

**City of Alexandria  
Meeting Minutes  
City Council Public Hearing Meeting  
9:30 a.m.**

**Saturday, May 18, 2013**

Present: Mayor William D. Euille, Vice Mayor Allison Silberberg, Members of Council John Taylor Chapman, Timothy B. Lovain, Redella S. Pepper, Paul C. Smedberg and Justin M. Wilson.

Absent: None.

Also Present: Ms. Evans, Deputy City Manager; Mr. Banks, City Attorney, Mr. Fletcher, Special Assistant to the City Manager; Ms. Hamer, Director, Planning and Zoning (P&Z); Ms. Anderson, Acting Deputy Director; P&Z; Ms. Triggs, Chief Financial Officer/Director of Finance; Mr. Lawrence, Urban Planner, P&Z; Ms. Wright, Division Chief, P&Z; Mr. Randall, Urban Planner, P&Z; Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities (RPCA), Mr. Spengler, Director, RPCA; Mr. Melkerson, Plan Review Engineer, Transportation and Environmental Services (T&ES); Ms. Williams, Principal Planner, P&Z; Mr. Garbacz, Division Chief, T&ES; Ms. Baker, City Engineer, T&ES; Mr. Kagawa, Division Chief, RPCA; Mr. Wagner, Principal Planner, P&Z; Police Captain Wemple; Ms. Bryan, ITS; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

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

2. Public Discussion Period.

The following persons participated in the public discussion session:

(a) Joe Valenti, 1200 Braddock Place, #406, representing the Alexandria Economic Opportunities Commission, spoke about the elimination of the set-aside funding for affordable housing and the need for maintaining such a funding stream in order to meet the City's housing goals.

Members of Council had a discussion about the funding for affordable housing, removal of the dedicated funds during the budget process and noted that Council would have further discussion in the near future to clarify its position on affordable housing and how the City will proceed with its housing goals.

(b) Karin Porter, 1311 North Van Dorn Street, also representing the Alexandria Economic Opportunities Commission, spoke about the elimination of the set-aside funding for affordable housing and making the funding a priority for the City and to help execute the Housing Master Plan.

(c) Dipti Pidikiti-Smith, 5300 Holmes Run Parkway, Unit 15W, spoke about the elimination of the set-aside funding for affordable housing development and preservation.

#### REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

#### ACTION CONSENT CALENDAR

Planning Commission

None.

#### END OF ACTION CONSENT CALENDAR

#### REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

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

Planning Commission (continued)

3. Master Plan Amendment #2013-0001  
Rezoning #2013-0001  
34A, 36 and 100 South Reynolds Street - Washington Suites Residences  
Public Hearing and Consideration of requests for: A) Master Plan Amendment to the Landmark/Van Dorn Small Area Plan to amend the land use maps for 34A and 36 S. Reynolds St. from Medium/High Residential CG/Commercial General to Medium/High Residential RH/High Density Apartment; and B) a zoning map amendment (rezoning) to amend the zoning of 34A and 36 S. Reynolds St. from CG/Commercial General to RC/High Density Apartment; zoned RC/High Density Apartment and CG/Commercial General. Applicant: Duke Street Investors, LC represented by Jonathan Rak, attorney  
Planning Commission Action: MPA #2013-0001 Recommend Approval 7-0  
REZ #2013-0001 Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 05/18/13, and is incorporated as part of this record by reference.)

Mr. Lawrence, Urban Planner, Planning and Zoning, gave a presentation of the proposed special use permit and responded to questions from Council.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

4. Special Use Permit #2013-0004  
321 South Washington Street - Bubble Tea Café  
Public Hearing and Consideration of a Special Use Permit request to operate a restaurant and a request for a parking reduction; zoned CD/Commercial Downtown. Applicant: Chi Squared, LLC by Jessica Gurney  
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 05/18/13, and is incorporated as part of this record by reference.)

Mr. Randall, Urban Planner, Planning and Zoning, gave a presentation of the report and responded to questions from Council.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

5. Special Use Permit #2013-0007  
100 East Windsor Avenue - Del Ray Montessori School Expansion  
Public Hearing and Consideration of a request for an SUP amendment to a previously approved SUP (SUP #2011-0062) for the expansion of an existing child care center and private academic school, and a request for a parking reduction; zoned R-2-5/Single and Two-Family and RB / Townhouse.  
Applicant: The Del Ray Montessori School by Sarah Fondriest  
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 05/18/13, and is

incorporated as part of this record by reference.)

Mr. Randall, Urban Planner, Planning and Zoning, gave a brief presentation of the proposal.

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

(a) Anna Turney, 12 West Oak Street, spoke in support of the application.

(b) Sarah Fondriest, 434 N. Armistead St, #101, applicant, spoke in support of the application.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

6. Special Use Permit #2013-0008  
4001 Mount Vernon Avenue - Automobile Service Station  
Public Hearing and Consideration of a request for an amendment to a previously approved SUP (SUP #2010-0001) for the continued operation of a noncomplying automobile service station; zoned NR/Neighborhood Retail (Arlandria). Applicant: Roshan Enterprises, Inc.  
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 05/18/13, and is incorporated as part of this record by reference.)

Mr. Randall, Urban Planner, Planning and Zoning, gave a presentation of the report and he along with Ms. Hamer, Director, Planning and Zoning, responded to questions from Council about the special use permit and others like it.

Council requested that staff map the properties in the Arlandria area that are subject to this type of review so that planning for the area may be managed more efficiently.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with an amendment to condition #20, which should read as follows, "The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-1920 regarding a security assessment for the business and robbery readiness training for all employees. (Police) (SUP#2010-0001)" The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman

Wilson; Opposed, none.

**Please note that docket items #7 and #11 were heard at the same time.**

7. Special Use Permit #2013-0009  
City Charter Section 9.06 Case #2013-0002  
101 & 107 North Union Street - Restaurant  
Public Hearing and Consideration of requests A) to operate a restaurant; and  
B) for Planning Commission to review whether the proposed use of a portion  
of the City Marina for private outdoor restaurant seating is consistent with the  
City of Alexandria Master Plan; zoned KR/King Street Retail and  
WPR/Waterfront Park and Recreation. Applicant: The Waterfront Market,  
LLC by John P. Manor and Orawan Jitwiwat  
Planning Commission Action: SUP #2013-0009 Recommend Approval  
City Charter Section 9.06 Case #2013-0002 Approved (For Council's information only)

(A copy of the Planning Commission report dated May 7, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 05/18/13, and is incorporated as part of this record by reference.)

Mr. Lawrence, Urban Planner, gave a presentation of the proposed special use permit and he, along with Ms. Wright, Division Chief, Planning and Zoning; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Ms. Anderson, Acting Deputy Director, Planning and Zoning; and Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities responded to questions from Council about the property on the Waterfront, including questions about the lease agreement and cost formulation for the lease, trolley pickup in the area, and marina maintenance and upkeep.

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

- (a) Jody Manor, 1103 North Alfred Street, applicant, spoke in support of the application and thanked City staff for all their work on the proposal.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

11. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the City Manager to Execute a Three-Year License Agreement to Authorize the Waterfront Market, LLC to Utilize a Portion of the City Marina Plaza Right-of-way and to Implement the Agreement.

(A copy of the City Manager's memorandum dated May 8, 2013, is on file in the Office

of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 05/18/13, 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. 11; 05/18/13, 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. 11; 05/18/13, 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 closed the public hearing and adopted an ordinance authorizing the City Manager to execute a three-year license agreement to authorize the Waterfront Market, LLC to utilize a portion of the City Marina Plaza right-of-way and to implement the agreement. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

#### ORDINANCE NO. 4805

AN ORDINANCE authorizing the City Manager to execute the attached 3-year license Agreement to authorize The Waterfront Market, LLC to utilize a portion of the City Marina Plaza 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 7, 2013, the Planning Commission recommended approval and on May 18, 2013 the City Council approved Special Use Permit Number 2013-009 authorizing The Waterfront Market. LLC to operate a restaurant at 101 North Union Street including outdoor dining;

2. The area to be used as outdoor dining for the restaurant would occupy and otherwise encroach on a portion of the City Marina Plaza, pursuant to the terms specifically set forth in the attached 3-year license agreement;

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the City Manager execute the attached 3-year license agreement authorizing The Waterfront Market, LLC to utilize a portion of the City Marina Plaza right of way pursuant thereto and to take any other actions necessary to implement the agreement.

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

8. Special Use Permit #2013-0011  
1321 & 1423 Leslie Avenue - Commonwealth Academy  
Public Hearing and Consideration of a request for an SUP amendment to a previously approved SUP (SUP #2011-0012) to expand an existing private school; zoned CSL/Commercial service low. Applicant: Learning Foundation of Metropolitan Washington by Duncan Blair, attorney  
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 05/18/13, and is incorporated as part of this record by reference.)

Mr. Randall, Urban Planner, Planning and Zoning, gave a presentation of the special use permit and responded to questions from Council.

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

- (a) Duncan Blair, 524 King Street, attorney for the applicant, spoke in favor of the request and responded to questions from Council.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

9. Vacation #2013-0002  
1000-1002 Pendleton Street  
Public Hearing and Consideration of a request to vacate a public right-of-way; zoned CSL/Commercial service low. Applicant: Classic Cottages, LLC by Duncan Blair, attorney  
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 05/18/13, and is incorporated as part of this record by reference.)

Mr. Randall, Urban Planner, Planning and Zoning, gave a presentation of the proposed

vacation.

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

(a) Duncan Blair, 524 King Street, attorney for the applicant, spoke in support of the vacation.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. Mayor Euille appointed the following viewers and requested that the City Clerk send letters of notification to them: Sandy Murphy, chair; David Kaplan; and Raighne Delaney. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

10. Development Special Use Permit #2012-0027  
3650 Commonwealth Avenue - Four Mile Run Pump Station  
Public Hearing and Consideration of a request for an amendment to a previously approved development special use permit, with site plan and modifications, to construct buildings for equipment related to the operations of a wastewater treatment facility. Applicant: City of Alexandria, Sanitation Authority d/b/a Alexandria Renew Enterprises  
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 05/18/13, and is incorporated as part of this record by reference.)

Mr. Wagner, Principal Planner, Planning and Zoning, gave a presentation of the development special use permit and he, along with Ms. Wright, Division Chief, responded to questions from Council about fence aesthetics and open space availability.

The following person spoke during the public hearing for this item:

(a) Jonathan Rak, 1750 Tysons Blvd, attorney for the applicant, spoke in support of the proposal.

(b) Karen Pallansch, 1500 Eisenhower Avenue, representing Alexandria Renew Enterprises, spoke about their outreach efforts to the community.

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

## ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the City Manager to Execute a Three-Year License Agreement to Authorize the Waterfront Market, LLC to Utilize a Portion of the City Marina Plaza Right-of-way and to Implement the Agreement.

**Please note: This item was considered with docket item #7.**

12. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 2-2-11 (Establishment of Central Absentee Voter Election District and Voting Place) by Adding Charles E. Beatley, Jr. Central Library as a Permanent Additional Absentee Voting Place for November Elections.

(A copy of the City Manager's memorandum dated May 10, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 05/18/13, 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; 05/18/13, 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; 05/18/13, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Silberberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain Section 2-2-11 by adding Charles E. Beatley, Jr. Central Library as a permanent additional absentee voting place for November elections. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

### ORDINANCE NO. 4806

AN ORDINANCE to amend and reordain Section 2-2-11 (ESTABLISHMENT OF CENTRAL ABSENTEE VOTER ELECTION DISTRICT AND VOTING PLACE) by adding Charles E. Beatley, Jr. Central Library as a permanent additional absentee voting place for November elections.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the General Assembly of the Commonwealth of Virginia granted to the governing body of each county or city the right to establish one or more central absentee voter precincts for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. Va. Code § 24.2-712 (1950 as amended).

Section 2. That the Alexandria Electoral Board, which is comprised of three bipartisan members who are appointed by the Alexandria Circuit Court for staggered three year terms, is responsible for making recommendations to City Council concerning changes in precinct boundaries and for establishing new precincts including changes to the absentee voting precinct. On October 18, 2011, the Alexandria Electoral Board voted unanimously to recommend that City Council add the Charles E. Beatley, Jr. Central Library as an additional permanent site for absentee voting for November elections. The Electoral Board anticipates that the demand for this second absentee site will vary based upon the number of offices to be filled in any given election and the expected overall voter turnout. Consequently, the Electoral Board has requested the authority to determine the number of days that this second in-person absentee location would be open for each November election.

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

Sec. 2-2-11 Establishment of central absentee voter election district and voting place.

There is hereby established for the City of Alexandria one Central Absentee Voter Election District, to be used for all elections. The voting place of the Central Absentee Voter Election District shall be located at 132 North Royal Street, Alexandria, Virginia. The Central Absentee Voter Election District shall conform in all respects with the provisions of section 24.2-712 of the Code of Virginia (1950), as amended.

There is hereby established for the City of Alexandria an additional Central Absentee Voter Election District, to be used for the 2012 Presidential Election. The voting place for the additional Central Absentee Voter Election District shall be located at the Charles E. Beatley, Jr. Central Library, 5005 Duke Street Alexandria, VA 22304. The additional Central Absentee Voter Election District shall conform in all respects with the provisions of section 24.2-712 of the Code of Virginia (1950), as amended.

There is hereby established for the City of Alexandria an additional permanent Central Absentee Voter Election District, to be used for the November elections. The voting place for the additional permanent Central Absentee Voter Election District shall be located at the Charles E. Beatley, Jr. Central Library, 5005 Duke Street Alexandria, VA 22304. The Alexandria Electoral Board is hereby authorized to determine the number of days that this additional permanent Central Absentee Voter District shall be upon based upon anticipated need and voter turnout for each November election. The days and hour of operation of this

additional permanent Central Absentee Voter District shall be advertised and posted consistent with all other advertising and posting of the days and hours of operation of the Office of the Voter Registration and Elections and all other Voter Election Districts. The additional Central Absentee Voter Election District shall conform in all respects with the provisions of section 24.2-712 of the Code of Virginia (1950), as amended.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that the change in voting place herein made shall not be implemented until the changes are first submitted to the Attorney General of the United States and no objection is interposed within 60 days of the submission, as required pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

13. Public Hearing, Second Reading, and Final Passage of an Ordinance to Increase the City's Cigarette Tax Rate.

(A copy of the City Manager's memorandum May 8, 2013, is on file the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 05/18/13, 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; 05/18/13, 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; 05/18/13, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to increase the City's Cigarette Tax rate. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4807

AN ORDINANCE to amend and reordain Section 3-2-102 (LEVY AND RATE) of Article I (TAX ON SALE OF CIGARETTES) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-102 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-142 Levy and rate.

(a) In addition to all other taxes of every kind now or hereinafter imposed by law, there is hereby levied and imposed by the city, upon every person who sells or uses cigarettes within the city, from and after the effective date of this article an excise tax equivalent to \$01.800 for each package of cigarettes sold or used within the city. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette package sold or used within the city shall be paid but once.

Section 2. That this ordinance shall become effective on July 1, 2013.

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Sewer Connection Fee.

(A copy of the City Manager's memorandum May 8, 2013, is on file the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 05/18/13, 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; 05/18/13, 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; 05/18/13, and is incorporated as part of this record by reference.)

Ms. Baker, City Engineer, responded to questions from Council about sewer connection fees for hotels and projects with existing DSUP approvals.

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

(a) Jonathan Rak, 1750 Tysons Blvd, attorney for Carlyle Plaza, LLC, requested that Council set March 1, 2014 as the date by which projects must submit a final site plan to be vested under the existing sewer connection fee, noting the dramatic increase in costs for projects with existing DSUP approvals.

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Councilman Wilson and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend the Sewer Connection fee. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4808

AN ORDINANCE to amend and reordain Division 1 (GENERAL PROVISIONS), Article B (SEWAGE AND DISPOSAL SYSTEMS), Chapter 6 (WATER & SEWER), of Title 5 (TRANSPORTATION & 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 B, Chapter 6, all 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 5-6-25.1 to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

Sec. 5-6-25.1 - Sewer connection permits and service fees; construction costs; constructing sewers by owners rather than city; additional connections.

(a) Any person who is required, or who desires, to provide a connection for sewer service from his property, through any sewer constructed by or belonging to the city or any sewer serving the area annexed to the city in 1952, but belonging to a county, by direct connection at a city sewer main, trunk or lateral, shall, before starting to make such connection, apply to the director for a permit to make the connection, and the director shall issue a permit for the sewer connection when and after the person shall have paid to the department of finance the sum hereinafter provided.

- (1) For each single family dwelling, townhouse dwelling, or townhouse type dwelling irrespective of classification for other purposes, or for each dwelling unit in a two-family dwelling, the amount of ~~\$7,432~~ 8,404.
- (2) For each multifamily dwelling, an amount equal to the product of the number of dwelling units in the multifamily dwelling, multiplied by ~~\$3,716~~ 4,201. For all final site plans submitted on or after September 1, 2013, the amount shall be increased to 90 percent of the single family dwelling amount.
- (3) For each hotel room, an amount equal to the product of the number of dwelling units in the hotel multiplied by \$4,201. For all final site plans submitted on or after September 1, 2013, the amount shall be increased to 70 percent of the single family dwelling amount, and for all final site plans submitted on or after July 1, 2014, the amount shall be increased to 90 percent of the single family dwelling amount.
- (4) ~~(3)~~ For each nonresidential property, an amount determined in accordance with the following fee schedule based on the size of each water meter which serves such

nonresidential property:

Meter Size (inches)	Max. Capacity (GPM)	¾" Meter Equiv.	Fee
¾ or smaller	30	<u>1.00</u>	<del>\$7,432</del> <u>8,404</u>
1	50	1.67	<del>\$12,411</del> <u>14,034</u>
1½	100	3.33	<del>\$24,749</del> <u>27,985</u>
2	160	5.33	<del>\$39,613</del> <u>44,793</u>
3	320	10.76	<del>\$79,968</del> <u>90,425</u>
4	500	16.67	<del>\$123,891</del> <u>140,092</u>
6	1000	33.33	<del>\$247,709</del> <u>280,101</u>
8	1600	53.33	<del>\$396,349</del> <u>448,178</u>
10	2300	76.67	<del>\$569,811</del> <u>644,323</u>

- (5) ~~(4)~~ For each mixed use property, where such property includes both residential and nonresidential uses, an amount equal to the sum of the fee determined for the residential portion of such property, in accordance with this section, plus the fee determined for the nonresidential portion of such property, in accordance with this section; provided, however, if the residential portion and nonresidential portion of such property are served by a single water meter, the fee shall be an amount determined by the director in his reasonable discretion.
- (6) For connections that involve the removal of an existing structure with an existing tap, a credit for the existing tap shall be applied towards the total connection fee otherwise due in accordance with this section for final site plans submitted on or after September 1, 2013. The amount of the credit shall be estimated by the director and shall be based on the previous use. The credit shall only apply to properties removed or demolished not longer than three years prior to the submission of the final site plan for the new structure. The credit shall be equal to 50 percent of the current fee that would be applied to the structure or structures being removed. For mixed use properties, the credit will be based on the sum of the residential credit and nonresidential credit, in accordance with this section. If the previous use was served by a single water meter, the credit shall be an amount determined by the director in his reasonable discretion.
- (7) For an existing property that changes its use, such as from non-residential to residential (or vice versa), increases the number of residential units or hotel rooms, or adds or increases the water meter size to account for the change in use, the amount of shall be calculated as follows:
- (i) If the same sewer connection (tap) is utilized, then the fee shall be based on the net increase in units (or usage) between the existing and proposed

uses.

- (ii) If a new sewer tap is required, then the fee shall be set in accordance with the fees for new construction set forth in this section, net of any credits due pursuant to section (6) above.

(8) In cases where a DSP/DSUP extension is filed after the connection fees have been established for a development project (following final plan submission), the connection fee rate shall be revised to reflect the current fee structure in effect at the time the extension is approved. For all final site plans submitted prior to April 1, 2013, one DSP/DSUP extension may be granted without revising the connection fee rate previously established at the time of the final site plan submission.

(9) ~~(5) The chart set forth in section (3) above~~ Sections (1) through (4) reflects the fees for fiscal year 2009 final site plans submitted before July 1, 2013. These Beginning in fiscal year 2014 and fees were adjusted upward at the rate of inflation as determined by the annual CPI-U for the Washington-Baltimore-Northern Virginia, DC-MD-VA-WVA Combined Statistical Area on July 1 of each of fiscal years 2010 and 2011. For fiscal year 2012 and going forward, the foregoing fees shall increase each year at the rate of inflation as determined by the annual CPI-U for the Washington-Baltimore-Northern Virginia, DC-MD-VA-WVA Combined Statistical Area and shall apply to all final plans filed submitted between July 1 of that year and June 30 of the subsequent year. The fees applicable to each fiscal year after FY 2011 are subject to annual review by city council.

(b) Extension of service; credits for such extension.

[The remaining sections are unchanged.]

Section 2. That this ordinance shall become effective upon passage.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Create a Towing Services Advisory Board.

(A copy of the City Manager's memorandum May 8, 2013, is on file the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 05/18/13, 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. 15; 05/18/13, 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; 05/18/13, and is incorporated as part of this record by reference.)

Mr. Garbacz, Division Chief, Transportation and Environmental Services, explained the

composition of the advisory board and responded to questions from Council.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to create a Towing Services Advisory Board, with an amendment to the Board composition, under subsection (b)(3), to read as follows, "Two citizens at-large, one of which shall have expertise in property management or is a business owner." The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4809

AN ORDINANCE to amend and reordain Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended, by adding a new ARTICLE Z, Sections 2-4-210 through -211.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 3 of Title 2 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 the following new article and sections to read as follows:

(The following is all new language)

ARTICLE Z – ALEXANDRIA TOWING ADVISORY BOARD

Sec. 2-4-210            Creation, composition and organization

- (a) There is hereby established a board known as the Alexandria Towing Advisory Board ("Board").
- (b) The Board shall consist of 6 members to be appointed by the city council. The composition of the Board shall be as follows:
  - 1. Two members from the Alexandria Police Department, to be nominated by the Chief of Police;
  - 2. Two members representing licensed towing and recovery operators doing business in the City of Alexandria; and
  - 3. Two citizens at large, one of which shall have expertise in property management or is a business owner.
- (c) A quorum of the board shall consist of at least one police member, one towing operator member and one citizen member.
- (d) Members of the Board shall be appointed in the manner prescribed in Article A of this title.

- (e) Members shall serve for a term of three years. Terms shall be staggered so that no more than half the Board will come up for reappointment in any year.
- (f) A Board chair, vice-chair and secretary shall be elected annually by the Board members at its organizational meeting.
- (g) The Board may adopt bylaws, rules and regulations governing its procedures so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.

Sec. 2-4-211 Functions

The Board shall:

- (a) Provide a forum for an annual review of the rates and policies related to the towing storage and retrieval of vehicles towed from private property by the property owner or their authorized agent; and
- (b) To review and approve as necessary any contracts by the City for municipal towing or other towing at the direction of City officials or their authorized agents; and
- (c) To provide a forum for public hearing, discussion and recommendations to city staff and the city council related to the towing, storage and retrieval of vehicles towed from private property by the property owner or their authorized agent.

Sec. 2-4-212 Meetings

- (a) The Board shall have at least one, but no more than four, regular meetings annually. The Board may also have special meetings as necessary.
- (b) Subject to the limitations set forth in Subsection (a) above, the Board shall meet at the call of the Chairperson, upon request of the city council or upon request of the Director of Transportation and Environmental Services.
- (c) The Board shall be supported primarily by staff from the Department of Transportation and Environmental Services and such additional staff as the city manager may direct.

Sec. 2-4-213 thru 2-4-219 Reserved.

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)  
 DEFERRAL/WITHDRAWAL CONSENT CALENDAR  
 Planning Commission (continued)

- 16. Section 9.06 Case #2013-0003  
 Eisenhower Avenue - Between Mill Road and Holland Lane

Public Hearing and Consideration of a request for Planning Commission to review whether the purchase of property for use as public right-of-way for the Eisenhower Widening Project is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. Staff: Department of Transportation and Environmental Services  
Planning Commission Action: Deferred

17. Public Playspace Policy  
Public Hearing and Consideration of the adoption of a public playspace policy.  
Staff: Department of Recreation, Parks and Cultural Activities.  
Planning Commission Action: Deferred

The above items were deferred.

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Silberberg and carried unanimously, City Council adjourned the public hearing meeting of May 18, 2013 at 12:10 p.m. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

APPROVED BY:

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

ATTEST:

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