

City of Alexandria
Saturday, April 14, 2018, 9:30 AM
City Council Public Hearing Meeting
Meeting Minutes

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; Ms. Collins, Deputy City Manager; Mr. Skrabak, Deputy Director, Transportation and Environmental Services (T&ES); Mr. Bevis-Carver, T&ES; Mr. Moritz, Planning and Zoning (P&Z); Ms. Christiansen, Acting Division Chief, P&Z; Mr. Carr, T&ES; Mr. Sharma, Division Chief, T&ES; Mr. Farner, Deputy Director, P&Z; Ms. ElGawish, Urban Planner, P&Z; Mr. Shelby, Urban Planner, P&Z; Mr. Swidrak, Urban Planner, P&Z; Ms. McIlvaine, Director, Office of Housing, Mr. Wagner, Principal Planner, P&Z; Mr. Kerns, Division Chief, P&Z; Ms. Jaatinan, Division Chief, T&ES; Ms. Taylor, Director, Finance; Police Sgt. East; Mr. Barre, Information Technology Services (ITS); and Mr. Lloyd.

Recorded by: Gloria A. Sitton, 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 the members of Council were present, with Councilman Chapman arriving at 10:15 a.m.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Ronald Gouchenour, 3011 Hickory Street, spoke about the removal of a garden in the median near his home and requested an explanation of the policy requiring its removal.

2. Sally Ann Baynard, 8 East Myrtle Street, spoke in support of increasing pay for firefighters and public safety officers.

3. Natalie Mosher, 525 North Fayette Street, spoke about the condition of the sidewalks in on North Washington in areas where construction is occurring and the loss of parking and business because the sidewalks are in disrepair and blocked. Ms. Mosher noted that the sidewalks in front of her complex were also in despair.

4. Dino Drudi, 315 North West Street, spoke about motorized bicycles and skateboards being used on City sidewalks. Mr. Drudi spoke about streets being blocked during construction and what the rules area for this area.

5. Bob Eiffert, 1418 Juliana Place, representing the Commission on Aging, spoke in support of the forthcoming Age-Friendly Community Plan and requested support from Council.

6. Colin Downs, 115 South Fayette Street, representing the Democratic Socialists of America, spoke about the need for transparency from the City in the process for bidding for the Amazon headquarters. Mr. Downs stated that the information should not be protected by the Freedom of Information Act.

7. Shirl Mammarella, Broadmoor Street, spoke in support of increasing pay for public safety officers in the proposed budget.

8. Alex Howe, 650 Potomac Avenue, representing the Democratic Socialists of America, spoke about the need for increased transparency from the City in the process for the bid for the Amazon headquarters and he requested more citizen engagement in the process. Mr. Howe stated that there may be unintended consequences by having the headquarters in the area.

9. Michael Doyle, 125 Princess Street, spoke in support of increasing funding in the proposed budget for affordable housing.

10. Jerry Casagrande, 817 Vicar Lane, spoke about the Ready for 100 program and urged the Council to work toward powering the City 100% by renewable energy sources by 2030.

11. Matt Dull, professor at Virginia Tech- Alexandria Campus, invited Council to attend the Annual CPAP High Table Celebration at the Lyceum next Saturday. Professor Dull noted that the faculty will be marching in academic regalia to the Lyceum at 11:30 a.m.

12. Bert Ely, 200 South Pitt Street, spoke about the proposed consolidation of the Boards of Architectural Review and he noted that the two districts have distinct differences and need different consideration. Mr. Ely stated there should be a change to the makeup membership of the Old and Historic BAR.

13. Deborah Moncure, 726 North Washington Street, spoke about sidewalks and alleyways in disrepair along Washington Street and about how ineffective the City's oversight of those performing construction and the need for them to restore areas to safe conditions once they complete projects and other those businesses some recompense for having to close their business.

14. Stafford Ward, 601 South Columbus Street, spoke about the charrette concerning affordable housing for the southwest quadrant of Route 1 and how the increased density would affect the current community and traffic.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public discussion period. 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 ACTION CONSENT CALENDAR (3-6)

Planning Commission

3. Special Use Permit #2018-0002
4536-4598 Eisenhower Avenue (parcel address: 4536 Eisenhower Avenue) - Umbrella Special Use Permit
Public Hearing and Consideration of a request to amend SUP (#2011-0082) to extend the SUP expiration date; zoned: OCM(100)/Office Commercial Medium.
Applicant: Claremont Investors, LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 04/14/18, and is incorporated as part of this record by reference.)

4. Special Use Permit #2018-0006
2415 Eisenhower Avenue, Unit 1C - Dunkin Donuts
Public Hearing and Consideration of a request to amend SUP #2018-0004 for additional hours; zoned: CDD #2/ Coordinated Development District #2.
Applicant: DVA Eisenhower - 2415, LLC
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 04/14/18, and is incorporated as part of this record by reference.)

5. Special Use Permit #2018-0007
6 Prince Street - Misha's Coffee House
Public Hearing and Consideration of a request to operate a restaurant; zoned: W-1/Waterfront. Applicant: Misha's at Six Prince, Inc., represented by Mary Catherine Gibbs, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 04/14/18, and is incorporated as part of this record by reference.)

6. Special Use Permit #2018-0015
333 John Carlyle Street
Public Hearing and Consideration of a request to amend SUP #2015-0074 to permit office use within a specifically designated location on the ground floor of the building located at 333 John Carlyle Street, Carlyle Block C; zoned: CDD #1/Coordinated Development District #1. Applicant: 1900 Duke Street LP, represented by Kenneth Wire, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2018, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 04/14/18, 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 unanimously, City Council approved the consent calendar with exception of docket items #5 and #6, which were considered under separate motions. The approval were as follows:

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

5. Special Use Permit #2018-0007
6 Prince Street - Misha's Coffee House
Public Hearing and Consideration of a request to operate a restaurant; zoned: W-1/Waterfront. Applicant: Misha's at Six Prince, Inc., represented by Mary Catherine Gibbs, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 04/14/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with a revision to condition #8 to permit outdoor dining with an approved encroachment. 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.

6. Special Use Permit #2018-0015

333 John Carlyle Street

Public Hearing and Consideration of a request to amend SUP #2015-0074 to permit office use within a specifically designated location on the ground floor of the building located at 333 John Carlyle Street, Carlyle Block C; zoned: CDD #1/Coordinated Development District #1. Applicant: 1900 Duke Street LP, represented by Kenneth Wire, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2018, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 04/14/18, and is incorporated as part of this record by reference.)

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

7. Public Hearing on the Combined Sewer System Long Term Control Plan Update.

(A copy of the City Manager's memorandum dated April 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 04/14/18, and is incorporated as part of this record by reference.)

Deputy City Manager Baker, along with Mr. Carr, Transportation and Environmental Services (T&ES) and Ms. Pallansch, Alexandria Renew Enterprises, gave a presentation of the Combined Sewer System Long Term Control Plan Update and they, along with Mr. Skrabak, Deputy Director, Transportation and Environmental Services, responded to questions from Council.

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

1. Dino Drudi, 315 North West Street, spoke in opposition to the proposed plan.
2. Skip McGinnis, representing the Combined Sewer Outfall Stakeholder Group, spoke in support of the proposed plan.
3. John Hill, 308 Rucker Place, as a representative of the Alexandria Renew Enterprise Board, spoke in support of the proposed plan.
4. Bruce Roberts, 15 Clifford Street, spoke about the effects of climate change on the sewer outfalls and reference sea level rise in the report.
5. Dean Naujoks, 6410 Cavalier Driver, representing the Potomac Riverkeeper Network, spoke in support of the proposed plan.
6. Jack Sullivan, 4300 Ivanhoe Place, representing the CSO Stakeholder Group, spoke in support of the proposed plan.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing on the Combined Sewer System Long Term Control Plan Update. City Council took the following actions related to the Long Term Control Plan Update (LTCPU) for the Combined Sewer System:

1. Receive the Draft Long Term Control Plan Update for the Combined Sewer System;
2. Close the public hearing;
3. Approve the LTCPU with the Unified Tunnel Option (also referred to as Option B+) at the April 24, 2018 Legislative Meeting, following the 30-day public comment period which ends on April 23, 2018;
4. Recognize the Ad Hoc Combined Sewer System Plan Stakeholder Group and thank them for their efforts in providing valuable input during the development of the plan update and their outreach to the civic groups they represented; and
5. Authorize the City Manager to make any appropriate technical or non-substantive changes and submit the Final LTCPU document to the Virginia Department of Environmental Quality

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.

8. Public Hearing on an Ordinance on the Proposed Real and Personal Property Tax Rates and Proposed Effective Tax Rate Increase for Calendar Year 2018 (Fiscal Year 2019). (Adoption is Scheduled for Thursday, May 3, 2018.)

(A copy of the City Manager's memorandum dated April 14, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 04/14/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing on the ordinance on the proposed real and personal property tax rates and proposed effective tax rate increase for Calendar Year 2018. 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.

9. Public Hearing on the Draft City Fiscal Year (FY) 2019 Action Plan for Housing and Community Development. (This item has been removed from the docket)

This item was removed for the docket.

*** City Council took a recess at 12:28 p.m. and resumed the meeting at 1:08 p.m.***

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

10. Special Use Permit #2018-0008
105 Uhler Terrace
Public Hearing and Consideration of a request to construct a single-family dwelling on an undeveloped substandard lot. Public hearing and consideration of a request to allow additional height pursuant to section 7-2502 (B) of the Zoning Ordinance for the construction of a residential building. The final decision on this special use permit for additional height will be made by the Planning Commission pursuant to the process and standards provided in Section 7-2502(B) unless any person files a request for a City Council hearing on this matter within five days of the Planning Commission's action. If no such request is made, the Special Use Permit for additional height will be removed from the April 14, 2018 City Council docket; zoned: R-8/Residential Single-family. Applicant: Uhler Terrace, LLC
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 04/14/18, and is incorporated as part of this record by reference.)

Vice Mayor Wilson recused himself from consideration of this item.

Mr. Shelby, Urban Planner, Planning and Zoning, gave a presentation on the project and he, along with Mr. Moritz, Director, Planning and Zoning, and Ms. Christensen, Division Chief, Planning and Zoning, responded to questions from Council.

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

1. Nicole Basso, 110 West Mount Ida Avenue, spoke about how the proposed project would affect access to her home.

2. Susan Lavington, 101 Uhler Terrace, spoke in opposition to the project and explained how it would affect access to her home and responded to questions from Council.

3. Cathy Puskar, 2200 Clarendon Boulevard, Arlington, Virginia, attorney for the applicant, spoke in support of the item and responded to questions from Council.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Chapman and carried 6-0, City Council closed the public hearing. The vote was as follows: In favor, Mayor Silberberg, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Vice Mayor Wilson recused himself from consideration item.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilmember Lovain and carried 6-0, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Silberberg, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Vice Mayor Wilson recused himself from consideration of this item.

11. Rezoning #2018-0001
Text Amendment #2018-0002
Old Town North Arts and Cultural District
(A) Initiation of a Map Amendment; (B) Public Hearing and Consideration of an amendment to the City of Alexandria's official zoning map to add the Old Town North Arts and Cultural District Overlay, which covers portions of N. Fairfax, Montgomery, Madison, First, N. Saint Asaph, N. Pitt, N. Royal, Third, and N. Washington Streets and Canal Center, more particularly shown in Figure 2.04 of the Old Town North Small Area Plan and depicted as "Required or Optional Retail or Arts and Cultural Uses"; (C) initiation of a Text Amendment; and (D) a Text Amendment to the Zoning Ordinance to add section 6-900 regarding Old Town North Arts and Cultural District. Staff: City of Alexandria Department of Planning & Zoning
Planning Commission Action: Initiated and Recommended Approval 7-0

(A copy of the Planning Commission report dated April 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 04/14/18, and is incorporated as part of this record by reference.)

Mr. Farner, Deputy Director, Planning and Zoning, gave a presentation of the proposed Arts district and he responded to questions from Council about the text amendment and the makeup of the proposed arts district.

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

1. Mark Feldheim, 1215 Prince Street, representing MetroStage, spoke in support of the text amendment and he thanked staff for inclusive process for creation of the district.

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 with an amendment to the Section 6-904 (G)(b) stating, "The City shall have the right of first refusal to purchase the space, assign that purchase right, or assume the lease as specified in the Memorandum of Understanding and change Section 6-904(F) to state that "The public benefit of the added density will be provided through the ability of the proposed Arts and Cultural Anchor to further the goals of the Arts and Cultural District." 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.

12. Master Plan Amendment #2017-0007
Rezoning #2017-0004
Development Special Use Permit #2017-0011
Special Use Permit #2017-0112
Transportation SUP #2017-0113
Special Use Permit #2017-0114
Encroachment #2017-0006
901 and 901 A North Fairfax Street - Crowne Plaza Redevelopment
Public Hearing and Consideration of requests for: (A) a resolution to amend the Old Town North Small Area Plan chapter of the Master Plan to amend the height map to allow for 142 feet in building height; (B) amendment to the official zoning map to change the zone at 901 and 901A North Fairfax Street from OCM(50) to CRMU-X; (C) a Development Special Use Permit and site plan with modifications to construct multifamily dwellings, including special use permit requests to increase the floor area ratio from 1.5 to 2.5 in the CRMU-X zone and to utilize the 30 percent density bonus for art-related uses in Old Town North; (D) a Special Use Permit for a theater (amusement enterprise); (E) a Special Use Permit for a waiver of signage regulations for the theater or art-related use; (F) a Special Use Permit for a Transportation Management Plan; and (G) an Encroachment into the public right-of-way for the landings and stairs for three townhouses and the trail

overlook terrace; zoned: OCM(50)/Office Commercial Medium. Applicant: CP Alexandria Owner LLC, represented by Kenneth Wire, attorney
Planning Commission Action: Initiated and Recommend Approval of all requests
7-0

(A copy of the Planning Commission report dated April 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 04/14/18, and is incorporated as part of this record by reference.)

Mr. Swidrak, Urban Planner, Planning and Zoning, gave a presentation on the proposed project and he, along with Mr. Moritz, Director, Planning and Zoning, responded to questions from Council.

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

1. Mark Feldheim, 1215 Prince Street, representing MetroStage, spoke in support of the proposed project.
2. Carolyn Griffin, 500 North View Terrace, spoke in support of the proposed project.
3. Kenneth Wire, 1750 Tysons Boulevard, Tysons, Virginia, attorney for the applicant, spoke in support of the proposed project 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 and approved the Planning Commission recommendation with an amendment to condition #29 that reads as follows: Provide a monetary contribution of \$448,153 to the Housing Trust Fund. (a) If the project is developed with multifamily rental units, the applicant and the City may mutually agree to provide on-side affordable units for an equivalent value in lieu of the monetary contribution. The applicant's decision to exercise the option for on-site units shall be made prior to the release of the final site plan to the satisfaction of the Directors of Housing and Planning and Zoning. 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.

ORDINANCES AND RESOLUTIONS

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council waived the reading of the items and approved items #13-#20 with exception of item #14, which was considered under a separate motion. 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.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Authorize the Issuance of Short-Term General Obligation Notes. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 04/14/18, 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; 04/14/18, 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; 04/14/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to authorize the issuance of short-term general obligation notes.

The ordinance reads as follows:

ORDINANCE NO. 5123

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION DEBT INSTRUMENTS

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

WHEREAS, the City Council (the "City Council") of the City of Alexandria, Virginia ("City") has determined that it is necessary and desirable to provide short-term financing (the "Interim Financing") to facilitate efficient cash management operations as a part of the City's capital improvement program, and particularly to provide interim financing for all or a portion of the costs of acquiring (which may include, but shall not necessarily be limited to, acquiring land), constructing, renovating, improving and/or equipping the following (subject to change in accordance with the City's capital expenditure cash flow needs and Virginia law): transportation infrastructure (which may include, but shall not necessarily be limited to: the proposed Potomac Yard Metrorail Station), schools, other public buildings, fire, rescue and/or public safety facilities, water and/or sewer improvements, and/or other City-approved capital improvement plan projects (collectively, the "Projects") prior to the issuance of long-term debt and that it is advisable to incur debt in the maximum aggregate principal amount of \$250,000,000 to provide such Interim Financing; and

WHEREAS, the City Council has determined that it is advisable for the City to implement one or more of the following financing arrangements (each a "Financing Arrangement") to provide the Interim Financing: (i) a line of credit transaction with a lender, which line of credit may, but need not, be revolving; (ii) a direct lending credit facility; (iii) a liquidity facility and (iv) an alternative short-term funding program; and

WHEREAS, the City Council desires to authorize the City Manager and the Director of Finance of the City, either of whom may act alone (the "Authorized Officer") (i) to select the particular Financing Arrangement or Financing Arrangements to be used to effect the Interim Financing and (ii) to determine the form and terms of the line of credit, the direct lending facility, the liquidity facility and the alternative short-term funding program, as applicable.

1. Authorization of Interim Financing and Use of Proceeds. The City Council hereby determines that it is advisable and in the best interest of the City to undertake the Interim Financing with respect to the Projects and, in connection therewith, to contract debt and to enter into one or more of the Financing Arrangements, as defined above. The Authorized Officer is authorized and directed to select and implement the Financing Arrangement or Financing Arrangements for the Interim Financing that such officer, in consultation with the City's financial advisor, determines to be in the best interests of the City.

2. Authorization of Debt Instruments and Financing Documents. The City Council hereby authorizes the issuance and delivery of notes, bonds or other obligations of the City for the payment of money (the "Debt Instruments") in connection with the Financing Arrangements. The City Council hereby authorizes the execution and delivery by the Authorized Officer on behalf of the City of such agreements, certificates and other documents (the "Financing Documents") as may be necessary or desirable in the determination of the Authorized Officer, to consummate the Financing Arrangements, including without limitation loan agreements, credit agreements, financing agreements, liquidity support agreements, reimbursement agreements and documents establishing any alternative short-term funding program. The Financing Documents shall contain such terms and provisions as the Authorized Officer, in consultation with the City's financial advisor, determines to be in the best interest of the City and may provide for the payment by the City of such fees (including without limitation unused line of credit fees and liquidity provider fees) as the Authorized Officer determines to be reasonable. The approval of the final terms and conditions of the Financing Documents shall be evidenced conclusively by the execution and delivery of the Financing Documents by the Authorized Officer, subject to the parameters set forth in Section 4.

3. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Debt Instruments as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Debt

Instruments as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

4. Details and Sale of Debt Instruments. The Debt Instruments shall be issued upon the terms established pursuant to this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The Debt Instruments shall be issued in one or more series, in fully registered form, shall be dated such date or dates as the Authorized Officer, may approve and shall be in the denominations of \$5,000 each or whole multiples thereof. The Debt Instruments of a series shall be numbered from R-1 upwards consecutively or in such other manner as determined by the Authorized Officer. The Authorized Officer is hereby authorized and directed to determine the principal amount of the Debt Instruments, whether the Debt Instruments bear interest at a fixed or variable rate, whether the Debt Instruments bear interest that is includible in or excludable from gross income for purposes of federal income taxation, the payment dates for the principal, premium, if any, and interest on the Debt Instruments and the maturity dates for the Debt Instruments, provided that: (a) the final maturity of any series of Debt Instruments shall not be more than five (5) years from the dated date of such series of Debt Instruments; (b) the aggregate principal amount of the Debt Instruments shall not exceed \$250,000,000; and (c) the Debt Instruments shall (i) if issued bearing interest at a variable rate, bear interest based on a public index and (ii) in no event bear interest at a rate exceeding the maximum rate permitted by law. The Debt Instruments may be sold pursuant to a public or private placement and may be sold on a negotiated or competitive bid basis, all as may be determined by the Authorized Officer. The Authorized Officer is authorized and directed, at his or her option, to accept a bid or bids for the purchase of the Debt Instruments which results in the lowest true interest cost to the City and the Debt Instruments shall bear interest at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or bids so accepted, or, if he or she deems it to be in the City's financial interest, to forego such competitive bidding and negotiate the sale of the Debt Instruments to one or more initial purchasers. The Authorized Officer is authorized and directed to select or approve any underwriter, purchaser, liquidity provider or other facility provider as may be necessary or appropriate to implement the Financing Arrangements selected pursuant to Section 1. The Authorized Officer is authorized and directed to approve such optional redemption or prepayment provisions for the Debt Instruments as such officer determines to be in the best interest of the City. The City Council may provide for additional or other terms of the Debt Instruments by subsequent resolution.

5. Form of Debt Instruments. The Debt Instruments shall be in a form consistent with the provisions of this Ordinance and approved by the Authorized Officer, in consultation with the financial advisor and bond counsel to the City. There may be endorsed on the Debt Instruments such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

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

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

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

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

Upon occurrence of an event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Debt Instruments substantially in the form of the Debt Instruments being replaced to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Debt Instruments by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Debt Instruments substantially in the form of the Debt Instruments being replaced to any Participants requesting such Replacement Debt Instruments. Principal of and interest

on the Replacement Debt Instruments shall be payable as provided in this Ordinance and in the Debt Instruments and Replacement Debt Instruments will be transferable in accordance with the provisions of paragraphs 10 and 11 of this Ordinance and the Debt Instruments.

7. Appointment of Registrar and Paying Agent. The Council hereby appoints the Director of Finance as Registrar and Paying Agent (the "Registrar") for the Debt Instruments. The Authorized Officer may appoint a subsequent registrar and/or one or more paying agents for any Debt Instruments upon giving written notice to the registered owners of the affected Debt Instruments specifying the name and location of the principal office of any such registrar or paying agent.

8. Execution of Debt Instruments. The Mayor and the Clerk of the City are authorized and directed to execute the Debt Instruments and to affix the seal of the City thereto and to deliver the Debt Instruments to the purchaser or purchasers thereof. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Debt Instruments shall not be valid until signed at the foot thereof by the manual signature of the Registrar. The Authorized Officer's approval or determination of the details and provisions of the Debt Instruments that the Authorized Officer has been authorized or directed to approve under this Ordinance shall be evidenced conclusively by the execution and delivery of the Debt Instruments by the Mayor and the Clerk of the City on the City's behalf, subject to the parameters set forth in Section 4.

9. CUSIP Numbers. The Debt Instruments may, but need not, have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Debt Instrument on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

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

New Debt Instruments delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Debt Instruments surrendered,

and shall be secured by this Ordinance and entitled to all of the security and benefits hereof to the same extent as the Debt Instruments surrendered.

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

12. Non-Arbitrage Certificate and Tax Covenants. The Authorized Officer and such officers and agents of the City the Authorized Officer may designate are authorized and directed to execute with respect to any Debt Instruments, the interest on which is intended to be excludable from gross income for federal income tax purposes, one or more Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Debt Instruments and containing such covenants as may be necessary in order to comply with the provisions of the Tax Code, including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of any such Debt Instruments will be invested and expended as set forth in the City's respective Non-Arbitrage Certificate and Tax Covenants relating to such Debt Instruments and that the City shall comply with the other covenants and representations contained therein.

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

14. Disclosure Documents. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are hereby authorized and directed to prepare, execute, if required, and deliver, in connection with any public offering of the Debt Instruments, an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Debt Instruments. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Authorized Officer shall determine. The Authorized Officer is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

15. Interest Rate Hedge. The Authorized Officer is hereby authorized to the extent he or she deems to be in the best interest of the City to procure, for any series of Debt Instruments, an interest rate hedge, cap, collar or similar arrangement (the

“Interest Rate Hedge”) to protect the City against increases in interest rates if such Debt Instruments bear interest at a variable rate; provided that the notional amount of any Interest Rate Hedges shall not exceed \$250,000,000 in the aggregate. The documents evidencing the Interest Rate Hedge and the City’s obligations in connection therewith shall be typical for such arrangements and the Authorized Officer is hereby authorized to execute and deliver the same on behalf of the City.

16. Further Actions. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Debt Instruments including the execution and delivery of such purchase agreement or agreements as may be required in connection with any negotiated sale of the Debt Instruments and the execution and delivery of any such other documents, agreements and certificates as they may deem necessary or desirable, and all actions taken by such officers and agents in connection with the issuance and sale of the Debt Instruments are ratified and confirmed. The authorizations granted in this Ordinance to the Mayor, the City Clerk, the City Manager and the Director of Finance may be carried out by the Vice Mayor, any Deputy City Clerk, any Acting or Deputy City Manager or any Assistant Director of Finance, as appropriate, in the absence of the primary officer.

17. Reimbursement. The City Council adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The City Council reasonably expects to reimburse advances made or to be made by the City to pay the costs of the Projects from the proceeds of its debt. The maximum amount of debt expected to be issued for the Projects is \$250,000,000. The City hereby authorizes the Authorized Officer, on behalf of the City, to specifically declare the City’s official intent to reimburse portions of the cost of the Projects with proceeds of the Debt Instruments.

18. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Debt Instruments pursuant to the provisions of the Public Finance Act of 1991 without regard to the requirements, restrictions or other provisions contained in the Charter of the City. This Ordinance shall take effect at the time of its enactment.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 5-3-4 (VARIANCE OR WAIVER OF PROVISIONS OF ARTICLE) of Chapter 3 (UNDERGROUND UTILITIES) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 04/10/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the

Office of the City Clerk and Clerk of council, marked Exhibit No. 2 of Item No. 15; 04/10/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 5-3-4 (VARIANCE OR WAIVER OF PROVISIONS OF ARTICLE) of Chapter 3 (UNDERGROUND UTILITIES) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

ORDINANCE NO. 5125

AN ORDINANCE to amend and reordain Section 5-3-4 (VARIANCE OR WAIVER OF PROVISIONS OF ARTICLE) of Chapter 3 (UNDERGROUND UTILITIES) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-3-4 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough as follows:

Sec. 5-3-4 - Variance or waiver of provisions of article.

(a) The director of transportation and environmental services may waive one or more of the requirements of this article pertaining to new or expanded overhead customer utility services, provided that the director makes the following findings with respect to the customer utility service to which the waiver pertains:

- (i) that the person seeking the waiver has submitted a written application on a form provided by the director;
- (ii) that the person seeking the waiver has paid an application fee of \$100;
- (iii) that one or more of the following criteria are met:
 - a. the city arborist has determined that the new or expanded customer utility service, if placed underground, would endanger an existing mature tree by damaging its root system;
 - b. the new or expanded customer utility service, if placed overhead, would not be visible from a public street or any other public right-of-way;
 - c. the new or expanded overhead customer utility service, if placed underground, would significantly interfere with one or more existing city or private underground utilities;
 - d. if the waiver is ~~were~~ granted, there would be a reduction in the total number of overhead customer utility service lines serving the applicant's property; and
 - e. if the waiver is ~~were~~ granted, the length of the overhead customer utility service to the applicant's property would be less than the length of the service in existence at the time the application is made.

(b) The director may waive one or more of the requirements of this article pertaining to new or relocated overhead transmission and distribution facilities, provided that the person seeking the waiver submits a written application on a form provided by the director, that said person pays an application fee of \$100, and that the director finds that, under the circumstances presented by the application, the general welfare of the city would not be furthered by compliance with the requirements as to which the waiver is sought.

(c) Notwithstanding any provision of subsections (a) and (b) to the contrary, the director may waive one or more requirements of this article pertaining to new or expanded overhead customer utility services and to new or relocated overhead transmission and distribution facilities, provided that the director finds that the new, extended or relocated service or facility is required to provide additional street lighting to suppress criminal activity and that the waiver is requested or supported by ~~the director of the office of citizens' assistance or the chief of police.~~

(d) Any person whose application for a waiver under subsection (a) or (b) has been denied by the director may appeal the director's denial to the city council. Any such appeal must be filed with the city clerk, on a form provided by the clerk, within 30 days of the director's denial. City council shall conduct a public hearing on any such appeal. In deciding the appeal, council shall determine whether good cause exists to grant the requested waiver; provided, that, in making this determination, council shall, in conjunction with an appeal involving a customer utility service, consider the decision factors set out in subsections (a)(iii), and shall, in conjunction with an appeal involving a transmission or distribution facility, consider the decision factor set out in subsection (b). (Code 1963, Sec. 39A-4; Ord. No. 3575, 5/16/92, Sec. 1; Ord. No. 3587, 6/13/92, Sec. 1)

Section 2. That Section 5-3-4 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

16. Public Hearing, Second Reading and Final Passage of an ORDINANCE to amend and reordain Chapter 4 (HUMAN RIGHTS) and Chapter 11 (ALEXANDRIA COMMISSION ON DISABLED PERSONS) of Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 04/10/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of council, marked Exhibit No. 2 of Item No. 16; 04/10/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Chapter 4 (HUMAN RIGHTS) and Chapter 11 (ALEXANDRIA COMMISSION ON DISABLED PERSONS) of Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

ORDINANCE NO. 5126

AN ORDINANCE to amend and reordain Chapter 4 (HUMAN RIGHTS) and Chapter 11 (ALEXANDRIA COMMISSION ON DISABLED PERSONS) of Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 and Chapter 11 of Title 12 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown with an underline as follows:

CHAPTER 4 - Human Rights

Sec. 12-4-1 - Short title.

This chapter shall be known and may be cited as the "Human Rights Code of the City of Alexandria, Virginia." (Code 1963, Sec. 18A-1)

Sec. 12-4-2 - Findings of fact and declaration of policy.

- (a) *Findings.* The City Council of the City of Alexandria, Virginia, having conducted public hearings finds:
 - (1) The population of the City of Alexandria consists of people of different races, colors, sexes, religions, ancestries, national origins, marital statuses, familial statuses, ages, sexual orientations and disabilities, many of whom, because of their race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability, in some instances have been unjustly discriminated against with respect to housing, employment, public accommodations, health and social services, education, credit or city contracts.
 - (2) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability with respect to housing causes, at least in part, circumscribed and segregated areas within the city and deprives many persons of the opportunity to live in the city or the opportunity to live in decent housing.
 - (3) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability with respect to employment

denies job opportunities to many citizens of Alexandria and causes depressed living conditions.

- (4) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability in places of public accommodation causes embarrassment and inconvenience to citizens and visitors of the city and is detrimental to the welfare of the city.
 - (5) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability with respect to credit, credit-related services or credit ratings arbitrarily denies financial opportunities and purchasing power to many citizens.
 - (6) Discrimination because of race, color, sex, religion, ancestry, national origin, sexual orientation or disability with respect to education denies appropriate role models and career and athletic opportunities to the students, teachers and administrative staff.
 - (7) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability with respect to health and social services is detrimental to the health of many citizens and deprives many needy and unfortunate citizens of the bare essentials of life.
 - (8) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or disability with respect to city contract employment denies job opportunities to many citizens and causes depressed living conditions.
 - (9) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age or disability is contrary to the law of the United States of America and the spirit of the Constitution of Virginia.
 - (10) It is in the public interest and in furtherance of the welfare and ~~well-being~~ wellbeing of all citizens of Alexandria, Virginia, to assure that each citizen is treated fairly, provided equal protection of the law and afforded full and equal opportunity to enjoy life, liberty, property and the pursuit of happiness.
 - (11) The conditions set forth in subsections (1) through (9) above have caused or are capable of causing or encouraging crime, riots, disturbances, disorders, delinquency, breach of peace, fires, poverty, slums, blighted areas, overcrowding, unhealthy and unsanitary conditions, disease, increased mortality, unstable family life, increased cost of government, excessive public assistance problems, unemployment, loss of manpower, loss of womanpower, loss of tax revenue, and loss of trade, commerce, business and productivity.
- (b) *Policy.* The City Council of the City of Alexandria, Virginia, hereby declares:
- (1) That it is contrary to the policy of the city to permit the conditions mentioned in this section to exist or to arise.
 - (2) That it is the duty and policy of the city to exercise all available means and every power it possesses to protect the city and its citizens from such conditions and from the undesirable results that have been or may be caused or encouraged by the existence of such conditions.

- (3) That, except as hereinafter provided, it is and shall be the policy of the city, in the exercise of its police power and all other powers it may possess, to protect the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, to assure all persons the opportunity to obtain housing, public accommodations, employment, health and social services, credit, education and city contracts without regard to race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.
- (4) That to carry out these goals and policies it is and shall be the policy of the city generally, except as hereinafter provided, to prohibit discrimination because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability with respect to housing, public accommodations, employment, health and social services, credit, education and city contracts. (Code 1963, Sec. 18A-2; Ord. No. 2517, 10/14/80, Sec. 1; Ord. No. 3328, 10/15/88, Sec. 1; Ord. No. 3498, 2/23/91, Sec. 1; Ord. No. 3850, 3/23/96, Sec. 1; Ord. No. 4549, 6/14/08, Sec. 1)

Sec. 12-4-3 - Definitions.

- (a) ~~Affirmative action employment program.~~ Diversity and inclusion program. A positive program designed to ensure that a good faith effort will be made to employ applicants without regard to race, color, sex or disability. Such program, ~~to be developed by the commission and approved by city council,~~ shall include, where applicable, but shall not be limited to, the following: recruitment and recruitment advertising, selection and selection criteria, upgrading, promotion, demotion or transfer, lay-off or termination, rates of pay or other forms of compensation, other terms or conditions of employment and selection for training, including apprenticeship, and shall include realistic and attainable goals, methodology and timetable for implementation of the program.
- (b) *Age.* Unless stated or the context clearly indicates otherwise, the word "age" as used in this chapter shall refer exclusively to persons who are 18 years of age or older.
- (c) *Commercial real estate.* Land or any improvement thereon, or both, or an interest in land or any improvement thereon, that is offered for sale or lease and that is being utilized, or may be utilized, by a commercial or industrial use under the City of Alexandria Zoning Ordinance, whether such use is a permitted or special use. The fact that some alterations to land or improvements, or both, must be made after the sale or lease is completed, or that permits, licenses or other approvals are necessary after the sale or lease to put the land or improvements into an actual commercial or industrial use shall not preclude the land or improvements from constituting commercial real estate.
- (d) *Commission.* The human rights commission created by section 12-4-15 of this chapter.
- (e) *Complainant.* Any person filing a complaint or on whose behalf a complaint is filed by the human rights director pursuant to this chapter.

- (f) *Credit*. The right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.
- (g) *Disability*. A physical or mental impairment which substantially limits one or more major life activities. "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic or lymphatic; skin and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (h) *Discriminate, discrimination, discriminatory practice*. Any arbitrary difference in treatment based on membership in a protected class not permitted by this chapter, including harassment.
- (i) *Educational institution*. Any nursery, day care center, kindergarten, elementary or secondary school, academy, college, university, extension course or nursing, secretarial, business, vocational, technical, trade or professional school or joint apprenticeship program.
- (j) *Employer*. Any person who employs four or more employees for wages, salaries or commission within the city, exclusive of parents, spouse or children, and excluding any bona fide religious, fraternal or sectarian organization not supported in whole or in part by governmental appropriations.
- (k) *Employment agency*. Any person regularly undertaking with or without compensation to advertise for or otherwise procure opportunities to work or to procure, recruit, refer or place employees.
- (l) *Familial status*. One or more individuals who have not attained the age of 18 years and who are domiciled with:
 - (1) parent or another person having legal custody of such individual or individuals; or
 - (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The term "familial status" shall also apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. The provisions regarding familial status do not apply with respect to housing for older persons.

- (m) *Family*. One or more individuals living together on the premises as a single housekeeping unit.
- (n) *Harassment*. Any verbal or physical conduct that denigrates or shows hostility toward an individual because of his or her race, color, religion, gender, national origin, age, disability, marital status or sexual orientation.

- (o) *Health or social service agency.* Any person rendering health or social services. The term includes but is not limited to any hospital, clinic, dispensary, nursing home, convalescent home, rehabilitation center, social work agency, community service center, group work-recreation center, counseling and guidance services agency, day camp or resident camp, protective service organization or facility; but except for a hospital, clinic or dispensary, this term shall not include any health or social service agency operated, supervised or controlled by or in conjunction with a religious organization, association or society exclusively or primarily for members of its own faith.
- (p) *Housing.* Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (q) *Human rights director.* That person appointed pursuant to section 12-4-14 of this chapter.
- (r) *Labor organization.* Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers on behalf of employees concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment.
- (s) *Lending institution.* Any person, including but not limited to a bank, insurance company or savings and loan association, regularly engaged in the business of lending money, guaranteeing loans or furnishing consumer credit or other credit-related services.
- (t) *Owner.* Any person, including but not limited to a lessee, sublessee, assignee, manager or agent, and also including the city and its departments, boards, commissions, authorities, committees and agencies, having the right of ownership or possession or the authority to sell or rent any dwelling.
- (u) *Pattern or practice of discrimination.* Any event, course of conduct or way of doing business with respect to housing, employment, public accommodations, credit, health and social services or city contracts which happens on several occasions and which actually or predictably results in different treatment which is discriminatory on the basis of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.
- (v) *Person with a disability.* Any person who has a disability, as defined above, or has a record of such impairment, or is regarded as having such an impairment. "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. "Is regarded as having such an impairment" means: (i) has a physical or mental impairment that does not substantially limit major life activities but is treated by a respondent as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined under "disability" above but is treated as

having such an impairment by any person within the jurisdiction of this chapter. Notwithstanding any contrary provision in this chapter, the term "person with a disability" shall not include any person who engages in the current, illegal use of a controlled substance, as defined in Virginia or federal law.

- (w) *Public accommodation.* Includes every business, professional or commercial enterprise, refreshment, entertainment, sports, recreation or transportation facility in the city, whether licensed or not, public or private, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available in any manner to the general public. Public accommodation does not include a bona fide private club or other establishment not in fact open to the general public.
- (x) *Public funds.* Any funds derived from any governmental body or agency.
- (y) *Qualified person with a disability.* (i) With respect to employment, a person with a disability, who with or without reasonable accommodation, can perform the essential functions of the job in question; and (ii) with respect to employment and other services, a person with a disability who meets the essential eligibility requirements for the receipt of such services with or without reasonable accommodation.
- (z) *Real estate broker.* Any person, who for a fee or other valuable consideration, manages, sells, purchases, exchanges, rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of the real property of another, or holds himself or herself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, including real estate salespersons, agents or any other persons employed by a real estate broker to perform or to assist in the performance of his or her business.
- (aa) *Respondent.* Any person against whom a complaint is filed pursuant to this chapter.
- (bb) *Restrictive covenant.* For purposes of this chapter, this is a provision written into a deed, lease, mortgage, deed of trust or contract that bars any person from owning or occupying housing on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation or disability.
- (cc) *Sexual orientation.* Having a preference for heterosexuality, homosexuality or bisexuality, having a history of such a preference or being identified with such a preference.
- (dd) *To rent.* Includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (Code 1963, Sec. 18A-3; Ord. No. 2517, 10/14/80, Sec. 2; Ord. No. 3328, 10/15/88, Sec. 2; Ord. No. 3498, 2/23/91, Sec. 2; Ord. No. 3729, 6/18/94, Sec. 1; Ord. No. 3850, 3/23/96, Sec. 2; Ord. No. 4549, 6/14/08, Sec. 2)

Sect. 12-4-3.1. Notices and Services

- (a) Unless otherwise specified, all notices required under the provisions of this chapter shall be served by mailing to the last-known address appearing in the

commission's records. It is the duty of the parties to advise the commission of any changes in address.

- (b) Such notice by mail may be substituted for e-mail delivery if verification of receipt is provided by the recipient. The respondent and complainant may also enter into a written agreement with the commission to waive notice by mail and receive all notices by e-mail.

Sec. 12-4-4 - Unlawful housing practices.

- (a) *Unlawful housing practices—sale or rental.* Except as provided in subsection (e) of this section, it shall be unlawful for any person:
- (1) to refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny housing to any person, because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.
 - (2) to discriminate against any person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.
 - (3) to make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of housing, that indicates any preference, limitation or discrimination based on race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability, or an intention to make any such preference, limitation or discrimination.
 - (4) to represent to any person because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability, that any housing is not available for inspection, sale or rental, when the housing is in fact so available.
 - (5) for profit, to induce or attempt to induce any person to sell or not sell, or to rent or not rent any housing by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.
 - (6) ~~except in connection with a written affirmative action plan,~~ to make an oral inquiry or to use a written inquiry or form of application or photograph, as a condition of the transaction in connection with the sale or rental of housing that elicits or attempts to elicit information concerning race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.
 - (7) to discriminate in the sale or rental of, or to otherwise make unavailable or deny, housing to any buyer or renter because of a disability of the buyer or renter, of a person residing in or intending to reside in the housing after it is sold, rented or made available, or of any person associated with the buyer or renter.

- (8) to discriminate against any person in the terms, conditions, or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of the person, of a person residing in or intending to reside in the housing after it is sold, rented or made available, or of any person associated with the person.
- (9) for purposes of sub-subsections (7) and (8), discrimination shall include:
 - a. a refusal to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications are necessary to afford such person full enjoyment of the premises;
 - b. a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy housing; or
 - c. in connection with the design and construction of covered multifamily housing, as defined in Virginia or federal law, for initial occupancy after April 1, 1991, a failure to design and construct the housing in such a manner that:
 - (i) the public use and common use portions of the housing are readily accessible to and usable by persons with disabilities;
 - (ii) all the doors designed to allow passage into and within all premises within the housing are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and
 - (iii) all premises within the housing contain an accessible route into and through the housing, light switches, electrical outlets, thermostats and other environmental controls in accessible locations, reinforcements in bathroom walls to allow later installation of grab bars and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- (10) Nothing in subsections (7), (8) and (9) requires that housing be made available to an individual whose tenancy would constitute a direct threat to the health or safety of others or would result in substantial physical damage to the property of others.
- (11) For purposes of this subsection, discrimination because of or on the basis of age shall mean discrimination against a person who is 55 years of age or older because of or on the basis of that person's age.
- (b) *Unlawful housing practices—financing.*
 - (1) a. It shall be unlawful for any lending institution to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of such person.

- b. It shall also be unlawful for any lending institution to deny a loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which the loan or other financial assistance is to be made or given.
 - c. It shall also be unlawful for any lending institution to deny such a loan or other financial assistance to any person because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of any person associated with such person in connection with the loan or other financial assistance or the purposes of the loan or other financial assistance.
- (2) It shall also be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to discriminate against any person applying for a loan or other financial assistance, the proceeds of which are to be used for the purchase, construction, improvement, repair or maintenance of housing by:
- a. denying a loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of the residents of the neighborhood in which the housing is located; or
 - b. discriminating in fixing of the amount, interest rate, duration or other terms or conditions of a loan or other financial assistance, because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of the residents of the neighborhood in which the housing is located.
- c. *Unlawful housing practices—brokerage services.*
- (1) It shall be unlawful for any person to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of such persons.
- (2) It shall be unlawful for any real estate broker or salesperson or other person in the business of selling or renting housing to solicit the sale or rental of housing or discourage the purchase or rental of housing by representations regarding the existing or potential proximity to real property owned, used or occupied by a person or persons of a particular race, color, sex, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.
- (d) *Unlawful housing practices—restrictive covenants, as defined.*
- (1) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city willfully and knowingly to include therein any restrictive

covenant that discriminates on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation or disability, except that nothing in this subsection shall be construed to prohibit any person from conveying, or preparing any legal document for any conveyance of housing or land to a religious organization for use only by members of such religious organization.

- (2) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city, wherein any restrictive covenant prohibited by subsection (1) above is incorporated by reference to another document or instrument, to fail to include therein a statement that such restrictive covenant is invalid and unenforceable.
- (3) The Clerk of the Circuit Court for the City of Alexandria, Virginia, is hereby authorized and directed:
 - a. to post in a conspicuous location in the clerk's office and in the land record room the following notice printed in 14-point type:

"It is a violation of the Human Rights Code of the City of Alexandria, Virginia, for any person to include any provision in a deed, mortgage, deed of trust, lease or contract affecting title or any interest in land which purports to restrict or affect on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation or disability the holding, occupancy or transfer of any interest in land, and any such provisions are invalid and unenforceable."
 - b. when a copy of any deed, mortgage, deed of trust, lease or contract affecting title or interest in land or housing recorded in the clerk's office is requested, to affix to such copy a statement that any provision contained in such legal instrument which purports to restrict or affect the holding, occupancy, ownership, rental, lease or transfer of any interest on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation or disability is invalid or unenforceable.
- (e) *Exemptions and exceptions.*
 - (1) Nothing in section 12-4-4 shall prohibit a religious organization, association or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
 - (2) Nothing in section 12-4-4 other than subsection (3) of subsection (a) shall apply to:
 - a. any single-family house sold or rented by an owner; provided, that the private individual owner does not own more than three such single-family houses at any

one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time; provided further, that the owner sells or rents the following:

1. without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or sales person, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person, and
 2. without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (3) of subsection (a) of this section; but nothing in this provisiōn shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title, or
- b. rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his or her residence, provided that the owner sells or rents the rooms or units:
1. without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person, and
 2. without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (3) of subsection (a) of this section, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other professional assistance as necessary to perfect or transfer the title.

For the purposes of this subsection (e)(2), a person shall be deemed to be in the business of selling or renting housing if:

- a. he or she has, within the preceding 12 months, participated as principal, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in three or more transactions involving the sale or rental of any housing or any interest therein;
- b. he or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing the sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or
- c. he or she is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.

- (3) Nothing in section 12-4-4 shall be construed to:
 - a. bar any person from restricting sales, rentals, leases or occupancy, or from giving preference, to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors;
 - b. make it an unlawful act to require that a person have legal capacity to enter into a contract or lease;
 - c. prohibit any private, state-owned or state-supported educational institution, hospital, nursing home, or religious or correctional institution from requiring that persons of both sexes not occupy any single-family residence or any room or unit in dwellings or other buildings which it owns or operates or that persons of both sexes not utilize any rest room in said room or unit in dwellings or other buildings which it owns or operates;
 - d. bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested;
 - e. forbid distinctions based on the inability to fulfill the terms or conditions including financial obligations of any such lease, contract of sale, deed or mortgage.
- (4)
 - a. Nothing in section 12-4-4 regarding unlawful discrimination because of familial status shall apply to housing for older persons.
 - b. As used in this section, "housing for older persons" means housing:
 - (i) provided under any state or federal program that is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - (ii) intended for, and solely occupied by, persons 62 years of age or older; or
 - (iii) intended and operated for occupancy by at least one person 55 years of age or older per unit.
 - c. The following factors will be considered in determining whether housing qualifies as "housing for older persons":
 - (i) the housing contains significant facilities and services specifically designed to meet the physical or social needs of older persons or, if the provision of such facilities and services is not practicable, the housing is necessary to provide important housing opportunities for older persons; and
 - (ii) 80 percent or more of the units are occupied by at least one person 55 years of age or older; and
 - (iii) the publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing primarily for persons 55 years of age or older.
 - d. Housing shall not fail to constitute "housing for older persons" by reason of:
 - (i) persons residing in the housing as of February 23, 1991, who do not meet the age requirements of subsections (4)(a)(ii) or (iii); provided, that new occupants of such housing meet these age requirements; or

- (ii) unoccupied units; provided, that such units are reserved for occupancy by persons who meet these age requirements.
- 5. Nothing in section 12-4-4 prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance. (Code 1963, Sec. 18A-4; Ord. No. 2517, 10/14/80, Sec. 3; Ord. No. 3174, 1/24/87, Sec. 2; Ord. No. 3231, 6/24/87, Sec. 1; Ord. No. 3328, 10/15/88, Sec. 3; Ord. No. 3498, 2/23/91, Sec. 3; Ord. No. 3850, 3/23/96, Sec. 3; Ord. No. 4549, 6/14/08, Sec. 3)

Sec. 12-4-5 - Unlawful employment practices.

- (a) Except as provided in subsection (b) of this section, it shall be unlawful:
 - (1) for any employer to fail or refuse to hire or to discharge any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;
 - (2) for any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting the employment, membership or apprenticeship opportunities of any person on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;
 - (3) for any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or to participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;
 - (4) for any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated with intent to circumvent the spirit and purpose of this section, any notice or advertisement relating to employment or membership which indicates any preference, limitation or discrimination based on race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability, or an intention to make any such preference, limitation or discrimination;
 - (5) for any employment agency to fail or refuse to accept, register, classify properly or refer for employment or otherwise to discriminate against any person because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;

- (6) for any labor organization to discriminate against any person in any way which would deprive or limit his or her employment opportunities or otherwise adversely affect his or her status as an applicant for employment or as an employee with respect to hiring, seniority, tenure, referral, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;
- (7) for any employer, employment agency or labor organization to discriminate against any person because he or she has opposed any practice forbidden by this section or because he or she has made a complaint or testified or assisted in any manner in any investigation or proceeding under this chapter relating to the provisions of this section;
- (8) for any employer to deny any employment opportunity to a qualified person with a disability who is an employee or applicant if the basis for the denial is the need to make reasonable accommodations to the physical or mental limitations of the employee or applicant.
- (9) for purposes of subsections (a)(1) through (a)(6), discrimination because of or on the basis of age shall mean discrimination against a person who is 40 years of age or older because of or on the basis of that person's age.
- (b) exceptions. Nothing in subsection (a) of this section shall apply to:
 - (1) any type of employment, occupation, or position where the job involves a bona fide occupational qualification requiring the employment of a person or persons of a particular religion, sex, ancestry, national origin, marital status, age, sexual orientation or physical or mental capabilities, where the qualification is reasonably necessary to the normal operation of that business or enterprise;
 - (2) any employment practice based upon applicable laws or regulations established by the United States or any agency thereof, the Commonwealth of Virginia, or any political subdivision of the commonwealth having jurisdiction in the City of Alexandria;
 - (3) the observance of the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension or insurance plan, which is not a subterfuge to evade the purposes of this section, except that no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual who is at least 40 years of age or older because of the age of such individual;
 - (4) agreements or contracts concerning contribution rates for employer or employee for group insurance, when the contribution rate may be affected by marital status or number of dependents;
 - (5) any employment agency providing services only to elderly persons or to minors; provided, however, that no employment agency may discriminate on the basis of

race, color, sex, religion, ancestry, national origin, marital status, sexual orientation or disability; and

- (6) notwithstanding any other provisions of this section, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, nor shall it be an unlawful employment practice for any employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability
- (c) ~~Affirmative action employment program.~~ Diversity and inclusion program. The city manager shall establish a diversity and inclusion program ~~an affirmative action employment program~~ for the city and shall report to the city council regarding the status of same annually. (Code 1963, Sec. 18A-5; Ord. No. 2517, 10/14/80, Sec. 4; Ord. No. 3128, 5/17/86, Sec. 1; Ord. No. 3328, 10/15/88, Sec. 4; Ord. No. 3498, 2/23/91, Sec. 4; Ord. No. 3729, 6/18/94, Sec. 2; Ord. No. 3850, 3/23/96, Sec. 5; Ord. No. 4549, 6/14/08, Sec. 4)

Sec. 12-4-6 - City contracts.

- (a) Any contract of over \$10,000, except any contract for the sale, purchase or rental of land, to which the city is a party shall include substantially the following provisions:
 - "Employment Opportunity. The contractor hereby agrees:
 - "(1) Not to discriminate against any employee or applicant for employment on account of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, disability, when such person is a qualified person with a disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - "(2) To implement a diversity and inclusion program ~~an affirmative action employment program~~ as defined in section 12-4-3 of this chapter to ensure nondiscrimination in employment under guidelines to be developed by the Commission and approved by the City Council.
 - "(3) To include in all solicitations or advertisements for employees placed by or on behalf of the contractor the words "Equal Opportunity Employer" or a symbol, approved by the Commission, meaning same.

- "(4) To notify each labor organization or representative of employees with which said contractor is bound by a collective bargaining agreement or other contract of the contractor's obligations pursuant to this equal employment opportunity clause.
 - "(5) To submit to the City Manager and the City's Human Rights Director, upon request, no more frequently than annually, regular equal employment opportunity reports on a form to be prescribed by the City's Human Rights Director with the approval of the City Manager, except that the Director may request more frequent special reports of particular employers provided the Commission has found such employers to have violated any provision of this chapter.
 - "(6) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this subsection.
 - "(7) To make reasonable accommodation to the known physical or mental limitations of an otherwise qualified person with a disability who is an applicant or employee unless the contractor can demonstrate that the accommodation would impose an undue hardship on the operation of its business.
 - "(8) That for the purpose of this section reasonable accommodation may include (i) making facilities used by employees readily accessible to and usable by persons with a disability and (ii) job restructuring, part-time or modified work schedules, acquisitions or modification of equipment or devices, the provision of readers or interpreters and other similar actions.
 - "(9) That in determining whether an accommodation would impose an undue hardship on the operation of the contractor's business, factors to be considered include but are not limited to the following:
 - "a. the overall size of the contractor's business with respect to the number of employees, the number and type of facilities and size of budget;
 - "b. the type of the contractor's operation, including the composition and structure of the contractor's work force; and
 - "c. the nature and cost of the accommodation needed.
 - "(10) That it may not deny any employment opportunity to a qualified person with a disability who is an employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.
 - "(11) To include the provisions in subsections (1) through (10) of this clause in every subcontract so that such provisions will be binding upon each subcontractor.
 - "(12) That in the event of the contractor's noncompliance with any provision of this equal employment opportunity clause, upon a finding of such noncompliance by the City's Human Rights Commission and certification of such finding by the City Manager, the City Council may terminate or suspend or not renew, in whole or in part, this contract."
- (b) The director is hereby authorized to:

- (1) review the performance of any contractor who has a contract with the city with respect to the provisions of subsection (a) above;
 - (2) request equal employment opportunity reports, including but not limited to statistical data, from any contractor pursuant to subsection (a)(5) above; and
 - (3) upon a finding of probable cause to believe a violation of any provision of subsection (a) above has occurred, file a complaint with the commission pursuant to section 12-4-16 of this chapter.
- (c) The commission is hereby authorized to:
- (1) review any complaint filed by the director pursuant to subsection (b) above in accordance with procedures set forth in this chapter; and
 - (2) upon a finding of the commission that any contractor is in noncompliance with the provisions of subsection (a) above, the commission shall report the findings to the city manager.
- (d) The city manager. If the city manager certifies the finding to the city council the city manager shall, unless city council directs otherwise, terminate or suspend or not renew, in whole or in part, as appropriate, the contractual relationship with the contractor; provided, however, that the city manager may defer temporarily a suspension or termination if he or she finds that the suspension or termination may disrupt or curtail a vital public service, or would otherwise not be in the best interests of the city, in which case the city manager shall report his or her action to the city council and indicate a date certain when the relationship will be suspended or terminated, or when the practice complained about will be remedied. (Code 1963, Sec. 18A-6; Ord. No. 2517, 10/14/80, Sec. 5; Ord. No. 2758, 1/22/83, Sec. 1; Ord. No. 3128, 5/17/86, Sec. 2; Ord. No. 3498, 2/23/91, Sec. 5; Ord. No. 4138, 6/17/00, Sec. 12; Ord. No. 4232, 1/26/02, Sec. 7; Ord. No. 4549, 6/14/08, Sec. 5)

Sec. 12-4-10 - Education.

- (a) Private education. It shall be unlawful for any private educational institution, or its agents, employees or officers, on the basis of race, color, sex, ancestry, national origin, sexual orientation or disability;
- (1) to discriminate against any person with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges or services of that institution;
 - (2) to make or use a written or oral inquiry or form of application for admission to an educational institution that elicits or attempts to elicit information concerning race, color or disability, except as required to obtain grants or other funds from a public or private institution or agency;

- (3) ~~except in connection with a written affirmative action plan,~~ to require, or cause to be required, that a photograph of an applicant for admission to an educational institution be submitted with any form of application for admission;
- (4) to establish, make or follow a policy of denial or limitation of educational opportunities;
- (5) to permit potential employers to recruit students on its premises or to permit the employers to use its placement facilities for referral of students for employment or permit the employers to participate in any job-training or work-study program operated by or in conjunction with the educational institution unless the potential employer has submitted to the educational institution a statement certifying that the employer is an equal opportunity employer;
- (6) to deny to any member of its student body educational services or facilities that are generally available to members of the opposite sex;
- (7) to fail to provide services to persons with a disability which are provided to persons without a disability;
- (8) to fail to provide services to a person with a disability who meets the academic and technical standards requisite to admission or participation in a postsecondary and vocational education program or activity; or
- (9) to subject any member of its faculty or staff to a discriminatory practice stated as unlawful under subsections (1) through (8) of this subsection.
- (b) Nothing in subsection (a) of this section shall be construed to make unlawful any private institution established exclusively for either all males or females or to interfere with the exercise of genuinely held religious beliefs by educational institutions organized for the primary purpose of preparing men and women for the ordained ministry.
- (c) Public education. The commission is hereby authorized to conduct studies, hold hearings and review the policies and practices of any public educational institution with respect to race, color, sex, religion, ancestry, national origin, religion, sexual orientation or disability. The commission shall report its findings to the appropriate policy-making body and chief administrator of the public educational institution (for instance the school board and superintendent of public schools in the city or to the president of the Northern Virginia Community College and the community college board or to the policy-making body and chief administrator of any other public educational program) and may, at its discretion, enter into negotiations with said policy-making body and chief director to rectify and any discriminatory policies or practices that may exist. (Code 1963, Sec. 18A-10; Ord. No. 2517, 10/14/80, Sec. 9; Ord. No. 3328, 10/15/88, Sec. 8; Ord. No. 3498, 2/23/91, Sec. 9; Ord. No. 4549, 6/14/08, Sec. 7)

Sec. 12-4-13 - Organization, meetings, secretary and chairperson of the human rights commission.

- (a) All meetings of the commission shall be open to the public to the extent required by state law and a full and impartial hearing shall be granted on all matters. The commission shall hold at least 10 monthly meetings during the calendar year. ~~Insofar as reasonably possible, a~~All hearings shall be informal as reasonably possible.
- (b) The city council shall designate a convener and the commission shall elect one of its members as chairperson, another of its members as vice-chairperson and such other officers as the commission may deem necessary. The commission shall designate a secretary among its members or staff as it sees fit. The secretary to the commission shall cause minutes of its proceedings to be kept and all findings and decisions to be reduced to writing and entered as a matter of public record in the office of the director.
- (c) All meetings of the commission shall be held in facilities which are accessible to persons with a disability and, where a person with a disability attends a meeting and so requests in advance, the commission shall make reading or interpretive services available for the blind or deaf, as appropriate.
- (d) In matters concerning the procedure for meetings not covered by this chapter, the commission may establish its own rules; provided these are not contrary to the mandate or spirit of this chapter. ~~The commission shall annually prepare and submit a budget to the city manager.~~ (Code 1963, Sec. 18A-13; Ord. No. 2517, 10/14/80, Sec. 11; Ord. No. 3498, 2/23/91, Sec. 10; Ord. No. 4549, 6/14/08, Sec. 9)

Sec. 12-4-14 - Human rights director.

- (a) There is hereby established the position of human rights director. the city manager shall appoint a person to the position of human rights director, who shall be a member of the city manager's staff, upon consideration of the recommendations of the commission with respect to the appointment. The human rights director shall report to the city manager and may be removed for cause by the city manager.
- (b) The human rights director shall be responsible for carrying out the policies of the commission and performing the duties assigned to him or her by this chapter, negotiating contracts or worksharing agreements with the Equal Employment Opportunity Commission, the Department of Housing and Urban Development or other appropriate federal or state agencies and performing the duties assigned by these contracts and work sharing agreements. The director shall have the power and duty to make investigations of unlawful discriminatory practices under this chapter, and to file complaints with the commission when he or she has probable cause to believe that an unlawful discriminatory practice has occurred. The director shall further have the power and duty to attempt to conciliate any complaint of alleged unlawful discrimination under this chapter where there is probable cause for the complaint. The director shall annually prepare and submit a budget to the city manager. (Code 1963, Sec. 18A-14; Ord. No. 3128, 5/17/86, Sec. 4; Ord. No. 3850, 3/23/96, Sec. 7; Ord. No. 4549, 6/14/08, Sec. 10)

Sec. 12-4-15 - Powers and duties of the human rights commission.

- (a) *Powers and duties.* The commission shall administer the provisions of this chapter as stated above and shall have the following powers and duties:
- (1) Receive complaints alleging actions or conduct that are unlawful under this chapter, as well as grievances alleging other actions or conduct that constitute discrimination where the complainant is only seeking the commission's good offices to conciliate.
 - (2) Utilize methods of persuasion, conciliation and mediation or informal grievances; hold public hearings; and, in the case of complaints alleging actions or conduct that are unlawful under this chapter, make findings of fact, issue orders and make recommendations pursuant to section 12-4-21, and make public the findings, orders and recommendations.
 - (3) Conduct studies and hold public hearings on discrimination against persons with a physical or mental disability, in concert with the commission on persons with disabilities and the Alexandria ~~C~~ommunity ~~S~~ervices ~~B~~oard, to explore local legislative proposals in the areas of employment, credit, education, health and social services, public accommodations and housing.
 - (4) Conduct studies and hold hearings on social conditions that may cause discrimination on the basis of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability that is prohibited by this chapter. Gather and disseminate reliable information by issuing publications and reports of studies and research relating to such discrimination.
 - (5) Institute and conduct educational and informational programs with wide sectors of businesses, unions, professions, agencies and organizations to promote equal rights and opportunities for all persons and to promote understanding among persons and groups of different races, colors, sexes, religions, ancestries, national origins, marital statuses, familial statuses, ages, sexual orientations or disabilities.
 - (6) ~~Assist in developing, negotiating and reviewing voluntary fair housing affirmative action agreements as mandated by the city council in resolution no. 355, adopted on November 26, 1974, and develop and review other voluntary affirmative action programs.~~ Reserved.
 - (7) Review the city's Diversity and inclusion program ~~affirmative action employment program~~ and the performance of the city government, its contractors and subcontractors in employment policies and practices as they may relate to discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or disability. The commission shall report its findings to the city manager and city council.
 - (8) Establish, administer or review programs at the request of the city council or the city manager and make reports on these programs to the city council and city manager.
 - (9) Conduct studies and hold public hearings on policies and practices of public educational institutions with respect to discrimination on the basis of race, color, sex, religion, ancestry, national origin, sexual orientation or disability that is prohibited by this chapter, and of public health and social service agencies with

respect to discrimination on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability that is prohibited by this chapter, and bring to the attention of the appropriate policy-making body and chief director problems that require notice or action to resolve.

- (10) Bring to the attention of the city manager items that require city manager or city council notice or action to resolve.
 - (11) Conduct studies and hold public hearings on policies or practices that cause or may be caused by a pattern or practice of discrimination.
 - (12) Render to city council and the city manager annual written reports of its activities under the provisions of this chapter along with such comments and recommendations as it may choose to make.
 - (13) Cooperate with and render technical assistance to federal, state, local and other public or private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this chapter.
 - (14) With the approval of the city council, accept grants from federal, state, local and other public or private agencies, organizations and institutions, including but not limited to foundations, colleges and universities.
 - (15) Make use of uncompensated services of public agencies and private organizations as may from time to time be offered and needed to perform advisory and research duties.
 - (16) As far as it is practicable, the services, including advisory and consultative services of all city departments, agencies, boards and commissions shall be made available to the commission for the purpose of carrying out the functions, powers and duties herein set forth, and with the approval of the city manager, the heads of such departments or agencies shall furnish to the commission any information in the possession of the departments or agencies as is relevant to the duties of the commission and which the commission, by written communication, may require. This includes the use of counsel from the office of the city attorney to aid in the conduct of its investigations and hearings.
 - (17) Establish panels of up to three members to conduct confidential hearings on pending complaints that have been identified by the director. As to such complaints, a panel may advise the director on whether (i) probable cause exists to believe unlawful discrimination has occurred, (ii) the time for the investigation should be extended, (iii) a public hearing should be scheduled, (iv) subpoenas should be obtained, and (v) a plan of settlement should be proposed to the parties.
- (b) *Subpoenas.* In the course of any investigation of a complaint under this chapter or in any hearing held by the commission in accordance with section 12-4-18 or section 12-4-21 of this chapter, the commission, by majority vote of those members present, may apply to the appropriate circuit court for a subpoena or subpoena duces tecum to compel the attendance and testimony of witnesses and the production of evidence; provided, that, at the time it votes to apply to the court, the commission shall have grounds to believe that unlawful discrimination has occurred,

shall have made a good faith effort to obtain the data and other information necessary to determine whether such discrimination has occurred, and shall have been unable to obtain such data and information on a voluntary basis. At least five days prior to applying for a subpoena, the commission shall notify the city manager of its intention to apply for the subpoena and its reasons for doing so. The judge of the circuit court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

- (c) *Funds.* In the exercise of its powers and the performance of its duties the commission shall not expend funds in excess of those appropriated to it by the city council and those received by it from approved grants. (Code 1963, Sec. 18A-15; Ord. No. 2517, 10/14/80, Sec. 12; Ord. No. 3231, 6/24/87, Sec. 2; Ord. No. 3498, 2/23/91, Sec. 11; Ord. No. 3729, 6/18/94, Sec. 3; Ord. No. 3850, 3/23/96, Sec. 8; Ord. No. 4549, 6/14/08, Sec. 11)

Sec. 12-4-16 - Complaints generally.

- (a) Complaints under this chapter may be filed only by (i) any person claiming to have been injured by actions or conduct that are unlawful under this chapter (a "complainant"), or (ii) the human rights director where the director has probable cause to believe that one or more persons have been the subject of an unlawful discriminatory practice under this chapter. All complaints shall be made in writing, be under oath or affirmation and be accompanied by an affidavit. An additional copy shall be made for each respondent, if more than one. All complaints shall be on a form furnished by the human rights director, and shall state the name and address of each respondent, the address of the person filing the complaint (the complainant or the director), the date of the alleged offense and the alleged facts surrounding the acts complained of. The human rights director shall serve ~~forthwith transmit a~~ copy of the complaint ~~to~~ on each respondent ~~by certified mail, return receipt requested, with another copy by ordinary mail.~~ Each complaint shall be held in confidence by the human rights director unless or until the complainant or the director, as the case may be, and the respondent consent to its being made public, or until the time a hearing procedure such as described in section 12-4-21 has begun. A complaint must be filed within 300 days after the date of the actions or conduct alleged to be in violation of this chapter, except that a complaint alleging housing discrimination may be filed within 365 days of the alleged violation.
- (b) Where a complainant or respondent in a case filed with the human rights director is a person with a disability, the director shall provide reader services if blind, interpreter services if deaf, or other special services to persons with a disability as are appropriate.
- (c) Nothing in this chapter shall prevent any member of the human rights commission from filing a complaint if he or she claims himself or herself to be the subject of a discriminatory practice or to be a person aggrieved under this section. Such person shall disqualify himself or herself as a member of the commission when his or her complaint is before the commission for a public hearing and for disposition.

- (d) Nothing in this section shall be construed to prevent any person from filing a grievance with the commission which alleges actions or conduct that is discriminatory and which seeks the commission's good offices to conciliate, or to prevent the commission from seeking to conciliate such grievances, pursuant to section 12-4-15(a)(1). (Code 1963, Sec. 18A-16; Ord. No. 2517, 10/14/80, Sec. 13; Ord. No. 3128, 5/17/86, Sec. 5; Ord. No. 3446, 4/21/90, Sec. 2; Ord. No. 3498, 2/23/91, Sec. 12; Ord. No. 3729, 6/18/94, Sec. 4; Ord. No. 3850, 3/23/96, Sec. 9; Ord. No. 4549, 6/14/08, Sec. 12)

Sec. 12-4-17 - Investigation and probable cause of complaint filed by a complainant.

- (a) Upon the filing of a complaint by a complainant, the director shall undertake an investigation, which shall be completed within 180 days, unless additional time is allowed by the commission, from the date of the filing of a complaint, to determine whether there is probable cause for the complaint. At any time following the filing of a complaint, the director may convene a conference, over which the director or her designee shall preside, in order to mediate the issues in dispute between the parties. The director may also convene a confidential hearing, over which a panel of commission members shall preside, in order to obtain advice from the panel in one or more of the areas set forth in section 12-4-15(a)(17). Upon completion of the investigation, the director shall issue a written decision containing the director's determination as to whether there is probable cause for the complaint. The director shall serve ~~send~~ a copy of this written decision to the complainant ~~person~~ and the respondent ~~by certified and ordinary mail~~.
- (b) If the director determines that there is probable cause for a complaint filed by a complainant, the director shall immediately endeavor to eliminate the unlawful discriminatory practice complained of in accordance with section 12-4-18.
- (c) If the director determines that there is no probable cause for a complaint filed by a complainant, that determination shall constitute the final decision of the commission which shall not be subject to judicial review. (Code 1963, Sec. 18A-17, as amended by Ord. No. 2419, 12/11/79, Sec. 1; Ord. No. 3128, 5/17/86, Sec. 6; Ord. No. 3729, 6/18/94, Sec. 5; Ord. No. 3850, 3/23/96, Sec. 10; Ord. No. 4549, 6/14/08, Sec. 13)

Sec. 12-4-18 - Conciliation; breach of conciliation agreement; procedure; hearing; decision.

- (a) Upon a determination by the director that there is probable cause for the complaint filed by a complainant, or upon the filing of a complaint by the director, the director shall immediately endeavor to eliminate the unlawful actions or conduct or the unlawful discriminatory practice complained of, upon terms that are agreeable to the parties. The director's effort initially shall consist of conciliation and persuasion. Conferences and other efforts at conciliation and persuasion shall be informal and may be conducted by the Director or any member of his or her staff so designated. Nothing said or done during or as part of the conciliation efforts shall be made public or used as evidence in a subsequent proceeding instituted under this chapter unless each of the interested parties agrees thereto in writing.

- (b) If conciliation succeeds, the terms of the conciliation shall be reduced to writing and signed by or on behalf of the parties and, where the complaint was filed by a complainant, also by the director. The director shall then notify the commission through its chairperson that a conciliation agreement has been entered into by the parties. Conciliation agreements may be made public but any public disclosure shall not reveal the identities of the parties involved, except with the consent of all parties.
- (c) Any conciliation agreement established pursuant to this section shall provide that all complaints filed by the same complainant that are pending before the commission and that arise out of the same events or transactions giving rise to the complaint covered in the agreement shall terminate and shall not be revived by the complainant so long as the agreement is in force. The signing of an agreement shall not constitute an admission on the part of any signatory of a violation of any provision of this chapter or any other provision of law.
- (d) Nothing in this chapter shall prohibit the director from continuing his or her efforts to reach conciliation at any time while a complaint is pending before the commission.
- (e) In the event the director has reason to believe that a party to a conciliation agreement entered into pursuant to this section has breached any provision of the agreement, the director shall promptly notify the commission. The commission shall promptly schedule a public hearing to determine if the agreement has been breached. Notice of the time and place of hearing shall be served on ~~be mailed by certified mail, with a copy by ordinary mail, to each respondent and complainant~~ no later than two weeks prior to the date of hearing. The commission shall schedule for hearing all respondents who signed the agreement, but may upon request or its own motion schedule separate hearings for each respondent. Any party alleging a breach of the agreement shall appear at the hearing in person and may be accompanied by an attorney. Any party who is alleged to have violated the agreement may appear at the hearing in person or by a duly authorized representative, including an attorney. Each party may present testimony and evidence. The right to cross-examine witnesses shall be preserved. The director shall cause a qualified reporter or stenographer to be present throughout the hearing, or shall provide a voice recording device, and shall record the proceedings. Upon direction of the commission, the proceedings shall be transcribed. Any transcription shall be public and open to inspection by any person. All testimony shall be given under oath administered by the chairperson or his or her representative.
- (f) If upon all the evidence at the hearing the commission determines that the conciliation agreement has not been breached, the commission shall not later than 14 days following the conclusion of the hearing render and issue a written decision containing its determination and the facts upon which the determination is based, cause the decision to be served on ~~mailed by certified and ordinary mail to each respondent and complainant~~, announce and make public its determination, and cause the determination to be recorded in the minutes of its proceedings. The case shall then be closed, and no further action shall be taken by the commission on the

instant allegation of the breach of the conciliation agreement, and the agreement shall remain in effect.

- (g) If upon all the evidence at the hearing the commission determines that the conciliation agreement has been breached, the commission may refer the matter back to the human rights director for further efforts toward conciliation or may, after consultation with the city attorney, refer the matter to the city attorney and recommend appropriate legal action to enforce the agreement.
- (h) The city attorney, upon receipt of a recommendation from the commission, including a recommendation under subsection (g) of this section, may initiate appropriate legal action in a court of competent jurisdiction to enforce a conciliation agreement. (Code 1963, Sec. 18A-18; Ord. No. 3128, 5/17/86, Sec. 7; Ord. No. 3850, 3/23/96, Sec. 11; Ord. No. 4549, 6/14/08, Sec. 14)

Sec. 12-4-19 - Amendments to complaints.

Complaints may be reasonably and fairly amended at any time prior to the fourteenth calendar day before the date of a hearing held pursuant to section 12-4-21. Amendments must also be under oath, in writing and accompanied by an affidavit and filed with the human rights director. The human rights director shall serve ~~send~~ a copy of any amendment on ~~to~~ each respondent ~~by certified mail, with another copy by ordinary mail.~~ (Code 1963, Sec. 18A-19; Ord. No. 4549, 6/14/08, Sec. 15)

Sec. 12-4-20 - Answers to complaints.

Each respondent may file with the human rights director an answer at any time prior to the seventh calendar day before the date of a hearing held pursuant to section 12-4-21, provided it be under oath, in writing and accompanied by an affidavit. Answers may also be reasonably and fairly amended any time prior to the deadline for filing answers, if under oath, in writing, accompanied by an affidavit and filed with the human rights director. The human rights director shall ~~send~~ serve a copy of any amendment on ~~to~~ the complainant ~~by certified mail, with another copy by ordinary mail.~~ (Code 1963, Sec. 18A-20; Ord. No. 4549, 6/14/08, Sec. 16)

Sec. 12-4-21 - Hearings; decisions.

- (a) Before the commission can hold a hearing or render a decision under this section relating to a violation of this chapter, it is necessary that:
 - (1) a complaint shall have been filed under section 12-4-16 alleging the violation;
 - (2) a determination shall have been made under this chapter that probable cause exists for the complaint; and
 - (3) the applicable conciliation provisions of this chapter relating to the complaint shall have been complied with.
- (b) In the event that a signed conciliation agreement is not reached within 30 days from the determination of probable cause on a complaint filed by a complainant, or within 30 days of the filing of a complaint by the director, or within such additional time as the commission may allow, the director shall promptly notify the commission, and the commission shall thereupon schedule a public hearing as soon as possible to determine if a violation of this chapter has been committed. The commission shall prior to any hearing verify that each party to the proceeding has

received a copy of the complaint and any amendments thereto. Notice of the time and place of hearing shall be served on ~~mailed by certified mail, with a copy by ordinary mail,~~ to each respondent and complainant no later than two weeks prior to the date of the hearing. In cases in which there is more than one respondent, the commission shall schedule a hearing for all respondents named in the complaint, but may upon request or on its own motion schedule separate hearings for each respondent. Complainants shall appear at the hearing in person and may be accompanied by an attorney. Each party respondent may appear at the hearing in person or by a duly authorized representative including an attorney. Each party may present testimony and evidence. Each party shall have the right to cross-examine. The human rights director shall cause a qualified reporter or stenographer to be present throughout the hearing or shall provide a voice recording device, and shall record the proceedings. Upon direction of the commission, part or all of the proceedings shall be transcribed. Any transcription shall be public and open to inspection by any person. All testimony shall be taken under oath administered by the chairperson or his or her representative.

- (c) Within 30 days of the conclusion of the public hearing, the commission shall determine whether the respondent has violated any provision of this chapter, shall announce in public the determination it has reached, and shall cause the determination to be recorded in the minutes of its proceedings.
- (d) If the commission determines, upon a preponderance of the evidence, that the respondent has violated any provision of this chapter, the commission shall:
 - (1) not later than 30 days after announcing its determination, issue a written decision containing:
 - (i) its determination;
 - (ii) the facts upon which the determination is based;
 - (iii) an order requiring the respondent to undertake specified actions designed to bring respondent into compliance with this chapter and stating the date or dates by which the respondent shall demonstrate to the commission that it has undertaken these actions;
 - (iv) recommendations, if any, regarding the relief, that the respondent should provide any complainant and/or other persons injured by respondent's violation of this chapter, and the date or dates by which the respondent shall demonstrate to the commission that it has implemented these recommendations; and
 - (v) recommendations, if any, to the city manager regarding the levying of civil penalties against the respondent under section 12-4-24.1.
 - (2) cause a copy of its decision to be served on each respondent and complainant, ~~by certified mail, with a copy by ordinary mail.~~
 - (3) designate appropriate parts of the hearing to be transcribed for the public record at the cost of the city.
 - (4) permit the complainant or each respondent to obtain copies of any part or all of the transcript of the proceedings at his or her cost. For good cause, the commission

may waive the requirement that the complainant or respondent must pay for the transcripts.

- (e) If the commission determines, upon the preponderance of the evidence, that the respondent has not violated any provision of this chapter, the commission shall, not later than 30 days after announcing its determination, issue a written decision containing its determination and the facts upon which the determination is based, and shall cause its decision to be served on each respondent and complainant ~~by certified mail, with a copy by ordinary mail~~. The case shall then be closed and no further action shall be taken by the commission in the matter. (Code 1963, Sec. 18A-21; Ord. No. 3128, 5/17/86, Sec. 8; Ord. No. 3850, 3/23/96, Sec. 12; Ord. No. 4549, 6/14/08, Sec. 17)

Sec. 12-4-23 - Judicial review.

- (a) Any person aggrieved by a decision of the commission entered pursuant to section 12-4-18(f) or 12-4-21 may have the decision reviewed by a court of competent jurisdiction. A review proceeding shall be instituted by filing with the court a petition for review naming the commission as respondent. A copy of the petition shall be served upon the city attorney in accordance with Virginia Code § 8.01-300, who shall represent the commission in the review proceeding. No petition for review may be filed more than 30 days after the date of service of the decision of which review is sought.
- (b) The court, on motion of the petitioner, may issue a writ of certiorari requiring the agency to transmit the record of the proceeding before the commission on or before a certain date.
- (c) The court, sitting without a jury, shall hear the appeal on the record transmitted by the commission and any additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require.
- (d) The court may affirm the decision of the commission or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner have been prejudiced because the determination, findings of fact or conclusions of law set out in the commission's decision are:
 - (1) in violation of constitutional provisions;
 - (2) in excess of legal authority or jurisdiction of the commission;
 - (3) made upon unlawful procedure;
 - (4) affected by other error of law;
 - (5) unsupported by the evidence on the record considered as a whole; or
 - (6) arbitrary, capricious, or an abuse of discretion.
- (e) The filing of a petition shall not operate to stay an application to the court under section 12-4-24 for the enforcement of the order. If an application has been made to the court for enforcement of the order, the petitioner, at any time after the filing of

his or her petition, may move the court for a stay of enforcement. The motion shall be made after notice to the commission, and a stay pending the review shall be granted unless it appears to the court that immediate enforcement of the order is essential to the public health or safety. In the order granting a stay, the court may make any provision required to serve the ends of justice. (Code 1963, Sec. 18A-23; Ord. No. 3128, 5/17/86, Sec. 9; Ord. No. 3850, 3/23/96, Sec. 13; Ord. No. 4549, 6/14/08, Sec. 19)

CHAPTER 11 - Alexandria Commission on Disabled Persons

Sec. 12-11-1 - Creation of commission.

There is hereby established a commission to be known as the Alexandria Commission on Persons with Disabilities, hereafter referred to in this chapter as the commission. ~~This commission is hereby designated the local disabilities services board of the city, in accordance with section 51.5-47 of the Code of Virginia (1950), as amended. (Ord. No. 3534, 9/14/91, Sec. 1; Ord. No. 3607, 12/12/92, Sec. 1)~~

Sec. 12-11-2 - Composition; appointment; chairperson and officers.

- (a) The commission shall consist of 25 members. Of the 25 members, eight shall serve ex officio and 17 shall be appointed by city council. Only the members appointed by council shall serve as voting members of the commission. The term of each member appointed by council shall be two years.
- (1) *Ex officio members.* Ex officio members of the commission shall be the incumbent of the following positions, or the incumbent's representative, serving as their schedules permit or as needed by the commission: the mayor, the city manager, the superintendent of schools, the director of code enforcement, the director of general services, the director of the health department, the director of the department of community and human services ~~mental health, mental retardation and substance abuse~~, and the director of human resources ~~personnel services~~.
- (2) *Members appointed by city council.* The voting members of the commission appointed by city council shall be: one representative of the Alexandria Commission on Aging; two representatives of the business community, one from the Alexandria chamber of commerce and one at large; and 14 citizen members. A majority of the citizen members shall be persons with physical, visual or hearing disabilities.
- (b) The commission shall elect from among its voting members a chairperson and such other officers as it deems necessary.
- (c) The commission may establish such committees as it deems necessary to execute its duties and responsibilities. (Ord. No. 3534, 9/14/91, Sec. 1; Ord. No. 3607, 12/12/92, Sec. 2)

Sec. 12-11-4 - Functions.

The functions of the commission shall be the following:

- (a) to assist the mayor, city council and city manager in responding to the needs of persons with disabilities by providing policy recommendations regarding city and state laws in order to remove physical and other barriers which confront persons with disabilities.
- (b) to assist the mayor, city council and city manager in conducting special events and awareness campaigns focusing on persons with disabilities;
- (c) to review and make recommendations regarding the city's diversity and inclusion program ~~affirmative action plan~~ for persons with disabilities, women and minorities;
- (d) to provide a forum in which persons with disabilities and their advocates may make known the problems and frustrations which face them in their daily lives and make recommendations for corrective actions;
- (e) to provide a liaison for effective communication with the city and with other jurisdictions or agencies regarding the conduct of surveys, studies and hearings related to programs and policies for persons with disabilities;

- (f) to assist the city in identifying and obtaining outside funds for carrying out programs and projects developed or approved by the commission;
- (g) to review and make recommendations to the mayor, city council and city manager on programs, policies and services that might remove barriers faced by persons with disabilities in housing, transportation, building access, public accommodations, employment, health, social services, credit and education; and
- (h) ~~to perform as the local disability services board, the duties set out in section 51.5-48 of the Code of Virginia (1950), as amended. (Ord. No. 3534, 9/14/91, Sec. 1; Ord. No. 3607, 12/12/92, Sec. 3)~~

Sec. 12-11-5 - Staff assistance.

~~Under section 51.5-47 of the Code of Virginia (1950), as amended, the Virginia department of rehabilitative services is to provide staff support to the commission. The director of the office of human rights human services shall be responsible for providing supplemental staff support to the commission to keep the commission's minutes, files and reports and to assist the commission in the exercise of its functions, and shall coordinate such support with that provided by the state under section 51.5-47 of the Code of Virginia (1950), as amended. (Ord. No. 3534, 9/14/91, Sec. 1; Ord. No. 3607, 12/12/92, Sec. 4)~~

Section 2. That Section 5-3-4 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

17. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-145 (FLOOR AREA) of Article II (DEFINITIONS) and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0003 (Implementation Ordinance for Text Amendment No. 2018-0003 regarding small accessory buildings approved by City Council on March 17, 2018). [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. 17; 04/10/18, 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. 17; 04/10/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 2-145 (FLOOR AREA) of Article II (DEFINITIONS) and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0003 (Implementation Ordinance for Text Amendment NO. 2018-0003

regarding small accessory buildings approved by City Council on March 17, 2019)

The ordinance reads as follows:

ORDINANCE NO. 5127

AN ORDINANCE to amend and reordain Section 2-145 (FLOOR AREA) of Article II (DEFINITIONS) and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0003, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on March 6, 2018 of a text amendment to the Zoning Ordinance to adopt Text Amendment No. 2018-0003, which recommendation was approved by the City Council at public hearing on March 17, 2018;
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-145 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-145 Floor area.

- A. For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. It shall include all space which is deemed habitable space by the Virginia Uniform Statewide Building Code (USBC) or seven feet or more in height, whichever is less. These areas shall be measured from exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

- (1) Stairs, and elevators. The term stairs includes ramps and other similar structures deemed necessary to provide access to persons with disabilities.
- (2) Floor space used for utilities, which may include accessory water tanks, cooling towers, mechanical and electrical equipment, and any similar construction not susceptible to storage or occupancy (but not including ductwork, pipes, radiators or vents).
- (3) Basements.
- (4) Attic floor area with a ceiling height of 7 feet or less and where the space with the ceiling height of 7 feet or more is less than 4 feet wide, as measured from the attic floor or floor joists if there is no floor, to the bottom of the roof rafters.
- (5) Open front porches and porticos in accordance with section 7-2504.
- (6) Free-standing garages to the rear of the main building in accordance with section 7-2505.
- (7) Architectural features up to a maximum projection of 30 inches extending beyond an exterior face of a building wall or column.
- (8) Space under open balconies (decks) and similar structures projecting from the first floor or below.
- (9) Space under open balconies and similar structures projecting from a floor above the first floor up to a maximum depth of 8 feet.
- (10) Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do not use poles or posts for structural support.
- (11) Sheds and other small accessory buildings in accordance with section 7-202(B)(4).

B. For properties except for those specified in subsection A. above, the floor area of the building or buildings (whether "main" or "accessory") on a lot or tract or tract of land is the sum of all gross horizontal areas under a roof on a lot. These areas shall be measured from the exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. It shall include all space which is deemed habitable space by the Virginia Uniform Statewide Building Code (USBC) or seven feet or more in height, whichever is less. It shall include all space within an above grade parking garage. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

- (1) Stairs and elevators. The term stairs includes ramps and other similar structures deemed necessary to provide access to persons with disabilities.
- (2) Floor space used for utilities, which may include accessory water tanks, cooling towers, mechanical and electrical equipment, and any similar construction not susceptible to storage or occupancy (but not including ductwork, pipes, radiators or vents).
- (3) Lavatories of which only a maximum of 50 square feet of each lavatory can be excluded. The maximum total of excludable area for lavatories shall be no greater than of 10% of gross floor area.
- (4) Basements (except shall be included for purposes of calculating the off-street parking requirements pursuant to Article VIII).
- (5) Architectural features up to a maximum projection of 30 inches extending beyond an exterior face of a building wall or column.

- (6) Space under open balconies (decks) and similar structures projecting from the first floor or below.
- (7) Space under open balconies and similar structures projecting from a floor above the first floor up to a maximum of depth of 8 feet.
- (8) Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do not use poles or posts for structural support.
- (9) Loading spaces of which only a maximum of 850 square feet for each required loading space per section 8-200(B)(2) can be excluded.
- (10) Any floor area that was used as a private or public garage prior to March 17, 2018 that had a headroom less than 7 feet 6 inches.
- (11) Floor areas excluded as part of a development site plan that were approved prior to March 17, 2018 within a Coordinated Development District.
- (11) Sheds and other small accessory buildings in accordance with section 7-202(B)(4).

Section 2. That Section 7-202 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-202 - Permitted obstructions.

The following obstructions shall be permitted when located in a required yard and placed so as not to obstruct light and ventilation and when otherwise permitted by law:

- (A) In all yards:
 - (1) Open fences which do not exceed three and one-half feet in height.
 - (2) Awnings or canopies provided they do not project more than five feet in depth from the existing building face.
 - (3) Bay or display windows, projecting 20 inches or less into the yard and gutters, eaves, cornices, window sills, and roof overhangs projecting 30 inches or less into the yard.
 - (4) Chimneys projecting 30 inches or less into the yard, provided that such projection does not reduce the width of the remaining side or rear yard to less than five feet.
 - (5) Arbors and trellises. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new arbor or trellis' setback shall be five feet from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
 - (6) Flag poles which do not exceed 15 feet in height.
 - (7) Open stairs, provided that the stairs do not reduce a side or rear yard to less than five feet.
 - (8) Ramps and similar structures necessary to provide access for the handicapped.
 - (9) Porticos, provided that they do not extend more than six feet from the main building wall, do not extend more than nine feet in length, which

dimensions include any roof overhang, and provided further that they remain open.

- (B) In any yard except a front yard:
- (1) Sandboxes, swings and other small items of children's play equipment.
 - (2) Clotheslines.
 - (3) Open and closed fences which do not exceed six feet in height. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than six feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new fence shall not exceed three and a half feet in height along the width of those window(s) or doorway(s). If the fence has a setback of five feet or more from that shared lot line, it is permitted to be taller than three and a half feet but shall not exceed six feet in height. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
 - (4) Sheds and other small accessory buildings ~~Small sheds, doghouses, dollhouses and structures used for storage, provided:~~
 - (a) For lots developed with On-land zoned R-20, R-12, R-8, R-5 or R-2-5 and used for single-family single and two-family dwellings, not located in a historic district, such structures may not exceed 80 100 square feet in floor area in the aggregate and eight feet in may have a building height no greater than 10 feet ~~height when measured at the structure's highest point.~~
 - (b) For lots developed with On-land zoned and used for semi-detached or townhouse dwellings or single or two-family dwellings located within a historic district, such structures ~~may only be placed in the rear yard at the rear property line,~~ may not exceed 50 65 square feet of floor area in the aggregate and may have a building height no greater than eight feet ~~seven feet in height when measured at the structure's highest point.~~
 - (c) If a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new small shed or structure used for storage's setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
 - (5) Freestanding air conditioning machinery, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55 dB(A)) when measured at any property line of the lot, and provided it is placed in a location which has the least adverse impacts to adjoining lots of those locations available.

- (6) Open terraces and decks not over two feet above the average level of the adjoining ground and two feet above ground at any property line of the lot but not including a roofed-over terrace or porch.
 - (7) Free-standing private garages to the rear of the main building in accordance with section 7-2505.
- (C) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.
- (D) In any residential zone a ground level covered open front porch is permitted to project a maximum of eight feet from the front building wall into the required front yard, or primary front yard if a corner lot, of a single-family, semi-detached, duplex or townhouse dwelling; provided that a special exception under section 11-1302 of this ordinance is approved.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 2-145 (FLOOR AREA) of Article II (DEFINITIONS) and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), as amended pursuant to Sections 1 and 2 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

18. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2018. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 9, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 04/14/18, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 04/10/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of council, marked Exhibit No. 3 of Item No. 18; 04/10/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to make supplemental appropriations for the support of the City Government for Fiscal Year 2018.

The ordinance reads as follows:

ORDINANCE NO. 5128

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2018.

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 2018, 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 2018, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

General Services	\$	21,589
Code Administration		53,000
Fire Department	\$	96,900
Total Equipment Replacement Reserve Fund	\$	<u>171,489</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 2018 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2017 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2018, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Community and Human Services	\$	318,688
Fire Department		502,188
Office of Housing		2,110,158
General Services		6,994
Capital Improvement Program		<u>3,567,833</u>
Total Estimated Revenue	\$	<u>6,505,861</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Community and Human Services	\$	318,688
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Fire Department	502,188
Office of Housing	2,110,158
General Services	6,994
Capital Improvement Program	<u>3,567,833</u>
Total Estimated Revenue	<u>\$ 6,505,861</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 2018 the source of such amount being the residual balances accumulated as of June 30, 2017, 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 2018, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Historic Alexandria	\$ 74,674
Recreation	686,177
Human Rights	1,350
Transportation and Environmental Services	1,250
Clerk of the Courts	<u>80,283</u>
Total Estimated Revenue	<u>\$ 843,734</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Historic Alexandria	\$ 74,674
Recreation	686,177
Human Rights	1,350
Transportation and Environmental Services	1,250
Clerk of the Courts	<u>80,283</u>
Total Estimated Revenue	<u>\$ 843,734</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 for Fiscal Year 2018, 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 2018, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects	\$ <u>4,338,357</u>
Total Estimated Revenue	<u>\$ 4,338,357</u>

APPROPRIATION:

Capital Projects	\$ 4,338,357
Total Appropriation	<u>\$ 4,338,357</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

Clerk of the Courts	\$ (135,353)
Information Technology Services	135,353
Non-Departmental	(20,000)
Office of the City Attorney	10,000
Recreation	<u>10,000</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 2018, 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 Libraries	\$ 4,650
Total Estimated Revenue	<u>\$ 4,650</u>

APPROPRIATION:

Component Unit – Libraries	\$ 4,650
Total Appropriation	<u>\$ 4,650</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 2018, the source of such amount being Bond Proceeds generated from the November Bond Refunding, and further that the council does hereby allot the amount so appropriated for fiscal year 2018, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Bond Proceeds	\$ 43,230,766
Total Estimated Revenue	<u>\$ 43,230,766</u>

APPROPRIATION:

Payment to Refunding Bond Escrow	\$ 43,230,766
Total Estimated Revenue	<u>\$ 43,230,766</u>

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

19. Public Hearing on an Ordinance to Bring the Sewer Line Maintenance Charge Set Forth Therein into Conformity with the Previously Adopted Resolution Setting the Fee at \$2.28 per 1,000 Gallons of Water Supplied. (Adoption is Scheduled for Thursday, May 3, 2018).

(A copy of the City Manager's memorandum dated April 14, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 04/14/18, 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. 19; 04/10/18, 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. 19; 04/10/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing on an ordinance to bring the sewer line maintenance charge set forth therein into conformity with the previously adopted resolution setting the fee at \$2.28 per 1,000 gallons of water supplies. Adoption is scheduled for May 3, 2018. 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.

20. Public Hearing on an Ordinance to Increase the Hourly Wage Rate for Service Contracts (Living Wage) From \$14.13 Per Hour to \$15.00 Per Hour Beginning in FY 2019.

(A copy of the City Manager's memorandum dated April 20, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 04/14/18, is in 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. 20; 04/10/18, 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. 20; 04/10/18, and is incorporated as part of this record by reference.)

City Council closed the public hearing on an ordinance to increase the hourly wage rate for service contracts (living wage) from \$14.13 per hour to \$15.00 per hour beginning in FY 2019. Adoption is scheduled for Thursday, May 3, 2018. 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.

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Make a Supplemental Appropriation for the Potomac Yard Metrorail Station Project to the Capital Improvement Program for Fiscal Year 2018. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 9, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 04/14/18, 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; 04/10/18, 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; 04/10/18, and is incorporated as part of this record by reference.)

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

1. Dino Drudi, 315 North West Street, spoke in opposition to the proposed supplemental appropriation for the Potomac Yard Metrorail Station Project.
2. Katy Cannady, 20 East Oak Street, spoke in opposition to the proposed supplemental appropriation for the Potomac Yard Metrorail Station Project.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Wilson and carried unanimously by roll-call vote, City Council adopted an ordinance to make a supplemental appropriation for the Potomac Yard Metrorail Station Project to the Capital Improvement Program for Fiscal Year 2018. 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. 5124

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2018.

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 2018, 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 2018, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects	\$ 50,000,000
Total Estimated Revenue	<u>\$ 50,000,000</u>

APPROPRIATION:

Capital Projects	\$ 50,000,000
Total Appropriation	<u>\$ 50,000,000</u>

Section 2. 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 Councilman Smedberg and carried unanimously, City Council adjourned the public hearing meeting at 3:02 p.m. The vote was not 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 A. Sitton, CMC City Clerk