

**From:** Mark Jinks  
**Sent:** Friday, October 13, 2017 12:26 PM  
**To:** City Council  
**Cc:** Yon Lambert; Emily Baker; Joanna Anderson; James Banks; William Skrabak; Lalit Sharma  
**Subject:** Sewer tap fees: question about Section 5-6-25.1(8)  
  
**Importance:** High

At Tuesday's meeting, Council asked staff to respond to three questions prior to consideration of the second reading and final passage of an ordinance to amend and reordain Section 5-6-25.1.

The questions were:

**1) How was the sewer tap fee calculated for 4501 Ford Avenue?**

**Answer:** The sanitary sewer tap fee for 4501 Ford Avenue was calculated by using generally accepted engineering best practices to estimate a total average daily flow of 200 gallons per day per 1,000 square feet for the previous use of the building (office/commercial). Staff then adjusted the average daily flow to account for the proposed use (residential) which led to a flow factor estimate of 300 gallons per day per unit. The difference in flows was then converted to an equivalent number of residential units, which was the basis for the fee charged. However, T&ES staff later determined that this methodology used engineering factors or values that are not necessarily specified in the City Code, did not take into account peak flows, and was not consistent with the intent of the 2013 Code change. TES then worked with the City Attorney to interpret the Code and accordingly issued a Memo to Industry in July of 2016 to clarify how future calculations would be made. In summary, however, the basis for the tap fee was *flows from residential units and based on a calculation of the difference in wastewater flows between the existing development and proposed development.*

**2) How was the sewer tap fee calculated for conversions prior to 2013, when the City Code was revised to address conversions?**

**Answer:** The one conversion development staff is aware of (601 North Fairfax Street) came in as a grading plan and the same sewer tap was used. Because the ordinance at the time did not address such a scenario, there was no connection fee assessed.

**3) Whether Section 5-6-25.1(8) would allow additional time for an applicant who takes advantage of the phase in that City Council is considering adding to Section 7 for conversions**

**Answer:** The City Attorney has reviewed the section and does not believe it adds any time for the reasons explained below. The section says: "In cases where a DSP/DSUP extension is filed after the connection fees have been established for a development project (following final plan submission), the connection fee rate shall be revised to reflect the current fee structure in effect at the time the extension is approved. For all final site plans submitted prior to April 1, 2013, one DSP/DSUP extension may be granted without revising the connection fee rate previously established at the time of the final site plan submission."

The first sentence says that applicants are not vested in the sewer tap fee calculation if they get an extension approved. When an extension is approved, the tap fee in effect at that time applies. There was an exception in the next sentence for final site plans submitted prior to April 1, 2013 but that is irrelevant now because any site plan approved before April 1, 2013 would have had to have its own extension allowed under this section by 2016 because the validity of a site plan is 3 years. We are starting the proposed phase in for conversions in May 2013 because that was when the section was approved, but we know no site plans for conversions were approved other than 4501 Ford Avenue and that is already built.

If you have any questions, please let Yon Lambert know.



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: Mark Rivers
2. ADDRESS: 1300 Connecticut Ave., NW; Ste 900; Washington, DC  
TELEPHONE NO. 202-496-2900 E-MAIL ADDRESS: mriverselower.com 2036
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Lowe
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.):  
Property Owner
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.

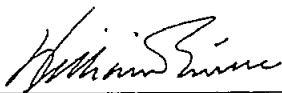
# CITY OF ALEXANDRIA, VIRGINIA

## Guidelines for Honest Civic Discourse for those Participating in Meetings in the Council Chamber

Members of the Alexandria community, its elected officials and City staff place a high value on constructive and thoughtful debate on public issues. To this end, all who participate in meetings in the Chamber, including public officials, staff and members of the community, are expected to observe the following guidelines.

1. Treat Everyone with Respect and Courtesy
2. Do Your Homework – Be Prepared and Be Familiar with the Docket
3. Express Your Ideas and Opinions in an Open and Helpful Manner
4. Be Respectful of Others' Time by Being Clear and Concise in Your Comments and/or Questions
5. Demonstrate Honesty and Integrity in Your Comments and Actions
6. Focus on the Issues Before the Decision Making Body – Avoid Personalizing Issues
7. Listen and Let Others Express their Ideas and Opinions
8. If a Decision is Made with which You Do Not Concur, Agree to Disagree and/or Use Appropriate Means of Civil and Civic Recourse, and Move On

Adopted by the Alexandria City Council on October 12, 2004.



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William D. Euille, Mayor



## SPEAKER'S FORM

DOCKET ITEM NO. 14

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: Kenneth W.ire
2. ADDRESS: 1750 Tysons Blvd, Suite 1802, Tysons VA  
 TELEPHONE NO. 703 712 5352 E-MAIL ADDRESS: kwire@mcgrewandson.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Law's Outreach
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 ☐

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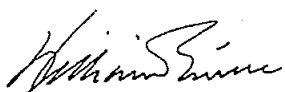
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