

**ALEXANDRIA WATERFRONT COMMISSION
MARINA COMMITTEE MEETING**

**Tuesday, March 11, 2014
Chet & Sabra Avery Conference Room (Rm 2000)
City Hall, 301 King St.
5 p.m.**

AGENDA

1. Welcome & Introductions
2. Buskers (street performers)
3. Marina Rules & Recommendations – Proposed Updates
4. FY 2015 Budget Update
5. Marina Facility Condition Assessment Update

UPCOMING EVENTS

- **Waterfront & Park and Recreation Commission Joint Meeting**
March 13, 6 p.m., Durant Center, 1609 Cameron St.
- **Waterfront Commission Meeting**
March 18, 7:30 a.m., City Hall Sister Cities Conference Room, 301 King St.
- **Planning Commission Work Session**
April 1, 5 p.m., Council Chambers, City Hall, 301 King St.
- **City Council Work Session**
April 8, 5:30 p.m., Council Chambers, City Hall, 301 King St.
- **Marina Subcommittee Meeting**
April 10, 5 p.m., City Hall, Room 2000, 301 King St.

Waterfront Activities, Events & Meetings: www.alexandriava.gov/Waterfront

REGULATION OF BUSKERS/STREET PERFORMERS ON PUBLIC PROPERTY

A. Street Performances/Busking on Public Property

1. Courts have held that street performers and busking (ie, street performances for a gratuity) are a form of speech that entitled to First Amendment protection.
2. As such, City faces a very high burden to regulate street performers/buskers. Any regulations must:
 - a. Be very narrowly tailored to address a specific governmental interest (ie health, safety of public);
 - b. Provide adequate channels for free speech;
 - c. Be limited to time, place, manner and must be reasonable and impartial;
 - d. Be weighed against rights of freedom of speech and public space which is space traditionally used to exercise first amendment rights; and
 - e. Cannot be based on content of the activity;
 - i. Courts have stricken local ordinances that implemented a licensing/permitting system for performers on basis that public officials cannot dictate one performer over another;
 - ii. Courts have struck down lottery system for selecting performers as too controlling by governmental officials, a less restrictive means exist would be to allow performers to perform on public property on a first come/first served basis.

B. Davenport v. City of Alexandria

1. Seminal First Amendment case:
2. Court struck down City of Alexandria ordinance that banned street performers in 61 block area of Alexandria's central business district along King Street.
3. Court rejected City arguments of public safety (ie crowded sidewalks due to presence of street performers) and noted that even if pedestrians had to walk around street performers between parked cars, not a danger.
4. Court held that crowds not enough of a governmental issue to ban performers because law enforcement could disperse crowds. Court also noted that number of people gathered to watch street performers is self-regulating; ie that individuals won't stop to watch performers or add to crowd if they can't see performer. and that with street performers, crowds are self-regulating, ie if people can't see street performers they won't stop on sidewalks.

C. Bottom Line

Very difficult to regulate street performances in public spaces and regulations must be based on documented incidents of governmental interest.



**Department of Recreation, Parks and Cultural Activities
Alexandria City Marina
9 Cameron Street
Alexandria, Virginia 22314**



Dock Master
VHF Channel 16; Working Channel 68
703.746.5487

Operating Hours

- April – October: 9 am to 9 pm
- November – March: 9:30 to 6 pm
- Closed for some City Holidays

Transient docking not permitted during non-operating hours

Welcome to Alexandria

We ask that you and your guests please observe the following rules and regulations while at the City Marina. This will ensure a more enjoyable stay in Alexandria for you and others. For your convenience, a map of Old Town is on the reverse page.

All vessels must register and pay dockage fees with the Dock Master or his/her representatives upon arrival. The following rules and regulations are applicable to all vessels docking at the Alexandria City Marina.

1. Vessels must have operational engine(s) and, except in the case of an emergency, must be under power, not sail, when entering or leaving the marina.
2. Vessels shall be subject to periodic inspection by the City to ensure the following:
 - a. Conformity with United States Coast Guard rules and regulations;
 - b. Maintenance of proper safety conditions while at the Marina, including such safety concerns as the proper placement of dock lines and properly operating engine(s); and
 - c. The overall cleanliness, appearance and maintenance of the vessel.
3. Vessels granted a slip at the Torpedo Factory south pier shall be ones for pleasure only, except by special permit from the City.
4. Vessels shall be registered, documented, marked and maintained as required by law and safe practice. Boats that are not marked or identified and licensed as required by law will not be permitted to use the municipal facilities.
5. If a vessel needs to be moved and the occupants cannot be reached after a reasonable attempt has been made, the City reserves the right to have a vessel moved to another

location, at the owner's expense, but the City shall not be liable for any damages that result from such relocation.

6. Vessels that are abandoned or whose owners have not paid dockage fees after notice is provided by the City to the vessel by the procedures set forth in section 6-3-7 of the Alexandria City Code may be removed by the City.
7. The vessel owner shall be responsible for the conduct of his or her guests and for any damage caused by the vessel while located within, departing, or approaching the City Marina.
8. Boisterous conduct and loud music are prohibited.
9. No maintenance, painting or repair of vessels is permitted while a vessel is tied up at the City Marina without prior approval of the Dock Master.
10. All walkways, pilings, and other marina facilities shall be kept clear of materials such as carpeting, storage boxes, dinghies, and cushions. Hoses and power cords to shore must be neatly positioned so as not to impede traffic to and from adjacent vessels. Bicycles must be parked in designated bike parking areas only. Please respect the property of others.
11. All refuse and trash must be placed in the receptacles provided on the pier. The off-loading of items such as waste oil and batteries, the contents of which could stain the dock, are prohibited without the Dock Master's prior approval.
12. Laundry is not to be hung from boat rigging, lifelines, pulpits, slips or docks.
13. All boats with a bilge shall be equipped with a fully functioning bilge pump.
14. The discharge of raw sewage or other waste into the river is prohibited.
- ~~15. No vessel may dock overnight at the city marina unless equipped with a holding tank.~~
- ~~16.~~ 15. No rafting of vessels, swimming, windsurfing, jet skiing, diving, or fishing is permitted at the City Marina.
- ~~17.~~ 16. Commercial advertising, including "For Sale" signs, is prohibited.
- ~~18.~~ 17. While at the City Marina, no vessel may engage in boat charters or boat rides, nor may merchandise or services be sold from it, nor may any other commercial activity be conducted from it without the prior approval of the Dock Master.
- ~~19.~~ 18. Open fires and barbeques on docks and boats are prohibited.
- ~~20.~~ 19. Pets must be leashed at all times while traveling on City property (Code 5-7-35). Owners must clean up after their pets (Code 5-7-42).
- ~~21.~~ 20. Boats must be in seaworthy condition and not constitute a fire hazard.
- ~~22.~~ 21. The public consumption of alcoholic beverages at the City Marina is prohibited unless in conjunction with a special event authorized by the City.
- ~~23.~~ 22. Violation of any of these rules and regulations and/or other improper conduct by a vessel owner and/or his or her guest may be cause for immediate cancellation of the owner's contract.
- ~~24.~~ 23. The City reserves the right to not refund fees for the rental of any slip at the City Marina when the City terminates a slip rental contract pursuant to a violation of these rules and regulations.

~~25~~.24. It is agreed that fees do not include charges for work of any kind, including emergency work. The City Marina shall be paid by the owner for all services performed, or goods or materials used in any work done to safeguard the boat, whether or not the work was successful. Failure to pay such charges when due may, at the City's option, be treated in the same manner as failure to pay slip rent when due.

~~26~~.25. The City reserves the right to refuse docking if the subject vessel's electrical service requirements exceed the marina's capabilities at available dock space.

~~27~~.26. The City shall not be held liable for any loss, damage or injury suffered by persons and vessels while staying at City-operated marina facilities.

~~28~~.27. The City reserves the right to reassign transient dock space if a transient boat leaves than returns to the marina. The City restricts transient docking to a maximum stay of 5 nights or 5 days (whichever is reached first) at which time the vessel must leave the marina for a minimum of 24 hours.

~~29~~.28. The City shall have the authority to interpret and enforce these rules and regulations in its best interests.



City of Alexandria
Department of Recreation, Parks and Cultural Activities
Marina Slip License Agreement Holder Rules and Regulations



Please read the entire license agreement; it is a legal document.

In addition to the City of Alexandria ordinances and Marina Rules and Regulations a number of important policies have been developed regarding Alexandria Marina Boat Slip License Agreement Holders. These policies have been summarized below. The City shall have the authority to interpret and enforce these rules and regulations in its best interest.

City of Alexandria Residency Policy

- (a) City of Alexandria residents will be given first priority to hold and/or obtain a boat slip lease agreement at the Alexandria Marina. Failure to maintain City residency may result in the City electing not to renew or offer a Boat Slip License Agreement.
- (b) City of Alexandria Real Estate Assessment or Voters Registration card is required to prove residency. If submitting a Voters Registration Card the applicant must also submit an original, current month electrical or gas bill for the resident address in the name of the Boat Slip License Agreement Applicant. The above-required residency materials provided are subject to verification.
- (c) Marina Slip License Agreement Holders who are unable to prove residency during the license renewal term will be given one license year (at non-resident rates) to continue docking at the marina after which time the License Agreement will not be renewed by the City and the Owner must remove their boat from the Alexandria Marina.

Utilities

- (a) The utility fee for one (1) 30 amp electrical connection and one (1) water hose bib connection is included in the yearly Agreement fee. Field Code Changed
- (b) Upon written approval of the Dockmaster use of a second 30 amp electrical connection by the Agreement holder will incur an additional \$3 per day fee and use of a 50 amp electrical connection in lieu of a 30 amp connection will incur an additional \$2 per day fee.
- (c) Agreement holders are not to connect to additional shore power without the written consent of the Dockmaster. The marina will, without notice, remove any unauthorized power cords and the City will not be responsible for any consequence of such removal.
- (d) UL approved cords required. Owner will connect to marina power outlet only with serviceable, UL-approved power cords designed specifically for marine use and rated for the electrical service to which connected. Field Code Changed
- (e) Alterations of electric supply system prohibited. No addition, alteration or modification shall be made to the electrical supply system provided by the Alexandria Marina. The City shall not be responsible for electrical interruptions or power surges, or the termination of electric as a result of storm management procedures, or the results or damage there from.
- (f) Continuity of electrical power, where provided; is not guaranteed by City.
- (g) Cable television is not available at this time; however, Owner may use Owner's own satellite dish, as long as it is mounted on Owner's vessel.

Water Level

The City makes no representations or guarantees concerning water level and/or tidal fluctuations.

Alterations

Lessee/Lessee shall make no structural, cosmetic or operational changes to the premises (including but not limited to pilings and piers) without first receiving written approval of the Dockmaster.

Multiple Licenses.

Rental by household of more than one Marina slip at the same time is prohibited. A household is defined as a person or group of people occupying a single dwelling.

Field Code Changed

24-Hour Absence.

If the vessel is to be out of its slip in excess of 24 hours, the Owner shall notify the Marina Dockmaster. In this event, City reserves the right to rent the Owner's slip during all or part of the period that the slip will be vacant.

Field Code Changed

Boat Length Policy

(a) The City of Alexandria Ordinance prohibits boat slip agreements for pleasure boats exceeding 40 feet in boat length. Boat length is defined as the length of the boat and does not include stern pulpit, bowsprit, dinghies, davits, swim platform, or outboard motor.

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(b) Per foot annual boat slip agreement fees are determined by the Overall Boat Length including bowsprit, stern pulpit, dinghies, davits, outboard motors and swim platform as measured annually by the Dockmaster.

Field Code Changed

(c) (d) The annual license fee will be based on a minimum length of 24 feet or the actual length if greater than 24 feet.

(de) Vessels with boat slip licenses shall not exceed 40 feet in Boat Length, and shall not be less than 24 feet in boat length. Boat length is defined as the length of the boat and does not include stern pulpit, bowsprit, dinghies, davits, swim platform, or outboard motor.

Field Code Changed

(e) ~~In addition, vessel~~ Vessel Overall Boat Length shall not exceed 45 feet. Overall Boat Length includes bowsprit, stern pulpit, dinghies, davits, outboard motors and swim platform and is measured annually by the Dockmaster.

Marina Rules and Regulations

The Agreement Holder shall follow and be responsible for instructing all guests to follow the Rules and Regulations of the marina as well as City of Alexandria Ordinances.

Boat Lines and Bilge Pump

Boat lease agreement holders are required to maintain lines and bilge pumps (if boat has a bilge) in good working condition at all times. All lease agreement boats with a bilge docked at the Alexandria City Marina must have a fully functioning automatic bilge pump. In addition, lease agreement boats must have at least five (5) dock lines; two bowlines, two stern lines and 1 spring line. The lines should be at least 2/3 of the length of the boat and the spring line should be the full length of the boat. All license agreement holder boats should have spare lines available on their boat that are accessible and known to the Dockmaster.

Patrol of Potomac River

The Potomac River waterway used to access the City of Alexandria waterfront and marina is owned and patrolled by the District of Columbia. Despite the patrolling efforts of D.C. Harbor wakes do occur. Wakes range from small and minor to large and rolling. Please secure all of

your onboard equipment, cabinets, and doors to help prevent items from being damaged. The City of Alexandria shall not be responsible for wakes, or the results or damage there from.

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City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 11, 2014

TO: WATERFRONT COMMISSION

FROM: JACK BROWAND, DIVISION CHIEF 
RECREATION, PARKS & CULTURAL ACTIVITIES

SUBJECT: FY2015 SUMMARY BUDGET REPORT – CITY MARINA

ISSUE: Staff update to the Marina Committee regarding the status of the FY 2015-2024 Capital Improvement Program Budget and FY 2015 Operating Budget for the City Marina.

RECOMMENDATION: That the Marina Committee receive the staff memorandum as an information update.

BACKGROUND: The City Manager has proposed a Draft Budget for FY 2015, including the Capital Improvement Program (CIP) budget for FY 2015-2024. The draft budget was presented to City Council on Tuesday, February 25, 2014. Following a series of public meetings, the final budget is anticipated to be adopted in early May.

DISCUSSION: The FY 2015 Budget includes operating cost reductions and changes to the FY 2014-2023 Approved Budget. New funding in FY 2024 is added to fill out the City's ten year plan. Detailed information may be found at <http://alexandriava.gov/Budget>. A summary of proposed changes impacting the Department of Recreation, Parks and Cultural Activities' City Marina is provided below:

FY 2015 OPERATING BUDGET REDUCTIONS – CITY MARINA

- \$30,000 reduction: Reduction of the number of seasonal staff hours during non-boating season November through March.
- \$25,000 increase: Additional operating support (staff & support) for the operation of proposed public restrooms in the City Marina (Food Court Redevelopment).

FY 2015-FY2024 CAPITAL IMPROVEMENT PROGRAM (CIP)

Community Development

- City Marina Waterfront Dredging – FY 2015 funding was increased from \$2,550,000 to \$3,000,000. FY 2020 funding is proposed to be increased from \$3,000,000 to \$5,000,000. No other changes proposed.

Recreation and Parks

- City Marina Maintenance - No changes are proposed for FY 2015-2024. \$90,000 of new funding is proposed in FY 2024.
- Windmill Hill Park Improvements - No changes are proposed for FY 2015-2024. \$300,000 in FY 2015 and \$3,700,00 in FY 2016 remains.
- City Marina Seawalls - No changes are proposed for FY 2015-2024. \$255,000 in FY 2016 and \$1,445,000 in FY 2017 remains.
- City Marina Utility Upgrades - No changes are proposed for FY 2015-2024. \$187,000 in FY 2016 and \$1,063,000 in FY 2017 remains.
- City Marina Restrooms – New Project. \$75,000 is proposed in FY 2015.
FY 2015 Impact: Funding will be combined with private contributions.

cc James Spengler, Director, Recreation, Parks and Cultural Activities
James Hixon, Dock Master, Recreation, Parks and Cultural Activities