

EXHIBIT NO. 1

Docket Item # 4

SPECIAL USE PERMIT #2002-0090

Planning Commission Meeting

November 7, 2002

ISSUE: Consideration of a request for a special use permit for a child care home.

APPLICANT: Darnella and James M. Shelby, Sr.

LOCATION: 210 Wesmond Drive

ZONE: RB/Residential

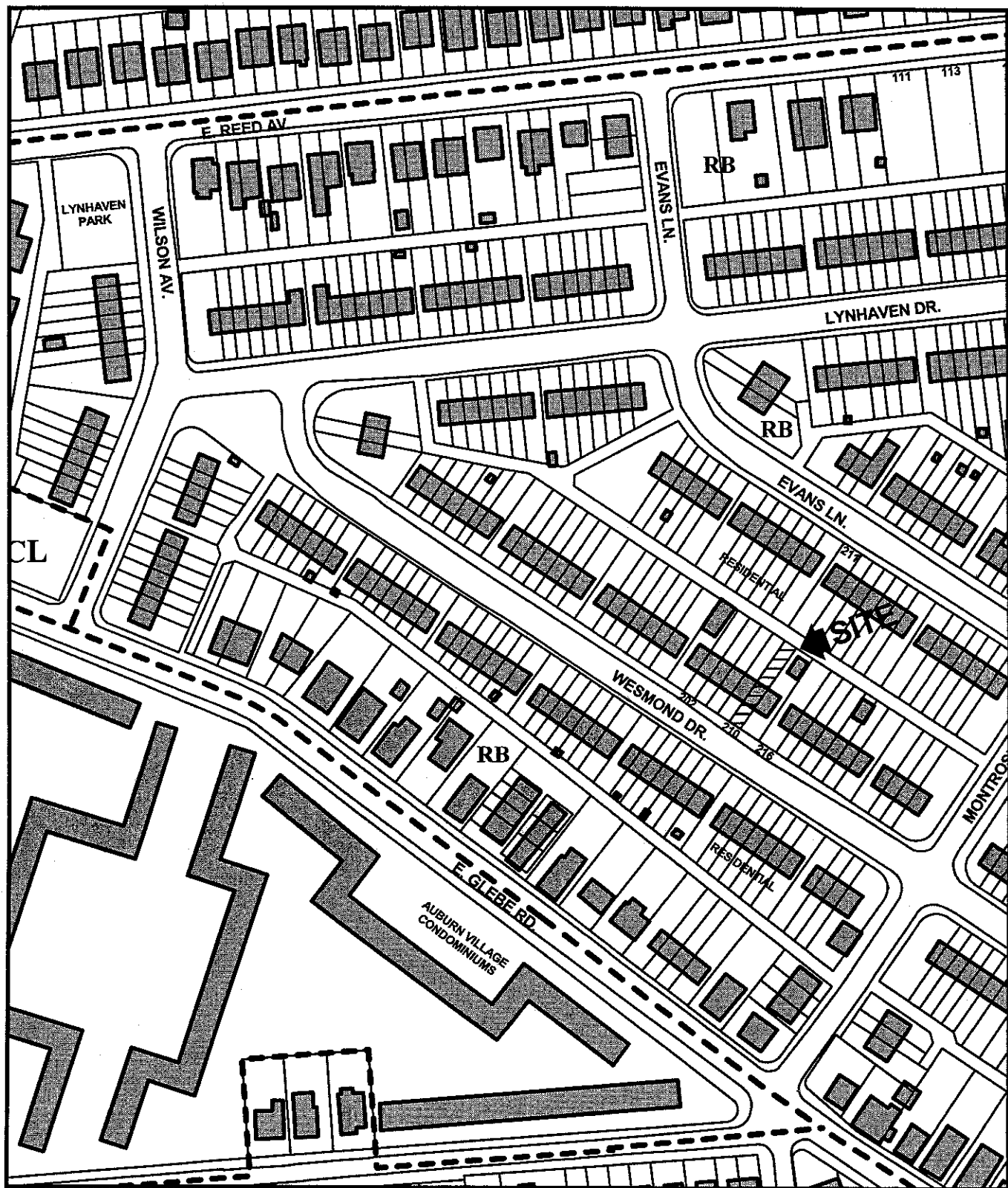
PLANNING COMMISSION ACTION, NOVEMBER 7, 2002: On a motion by Mr. Leibach, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Mr. James Shelby and Mrs. Darnella Shelby, the applicants, responded to questions from Mr. Leibach to confirm that the school aged children would be at the child care home all day during the summer months.

Staff clarified for the Commission that the special use permit does not limit the ages of the children in the child care home to what the applicant identified as the current ages of the children.



SUP #2002-0090

11/07/02



STAFF RECOMMENDATION:

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

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The hours of operation shall be limited to between 6:00 A.M. and 6:00 P.M., Monday through Friday. (P&Z)
3. This special use permit shall not be effective unless and until the child care home for up to nine children is licensed by the Virginia Department of Social Services. (P&Z)
4. The rear play area shall be screened with six foot opaque fencing to the satisfaction of the Director of Planning and Zoning, who may relax this requirement after consultation with adjacent neighbors. (P&Z)
5. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
6. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff Notes:

Upon issuance of special use permit, the applicant must contact appropriate City departments to confirm compliance with City and State codes and ordinances.

The applicant shall obtain a certificate of occupancy prior to commencement of the child care home.

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicants, Darnella and James M. Shelby, Sr., request special use permit approval for the operation of a child care home located at 210 Wesmond Drive.
2. The subject property is one lot of record with 16 feet of frontage on Wesmond Drive, 117.5 feet of depth and a total lot area of 1,880 square feet. The site is developed with a townhouse dwelling. Surrounding the subject property are other townhouses. Bordering the rear of the property is an alley.
3. The applicants request special use permit approval to operate a child care home in their personal residence. The applicants currently care for five children and are requesting approval to care for up to nine children. Three of the children currently in their care are those of the applicants' niece. The niece is in the process of adopting two children and the applicants would like to offer child care to the two new members of the family.

The child care home is proposed to operate Monday through Friday from 6:00 a.m. to 6:00 p.m. Specifically, the applicants plan to care for up to four toddlers between the hours of 6:00 a.m. and 6:00 p.m., and up to five school aged children between the hours of 6:00 a.m. and 8:00 a.m. and 3:00 p.m. and 6:00 p.m.

4. The applicants comply with the standards set forth in Section 7-500 of the zoning ordinance regarding a child care homes. The applicants have been a registered family child care provider with the City of Alexandria since April 1996. They are currently working with the Virginia Department of Social Services to obtain a license from the State. The child care home is the principal residence of the operator. The rear yard area includes 600 square feet of play area, accommodating 75 square feet per child above the age of two. The play area is partially fenced. Additionally, there are two City parks, including Lynhaven and Lynhaven Gateway, that are located in the vicinity of the residence which provide additional outdoor play area options.
5. The zoning ordinance does not specify required parking for child care homes. On-street public parking spaces are available in front of the applicant's home on both sides of Wesmond Drive. The applicant anticipates that visiting parents will park in front of the day care home to pick up and drop off their children.
6. Zoning: The subject property is located in the RB/Townhouse zone. Section 7-500 of the zoning ordinance allows a child care home in the RB zone only with a special use permit.
7. Master Plan: The proposed use is consistent with the Potomac West chapter of the Master Plan which designates the property for residential use.

STAFF ANALYSIS:

Staff has no objection to the proposed child care home located at 210 Wesmond Drive. The proposed use is consistent with the requirements for child care homes set forth in the zoning ordinance. In addition, the Department of Human Services states that the applicant has been a registered family child care provider for nearly six years and is in the process of obtaining a State License and recommends approval of the application.

Adequate open space is provided on site. In addition, there are two City parks located in the vicinity of the child care home. The applicants escort the children to the park to ensure their safety in crossing the street. Because the children are frequently at the park, noise at the residence should not be a significant issue. If the neighbors have concerns regarding noise from children playing inside the residence, they can notify staff and the issue can be revisited during the one year review required by Condition #7.

Although off-street parking is not available to accommodate parents dropping off and picking up children, on-street parking is available on both sides of Wesmond Drive. In addition, parents will likely drop off or pick up their children at slightly different times, staggering the demand for parking and reducing the overall impact of additional cars associated with this use. Finally, one of the applicants picks up two of the children in the morning.

Staff has also included a condition that fencing shall be provided around the rear yard in consultation with the neighbors. The language of the condition allows fencing to be required if noise is a problem, but also allows for no fencing if the applicant and neighbors prefer to leave the yard's borders open.

Staff recommends approval of the proposed child care home subject to the recommended conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

Code Enforcement:

- F-1 Inoperative automobile was cited on 11/20/2001. Vehicle was removed on 12/18/2001.
- F-2 Inoperative automobile was cited on 4/4/2002. Vehicle was removed on 4/10/2002.
- F-3 A permit was obtained to replace a gas furnace (MEC2002-02112) on 6/7/2002. No final inspection has been requested to date. A final inspection is required.
- F-4 Property was inspected for in home daycare permit renewal on 7/18/2002. No violations were noted. Permit was approved.
- C-1 This review is based on the assumption that this facility will be licenced as a family day home by the Virginia Department of Social Services. If this does not occur then the number of children served at one time shall be limited to five.
- C-2 Smoke detectors shall be provided in all sleeping areas.
- C-3 Fire extinguishers shall be provided at this facility.
- C-4 A child care facility which accommodates more than five children 2 1/2 years of age or less for any length of time shall be classified as Use Group I-2. A certificate of occupancy shall be obtained prior to increasing the number of children cared for at this facility.
- C-5 A fire alarm system is required for Use Group I-2.

Health Department:

F-1 No comments

Police Department:

R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the child care home.

Human Services - Social Services:

R-1 Approval of the Special Use Permit, pending compliance with other departments' recommendations, and subject to the licensing and registration requirements and other limitations of local and state regulations.

VP
APPLICATION for SPECIAL USE PERMIT # 2002-0090

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PROPERTY LOCATION: 210 wesmond Drive

TAX MAP REFERENCE: 16.03 - 03 - 22 ZONE: RB

APPLICANT Name: Darnella + James M. Shelby, Sr.

Address: 210 Wesmond Drive

PROPERTY OWNER Name: Darnella G. Shelby

Address: 210 Wesmond Drive

PROPOSED USE: Day Care (Family)

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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 hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Darnella + James Shelby, Sr.
Print Name of Applicant or Agent

Darnella G. Shelby
Signature

210 Wesmond Dr
Mailing/Street Address

(703) 548-7045
Telephone # Fax #

Alexandria, VA 22305
City and State Zip Code

28 August 2002
Date

===== DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY =====

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) ☒ the Owner ☐ Contract Purchaser
☐ Lessee or ☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Darnella Gregg-Shelby 100% owner.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☐ Yes. Provide proof of current City business license
☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

There are two reasons that I am applying for the Special Use Permit. They are as follows:

1. I wish to increase the number of children in my home daycare facility. Currently, I care for five children. Three are my niece's children.

In July of this year my niece adopted two boys, ages 3 and 4 years old. These boys have been separated from their parents for more than a year. They have been in foster care program during that period. Because of current restriction on the number of children I am allowed to care for, these two boys must attend another daycare facility.

Our desire is to keep the entire new family unit together in one daycare environment. Due to the special needs of these boys, further separation from the family unit may delay their emotional and cognitive development. The social workers that my niece and I are working with have concurred.

With the approval of this special use permit this family can maintain its unity in the daycare environment.

2. I desire to expand the services that I provide my patrons.

Currently, I serve three meals a day to one toddler. I will be serving three meals a day to three toddlers if this special use permit is approved.

Presently, I have a one-hour study period before school and a homework session after school. With an increase of two additional toddlers I will hire a part-time assistant to engage the toddlers in their own scheduled activities separate from school age children.

My hours of operation will continue to be 6:00a.m until 6:00p.m., Monday-Friday. In addition, my number of patrons will not increase, because the two additional children will come from the same family. Subsequently, we will not need any addition parking or loading space.

Due to nature and structure of our activities, I do not anticipate a significant increase in the noise level. Furthermore, I currently take the children to the neighborhood parks for a daily 60 minutes session (weather permitting).

In summary, this application for a Special Use Permit is to increase my family daycare facility's capacity from five children to seven children. The number of patrons (parents) will remain at two. My facility's space, parking, and even the noise level will virtually remain the same. As previously mentioned, I will hire a part-time helper to work between the hours of 4:00-6:00PM, Monday-Friday.

If this application is granted I will able to provide an overall higher quality of service that will reach two more very special children within the City of Alexandria.

Thank you,

Darnella G. Shelby

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- ☐ a new use requiring a special use permit,
☐ a development special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

9 Children Total: 4 Toddlers (6^{Am} to 6^{Pm} M-F)
5 School age: (6^{Pm} to 8^{Am} and 3^{Pm} to 6^{Pm} M-F)

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

2 Employees (6^{Am} to 6^{Pm} M-F)

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Monday
Tuesday
Wednesday
Thursday
Friday

Hours:

6^{Am} to 6^{Pm}
" " "
" " "
" " "
" " "

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

B. How will the noise from patrons be controlled?

8. Describe any potential odors emanating from the proposed use and plans to control them:

NO POTENTIAL FOR OFFENSIVE ODORS ANTICIPATED.

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

One City trash Container will be Filled Weekly.
Standard Paper and Recycleable Refuse.

B. How much trash and garbage will be generated by the use?

One City trash Container and ~~one~~ two Family Size
trash Cans.

C. How often will trash be collected?

Once Per Week

D. How will you prevent littering on the property, streets and nearby properties?

We restrict and manage distribution by keeping
the Children indoors. We Clean twice Daily.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

Fire Alarms are checked monthly, Fire drills are conducted
every other month. All gas and electrical appliances
are operated by adults. A map out escape route.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

None

- B. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

- C. Where is required parking located? ☐ on-site ☐ off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? _____

- B. How many loading spaces are available for the use? _____

- C. Where are off-street loading facilities located? _____

D. During what hours of the day do you expect loading/unloading operations to occur?

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☐ Yes ☒ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

800 sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (check one)

☐ a stand alone building ☒ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☐ an office building. Please provide name of the building: _____

☐ other, please describe: _____

CHILD CARE SUPPLEMENTAL APPLICATION

Supplemental information to be filed by applicants requesting special use permit approval of a child care home or child care center. All applicants must submit a plot plan of the property, showing play areas and parking and an interior floor plan.

Child Care Homes

Applicants requesting special use permit approval of a child care home for six to nine children within a home shall complete this section.

1. Is the proposed facility the principal residence of the operator? ☒ Yes. ☐ No.
2. Is the operator registered with the City of Alexandria Office of Early Childhood Development to provide child care in the home? ☒ Yes. ☐ No.
3. How many children, including resident children, will be cared for? 7

4. How many children reside in the home? None

5. How old are the children? (List the ages of all children to be cared for)

Resident: _____

Non-resident: 2yrs, 3yrs, 4yrs, 7yrs, 9yrs 10yrs + 12yrs

6. A minimum of 75 square feet of outdoor play area must be provided for each child above age two, on the lot.

Play area required:

Number of children above age two: 6 x 75 square feet = 450 square feet.

Play area provided: 600 square feet.

7. If the lot does not have room for on-site play area, is the child care home within 500 feet of a park or playground available for the children to play in? ☒ Yes. ☐ No.

If yes please describe the play area:

City Playground at Wilson + Reed Ave - Fenced in area with four Swings, Monkey Bars, Climbing Mountain and Slides.

If a play area that is not owned or leased by the operator is to be used by the children, written permission from the owner must be obtained and a copy submitted with this application.

Please note: child care homes are not permitted to display signs.

Child Care Homes and Child Care Centers

Applicants for both child care homes and child care centers (day care center, day nursery, and nursery schools) must complete the following section:

8. How many employees will staff the child care facility, including the operator?

One Full-time and One Part-time

How many staff members will be on the job at any one time? 1

9. Where will staff and visiting parents park? Street

10. Please describe how and where parents will drop-off and pick-up children.

Parents will drop-off and pick-up their children in front of the house.

11. At what time will children usually be dropped-off and picked-up.

Drop-off

Pick-up

6:30am to 7:00am

6:00p.m.

12. What type of outdoor play equipment is proposed for the child care facility, if any? Where will it be located on the property?

Currently, toddler Climbing Station (4'), Plastic Station in the back yard. No additional Proposed

13. Are play areas on the property fenced? ☒ Yes. ☐ No.

If no, do you plan to fence any portion of the property?
Please describe the existing or proposed fence.

☐ Yes. ☐ No.

Child Care Centers Only

Applicants for child care centers (day care center, day nursery, and nursery schools) must complete the following section:

14. How many children will be cared for during one day? 7
15. What age children do you anticipate caring for? 2yrs thru 12yrs
16. Does the operation have a license from the State of Virginia for a child care facility?
- ☐ Yes. ☒ No. If yes, provide a copy of the license.

PORCH

SEP 2002-0090

FRONT
DOOR

WINDOW

Desk

Desk

Desk

Desk

Small book
case

Reading
Couch

Desk

Desk

Desk

STUDY
ROOM

AND

CHILDREN DINING AREA

Desk

STAIRS

End
Table

LARGE Book Case

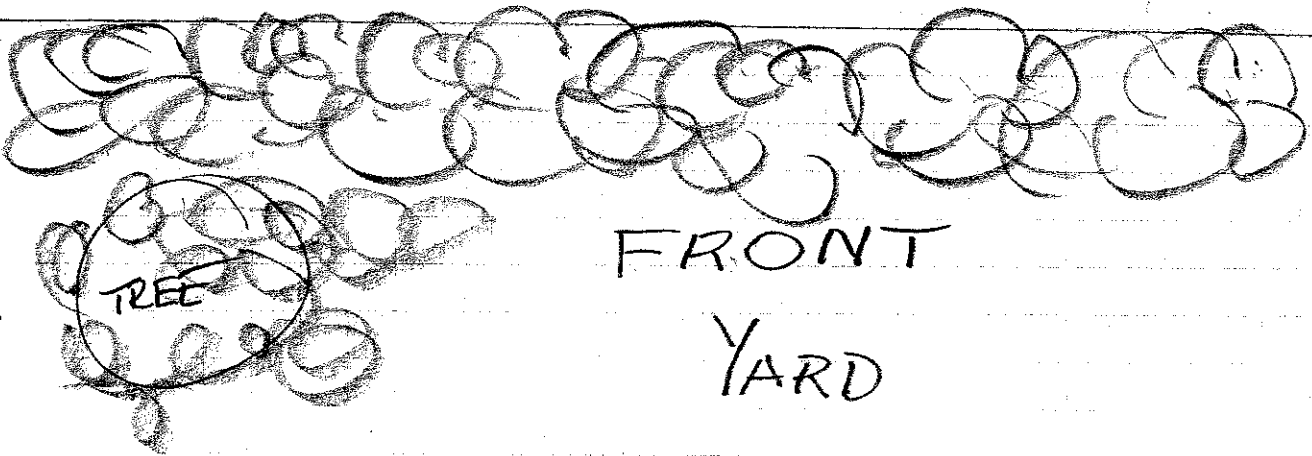
1ft = $1\frac{1}{2}$ centimeters

DINING ROOM

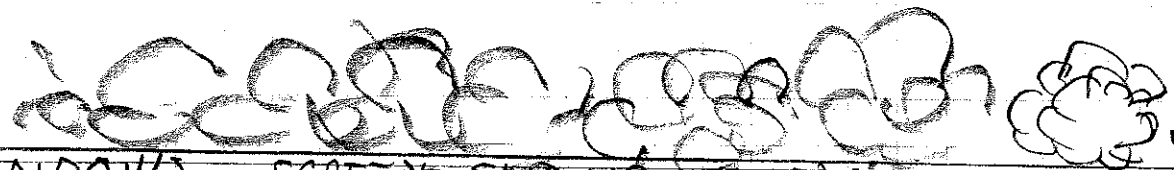
WESMOND ST.

SIDEWALK

FENCE



FRONT
YARD

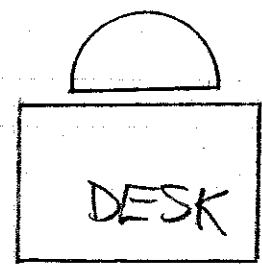
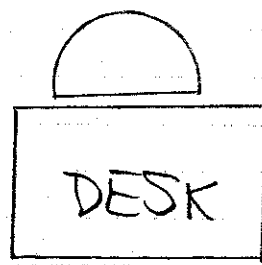
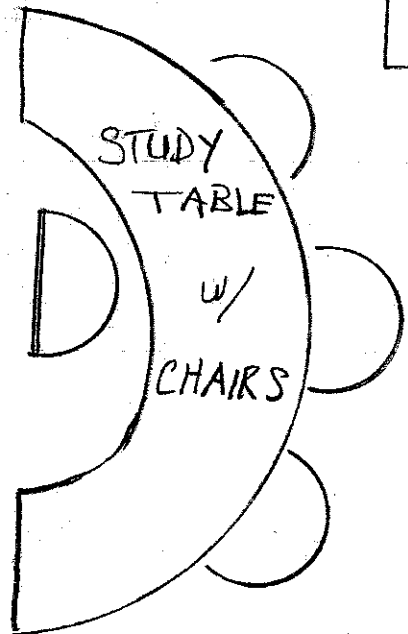


WINDOWS - SCREENS - SLIDING - WINDOWS

TOY STORAGE - 24 Chambers
CHEST

SCREEN
DOOR

SLIDING - WINDOWS - SCREENS -



DESK

DESK

WINDOW

1 Ft 1/2 centimeters

STUDY ROOM

FRONT
DOOR

STUDY ROOM

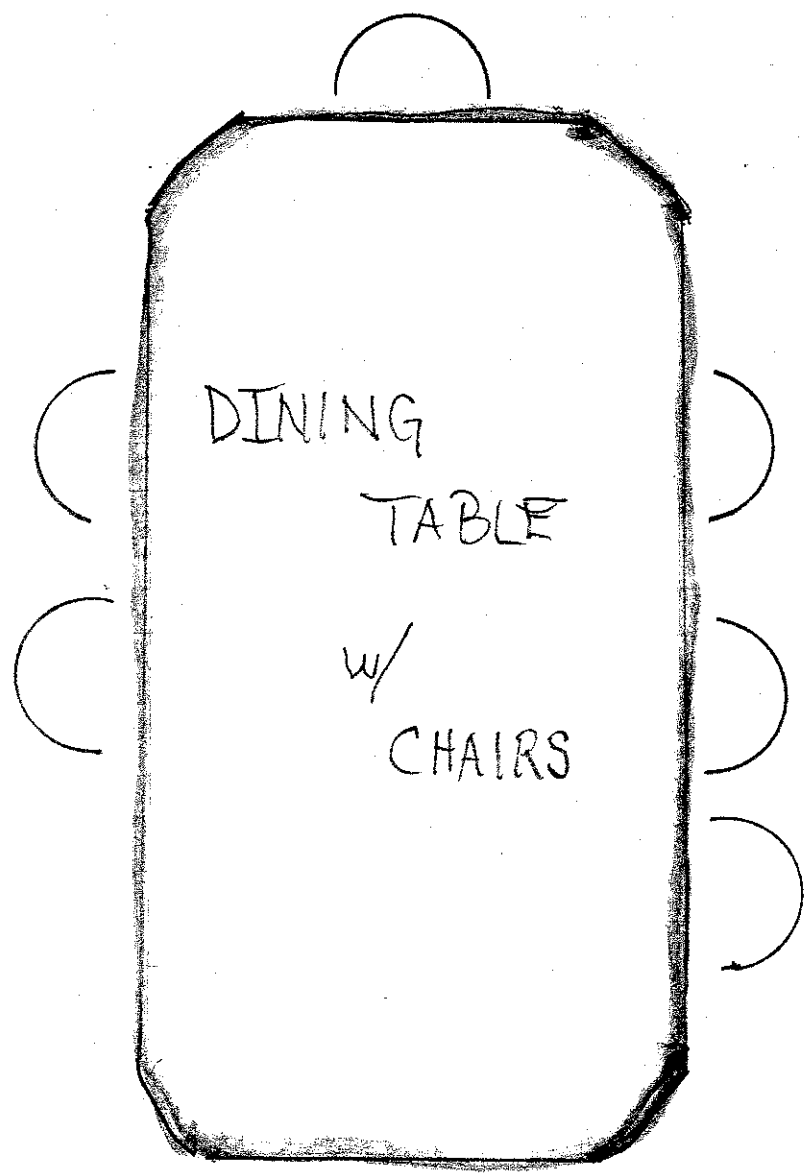
STAIRS
TO BASE
MENT

High
Chair

CHINA
CABINATE

BUFFET

STORAGE
CABINATE



DINING
TABLE
w/
CHAIRS

KITCHEN

WINDOW

FENCE

1 ft = $\frac{1}{2}$ centimeters

BACK YARD

BACK
DOOR

APPLICATION for SPECIAL USE PERMIT # 2002-0090

[must use black ink or type]

PROPERTY LOCATION: 210 Wesmond Drive

TAX MAP REFERENCE: 16.03 - 03 - 22 ZONE: RB

APPLICANT Name: Darnella + James M. Shelby, Sr.

Address: 210 Wesmond Drive

PROPERTY OWNER Name: Darnella G. Shelby

Address: 210 Wesmond Drive

PROPOSED USE: Daycare (Family)

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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Darnella + James Shelby, Sr.
Print Name of Applicant or Agent

Darnella G. Shelby
Signature

210 Wesmond Dr.
Mailing/Street Address

(703) 548-7045
Telephone # Fax #

Alexandria, VA 22305
City and State Zip Code

28 August 2002
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: 11/07/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 11/16/02PH--see attached

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

ACTION CONSENT CALENDAR (continued)

Planning Commission (continued)

City Council approved the Action Consent Calendar as presented. The action of City Council follows:

3. City Council approved the Planning Commission recommendation.

4. Councilwoman Pepper expressed concern about the size of the playground in the backyard. She indicated that she hopes that whoever is going to be licensing that home that they take a very good look at that. It is true that there are other parks in the area and that makes it possible for this home to be licensed, but if they are counting on the backyard, there is just not enough room there, or if so, they would have to move some of their cars.

City Council approved the Planning Commission recommendation.

5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

9. Public Hearing on the Proposed City Legislative Package for the 2003 General Assembly Session. (#15 10/23/03)

Councilman Speck asked Council to include the specific question of a movie admissions tax in its discussion with the legislative delegation.

Councilman Speck spoke to the request for authority to increase the local recordation tax and use of the new revenue to purchase or preserve open space.

Councilwoman Woodson would like to see if the City is given the authority to increase the recordation tax to also include affordable housing so that it can be used to preserve open space and provide affordable housing. Staff could work on the language for the 26th. Councilman Speck suggested adding some type of sunset provision. Councilwoman Woodson requested that Council discuss with the delegation how this can work so that it can get both of them done at one time.