

City of Alexandria
Saturday, October 19, 2019 9:30 AM
City Council Public Hearing Meeting
Meeting Minutes

Present: Mayor Justin M. Wilson, Vice Mayor Elizabeth Bennett-Parker, Members of Council Canek Aguirre, John Taylor Chapman, Amy B. Jackson, Redella S. Pepper, and Mohamed E. Seifeldein.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Skrabak, Deputy Director, Transportation and Environmental Services (T&ES); Mr. Tran, T&ES; Mr. Randall, Urban Planner, P&Z; Ms. Horowitz, Urban Planner, P&Z; Mr. Kerns, Division Chief, P&Z; Ms. Ford, Urban Planner, P&Z; Ms. Baker, Deputy City Manager; Mr. Lambert, Director, Transportation and Environmental Services; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities; Ms. Snow, Assistant City Attorney; Mr. Ewart, Urban Planner, P&Z; Mr. LaColla, Division Chief, P&Z; Mr. McPike, Director, General Services; Mr. Coleman, Deputy Director, General Services; Ms. Taylor, Director, Finance; Police Captain Fard, Mr. Barre, Information Technology Services; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All the members of Council were present except Councilwoman Jackson and Councilwoman Pepper, who arrived during the public discussion period.

2. Public Discussion Period

The following persons participated in the public discussion period:

1. Margaret Wohler, 103 East Nelson Avenue, spoke about the upcoming Alexandria Film Festival on November 7-10, 2019.
2. Ronald Gouchenour, 3111 Hickory Street, spoke about safety and tree removal concerns on Seminary Road.
3. Jack Sullivan, 4300 Ivanhoe Place, spoke about the decision made by Council and the effects of the changes to Seminary Road.

4. Adrienne Fikes, 805 North Howard Street, spoke in support of the City purchasing the Freedom House.
5. Gary Carr, 216 Aspen Street, spoke in support of preserving the Freedom House.
6. Janice Grenadier, 15 West Spring Street, spoke about corruption in the courts and government.
7. Michelle Rief, 3110 Landover Street, spoke in support of the City purchasing the Freedom House.
8. Ric Murphy, Kinsey Lane, spoke in support of the City purchasing the Freedom House.
9. Tamsin Green, 1223 Prince Street, spoke about funding for public art and arts grants.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-5)

Planning Commission

3. Special Use Permit #2019-0043
2500 North Van Dorn Street - Our First Steps Day Care Center
Public Hearing and consideration of a request for a Special Use Permit to operate a day care center; zoned: RC/High density apartment. Applicant: Zuleima L. Villa
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated October 3, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/19/19, and is incorporated as part of this file by reference.)

4. Special Use Permit #2019-0066
417 North Washington Street - Parking Reduction for a Single-Family Dwelling
Public Hearing and consideration of a request for a Special Use Permit for a parking reduction; zoned: CL/Commercial low. Applicant: Brian Fowler, represented by James Palmer, agent
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated October 3, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/19/19, and is incorporated as part of this record by reference.)

5. Special Use Permit #2019-0067
805 King Street - Apartment Hotel and Parking Reduction
Public Hearing and consideration of a request for a Special Use Permit to operate an apartment hotel with a parking reduction; zoned: KR/ King Street urban retail. Applicant: Old Town 1, LLC, represented by Robert Brant, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated October 3, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 10/19/19, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council approved the consent calendar, with the exception of docket item #3, which was approved under separate motion. The approvals were as follows:

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

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

3. Special Use Permit #2019-0043
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Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated October 3, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/19/19, and is incorporated as part of this file by reference.)

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

1. Michael DeLiso, 2500 North Van Dorn Street, representing the Park Place Condominium Board spoke in support of the item. Also, welcomed and requested funding for transit, trail and park improvements.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council approved the Planning Commission

recommendation with the removal of condition #8. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

6. Public Hearing and Consideration of a Five-Year Telecommunications Facility License Agreement with Cellco Partnership d/b/a Verizon Wireless to Permit Cellco Partnership to install Small Cell Facilities on Approved Third-Party owned Poles in the City of Alexandria's Public Rights-of-Ways.

(A copy of the City Manager's memorandum dated October 19, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 10/19/19; and is incorporated as part of this record by reference.)

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

1. Jeff Ott, 10170 Junction Drive, Real Estate Manager for Verizon, spoke in support of the item.
2. Paul Dugan, 132 Jeffery Road, Pennsylvania, spoke in support of the item and responded to questions from Council about community health concerns.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 6-0-1, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, none; Abstain, Councilman Seifeldein.

7. Public Hearing and Final Consideration of a Five-Year Telecommunications Facility License Agreement with New Cingular Wireless PCS, LLC. ("AT&T") to Permit New Cingular Wireless PCS, LLC. to install Small Cell Facilities on Approved Third-Party owned poles in the City of Alexandria's Public Rights-of-Ways.

(A copy of the City Manager's memorandum dated October 9, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/19/19, and is incorporated as part of this record by reference.)

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

1. Genelle Newhard, 42697 Latrobe Street, Chantilly, Virginia, representing AT&T, spoke in support of the item.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Aguirre and carried 6-0-1, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, none; Abstain, Councilman Seifeldein.

8. Public Hearing and Final Consideration of Extension of License Agreement between the

City of Alexandria and St. Stephen's and St. Agnes School for the Use of the Recreational Facilities located at Ft. Ward Park.

(A copy of the City Manager's memorandum dated October 2, 2019, is on file in the Office of City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/19/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

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

9. Special Use Permit #2017-0097
5601 & 5603 Courtney Avenue and 720, 730 & 750 South Van Dorn Street - Virginia Paving Company Review
Public Hearing and consideration of a review of a previously approved Special Use Permit (amending SUP #2010-0014) regarding the continued operation of an asphalt plant pursuant to Condition #75 of said Special Use Permit; zoned: I/ Industrial. Applicant: City of Alexandria, Department of Planning & Zoning
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated October 3, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/19/19, and is incorporated as part of this record by reference.)

Mr. Randall, Planning and Zoning, gave a presentation on review of the Special Use Permit.

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

1. Art Impastato, 239 Medlock Lane, Cameron Station Civic Association, spoke in support of the Planning Commission recommendations with respect to the sunset provision.
2. Morgan Babcock, 1855 Emerson Avenue, Carlyle Council, spoke in support of Virginia Paving Company to stay in its current location.
3. Mary Catherine Gibbs, 700 North Fairfax Street, attorney for Virginia Paving Company, spoke in support of the Planning Commission recommendations with respect to the sunset provision starting now and responded to questions from Council.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

City Attorney Anderson offered an explanation of the motion that Council was proposing, noting that Council has the authority to take the staff recommendation on condition #75 and that the language in the condition is the notice that there would be a sunset on the SUP. Ms. Anderson also pointed out that the SUP will expire in 2027 for the applicant.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council approved the Planning Commission recommendation with the following amendments: change condition #2 to read, "Virginia Paving shall limit its hot asphalt production rate to a maximum of 1,000 tons per hour and 8,000 tons in any daily period, not to exceed 4,000 tons in any one nighttime shift. After November 1, 2022, Virginia Paving shall adhere to the following alternative requirements: (a) A hot asphalt production rate to a maximum of 600 tons per hour and 5,500 tons in any daily period, not to exceed 4000 tons in any one nighttime shift; (b) A new total PM2.5 (condensable and filterable) emission limit of 0.0125 lb/ton of asphalt produced; and (c) Approximately three months before November 1, 2022, Virginia Paving shall demonstrate to the City its compliance with the PM2.5 limit in subsection (b) above by performing a new stack test"; change to condition #63 adding an annual report written report with the relocation progress for the plant; and add language to condition #75 stating that if the applicant has not applied by January 1, 2024 for implementing zoning amendments, then SUP should be docketed for review. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

10. Text Amendment #2019-0006

Fences on Corner lots, Fences with Zone Transition, Height of Accessory Structures in Required Yards, and Sheds and Other Small Accessory Buildings in the Historic District (A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Article II (Definitions) to address arbors, pergolas, and trellises; amend Section 7-202(A)(1) to increase the height of open fences in required yards; amend Section 7-202(A)(5) to set an allowable height for arbors and trellises and to allow -pergola- in all required yards; amend Section 7-202(B)(4)(c) to allow on properties located in the historic district accessory structures within the five foot setback for structures facing a shared property line with windows lower than eight feet; amend Section 7-202(D) to correct citation to the Zoning Ordinance; amend Section 7-801 to change how vision clearance is calculated; amend Section 7-902(C) to allow fences and accessory private walls within 100 feet of a residential zone line; and amend Section 7-1700 to add a section allowing fences on through lots and clarifying language and images for fences on corner lots. Staff: City of Alexandria, Department of Planning & Zoning
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated October 3, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/19/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman

Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

11. FOR INFORMATION ONLY

City Charter Section 9.06 Case #2019-0002

912, 916 and 920 King Street and 116 South Henry Street

Public Hearing and consideration of a request for Planning Commission to review whether the proposed sale of property by the City of Alexandria to Galena Capital Partners, LLC and the resulting change in use of that property is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. Applicant: City of Alexandria

Planning Commission Action: Approved 6-0

This item was for information only.

ORDINANCES AND RESOLUTIONS [ROLL-CALL VOTE]

12. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-145 (floor area) and Section 2-197.3 (structure, subordinate) of Article II (DEFINITIONS); Section 4-1203 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 7-101 (PERMITTED ACCESSORY USES), and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING) and add new Section 2-187.2 (PUBLIC SCHOOL) and Section 2-194.1 (solar energy system) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0005 (Implementation Ordinance for Text Amendment No. 2019-0005 associated with Fall 2019 Zoning Ordinance Practical Updates approved by City Council on September 14, 2019). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/19/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 10/19/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain Section 2-145 (Floor Area) and Section 2-197.3 (Structure, Subordinate) of Article II (DEFINITIONS); Section 4-1203 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 7-101 (PERMITTED ACCESSORY USES), and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING) and add new Section 2-187.2 (PUBLIC SCHOOL) and Section 2-194.1 (Solar Energy System) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0005. The

vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5247

AN ORDINANCE to amend and reordain Section 2-145 (FLOOR AREA) and Section 2-197.3 (STRUCTURE, SUBORDINATE) of Article II (DEFINITIONS); Section 4-1203 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 7-101 (PERMITTED ACCESSORY USES), and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING) and add new Section 2-187.2 (PUBLIC SCHOOL) and Section 2-194.1 (SOLAR ENERGY SYSTEM) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0005.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-0005, 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 September 3, 2019 of a text amendment to the Zoning Ordinance to adopt practical updates, which recommendation was approved by the City Council at public hearing on September 14, 2019;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

Sec. 2-145 – Floor Area.

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

be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

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

Section 2. That Section 2-187.2 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Sec 2-187.2 – Public school.

An early childhood, elementary, secondary, post-secondary, collegiate school or university that is governed by a public entity and is maintained solely or in part by public funding.

Section 3. That Section 2-194.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

Sec 2-194.1 – Solar energy system.

An energy system that consists of one or more solar collection devices, solar energy related balance of system equipment, and other associated infrastructure with the primary intention of generating electricity from the sun, storing electricity, or otherwise converting solar energy to a different form of energy.

Sec 2-194.42 – Stairs.

A series of two or more risers leading from one level or floor to another. For the purposes of calculating floor area, a stair shall include a landing at each end which shall have the same width as the corresponding stair flight and extends for four feet from the stair. The term stairs includes escalators.

Section 4. That Section 2-197.3 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-197.3 – Structure, subordinate.

An accessory structure with a gross floor area that is less than 33 percent of the gross floor area and less than 50 percent of the height of the principal structure or main building.

Section 5. That Section 4-1203 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

The following uses may be allowed in the I zone pursuant to a special use permit:

(Q.1) Public school

Section 6. That Section 7-101 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-101 - Permitted accessory uses.

Permitted accessory uses and structures shall be limited to the following and any additional use or structure which the director finds is similar to those listed in scope, size, and impact, is customarily associated with residential dwellings, and is otherwise in compliance with this ordinance:

(M) Solar Energy System

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

7-202 – Permitted obstructions.

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

(A) In all yards:

- (7) Open stairs, ~~provided that the stairs do not reduce a side or rear yard to less than five feet.~~

Section 8. That Section 8-200 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

Section 8-200 – General parking regulations.

- (A) *Schedule of requirements.* The following number of parking spaces shall be provided for each use listed. In the case of any use not listed in ~~this~~ section 8-200(A), the requirements of the most similar listed use shall apply. The requirements of ~~this~~ section 8-200(A) may be reduced when special zoning allows parking reductions

and the required approvals of the director and the director of transportation and environmental services have been obtained and the conditions of said approval are complied with.

(16) *Specific commercial uses:*

- (a) Within the enhanced transit area:
 - i. Minimum requirement—0.25 spaces per 1,000 square feet of floor area.
 - ii. Maximum requirement—3.0 spaces per 1,000 square feet of floor area.
- (b) Outside the enhanced transit area:
 - i. Minimum requirement—0.75 spaces per 1,000 square feet of floor area.
 - ii. Maximum requirement—4.0 spaces per 1,000 square feet of floor area.
- (c) The following uses are specific commercial for the purposes of determining parking requirements:
 - i. Animal care facility.
 - ii. Collegiate school or university.
 - iii. Convenience store.
 - iv. Day care center.
 - v. Light assembly, service and crafts.
 - vi. Reserved.
 - vii. Personal service establishment.
 - viii. Private school, academic.
 - ix. Private school, commercial.
 - x. Retail shopping establishment.

(F) Prior existing buildings and structures.

(1) Notwithstanding the provisions of section 8-100 and except as provided in section 8-200(F)(3) below, no off-street parking need be provided for land actually in use on June 25, 1963, for structures or buildings partially or fully constructed as of that date, or for structures or buildings for which a final site plan had been approved or a building permit had been applied for on that date, except as follows:

(a) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, significantly enlarged or significantly altered between June 23, 1963, and January 27, 1987, the parking requirements of this Article ~~XIII~~ VIII shall apply only to such change in use, enlargement or alteration; and

(b) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, significantly enlarged or significantly altered after January 27, 1987, the parking requirements of this Article ~~XIII~~ VIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration, and such requirements shall apply only to the enlargement of the structure or building upon its completion, unless, as of January 27, 1987, a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued, or unless a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

(6) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3), if any land has been changed in use to a multifamily residential use or any structure or building has been changed in use to a multifamily residential use, or a multifamily

dwelling has been enlarged, significantly enlarged or significantly altered after May 16, 2015, the parking requirements of this Article ~~XIII~~ VIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration, however, any existing parking above the requirement may remain. This section shall not apply if a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued as of May 16, 2015, or if a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

(7) Notwithstanding the provisions of section 8-100 above, if any land, structure, or building has been changed in use to a hotel, office, restaurant, or specific commercial use, or any hotel, office, restaurant, or specific commercial use has been enlarged, significantly enlarged or significantly altered after February 24, 2018, the parking requirements of this Article ~~XIII~~ VIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration; however, any existing parking above the requirement may remain. This section shall not apply if a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued as of February 24, 2018, or if a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

Section 9. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 10. That Section 2-145 (FLOOR AREA), Section 2-187.2 (PUBLIC SCHOOL), Section 2-194.1 (SOLAR ENERGY SYSTEM), and Section 2-197.3 (STRUCTURE, SUBORDINATE) of Article II (DEFINITIONS); Section 4-1203 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 7-101 (PERMITTED ACCESSORY USES), and Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); and Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING), as amended or added pursuant to Sections 1 through 8 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 11. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

13. 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 Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2019-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (Implementation Ordinance for Master Plan Amendment No. 2019-0005 associated with Hoffman Town

Center Block 6A approved by City Council on September 14, 2019). [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; 10/19/19, 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; 10/19/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Bennett-Parker and carried unanimously roll-call vote, City Council closed the public hearing and adopted an ordinance to amend or reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2019-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5248

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 Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2019-0005 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. 2019-0005, 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 September 3, 2019 of an amendment to the Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria to allow co-working as a permitted use in ground floor retail areas in Block 6A, which recommendation was approved by the City Council at public hearing on September 14, 2019;

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 Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending Figures 4-9 (Development Controls CDD 2) and 4-11 (Retail Locations), 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.

14. Public Hearing, Second Reading and Final Passage of An Ordinance Approving and Authorizing the Sale of Real Property Owned by the City of Alexandria, Located at 912, 916, 920 King Street and 116 South Henry Street in the City of Alexandria, Virginia 22314, to Galena Capital Partners, LLC.[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. 14; 10/19/19, 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. 14; 10/19/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried 6-1 by roll-call vote, City Council closed the public hearing and adopted an ordinance approving and authorizing the sale of real property owned by the City of Alexandria, located at 912, 916, 920 King Street and 116 South Henry Street in the City of Alexandria, Virginia 22314, to Galena Capital Partners, LLC. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, Councilman Seifeldein,

The ordinance reads as follows:

ORDINANCE NO. 5249

AN ORDINANCE Approving and Authorizing the Sale of Real Property Owned by the City of Alexandria, Located at 912, 916, 920 King Street and 116 South Henry Street in the City of Alexandria, Virginia 22314, to Galena Capital Partners, LLC.

WHEREAS, the City of Alexandria owns the real property located at 912, 916, and 920 King Street and 116 South Henry Street, in Alexandria, Virginia 22314 (collectively, “The Property”); and

WHEREAS, the City Council has previously declared the Property to be surplus property and authorized the City Manager to issue a Request for Proposals for the potential sale and redevelopment of the Property; and

WHEREAS, the City, through its Request for Proposals process, has received multiple proposals from potential developers to purchase and redevelop the Property; and

WHEREAS, the highest rated proposal as ranked by the City Real Estate Committee using the evaluation criteria included in the Request for Proposals was submitted by Galena Capital Partners, LLC; and

WHEREAS, the proposal submitted by Pulte Home Corporation included an offer price of \$5,300,000; and

WHEREAS, the City Manager has recommended the sale of this Property to Galena Capital Partners, LLC for the sum of \$5,300,000, subject to the terms and conditions of the Agreement for Sale and Redevelopment of 912-920 King Street and 116 South Henry Street, Alexandria, Virginia, approved by City Council on July 9, 2019, the terms of which are incorporated by reference herein, and contingent upon approval of a Development Special Use Permit and any related land use approvals for this project by the Planning Commission, the Board of Architectural Review, and City Council; and

WHEREAS, the City Council is of the opinion that the sale of this property is in the public interest and will otherwise advance the City’s land use goals; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sale of real property described below to Galena Capital Partners, LLC for the sum of \$5,300,000, subject to the terms and conditions of the Agreement for Sale and Redevelopment of 912-920 King Street and 116 South Henry Street, Alexandria, Virginia, approved by City Council on July 9, 2019, the terms of which are incorporated by reference herein, and contingent upon approval of a Development Special Use Permit and any related land use approvals for this project by the Planning Commission, the Board of Architectural Review, and City Council, be, and the same hereby is, approved and authorized:

912 King Street, Tax Map Reference No. 074.01-06-04
916 King Street, Tax Map Reference No. 074.01-06-03
920 King Street, Tax Map Reference No. 074.01-06-02
116 South Henry Street, Tax Map Reference No. 074.01-05-12

Section 2. That the City Manager be, and hereby is, authorized on behalf of the City of Alexandria to do all things necessary and desirable to carry out the sale of the real property described in Section 1, including, but not limited to, the execution and delivery of a purchase agreement, deed, and other appropriate documents.

Section 3. That the City Clerk be, and hereby is, authorized to attest to the execution by the City Manager of the deed and all other documents executed by the City Manager, and to affix thereon the official seal of the City of Alexandria, Virginia.

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

15. Public Hearing, Second Reading and Final Passage of an ordinance to technically amend the Parcel 506 boundaries established for Tax Tier I Section 3-2-189 (Tier I Potomac Yard Metrorail Station Special Services 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 October 14, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/19/19, 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; 10/19/19, 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. 1; 10/19/19, and is incorporated as part of this record by reference.)

City Council had a discussion about the boundaries of the property that would be affected by this ordinance amendment and what would be included in the amended ordinance.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

WHEREUPON, upon motion of Councilwoman Pepper, seconded by Councilman Chapman and the motion failed 2-5, by roll-call vote, City Council denied the ordinance. The vote was as follows: In favor, Councilwoman Pepper and Councilman Chapman, Opposed, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilwoman Jackson, and Councilman Seifeldein.

16. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 3-2-189 (Tier I Potomac Yard Metrorail Station Special Services 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 October 14, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 10/19/19, 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; 10/19/19, 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; 10/19/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and moved to postpone the ordinance indefinitely. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

17. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance a Capital Project.[ROLL-CALLVOTE]

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/19/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 10/19/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously by roll-call vote, City Council adopted an ordinance authoring and empowering the issuance, sale, and delivery of General Obligation Bonds to finance a capital project. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5252

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 \$200,000,000 AND PROVIDING FOR REIMBURSEMENT TO THE CITY OF ALEXANDRIA FROM

BOND PROCEEDS; AND AUTHORIZING THE ISSUANCE OF GENERAL
OBLIGATION REFUNDING BONDS

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 (a) up to \$200,000,000 general obligation bonds of the City to finance the cost, in whole or in part, of the construction and development of the Potomac Yard Metrorail Station located in the City and public schools projects, and (b) general obligation refunding bonds of the City to refund in advance of their maturities certain bonds previously issued by the City in order to achieve debt savings.

1. Authorization of New Money 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 \$200,000,000 (the "New Money Bonds"). The issuance and sale of the New Money 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

<u>General Project Description</u>	<u>Estimated Maximum Cost</u>
<u>Schools</u> 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").	\$25,000,000
<u>Transportation Improvements</u> Planning and construction of Potomac Yard Metrorail	\$175,000,000

2. Authorization of Refunding Bonds; Refunding of Prior Bonds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell, in addition to the New Money Bonds authorized in paragraph 1 of this Ordinance, general obligation refunding bonds (the "Refunding Bonds" and, together with the New Money Bonds, the "Bonds") on the terms determined in the manner set forth in this Ordinance. The proceeds from the issuance and sale of the Refunding Bonds shall be used to refund, redeem and/or defease certain outstanding bonds issued by the City (the "Refunded Bonds"). The specific bonds to be refunded shall be determined by the City Manager and the Director of Finance of the City, or either one of them acting alone (the "Authorized Officer"), pursuant to the criteria set forth in this paragraph. The Authorized Officer is authorized to determine the series, maturities and amounts of the Refunded Bonds as such officer determines to be in the best interest of the City, as long as the minimum savings achieved by the issuance of the Refunding Bonds is not less than 3 percent savings on a present value basis compared to the existing debt service on the Refunded Bonds. The Authorized Officer is authorized to enter into an escrow agreement providing for the deposit of proceeds of the Refunding Bonds and the refunding and redemption of the Refunded Bonds with such escrow agent as the Authorized Officer may select.

3. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the 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.

4. 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: (a) the final maturity of any New Money Bond is not more than approximately 30 years from its date and the aggregate principal amount of the New Money Bonds is not more than \$200,000,000; and (b) the final maturity of the Refunding Bonds is not later than one year after the final maturity of the Refunded Bonds and the aggregate principal amount of the Refunding Bonds is not more than the amount needed to pay the principal of and premium, if any, and interest on the Refunded Bonds to their redemption date and to pay the costs of issuing the Refunding Bonds. 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 (a) the true interest cost of the New Money Bonds shall not exceed 6.5 percent per annum and (b) the debt savings criteria set forth in paragraph 2 of this Ordinance is satisfied with respect to the Refunding Bonds. 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.

5. 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.

6. 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 10 and 11 of this Ordinance and the Bonds.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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 one or more Non-Arbitrage Certificates 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 such Bonds and that the City shall comply with the other covenants and representations contained therein.

13. 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.

14. Disclosure Documents. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are hereby authorized and directed to prepare, execute, if required, and deliver appropriate notices of sale, preliminary official statements, official statements, continuing disclosure agreements or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notices of sale, preliminary official statements, official statements, continuing disclosure agreements 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 statements “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 Project from the proceeds of its debt. The maximum amount of debt expected to be issued for the Project 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 Project with New Money 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.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)
DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Chapman and carried unanimously, City Council adjourned the public hearing meeting of October 19, 2019 at 12:05 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk