

**City of Alexandria  
Meeting Minutes  
Saturday, April 12, 2014  
9:30 A.M.  
Council Chambers**

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

Absent: None.

Also Present: Mr. Banks, City Attorney; Ms. Anderson, Assistant City Attorney; Mr. Fletcher, Special Assistant to the City Manager; Mr. Jinks, Deputy City Manager; Police Lt. Patterson; Ms. Triggs, Chief Financial Officer/Director, Office of Finance; Ms. Taylor, Office of Finance; Mr. Fredrick, Office of Housing; Mr. Keeler, Office of Housing; Ms. Metcalf, Office of Housing; Ms. Hamer, Director, Planning and Zoning; Mr. Moritz, Deputy Director, Planning and Zoning; Mr. Randall, Planning and Zoning; Ms. McVary, Planning and Zoning; Mr. Kerns, Planning and Zoning; Mr. Cox, Planning and Zoning; Ms. Collins, Planning and Zoning; Mr. Geratz, Planning and Zoning; Mr. Dambach, Planning and Zoning; Mr. Melkerson, Transportation and Environmental Services; Mr. Stewart, General Services; Ms. Smith, Director, Office of Management and Budget; Mr. Martinez, Information Technology Services; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council

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**OPENING**

**1. Calling the Roll.**

The meeting was called to order by Mayor Euille, and the City Clerk called the roll. All members of Council were present.

**2. Public Discussion Period.**

The following persons participated in this item:

1. Ronald Gochenour, 3011 Hickory Street, asked Council why it would allow almost 70 people go that work for the City and then it will hire 35. He asked why there are 11 unsolved murders in the City - from 2000 to 2014, and why there is no most wanted list from the Police Department.

2. Richard Merritt, 2729 Franklin Court, co-chair, Alexandria Coalition for Clean Smoke Free Air, said that last year Council provided a small grant for the Coalition to partner with the Alexandria Redevelopment and Housing Authority for developing policies and programs that could lead to a reduction in smoking prevalence and exposure to second-hand smoke within

the ARHA community. He asked for Council's support for one additional year for funding to implement the non-smoking policy.

3. Sherry Kelly-Williams, 3102 Wilson Avenue, president, Alexandria Day Care Providers, asked Council to keep the training specialist position in the budget, which is a creative, interactive multi-media training that is a very important tool for the providers.

4. Juanita Skipwith, 236 Burgess Avenue, said her home, which she bought in 1980 for \$69,000 is now worth \$435,000, and she has no place to go so she can't sell her home and cannot afford to pay her taxes because of her medical expenses. She said she must have relief for her real estate property tax. She also asked how it breaks down the tax rate for year-by-year and how does it determine the rate on the homes based on the tax.

Mayor Euille noted that he would meet with Ms. Skipwith and the Department of Real Estate Assessments to address her questions.

5. Gary Carr, 216 Aspen Street, spoke to the restoration of the historic running track at George Washington Middle School, noting that George Washington Middle School once had one of the finest high school stadiums in the nation, but its splendor was marred by the fact that it was for the exclusive use of only part of the community, and across the track sat the segregated Parker-Gray High School. Alexandria schools weren't fully integrated until 1971, and by that time, the running track that was once at the premier high school turned middle school was left to slowly decay. Mr. Carr said every middle school in the City has access to quality running tracks except one, and he said it is time to remedy this disparity.

6. Lonnie Phillips, 487 Mandy's Way, Front Royal, president, Alexandria Professional Medics Association, said the medic unit housed in fire station 204 will be placed out of service effective next week, as a minimum staffing apparatus, which means that they can only put that unit in service if they can do it without incurring overtime costs. He spoke to the other duties that are performed by the medics, noting that they have 14 new medics that are inexperienced and they need a 6th medic unit to allow them to train the recruits. He urged Council to keep at least 5 and a half medic units and to allow the department to analyze whether medic 204 is still needed once medic 210 is up and running. Mr. Phillips spoke to pay and benefits, noting that they appreciate that Council has committed to support it. He urged Council to keep the merit increase in the budget. He also asked that the City continue to pay for the retirees life insurance premiums.

7. Bert Ely, 200 S. Pitt Street, speaking on behalf of Friends of the Alexandria Waterfront, spoke to two shortcomings in the waterfront plan with tour buses and flood mitigation. He spoke to barring all motor vehicles from the unit block of King Street and Strand, but there is no plan for getting bus passengers to and from the Dandy, Cherry Blossom and other commercial boats. He said the issue of where the commercial boats will dock and be serviced and where their passengers will disembark from and reboard must be addressed. Mr. Ely said they must reconsider the plan to minimize nuisance flooding at the bottom of King and Prince Street by building a multi-million dollar elevated walkway or other flood barriers. He spoke to the pumping of stormwater and storm-surge overtopping into the Potomac. He said T&ES must specifically address how it will handle contaminated storm-surge water trapped behind the barrier in Isabel or Sandy like events.

8. Megan Carroll Beyer, 801 Duke Street, spoke in support of keeping fire engine 204,

noting that in the spring of 1993, she lived at 212 N. Lee Street when her kitchen caught fire. She said that when she toured the burned home, the room above where the fire started was her daughter's room, and for her to see a crib and possessions charred and burned was something that stayed with her. She said the prospect of fire in Alexandria is a real one for her and it means a loss of life and property, and shaving minutes off of a response time can be property or life.

9. Rose Graves, 301 N. Ripley Street, spoke of the possibility of City Council voting away the senior taxi program. She said she has used the program for quite some time, using it when she had to go to physical therapy. Ms. Graves said the DASH bus system does not have a senior citizen or disability discount. She asked for the justification for the proposed cuts to senior taxi.

10. Carmentmae Hayes, 399 Pendleton Street, asked Council to keep senior taxi, noting that she has to travel to Virginia Hospital Center and other places and what it costs her to get there. She said many seniors need that taxi service.

11. Lisa Jacobs, 2909 Richmond Lane, said she is a mother with two children in the ACPS Schools, and she spoke to the proposed \$5 million increase for ACPS and would like Council to consider what they can do to close the gap between the \$5 million and the \$7.4 million the schools requested. She said the main driver of the budget is personnel cuts, and the biggest percentage of that are classroom teachers. She supported the half-cent tax increase to provide for the services the community needs, including schools.

12. Poul Hertel, 1217 Michigan Court, said there have been numbers emanating regarding the response time for engine 204. The City Manager's Office says 20 seconds, whereas other numbers that were provided to civic associations says that the response time in his neighborhood will go up by three minutes and in part of Old Town North by four minutes. He said it would be beneficial to reconcile those numbers.

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

### **ACTION CONSENT CALENDAR (3-4)**

#### **Planning Commission**

**3. Encroachment #2014-0003**

941 N. Alfred Street

Public Hearing and Consideration of a request for an encroachment into the public right-of-way; zoned Coordinated Development District #16. Applicant: James Bland Housing V, LP by Kenneth Wire, attorney

Planning Commission Action: Recommend Approval 6-0-1

(A copy of the Planning Commission report dated April 12, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 4/12/14, and is incorporated as part of this record by reference.)

**4. Special Use Permit #2013-0094**

672 South Pickett Street (Parcel Address: 660 S. Pickett St.) - Tsedey Abeba Grocery and Restaurant

Public Hearing and Consideration of a request to operate a restaurant in an existing grocery store and a request for a parking reduction; zoned CG/Commercial General. Applicant: Seifu Tessema

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 12, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/12/14, and is incorporated as part of this record by reference.)

## **END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Wilson and carried unanimously, City Council adopted the consent calendar, as follows:

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

The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

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

5. Public Hearing to Consider the Draft Fiscal Year 2015 Action Plan for Housing and Community Development.

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

1. Alexa Mavroidis, 230 Clarendon Blvd., Arlington, speaking on behalf of the Endependence Center of Northern Virginia, said that as a peer mentor, she assists people with disabilities who are currently living in nursing facilities who are looking to transition back into the community. She said this is a resource to allow citizens to move back into a less restrictive environment, but without rental assistance, they cannot take advantage of that opportunity. She encouraged Council to develop a program funded through CDBG that is targeted at this population, and they also encourage Council to offer bonus points for developers who agree to make 10 percent of their units fully accessible.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing on the draft FY 2015 Action Plan for Housing and Community Development, which includes the City's application for Federal Fiscal Year 2014 funding of \$722,919 in Community Development Block Grant monies and \$388,225 in Home Investment Partnerships Program monies and docketed the Action Plan for final Council approval on May 13, 2014. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

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

## Planning Commission (continued)

### 6. Encroachment #2014-0002

115 & 117 King Street - Awnings at Landini's Restaurant

Public Hearing and Consideration of a request for encroachment of awnings into the public right-of-way; zoned KR/King Street Retail. Applicant: Noe Landini

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 12, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 4/12/14, and is incorporated as part of this record by reference.)

Mr. Randall, Planning and Zoning, made a presentation of the staff report and he, along with Mr. Dambach, Planning and Zoning, responded to questions of City Council.

Mayor Euille noted that he will participate in the vote on this matter but disclosed that on his current campaign he has received a campaign donation from a principal with the Landini Restaurant, but it will not prohibit him from participating in the discussion and/or vote on the matter.

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

### 7. Special Use Permit #2014-0014

800 North Henry Street - Lost Dog Café

Public Hearing and Consideration of a request to operate a restaurant; zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: Wahoo Dog, LLC, trading as Lost Dog Café by Matthew J. Sisk

Planning Commission Action: Recommend Approval as amended 7-0

(A copy of the Planning Commission report dated April 12, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 4/12/14, and is incorporated as part of this record by reference.)

Mr. Randall, Planning and Zoning, made a presentation of the staff report and he, along with Mr. Moritz, Planning and Zoning, responded to questions of City Council.

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

1. Duncan Blair, attorney for the applicant, 524 King Street, spoke in support of the application.

2. Poul Hertel, 1217 Michigan Court, said that since 1997, they have had a neighborhood establishment that sells singles for off-premise use without there being any problems, and the SUP language might be of assistance, which he passed out to City Council.

3. Judy Noritake, 1119 Wythe Street, spoke in support of the application.

4. Salena Zellers, 1122 Madison Street, spoke in support of the application.

5. Jesse O'Connell, 525 N. Fayette Street, #323, spoke in support of the application.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the understanding that Planning and Zoning and the City Attorney's Office will work on a policy that is logical as it looks at these types of establishments versus others, and that a report come back to Council in a short period of time. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

**8. Development Special Use Permit #2013-0007**

Transportation Management Plan Special Use Permit # 2014-0010

1199 South Washington Street - Hunting Terrace

Public Hearing and Consideration of requests for: (A) a development special use permit and site plan, with modifications, to construct two multi-family residential buildings with below-grade parking including special use permits for increased floor area ratio and density in exchange for affordable housing units pursuant to Section 7-700 of the Zoning Ordinance and a special use permit for a parking reduction; and (B) a special use permit for a transportation management plan; zoned RC / High Density Apartment Zone. (Hunting Creek Area Plan) Applicant: FP Alexandria, L.L.C, represented by, M. Catharine Puskar, attorney

Planning Commission Action: DSUP #2013-0007 Recommend Approval as amended 7-0; TMP SUP #2014-0010

(A copy of the Planning Commission report dated April 12, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 4/12/14, and is incorporated as part of this record by reference.)

Mr. Geratz, Planning and Zoning, made a presentation of the staff report and he, along with Mr. Kerns, Planning and Zoning, Mr. Frederick, Office of Housing, Mr. Melkerson, Transportation and Environmental Services, and Ms. McVary, Planning and Zoning, responded to questions of City Council.

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

1. Poul Hertel, 1217 Michigan Court, spoke in support of the application.

2. John Sullivan, 6403 Gildar Street, spoke in opposition to the application.

3. Trudi Hahn, 1250 S. Washington Street, president, Porto Vecchio Condominiums, spoke of their concern in the plan that allows for mitigation of the RPA area within the site that is not proposed for development right now, and they recommend that no off-site mitigation be allowed and that it must be restored and protected on-site.

4. Dale Latiff, 1250 S. Washington Street, spoke of the traffic light and crossing times for Washington Street and out of Porto Vecchio and Hunting Terrace and asked that it be

looked at. She asked for more bus service and DASH bus service at the Braddock and King Street Metros.

5. Catherine Mackenzie, 1250 S. Washington Street, Unit 715, spoke in support of the application, noting her concern with minimizing the impact on the neighborhood and environment.

6. Bob Eiffert, 1418 Juliana Place, spoke in support of the application, speaking to the brick sidewalk and asked if it could be concrete with brick accents.

7. M. Catharine Puskar, 2200 Clarendon Blvd, Arlington, attorney for FP Alexandria, LLC, spoke in support of the application.

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

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

9. Public Hearing to Consider an Appeal to a Decision of the Board of Architectural Review - Old and Historic District, for Property at 207 Prince Street. Appellant: Petitioners.

(A copy of the staff report dated April 12, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 4/12/14, and is incorporated as part of this record by reference.)

Mr. Cox, Historic Preservation Manager, Planning and Zoning, along with Ms. Collins, Planning and Zoning, made a presentation of the staff report and he, along with Ms. Anderson, Assistant City Attorney, responded to questions of City Council.

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

1. Christine Roberts, 509 S. Lee Street, member of the Board of Architectural Review – Old and Historic District, spoke and explained the BAR position on the application and responded to questions of City Council.

2. Don Kelly, 213 Prince Street, spoke in opposition to the appeal and in support of the Montagues.

3. Poul Hertel, 1217 Michigan Court, spoke in support of the appeal.

4. Yvonne Weight Callahan, 735 S. Lee Street, president, Old Town Civic Association, spoke in support of the position of staff to prohibit the destruction of the north wall of the property and that it be referred back to the BAR.

5. Bert Ely, 200 S. Pitt Street, endorsed the remarks of Poul Hertel and Yvonne Weight Callahan, and asked that this be referred back to the BAR.

6. Ken Carpi, 117 S. Lee Street, spoke in opposition to the appeal.

7. Boyd Walker, 1307 King Street, spoke in support of the OTCA position on remanding this back to the BAR.

8. Latane Montague, 207 Prince Street, owner, spoke in support of the renovation and asked that it not be sent back to the BAR.

9. Kristine Schulz, 20 W. Maple Street, spoke in opposition to the appeal.

10. Elizabeth Wainstein, 219 S. Lee Street, spoke in opposition to the appeal.

11. Stephanie Dimond, 6 W. Maple Street, architect for the project, spoke in opposition to the appeal.

12. Duncan Blair, 524 King Street, attorney, representing Latane and Patricia Montague, the owners of the property, spoke in opposition to the appeal.

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

**WHEREUPON**, a motion was made by Councilman Smedberg and seconded by Councilman Chapman to uphold the decision of the Board of Architectural Review and allow the project to move forward.

**WHEREUPON**, a substitute motion was made by Councilwoman Pepper and seconded by Vice Mayor Silberberg to reverse the decision of the Board of Architectural Review and uphold staff's recommendation to construct a new kitchen/family room addition while retaining the majority of the 18<sup>th</sup> Century features. The motion failed by a vote of 3-4 and is as follows: In favor, Vice Mayor Silberberg, Councilmember Lovain and Councilwoman Pepper; Opposed, Mayor Euille, Councilman Chapman, Councilman Smedberg and Councilman Wilson.

The vote on the original motion to uphold the decision of the Board of Architectural and to allow the project to move forward carried by a vote of 5-2 and is as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilman Smedberg and Councilman Wilson; Opposed, Vice Mayor Silberberg and Councilwoman Pepper.

**10.** City Charter Section 9.06 Case #2014-0001

509 N. Saint Asaph Street and 511, 513 and 515 Oronoco Street

FOR INFORMATION ONLY - NO APPROVAL NEEDED

Planning Commission review of whether the proposed sale of property owned by the City of Alexandria and the resulting change in use of that property is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. Staff: Department of

(A copy of the Planning Commission report dated April 12, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 4/12/14, and is incorporated as part of this record by reference.)

City Council received the report.

## **ORDINANCES AND RESOLUTIONS**

**11.** Public Hearing and Second Reading of an Ordinance to Establish the Real Estate and Personal Property Tax Rates for Calendar Year 2014 (Fiscal Year 2015). Adoption is Set for May 1, 2014.

(A copy of the City Manager's memorandum dated April 2, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 4/12/14, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 4/12/14, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11; 4/12/14, and is incorporated as part of this record by reference.)

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

1. Robert Eiffert, 1418 Juliana Place, representing himself and the Alexandria Commission on Aging, spoke of the concern of the budget cuts to senior programs, noting that the Commission voted to support the half cent tax increase to add revenue to protect programs for older adults. Mr. Eiffert addressed the cut of \$1.3 million to tax relief for the elderly and persons with disabilities. The Commission voted to oppose the cuts and asks that the program be left as it is currently operated. He said they are also concerned with the termination of JobLink.

2. Jane King, 118 E. Randolph Avenue, chair, Commission on Aging, said all members of the Commission support the one-half cent tax increase to supplement the budget for programs for aging residents. She spoke to the cuts for senior taxi, and she noted that many of the 399 currently using senior taxi do not qualify for DOT Para-transit. She said 85 percent of taxi rides in the current program are for medical appointments. She asked for an additional \$36,000 for legal guardians for eight older residents unable to manage their own health, safety and financial affairs due to mental or physical disabilities.

3. Dorothea Peters, 4513 Peacock Avenue, spoke in support of the half-cent increase in the tax rate in order to find additional funds to fund their juvenile detention services to at least put back the money that was cut, noting that they need \$100,000 back in the Juvenile Detention Commission budget. She spoke to the formula put in place by Vola Lawson

since 1985.

4. Sharon Annear, 1118 N. Howard Street, spoke in support of maintaining engine company 204 at station 204 while maintaining the current tax rate, and planning and preparations need to begin to staff and equip station 211 so that it can come on-line as soon as possible. Alexandria can manage for another year without the \$1.7 million for a new permitting system in Code Administration, without \$161,000 position in Office for Performance and Accountability, without staff going to conferences and travel for a year, without dollars spent on civic engagement, for \$332,800 for consultants in data management, and without \$200,000 for consultants and vendors to create and enhance medical standards in Human Resources, and with a less generous percentage for merit raises.

5. Katy Cannady, 20 E. Oak Street, spoke in support of the raise in the tax rate, noting that she is in the program Council is cutting on tax relief as she only pays 50 percent of her real estate tax. She said if she doesn't get the 50 percent tax relief, she has unpleasant choices to leave town and pay capital gains.

6. Annabelle Fisher, 5001 Seminary Road, said that as a renter, she would not be impacted by the real estate tax, and she put out suggestions about needing more money. She said it is time to fire the City Manager and establish that person's salary, to reduce unneeded staff, noting that in her letter to AlexandriaNews.org she has saved over \$.5 million for programs needed by a reduction in staff in the City Manager's Office. She spoke to specific cuts in the City Manager's Office for staff positions.

7. Poul Hertel, 1217 Michigan Court, spoke to tax relief for seniors, noting that it is not fair to pay compensation, do schools and CIP and then cut the rest. It is having a lot of detrimental effects and he is supporting the half cent increase. He said 114 seniors would be affected by the introduction of the property tax, which is equivalent to 13 percent of their income. If Council insists on introducing the capital property assessment, it should be net of mortgages.

Ms. Triggs, Chief Financial Officer/Director, Office of Finance, responded to questions of City Council regarding net assets and mortgages.

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and noted adoption is set for May 1, 2014. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

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Mayor Euille left the meeting at this time – 2:30 p.m.

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**12.** Public Hearing and Second Reading of an Ordinance to Implement the Local Motor Vehicle License Plate Tax as included in the FY 2015 Proposed Budget. Adoption is Set for May 1, 2014.

(A copy of the City Manager's memorandum dated April 2, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 4/12/14, and is incorporated as part of this record by reference.)

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 4/12/14, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 4/12/14, and is incorporated as part of this record by reference.)

Ms. Triggs, Director, Chief Financial Officer/Office of Finance, responded to questions of City Council regarding the fees and the amount allowed for the fines.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and noted adoption is set for May 1, 2014. The voting was as follows: In favor, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

**13.** Public Hearing and Second Reading of an Ordinance to Adopt Extended Parking Meter Hours by the Department of Transportation and Environmental Services for FY 2015. Adoption is Set for May 1, 2014.

(A copy of the City Manager's memorandum dated April 2, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 4/12/14, and is incorporated as part of this record by reference.)

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 4/12/14, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 4/12/14, and is incorporated as part of this record by reference.)

Ms. Smith, Director, Office of Management and Budget, said there was an error in the ordinance and asked Council to strike the word "Saturday" from Section 5-8-93(a)(2) to be consistent with what is in the budget.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 5-1, City Council closed the public hearing, amended the ordinance to strike the word "Saturday" from the text in Section 5-8-93(a)(2) and noted that adoption is set for May 1, 2014. The voting was as follows: In favor, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, Vice Mayor Silberberg.

**14.** Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 11-416 (Modifications) of Section 11-400 (Site Plans) of Division B (Development Approvals) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 14-0001. (Implementation Ordinance for the Text Amendment to the modification section of the Zoning Ordinance approved by City Council on March 15, 2014.) [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 Exhibit No. 1 of Item No. 14; 4/12/14, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 4/12/14, and is incorporated as part of this record by reference.)

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

The ordinance reads as follows:

#### ORDINANCE NO. 4866

AN ORDINANCE to amend and reordain Section 11-416 (Modifications) of Section 11-400 (Site Plans) of Division B (Development Approvals) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 14-0001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2014-0001, 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 March 4, 2014 of a text amendment to the Zoning Ordinance to revise section 11-416 of the zoning ordinance to clarify that modifications can be requested with applications for special use permits and to revise the standard for approval of modifications of minimum landscape regulations, which recommendation was approved by the City Council at public hearing on March 15, 2014;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

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 Section 11-416 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-416 *Modifications.*

(A) *Modification of zoning regulations.*

(1) In approving a site plan under the provisions of this section 11-400, the planning commission may modify the minimum frontage, yard, open and usable space, zone transition setback or other minimum requirements imposed by this ordinance for the zone or zones applicable to the land depicted in the site plan, or the requirements of Section 11-410(CC), if the planning commission determines that such modification is necessary or desirable to good site development, that specific and identified features of the site design make up for those impacts otherwise protected by the regulations for which modification is sought and that such modification will not be detrimental to neighboring property or to the public health, safety and welfare. For modifications of the requirements of Section 11-410(CC) the planning commission must also determine that the modification will not violate the intention of section 11-410 (CC) to require a reasonable amount of landscaping.

(2) Nothing in this section 11-416 shall be deemed to authorize the planning commission to approve a site plan under the provisions of this section 11-400 when the building or structure would exceed the maximum floor area ratio, maximum density or maximum height regulations of the zone or zones in which such development is located, or the maximum floor area ratio, density or height regulations otherwise provided in this ordinance. Rather, it is the intent of this section 11-416 to allow regulations expressed as minimums such as yard dimensions to be relaxed in the proper case but not to allow regulations expressed as maximums such as density to be increased. Where the distinction between minimum and maximum is unclear, such as in the case of density expressed in terms of both minimum lot area and maximum floor area ratio or units per acre, then no modification shall be allowed.

~~(B) *Modification of minimum landscaping provisions.* Upon application filed simultaneously with a site plan, modifications from the requirements of section 11-410 (CC) may be granted by the planning commission if it finds that strict application of the requirements will effectively prohibit or unreasonably restrict the use of the property, that a modification of those requirements will not be of substantial detriment to adjacent property, and that the modification will not violate the intention of section 11-410 (CC) to require a reasonable amount of landscaping.~~

~~(C) *Exclusive remedy.* Relief from the zoning ordinance available from the planning commission under this section 11-416 may not be the subject of an application for a variance from the board of zoning appeals with regard to development or construction that is, or is required to be, the subject of an approved site plan or that is a condition of a site plan approval.~~

(D) *Applicability to SUP applications.* In addition to the above provisions, a modification under this section 11-416 may be approved in the case of a special use permit application under section 11-500, whether or not a site plan is required or included in the application. In such case, all restrictions and requirements for site plan modifications in sections

11-406(C)(16) and 11-416 (A) (1) and (2) apply, but final action will be by the city council and not the planning commission.

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

Section 3. That Section 11-416, as amended pursuant to Section 1 of this ordinance, 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, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

**15. Public Hearing, Second Reading and Final Passage of a Supplemental Appropriation Ordinance for the Support of the City Government for FY 2014. [ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated April 2, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 4/12/14, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 4/12/14, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 15; 4/12/14, and is incorporated as part of this record by reference.)

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

The ordinance reads as follows:

#### ORDINANCE NO. 4867

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for fiscal year 2014.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is

required to defray certain expenditures and liabilities of the city for fiscal year 2014 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2013 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2014, as follows:

#### SPECIAL REVENUE FUND

##### ESTIMATED REVENUE:

Police	325,509
Housing	2,640,851
Fire	170,780
Health	62,720
Community and Human Services	<u>(1,535,702)</u>
Total Estimated Revenue	<u>\$1,664,158</u>

#### SPECIAL REVENUE FUND

##### APPROPRIATION:

Police	325,509
Housing	2,640,851
Fire	170,780
Health	62,720
Community and Human Services	<u>(1,535,702)</u>
Total Appropriation	<u>\$1,664,158</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

#### GENERAL FUND

##### APPROPRIATION:

Non-Departmental	\$(165,000)
Office of Housing	<u>165,000</u>
Total Appropriation	<u>\$0</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2014 the source of such amount being General Fund Revenues for which the proceeds were received after July 1, 2013 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2014, as follows:

#### GENERAL FUND

##### ESTIMATED REVENUE:

General Fund Revenues	<u>\$252,500</u>
Total Estimate Revenues	<u>\$252,500</u>

#### GENERAL FUND

##### APPROPRIATION:

Communications	\$150,000
Alexandria Health Department	<u>102,500</u>
Total Appropriation	<u>\$252,500</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2014 the source of such amount being undesignated General Fund Balance, and further that the Council does hereby allot the amount so appropriated to the several city departments, as follows:

#### GENERAL FUND

##### ESTIMATED REVENUE:

Spendable General Fund Balance	<u>\$55,000</u>
Total Estimated Revenue	<u>\$55,000</u>

##### APPROPRIATION:

Registrar of Voters	<u>\$55,000</u>
Total Appropriation	<u>\$ 55,000</u>

Section 5. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2014, the source of such amount being Transfers in from the General Fund in support of the Housing Fund, that the Council does hereby allot the amount so appropriated for fiscal year 2014 as follows:

#### AFFORDABLE HOUSING FUND

##### ESTIMATED REVENUE:

Transfers in from General Fund	<u>\$165,000</u>
Total Estimated Revenue	<u>\$165,000</u>

##### APPROPRIATION:

Affordable Housing Fund	<u>\$165,000</u>
Total Appropriation	<u>\$165,000</u>

Section 6. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2014, the source of such amount being Transfers in from the General Fund in support of the Northern Virginia Transportation Authority Fund, that the Council does hereby allot the amount so appropriated for fiscal year 2014 as follows:

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY FUND

ESTIMATED REVENUE:

Transfers in from General Fund	<u>\$11,585,632</u>
Total Estimated Revenue	<u>\$11,585,632</u>

APPROPRIATION:

Northern Virginia Transportation Authority Fund	<u>\$ 11,585,632</u>
Total Appropriation	<u>\$ 11,585,632</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2014 the source of such amount being other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2014, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Planning and Zoning	577,165
Transportation and Environmental Services	140,000
Community and Human Services	20,000
Historic Alexandria	<u>7,000</u>
Total Estimated Revenue	<u>\$744,165</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Planning and Zoning	577,165
Transportation and Environmental Services	140,000
Community and Human Services	20,000
Historic Alexandria	<u>7,000</u>
Total Appropriation	<u>\$744,165</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2014 the source of such amount being other special revenues, and further that the council does hereby allot the

amount so appropriated to the several city departments for fiscal year 2014, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office of the Sheriff	\$12,750
Police Department	823,156
Commonwealth's Attorney	<u>35,183</u>
Total Estimated Revenue	<u>\$871,089</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Office of the Sheriff	\$12,750
Police Department	823,156
Commonwealth's Attorney	<u>35,183</u>
Total Appropriation	<u>\$871,089</u>

Section 9. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2014 the source of such amount being donations and other activities, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2014, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Recreation	\$15,826
Community and Human Services	5,000
Historic Alexandria	<u>63,000</u>
Total Estimated Revenue	<u>\$83,826</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Recreation	\$15,826
Community and Human Services	5,000
Historic Alexandria	<u>63,000</u>
Total Appropriation	<u>\$83,826</u>

Section 10. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2014, the source of such amount being external grant awards in support of the Alexandria Transit Company, that the Council does hereby allot the amount so appropriated for fiscal year 2014 as follows:

## DASH FUND

### ESTIMATED REVENUE:

State Grant Proceeds	<u>\$43,013</u>
Total Estimated Revenue	<u>\$43,013</u>

### APPROPRIATION:

DASH Fund	<u>\$43,013</u>
Total Appropriation	<u>\$43,013</u>

Section 11. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in the fiscal year 2014, the source of such amount being Bond Proceeds generated from the February 2014 Bond Refunding, and further that the council does hereby allot the amount so appropriated for fiscal year 2014, as follows:

## GENERAL FUND

### ESTIMATED REVENUE:

Bond Proceeds	<u>\$18,635,000</u>
Total Estimated Revenue	<u>\$18,635,000</u>

### APPROPRIATION

Payment to Refunding Bond Escrow	<u>\$18,635,000</u>
Total Appropriation	<u>\$18,635,000</u>

Section 12. That this ordinance shall be effective upon the date and at the time of its final passage.

**16.** Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Capital Projects. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 2, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 4/12/14, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 4/12/14, and is incorporated as part of this record by reference.

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

received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 16; 4/12/14, and is incorporated as part of this record by reference.)

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

The ordinance reads as follows:

#### ORDINANCE NO. 4868

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS IN THE ESTIMATED MAXIMUM AMOUNT OF \$35,997,000; AND PROVIDING FOR REIMBURSEMENT TO THE CITY OF ALEXANDRIA FROM BOND PROCEEDS.

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

WHEREAS, the City Council (the "City Council") of the City of Alexandria, Virginia ("City") has determined that it is advisable to issue up to \$35,997,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below the "Projects").

1. Authorization of Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$35,997,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to pay all or a portion of the costs of the Projects as described below and the City's Chief Financial Officer (acting or otherwise) and Director of Finance, or either of them, is authorized and directed to determine the portion of the cost of each Project to be financed with Bond proceeds and to reallocate Bond proceeds among the Projects if necessary or desirable.

#### General Project Description Estimated Maximum Cost

##### Schools \$17,808,000

Construction, remodeling and repairing of school buildings and acquisition of necessary equipment (includes projects contained in the capital improvement program under "Alexandria City Public Schools").

##### City Parks and Public Buildings \$10,989,000

Construction, renovation and improvement of existing and new City buildings and park facilities and acquisition of necessary land and equipment (includes projects contained in the capital improvement program under "Recreation

and Parks”, “Public Buildings” and “Information Technology Plan”).

Transportation and Metro Improvements \$3,621,000  
Maintenance and upgrade of the City’s transportation infrastructure, transit infrastructure and traffic control infrastructure (includes projects contained in the capital improvement program under “Transportation and Transit Infrastructure,” and including, without limitation, payment of the City’s share of certain Washington Metropolitan Area Transit Authority (i.e., “METRO”) capital improvements).

Infrastructure \$3,225,000  
Construction, renovation and improvement of City storm sewers and waterways and acquisition of necessary equipment (includes projects contained in the capital improvement program under “Community Development” and “ Stormwater Management.”

Fire Department Vehicles and Apparatus \$354,000  
Acquisition of Fire Department vehicles and apparatus contained in the capital improvement program under “Community Development”

Total: \$35,997,000

2. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City subject to local taxation sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The Bonds shall be issued in one or more taxable or tax-exempt series, in fully registered form, shall be dated such date or dates as the City Manager, the Chief Financial Officer (acting or otherwise) and the Director of Finance, or any one of them (the “Authorized Officer”), may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amounts as the Authorized Officer may approve, provided that the final maturity of any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than \$35,997,000. The Authorized Officer is authorized and directed, at his or her option, to accept a bid or bids for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or bids so accepted, or, if the Authorized Officer deems it to be in the City’s financial

interest, to forego such competitive bidding and negotiate the sale of the Bonds to one or more initial purchasers; provided that the true interest cost of the Bonds to the City shall not exceed 6.5% per annum. The Authorized Officer is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City. The City Council may provide for additional or other terms of the Bonds by subsequent resolution.

4. Form of Bonds. The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. Book-Entry-Only-Form. The Bonds may be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and may be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds may be registered to Cede & Co. In such event, beneficial owners of the Bonds shall not receive physical delivery of the Bonds and principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds may be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. In such event, the City shall notify DTC of any notice required to be given pursuant to this Ordinance or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given and the City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

In the event the Bonds are issued in book-entry-only form and registered in the name of DTC's nominee as permitted above, replacement Bonds (the "Replacement Bonds") may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

- (i) DTC determines not to continue to act as securities depository for the Bonds; or
- (ii) The City has advised DTC of its determination not to use DTC as a securities depository; or
- (iii) The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of an event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver

Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Ordinance and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Ordinance and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The Authorized Officer is authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds, and as long as the Bonds are in book-entry form, any Authorized Officer may serve as Paying Agent.

The Authorized Officer may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

7. Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. CUSIP Numbers. The Bonds may have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

9. Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Ordinance and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

10. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

11. Non-Arbitrage Certificate and Tax Covenants. The Authorized Officer and such officers and agents of the City the Authorized Officer may designate are authorized and directed to execute with respect to the Bonds a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Tax Code, including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants relating to such Bonds, to be delivered simultaneously with the issuance and delivery of the Bonds, and that the City shall comply with the other covenants and representations contained therein.

12. Defeasance. Bonds may be defeased pursuant to Section 15.2-2623 of the Code of Virginia of 1950, as amended, or any successor statute and shall be deemed no longer outstanding upon the establishment of an escrow or sinking fund for such Bonds meeting the requirements, and the satisfaction of other conditions, if any, to defeasance, set forth in such Section 15.2-2623 or successor statute.

13. Disclosure Documents. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Chief Financial Officer (acting or otherwise) and the Director of Finance, or either of them, shall determine. The Chief Financial Officer (acting or otherwise) and the Director of Finance, or either of them, is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

14. RESERVED.

15. Further Actions. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds including the execution and delivery of such bond purchase agreement as may be required in connection with any negotiated sale of the Bonds and the execution and delivery of any such other documents, agreements and certificates (including applications for tax credits, if applicable) as they may deem necessary or desirable and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

16. Reimbursement. The City Council adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The City Council reasonably expects to reimburse advances made or to be made by the City to pay the costs of the Projects from the proceeds of its debt. The maximum amount of debt expected to be issued for the Projects is set forth in paragraph 1 above. The City hereby authorizes the Chief Financial Officer (acting or otherwise) and the Director of Finance, or either of them, on behalf of the City, to specifically declare the City's official intent to reimburse portions of the cost of the Projects with Bond proceeds.

17. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Ordinance shall take effect at the time of its enactment.

**17.** Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Performance Standards of the Eisenhower Science Redevelopment District. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 2, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17, 4/12/14, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 4/12/14, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 17; 4/12/14, and is incorporated as part of this record by reference.)

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

The ordinance reads as follows:

#### ORDINANCE NO. 4869

AN ORDINANCE to amend and reordain Title 3 (FINANCE, TAXATION AND PROCUREMENT), Chapter 2 (TAXATION), Article M (LEVY AND COLLECTION OF PROPERTY TAXES), Division 1 (REAL ESTATE), of The Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Title 3, Chapter 2, Article M, Division 1, Section 3-2-190, of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

#### Sec. 3-2-190 – Eisenhower Avenue Science Redevelopment District

(a) The Eisenhower Avenue Science Redevelopment District (the "District") is hereby created as set forth herein with the boundaries coterminous with that of City of Alexandria assigned real estate parcel 072.04-03-14 located at 2401 Eisenhower Avenue (the "Property").

(b) The effective date of the start of the partial property tax exemption in the District, as set forth in this article is the first January 1 after the first certificate of occupancy for the National Science Foundation ("NSF") is granted for the office building to be constructed in the District and leased by the federal government's General Services Administration for occupancy by NSF. In the event that the performance standard described in clause (f) below is achieved in the first year following the issuance of the first certificate of occupancy, the abatement shall apply to the entire calendar year as though the performance standard was achieved on January 1 of such year.

(c) The Property tax exemption in the District shall be in effect for a fifteen-year period from the effective date of the start of the partial property tax exemption until December 31 of the fifteenth year of the property tax exemption. The property tax exemption shall partially exempt real estate taxes due during the 15 years of the initial NSF lease occupancy as defined herein. The partial exemption shall apply only to improvements constructed in the District including but not limited to the office building occupied by NSF. The annual assessed value of the land component in the District, reflecting any increases or decreases in assessed value of said land component, shall remain fully taxable. The annual assessed value of the land component shall also reflect that of a finished developed lot.

(d) The annual portion of real estate taxes that will be exempt on the improvements constructed in the District during the 15 years of the initial NSF lease of the Property shall follow the following schedule:

Year 1	100%	Year 9	90%
Year 2	100%	Year 10	80%
Year 3	100%	Year 11	70%
Year 4	100%	Year 12	60%
Year 5	100%	Year 13	50%
Year 6	100%	Year 14	40%
Year 7	100%	Year 15	30%
Year 8	100%	Year 16 and beyond	0%

(e) The real estate assessments for all land and buildings within the District shall be determined by the director of real estate assessments, and shall be established at fair full market value using the same principles, procedures, and timing of real estate assessments as that established for other similar taxable real estate in the City. The owner of land and improvements within the District shall have the same rights and limitations of appeal of the City's annual real estate assessment as that applicable to other taxable real estate in the City.

(f) The tax exemption detailed in this Article shall be dependent on the NSF fully meeting a required performance standard as of the time period set forth in 3-2-190(f)(1) below.

(1) The NSF required performance standard shall be defined as NSF leasing, directly or indirectly through the federal General Services Administration, and achieving an occupancy level of at least 80% of the net leasable floor area of the office building in the District. If the NSF does not lease its portion of the building and achieve the minimum 80% occupancy level of this office building within one (1) year from the issuance of the last certificate of occupancy with respect to NSF's portion of the building, then no tax exemption shall apply, with the City then fully taxing all land, office building and other improvements in the District.

(2) For the purposes of determining whether or not the NSF 80% occupancy threshold has been met, space leased for or by NSF not able to be occupied by NSF due to incidents such as fires, earthquakes, hurricanes, or other acts of god shall be considered leased and occupied space by NSF in the calculation of the 80% occupancy threshold.

(3) Within 60 days of NSF meeting the performance standard as defined in 3-2-190(f)(1), the owner of 2401 Eisenhower Avenue is responsible for notifying the City's director of finance of the occupancy level by NSF on a form designated by the director of finance. Upon receipt and review of this occupancy information, the City shall determine if this performance standard has been met, and the City Manager shall notify the owner in writing of the City's determination of performance standard satisfaction. If no decision or response from the City is received within 30 days after the submission by the owner, then the required performance standard shall be deemed to have been achieved, provided NSF met the 80% occupancy threshold as certified by the owner.

(g) The partial exemption of real property in the District, including the qualifications and exceptions and the declining percentage value of the exemption as detailed in this Article O shall be considered a covenant that shall run with the land record of real estate parcel 072.04-03-14. Within ninety days of the passage of this ordinance, the City shall record a covenant in the land records of the City to such effect which shall reflect the partial property tax exemption as defined in this Article. These terms, conditions and limitations shall not be revoked during the 15 year period of the partial property tax exemption and shall control the real estate taxes with respect to this property irrespective of any change in the applicable City Code.

(h) In the event that the Property is sold to the federal government or a federal government related entity prior to 20 years after the effective starting date of the property tax exemption as defined in 3-2-2, then the net present value of the foregone real property taxes which would otherwise have been due to the City between the date of the sale of the Property to the federal government or a federal government related entity, and the 20 years after the effective starting date of the property tax exemption on the Property, would be due to the City at the time of the sale between the owner of the Property and the federal government or a federal government related entity.

(i): For the purposes of calculating the net present value of forgone real estate taxes prescribed in 3-2-190(h) above:

(1) the discount rate utilized in that calculation shall reflect the City's estimated cost of funds utilizing Thomson Municipal Market Data (MMD) for 10-year AAA rated tax exempt general obligation bonds as of either January 1 or July 1 of the calendar year of the sale of the property, and if this MMD information is not available an equivalent measure shall be substituted,

(2) the real estate tax assessment used in the net present value calculation shall reflect the real estate tax assessment as of January 1 of the calendar year of the sale of the Property, and

(3)the real estate tax rate used shall reflect the adopted real estate tax rate for the calendar year of the sale of the Property, or if the real estate tax rate of the calendar year of the sale has not yet been adopted, then the adopted real estate tax rate for the calendar year prior to the sale of the property shall be used.

(j) Nothing in this Article or any covenant recorded in the applicable land records shall be construed as limiting the City's power to increase or decrease the City's real property tax rate, or to levy other taxes, fees or charges in the District.

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

**18.** Public Hearing, Second Reading and Final Passage of an Ordinance to Sell City Property at 509 North Saint Asaph Street and 511, 513, and 515 Oronoco Street. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 2, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 4/12/14, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 4/12/14, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 18; 4/12/14, and is incorporated as part of this record by reference.)

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

The ordinance reads as follows:

#### ORDINANCE NO. 4870

AN ORDINANCE approving and authorizing the sale of property owned by the City of Alexandria, located at 509 North Saint Asaph Street and 511, 513, and 515 Oronoco Street in the City of Alexandria, Virginia to Mount Vernon Commons, LLC (Y-12 Investments).

WHEREAS, the City of Alexandria owns the real property located at 509 North Saint Asaph Street and 511, 513, and 515 Oronoco Street in Alexandria, Virginia; and

WHEREAS, the City Council has previously declared 509 North Saint Asaph Street and 511, 513, and 515 Oronoco Street to be surplus property and authorized the City Manager to issue a Request for Proposals for the potential sale and redevelopment of the property; and

WHEREAS, the City, through its Request for Proposals process, has received multiple proposals from potential developers to purchase and redevelop 509 North Saint Asaph Street and 511, 513, and 515 Oronoco Street; and

WHEREAS, the highest rated proposal as ranked by the City Real Estate Committee using the evaluation criteria included in the Request for Proposals was submitted by Mount Vernon Commons, LLC (Y-12 Investments); and

WHEREAS, the proposal submitted by Mount Vernon Commons, LLC (Y-12 Investments) included an offer price of \$5,230,000; and

WHEREAS, the city manager has recommended the sale of this property to Mount Vernon Commons, LLC (Y-12 Investments) for the sum of \$5,230,000, subject to the terms and conditions as set forth more specifically in the April 9, 2014 Docket Memorandum, the terms of which are incorporated by reference herein; and

WHEREAS, the city council is of the opinion that the sale of this property is in the public interest and will otherwise advance the City's land use goals; now, therefore,

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

Section 1. That the sale of the real property described below to Mount Vernon Commons, LLC (Y-12 Investments) for the sum of \$5,230,000, subject to the terms and conditions as set forth more specifically in the April 9, 2014 Docket Memorandum, be, and the same is hereby, approved and authorized:

509 North Saint Asaph Street, Tax Map Reference No. 064.02-05-01.  
511 Oronoco Street, Tax Map Reference No. 064.02-05-19.  
513 Oronoco Street, Tax Map Reference No. 064.02-05-20.  
515 Oronoco Street, Tax Map Reference No. 064.02-05-21.

Section 2. That the city manager be and hereby is authorized, on behalf of the City of Alexandria, to do all things necessary and desirable to carry out the sale of the real property described in Section 1, including, but not limited to, the execution and delivery of a purchase agreement, deed and other appropriate documents.

Section 3. That the city clerk be and is hereby authorized to attest to the execution of the deed and other necessary documents executed by the city manager pursuant to Section 2, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 4. 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.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, the public hearing meeting of April 12, 2014, was adjourned at 2:56 p.m. The voting was as follows: In favor, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

APPROVED BY:

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

ATTEST:

\_\_\_\_\_  
Jacqueline M. Henderson  
City Clerk and Clerk of Council