

**City of Alexandria  
Meeting Minutes  
City Council Public Hearing Meeting  
9:30 a.m.  
Saturday, October 17, 2015**

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. Jinks, City Manager; Ms. Anderson, Assistant City Attorney, Ms. Baker, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Mr. Randall, Urban Planner, P&Z; Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities (RPCA), Mr. Spengler, Director, RPCA; Mr. Farner, Deputy Director, P&Z; Ms. Beach, Division Chief, P&Z; Ms. Marks, Deputy Director, T&ES; Ms. Sanders, Principal Planner, T&ES; Ms. Horowitz, Urban Planner, P&Z; Ms. Contreras, Urban Planner, P&Z; Ms. McIlvaine, Acting Director, Office of Housing; Ms. Durham, Open Space Coordinator, RPCA; Mr. Cox, Historic Preservation Manager, P&Z; Ms. Jaatinen, Civil Engineer, T&ES; Mr. Kerns, Division Chief, P&Z; Mr. Geratz, Principal Planner, P&Z; Mr. Raut, Civil Engineer, T&ES; Mr. Skrabak, Deputy Director, T&ES; Mr. Singh, City Engineer, T&ES; Mr. Cooper, Code Administration; Ms. Taylor, Director, Finance; Mr. Sindiong, Principal Planner, T&ES; Mr. Wagner, Principal Planner, P&Z; Police Captain Wemple; Ms. Bryan, Information and Technology Services (ITS); Mr. Ward, ITS; and Mr. Lloyd.

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

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**OPENING**

1. Calling the Roll.

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

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Janice Grenadier, 15 West Spring Street, spoke about issues she has with the judicial system and the public safety department.

2. Gary Carr, 216 Aspen Street, spoke about the removal of Confederate symbols, in

particular, the changing of the name of Jefferson Davis Highway and about increasing funding for the restoration of the running track at G.W. Middle School.

3. Megan Ellzy, 1200 Stonewood Court, employee with the Alexandria Fire Department (AFD), spoke about fully funding the Years of Service Alignment Model (YOSAM) and a market rate adjustment for firefighters during budget consideration.

4. Bert Ely, 200 South Pitt Street, representing Friends of the Alexandria Waterfront, spoke about the truck haul routes related to current and future waterfront construction projects and the numerous complaints from residents about current haul routes and violations. Mr. Ely submitted signage recommendations to be used on the haul routes and he requested that Council direct staff to consult with residents on proposed haul routes before finalization.

In response to Council questions, Mr. Lambert, Director, Transportation and Environmental Services (T&ES), stated that signage along the haul routes has been discussed in the Ad Hoc Monitoring Group on Waterfront Construction meetings and there will be continued improvements to the signage as construction proceeds. Mr. Lambert noted that T&ES is working to update the signage plan to alleviate confusion for drivers and inspectors are ensuring that foremen know the regulations and routes to prevent violations.

5. Yvonne Callahan, 735 South Lee Street, representing the Old Town Civic Association (OTCA), requested that Council require a public apology from Deputy City Attorney Spera for comments made at last month's public hearing meeting.

City Manager Jinks noted that Mr. Spera has offered a formal apology to him and Mayor Euille and has submitted a written apology to all the members of Council.

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (3-6)**

### **Planning Commission**

3. Special Use Permit #2015-0079  
1552 Potomac Greens Drive (parcel address: 1550 Potomac Greens Drive) - Slater's Market  
Public Hearing and Consideration of a request to operate a restaurant within an existing market; zoned: CDD #10/Coordinated Development District #10. Applicant: Slater's Market LLC  
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated October 6, 2015 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/17/2015, and is incorporated as part of this record by reference.)

4. Special Use Permit #2015-0080  
1300 & 1304 King Street (parcel address: 1300 King Street) - Rooming House  
Public Hearing and Consideration of a request for five year review of a rooming house and for a change of ownership; zoned KR/King Street Retail. Applicant: Joricris Espiritu  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 6, 2015 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/17/2015, and is incorporated as part of this record by reference.)

5. Special Use Permit #2015-0093  
1211 King Street - Nasime Japanese Restaurant  
Public Hearing and Consideration of a request to operate a restaurant; zoned; KR/King Street Retail. Applicant: Yuh Shimomura  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 6, 2015 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 10/17/2015, and is incorporated as part of this record by reference.)

6. Development Special Use Permit #2014-0041  
1801 & 1809 Russell Road, 109, 111 & 113 Belleaire Road - Immanuel Lutheran Church  
Public Hearing and Consideration of requests for: (A) a Development Special Use Permit and Site Plan with modifications to construct an addition to an existing private school, and an expansion to an existing church; and (B) a Special Use Permit for a parking reduction; zoned: R-5/Residential Single-family. Applicant: Immanuel Lutheran Church, represented by Mary Catherine Gibbs, Attorney  
Planning Commission Action: Recommend Approval as Amended 6-0

(A copy of the Planning Commission report dated October 6, 2015 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 10/17/2015, and is incorporated as part of this record by reference.)

## **END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the consent calendar. The approvals were as follows:

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

The vote 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)**

7. Master Plan Amendment #2015-0004

Oakville Triangle/Route 1 Corridor

The planning area encompasses the commercially and industrially zoned parcels within the area generally bounded by Route 1 on the east, East Lynhaven Drive on the north, Mount Jefferson Park on the west, and East Bellefonte Avenue on the south.

Public Hearing and Consideration of requests for (A) initiation of a Master Plan Amendment, and (B) an amendment to the Potomac West Small Area Plan chapter of the Master Plan to incorporate the Oakville Triangle/Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines. Staff: Department of Planning and Zoning

Planning Commission Action: MPA #2015-0004 Adopted and Recommend Approval 6-0

(A copy of the Planning Commission report dated October 6, 2015 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/17/2015, and is incorporated as part of this record by reference.)

Mr. Farner, Deputy Director, Planning and Zoning, Ms. Beach, Division Chief, Planning and Zoning, Ms. McIlvaine, Acting Director, Office of Housing, Ms. Durham, Open Space Coordinator, Recreation, Parks and Cultural Activities, Mr. Moritz, Director, Planning and Zoning, and Mr. Sindiong, Principal Planner, Transportation and Environmental Services gave a presentation of the master plan amendment and responded to questions from Council about zoning for gas stations, maker space uses, open space, increase in density for the area, transportation and traffic management, special tax districts inclusion, affordable housing and school needs.

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

1. Duncan Blair, 524 King Street, attorney for the applicant, spoke in support of the Master Plan Amendment (MPA).

2. Doug Firstenberg, 4733 Bethesda Avenue, #800, Bethesda, Maryland, founding principal for Stonebridge Carrass, spoke in support of the MPA.

3. Edward Wendling, 413 Hume Avenue, requested that his property located on Hume Avenue be included in the plan because of its proximity to the redevelopment plan.

4. Heather Martin, 415 Hume Avenue, requested that her property located on Hume Avenue be included in the plan because of its proximity to the redevelopment plan.

5. Pamela Smith, 1206 Stonnell Place, spoke in opposition to the MPA.

6. Mary Catherine Gibbs, 307 North Washington Street, attorney for the property owners at Fannon Street and Route 1, spoke in support of the MPA.

7. Katy Cannady, 20 East Oak Street, spoke about open space in the proposal.

8. David Fromm, 2307 East Randolph Avenue, spoke about building heights and how they would affect site lines from the homes closest to the Oakville development and responded to questions from Council.

9. Stephen Koenig, 231 East Spring Street, spoke in support of the MPA.
10. Brian Burton, 306 East Del Ray Avenue, spoke in opposition to the MPA.
11. Ann Shack, 501 Tobacco Quay, spoke about open space and public access to it.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing. The vote 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 Smedberg, seconded by Councilman Wilson and carried unanimously, City Council approved the Planning Commission recommendation with the following amendments: (1) add an amendment stating that the City adopt the plan with the current boundaries, noting that when City staff returns with the rezoning proposal for this area, the Master Plan Amendment will include the properties located at 413 and 415 Hume Avenue as part of the plan; and (2) delete 7.14 from the Design Standards (p. 98-99). City Council made a request that staff return with an analysis including/not including the Oakville Triangle Area in the special tax districts when the zoning request is brought for consideration. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

\*\*\*\*City Council took at lunch break from 1:30 p.m. until 2:00 p.m.\*\*\*\*

8. Development Special Use Permit #2014-0007  
Special Use Permit #2015-0039 - Boat Docking Facility  
Special Use Permit #2015-0041 - Restaurant  
Special Use Permit #2015-0052 - Hotel  
Transportation Management Plan SUP #2014-0117  
500 and 501 North Union Street - Robinson Terminal North  
Public Hearing and Consideration of requests for: (A) development special use permit, with site plan and modifications, to construct a mixed-use development, an increase in the Floor Area Ratio (FAR), an increase in height from 30 feet to 50 feet, a parking reduction, and valet parking; (B) Special Use Permit for a facility used for docking of boats; (C) Special Use Permit for restaurant; (D) Special Use Permit for a hotel; and (E) Special Use Permit for a Transportation Management Plan; zoned W-1/Waterfront Mixed-Use. Applicant: Alexandria Terminal North LLC represented by Kenneth Wire, attorney  
Planning Commission Action: Development Special Use Permit #2014-0007 Recommend Approval as Amended 6-0; Special Use Permit #2015-0039 Recommend Approval 6-0; Special Use Permit #2015-0041 Recommend Approval 6-0; Special Use Permit #2015-0052 Recommend Approval 6-0; Transportation Management Plan SUP #2014-0117 Recommend Approval 6-0.

(A copy of the Planning Commission report dated October 8, 2015 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/17/2015, and is

incorporated as part of this record by reference.)

Ms. Contreras, Urban Planner, Planning and Zoning, Ms. Sanders, Principal Planner, Transportation and Environmental Services, Mr. Geratz, Principal Planner, Planning and Zoning, and Mr. Skrabak, Deputy Director, Planning and Zoning, gave a presentation and responded to questions from Council about parking and valet parking, water taxis, haul routes, removal of contaminated soil at the site, staging for construction, the Federal Emergency Management Agency (FEMA) process prior to construction beginning, floodplain mitigation, and restaurant operations.

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

1. Joan Bondareff, 102 Princess Street, requested that Council delay making a decision until permits from Federal Emergency Management Agency (FEMA) and Department of Environmental Quality (DEQ) were received.

Mr. Skrabak responded to questions from Council about the permitting process for FEMA and DEQ.

2. Julie Wannamaker, 101 Quay Street, spoke in opposition to the proposal.

3. Nina Randolph, 424 North Union Street, spoke in opposition to the proposal.

4. Bert Ely, 200 South Pitt Street, representing the Friends of the Alexandria Waterfront, spoke in opposition to the proposal.

5. Hal Hardaway, 311 South Union Street, spoke in opposition to the proposal.

6. Yvonne Callahan, 735 South Lee Street, representing the Old Town Civic Association, spoke in opposition to the proposal and responded to questions from Council.

7. Stan Jones, 601 North Fairfax Street, Unit 608, spoke in opposition to the proposal.

8. Carolyn Merck, 324 North Royal Street, spoke in opposition to the proposal.

9. Katy Cannady, 20 East Oak Street, spoke in opposition to the proposal.

10. Ann Shack, 501 Tobacco Quay, representing the Tobacco Quay Homeowners Association, requested that Council postpone approval of the proposal until the Environmental Protection Agency (EPA) and the Federal Emergency Management Agency (FEMA) issued permits for the site.

11. Boyd Walker, 1307 King Street, spoke in opposition to the proposal.

12. Kenneth Wire, 1750 Tysons Boulevard, Tysons Corner, gave a presentation of the project speaking in support, and he responded to questions from Council.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman

Wilson and carried unanimously, City Council closed the public hearing. The vote 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 Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation with the following amendments: (1) amend condition #3 (p.103) to read as follows, "The floating docks and boating activities shall accommodate short-term vessels only and shall not include water taxis"; (2) add an amendment 48(a) restricting residential parking for Robinson Terminal North, using language similar to the language approved for Robinson Terminal South and the restrictions are contingent on Old Town Area Parking Study (OTAPS) recommendation; (3) delete F-4 and F-5 for clarity on page 83; and (4) amend condition #51 (p.60), first sentence, to read as follows, "The valet parking shall be reviewed within six months and one year of operations by Directors of P&Z and T&ES to determine compliance with the conditions herein and all applicable codes and ordinances." The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

9. Master Plan Amendment #2015-0002  
Rezoning #2015-0002  
Development Special Use Permit #2014-0017  
601, 607 and 611 N. Henry Street - The Park Residences  
Public Hearing and Consideration of a request for: (A) amendment to the Braddock Road Metro Small Area Plan chapter of the Master Plan to amend the land use designation from CSL to CRMU-M; (B) amendment to the official zoning map to rezone the properties from CSL to CRMU-M with proffers; (C) Development Special Use Permit and Site Plan, with modifications and a subdivision, to construct townhomes with an increase in FAR per section 5-205(C) of the Zoning Ordinance and lots without frontage per section 7-1007 of the Zoning Ordinance; zoned CSL / Commercial Service Low. (Braddock Road Metro Small Area Plan) Applicant: Henry St JV, LLC, represented by M. Catharine Puskar, Attorney  
Planning Commission Action: MPA #2015-0002 Adopted Resolution and Recommend Approval as Amended 6-0; REZ #2015-0002 Recommend Approval as Amended 6-0; DSUP #2014- 0017 Recommended Approval as Amended 6-0

Mr. Randall, Urban Planner, Planning and Zoning, gave a presentation on the project and responded to questions from Council.

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

1. M. Catherine Puskar, 2200 Clarendon Boulevard, Arlington, attorney for the applicant, spoke in support of the project and responded to questions from Council.

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

10. City Charter Section 9.06 Case #2015-0002  
310 & 312 Beverley Drive  
Public Hearing and Consideration of a request for the Planning Commission to review whether the proposed dedication to the City of the subject property is consistent with the City of Alexandria Master Plan; zoned R-8/Residential Single-family. Staff: Department of Recreation, Parks and Cultural Activities  
Planning Commission Action: Approve 6-0  
FOR CITY COUNCIL'S INFORMATION ONLY

City Council received the item for informational purposes.

## **ORDINANCES AND RESOLUTIONS**

11. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the Tenant of the Property located at 2312 Mount Vernon Avenue (Parcel Address 2318 Mount Vernon Avenue and 111 Oxford Avenue) to Construct and Maintain an Encroachment for Outdoor Dining at that Location Associated With the Restaurant Known as Pork Barrel BBQ, Sushi Bar, and Holy Cow. [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. 11; 10/17/2015, 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. 11; 10/17/2015, and is incorporated as part of this record by reference.)

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

1. David Fromm, 2307 East Randolph Avenue, spoke about the criteria for easements/encroachments in the public rights-of-way. Mr. Fromm inquired if there were standards for deciding the criteria and how would it protect the integrity of the neighborhood.

**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 an ordinance authorizing the tenant of the property located at 2312 Mount Vernon Avenue (Parcel Address 2318 Mount Vernon Avenue and 111 Oxford Avenue) to construct and maintain an encroachment for outdoor dining at the location associated with the restaurant known as Pork Barrel BBQ, Sushi Bar and Holy Cow. The vote 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. 4967**



AN ORDINANCE authorizing the Tenant of the property located at 2312 Mount Vernon Avenue (Parcel Address 2318 Mount Vernon Avenue and 111 Oxford Avenue) to construct and maintain an encroachment for outdoor dining at that location associated with the restaurant known as Pork Barrel BBQ, Sushi Bar, and Holy Cow.

WHEREAS, Hog Thaid, LLC is the Tenant ("Tenant") of the property located at 2312 Mount Vernon Avenue (Parcel Address 2318 Mount Vernon Avenue and 111 Oxford Avenue) in the City of Alexandria, Virginia; and

WHEREAS, Tenant desire to establish and maintain outdoor dining 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. 2015-0003 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 September 1, 2015 which recommendation was approved by the City Council at its public hearing on September 12, 2015 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 Tenant be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 2312 Mount Vernon Avenue (Parcel Address 2318 Mount Vernon Avenue and 111 Oxford Avenue) in the City of Alexandria, as shown in the attached encroachment plat labeled as Attachment 1 and attached hereto and incorporated herein by this reference, said encroachment consisting of outdoor dining, 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 Tenant 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 Tenant 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 Tenant as named insureds and shall provide for the indemnification of the City of Alexandria and Tenant 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, Tenant 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 Tenant. Nothing in this section shall relieve Tenant 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 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 Tenant 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 Tenant 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, Tenant 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 Tenant 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 Tenant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Tenant without cost to the city. If Tenant

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 Tenant, and shall not be liable to Tenant 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 "Tenant" shall be deemed to include Hog Thaid, LLC and their respective successors in interest.

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

12. Public Hearing, Second Reading, and Final Passage of an ordinance authorizing the owners of the property located at 200 Strand Street to construct and maintain an encroachment for a stoop, stairs, canopy and building overhang onto the Prince Street right of way at that location as approved by the City Council on March 14, 2015. [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; 10/17/2015, 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; 10/17/2015, 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 an ordinance authorizing the owners of the property located at 200 Strand Street to construct and maintain an encroachment for a stoop, stairs, canopy and building overhang onto the Prince Street right-of-way at that location as approved by City Council on March 14, 2015. The vote 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. 4968**

AN ORDINANCE authorizing the owners of the property located at 200 Strand Street to construct and maintain an encroachment for a stoop, stairs, canopy and building overhang onto the Prince Street right of way at that location as approved by the City Council on March 14, 2015.

WHEREAS, the Old Dominion Boat Club is the Owners ("Owners") of the property located at 200 Strand Street in the City of Alexandria, Virginia; and

WHEREAS, Owners desire to establish and maintain a stoop, stairs, canopy and a building overhang which will encroach into the public right-of-way on Prince Street at that location; and

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

WHEREAS, in Encroachment No. 2014-0006 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 March 3, 2015 which recommendation was approved by the City Council at its public hearing on March 14, 2015 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 Owners be, and the same hereby are, authorized to establish and maintain encroachments into the Prince Street public right-of-way at 200 Strand Street in the City of Alexandria, as shown in the attached Encroachment Plat prepared by Christopher Consultants and dated November 4, 2014 and signed on September 28, 2015 attached hereto as attachment A, said encroachment consisting of an entryway stoop, stairs and canopy, labeled as "Stair Encroachment" and a building overhang for the balcony labeled as "Building Above Encroachment", 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 Owners 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 Owners 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 Owners as named insureds and shall provide for the indemnification of the City of Alexandria and Owners 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, Owners 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 Owners. Nothing in this section shall relieve Owners 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' 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 Owners 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 Owners 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, Owners 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 Owners 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 Owners the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owners without cost to the city. If Owners 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 Owners, 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 "Owners" shall be deemed to include the Old Dominion Boat Club and its successors in interest.

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

13. Public Hearing, Second Reading and Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2016.  
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated October 7, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 10/17/2015, 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; 10/17/2015, 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; 10/17/2015, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to make supplement appropriations for the support of the City Government for Fiscal Year 2016. The vote 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. 4969**

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2016.

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

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2015, but which are payable in Fiscal Year 2016, and for which amounts were appropriated but not expended in Fiscal Year 2015 and further that the council does hereby allot the amounts so appropriated to the several city departments for Fiscal Year 2016, as follows:

#### **EQUIPMENT REPLACEMENT RESERVE FUND**

Sheriff	\$	21,333
General Services		31,402
Transportation and Environmental Services		2,030,695

Fire	9,523
Police	412,099
Emergency Communications	19,761
Recreation	<u>22,772</u>
Total Equipment Replacement Reserve Fund	<u>\$ 2,579,864</u>

Section 2. 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 2016 the source of such amount being external grant awards for which the proceeds were received or accepted prior to June 30, 2015, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2016, as follows:

#### SPECIAL REVENUE FUND

##### ESTIMATED REVENUE:

Housing	\$ 4,160,166
Total Estimated Revenue	<u>\$ 4,160,166</u>

#### SPECIAL REVENUE FUND

##### APPROPRIATION:

Housing	\$ <u>4,160,166</u>
Total Appropriation	<u>\$ 4,160,166</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 2016 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2015 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2016, as follows:

#### SPECIAL REVENUE FUND

##### ESTIMATED REVENUE:

Fire	\$ 121,568
Transportation and Environmental Services	306,982
Housing	1,092,480
Community and Human Services	<u>477,149</u>
Total Estimated Revenue	<u>\$ 1,998,179</u>

#### SPECIAL REVENUE FUND

##### APPROPRIATION:

Fire	\$ 121,568
Transportation and Environmental Services	306,982
Housing	1,092,480
Community and Human Services	477,149
Total Estimated Revenue	<u>\$ 1,998,179</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2016 the source of such amount being the residual balances accumulated as of June 30, 2015, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2016, as follows:

#### OTHER SPECIAL REVENUE FUND

##### ESTIMATED REVENUE:

Code Administration	\$ 54,208
Total Estimated Revenue	<u>\$ 54,208</u>

#### OTHER SPECIAL REVENUE FUND

##### APPROPRIATION:

Code Administration	\$ 54,208
Total Estimated Revenue	<u>\$ 54,208</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 2016 the source of such amount being the residual balances accumulated as of June 30, 2015, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2016, as follows:

#### OTHER SPECIAL REVENUE FUND – SEIZED ASSETS

##### ESTIMATED REVENUE:

Commonwealth's Attorney	\$ 86,100
Total Estimated Revenue	<u>\$ 86,100</u>

#### SPECIAL REVENUE FUND

##### APPROPRIATION:

Commonwealth's Attorney	\$ 86,100
Total Estimated Revenue	<u>\$ 86,100</u>



Section 6. 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 and liabilities of the city for Fiscal Year 2015, the source of such amount being Committed General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Committed General Fund Balance	\$ 770,555
Total Estimated Revenue	<u>\$ 770,555</u>

APPROPRIATION:

Fire	\$ 65,475
Performance Accountability	50,000
Commonwealth's Attorney	21,080
Law Library	34,000
Planning and Zoning	100,000
Transportation and Environmental Services	400,000
Non-Departmental	100,000
Total Appropriation	<u>\$ 770,555</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 require to defray certain expenditures and liabilities of the city in the fiscal year 2016, the source of such amount being Bond Proceeds generated from the July 2015 Bond Refunding, authorized by City Council in April 2015, and further that the council does hereby allot the amount so appropriated for fiscal year 2016, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Bond Proceeds	\$ 10,645,678
Total Estimated Revenue	<u>\$ 10,645,678</u>

APPROPRIATION:

Payment to Refunding Bond Escrow	\$ 10,645,678
Total Estimated Revenue	<u>\$ 10,645,678</u>

Section 8. That this ordinance shall be effective upon the date and at the time of its final passage.

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Authorize the Establishment of Parking Meter Zone Four and Install Multi-space Parking Meters in Landbay G of Potomac Yard and Consideration of a Resolution Setting the Hours for

the New Zone. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated October 7, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/17/2015, 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. 14; 10/17/2015, 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. 14; 10/17/2015, 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 an ordinance to authorize the establishment of Parking Meter Zone Four and install multi-space parking meters in Landbay G of Potomac Yard. The vote 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. 4970**

AN ORDINANCE to amend and reordain Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), Chapter 8 (PARKING AND TRAFFIC REGULATION), Article G (PARKING METERS) of The Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Title 5, Chapter 8, Article G 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:

(New language is underscored; deleted material is ~~stricken~~)

Sec. 5-8-92 - Parking meter zones established.

(Intervening sections are unchanged)

(d) The following described parts of the streets of the city are hereby established as parking meter zone 4:

- (1) both sides of the 2900 and 3000 blocks of Dogue Street
- (2) both sides of the 2800, 2900, and 3000 blocks of Main Line Boulevard
- (3) both sides of the 700 and 800 blocks of Seaton Avenue
- (4) west side of the 2800, 2900, and 3000 blocks of Potomac Avenue

(5) both sides of the 600 and 700 block of Maskell Street

(6) both sides of the 600, 700, and 800 block of East Glebe Road

(de) The number and locations of parking meters in the zones established above shall be determined by the city manager or the manager's designee; provided, that any proposal to locate new or remove existing meters shall be submitted by the manager or designee to the traffic and parking board for its review and recommendation; and provided further, that, in the event the manager or designee disagrees with the recommendation of the board, the proposal shall be submitted to city council which shall make the final decision on the proposal.

Sec. 5-8-93 - Parking meters; hours and days of operation; maximum time limits; rates.

(a) (1) The parking meters in zones 1 and 2, established by section 5-8-92 of this code, shall be operated every day of the week except Sundays and legal state holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council; provided, that, within the area bounded on the north by the north side of Princess Street, on the west by a line 10 feet to the east of and running parallel to the east side of Washington Street, on the south by the south side of Wolfe Street and on the east by the Potomac River, meters which permit a maximum of two hours of parking shall be in operation from 8:00 a.m. until 9:00 p.m.

(2) The parking meters in zones 3 and 4, established by section 5-8-92 of this code shall be operated every day of the week except Sundays and state legal holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council.

(b) The maximum time limit for parking in any space in parking meter zones 1, 2, ~~and 3~~, and 4 shall be set forth on the meter for that space, and shall be 20 minutes, two hours, three hours, –or, in zones 1 and 3 only, four hours.

(Subsequent section remains unchanged.)

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

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted a resolution setting the hours for the new zone. The vote 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. 2692**

**WHEREAS**, the City is empowered by Charter Section 2.03(x) to charge for parking on its streets; and

**WHEREAS**, the City is empowered by City Code Section 5-8-92 to establish parking meter zones and location of meters; and

**WHEREAS**, the City is empowered by City Code Section 5-8-93 to set parking meters; hours and days of operation; and maximum time limits; and

**WHEREAS**, the City Council finds and determines that the establishment of a new parking meter zone and addition of new meters in Potomac Yard is necessary and proper at this time; and

**WHEREAS**, the City Council wishes to authorize the City Manager to proceed with all steps necessary to implement the establishment of a new parking meter zone and addition of new meters in Potomac Yard set forth herein;

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

1. That the following described parts of the streets of the city are hereby established as parking meter zone 4: both sides of the 2900 and 3000 blocks of Dogue Street; both sides of the 2800, 2900, and 3000 blocks of Main Line Boulevard; both sides of the 700 and 800 blocks of Seaton Avenue; west side of the 2800, 2900, and 3000 blocks of Potomac Avenue; both sides of the 600 and 700 block of Maskell Street; both sides of the 600, 700, and 800 block of East Glebe Road; and
2. That the parking meter hours throughout parking meter zone 4 every day of the week except Sundays and legal State holidays be set to commence at 8:00 a.m. and end at 6:00 p.m.; and
3. That the maximum time limit for parking in any space in parking meter zone 4 shall be three hours; and
4. That the City Manager be, and hereby is, authorized and directed to take such additional actions as may be necessary or convenient to establish the parking meter zone, set parking meter hours and maximum time limit for parking as set forth by this Resolution; and
5. That the City Clerk be, and hereby is, authorized and directed to affix the seal of the City to such documents as may be necessary or convenient implement this Resolution; and
6. That this Resolution shall be effective immediately.

**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 Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously, City Council adjourned the public hearing meeting of October 17, 2015 at 6:13 p.m. The vote 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:

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

ATTEST:

\_\_\_\_\_  
Gloria Sitton, CMC    Deputy City Clerk