

**City of Alexandria  
Meeting Minutes  
City Council Legislative Meeting  
Tuesday, April 25, 2023 5:30 PM**

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Present: Mayor Justin M. Wilson, Vice Mayor Amy B. Jackson, Members of City 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; Mr. Routt, Director, Office of Management and Budget (OMB); Ms. Hamm, Assistant Director, OMB; Ms. Pledger, CIO, Information Technology Services (ITS); Ms. Gordon, Director, Department of Emergency and Customer Communications; Mr. Freed, Climate Action Manager; Ms. Roberts, Deputy City Attorney; Mr. Wicks, OMB; Mr. Fields, Director, Code Administration; Mr. Lambert, Deputy City Manager; Ms. Baker, Deputy City Manager; Ms. Suehr, Director, Department of Project Implementation (DPI); Ms. McIlvaine, Director, Office of Housing; Ms. S. Taylor, Legislative Director/Assistant City Manager; Ms. K. Taylor, Acting Deputy City Manager/Director, Finance; Ms. Garvey, Director, Department of Community and Human Services (DCHS); Ms. McLean, Chief of Staff, City Manager's Office; Mr. Spengler, Director, Recreation, Parks and Cultural Activities (RPCA); Ms. Durham, Deputy Director, RPCA; Mr. Browand, Deputy Director, RPCA; Fire Chief Smedley; Ms. Manuel, Director, Human Resources; Ms. Smith, Human Resources; Ms. White, Human Resources; Mr. Futrell, Human Resources; Mr. Dofflemyer, Transportation and Environmental Services (T&ES); Mr. Sharma, Deputy Director, T&ES; Mr. Smith, ITS; Ms. Demeke, ITS; Assistant Police Chief McDonald; and Police Captain Ballantine.

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

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**I. CALL TO ORDER**

**1. Calling the Roll.**

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

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

Not needed.

3. Tax Rate Public Hearing - 5:30 p.m.

Public Hearing, Second Reading, of an Ordinance on the Proposed Real and Personal Property Tax Rates and Proposed Effective Tax Rate Increase for Calendar Year 2023 (Fiscal Year 2024).

**WHEREUPON**, upon motion by Councilmember Bagley, seconded by Vice Mayor Jackson and carried unanimously, City Council held the public hearing on the ordinance on the Proposed Real and Personal Property Tax Rates and Proposed Effective Tax Rate Increase for Calendar Year 2023 (Fiscal Year 2024). The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

4. Budget Work session

Budget Work Session - Preliminary Add/Delete

Councilman Chapman submitted the following disclosure to the City Clerk for the record:

Due to my ownership of a small business in Alexandria and its membership in Visit Alexandria, I have a potential personal interest in the approval of the FY2024 annual budget because it includes funding for Visit Alexandria. After discussing it with the City Attorney, I have determined that I am able to participate in this item under the law and I am able to participate in the transaction fairly, objectively, and in the public interest and have made the proper disclosure to the Clerk.

-I participated in the adoption of the annual operating budget for FY2023, during the City Council meeting on May 4<sup>th</sup>, 2022.

-I had a personal interest in the transaction due to my ownership interest in Manumission Tour Company, which has a membership with Visit Alexandria.

-I am a member of a business, profession, occupation, or group the members of which are affected by the transaction; due to Manumission Tour Company, through its membership with Visit Alexandria, being one of a number of businesses in the area that would be affected by a decision on the docket item.

-I am able to participate in the transaction fairly, objectively, and in the public interest.

City Council held the preliminary Add/Delete work session. The final budget adoption will be held on Wednesday, May 3, 2023.

5. Moment of Silence and Pledge of Allegiance

City Council observed a moment of silence and recited the Pledge of Allegiance.

## **II. PROCLAMATIONS**

6. Presentation of a Proclamation recognizing April as Jazz Appreciation Month.

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

## **III. ORAL REPORTS FROM MEMBERS OF CITY COUNCIL ON BOARDS, COMMISSIONS AND COMMITTEES**

### **\*Children, Youth and Families Collaborative Commission (CYFCC) (Councilmember Bagley and Councilwoman Gaskins)**

Councilwoman Gaskins reported that the Commission reviewed the add/delete proposals and submitted a letter noting the items the Commission supported.

### **\*Alexandria Campaign for Adolescent Pregnancy (ACAP) (Councilmember Bagley and Councilman Aguirre)**

Councilmember Bagley that ACAP discussed their strategic plan and adopted new goals, including the goal to reduce the adolescent pregnancy rate from 10.4 %to 8.3 %per 1000 females aged 10 -19 years old by 2026. Councilmember Bagley noted that on May 11 ACAP will hold their Sex Ed for All symposium.

### **\*Virginia Railway Express (VRE) (Councilmember Bagley)**

Councilmember Bagley reported that there VRE will be extending their reduced fare promotion for \$5 flat rate. Councilmember Bagley reported that there was discussion about supporting ongoing VPRA work.

### **\*Waterfront Commission (Councilmember Bagley)**

Councilmember Bagley reported that the Tall Ship Providence will be arriving to the Waterfront today and the John Warner Maritime Heritage Museum will be at that location. Councilmember Bagley noted that there will be a grand opening ceremony in late June. Councilmember Bagley also reported that City Experiences came to the meeting and discussed their water taxi operations.

### **\*Council of Governments (COG) Transportation Planning Board (TPB) (Councilman Aguirre)**

Councilman Aguirre reported that TPB discussed the WMATA Better Bus key topics and highlighted the memorandum from Deputy Director of T&ES Hillary Orr discussing the better bus design, noting there will be impacts in Alexandria. Councilman Aguirre noted that there was work in the 2050 plan and he noted that Bike to Work Day will be held May 19.

**\*Library Board (Councilman Aguirre)**

Councilman Aguirre reported that the Library Board received updates from the various Friends of the Library on the funds from Book Sales. Councilman Aguirre reported circulation, Wi-Fi usage and desktop usage has increased and there has been an increase in passport processing at the libraries. Councilman Aguirre reported that Black Family Reunion will be held on April 29 at Barrett Library. Councilman Aguirre reported that this week was National Library Week.

**\*Commission on Aging (Councilman Aguirre)**

Councilman Aguirre reported that Commission received a presentation from Ms. Talis, Population Health Manager from the Health Department and discussion on the City's proposed budget.

**\*COG – Board of Directors (Councilman McPike)**

Councilman McPike reported that the Board of Directors discussed the growth projections for the region leading up to 2050, noting that the region will have 31% more jobs bringing 26% more people and 33% more households to the region. Councilman McPike also reported that the impact of COVID resulted in 250,000 fewer jobs in the region due to changes in the workplace and senior growth in this region will grow by 64% by 2050.

**\*City/Schools Subcommittee (Mayor Wilson and Councilman Chapman)**

Mayor Wilson reported that the Subcommittee received updates on facility projects, noting that they are on schedule at this time. Mayor Wilson reported that there was discussion about the draft agenda for the joint work session on shared services on May 15. Mayor Wilson reported that the draft of the APD MOU has been circulated to the members of City Council and the School Board to facilitate the next phase of the conversation for that document. Mayor Wilson reported that there was an update on enrollment projections.

**IV. ORAL REPORT FROM THE CITY MANAGER**

City Manager Parajon recognized the recent graduates of the City's RISE program.

7. National Primary Drinking Water Regulation Discussion

**WHEREUPON**, upon motion by Councilwoman Gaskins, seconded by Councilman Chapman and carried unanimously, City Council endorsed the letter from Mayor Justin Wilson to the Environmental Protection Agency (EPA). 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.

City Manager Parajon invited the Alexandria Police Department to discuss the recent shootings and other incidents that happened in the City. Assistant Chief McDonald reported on the actions the department have taken to address the incidents and responded to questions from Council about them.

## **V. CONSENT CALENDAR (8-11)**

### **(Reports and Recommendations of the City Manager)**

8. Consideration of a Grant Application to the 2023 Recreational Trails Program at the Virginia Department of Conservation and Recreation.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 04/25/23, and is incorporated as part of this record by reference.)

9. Consideration of a Grant Application to the U.S. Department of Health and Human Services Administration for Community Living's Alzheimer's Disease Programs.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 04/25/23, and is incorporated as part of this record by reference.)

10. Consideration of Receipt of Fiscal Year 2023 Second Quarter Capital Projects Status Report Related to City Council Approved Capital Projects.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 04/25/23, and is incorporated as part of this record by reference.)

11. Consideration of the Draft City Fiscal Year 2024 Action Plan for Housing and Community Development.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 04/25/23, and is incorporated as part of this record by reference.)

## END OF CONSENT CALENDAR

City Council approved each item on the consent calendar under separate motions. The City Manager's recommendations were as follows:

8. Consideration of a Grant Application to the 2023 Recreational Trails Program at the Virginia Department of Conservation and Recreation.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 04/25/23, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Jackson, seconded by Councilwoman Gaskins and carried unanimously, City Council authorized the City Manager execute all necessary documents to submit, accept and implement a grant to the 2023 Recreational Trails Program at the Virginia Department of Conservation and Recreation. 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.

9. Consideration of a Grant Application to the U.S. Department of Health and Human Services Administration for Community Living's Alzheimer's Disease Programs.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 04/25/23, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council postponed consideration indefinitely on this item. 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.

10. Consideration of Receipt of Fiscal Year 2023 Second Quarter Capital Projects Status Report Related to City Council Approved Capital Projects.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 04/25/23, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Jackson, seconded by Councilmember Bagley and carried unanimously, City Council received as information the FY 2023 Second Quarter Capital Projects Status Report. The vote was follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed,

none.

11. Consideration of the Draft City Fiscal Year 2024 Action Plan for Housing and Community Development.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 04/25/23, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilmember Bagley, seconded by Councilwoman Gaskin and carried unanimously, City Council: (1) received and approved the Draft City Fiscal Year (CFY) 2024 Action Plan for Housing and Community Development ("Draft Action Plan"), containing the City's draft application for CFY 2024 funding for \$1,094,483 in Community Development Block Grant (CDBG) monies and \$712,411 in Home Investment Partnerships Program (HOME) monies; and (2) authorized the City Manager to execute any documents required to facilitate receipt of these funds and any related federal grant funds. 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.

#### **VI. ROLL CALL CONSENT CALENDAR (12-13)**

12. Consideration of a Resolution to Authorize the City Manager to Accept a Donation of Bleachers from the George Washington Masonic National Memorial Association. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 04/25/23, and is incorporated as part of this record by reference.)

13. Consideration of a Resolution to Extend the Temporary Ad Hoc Duke Street Transitway Advisory Group. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 13; 04/25/23, and is incorporated as part of this record by reference.)

#### **END OF ROLL CALL CONSENT CALENDAR**

City Council approved the items on the Roll-Call Consent calendar under separate motions.

12. Consideration of a Resolution to Authorize the City Manager to Accept a Donation of Bleachers from the George Washington Masonic National Memorial Association. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 04/25/23, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Jackson, seconded by Councilman Aguirre and carried unanimously by roll-call vote, City Council adopted a resolution to authorize the City Manager to accept donation of bleachers from the George Washington Masonic National Memorial Association. 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 resolution reads as follows:

#### RESOLUTION NO. 3151

**RESOLUTION** authorizing the City Manager to Accept **BLEACHERS** from the George Washington Masonic National Memorial Association to the DEPARTMENT OF RECREATION, PARKS & CULTURAL ACTIVITIES

**WHEREAS**, pursuant to Section 2.02 (e) of the Charter of the City of Alexandria (1950), as amended, City Council has the authority to accept gifts and donations; and

**WHEREAS**, The Department Of Recreation, Parks & Cultural Activities is a beneficiary of two bleachers valued at \$22,990;

**NOW, THEREFORE, BE IT RESOLVED THAT CITY COUNCIL OF THE CITY OF ALEXANDRIA VIRGINIA HEREBY:**

1. Accepts the bequest from the George Washington Masonic National Memorial Association; and
2. Authorizes the City Manager to execute, if necessary, other documents to finalize the donation from the George Washington Masonic National Memorial Association.
13. Consideration of a Resolution to Extend the Temporary Ad Hoc Duke Street Transitway Advisory Group. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 13; 04/25/23, 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 adopted a resolution to extend the temporary Ad Hoc Duke Street Transitway Advisory Group. 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 resolution reads as follows:

## **RESOLUTION NO. 3152**

### **RESOLUTION TO AUTHORIZE THE EXTENSION OF THE AD HOC DUKE STREET TRANSITWAY ADVISORY GROUP**

**WHEREAS**, City Council established the Ad Hoc Duke Street Transitway Advisory Group (“Advisory Group”) according to Resolution 3058 adopted by City Council on March 8, 2022, and

**WHEREAS**, according to Resolution 3058 the Advisory Group will provide input on key deliverables and project recommendations related to the Duke Street Transitway planning and preliminary design, including a recommendation to Council on a preferred transitway alternative for the corridor, and

**WHEREAS**, the City anticipates the Advisory Group will provide its recommendations to Council in 2023, and

**WHEREAS**, the Advisory Group held its initial meeting on April 28, 2022, and

**WHEREAS**, the Advisory Group does not anticipate completing its assigned tasks by April 28, 2023, and it has not yet submitted its final recommendations to Council, therefore the Advisory Group requests an extension beyond April 28, 2023.

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

1. That the mission and membership of the Advisory Group, and administrative support will remain as adopted through Resolution 3058.
2. That the Advisory Group will hold a minimum of (1) one public meeting or meet as needed.
3. Pursuant to City Code Section 2-4-8, the Advisory Group shall sunset when its mission to recommend a preferred alternative has been fulfilled by recommending such alternative to City Council, or upon 365 days of adoption of this Resolution, whichever occurs first.

### **VII. REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION**

None.

## VIII. ORDINANCES AND RESOLUTIONS

14. Second Reading and Final Passage of an Ordinance to amend Section 3-2-82 and 3-2-85 (Encroachment fees) Article G of Chapter 2 of Title 3 (Finance, Taxation and Procurement) and Section 5-2-29 (Street Encroachments) Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services). [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 14; 04/25/23, 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. 14; 04/25/23, 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. 14; 04/25/23, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Jackson, seconded by Councilwoman Gaskins and carried unanimously by roll-call vote, City Council adopted an ordinance to amend Sections 3-2-82 and 3-2-85 (Encroachment fees) Article G of Chapter 2 of Title 3 (Finance, Taxation and Procurement) and Section 5-2-29 (Street Encroachments) Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental 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 ordinance reads as follows:

### ORDINANCE NO. 5485

AN ORDINANCE to amend and reordain Sections 3-2-82 and 3-2-85 of Article G (FEE FOR PROCESSING REQUESTS FOR VACATION OF PUBLIC RIGHTS AND REQUESTS FOR ENCROACHMENTS AND CHARGE FOR COMMERCIAL ENCROACHMENTS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) and Section 5-2-29 of Article A (GENERAL PROVISIONS) of Chapter 2 (STREETS AND SIDEWALKS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sections 3-2-82 and 3-2-85 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, amended by deleting the current sections in their entirety and inserting new language, as follows:

Sec. 3-2-82 Processing fee for encroachments.

A fee shall be charged to process each request to be allowed to encroach upon any public way or right including, but not limited to, streets, alleys, sidewalks and public places; provided, however, that no fee shall be charged to process a request received after January 1, 1987, which involves an encroachment by residential property that existed as of December 31, 1986, and which seeks permission for the same or a lesser encroachment to continue to encroach upon a public way or right. Notwithstanding the first sentence of this section, the city manager or the manager's designee is authorized to grant a waiver of the fee when it is determined that the fee constitutes an undue hardship to the person requesting the encroachment or is disproportionate to the value of the requested encroachment or that a waiver of the fee is otherwise in the public interest. The amount of the fee shall be established by council resolution.

Sec. 3-2-85 Annual charge for encroachments.

The owner, tenant, or permit holder or owners of property which encroaches over, under or in any street, alley, sidewalk, or other public place, whether or not such encroachment has been authorized by the city, shall annually compensate the city for such encroachment by payment as established by council resolution.

Section 2. That Section 5-2-29 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as follows:

Sec. 5-2-29 Street encroachments.

(a) *Encroachment Requirements:* Encroachments into a public right-of-way are subject to the following:

(1) *Permits:* A permit for an encroachment must be obtained from the director of the department of transportation and environmental services or designee. The director may establish rules and procedures for processing permits and administering this section. After a permit has been granted, it may be revoked, and the encroachment removed from the right-of-way whenever the applicant fails to comply with any permit conditions. An encroachment permit application will be reviewed by the director to determine compliance with the following:

- a. The location of the encroachment shall not unduly obstruct the public right-of-way and shall not interfere with access and safety.
- b. The encroachment shall be of such design and construction, so as not to constitute a nuisance or public hazard.

c. The encroachment shall be of a design, material and color which is generally recognized as intended for and suitable for the public right-of-way in an urban environment, the character is compatible with the character of the surrounding area, and, if located in an historic district, is compatible with the streetscape in the district and is consistent with the applicable design guidelines adopted by the board of architectural review.

d. The owner of any nonpermanent encroachment must move the encroachment whenever the city requires access to the encroachment location or as set out in subsection (a)(4) below.

(2) Fees: Fees for encroachments shall be established pursuant to sections 3-2-82 and 3-2-85 of this code.

(3) Insurance: The permit holder shall be required to maintain, in force, insurance as required and approved by the city for the duration of the encroachment.

(4) Removal: The permit holder shall remove the encroachment if the director determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the director shall provide the permit holder with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the permit holder cannot be found or fails to remove the encroachment within the time specified, the director shall have the right to remove the encroachment, at the expense of the permit holder, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal.

(b) Encroachments in substantial conformance with the following may be authorized by permit as set out in subsection (a) above:

(1) Non-Permanent Encroachments Upon Public Sidewalks or Rights-of-Way: Non-permanent, moveable encroachments upon public spaces may be approved subject to the following:

a. Planters: Planters which are nonpermanent may be located in a right-of-way subject to the following:

1. A nonpermanent planter is a portable container that is light enough to be transported by two people when empty of soil and plants.

2. A nonpermanent planter on a sidewalk may not project into a public right-of-way more than steps would be allowed to project under subsection (2) below and may not exceed 30 inches in height. There is no limit to the number of planters permitted as long as the planters are maintained in good condition. Planters in outdoor dining areas must comply with the requirements of the City of Alexandria Outdoor Dining Design Guidelines.

3. A nonpermanent planter must be located so as to maintain a path for public travel at least five feet in width at all points, along any adjacent sidewalk.

b. Benches and Street Furniture. Benches and similar street furniture may be placed in a public right-of-way, subject to the following:

1. Unless located within a parklet, the bench or street furniture shall be located immediately adjacent to the closest building wall, touch the wall

along the length of the bench or street furniture, and not project from the wall more than 30 inches.

2. The bench or street furniture shall not be used as part of a business for advertising or for making sales or providing services to customers and shall be available for use by the general public.

c. *Parklet*: Parklets are intended to create additional public space, support an active and safe streetscape, enhance the economic and social vitality of a neighborhood, and promote business friendly activity through the creation of new spaces for commercial uses, such as outdoor dining and retail display. Parklets, may be placed in a public right-of-way, subject to the following:

1. Parklets must comply with the parklet requirements as approved by the traffic and parking board and which address the allowed locations, design requirements, safety, and maintenance responsibilities.

2. Unless approved for private commercial use pursuant to this subsection, the parklet shall be available for use by the general public.

3. The director shall review any parklets and approve it if the director finds that it complies with the parklet requirements and will create new public space or space for commercial uses that support an active streetscape.

d. *Outdoor Dining in Public Right of Way*: Outdoor dining may be placed on the sidewalk or within a parklet in the public right-of-way subject to the following:

1. Outdoor dining areas must comply with the City of Alexandria Outdoor Dining Design Guidelines.

2. The directors of transportation and environmental services and planning and zoning or designees shall review any outdoor dining requests and may at their discretion approve it if they find that it complies with the requirements of City of Alexandria Outdoor Dining Design Guidelines and will create space for commercial uses that support an active streetscape.

3. Within the NR Zone and the Mount Vernon Avenue Urban Overlay Zone areas, outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Friday and Saturday. Within the Old Town Small Area Plan, outdoor dining shall be closed and cleared of all customers by 11:00 p.m. In all other locations in the city, outdoor dining areas shall be closed and cleared of all customers by 11:00 p.m.

4. No live entertainment shall be permitted in the outdoor seating area.

5. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.

6. Any dining areas and furniture associated with this subsection must allow for a minimum of five feet clearance on the sidewalk for pedestrian traffic.

e. *Outdoor Retail Displays and Sales in the Public Right of Way*: Outdoor retail display and sales associated with an adjacent retail business is permitted immediately in front of an associated storefront on the public sidewalk and/or in a parklet subject to the following:

1. Outdoor retail display and sales are only permitted during business operational hours.

2. Any displays or activities associated with this must allow for a minimum of five feet clearance on the sidewalk for pedestrian traffic.

f. Rental Bicycle. Bicycles offered for rent may be displayed and rented from areas of right-of-way pursuant to section 7-2400 of the zoning ordinance and this section.

(2) Stationary Encroachments Upon Public Sidewalks or Rights-of-Way: Stationary encroachments upon public sidewalks and rights-of-way must be compliant with the following guidelines and measurements:

a. Steps/Stoops/Ramps: Steps not more than 12 feet in width, including the required landings, may project beyond the street facing lot line. The term "steps" in this subsection includes ramps and similar structures necessary to provide required accessibility improvements. The projection may be up to five feet on streets with a right-of-way width of 100 feet or more, up to four feet on streets with a right-of-way width between 66 and 100 feet, up to three feet on streets and alleys with a right-of-way width less than 66 feet and, notwithstanding the above, up to 20 inches on Union Street and on King Street between the Potomac River and Union Street.

b. Parker-Gray Historic District Front Fences: Within the Parker-Gray Historic District, retaining walls less than two feet in height above the lower adjacent grade or fences at the height and location otherwise permitted in a front yard may be constructed in the public right-of-way.

c. Projections Upon Architecture: The following decorations and other projections may be affixed upon buildings within the city pursuant to the following categories and guidelines:

1. Architectural Decorations and Features: Belt courses, lintels, sills, architraves, pediments and similar architectural decorations and building features, including elements associated with environmental sustainability may project up to one foot beyond the street facing lot line when less than 10 feet above the curb level, and up to four feet beyond the street lot line when ten feet or more above the curb level and extending to no more than one foot from the established curb line.

2. Signs and Art Features: A sign or art feature, that complies with the zoning ordinance, may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign or art feature does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.

3. Canopies, Awnings, and Marquees: Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line, and extending to no more than one foot from the established curb line, may be erected.

(c) The directors of planning and zoning and transportation and environmental services may recommend for council consideration an encroachment if the applicant demonstrates a unique condition or site design issue that warrants an exception from

the encroachment limitations of this section. The encroachment may be authorized only by special ordinance adopted by city council and is subject to the requirements under subsection (a) above.

Section 3. That Sections 3-2-82, 3-2-85, and 5-2-29 as amended pursuant to Sections 1 and 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria City Code.

Section 4. That this ordinance shall become effective on July 1, 2023.

#### **IX. ORAL REPORTS AND ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

(a) Vice Mayor Jackson congratulated Dr. Liza Burrell - Aldana, Principal at the Mount Vernon Community School, on being named Principal of the Year by ACPS and the Washington Post.

(b) Councilmember Bagley announced an event to be held at Old Town Ace Hardware Store on May 6 sponsored by the Clean Air Partners will hold a back yard bubble from 10 am - 3 pm.

(c) Councilman Aguirre reported that he attended Iftar dinners hosted by Islamic Relief USA and students at ACHS. (d) Councilman Aguirre recognized the opening of a second food hub by ALIVE!

(e) Councilman Aguirre congratulated the Miracle League of Alexandria on hosting their opening day on April 15.

(f) Vice Mayor Jackson noted that Spring to Action will be held in Alexandria on April 26.

(g) Mayor Wilson reported that the Potomac Yard Metro Station is scheduled to open on May 19.

(h) Mayor Wilson reported that he participated in a regional announcement led by Congressman Don Beyer related to helicopter noise, noting that Congressmen Beyer has been working with the FAA, the Department of Defense and the Helicopter Industry Association to agree on new standards in regards to helicopter noise across the region.

(i) Councilman Chapman reported that AEDP has released their end of the year market report for 2022 on their website.

#### **X. OTHER**

15. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 15; 04/25/23, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman McPike, seconded by Councilman Chapman and carried unanimously, City Council received and approved the City Council schedule. 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.

**XI. ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilmember Bagley, seconded by Councilman Chapman and carried unanimously, City Council adjourned the regular meeting of April 25, 2023 at 10:06 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.

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**APPROVED BY:**

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**JUSTIN M. WILSON    MAYOR**

ATTEST:

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Gloria A. Sitton, CMC    City Clerk

Adopted: May 9, 2023