

**City of Alexandria
Meeting Minutes
Saturday, November 12, 2016, 9:30 AM
City Council Public Hearing**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson, Members of Council Willie F. Bailey, Sr., John Taylor Chapman, Timothy B. Lovain, Redella S. Pepper, and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Jinks, City Manager; Mr. Banks, City Attorney; Ms. Baker, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. McIlvaine, Director, Office of Housing, Mr. Imm, Urban Planner, P&Z; Mr. Kerns, Division Chief, P&Z; Mr. Caton, Legislative Director, City Manager's Office; Mr. Geratz, Principal Planner, P&Z; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities; Ms. North, Parking Planner, Transportation and Environmental Services (T&ES); Mr. Keeler, Division Chief, Office of Housing; Mr. Cox, Planner, P&Z; Police Captain Andreas; Ms. Bryan, Information Technology Services; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

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

2. Public Discussion Period.

The following persons participated in the public discussion period:

1) Bill Goff. 1313 Bishop Lane, spoke about the recent removal of the basketball coach at T.C. Williams High School and how the School Board addressed the situation.

City Manager Jinks stated that the issue was strictly an Alexandria City Public School personnel issue to be handled by the school and the School Board.

2) Jack Sullivan, 4300 Ivanhoe Place, thanked Council for adopting the revisions to the Combined Sewer Outfall (CSO) remedial plan and he stated that while the interim steps are instructive, the steps are likely to be marginal in their efforts and much more work on the CSO plan needs to be done.

3) Jacqueline Claypool, 5800 Quantrell Avenue, #404, requested assistance from the City with obtaining and maintaining housing with a Section 8 voucher.

4) Dawn Lucas, 2857 Duke Street, President, Education Association of Alexandria (EAA), invited members of Council to join the EAA for their first Legislators Enriching Academics Day (L.E.A.D) event to be held at schools and worksites throughout the area. Ms. Lucas noted that the event would be held on Thursday, December 8 and Council would receive a formal invitation to the event.

5) Janice Grenadier, 15 West Spring Street, spoke about her issues with the police and the justice system.

6) Seth Heald, 221 Wolfe Street, spoke about climate change and the need for cities to take action and continue to take the lead on finding solutions and addressing issues that affect the climate.

7) Dean Naujoks, 6410 Cavalier Drive, Alexandria, representing the Potomac Riverkeeper Network, stated that Alexandria is behind in fixing the CSO problem in the Potomac River and the updated plan that the City has proposed is not good enough. Mr. Naujoks requested that the plan be updated to address the O1 area immediately along with several other measures, including requesting a public hearing with the Department of Environmental Quality and inclusion of stormwater fees.

8) Dino Drudi, 315 North West Street, spoke about the Metroway and how it will be hard to have other Metroway routes because of lack of subsidies and assistance from the Washington Metropolitan Area Transit Authority.

9) Ruth Prodan, 1250 South Washington Street, spoke about her dislike for the CSO plan that the City has proposed and requested that the issue be addressed immediately.

10) Nicholas Kuttner, 807 Arturus on the Potomac, Alexandria, stated the City's revised CSO plan does not adequately address the dumping of raw sewage into the Potomac and should be revised to address the problem immediately.

11) Heidi Kulp, 8903 McNair Court, Alexandria, expressed her dislike for the CSO plan that the City has proposed and requested that the issue be addressed immediately.

12) Maria Burke, 711 North Overlook Drive, representing the T.C. Williams Crew Boosters, expressed her dislike for the current CSO plan proposed by the City and requested that the raw sewage be addressed immediately.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-4)

Planning Commission

3. Special Use Permit #2016-0068
3301 Landover Street - Warwick Pool
Public Hearing and Consideration of a request for a parking reduction; zoned: POS/Public Open Space. Applicant: City of Alexandria Department of Project Implementation and Department of Recreation, Parks, and Cultural Activities

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 1, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/12/16, and is incorporated as part of this record by reference.)

4. Special Use Permit #2016-0053
Special Use Permit #2016-0054
4607 Eisenhower Avenue - Floor & Decor
Public Hearing and Consideration of requests for: (A) a Special Use Permit for a retail shopping establishment larger than 20,000 square feet; and (B) Special Use Permit for a parking reduction; zoned: OCM(100)/ Office/Commercial-Medium(100). Applicant: Floor and Decor Outlets of America, Inc., represented by M. Catharine Puskar
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 1, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/12/16, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

City Council considered the items on the action consent calendar under separate motions.

3. Special Use Permit #2016-0068
3301 Landover Street - Warwick Pool
Public Hearing and Consideration of a request for a parking reduction; zoned: POS/Public Open Space. Applicant: City of Alexandria Department of Project Implementation and Department of Recreation, Parks, and Cultural Activities
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 1, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/12/16, and is incorporated as part of this record by reference.)

Vice Mayor Wilson mentioned that for clarification in the staff report, there was not a residential parking district near the pool.

WHEREUPON, upon motion by Vice Mayor 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 Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

4. Special Use Permit #2016-0053
Special Use Permit #2016-0054
4607 Eisenhower Avenue - Floor & Decor
Public Hearing and Consideration of requests for: (A) a Special Use Permit for a retail shopping establishment larger than 20,000 square feet; and (B) Special Use Permit for

a parking reduction; zoned: OCM(100)/ Office/Commercial-Medium(100). Applicant: Floor and Decor Outlets of America, Inc., represented by M. Catharine Puskar
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 1, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/12/16, and is incorporated as part of this record by reference.)

Councilwoman Pepper asked whether the parking reduction was grandfathered with the property. In response to Councilwoman Pepper, Mr. Kerns, Planning and Zoning, responded that the Special Use Permit and parking reduction is granted to the current applicant only.

WHEREUPON, upon motion by Vice Mayor 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 Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

5. Public Hearing on the Proposed City Legislative Package for the 2017 General Assembly Session.

(A copy of the City Manager's memorandum dated November 2, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/12/16, and is incorporated as part of this record by reference.)

Vice Mayor Wilson requested that language be added to the package to support the Commonwealth's Housing Trust Fund prior to adoption.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council: (1) held the public hearing on the legislative package; and (2) scheduled the legislative package for adoption on Tuesday, November 29. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

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

6. Development Special Use Permit #2014-0035
Transportation Management Plan SUP #2015-0081
699 North Patrick Street - Ramsey Homes
Public Hearing and Consideration of requests for: (A) a Development Special Use Permit and site plan with modifications for construction of a multi-family building, including a request for an increase in Floor Area Ratio (FAR); and (B) a Special Use Permit for a Transportation Management Plan; zoned: CRMU-M/Commercial-Residential Mixed Use (Medium). Applicant: Virginia Housing Development, LLC

Planning Commission Action: Recommend Approval 7-0 for both
DSUP2014-0035 and TMP SUP2016-0081

(A copy of the Planning Commission report dated November 1, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/12/16, and is incorporated as part of this record by reference.)

Mr. Imm, Planning and Zoning, introduced staff and gave a presentation on the proposed development special use permit, then he, along with others staff members and Alexandria Redevelopment and Housing Authority staff responded to questions from Council about brick sidewalks, building design and materials, parking for the development and the neighborhood.

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

1) Marion Mealing, 625 North Patrick Street, spoke in support of the proposal.

2) Judy Guse-Noritake, 1119 Wythe Street, spoke in support of the proposal.

3) Duncan Blair, 520 King Street, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

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

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

7. Consideration of a Loan Request from the Alexandria Redevelopment and Housing Authority (ARHA) for the Redevelopment of Ramsey Homes and for Adoption of a Resolution Designating the Ramsey Homes Site a Revitalization Area Which Will be Considered for Council's Action Following Public Hearing on the Related Land Use Approvals.

(A copy of the City Manager's memorandum dated November 2, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 11/12/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council: (a) approved a permanent loan to ARHA of up to \$1,100,000 for redevelopment of Ramsey Homes, of which the loan is to be funded from proceeds of ARHA's future repayment of the City's 2008 Glebe Park loan; (b) passed a resolution designating the Ramsey project site a revitalization area pursuant to

Section 36-55.30:2.A of the Virginia Code (RES. NO. 2748); and (c) authorized the City Manager to execute documents related to the loan as well as those evidencing City support of ARHA's upcoming application for low income housing tax credits. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2748

WHEREAS, pursuant to Section 36-55.30:2.A of the Code of the Virginia of 1950, as amended, the City Council of the City of Alexandria, Virginia, desire to designate the Site which will include the proposed Ramsey Homes Redevelopment as the area (the "Area") described on Exhibit A attached hereto, as a revitalization area; and

WHEREAS, the proposed redevelopment Area is planned to include new rental housing affordable to households at a range of incomes, from 30 to 60% of the Area Median Income, including 15 units to replace existing public housing, thereby creating a mixed income community within an amenity-rich neighborhood (the Braddock Metro Neighborhood) that has seen a significant amount of commercial and market rate residential redevelopment over the past decade; and

WHEREAS, the Area, if not rehabilitated, is likely to deteriorate by reason that the buildings in such area are subject to obsolescence since ARHA has represented that continued federal assistance or investment is threatened due to the property's age and condition, and private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and include other persons and families to live within such area and thereby create a desirable economic mix of residents in such area; and

WHEREAS, the affordable housing development proposed in the Area would not be economically feasible without the provision of federal low income housing tax credits, ARHA subsidy and City loan funds at advantage rates and terms; and

WHEREAS, the proposed redevelopment will provide a critical source of affordable housing, including replacement public housing, for current and future low and moderate income residents at a range of income whose tenancy and local employment is essential to the Area's future economic development and sustainability, as well as to the City's strategic plan of maintaining neighborhoods that are diverse, inclusive and true mixed income communities;

NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:

- (1) The Area is blighted, deteriorated, deteriorating or, if not rehabilitated, likely to deteriorate by reason that the buildings, improvements or other facilities in such area are subject to one or more of the following conditions-dilapidation; obsolescence; overcrowding; inadequate ventilation, light or sanitation; excessive land coverage; deleterious land use; or faulty or otherwise inadequate design, quality or condition; and

- (2) Private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area.

NOW, THEREFORE, BE IT HEREBY RESOLVED that pursuant to Section 36-55.30:2.A of the Code of Virginia 1950, as amended, the Area is hereby designated as a revitalization area.

Mr. Priest, CEO, Alexandria Redevelopment and Housing Authority (ARHA), presented City Council with a check for repayment of the loan for the Glebe Road development in the amount of \$480,646 and he said he would personally deliver the balance of the loan for \$5.8 million once ARHA receives Housing and Urban Development (HUD) approval.

ORDINANCES AND RESOLUTIONS

8. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2017. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 2, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/12/16, 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. 8; 11/12/16, 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. 8; 11/12/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and approved an ordinance to make supplemental appropriations for the support of the City Government for Fiscal Year 2017. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5042

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2017.

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, 2016, but which are payable in Fiscal Year 2017, and for which amounts were appropriated but not expended in Fiscal Year 2016 and further that the council does hereby allot the amounts so appropriated to the several city departments for Fiscal Year 2017, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

| | |
|---|---------------------|
| General Services | \$ 31,404 |
| Transportation and Environmental Services | 2,057,531 |
| Fire | 2,243,280 |
| Police | 117,422 |
| Community and Human Services | 26,429 |
| Recreation | 57,766 |
| Total Equipment Replacement Reserve Fund | <u>\$ 4,533,832</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 2017 the source of such amount being external grant awards for which the proceeds were received or accepted prior to June 30, 2016, 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 2017, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

| | |
|-------------------------|---------------------|
| Housing | <u>\$ 3,246,970</u> |
| Total Estimated Revenue | <u>\$ 3,246,970</u> |

SPECIAL REVENUE FUND

APPROPRIATION:

| | |
|---------------------|---------------------|
| Housing | <u>\$ 3,246,970</u> |
| Total Appropriation | <u>\$ 3,246,970</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, 2016 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2017, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

| | |
|---|---------------------|
| General Services | \$ 5,577 |
| Police | 3,559 |
| Transportation and Environmental Services | (346,550) |
| Housing | 830,498 |
| Commonwealth's Attorney | 98,455 |
| Community and Human Services | <u>1,314,254</u> |
| Total Estimated Revenue | <u>\$ 1,905,793</u> |

SPECIAL REVENUE FUND

APPROPRIATION:

| | |
|---|---------------------|
| General Services | \$ 5,577 |
| Police | 3,559 |
| Transportation and Environmental Services | (346,550) |
| Housing | 830,498 |
| Commonwealth's Attorney | 98,455 |
| Community and Human Services | <u>1,314,254</u> |
| Total Appropriation | <u>\$ 1,905,793</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 2017 the source of such amount being the residual balances accumulated as of June 30, 2016, 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 2017, as follows:

OTHER SPECIAL REVENUE FUND

ESTIMATED REVENUE:

| | |
|---|-------------------|
| Emergency Communications | \$ 53,022 |
| Commonwealth's Attorney's Office | 314 |
| Alexandria Health Department | 42,380 |
| Recreation, Parks and Cultural Activities | <u>204,669</u> |
| Total Estimated Revenue | <u>\$ 300,385</u> |

OTHER SPECIAL REVENUE FUND

APPROPRIATION:

| | |
|---|-------------------|
| Emergency Communications | \$ 53,022 |
| Commonwealth's Attorney's Office | 314 |
| Alexandria Health Department | 42,380 |
| Recreation, Parks and Cultural Activities | <u>204,669</u> |
| Total Appropriation | <u>\$ 300,385</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 2017 the source of such amount being the residual balances accumulated as of June 30, 2016, 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 2017, as follows:

OTHER SPECIAL REVENUE FUND – SEIZED ASSETS

ESTIMATED REVENUE:

| | |
|-------------------------|--------------------------|
| Police Department | \$ 500,000 |
| Commonwealth's Attorney | \$ <u>104,596</u> |
| Total Estimated Revenue | \$ <u><u>604,596</u></u> |

SPECIAL REVENUE FUND

APPROPRIATION:

| | |
|-------------------------|--------------------------|
| Police Department | \$ 500,000 |
| Commonwealth's Attorney | \$ <u>104,596</u> |
| Total Appropriation | \$ <u><u>604,596</u></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 2017, 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 | \$ <u>3,386,251</u> |
| Total Estimated Revenue | \$ <u><u>3,386,251</u></u> |

APPROPRIATION:

| | |
|---|---------------------|
| City Manager's Office | \$ 100,000 |
| Performance Accountability | 20,000 |
| City Attorney's Office | 100,000 |
| Planning and Zoning | 111,900 |
| Transportation and Environmental Services | 465,000 |
| General Services | 607,256 |
| Housing | 575,000 |
| Library | 75,000 |
| Historic Alexandria | 35,000 |
| Police | 100,000 |
| Recreation | 18,238 |
| Sheriff | 30,000 |
| Community and Human Services | 38,100 |
| Adult Probation and Parole | 26,285 |
| Court Service Unit | 22,336 |
| Alexandria Health Department | 52,886 |
| Public Defender | 33,250 |
| City Council | 60,000 |
| Economic Development Activities | 600,000 |
| Non-Departmental | 315,000 |
| Total Appropriation | <u>\$ 3,386,251</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 2017, the source of such amount being Bond Premium Proceeds generated from the July 2016 Bond Issuance, authorized by City Council in April 2016, and further that the council does hereby allot the amount so appropriated for fiscal year 2017, as follows:

GENERAL FUND

ESTIMATED REVENUE:

| | |
|-------------------------|---------------------|
| Bond Premium Proceeds | \$ 1,400,000 |
| Total Estimated Revenue | <u>\$ 1,400,000</u> |

APPROPRIATION:

| | |
|-------------------------|---------------------|
| Cash Capital | \$ 1,400,000 |
| Total Estimated Revenue | <u>\$ 1,400,000</u> |

Section 8. 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 2017, the source of such amount being Other Special Revenue, and further, that the council does hereby allot the amount so appropriated, as follows:

OTHER SPECIAL REVENUE FUND

ESTIMATED REVENUE:

| | |
|-------------------------|-------------------|
| Lease Revenue | \$ 600,000 |
| Total Estimated Revenue | <u>\$ 600,000</u> |

APPROPRIATION:

| | |
|---------------------|-------------------|
| Recreation | \$ 600,000 |
| Total Appropriation | <u>\$ 600,000</u> |

Section 9. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2017, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2017, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

| | |
|-------------------------|---------------------|
| Capital Projects | \$ 2,647,500 |
| Total Estimated Revenue | <u>\$ 2,647,500</u> |

APPROPRIATION:

| | |
|---------------------|---------------------|
| Capital Projects | \$ 2,647,500 |
| Total Appropriation | <u>\$ 2,647,500</u> |

Section 10. 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 2017, the source of such amount being Equipment Replacement Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

| | |
|---|-------------------|
| Transportation and Environmental Services | \$ 20,000 |
| Police | 386,220 |
| Community and Human Services | <u>90,000</u> |
| Total Equipment Replacement Reserve Fund | <u>\$ 496,220</u> |

Section 11. 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 2017, the source of such amount being DASH Operating Revenues, and further, that the council does hereby allot the amount so appropriated, as follows:

COMPONENT UNIT

ESTIMATED REVENUE:

| | |
|-------------------------|---------------------|
| DASH Operating Revenues | \$ (158,000) |
| Total Estimated Revenue | <u>\$ (158,000)</u> |

APPROPRIATION:

| | |
|-----------------------|---------------------|
| Component Unit - DASH | \$ (158,000) |
| Total Appropriation | <u>\$ (158,000)</u> |

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

9. Public Hearing, Second Reading and Final Passage of an Ordinance to Authorize the National Industries for the Blind to Construct and Maintain an Encroachment for a Vault for Electric Transformers Under the Sidewalk Right of Way Approved by City Council on September 17, 2016. [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. 9; 11/12/16, 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. 9; 11/12/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and approved an ordinance to authorize the National Industries for the Blind to construct and maintain an encroachment for a vault for electric transformers under the sidewalk right-of-way approved by City Council on September 17, 2016. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5043

AN ORDINANCE authorizing the owner of the property located at 3000 Potomac Avenue to construct and maintain an encroachment for a vault for electric transformers under the sidewalk right-of-way at that location, on the portion of the property that borders Dogue Street.

WHEREAS, National Industries for the Blind is the Owner ("Owner") of the property located at 3000 Potomac Avenue in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a below-grade vault for electric transformers which will encroach into the public sidewalk right-of-way at that location, on the portion of the property that borders Dogue Street; and

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

WHEREAS, in Encroachment No. 2016-0005 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 8, 2016 which recommendation was approved by the City Council at its public hearing on September 17, 2016 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 is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way on the Dogue Street side of the property located at 3000 Potomac Avenue in the City of Alexandria, as shown on the attached Encroachment Plat, said encroachment measuring approximately 1,018 square feet and consisting of a vault for electric transformers under the sidewalk right of way, 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 its 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 its 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 its 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) The applicant shall not be permitted any above grade encroachment in the public right of way except access hatches that must be flushed with the side walk. The opening of the access hatches shall be minimum required to maintain and replace the transformers and switch gears when needed.
- b) Consistent with the approved Preliminary Plan for DSUP2014-0028, dated July 2, 2015, the electrical transformer vault hatch shall be covered with a material that matches the adjacent brick sidewalk. The hatch may incorporate areas of ventilation, and shall be designed to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services.
- c) The underground encroachment shall be limited from 5 feet below grade to the depth needed for installation of transformers and switch gears. The 5 feet below grade depth may be used by the City for landscaping or other infrastructure improvements.
- d) Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.
- e) In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant 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 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 Owner 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 term "Owner" shall be deemed to include National Industries for the Blind and its respective successors in interest.

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

10. Public Hearing, Second Reading, and Final Passage of an Ordinance to Create Section 5-8-84: Pay By Phone Parking Fee Within a Residential Permit Parking District. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 2, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 11/12/16, 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. 10; 11/12/16, 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. 10; 11/12/16, and is incorporated as part of this record by reference.)

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

1) Bert Ely, 200 South Pitt Street, #2, representing Old Town Civic Association, spoke about the challenges the new pay by phone parking fee would pose for residential parking, particularly in the Old Town area. Mr. Ely stated that many of the parking problems could be addressed with more enforcement not a new parking fee.

Ms. North, Parking Planner, Transportation and Environmental Services, responded to questions from Council about the process for establishing a district for the parking fee, how the pay by phone app would work for the program and enforcement parking in the fee designated areas.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried 4-3, City Council closed the public hearing and approved an ordinance to create Section 5-8-84: Pay by Phone Parking Fee within a residential permit parking district. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, and Councilmember Lovain; Opposed, Mayor Silberberg, Councilwoman Pepper, and Councilman Smedberg.

The ordinance reads as follows:

ORDINANCE NO. 5044

AN ORDINANCE to amend and reordain Article F (PERMIT PARKING DISTRICT) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended, by adding Section 5-8-84 (PAY BY PHONE PARKING FEE WITHIN A RESIDENTIAL PERMIT PARKING DISTRICT).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 5, Chapter 8, Article F of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Section 5-8-84 to read as follows:

[The following is all new language.]

Sec. 5-8-84 –Pay By Phone Parking Fee within a Residential Permit Parking District.

(a) Purpose: On residential blocks adjacent to metered areas, which are often occupied by vehicles belonging to non-residents of the district, a pay by phone parking fee may be implemented that requires non-residents of the district to pay to park on the block during the posted times. The provisions of this Section shall expire on March 1, 2019.

(b) Parking restrictions: Residential blocks with a pay by phone parking fee shall prohibit parking in designated areas by motor vehicles which do not display a valid parking permit for that district or have not submitted appropriate payment through either the pay by phone application referenced on the posted signage or a City parking meter.

(1) The hourly parking fee shall be consistent with the cost of a meter as established in Section 5-8-93.

(2) The hours during which a parking fee is applicable shall be consistent with the existing posted hours of restriction. Changes to the posted hours shall be reviewed by the traffic and parking board pursuant to section 5-8-72(b).

(c) Establishment: A pay by phone parking fee may be added to certain designated residential permit parking district blocks in accordance with the following criteria and procedures:

(1) The area subject to parking fee must be on a block with existing metered spaces, adjacent to an existing metered block, or adjacent to a block where a residential pay by phone parking fee has also been approved.

(2) The block must be located within the Special Parking District Area.

(3) The area subject to parking fee must already be posted with residential parking restrictions.

(4) The request to add a pay by phone parking fee must be initiated by the residents of the block through a petition signed by more than 50 percent of the residents of the block and submitted to the city manager.

(5) Upon receipt of a petition for a block meeting the criteria established above, the city manager shall direct staff to conduct a survey of the parking conditions on the block. The survey shall be taken during the hours of the existing residential parking restrictions. If staff observes that 75% or more of the available parking spaces on the block are occupied, the city manager shall forward the request to the traffic and parking board for its review and recommendation at a public hearing.

(6) If less than 75% of the available spaces are occupied, additional surveys may be made at other times of the day. If the surveys do not so demonstrate, the petition shall be deemed denied and no further action will be taken.

(7) Following the board's recommendation, the manager shall decide the petition and cause his decision to be implemented; provided that in the event the manager decides not to adopt the recommendation of the board or, whether or not in accord with the recommendation of the board, decides to deny the petition, he shall forward the petition, along with the board's recommendation and the reasons for his decision to city council which shall make the final decision on the petition.

Section 2. That Title 5, Chapter 8, Article F, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the Code of the City of Alexandria.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

11. Special Use Permit #2016-0041
1400 Duke Street - J & S Restaurant
Public Hearing and Consideration of requests to operate a restaurant and for a parking reduction; zoned: OCM (50)/Office Commercial Medium. Applicant: J & S Restaurant, LLC
Planning Commission Action: Deferred 7-0
12. Development Site Plan #2016-0016
600, 600A, 601, 602, 603, 604, 606 President Ford Lane and 1416, 1418, 1422, 1426 Janneys Lane - Oak Grove Amendment and Extension
Public Hearing and Consideration of a request for an amendment to and extension of a previously approved Development Site Plan for eight single-family homes (DSP #2004-0005) to allow construction of the remaining undeveloped Lot 9 with a new unit type and to update lot and building tabulations; zoned R-20/Residential Single-family. Applicant: Oak Grove Estates, LC, represented by Jack Perkins

Planning Commission Action: Deferred 7-0

City Council noted the deferrals.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, the public hearing meeting of November 12, 2016, was adjourned at 12:01 p.m. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Gloria Sitton, Deputy City Clerk