

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

## REGULAR MEETING

Saturday, November 12, 2011

9:30 a.m.

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia R. Hughes, K. Rob Krupicka, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Johnson, Acting City Manager; Mr. Spera, Deputy City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Police Captain Ogden; Ms. Ross, Deputy Director, Planning and Zoning; Mr. Randall, Planning and Zoning; Mr. Catlett, Director, Office of Code Administration; Mr. Caton, Legislative Director; Ms. Taylor, Office of Management and Budget; Ms. Blackford, Communications Officer, Office of Communications; Mr. Wannamaker, Deputy Director, General Services; Mr. Jankowski, Director, Real Estate Assessments; Ms. Triggs, Director, Office of Finance; Ms. Wilson, Chief Animal Control Officer; Mr. Gorden, Animal Control Officer; Ms. McLean, ITS; and Mr. Lloyd.

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

### OPENING

#### 1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll. All members of Council were present, with the exception of Councilman Smedberg, who was absent. Councilwoman Hughes arrived at 9:48 a.m.

#### 2. Public Discussion Period.

(a) Gary Carr, 216 Aspen Street, thanked the men and women of the armed forces for the defense of their freedoms. Mr. Carr spoke of the construction of running tracks to combat the plague of childhood obesity, noting that Alexandria has no running tracks, as the one track at the high school is in the dark by 5:00 and is off-limits during day-light hours. He said they have one of the highest childhood obesity rates in the region.

(b) William "Bill" Cleveland, 2121 Jamieson Avenue, thanked Council for what it does for the youth in the City. He spoke of the fact that there are no places in the

Eisenhower Valley for children to exercise. He asked Council to think about youth and the fact that there is no place for young children to exercise.

(c) Sarah Becker, 1200 Princess Street, spoke about crime, noting that less than two weeks ago, within three blocks of her house there was a murder, and a week ago there was another bloody incident nearby, and she indicated the other incidents that have happened in the area. She asked how long the crime will go on, as community policing is not working, and they need better solutions.

(d) Van Van Fleet, 26 Wolfe Street, urged that when the Waterfront Plan is being considered, that Council direct the Planning staff to include the GenOn Facility within that plan. The plan looks out 15-25 years and there are a number of things that can be done at the GenOn site that need to be incorporated into the overall Waterfront Plan. Mr. Van Fleet said the Waterfront Plan should not be rushed, as the group should do the analysis before Council makes a decision on where that Plan is to go.

(e) Jack Sullivan, 4300 Ivanhoe Place, said the City is facing four lawsuits from citizens: The Boat Club on Whales Alley, the suit challenging the Waterfront Plan from Old Town citizens, a suit on the Harris Teeter rezoning from residents of Alexandria House, and the suit filed by the Seminary Hill Association against the City, the School Board and the BZA on the Hammond lights issue. The suits all share a common theme - all were occasioned by actions of the City staff that flout City ordinances, legal opinions or citizen rights. He urged Council to end high handed actions in City offices, insist on adherence to law, and protect the citizens of Alexandria as they deserve to be protected.

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

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

#### **Planning Commission**

3. SPECIAL USE PERMIT #2011-0064  
[109 EAST WALNUT STREET - SINGLE FAMILY](#)  
Public Hearing and Consideration of a request to construct a single family dwelling on a substandard lot; zoned R-2-5/Single and Two-Family. Applicant East Walnut Street, LLC represented by Stephen Kulinski

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated November 12, 2011 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/12/11, and is incorporated as part of this record by reference.)

**END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Krupicka and carried 5-0, City Council adopted the action consent calendar, as follows:

3. City Council approved the Planning Commission recommendations.

The voting was as follows:

Pepper	"aye"	Donley	"aye"
Krupicka	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	absent
	Smedberg	absent	

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

4. Public Hearing on the Proposed [City Legislative Package](#) for the 2012 General Assembly Session. (Consideration of the Item Will Be On Tuesday, November 22. ) (#11, 10/25/2011)

\* \* \* \* \*

(Councilwoman Hughes arrived at this time - 9:48 a.m.)

\* \* \* \* \*

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried 5-0-1, City Council closed the public hearing and noted adoption will be November 22. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	abstained
	Smedberg	absent	

Councilman Krupicka said he earlier asked that the item on creating tax incentives to help property owners make buildings more efficient and he asked that it not be included in the package so he can work with staff in Code Administration to see if they can devise a program using existing law. He said there is also a request to take a look at the impact of the rising Veteran's population and its effect on state and local government resources, and he wants to keep it in the package tentatively, but said they are having conversations with the state about it, and if there is a way to make sure that analysis is happening without legislation, they would prefer that.

### **ORDINANCES AND RESOLUTIONS**

5. Public Hearing, Second Reading and Final Passage of an [Ordinance](#) to Amend and Reordain Section 5-7-58 of Article C, Chapter 7 of Title 5, Creating a Prohibition Against the Confinement of Animals in Unattended, Enclosed Vehicles. (#7, 10/11/2011)

(A copy of the City Manager's memorandum dated October 5, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/14/11, 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. 5; 11/14/11, 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. 5; 11/14/11, and is incorporated as part of this record by reference.)

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

(a) Sandy Yamamoto, 502 N. Naylor Street, spoke in support of the ordinance.

(b) Kendra Davis, 425 N. Patrick Street, spoke in support of the ordinance.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted the ordinance creating a prohibition against the confinement of animals in unattended, enclosed vehicles. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	absent	

The ordinance reads as follows:

#### ORDINANCE NO. 4741

AN ORDINANCE to add a new Section 5-7-58, (CONFINEMENT OF ANIMALS IN VEHICLES PROHIBITED) 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.

HEREBY ORDAINS:

THE CITY COUNCIL OF ALEXANDRIA

Section 1. That Section 5-7-58 of Article C, Chapter 7 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, added to read as follows:

[The following is all new language.]

Sec. 5-7-58 Confinement of animals in vehicles prohibited.

(a) Any person who confines an animal in an unattended, enclosed vehicle where the outside temperature is 70 degrees Fahrenheit or greater, and the interior of the vehicle is not provided with conditioned air to maintain an internal temperature of 80 degrees Fahrenheit or less, shall be guilty of a Class 3 misdemeanor.

(b) Any person who confines an animal in an unattended, enclosed vehicle so as to cause the animal to suffer from heat stress as diagnosed by a license veterinarian, shall be guilty of a Class 1 misdemeanor. The Animal Control Officer or other officer shall have the authority to remove any animal found in an enclosed vehicle that appears to be suffering from heat stress. The animal shall be provided immediate veterinary care. The animal owner or custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment.

(c) In the event that the person responsible for the violation cannot be ascertained, the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia (1950), as amended, shall constitute in evidence a prima facie presumption that such registered owner was the person who committed the violation.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

6. Public Hearing, Second Reading and Final Passage of an [Ordinance](#) to Amend and Reordain Sections 5-7-31, 5-7-33.1, and 5-7-35 to Clarify the Definition of a Dog Running at Large. (#8, 10/11/2011)

(A copy of the City Manager's memorandum dated October 6, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/14/11, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 6; 11/14/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 6; 11/14/11, and is incorporated as part of this record by reference.)

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

- (a) Amy Slack, 2307 E. Randolph Avenue, spoke in support of the ordinance but asked that it include a specific penalty, and she asked that it also include restrictions on cats running at large.
- (b) Heidi Meinzer, 816 West Timber Branch Parkway, spoke in support of the ordinance.
- (c) Christine Bernstein, 121 Princess Street, spoke in support of the ordinance.
- (d) Sandy Yamamoto, 502 N. Naylor Street, spoke in support of the ordinance.
- (e) Kendra Davis, 425 N. Patrick Street, spoke in support of the ordinance.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper, City Council closed the public hearing. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	absent	

Ms. Wilson, Chief Animal Control Officer, and Mr. Spera, Deputy City Attorney, responded to questions of City Council.

Vice Mayor Donley asked staff to bring back a recommendation on if the penalty is sufficient.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried 6-0 by roll-call vote, City Council adopted the ordinance to clarify the definition of a dog running at large. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	absent	

The ordinance reads as follows:

ORDINANCE NO. 4742

AN ORDINANCE to amend and reordain Sections 5-7-31 (DEFINITIONS), 5-7-33.1 (RUNNING AT LARGE PROHIBITED IN PUBLIC PARKS OR PLAYGROUNDS; OWNERS NOT TO LET DOGS RUN AT LARGE IN PUBLIC PARKS OR PLAYGROUNDS, KEEPING DOGS UNDER PHYSICAL RESTRAINT IN PUBLIC PARKS OR PLAYGROUNDS); and 5-7-35 (KEEPING DOGS UNDER PHYSICAL RESTRAINT) of Article C (DOGS AND OTHER ANIMALS) of Chapter 7 (ANIMALS AND FOWL), 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 Sections 5-7-31, 5-7-33.1, and 5-7-35 of Article C of Chapter 7, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Article C

Dogs and Other Animals

Sec. 5-7-31 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purposes of this article, have the following meanings:

(a) *Animal control officer.* Any person appointed as the chief animal control officer or a deputy animal control officer under section 5-7-44 of this code.

(b) *Animal shelter.* The facility designated by the city manager for the detention of animals.

(c) *Dangerous dog.* Any canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous:

(1) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite,

(2) if both animals are owned by the same person,

(3) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or

(4) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

(d) *Dog*. The word "dog" shall include both the male and female sex of the species.

(e) *Commercial dog handler*. Any person who boards, keeps, handles or walks dogs owned by another person for compensation.

(f) *Dwelling unit*. A group of one or more rooms designed or intended for use as a residence, including a single-family home, a townhouse, a duplex, a condominium and an apartment.

(g) *Hearing dog*. Any dog specially trained to alert its owner by touch to sounds of danger or other sounds to which the owner should respond.

(h) *Law enforcement officer*. Any employee of the Alexandria Police Department who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth.

(i) *Owner*. A person having a right of property in a dog or cat, and any person who keeps or harbors a dog or cat or has it in his care or control, or who acts as its custodian, including, but not limited to, a commercial dog handler and any person who permits a dog or cat to remain on or about any premises occupied by him.

(j) *Run or running at large*. Roaming or running off the premises of its owner not under the control of its owner or a responsible person capable of physically restraining the dog and not secured by a leash, lead or other means of physical restraint, which leash, lead or other means of physical restraint is not harmful or injurious to the dog, ~~and which is held by a responsible person capable of physically restraining the dog.~~ An electronic collar or other similar electronic device does not qualify as a leash, lead or other means of physical restraint.

(k) *Seeing-eye dog*. Any dog that is specially trained to serve as a guide for a blind person.

(l) *Service dog*. Any dog that is specially trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or performing other activities of service or support.

(m) *Vicious dog*. Any canine or canine crossbreed that has

(1) killed a person;

(2) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or

(3) continued to exhibit the behavior that resulted in a previous finding by July 1, 2006, by the chief animal control officer or city manager as authorized by prior law, that it is a dangerous dog, provided that its owner has been given notice of that finding.

(n) *Adequate space.* Sufficient space to allow each animal to:

(1) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and

(2) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter or harness, configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

(o) *Adequate shelter.* Provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface (resting platform, pad, floor mat, or similar device) that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this section, shelters whose wire, grid, or slat floors:

(1) permit the animals' feet to pass through the openings;

(2) sag under the animals' weight; or

(3) otherwise do not protect the animals' feet or toes from injury, are not adequate shelter.

Sec. 5-7-33.1 Running at large prohibited in public parks or playgrounds; owners not to let dogs run at large in public parks or playgrounds; keeping dogs under physical restraint in public parks or playgrounds.

(a) No dog shall run at large within any public park or playground at any time.

(b) It shall be unlawful for the owner of any dog to permit his dog to run at large in any public park or playground at any time.

(c) It shall be unlawful for the owner of any dog to permit the dog to be in a public park or playground unless it is under the control of its owner or a responsible person capable of physically restraining the dog and kept secured by a leash, lead or other means of physical restraint, which leash, lead or other means of physical restraint is not harmful or injurious to the dog ~~and which is held by a responsible person capable of physically restraining the dog~~, or it is in a designated and posted dog exercise area, as provided in section 6-1-2.2 of this code. An electronic collar or other similar electronic device does not qualify as a leash, lead or other means of physical restraint.

(d) In addition to the officers identified in section 5-7-46, any city employee who is (1) specifically designated by the city manager, (2) wearing a uniform and (3) carrying identification may enforce the provisions of this section in accordance with the procedures set forth in section 5-7-46. As used in the subsection "uniform" shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee's department, office or agency, and "identification" shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer.

#### Sec. 5-7-35 Keeping dogs under physical restraint.

(a) Except as provided below, it shall be unlawful for the owner of any dog to permit the dog to be off the premises of its owner unless it is under the control of its owner or a responsible person capable of physically restraining the dog and ~~it is~~ kept secured by a leash, lead or other means of physical restraint, which leash, lead or other means of physical restraint is not harmful or injurious to the dog. An electronic collar or other similar electronic device does not qualify as a leash, lead or other means of physical restraint.

(b) The leash, lead or other means of physical restraint may be removed from a dog in a designated and posted dog exercise area, as provided in section 6-1-2.2 of this code.

(c) The leash, lead or other means of physical restraint may be removed from a dog on private property, other than the property of the owner; provided that the owner or person in control of such private property has permitted such dog to be present without a leash, lead or other means of physical restraint.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

7. Public Hearing, Second Reading and Final Passage of an **Ordinance** to Amend and Reordain Sections 3-2-185(a) and 3-2-187, of the Code of the City of Alexandria, Virginia, 1981, as Amended, To Require Appeals of Real Property Tax Assessments To Be Filed With the Board of Equalization by June 1. (#7, 11/9/2011)

(A copy of the City Manager's memorandum dated November 2, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 11/14/11, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 7; 11/14/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 7; 11/14/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted the ordinance to require appeals of real property tax assessments to be filed with the Board of Equalization by June 1. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	absent	

The ordinance reads as follows:

**ORDINANCE NO. 4743**

AN ORDINANCE to amend and reordain Sections 3-2-185 (APPEAL OF REAL ESTATE ASSESSMENTS TO BOARD OF EQUALIZATION) and 3-2-187 (ASSESSMENT OF NEW BUILDINGS SUBSTANTIALLY COMPLETED) of Division 1 (REAL ESTATE), of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), of Chapter 2 (TAXATION), of Title 3 (FINANCE, TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended.

**THE CITY COUNCIL OF ALEXANDRIA**

**HEREBY ORDAINS:**

Section 1. That 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, be, and the same hereby is, amended by enacting amended Sections 3-2-185 and 3-2-187 to read as follows:

Sec. 3-2-185        Appeal of real estate tax assessments to board of equalization.

(a) Any owner or lessee of real estate upon which taxes have been levied as provided by section 3-2-181 of this code who seeks to appeal such assessment shall make application to the board of equalization of the city to correct the assessed valuation on which the taxes were levied upon such real estate, provided any such application is made in writing and filed with the director of real estate assessments or presented to a member of the board of equalization by ~~July 1~~ June 1 of the year in which the taxes are levied with the exception of real estate tax assessments levied after ~~July 1~~ June 1 pursuant to section 58.1-3292.1 of the Code of Virginia, 1950, as amended and section 3- 2-187 of this code, or if the assessment is otherwise changed by the director during the tax year subsequent to ~~July 1~~ June 1.

(b) Appeals of real estate tax assessments levied after July 1 pursuant to section 58.1-3292.1 of the Code of Virginia (1950), as amended, and section 3-2-187 of this code, shall be filed with the board of equalization within forty-five days after the notice of assessment is issued.

(c) An appeal from the board of equalization's determination of the appeal may be made to the Circuit Court of the City of Alexandria as provided in the Code of Virginia. Hearing before the board of equalization is a prerequisite to filing of an appeal in that court.

Sec. 3-2-187        Assessment of new buildings substantially completed.

(a) All new buildings shall be taxed upon the completed portion of the building, which was not complete on January 1 of the year in which taxes are levied, when substantially completed or fit for use and occupancy, regardless of the date of completion or fitness during the tax year, and the director of real estate assessments shall enter in the books the fair full market value of such building.

(b) No partial, supplemental assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the department of real estate assessments and made available for public inspection. The total tax on any such new building for that year shall be the sum of (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, and (ii) the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which

the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year.

(c) With respect to any supplemental assessment made under this section after November 1 of any year, no penalty for nonpayment shall be imposed until the last to occur of (i) December 5 of such year or (ii) 30 days following the date of the official billing.

(d) Appeals to the board of equalization of supplemental assessments levied under this section after ~~July 1~~ June 1 shall be filed in accordance with section 3-2-185.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

8. Public Hearing, Second Reading and Final Passage of an [Ordinance](#) Making Supplemental Appropriations for FY 2012. (#8, 11/9/2011)

(A copy of the City Manager's memorandum dated November 2, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/14/11, 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. 8; 11/14/11, 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. 8; 11/14/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried 5-1 by roll-call vote, City Council adopted the ordinance making supplemental appropriations for FY 2012. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"no"
Euille	"aye"	Krupicka	"aye"
	Smedberg	absent	

Ms. Taylor, Assistant Director, Management and Budget, and Mr. Johnson, Acting City Manager, responded to questions of City Council.

The ordinance reads as follows:

ORDINANCE NO. 4744

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for fiscal year 2012.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2011, but which are payable in fiscal year 2012, and for which amounts were appropriated but not expended in fiscal year 2011, and further that the council does hereby allot the amounts so appropriated to the several city departments for fiscal year 2012, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

Sheriff	\$23,563
General Services	276,495
Transportation and Environmental Services	203,623
Fire	278,376
Police	522,239
Community and Human Services	138,604
Recreation	214,300
Total Equipment Replacement Reserve Fund	<u>\$1,657,200</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2012 the source of such amount being external grant awards for which the proceeds were received or accepted prior to June 30, 2011, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2012, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Commonwealth's Attorney	\$38,927
Court Service Unit	26,352
Human Rights	9,975
Transportation and Environmental Services	1,250,917
Fire	578,468
Police	47,057
Housing	9,809,043
Health	10,389
Community and Human Services	705,105
Office of Historic Alexandria	76,058

Recreation	<u>22,749</u>
Total Estimated Revenue	<u>\$12,675,040</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Commonwealth's Attorney	\$38,927
Court Service Unit	26,352
Human Rights	9,975
Transportation and Environmental Services	1,250,917
Fire	578,468
Police	47,057
Housing	9,809,043
Health	10,389
Community and Human Services	705,105
Office of Historic Alexandria	76,058
Recreation	<u>22,749</u>
Total Estimated Revenue	<u>\$12,675,040</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2012 the source of such amount being external grant awards for which the proceeds were received or accepted prior to June 30, 2011, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2012, as follows:

STIMULUS FUND

ESTIMATED REVENUE:

Sheriff	\$15,195
General Services	600,290
Transportation and Environmental Services	3,357,307
Housing	208,000
Community and Human Services	<u>322,412</u>
Total Estimated Revenue	<u>\$4,503,204</u>

STIMULUS FUND

APPROPRIATION:

Sheriff	\$15,195
General Services	600,290
Transportation and Environmental Services	3,357,307

Housing	208,000
Community and Human Services	<u>322,412</u>
Total Appropriation	<u>\$4,503,204</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2012 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2011 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2012, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Commonwealth's Attorney	\$3,662
Fire	168,741
Police	909,250
Housing	334,755
Non-Departmental	<u>1,600,000</u>
Total Estimated Revenue	<u>\$3,016,408</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Commonwealth's Attorney	\$3,662
Fire	168,741
Police	909,250
Housing	334,755
Non-Departmental	<u>1,600,000</u>
Total Estimated Revenue	<u>\$3,016,408</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2012 the source of such amount being the residual balances accumulated as of June 30, 2011, in accounts for donations and activities, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2012, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Commonwealth's Attorney	\$17,143
Sheriff	45,699
Court Service Unit	3,030
Clerk of the Court	127,520
General Services	92,859
Transportation and Environmental Services	159,198
Sanitary Sewer Fund	7,398,185
Stormwater Management Fund	147,487
Potomac Yard	777,504
Fire	164,569
Police	269,310
Housing	570,709
Community and Human Services	15,555
Health	13,055
Historic Alexandria	96,262
Non-Departmental	15,464
Recreation	<u>106,814</u>
Total Estimated Revenue	<u>\$10,020,363</u>

#### SPECIAL REVENUE FUND

##### APPROPRIATION:

Commonwealth's Attorney	\$17,143
Sheriff	45,699
Court Service Unit	3,030
Clerk of the Court	127,520
General Services	92,859
Transportation and Environmental Services	159,198
Sanitary Sewer Fund	7,398,185
Stormwater Management Fund	147,487
Potomac Yard	777,504
Fire	164,569
Police	269,310
Housing	570,709
Community and Human Services	15,555
Health	13,055
Historic Alexandria	96,262
Non-Departmental	15,464
Recreation	<u>106,814</u>
Total Estimated Revenue	<u>\$10,020,363</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2012 the source of such amount being undesignated General Fund Balance, and further that the

Council does hereby allot the amount so appropriated to the several city departments, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Spendable General Fund Balance	<u>\$12,992</u>
Total Estimated Revenue	<u>\$12,992</u>

APPROPRIATION:

Communications and Public Information	\$736
City Clerk and Clerk of Council	1,167
Office of Historic Alexandria	<u>11,089</u>
Total Appropriation	<u>\$12,992</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2012, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2012, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects	<u>\$839,461</u>
Total Estimated Revenue	<u>\$839,461</u>

APPROPRIATION:

Capital Projects	<u>\$839,461</u>
Total Appropriation	<u>\$839,461</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2012, the source of such amount being Designated General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Committed General Fund Balance	<u>\$ 8,358,936</u>
Total Estimated Revenue	<u>\$ 8,358,936</u>

APPROPRIATION:

Community and Human Services	\$351,600
Planning and Zoning	101,000
Commonwealth's Attorney's Office	50,000
Registrar of Voters	68,000
Transportation and Environmental Services	3,982,139
Library	40,000
Recreation	105,000
Police	138,600
Sheriff	35,000
Other Public Safety	152,553
Health	187,470
Non-Departmental	<u>3,147,574</u>
Total Appropriation	<u>\$ 8,358,936</u>

Section 9. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities of the city for fiscal year 2012, and further, that the council hereby allot the amount so appropriated, as follows:

SPECIAL REVENUE

APPROPRIATION:

Community and Human Services	\$(810,000)
Alexandria City Public Schools	<u>\$810,000</u>
Total Appropriation	<u>\$0</u>

Section 10. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in the fiscal year 2012, the source of such amount being General Fund revenue in support of the Special Revenue Fund, and further that the council does hereby allot the amount so appropriated, as follows:

SPECIAL REVENUE FUND/COMPONENT UNIT

ESTIMATED REVENUE:

Transfers In	<u>\$777,600</u>
Total Estimated Revenue	<u>\$777,600</u>

## APPROPRIATION

Community and Human Services	\$737,600
Library	<u>40,000</u>
Total	<u>\$777,600</u>

Section 11. That this ordinance shall be effective upon the date and at the time of its final passage.

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

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

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

9. CDD CONCEPT PLAN #2011-0005  
DEVELOPMENT SPECIAL USE PERMIT #2009-0016  
TMP SPECIAL USE PERMIT #2011-0058  
COORDINATED SIGN SPECIAL USE PERMIT #2011-0070  
3809-3839 MOUNT VERNON AVENUE, 3907 BRUCE STREET - MOUNT VERNON VILLAGE  
Public Hearing and Consideration of a request for: a CDD concept plan approval; a development special use permit, with site plan, to construct a mixed use project with residential and ground floor retail with modifications and SUP approval for a building height increase in exchange for affordable housing units per Section 7-700, a transportation management plan, a coordinated sign program and a free standing sign; zoned CDD #6/Coordinated Development District 6. Applicant: Arlandria Center, LLC represented by Duncan Blair, attorney  
  
ACTION: Deferred (applicant's request)
10. MASTER PLAN AMENDMENT #2011-0007  
REZONING #2011-0002  
DEVELOPMENT SPECIAL USE PERMIT #2011-0015  
TMP SPECIAL USE PERMIT #2011-0060  
3526 KING STREET - SAFEWAY ON KING  
Public Hearing and Consideration of requests for: an amendment to the Fairlington/Bradlee Small Area Plan to change the land use designation of the property from CG/Commercial General to OC/Office Commercial with a proffer; a rezoning from CG to OC with proffer; a development special use permit, with site plan, to construct a grocery store and a retail building with modifications and SUP approval for a retail shopping facility greater than 20,000 sq. ft., a parking reduction and a transportation management plan SUP; zoned CG/Commercial General. Applicant: Safeway, Inc., represented by Duncan Blair, attorney

ACTION: All Items Deferred 6-0

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

City Council noted the deferrals.

\* \* \* \* \*

Vice Mayor Donley urged that it get the projects for items #9 and 10 on the deferral calendar on track for the December public hearing meeting, and it should have a discussion and hearing on the items.

\* \* \* \* \*

Councilwoman Hughes noted two students in the Chambers today, who are seniors at Bishop Ireton who are observing the City Council meeting as part of the community service and learning course work.

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried unanimously, City Council adjourned the public hearing meeting of November 12, 2011, at 10:38 a.m. The voting was as follows:

Pepper	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	absent	

\*\*\*\*\*

APPROVED BY:

---

WILLIAM D. EUILLE                      MAYOR

ATTEST:

---

Jacqueline M. Henderson, MMC  
City Clerk and Clerk of Council