

**City of Alexandria
Saturday, March 12, 2022 9:30 AM
City Council Public Hearing Meeting
Council Chamber
Meeting Minutes**

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

Absent: None.

Also Present: Mr. Parajon, City Manager; Ms. Anderson, City Attorney; Ms. Triggs, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. Snow, Senior Assistant City Attorney; Fire Chief Smedley; Mr. Ziemann, Division Chief, T&ES; Ms. Horowitz, Principal Planner, P&Z; Mr. Silva, Urban Planner; Mr. Castrilli, Division Chief, P&Z; Mr. Imm, Principal Planner, P&Z; Mr. Browand, Deputy Director, Recreation, Parks, and Cultural Activities; Ms. Franco, Urban Planner, P&Z; Mr. Block, Principal Planner, T&ES; Ms. Lo, Urban Planner, Recreation, Parks, and Cultural Activities; Mr. Smith, Information Technology Services (ITS), Ms. Demeke, ITS, Mr. Adelshin, ITS, and Police Captain Ballentine.

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 the members of City Council were present, with Councilman Aguirre and Councilman Chapman arriving immediately following roll-call.

2. Public Discussion Period

The following persons participated in the public discussion period:

1. John Wade Brittingham, Alexandria, spoke about parking challenges in his neighborhood resulting from Lena's using their parking lot business during this

pandemic.

2. Michael Faber, Alexandria, City firefighter, spoke about increasing wages for public safety by 10% in the City's budget and about the lack of staffing in the fire stations in the City.

3. Elizabeth King, LaPlata, Maryland, fire department retiree, spoke about increasing wages, the additional of cost of living adjustment and other benefits for firefighters.

4. Janice Grenadier, Alexandria, issues with a foreclosure on her home and issues with the courts.

5. Amy Slack, Alexandria introduced herself to Council and spoke about her years of civic involvement in the community.

6. Cyrus Coleman, Alexandria, spoke in opposition to the parklet fees and structure that Council considered on Tuesday.

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (3)

Planning Commission

3. Special Use Permit #2021-00115
3507 Mount Vernon Avenue
Public Hearing and consideration of a request for a Special Use Permit for the intensification of a non-complying general automotive repair use with the addition of automobile sales; zoned: NR/Neighborhood Retail (Arlandria). Applicant: Kostadinos Pehlivanis
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. 3; 03/12/22, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

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

ROLL-CALL CONSENT CALENDAR (4-11)

4. 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 Landmark-Van Dorn Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00001 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. 2021-00001 associated with Landmark Overlook approved by City Council on February 12, 2022). [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. 4; 3/12/22, 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. 4; 3/12/22, and is incorporated as part of this record by reference.)

5. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet Nos. 047.03 and 047.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 5901 and 5951 Stevenson Avenue and 2 South Whiting Street from CRMU-M/Commercial residential mixed use (medium) and 5999 Stevenson Avenue from OCM(50)/Office commercial medium (50) zone to CRMU-H/Commercial residential mixed use (high) in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00002 (Implementation Ordinance for Rezoning No. 2021-00002 associated with Landmark Overlook approved by City Council on February 12, 2022). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 3/12/22, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of

Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 3/12/22, and is incorporated as part of this record by reference.)

6. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public right-of-way for a portion of alley along Mt. Vernon Avenue, which is bounded by 3608 Mount Vernon Avenue to the southeast and 3610 Mount Vernon Avenue to the northwest (VAC No. 2021-00001) (Implementation Ordinance for Vacation No. 2021-00001 associated with AHDC Glebe/Mount Vernon approved by City Council on January 22, 2022). [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; 3/12/22, 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; 3/12/22, and is incorporated as part of this record by reference.)

7. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 048.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property 5380 Holmes Run Parkway from RC/High density apartment to RMF/Residential multifamily in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00007 (Implementation Ordinance for Rezoning No. 2021-00007 associated with ParcView II approved by City Council on February 12, 2022). [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; 3/12/22, 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; 3/12/22, and is incorporated as part of this record by reference.)

8. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sections 10-3-30 and 10-3-874 of Article B (RECKLESS DRIVING, SPEEDING, ETC.) of Chapter 3 (OPERATION OF VEHICLES) of Title 10 (MOTOR VEHICLES AND TRAFFIC) of the Code of the City of Alexandria, Virginia, 1981, as amended. [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; 3/12/22, 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; 3/12/22, and is incorporated as part of this record by reference.)

9. Public Hearing, Second Reading and Final Passage of an ordinance to amend sections 2-1-4 (Compensation of members) and Section 2-1-10 (City Clerk Generally) of Article A (General Provisions) and Sections 2-1-41 (Regular meetings), Section 2-1-42 (Regular Meetings for public hearings) and Section 2-1-46 (Quorums) of Article B, all of Chapter 1 (The City Council) of Title 2 (General Government) of the Code of the City of Alexandria, Virginia, 1981, as amended to update City Council procedures and consideration of updates to City Council special regulations regarding council aides and council appointees. [ROLL-CALL VOTE]

(A copy of the City Manager's and City Attorney's memorandum dated March 1, 2022, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 3/12/22, 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; 3/12/22, 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; 3/12/22, and is incorporated as part of this record by reference.)

10. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 2-2-10 (Establishment of Election Districts and Voting Places) Subsection (Z), All of Chapter 2 (Elections), Title 2 (General Government) of the Code of the City of Alexandria, Virginia, 1981, As Amended, to Amend and Reordain Section 12-1-4 (Election of School Board Members; Date and Manner of Election), All of Chapter 1 (School District and School Board), Title 12 (Education, Social Services And Welfare) of the Code of the City of Alexandria, Virginia, 1981, As Amended, and to Amend And Reordain "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," Adopted by Section 2-2-13 (Map of Election Districts and Voting Places), All of Chapter 2 (Elections), Title 2 (General Government) of the Code of the City Of Alexandria, Virginia, 1981, As Amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated March 1, 2022, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 3/12/22, 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. 10; 3/12/22, 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. 10; 3/12/22, and is incorporated as part of this record by reference.)

11. Public Hearing, Second Reading and Final Passage of Ordinances to Grant Right-Of-Way Franchises to Ting, Inc., and Lumos Telephone, Inc. For Broadband Services. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated March 7, 2022, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 3/12/22, 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. 11; 3/12/22, 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. 11; 3/12/22, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Jackson and carried unanimously, City Council closed the public hearing and approved the roll-call consent calendar, with the exception on items 4, 5, 8 and 11, which were considered under separate motions. The approval was as follows:

6. City Council adopted an ordinance to vacate a portion of the public right-of-way for a portion of alley along Mt. Vernon Avenue, which is bounded by 3608 Mount Vernon Avenue to the southeast and 3610 Mount Vernon Avenue to the northwest (VAC No. 2021-00001).

The ordinance reads as follows:

ORDINANCE NO. 5416

AN ORDINANCE to vacate a portion of the public right-of-way for a portion of alley along Mt. Vernon Avenue, which is bounded by 3608 Mount Vernon Avenue to the southeast and 3610 Mount Vernon Avenue to the northwest (VAC No. 2021-00001).

WHEREAS, Alexandria Housing Development Corporation (Owner) have applied for the vacation of a portion of the public right-of-way that is an at alley along Mt. Vernon Avenue, which is bounded by 3608 Mount Vernon Avenue to the southeast and 3610 Mount Vernon Avenue to the northwest in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2021-00001, the planning commission recommended approval to the City Council on January 4, 2022 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 22, 2022; and

WHEREAS, viewers, Sean McEneaney, Debra Roepke, and Charles Sumpter have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

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

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

2. Easements shall be reserved for all existing public and private utilities within

the area vacated. The Owner shall show all easements on the plat of consolidation.

3. The Owner may not construct any buildings, or improvements, including driveways and parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidated plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation.

4. Owner shall pay \$0 to the City for the vacated land.

Section 3. The term "Owner" shall be deemed to include Alexandria Housing Development Corporation, and their respective successors in interest.

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

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

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

7. City Council adopted an ordinance to amend and reordain Sheet No. 048.01 of the "Official Zoning Map , Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property 5380 Holmes Run Parkway from RC/High density apartment to RMF/Residential Multifamily in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00007.

The ordinance reads as follows:

ORDINANCE NO. 5417

AN ORDINANCE to amend and reordain Sheet No. 048.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property 5380 Holmes Run Parkway from RC/High density apartment to RMF/Residential multifamily in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00007.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2021-00007, 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 February 1, 2022 of a rezoning of the property 5380 Holmes Run Parkway from RC/High density apartment to RMF/Residential multifamily, which recommendation was approved by the City Council at public hearing on February 12, 2022;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
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 Sheet No. 048.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 5380 Holmes Run Parkway, Alexandria,
Virginia 22304, 048.01-01-17

From: RC/High density apartment
To: RMF/Residential multifamily

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 048.01 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

9. City Council adopted an ordinance to amend certain sections of City Code Title 2, Chapter 1, Article A and B regarding certain City Council procedures and adopted the changes to the Council Aide Regulations and City Council Appointee Special regulation.

The ordinance reads as follows:

ORDINANCE NO. 5419

AN ORDINANCE to amend and reordain sections 2-1-4 (Compensation of members) and Section 2-1-10 (City Clerk Generally) of Article A (GENERAL PROVISIONS) and Sections 2-1-41 (Regular meetings), Section 2-1-42 (Regular Meetings for public hearings) and Section 2-1-46 (Quorums) of Article B, all of Chapter 1 (The City Council) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A 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:

Sec. 2-1-4 Compensation of members.

- (a) The mayor ~~shall~~ is allowed to receive, in full compensation for his/her services, the salary of \$41,500 per year.
- (b) The members of city council ~~shall~~ is allowed to receive, in full compensation for their services, the salary of \$37,500 per year.
- (c) The members of city council and the mayor shall, in addition to the compensation provided above, be eligible to receive the same benefits as are provided city employees by the city, to the extent permitted by law. For the purpose of benefits for which eligibility is determined by the city, the mayor and members of city council shall be categorized as full time city employees.
- (d) The rate of compensation for the members of the city council and the mayor may be changed by ordinance, except that no increase in such rate of compensation shall be made to become effective during the term of office of the members of council and the mayor in which the vote to increase the compensation is cast, and any ordinance to approve such an increase shall be adopted at least four months prior to the date for the next general election of the members of city council and the mayor.
- (e) The rate of compensation of the members of city council and the mayor shall be reviewed every three years, in conformance with the time periods established in subsection (d) of this section, for the purpose of considering whether such rate

should include a cost of living increase in line with cost of living increases, if any, afforded city employees since the last such review.

Sec. 2-1-10 City clerk generally.

- (a) The city council shall appoint a city clerk and shall have power to remove him from office. He shall be the clerk of the city council, shall keep the journal of its proceedings and shall record all ordinances in a properly indexed book kept for that purpose. He may incorporate into the journal by reference various documents, including, but not limited to, agreements, ordinances, resolutions, reports and maps. He shall also give every ordinance after passage a serial number. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time. He shall receive compensation to be fixed by the city council and shall perform any additional duties as the city council may from time to time designate.
- (b) **The city council clerk may appoint a deputy city clerk and when, in the opinion of the council, the city clerk is, because of disability or otherwise, unable to perform the duties of the office. The council shall have the power to remove the deputy clerk from office. Any appointed deputy clerk shall, while holding office, have the power and authority to perform all of the duties and functions of the city clerk and clerk of council.**

Section 2. That Article B 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:

Sec. 2-1-41 Regular meetings.

The city council shall, except during the months of July and August, hold regular meetings at least twice a month. The City Council may hold additional meetings as necessary including in the months of July and August. ~~on the second and fourth Tuesdays in each month at 6:00 p.m.; immediately after the beginning of the regular meeting, city council will convene in closed session, if needed. The non-executive session docket will begin at 7:00 p.m. at all regular meetings of city council; provided, however, that when any such day shall fall on a legal holiday, the meeting shall be held on the next succeeding day; and, provided further, that no regular meeting need be held on the fourth Tuesday in December.~~

Sec. 2-1-42 Regular meetings for public hearings.

The city council shall, except during the months of July and August, hold regular meetings for public hearings at least once a month. The City Council may hold additional public hearings as necessary including during the months of July and August. ~~on the Saturday following the second Tuesday in each month at 9:30 a.m.; provided, however, that when any such day shall fall on or within three (3) days of a legal holiday, the meeting may be held on the Saturday preceding the fourth Tuesday of the month.~~

Sec. 2-1-46 Quorum.

A majority of the members of the city council shall constitute a quorum for the transaction of business. ~~If a quorum fails to attend any meeting, regular or special, the mayor shall adjourn the meeting to some later date and notice of the adjournment shall be given to each member of the city council by the city clerk.~~

Section 3. That Article A and B 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.

10. City Council adopted an ordinance to: (1) establish the F.T. Day School as a polling place in lieu of the Hermitage Senior Living Facility and rename the Hermitage Precinct the F.T. Day School Precinct; (2) shift the AlexRenew Precinct from Election District A into Election District B; and (3) amend the City Code to reflect the names of the current voting precincts.

The ordinance reads as follows:

ORDINANCE NO. 5420

AN ORDINANCE to amend and reordain Section 2-2-10 (ESTABLISHMENT OF ELECTION DISTRICTS AND VOTING PLACES) Subsection (z), all of Chapter 2 (ELECTIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, to amend and reordain Section 12-1-4 (ELECTION OF SCHOOL BOARD MEMBERS; DATE AND MANNER OF ELECTION), all of Chapter 1 (SCHOOL DISTRICT AND SCHOOL BOARD), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of The Code of the City of Alexandria, Virginia, 1981, as amended, and to amend and reordain "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by Section 2-2-13 (MAP OF ELECTION DISTRICTS AND VOTING PLACES), all of

Chapter 2 (ELECTIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-2-10 Subsection (z) of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to delete the text shown in strikethrough and add the text shown in underline as follows:

(z) ~~The St. James Church Election District shall henceforth be known as The Hermitage Election District~~ shall henceforth be known as the Ferdinand T. Day School Election District and be bounded and described by the census blocks shown on the map adopted by [section 2-2-13](#) of this Code as comprising the said district.

The voting place within the ~~Hermitage Election District~~ F. T. Day School Election District shall be at the ~~Hermitage~~ Ferdinand T. Day School, located at ~~5000 Fairbanks Avenue~~ 1701 North Beauregard Street.

Section 2. That Section 12-1-4 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to delete the text shown in strikethrough and add the text shown in underline as follows:

(a) The election of all nine school board members shall be held on the day of the November 2024 general election ~~first Tuesday in May, beginning in May 1994, and on the day of the November general election~~ every third year thereafter.

(b) The nine members of the school board shall be elected, in accordance with subsection (c), by the qualified voters residing in the school board election districts. To be eligible to be a candidate for election from a school board election district, an individual must be a resident of the district.

(c) The city shall be divided into three school board election districts, District A, District B and District C. Three school board members shall be elected from and shall represent each such district. The three districts shall be composed of the following precincts (or, as identified in [title 2](#) of this code, "election districts") located within the city, the boundaries of which are described in [section 2-2-10](#).

(i) District A shall be composed of the Lyles Crouch School, City Hall, Ladrey Senior Building, ~~Jefferson-Houston School~~, Fire Department Headquarters, Lee Center, George Washington Middle School, Cora Kelly – “Chick” Armstrong Center, and Mt. Vernon Recreation Center, Durant Center, Charles Houston, and Potomac Yard precincts;

(ii) District B shall be composed of the Maury Naomi L. Brooks School, George Mason School, ~~Agudas Achim Congregation~~, Blessed Sacrament Church, ~~Second Presbyterian Church~~, ~~Minnie Howard School~~, Temple Beth El, Northern Virginia Community College Arts Center, Charles Barrett Center, Douglas MacArthur School,

Chinquapin Park Recreation Center, Ferdinand T. Day School, AlexRenew, and James K. Polk School precincts; and

(iii) District C shall be composed of the Patrick Henry School Recreation Center, Samuel Tucker School, Charles E. Beatley, Jr., Central Library, John Adams School, William Ramsey Ramsay Recreation Center, Cameron Station Community Center, Olympus Condo, and South Port precincts.

(d) The boundaries between District A, District B and District C established by the precincts as constituted on March 12, 2022 shall not be changed or amended by subsequent changes or amendments to the precincts, unless expressly provided in the ordinance adopting such changes or amendments to the precincts. (Ord. No. 3693, 12/16/93, Sec. 1; Ord. No. 3796, 5/13/95, Sec. 1; Ord. No. 4263, 6/25/02, Sec. 1; Ord. No. 5351, 6/19/21, Sec. 2)

Section 3. That “The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places,” adopted by Section 2-2-13 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained as shown on Exhibit 1, attached hereto and incorporated fully by reference.

Section 4. That this ordinance shall become effective upon the earlier of i) receipt by the City Attorney’s Office of a Certification of No Objection by the Office of the Attorney General of Virginia or ii) May 16, 2022, and the adjustments contained herein will be utilized for the elections in 2022 and thereafter until or unless further modified and amended.

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

4. 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 Landmark-Van Dorn Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00001 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. 2021-00001 associated with Landmark Overlook approved by City Council on February 12, 2022). [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. 4; 3/12/22, 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. 4; 3/12/22, and is

incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Jackson, and carried 6-1 by roll-call vote, City Council closed the public hearing and 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 Landmark-Van Dorn Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, Councilman Aguirre.

The ordinance reads as follows:

ORDINANCE NO. 5414

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 Landmark-Van Dorn Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00001 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. 2021-00001, 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 December 7, 2021 of an amendment to the Landmark-Van Dorn Small Area Plan Chapter of the Master Plan of the City of Alexandria through the Landmark Van Dorn Corridor Plan overlay to allow the primary use above the first floor to be residential-some office instead of office at certain properties and allow on Block B of the Plan an increase to the maximum floor area of residential uses, a decrease in the minimum floor area of required office uses, and a decrease in the minimum floor area of required retail uses, which recommendation was approved by the City Council at public hearing on February 12, 2022;

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 Landmark-Van Dorn Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by allowing the primary use above the first floor to be residential-some office instead of office at certain properties and allowing on Block B of the Plan (Figures 4-11 and 7-13) an increase in the maximum floor area of residential uses, a decrease in the minimum floor area of required office uses, and a decrease in the minimum floor area of required retail uses (Table 4-4 and Figure 6-11), 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.

5. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet Nos. 047.03 and 047.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 5901 and 5951 Stevenson Avenue and 2 South Whiting Street from CRMU-M/Commercial residential mixed use (medium) and 5999 Stevenson Avenue from OCM(50)/Office commercial medium (50) zone to CRMU-H/Commercial residential mixed use (high) in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00002 (Implementation Ordinance for Rezoning No. 2021-00002 associated with Landmark Overlook approved by City Council on February 12, 2022). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 3/12/22, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 3/12/22, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Jackson and carried 6-1 by roll-call vote; City Council closed the public hearing and adopted an ordinance to amend and reordain Sheet Nos. 047.03 and 047.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria, Zoning Ordinance, by rezoning the properties at 5901 and 5951 Stevenson Avenue and 2 South Whiting Street from CRMU-M/Commercial Residential Mixed Use (medium) and 5999 Stevenson Avenue from OCM(50) Office Commercial Medium (50) zone to CRMU-H/Commercial Residential Mixed Use (high) in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00002. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins and Councilman McPike; Opposed, Councilman Aguirre.

The ordinance reads as follows:

ORDINANCE NO. 5415

AN ORDINANCE to amend and reordain Sheet Nos. 047.03 and 047.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 5901 and 5951 Stevenson Avenue and 2 South Whiting Street from CRMU-M/Commercial residential mixed use (medium) and 5999 Stevenson Avenue from OCM(50)/Office commercial medium (50) zone to CRMU-H/Commercial residential mixed use (high) in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2021-00002, 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 December 7, 2021 of a rezoning of the properties at 5901 and 5951 Stevenson Avenue and 2 South Whiting Street from CRMU-M/Commercial residential mixed use (medium) and 5999 Stevenson Avenue from OCM(50)/Office commercial medium (50) zone to CRMU-H/Commercial residential mixed use (high), which recommendation was approved by the City Council at public hearing on February 12, 2022;

2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;

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 Sheet Nos. 047.03 and 047.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 5901 Stevenson Avenue, Alexandria,
Virginia 22304, 047.04-04-20

From: CRMU-M/Commercial residential mixed use (medium)
To: CRMU-H/Commercial residential mixed use (high)

LAND DESCRIPTION: 5951 Stevenson Avenue, Alexandria,
Virginia 22304, 047.03-04-19

From: CRMU-M/Commercial residential mixed use (medium)
To: CRMU-H/Commercial residential mixed use (high)

LAND DESCRIPTION: 5999 Stevenson Avenue, Alexandria, Virginia 22304, 047.03-04-17

From: OCM(50)/Office commercial medium (50) zone
To: CRMU-H/Commercial residential mixed use (high)

LAND DESCRIPTION: 2 South Whiting Street, Alexandria, Virginia 22304, 047.03-04-18

From: CRMU-M/Commercial residential mixed use (medium)
To: CRMU-H/Commercial residential mixed use (high)

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet Nos. 047.03 and 047.04 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

8. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sections 10-3-30 and 10-3-874 of Article B (RECKLESS DRIVING, SPEEDING, ETC.) of Chapter 3 (OPERATION OF VEHICLES) of Title 10 (MOTOR VEHICLES AND TRAFFIC) of the Code of the City of Alexandria, Virginia, 1981, as amended. [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; 3/12/22, 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; 3/12/22, and is incorporated as part of this record by reference.)

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

1. Mike Doyle, Alexandria, representing Alexandria Families for Safe Streets, spoke in support of the ordinance.
2. Nicole Radshaw, Alexandria, spoke in support of the ordinance.

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Jackson and carried unanimously by roll-call vote, City Council closed the public

hearing and adopted an ordinance to amend and reordain Section 10-3-30 and 10-3-8740 of Article B (RECKLESS DRIVING, SPEEDING, ETC.) of Chapter 3 (OPERATION OF VEHICLES) of Title 10 (MOTOR VEHICLES AND TRAFFIC) of the Code of the City of Alexandria, Virginia, 1981, as amended. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5418

AN ORDINANCE to amend and reordain Sections 10-3-30 and 10-3-874 Article B (RECKLESS DRIVING, SPEEDING, ETC.) of Chapter 3 (OPERATION OF VEHICLES) of Title 10 (MOTOR VEHICLES AND TRAFFIC) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article B 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:

ARTICLE B – Reckless Driving, Speeding, Etc.

Sec. 10-3-30 – Authority to change speed limits.

- (a) The city manager is authorized to increase or decrease the speed limits on city streets set forth in §§ 46.2-873 through 46.2-875 and 46.2-1300(A)(4) of the Code of Virginia, 1950, as amended, and incorporated by §§ 10-3-873 through 10-3-875 of this code, and to establish differential speeds for daytime and nighttime driving on such streets, provided that any such increase or decrease in speed limit, or differential speed limit, shall be based upon an engineering and traffic investigation by the director of transportation and environmental services.
- (b) The director of transportation and environmental services is authorized to decrease, for a temporary period not to exceed 60 days, without such engineering and traffic investigation, the speed limit on any city street on which work is being done or which work is under construction or repair.
- (c) Any increase or decrease in speed limits established under this section shall be indicated by signs as provided in section 10-2-26 of this code.
- (d) Whenever the speed limit on any city street has been increased or decreased, or a differential speed limit established, and such speed limit is posted as required, there shall be a rebuttable presumption that the change in speed was properly

established in accordance with the provisions of this section.

Sec. 10-3-874 – Same – city business and residence districts.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-874 and 46.2-1300(A)(4) of the Virginia Code, as amended, which relates to the maximum speed limit in city business and residence districts, is are hereby adopted and incorporated in its their entirety into this chapter as if ~~it was~~ fully set forth herein.

Section 2. That Article B 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.

11. Public Hearing, Second Reading and Final Passage of Ordinances to Grant Right-Of-Way Franchises to Ting, Inc., and Lumos Telephone, Inc. For Broadband Services. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated March 7, 2022, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 3/12/22, 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. 11; 3/12/22, 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. 11; 3/12/22, and is incorporated as part of this record by reference.)

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

1. Michael Saperstein, General counsel for Lumos Telephone, Inc., spoke in support of ordinances.

2. Elliott Noss, Charlottesville, Virginia, spoke in support of the ordinances.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public

hearing and adopted ordinances to grant right-of-way franchises to Ting, Inc., and Lumos Telephone, Inc., for broadband services. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

The ordinances reads as follows:

ORDINANCE NO. 5421

AN ORDINANCE to grant to Lumos Inc, its successors and assigns, a franchise, under certain conditions, permitting the grantee to use the public rights-of-ways in the City of Alexandria for the design, construction, operation, installation, maintenance, repair, upgrade, removal and operation of a fiber to the premises broadband network for offering broadband internet access and related infrastructure in the City.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That this Franchise is hereby granted to Lumos, Inc hereinafter referred to as "Grantee," its successors and assigns, to permit the Grantee to design, construct, install, maintain, repair, upgrade, remove and operate a fiber to the premises broadband internet access network and related infrastructure in the public rights-of-ways in the City in accordance with the terms and conditions set forth in the Franchise Agreement for Use of the Public Rights-of-Way to Provide Broadband Internet Service, attached hereto as Exhibit A and fully incorporated herein by reference.

Section 2. That said Franchise is awarded to the Grantee after public notice and invitation for bids, as required by law, pursuant to Section 2. of Ordinance No. 5387, and after the invitation for bids was duly closed and all bids were fully carefully investigated and evaluated. More than one franchise may be awarded pursuant to this Ordinance.

Section 3. That the Grantee be, and hereby is granted a franchise for an initial term of 20 years with automatic extension of up to 3 additional periods of 5 years each, to design, construct, install, maintain, repair, remove and operate specified broadband facilities and related infrastructure in the public rights-of-ways in the City. The Grantee shall strictly comply with the terms of this Ordinance and with the Franchise Agreement for Use of the Public Rights-of-Way to Provide Broadband Internet Service (Attachment 3), together with all applicable laws and regulations of the City of Alexandria, the Commonwealth of Virginia and the United States, and any regulatory agency having jurisdiction, including, without limitation, with the following conditions:

1. All necessary permits shall be obtained for each and every excavation or installation, including but not limited to boring in and /or under public rights-of-ways or other public places.

2. In the event the relocation, construction, reconstruction maintenance or repair by the City, the Commonwealth of Virginia or the Washington Metropolitan Area Transit Authority of any facilities or services is necessary or desirable, and it is necessary to alter or relocate, either permanently or temporarily , any of the Grantee's property in the public rights-of-ways or other public property in order to accomplish the same,

the Grantee shall, after reasonable notice, move, alter or relocate its property at its own cost and expense and should the Grantee fail to comply with such notice, its property may be removed, altered or relocated by the City, Commonwealth or the Metropolitan Area Transit Authority at the cost of the Grantee and without liability for any resulting damage. The Grantee shall do everything reasonably necessary, in a timely manner, to prevent any delays in construction project of the City, the Commonwealth or the Washington Metropolitan Area Transit Authority.

3. This Franchise may be assigned or transferred; provided, however, that no such assignment or transfer shall be effective without the prior written consent of the City, which consent will not be unreasonably withheld.

4. The Grantee will obtain liability insurance to the satisfaction of the City Attorney, which insurance shall name the City as an additional insured.

5. The Grantee will not use the privileges granted by this Franchise to provide the functional equivalent of a cable system or Cable Services as defined in sections 9-3-17 and 9-3-18 of the Code of the City of Alexandria (1950), as amended.

6. The Grantee shall protect all property of the City or any other person during any work of designing, constructing, operating, installing, maintaining, repairing, upgrading or removing its system in or adjacent to the public rights-of-ways or other public place, and shall fully restore, in kind, any property damaged or destroyed during any such work.

7. That nothing in this Franchise shall increase or strengthen the rights that other franchisees may have. The City shall have no liability to the Grantee for exercising any rights the City may have in general or under its franchises with other franchisees, regardless of the effect of such exercise on the Grantee.

8. The Grantee shall remove its property at its own expense at the expiration or termination hereof.

Section 4. That the City Manager be and hereby is authorized to execute such documents as may be required to effectuate the Franchise hereby granted.

Section. 5. That the City Clerk be and hereby is authorized to attest the execution of said documents and to affix thereon the official seal of the City of Alexandria, Virginia.

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

ORDINANCE NO. 5422

AN ORDINANCE to grant to Ting, Inc, its successors and assigns, a franchise, under certain conditions, permitting the grantee to use the public rights-of-ways in the City of Alexandria for the design, construction, operation, installation, maintenance, repair, upgrade, removal and operation of a fiber to the premises broadband network for offering broadband internet access and related infrastructure in the City.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That this Franchise is hereby granted to Ting, Inc hereinafter referred to as "Grantee," its successors and assigns, to permit the Grantee to design, construct, install, maintain, repair, upgrade, remove and operate a fiber to the premises broadband internet access network and related infrastructure in the public rights-of-ways in the City in accordance with the terms and conditions set forth in the Franchise Agreement for Use of the Public Rights-of-Way to Provide Broadband Internet Service, attached hereto as Exhibit A and fully incorporated herein by reference.

Section 2. That said Franchise is awarded to the Grantee after public notice and invitation for bids, as required by law, pursuant to Section 2. of Ordinance No. 5387, and after the invitation for bids was duly closed and all bids were fully carefully investigated and evaluated. More than one franchise may be awarded pursuant to this Ordinance.

Section 3. That the Grantee be, and hereby is granted a franchise for an initial term of 20 years with automatic extension of up to 3 additional periods of 5 years each, to design, construct, install, maintain, repair, remove and operate specified broadband facilities and related infrastructure in the public rights-of-ways in the City. The Grantee shall strictly comply with the terms of this Ordinance and with the Franchise Agreement for Use of the Public Rights-of-Way to Provide Broadband Internet Service (Attachment 3), together with all applicable laws and regulations of the City of Alexandria, the Commonwealth of Virginia and the United States, and any regulatory agency having jurisdiction, including, without limitation, with the following conditions:

1. All necessary permits shall be obtained for each and every excavation or installation, including but not limited to boring in and /or under public rights-of-ways or other public places.

2. In the event the relocation, construction, reconstruction maintenance or repair by the City, the Commonwealth of Virginia or the Washington Metropolitan Area Transit Authority of any facilities or services is necessary or desirable, and it is necessary to alter or relocate, either permanently or temporarily , any of the Grantee's property in the public rights-of-ways or other public property in order to accomplish the same,

the Grantee shall, after reasonable notice, move, alter or relocate its property at its own cost and expense and should the Grantee fail to comply with such notice, its property may be removed, altered or relocated by the City, Commonwealth or the Metropolitan Area Transit Authority at the cost of the Grantee and without liability for any resulting damage. The Grantee shall do everything reasonably necessary, in a timely manner, to prevent any delays in construction project of the City, the Commonwealth or the Washington Metropolitan Area Transit Authority.

3. This Franchise may be assigned or transferred; provided, however, that no such assignment or transfer shall be effective without the prior written consent of the City, which consent will not be unreasonably withheld.

4. The Grantee will obtain liability insurance to the satisfaction of the City Attorney, which insurance shall name the City as an additional insured.

5. The Grantee will not use the privileges granted by this Franchise to provide the functional equivalent of a cable system or Cable Services as defined in sections 9-3-17 and 9-3-18 of the Code of the City of Alexandria (1950), as amended.

6. The Grantee shall protect all property of the City or any other person during any work of designing, constructing, operating, installing, maintaining, repairing, upgrading or removing its system in or adjacent to the public rights-of-ways or other public place, and shall fully restore, in kind, any property damaged or destroyed during any such work.

7. That nothing in this Franchise shall increase or strengthen the rights that other franchisees may have. The City shall have no liability to the Grantee for exercising any rights the City may have in general or under its franchises with other franchisees, regardless of the effect of such exercise on the Grantee.

8. The Grantee shall remove its property at its own expense at the expiration or termination hereof.

Section 4. That the City Manager be and hereby is authorized to execute such documents as may be required to effectuate the Franchise hereby granted.

Section. 5. That the City Clerk be and hereby is authorized to attest the execution of said documents and to affix thereon the official seal of the City of Alexandria, Virginia.

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

12. Public Hearing and Consideration of License Amendment No. 1 between the City of Alexandria and the Alexandria Seaport Foundation for the Docking of a Second Seaport Center in the City Marina.

(A copy of the City Manager's memorandum dated March 1, 2022, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 14; 03/12/22, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Jackson and carried unanimously, City Council closed the public hearing and approved the proposed license amendment and authorized the City Manager to execute the License Amendment No. 1 with the Alexandria Seaport Foundation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued) **Planning Commission (continued)**

13. Special Use Permit #2021-00126
3601 Richmond Highway
Public Hearing and consideration of a request for a Special Use Permit to waive the sign requirements of Article IX of the Zoning Ordinance for the installation of a digital text and graphic sign; zoned: CDD #19/Coordinated Development District #19. Applicant: Volta Charging, LLC., represented by Robert D. Brant, attorney
Planning Commission Action: Recommended Denial 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. 13; 03/12/22, and is incorporated as part of this record by reference.)

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

1. Bob Brant, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

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

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council approved the staff recommendation and allowed the placement of the signs. In favor, Mayor Wilson, Vice Mayor Jackson,

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

14. Zoning Text Amendment #2022-00001

Extension of Temporary Program for Business Relief and to Address Public Need Related to COVID-19 to June 30, 2022 and to delete language related to existing City ordinances.

(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to extend the expiration of an existing temporary program for business relief from April 1, 2022 to June 30, 2022 and to delete language related to existing City ordinances. Staff: City of Alexandria

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. 14; 3/12/22, and is incorporated as part of this record by reference.)

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

1. Margaret Hayek, 1106 King Street, spoke about the parklet fees and changes to outdoor dining. Ms. Hayek requested time for the businesses to do a financial analysis and to construct the new parklets to the proposed standards.

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

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council approved the Planning Commission recommendation subject to an amendment bring it to September 30, 2022.

15. Development Special Use Permit #2021-10015

345 Swann Avenue (formerly part of 403 and 300 Swann Avenue) - Oakville Triangle Block C2 – Park

Public Hearing and consideration of a request for a Development Special Use Permit with Site Plan to construct a 0.72 acre publicly accessible privately owned and operated open space park on Parcel 706 Oakville Triangle; zoned: CDD #24/Coordinated Development District #24. Applicant: Stonebridge Associates Inc.

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. 15; 03/12/22, and is incorporated as part of this record by reference.)

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

1. David Fromm, Alexandria, requested that the design for the Mount Jefferson park design be restored to its original design and to address the care and maintenance of the park.
2. Amy Slack, Alexandria, spoke about the original design for Mount Jefferson Park and the maintenance of the park.
3. Duncan Blair, attorney for applicant, spoke in support of the proposal and responded to questions from Council.

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

WHEREUPON, upon motion by Councilman Gaskins, seconded by Councilman Chapman and carried unanimously, City Council approved the Planning Commission recommendation with the condition for the applicant to work with staff to expand the pervious surfaces on the path as well as explore increased buffering between the parks. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

ORDINANCES AND RESOLUTIONS

16. Public Hearing, Second Reading and Final Passage of an Ordinance Approving Escalated Fines for Heavy Vehicles in Commercial Business Areas with Citations. [ROLL-CALL VOTE]

(A copy of the City Manager's and City Attorney's memorandum dated March 1, 2022, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 16; 3/12/22, 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. 16; 3/12/22, 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. 16; 3/12/22, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance approving escalated fines for heavy vehicles in commercial business areas with citations and the following amendments to the ordinance on page 3: line 32, change the fee to the following language, "(b) \$250 for the second violation"; lines 33 -39 to the following language, "(c) \$350 for the third and any subsequent violation, upon the fourth and any subsequent violation the vehicle may be immobilized, in accordance with the process set forth in section 3-2-355, or be removed for safekeeping, in accordance with the process set forth in Article C, Chapter 8, Title 5; Notwithstanding any other section of the City Code, referenced or otherwise, penalties of this section may escalate and ultimately may include immobilization or removal whether or not the previous penalty fines have been paid." The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5423

AN ORDINANCE to amend and reordain Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT); Article C (DISPOSITION OF ABANDONED, UNATTENDED AND IMMOBILE MOTOR VEHICLES) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES); and Chapter 4 (STOPPING, STANDING AND PARKING) of Title 10 (MOTOR VEHICLES AND TRAFFIC) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-355 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:

Sec. 3-2-355 Removal or immobilization of motor vehicles against which there are outstanding parking citations.

- (a) Whenever there is found a motor vehicle parked anywhere within the city, other than on property owned or occupied as a single-family residence, which has three or more outstanding or otherwise unsettled parking citations issued for a violation of any provision of title 10, chapter 4, or title 5, chapter 8, article C through G, of this code, such vehicle may, by towing or otherwise, be removed to another place for temporary storage and safekeeping by an officer or employee of the police department, or by another person acting under the direction of such an officer or employee, or such vehicle may be immobilized by an officer or employee of the

police department, or by another person acting under the direction of such an officer or employee, or by an employee or agent of the director of finance, in such manner as to prevent its removal or operation; provided, that no such vehicle when parked on private property shall be removed or immobilized unless written authorization to enforce this section has been given by the property owner or, when the property is held in common by an association of owners ~~established pursuant to sections 55-79.1 through 55-79.38 or sections 55-79.39 through 55-79.103~~ formed pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Horizontal Property Act (§ 55.1-2000 et seq.) of the Code of Virginia, by such association, and the city has agreed in writing that it will hold the property owner harmless from all loss, damage or expense, including costs and attorney's fees, that the owner may incur as a result of actions taken by the city pursuant to this section.

- (b) It shall be the duty of any police officer removing or immobilizing a motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which or on account of which such vehicle was removed or immobilized. Any employee or agent of the department of finance who immobilizes a vehicle pursuant to this section shall have the same owner notification requirement. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on such vehicle, in a conspicuous manner, a notice warning that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage thereto.
- (c) The owner of an immobilized vehicle, or other duly authorized person, shall be allowed not less than 24 hours from the time of immobilization to repossess or secure the release of the vehicle, following which such vehicle may be removed to a storage area for safekeeping under the direction of a police officer.
- (d) The owner of such removed or immobilized motor vehicle, or other duly authorized person, may repossess or secure the release of the vehicle by payment of outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown and unascertainable, such vehicle may be sold as provided by section 5-8-4621 et seq. of this code.

Editorial Note: The above section is authorized pursuant to Code of Virginia Section 46.2-1216.

Section 2. That Section 5-8-22 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:

Sec. 5-8-22 - Abandoned, unattended and immobile vehicles to be removed.

Whenever a motor vehicle:

- (a) becomes an abandoned motor vehicle;
- (b) is left unattended on a public street or public property and constitutes a hazard to traffic;
- (c) is left unattended for more than 10 days upon public property without the permission of the city;
- (d) is left unattended for more than 72 consecutive hours on private property without the permission of the property owner (provided, that in the case of private property normally open to the public for parking, signs are posted on the property which provide reasonable notice that vehicles left on the property for more than 72 consecutive hours without permission will be removed at the vehicle owner's expense);
- (e) is left unattended on a public street or public property, or on private property, including a private street and road, but not including property which is owned or occupied as a single family residence, and there are three or more unpaid or otherwise unsettled parking violation notices pending against the vehicle;
- (f) is left unattended in a fire lane or within 15 feet of a fire hydrant or an entrance to a fire station; ~~or~~
- (g) is immobilized while in a travel lane of a public street by weather conditions or other emergency situation; or
- (h) is illegally parked

the vehicle may, at the direction of an authorized city official, be removed for safekeeping by city personnel, vehicles and equipment, or by a towing service under contract to the city, to the city impoundment yard or another impoundment facility; provided, that a vehicle may be removed from privately-owned property only pursuant to the written authorization of the property owner or, where applicable, an association of owners formed pursuant to ~~chapter 4.1 of title 55~~ the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Horizontal Property Act (§ 55.1-2000 et seq.) of the Code of Virginia (1950), as amended.

Editorial Note: The above subsections are authorized pursuant to the following sections of the Code of Virginia: (a) Section 46.2-1201; (b), (c), (f), (g), and (h) Section 46.2-1213; (d) Section 46.2-1215; and (e) Section 46.2-1216.

Section 3. That Section 10-4-47 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:

Sec. 10-4-47 - Penalties for violations of this chapter.

The penalty for violation of provisions regarding parking, standing, or stopping of vehicle in this chapter that are not contested and tendered to the director of finance within 30 days from the date the citation was issued shall be \$40 unless otherwise provided by this section, the city code, state law, or other provisions of law.

The penalties for the below violations that are not contested and tendered to the director of finance within 30 days from the date the citation was issued shall be as follows:

(1) For violations of section 10-4-46, "Parking heavy vehicles in commercial business areas":

(a) \$100 for the first violation,

(b) \$250 for the second violation, and

(c) \$350 for the third and any subsequent violation, upon the fourth and any subsequent violation the vehicle may be immobilized, in accordance with the process set forth in section 3-2-355, or be removed for safekeeping, in accordance with the process set forth in Article C, Chapter 8, Title 5; Notwithstanding any other section of the City Code, referenced or otherwise, penalties of this section may escalate and ultimately may include immobilization or removal whether or not the previous penalty fines have been paid.

(42) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-41, "Parking prohibited at certain locations";

(23) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-42, "Parking prohibited near fire hydrant, etc.";

(34) \$200 for violations of section 10-4-44, "Parking prohibited in HOV lane".

Section 4. That Sections 3-2-355, 5-8-22, and 10-4-47 as amended pursuant to Sections 1 through 3 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilmember Bagley, seconded by Councilman Chapman and carried unanimously, City Council adjourned the Saturday, March 12, 2022 public hearing meeting at 12:15 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk

Approved: May 10, 2022