

**City of Alexandria  
City Council Public Hearing  
Saturday, May 12, 2018 9:30 AM  
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. Collins, Deputy City Manager; Ms. Taylor, Director, Office of Finance; Mr. Greenlief, Assistant Director, Office of Finance; Mr. Routt, Director, Office of Management and Budget; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. Jaatinan, Division Chief, T&ES; Mr. Shammout, Deputy Director, T&ES; Ms. Snow, Assistant City Attorney; Ms. Anderson, Deputy City Attorney; Ms. McIlvaine, Director, Office of Housing; Ms. Metcalf, Analyst, Office of Housing; Mr. Shelby, Urban Planner, Planning and Zoning (P&Z); Ms. Christensen, Acting Division Chief, P&Z; Mr. Moritz, Director, Planning and Zoning; Mr. Barre, Information Technology Services; 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 Councilwoman Pepper arriving at 9:48 a.m.

### **2. Public Discussion Period**

The following persons participated in the public discussion period:

1. Mila Yochum, 710 Bluemont Avenue, representing the Potomac Yard Civic Association, spoke about the changes to the proposed Potomac Yard Metrorail Station and how the elimination of the southern entrance would affect the surrounding neighborhoods and potential development.

2. Alex Howe, 650 Potomac Avenue, representing the Northern Virginia Democratic Socialists of American, spoke about his concerns with the possibility of the Amazon headquarters coming to the region. Mr. Howe noted the housing crisis in Seattle and how Amazon has exacerbated the problem.

3. Hristo Cioran, 5819 Merton Court, spoke about the possibility of the Amazon headquarters in the region and how the jobs offered by Amazon will be jobs before the national average. Mr. Cioran requested that there be more openness in the process and conversation with Amazon as the process continues.

4. Janice Grenadier, 15 West Spring Street, spoke about the injustices being committed against her by law enforcement and the judicial system.

5. Susan Richards, 715 Watson Street, requested that the City Manager submit his resignation in light of the recent development and changes to the Potomac Yard Metrorail Station that would eliminate the southern entrance without seeking public input about the proposed changes.

6. Marc Solomon, 1608 Suter Street, representing the Hopkins House Helen Day Parents Council, requested that Hunter Miller Park be made safe for children prior to summer. Mr. Solomon noted that Hopkins House began to working with the City in 2017 to fix the park with repurposed equipment. Mr. Solomon reported that cost ballooned and additional cost had to be raised by parents to fix the park. Mr. Solomon requested that parks be made safe for kids under age five as the City's density increases.

7. Stephen Parker, 702 West View Terrace, representing Hopkins House Preschool Academies Programs and Assessment Committee, requested the City help fix Hunter Miller Park be made safe for children under the age of five. Mr. Parker noted that the closure of the park has hindered the physical activity of the children attending the preschool.

8. Dino Siervo, 700 Diamond Avenue, spoke about the changes to the Potomac Yard Metrorail Station and how the elimination for southern entrance would make the station inaccessible to the residents of the Potomac Yard and he asked that Council fight to keep the entrance as part of the project.

9. Scott Yochum, 710 Bluemont Avenue, spoke about the changes to the Potomac Yard Metrorail Station and how the elimination of the southern entrance was a disappointment to the residents of Potomac Yard. Mr. Yochum also noted that Council should be aware of the financial aspects of the projects, as construction costs change, possibly again affecting the project.

**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**

#### **Planning Commission**

None.

## **END OF ACTION CONSENT CALENDAR**

### **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

3. Public Hearing on the Draft City Fiscal Year (FY) 2019 Action Plan for Housing and Community Development.

(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. 3; 05/12/18, 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: (1) received the Draft FY 2019 Action Plan for Housing and Community Development, containing the City's draft application for FY 2019 funding for an estimated \$809,792 in Community Development Block Grant (CDBG) monies and \$397,627 in Home Investment Partnerships Program (HOME) monies; and (2) closed the public hearing. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

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

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

4. Text Amendment #2018-0004  
Residential Open Porches and Porticos  
A) Initiation of a Text Amendment; and B) Public Hearing and Consideration of a Text Amendment to the Zoning Ordinance to amend sections 2-145, 2-148.1, 2-183.2, 2-205, 2-205.1, 2-205.2, 7-202, 7-2504, and 11-1302 and to add new section 2-183.3 regarding residential open porches and porticos.  
Staff: City of Alexandria Department of Planning & Zoning  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated May 1, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 05/12/18, and is incorporated as part of this record by reference.)

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

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

5. FOR INFORMATION ONLY

City Charter Section 9.06 Case #2018-0001

Combined Sewer Outfalls

Public Hearing and Consideration of a request for Planning Commission to review whether the proposed change of ownership from the City to Alexandria Renew of the City's four Combined Sewer Outfall structures is consistent with the City of Alexandria Master Plan. The structures are located within the City rights-of-way at (1) the intersection of North Union St/Pendleton St, (2) South Royal St at Interstate 95 overpass, (3) from intersection of King St/West St along South Peyton St to the intersection of Daingerfield St/Duke St, and (4) at the Hooff's Run channel south of Duke St; zoned: (1) WPR, (2) WPR, (3) OCH, and (4) OCM(100). Staff: City of Alexandria Department of Transportation and Environmental Services  
Planning Commission Action: Approved 7-0

This item was for Council information only.

## **ORDINANCES AND RESOLUTIONS**

6. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 3-2-242 (AMOUNT AND LEVY OF TAX) of Article N (TAX ON4. MEALS SOLD BY RESTAURANTS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 05/12/18, 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. 6; 05/12/18, 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. 6; 05/12/18, and is incorporated as part of this record by reference.)

Mr. Greenlief, Assistant Director, Finance, gave a presentation on the proposed meals tax increase and he and Ms. Taylor, Director, Finance, responded to questions from Council.

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

1. Mark Tate, 307 Archer Court, representing the Restaurant Association of Metropolitan Washington, spoke against the proposed meals tax increase.
2. Shelley Murphy, 619 East Nelson Avenue, spoke in favor of the proposed meals tax increase.
3. Nicole Jones, 408 East Glendale Avenue, spoke against the proposed meals tax increase.

4. Sue Kovalsky, 403 East Custis Avenue, representing the Del Ray Business Association, spoke against the proposed meals tax increase.

5. Betsy Faga, 2280 North Beauregard Street, spoke in favor of the proposed meals tax increase.

6. Louise Bennett, 4800 Fillmore Avenue, spoke in favor of the proposed meals tax increase.

7. Jonathan Krall, 6A East Mason Avenue, spoke in favor of the proposed meals tax increase.

8. Stephanie Babin, spoke against the proposed meals tax increase.

9. Bill Blackburn, 218 East Mount Ida, spoke against the proposed meals tax increase.

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

**WHEREUPON**, upon motion by Councilman Bailey, seconded by Councilwoman Pepper and carried 4-3 by roll-call vote, City Council passed an ordinance to amend Section 3-2-242 (AMOUNT AND LEVY OF TAX) of Article N (TAX ON MEALS SOLD BY RESTAURANTS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. The vote was as follows: In favor, Mayor Silberberg, Councilman Bailey, Councilman Chapman, and Councilwoman Pepper; Opposed, Vice Mayor Wilson, Councilmember Lovain, and Councilman Smedberg.

The ordinance reads as follows:

### **ORDINANCE NO. 5132**

AN ORDINANCE to amend and reordain Section 3-2-242 (AMOUNT AND LEVY OF TAX) of Article N (TAX ON MEALS SOLD BY RESTAURANTS). Chapter 2 (TAXATION), of Title 3 (FINANCE, TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 3-2-242 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended and reordained to read as follows:

Sec. 3-2-242 Amount and levy of tax.

There is hereby imposed and levied by the city, upon every purchaser of a meal, in addition to all other taxes, fees and charges of every kind now or hereafter imposed by law, a tax upon each and every meal sold in the city in or from a restaurant, whether prepared in the restaurant or not and whether consumed on the premises or not, based upon the amount charged the purchaser by the seller for the meal., at the rate of ~~four percent (4%)~~ five percent (5%) of the total charge.

Section 2. That this ordinance shall become effective on July 1, 2018.

7. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 3-1-5 of the City Code to Add One Percent of the Five Percent Tax on Restaurant Meals as a Dedication to the Affordable Housing Initiatives Account. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 05/12/18, 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. 7; 05/12/18, 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. 7; 05/12/18, and is incorporated as part of this record by reference.)

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

1. Betsy Faga, 2280 North Beauregard Street, spoke in favor of the one percent dedication to the Affordable Housing Initiatives Account.
2. Joe Haggerty, 2834 Duke Street, representing the Chamber of Commerce, spoke against the one percent dedication to the Affordable Housing Initiatives Account.
3. Opal Boyer, 1202 South Washington Street, spoke in favor of the one percent dedication to the Affordable Housing Initiatives Account.
4. Cameron Cook, 134 Roberts Lane, spoke in favor of the one percent dedication to the Affordable Housing Initiatives Account.
5. Louise Bennett, 4800 Fillmore Avenue, spoke in favor of the one percent dedication to the Affordable Housing Initiatives Account.
6. Jonathan Krall, 6A East Mason Avenue, spoke in favor of the one percent dedication to the Affordable Housing Initiatives Account.

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Councilwoman

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

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilman Bailey and carried 4-3 by roll-call vote, City Council passed an ordinance to amend and reordain Section 3-1-5 of the City Code to add one percent of the five percent tax on restaurant meals as a dedication to the Affordable Housing Initiatives. The vote was as follows: In favor, Mayor Silberberg, Councilman Bailey, Councilman Chapman, and Councilwoman Pepper; Opposed, Vice Mayor Wilson, Councilmember Lovain, and Councilman Smedberg.

The ordinance reads as follows:

### **ORDINANCE NO. 5133**

AN ORDINANCE to amend and reordain Section 3-1-5 (ALEXANDRIA AFFORDABLE HOUSING INITIATIVES ACCOUNT) of Chapter 1 (GENERAL PROVISIONS) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 3-1-5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended and reordained to read as follows:

Sec. 3-1-5 - Alexandria Affordable Housing Initiatives Account.

- (a) *Establishment of account.* There is hereby established for the City of Alexandria a permanent account within the Alexandria Affordable Housing Fund to be known and designated as the City of Alexandria Affordable Housing Initiatives Account, which account shall be accounted for and maintained separate and apart from all other accounts maintained by the City of Alexandria.
- (b) *Funding of account.*
  - i. There is hereby assigned and appropriated to such Account, for the fiscal year commencing July 1, 2010 and in each succeeding fiscal year, from the tax on real estate levied pursuant to section 3-2-181 of this code, in addition to all other appropriations made to such account, if any, the sum of \$0.006 on each \$100 of the assessed value of all real estate subject to such tax.
  - ii. There is hereby assigned and appropriated to such Account for the fiscal year commencing July 1, 2018 and in each succeeding fiscal year, from the tax on meals sold by restaurants levied pursuant to section 3-2-242 of this code, in addition to all other appropriations made to such account, if any, the sum of one percent of the tax on meals sold by restaurants.
- (c) *Expenditures from account.* Notwithstanding any contrary provision of law, appropriations from the said account shall be authorized and made exclusively to assist, finance and support, directly or indirectly, the provision of housing which is affordable to households

with incomes up to the limits established in the city's Affordable Housing Policy, as from time to time amended. Unexpended appropriations to such account shall not lapse or expire at the end of the fiscal year in which made, irrespective of whether such appropriations were encumbered within such fiscal year.

- (d) *The provision of housing defined.* As used in this section, the provision of housing includes, without limitation, the preservation of existing housing; the construction of new housing, or financial or other assistance for the purchase and/or rental of housing units, in accordance with the city's Affordable Housing Policy, or with the city's Consolidated Plan for Housing and Community Development, as from time to time amended. (Ord. No. 4397, 5/14/05, Sec. 1; Ord. No. 4592, 5/16/09, Sec. 1; Ord. No. 4671, 6/12/10, Sec. 1)

8. Public Hearing, Second Reading, and Final Passage of a Resolution supporting the Underground Transmission Line Working Group (UTLWG) Recommendation on Dominion Energy's 230kV line proposals and Memorandums of Agreement related to Dominion's proposed purchase of certain real property rights related to the transmission line. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 2, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 05/12/18, and is incorporated as part of this record by reference.)

Mr. Lambert, Director, Transportation and Environmental Services, gave a brief presentation and overview of the recommendation from staff of Potomac Avenue for the 230kV line. Mr. Dipippa, In-house Counsel for Dominion Energy, gave a presentation on the alternatives for the location of the 230kV line and the work of the Underground Transmission Line Working Group. Mr. Dipippa and other representative from Dominion Energy responded to questions from Council.

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

1. Brian Verwee, 725 Watson Avenue, representing the Potomac Yard Civic Association, spoke against the proposed 230kV Line being located on Potomac Avenue and requested that the CSX route be used. Mr. Verwee noted that there would be several construction projects in the area that would impact traffic and residents in the Potomac Yard area. Mr. Verwee stated that the representation of Potomac Yard on the working group was inadequate.

2. Rafael Lima, 717 Diamond Avenue, stated that the power line should not be located on Potomac Avenue and the special tax district should be eliminated with being attached to this proposal.

3. Audrey Lambert, 619 East Howell Avenue, stated that the City process has not regarded the opinions of the residents in Potomac Yard on many projects in the area, including on the proposed 230kV line.

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Councilman Bailey and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman



Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council passed a resolution supporting the Underground Transmission Line Working Group (UTLWG) recommendation on Dominion Energy's 230kV line proposals and memorandums of agreement related to Dominion's proposed purchase of certain real property rights related to the transmission line. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

The resolution reads as follows:

### **RESOLUTION NO. 2826**

**WHEREAS**, on June 11, 2014, Dominion Virginia Power (hereafter "Dominion") met with City Council and presented its proposal to improve the reliability and resiliency of its electrical system by connecting it with the PEPCO system at the Potomac River Generating Station (hereafter "PRGS") site; and

**WHEREAS**, based on multiple reliability studies undertaken by Dominion, it has determined that by the Summer 2020, the existing transmission facilities in the City of Alexandria and Arlington County will no longer adequately meet mandatory North Electric Reliability Corporation ("NERC") reliability criteria; and

**WHEREAS**, Dominion already has approval from Pennsylvania New Jersey Maryland (hereafter "PJM"), the multi-state electrical grid manager, and wants to file its application during the Summer 2018 to the Virginia State Corporation Commission (hereafter "SCC") for its subsequent approval; and

**WHEREAS**, the SCC application would involve the construction of an underground 230 KV line from the Dominion substation on South Glebe Road in Arlington to an expanded PEPCO substation to be constructed on the west side parking lot of the current PRGS site, where a PEPCO substation is currently located; and

**WHEREAS**, Dominion claims that in order to improve overall electrical grid reliability and resiliency, it would need to connect these two substations with an underground 230 kV transmission line (similar to the existing one along the Route 1 corridor); and

**WHEREAS**, in June 2014, City Council established the Underground Transmission Line Working Group (hereafter the "Underground Working Group") to make a recommendation to City Council with regard to the least objectionable route of Dominion proposed alignments that would result in the least negative impacts on Alexandria's business, residents and environment for Dominion to install the kV line in the City of Alexandria (hereafter "City"); and

**WHEREAS**, the Underground Working Group considered alignments presented by Dominion including but not limited to an alignment along the CSX railroad corridor;

installation in and along Potomac Avenue and reconductoring and rebuilding the existing 230 kV line installed in Route 1 hereafter "(Route 1 Rebuild/Reconductor Alternative)"; and

**WHEREAS**, in May, 2016, City Council adopted Resolution No. 2728 that moved the Potomac Avenue alignment to the "most objectionable" list for this project; and

**WHEREAS**, in December 2017, Dominion advised the Working Group and City staff that the total estimated costs for the railway corridor alignment had increased from approximately \$320 million to over \$420 million, due to right-of-way acquisition, engineering and operation considerations and Dominion requested that the Working Group and City staff reconsider the Potomac Avenue alignment and the Route 1 Rebuild/Reconductoring alignment; and

**WHEREAS**, the Underground Working Group reconsidered the alignments it had determined to be least objectionable and on March 22, 2018, by majority vote determined that the Potomac Avenue alignment would be a least objectionable alignment due to its lesser impact on City residents and businesses as compared with the Route 1 Rebuild/Reconductoring alignment; and

**WHEREAS**, the Potomac Avenue alignment generally involves the City granting a variable width not to exceed 30 feet, perpetual easement of approximately 1.87 linear miles to Dominion to install underground the 230 kV line; and

**WHEREAS**, in compensation for the easement, Dominion has offered to pay to the City the fair market value of \$43,289,700; and further agreed that the Potomac Yard Metrorail Station would receive priority if the construction of the 230 kV line and the metro station overlap; that Dominion coordinate with the City and North Potomac Yard developers to insure that the alignment does not delay or impact proposed infrastructure; provide dual and separate conduits along the alignment for City use; replacement in kind of any damage park/trail property including one to one replacement of trees; and

**WHEREAS**, the SCC is vested with the power to approve the alignment; and

**WHEREAS**, the City has reconsidered the Potomac Avenue alignment and has determined that the railroad corridor and Potomac Avenue alignments are the least objectionable routes in their impact to the citizens and businesses of the City; and

**WHEREAS**, Dominion in its application to the SCC will present the railroad corridor alignment and the Potomac Avenue alignment as the least objectionable to the City of Alexandria but will also include in its application the Route 1 Rebuild/Reconductoring alternative; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Alexandria, Virginia, that:

The City Council finds that the railroad corridor and the Potomac Avenue alignments are the least objectionable routes proposed by Dominion.

In the event that the State Corporation Commission approves the Potomac Avenue

alignment, Dominion will compensate the City a total of \$43,289,700 and the City will grant Dominion a perpetual easement which will require a determination by the City's Planning Commission that the alignment complies with section 9.06 of the City Charter and approval by the City Council;

In the event that the State Corporation Commission approves the CSX Railroad Corridor alignment, Dominion will compensate the City a total of \$14,600,000 and the City will grant Dominion a perpetual easement on City owned property which will require a determination by the City's Planning Commission that the alignment complies with section 9.06 of the City Charter and approval by the City Council;

This Resolution shall become effective as of the date and time of its adoption; and

That the City Manager and the City Attorney are hereby authorized to take all actions necessary to implement the foregoing.

9. Public Hearing. Second Reading and Final Passage of an ordinance to amend and reordain Section 3-2-190 (Tier II Potomac Yard Metrorail Station Special Tax District) in Division 1 (Real Estate) of Article M (Levy and Collection of Property Taxes) of Chapter 2 (Taxation) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 05/12/18, 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. 9; 05/12/18, 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. 15; 05/12/18, and is incorporated as part of this record by reference.)

Ms. Taylor, Director, Finance, gave an overview of the special tax district and why the proposed ordinance was docketed for consideration.

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

1. Stuart Claggett, 2008 Main Line Avenue, stated that he supported the special tax district being sunsetted.

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

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilmember Lovain and carried unanimously by roll-call vote, City Council passed an ordinance to amend and reordain Section 3-2-190 (Tier II Potomac Yard Metrorail Station Special Tax District) in Division 1 (Real Estate) of Article M (Levy and Collection of Property Taxes) of Chapter 2 (Taxation) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. 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. 5134**

AN ORDINANCE to amend and reordain Section 3-2-190 (Tier II Potomac Yard Metrorail Station Special Tax District) in Division 1 (Real Estate) of Article M (Levy and Collection of Property Taxes) of Chapter 2 (Taxation) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 3-2-190 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 in underline as follows:

Sec. 3-2-190 - Tier II Potomac Yard Metrorail Station Special Services District.

(a) The PYM-II Service District is hereby established, with the boundaries thereof and parcels included therein as described in the notice previously published pursuant to Code of Virginia §§ 15.2-2400 and 15.2-2402, which is attached to Ord. No. 4722 as Exhibit A, with a service tax rate not to exceed ten cents per one hundred dollars of assessed value exclusive of all other applicable taxes. This tax is not to be applicable until January 1 of the first calendar year after the Potomac Yard Metrorail Station is open to the public for revenue service.

(b) The PYM-II Service District is established for the purpose of providing facilities and services related to the construction of the Potomac Yard Metro Station, including, but not limited to, studies, assessments and analysis of environmental and other impacts, any required local, state or federal governmental approvals, environmental preservation and mitigation, acquisition of real property or temporary and permanent easements therein, temporary or permanent relocation of roadways, rail lines or other infrastructure, and construction of the station, rail crossings, bridges, walkways and any other related infrastructure. The city will use revenues from the PYM-II Service District to construct a pedestrian bridge over the existing rail lines from Potomac Greens to Potomac Yards, whether or not the other infrastructure referenced herein is completed.

(c) The planned facilities may be constructed and planned services provided by the city alone, in partnership with or by the Washington Metropolitan Area Transit Authority, via contractors or other third parties, subject to applicable management and oversight by the city pursuant to appropriate governing contracts, leases, or other agreements.

(d) The benefits to be expected from the creation of the PYM-II Service District and the provision of the aforesaid facilities and services within said district include, without limitation, increased and more timely transit capacity, minimizing impact on neighboring areas, increased quality of life for area residents, reduction in vehicular traffic and the creation of a vibrant, dynamic urban mixed-use development within Potomac Yards.

(e) This Section 3-2-190 shall sunset and become null and void on the date that the deed transferring the City Right of Way needed for the Potomac Avenue alignment of Dominion Energy's 230 kV line to Dominion Energy is recorded in the Land Records for the City of Alexandria and at least \$14.6 Million is received by the City in compensation.

Section 2. That Section 3-2-190 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.

\*\*\*\*\*

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and approved items 10 through 18, with the exception of docket item 17. 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 approvals were as follows:

10. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-4-117 (FUNCTIONS) of Article P (ALEXANDRIA COMMISSION ON HIV/AIDS) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 05/12/18, 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. 10; 05/12/18, and is incorporated as part of this record by reference.)

City Council passed an ordinance to amend and reordain Section 2-4-117 (FUNCTIONS) of Article P (ALEXANDRIA COMMISSION ON HIV/AIDS) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. 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. 5135**

AN ORDINANCE to amend and reordain Section 2-4-117 (FUNCTIONS) of Article P (ALEXANDRIA COMMISSION ON HIV/AIDS) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 2-4-117 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. 2-4-117 - Functions**

(a) The functions of the commission shall be as follows:

- (1) to advise city council in the formulation and implementation of public policy on the treatment of AIDS and prevention of the spread of HIV, and to promote citizen participation in the formulation of such policy;
- (2) to provide city council and the public with current information regarding AIDS and HIV, and to promote educational programs on AIDS/HIV awareness, treatment and prevention;
- (3) to make an annual report to the city council which shall include a summary of the number of Alexandria residents who have been diagnosed with AIDS or HIV, and a description of the activities of the commission during the period covered by the report;
- (4) to function as the community advisory board for HIV and AIDS services delivered by the Alexandria Health Department; and
- (5) to perform such other duties or functions as assigned by city council.

(b) The commission shall hold at least six regular meetings each year, and as many special meetings as the commission may deem advisable.

(c) The commission is empowered to adopt rules regarding its internal operating procedures as long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.

(d) A commission chair, vice-chair and secretary shall be elected annually by the commission members at the annual organizational meeting designated by the commission.

(e) The department of health ~~and the office of citizen assistance~~ shall provide administrative and logistical support to the commission and its chair. (Ord. No. 4134, 5/13/00, Sec. 1; Ord. No. 4299, 5/17/03, Sec. 1)

Section 2. That Section 2-4-117 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.

11. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town North chapter of such master plan as Master Plan Amendment No. 2017-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (Implementation Ordinance for the Master Plan Amendment associated with Crowne Plaza Redevelopment approved by City Council on April 14, 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. 11; 05/12/18, 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. 11; 05/12/18, and is incorporated as part of this record by reference.)

City Council passed an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town North chapter of such master plan as Master Plan Amendment No. 2017-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

The ordinance reads as follows:

#### **ORDINANCE NO. 5136**

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town North chapter of such master plan as Master Plan Amendment No. 2017-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. 2017-0007, 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 April 3, 2018 of an amendment to the Old Town North Chapter of the Master Plan of the City of Alexandria to amend the height map to allow up to 142 feet of building height for the existing tower located at 901 and 901 A North Fairfax Street, which recommendation was approved by the City Council at public hearing on April 14, 2018;

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Old Town North Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended to allow 142 feet of building height for the existing tower located at 901 and 901 A North Fairfax Street, attached hereto and incorporated fully herein by reference, as a new chapter of the Master Plan of the City of Alexandria, Virginia.

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

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

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

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

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

12. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 055.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 901 and 901 A North Fairfax Street from OCM(50) to CRMU-X in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2017-0004 (Implementation Ordinance for Rezoning associated with Crowne Plaza Redevelopment approved by City Council on April 14, 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. 12; 05/12/18, 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. 12; 05/12/18, and is incorporated as part of this record by reference.)

City Council passed an ordinance to amend and reordain Sheet No. 055.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning



the properties at 901 and 901A North Fairfax Street from OCM (50) to CRMU-X in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2017-0004.

The ordinance reads as follows:

### **ORDINANCE NO. 5137**

AN ORDINANCE to amend and reordain Sheet No. 055.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 901 and 901 A North Fairfax Street from OCM(50) to CRMU-X in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2017-0004.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No.2017-0004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on April 3, 2018 of a rezoning of the properties at 901 and 901 A North Fairfax Street from OCM(50) to CRMU-X, which recommendation was approved by the City Council at public hearing on April 14, 2018;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

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

Section 1. That Sheet No. 055.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

#### **LAND DESCRIPTION:**

901 North Fairfax Street, 055.01-04-06

901 A North Fairfax Street, 055-01-04-05

From: OCM(50)

To: CRMU-X

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

Section 3. That Sheet No. 055.01 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

13. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain the "Official Zoning Map, Alexandria, Virginia," Adopted by Section 1-300 (Official Zoning Map And District Boundaries), of the City of Alexandria Zoning Ordinance, to Establish the Old Town North Arts and Cultural District Overlay, and to Amend and Reordain Article VI (Special and Overlay Zones) of the City of Alexandria Zoning Ordinance to Add a New Section 6-900 (Old Town North Arts And Cultural District Overlay), in Accordance with the said Zoning Map and Text Amendments heretofore Approved by City Council as Rezoning No. 2018-0001 and Text Amendment No. 2018-0002. (Implementation Ordinance for the Rezoning and Text Amendment Creating the Old Town North Arts and Cultural District Approved by City Council on April 14, 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. 13; 05/12/18, 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. 13; 05/12/18, and is incorporated as part of this record by reference.)

City Council passed an ordinance to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, to establish the Old Town North Arts and Cultural District Overlay, and to amend and reordain Article VI (Special and Overlay Zones) of the City of Alexandria Zoning Ordinance to add a new Section 6-900 (Old Town North Arts and Cultural District Overlay), in accordance with the said Zoning Map and Text Amendments heretofore approved by City Council as Rezoning No. 2018-0001 and Text Amendment No. 2018-0002.

The ordinance reads as follows:

### **ORDINANCE NO. 5138**

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, to establish the Old Town North Arts and Cultural District Overlay Zone, and to amend and reordain Article VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance to add a new Section 6-900 (OLD TOWN NORTH ARTS AND CULTURAL DISTRICT OVERLAY), in accordance with the said zoning map and text amendments heretofore approved by City Council as Rezoning No. 2018-0001 and Text Amendment No. 2018-0002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2018-0001 and Text Amendment No. 2018-0002, 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 April 3, 2018 of a rezoning and corresponding text amendment to establish an arts and cultural district within the Old Town North Small Area Plan, which recommendation was approved with amendments by the City Council at public hearing on April 14, 2018;

2. The said rezoning and text amendment are in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended; and

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

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

Section 1. That the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by establishing the Old Town North Arts and Cultural District Overlay Zone, as shown on the illustration entitled "Old Town North Arts and Cultural District Overlay Map," attached to this ordinance as Exhibit 1 and incorporated fully herein by reference; and all properties within said Overlay Zone, as shown on Exhibit 1, are hereby rezoned to add the Old Town North Arts and Cultural District Overlay to their existing zones.

Section 2. That Article VI of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 6-900 to read as follows:

[The following is all new language]

#### **Section 6-900 Old Town North Arts and Cultural District Overlay**

##### **6-901 – Intent**

The intent of this provision is to provide incentives to retain and attract arts and cultural uses in Old Town North through the creation of an Arts and Cultural District pursuant to Virginia Code Section 15.2-1129.1. Additional floor area, density, and height may be permitted for properties within the Arts and Cultural District Overlay as part of a special use permit, subject to the provisions of this section.

The intent of the Ground Floor Arts and Cultural Tenant space defined in Section 6-902(A) is to provide a range of uses on the ground floor that will reinforce the arts, cultural, and creative identity of Old Town North.

The intent of the Arts and Cultural Anchor defined in Section 6-902(B) is to provide destination anchors that have a significant amount of public access and activity and attract additional large arts and cultural institutions.

The use of these incentives will be limited to areas within the Old Town North Arts and Cultural District Overlay Map that have frontages on the following streets: N. Washington Street, N. Saint Asaph Street, Montgomery Street, N. Fairfax Street, Third Street, or Canal Center Plaza. The regulatory incentives for arts and cultural uses as outlined in this section will not preclude the use of Section 7-700 for the provision of low- and moderate-income housing.

## **6-902 – Definitions**

- (A) *Ground Floor Arts and Cultural Tenant*: Small scale or individual use whose purpose is the creation or display of art or design.
- (B) *Arts and Cultural Anchor*: A larger destination use or venue where visual or performing arts and cultural works are taught, created, and made available to the public by various means including live performances of theater, dance, music, or other imaginative work or producing or exhibiting of physical works created by or under the direction of one or more artists and intended for unique production or limited reproduction. Museums art schools including, but not limited to, culinary arts schools, instructional art, music, or drama academy may also qualify as Arts and Cultural Anchor.

## **6-903 – Incentives for Ground Floor Arts and Cultural Tenant**

For parcels within the Old Town North Arts and Cultural District Overlay that front along the streets listed in Section 6-901 above, the floor area for Ground Floor Arts and Cultural Tenant spaces may be excluded from the calculation of the maximum floor area ratio permitted for the site. The allocation of Ground Floor Arts and Cultural Tenant spaces will be limited to a maximum amount of 15,000 square feet of floor area for each block.

Notwithstanding any contrary provision of the Zoning Ordinance, the uses as defined in Section 6-902(A) for Ground Floor Arts and Cultural Tenant may be allowed by special use permit. The use of this incentive will be subject to the following:

- (A) Approval as part of a special use permit in accordance with the procedures and requirements set forth in Section 11-500.
- (B) The applicant for the special use permit shall provide sufficient assurance by way of contract, deed, or other recorded instrument in a form approved by the City that the ground floor space excluded from the floor area shall be limited to the uses defined in Section 6-902(A) or as otherwise approved in accordance with the special use permit process and that said space shall only be leased to an approved Arts and Cultural Tenant as defined in Section 6-902(A) for a minimum period of 15 years from the issuance of the certificate of occupancy for the space.
- (C) The Ground Floor Arts and Cultural Tenant space will be open to the public during regular hours.

## **6-904 – Incentives for Arts and Cultural Anchors**

For parcels within the Old Town North Arts and Cultural District Overlay that front along the streets listed in Section 6-901 above, floor area ratio and an associated amount of density may be increased by a maximum of 30 percent above the maximum floor area ratio otherwise permitted by the Zoning Ordinance for a building or project that includes an Arts and Cultural Anchor as defined in Section 6-902(B).

Notwithstanding any contrary provision of the Zoning Ordinance, the uses as defined in Section 6-902(B) for Arts and Cultural Anchor may be allowed by special use permit. The use of this incentive will be subject to the following:

- (A) Approval as part of a special use permit in accordance with the procedures and requirements set forth in Section 11-500.
- (B) The entire Arts and Cultural Anchor space will be limited to the uses defined in Section 6-902(B).
- (C) The space provided for the Arts and Cultural Anchor shall be a minimum size of 5,000 square feet and consolidated in one area. The final size, use, and amount of floor area ratio increase for the provision of Arts and Cultural Anchor space will be based on the type and character of the use and on achieving the intent and objectives of the Old Town North Small Area Plan.
- (D) The Arts and Cultural Anchor space may be located below grade, provided that it has a minimum area of 2,000 square feet of ground floor space, primarily accessed from the street frontages listed in Section 6-901 and with a floor-to-ceiling height of no less than 15 feet.
- (E) The total floor area for Arts and Cultural Anchor space utilizing the Arts and Cultural Anchor incentive within the Old Town North Arts and Cultural District Overlay will not exceed 100,000 square feet of floor area as defined by the Zoning Ordinance.
- (F) 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.
- (G) The applicant for the special use permit shall provide a contract, deed, or other recorded instrument in a form approved by the City prior to the release of the final site plan, which will be recorded within the land records prior to the issuance of the first certificate of occupancy permit for the site. The instrument will at minimum include:
  - 1. Use of the space shall be limited to the uses defined in Section 6-902 (B) or as otherwise approved in accordance with the special use permit process for a minimum period of 30 years from the issuance of the certificate of occupancy for the space.
  - 2. In the event the Arts and Cultural Anchor space is vacated for a period of 90 calendar days, or the tenant is no longer able to operate within the space, the City shall have the right of first refusal to purchase the space, assign a purchase right, or assume a lease as specified in a Memorandum of Understanding that shall be executed.
- (H) Nothing in this Section 6-900 shall be construed to limit or otherwise interfere with any rights and obligations of the Arts and Cultural Anchor arising out of membership in a property owners' association or pursuant to any other arrangement governing management of a mixed-use property.
- (I) Height may not be increased pursuant to this section by more than 25 feet beyond the height otherwise permitted by the zone for the site. However, no building located in

any zone or height district where the maximum allowable height is 50 feet or less may be allowed to exceed such height limits.

- (J) The Arts and Cultural Anchor space will be open to the public with regularly scheduled presentations, activities, classes, or performances that are open to the public for a significant number of days within the calendar year commensurate with the type of use and operation.
- (K) The applicant shall submit as part of the application for special use permit an agreement with the Arts and Cultural Anchor that will demonstrate compliance with this Section 6-900.
- (L) To qualify as an Arts and Cultural Use Anchor, the proposed operator of the arts and cultural space will be an existing organization or establishment that can demonstrate fiscal and managerial capacity to successfully operate such space as part of the special use permit process.

Section 3. That the Director of Planning and Zoning be, and hereby is, directed to record the foregoing map and text amendments.

Section 4. That the "Official Zoning Map, Alexandria, Virginia," as amended pursuant to Section 1 of this ordinance, and Article VI, as amended pursuant to Section 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. That this ordinance shall become effective on the date and at the time of its final passage.

- 14. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Capital Projects. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit of No. 1 of Item No. 14; 05/12/18, 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. 14; 05/12/18, 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; 05/12/18, and is incorporated as part of this record by reference.)

City Council passed an ordinance authorizing and empowering the issuance, sale, and delivery of General Obligation Bonds to finance various capital projects.

The ordinance reads as follows:

## ORDINANCE NO. 5139

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS IN THE ESTIMATED MAXIMUM AMOUNT OF \$69,000,000; AND PROVIDING FOR REIMBURSEMENT TO THE CITY OF ALEXANDRIA FROM BOND PROCEEDS

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 advisable to issue up to \$69,000,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below (the "Projects").

1. Authorization of Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$69,000,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to pay all or a portion of the costs of the Projects as described below and the City Manager and the Director of Finance of the City, or either one of them acting alone (the "Authorized Officer"), is authorized and directed to determine the portion of the cost of each Project to be financed with Bond proceeds and to reallocate Bond proceeds among the Projects if necessary or desirable.

### General Project Description

### Estimated Maximum Cost

#### Schools

\$12,900,000

Construction, remodeling and repairing of school buildings and acquisition of necessary land and equipment (includes projects contained in the capital improvement program under "Alexandria City Public Schools").

#### City Parks and Buildings

\$8,700,000

Construction, renovation and improvement of existing and new City buildings and park facilities and acquisition of necessary land and equipment (includes projects contained in the capital improvement program under "Recreation and Parks," "Public Buildings" and "Information Technology Plan").

#### Transportation Improvements

\$21,200,000

Maintenance and upgrade of the City's transportation infrastructure, transit infrastructure and traffic control infrastructure (includes projects contained in the capital improvement program under

“Transportation & Transit Infrastructure,” and including, without limitation, payment of the City’s share of certain Washington Metropolitan Area Transit Authority (i.e., “METRO”) capital improvements).

Infrastructure

\$24,500,000

Construction, renovation and improvement of City storm sewers and waterways and acquisition of necessary equipment (includes projects contained in the capital improvement program under “Community Development” and “Stormwater Management”).

Fire Department Vehicles and Apparatus

\$1,700,000

Acquisition of Fire Department vehicles and apparatus contained in the capital improvement program under “Community Development.”

Total:

\$69,000,000

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

3. Details and Sale of Bonds. The Bonds 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 Bonds shall be issued in one or more taxable or tax-exempt series, in fully registered form, shall be dated such date or dates as the Authorized Officer may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the Authorized Officer may approve, provided that the final maturity of any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than \$69,000,000. The Bonds 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 Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, 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 Bonds to one or more initial purchasers; provided that the true interest cost of the Bonds shall not exceed 6.5% per annum. The Authorized Officer is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City. The City Council may provide for additional or other terms of the Bonds by subsequent resolution.



4. Form of Bonds. The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance. There may be endorsed on the Bonds 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.

5. Book-Entry-Only-Form. The Bonds may be issued in book-entry-only form. The Bonds 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 Bonds, or in the name of another DTC nominee and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds may be registered to DTC or its nominee. In such event, beneficial owners of the Bonds shall not receive physical delivery of the Bonds and principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds may be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds 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 Bonds 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 Bonds are issued in book-entry-only form and registered in the name of DTC's nominee as permitted above, replacement Bonds (the "Replacement Bonds") may be issued directly to beneficial owners of the Bonds 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 Bonds; 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 Bonds 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 Bonds substantially in the form set forth in Exhibit A to this Ordinance 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 Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Ordinance and in the Bonds, and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Ordinance and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The Authorized Officer is authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds, and as long as the Bonds are in book-entry form, any Authorized Officer may serve as Paying Agent.

The Authorized Officer may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

7. Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. 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 Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. CUSIP Numbers. The Bonds may have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond 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.

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

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, and shall be secured by this Ordinance and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

10. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond 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 Bond.

11. Non-Arbitrage Certificate and Tax Covenants. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are authorized and directed to execute with respect to the Bonds a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal

Revenue Code of 1986, as amended (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 the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants relating to such Bonds, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

12. Defeasance. Bonds 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 Bonds 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.

13. 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 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 Bonds. 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. 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 Bonds including the execution and delivery of such bond purchase agreement or agreements as may be required in connection with any negotiated sale of the Bonds 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 Bonds are ratified and confirmed.

16. Reimbursement. The City Council adopts this declaration of official intent under U.S. 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 set forth in paragraph 1 above. 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 Bond proceeds.

17. 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 Bonds 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 Article F

(PERMIT PARKING DISTRICTS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), 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 City Manager's memorandum dated May 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 05/12/18, 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. 15; 05/12/18, 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. 15; 05/12/18, and is incorporated as part of this record by reference.)

City Council passed an ordinance to amend Article F (PERMIT PARKING DISTRICTS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), 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. 5140**

AN ORDINANCE to amend and reordain Article F (PERMIT PARKING DISTRICTS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS). 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 Article F, Chapter 8 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 5-8-74 to read as follows:

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

Sec. 5-8-74 - Parking permits; issuance.

Except as provided in subsection (6), the city manager shall, upon payment of the fee provided for by this article, issue permits to natural, but not corporate, persons who reside in a dwelling located within the boundaries of a permit parking district authorizing the parking of motor vehicles in such district for more than the consecutive hour limitation in effect in the district, as follows:

- (1) to persons who reside in a permit parking district or to persons who both reside in a dwelling located on a block adjacent to an existing permit parking district where parking on said block is controlled by time limits set by official signs or metered parking and lack adequate alternative nearby parking facilities available to them, as determined by the city manager or the manager's designee:

- (a) one permit for each vehicle belonging to such persons for which the persons have paid all personal property taxes imposed thereon by the city and which displays a valid license windshield tag issued pursuant to the provisions of section 3-2-321 et seq. of this code. Such permits shall be valid from July 1 or, if later, the date of issuance through November 15 of the following year. Applicants for permits issued pursuant to this subsection shall provide proof of residence and, for each vehicle for which a permit is sought, a motor vehicle registration card issued by the division of motor vehicles and proof of payment of all personal property taxes and license taxes imposed thereon by the city; and
- (b) one permit per residence for a health care provider providing health care services at the residence. Permits issued under this paragraph (b) are not vehicle specific and may be transferred to different vehicles, but the use of such permits other than by persons providing health care services at the residence or other than during such times as they are providing health care services at the residence (or are in the immediate process of coming or going from the residence in connection with providing health care services at the residence) is prohibited. Such permits shall be valid for up to one year and will expire on October 5, annually. Applicants for permits issued pursuant to this paragraph (b) shall provide proof of residence, a notarized certification that a permanent resident is receiving health care services at the residence, and a written statement from a licensed medical professional that a permanent resident is receiving health care services at the residence.

For permits issued to a person or renewed pursuant to paragraph (a) of this subsection, there shall be imposed a fee of ~~\$30~~ \$40 for the first vehicle, ~~\$40~~ \$50 for the second vehicle, and ~~\$100~~ \$150 for each additional vehicle. Any person who has been issued a permit for a vehicle pursuant to paragraph (a) of this subsection may obtain a replacement permit for use on another vehicle registered in such person's name, upon application on forms furnished by the city manager and presentation of the registration card for the vehicle for which the replacement permit is sought and pieces of the previously issued permit as proof that it was removed from the vehicle for which the fee was previously paid, accompanied by a fee of \$1. For permits issued to a person or renewed pursuant to paragraph (b) of this subsection, there shall be imposed a fee of \$50 per permit.

- (2) to persons who are visitors at a residence within a permit parking district on the application of the resident, one permit for any vehicle used by such person during the visit, which permit shall be valid for a maximum of 30 days but shall not be renewed; provided, that permits may be issued to no more than two visitors to the same residence at the same time. A \$5 fee shall be charged for any permit issued pursuant to this subsection for a period of more than seven days.
- (3) to persons who are guests at a residence in a permit parking district on the application of the resident, one permit for any vehicle used by such person while a guest at the residence, which permit shall be valid for a date certain or portion thereof; provided that the number of permits issued under this subsection shall not at any time exceed 50 percent of the number of parking spaces in which they are valid; provided further, that no permit shall be issued under this subsection except upon a showing by the resident making application therefor that during the hours for which the permit is to be issued this residence will be used and occupied in a manner which is both lawful and not inconsistent with the residential character of the permit parking district in which it is located, and unless it shall be found that the issuance of the permit or permits will

not unduly impair traffic safety during the time of their validity; provided further, that, notwithstanding any provision of this subsection to the contrary, up to 10 self-validating guest permits shall be issued in any calendar month for the guests of any residence located in a permit parking district upon the application of a person residing in the residence. Any permit issued pursuant to this subsection may be limited to certain streets or portions thereof in the permit parking district for which the permit is issued.

- (4) to persons doing business with a resident or a nonresident property owner of a property located within a permit parking district on the application of the resident or nonresident property owner, one permit for the vehicle used while doing business in the permit parking district; provided, that such permits may be issued to no more than three persons doing business at the same residence at the same time. No permit shall be issued pursuant to this subsection for a period longer than the time estimated by the resident or nonresident property owner to be required for completing the business transaction for which the permit is sought, and in no event shall any permit be valid for more than 30 days.
  - (5) whenever a holder of a permit issued under this section is no longer qualified to possess the permit, the permit shall be invalid and shall be returned to the director of finance.
  - (6) permits shall not be issued to persons who reside in a residential development which is subject to a special use permit, to the extent the residents, visitors, guests or business-invitees within such development are excluded by the special use permit from eligibility for one or more of the permits described above in subsections (1), (2), (3) or (4). (Code 1963, Sec. 22-121.16, as amended by Ord. No. 2414, 11/27/79, Sec. 1; Ord. No. 2532, 12/13/80, Sec. 1; Ord. No. 2540, 1/27/81, Sec. 1; Ord. No. 2962, 6/27/84, Sec. 2; Ord. No. 3129, 5/27/86, Sec. 3; Ord. No. 3215, 5/26/76, Sec. 5; Ord. No. 3296, 6/18/88, Sec. 2; Ord. No. 3325, 9/24/88, Sec. 2; Ord. No. 3602, 11/14/92, Sec. 1; Ord. No. 3658, 9/18/93, Sec. 3; Ord. No. 3871, 6/15/96, Sec. 6; Ord. No. 4096, 12/18/99, Sec. 1; Ord. No. 4407, 6/21/05, Sec. 1; Ord. No. 4676, 6/22/10, Sec. 1; Ord. No. 4859, 2/22/14, Sec. 1)
16. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 3-2-142 (LEVY AND RATE) of Article K (TRANSIENT LODGING TAX) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 05/12/18, 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. 16; 05/12/18, 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. 16; 05/12/18, and is incorporated as part of this record by reference.)

City Council passed an ordinance to amend and reordain Section 3-2-142 (LEVY AND RATE) of Article K (TRANSIENT LODGING TAX) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

### **ORDINANCE NO. 5141**

AN ORDINANCE to amend and reordain Section 3-2-142 (LEVY AND RATE) of Article K (TRANSIENT LODGING TAX), Chapter 2 (TAXATION), of Title 3 (FINANCE, TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 3-2-142 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended and reordained to read as follows:

Sec. 3-2-142 Levy and rate.

In addition to any other tax imposed by law, there is hereby imposed and levied on each and every transient, (i) a tax equivalent to six and one-half percent of the total amount paid for room rental by or for such transient to a hotel, and (ii) a tax of ~~\$4~~ \$1.25 for each day (or portion thereof) of lodging for which room rental is paid by or for such transient to a hotel: provided, that the total tax under clause (ii) for a day (or portion thereof) of lodging in a single unit of lodging shall not exceed ~~\$4~~ \$1.25 and, where more than one transient occupies a single unit of lodging for a day (or portion thereof) and room rental is paid by or for more than one transient, then each such transient shall be liable for a pro rata share of the ~~\$4~~ \$1.25 tax.

Section 2. That this ordinance shall become effective on July 1, 2018.

17. Public Hearing of AN ORDINANCE to enact Section 3-2-55 (ELECTRONIC SUMMONS SYSTEM FEE FOR PERSONS CONVICTED IN THE CITY OF ALEXANDRIA DISTRICT OR CIRCUIT COURT) of Article E (ASSESSMENT OF COURT COSTS AND FEES) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

(A copy of the City Manager's memorandum dated May 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 05/12/18, 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. 17; 05/12/18, 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. 17; 05/12/18, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and City Council closed the public hearing and scheduled the ordinance for second reading and final passage on May 22, 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.

18. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-4-190 (CREATION, COMPOSITION AND ORGANIZATION) of Article X (ALEXANDRIA BEAUTIFICATION COMMISSION) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 05/12/18, 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. 18; 05/12/18, and is incorporated as part of this record by reference.)

City Council passed an ordinance to amend and reordain Section 2-4-190 (CREATION, COMPOSITION, AND ORGANIZATION) of Article X (ALEXANDRIA BEAUTIFICATION COMMISSION) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

### **ORDINANCE NO. 5142**

AN ORDINANCE to amend and reordain Section 2-4-190 (CREATION, COMPOSITION AND ORGANIZATION) of Article X (ALEXANDRIA BEAUTIFICATION COMMISSION) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 2-4-190 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 text shown underlined as follows:

**Sec. 2-4-190 - Creation, composition and organization.**



- (a) There is hereby established a commission known as the Alexandria Beautification Commission ("commission").
- (b) The commission shall consist of 16 members to be appointed by the city council. ~~All 16 members shall be citizens of the City of Alexandria.~~ The composition of the commission shall be as follows:
- (1) one member shall have expertise in the field of architecture or urban planning, or be a historian with architectural knowledge;
  - (2) one member shall have expertise in the field of landscape architecture or landscape design;
  - (3) one member shall be a Master Gardener, Master Naturalist, or Tree Steward;  
and
  - (4) thirteen citizen-at-large members.
- (c) Members of the commission shall be appointed in the manner prescribed in article A of this title.
- (d) Members shall serve for a term of two years. Terms shall be staggered so that no more than half the commission will come up for reappointment in any year.

Section 2. That Section 2-4-190 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.

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

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

Planning Commission (continued)

None.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Chapman and carried unanimously, City Council convened in closed executive session at 2:03 p.m. to discuss the use or investment of public resources where bargaining is involved where, if made public, the financial interests of the City would be adversely affected, specifically, the negotiation and acquisition of components of a specific transportation infrastructure project; pursuant to Section 2.2-3711(A)(6) of the Code of Virginia. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Bailey and carried 6-0, City Council reconvened in open session at 3:27 p.m. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilman Chapman.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Wilson and carried 6-0 by roll-call vote City Council adopted the resolution pertaining to

executive session. 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; Absent, Councilman Chapman.

The resolution reads as follows:

**RESOLUTION NO. 2827**

**WHEREAS**, the Alexandria City Council has this 12th day of May, 2018 recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

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

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

\*\*\*\*\*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0, the public hearing meeting of May 12, 2018 was adjourned at 3:29 p.m. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Councilman Chapman.

\*\*\*\*\*

APPROVED BY:

\_\_\_\_\_  
**ALLISON SILBERBERG      MAYOR**

ATTEST:

\_\_\_\_\_  
Gloria A. Sitton, CMC    City Clerk