

EXHIBIT NO. 1

7  
3-13-10

Docket Item #  
BAR CASE # 2009-0295

City Council  
March 13, 2010

**ISSUE:** Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, denying replacement of a slate roof with standing seam metal material.

**APPLICANT/  
APPELLANT:** Patrick Street Associates, LLC

**LOCATION:** 211 North Patrick Street

**ZONE:** RB/Residential

---



**BAR CASE #2009-0295**

**BAR Hearing Date: 1/6/2010**  
**City Council Date: 3/13/2010**



## I. SUMMARY

This case involves the question of the appropriate roof material for a historic building. The building owner and applicant, Patrick Street Associates, LLC, seeks to replace the existing and historic slate roof with a different roof material. The BAR approved the removal of the existing roof but denied a request to replace it with a different roof material, approving as appropriate a replacement slate roof. The applicant is appealing that decision. Staff recommends that Council support the BAR decision and deny the appeal.

## II. BACKGROUND

### **The Historic Building**

The historic property in this case is a two story, freestanding brick Victorian home built between 1877 and 1891 at 211 North Patrick Street. This large and distinctive two-story Queen Anne style home is characterized by a highly modeled building mass and the exuberant use of materials made readily available by railroads in the late 19<sup>th</sup> century industrial economy. Although staff has not identified the builder, the fact that this free standing dwelling was constructed using high quality and durable materials and occupies four lots in a block of more modest, smaller buildings is architectural evidence of the status and relative importance of the original owners and the investment they made in the community during that period.

There have been remarkably few modifications to the original building over the last 120 years. The house retains many of its original exterior features, including the patterned molded brick; carved window trim, gable vent and exposed rafter tails; an elaborate wood double front door; and the slate roof. As a freestanding building in the Queen Anne style, this building has one of the more complex hip and gable roof forms found in the historic district. The color, texture and scale of individual slate shingles complement the detail and complexity of the roof design.

### **The Case Before the BAR**

The applicant raised two issues for the BAR when the case was heard in January:

- (1) **Whether the applicant should be allowed to remove the existing historic slate roof.** On this point the BAR, staff and the applicant all agreed that the existing roof 120 year old slate roof has reached the end of its useful life and must be replaced. The average live span of a slate roof is generally 60 to 125 years, according to the National Park Services' *Preservation Brief* on the repair and replacement of historic slate roofs, though the imported slate roof at 601 Duke St. is believed to have been installed almost 200 years ago.
- (2) **Whether the applicant could replace the old roof with a standing seam metal roof instead of with slate material.** On the question of whether a different replacement material could be used, the BAR denied the application, finding that the proper replacement material should be the same as has defined this historic building for the last 120 years: slate shingles with, to the maximum extent possible, the same dimensions, color and pattern as the existing historic roof.

**Speakers at the hearing were:**

Duncan Blair, attorney for the applicant, represented the application.

Craig Miller, one of the applicants, spoke in support of the application.

John Hynan, representing the Historic Alexandria Foundation, expressed concerns about the application and recommended denial.

Murney Keleher expressed concerns about the type of metal proposed for the replacement roof, stating that tin was more appropriate than aluminum.

### **III. ANALYSIS OF APPROPRIATE ROOF MATERIALS**

Roofs are one of the dominant visual elements of buildings in the historic districts. In this case, the BAR approved a replacement roof made of the same material – slate – that has long existed on the historic building. The BAR denied the applicant’s request to use standing seam metal for the replacement roof.

#### **The Importance of the Slate Roof to this Building**

Slate roofs receive priority treatment in the Old and Historic Alexandria District and are specifically referenced in the *Design Guidelines* that have assisted the City’s determinations of appropriateness since their adoption in 1993. The *Design Guidelines* state:

A central tenet of the philosophy of historic preservation is that original historic materials should be retained and repaired rather than replaced.... In the case of replacement roof, consideration should be given to retaining historic roof materials.... In the case of a slate roof, it is almost always better to repair rather than replace the roof.

Historically, slate roofs were only used on masonry buildings in the districts; however, there is occasional use of slate as a decorative roof accent material on some wood frame buildings. The Boards strongly encourage the retention of existing slate roofs.

Where, as here, an original roof must be replaced, the City has published a written policy in the *Design Guidelines* for determining appropriate replacement materials. The BAR followed that policy and addressed the following issues in reaching its decision:

1. The age of the structure and its architectural style. ***In this case, the structure is well over 100 years old and slate shingles were a characteristic feature of high style Queen Anne Victorian buildings.***
2. The historic, cultural and architectural importance of the structure to the City of Alexandria. ***The architectural importance of this remarkably intact, freestanding structure is high. The presence of a two story freestanding masonry structure is unusual in a neighborhood of smaller frame row houses and conveys the wealth and status of the original owner.***

3. The location of the structure within the Old & Historic Alexandria District or along the George Washington Memorial Parkway. *The structure is located on North Patrick Street, which carries a high volume of automobile traffic as northbound US Route 1. As the most architecturally prominent building on the blockface, this structure is visible to many visitors and residents.*
4. The visibility of the roof surface from a public street, way, pathway, easement or waterway. *The roof surface is highly visible from North Patrick Street, as demonstrated in the attached photographs.*

Under this policy, Staff recommended and the Board approved slate as the only appropriate roof material for this historic building. As Staff explained in the original report, the slate roof on this freestanding brick Victorian home is prominently visible to thousands of vehicles on Route 1 each day and its use is a distinguishing architectural feature of this building. It is important to match original materials as closely as possible when they must be replaced, in order to properly “educate residents and visitors about the city’s cultural and historic heritage.” [Zoning Ordinance Sec. 10-101(D)] The texture, material, color and pattern of the materials originally used on a building define its style, identify the period in which it was constructed and tell a great deal about the culture and economy of both the locality and the owner when it was built. While other roof materials were widely available in the late 19<sup>th</sup> century, including standing seam metal, they were not used on this particular house.

The United States Secretary of the Interior’s *Standards for Rehabilitation*, used nationally as preservation guidelines since 1967, support this position stating: “Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.” Changing the roof material from slate to metal, particularly when the original material is still evident, would be architecturally analogous to changing original wood clapboard siding to painted brick. Both wall materials were used historically but each has a much different architectural character and meaning.

### **Proposed Roof Material**

Instead of slate material, the applicant has proposed black colored, prefinished aluminum standing seam roofing. This has an appearance similar to historic metal roofing but is a modern system and is neither the material or installation method used on late 19<sup>th</sup> century metal roofs. Historic roofs used rolls of tin-plated iron with soldered seams and were field primed and typically painted an oxide red color. The factory applied finish of the modern aluminum roofing does not allow it to be soldered. It is simply caulked at vent penetrations, valley intersections and chimney flashing. Because caulk is not as reliable as soldered seams over the long term, some reputable roofing companies will not install this system on roofs with complex hips and gables, as on the subject house. Although prefinished metal roofs are routinely approved by the Board or staff as historically appropriate replacement for metal or composition shingle roofs on a simple side gable townhouse, it is neither the architecturally appropriate material to use on the complex roof form at 211 N. Patrick, nor historically authentic to this building.

**Cost**

While cost is a practical consideration for any property owner in the District, it is not a criteria in the Zoning Ordinance by which the Board may evaluate proposed alterations. Nevertheless, the applicant argued the issue at the BAR. Without conceding its relevance, staff notes that if a higher quality standing seam roof material were used, the difference in cost between that and the approved slate material is not significant.

**Roof Structure**

The applicant also argued to the BAR that a metal roof was necessary, in part, because the existing roof framing, which has supported original slate roofing for approximately 120 years, was inadequate to support the weight of a new slate roof, did not comply with code and that the original framing would be effectively destroyed if a new framing system was constructed for a new slate roof. The existing framing does comply with the current state building code. Virginia USBC Section 103.5 allows the original framing to legally remain, if not altered. However, as an internal feature, the structural framing supporting the roof is not considered by the Board.

More importantly, it is not unusual in an older building to need to reinforce roof framing when constructing a new roof. Wood stick framing was a relatively new invention when this house was built and the rafter spacing may have been somewhat optimistic, but new framing, where required, may be easily added to supplement the existing, rather than replace it. The engineering staff in Code Administration confirms that “sistering” new joists or rafters to the side of existing framing is permitted under the Building Code. This technique is commonly done on historic structures and was the treatment followed for the structural framing at the recent restoration of the City’s Apothecary Museum.

**Synthetic Slate**

Since the BAR hearing, the applicant asked staff whether synthetic slate was an appropriate alternative to metal roofing. The BAR has not had an opportunity to consider this alternative. However, the Board’s clear general policy over the past decade has been that high quality synthetic materials may be appropriate for new construction and on non-historic (late 20<sup>th</sup> Century) buildings but they should not replace original or natural materials on historic buildings. Staff is aware of only one instance of synthetic slate being allowed on a 19<sup>th</sup> century building: 125-127 South West Street, the Christ House & Thrift Shop (BAR94-096). Synthetic slate was approved for portions of this small building during the Council appeal process because of the economic hardship that the installation of natural slate would present to this community non-profit.

**IV. RECOMMENDATION**

Staff recommends that Council support the January 6, 2010 decision of the BAR to deny metal roofing and approve slate to match the existing.

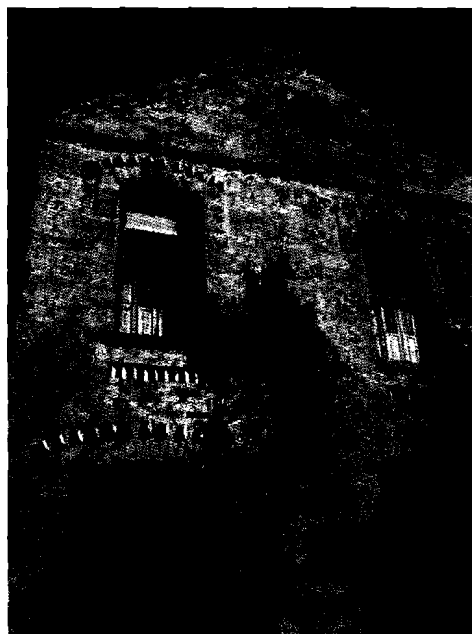
**Attachments**

- Attachment A: Images of the subject property
- Attachment B: Zoning Ordinance Criteria for Decision
- Attachment C: BAR staff report from the January 6, 2010 hearing

ATTACHMENT A  
IMAGES of the SUBJECT PROPERTY



211 N. Patrick Street front façade



211 N. Patrick St. brick detail at entrance

ATTACHMENT B

ZONING ORDINANCE CRITERIA FOR DECISION

The purview of the BAR and the City Council on appeal for the Certificate of Appropriateness is the following:

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 section 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 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 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 building or structures: *[only the most relevant standards are repeated below]*

(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 historical materials) are retained.

(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.”



ATTACHMENT C

Docket Item # 9  
BAR CASE #2009-0295

BAR Meeting  
January 6, 2010

**ISSUE:** Alterations  
**APPLICANT:** Duncan Blair for Patrick Street Associates, LLC  
**LOCATION:** 211 North Patrick Street  
**ZONE:** RB/Residential

---

**BOARD ACTION JANUARY 6, 2010: Denied in part and approved in part, 4-3.**

On a motion by Dr. Fitzgerald, seconded by Mr. Spencer, the Board voted to deny portions of the application and approve portions of the application, in accordance with the staff recommendations. The Board denied the Certificate of Appropriateness to remove the existing slate roof and install a new standing seam metal roof and approved the use of authentic slate shingles in the same dimensions, color and pattern to match the existing historic roof to the extent possible. The vote on the motion was 4-3, with Chairman Hulfish, Mr. Smeallie, and Mr. Keleher voting in opposition.

**REASON:** The Board generally agreed with the Staff analysis and found the use of a different replacement roofing material to be inappropriate.

**SPEAKERS:** Duncan Blair, attorney for the applicant, represented the application.  
Craig Miller, one of the applicants, spoke in support of the application.  
John Hynan, representing the Historic Alexandria Foundation, expressed concerns about the application and recommended denial.  
Murney Keleher expressed concerns about the type of metal proposed for the replacement roof, stating that tin was more appropriate than aluminum.

**STAFF RECOMMENDATION:** Staff recommends denial of the Certificate of Appropriateness to remove the existing slate roof and install a new standing seam metal roof and approval of authentic slate shingles in the same dimensions, color and pattern to match the existing historic roof to the extent possible.

**\*EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of BAR approval if the work is not commenced and diligently and substantially pursued by the end of that 12-month period. In the case for a certificate or permit for a project that requires a development special use permit or site plan under section 11-400 of the zoning ordinance, the period of validity shall be coincident with the validity of the development special use permit or site plan as determined pursuant to section 11-418 of the ordinance.

**\*\*BUILDING PERMIT NOTE:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by Building and Fire Code Administration (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Room 4200, City Hall, 703-746-4200 for further information.

**I. ISSUE:**

The applicant is requesting approval of a Certificate of Appropriateness for alterations at 211 North Patrick Street. The applicant proposes to replace the existing historic slate roof with a new standing seam metal roof.

The applicant has provided photographs showing the existing condition of the slate roof, and asserted that the slate roof has reached the end of its useful life. The applicant proposes to remove the slate and install a new standing seam metal roof in prefinished black aluminum. The applicant has included a letter from Patrick Camus of Studio Camus LLC, which describes the current roof structure as insufficient to support a new slate roof and still meet current code requirements.

The applicant states that standing seam metal is a historically appropriate roof replacement material for the historic house. A number of photographs have been submitted by the applicant, including two photo simulations showing the proposed new metal roof.

The applicant has provided a sample of the metal roof material which will be available at the public hearing.

**II. HISTORY:**

The two-story, freestanding brick house at 211 North Patrick Street likely dates to the late 19<sup>th</sup> century. The vernacular Queen Anne style house has a front-facing gable, hipped roof and exposed rafter ends. The woodwork on the house is elaborate and the house appears to retain its original double front door, among many other original features. The house is not present on the 1877 Hopkins City Atlas of Alexandria, but is shown on the 1891 Sanborn Fire Insurance Map (this block of the City was not included on the 1885 Sanborn map). There have been very few modifications to the house since its construction. Map research shows that a small one-story addition was added at the rear of the house sometime between 1921 and 1941. According to the previous owner, the house was converted into doctor's offices in the 1940s.

The property consists of four lots of record fronting North Patrick Street. Improvements consist of the main house and a small one story brick shed at the north east corner of the property. The house is located on the northern boundary of the Old & Historic Alexandria District; the adjacent house to the north is located in the Parker-Gray Historic District.

Staff could locate only two Board approvals for the subject property:

- September 1, 1993, the BAR approved a fence (BAR CASE #1993-0158); and,
- December 6, 1995, the BAR approved a rear deck (BAR CASE #1995-0179).

More recently, in anticipation of the sale of the house, the Planning Commission and City Council approved an SUP for the continuation of a non-conforming office use for the doctor's office (SUP 2008-0023 & SUP 2008-0087). The house was subsequently sold and is currently vacant.

### **III. ANALYSIS:**

The proposed replacement roof complies with the Zoning Ordinance.

The *Design Guidelines* state that: “A central tenet of the philosophy of historic preservation is that original historic materials should be retained and repaired rather than replaced. An informed and careful analysis of the existing condition should be made before any decision to replace historic materials is made. In the case of replacement roof, consideration should be given to retaining historic roof materials and encapsulating them below the new roof. In the case of a slate roof, it is almost always better to repair rather than replace the roof.” The *Design Guidelines* include the following guideline in relation to slate: “Historically, slate roofs were only used on masonry buildings in the districts; however, there is occasional use of slate as a decorative roof accent material on some wood frame buildings. The Boards strongly encourage the retention of existing slate roofs.”

Given that roofs are one of the dominant visual elements of buildings in the historic districts, the Board has established the following policy in the Old & Historic Alexandria District for determination of appropriate and compatible roofing materials:

1. The age of the structure and its architectural style;
2. The historic, cultural and architectural importance of the structure to the City of Alexandria;
3. The location of the structure within the Old & Historic Alexandria District or along the George Washington Memorial Parkway; and,
4. The visibility of the roof surface from a public street, way, pathway, easement or waterway.

In this case:

1. The Queen Anne style structure is well over 100 years old;
2. The architectural importance of this remarkably intact, freestanding structure is high. The presence of a two story freestanding masonry structure is unusual in a neighborhood of smaller attached frame rowhouses and conveys the wealth and status of the original owner;
3. The structure is located on North Patrick Street, which carries a high volume of automobile traffic as northbound US Route 1. As the most architecturally prominent building on the blockface, this structure is visible to many visitors and residents; and
4. The roof surface is highly visible from Patrick Street, as demonstrated in the attached photographs.

Staff believes that the applicant has demonstrated that the existing slate shingles are beyond repair, and that a new roof is necessary. The average live span of a slate roof is generally 60 to 125 years. Staff believes that the slate roof at 211 North Patrick Street is likely original to the construction of the house, making it approximately 120 years old. The applicant has provided a number of photographs which show significant damage due to cracking and spalling. The National Park Service’s Preservation Brief 29, *The Repair, Replacement & Maintenance of Historic Slate Roofs*, strongly encourages the retention of historic slate and repairing where needed. The NPS brief states that: “If 20% or more of the slates on a roof or roof slope are

broken, cracked, missing, or sliding out of position, it is usually less expensive to replace the roof than execute individual repairs.” The percentage of damage to individual slates appears to exceed 20% at 211 North Patrick Street.

The applicant argues that a replacement metal roof is historically appropriate. While metal roofs were available and widely used during the late 19<sup>th</sup> century when the house was constructed, the use of slate is also relatively common for Queen Anne masonry houses. Another local example of a Queen Anne house with a simple, unadorned slate roof is the French-Lawler house at 517 South Washington Street. The house at 211 North Patrick Street was constructed in a higher style than other houses in the neighborhood and using new slate will help to retain this distinction. As a freestanding building in the Queen Anne style, this building has one of the more complex roof forms found in the district, and with the retention of many of its original features, the house is rather remarkable in the district. The use of individual slate shingles complements the detail and complexity of the roof design; the use of standing seam metal would compromise the integrity of this character-defining feature and the building as a whole. Therefore, Staff finds that the new roof should be slate, matching the size and color of the original and not standing seam metal as proposed by the applicant.

In addition, although Staff is in agreement with the applicant that the existing slate should be replaced, Staff does not believe that the applicant has provided sufficient engineering documentation to demonstrate that the roof structure - which has supported a slate roof for over 100 years - is inadequate. However, based on the letter from Mr. Camus, Staff believes that it would be a good idea for the applicant to retain a structural engineer to analyze the existing roof framing to determine whether it is sufficient to support any type of roofing. If it is determined that additional reinforcing is necessary, the City engineers in the Office of Building and Fire Code Administration will be pleased to review and assist with building permit application for this work, if necessary.

**IV. STAFF RECOMMENDATION:** Staff recommends denial of the Certificate of Appropriateness to remove the existing slate roof and install a new standing seam metal roof and approval of authentic slate shingles in the same dimensions, color and pattern to match the existing historic roof to the extent possible.

**STAFF:**

Stephanie Sample, Historic Preservation Planner, Planning & Zoning  
Stephen Milone, Division Chief, Land Use Services

## **V. CITY DEPARTMENT COMMENTS**

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

### Code Administration:

- C-1 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Administration that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 Additions and Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-4 Additions and Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-5 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-6 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.

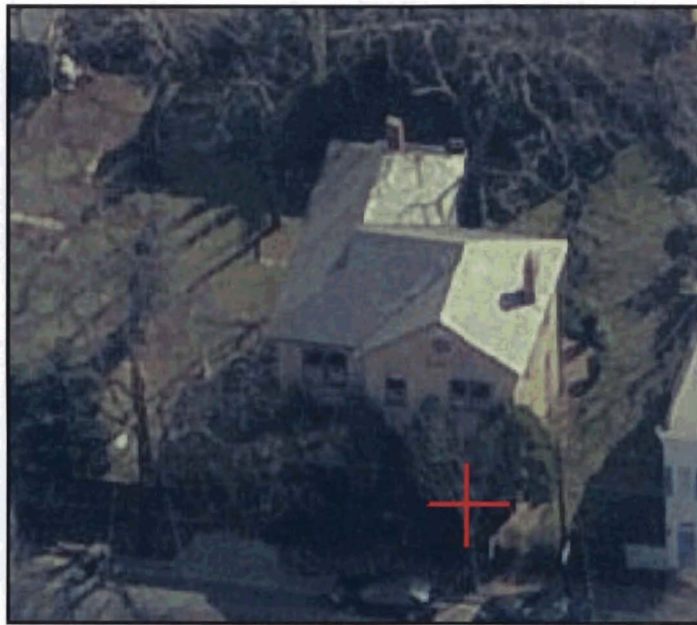
### Office of Historic Alexandria:

- S- 1 Repair/replace deteriorated slate roof with authentic slate of similar dimensions and color.

**VI. IMAGES:**



**Figure 1: Aerial image of 211 North Patrick Street (facing south).**



**Figure 2: Aerial image of 211 North Patrick Street (facing east).**





**Figure 3: Front facade.**



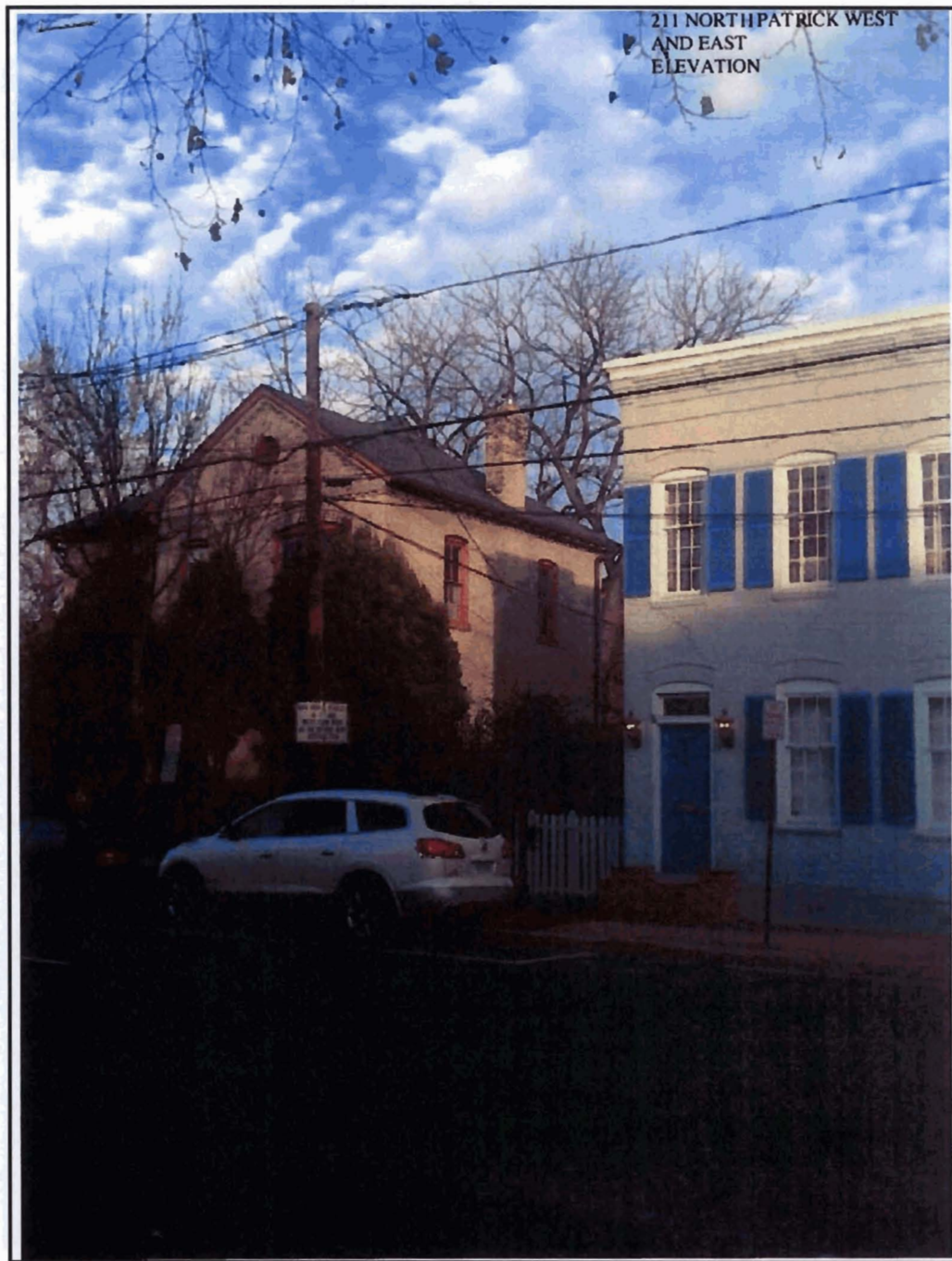
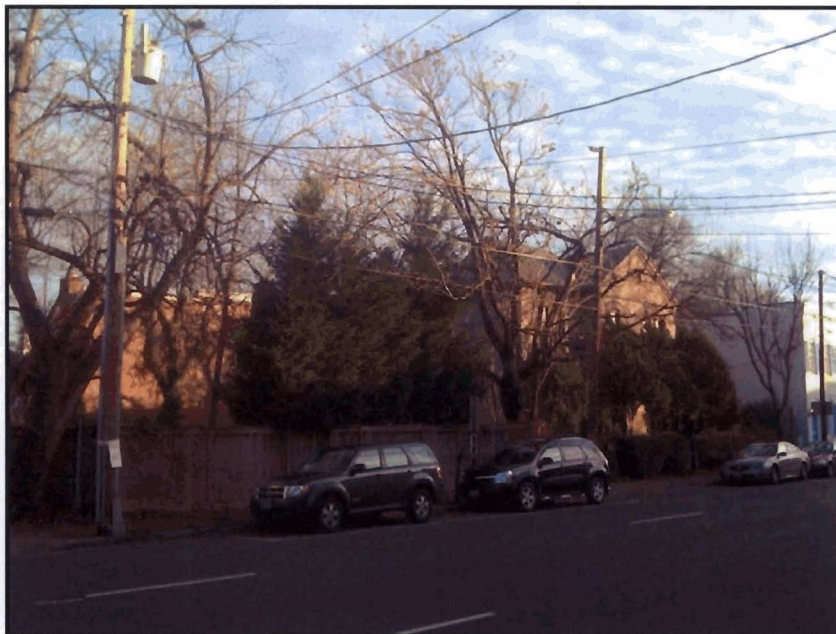


Figure 4: Front elevation.



**Figure 5: Photo of house looking southeast.**



**Figure 6: Photo of house looking southeast.**





Figure 7: North elevation of house.



Figure 8: Photo of buildings across North Patrick Street.



**Figure 9: Photo of buildings across North Patrick Street.**



**Figure 10: Photo of buildings across North Patrick Street.**



**Figure 11: Photo of damaged slate.**



**Figure 12: Photo of damaged slate.**





**Figure 13: Photos of roof with damaged slate.**

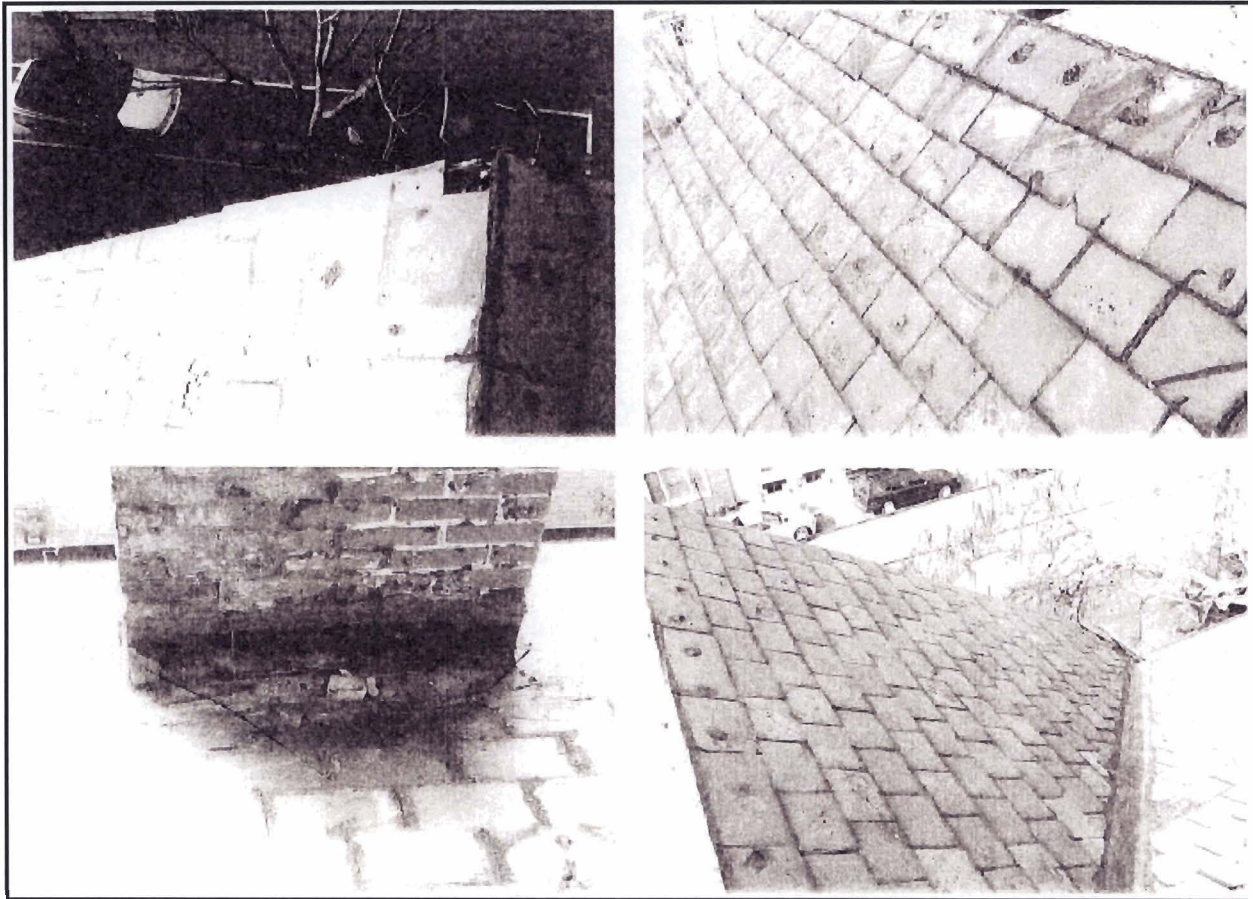


Figure 14: Photos of roof with damaged slate.

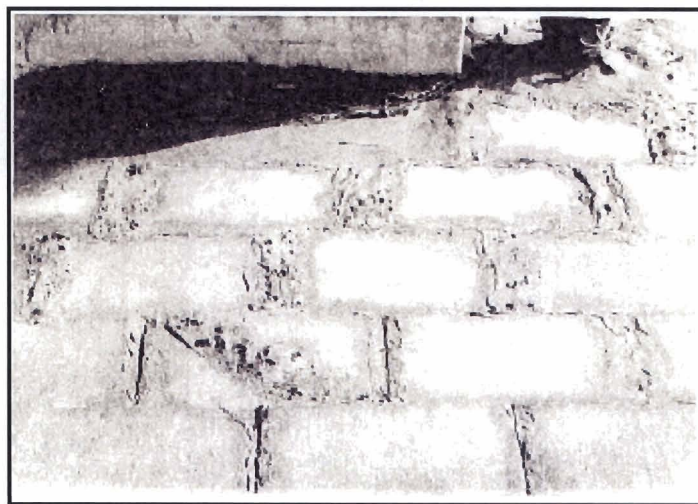
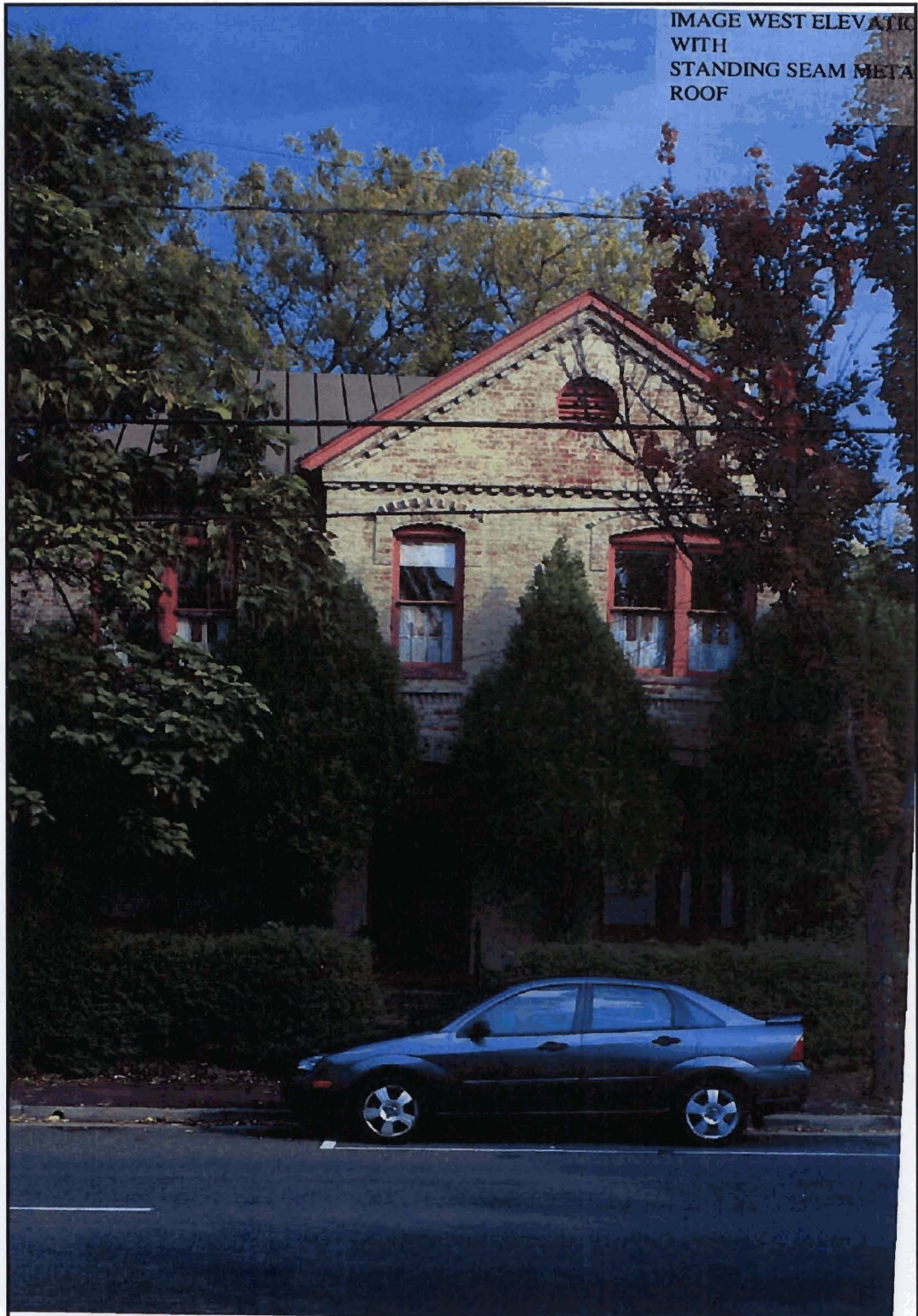


Figure 15: Photo of damaged slate.





**Figure 16: Photo simulation of house WITH METAL ROOF**



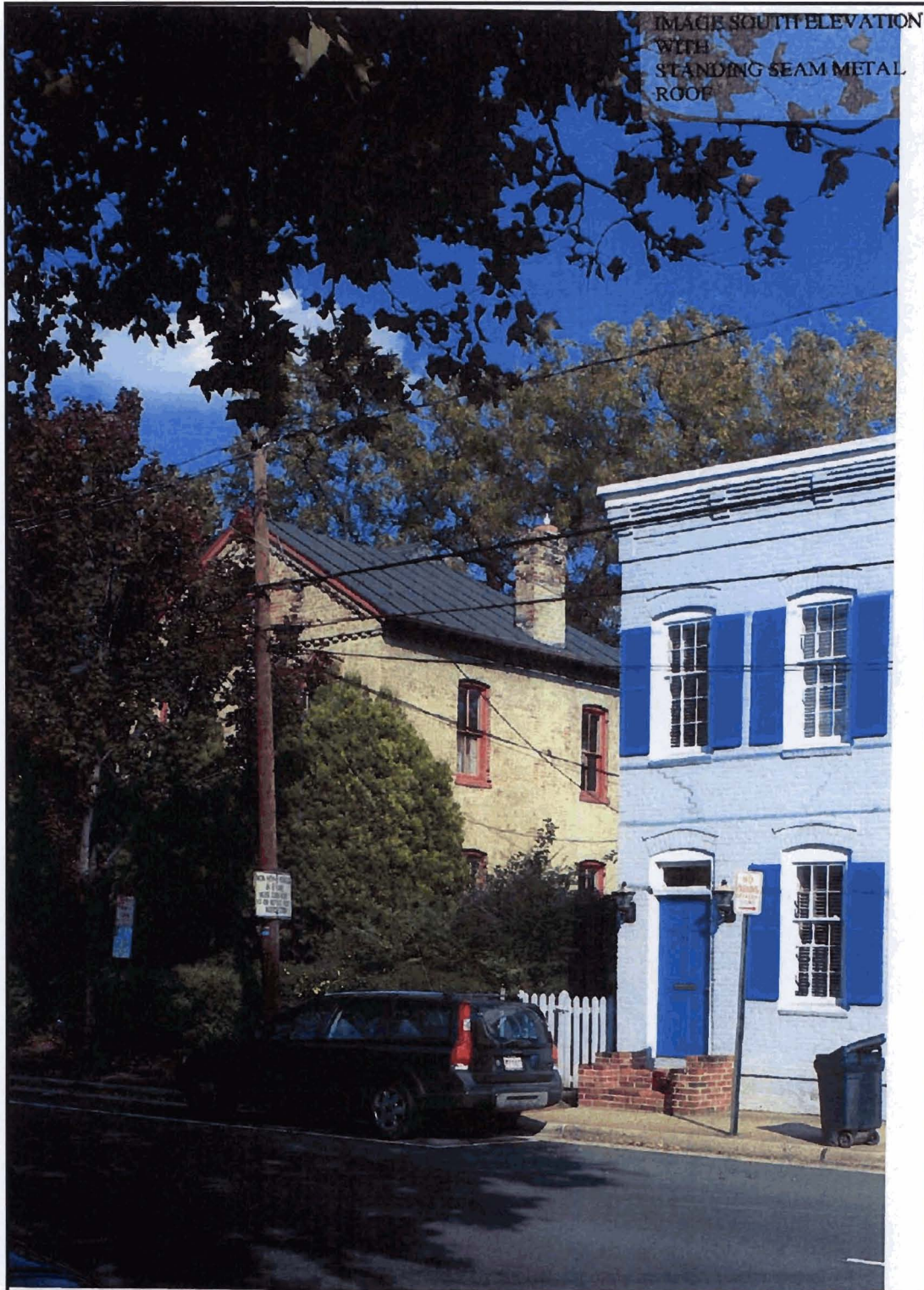


Figure 18: Photo simulation of house WITH METAL ROOF

# SPEAKER'S FORM

DOCKET ITEM NO. 7

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:** Duncan W. Blair, Esquire
  
2. **ADDRESS:** 524 King Street, Alexandria, VA 22314  
**TELEPHONE NO.** 703 836-1000 **E-MAIL:** dblair@landclark.com
  
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**  
Patrick Street Associates, LLC
  
4. **WHAT IS YOUR POSITION ON THE ITEM?**  
For
  
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

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.