfer from the General Fund (Designated General Fund Balance) to the Capital Projects Fund (Reserved Capital Project Fund Balance), and does make provision for and appropriate to the latter fund, the amount hereafter stated that is required to defray certain expenditures and liabilities for the city in fiscal year 2010 and further, that the Council does hereby allot the amount so appropriated as follows: (i) to capital projects which are included in the city's government fiscal year 2010 - 2015 capital improvement program, adopted by Council May 4, 2009.

GENERAL FUND

FINANCING USE:

Transfer Out to Capital Project Fund	\$ 226,958
Total Transfer Out	<u>\$ 226,958</u>

CAPITAL PROJECT FUND

ESTIMATED REVENUE:

Transfer In from General Fund	\$ 226,958
Total Financing Source	<u>\$ 226,958</u>

APPROPRIATION:

Capital Projects	\$ 226,958
Total Appropriation	<u>\$ 226,958</u>

Section 4. 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 are required to defray certain expenditures and liabilities of the city in fiscal year 2010, the source of such amount being Equipment Replacement Retained Earnings, and further, that the Council does hereby allot the amount so appropriated to the various city departments for fiscal year 2010, as follows:

EQUIPMENT REPLACEMENT FUND

APPROPRIATION:

Sheriff	\$ 13,000
Recreation	\$ 183,000
Total Appropriation	<u>\$ 196,000</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 of the city for fiscal year 2010, the source of such amount being Component Unit - School Fund Balance, and further, that the Council does hereby allot the amount so appropriated, as follows:

COMPONENT UNIT

APPROPRIATION:

Component Unit - Schools	\$ 990,588
Total Appropriation	<u>\$ 990,588</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer the appropriation in the General Fund in the amounts hereafter stated that is required to defray certain expenditures and liabilities of the city.

GENERAL FUND

APPROPRIATION:

Non-Departmental	\$ (75,000)
Emergency Communications	\$ 75,000
Total Appropriation	<u>\$ 0</u>

Section 7. That this ordinance shall become effective upon the date and time at the time of its final passage.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Appropriations for Support of the City Government for Fiscal Year 2011. (#16, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 27, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/12/10, and is incorporated as part of the record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 6/12/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 15; 6/12/10, and is incorporated as part of this record by reference.)

Mr. Johnson, Chief Financial Officer, responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to make appropriations for the support of the City government for Fiscal Year 2011. The voting was as follows:

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

The ordinance reads as follows:

AN ORDINANCE making appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2011.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to section 6.07 of the city charter, the sum of \$753,895,111 be, and the same hereby is, appropriated for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2010 and ending on the thirtieth day of June 2011.

Section 2. That, pursuant to section 6.07 of the city charter, the sum of \$753,895,111 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2010 and ending on the thirtieth day of June 2011 be, and the same hereby is, further appropriated to the following city departments, major operating units, component units and major categories of expenditures in the amounts set forth below:

<u>Department/Unit/Component Unit/ Category of Expenditure</u>	<u>Appropriation</u>
18 th Circuit Court	\$ 1,387,077
18 th General District Court	59,585
18 th Juvenile Court	34,512
Citizen Assistance	559,276
City Attorney	2,998,772
City Clerk and Clerk of Council	411,365
City Council	528,151
City Manager	1,703,268
Clerk of Court	1,518,691
Commonwealth's Attorney	2,839,741
Contingent Reserves	755,218
Court Services Unit	1,545,359
Economic Development	3,568,611
Emergency Communications	192,273
Finance	9,767,799
Fire	40,926,198
General Debt Service	37,916,774
General Services	11,899,314
Health	7,041,871
Human Rights	645,966
Human Services	54,476,044
Human Services Contributions	2,033,259
Information Technology Services	6,945,173

Internal Audit	228,920
Law Library	166,582
Mental Health/Mental Retardation/Substance Abuse	32,255,339
Non-Departmental	12,020,914
Office of Communications	1,232,320
Office of Historical Alexandria	3,010,588
Office of Housing	3,660,306
Office of Management and Budget	1,185,929
Office on Women	1,895,066
Other Correctional Activities	5,282,197
Other Educational Activities	12,229
Other Health Activities	1,038,600
Personnel	2,666,065
Planning & Zoning	5,355,144
Police	52,289,991
Procurement	946,306
Real Estate Assessments	1,665,223
Recreation, Parks & Cultural Activities	19,838,478
Registrar of Voters	1,128,653
Sheriff	27,725,476
Transit Subsidies	20,303,991
Transportation and Environmental Services	30,327,157
Capital Projects	106,126,926
Component Unit-Library	6,894,504
Component Unit-Schools	221,109,062
Internal Services	<u>5,774,848</u>
 TOTAL APPROPRIATIONS	 \$ <u>753,895,111</u>

Section 3. That, pursuant to section 6.07 of the city charter, the sum of \$753,895,111 appropriated in section 1 of this ordinance for the support of the City of Alexandria in the fiscal year beginning on the first day of July 2010 and ending on the thirtieth day of June 2011 be, and the same hereby is, further appropriated to the following principal objects of city expenditures:

<u>Object of Expenditures</u>	<u>Appropriation</u>
Personnel Service	\$ 233,654,718
Non-Personnel Services	168,017,589
Capital Outlay	245,106
Component Unit-Library	6,894,504
Component Unit-Schools	221,109,062
Component Unit-Alexandria Transit Company	12,072,358
Equipment Replacement	5,774,848
Capital Projects	<u>106,126,926</u>

TOTAL APPROPRIATIONS \$ 753,895,111

Section 4. That the sum of \$753,895,111 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2010 and ending on the thirtieth day of June 2010 is estimated to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
General Property Taxes	\$ 332,723,619
Other Local Taxes	116,430,000
Permits, Fees and Licenses	6,118,882
Fines and Forfeitures	4,646,020
Intergovernmental Revenue	142,304,935
Charges for Services	39,744,718
Revenue from Use of Money and Property	5,083,397
Miscellaneous Revenue	3,261,705
Bond Proceeds - Future Sale	84,015,000
Unreserved Fund Balance - General Fund:	
Subsequent Year's Budget as Designated	11,146,490
Unreserved Fund Balance – Capital Projects Fund	3,723,500
Unreserved Fund Balance – Special Revenue	246,352
Retained Earnings - Internal Services	<u>4,450,493</u>
 TOTAL ESTIMATED REVENUE	 \$ <u>753,895,111</u>

Section 5. That, pursuant to section 6.14 of the city charter, the sum of \$106,126,926 be, and the same hereby is, appropriated for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2010 and ending on the thirtieth day of June 2011. This sum, which consists of the \$106,126,926 appropriated as Capital Projects in section 2 of this ordinance, is appropriated as follows: (i) \$92,562,659 to capital projects which are included in the city's government fiscal year 2010 - 2020 capital improvement program adopted by City Council on May 3, 2010; \$13,564,267 to the capital projects identified in the Alexandria City Public Schools' capital budget approved by the school board on March 4, 2010.

Section 6. That the sum of \$106,126,926 appropriated in section 5 of this ordinance for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2010 and ending on the thirtieth day of June 2011 is estimated to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
--------------------------	---------------

Intergovernmental Revenue	\$	5,450,000
Transfer In from Special Revenue – Wastewater		2,065,715
Transfer In from General Fund		4,295,000
Transfer In from Special Revenue Fund – Sewer		4,308,878
Use of Money and Property – Bond Interest Earnings		1,067,397
Miscellaneous Revenue		1,201,436
Designated General Fund Balance		3,723,500
Bond Proceeds - Future Sale		<u>84,015,000</u>
TOTAL ESTIMATED REVENUE	\$	<u>106,126,926</u>

Section 7. That the sum of \$229,671,788 be, and the same hereby is, authorized to be transferred between the following funds maintained by the city, as set forth below:

<u>From</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
General Fund	\$ 34,257,741	Special Revenue Fund – General	
34,257,741		Fund	
Special Revenue		General	
Fund – Sewer	1,200,361		
Fund	1,200,361		
Special Revenue Fund	246,352	General Fund	246,352
		Special Revenue Fund – Affordable	
General Fund	1,601,388	Housing	1,601,388
Special Revenue			
Fund – Sewer	4,062,526	Capital Projects	4,062,526
Special Revenue			
Fund – Sewer	2,065,715	Capital Projects	2,065,715
General Fund	4,295,000	Capital Projects Fund	4,295,000
General Fund	167,886,567	Component Unit-Schools	
167,886,567			
		Component Unit-Alexandria	
General Fund	7,807,789	Transit Company	
7,807,789			
General Fund	<u>6,248,349</u>	Component Unit-Library	<u>6,248,349</u>
TOTALS	<u>\$ 229,671,788</u>		<u>\$ 229,671,788</u>

Section 8. That the sum of \$753,895,111 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2010 and ending on the thirtieth day of June 2011 is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each city department, major operating unit, component unit and major category of expenditure, to the funds maintained by the city as shown in Table I on the pages following this ordinance.

Section 9. That the sum of \$753,895,111 appropriated in section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2010 and ending on the thirtieth day of June 2011 is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each major source of revenue, to the funds maintained by the city as shown in Table II on the pages following this ordinance.

Section 10. That the sum of \$1,600,000 be appropriated from fund balance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2010 and ending on the thirtieth day of June 2011 is appropriated in the amounts set forth below:

ESTIMATED REVENUE:

Designated General Fund Balance	<u>\$ 1,600,000</u>
Total Estimated Revenue	<u>\$ 1,600,000</u>

APPROPRIATION:

Non Departmental	<u>\$ 1,600,000</u>
Total Appropriation	<u>\$ 1,600,000</u>

Section 11. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriation 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, 2010 but which are payable in fiscal year 2011 and for which amounts were appropriated but not expended in fiscal year 2010 and further that the council does hereby allot the amounts so appropriated to the several city departments for fiscal year 2011 as follows:

GENERAL FUND

Commonwealth's Attorney	\$ 4,000
Finance	900,000
Fire	500,000
General Services	600,000
Health	57,000
Human Resources	200,000
Human Rights	1,000
Human Services	
444,000	
Information and Technology Services	800,000
Non-Departmental	370,000
Office of Communications	24,000
Office of Business Assistance	96,000

Office of Historic Alexandria	7,000
Office of Management and Budget	23,000
Office on Women	3,000
Other Correctional Activities	17,000
Personnel	7,000
Planning and Zoning	226,000
Police	700,000
Procurement	1,000
Real Estate Assessment	15,000
Recreation and Cultural Activities	467,000
Registrar of Voters	14,000
Sheriff	750,000
Transit Subsidies	540,000
Transportation and Environmental Services	\$ 2,300,000
 Total General Fund	 \$ <u>9,066,000</u>

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

16. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain the City's Fire Prevention Code Article B (Fire Prevention) Of Chapter 2 (Fire Protection And Prevention), Title 4 (Public Safety), of the Code of the City of Alexandria, Virginia, 1981, as Amended, to Comply With Changes in State Law and Regulations. (#17, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 1, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 06/12/10, and is incorporated as part of the record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 6/12/10, 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; 6/12/10, 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 the ordinance to amend and reordain the City's Fire Prevention Code, Article B (Fire Prevention) of Chapter 2 (Fire Protection and Prevention), Title 4 (Public Safety) of the City Code to comply with changes in state law and regulations. 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 4667

AN ORDINANCE to amend and reordain Section 4-2-12 (ADOPTION OF VIRGINIA FIRE PREVENTION CODE), and ordain Section 4-2-12.1 (LOCAL BOARD OF FIRE CODE APPEALS) of Chapter 2 (FIRE PROTECTION AND PREVENTION), Title 4 (PUBLIC SAFETY) of the Code of the City of Alexandria, Virginia, 1981, as amended

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 4-2-12 of the Code of the City of Alexandria, 1981, as amended, be, and the same hereby is, amended and reordained, to read as follows:

Sec. 4-2-12 Adoption of Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code, as promulgated in 2006, There is hereby adopted and incorporated as if fully set out in this article, the Virginia Statewide Fire Prevention Code, as promulgated in 2003 and as thereafter amended by the Virginia Board of Housing and Community Development, except such portions of the Virginia Statewide Fire Prevention Code as are deleted, modified or amended by section 4-2-21 of this article. All future editions of the Virginia Statewide Fire Prevention Code as promulgated by the Virginia Board of Housing and Community Development are hereby automatically adopted and incorporated into this code.

Section 2. That Section 4-2-12.1 of The Fire Code of the City of Alexandria, 1981, as amended, be, and the same hereby is, ordained, to read as follows:

Sec 4-2-12.1 Local Board of Fire Prevention Code Appeals.

The Alexandria Board of Building Code Appeals as created in Section 8-1-37 of this code shall serve as the Local Board of Fire Prevention Code Appeals. This board shall hear appeals of the Virginia Fire Prevention Code, its referenced documents, standards and any city amendments.

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

17. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain the City's Food Code Section 11-2-3 (Adoption of the United States Food and Drug Administration/Public Health Service 2005 Food Code), Section 11-2-4 (Definitions) and Section 11-2-5 (Modifications to FDA Food Code) of Article A (General Provisions) and Section 11-2-51 (Submission of Plans, Specifications and Other Data; Inspection Prior to Operation; Fees) of Article E (Review of Plans and Specifications) of Chapter 2 (Food and Food Establishments), Title 11 (Health, Environmental and Sanitary Regulations) of the Code of the City of Alexandria, Virginia, 1981, as amended, to Adopt and Amend Provisions of the FDA 2009 Food Code. (#18, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 26, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 6/12/10, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 6/12/10, 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; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to amend and reordain the City's Food Code Section 11-2-3 (Adoption of the United States Food and Drug Administration/Public Health Service 2005 Food Code), Section 11-2-4 (Definitions) and Section 11-2-5 (Modifications to FDA Food Code) of Article A (General Provisions) and Section 11-2-51 (Submission of Plans, Specifications and Other Data; Inspection Prior to Operation; Fees) of Article E (Review of Plans and Specifications) of Chapter 2 (Food and Food Establishments), Title 11 (Health, Environmental and Sanitary Regulations) of the Code of the City of Alexandria, Virginia. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4668

AN ORDINANCE to amend and reordain Section 11-2-3 (a) (ADOPTION OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION/PUBLIC HEALTH SERVICE 2005 FOOD CODE), Section 11-2-4 (g) (DEFINITIONS) and Section 11-2-5 (MODIFICATIONS TO FDA FOOD CODE) of Article A (GENERAL PROVISIONS) and Section 11-2-51(a) (SUBMISSION OF PLANS, SPECIFICATIONS AND OTHER DATA; INSPECTION PRIOR TO OPERATION; FEES) of Article E (REVIEW OF PLANS AND SPECIFICATIONS) of Chapter 2 (FOOD AND FOOD ESTABLISHMENTS), Title 11 (HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS) of The Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, the health and safety of the public requires the regulation of food and food establishments located within the City of Alexandria; and

WHEREAS, existing provisions of the city code that safeguard public health in food establishments are based upon the 2005 Model Food Code of the United States Food and Drug Administration ("FDA"); and

WHEREAS, the FDA intends that its Model Food Code be updated and revised every four years, in order to incorporate the most current scientific knowledge and new technologies in the food packaging and food service industries; and

WHEREAS, the FDA has recently promulgated its 2009 Model Food Code, which incorporates nationally recognized public health standards designed to provide the greatest possible protection from and prevention of infectious and non-infectious food-borne diseases; and

WHEREAS, the regulatory scheme set out in the 2009 FDA Model Food Code is presently employed in numerous food industries, as well as the meat and poultry inspection systems of the federal government, and has been endorsed by the National Conference for Food Protection and the National Restaurant Association; and

WHEREAS, a new definition of "limited food establishment" is needed to reflect the wider array of food products and food preparation processes now being served in limited food establishments; and

WHEREAS, assessment of the food safety knowledge of Certified Food Managers should be required as part of the ongoing regulatory evaluation process,

WHEREAS, neighboring jurisdictions in Northern Virginia are planning to adopt the 2009 FDA Model Food Code, and the adoption of this code by the City of Alexandria will help to establish uniform standards for the regulation of food and food establishments in the region; now, therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Subsection 11-2-3 (a) of The Code of the City of Alexandria,

Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-3 Adoption of the United States Food and Drug Administration/Public Health Service 20059 Food Code.

(a) Chapters 1 through 8, inclusive, and all appendices and annexes of the United States Food and Drug Administration/Public Health Service 20059 Food Code ("FDA Food Code, as adopted and promulgated by the United States Food and Drug Administration/Public Health Service ("FDA/USPHS"), including such chapters, appendices and annexes as may hereafter be amended from time to time, but excepting the portions of the FDA Food Code addressed in section 11-2-5(a) and (b), are hereby adopted and incorporated in their entirety into this chapter as if fully set forth herein. In the event of conflict or inconsistency between this chapter and the FDA Food Code, the provisions of this chapter shall control. When used in the FDA Food Code, the term "Health Authority" shall mean the director or his designee.

Section 2. That Subsection 11-2-4(g) of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-4 Definitions.

(g) "Limited food establishment" means a food establishment that serves only ~~hotdogs or frankfurter type foods, prepackaged foods or~~ foods that are not potentially hazardous foods, require no preparation, or utilize a food preparation process that presents limited food safety risk as determined by the director.

Section 3. That Section 11-2-5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-5 Modifications to FDA Food Code.

(a) The portions of the FDA Food Code addressed in this subsection are not adopted by incorporation into this chapter. Rather, they are modified in the manner set out below, and their modified versions shall apply in the city:

~~(1) Paragraph 3-501.12 (A) of the FDA Food Code is modified to read as follows:~~

~~Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less.~~

~~(2) Paragraph 3-501.13(A) of the FDA Food Code is modified to read as follows:~~

~~Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less.~~

~~(3) Subparagraph 3-501.13(B)(3) of the FDA Food Code is modified to read as follows:~~

~~For a period of time that does not allow thawed portions of READY-TO-EAT FOOD to rise above 5°C (41°F).~~

~~(4) Subparagraph 3-501.13(B)(4) of the FDA Food Code is modified to read as follows:~~

~~For a period of time that does not allow thawed portions of a raw animal FOOD requiring cooking as specified under (3-401.11 (A) or (B) to be above 5°C (41°F) for more than four hours including:~~

~~(a) The time the food is exposed to the running water and the time needed for preparation for cooking, or~~

~~(b) The time it takes under refrigeration to lower the FOOD temperature to 5°C (41°F) as specified under Subparagraph 3-501.16(A)(2).~~

~~(5) Subparagraph 3-501.14(A)(2) of the FDA Food Code is modified to read as follows:~~

~~Within a total of six hours from 57° (135°F) to 5°C (41°F) or less.~~

~~(6) Paragraph 3-501.14(B) of the FDA Food Code is modified to read as follows:~~

~~POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be cooled within four hours to 5°C (41°F) or less if prepared from ingredients at ambient temperature, such as reconstituted FOODS and canned tuna.~~

~~(7) Paragraph 3-501.14(C) of the FDA Food Code is modified to read as follows:~~

~~Except as specified under ((D) of this regulation, a POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) received in compliance with LAWS allowing a temperature above 5°C (41°F) during shipment from the supplier as specified in (3-202.11(B), shall be cooled within four hours to 5°C (41°F) or less.~~

~~(8) Subparagraph 3-501.16(A)(2) of the FDA Food Code is modified to read as follows:~~

~~At a temperature of 5°C (41°F) or less.~~

~~(9) Subparagraph 3-501.17(A)(1) of the FDA Food Code is modified to read as follows:~~

~~5°C (41°F) or less for a maximum of seven days.~~

~~(401) Section 6-402.11 of the FDA Food Code is modified to read as follows:~~

~~Public toilet rooms shall be provided for CONSUMERS whenever seating for CONSUMERS is provided on the premises. CONSUMERS shall not be permitted to gain access to toilet rooms by passing through a kitchen, food preparation, food storage, or utensil washing area. Toilet rooms shall be conveniently located and accessible to EMPLOYEES during all hours of operation. Toilet rooms must be entirely separate and apart from any rooms or areas used for utensil washing or for the manufacture, storage, and handling of food products. Public and employee toilet facilities shall be installed according to and in the number required by the Virginia Uniform Statewide Building Code (VUSBC).~~

(442) Paragraph 8-304.10 (A) of the FDA Food Code is modified to read as follows:

A copy of the version of FDA Food Code adopted in Section 11-2-3 above shall be maintained for public inspection in the office of the Alexandria Health Department's Environmental Health Division. A link to the full text of the version of FDA Food Code adopted in Section 11-2-3 above shall be placed on the Alexandria Health Department's website.

(423) Paragraph 8-902.10(A) of Annex 1 of the FDA Food Code is modified to read as follows:

If admission to the PREMISES of a FOOD ESTABLISHMENT is denied or other circumstances exist that would justify an inspection order under LAW, to make an inspection that includes the recordation of information by any means of audio-visual recordation including (but not limited to) photography, tape-recording and videotaping.

~~(b) Subparagraph 3-501.17(A)(2) and Paragraph 2-102.11(B) and Sections, 2-102.20 8-201.11, 8-201.12, and 8-303.10 of the FDA Food Code are not adopted or incorporated into this chapter and shall be of no effect in the city.~~

Section 4. That Subsection 11-2-51(a) of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-51 Submission of plans, specifications and other data; inspection prior to operation; fees.

(a) Whenever a food establishment is constructed or remodeled or whenever an existing structure is converted to use as a food establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the director for his review prior to commencement of such construction, remodeling or conversion. ~~The director shall verify that the plans and specifications conform to the requirements of this chapter and the FDA Food Code. The plans and specifications shall include the intended menu, anticipated volume of food to be stored, prepared, and sold or served, the proposed layout and arrangement of the facilities, plumbing plans, mechanical plans, electrical plans, finish schedules, lighting schedules, and the types, model numbers, locations, dimensions, performance capacities and installation specifications of proposed fixed equipment and facilities. The director may require additional plans or information, as needed, depending on the nature and extent of the proposed construction, remodeling or conversion. The director shall approve the plans and specifications if they meet the requirements of this chapter and the FDA Food Code. The director's approval of any plans or specifications shall not be viewed to be a determination that said plans or specifications are free from error. The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation. No food establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the director.~~

Section 5. That this ordinance shall become effective on July 1, 2010.

18. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain the Amounts of the Civil Penalties For Violations of the City's Building Code Regulations Section 8-1-6 (Civil Penalties) of Chapter 1 (Building Code), Title 8 (Building Code Regulations) of the Code of the City of Alexandria, Virginia, 1981, as Amended, to Reflect Current State Law. (#19, 6/08/10)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 1, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 6/12/10, 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; 6/12/10, 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; 6/12/10, 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 adopted the ordinance to amend and reordain the amounts of civil penalties for violations of the City's Building Code Regulations to reflect current state law.

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

The ordinance reads as follows:

ORDINANCE 4669

AN ORDINANCE to amend and reordain Section 8-1-6 (CIVIL PENALTIES) of Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Subsection 8-1-6 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. 8-1-6 Violations and penalties.

(a) Criminal penalties: Violations of the Virginia Uniform Statewide Building Code, Virginia Construction Code, Virginia Rehabilitation Code, Virginia Amusement Device Regulations, Virginia Manufactured Home Safety Regulations and Virginia Industrialized Building Safety Regulations, as they may be amended from time to time, shall be subject to the criminal penalties as provided in Section 36-106 of the Virginia Code and any amendment or re-codification thereof.

(b) Civil Penalties:

- (1) In lieu of criminal penalties otherwise chargeable under the VUSBC for any violation resulting in injury to any person or persons, a civil penalty shall be levied for violations of the Virginia Maintenance Code, as provided in Section 36-106 of the Virginia Code and any amendment or re-codification thereof.
- (2) Civil penalties may be levied as stated in this section for any violation of this Chapter not specifically identified as subject to criminal penalties or not specifically addressed elsewhere in this Chapter. The penalty for any one violation shall be a civil penalty of not more than \$100 for the initial summons and not more than ~~\$150~~ \$350 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of ~~\$3,000~~ \$4,000.
- (3) If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate, or otherwise remedy through hazard control, the violation within six months of the date of the assessment of the civil penalty.

(c) *Injunctive relief.* A violation of any section or provision of the VUSBC, incorporated into this chapter by section 8-1-2 may, in addition to and notwithstanding the penalty provided for in subsection (a) or (b), be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction.

Section 9. That this ordinance shall become effective on July 1, 2010.

19. Public Hearing, Second Reading and Final Passage of an Ordinance to Increase Residential Parking Permit Fees. (#20, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 26, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19;

6/12/10, 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; 6/12/10, 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; 6/12/10, and is incorporated as part of this record by reference.)

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

(a) Amy Slack, 2307 E. Randolph Avenue, spoke of a law in California where parking permits are capped at \$100, and they have stopped giving out more permits, and this is a way to reduce the number of vehicles in cities. She asked if the money was going to be funneled to mass transportation to help get more cars off the street.

(b) Philip Matyas, 219 N. Pitt Street, spoke in support of the increase in the fees and asked that they charge around \$400 for a fourth or fifth vehicle.

WHEREUPON, a motion was made by Councilman Krupicka and seconded by Councilman Smedberg, to close the public hearing and move adoption of the ordinance.

AN AMENDMENT to the motion was made by Councilman Fannon and seconded by Councilwoman Hughes, to make a change in the first car to keep it at the \$15 fee as opposed to \$30.

WHEREUPON, a substitute motion was made by Councilman Krupicka, seconded by Councilwoman Pepper and carried 6-1, that City Council defer adoption to June 22 and request staff to come back with other fee options within the ordinance to make it revenue neutral. The voting was as follows:

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

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish and Fund the Storm Water Infrastructure Trust Fund Account. (#21, 6/08/10)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 26, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 6/12/10, 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; 6/12/10, 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; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to establish and fund the storm water infrastructure trust fund account. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4670

AN ORDINANCE to amend and reordain Chapter 1 (GENERAL PROVISIONS), 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 Chapter 1 of Title 3 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the addition of a new Section 3-1-9, as follows:

Sec. 3-1-9 Storm Water Infrastructure Trust Fund Account.

(a) Establishment of account. There is hereby established for the City of Alexandria a permanent account within the Capital Projects Fund to be known and designated as the City of Alexandria Storm Water Infrastructure Trust Fund Account, which account shall be accounted for and maintained separate and apart from all other accounts maintained by the City of Alexandria.

(b) Funding of account. There is hereby assigned and appropriated to such account, and for the fiscal year commencing January 1, 2011 and in each succeeding fiscal year, from the tax on real estate levied pursuant to section 3-2-181 of this code, in addition to all other appropriations made to such account, if any, the sum of \$0.005 on

each \$100 of the assessed value of all real estate subject to such tax.

(c) Expenditures from account. Notwithstanding any contrary provision of law, appropriations from the said account shall be authorized and made exclusively to finance permanent storm water infrastructure public improvements related to the conveyance, treatment or storage of storm water included in the capital budget. Unexpended appropriations to such account shall not lapse or expire at the end of the fiscal year in which made, irrespective of whether such appropriations were encumbered within such fiscal year.

(d) Storm water infrastructure public improvements defined. As used in this section, storm water infrastructure public improvements means any structure designed to convey, store, treat or otherwise manage storm water, repairs or improvements to any existing structures, and land acquired by the city in fee or by perpetual easement in connection with such a structure, together with accessory buildings and structures incidental and subordinate to management of storm water, and capital expenditures including but not limited to, demolition, clean-up, grading, engineering and design work, and the acquisition and installation of furniture, structures, landscaping, apparatus and facilities, for such use and improvement of the site, and any personnel, consultant, equipment or operational cost related thereto.

Section 2. That this ordinance shall become effective July 1, 2010.

21. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Rate of Funding For the Affordable Housing Trust Fund. (#22, 6/08/10)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 18, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 6/12/10, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 6/12/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 21; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend the rate of funding for the affordable housing trust fund. The voting was as follows:

Hughes "aye" Donley "aye"

Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4671

AN ORDINANCE to amend and reordain Chapter 1 (GENERAL PROVISIONS), 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 Chapter 1 of Title 3 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 3-1-5 to read as follows:

Sec. 3-1-5 Alexandria Affordable Housing Initiatives Account.

(a) Establishment of account. There is hereby established for the City of Alexandria a permanent account within the Alexandria Affordable Housing Fund to be known and designated as the City of Alexandria Affordable Housing Initiatives Account, which Account shall be accounted for and maintained separate and apart from all other accounts maintained by the City of Alexandria.

(b) Funding of account. There is hereby assigned and appropriated to such Account, for the fiscal year commencing July 1, 2010 and in each succeeding fiscal year, from the tax on real estate levied pursuant to section 3-2-181 of this code, in addition to all other appropriations made to such account, if any, the sum of ~~\$0.007~~ \$0.006 on each \$100 of the assessed value of all real estate subject to such tax.

(c) Expenditures from account. Notwithstanding any contrary provision of law, appropriations from the said account shall be authorized and made exclusively to assist, finance and support, directly or indirectly, the provision of housing which is affordable to households with incomes up to the limits established in the City's Affordable Housing Policy, as from time to time amended. Unexpended appropriations to such account shall not lapse or expire at the end of the fiscal year in which made, irrespective of whether such appropriations were encumbered within such fiscal year.

(d) The provision of housing defined. As used in this section, the provision of housing includes, without limitation, the preservation of existing housing; the construction of new housing, or financial or other assistance for the purchase and/or rental of housing units, in accordance with the City's Affordable Housing Policy, or with the City's Consolidated Plan for Housing and Community Development, as from time to time amended.

Section 2. That this ordinance shall become effective July 1, 2010.

22. Public Hearing, Second Reading and Final Passage of an Ordinance Setting the Fees and Charges for Recovering an Impounded Vehicle From the City's Impound Facility. (#23, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 25, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 6/12/10, 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. 22; 6/12/10, 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. 22; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance setting the fees and charges for recovering an impounded vehicle from the City's impound facility. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4672

AN ORDINANCE to amend and reordain Article C (DISPOSITION OF ABANDONED, UNATTENDED AND IMMOBILE MOTOR VEHICLES), Chapter 8 (PARKING AND TRAFFIC REGULATION), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article C, Chapter 8 of Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 5-8-25 to read as follows:

Sec . 5-8-25 Repossession of impounded vehicles; towing and storage charges.

(a) The owner of any vehicle impounded under this article, a person duly authorized by the owner and any person possessing a security interest in the vehicle shall be permitted to repossess the vehicle up to the time of its sale by:

- (1) payment of a towing charge of \$125.00;
- (2) payment of a storage charge of \$40.00 per day;
- (3) payment of a charge of \$80.00 to cover the administrative costs incurred by the city in impounding the vehicle, in learning the identity of the vehicle owner and the holders of a security interest in the vehicle and in conducting the sale; and
- (4) in the case of vehicles identified in section 5-8-22(e), payment of the outstanding parking violation notices for which the vehicle was removed.

(b) Payment of the charges and costs identified in subsection (a) shall not operate to relieve the owner of the impounded vehicle or the owner's agent from liability for any fine or penalty.

Section 2. That this ordinance shall become effective July 1, 2010.

23. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, to Include the North Potomac Yard Small Area Plan in Accordance With the Text Amendment Previously Approved By City Council as Master Plan Amendment No. 2010-0002. (#24, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the Master Plan Amendment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 6/12/10, 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. 23; 6/12/10, 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. 23; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend and reordain the 1992 Master Plan to include the North Potomac Yard Small Area Plan in accordance with the text amendment previously approved by City Council as Master Plan Amendment No.

2010-0002. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4673

AN ORDINANCE to amend and reordain the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, to include the North Potomac Yard East Small Area Plan in accordance with the text amendment heretofore approved by City Council as Master Plan Amendment No. 2010-0002.

WHEREAS, the City Council finds and determines that:

1. In Master Plan Amendment No. 2010-0002, 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 May 4, 2010 of an amendment to the Master Plan to include the North Potomac Yard Small Area Plan, which recommendation was approved by the City Council at public hearing on May 15, 2010;
2. The City Council in adopting this ordinance implementing the referenced master plan amendment 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 the Land Use Plan Map of the Eisenhower East Small Area Plan of the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia be, and the same hereby is, amended by including the Potomac Yard North Small Area Plan set forth in Master Plan Amendment 2010-0002, all as recommended by the Planning Commission and as approved by the City Council.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing Master Plan Amendment.

Section 3. That the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the 1992 Master Plan (2008 ed.) of the City of Alexandria,

Virginia.

Section 4. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 5. That this ordinance shall become effective on the date and at the time of its final passage.

24. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain the 1992 Master Plan (1998 ed.) and Zoning Map of the City of Alexandria, Virginia, to Reflect a Change in Zoning Designation for the Area That is Now the Freedmens' Cemetery Memorial in Accordance With the Amendment Previously Approved By City Council as Master Plan Amendment No. 2010-0001. (#25, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 6/12/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24; 6/12/10, and is incorporated as part of this record by reference.)

Ms. Baker, City Engineer, responded to questions and comments from City Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend and reordain the 1992 Master Plan and Zoning Map to reflect a change in zoning designation for the area that is now the Freedmens' Cemetery Memorial in accordance with the amendment previously approved by City Council as Master Plan Amendment No. 2010-0001. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4674

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) and

Zoning Map of the City of Alexandria, Virginia, to change the land use designation from commercial to parks and open space in the Southwest Quadrant Small Area Plan Chapter of the Master Plan for the area that is the Contrabands and Freedmen's Cemetery Memorial in accordance with the master plan amendment previously approved by City Council as Master Plan Amendment No. 2010-0001.

WHEREAS, the City Council finds and determines that:

1. In Master Plan Amendment No. 2010-0001, 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 May 4, 2010 of an amendment to the Master Plan and Zoning Map to change the land use designation from commercial to parks and open space in the Southwest Quadrant Small Area Plan Chapter of the Master Plan for the area that is the Contrabands and Freedmen's Cemetery Memorial, which recommendation was approved by the City Council at public hearing on May 15, 2010;

2. The City Council in adopting this ordinance implementing the referenced master plan amendment 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 the Southwest Quadrant Small Area Plan of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia be, and the same hereby is, amended by amending Map 8, Proposed Land Use on page 20 of the Southwest Quadrant Small Area Plan to change the land use designation of the area that is the Contrabands and Freedmen's Cemetery Memorial (1001 South Washington Street and 714 Church Street) from CL/ Commercial Low to POS/Public Open Space and Community Recreation, as recommended by the planning commission and as approved by the City Council.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing Master Plan Amendment.

Section 3. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

25. Public Hearing, Second Reading and Final Passage of an Ordinance to Increase Parking Meter Rates in All Parking Meter Zones. (#25.1, 6/08/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 26, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 6/12/10, 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. 25; 6/12/10, 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. 25; 6/12/10, and is incorporated as part of this record by reference.)

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

(a) Amy Slack, 2307 E. Randolph Avenue, said she would like for Council next year to give consideration to bringing the City up on par with Arlington and all of Arlington's multi-space meters, ways of being able to pay with your phone, with a transponder, and that the City take and dedicate the funds toward achieving that goal.

Mr. Lerner, Deputy Director, Transportation and Environmental Services, said staff is looking at all the features associated with the multi-space meters.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to increase parking meter rates in all parking meter zones. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4675

AN ORDINANCE to amend and reordain Division 1 (PARKING METER ZONES), Article G (PARKING METERS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 1, Article G, Chapter 8 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 5-8-93 to read as follows:

Sec. 5-8-93 Parking meters; hours and days of operation; maximum time limits; rates.

(a) (1) The parking meters in zones 1 and 2, established by section 5-8-92 of this code, shall be operated every day of the week except Sundays and legal state holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council; provided, that, within the area bounded on the north by the north side of Princess Street, on the west by a line 10 feet to the east of and running parallel to the east side of Washington Street, on the south by the south side of Wolfe Street and on the east by the Potomac River, meters which permit a maximum of two hours of parking shall be in operation from 8:00 a.m. until 7:00 p.m.

(2) The parking meters in zone 3 established by section 5-8-92 of this code shall be operated every day of the week except Saturdays, Sundays and state legal holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council.

(b) The maximum time limit for parking in any space in parking meter zones 1, 2 and 3 shall be set forth on the meter for that space, and shall be 20 minutes, two hours or, in zones 1 and 3 only, four hours.

(c) In all parking meter zones, the rate shall be \$1.75 per hour. In all parking meter zones, the applicable rate shall be payable in such increments as provided at the applicable meter or pay station.

(d) As used in this article, the phrase parking meter shall be deemed to include a parking pay station for multiple parking spaces, and all provisions applicable to parking meters shall apply to parking pay stations, mutatis mutandis.

Section 2. That this ordinance shall become effective July 1, 2010.

26. Introduction and First Reading. Consideration. Passage on First Reading of an ordinance implementing an amendment of the City's Zoning Ordinance regulations related to small businesses, as recommended by the Planning Commission on June 3, 2010 and approved by the Council during the public hearing portion of the docket on June 12, 2010.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 6/12/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 26; 6/12/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Tuesday, June 22, 2010, to include the amendments as approved by City Council on docket item #6. The voting was as follows:

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

* * * * *

NEW BUSINESS ITEM NO. 1:

Consideration of Designation of City Manager as the City's Agent and Authorization to Submit Application to the Federal Emergency Management Agency for the February 2010 Snow Storms.

(A copy of the City Manager's memorandum dated June 12, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of New Business Item #1; 6/12/10, and is incorporated as part of this record by reference.)

City Manager Hartmann said they had originally anticipated bringing this to Council on June 22, but they found that the newest deadline is June 15 and because it does involve a sizeable reimbursement, he asked Council to designate the City Manager as the City's agent and authorize him to submit the application.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council approved the designation of James K. Hartmann, City Manager, as the designated agent on behalf of the City for the purpose of filing application with federal agencies; authorized the City Manager to sign the FEMA application for Federal Assistance for the February 2010 snow storms; and authorized the City Manager to execute all the necessary documents that may be required. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council adjourned the public hearing meeting of June 12, 2010 at 4:08 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council