

**City of Alexandria
Meeting Minutes
Saturday, September 14, 2024 9:30 AM
City Council Public Hearing**

Present: Mayor Justin M. Wilson, Vice Mayor Amy B. Jackson, Members of Council Canek Aguirre, Sarah R. Bagley, John Taylor Chapman, Alyia Gaskins, and R. Kirk McPike.

Absent: None.

Also Present: Mr. Parajon, City Manager; Ms. Cordell Ivery, City Attorney; Ms. Zechman Brown, Deputy City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Shelby, Urban Planner, P&Z; Mr. Lambert, Deputy City Manager; Interim Police Chief Pedroso; Police Lt. May; Mr. Browand, Deputy Director, Recreation, Parks, Cultural Activities (RPCA); Mr. Ayala, Urban Planner, RPCA; Ms. Castenada, Director, Transportation and Environmental Services (T&ES); Mr. Dofflemeyer, T&ES; Mr. Smith, Information Technology Services (ITS); Ms. Demeke, ITS; and Police Lt. May.

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

I. OPENING

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All members of Council were present with Councilman Aguirre attending via Zoom and Councilman Chapman arriving during public discussion period.

2. Approval of the Electronic Participation Resolution by City Council (if needed).

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilwoman Gaskins and carried unanimously by roll-call vote, City Council adopted the electronic participation resolution. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilwoman Gaskins, and Councilman McPike; Opposed, none; Absent, Councilman Chapman.

Ther resolution reads as follows:

RES. NO 3244

Resolution Regarding Electronic Participation by a Member of City Council

WHEREAS, Virginia Code Section 2.2-3708.2 provides that an individual member of a public body may fully participate in meetings electronically if any such member meets the criterial of the code and the public body has adopted an Electronic Meeting Policy; and

WHEREAS, City Council adopted an Electronic Participation Policy on June 22, 2021 as Resolution No. 3011; and

WHEREAS, City Council Member Canek Aguirre notified the Mayor and the Clerk that he is unavailable to be physically present for the September 14, 2024, City Council Legislative Meeting due to a personal matter, specifically conference travel and attendance; and

WHEREAS, the Council Member has not participated in more than two or 25% of City Council Meetings by electronic means during this calendar year; and

WHEREAS, the City Council Member will participate in the City Council Meeting by Zoom Video Conference Call from Portland, Oregon, and arrangements have been made to ensure the member shall be heard by all participants at the City Council Meeting; and

WHEREAS, a quorum of the City Council is physically assembled in person.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

That pursuant to Virginia Code 2.2-3708 and the City Council's Electronic Meeting Policy Resolution 3011, City Council Member Canek Aguirre will participate remotely in this meeting by video conference call.

3. Public Discussion Period

The following persons participated in the public discussion period:

1. Ben Domenech, Alexandria, requested that a crosswalk be installed near a daycare on Russell Road for safety of the students.
2. Elizabeth McGill, Alexandria, representing the Taylor Run Citizens Association, requested that Council delay the change of the service road along Duke Street from two lanes to one lane.
3. Janice Grenadier, Alexandria, spoke about issues with judicial system in the City.
4. Colleen Moore, Alexandria, requested that the City divest from investing in Israel.
5. Treyvon Jordan, Alexandria, requested that the City divest from investing in Israel.
6. Fern Faiz, Alexandria, requested that the City divest from investing in Israel.
7. Seth Markowitz, Alexandria, requested that the City divest from investing in Israel.
8. Jane Nunn, Alexandria, requested that the City divest from investing in Israel.

9. Andrew Cuan, Alexandria, requested that the City divest from investing in Israel.
10. Amanda Eisenhower, Alexandria, requested that the City divest from investing in Israel.
11. Glen Pin, Alexandria, requested that the City divest from investing in Israel.
12. Meredith Condren, Alexandria, requested that the City divest from investing in Israel.
13. Lori Cooper, Alexandria, requested that Council delay the change of the service road along Duke Street from two lanes to one lane.
14. Josh Wimpey, Alexandria, representing Longview Hill Association, requested that Council delay the change along Duke Street, of the service road from two lanes to one lane along.
15. Katharine Schulman, Alexandria, requested that the City divest from investing in Israel.
16. Daniel Roth, Alexandria, spoke about the work of City library employees and the availability of Narcan at libraries around the City.
17. Annmarie Yoder, Alexandria, spoke in support of the upcoming Trans Sanctuary Resolution.
18. Susan Miranda, Alexandria, requested that Council delay the change of the service road along Duke Street from two lanes to one lane.
19. Marge McNaughton, Alexandria, requested that Council delay the change of the service road along Duke Street from two lanes to one lane.
20. Kursten Phelps, Alexandria, spoke in support of the upcoming Trans Sanctuary Resolution.
21. Julianne Von Zumbusch, Alexandria, requested that Council delay the change of the service road along Duke Street from two lanes to one lane.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

II. ACTION ITEMS

Planning Commission

Consent Calendar (4)

4. Encroachment #2024-00002
461 Swann Avenue - Founding Farmers Outdoor Dining
Public Hearing and consideration of a request for an Encroachment for outdoor Dining with an all-seasons pergola structure, revolving door, and other related structures into the public right-of-way at 461 Swann Avenue. Applicant: OT Block A1 Sub, LLC, represented by Duncan Blair, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 4; 09/14/24, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilwoman Gaskins and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

III. Roll-Call Consent Calendar (5)

5. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate 8,621 square feet of reserved right-of-way located at the southeast corner of lot 500 adjacent to the intersection of Clermont and Eisenhower Avenues (VAC No. 2024-00004) (Implementation Ordinance for Vacation No. 2024-00004 associated with 4601 Eisenhower Avenue approved by City Council on July 2, 2024).
[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 Item No. 5; 09/14/24, 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 Item No. 5; 09/14/24, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman McPike, seconded by Councilman Chapman and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted an ordinance to vacate 8,621 square feet of reserved right-of-way located at the southeast corner of lot 500 adjacent to the intersection of Clermont and Eisenhower Avenues. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, and Councilman McPike; Opposed, none; Absent, Councilwoman Gaskins.

The ordinance reads as follows:

ORDINANCE NO. 5557

AN ORDINANCE to vacate 8,621 square feet of reserved right-of-way located at the southeast corner of lot 500 adjacent to the intersection of Clermont and Eisenhower Avenues (VAC No. 2024-00004).

WHEREAS, Boundary Investments, LLC (Owner) have applied for the vacation of a portion of reserved public right-of-way at the southeast corner of lot 500 and adjacent to the intersection of Clermont and Eisenhower Avenues in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2024-00004, the planning commission recommended approval to the City Council on June 24, 2024 of a vacation of reserved public right of way, which recommendation was approved by the City Council at public hearing on July 2, 2024; and

WHEREAS, viewers, Jim Kapsis, Debra Roepke, and Benjamin Klein, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way reservation to Owner, as shown on the plat of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject to the conditions set forth below:

1. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental Services, and among the land records of the City.

2. Easements shall be reserved for all existing public and private utilities within the area vacated. The Owner shall show all easements on the plat of consolidation.

3. Fair market value is assessed as \$0.00, and Owner owes no payment to the City for the vacation of the reserved right-of-way.

Section 3. The term "Owner" shall be deemed to include Boundary Investments, LLC, and their respective successors in interest.

Section 4. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 5. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at his or her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

IV. OTHER BUSINESS

Reports and Recommendations from the City Manager

6. Public Hearing and Consideration of a Lease Agreement Between the City and Jeffrey L. Yates, TR for Use of Public Right of Way Adjacent to 1050 North Fayette Street.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 09/14/24, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman McPike, and carried 6-0, City Council closed the public hearing and authorized the City Manager to execute the (5) five year lease agreement with Jeffrey L. Yates, TR. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, and Councilman McPike; Opposed, none; and Absent, Councilman Gaskins.

V. Public Hearing Matters

Planning Commission (continued)

7. CASE SUB#2024-00003

635 Upland Place

Public Hearing and consideration of an Appeal of the June 4, 2024 Planning Commission Decision to approve the Subdivision Request with variations to re-subdivide an existing lot into two lots; zoned R-5/Residential.

Applicant: Windmill Hill LLC represented by M. Catharine Puskar, attorney
Appellant: Eve Anderson, Marcia & Derek Argust, Tom McKnight, Colleen Broderick on behalf of petitioners

(A copy of the staff report from the Board of Architectural Review is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 09/14/24, and is incorporated as part of this record by reference.)

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

1. Mindy Lyle, representing the Planning Commission, explained the decision making of the Planning Commission and responded to questions from Council.
2. Eve Anderson, Alexandria, representing the appellants, spoke in support of the appeal and responded to questions from Council.
3. Elizabeth McGill, Alexandria, representing the Taylor Run Citizens Association, spoke in support of the appeal.
4. Susan Miranda, Alexandria, spoke in support of the appeal.
5. Bill Kalish, Alexandria, spoke in support of the appeal.
6. Marcia Argust, Alexandria, spoke in support of the appeal.
7. Derek Argust, Alexandria, spoke in support of the appeal.
8. Collen Broderick, Alexandria, spoke in support of the appeal.
9. Thomas Knight, Alexandria, spoke in support of the appeal.
10. Christine Beinhacker, Alexandria, spoke in support of the appeal.
11. David Beinhacker, Alexandria, spoke in support of the appeal.
12. Margaret Zavarelli, Alexandria, spoke in support of the appeal.
13. Keith Imlay, Alexandria, spoke in support of the appeal.
14. Mark Bruegger, Alexandria, spoke in support of the appeal.
15. Cathy Puskar, attorney for the applicant, spoke in support of the subdivision and

against the appeal.

WHEREUPON, upon motion by Councilman McPike, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Councilmember Bagley, seconded by Councilman McPike, moved that the subdivision application be approved and the appeal be denied. The motion failed 3-4. The vote was as follows: In favor, Mayor Wilson, Councilmember Bagley, and Councilman McPike; Opposed, Vice Mayor Jackson, Councilman Aguirre, Councilman Chapman, and Councilwoman Gaskins.

WHEREUPON, upon motion by Councilwoman Gaskins, seconded by Vice Mayor Jackson and carried 4-3, City Council denied the subdivision application and upheld the appeal. The vote was as follows: In favor, Vice Mayor Jackson, Councilman Aguirre, Councilman Chapman, and Councilwoman Gaskins; Opposed, Mayor Wilson, Councilmember Bagley, and Councilman McPike.

City Council took a recess for lunch until 1:10 p.m.

8. Vacation #2024-00001

Vacation #2024-00002

Vacation #2024-00003

Public Hearing and consideration of three requests to vacate various areas of unimproved right-of-way located between 404A, 406, and 408 East Alexandria Avenue to add area to residential yards. Applicants: Brett Rice (VAC2024-00001), Alicia Montgomery (VAC2024-00002), Eric Teran (VAC2024-00003)

Planning Commission Action: Denied 6-1

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 09/14/24, and is incorporated as part of this record by reference.)

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

1. Eric Teran, Alexandria, applicant, spoke in support of the vacation and responded to questions from Council.
2. Will Ragland, Alexandria, spoke in support of the vacations.
3. Alicia Montgomery, Alexandria, applicant, spoke in support of the vacation.
4. Brett Rice, Alexandria, spoke in support of the vacation and responded to questions from Council.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilmember Bagley and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember

Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Councilman McPike, seconded by Vice Mayor Jackson and carried unanimously, City Council approved the proportional vacations, subject to compliance with all applicable codes and ordinances and the following conditions:

1. Utility easements for all public and private utilities shall be provided within the vacated right-of-way and such easements are to be shown on the plat of consolidation. (T&ES)
2. The approved plat shall be recorded in the Land Records of the City of Alexandria. (T&ES)
3. The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right-of-way (T&ES) (P&Z)
4. If no development rights are requested, the property owners may not construct any building or improvements, including driveways and parking spaces and may not use the vacated land area to derive any increased development rights (above and below grade) for the lands adjacent to the vacated area, including increased floor area, subdivision rights, or additional dwelling units. The above and below grade restrictions shall appear as part of the deed vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the Directors of P&Z and T&ES. (T&ES)(P&Z)
5. The vacated area must be consolidated with the subject property. (P&Z)
6. The applicant shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments. (T&ES)
7. Per the Vacation Policy requirement, the funds from the sale of the land shall be contributed to the Open Space Fund. (RPCA)

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

Mayor Wilson appointed the following as viewers for the vacations: Dr. C.E. Palmer-Johnson, Christopher Lewis, and Benjamin Klein.

VI. FOR INFORMATION ONLY

Planning Commission (continued)

9. Zoning Ordinance Subdivision cases are heard by the Planning Commission, placed on the City Council docket for information, and heard by City Council only upon appeal.

Subdivision #2024-00006

1033, 1055 & 1111 N Fairfax Street

Public Hearing and consideration of a request for a Subdivision to re-subdivide two existing lots; Zoned CRMU/X

Applicant: TideLock Apartment Owner, LLC

Planning Commission Action: Approved 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 09/14/24, and is incorporated as part of this record by reference.)

10. Zoning Ordinance Subdivision cases are heard by the Planning Commission, placed on the City Council docket for information, and heard by City Council only upon appeal.

Subdivision #2024-00007

415 E Nelson Avenue

Public Hearing and consideration of a request for a Subdivision to re-subdivide an existing lot into two lots; zoned RB.

Applicant: OCH at Nelson LLC, a Virginia limited liability company.

Planning Commission Action: Approved 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 09/14/24, and is incorporated as part of this record by reference.)

11. Zoning Ordinance Subdivision cases are heard by the Planning Commission, placed on the City Council docket for information, and heard by City Council only upon appeal.

Subdivision #2024-00008

26 W Chapman Street

Public Hearing and consideration of a request for a Subdivision to re-subdivide an existing lot into two lots; zoned RB.

Applicant: Bluestone Builders, LLC, represented by M.Catharine Puskar, attorney.

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 09/14/24, and is incorporated as part of this record by reference.)

12. Closed Session (if needed).

Not needed.

VII. ADJOURN.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilmember Bagley, seconded by Councilwoman Gaskins and carried unanimously, City Council adjourned the public hearing meeting of September 14, 2024. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk

Adopted: October 8, 2024