

**City of Alexandria  
Meeting Minutes  
City Council Public Hearing  
Council Chambers  
Saturday, February 25, 2017  
9:30 A.M.**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson and Members of Council Willie Bailey, John Taylor Chapman (who arrived at 9:40 a.m.), Timothy B. Lovain, Redella S. Pepper (who arrived at 10:30 a.m.), and Paul C. Smedberg (who arrived at 9:35 a.m.)

Absent: None.

Also Present: Mr. Jinks, City Manager; Mr. Banks, City Attorney; Ms. Anderson, Deputy City Attorney; Police Captain Andreas; Ms. Triggs, Deputy City Manager; Mr. Lambert, Director, Transportation and Environmental Services; Mr. Moritz, Director, Planning and Zoning; Ms. Brandt-Vorel, Planning and Zoning; Ms. Miliaras, Planning and Zoning; and Mr. Cox, Planning and Zoning.

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

**OPENING**

1. Calling the Roll.

Mayor Silberberg called the meeting to order and the City Clerk called the roll. All members of City Council were present. (Councilman Chapman arrived at 9:40, Councilwoman Pepper arrived at 10:30, and Councilman Smedberg arrived at 9:35 a.m.)

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Janice Wolk Grenadier, 15 W. Spring Street, spoke of murder for hire in Virginia, the Police Department and the FBI.

2. Marie Eberlein, 3102 Commonwealth Avenue, urged City Council to make Alexandria a sanctuary city by the passage of a resolution, in light of recent events, including the renting of space by noted white nationalist Richard Spencer and Immigration and Customs enforcement target on City residents.

3. Robin Banerji, 2121 Jamieson Avenue, spoke of making the community safe for the most vulnerable, speaking of resolution 2246 on inclusiveness, and asked Council to reaffirm its actions of 2007 and 2016.

4. Michela Gaviorno, 2950 Van Ness Street, NW, Washington, D.C., spoke of waterfront safety, petitioning for a life ring station on Waterfront Park, noting that she was at the

waterfront recently when the man with the blue hat fell into the water and drowned, and she was unable to help to save him because of the lack of a life ring station.

In response to a comment from City Council, Mr. Jinks, City Manager, said he would absolutely look into getting a life ring station for the waterfront.

5. Charles Ziegler, vice president for advocacy, Friends of Beatley Central Library, spoke of funding for the libraries.

6. Jack Sullivan, 4300 Ivanhoe Place, spoke of the upcoming budget and expenses to the City and that it cuts the spending spree that the Alexandria City Public Schools have proposed. Mr. Sullivan asked Council to hold to the numbers the City Manager has proposed for the Schools.

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

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

#### **Planning Commission**

3. Special Use Permit #2016-0099  
111 North Pitt Street (parcel address: 411 King Street) - Burger Fi  
Public Hearing and Consideration of an amendment to Special Use Permit #2015-0067 to permit off-premises alcohol sales; zoned: KR/King Street Retail. Applicant: Burger Fi, by David Landry  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated February 25, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 2/25/17, and is incorporated as part of this record by reference.)

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

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0, City Council adopted the consent calendar, as follows:

3. City Council approved the Planning Commission recommendation.

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

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

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

4. Special Use Permit #2016-0098  
5418 Duke Street - Domino's Pizza  
Public Hearing and Consideration of a request for an amendment to Special Use Permit #1558 to permit indoor seating, to increase the hours of operation, and to request a change of

ownership for an existing restaurant; zoned: CG/Commercial General. Applicant: Team Washington, Inc.

Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated February 25, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 2/25/17, and is incorporated as part of this record by reference.)

In response to a question from City Council, Mr. Williams, attorney representing the applicant, 2300 Wilson Blvd., Arlington, noted that they have one other store on N. Henry Street that has dine in seating, and they have another store in Potomac Yard that will also have dine in seating.

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried 6-0, City Council approved the Planning Commission recommendation. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilman Smedberg; Opposed, none. (Councilwoman Pepper was absent.)

## **OTHER**

5. Public Hearing and Consideration of an appeal of the Old & Historic Alexandria District Board of Architectural Review's December 21, 2016 decision to approve a Permit to Partially Demolish & Capsulate and a Certificate of Appropriateness at 319 Queen Street. Appellant: Michael C. Maibach on behalf of petitioners.

(A copy of the staff report dated February 25, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 2/25/17, and is incorporated as part of this record by reference.)

Ms. Miliaras, Planner, Planning and Zoning, made a presentation of the staff report and she, along with Mr. Cox, Planning and Zoning, Mr. Moritz, Director, Planning and Zoning, Ms. Anderson, Deputy City Attorney, and Mr. Banks, City Attorney, responded to questions of City Council.

(Councilwoman Pepper arrived at this time – 10:30 a.m.)

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

1. Bill Cromley, 426 N. Columbus Street, the applicant's representative, spoke in opposition to the appeal and he responded to questions of City Council about the property.

2. David Levy, 813 S. Royal Street, spoke in opposition to the appeal and for approval of the BAR decision.

3. Ken Rieth, 319 Queen Street, owner of the property, spoke in opposition to the appeal and for approval of the BAR decision.

4. Christina Kelley, 3240 Gunston Road, chair, Board of Architectural Review – Old and Historic District, spoke in opposition to the appeal and noted the BAR discussion and

decision and she responded to questions of City Council.

5. Michael Maibach, 325 Queen Street, spoke in support of the appeal.
6. Gebe Martinez Johnson, 309 N. Royal Street, spoke in support of the appeal.
7. Michael Hobbs, 419 Cameron Street, representing the Old Town Civic Association, spoke in support of the appeal.
8. Charles Trozzo, 209 Duke Street, spoke in support of the appeal.
9. Gail Rothrock, 209 Duke Street, representing the Historic Alexandria Foundation, spoke in support of the appeal.
10. Francois Duret, 317 Queen Street, spoke in support of the appeal.
11. Becky Squires, 313 Queen Street, spoke in support of the appeal.
12. Joan Roland, 323 Queen Street, spoke in support of the appeal.
13. Yvonne Weight Callahan, 735 S. Lee Street, spoke in support of the appeal.
14. Kevin Johnson, 309 N. Royal Street, spoke in support of the appeal.
15. Jill Rieth, 319 Queen Street, owner of the property, spoke in opposition to the appeal.
16. Hal Hardaway, 311 S. Union Street, spoke in support of the appeal.
17. Phillip Matyas, 219 N. Pitt Street, spoke in support of the appeal.

Mr. Cromley made closing remarks on the comments made by the speakers and he responded to questions of City Council.

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

Ms. Anderson responded to questions of City Council concerning the allowable actions by City Council.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Chapman and carried 6-1, City Council allowed the permit to demolish, for the reasons stated in the staff report and as discussed at the hearing today. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, Mayor Silberberg.

Mr. Cox, Ms. Anderson and Mr. Cromley responded to questions of City Council.

\* \* \* \* \*

City Council took a 15-minute break at this time – 1:27 p.m.

\* \* \* \* \*

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Vice Mayor Wilson and carried 5-2, City Council approved the certificate of appropriateness for the reasons as stated in the staff report and as discussed during the hearing, with the exception that the addition shall be three feet shorter than as approved by the BAR in order to improve the compatibility of the proposed construction with the Old and Historic Alexandria District Area surroundings and to have the brick in the plan - historic brick to the maximum extent possible. The voting was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, Mayor Silberberg and Councilman Chapman.

## **ORDINANCES AND RESOLUTIONS**

6. Public Hearing, Second Reading, and Final Passage of an Ordinance Authorizing the Owners of the Property Located at 119 King Street to Construct and Maintain an Encroachment into the Public Sidewalk Right-of-way at That Location for a Retractable Awning. [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. 6; 2/25/17, 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. 6; 2/25/17, and is incorporated as part of this record by reference.)

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

The ordinance reads as follows:

### **ORDINANCE NO. 5052**

AN ORDINANCE authorizing the tenant of the property located at 119 King Street to construct and maintain an encroachment into the public sidewalk right-of-way at that location for a new retractable awning.

WHEREAS, Potomac Restaurants, LLC is the tenant (“Tenant”) of the property located at 119 King Street in the City of Alexandria, Virginia; and

WHEREAS, Tenant desires to install and maintain a retractable awning, 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. 2016-0009, 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 January 5, 2017, which recommendation was approved by the City Council at its public hearing on January 28, 2017, 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 119 King Street in the City of Alexandria, as shown on the attached encroachment plat, said encroachment measuring approximately 159.5 square feet and consisting of a retractable awning, 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 its own expense, general liability insurance in the amount of \$1,000,000 with a company authorized to transact business in the Commonwealth of Virginia.

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 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) 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.

b)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, 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. That this ordinance shall be effective upon the date and at the time of its final passage.

7. Public Hearing, Second Reading and Final Passage on 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 February 8, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 2/25/17, 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. 7; 2/25/17, 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. 7; 2/25/17, and is incorporated as part of this record by reference.)

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

The ordinance reads as follows:

#### ORDINANCE NO. 5053

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 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 Equipment Replacement Fund Revenue, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2017, as follows:

#### EQUIPMENT REPLACEMENT RESERVE FUND

General Services	\$11,435
Transportation and Environmental Services	30,000
Recreation, Parks and Cultural Activities	<u>\$32,000</u>
Total Equipment Replacement Reserve Fund	<u>\$73,435</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 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:

Fire	\$274,843
Transportation and Environmental Services	164,161
Office of Housing	3,633,597
Office of the Sheriff	1,094
General Services	2,000
Alexandria Transit Company	991,206
Historic Alexandria	900,000
Alexandria Libraries	<u>4,725</u>
Total Estimated Revenue	<u>\$5,971,625</u>

#### SPECIAL REVENUE FUND



### APPROPRIATION:

Fire	\$274,843
Transportation and Environmental Services	164,161
Office of Housing	3,633,597
Office of the Sheriff	1,094
General Services	2,000
Alexandria Transit Company	991,206
Historic Alexandria	900,000
Alexandria Libraries	<u>4,725</u>
Total Appropriation	<u>\$5,971,625</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 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:

### SPECIAL REVENUE FUND

#### ESTIMATED REVENUE:

Historic Alexandria  
Recreation  
Non-Departmental  
Transportation and Environmental Services  
Code Administration  
Total Estimated Revenue

### SPECIAL REVENUE FUND

#### APPROPRIATION:

Historic Alexandria	\$174,931
Recreation	162,737
Non-Departmental	729
Transportation and Environmental Services	78,490
Code Administration	<u>28,963</u>
Total Appropriation	

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 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	<u>\$8,953,038</u>
Total Estimated Revenue	<u>\$8,053,038</u>

### APPROPRIATION:

Capital Projects	<u>\$8,953,038</u>
Total Appropriation	<u>\$8,953,038</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

### GENERAL FUND

Sheriff	\$(358,697)
Community and Human Services	358,697
City Manager's Office	(18,044)
Historic Alexandria	18,044
Non-Departmental	(65,758)
Recreation	<u>65,758</u>
Total Appropriation	<u>\$0</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>\$226,256</u>
Total Estimated Revenue	<u>\$226,256</u>

#### APPROPRIATION:

General Services	<u>\$226,256</u>
Total Appropriation	<u>\$226,256</u>

Section 7. 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 grants and other special revenues to Component Units, and further, that the council does hereby allot the amount so appropriated, as follows:

### COMPONENT UNIT

### ESTIMATED REVENUE:

Alexandria Transit Company Grant Revenue	\$802,620
Alexandria Librarie	<u>79,725</u>
Total Estimated Revenue	<u>\$882,345</u>

### APPROPRIATION:

Component Unit – DASH	\$802,620
Component Unit – Libraries	<u>79,725</u>
Total Appropriation	<u>\$882,345</u>

Section 8. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is require to defray certain expenditures and liabilities of the city in the fiscal year 2017, the source of such amount being Bond Proceeds generated from the November Bond Refunding, 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 Proceeds	<u>\$34,168,000</u>
Total Estimated Revenue	<u>\$34,168,000</u>

#### APPROPRIATION:

Payment to Refunding Bond Escrow	<u>\$34,168,000</u>
Total Estimated Revenue	<u>\$34,168,000</u>

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

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

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

Planning Commission (continued)

None.

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, the public hearing meeting of February 25, 2017, was adjourned at 2:26 p.m. The voting 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:

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