

40
6-14-16

Jackie Henderson

From: Jennifer Atkins <jennifer.atkins@cloudigylaw.com>
Sent: Monday, June 13, 2016 3:13 PM
To: Allison Silberberg; Paul Smedberg; Del Pepper; John Chapman; Justin Wilson; Timothy Lovain; Willie Bailey
Cc: Jackie Henderson
Subject: Tuesday June 15, Docket 40, 14-5349 Lease of Cameron Run Regional Park.

Mayor and Members of City Council

I write regarding your consideration of a proposed lease agreement relating to Cameron Run Regional Park. As you know, I chair the Park and Recreation Commission for the City of Alexandria. My comments on this issue however, are my own. Given the extremely short time (four days over a weekend) between the publication of the documents and your consideration of the item, the Commission had no time to meet on this issue and therefore cannot advise you with one voice as we normally do.

I suspect you will hear from other members of the Commission in their personal capacities as well. The use of this 25.8 acres of city land has long been a topic of discussion by the Commission, with many believing that the current use is not the highest and best use of that land. Indeed the last time an extraordinarily rushed process relating to a renewal of this lease came about, the Commission strongly urged Council against such haste and expressed the view that alternatives should be considered and a planning process implemented. The minutes from the November 2014 and January 2015 meeting of the Commission and subsequent correspondence reflect the views of the Commission at that point in time, when the Northern Virginia Regional Parks Authority (NOVA Parks) sought a 40 year extension to its lease.

After the Commission's January 2015 meeting, there were some initial attempts to arrive at a shorter lease extension in exchange for some increased benefit to Alexandria citizens. However, we were advised that those negotiations went nowhere. We were subsequently advised that NOVA Parks had withdrawn the request for an extension and the related DSUP for a new waterslide. Toward the end of last year there was a suggestion that the Authority might purchase the Prince Street property in exchange for a lease extension, but that too was something that appeared to expire in January 2016.

Within the last month, the city manager's office alerted me that conversations between the City and NOVA Parks had continued. I was not provided any insight into specifics. I only knew that conversations between the City and NOVA Parks were occurring, which did not seem unusual given the prior history. I planned to place the issue back on the Commission docket for public consideration if and when any proposals were made. Saturday morning I received an email indicating that a proposed lease would be on your docket for decision Tuesday. I immediately forwarded it to Commission members so that they could weigh in. All are, of course, dismayed with the lack of ability to consider this in a public forum.

Process aside, I offer the following substantive comments for your consideration:

- **20 years is better than 40 years, but it is still an extraordinarily long time**, particularly when the lease does not require any additional benefit to the citizens of Alexandria in the actual use of this land beyond what is already being done. Several potential additional benefits could have been required consistent with the current use, among them:

- **Nature/Walking Trails.** Nature trails and walking trails are continuously number one on the list in the City park and recreation needs assessment and the natural areas at Cameron Run provide an excellent opportunity for those. The Commission-approved plan for this area also calls for increasing pedestrian connectivity between the park and its surrounding areas to expand our walking trails. Given NOVA Parks' experience with their other parks, these kinds of trails are something they certainly could do and something that the City could require in connection with the management of the natural areas. Instead, for the next 20 years we are going to forego the opportunity for nature trails and connected walking trails in this area. This is an absolute disservice to the community as a whole and to the residents of the West End in particular.
- **Aquatics Classes.** When the lease was initially entered into many years ago, the city had seven public pools and a significantly smaller population. It currently has only one indoor pool (Chinquapin) and two outdoor pools (Old Town and Charles Houston), one of which is small and of limited use. Even when the third outdoor pool (Warwick) opens again, opportunities for aquatics classes will remain limited. Hundreds of kids miss out on lessons every year because there is simply no capacity to add classes to ease the waitlists. The waterpark does not open until 11 am and it closes at 6 or 7 depending on the day. Allowing access to particular recreation department-run classes one hour earlier or one hour later would have been a significant benefit to the residents of this city. Again, this would be of particular benefit to residents of the West End, who have no public pool option on their side of the city. The 2,000 one-time-use passes are nice as they do allow access for kids in recreation programs to the facility, but they do not fill the need for increased pool capacity for lessons.
- **Facility Improvements.** Improvements to the batting cage area could be added to increase year-round access to and use of the property and to meet other identified needs. There is no requirement in the lease agreement for any such improvements.
- **Off-season Uses.** There is no requirement in the lease agreement that NOVA Parks allow access to the property when the water park is not open. It would be nice if they were encouraged to provide additional uses so that more of the park is useable for more than three and a half months a year. For example, could temporary structures be used within the waterpark or elsewhere on the property for things like a seasonal ice rink or roller skating rink or futsal?

Of course the lack of inclusion of these additional benefits in the lease does not preclude NOVA Parks from at some point offering them of their own accord, but without language in the lease, there is no incentive for them to do so. Given that they have not in the past shown any interest in off-season uses, it is hard to imagine that they would suddenly do so.

- **The term of the lease says 20 years, but it really 30 or more because it is weighted for an extension.** The lease states that NOVA Parks is going to take out a 30 year loan to purchase the Prince Street property and that, if the city does not extend the Cameron Run lease at the end of 20 years, the city is responsible for paying off the Prince Street loan within thirty days. There is nothing preventing NOVA Parks from structuring its payments to leave the bulk of the purchase price due after 20 years. This provision is simply a financial penalty for failing to extend. Moreover, this provision ties the two properties together in perpetuity.
- **While there may be some value to Old Town from a historic preservation perspective to obtaining the Prince Street property (which will come off the tax rolls through this purchase), there is no direct benefit to the residents of the West End from this deal.** They will have to wait at least twenty years and likely much longer for such minor improvements as walking trails and connectivity. They will remain without a public pool or access to aquatics classes in their section of the city.

- **Alternatives Apparently Were Not Considered.** While the city did request cost estimates for other uses that are far more consistent with the needs of the citizens (like lighted fields and field houses and an aquatics center) from NOVA Parks, it is not clear that those cost estimates were compared with others or with prevailing costs in the marketplace or that any alternative use was ever truly considered. I of course understand well the current budget environment. The only thing that makes an extension of the lease palatable is the understanding that the city likely does not have the resources in the next five years to otherwise use the property, but that does not mean that it lacked the ability to actually consider alternatives. Lack of funds in the current budget environment does not excuse lack of vision.

In short, we have a limited number of parks and a limited amount of open space. Our population keeps growing and our need to get the most use possible out of each parcel will only continue to grow. This lease ties up 25.8 acres of city parkland for a short seasonal use in exchange for the purchase of a house in another district and 2000 one-use passes to the water park. It offers no benefit to city residents who live in the area and requires no improvements to the property that could increase the use and enjoyment in the non-summer months. It may well be that you consider the trade off one worth making. It may be that a public process would have resulted in that conclusion as well. That we cannot know. My own view is that more could have been asked related to the uses of Cameron Run itself. Should you approve this lease, I agree with my fellow commissioner Judy Coleman, who suggests the firm establishment of a planning process with hearings before both PRC and BFAAC half way through the lease term to fully vet and consider how this parcel is used and the budget implications of not renewing the lease.

Cordially,

Jennifer Atkins

--

Jennifer Atkins
Cloudigy Law PLLC

8300 Greensboro Dr., Suite 1250, McLean, VA 22102

E: jennifer.atkins@cloudigylaw.com

T: 866-531-6660, ext. 302

M: 202-250-1644

F: 703-436-2268



Read Our Decoding IP Blog: [Making the Trump Name Drumpf Again?](#)

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

Jackie Henderson

From: Gina Baum via Call.Click.Connect. <CallClickConnect@alexandriava.gov>
Sent: Tuesday, June 14, 2016 1:54 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #99086: Mayor, Vice Mayor, City Council Dear Mayor Silverberg and Council,I am

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 99086.

Request Details:

- Name: Gina Baum
- Approximate Address: No Address Specified
- Phone Number: 703-338-1557
- Email: Ginabaum@kw.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayor Silverberg and Council,

I am writing regarding the lease negotiation process for the 32 acres of land located at Cameron Run. To say I am disappointed is an understatement. To me what took place here is quite clearly misconduct likely both ethical and statutory.

A proposal was made to the Parks and Rec Commission last Fall (the same one being considered tonight) and given the response it received from Commissioners, the Commission was told the proposal was withdrawn. In fact nothing of the sort occurred. Instead City Staff and Council embarked on a "year long endeavor" (See attachment 3 in the Council Packet) intentionally excluding the Parks and Recreation Commission, nearby Civic Associations and the Public at large.

According to the City of Alexandria Real Estate Disposition Policy Section 1 "the City Manager shall develop appropriate mechanism for public input and participation...to dispose of real estate...shall include consultation with civic association(s)," None of this has taken place.

Besides the obvious intentional exclusion of a public process, there are several other questions to be answered regarding the City's costs and value of its relationship with NOVA Parks.

1) NOVA PARKS manages Carlyle House at a \$200,000 loss a year. Why? It's a beautiful property for events and should easily be profitable.

2) They make over \$700,000 in revenue from Cameron Run and under this agreement we get no monetary funds what so ever. Instead, the City is given 2,000 day passes a season usable Mon-Fri (a monetary value at most of \$29,000) that a City employee will have to administer.

3) The City of Alexandria pays over \$350,000 a year to be a member of NOVA Parks for minimal discounts at NOVA Parks. (At Cameron Run it's a quarter)

Make no mistake, this is essentially the City of Alexandria's money. And given the significant amount of money the City allows NOVA Parks to steward, there should be some City review process to ensure these properties and money are wisely being managed.

Further, I am not sure why we would embark on buying another losing proposition in 517 Prince Street. Clearly, it will lose more than the Carlyle House. It will lose significantly more money as there is no usable event space. The Parks and Rec Department has been asked to do more with less. Job vacancy go unfilled, recreation hours are cut/limited and services are at a bare bone minimum. Meanwhile, this fiscal irresponsibility allowed to continue with no checks or balances.

I don't see how the City can justify a free 20 year lease on a 32 acre parcel with no monetary funds being exchanged and no separation clause included. This is a valuable, centrally located parcel and given the success of the Saint James proposal (building a \$60 million Sports Complex) in Springfield, there are likely to be opportunities that arise for far better uses of this land than a waterpark open four months out of the year.

In closing, I propose the City include an option/clause to reclaim the land after 10 years into the lease, which could be exercised in the month of October, for years 11-30 of the lease. And in doing so the City would have to pay the remaining balance of the mortgage on 517 Prince St.

Many thanks.

Jackie Henderson

From: Jeff Newhouse via Call.Click.Connect. <CallClickConnect@alexandriava.gov>
Sent: Tuesday, June 14, 2016 5:27 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #99111: Mayor, Vice Mayor, City Council Please do not authorize the City Manager

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 99111.

Request Details:

- Name: Jeff Newhouse
- Approximate Address: No Address Specified
- Phone Number: 703-549-4378
- Email: jrzew@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Please do not authorize the City Manager to execute a twenty-year lease with NOVA Parks for the use of Cameron Run Regional Park (File #: 14-5349). This site has enormous potential to provide YEAR-ROUND recreational opportunities for Alexandria residents. We are deficient in open space and we are deficient in rectangular athletic fields. The city's youth sports organizations are very eager to discuss potential public-private partnerships to enable the proper development of Cameron Run into a much-needed athletic facility.

This issue is in need of more planning, research, and public input. The reasons put forth for the need of urgent approval are spurious at best.

- Expected Response Date: Tuesday, June 21

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.