

## Summary Minutes

### Alexandria Waterfront Committee Tuesday, December 20, 2011

#### Alexandria City Hall

**Members:**

Present: Kent Barnekov, Alexandria Seaport Foundation,  
Gina Baum, Alexandria Park and Recreation Commission  
Christine Bernstein, Founders Park Community Association  
Arthur Fox, Citizen east of Washington St. and south of King St.  
Doug Gosnell, Alexandria Marina pleasure boat lease holder  
Linda Hafer, Old Town Business and Professional Association  
Charlotte Hall, Alexandria Chamber of Commerce  
Nathan Macek, At-large citizen and Chair  
Jody Manor, Alexandria Convention and Visitors Association (ACVA)  
Peter Pennington, Alexandria Environmental Policy Commission (EPC)  
Paul Smedberg, Alexandria City Council  
Stephen Thayer, Citizen east of Washington St. and north of King St.

Excused: Engin Artemel, Citizen east of Washington St. and north of Pendleton St.  
Van Van Fleet, Old Town Civic Association

Vacancy: Alexandria Archaeological Commission

**City Staff:** Lt. Mark Bergin, Assistant Commander for Old Town, Alexandria Police  
Department (APD)  
Jack Browand, Acting Deputy Director, Parks Operations, Department of  
Recreation, Parks, and Cultural Activities (RPCA)  
Jim Hixon, Dockmaster, RPCA  
Lt. Juan Torres, Police Department  
Nancy Williams, Department of Planning & Zoning (P&Z)

**Guests:** Brian Buzell, resident  
Judy Buzell, resident  
Susan Cohen, Public Art Committee  
Harry Harrington, Old Dominion Boat Club (ODBC)  
James McCall, Alexandria Archaeological Commission (AAC) and AAC's  
liaison-designate to the Waterfront Committee  
Mike Young, 6 Prince Street

**Welcome and Introductions**

The Committee was called to order at 7:30 a.m. and members and guests introduced themselves.

### **Approval of Minutes from November 15, 2011 Meeting**

Moved by Pennington, seconded by Hafer, to approve the summary minutes of the November 15, 2011 meeting as drafted. The motion passed by unanimous voice vote.

Macek advised Members that the draft minutes for the November 29, 2011 special meeting would be sent to members for approval at the January 17 meeting.

### **Report from Department of Recreation, Parks, and Cultural Activities**

#### ***Marina Pilings***

Browand reported that approvals for the nine pilings being replaced and/or repaired are being processed. Installation is expected after the first of the year and everything is expected to be in place by the boating season's start.

Browand said that City actions related to the Minnie V dock continue, including consideration of the license agreement and docking options. The City continues to work with the Army Corps of Engineers (the Corps) and National Park Service (NPS) to secure their approval to install pilings for the Minnie V dock. The City is also considering docking options that would not require adding new pilings. Browand said the docking of the Minnie V is expected to be in place by the boating season's start.

#### ***Transient Docking Guidelines***

Browand provided an overview of RPCA's guidelines for transient vessels docking at the Marina. The Marina has four docking categories – commercial, annual lease, short-term, and transient docking. Browand said the Marina's annual leases are used mainly by residents, short-term docking is generally used for visits exceeding five days, and transient docking for visits shorter than five days.

Browand said that for non-commercial vessels, the Dockmaster has decision-making authority. Marina staff does not have authority to act upon requests to waive the Marina's short-term docking fee for character boats such as the Godspeed when visiting the City. Staff forwards all such requests to City Council for approval. Macek said that the idea has previously been suggested that Marina staff should be given the discretion to waive fees for a character ship's transient docking without needing to forward that waiver request to Council for approval.

In response to a Gosnell question about whether staying overnight on boats docked at the Marina were prohibited, Browand said that although there has long been a perception that City regulations prohibit over-nighting, a staff review of the City Code could find no specific prohibition of over-nighting. The City Code only prohibits houseboats and house barges from staying at the Marina.

In response to Bernstein's question about procedures followed if a boat is determined to be in violation of pump-out requirements, Browand said staff calls the US Coast Guard. In response to Bernstein's question whether Marina staff had regularly checked whether the Jamaica Bay had adhered to vessel pump-out requirements during its extended stay at the Marina, Hixon said guidelines had not been in place at that time, but that staff will in the future monitor adherence to pump-out requirements for large ships docking at the Marina. Current pump-out guidelines require boats to be pumped out at least bi-weekly.

Buzell said macerators on boats of any size are required to be turned off when within the Chesapeake Bay watershed area and suggested staff check boats annually to verify that a vessel's macerator is tagged off and locked. The possibility of including this requirement in Marina leases was discussed.

### ***Winter Docking Guidelines***

Browand reported that since the Marina remains open year-round, all Marina regulations remain in force year-round. In response to Gosnell's concern about boats being moored at Marina locations vulnerable to ice, Browand said that although the Marina is open year-round, it is a leaseholder's choice as to whether to keep a boat in the Marina during the winter months. The Dockmaster works with individual leaseholders to relocate vessels within the Marina for the winter.

Gosnell reviewed the Marina experience during the early 1990s when the Potomac froze over. An icebreaker was required to make a path for a fuel ship, which created ice floes on the river that damaged marina pilings and boats moored at the marina.

Browand said staff will be conducting a comprehensive review of Marina-related policies, rules and regulations with an eye to identifying any holes needing to be addressed, including those related to pump-outs and over-nighting. Any recommendations generated by the review would be provided to the Committee.

### **Report from Police Department**

Bergin reported that there had been few calls about problems and no serious crimes within the Waterfront area. Trespassing-related calls had dropped off since the Food Court had closed and the City had, as discussed at the November meeting, implemented new agreements with property owners that give Police standing authority to respond to trespassers without having first received a complaint. The year had been a quiet one for the Waterfront and the Police Department. City-wide major crimes had declined for the fifth year in a row, despite City population having increased slightly over that same time period.

Bergin introduced Lt. Torres the new APD liaison to the Committee. Bergin has been reassigned to the APD's new patrol support unit.

Bergin advised Members that, because most police on duty are likely to be unfamiliar with Coast Guard and RPCA regulations affecting the Marina, when a person reports a Marina-related problem such as improper pumping out the Police may not be able to resolve the problem immediately. However, the Police will always refer a caller to the appropriate responsible agency.

In response to a question from Gosnell, Bergin confirmed that APD jurisdiction ends at the bulkhead and offered as an example that when a vessel such as the Jamaica Bay moors at the bulkhead the City is without authority to board the boat. However, consistent with the APD's habit of responding to calls beyond those for which it is strictly required to do so, City police would always respond to a call about a crime in progress

regardless of whether the incident is within the jurisdiction of the City or the District of Columbia. APD sorts out any jurisdictional issues after having detained the perpetrator.

Bergin reported that budget reductions may require some patrol adjustments in FY13.

In response to a Fox question about whether there is a policy regarding how police should respond to people of no fixed address, Bergin said that although there is no specific policy, APD's general approach is not to arrest people but to advise them that they are trespassing, remove them from a site, and offer them alternative shelter. Arrests are only made if a person refuses to leave. For example, a person would not be arrested for sitting on a park bench but would be arrested if a person were living in a cardboard box that had been set up in location that was impeding access. Bergin said people should always call the police if they see a problem they think needs to be addressed and the police will determine how to resolve the problem.

In response to Pennington's question about the call center inside the new APD headquarters building, Bergin said the call center had not yet been relocated. The new call center will be under the jurisdiction of the City's new Department of Emergency Communication and will support APD, the Fire Department, Department of Sanitation, and General Services.

Browand advised that the Emergency Operations Center, which coordinates responses to weather emergencies, continues to be located at the Lee Center.

In response to a question from Hall regarding a dog left unattended and tied up outside the Charthouse for an extended amount of time, Bergin said an officer would respond to the complaint but absent an emergency such complaints would be a low priority, especially in light of anticipated 20 percent staffing cuts for patrols. Browand said that APD usually refers calls about animals to Animal Control.

#### **Waterfront Small Area Plan / Waterfront Plan Work Group**

Macek, the Committee's representative on the Waterfront Plan Work Group (Work Group), reported that the Work Group had finished its work, having held 15 meetings over the previous five months. The Work Group's draft report had been finalized at its final meeting the previous week. Macek planned to email Members a link to the Work Group report after the report's public release at a press conference that morning. Council had scheduled a Tuesday, January 10 work session on the Waterfront Plan. Smedberg said the January 10 session would primarily be a Council - Planning Commission work session, although Work Group members would also be available to answer questions. Macek said consideration of the Waterfront Plan had been put on Council's agenda for its January 21 meeting and public hearing.

Macek said that at the Work Group press conference that morning he and fellow Work Group member Bob Wood, who authored the Work Group report, planned to review the report, the Work Group's actions and how it had accomplished the objectives set out by Council. The Work Group had reviewed issues related to the Waterfront Plan, developed recommendations for modifications and follow-up actions, had identified those issues where differences of opinion between Work Group Members existed, and identified issues in the Waterfront Plan needing further consideration by Council.

Macek reviewed a few highlights of the Work Group report's recommendations.

There was a Work Group consensus that the City should address parking problems now, a position previously taken by the Committee. Macek added that, based on the Transportation and Environmental Services (T&ES) briefing presented at the November Committee meeting, T&ES had initiated actions to address this but that the Committee should monitor progress in this area.

There was a Work Group consensus recommending that a Union Street corridor traffic study be conducted.

There was a Work Group consensus recommending that the Plan's art and history elements need to be more focused and emphasizing that the Plan needs to identify funding streams to support these elements.

There was a Work Group consensus recommending that the City identify Plan elements that could be implemented early to offer an early visible impact of the Plan's implementation. Enhancements to public spaces such as Waterfront Park, and City-owned properties along The Strand and at the foot of King Street had been suggested.

There was a Work Group consensus cautioning the City against using eminent domain to acquire Waterfront property needed to implement the Plan's elements. The Work Group encouraged the City to respect private property rights and negotiate with property owners, including the Old Dominion Boat Club (ODBC), to resolve conflicts related to the Plan's recommendations.

Macek said the Work Group had highlighted two major areas for Council to resolve on which Work Group members disagreed: rezoning and the appropriate number of hotels within the Waterfront Small Area Plan area. Macek said at the core of these two issues rests the question of how many City resources should or could be devoted to funding Waterfront revitalization because there is a nexus of tradeoffs between private development and the public realm benefits. Macek said that although the Work Group had not resolved these disagreements it had successfully addressed its mission of identifying those areas requiring further attention.

In response to a question from Bernstein regarding how he thought the Work Group report might influence Council's consideration of the Waterfront Plan, Macek said the report had identified and clarified many Plan issues about which there have been significant misconceptions and had addressed these issues in a fair and logical manner.

Macek said that how Council might use the Work Group's recommendations would be for Council to decide, but that it was his hope that Council would carefully consider the report's recommendations with an eye to how they might be incorporated into the Waterfront Plan. He said he hoped that a revised Waterfront Plan draft would be produced. Smedberg said that Council members had been following the Work Group's recommendations very closely as the Work Group's work had proceeded.

Macek said that the Work Group report had highlighted Committee members' misgivings about the Waterfront Plan's proposal to locate a marina at Robinson

Terminal South (RTS) and had incorporated much of the language from the Waterfront Committee's 2009 Marina Vision Statement and Briefing Paper. The Work Group report recommends that the Plan's language be made more flexible regarding a new marina's potential location and instead focus on the nature of the proposed new marina.

Bernstein asked whether, because zoning changes that would increase Waterfront density are a particular concern for residents, the Union Street traffic study recommended by the Work Group might impact Council's decision on rezoning. Macek said that the Work Group had not recommended that the traffic study be completed prior to plan approval, but that the study be completed so that the impact of the Plan's elements could be mitigated during its implementation. Macek said many of the Work Group's public realm recommendations could be implemented independently of rezoning decisions affecting Waterfront hotels and density.

Smedberg said that at this stage the Waterfront Plan is more of a land-use plan than a traffic plan and that it has been recognized that the question of how to disperse traffic will need to be addressed. Gosnell said signage at the City's points of entrance publicizing recommended routes to the Waterfront could facilitate the dispersal of traffic heading towards the Waterfront.

Smedberg said that an important benefit of the Work Group discussions had been the ability to address and correct public misperceptions about the Plan's elements during staff briefings and the Work Group's related questions and discussions.

In response to a question from Bernstein about whether additional rezoning related to the GenOn plant's site would be considered in December 2012 Williams said that an FY2013 budget request had been submitted to develop a Small Area Plan that would include the GenOn site in North Old Town.

McCall said that the Alexandria Archaeological Commission (AAC) intends to review the Work Group's report and the Waterfront Plan with the intention of updating the AAC statement on the Waterfront Plan. He said that the Waterfront arts and history plans had assumed public-private partnerships and foundations would be created to support the history plan and AAC has been considering how to proceed with efforts that would include private fundraising. McCall said the Arts and History Commissions have been interested in identifying a Waterfront project that would combine art and history as a first step for implementing these elements of the Waterfront Plan. The AAC remains concerned about the need for the Plan to identify funding sources for the Plan's art and history elements and the importance of creating a history center that highlights the City's existing historical museums.

Macek suggested Committee members review the Work Group's recommendations and consider at their next meeting, January 17, whether an updated Committee's position on the Waterfront Plan should be submitted to Council in advance of the January 21 Council meeting and public hearing. Pennington said the Committee's choice is to stand back and observe the Plan's implementation or to expand the Committee's efforts to encourage improved City management of Waterfront-related activities.

Macek said that among the issues the Committee might want to consider was the question of what role the Committee should play in overseeing the Waterfront Plan's implementation. He said that the Work Group had recommended a senior City official be designated to coordinate Waterfront-related responsibilities across departments and that a public advisory committee should similarly be created to oversee these activities, including those related to the Waterfront Plan's implementation.

Macek said Work Group members had discussed - without reaching a consensus – the options of having the public advisory committee function be fulfilled either by creating a new committee or enhancing the existing Waterfront Committee. Macek said he supported broadening the Waterfront Committee's membership to enable it to fulfill this oversight responsibility. Macek suggested that additional Committee members could include, for example, representatives from the arts and planning commissions and from neighborhoods west of Quaker Lane. Macek said he opposes creating a parallel City advisory committee to oversee implementation of the Waterfront Plan.

Smedberg said he had already raised the idea of reconstituting the Waterfront Committee since its geographical membership should reflect that the Waterfront benefits residents throughout the City and that a number of interested parties who contribute to the Waterfront are not currently represented on the Committee.

McCall said he agreed that the Committee should be reconstituted but said the Committee should be conscious of the possibility that oversight of the Waterfront Plan's implementation could eventually dominate the Committee's focus and mission.

Gosnell, supported by the full Committee, commended Macek for his superior work on behalf of the Waterfront Committee since his election as Chair two years ago.

### **Announcements / Public Discussion**

Thayer proposed the Committee send a letter of appreciation for Bergin's participation in Committee meetings as Police Department liaison. Macek offered to write a letter on the Committee's behalf.

Macek announced that Pete Petersen had finished his service on the Committee, having served as the Alexandria Archaeological Commission's representative to the Committee since 1997. City Council has since instituted a 10-year limit for service on City boards and committees. Macek said he will send Petersen a letter on behalf of the Committee thanking him for his service.

Hall suggested that, in light of the City's anticipated discussions about planning for the area around the GenOn site, the Committee discuss with NPS the development of a commercial marina at Old Town's north end. NPS had rejected the idea 20 years earlier on the grounds the proposed marina would have been a commercial operation.

Browand announced that the City's family-oriented First Night Alexandria would be held on December 31.

### **Adjournment**

The meeting was adjourned without objection at 9:05 a.m.