

City of Alexandria
City Council Special Public Hearing Meeting
Tuesday, July 6, 2021 5:00 PM
Virtual 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. Seifeldin.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. S. Taylor, Assistant City Manager; Ms. Triggs, Deputy City Manager; Ms. Collins, Deputy City Manager; Ms. Baker, Deputy City Manager; Mr. McPike, Director, General Services; Fire Chief Smedley; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Farner, Deputy Director, P&Z; Ms. Horowitz, Principal Planner, P&Z; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. McIlvaine, Director, Office of Housing; Ms. Garvey, Director, Department of Community and Human Services (DCHS); Acting Police Chief Hayes; Ms. Wedeles, Special Assistant to the City Manager; Ms. Bulova, Director, Office of Historic Alexandria; Dr. Gaddy, Acting Director, Alexandria Health Department; Mr. Coleman, Deputy Director, General Services; Mr. Gonsalves, Assistant City Manager; Ms. Pledger, Director/CIO, Information Technology Services (ITS); Ms. Ruggiero, Deputy Director, Recreation, Parks, and Cultural Activities (RPCA); Mr. Browand, Division Chief, RPCA; Mr. Canfield, City Architect, P&Z; Ms. Brown, Deputy City Attorney; Ms. Santure, Office of Housing; Mr. Kerns, Division Chief, P&Z; Ms. Franco, Urban Planner, P&Z; Ms. Contreras, Urban Planner, P&Z; Ms. Labadie, Urban Planner, P&Z; Mr. LaColla, Division Chief, P&Z; Mr. Alves, Urban Planner, P&Z; Ms. Landrum, CEO/President, AEDP; Ms. McLean, Executive Assistant to the City Manager; Ms. Washington, CEO, Visit Alexandria; Mr. Greenlief, Assistant Director, Finance; Ms. Oleynik, Urban Planner, T&ES; Mr. Imm, Principal Planner, P&Z; Ms. Ford, Urban Planner, P&Z; Mr. Ziemann, Division Chief, T&ES; Mr. Smith, Information Technology Services (ITS), Mr. Moss, ITS, and Ms. Demeke, ITS.

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

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 either in person, with Councilwoman Jackson and Councilwoman Pepper attending via Zoom webinar.

2. Closed meeting.

Consideration of a closed executive Session to discuss a personnel matter.[ROLL-CALL VOTE]

WHEREUPON, upon motion by Councilman Aguirre, seconded by Vice Mayor Bennett-Parker and carried 6-0, City Council convene in closed executive session at 5:03 p.m., to discuss a personnel matter; specifically, the recruitment for the appointment of a new City Manager by the City Council pursuant to Sections 2.2-3711 (A)(1) of the Code of Virginia. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Chapman.

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Bennett-Parker and carried 6-0, City Council reconvened in open session at 5:47 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre.

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Bennett-Parker and carried 6-0 by roll-call vote, City Council adopt the resolution regarding the Closed Executive Session previously circulated to Council. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre.

The resolution reads as follows:

RESOLUTION NO. 3013

WHEREAS, the Alexandria City Council has this 6th day of July, 2021 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.

3. Public Discussion Period.

The following persons participated in the public discussion period:

1. Michael Johnson, Alexandria, spoke about the need for rental assistance, health care assistance and other human services for low income residents and requested that Council used the ARPA funding to shore up programs that address these issues.

2. Ingris Moran, Alexandria, representing Tenants and Workers United, spoke about the allocation of the ARPA funds to help with affordable housing and rental assistance, addressing needs of communities hardest hit by the pandemic and its after effects and using the funds to address equity issues throughout the Alexandria community.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Pepper 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 (4-7)

Planning Commission

4. Special Use Permit #2021-00040
4817 Peacock Avenue
Public Hearing and consideration of a request for a Special Use Permit, with modifications, for the construction of a single-family dwelling on a developed substandard lot; zoned: R-20/Single-family. Applicants: Jason R. Miller and Katherine R. Miller, represented by Duncan W. Blair, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 4; 07/06/21, and is incorporated as part of this record by reference.)

5. Special Use Permit #2021-00044
212 & 216 South Washington Street
Public Hearing and consideration of a request for a Special Use Permit to operate a private academic school with over 20 students; zoned: CD/Commercial downtown. Applicant: Potomac Crescent Waldorf School
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 07/06/21, and is incorporated as part of this record by reference.)

6. Special Use Permit #2021-00035
32 North Donelson Street
Public Hearing and consideration of a request for a Special Use Permit for the construction of a single-family dwelling on a developed substandard lot; zoned: R-8/Single-family. Applicant: Z Don LLC
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 07/06/21, and is incorporated as part of this record by reference.)

7. Encroachment #2021-00002
214 & 216 South Payne Street
Public Hearing and consideration of a request for an Encroachment into the public right-of-way along South Payne Street for a front porch; zoned: CL/Commercial low. Applicant: 214 & 216 S. Payne LLC, represented by Mark R. Yoo, architect
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 07/06/21, 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 action consent calendar, with exception of docket items #5 and #6, which were considered under separate motions. The approval was as follows:

4. City Council approved the Planning Commission recommendation.
7. 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.

5. Special Use Permit #2021-00044
212 & 216 South Washington Street
Public Hearing and consideration of a request for a Special Use Permit to operate a private academic school with over 20 students; zoned: CD/Commercial downtown. Applicant: Potomac Crescent Waldorf School
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 07/06/21, and is incorporated as part of this record by reference.)

Vice Mayor Bennett-Parker recused herself from the vote on this item because of a business relationship.

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

6. Special Use Permit #2021-00035
32 North Donelson Street
Public Hearing and consideration of a request for a Special Use Permit for the construction of a single-family dwelling on a developed substandard lot; zoned: R-8/Single-family. Applicant: Z Don LLC
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 07/06/21, and is incorporated as part of this record by reference.)

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

1. Fran Vogel, Alexandria, spoke in opposition to the proposed special use permit.
2. Jay Zelaya, applicant, spoke in support of the special use permit.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilman Seifeldein 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 Vice Mayor Bennett-Parker, seconded by Councilman Aguirre 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 AND RECOMMENDATIONS OF THE CITY MANAGER

8. Public Hearing on the Consideration of the Release of \$789,909 from FY 2022

Contingent Reserves for Mental Health Resources, Teen Wellness, and Behavior Health Support for School Age Children.

(A copy of the City Manager's memorandum dated June 30, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 07/06/21, and is incorporated as part of this record by reference.)

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

1. Cindy Anderson, Alexandria, representing the ACPS School Board, spoke about the removal of the funding for school resource officers in the schools without a concrete plan for use of the funds. Ms. Anderson responded to questions and comments from Council.
2. Abenaa Buabeng, Alexandria, spoke in support of the removal of SROs.
3. Mily Palma, Alexandria, spoke in support of the removal of SROs.
4. Shira Eller, Alexandria, spoke in support for reallocation of the funds for mental health and wellness services and removal of SROs from schools.
5. Jonathan Krall, Alexandria, spoke in support for reallocation of funds for mental health and wellness services for students and removal of SROs from schools.
6. Ashley Moore, attorney, spoke in support for reallocation of funds for necessary student wellness services and removal of SROs from schools.
7. William Pfister, Alexandria, spoke in support of SROs in ACPS and reallocation of funding of SROs until sufficient data is available.
8. Tricia Maher-Miller, Alexandria, spoke in support of reallocation of the funds for mental health and wellness services for students.
9. Sandy Marks, Alexandria, spoke in support of reallocation of funds for mental health services for students and the removal of SROs from schools.

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.

WHEREUPON, upon motion by Councilman Seifeldein, seconded by Councilman Chapman and carried 5-1, City Council closed the public hearing and allocated \$789,909 held in FY2022 contingent reserves to enable the distribution of funding to department budgets for the Court Service Unit (\$100,000), Department of

Community and Human Services (DCHS) (\$569,909) and Alexandria Health Department (\$122,000). The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, and Councilman Seifeldein; Opposed, Councilwoman Jackson; Absent, Councilwoman Pepper.

9. Consideration of the American Rescue Plan Act (ARPA) Proposed Funding Allocations (Tranche #1). (This item is not a public hearing item)

(A copy of the City Manager's memorandum dated June 30, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 07/06/21, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Jackson and carried unanimously, City Council approved the American Rescue Plan Act \$29.8 million Allocation Plan (scenario #2) for tranche #1 as detailed in the report. 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. Consideration of Funding for Purchase of 1703 North Beauregard for Public School Purposes at the Request of the Alexandria City Public Schools. (This is not a public hearing item)

(A copy of the City Manager's memorandum dated June 29, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 07/06/21, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein and carried unanimously, City Council: (1) endorse the purchase by the Alexandria City Public Schools (ACPS) of an office building located at 1703 North Beauregard at a cost to be funded by the City of \$17,920,000 contingent upon ACPS agreeing to transmit to the City the building's rental payments to be paid to ACPS by private sector tenants to be used to offset a portion of the City's debt service costs incurred to fund this acquisition; and (2) direct the City Manager to bring forward for Council action an appropriation ordinance in September, 2021 increasing the capital projects appropriation for School purposes by \$17.9 million in order to fund this proposed acquisition. 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. Reapproval and ratification of the meeting minutes of City Council meetings from April 2020 through June 2021. (This is not a public hearing item)

(A copy of the City Clerk's memorandum dated June 29, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 07/06/21, 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 reapproved the meeting minutes from meetings from April 2020 through June 2021 and ratified the approval. 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.

ROLL-CALL CONSENT CALENDAR (12-15)

12. 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 Seminary Hill/Strawberry Hill Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00002 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. 2021-00002 associated with Inova Hospital approved by City Council on June 19, 2021). [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 Item No. 12; 07/06/21, 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 Item No. 12; 07/06/21 and is incorporated as part of this record by reference.)

13. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the owners of the property located at 2424 Mill Road to construct and maintain an encroachment for two projecting signs that extend vertically more than 4-feet over Stovall Street, at that location (Implementation Ordinance for Encroachment No. 2019-00003 associated with Carlyle Crossing approved by City Council on April 17, 2021). [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 Item No. 13; 07/06/21, 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 Item No. 13; 07/06/21 and is incorporated as part of this record by reference.)

14. Public Hearing, Second Reading and Final Passage of an Ordinance to amend

and reordain Sheet Nos. 031.03 and 039.02 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 4250 Seminary Road from R-20/Single-family zone with proffer to RB/Townhouse zone with proffer and 4320 Seminary Road from R-8/Single-family zone with proffer to RB/Townhouse zone with proffer in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00001 (Implementation Ordinance for Rezoning No. 2021-00001 associated with Inova Hospital approved by City Council on June 19, 2021). [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 Item No. 14; 07/06/21, 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 Item No. 14; 07/06/21 and is incorporated as part of this record by reference.)

15. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 5-7-42 (FEMALE DOGS IN SEASON; ALLOWING DOG TO URINATE, ETC.; NOISY DOGS; OFFENSIVE ODORS FROM DOGS; DOGS PROHIBITED ON POSTED PLAYGROUND AREAS AND ON SCHOOL GROUNDS) of Article C (DOGS AND OTHER ANIMALS) of Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 15; 07/06/21, 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 Item No. 15; 07/06/21 and is incorporated as part of this record by reference.)

END OF ROLL-CALL CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council approved the roll-call consent calendar, with the exception of docket items #12, #14, and #15, which were considered under separate motions. The approval was as follows:

13. City Council adopted an ordinance authorizing the owners of the property

located at 2423 Mill Road to construct and maintain an encroachment for two projecting signs that extend vertically more than 4-feet over Stovall Street, at that location. 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. 5356

AN ORDINANCE authorizing the owners of the property located at 2424 Mill Road to construct and maintain an encroachment for two projecting signs that extend vertically more than 4- feet over Stovall Street, at that location.

WHEREAS, HTC 4/5 Project Owner LLC is the Owner (“Owner”) of the property located at 2424 Mill Road, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain two projecting signs that extend vertically more than 4-feet over Stovall Street, which will encroach into the public sidewalk right-of-way at that location; and

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

WHEREAS, in Encroachment No. 2019-00003 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on April 8, 2021, which recommendation was approved by the City Council at its public hearing on April 17, 2021 and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 2424 Mill Road as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of two projecting signs that extend vertically more than 4-feet over Stovall Street, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times

and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury: \$1,000,000 each occurrence
\$1,000,000 aggregate

Property Damage: \$1,000,000 each occurrence
\$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

(a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

(b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

(c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written not 1 fiction, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The terms "Owner" and shall be deemed to include HTC 4/5 Project Owner LLC and its respective successors in interest.

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

12. 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 Seminary Hill/Strawberry Hill Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00002 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. 2021-00002 associated with Inova Hospital approved by City Council on June 19, 2021). [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 Item No. 12; 07/06/21, 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 Item No. 12; 07/06/21 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 the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Seminary Hill/Strawberry Hill Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00002 and no other amendments, and to repeal all provisions of 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. 5355

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 Seminary Hill/Strawberry Hill Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00002 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. 2021-00002, 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 June 1, 2021 of an amendment to the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the Master Plan of the City of Alexandria to change the land use designation to Residential Medium (RM) and to reflect a maximum allowable height of 30' for single and two family dwellings and 45' for all other structures at 4250 and 4320 Seminary Road, which recommendation was approved by the City Council at public hearing on June 19, 2021;
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 Seminary Hill/Strawberry Hill Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending Maps 13 and 18 to respectively change the land use designation to Residential Medium (RM) and to reflect a maximum allowable height of 30' for single and two family dwellings and 45' for all other structures at 4250 and 4320 Seminary,

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 to amend and reordain Sheet Nos. 031.03 and 039.02 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 4250 Seminary Road from R-20/Single-family zone with proffer to RB/Townhouse zone with proffer and 4320 Seminary Road from R-8/Single-family zone with proffer to RB/Townhouse zone with proffer in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00001 (Implementation Ordinance for Rezoning No. 2021-00001 associated with Inova Hospital approved by City Council on June 19, 2021). [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 Item No. 14; 07/06/21, 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 Item No. 14; 07/06/21 and is incorporated as part of this record by reference.)

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

1. Carter Flemming, Alexandria, representing the Seminary Hill Association, requested that Inova formalize its commitment to RB zoning in exchange for amending the neighborhood's agreement with the hospital.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain Sheet Nos. 031.03 and 039.02 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 4250 Seminary Road from R-20/Single-family zone with proffer to RB/Townhouse zone with proffer and 4320 Seminary Road from R-8/Single family zone with proffer to RB/Townhouse zone with proffer in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00001. 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. 5357

AN ORDINANCE to amend and reordain Sheet Nos. 031.03 and 039.02 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 4250 Seminary Road from R-20/Single-family zone with proffer to RB/Townhouse zone with proffer and 4320 Seminary Road from R-8/Single-family zone with proffer to

RB/Townhouse zone with proffer in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00001.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2021-00001, 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 June 1, 2021 of a rezoning of the properties at 4250 Seminary Road from R-20/Single-family zone with proffer to RB/Townhouse zone with proffer and 4320 Seminary Road from R-8/Single-family zone with proffer to RB/Townhouse zone with proffer, which recommendation was approved by the City Council at public hearing on June 19, 2021;

2. The said rezoning is in conformity with the 1992 Master Plan of the City of 21 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 Nos. 031.03 and 039.02 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: 4250 Seminary Road, Alexandria, Virginia 22304, 031.03-01-16

From: R-20/Single-family zone with proffer

To: RB/Townhouse zone with proffer

LAND DESCRIPTION: 4320 Seminary Road, Alexandria, Virginia 40 22304, 039.02-04-11

From: R-8/Single-family zone with proffer

To: RB/Townhouse zone with proffer

Section 2. That the director of planning and zoning be, and hereby is, directed to 1 record the foregoing amendment on the said map.

Section 3. That Sheet Nos. 031.03 and 039.02 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.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 5-7-42 (FEMALE DOGS IN SEASON; ALLOWING DOG TO URINATE, ETC.; NOISY DOGS; OFFENSIVE ODORS FROM DOGS; DOGS PROHIBITED ON POSTED PLAYGROUND AREAS AND ON SCHOOL GROUNDS) of Article C (DOGS AND OTHER ANIMALS) of Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of

Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 15; 07/06/21, 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 Item No. 15; 07/06/21 and is incorporated as part of this record by reference.)

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

1. Dino Drudi, Alexandria, spoke about the procedural issues with the proposed ordinance and stated that there was a lack of transparency because the ordinance should be part of the noise ordinance.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Vice Mayor Bennett-Parker 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 Councilman Seifeldein, seconded by Vice Mayor Bennett-Parker and carried unanimously by roll-call vote, City Council adopted an ordinance to amend and reordain Section 5-7-42 (FEMALE DOGS IN SEASON; ALLOWING DOGS TO URINATE, ETC.; NOISY DOGS; OFFENSIVE ODORS FROM DOGS; DOGS PROHIBITED ON POSTED PLAYGROUND AREAS AND ON SCHOOL GROUNDS) of Article C (DOGS AND OTHER ANIMALS) of Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended. 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. 5358

AN ORDINANCE to amend and reordain Section 5-7-42 (FEMALE DOGS IN SEASON; ALLOWING DOG TO URINATE, ETC.; NOISY DOGS; OFFENSIVE ODORS FROM DOGS; DOGS PROHIBITED ON POSTED PLAYGROUND AREAS AND ON SCHOOL GROUNDS.) of Article C (DOGS AND OTHER ANIMALS) of Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-7-42 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. 5-7-42 - Female dogs in season; allowing dog to urinate, etc.; noisy dogs; dogs prohibited on posted playground areas and on school grounds.

The following conduct is declared a nuisance and is prohibited. It shall be unlawful for the owner or custodian of a dog to:

- (1) Fail to keep the female dog confined during the entire time the dog is in season in a building or secure enclosure in such a manner that the female dog cannot come into contact with a male dog except for planned breeding.
- (2) Knowingly or willfully allow the dog to urinate or defecate on the private property of other persons without their consent or that of the authorized agent of the one having control of the premises.
- (3) Knowingly or willfully allow the dog to urinate or defecate on public property; provided, that urination by a dog on curbs of streets and in alleys, streets or areas designated and posted as dog exercise areas in accordance with section 6-1-2.2 shall not constitute a violation of this section; and provided further, that defecation by a dog on public property out of doors shall not constitute a violation of this section if the owner of the dog immediately removes the material defecated and disposes of it in a manner not inconsistent with the provisions of this section.
- (4) Permit the dog to bark, howl, bay, or make any such other sound:
 - (a) Between 10 p.m. and 7 a.m. that is plainly audible in any other person's residential dwelling with the doors and windows closed and the source of the sound generation is discernible regardless of whether such doors or windows are closed; or
 - (b) Between 7 a.m. and 10 p.m. when the sound is plainly audible and discernible across real property boundaries or through partitions common to residential dwellings and such sound can be heard for more than five consecutive or non-consecutive minutes in any ten-minute period of time. Sounds that can be heard for less than five consecutive or non-consecutive minutes in any ten-minute period shall not be subject to this Section.
 - (c) The provisions of this Section shall not apply to any dog that at the time of the sound or sound generation (1) was responding to pain or injury or was protecting itself, its kennel, its offspring, or a person from an actual threat, (2) is a police dog that is engaged in the performance of its duties, or (3) is part of a bona fide agricultural operation.
- (5) Permit the dog, except a seeing-eye, service or hearing dog, to go upon any public property posted by the city manager as a playground area, or upon the grounds of any public school.

Section 2. That Section 5-7-42 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)
Planning Commission (continued)

16. Master Plan Amendment #2020-00009
Zoning Text Amendment #2021-00002
Rezoning #2021-00003
Coordinated Development District Conceptual Design Plan #2020-00007
5701, 5701B, 5801, 5815, 5901 Duke Street - Landmark Neighborhood CDD
Initiation of and Public Hearing and consideration of requests for: (A) amendments to the Landmark Van Dorn Plan chapter of the Master Plan through the Landmark Van Dorn Corridor Plan overlay to facilitate redevelopment of the Landmark site with a mix of uses and the Inova hospital campus including various amendments to the figures and text related to framework streets, open space, pedestrian and bicycle facilities, the connection to/from I-395, the existing parking garage, the transit hub, active retail streets and ground floor heights, streetwall, gateway and placemaking locations, screening of above grade parking structures, and building heights; (B) a Text Amendment to the Zoning Ordinance to amend the provisions of Section 5-602 to establish CDD #29/Coordinated Development District #29; (C) an amendment to the official zoning map to change the zones from CR/Commercial Regional (5701, 5701B, a portion of 5815, and 5901 Duke Street) and CRMU-M/Commercial Residential Mixed Use (Medium) (5801 and a portion of 5815 Duke Street) to CDD #29 and; (D) a Coordinated Development District conceptual design plan to redevelop the former Landmark Mall site into a mixed-use neighborhood; zoned: CR/Commercial Regional and CRMU-M/Commercial Residential Mixed Use (Medium) Applicants: City of Alexandria (Text Amendment and portions of the Master Plan); Landmark Land Holdings, LLC c/o Foulger-Pratt, represented by Jonathan P. Rak, attorney (Master Plan Amendment, Rezoning, and Coordinated Development District Conceptual Design Plan)
Planning Commission Action: Recommended Approval 5-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 16; 07/06/21; and is incorporated as part of this record by reference.)

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

1. Jerome Paulson, Alexandria, spoke about making the proposed hospital as sustainable and climate friendly as possible for the community.
2. Kathie Hoekstra, Alexandria, representing the Environmental Policy Commission, in support of the redevelopment of Landmark Mall site. Ms. Hoekstra noted that there were no energy efficient or resilient items in the plan and requested that the information in their plan.
3. Scott Barstow, Alexandria, spoke in support the Landmark redevelopment and the need for addressing climate change in development projects.
4. David Peabody, Alexandria, spoke in support of the need for energy efficient development on the Landmark redevelopment site and the use of green buildings.
5. Cathy Puskar, Alexandria, spoke in support of the proposed redevelopment of the Landmark site.

6. Jonathan Rak, attorney for the applicant, spoke in support of the proposed redevelopment of the Landmark site and responded to questions from Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker 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 Councilwoman Jackson 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.

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 City and Schools Capital Projects and the Landmark Mall Redevelopment and to Refund Certain Outstanding Bonds of the City. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 16, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 17; 07/06/21, 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 Item No. 17; 07/06/21, 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 of Item No. 17; 07/06/21 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 authorizing and empowering the issuance, sale and delivery of General Obligation Bonds to finance City and Schools capital projects and the Landmark Mall Redevelopment and to refund certain outstanding bonds of the City. 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. 5359

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 \$336,800,000

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 \$336,800,000 general obligation bonds of the City to finance the cost, in whole or in part, of the various capital improvements as described below (collectively, the "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 service 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 \$336,800,000 (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 New Money Bonds shall be used to pay all or a portion of the costs of the Projects as described below, and the costs of issuing the New Money Bonds, 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 New Money Bond proceeds and to reallocate New Money 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").	\$140,000,000
<u>City Parks and Buildings</u> 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").	\$30,000,000
<u>Transportation Improvements</u> 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	\$6,800,000

certain Washington Metropolitan Area Transit Authority (i.e., "METRO") capital improvements).

<u>Landmark Mall Site Redevelopment</u> Improvements, land acquisition and capitalized interest in connection with the development and redevelopment of a regional commercial and retail center known as Landmark Mall.	\$160,000,000
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<u>Total:</u>	\$336,800,000
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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 defeasance certain outstanding bonds issued by the City (the "Refunded Bonds") and to pay the costs of issuing the Refunding Bonds. The specific bonds to be refunded shall be determined by 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. 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 \$336,800,000; 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% 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 defeasance 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 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 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.

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

18. Authorization of the Execution of Proposed Landmark/Inova Development and Land Acquisition Agreements. (This is not a public hearing item)

(A copy of the City Manager's memorandum dated July 1, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 18; 07/06/21, and is incorporated as part of this record by reference).

WHEREUPON, motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council: (1) authorized the City Manager to execute, in substantially the final form as outlined in the Key Terms included in this docket memorandum, in order to induce redevelopment of the Landmark site as a mixed use development, including a new Alexandria Inova Hospital Medical Campus, the (a) Development and Financing Agreement (Attachments 1 and 2) with Landmark Holdings LLC, Inova Health Care Services and the City, and (b) the Grant Agreement (Attachment 3) between the City and the Industrial Development Authority of the City of Alexandria; and (2) acknowledged the intent of the Industrial Development Authority of the City of Alexandria to execute with Landmark Holdings LLC and/or Inova Health Care Services, as applicable, in substantially the final form as outlined in the Key Terms included in this docket memorandum, a Purchase and Sale Agreement (Attachment 4), Deed of Ground Lease (Attachment 5), Access and Temporary Construction Management Agreement (Attachment 6), and a Reciprocal Easements and Covenants Agreement (Attachment 7); and (3) directed the City Manager, subject to the receipt of landowner petition, to bring forward for Council consideration and first reading at its September 14 Legislative Meeting, an ordinance creating the Landmark Community Development Authority. 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.

19. Coordinated Development District Conceptual Design Plan #2021-00002
Development Special Use Permit #2021-10019
Transportation Management Plan Special Use Permit #2021-00042
760 John Carlyle Street, 1700 & 1800 Eisenhower Avenue, 800 Bartholomew
Street - Eisenhower East Block 32 / Carlyle Plaza Two Amendment
Public Hearing and consideration of request for A) a CDD Concept Plan (amending CDD #2012-00001); B) a Development Special Use Permit and site plan with modifications from Section 6-403(A) (height to setback), from Section 7-801 (vision clearance), and from the landscape guidelines to allow residential uses in all tower buildings, ground floor retail along Eisenhower Avenue, and changes to the site plan

and open space design, with a Special Use Permit for a parking reduction (amending DSUP #2019-00022); and C) a Transportation Management Plan (amending TMP SUP #2019-00087); zoned: CDD #11/ Coordinated Development District #11. Applicant: Carlyle Plaza, LLC; represented by Jonathan P. Rak, attorney
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 19; 07/06/21, and is incorporated as part of this record by reference.)

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

1. Jonathan Rak, attorney for the applicant, spoke in support of the project and responded to questions from Council about parking and affordable housing units in the project.
2. Jeff Zell, applicant, spoke in support of the project and responded to questions from Council about affordable housing.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson 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.

20. FOR INFORMATION ONLY

City Charter Section 9.06 Case #2021-00002
731 South Pickett Street

Public Hearing and consideration of a request for Planning Commission to review whether a recommendation of support of the dissolution of a private covenant agreement associated with a parcel owned by the City of Alexandria 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 7-0

(The Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 20; 07/06/21, and is incorporated as part of this record by reference.)

City Council received the item for information only.

OTHER

21. Consideration of City Council Schedule.

(A copy of the City Manager's report dated June 30, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 21; 07/06/21, and is incorporated as part of this record by reference.)

WHEREUPON, motion by Councilman Aguirre, seconded by Councilman Seifeldein and

carried unanimously, City Council: (1) received and approved the City Council Schedule for July 2021; and (2) received and adopted Proposed FY 2022 City Council Schedule. 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)
DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Seifeldein, seconded by Councilman Chapman and carried unanimously, City Council adjourned the special public hearing meeting at 11:10 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

Approved: September 14, 2021