

**City of Alexandria  
Meeting Minutes  
Saturday, December 13, 2014  
9:30 A.M.  
Council Chambers**

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

Absent: None.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Ms. Anderson, Assistant City Attorney; Police Captain Wemple; Mr. Jinks, Deputy City Manager; Ms. Collins, Deputy City Manager; Mr. Moritz, Acting Director, Planning and Zoning; Mr. Randall, Planning and Zoning; Ms. Horowitz, Planning and Zoning; Mr. Dambach, Planning and Zoning; Mr. Geratz, Planning and Zoning; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Ms. Ruggiero, Recreation, Parks and Cultural Activities; Ms. Garvey, Director, Community and Human Services; Mr. Frazier, Community and Human Services; Ms. Anderson, Community and Human Services; 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.**

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

**2. Public Discussion Period.**

1. Jack Sullivan, 4300 Ivanhoe Place, said City Manager Young spoke before the Federation of Civic Associations last week about the move to rapid development and the CIP and operating budgets, and he said it was the straightest talk that anyone has heard in a long time. Mr. Sullivan said Council should heed the advice that the new school budget be capped at the FY 2015 level with supplemental amounts on a per student basis for a projected higher school population. He said that at the Seminary Hill meeting, the board discussed Mr. Young's tenure, which was very positive and was suggested that it might be good to create a citizen group to pick his successor.

2. Phillip Van Cleave, 5509 West Bay Court, Midlothian, president, Virginia Citizens Defense League, spoke of the Police Department, who has done a good job of trying to fix the problems they had. He spoke of the flyers that were sent to local businesses regarding open carry of guns, the flyer was wrong, and the Police made up a new flyer. He spoke of his

conversation with the City Attorney's Office about allowing carrying of guns in the Police station.

3. Ed Levine, Sterling, member of the Virginia Citizens Defense League, founder of Virginia Open Carry and founder of D.C. Carry, spoke of the City not following the law about guns in parks and ordinances on the books that were not correct. He said if Council doesn't like the laws, they should go to the General Assembly to change the law.

4. Bill Goff, 1313 Bishop Lane, said the Alexandria schools are in disarray with no instruments, no suitable classrooms, tests taken in hallways, unsafe playgrounds, overcrowding, over-enrollment and the second worse SAT scores in the area. Mr. Goff spoke of the constituency in the City, spoke of the development and schools and the developers, noting that the City is pro-business and pro-development and said he supports a City-wide audit of finances and challenged the electorate to vote for a change to usher in an era of clarity, responsible fiscal policy and a willingness for City officials to listen to the constituents.

5. Cynthia Dinkins, 1315 Duke Street, president, Northern Virginia Urban League, said they approve of body worn cameras to record police and civilian encounters in accordance with civilian notification and with rigorous standards regarding retention, access and disclosure of data captured by the systems. She said they won't tolerate officers who take it upon themselves to participate in blatant misconduct and said they need a new generation of policing that ensures the safety of the citizens and communities but does not violate civil rights of anyone. She congratulated Mr. Young on his new opportunity in Washington, D.C.

6. Wallace Burnett, 1315 Duke Street, president, Northern Virginia Urban League, spoke in support of the idea of the Police Department budgeting for body cameras, as there are benefits for using cameras. He said that cameras alone are not sufficient in building trust within the community, and they need the Police Department to continue the positive relationships within the community, but at the same time utilize the budget for additional training, resources, outreach, and to be more proactive after a situation has occurred.

7. Bert Ely, 200 S. Pitt Street, speaking on behalf of the Friends of Alexandria Waterfront, spoke of the documentary that was shown on the history of Alexandria. He asked what future documentaries would say in 50-60 years about the Alexandria waterfront as it evolves. He said the City will reach a critical juncture in 2015, when development plans for the terminal sites will likely be finalized and sent to Council for approval and Council will approve the design and street grid of the developments that will be locked into steel, concrete and glass, and the same is true for the Carr Hotel. He said that if the Carr Hotel is built, they hope the construction impacts will not damage nearby homes and the streets. He said the City must insist that demolition, debris and excavated dirt from the site should be removed by barge and not by trucks.

8. William Barratt, 2024 Peach Orchard Drive, Falls Church, member of the Virginia Citizens Defense League, spoke in support of Mr. Van Cleave and Mr. Levine and asked Council to consider what message they are sending and what was the purpose of the Police handing the flyers out to business owners.

9. Kurt Mueller, 5840 Cameron Run Terrace, thanked the Police Department for making the City a good place to live and work, noting that he had some personal problems a few months ago and a Police Officer, who had zero legal obligation to help him, did and did so

in a way that speaks to the character of the City. He spoke to the flyer passed out by the Police Department and the processes that were in place and where they failed.

10. Jason Spitzer, 10412 Tamworth Road, Chesterfield, member of a small open carry and pro-Constitutional group in Richmond called the Right to Bear Arms, said they planned a freedom walk on December 6 and contacted the Police Department letting them know of their planned walk. He said his understanding is that two days before December 6 the Police Department passed out the flyer, so it was in response to his group. He spoke about teaching the Police Department to do soft contacts for people who open carry. He asked that the City take the time to look at the law and allow people who chose to open carry long guns to allow them to be loaded.

11. Dino Drudi, 315 N. West Street, thanked Council and past Council's for three good decisions that have been made: to go with Bus Rapid Transit between Braddock Road and Crystal City and to esque street cars, to go back to the holiday lights on King Street that it had in previous years, and to hire the current City Manager, which enabled him to be hired as the City Administrator for the prime City in the Metropolitan area. Mr. Drudi spoke of his time living in D.C. and the number of homicides that happened in his neighborhood, noting that one of the reasons Alexandria has a fraction of the homicides and crimes that D.C. has is because criminals have a fear that one of the people they accost might have a gun.

12. Yvonne Weight Callahan, 735 S. Lee Street, spoke of haul routes for the Carr Hotel project and the use of barges to remove the materials, noting that there has been no meaningful public discussion of the uses of the barges for debris removal. She said that in June, Kathryn Papp inquired at the Waterfront Commission meeting for how the City proposed to minimize the impact of moving materials through the City and Charlotte Hall said that the question would be considered in the phasing report due in Fall of this year, however, at the Old Town Civic Association meeting in November, they were told by staff that there would be no discussion of the removal of materials and that there would be truck haul and that Carr had said no one had raised the issue. She said that between June and November, they were shut out of a very important process. She said it is frustrating trying to keep on top of a topic, only to be told that it's been decided. She asked Council to give them more time to explore the topic.

13. Nicolas Ignacio, 10602 Chesterwood Drive, Fredericksburg, spoke of gun rights and noted that it is about rights, as they find their freedoms ever fleeting.

14. Terrell Prude, Jr., 10332 Main Street, Fairfax, said he is originally from San Francisco and is from an anti-gun state, but he now lives in Virginia and can open carry by law and he spoke of the laws and Second Amendment and the crime across the country.

15. LaDonna Sanders, 25 E. Reed Avenue, president, Alexandria NAACP, asked why they are not having more meaningful discussions regarding race relations and community policing in Alexandria. She said the national conversation about race, police brutality and community trust of officers is happening on a national level and should also be happening in Alexandria. She asked that Council show the same level of empathy regarding issues and take stances no matter how controversial they are and that there is equity across the board on how Council responds to the constituents who live in Alexandria, as the silence from Council has been disheartening.

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Vice Mayor Silberberg noted that today is City Manager Young's last public meeting and she expressed her thanks to Mr. Young for his service.

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

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

#### **Planning Commission**

3. Special Use Permit #2014-0099  
814 Wilkes Street - Tinyville Academy (Parcel address: 598 South Alfred Street)  
Public Hearing and Consideration of a request to operate a child care home; zoned RB/Residential Townhouse. Applicant: Avis Walker d/b/a Tinyville Academy  
Planning Commission Action: Recommend Approval as Amended: 7-0

(A copy of the Planning Commission report dated December 13, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 12/19/14, and is incorporated as part of this record by reference.)

4. Development Special Use Permit #2014-0011  
3737 Seminary Road - Virginia Theological Seminary Student Housing  
Public Hearing and Consideration of a request for a Development Special Use Permit, with site plan, to amend SUP #2641, as amended, to expand the use of the property as a Seminary with the construction of student housing buildings; zoned R-20/Residential Single-Family. Applicant: The Protestant Episcopal Theological Seminary in Virginia, Inc. represented by Duncan Blair, attorney  
Planning Commission Action: Recommend Approval: 7-0

(A copy of the Planning Commission report dated December 13, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 12/19/14, and is incorporated as part of this record by reference.)

### **END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg 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 and Consideration of the Report on the Recommended Priorities and Process for Implementing Recommended Changes to the Alexandria Fund for Human Services.**

(A copy of the City Manager's memorandum dated December 3, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/13/14, and is incorporated as part of this record by reference.)

Ms. Garvey, Director, Community and Human Services, made a presentation of the staff report and she, along with Mr. Frazier, Community and Human Services, responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and adopted the report update from the Department of Community and Human Services staff regarding the priorities and proposed implementation process for the Alexandria Fund for Human Services. 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. Public Hearing and Consideration of Adoption of an Implementation Plan for Alexandria's Public Art Policy.**

(A copy of the City Manager's memorandum dated December 3, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/13/14, and is incorporated as part of this record by reference.)

Ms. Ruggiero, Deputy Director, Recreation, Parks and Cultural Activities, made a presentation of the staff report and she responded to questions of City Council. Mr. Matthew Stensrud, chair of the Commission for the Arts, provided comments to Council on the Public Art Policy and Implementation Plan.

The following persons participated in the public hearing:

1. Gayle Converse, 903 South Saint Asaph Street, member, Public Art Committee, spoke in support of the plan and policy.
2. Shirley Downs, 1007 N. Vail Street, member, Commission for the Arts, spoke in support of the plan and policy.
3. Michael Detomo, 1218 Prince Street, member, Commission for the Arts, spoke in support of the plan and policy.
4. Susan Amber Gordon, 31 W. Del Ray Avenue, member, Commission for the Arts, spoke in support of the plan and policy.

5. Sharon Annear, 1118 N. Howard Street, spoke in support of the plan and policy.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and adopted the Implementation Plan for Alexandria's Public Art Policy, which incorporates with minor revisions Council's previously adopted public art policy. 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.

Mayor Euille asked that this document be submitted for consideration as an award for the U.S. Conference of Mayors at the annual convention in Nashville, Tennessee next June.

**7. Special Use Permit #2014-0075**

410 East Glebe Road (Parcel Address: 408 East Glebe Road) and 3006 Jefferson Davis Highway

Public Hearing and Consideration of a request to operate a convenience store; zoned CSL/Commercial Service Low. Applicant: All In Be One Inc. by Eneye Yigzaw [This case was deferred at the October 7, 2014 and November 6, 2014 Planning Commission public hearings.] Planning Commission Action: Recommend Approval: 7-0

(A copy of the Planning Commission report dated December 13, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 12/19/14, and is incorporated as part of this record by reference.)

Ms. Horowitz, Planning and Zoning, made a presentation of the staff report and she, along with Mr. Dambach, Planning and Zoning, and Mr. Moritz, Acting Director, Planning and Zoning, responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried 6-0-1, 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, and Councilman Wilson; Opposed, none; Abstained, Councilman Smedberg.

**8. Special Use Permit #2014-0094**

3000, 3006, 3012, & 3012-A Duke Street - Yates Pizza

Public Hearing and Consideration of requests to: a) to operate a restaurant with outdoor dining, b) for valet parking, and c) to allow required parking to be located more than 500 feet away; zoned CG/Commercial General. Applicant: Jeffrey Yates  
Planning Commission Action: Recommend Approval as Amended: 7-0

(A copy of the Planning Commission report dated December 13, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 12/19/14, and is incorporated as part of this record by reference.)

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

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

1. Mr. Jeffrey Yates, owner, Yates Pizza, spoke in support of the request and responded to questions of Council about when the restaurant would open, the existing sign and conditions #9 and 10 in the staff report. He referenced condition #9, which the Planning Commission had changed to strike the 9 p.m. daily for the live entertainment, and condition #10, in which he would like to designate the large portion of the sign for public art.

Mr. Randall clarified that condition #9 has an error, and the line that reads “until 9 p.m. daily” should be struck, as the Planning Commission recommendation is that the outdoor dining and live entertainment would have the same hours as indoor live entertainment, which is to midnight during the week and 1 a.m. on the weekend.

**WHEREUPON**, a motion was made by Councilman Wilson, seconded by Councilman Chapman, that City Council close the public hearing and approve the Planning Commission recommendation, with a correction to a typographical error in the staff report on condition #9 so the live entertainment and outdoor dining area have the same hours as indoor, which is midnight during the week and 1:00 a.m. on the weekend, which is the Planning Commission recommendation.

Vice Mayor Silberberg moved an amendment to the motion on condition #9 to have non-amplified music that ends at 9 p.m. daily for outdoor seating. The amendment failed for lack of a second.

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

**9. Special Use Permit #2014-0100**

Encroachment #2014-0005

515 Mount Vernon Avenue - Restaurant

Public Hearing and Consideration of requests: a) to operate a restaurant with outdoor dining, b) for a parking reduction, and c) for an encroachment into the City right-of-way for outdoor dining; zoned CSL/Commercial Service Low. Applicant: Yates Restaurant Group LLC represented by Duncan Blair, attorney

Planning Commission Action: Recommend Approval as Amended: 7-0

(A copy of the Planning Commission report dated December 13, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 12/19/14, and is incorporated as part of this record by reference.)

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

**WHEREUPON**, a motion was made by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council moved to close the public hearing and approve the Planning Commission recommendation.

Mr. Blair, attorney for the applicant, 524 King Street, responded to questions of City Council about outdoor dining and amplified sound, noting that they agree with the staff 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.

**10. Text Amendment #2014-0007**

Valet Parking

A) Initiation of a Text Amendment; B) Public Hearing and Consideration of a Text Amendment to add valet parking as a use in the W-1, Waterfront Mixed Use zone in the Zoning Ordinance.

Staff: City of Alexandria - Department of Planning & Zoning

Planning Commission Action: Initiate and Recommend Approval 7-0

(A copy of the Planning Commission report dated December 13, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/19/14, and is incorporated as part of this record by reference.)

**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. 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.

**11. Development Special Use Permit #2014-0042**

500 Madison Street - Harris Teeter

Public Hearing and Consideration of a request for an amendment to existing Development Special Use Permit #2010-0027 to extend the customer hours of operation to 24 hours each day of the week; zoned CDD #20/Coordinated Development District #20. Applicant: 500 Madison Venture LLC represented by Kenneth Wire, attorney

Planning Commission Action: Recommend Approval as Amended: 6-1

(A copy of the Planning Commission report dated December 13, 2014, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/19/14, 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. Moritz, Acting Director, Planning and Zoning, responded to questions of City Council concerning the hours of operation and the original staff report.

Councilman Chapman stated that he would not be participating or voting on this item, as he has a relative that works for Harris Teeter at another location, and he is her landlord as well. (Councilman Chapman stepped down from the dais.)

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

1. Dino Drudi, 315 N. West Street, spoke in opposition to the request.
2. Tom Hickok, 801 N. Pitt Street, #1703, spoke in support of the request.
3. Kenneth Wire, 1750 Tysons Blvd, Tysons Corner, attorney for the applicant, spoke in support of the request and responded to questions of City Council about the condition



for the hours of operation.

Mayor Euille noted that during his recent congressional campaign that ended in June of this year, he did benefit from political contributions from a couple of the minority investors and principals in various LLC's that came together to form the development of the property, but irrespective of that, he would participate in the item.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Wilson and carried 4-2, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows: In favor, Mayor Euille, Councilmember Lovain, Councilwoman Pepper and Councilman Wilson; Opposed, Vice Mayor Silberberg and Councilman Smedberg.

Councilman Chapman returned to the dais.

## **ORDINANCES AND RESOLUTIONS**

**12.** Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Sheet No. 058.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning the property at 100 South Pickett Street from CRMU-M/Commercial residential mixed use (medium) with Proffer to CRMU-M/Commercial residential mixed use (medium) with an amended Proffer in accordance with the said zoning map amendment approved by city council on November 15, 2014 as Rezoning No. 2014-0006 for the Pickett's Place development. [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. 12; 12/19/14, 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. 12; 12/19/14, 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, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

### **ORDINANCE NO. 4914**

AN ORDINANCE to amend and reordain Sheet No. 058.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 100 South Pickett Street from CRMU-M/Commercial residential mixed use (medium) with Proffer to CRMU-M/Commercial residential mixed use (medium) with an amended Proffer in accordance

with the said zoning map amendment approved by city council on November 15, 2014 as Rezoning No. 2014-0006 for the Pickett's Place development.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2014-0006, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 6, 2014 of a rezoning of the property at 100 South Pickett Street from CRMU-M/Commercial residential mixed use (medium) with Proffer to CRMU-M/Commercial residential mixed use (medium) with an amended Proffer, which recommendation was approved by the City Council at public hearing on November 15, 2014;

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

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 058.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 100 South Pickett Street, Tax Map #058.02-02-01

From: CRMU-M/Commercial residential mixed use (medium) with Proffer

To: CRMU-M/Commercial residential mixed use (medium) with the Proffer attached hereto and incorporated herein by this reference as Attachment 1

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

Section 3. That Sheet No. 058.02 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

**13.** Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Sheet No. 074.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning the property at 1323 Wilkes Street from RB/Townhouse zone to CRMU-L/Commercial residential mixed use (low) with Proffer in accordance with the said zoning map amendment approved by city council on November 15, 2014 as Rezoning No. 2014-0004 for the West-Parc Townhouse Project. [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. 13; 12/19/14, 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. 13; 12/19/14, 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, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

#### ORDINANCE NO. 4915

AN ORDINANCE to amend and reordain Sheet No. 074.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 1323 Wilkes Street from RB/Townhouse zone to CRMU-L/Commercial residential mixed use (low) with Proffer in accordance with the said zoning map amendment approved by city council on November 15, 2014 as Rezoning No. 2014-0004 for the West-Parc Townhouse Project.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2014-0004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 6, 2014 of a rezoning of the property at 1323 Wilkes Street from RB/Townhouse zone to CRMU-L/Commercial residential mixed use (low) with Proffer, which recommendation was approved by the City Council at public hearing on November 15, 2014;

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

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

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

Section 1. That Sheet No. 074.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 1323 Wilkes Street, Tax Map # 074.03-07-04  
From: RB/Townhouse zone to

To: CRMU-L/Commercial residential mixed use (low) with the Proffer attached hereto and incorporated herein by this reference as Attachment 1

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

Section 3. That Sheet No. 074.03 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

**14.** Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the Owners and/or Tenant of the Property Located at 906 First Street to Construct and Maintain an Encroachment for a Porch Overhang at that Location. [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; 12/19/14, 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; 12/19/14, 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, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

#### ORDINANCE NO. 4916

AN ORDINANCE authorizing the owners and/or tenant of the property located at 906 First Street to construct and maintain an encroachment for a porch overhang at that location.

WHEREAS, James Bland Housing V Limited Partnership is the Owner ("Owner") of the property located at 906 First Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a porch on the Property, the overhang of which will encroach into the public sidewalk right-of-way at that location; and

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

WHEREAS, in Encroachment No. ENC 2014-0004, the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at

one of its regular meetings held on November 6, 2014, which recommendation was approved by the City Council at its public hearing on November 15, 2014 and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby are, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 906 First Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of a porch that overhangs the sidewalk, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

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

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

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

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

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

- (b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
- (c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

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

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

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

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owners for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The terms "Owner" shall be deemed to include James Bland Housing V Limited Partnership, and any tenants or respective successors in interest.

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

**15.** Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain the Master Plan of the City of Alexandria, Virginia, By Adopting and Incorporating Therein the Amendment Heretofore Approved By City Council to Such Master Plan as Master Plan Amendment No. MPA 2014-0009 and No Other Amendments, and to Repeal All Provisions of the Said Master Plan as May Be Inconsistent With Such Amendment. [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. 15; 12/19/14, 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. 15; 12/19/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance. 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.

The ordinance reads as follows:

#### ORDINANCE NO. 4917

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of the 1992 Master Plan as Master Plan Amendment No. MPA 2014-0009 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. MPA 2014-0009, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 6, 2014 of an amendment to the Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria to transfer density to Hoffman Block 2 from Hoffman Blocks 4 and 9B and to increase building height as set forth more specifically herein, which recommendation was approved by the City Council at public hearing on November 15, 2014 ;

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

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

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

Section 1. That the Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by revising Figure 4-9 on Page 4-13 to update the Allowable Gross Floor Area for Hoffman Block 2, Hoffman Block 4 and Hoffman Block 9B to transfer 225,570 sq. ft. of allowable gross floor area from Block 4 to Block 2; to transfer 83,858 sq. ft. of allowable gross floor area from Block 9B to Block 2; and to increase allowed building height from 210 ft. to 260 ft. as discussed more fully in the staff report for MPA 2014-0009 and as approved by the Planning Commission of November 6, 2014, as set forth in the attached resolution from the Planning Commission, incorporated fully herein by reference, as an amendment to the Master Plan of the City of Alexandria, Virginia.

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

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

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

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

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

**16.** Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Article B (Financial Disclosure), Chapter 5 (Officers and Employees), of Title 2 (General Government) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 12/19/14, 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. 16; 12/19/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance, as revised, which was to correct typographical errors. 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.

The ordinance reads as follows:

#### ORDINANCE NO. 4918

AN ORDINANCE to amend and reordain Article B (FINANCIAL DISCLOSURE), Chapter 5 (OFFICERS AND EMPLOYEES), of Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:



Section 1. That Article B, Chapter 5, all of Title 2 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 2-5-11 to read as follows:

Sec. 2-5-11 - Financial disclosure statement required.

(a) In addition to those public officials and employees who may be required by the State and Local Government Conflict of Interests Act, Va. Code section 2.1-639.1 *et seq.*, to file annual financial disclosure statements, all persons holding the following offices or positions in the city shall file an annual financial disclosure statement on a form prepared by the secretary of the commonwealth in accordance with the provisions of the State and Local Government Conflict of Interests Act. Such forms shall be filed in the office of the city clerk on or before December 15 and June 15 annually.

[Intervening sections remain unchanged]

(6) All directors and deputy directors of all city departments and offices, as well as all additional key leadership personnel as may be designated or required from time to time by the City Manager:

Section 2. That this ordinance shall become effective upon passage.

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

### **DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

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

17. Development Site Plan #2014-0024

Special Use Permit #2014-0088

901 Seminary Road - Southern Towers Clubhouse (Parcel Address: 5055 Seminary Road)

Public hearing and consideration of requests for: a) development site plan, with modifications, to construct a clubhouse building and b) a special use permit to operate a day care center; zoned RC/High Density Apartment. Applicant: Southern Towers LLC represented by Kenneth Wire, attorney

Planning Commission Action: Deferred without objection

City Council noted the deferral.

#### **OTHER**

18. Consideration of Convening a Closed Meeting to Discuss a Personnel Matter.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, at 1:10 p.m., City Council convened in closed executive session to discuss the resignation and appointment of a specific public officer, specifically the resignation of a City Council appointee and the appointment of a successor to that appointee, pursuant to Section 2.2-3711(a)(1) of the *Code of Virginia*. 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 Councilman Smedberg and carried unanimously, at 2:20 p.m., City Council reconvened the meeting. 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 Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted a resolution pertaining to the closed meeting. 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.

The resolution reads as follows:

#### RESOLUTION NO. 2658

WHEREAS, the Alexandria City Council has this 13th day of December 2014, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

\* \* \* \* \*

#### NEW BUSINESS ITEM NO. 1:

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council appointed Mark Jinks as Acting City Manager effective January 2, 2015. 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.

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, the public hearing meeting of December 13, 2014, was adjourned at 2:25 p.m. 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.

APPROVED BY:

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WILLIAM D. EUILLE      MAYOR

ATTEST:

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Jacqueline M. Henderson  
City Clerk and Clerk of Council