

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

## REGULAR MEETING Saturday, March 17, 2012

9:30 a.m

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

Absent: None.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Mr. Johnson, Chief of Staff, City Manager's Office; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Ms. Hamer, Director, Planning and Zoning (P&Z); Ms. Ross, Deputy Director, P&Z; Ms. Wright, Division Chief, P&Z; Ms. Triggs, Acting Chief Financial Officer; Mr. Catlett, Director, Code Administration; Ms. McIlvaine, Deputy Director, Office of Housing; Ms. Baker, City Engineer; Ms. Blackford, Communications Officer, Office of Public Information and Communications; Ms. Nettles, Portfolio Manager, General Services; Mr. Kagawa, Division Chief, Recreation, Parks and Cultural Activities; Police Captain Ogden; Ms. North, Urban Planner, P&Z; Ms. McVary, Urban Planner, P&Z; Ms. Contreras, Urban Planner, P&Z; Ms. McLean, Information and Technology Services; and Mr. Lloyd.

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

### **OPENING**

#### 1. Calling the Roll.

Mayor Euille called the meeting to order and the Deputy City Clerk called the roll. All the members of Council were present, with Councilwoman Hughes arriving to the meeting at 9:53 a.m.

#### 2. Public Discussion Period.

(a) Bernard Schulz, 3272 Martha Custis Drive, representing Historic Alexandria Resources Commission (HARC), spoke on behalf of HARC regarding the exclusion of funding for the Alexandria Preservation Management Plan and encouraged City Council to: (1) authorize the submission of the grant application to the Virginia Department of Historic Resources (VDHR) Certified Local Government (CLG) Grant Program, not to exceed \$25,000; (2) authorize the submission of a grant application to the Virginia Department of Historic Resources (VDHR) Cost Share Grant Program, not to exceed \$9,000; (3) authorize the submission of the grant application to Environmental Systems Research Institute (ESRI) Conservation Grant Program for a Professional

Services Grant, not to exceed \$25,000 in services; and (4) authorize the submission of the grant application to Historic Alexandria Foundation (HAF) for survey equipment, not to exceed \$5,000. Mr. Schulz also requested that Council support reinstatement of the original budget request made by the Office of Historic Alexandria if these grant funds are not awarded.

(b) Poul Hertel, 1217 Michigan Court, spoke on the proposed development of a metro station at Potomac Yard, highlighting the build alternative that would affect the view shed of the George Washington Memorial Parkway. Mr. Hertel requested that Council review the alternatives and be mindful of a metro station's effect on the George Washington Memorial Parkway. Mr. Hertel also requested that Council remove Alternative B from consideration.

(c) Nancy Jennings, 2115 Marlboro Court, spoke about the planning process for the Beauregard Corridor Small Area Plan, noting that there needed to be a more detailed plan for bicycle facilities included in the plan that connects Alexandria's trails to the other trails in the greater Washington Metropolitan area.

\*\*\*\*Councilwoman Hughes arrived at the meeting at this time.\*\*\*\*

(d) Sarah Haut, 228 East Nelson Avenue, spoke about the flaws in the special use permit (SUP) process that allows retroactive application for changes after violations in SUPs occur. Ms. Haut reported that there is a restaurant in the Del Ray neighborhood that is currently in violation of their SUP and the changes in seating that they have applied for will adversely affect the parking in the surrounding neighborhood.

Council requested that Planning and Zoning staff give an explanation of what is occurring with the SUP and the violations and how City staff has handled the revision of the SUP. Council also requested further information on this particular complaint.

Deputy Director of Planning and Zoning Ross noted that it would be under consideration at the April public hearing meeting and gave an overview and responded to questions about the violations and solutions undertaken by the restaurant.

(e) Bill Cleveland, 2121 Jamieson Avenue, spoke in support of the Alexandria City Public Schools holding classes in Landmark Mall.

(f) Amy Slack, 2307 East Randolph Avenue, stated that the processes set by Council are important to make it easier for businesses to run and staff to enforce the rules. Ms. Slack noted that the citizens are now the eyes and ears for the City and citizens are having a difficult time finding the information needed to help the City run efficiently. Ms. Slack requested that the access to information be made a little easier to find and more consistent throughout the City and on the internet.

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

## **ACTION CONSENT CALENDAR (3-7)**

### **Planning Commission**

THIS IS FOR INFORMATION ONLY - NO APPROVAL NEEDED

3. CITY CHARTER SECTION 9.06 #2012-0001  
[840 North Alfred Street -- James Bland Public Park](#)  
Consideration of a request to acquire the subject property for use as a public park in accordance with section 9.06 of the City Charter. Staff: Department of Recreation, Parks and Cultural Activities

PLANNING COMMISSION ACTION:    Approved 7-0

(A copy of the Planning Commission report dated March 8, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 03/17/12, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2011-0086  
[801 North Fairfax Street - Restaurant](#)  
Public Hearing and Consideration of a request to operate a restaurant with a parking reduction; zoned OCM (50)/Office Commercial Medium (50). Applicant: Philip McCombie

PLANNING COMMISSION ACTION:    Recommend Approval 7-0

(A copy of the Planning Commission report dated March 8, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 03/17/12, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2011-0088  
[2900 Seay Street - Longview Terrace Apartments](#)  
Public Hearing and Consideration of a request for a parking reduction; zoned RC/High Density Apartment Zone. Applicant: Alexandria Housing Development Corporation by Duncan Blair

PLANNING COMMISSION ACTION:    Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated March 8, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 03/17/12, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2011-0089  
[702-704 King Street -- Nando's](#)  
Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Nando's of Alexandria, LLC by M. Catharine Puskar, attorney.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 8, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 03/17/12, and is incorporated as part of this record by reference.)

7. SPECIAL USE PERMIT #2011-0077  
1640 King Street - Dunkin Donuts Restaurant  
Public Hearing and Consideration of a request for amendments to an existing restaurant; zoned KR/King Street Retail. Applicant: QBC, LLC D/B/A Dunkin Donuts/Baskin Robbins

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated March 8, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 03/17/12, and is incorporated as part of this record by reference.)

#### END OF ACTION CONSENT CALENDAR

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council approved the action consent calendar, with the exception of docket item #7, which was approved under separate motion. The approval was as follows:

3. City Council received the item as information.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.

The voting was as follows:

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

7. SPECIAL USE PERMIT #2011-0077  
1640 King Street - Dunkin Donuts Restaurant  
Public Hearing and Consideration of a request for amendments to an existing restaurant; zoned KR/King Street Retail. Applicant: QBC, LLC D/B/A Dunkin Donuts/Baskin Robbins

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated March 8, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 03/17/12, and is incorporated as part of this record by reference.)

Councilman Smedberg inquired whether the Planning staff were satisfied with the solutions the applicant has implemented.

In response to Councilman Smedberg, Ms. Ross stated the corrections were satisfactory and responded to questions from Council about the change in ownership and delivery schedule for the restaurant.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

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

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

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

8. TEXT AMENDMENT #2012-0001  
Public School Use in CR/Landmark Mall Zone  
Public Hearing and Consideration of an amendment to Section 4-700 of the Zoning Ordinance to allow a public school use within the CR/Commercial Regional Zone (Landmark Mall). Staff: Planning & Zoning:

PLANNING COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated March 8, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 03/17/12, and is incorporated as part of this record by reference.)

Council inquired about the no vote against the text amendment at the Planning Commission and the ability of the program to operate when and if the mall property is redeveloped in the future.

Ms. Ross stated that the voter was concerned about students being placed in a mall setting. Ms. Ross pointed out that this program was consistent with programs around the country for this type of student and noted that any future redevelopment of

the property could be zoned to include schools, thereby allowing the program to continue in the area.

Councilwoman Hughes explained that she would not be voting for the text amendment based on budgetary concerns for funding for a new program and possible elimination of the adult education program, noting that this would add expenses to the budget.

Deputy Superintendent Henson, Alexandria City Public Schools, stated that the proposed program does not exist currently in the City and will be serving a different population than the adult education program.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried 6-1, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

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

9. DEVELOPMENT SPECIAL USE PERMIT # 2010-0016  
CITY CHARTER SECTION 9.06 #2012-0002

[3650 and 3700 Commonwealth Avenue - ASA Four Mile Run Pump Station](#)

Public Hearing and Consideration of (A) a request for a development special use permit, with site plan, to construct an above ground pump station with public bathrooms and office space, below grade storage tanks, an athletic field, a recycling facility and a storage shed at an existing sanitary sewer pump station including a special use permit for building height exceeding 15 feet and a modification to the crown coverage requirement; and (B) the transfer and acquisition of public property pursuant to section 9.06 of the City Charter; zoned POS/Public Open Space and Community Recreation. Applicant: Alexandria Sanitation Authority represented by Kenneth Wire, attorney and the City of Alexandria

PLANNING COMMISSION ACTION: DSUP #2010-0016 Recommend Approval 7-0  
9.06 #2010-0002 Approved 7-0

(A copy of the Planning Commission report dated March 8, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 03/17/12, and is incorporated as part of this record by reference.)

Urban Planner North gave a presentation of the DSUP, and she, along with Planning and Zoning Division Chief Wright, responded to questions from Council about land transfer and the schedule for development of the property.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved Planning Commission recommendation. The voting was as follows:

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

10. DEVELOPMENT SPECIAL USE PERMIT #2011-0026  
701 Seaton Avenue (old parcel address 2801 Main Line Boulevard) - [Potomac Yard Landbay G, Block F](#)  
Public Hearing and Consideration of a request to amend a previously approved development special use permit with site plan (DSUP#2007-0022) from a two-story retail building to five-story multi-family residential building as permitted by the CDD concept plan and a modification for vision clearance; zoned CDD #10/Coordinated Development District 10. Applicant: Mid-Atlantic Realty Partners, LLC represented by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated March 8, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 03/17/12, and is incorporated as part of this record by reference.)

Urban Planner McVary gave a presentation of the changes to the DSUP, and she, along with Division Chief Wright, responded to questions from Council about lighting, parking and commercial development in the Potomac Yard corridor.

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

- (a) Cathy Puskar, 2200 Clarendon Boulevard, Arlington, attorney for the applicant, spoke in support of the DSUP and responded to Council's concerns about lighting, parking and changes to the original DSUP.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Hughes and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

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

## ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading and Final Passage of an [Ordinance](#) Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various City and School Capital Projects. (#10, 03/13/12)

(A copy of the City Manager's memorandum dated March 7, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 03/17/12, 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. 11; 03/17/12, 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. 11; 03/17/12, 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 an ordinance authorizing and empowering the issuance, sale and delivery of general obligation bonds to finance various city and school capital projects. The voting was as follows:

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

The ordinance reads as follows:

#### ORDINANCE NO. 4755

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 \$76,820,000; AND PROVIDING FOR REIMBURSEMENT TO THE CITY OF ALEXANDRIA FROM BOND PROCEEDS.

THE CITY COUNCIL OF ALEXANDRIA

HEREBY ORDAINS:

WHEREAS, the City Council of the City of Alexandria, Virginia ("City") has determined that it is advisable to issue up to \$76,820,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below (the "Projects").

1. Authorization of Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$76,820,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to pay all or a portion of the costs of the Projects as described below and the City's Chief Financial Officer (acting or otherwise) and Director of Finance, or either of them, is authorized and directed to determine the portion of the cost of each Project to be financed with Bond proceeds and to reallocate Bond proceeds among the Projects if necessary or desirable.

<u>General Project Description</u> <u>Maximum Cost</u>	<u>Estimated</u>
<u>Schools</u> Construction, remodeling and repairing of school buildings and acquisition of necessary equipment (includes projects contained in the capital improvement program under "Schools").	\$15,890,000
<u>City Parks and Public 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" and "Public Buildings").	\$20,825,000
<u>Transportation and Metro Improvements</u> Maintenance and upgrade of the City's Traffic control (includes projects contained in the capital improvement program under "Public Transportation and Traffic Control," and including, without limitation, payment of the City's share of certain Washington Metropolitan Area Transit Authority (i.e., "METRO") capital improvements).	\$17,175,000
<u>Information Technology</u> Maintenance and upgrade of the City's information technology infrastructure and hardware, networks, and software (includes projects contained in the capital improvement program under "Information Technology Plan").	\$7,600,000
<u>Infrastructure</u> Construction, renovation and improvement of City streets, bridges, storm and sanitary sewers and	\$13,830,000

acquisition of necessary equipment (includes projects contained in the capital improvement program under “Community Development,” “Streets, Bridges and Pedestrian Improvements,” “ Stormwater Management” and “Sanitary Sewers”).

<u>Affordable Housing</u>	\$1,500,000
Acquisition, construction, remodeling and repairing of affordable housing and acquisition of necessary land and equipment.	

<u>Total:</u>	\$76,820,000
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2. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The Bonds shall be issued in one or more taxable or tax-exempt series, in fully registered form, shall be dated such date or dates as the City Manager, the Chief Financial Officer (acting or otherwise) and the Director of Finance, or any one of them (the “Authorized Officer”), may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the Authorized Officer may approve, provided that the final maturity of any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than \$76,820,000. The Authorized Officer is authorized and directed, at his or her option, to accept a bid or bids for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or bids so accepted, or, if he or she deems it to be in the City’s financial interest, to forego such competitive bidding and negotiate the sale of the Bonds to one or more initial purchasers; provided that the true interest cost of the Bonds shall not exceed 6.5% per annum. The Authorized Officer is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City. The City Council may provide for additional or other terms of the Bonds by subsequent resolution.

4. Form of Bonds. The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. Book-Entry-Only-Form. The Bonds may be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and may be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, 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 Cede & Co. In such event, beneficial owners of the Bonds shall not receive physical delivery of the Bonds and principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

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

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

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

Upon occurrence of an event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds

by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Ordinance and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Ordinance and the Bonds.

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

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

7. Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. CUSIP Numbers. The Bonds may have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

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

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

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

11. Non-Arbitrage Certificate and Tax Covenants. The Authorized Officer and such officers and agents of the City the Authorized Officer may designate are authorized and directed to execute with respect to the Bonds a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Tax Code, including the provisions of Section 148 of the Tax Code and applicable regulations relating to “arbitrage bonds.” The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City’s Non-Arbitrage Certificate and Tax Covenants relating to such Bonds, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

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

13. Disclosure Documents. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Chief Financial Officer (acting or otherwise) and the Director of Finance, or either of them, shall determine. The Chief Financial Officer (acting or otherwise) and the Director of Finance, or either of them, is authorized and directed to deem the preliminary official statement “final” for purposes of Securities and Exchange Commission Rule 15c2-12.

14. RESERVED.

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 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 (including applications for tax credits) 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 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 Chief Financial Officer (acting or otherwise) and the Director of Finance, or either of them, on behalf of the City, to specifically declare the City's official intent to reimburse portions of the cost of the Projects with Bond proceeds.

17. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Ordinance shall take effect at the time of its enactment.

12. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish the Charles E. Beatley, Jr. Central Library as an Additional Absentee Voting Site for the 2012 Presidential Election. (#10, 2/28/2012)

(A copy of the City Manager's memorandum dated February 17, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 03/17/12, 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. 12; 03/17/12, 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. 12; 03/17/12, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted an ordinance to establish the Charles E. Beatley, Jr. Central Library as an additional absentee voting site for the 2012 Presidential Election. The voting was as follows:

Donley            "aye"            Fannon            "aye"

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

The ordinance reads as follows:

ORDINANCE NO. 4756

AN ORDINANCE to amend and reordain Section 2-2-11 (ESTABLISHMENT OF CENTRAL ABSENTEE VOTER ELECTION DISTRICT AND VOTING PLACE) by adding Charles E. Beatley, Jr. Central Library as an additional absentee voting place for the 2012 Presidential Election.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the General Assembly of the Commonwealth of Virginia granted to the governing body of each county or city the right to establish one or more central absentee voter precincts for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. Va. Code § 24.2-712 (1950 as amended).

Section 2. That the Alexandria Electoral Board, which is comprised of three bipartisan members who are appointed by the Alexandria Circuit Court for staggered three year terms, is responsible for making recommendations to City Council concerning changes in precinct boundaries and for establishing new precincts including changes to the absentee voting precinct. On October 18, 2011, the Alexandria Electoral Board voted unanimously to recommend that City Council add the Charles E. Beatley, Jr. Central Library as an additional site for absentee voting in the 2012 Presidential Election.

Section 3. That Section 2-2-11 of the Code of the City of Alexandria, Virginia, 1981 as amended, be, and the same is hereby adopted to read as follows:

Sec. 2-2-11 Establishment of central absentee voter election district and voting place.

There is hereby established for the City of Alexandria one Central Absentee Voter Election District, to be used for all elections. The voting place of the Central Absentee Voter Election District shall be located at 132 North Royal Street, Alexandria, Virginia. The Central Absentee Voter Election District shall conform in all respects with the provisions of section 24.2-712 of the Code of Virginia (1950), as amended.

There is hereby established for the City of Alexandria an additional Central Absentee Voter Election District, to be used for the 2012 Presidential Election. The voting place for the additional Central Absentee Voter Election District shall be located at the Charles E. Beatley, Jr. Central Library, 5005 Duke Street Alexandria, VA 22304. The additional Central Absentee Voter Election District shall conform in all respects with the provisions of section 24.2-712 of the Code of Virginia (1950), as amended.

