

EXHIBIT NO. 1

9 E 10
4-16-05

Docket Item #
BAR CASE #2002-0300

City Council
April 16, 2004

A. ISSUE: Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District approving a Certificate of Appropriateness for replacement windows and through the wall HVAC units

APPLICANT: Miles Properties, Inc.

APPELLANT: James Hartmann, City Manager

B. ISSUE: Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District denying a Certificate of Appropriateness for replacement roofing

APPLICANT & APPELLANT: Miles Properties, Inc.

LOCATION: 718, 722, 820A, 820B, 906 & 922 South Washington Street and 719 South St. Asaph Street

ZONE: RCX/Residential

I. Summary

There are two appeals. The first appeal on this case was by the City Manager at the direction of the City Council. The City Manager asks whether the Board of Architectural Review should have approved replacement windows and the demolition necessary to install through the wall HVAC units without a Permit to Demolish at the multi-family residential properties at 718, 722, 820A, 820B, 906 & 922 South Washington Street and 719 South St. Asaph Street. It is the position of the City Manager that the Board should have considered additional alternatives beyond those requested by the applicant. The second appeal by Miles Properties, Inc, the applicant, asks that the Board's decision regarding replacement of a slate roof with asphalt shingles be overturned

After the two appeals were filed, the staff met with the applicant to discuss the three issues in the appeal cases. After a series of meetings and discussions, the applicant offered the following compromise proposal. The applicant will repair the existing six-over-six configuration windows, most of them original to the apartment buildings, rather than replace them. However, they will replace the existing wood windows in the shower areas with the type of cellular composite windows approved by the BAR because of the deterioration that has occurred and to prevent future humidity-related problems. The applicant will install the through-the-wall HVAC units in the apartment units in two of the apartment buildings as proposed by the applicant and approved by the BAR. The applicant will repair the existing slate roofs as recommended by the BAR, rather than replace the roofing with asphalt shingles. The staff supports the compromise.

II. History

The Bearings, formerly the Boulevard of Old Town Apartments, complex consists of seven multifamily rental apartment buildings in the 700, 800 and 900 blocks of South Washington Street that date from the late 1940s. The buildings at 820A and 820B South Washington Street (actually located on Green Street) were renovated in the 1980s with beige aluminum windows.

While all of the buildings in the Bearings complex are set back from the street, they form a significant and highly visible component of lower Washington Street.

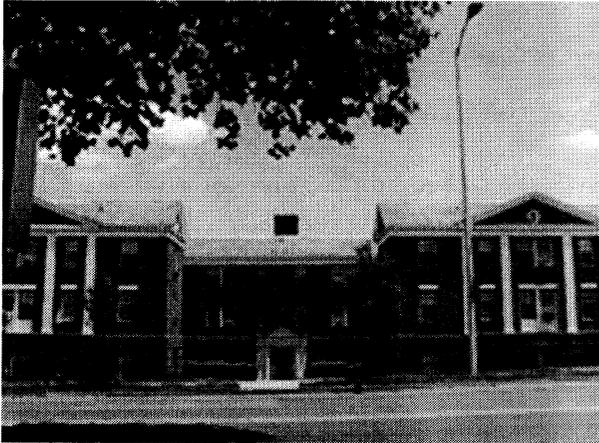


Figure 1 906 & 922 South Washington Street

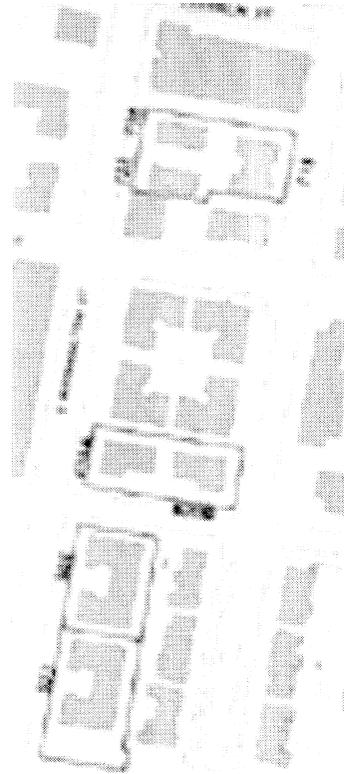


Figure 2 Location of Miles Properties buildings

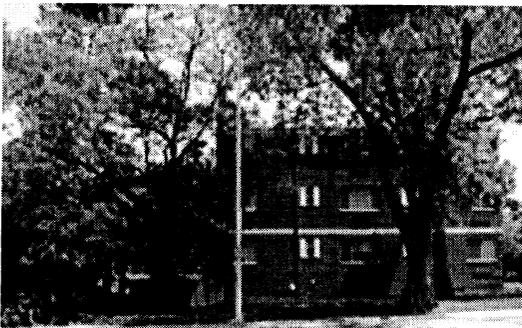


Figure 3 820A, 820B South Washington Street

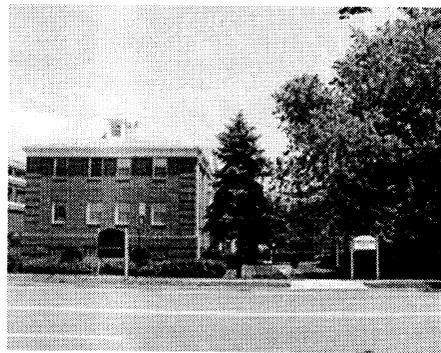


Figure 4 718 & 722 South Washington Street

The Boulevard Apartments are among a number of garden apartment complexes constructed in Alexandria at the north and south ends of Washington Street from the late 1930s through approximately 1950. Although initially constructed as three separate developments, each group of buildings composing the Boulevard shares attributes common to Alexandria's early garden apartments, including generous setbacks and low red brick buildings with Colonial Revival detailing.

The seven buildings were purchased by Miles Properties, Inc., in December 2004.

III. The Applicants Proposal

On February 2, 2005, the Old and Historic District Board of Architectural Review (BAR) heard an application for a Certificate of Appropriateness for the alterations to the properties at 718, 722, 820A, 820B, 906 & 922 South Washington Street and 719 South St. Asaph Street.

Replacement Windows

The applicant requested approval to replace existing wood windows at 718, 722, 906 and 922 South Washington Street and at 719 South St. Asaph Street. These windows currently are single pane, double hung, true divided light wood windows and most have a six-over-six configuration. It is likely that many are the original windows. The proposed replacement window units are white double pane, one-over-one configuration, cellular composite windows. The proposed replacement project includes repairing the existing wood window frames and wrapping them in white aluminum.

New Mechanical Units for Heating and Air Conditioning

The applicant proposed to install new through the wall heating and air conditioning units below the windows at the buildings at 906 and 922 South Washington Street.

Replacement Roofing

The applicant proposed to replace the existing slate roofs at 718, 722, 820A, 820B, 906 and 922 South Washington Street and at 719 South St. Asaph Street with new architectural asphalt shingles.

IV. Board of Architectural Review Action

The Board approved new one-over-one, double-pane insulated cellular composite windows with aluminum wrapping around the window frames and new through the wall HVAC units to be installed below the windows. At the same time the Board denied the request to replace the deteriorating slate roof shingles with new asphalt architectural shingles.

Replacement Windows

The Board agreed with the Staff analysis regarding the replacement windows; that they are not inappropriate for mid-20th multi-family purpose built buildings which were normally constructed with off-the-shelf products for the reasons of both speed of construction and cost. The Board had previously approved new one-over-one replacement windows at a similar garden apartment complex, the Monticello-Lee Apartments, in the 800 block of South Washington Street in 1996 (BAR Case #96-0052).

New Mechanical Units for Heating and Air Conditioning

The Board agreed with the Staff analysis regarding the through the wall HVAC units finding that it was consistent with previous approvals for through the wall units at other garden style apartments on South Washington Street including Hunting Towers, Old Town Gardens and Potowmack Crossing. The units proposed are approximately 14" in height, 25" in width and extend from the exterior wall surface approximately 2". The units are only proposed to be installed at the buildings at 906 & 922 South Washington Street.

Roofing

Staff had recommended replacement of the existing slate roofing with asphalt shingles because such products were available at the time of construction of the apartments. The Board disagreed and believed that slate roofs were an important feature of garden apartments on Washington Street and that the existing slate roofs should be repaired.

V. Consideration of Alternatives

Windows

Subsequent to the public hearing Staff met with the applicant to discuss alternatives regarding the windows. As an alternative, the applicant has offered to repair the majority of the windows rather than replace them. The exterior windows adjacent to the showers are in such bad condition, that many cannot be repaired. The existing windows have only single pane glass. In order to create thermal efficiency and provide insulation, storm windows could be added to each

of the repaired windows either by the applicant or at a later date by a new unit owner. Storm windows could be added without the need for approval from the BAR.

Another alternative is to replace the existing windows with wood windows with a six-over-six configuration to match the existing window configuration. The applicant has indicated that the cost of such replacement would be so high that they would opt to repair the windows rather than to replace them. In any case, the applicant does not want to install wood windows in the shower areas, because of the damage that water and humidity would have on them.

Some citizens who spoke before the City Council during the public comment period in February said that they were concerned about the quality of work that was being done by the applicant when they were cladding window frames and replacing windows. The applicant says that they replaced only one window as a demonstration for BAR members and that if there was substandard work, it had been done by the previous owner of the property.

New Mechanical Units for Heating and Air Conditioning

If the proposed through-the-wall heating and cooling units are not approved, the other alternative is to increase the capacity of the existing central boiler. With this option, unit owners would not have control of the heat for their living unit. To provide cooling under this alternative, window air conditioning units would also be installed. Such window units would extend out more and have a more serious impact on the character and architecture of the building than would the combined under-the-window HVAC units.

Roofing

Generally slate roofs have a life expectancy of 75-100 years. In this instance, the applicant noted that approximately 40% of the slate roof area was damaged and would have to be replaced. Asphalt shingles have a life expectancy of 25 years.

VI. Architectural Detail Standards

The Zoning Ordinance provides standards that are to be used to determine if approval of a Certificate of Appropriateness is warranted. In this appeal, the most important standard concerns architectural detail. Section 10-105(A)(2)(b) of the Zoning Ordinance sets forth that standard. It provides that the City Council on appeal shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures:

- (b) Architectural details including, but not limited to, original materials and methods of construction, the pattern, design and style of fenestration, ornamentation, lighting,

signage and like decorative or functional fixtures of buildings or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained;

VII. Appeal

§ 10-107(A)(2) of the Zoning Ordinance permits an appeal of the decision by the Board of Architectural Review by the City Manager to the City Council. The second appeal was filed by the applicant. The appeals were filed on February 16, 2005.

VIII. City Council Action Alternatives

Council may uphold or overturn the decision of the Board of Architectural Review, using the criteria for approval of a Certificate of Appropriateness in §10-105(A)(2) Zoning Ordinance (Attachment 2). City Council may also remand the project to the Board with instructions to consider alternatives.

Attachments:

- Attachment 1: B.A.R. Staff Report, February 2, 2005
- Attachment 2: §10-105(A)(2): Criteria to be considered for a Certificate of Appropriateness

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning; Hal Phipps, Division Chief, Zoning and Land Use Services; Peter H. Smith, Principal Staff, Boards of Architectural Review.

REPORT ATTACHMENTS

Docket Item #4
BAR CASE #2002-0300

BAR Meeting
February 2, 2005

ISSUE: Alterations and replacement windows

APPLICANT: Miles Properties, Inc.

LOCATION: 718, 722, 820A, 820B, 906 & 922 South Washington Street and 719 South St. Asaph Street

ZONE: RCX/Residential

BOARD ACTION, FEBRUARY 2, 2005: This docket item was moved to the end of the public hearing. On a motion by Mr. Smeallie, seconded by Ms. Quill the Board approved the replacement windows, the through the wall HVAC units and denied the replacement roofing. The vote on the motion was 4-1 (Chairman Hulfish was opposed).

REASON: The Board agreed with most of the Staff analysis. However, the Board believed that the existing slate roof should be repaired rather than replaced with new asphalt shingles. The Board believed that the slate roofs on garden apartments were an important visual component of such buildings.

SPEAKERS: Bruce Wise, architect, Miles Properties, Inc., spoke in support
Poul Hertel, 11217 Michigan Court, spoke in opposition
Ellen Pickering, Roberts Lane, spoke in opposition
Ross Farrell, 820 S. Washington Street, spoke in opposition
Carolyn Horner, 906 S. Washington Street, spoke in opposition
John Huckabee, Miles Properties, Inc., spoke in support

BOARD ACTION, FEBRUARY 5, 2003: On a motion by Dr. Fitzgerald, seconded by Mr. Wheeler the Board deferred the application for restudy. The vote on the motion was 6-0.

REASON: The Board believed that consideration should be given to repairing rather than replacing the windows. Mr. Wheeler noted that the exterior wood trim is in very good shape, but that the windows needed attention. He also noted that the buildings face onto the George

Washington Memorial Parkway. The Chairman asked that, if replacement windows are proposed, a full sized window should be displayed rather than a window sample.

SPEAKERS: Richard Downs, apartment manager, Archstone- Smith, spoke in support
Kevin Gallagher, Professional Maintenance Management, spoke in support
Paul Mansour, contractor, spoke in support

BOARD ACTION, DECEMBER 18, 2002: The chairman called the question on the Staff recommendation which was: deferral of the application for restudy. The vote on the motion was 7-0.

REASON: Mr. Downs noted that windows would be replaced in a total of 122 units, not the 158 noted in the Staff report. The Board believed that consideration should be given to repairing rather than replacing the windows and that exterior muntins were more appropriate than the internal grids proposed by the applicant.

SPEAKERS: Richard Downs, apartment manager, Archstone- Smith, spoke in support
Kevin Gallagher, Professional Maintenance Management, spoke in support

Update: This case was last heard by the Board in February 2002. Since that time the properties have been sold and are being converted to condominiums. This application concerns upgrades and alterations to the buildings for this conversion.

STAFF RECOMMENDATION:

Staff recommends approval of the application as submitted.

I. ISSUE:

The applicant is requesting approval of a Certificate of Appropriateness for alterations and replacement windows for the multi-family residential buildings located at 718, 722, 820A, 820B, 906 & 922 South Washington Street and 719 S. St. Asaph Street which are being converted to condominiums.

Replacement Windows

The applicant is requesting approval to replace the existing wood windows at 718, 722, 906 and 922 South Washington Street and at 719 South St. Asaph Street. These windows currently are double hung, true divided light wood windows and most have a six-over-six configuration. It is likely that many are the original windows. The windows now proposed will be single light cellular composite windows. The windows will have a white finish. A sample window will be available at the hearing for Board inspection. The proposed replacement project includes wrapping the existing wood window frames in aluminum.

The applicant has installed a number of proposed replacement windows types in the courtyard of 906 South Washington Street and members are urged to view these installed window types.

Replacement Roofing

The existing roofs at 718, 722, 820A, 820B, 906 and 922 South Washington Street and at 719 South St. Asaph Street are proposed to be replaced with new architectural asphalt shingles.

New Mechanical Units for Heating and Air Conditioning

New through the wall mechanical units are proposed to be installed below the windows at the buildings at 906 and 922 South Washington Street.

II. HISTORY:

Now known as the Boulevard of Old Town Apartments, the complex consists of seven multifamily rental apartment buildings in the 700, 800 and 900 blocks of South Washington Street with a leasing office located at 906 South Washington Street that date from the late 1940s. The buildings at 820A and 820B South Washington Street (actually located on Green Street) were renovated in the 1980s with beige aluminum windows.

While all of the buildings in the Boulevard Apartment complex are set back from the street, they form a significant and highly visible component of lower Washington Street.

The Boulevard Apartments are among a number of garden apartment complexes constructed in Alexandria at the north and south ends of Washington Street from the late 1930s through approximately 1950. Although initially constructed as three separate developments, each group of buildings composing the Boulevard shares attributes common to Alexandria's early garden apartments, including generous setbacks and low red brick buildings with Colonial Revival detailing.

At the December 4, 2002 hearing, the Board approved refacing the existing signs at the Boulevard Apartments (BAR Case #2002-0056). Staff was unable to locate records of prior BAR decisions for the buildings composing the Boulevard Apartments. In 1996, the Board did approve the replacement of multi-light wood windows at the Monticello Courts Apartments at 800 A, B, C & D South Washington Street with one-over-one aluminum windows (BAR Case #96-52, 3/20/96).

The proposed window replacement complies with zoning ordinance requirements.

III. ANALYSIS:

Replacement Windows

As noted in the *Design Guidelines*, windows are a principal character-defining feature of a building and thus particular care must be taken to ensure that their treatment is appropriate to the character of the building. In large and relatively unornamented buildings such as these, the windows have even greater importance. The *Guidelines* discourage the use of aluminum windows (as well as vinyl, vinyl-clad and metal-clad windows) for new or replacement windows in the historic district. The preferred window type is true divided light wood windows. Although "panning" or covering wood window frames and trim in another material not specifically addressed in the *Design Guidelines*, it can be inferred that this treatment is discouraged. In this instance, however, Staff, after viewing the sample windows that have been installed, believes that the proposed cellular composite windows are relatively visually similar to wood windows, especially since all of these buildings have generous street setbacks and the windows can only be viewed at a distance from the public right-of-way. Further, Staff believes that this type of replacement windows is not inappropriate for mid-20th multi-family purpose built buildings which were normally constructed with off-the-shelf products for the reasons of both speed of construction and cost. The Board approved one-over-one replacement windows at a similar garden apartment complex, the Monticello-Lee Apartments, in the 800 block of South Washington Street. In the opinion of Staff, this type of window is acceptable for mid-20th century garden apartment complexes. Therefore, Staff finds the proposed replacement windows acceptable.

Replacement Roofing

Staff has no objection to replacing the existing roofs at 718, 722, 820A, 820B, 906 and 922 South Washington Street and at 719 South St. Asaph Street with architectural asphalt shingles. This type of roofing material is historically appropriate to the period of construction of these

buildings.

New Mechanical Units for Heating and Air Conditioning

Staff also has no objection to the through the wall mechanical units at 906 and 922 South Washington Street. With garden style apartment such as these, this type of unit is often the only available means to provide or upgrade the existing heating and air conditioning system. Thus, the Board has approved the installation of such units at a number of these complexes on Washington Street during the last fifteen years including at Hunting Towers, Old Town Gardens and Potowmack Crossing. In this instance, the applicant has examined a number of other options for heating and air conditioning requirements for individual units but has found that other methods are more intrusive than the through the wall units being proposed.

IV. STAFF RECOMMENDATION:

Thus, Staff recommends approval of the application as submitted.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Code Enforcement:

No comments.

Office of Historic Alexandria:

Prefer wood not vinyl.

10-105 Matters to be considered in approving certificates and permits.

(A) Certificate of appropriateness

(1) **Scope of review.** The Old and Historic Alexandria District board of architectural review or the city council on appeal shall limit its review of the proposed construction, reconstruction, alteration or restoration of a building or structure to the building's or structure's exterior architectural features specified in sections 10-105(A)(2)(a) through (2)(d) below which are subject to view from a public street, way, place, pathway, easement or waterway and to the factors specified in sections 10-105(A)(2)(e) through (2)(j) below; shall review such features and factors for the purpose of determining the compatibility of the proposed construction, reconstruction, alteration or restoration with the existing building or structure itself, if any, and with the Old and Historic Alexandria District area surroundings and, when appropriate, with the memorial character of the George Washington Memorial Parkway, including the Washington Street portion thereof, if the building or structure faces such highway; and may make such requirements for, and conditions of, approval as are necessary or desirable to prevent any construction, reconstruction, alteration or restoration incongruous to such existing building or structure, area surroundings or memorial character, as the case may be.

(2) **Standards.** Subject to the provisions of section 10-105(A)(1) above, the Old and Historic Alexandria district board of architectural review or the city council on appeal shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures:

- (a) Overall architectural design, form, style and structure including, but not limited to, the height, mass and scale of buildings and structures;
- (b) Architectural details including, but not limited to, original materials and methods of construction, the pattern, design and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of buildings or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained;
- (c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;
- (d) Texture, material and color, and the extent to which any new architectural features are historically appropriate to the existing structure

and adjacent existing structures;

(e) The relation of the features in sections 10-105(A)(2)(a) through (d) to similar features of the preexisting building or structure, if any, and to buildings and structures in the immediate surroundings;

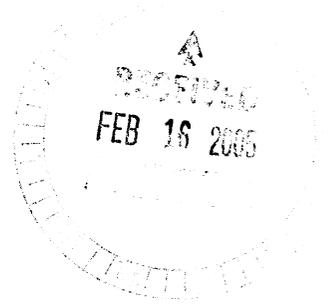
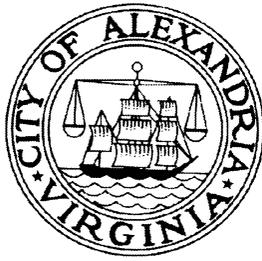
(f) The extent to which the building or structure would be harmonious with or incongruous to the old and historic aspect of the George Washington Memorial Parkway;

(g) The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city;

(h) The extent to which the building or structure will preserve the memorial character of the George Washington Memorial Parkway;

(i) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic interest in the city and the memorial character of the George Washington Memorial Parkway; and

(j) The extent to which such preservation and protection will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live.



NOTICE OF APPEAL
FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date filed
with City Clerk: February 15, 2005

B.A.R. Case No. 2002-0300

Address of Project: 718, 722, 820A, 820B, 906 and 922
South Washington Street

719 South Saint Asaph Street

Appellant: Alexandria City Manager

Address of appellant: c/o Alexandria City Attorney
301 King Street, Suite 1300
Alexandria, Virginia 22314

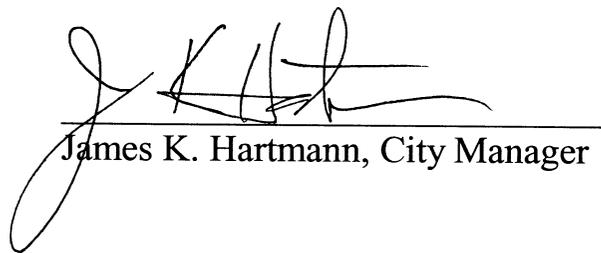
Telephone Number: (703) 838-4433

Basis for the Appeal:

1. Pursuant to Section 10-107(A)(2), the Alexandria City Manager hereby appeals from so much of the Board's decision in the above referenced case, issued February 2, 2005, as (1) approved the replacement of existing wood, double hung, true divided light windows with single light, cellular composite windows at 718, 722, 906 and 922 South

Washington Street, and (2) approved installation through the exterior brick below the windows for new HVAC equipment at 906 and 922 South Washington Street.

2. The record before the Board does not demonstrate that the BAR applicant met its burden of demonstrating that the cumulative impact and extent of the alterations described in (1) and (2) above are appropriate and compatible with the existing character along Washington Street, especially given the heightened standards generally applicable to Washington Street under Section 10-105(A)(3).
3. The record before the Board does not demonstrate that the BAR applicant met its burden of demonstrating that the removal of the true divided light, wood windows, and replacement with windows of a different configuration and synthetic material, was appropriate and compatible with the existing character of the historic district, under the same standards and criteria regularly applied to other buildings in the district, including single family dwellings, of the same or similar age and historic significance.
4. The record before the Board does not demonstrate that the BAR applicant met its burden of demonstrating that the removal of the existing brick to accommodate the new HVAC units at 906 and 922 South Washington Street, which in the aggregate exceeds the 25 square feet threshold for a demolition permit under Section 10-103(B) and for which no application was made, was appropriate and compatible with the existing character of the historic district and retention of historic fabric, under the same standards and criteria regularly applied to other buildings in the district, including single family dwellings, of the same or similar age and historic significance.
5. The issues raised by this Appeal merit consideration and determination by the Alexandria City Council.


James K. Hartmann, City Manager



RECORD OF APPEAL



FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: February 16, 2005

B.A.R. Case #: 2002-0300

Address of Project: 718, 719, 722, 820A, 820B, 906, 922 South Washington Street
719 South St. Asaph Street

Appellant is: (Check One)

B.A.R. Applicant

Other party. State Relationship _____

Address of Appellant: 3500 Lenox Road, Suite 800
Atlanta, GA 30326

Telephone Number: 404-926-0979

State Basis of Appeal: SEE ATTACHED

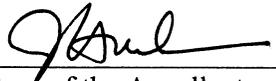
Attach additional sheets , if necessary

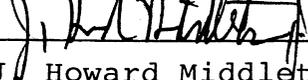
A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the effected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

All appeals must be filed with the City Clerk on or before 14 days after the decision of the B.A.R.

All appeals require a \$150.00 filing fee.

If an appeal is filed, the decision of the Board of Architectural Review is stayed pending the City Council decision on the matter. The decision of City Council is final subject to the provisions of Sections 10-107, 10-207 or 10-309 of the Zoning Ordinance.


Signature of the Appellant - John Huckaby, Miles Properties


J. Howard Middleton, Attorney/Representative
703-641-4225

ATTACHMENT TO BOARD OF ARCHITECTURAL REVIEW APPEAL

B.A.R. CASE # 2002-0300

Pursuant to §10-107(A)(1), the Applicant hereby appeals the Board's decision in the above-referenced case on February 2, 2005, denying the replacement roofing on the buildings located at 718, 722, 820A, 820B, 906 and 922 South Washington Street and 719 South St. Asaph Street.

The Applicant proposed to replace existing roofing with GAF Slateline-5 TAB architectural asphalt shingles. The color of these architectural asphalt shingles would be Antique Slate. The City's professional staff in the staff report for BAR Case # 2002-0300, BAR Meeting, February 2, 2005, stated:

Staff has no objection to replacing the existing roofs at 718, 722, 820A, 820B, 906 and 922 South Washington Street and at 719 South St. Asaph Street with architectural asphalt shingles. This type of roofing material is historically appropriate to the period of construction of these buildings.

Contrary to the City staff's professional recommendation, the Board denied the application to replace the existing roof with architectural shingles.

By this appeal, the Applicant is requesting City Council to grant the appeal and approve the replacement of the existing roof with architectural shingles as presented to the Board of Architectural Review. This decision would be in keeping with the expert opinion of the City staff.

The issue raised by this appeal merits consideration and determination by the Alexandria City Council.

SPEAKER'S FORM

DOCKET ITEM NO. 9+10

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK BEFORE YOU SPEAK ON A DOCKET ITEM.

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. NAME: HOWARD MIDDLETON
- 2. ADDRESS: 3110 FAIRVIEW PARK DR, FALLS CHURCH, VA
TELEPHONE NO. (703) 641-4225 E-MAIL ADDRESS: jmiddletn@redsonline.com
- 3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? MILES PROPERTIES, INC
- 4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: _____ OTHER: _____
- 5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
ATTORNEY
- 6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES NO

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed for public hearing at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- (b) No speaker will be allowed more than three minutes.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.