

**City of Alexandria  
Meeting Minutes  
City Council Public Hearing  
Saturday, December 18, 2021 9:30 AM**

\*\*\*\*\*

Present: Mayor Justin M. Wilson, Members of Council Canek Aguirre, John Taylor Chapman, Amy B. Jackson, Redella S. Pepper, and Mohamed E. Seifeldin.

Absent: Vice Mayor Elizabeth Bennett-Parker.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Ruggiero, Deputy Director, Recreation, Parks and Cultural Activities (RPCA); Mr. Johnson, RPCA; Ms. Taylor, Director, Finance; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. Beach, Division Chief, P&Z; Mr. Ayala, Planner, P&Z; Mr. Farner, Deputy Director, P&Z; Ms. McIlvaine, Director, Housing; Ms. Jovovic, Housing; Ms. Oleynik, Transportation and Environmental Services (T&ES); Mr. Skrabak, Deputy Director, T&ES; Mr. Tran, T&ES; Acting Assistant Police Chief Andreas; Ms. Triggs, Deputy City Manager; Mr. Sharma, Deputy Director, T&ES; Ms. Snow, Assistant City Attorney; Mr. Knight, T&ES; Ma. Contreras, P&Z; Mr. Kerns, Division Chief, P&Z; Mr. Cook, P&Z; Mr. Maines, Division Chief, T&ES; Police Captain Ballantine; Mr. Smith, ITS, Ms. Demeke, ITS, and Mr. Browning.

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

\*\*\*\*\*

## **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 the exception of Vice Mayor Bennett-Parker who had an excused absence and with Councilwoman Pepper arriving at 10:45 a.m.

### **2. Public Discussion Period**

The following persons participated in the public discussion period:

1. Kenneth Wire, attorney, requested that the Planning Commission and City Council initiate a text amendment to the KR Zone to permit doctor's offices on the ground floor. Mr. Wire also thank City Manager Jinks for his service to the City.

(The following speakers spoke later in the meeting during the public discussion period)

2. Mary Catherine Gibbs, attorney, thanked Councilwoman Pepper for her many years of service to the City of Alexandria and congratulated her on her retirement, noting her impact on the City, particularly the West End community.

3. Bud Hart, attorney, thanked Councilwoman Pepper and presented her with flowers for her retirement.

4. Cathy Puskar, attorney, thanked Councilwoman Pepper for her decades of service to the City of Alexandria and the lasting influence she has made for the women who serve in the City. Ms. Puskar also thanked City Manager Jinks for his service to the City.

5. Paul Smedberg, Alexandria and former City Council member, thanked Councilwoman Pepper for her 36 years of service and presented her with a gift. Mr. Smedberg thanked City Manager Jinks for his service to the City and congratulated him on his upcoming retirement.

6. Rob Krupicka, Alexandria and former City Council member, thanked Councilwoman Pepper for her years of service and the work she did with him on the environment and starting the Eco-City initiative in the City.

Councilwoman Pepper thanked everyone for the kind remarks on the occasion of her retirement from the City Council following many years of service.

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

**\*\*\*\*Please note: Item #3 was considered out of order \*\*\*\***

3. Appointment of Members to the Independent Community Policing Review Board.  
(Vote #1)

Independent Community Policing Review Board  
7 members  
1 ex-officio member

(Materials pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 3; 12/18/21, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed the following persons to the Independent Community Policing Review Board: Francisco Duran, Christopher

Lewis and Todd Pilot as members for historically, racially, or socially marginalized communities that have commonly experienced disparate policing in Alexandria or the Commonwealth of Virginia. A second vote was required because no other applicant received a majority of the vote. (Vote #1) The vote was as follows:

Wilson	-	Lewis, Pilot, Franklin, Euille, Krupicka, Murphy, Sunderland, O'toole
Bennett-Parker	-	absent
Aguirre	-	Duran, Lewis, Pilot, Moran, Sanders, Sellers, Flores, Grosof
Chapman	-	Duran, Lewis, Pilot, Sanders, Euille, Krupicka, Murphy, O'toole
Jackson	-	Duran, Jones, Lee, Franklin, Ahmed, Kary, Kelley, O'toole
Pepper	-	Duran, Lewis, Pilot, Franklin, Euille, Krupicka, Sunderland, Walczykowski
Seifeldein	-	Lewis, Pilot, Moran, Sanders, Sellers, Flores, Harris, Guerrier

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

##### **ACTION CONSENT CALENDAR (4-5)**

##### **Planning Commission**

4. Special Use Permit #2021-00090  
2501 and 2601 Oakville Street (Formerly 2412, 2514, and 2610 Richmond Highway, 2500 Oakville Street, and 420 Swann Avenue) - Oakville Triangle Coordinated Sign Plan  
Public Hearing and consideration of a request for a Special Use Permit for a coordinated sign plan and for the installation of illuminated signs above 35 feet per Section 9-104 of the Zoning Ordinance; zoned: CDD #24/Coordinated Development District #24.  
Applicant: Oakville Triangle Owner, LLC, represented by Duncan W. Blair, attorney  
Planning Commission Action: Recommended 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; 12/18/21, and is incorporated as part of this record by reference.)

5. Encroachment #2021-00007  
2601 Oakville Street (Formerly 2610 Richmond Highway and 420 Swann Avenue)  
Public Hearing and consideration of a request for an Encroachment into the public right-of-way for balconies along Richmond Highway; zoned: CDD #24/Coordinated Development District #24. Applicant: Oakville Triangle Owner LLC, represented by Duncan W. Blair, attorney

Planning Commission Action: Recommended 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. 5; 12/18/21, and is incorporated as part of this record by reference.)

## **END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Jackson, seconded by Councilman Chapman and carried 5-0, City Council closed the public hearing and approved the consent calendar. The approval was as follows:

4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.

The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker and Councilwoman Pepper.

## **ROLL-CALL CONSENT CALENDAR (6-9)**

6. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Sanitary Sewer Master Plan chapter of such master plan as Master Plan Amendment No. 2021-00008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (Implementation Ordinance for Master Plan Amendment No. 2021-00008 associated with Sanitary Sewer Master Plan Update approved by City Council on November 13, 2021).[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. 6; 12/18/21, 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. 6; 12/18/21, and is incorporated as part of this record by reference.)

7. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the owner of 2601 Oakville Street to construct and maintain an encroachment for building canopies at that address, in the City of Alexandria, Virginia (Implementation Ordinance for Encroachment No. 2021-00007 associated with 2601 Oakville Street approved by City Council on January 23,

2021).[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. 7; 12/18/21, 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. 7; 12/18/21, and is incorporated as part of this record by reference.)

8. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the owner of 2501 Oakville Street to construct and maintain an encroachment for building canopies at that address, in the City of Alexandria, Virginia (Implementation Ordinance for Encroachment No. 2021-00008 associated with 2501 Oakville Street approved by City Council on January 23, 2021). [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. 8; 12/18/21, 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. 8; 12/18/21, and is incorporated as part of this record by reference.)

9. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2022. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 7, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 12/18/21, 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 Item No. 9; 12/18/21, 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. 9; 12/18/21, and is incorporated as part of this record by reference.)

**END OF ROLL-CALL CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Jackson, seconded by Councilman Chapman and 5-0 and carried by roll-call vote, City Council closed the public hearing and approved the roll-call consent calendar. The approvals were as follows:

6. City Council adopted an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Sanitary Sewer Master Plan chapter of such master plan as Master Plan Amendment No. 2021-00008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

The ordinance reads as follows:

#### ORDINANCE NO. 5391

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Sanitary Sewer Master Plan chapter of such master plan as Master Plan Amendment No. 2021-00008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2021-00008, 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 November 4, 2021 of an amendment to the Sanitary Sewer Master Plan Chapter of the Master Plan of the City of Alexandria to update programs, strategies, and recommendations, which recommendation was approved by the City Council at public hearing on November 13, 2021;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

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 Sanitary Sewer Master Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by replacing the chapter in its entirety with the updated Sanitary Sewer Master Plan Chapter, attached hereto and

incorporated fully herein by reference, as a new chapter of the Master Plan of the City of Alexandria, Virginia.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. 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 6. That this ordinance shall become effective upon the date and at the time of its final passage.

7. City Council adopted an ordinance authorizing the owner of 2601 Oakville Street to construct and maintain an encroachment for building canopies at that address, in the City of Alexandria, Virginia.

The ordinance reads as follows:

#### ORDINANCE NO. 5392

AN ORDINANCE authorizing the owner of the property located at 2601 Oakville Street to construct and maintain an encroachment for building canopies at that location.

WHEREAS, OT Block B Sub, LLC is the Owner ("Owner") of the property located at 2601 Oakville Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain building canopies which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, in Encroachment No. 2020-00007 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on January 5, 2021, which recommendation was approved by the City Council at its public hearing on January 23, 2021; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

#### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 2601 Oakville Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of building canopies, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times



and at their own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

(a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

(b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

(c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from

Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The terms "Owner" shall be deemed to include OT Block B Sub, LLC and its respective successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.

8. City Council adopted an ordinance authorizing the owner of 2501 Oakville Street to construct and maintain an encroachment for building canopies at that address, in the City of Alexandria, Virginia.

The ordinance reads as follows:

#### ORDINANCE NO. 5393

AN ORDINANCE authorizing the owner of the property located at 2501 Oakville Street to construct and maintain an encroachment for building canopies at that location.

WHEREAS, OT Block A-1 Sub, LLC is the Owner ("Owner") of the property located at 2501 Oakville Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain building canopies which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, in Encroachment No. 2020-00008 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on January 5, 2021, which recommendation was approved by the City Council at its public hearing on January 23, 2021; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 2501 Oakville Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of building canopies, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at their own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of their obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

(a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

(b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

(c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from

Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The terms "Owner" shall be deemed to include OT Block A-1 Sub, LLC and its respective successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.

9. City Council adopted an ordinance to make supplemental appropriations for the support of the City Government for Fiscal Year 2022.

The ordinance reads as follows:

#### ORDINANCE NO. 5394

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2022.

#### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2021, but which are payable in Fiscal Year 2022, and for which amounts were appropriated but not expended in Fiscal Year 2021 and further that the council does hereby allot the amounts so appropriated to the several city departments for Fiscal Year 2022, as follows:

#### EQUIPMENT REPLACEMENT RESERVE FUND

Sheriff	\$	35,761
General Services		245,968
Transportation and Environmental Services		1,881,270
Fire		3,993
Police		870,949
Code Administration		26,588
Recreation		<u>533,039</u>
Total Equipment Replacement Reserve Fund		<u>\$ 3,597,568</u>



Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the Alexandria City Public Schools for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2021, but which are payable in Fiscal Year 2022, and for which amounts were appropriated but not expended in Fiscal Year 2021, the source of such amount being Component Unit - Schools Fund Balance and further that the council does hereby allot the amounts so appropriated to the Alexandria City Public Schools for Fiscal Year 2022, as follows:

COMPONENT UNIT

APPROPRIATION:

Component Unit – Schools	\$ 1,995,995
Total Appropriation	<u>\$ 1,995,995</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the Alexandria Transit Company for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2021, but which are payable in Fiscal Year 2022, and for which amounts were appropriated but not expended in Fiscal Year 2021, the source of such amount being Special Revenue Fund – Alexandria Transit Company Fund Balance and further that the council does hereby allot the amounts so appropriated to the Alexandria Transit Company for Fiscal Year 2022, as follows:

SPECIAL REVENUE FUND – ALEXANDRIA TRANSIT COMPANY (DASH)

ESTIMATED REVENUE:

Alexandria Transit Company	\$ 128,536
Total Estimated Revenue	<u>\$ 128,536</u>

APPROPRIATION:

Alexandria Transit Company	\$ 128,536
Total Appropriation	<u>\$ 128,536</u>

Section 4. 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 2022 the source of such amount being external funds for which the proceeds were received or accepted prior to June 30, 2021, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the

several city departments for Fiscal Year 2022, as follows:

AFFORDABLE HOUSING FUND

ESTIMATED REVENUE:

Housing	\$ 1,799,900
Total Estimated Revenue	<u>\$ 1,799,900</u>

APPROPRIATION:

Housing	\$ 1,799,900
Total Appropriation	<u>\$ 1,799,900</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2022 the source of such amount being external grant funds for which the proceeds were received or accepted prior to June 30, 2021, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2022, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Housing	\$ 3,868,652
Total Estimated Revenue	<u>\$ 3,868,652</u>

APPROPRIATION:

Housing	\$ 3,868,652
Total Appropriation	<u>\$ 3,868,652</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount required to defray certain expenditures and liabilities of the Alexandria Transit Company for Fiscal Year 2022 the source of such amount being external grant funds for which the proceeds were received or accepted prior to June 30, 2021, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the Alexandria Transit Company for Fiscal Year 2022, as follows:

SPECIAL REVENUE FUND – ALEXANDRIA TRANSIT COMPANY (DASH)

ESTIMATED REVENUE:

Alexandria Transit Company	\$ 25,572
Total Estimated Revenue	<u>\$ 25,572</u>

APPROPRIATION:

Alexandria Transit Company	\$ 25,572
Total Appropriation	<u>\$ 25,572</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2022 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2021 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2022, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Commonwealth's Attorney	\$ (1,674)
Transportation and Environmental Services	(123)
Fire Department	1,055,216
Community and Human Services	1,383,901
Historic Alexandria	121,678
Non-Departmental	844,188
Total Estimated Revenue	<u>\$ 3,403,186</u>

APPROPRIATION:

Commonwealth's Attorney	\$ (1,674)
Transportation and Environmental Services	(123)
Fire Department	1,055,216
Community and Human Services	1,383,901
Historic Alexandria	121,678
Non-Departmental	844,188
Total Appropriation	<u>\$ 3,403,186</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount required to defray the expenditures and liabilities of the Alexandria City Public Schools for Fiscal Year 2022 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2021 but not appropriated, and further that the council does hereby allot the amount so appropriated to the Alexandria City Public Schools for Fiscal Year 2022, as follows:

## COMPONENT UNIT

### ESTIMATED REVENUE:

Component Unit – Schools	\$ 54,399,596
Total Estimated Revenue	<u>\$ 54,399,596</u>

### APPROPRIATION:

Component Unit – Schools	\$ 54,399,596
Total Appropriation	<u>\$ 54,399,596</u>

Section 9. 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 Alexandria Transit Company for Fiscal Year 2022 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2021 but not appropriated, and a transfer from the General Fund, and further that the council does hereby allot the amount so appropriated to the Alexandria Transit Company for Fiscal Year 2022, as follows:

## SPECIAL REVENUE FUND – ALEXANDRIA TRANSIT COMPANY (DASH)

### ESTIMATED REVENUE:

Alexandria Transit Company	\$ 9,844,000
Total Estimated Revenue	<u>\$ 9,844,000</u>

### APPROPRIATION:

Alexandria Transit Company	\$ 9,844,000
Total Appropriation	<u>\$ 9,844,000</u>

Section 10. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2022 the source of such amount being the residual balances accumulated as of June 30, 2021, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2022, as follows:

## DONATIONS AND OTHER SPECIAL REVENUE FUNDS

### ESTIMATED REVENUE:

Police Department	\$ 36,149
-------------------	-----------

Community and Human Services	26,383
Historic Alexandria	<u>128,000</u>
Total Estimated Revenue	<u>\$ 190,532</u>

APPROPRIATION:

Police Department	\$ 36,149
Community and Human Services	26,383
Historic Alexandria	<u>128,000</u>

Section 11. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2022 the source of such amount being the residual balances accumulated as of June 30, 2021, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2022, as follows:

OTHER SPECIAL REVENUE FUND – SEIZED ASSETS

ESTIMATED REVENUE:

Commonwealth's Attorney	\$ 76,956
Total Estimated Revenue	<u>\$ 76,956</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Commonwealth's Attorney	\$ 76,956
Total Appropriation	<u>\$ 76,956</u>

Section 12. 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 2022 the source of such amount being General Fund Revenue, and further that the Council does hereby allot the amount so appropriated to the several city departments, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Intergovernmental State Revenue	\$ 677,809
Total Estimated Revenue	<u>\$ 677,809</u>

APPROPRIATION:

Intergovernmental State Revenue	\$ 677,809
Total Appropriation	<u>\$ 677,809</u>

Section 13. 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 2022 the source of such amount being Component Unit – Alexandria Libraries Fund, and further that the Council does hereby allot the amount so appropriated, as follows:

#### COMPONENT UNIT

##### APPROPRIATION:

Component Unit – Libraries	\$ 133,597
Total Appropriation	<u>\$ 133,597</u>

Section 14. 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 2022, the source of such amount being external grant funds for which the proceeds were authorized and adjusted after July 1, 2021, but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2022, as follows:

#### AMERICAN RESCUE PLAN ACT FUND

##### ESTIMATED REVENUE:

Sheriff	\$ 63,300
Internal Audit	120,000
Information Technology Services	408,380
General Services	472,800
Project Implementation	147,216
Health Department	515,023
Recreation	105,463
Total Estimated Revenue	<u>\$ 1,832,182</u>

##### APPROPRIATION:

Sheriff	\$ 63,300
Internal Audit	120,000
Information Technology Services	408,380
General Services	472,800
Project Implementation	147,216
Health Department	515,023

Recreation	105,463
Total Appropriation	<u>\$ 1,832,182</u>

Section 15. 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 2022, the source of such amount being Assigned General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

#### GENERAL FUND

##### ESTIMATED REVENUE:

Assigned General Fund Balance	\$ 16,414,207
Total Estimated Revenue	<u>\$ 16,414,207</u>

##### APPROPRIATION:

City Manager's Office	\$ 486,000
Commonwealth's Attorney	60,000
Sheriff	98,241
Criminal Justice Services	100,000
Court Service Unit	35,000
Internal Audit	40,000
Information Technology Services	225,000
Communications and Public Information	75,000
Office of Organizational Excellence	16,000
Human Resources	350,000
Planning and Zoning	493,000
Economic Development Activities	25,000
City Attorney's Office	250,000
Registrar of Voters	90,000
General Services	625,000
Project Implementation	1,319,080
Office of Performance and Accountability	35,000
Transportation and Environmental Services	863,333
Transit	210,000
Fire Department	503,500
Independent Community Policing Review Board	211,134
Police Department	902,226
Community and Human Services	205,150
Historic Alexandria	199,648
Recreation	1,556,771
Library	123,968
Non-Departmental	<u>7,316,156</u>
Total Appropriation	<u>\$ 16,414,207</u>

Section 16. 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 2022, the source of such amount being Special Revenue Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

SPECIAL REVENUE FUND - NVTA

ESTIMATED REVENUE:

NVTA Fund Balance	\$ 1,250,000
Total Estimated Revenue	<u>\$ 1,250,000</u>

APPROPRIATION:

Transportation and Environmental Services	<u>\$ 1,250,000</u>
Total Appropriation	<u>\$ 1,250,000</u>

Section 17. 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 2022, 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 2022, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects – Assigned General Fund Balance	\$ 3,434,000
Capital Projects – Special Revenue Fund Balance	1,250,000
Capital Projects – Developer/Private Contributions	20,000
Capital Projects – Miscellaneous Revenue	<u>(150,000)</u>
Total Estimated Revenue	<u>\$ 4,554,000</u>

APPROPRIATION:

Old Town North Linear Trail Professional Services	\$ 175,000
Archive and Record Moving and Storage	70,000
Station 201 Slab Project	60,000
Fleet Fuel System Management Replacement	300,000
Project Implementation Staff	126,000
Landmark Mall Redevelopment	450,000
Market Escalation Adjustments to Various Projects	611,000
Fire Hydrant Maintenance	150,000



I-395 Ramp at Duke Street	1,630,000
NVTA Transportation Staffing Contingency	(150,000)
Oronoco Bay Park Pier Repairs	10,000
Park Signage Replacement	25,000
City Marina Camera System	25,000
NOVA Cameron Run Regional Park Sport Court	115,000
Tree Maintenance	252,000
Four Mile Run Pedestrian Bridge Repair	385,000
Robinson Terminal Promenade Railing	300,000
Total Appropriation	<u>\$ 4,554,000</u>

Section 18. 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 2022, the source of such amount being an interfund transfer from the General Fund, and further that the council does hereby allot the amount so appropriated, as follows:

#### SPECIAL REVENUE FUND

##### ESTIMATED REVENUE:

Interfund Transfer	\$ 233,250
Total Estimated Revenue	<u>\$ 233,250</u>

##### APPROPRIATION:

Community and Human Services	\$ 81,250
Transportation and Environmental Services	150,000
Recreation	2,000
Total Appropriation	<u>\$ 233,250</u>

Section 19. 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 2022, the source of such amount being Equipment Replacement Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

#### EQUIPMENT REPLACEMENT RESERVE FUND

##### APPROPRIATION:

Fire Department	\$ 693,232
Police Department	140,000
Total Appropriation	<u>\$ 833,232</u>

Section 20. That this ordinance shall be effective upon the date and at the time of its final passage.

The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker and Councilwoman Pepper.

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

10. Public Hearing to Review the Effectiveness of the City Council Adopted Code of Ethics and Conduct and Ethics Pledge.

(A copy of the City Manager's memorandum dated December 14, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 12/18/21, and is incorporated as part of this record by reference.)

Councilman Chapman requested information about how Council members are finding opportunities to discuss government and civics with the community.

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilwoman Jackson and carried 5-0, City Council closed the public hearing on the current Code of Ethics and Conduct and requested the City Manager develop a report which captures the ideas and issues from the public hearing, as well as those ideas and issues that the Council raised during and after the public hearing and synthesize those ideas and issues for the incoming City Council which will take office on January 3, 2022. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker and Councilwoman Pepper.

11. Public Hearing and Consideration of a Form Lease for Renewing and Issuing Leases to Artists and Arts Organizations through September 30, 2022, at the Torpedo Factory Art Center located at 105 N. Union Street.

(A copy of the City Manager's memorandum dated December 7, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 12/18/21, and is incorporated as part of this record by reference.)

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

1. M. Alexander Gray, Alexandria, spoke about a petition in support of the Torpedo Factory Art Center and spoke in support of artists involvement going forward.
2. Kurt Anderson, Alexandria, spoke in support of artist involvement in decisions for the Torpedo Factory Art Center going forward.
3. Burton G., Alexandria, spoke about the leases for the Torpedo Factory

and tier rental proposal and how it will affect the tenants.

4. Molley Ourada, Alexandria, spoke in support of the lease extensions.

5. Scott Kaye, Arlington, Virginia, spoke about the leases and the possibility of rental costs changing.

6. Lisa Schumaier, Alexandria, spoke about changes to the Torpedo Factory Art Center and the need for those changes to be thoughtful changes.

7. Marian Van Landingham, Alexandria, spoke about the history of the Art Center and why some of the proposed changes could harm the character and intent of the building.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried 6-0, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

**WHEREUPON**, upon motion by Councilwoman Jackson, seconded by Councilman Chapman and carried 6-0, City Council closed the public hearing and authorized the City Manager, using the form lease, to renew current leases in good standing and issue new leases to artists and arts organizations through September 30, 2022. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

12. Public Hearing and Consideration of a License Extension, Amendment No. 4, between the City of Alexandria and the Tall Ship Providence Foundation for the Docking of the Tall Ship Providence in the City Marina.

(A copy of the City Manager's memorandum dated December 14, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 12/18/21, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried 6-0, City Council closed the public hearing and approved the proposed License Extension and authorized the City Manager to execute the six month License Extension, Amendment No. 4, with the Tall Ship Providence Foundation. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

13. Public Hearing and Consideration of Draft Citizen Participation Plan for Housing and Community Development Activities.

(A copy of the City Manager's memorandum dated December 7, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 13; 12/18/21, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried 6-0, City Council: (1) closed the public hearing for the Draft Citizen Participation Plan for Housing and Community Development Activities; and (2) approved the Plan. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

\*\*\*The following item was considered out of order.\*\*\*

14. Appointment of Members to the Independent Community Policing Review Board. (Vote #2)

**WHEREUPON**, ballots were again distributed, tellers were again appointed and the ballots tallied with the following results: City Council appointed the following persons to the Independent Community Policing Review Board: Darrilyn Franklin, Rob Krupicka, Emily Flores, and Jeanne O'Toole. No other person received a majority of the vote so a third vote was required. (Vote #2) The vote was as follows:

Wilson	-	Franklin, Flores, Krupicka, Murphy, O'toole
Bennett-Parker	-	absent
Aguirre	-	Moran, Sanders, Flores, O'toole
Chapman	-	Franklin, Sanders, Flores, Krupicka, O'toole
Jackson	-	Franklin, Euille, Krupicka, Sunderland, O'toole
Pepper	-	Franklin, Euille, Krupicka, Sunderland, Walczykowski

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

### **Planning Commission (continued)**

15. Master Plan Amendment #2021-00012 (Translation services from English to Spanish will be provided)  
Arlandria-Chirilagua Small Area Plan  
(A) Initiation of a Master Plan Amendment; and (B) Public hearing and consideration of the creation of the Arlandria-Chirilagua Small Area Plan Chapter of the City's Master Plan, including the relevant portions of the Four Mile Run Restoration Master Plan, and an amendment to Potomac West Small Area Plan Chapter of the City's Master Plan to remove the area that will become the Arlandria-Chirilagua Small Area Plan. Applicant: City of Alexandria, Department of Planning & Zoning  
Planning Commission Action: Recommended 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. 15; 12/18/21, and is incorporated as part of this record by reference.)

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

1. Ingris Moran, Alexandria, representing Tenants and Workers United, spoke in about changes need to make the amendment better and to increase affordable housing opportunities for those currently in the community.

2. Larisa Zehr, Falls Church, attorney with Legal Aid Justice Center, spoke in support of community requesting more affordable housing and other recommendations to improve the plan.

3. Olga Moncada, Alexandria, spoke about changes to the proposed plan that would make it workable for the community and prevent displacement and provide more affordable housing.

4. Elliott Waters, Alexandria, spoke about the need for more than one plan option and suggestion more plans that would address the limitations of the current plan.

5. Sunny Yoder, Alexandria, representing the North Ridge Citizens' Association, spoke changes to the Arlandria-Chairilagua community proposed in the plan are being downplayed and will have an enormous impact on the area and requested deferral approval of the plan as well review of upcoming projects that will have impacts on the community.

6. William Corin, Alexandria, spoke about the problems with the amendment and how it will change the existing communities.

7. Tom Goslin, Alexandria, spoke about the proposed amendment and how it will exacerbate the problems it seeks to solve.

8. Cathy Puskar, attorney for St. Rita's School, spoke about the impact that development in this area would have on parking and pedestrian safety, particularly at the school.

9. Jonathan Frederick, representing AHDC, spoke in support of the amendment.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried 6-0, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried 6-0, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

16. Special Use Permit #2021-00089  
105 North Alfred Street  
Public Hearing and consideration of a request for a Special Use Permit to operate an apartment hotel; zoned: CD/Commercial downtown.  
Applicants: Bruce and Thelma MacGregor  
Planning Commission Action: Recommended Approval 6-0-1

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 16; 12/18/21, and is incorporated as part of the record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried 6-0, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

17. Special Use Permit #2021-00094  
401 High Street  
Public Hearing and consideration of a request for Special Use Permit for the redevelopment of a substandard lot with a single-family dwelling; zoned: R-12/Single-family. Applicant: Windmill Hill, LLC  
Planning Commission Action: Recommended 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. 17; 12/18/21, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein carried 6-0-1, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker; Abstain, Councilman Aguirre.

\*\*\*City Council took a lunch break at 1:10 p.m. and reconvened the meeting at 1:40 p.m. \*\*\*\*

18. Master Plan Amendment #2021-00007

Rezoning #2021-00006

City Charter Section 9.06 Case #2021-00005 (For Information Only)

Development Special Use Permit #2021-10027

Transportation Management Plan Special Use Permit #2021-00099

4547, 4555, and 4575 Seminary Road - AHDC Seminary Road

Public Hearing and consideration of requests for: (A) an amendment to the Seminary Hill/Strawberry Hill Small Area Plan chapter of the Alexandria Master Plan to amend the land use designation from RL/residential low to RM/residential medium; (B) an amendment to the official zoning map to change the zone for the properties from R-8/Single-family zone to RA/Multifamily zone; (C) Planning Commission to review whether the proposed sale of property (4575 Seminary Road) by the City of Alexandria is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter; (D) a Development Special Use Permit and site plan, subdivision, and modification to construct 31 townhomes, an 8-unit multifamily building, and site improvements, including a modification to the west side yard setback; (E) a Transportation Management Plan Special Use Permit for Tier 1 TMP (39 dwelling units); zoned: R-8/Single-family(Seminary Hill). Applicant: Alexandria Housing Development Corporation, represented by Mary Catherine Gibbs, attorney, and City of Alexandria (Section 9.06 case).

Planning Commission Action: Recommended 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. 18; 12/18/21, and is incorporated as part of this record by reference.)

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

1. Julie Jakopic, Alexandria, spoke in support of the proposal.
2. Mary Catherine Gibbs, attorney for the applicant, spoke in support of the proposal.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried 6-0, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

19. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the Disposition and Sale of City Vacant Land Located at 4575 Seminary Road to the Alexandria Housing Development Corporation. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated ?????, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 19; 12/18/21, 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 Item No. 19; 12/18/21, 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. 19; 12/18/21, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Jackson, seconded by Councilwoman Pepper and carried 6-0, City Council moved to postpone the ordinance indefinitely. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

20. Master Plan Amendment #2021-00001  
Rezoning #2021-00002  
Development Special Use Permit #2021-10013 (Stacked Townhouses)  
Development Special Use Permit #2021-10014 (Multifamily Buildings)  
Transportation Management Plan Special Use Permit #2021-00025 (Stacked Townhouses)  
Transportation Management Plan Special Use Permit #2021-00108 (Multifamily Buildings)  
Special Use Permit #2021-00059 (Coordinated Sign Plan)  
5901, 5951, and 5999 Stevenson Avenue and 2 South Whiting Street - Landmark Overlook  
Public Hearing and consideration of requests for: (A) an amendment to the Landmark-Van Dorn Small Area Plan Chapter of the Alexandria Master Plan to change the recommended primary use above the first floor from office to residential-with some office and to change the following recommendations for Block B of the Plan: increase the maximum square footage of residential uses, decrease the minimum square footage of office uses, and decrease the minimum square footage of retail uses; (B) an amendment to the official zoning map to change the zoning designation for the properties from CRMU-M/Commercial Residential Mixed Use - Medium zone and OCM(50)/Office Commercial Medium (50) zone to CRMU-H/Commercial Residential Mixed Use - High zone; (C) a Development Special Use Permit to construct new stacked townhouse units (multifamily residential) with a modification, a request to treat the project area as a tract for the purpose of calculating FAR pursuant to Section 1-400(B)(3)(c), and Special Use Permits for a parking reduction, and to increase the proposed floor area ratio (FAR) to 2.03; (D) a Development Special Use Permit to construct two new multifamily residential buildings within modifications, a request to treat the project area as a tract for the purpose of calculating FAR pursuant to Section 1-400(B)(3)(c), and a Special Use Permit



request to increase the proposed floor area ratio (FAR) to 2.03; (E) a Special Use Permit for a Transportation Management Plan (Tier 1) for the stacked townhouse units (multifamily residential); (F) a Special Use Permit for a Transportation Management Plan (Tier 3) for the two multifamily residential buildings; and (G) a Special Use Permit for a Coordinated Sign Plan; zoned CRMU-M/Commercial Residential Mixed Use - Medium and OCM(50)/Office Commercial Medium (50). Applicant: West End Development Associates, LLC, represented by Kenneth Wire, attorney  
Planning Commission Action: Recommended Approval 7-0 (MPA2021-00001 & REZ2021-00002); Recommended Approval 6-1 (DSUP2021-10013, DSUP2021-10014, TMPSUP2021-00025, TMP SUP2021-00108, and SUP2021-00059)

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 20; 12/18/21, and is incorporated as part of this record by reference.)

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

1. Kenneth Wire, attorney for the applicant, spoke in support of the proposal and responded to questions from Council about the project.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried 6-0, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried 6-0, City Council moved to defer this item until January at the applicant's request. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

21. **FOR INFORMATION ONLY**

City Charter Section 9.06 Case #2021-00008

3050 Potomac Avenue and a portion of 3601 Richmond Highway - APTA and CPYR Subdivision

Public Hearing and consideration of a request to review whether the dedication of a portion of right-of-way on Wesmond Drive (private) is consistent with the City of Alexandria Master Plan; zoned: CDD#10/Coordinated Development District #10 and CDD#19/Coordinated Development District #19. Applicant: JBG/Landbay G, L.L.C. represented by M. Catharine Puskar, attorney  
Planning Commission Action: Recommended 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. 21; 12/14/21, and is incorporated as part of this record by reference.)

City Council received this item for information only.

## **ORDINANCES AND RESOLUTIONS**

22. Public Hearing, Second Reading and Final Passage of An Ordinance to Amend Title 11 Chapter 5: Noise Control Ordinance. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 7, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 22; 12/18/21 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 Item No. 22; 12/18/21, 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. 22; 12/18/21, and is incorporated as part of this record by reference.)

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

1. Sunny Yoder, Alexandria, spoke about her concerns with the changes to the noise ordinance and requested that approval be postponed.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded Councilman Chapman and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend Title 11 Chapter 5: Noise Control Ordinance. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

The ordinance reads as follows:

### **ORDINANCE NO. 5395**

AN ORDINANCE to amend Chapter 5 (NOISE CONTROL) of Title 11 (HEALTH, ENVIRONMENTAL, AND SANITARY REGULATIONS) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 5 of Title 11 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

## CHAPTER 5 - Noise Control

\*\*\*

### Sec. 11-5-2 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) *Aircraft*. Any device that is used or intended to be used for flight in the air, engaged in carrying persons or property.
- (2) *Acoustics*. The science of sound including its generation, propagation, measurement and physiological and psychological effects.
- (3) *Ambient noise*. The all encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.
- (4) *A-weighted sound level [dB(A)]*. A quantity, in decibels read from a sound level meter, that is switched to the weighting network labeled "A." The A-weighted network shall be as specified under the most recent specifications of the American National Standards Institute, Inc., New York, N.Y. (ANSI).
- (5) *Center frequency*. For acoustic measurement, the center frequency of an octave band which is the geometric mean of the upper and lower frequency limits of the band.
- (6) *Commercial use area*. ~~The area within 200 feet of all boundaries of any property producing noise or, where such property is a railroad, the area within 200 feet perpendicular to the centerline of the railroad track at the source of the noise, when the predominant use of the properties in that area is for commercial purposes.~~ Any property used for the sale of goods or services, such as dining establishments, motor vehicle services, warehouse and distribution facilities, retail services, banks, office buildings, multi-purpose buildings that house more than one occupation, commercial condominiums for retail or wholesale use, non-public recreation facilities, entertainment facilities, hotels, and motels.
- (7) *Construction*. Any or all activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, railroads, premises, parks, utility lines including any lines in already constructed tunnels, or other property, including land clearing, grading, excavating and filling.
- (8) *Construction device*. Any device designed and intended for use in construction including, but not limited to any air compressors, backhoes, concrete vibrators, cranes (derrick), cranes (mobile), dozers (track and wheel), generators, graders, loaders (track and wheel), mixers, pavement breakers, pavers, pile drivers, power hoists, rock drills, rock crushers, rollers, scrapers, and shovels.
- (9) *Continuous noise*. Noise whose level remains essentially constant without interruption or break.

- (10) *Decibel (dB)*. A unit of sound magnitude equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure being measured to a reference sound pressure of 20 micronewtons per square meter or 0.0002 microbars, abbreviated "dB."
- (11) *Director*. The director of the department transportation and environmental services of the City of Alexandria or his duly authorized representative.
- (12) *Emergency signal device*. Any gong, bell, siren, whistle or any horn or any similar device the use of which is permitted on authorized vehicles or which are mounted on poles, buildings, towers or other supports.
- (13) *Emergency work*. Work made necessary to restore property to a safe and working condition following a public calamity, or work required to protect persons or property from imminent danger.
- (14) *Engineer*. The noise pollution specialist designated or appointed by the director.
- (15) *Exhaust system*. A system which removes and transports air or gas from a device.
- (16) *Hertz*. A unit of measurement of frequency numerically equal to cycles per second.
- (17) *Impulsive noise*. A short burst of acoustical energy such as, but not limited to, that produced by weapon fire, punch press or drop hammer. A pressure time history of a single impulse includes a rapid rise to a maximum peak pressure followed by a somewhat slower decay, both occurring within one second.
- (18) *Industrial use area*. ~~The area within 200 feet of all boundaries of any property producing noise or, where such property is a railroad, the area within 200 feet perpendicular to the centerline of the railroad track at the source of the noise, when the predominant use of properties in that area is for industrial purposes.~~ Any property used for construction, repair, trade or manufacturing, production, assembly or processing of finished or partially finished products from raw materials or fabricated parts on such a large scale that capital and labor are significantly involved, and includes any office or other accommodation on the same property, the use of which is incidental to such activity, or utility and transit facility uses.
- (18.1) *Institutional use area*. Any property that is operated by a government, nonprofit, or quasi-public use or institution, such as a library, public or private school, religious institution, hospital, convalescent home, nursing home, continuum of care facility, or municipally owned or operated building, structure, or land used for public purposes.
- (19) *Internal combustion engine*. A device for the production of energy by means of combustion under pressure.
- (20) *Microbar*. Unit of pressure commonly used in acoustics and equal to one dyne per square centimeter or one-tenth (0.1) Newtons per square meter.

- (21) *Motorcycle*. Every motor vehicle designed to travel on not more than three wheels in contact with the ground and any four wheeled vehicle weighing less than 500 pounds and equipped with an engine of less than six horsepower.
- (22) *Motorized construction device*. Any construction device which is a motor vehicle.
- (23) *Motor vehicle*. Every device in, upon or by which any person or thing is or may be transported or drawn upon a highway which is self-propelled or designed for self-propulsion, except devices used exclusively upon stationary rails or tracks.
- (24) *Muffler*. An apparatus generally consisting of but not limited to a series of chambers or baffles for the purpose of transmitting gases while reducing sound level.
- (25) *Newton*. A unit of pressure. The force required to accelerate one kilogram of mass at one meter per second squared.
- (26) *Noise*. A steady-state or impulsive sound or sounds occurring on either a continuous or intermittent basis.
- (27) *Noise level*. See sound pressure level.
- (28) *Octave band*. An interval in the audible range of sound that has an upper frequency numerically exactly twice that of its lower frequency.
- (29) *Owner*. Owner shall have no connotations other than that customarily assigned to the term "person," but shall include bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as individuals.
- (30) *Person*. Any individual, corporation, cooperative, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state or any legal successor, representative, agent or agency of the foregoing.
- (30.1) *Plainly audible*. Sound that can be heard by the unaided human ear.
- (31) *Power equipment*. Motorized or engine driven equipment such as, but not limited to, powered saws or chain saws and powered hand tools including hydraulic and pneumatic hand tools. Does not include air or surface transportation vehicles, construction devices, sound signaling devices or power lawn and garden equipment.
- (32) *Power lawn and garden equipment*. Powered devices for care and maintenance of lawns and gardens, including but not limited to, edgers, garden tractors, hedge clippers, home tractors, lawn mowers, snow and leaf blowers, tillers, and trimmers.
- (33) *Property*. The smallest area owned or leased by the same person or persons.
- (34) *Rail rapid transit system*. A railroad used exclusively for local service in the transportation of passengers as a common carrier for hire together with the appurtenances, facilities and equipment thereof.
- (35) *Railroad*. All the rights-of-way of any common carrier operating a railroad, whether owned or operated under contract, agreement or lease.
- (36) *Residential use area*. ~~The area within 200 feet of all boundaries of any property producing noise or, where such property is a railroad, the area within 200 feet perpendicular to the centerline of the railroad track at the source of noise, when the predominant use of properties in that area is for residential purposes.~~ Any single- or multiple-unit structure, such as a house, townhouse, duplex, condominium, mobile home, or apartment, that is used primarily for residential purposes, but shall not include any hotel and motel.

- (37) *Slow meter response.* The dynamic response of a sound level meter, as specified under the most recent specification of the American National Standards Institute, Inc., New York, N.Y. (ANSI) for sound level meters.
- (38) *Sound.* An auditory sensation evoked by alternating compression and expansion of air, or other medium, accompanied by changes in pressure, particle velocity or displacement.
- (39) *Sound level.* The weighted sound pressure level in decibels obtained by use of a sound level meter with a metering response (fast or slow) and A, B or C weighting networks as specified by the American National Standards Institute, Inc., New York, N.Y. (ANSI).
- (40) *Sound level meter.* An instrument comprising a microphone, amplifier, and output meter, and frequency weighting networks, that is used for the measurement of sound levels in a manner specified by the American National Standards Institute, Inc., New York, N.Y. (ANSI), in its standards 1.4-1971 or latest revision.
- (41) *Sound pressure.* The difference between the barometric or average pressure and the instantaneous pressure created at a given point by a source of sound: measured in Newtons per square meter.
- (42) *Sound pressure level (in decibels).* 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound being measured to a reference sound pressure of 20 micronewtons/m<sup>2</sup>(0.0002 microbars).
- (43) *Sound reproduction device.* A device intended primarily for the production or reproduction of sound including, but not limited to, any musical instrument, radio receiver, television, receiver, tape recorder, phonograph and sound amplifying system.
- (44) *Sound signal device.* A device designed to produce a sound signal when operated, including but not limited to, any klaxon, air horn, whistle, bell, gong, siren, but not an emergency signal device.
- (45) *Warning device.* Sound signal devices used to alert and warn people.

\*\*\*

#### **Sec. 11-5-4 - Noises prohibited—enumeration.**

The following acts, among others, are declared to be unlawful, but this enumeration shall not be deemed to be exclusive, namely:

- (1) Sound signaling device. The sounding of any sound signal device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a warning of danger or as provided in subsection 11-5-6. The sounding of any sound signal device attached to a motor vehicle, wagon or manually propelled cart, from which food or any other items are sold, more frequently than once every two minutes in any one city block and with a duration of more than 10 seconds for any single emission.
- (2) Sound reproduction device. The using or operating of any sound reproduction device radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound, or permitting the same to be played, used or operated in such manner—as to be plainly audible across property boundaries at a distance of 50 feet from the building, structure or vehicle in which it

is located, except such operation by a public service company or the city to restore and maintain services provided by it.

- (3) ~~Reserved.~~ Noise in residential dwellings. Unless otherwise exempted or excepted by this chapter, any person that permits, operates, or causes any source of sound or sound generation to create a sound in his or her residential dwelling that is plainly audible in any other person's residential dwelling with the doors and windows closed between the hours of 11:00 p.m. and 7:00 a.m.
- (4) ~~Reserved.~~ Loading, unloading, opening boxes. The creation of noise in connection with loading or unloading any vehicle or opening or destruction of bales, boxes, crates, or containers, that is plainly audible by persons in any office or residence with the doors and windows closed, across property boundaries at a distance of 50 feet from the source of the noise, except as provided by section 11-5-7 of this chapter. The outdoor loading or unloading of trucks within 500 feet of a residential dwelling between 11:00 p.m. and 7:00 a.m. is prohibited.
- (5) ~~Reserved.~~ Construction or repairing of a dwelling when the activity is being conducted by an owner or occupant and the homeowner is not acting as the general contractor or working for commercial purposes. Construction or the operation or permitting the operation of construction devise and power equipment in or around any dwelling when the activity is being conducted by an owner or occupant and the homeowner is not acting as the general contractor or working for commercial purpose shall be prohibited during the hours listed in subsection (16), Table II below.
- (6) Reserved.
- (7) Exhausts. The discharge into the open air of the exhaust of any motor vehicle except through a muffler or other device pursuant to Virginia Code § 46.2-1049.
- (8) Reserved.
- (9) Reserved.
- (10) Construction or repairing of buildings, streets, walks, railways, sewers, utility lines, etc. The erection (including excavation), demolition, alteration or repair, and any and all activity necessary or incidental thereto, of any building, except a ~~dwelling house when the activity is being conducted by an owner or occupant or agent thereof and not for profit~~ as subject to subsection (5) above, any street, walk, railway, sewer, utility line or other construction other than between the hours listed in Table I, except in case of urgent necessity in the interest of public health and safety or to restore and maintain public service and then only with a permit from the city manager, which permit may be granted for a period not to exceed six days while the necessity continues and which permit may be renewed for periods of six days while the necessity continues. If the city manager should determine that the public health and safety will not be impaired by any erection, demolition, alteration or repair and if he shall further determine that failure to permit erection, demolition, alteration or repair during such hours would result in loss or inconvenience to any party in interest, he may after consultation with the director grant permission for the work to be done within the hours prohibited in Table I, upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (11) Reserved.
- (12) Reserved.

- (13) Reserved.
- (14) Reserved.
- (15) Construction devices and power equipment. The operation or permitting the operation during the hours prohibited in Table I of any construction device or power equipment unless permitted in accordance with section 11-5-7 of this chapter.

_____		
TABLE I		
	Prohibited Hours	
Day	Before	After
_____		
Monday through Friday	7:00 a.m.	6:00 p.m.
Saturday	9:00 a.m.	6:00 p.m.
Sunday	All Hours	
Holidays in Sec. 11-5-5(a)(5)a.		
_____		

- (16) Power lawn and garden equipment. The operation or permitting the operation during the times listed in Table II of any power lawn or garden equipment.

_____		
<b>TABLE II</b>		
	<b>Prohibited Hours</b>	
<b>Day</b>	<b>Before</b>	<b>After</b>
_____		
Monday through Friday	7:00 a.m.	9:00 p.m.
Saturday, Sunday, Holidays as listed in Sec. 11-5-5 (a)(5)a.	9:00 a.m.	9:00 p.m.
_____		

- (17) Ventilation and air conditioning. The operation or permitting the operation of ventilation systems and air conditioning systems whose components, air ducts and vent opening may be installed on the roof or ground, in windows or walls the use of which exceeds the noise levels in Table III.

- (18) Trash collection. No person shall operate or permit the operation of any refuse collection motor vehicle for collection of solid waste except as permitted by title 5, chapter 1 of the city code.



- (19) Pile driving. Notwithstanding any contrary provision of this chapter, no person shall operate, and no person shall permit the operation by any employee, independent contractor or other person of, any pile driving equipment, except between the hours of 9:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 4:00 p.m., Saturday. The city manager is authorized, in his discretion, to grant relief from the provisions of this section, under the procedures set forth in section 11-5-7. In deciding whether to grant such relief, the city manager shall consider (i) the location at which pile driving is proposed to be conducted, (ii) its proximity to residential areas, business districts, public parks, recreation facilities, historic areas and tourist destinations, (iii) the availability and cost of alternative methods of construction, (iv) the mitigation measures available or proposed, (v) the impact upon the construction project, and upon the public, and (vi) such additional factors as the manager determines may be relevant to avoid injury or danger to the welfare of residents, business employees and patrons, park patrons, students, tourists and other visitors to the city. For purposes of this subsection, pile driving shall mean the driving of piles into the earth through the use of a gravity- or pneumatic-driven hammer or similar device or mechanism, and person shall include any state, or agency, instrumentality or contractor of a state, in addition to the meaning defined in section 11-5-2(30).

**Sec. 11-5-4.1 - Same—central business district—Noises prohibited - Noise in public areas.**

- (a) Notwithstanding any conflicting provision of this chapter or other law, it shall be unlawful for any person to engage in, or to suffer or permit on or with property under such person's control, any sound generation, as defined in this section, in or on any public or private street, sidewalk or alley, any public park, marina or open space, or any private outdoor property that is open to the public for commercial or recreational purposes, ~~within the central business district established by section 8-300(A) of the City of Alexandria Zoning Ordinance,~~ except as is permitted by this section.
- (b) "Sound generation" shall mean any conduct, activity or operation, whether human, mechanical, electronic or other, and whether continuous, intermittent or sporadic, and whether stationary, ambulatory or from a vehicle, which produces or generates sound in excess of the volume levels, and for a duration of time greater than the duration, specified in this section.
- (c) Between the hours of 7:00 a.m. and 11:00 p.m., Monday through Sunday, no sound generation shall result in sound having a volume of 75 dB~~B~~(A) or more, at a distance greater than 10 feet from the place at which the sound is being generated or produced, for an aggregate duration of time greater than 60 seconds in any one hour period or be plainly audible above the background noise level to a person of normal hearing acuity at a distance greater than 50 feet from the place at which the sound is being generated or produced.
- (d) Between the hours of 11:00 p.m. and 7:00 a.m., no sound generation shall exceed a volume of 65 dB~~B~~(A) at a distance greater than 10 feet from the place at which the sound is being generated or produced, for an aggregate duration of 60 seconds between such hours or be plainly audible above the background noise level to a

person of normal hearing acuity at a distance greater than 50 feet from the place at which the sound is being generated or produced.-

- (e) This section shall not apply to any sound generation which occurs:
  - (1) as part of a city-sponsored festival or event;
  - (2) at a designated performance area within a public park, marina or open space in conformity with regulations promulgated by the city manager or the director of parks, recreation and cultural activities;
  - (3) in conformity with regulations promulgated by the city manager for the use of market square;
  - (4) under a special permit, displayed at the place of sound generation, issued by the city manager pursuant to section 11-5-7; or
  - (5) on private property pursuant to a special use permit, displayed at the place of sound generation, approved by the city council under section 11-500 of the City of Alexandria Zoning Ordinance.
- (g) This section shall be enforced by the director, the chief of police, the director of citizen assistance, the director of parks, recreation and cultural activities within any public park, marina or open space, and the director of general services within market square, and by their respective designees.
- (h) As used in this section, "background noise level" means all sound sources impacting at the place of measurement, excluding the specific source that is suspected of violating this section.
- (i) A violation under the section may be proved by either or both:
  - (1) Testimony or other evidence that the sound generation was plainly audible above the background noise level at the distance from the source, and for the duration of time, specified in subsections (c) or (d); or
  - (2) Testimony or other evidence that the sound generation equaled or exceeded the sound level, at the distance from the source, and for the duration of time, specified in subsections (c) or (d), as measured with a sound level meter, maintained in good working order, and having an accuracy specification of 2 dB at 114 dBSPL (sound pressure level) or better, and using the A weighting network of such meter. The measurement of sound level under this section, made with such meter, need not comply with the provisions of section 11-5-5.

**Sec. 11-5-5 – ~~Same Noises prohibited~~—decibel provisions.**

- (a) Classification of use areas: residential, commercial, industrial, and institutional.
- (1) Except as otherwise provided by this chapter, ~~on or after July 1, 1977~~, it shall be unlawful to project a sound or noise beyond the boundaries of the property from which such noise emanates which exceeds any of the limiting noise spectra set forth in Table III of this subsection which are applicable to that property.
  - a. For the purposes of this section, the applicable limiting noise spectra is based on the use of the property where the noise is generated.
  - b. For the purposes of this section, the limiting noise spectra set forth in Table III of this subsection for industrial uses areas shall be deemed to be the limiting noise spectra applicable to any property which—that is not located in a residential, commercial, industrial, or institutional use-area.

- (2) The measurement of sound or noise pursuant to this subsection shall be as follows:
- a. The measurement of sound or noise shall be made with sound level meters type 1 or type 2 and meeting the standards prescribed by the American National Standards Institute, Inc., New York, New York. The instrument shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration shall be made of the system before and after the noise measurements. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Other than for instantaneous sound levels or for stated lengths of time, such as eight-hour or 24-hour averages, the following procedure will be used. With a continuous noise source in operation, a minimum of nine sound level readings will be taken at least 20 seconds apart excluding any readings taken if there is significant noise from extraneous sources. If the noise source is periodic or cyclical in nature, nine readings at least 20 seconds apart will be made only during those parts of the cycle when the source is operating. No readings will be made during the parts of the cycle when the source is not operating. The median of the valid readings will be used as the average sound level.
  - b. The slow meter response of the sound level meter shall be used to determine that the maximum permissible dB(A) readings or the octave band levels set forth in Table III below have not been exceeded.
  - c. Unless otherwise specified the measurement shall be made at the boundary of the property on which such noise is generated, or perceived, as appropriate not less than three and one-half (3½) feet above ground.
  - d. Compliance with the noise limits is to be maintained at any elevation at the boundary.
  - e. Measurements in multi-family dwellings or mixed-use structures. In a structure used as a multi-family dwelling or a mixed-use structure, measurements to determine sound levels shall be taken from indoor common areas within or outside the structure or from other units within the structure, when requested to do so by the occupant in possession and control thereof. Such measurement shall be taken at a point at least four feet from the wall, ceiling or floor nearest the noise source, with doors and windows to the receiving area closed.
- (3) The limits hereinabove referred to shall be in accordance with the following table:

<b>TABLE III</b>			
<b>MAXIMUM PERMISSIBLE SOUND LEVELS</b>			
<b>Use Areas</b>	<b>Maximum dB(A)</b>	<b>Octave Band</b>	
		<b>Center Frequency Hertz-(HZ)</b>	<b>Levels dB</b>

Residential	55	31.5	70
		63	69
		125	64
		250	59
		500	53
		1,000	47
		2,000	42
		4,000	38
		8,000	35
<u>Commercial</u> <u>Between the hours of 7:00 a.m. and 11:00 p.m.</u>	<u>65</u>	<u>31.5</u>	<u>80</u>
		<u>63</u>	<u>79</u>
		<u>125</u>	<u>74</u>
		<u>250</u>	<u>69</u>
		<u>500</u>	<u>63</u>
		<u>1,000</u>	<u>57</u>
		<u>2,000</u>	<u>52</u>
		<u>4,000</u>	<u>48</u>
		<u>8,000</u>	<u>45</u>
<u>Commercial</u> <u>Between the hours of 11:00 p.m. and 7:00 a.m.</u>	<u>60</u>	31.5	75
		63	74
		125	69
		250	64
		500	58
		1,000	52
		2,000	47
		4,000	43
		8,000	40
Industrial	70	31.5	85
		63	84
		125	79

		250	74
		500	68
		1,000	62
		2,000	57
		4,000	53
		8,000	50
Institutional	60	31.5	75
		63	74
		125	69
		250	64
		500	58
		1,000	52
		2,000	47
		4,000	43
		8,000	40

(4) The maximum permissible sound levels established in Table III for application to the boundaries of a property shall not applied to construction sites. Construction site noise shall be regulated by section 11-5-4(b)(10) and 11-5-4(b)(15) and other appropriate sections of this chapter.

(5) a. Days which shall have the same restrictions as Sundays are New Year's Day (the first day of January), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).

b. The provisions of section 11-5-5(a)(5)a. of this chapter shall not be applicable to any noise which is emitted without interruption for 24 hours every day for at least seven consecutive days, when the noise varies in intensity by less than three decibels in a 24-hour period; provided, that a permit for the emission of such noise has been issued by the city manager. Any permit shall be issued pursuant to section 11-5-7 of this chapter. Any permit issued by the city manager pursuant to this section, shall be valid until such time as the city manager, after giving notice in writing, to the applicants for the permit at least 30 days in advance, shall modify or revoke the permit.

~~(b) Power equipment and power lawn and garden equipment. It shall be unlawful to operate in the city any equipment which creates a noise or sound that exceeds the noise level limits set out in Table IV below. This equipment shall not be used during hours prohibited by either section 11-5-4(b)(15) or section 11-5-4(b)(16), as applicable.~~

<del>TABLE IV-</del>	
<del>LIMITING NOISE LEVELS FOR POWER LAWN OR GARDEN EQUIPMENT AND POWER EQUIPMENT</del>	
<del>=====</del>	
<del>Maximum Permissible Noise Level-</del>	<del>75 dB(A)-</del>
<del>Location of Measurements-</del>	<del>Property Line of Noise Source-</del>
<del>Measurement Procedure-</del>	<del>As stated in sec. 11-5-5(a)(2)a-</del>

#### **Sec. 11-5-6 - Exemptions.**

The following uses and activities shall be exempt from the provisions of this chapter:

- (1) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (2) Noises resulting from any authorized police, fire or emergency vehicle, when responding to an emergency call or acting in time of emergency.
- (3) Noises resulting from emergency work as defined in section 11-5-2.
- (4) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city in accordance with section 11-5-7.
- (5) Any aircraft operated in conformity with, or pursuant to federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
- (6) Any railroad operated in conformity with, or pursuant to federal law or regulations.
- (7) Work necessary to restore and maintain services provided by public service companies, the rail rapid transit system and the city.
- (8) Noises resulting from the operation of rail rapid transit systems.
- (9) Interstate motor carriers, and medium and heavy trucks manufactured and operated in accordance with federal noise standards. Such vehicles may not be operated with a defective muffler or with tampered or missing noise control devices.
- (10) Noise resulting from the operation of transit in compliance with the Americans with Disabilities Act.

#### **Sec. 11-5-7 - Application for special permit.**

- (a) Applications for a permit for relief on the basis of undue hardship from a noise level or time limits designated in this chapter may be made to the city manager or his duly authorized representative. Any permit granted by the city manager hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager, or his duly authorized representative, shall grant the relief as applied for if he finds:
  - (1) that additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or

- (2) the activity, operation or noise source will be of temporary duration, or cannot be done in a manner that would comply with other subsections of this section, and that no other reasonable alternative is available to the applicant.
- (b) The city manager, or his duly authorized representative, may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.
- (c) Any permit issued pursuant to this chapter shall be valid no longer than three years from the date it is issued. Upon the expiration of any such permit no new permit may be issued except in compliance with all the provisions of this section.

**Sec. 11-5-8 - Administration.**

- (a) The director shall be charged with administering and enforcing the provisions of this chapter.
- (b) The city manager shall, upon the request of the director, allocate such resources of the police department as the city manager shall deem necessary to assist the director in the administration and enforcement of the provisions of this chapter.
- (b.1) The fire marshal, deputy fire marshals, new construction inspectors and existing structures inspectors within the code enforcement bureau shall have concurrent jurisdiction to enforce the provisions of this chapter relating to construction, construction devices and power equipment as defined in section 11-5-2 of this Code.
- (c) The engineer and the director shall whenever possible coordinate their activities to the end that noise pollution in the city is regulated, prevented, abated and controlled.
- (d) In addition to any other powers vested in him, the director may, subject to the availability of funds:
  - (1) conduct studies, investigations and research relating to noise pollution and its prevention, abatement and control;
  - (2) issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;
  - (3) hold hearings relating to any aspect of or matter in the administration of this chapter;
  - (4) secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;
  - (5) prepare and develop a comprehensive plan or plans for the prevention, abatement and control of noise pollution;
  - (6) advise, consult and cooperate with other local governmental units, agencies of the state, industries, interstate or interlocal agencies and the federal government, and with interested persons and groups;
  - (7) review those matters having a bearing upon noise pollution referred by other agencies(such as planning, zoning, building and fire departments) and make reports, including recommendations, to the referring agencies with respect thereto;
  - (8) collect and disseminate information and conduct educational and training programs relating to noise pollution;
  - (9) encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter;

- (10) do any and all acts which may be necessary for the successful prosecution of the policy of this chapter and such other acts as may be specifically enumerated herein;
- (11) prepare annually a report to the city council on progress in implementation and enforcement of the provisions of the noise control code and make recommendations to the council of any changes in the noise control code he deems desirable;
- (12) may coordinate the noise control activities of all agencies and departments of the city government and advise, consult, cooperate and coordinate noise control activities with other local governmental units, state agencies, interstate and interlocal agencies, the federal government, and with interested persons and groups with respect to the provisions of this chapter;
- (13) may make recommendations to the city council for changes to this chapter to make it consistent with all preemptive state and federal legislation.
- (e) The city manager shall submit to the city council recommended noise design limits to be incorporated in city planning and zoning and the design and construction of buildings, streets and highways and in the routing and rerouting of motor vehicle and pedestrian traffic.

#### **Sec. 11-5-9 - Inspections.**

Any duly authorized officer, employee, or representative of the engineer or the director may, when granted permission by the owner, or some person with reasonably apparent authority to act for the owner, enter and inspect any property, premises or place at any reasonable time for the purpose of investigating or testing either an actual or suspected source of noise pollution, or of ascertaining the state of compliance with the chapter and regulations enforced pursuant thereto.

#### **Sec. 11-5-10 - Enforcement procedure.**

- (a) Whenever the director has reason to believe that a violation of any provision of this chapter or a rule or regulation issued pursuant thereto has occurred, he may give notice of the violation to the owner failing to comply with this chapter, ordering him to take such corrective measures as are necessary within a reasonable time thereafter. The notice and order shall be in writing and shall be served personally upon the person to whom directed, or if he be not found, by mailing a copy thereof by certified mail to his usual place of abode and conspicuously posting, a copy at the premises affected by notice and order, if any.
- (b) Nothing in this chapter shall prevent the director from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

#### **Sec. 11-5-11 - Emergency procedure.**

Notwithstanding the provisions of this chapter or any other provision of law, if the director finds that any owner is causing or contributing to noise pollution and that the causing or contributing to noise pollution creates an emergency which requires immediate action to protect the public health or safety, the director shall order the owner to reduce or discontinue immediately the causing or contributing to noise pollution and such order shall be complied with immediately. The order shall be deemed properly served if a copy thereof is delivered personally, or if the owner involved is not found, by mailing a copy thereof by certified mail to the owner involved at the premises involved or



his business or residence address, if known, and by posting a copy thereof in a conspicuous place in or about the premises affected.

**Sec. 11-5-12 - Penalties.**

- (a) Civil violation. Any person who commits, permits, assists in or attempts any violation of this chapter, whether by act or omission, shall be liable for a civil violation as follows:
  - (1) The first violation of this chapter by such person shall be punished by a civil penalty in the amount of ~~\$50~~100.
  - (2) The second violation of this chapter committed by such person within seven days of the first violation shall be punished by a civil penalty in the amount of ~~\$100~~250.
  - (3) The third and any subsequent violation of this chapter committed by such person within 14 days of the first violation shall be punished by a civil penalty in the amount of \$500.
- (b) Each hour of a continued violation shall constitute a separate offense under this chapter.
- (c) Procedures.
  - (1) Civil Violations.
    - (i) If an authorized enforcement officer determines that a violation of this chapter has occurred, the officer may cause a notice of the violation to be served on any or all persons committing, permitting, assisting in or attempting such violation.
    - (ii) The notice shall provide that the person charged with a civil violation may elect to make an appearance in person, or in writing by mail, to the treasurer of the city, and admit liability for or plead no contest to the violation, abate the violation, and pay the civil penalty established for the violation, all within the time period fixed in the notice.
    - (iii) If a person charged with a civil violation does not elect to admit liability or plead no contest, and abate the violation, 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 for civil actions at law.
    - (iv) In the event the violation exceeds the jurisdictional limits of the General District Court, the violation shall be tried in the Alexandria Circuit Court.
    - (v) A finding of admission of liability or a plea of no contest to a civil violation shall not be deemed evidence of a criminal violation for any purpose.
    - (vi) A notice of civil violation as provided in this section, may be issued or had, notwithstanding that no prior notice of violation and ordering of corrective measures as provided in section 11-5-10 has been given.
    - (vii) The provisions for judicial review contained in section 11-5-16 shall have no application to notices of violation issued or made under the provisions of this section.

(viii) Any person operating or controlling a noise source shall be guilty of any violation caused by it. If the person operating or controlling the noise source cannot be identified, any owner, tenant, resident, or manager physically present on the property where the noise source is located may be charged if the circumstances establish their dominion and control over the noise source.

\*\*\*

Section 2. That Chapter 5 of Title 11 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

23. Appointment of Members to the Independent Community Policing Review Board. (Vote #3)

**WHEREUPON**, ballots were again distributed, tellers were again appointed, and the ballots were tallied with the following results: City Council appointed the following person to the Independent Community Policing Review Board: Ingris Moran. The vote was as follows:

Wilson	-	Moran
Bennett-Parker	-	absent
Aguirre	-	Moran
Chapman	-	Moran
Jackson	-	Moran
Pepper	-	Euille
Seifeldein	-	Moran

The following members will serve an 18 months term: Francisco Duran, Christopher Lewis and Todd Pilot. The following members will serve a three year term: Darrilyn Franklin, Ingris Moran, Rob Krupicka, Jeanne O'toole, and Emily Flores. (Vote #3)

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

### **DEFERRAL/WITHDRAWAL CONSENT CALENDAR Planning Commission (continued)**

None.

\*\*\*\*\*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried 6-0, City Council adjourned the public hearing meeting of December 14, 2021 at 3:53 p.m. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Vice Mayor Bennett-Parker.

\*\*\*\*\*

**APPROVED BY:**

\_\_\_\_\_  
**JUSTIN M. WILSON    MAYOR**

ATTEST:

\_\_\_\_\_  
Gloria A. Sitton, CMC    City Clerk

Approved:    February 8, 2022