

EXHIBIT NO. 1

6
4-22-06

Docket Item #6
VACATION #2006-0001

Planning Commission Meeting
April 4, 2006

ISSUE: Consideration of a request for vacation of public right-of-way.

APPLICANT: Cynthia Caples Trust
by John Richards, attorney

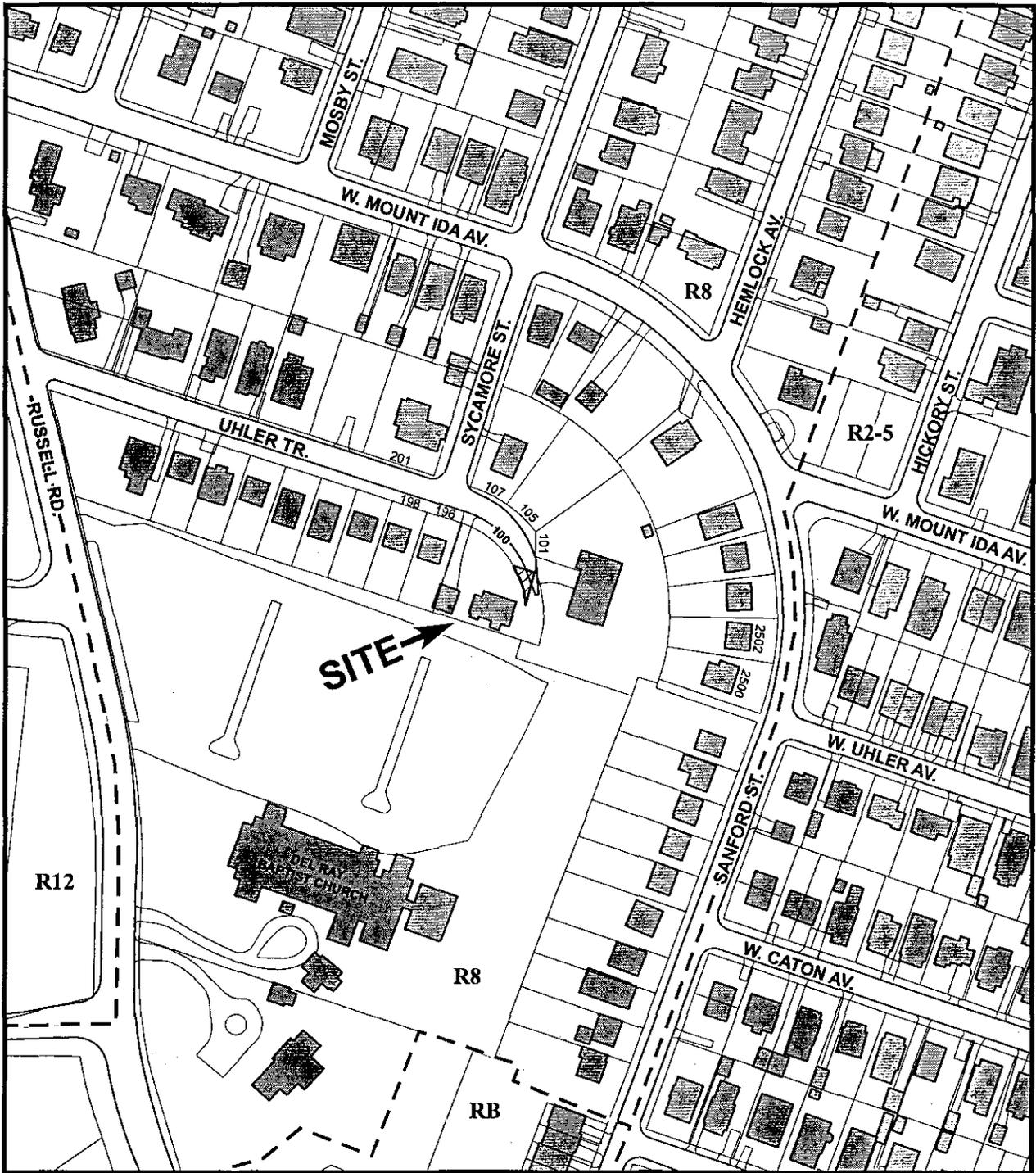
LOCATION: 100 Uhler Terrace

ZONE: R-8/Residential

PLANNING COMMISSION ACTION, APRIL 4, 2006: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



VAC #2006-0001

04/04/06



I. DISCUSSION:

REQUEST

The applicant, Cynthia Caples Trust, requests the vacation of an area of right-of-way at the terminus of Uhler Terrace.

SITE DESCRIPTION

The area proposed to be vacated is a 692 square feet portion of right-of-way at the terminus of Uhler Terrace. The applicant is the owner of the adjacent property at 100 Uhler Terrace, which is one lot of record with approximately 100 feet of frontage on Uhler Terrace, and a total lot area of 9,079 square feet. The property is occupied by a single family home, which is consistent with the surrounding residential uses. To the north, east and west of the applicant's residence are single family residences. To the south is the Del Ray Baptist Church.

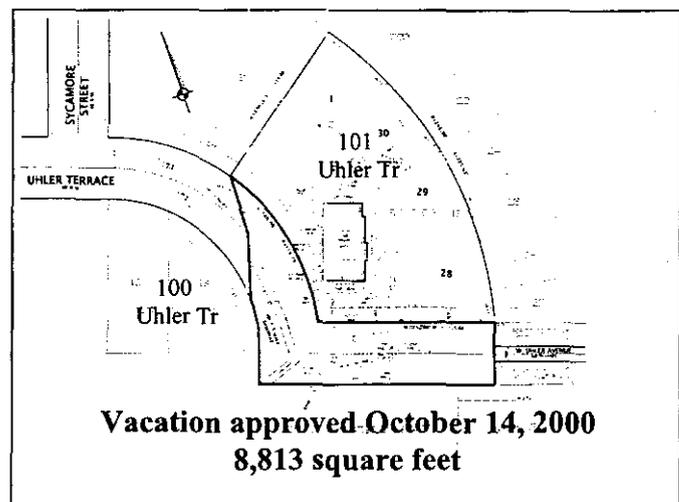


PROPOSAL

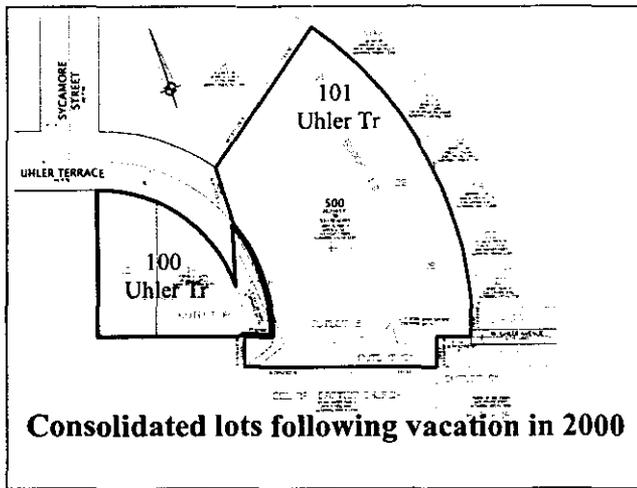
The applicant requests a vacation of approximately 692 square feet of Uhler Terrace (see attached plat). This area is currently the terminus of Uhler Terrace. The area proposed to be vacated is currently maintained as the applicant's yard, and is also occupied by a drop inlet, a portion of curb, and a narrow concrete drive that turns into a pedestrian pathway that leads to the Del Ray Baptist Church to the south. The applicant would like to add on to existing residence, and the irregular shape of the lot drastically limits the design opportunities of such an addition because of the front setback requirement. The applicant has agreed that the vacated area would not add to the development potential of the property.

PREVIOUS VACATION

On October 14, 2000, City Council approved the vacation of 8,813 square feet at the then terminus of Uhler Terrace (VAC#2000-0006). The resident at 101 Uhler Terrace requested the vacation to remove the existing asphalt and to regrade the area in order to redirect the flow of storm water into the existing storm sewer inlet rather than onto his property, which was experiencing some flooding. There is a steep grade change from what was the



VAC #2006-0001
100 Uhler Terrace



terminus of Uhler Terrace to West Uhler Avenue located to the east, and a street connection would not have been feasible. There is a footpath located over the previously vacated area that leads to the Del Ray Baptist Church to the south. The path was unimproved prior to the vacation, but is now a concrete sidewalk. An easement was required for the footpath as part of the previous vacation approval to maintain pedestrian access to the church. While the vacation was requested by the resident at 101 Uhler Terrace, the property at 100 Uhler Terrace was entitled to 50% of the vacated area immediately adjacent to it. This portion

of the vacated area was consolidated with the applicant's property, creating the irregularly shaped lot seen today.

MASTER PLAN/ZONING

The subject property is zoned R-8/Single-family zone, and is located in the Potomac West small area plan chapter of the Master Plan.

II. STAFF ANALYSIS:

Staff does not object to the proposed vacation. A prior vacation of Uhler Terrace left an irregular configuration of the right-of-way and of the applicant's property. The current vacation request of a small portion of the right-of-way will create a more regularly shaped lot.

Staff is concerned generally about the loss of public land, and about creating additional development opportunities through the sale of public land to private owners. Two years ago, when a similar case seeking to vacate right-of-way at South Royal Street was before the City, Council discussed its policy in terms of open space and with regard to the valuation of the land to be vacated. As a result of its discussion of vacation policy, Council acted in two ways. First, it approved the South Royal Street vacation application, but required that the approval include the condition recommended by staff that precluded future development potential from the vacated public land. Second, on February 10, 2004, Council adopted a new valuation policy for vacated city land, essentially distinguishing between those cases where development rights accrue to the purchaser of city land and those where they do not. In addition, Council asked that staff advise about new vacation cases early in the process, and directed that the proceeds from right-of-way vacations be allocated to the City's Open Space Fund.

VAC #2006-0001
100 Uhler Terrace

In this case, Planning staff provided Council with a copy of the vacation case when it was filed. In addition, the applicant has agreed to a condition that specifically prevents the creation of any additional development rights as a result of this vacation. Finally, the Office of Real Estate Assessments has calculated the value of the land pursuant to Council's adopted policy, given the limitation on future development.

Therefore, consistent with Council's policy, staff recommends approval. Because of an existing pedestrian path to access the Del Ray Baptist Church, staff has included a condition requiring an easement for the walkway. The prior vacation on Uhler provided an easement for the majority of the trail. Staff has also included a condition requiring an easement for utilities, which includes the existing inlet.

With these conditions, staff recommends approval.

III. STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The vacated right-of-way shall be consolidated with the adjoining lot, and the plat of consolidation filed with the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z)
2. Easements must be reserved for all existing public and private utilities within the area to be vacated. (T&ES)
3. The vacated right-of-way shall be consolidated with the existing lot. (T&ES)
4. The applicant shall provide a 5' wide walk easement to connect with the existing walk easement which provides access to the parking lot of the Del Ray Baptist Church. (T&ES)
5. The applicant shall show all easements on the plat of consolidation. (T&ES)
6. The property owners may not construct any buildings, or improvements, including driveways and parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation. (P&Z)

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Easements must be reserved for all existing public and private utilities within the area to be vacated.
- R-2 The vacated right-of-way shall be consolidated with the existing lot.
- R-3 The applicant shall provide a 5' wide walk easement to connect with the existing walk easement which provides access to the parking lot of the Del Ray Baptist Church.
- F-1 T&ES has no objection to the vacation of this excess right-of-way.

Code Enforcement:

- F-1 No Comment

Police Department

- F-1 The Police Department has no objections to the vacation.

Real Estate Assessments:

- F-1 Separate document attached.

APPLICATION for VACATION # 2006-0001

[must use black ink or type]

PROPERTY LOCATION: 100 Uhler Terrace

TAX MAP REFERENCE: 024.03-12-12 ZONE: R
B-8

APPLICANT'S NAME: Cynthia Caples Trust

ADDRESS: 100 Uhler Terrace, Alexandria, VA 22314

PROPERTY OWNER NAME: Cynthia Caples Trust

(Owner of abutting area to be vacated)

ADDRESS: 100 Uhler Terrace, Alexandria, VA 22314

VACATION DESCRIPTION: Part of the roadway of Uhler Terrace

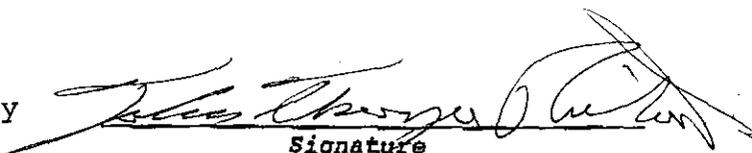
between 100 and 101 Uhler Terrace as more particularly described
on the attached sheet

THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia, the Alexandria City Charter and City Code, and the Alexandria Zoning Ordinance.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

John Thorpe Richards, Attorney
Print Name of Applicant or Agent



1725 Duke Street, Suite 600
Mailing/Street Address

703-549-5353 703-683-2941
Telephone # Fax #

Alexandria, Virginia 22314
City and State zip Code

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

City of Alexandria, Virginia

MEMORANDUM



DATE: March 22, 2006

TO: EILEEN P. FOGARTY, DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

FROM: CINDY SMITH-PAGE, DIRECTOR
DEPARTMENT OF REAL ESTATE ASSESSMENTS *Cindy Page*

SUBJECT: VACATION OF RIGHT-OF-WAY WITH NO ADDITIONAL
DEVELOPMENT RIGHTS
APPLICATION FOR VACATION #2006-0001

Based upon my review of current assessment data and subject to the limiting conditions stated in this memorandum, it is my opinion that the right-of-way to be vacated had a value to the adjacent property owner as of the date of the application for vacation (February 8, 2006).

Five Thousand One Hundred Dollars (\$5,100)

Per your request, we have reviewed the proposed right-of-way to be vacated adjacent to the property at 100 Uhler Terrace. According to a plat submitted with the Application for Vacation 2006-0001, the area of the proposed vacation contains a total land area of 692 square feet. The adjacent lot (Lot 12) comprises a total land area of 9,079 square feet. Therefore, the total proposed site would contain a total of 9,771 square feet ($9,079 + 692 = 9,771$ SF) after the vacation.

I have estimated the value of the right-of-way to be vacated using the latest real estate assessments (2006) for the nearby properties of similar size and zone, and considering the restrictions which will preclude any increase in the development potential of the site above what is currently allowed for with 9,079 square feet of land area. The January 1, 2006 land assessment of Lot 12 was \$331,600 or \$36.52 per square foot ($\$331,600/9,079$ SF = \$36.52 per square foot). This is consistent with the per-square-foot assessment of lots of similar size and zone in the immediate area. Therefore, the fee simple value of the proposed vacated parcel unencumbered by any restrictions would be \$25,272 (692 SF X $\$36.52 = \$25,272$).

Accordingly, with the vacated area to remain as open space we have discounted the indicated value based on surrounding assessments by 80 percent (80%). The remaining value at 20% of the indicated value above is \$5,100 ($\$25,272$ X $.20 = \$5,100$, rounded).

The discounted value above is contingent upon the recordation of the restrictions placed by the City that there will be no development on the vacated area, and no additional density allowed on the parcel commensurate with the additional square footage gained as a result of this vacation.

DEL RAY BAPTIST CHURCH

DEL RAY BAPTIST CHURCH
2405 RUSSELL ROAD
ALEXANDRIA, VIRGINIA 22304



MOUNT IDA, BLOCK 14

LOT 500
CYRUS B. CAPLES
190 UHLER TERRACE
ALEXANDRIA, VIRGINIA 22304

LOT 11
ROBERT & STACY
JENNINGS
190 UHLER TERRACE
ALEXANDRIA, VIRGINIA 22304

LOT 500
LORNE C. DEW OR
MARCIA A. CALL
190 UHLER TERRACE
ALEXANDRIA, VIRGINIA 22304

LOT 32
WILLIAM C. OR
JO ANN M. ZIMMICK
1107 8TH STREET
IMPERIAL BEACH, CA. 91931

PORTION OF
UHLER TERRACE
HEREBY VACATED
AREA = 692 S.F.

S 16°44'35" W - 42.53'

R=100.00'
A=93.05'

S 54°15'28" E - 66.33'

A=28.99'

UHLER TERRACE

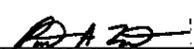
40' R/W

MOUNT IDA, BLOCK 13

SYCAMORE
STREET
40' R/W

PLAT
SHOWING A VACATION OF A PORTION OF
UHLER TERRACE
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' JANUARY 24, 2006

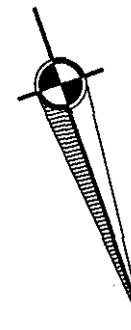


CASE NAME:	CAPLES
PLAT SUBJECT TO REVISIONS OF RECORD, THESE REVISIONS NOT FORWARDED.	 PATRICK A. ECKERT
ALEXANDRIA SURVEYS INTERNATIONAL, LLC 8343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306 TEL. NO. 703-660-0615 FAX NO. 703-768-7764	

VAC 2006-0001

DEL RAY BAPTIST CHURCH

DEL RAY BAPTIST CHURCH
2405 RUSSELL ROAD
ALEXANDRIA, VIRGINIA 22301



MOUNT IDA, BLOCK 14

LOT 500

CYNTHIA B. CAPLES
100 UHLER TERRACE
ALEXANDRIA, VIRGINIA 22301

LOT 11

ROBERT & STACEY
KUZMICKI
196 UHLER TERRACE
ALEXANDRIA, VIRGINIA 22301

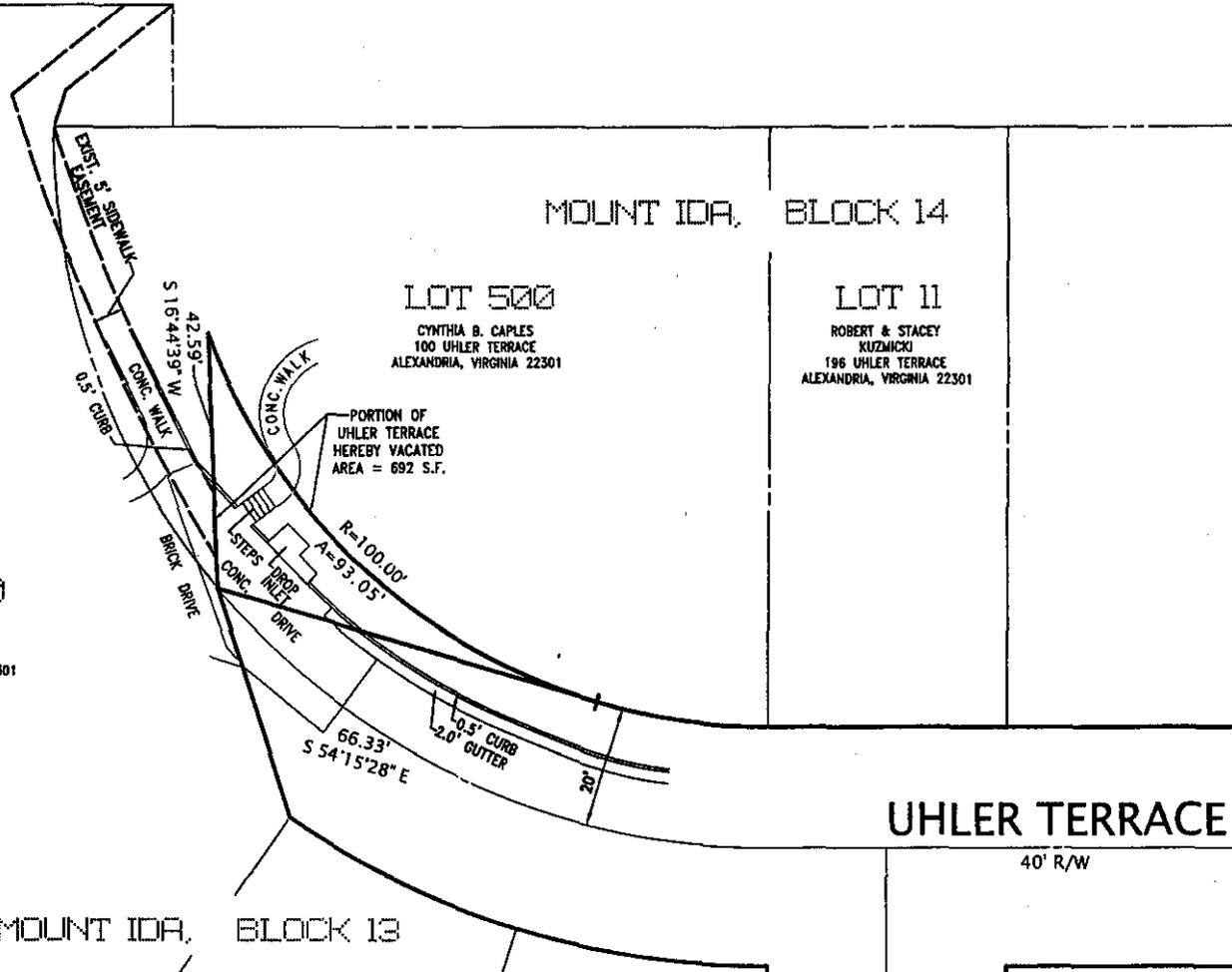
LOT 500

LONNIE C. RICH OR
MARCIA A. CALL
101 UHLER TERRACE
ALEXANDRIA, VIRGINIA 22301

UHLER TERRACE

40' R/W

MOUNT IDA, BLOCK 13



PLAT
SHOWING THE IMPROVEMENTS ON A PORTION OF
UHLER TERRACE
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20'
JANUARY 20, 2006



CASE NAME: CARLES

PLAT SUBJECT TO RESTRICTIONS OF RECORD.
TITLE HEREON NOT GUARANTEED.



PATRICK A. ECKERT
LICENSE NO. 002843

ALEXANDRIA SURVEYS
INTERNATIONAL, LLC
8943 SOUTH SAKS HIGHWAY ALEXANDRIA, VIRGINIA 22306
TEL. NO. 703-660-6815 FAX NO. 703-768-7764

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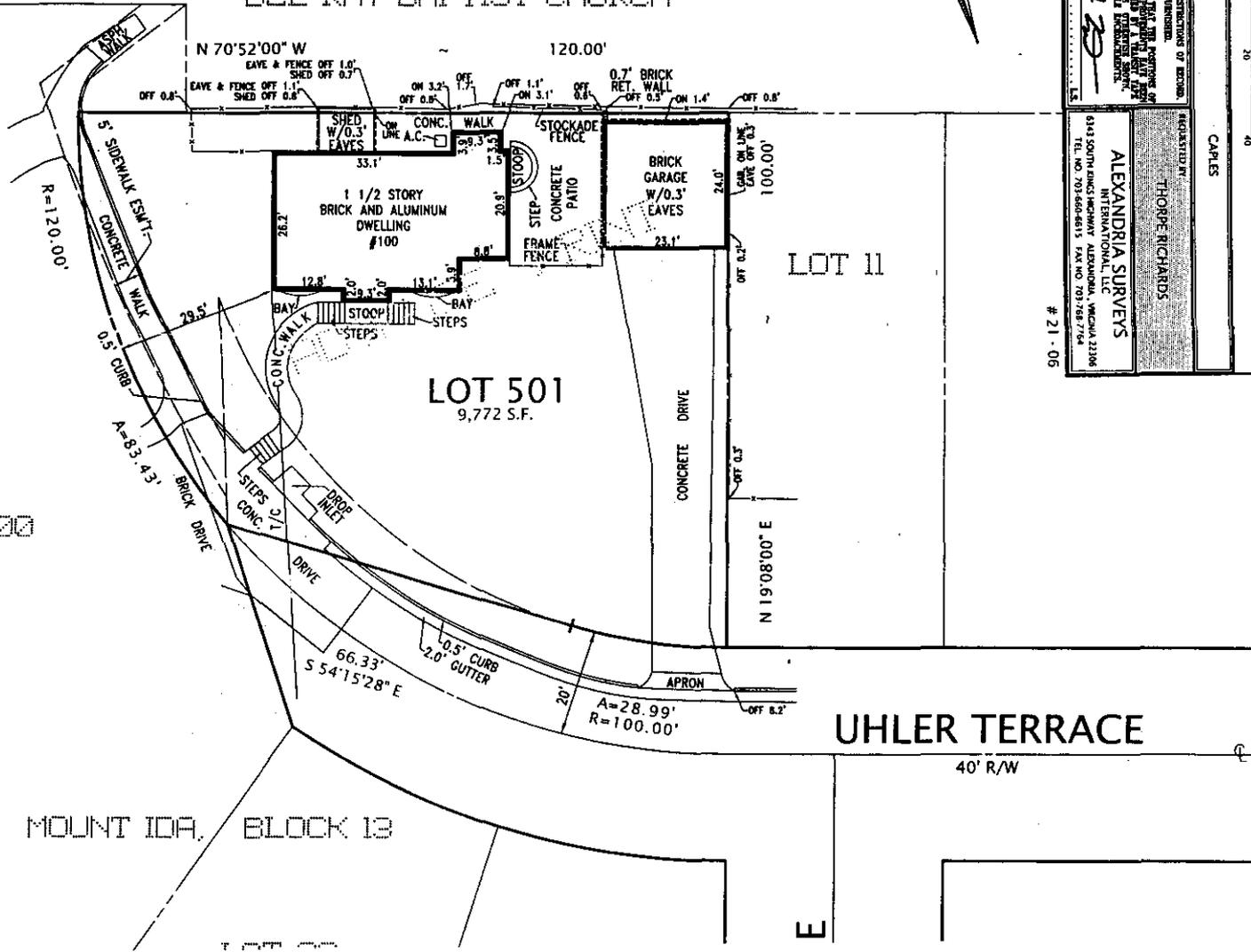
PLAT
 SHOWING HOUSE LOCATION ON
 LOT 501
 BEING A CONSOLIDATION OF LOT 500, BLOCK 14
 GROVES SUBDIVISION OF
 MOUNT IDA
 AND
 UHLER TERRACE
 CITY OF ALEXANDRIA, VIRGINIA
 SCALE: 1" = 20'
 JANUARY 20, 2006



PATRICK A. ECKERT LICENSE NO. 0262945 LAND SURVEYOR STATE OF VIRGINIA	
CASE NAME: CARLES	DATE: 1/20/06
THIS SURVEY IS SUBJECT TO RESTRICTIONS OF RECORD, TITLE, EASEMENTS AND ENCUMBRANCES. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF UNRECORDED EASEMENTS OR ENCUMBRANCES.	
REQUESTED BY: THORPE RICHARDS	
ALEXANDRIA SURVEYS INTERNATIONAL, LLC 6143 SOUTH JAMES HIGHWAY ALEXANDRIA, VIRGINIA 22304 TEL. NO. 703-650-6615 FAX NO. 703-788-7754 # 21-06	



DEL RAY BAPTIST CHURCH



13

RICHARDS MCGETTIGAN REILLY & WEST, P.C.
ATTORNEYS AT LAW

1725 DUKE STREET
SUITE 600
ALEXANDRIA, VIRGINIA 22314
PHONE: 703-549-5353
FAX: 703-683-2941
WWW.RMRWLAW.COM

JOHN THORPE RICHARDS

THORPE.RICHARDS@RMRWLAW.COM

March 24, 2006

To the Property owners abutting 100 Uhler Terrace:

Dear Property Owners:

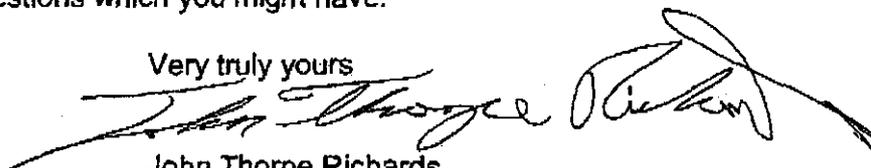
I represent Ms. Cynthia Caples, the owner of 100 Uhler Terrace. Ms. Caples desires to build a one-story addition on the east side of her house, because climbing the stairs is becoming somewhat difficult. Because her house is located upon a curve of Uhler Terrace, the present front yard set back requirements prevent such construction. By vacating the 692 square feet of Uhler Terrace on the curve, Ms. Caples would be freed from the front yard set back requirements affecting the east part of her property adjacent and be able to build her addition. The proposed vacation area is shown cross-hatched on the enclosed plat.

If, after the vacation were granted, Ms. Caples would buy the land from the City, she would agree that she and any subsequent owner would not use the 692 square foot vacated area for density or floor area calculations.

Additionally, the walkway easement created as the result of the previous vacation by a neighbor would be extended through the vacated property to Uhler Terrace.

If you need further information, please call me and I will be happy to talk with you about any questions which you might have.

Very truly yours



John Thorpe Richards

Cc: Ms Caples
Alexandria Planning Department
enclosure

6
4-22-06

RICHARDS McGETTIGAN REILLY & WEST, P.C.
ATTORNEYS AT LAW

1725 DUKE STREET
SUITE 600
ALEXANDRIA, VIRGINIA 22314
PHONE: 703-549-5353
FAX: 703-683-2941
WWW.RMRWLAW.COM

JOHN THORPE RICHARDS

THORPE.RICHARDS@RMRWLAW.COM

April 20, 2006

Mayor William Euille and
Members of the City Council
City Hall, 301 King Street
Alexandria, Virginia 22314

Re: Proposed Vacation of part of Uhler Terrace
Docket item # 6, Meeting of April 22, 2006

Dear Mayor Euille and Members of the City Council:

I represent Ms Cynthia Caples at 100 Uhler Terrace, the applicant for the proposed vacation, and I write this letter because of questions about existing trees on the east side of her property.

My client is retired from the State Department, and being no longer young realizes that there will come a time in the future when she is no longer able to climb the stairs to the second floor bedrooms. She therefore desires to put a first floor addition to her home to take care of that eventuality, rather than having to sell out and go to a retirement home. The only feasible spot is on the east side of her home.

Although she has owned her home for almost fifteen years, she was unfortunately out of the area when the City Council vacated the main part of Uhler Terrace in 1999 or 2000. As a result of the lines drawn for that vacation, a sliver of the public street remains next to her property. I enclose a copy of that abandonment plat which shows the part of the still existing street, which is next to her property. Because that sliver of the street still exists next to her property, her property line is considered to be a Front Lot Line and the Front Yard Set Back Requirements in the City Code prevent her building her desired addition.

On her small lot, she presently has eight mature trees. Two of those trees are on the east side of her lot, although neither is within the street right of way proposed to be vacated. One, a Linden, is toward the rear of her lot and the other, a Norway Pine that is not a native tree, is on the side. .

April 20, 2006

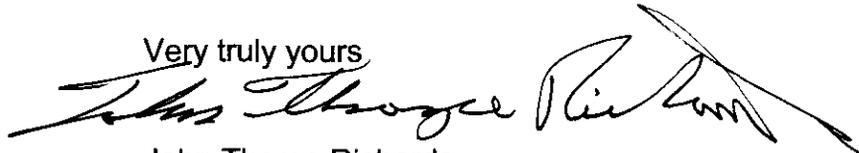
Page 2

Ms. Caples has consulted both a private arborist and the City Arborist. It is my understanding that by staying at least ten feet from the Linden tree, it should survive. By moving the footprint of the proposed addition, she would stay about twelve feet from the Linden tree. However, the distance to the Norway Pine would be less and it may have problems.

Therefore, in addition to all of the restrictions presently being agreed to by Ms. Caples, she would also agree that if the Norway Pine does not make it, she would plant a native tree acceptable to the City Arborist, and at least fifteen feet in height.

I am in hopes that this additional agreement would be acceptable to all who may have concerns about those two trees.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Thorpe Richards". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

John Thorpe Richards

Cc: Ms Caples
Planning Department

6
4-22-06

April 19, 2006

TO: Mayor Eulle
FROM: Jackie Henderson 
SUBJECT: Viewers - Docket Item #6

Please appoint viewers from the attached list for docket item #6, the vacation of 100 Uhler Terrace, #2006-0001.

DONES - Resigned to Clerk.

4/18/06

VIEWERS LIST

Mr. Donald Allen
102 Monroe Avenue
Alexandria, VA 22301
703 836-0094

Mr. Ross Bell
820 S. Washington St., #B-329
Alexandria, VA 22314
703 836-2001

~~Ms. Amoret Bunn~~
~~607 Melrose Street~~
~~Alexandria, VA 22302~~
~~703 683-1886~~

Delet

Mr. Rodger Digilio
1900 Mt. Vernon Avenue
Alexandria, VA 22301
703 548-6066

Ms. Katrine Fitzgerald
307 East Mason Avenue
Alexandria, VA 22301
703 683-1617

Ms. Gila Harris
5435 Richenbacher Avenue
Alexandria, VA 22304
703 671-9055

Mr. John Hines
13 East Myrtle Street
Alexandria, VA 22301
703 683-9659

Mrs. Judy Lowe
14 West Mount Ida Avenue
Alexandria, VA 22305
703 548-1713

Mr. Warren Almquist
201 East Monroe Street
Alexandria, VA 22302
703 684-3657

Mr. Bill Brandon
727 Upland Place
Alexandria, VA 22314
703 683-0927

Ms. Libby Cooperman
205 Yoakum Parkway, #215
Alexandria, VA 22304
703 370-9064

Ms. Marilyn Doherty
12 West Mount Ida Avenue
Alexandria, VA 22301
703 548-3095

Mrs. Ruby Fitzgerald
305 Summers Drive
Alexandria, VA 22301
703 548-7088

Ms. Debbera Hayward
5911-303 Edsall Road
Alexandria, VA 22304
703 370-7360

Mr. Jesse Jennings
1019 Oronoco Street
Alexandria, VA 22314
703 549-5229

~~Ms. Gathy Major~~
~~1431 Oronoco Street~~
~~Alexandria, VA 22314~~
~~703 836-2521~~

Delet

Ms. Kellie Meehan
801 West View Terrace
Alexandria, VA 22301
703 836-1787

clavin

Mr. Lee Roy Steele
516 North Patrick Street
Alexandria, VA 22314
703 549-7737

Tom Welsh
2100 Mount Vernon Avenue
Alexandria, Virginia 22301
703 683-2400

Ms. Ruby Tucker
254 Lynhaven Drive
Alexandria, VA 22305
703 549-7754

Elizabeth Wright
113 S. Ingram Street
Alexandria, Virginia 22304
202 548-3777

Dennis Jones
608 S. View Terrace
Alexandria, Virginia 22314
703 329-7181

SPEAKER'S FORM

DOCKET ITEM NO. 6

**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: John Thomas Richards
2. ADDRESS: suite 600 1725 Duke St. Alex. Va. 22314
- TELEPHONE NO. 703-549-3353 E-MAIL ADDRESS: _____
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Cynthia Caples
-
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 for applicant
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, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of 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; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (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 allocated 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.