

**WINCHESTER COMMON COUNCIL**  
**MAY 14, 2013**  
**AGENDA**  
**7:00 P.M.**

**CALL TO ORDER AND ROLL CALL**

**INVOCATION** – Pastor James Utt, Grace Evangelical Lutheran Church

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** – October 26-27, 2012 Council Retreat, December 5, 2012 Council Retreat, January 15, 2013 Work Session, February 19, 2013 Work Session, February 26, 2013 Work Session, March 19, 2013 Work Session, March 26, 2013 Work Session, April 9, 2013 Regular Meeting, April 16, 2013 Work Session, and April 23, 2013 Work Session

**REPORT OF THE MAYOR**

**REPORT OF THE CITY MANAGER**

**REPORT OF THE CITY ATTORNEY**

**1.0 PUBLIC HEARINGS**

- 1.1 Public Hearing:** Re-appoint Melvin Thomas as a “Ward 4” member of the Winchester School Board to a four year term expiring June 30, 2017
- 1.2 Public Hearing:** Re-appoint Mary Margaret Wise as a “Ward 1” member of the Winchester School Board to a four year term expiring June 30, 2017
- 1.3 CU-13-132:** Conditional Use Permit – Request of KKE Properties, LLC, for a conditional use permit for conversion of ground floor nonresidential use to residential use at 22 Wolfe Street (Map Number 193-01-C-8) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. (pages 5-10)

**2.0 PUBLIC COMMENTS**

**3.0 CONSENT AGENDA**

- 3.1 O-2013-10:** First Reading – AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2013 (pages 11-18)

- 3.2 O-2013-12:** First Reading – AN ORDINANCE TO REZONE 0.45 ACRES OF LAND AT 2307 STONERIDGE ROAD (Map Number 269-05-A-1) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH CE DISTRICT OVERLAY RZ-13-98 (pages 19-26)
- 3.3 O-2013-13:** First Reading – AN ORDINANCE TO REZONE A 0.75 ACRE PORTION OF LAND AT 441 LINDEN DRIVE (Map Number 130-01- -1) FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT TO MEDICAL CENTER (MC) DISTRICT RZ-13-134 (pages 27-32)
- 3.4 O-2013-14:** First Reading – AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, AND FEES TA-13-138 (pages 33-43)
- 3.5 R-2013-27:** Resolution – Approval of Intent to Reimburse Expenditures with Proceeds of a Borrowing (pages 44-46)
- 3.6 R-2013-23:** Resolution – Approval to refund \$3,586.67 for prorated Business License Taxes for tax year 2012 to Hampton Inn (pages 47-50)
- 3.7 R-2013-24:** Resolution – Approval of the Personal Property Tax Relief Rate for tax year 2013 at the proposed rate for fifty-three percent (53%) (pages 51-53)
- 3.8 R-2013-25:** Resolution: Authorization to apply for a Department of Justice Byrne Justice Assistant Program grant to support the purchase of equipment and services for the Winchester Police Department and to execute those transactions (pages 54-76)
- 3.9 R-2013-26:** Resolution: Authorization to submit an application for a Virginia Enterprise Zone during the 2014 designation round (pages 77-81)
- 3.10** Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Dario Savarese for his service on the Winchester-Frederick County Tourism Board

#### **4.0 AGENDA**

- 4.1 O-2013-11:** First Reading – AN ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUND FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2014 (pages 82-89)
- 4.2 O-2013-15:** First Reading – AN ORDINANCE TO IMPLEMENT THE PROVISIONS OF THE BOARDS AND COMMISSIONS MEMORANDUM ADOPTED BY COMMON COUNCIL ON FEBRUARY 12, 2013

PERTAINING TO THE FUNCTIONING AND PROCESSES ASSOCIATED WITH THE APPOINTMENT AND OPERATIONS OF THE TREE COMMISSION; NATURAL RESOURCES ADVISORY BOARD; AND OTHER COUNCIL-APPOINTED BOARDS AND COMMISSIONS (pages 91-114)

- 4.3 Motion to correct and amend the appointment of P.J. Lewis made at the regular meeting of Common Council on April 9, 2013 to reflect the recommendation for appointment of P.J. Lewis to the BZA (Winchester Board of Zoning Appeals) for a term commencing on May 14, 2013 and ending on April 30, 2018, rather than appointment to the BAR (Board of Architectural Review)
- 4.4 Motion to appoint \_\_\_\_\_ as a member of the Winchester Parking Authority to a five year term expiring May 31, 2018
- 4.5 Motion to re-appoint \_\_\_\_\_ as a member of the Winchester Parking Authority to a five year term expiring May 31, 2018
- 4.6 Motion to appoint \_\_\_\_\_ as a member of the Economic Development Authority to a four year term expiring August 31, 2017
- 4.7 Motion to re-appoint \_\_\_\_\_ and \_\_\_\_\_ as members of the Lord Fairfax Community College Board each to a 4 year term expiring June 30, 2017
- 4.7 Announce the resignation of R. Hunter Hurt as a member of the Building Code Board of Appeals effective April 17, 2013 and direct the Clerk of Council to advertise the vacancy
- 4.7 Announce the resignation of Jason Ransom as a member of the Board of Zoning Appeals effective April 25, 2013 and direct the Clerk of Council to advertise the vacancy

**5.0 EXECUTIVE SESSION**

**5.1 MOTION TO CONVENE IN AN EXECUTIVE SESSION PURSUANT TO 2.2-3711(A)(28) FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF THE SUBJECT MATTER OF RECORDS EXCLUDED FROM OPEN MEETING REQUIREMENTS PURSUANT TO SUBDIVISION 11 OF §2.2-3705.6 OF THE CODE OF VIRGINIA AND ISSUED IN ACCORDANCE WITH §56-575.6 OF THE CODE OF VIRGINIA TO THE CITY OF WINCHESTER AS AN AFFECTED LOCAL JURISDICTION AS THOSE TERMS ARE DEFINED IN §56-575.1 OF THE CODE OF VIRGINIA AND PURSUANT TO 2.2-3711(A)(1) FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT MATTER OF PERFORMANCE, AND EVALUATION OF SPECIFIC PUBLIC OFFICERS, APPOINTEES, OR EMPLOYEES OF THE GOVERNING BODY WHERE SUCH EVALUATION WILL NECESSARILY INVOLVE THE**

PERFORMANCE OF SPECIFIC INDIVIDUALS, AND MOTION TO CONVENE IN AN EXECUTIVE SESSION PURSUANT TO SECTION 2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF CONDUCTING INTERVIEWS AND DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE EMPLOYMENT, ASSIGNMENT, AND APPOINTMENT OF CANDIDATES FOR COUNCIL APPOINTED BOARDS AND COMMISSIONS. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 2.2-3712(B) OF THE CODE OF VIRGINIA, SUCH PROCEEDINGS REGARDING CANDIDATES FOR COUNCIL APPOINTED BOARDS AND COMMISSIONS SHALL COMMENCE WITHIN FIFTEEN DAYS AT AN UNDISCLOSED LOCATION AND SHALL BE CONCLUDED IN ACCORDANCE WITH SECTION 2.2-3712(D) OF THE CODE OF VIRGINIA AFTER SELECTION AND APPOINTMENT.

## **6.0 ADJOURNMENT**

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 4/23/13 (work session), CUT OFF DATE: 4/17/13
5/14/13 (regular mtg)

RESOLUTION \_\_ ORDINANCE \_\_ PUBLIC HEARING X

ITEM TITLE:

CU-12-132 Request of KKE Properties, LLC, for a conditional use permit for conversion of ground floor nonresidential use to residential use at 22 Wolfe Street (Map Number 193-01-C-8) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

STAFF RECOMMENDATION:

Staff recommends that any existing zoning violations on the property, including the continued use of Unit 26A as a ground-floor apartment, be resolved before further residential conversions are allowed. A CUP for permanent conversion of Unit 26A is scheduled for Planning Commission public hearing in May.

PUBLIC NOTICE AND HEARING:

Public hearing for 5/14/13 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission voted 2-4-0 on a motion for approval with 5 conditions. The Commission did not support the request.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Zoning & Inspections, City Attorney, City Manager, and Clerk of Council.

Initiating Department Director's Signature: (Planning Dept)

Handwritten signature and date 4/17/13



APPROVED AS TO FORM:

Handwritten signature and date 4/17/2013, CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**From:** Tim Youmans, Planning Director  
**Date:** April 17, 2013  
**Re:** CUP-13-132

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**THE ISSUE:**

Conversion of ground-floor nonresidential space to multifamily residential use

**RELATIONSHIP TO STRATEGIC PLAN:**

Vision 2028 states that Winchester has a 'Vibrant Downtown' and 'Great Neighborhoods with a range of housing choices'. Continued Revitalization of Historic Old Town is a 2018 Goal.

**BACKGROUND:**

See attached staff report.

**BUDGET IMPACT:**

None

**OPTIONS:**

- Deny the request, consistent with the Planning Commission action, because proposed use is not as desirable as retaining non-residential use.
- Approve with the five conditions listed in the staff report for a favorable motion
- Table the request until after the CUP for permanent conversion of Unit 26A is decided.

**RECOMMENDATIONS:**

On a vote of 2-4-0, a motion to recommended approval of the request failed at the April 16, 2013 Planning Commission meeting.

**CU-13-132** Request of KKE Properties, LLC, for a conditional use permit for conversion of ground floor nonresidential use to residential use at 22 Wolfe Street (*Map Number 193-01-C-8*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay

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#### REQUEST DESCRIPTION

This request would allow additional ground floor space in the existing structure fronting along the north side of Wolfe Street in an existing mixed use building on a parcel addressed as 28-30 S. Braddock St (also known as 22-36 Wolfe St) to be used for an apartment. Specifically, the request is to convert approximately 1,100 square feet of ground floor commercial tenant space at the northwest corner of Wolfe St and Indian Alley to a two-bedroom apartment with a den.

#### AREA DESCRIPTION

The subject property, as well all adjacent properties are zoned B-1(HW). The subject property is also in the flood fringe portion of the 100-year floodplain. Based upon previous approvals, the existing structure contains 5 apartments on the ground floor, 9 units on the second floor and 2 units on the third floor for a total of 16 existing apartments.

Properties along both sides of S. Braddock St. include commercial use with some residential use on the upper levels. The property across Wolfe St. to the south is a private church parking lot. Indian Alley adjoins the site to the east.



#### STAFF COMMENTS

While this request is just focused on 22 Wolfe St, it is affected by previous requests to convert ground-floor space in this building. In December of 2009, Ms. Vickie Puckett, who was then the manager and applicant for this property on behalf of Ft Loudoun LLC, returned to City Council with a request for reconsideration of a denied proposal to convert 26A Wolfe Street from office to apartment. The original case (CU-08-12) had been denied by Council in October 2008. In denying the request, Council reiterated its desire to maintain ground floor space for commercial uses. Subsequent to the denial, the applicant requested and was granted a CUP for conversion of a separate 800sf ground floor space to residential use. That request differed in that the unit was accessed from a rear alleyway to the north and did not have an entrance fronting on Wolfe St.

In Ms. Puckett's 2009 letter addressing the intent and basis for reconsideration, she cited a recent history of being unable to occupy the available commercial space with a tenant, despite advertising efforts and having reduced the rent. She requested the granting of the CUP for residential use temporarily "until this economic crisis has passed." At its November 17, 2009 meeting, the Planning Commission forwarded **CU-09-302** to City Council recommending disapproval because the use does not meet the intent of the Ordinance for ground floor spaces in the B-1 District. City Council ultimately

approved the request on December 8, 2009 with a condition that the permit was valid for 24 months past the day of the signing of the first lease for residential use.

Unfortunately, the Council-imposed restriction on the duration of the residential use of 26A was not properly communicated to Ms. Engel, who purchased the property as K K E Properties LLC in June of 2011 from Ft Loudoun LLC. The unit at 26A is still being occupied as an apartment.

The current case can be considered separate of the ongoing CUP violation associated with the residential occupancy of 26A, but staff would recommend that a condition of occupancy for 22 Wolfe Street be the resolution of the violation at 26A Wolfe Street. These units are on the same parcel of land and within the same structure. On 4/11/13, Ms. Engel filed a CUP application to seek permanent occupancy of 26A as a residential unit. There may also be other ground floor units claimed.

#### Land Use

The subject space was most recently in Antique Shop use. Per Section 9-2-16 of the Zoning Ordinance, conversion of ground floor nonresidential use to residential use in the B-1 District requires a conditional use permit. As a prerequisite for consideration, no unit may be situated facing a major commercial street. Wolfe Street and Indian Alley, while providing access to public parking serving commercial uses along the Loudoun Street Mall, are not considered major commercial streets. The other frontage of the subject property, S. Braddock Street, is considered a major commercial street. The B-1 district is intended for the conduct of business to which the public requires direct and frequent access. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, and restaurants. The Old Town area is generally characterized by a mix of commercial and residential uses. Consideration should be given to the appropriateness of this type of use for this specific location.

#### Residential Density

The subject parcel is a 0.304-acre site (13,242sf) lot. The current structure legally houses 16 apartments, but there may be 1-3 additional units on the ground floor that do not have approval by the City. At a density requirement of 1,000sf per unit, the base density would be 13.24 units. A bonus of 1.32 units is applied for location within the Secondary OTDB tax district (0.10 bonus). With the most recent conversion in 2009, a bonus of 3.31 units was applied for economic impact based upon at least 25% of the total floor area remaining in nonresidential use. Based upon 26.33% of the total space being nonresidential, a 0.25 bonus was applied. Cumulatively, the bonuses for the prior mix of uses allowed a total of 17.87 – rounded to 18 units. The conversion of 1,100s.f. of additional space to residential use affects the Economic Bonus computation, especially if the tenant space at 26A remains in residential use. If both spaces are residential, then the 25% Economic Impact bonus goes away.

The applicant could qualify for the Historic Preservation density bonus. If the applicant can demonstrate that at least 70% of the building has been preserved consistent with preservation guidelines, then a 35% density bonus could be applied. The applicant has provided evidence of the degree of preservation work that has been undertaken and what would be done in conjunction with the CUP request. Staff has determined that the proposed 18th residential unit would fall within the density provisions in the B-1 district based upon the inclusion of the historic preservation density bonus.

### Unit Floor Area

The Ordinance regulates both absolute and average minimum floor area per dwelling unit in the B-1 District. The submitted floor plans depict the subject tenant space that would be converted from commercial use to a two- or three-bedroom apartment. For general population (non-age-restricted) two- or three-bedroom units, the absolute minimum is 725sf; the average minimum is 900sf. The proposed unit is approximately 1,100sf and would easily increase the average minimum for all of the 2-3 bedroom units.

The submitted floor plans depict a large apartment with a single entry point on Wolfe Street and a long center hallway leading back to a kitchen, bathroom, and large closet on the left and 2 bedrooms and a den off to the right. Both of the bedrooms have windows directly facing out to Indian Alley. Staff encouraged the applicant to propose no more than two bedrooms and to consider retaining the rear office/storage room as space separate from the leased apartment since it has HVAC equipment in it for the larger building. The applicant revised the floor plans to reflect this. Council may also want to condition any approval on the den not being used as a bedroom to avoid having the unit become a three-bedroom apartment.

### Green Space

The addition of another dwelling unit invokes a slight increase in green area. Staff recommends that the applicant provide a nominal landscaping improvement in the form of some foundation planting, flower boxes, or contribution to the OTDB for landscaping within the public right of way in the general area. The applicant should also ensure that landscape planters and improvements required with prior residential conversions are still in place. The applicant will need to consult with the Board of Architectural Review (BAR) to get a recommendation as to reduced green area associated with residential conversion. Retention of the rooftop garden terrace should also be stipulated as a condition of expanded residential occupancy.

### Flood Plain

According to the updated Federal Insurance Administration Flood Insurance Study mapping, the structure falls within the 100 year flood fringe of the flood plain. Any conversion to residential use should include provisions to flood proof the structure in accordance with the National Flood Insurance Program (NFIP) standards.

### **RECOMMENDATION**

In order for a CUP to be issued, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. Additionally, a finding must also be made for this specific type of CUP request that the proposed residential use is as suitable as, or preferable to, other permitted uses on the ground floor.

At the April 16, 2013 meeting, a motion was made for the Commission to forward **CU-13-132** to City Council recommending approval because the use, as proposed: should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood; should not be injurious to adjacent properties or improvements in the neighborhood; and, is as suitable as, or preferable to, other permitted uses on the ground floor. The approval would have been subject to the following:

1. Adequate flood proofing of the portion of the structure proposed for conversion in accordance with the applicable flood map designation, as determined by the City Engineer;

2. Landscaping in the form of retaining the rooftop garden terrace, some foundation planting, flower boxes, and/or contribution to the OTDB for landscaping within the public right of way in the general area in conjunction with BAR review and recommendation of required green area per Section 19-5-6.3a of the Zoning Ordinance;
3. Conformity with revised floor plans showing a two-bedroom unit without the rear office/storage room included within the rental unit;
4. The unit shall be subject to the Rental Housing Ordinance program within the City of Winchester; and,
5. Resolution of the existing zoning violation associated with the illegal occupancy of 26A Wolfe Street as an apartment beyond the 24-month period stipulated by City Council with CU-09-302.

On a 2-4-0 vote, **the motion failed** and the request was forwarded to City Council without support from the Planning Commission. Commissioners Smith and Shore voted for the motion and Commissioners Slaughter, Shickle, Correll, and Chairman Wiley voted against the motion.

If Council is inclined to approve of the request, then an favorable motion could read as shown above.

If the Council is inclined to disapprove of the request, then an unfavorable motion could read:

**MOVE**, that City Council disapprove **CU-13-132** because the use, as proposed: may adversely affect the health, safety, or welfare of residents and workers in the neighborhood: may be injurious to adjacent properties or improvements in the neighborhood; and, is not as suitable as, or preferable to, other permitted uses on the ground floor.

0-2013-10

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 23, 2013 CUT OFF DATE:

RESOLUTION \_\_ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

FY 2013 Supplemental Appropriation Requests

STAFF RECOMMENDATION:

Recommend approval of Supplemental Appropriation Requests

PUBLIC NOTICE AND HEARING:

N/A

ADVISORY BOARD RECOMMENDATION:

N/A

FUNDING DATA:

See attached.

INSURANCE:

No liability assumed.

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney		_____	4/17/2013
6. City Manager		_____	4-18-13
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature: _____		_____	4-12-13 Date
	Finance Director		



APPROVED AS TO FORM:

 4/17/2013  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Mary Blowe, Finance Director  
**Date:** April 23,2013  
**Re:** FY 2013 Supplemental Appropriation Requests

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**THE ISSUE:** The City Finance department prepares two supplemental appropriations throughout the fiscal year. This is the second and last budget adjustment for FY 2013. This is necessary to ensure funds are properly appropriated at fiscal year end.

**RELATIONSHIP TO STRATEGIC PLAN:** With this resolution, City administration can work within our budget to maintain services and reallocate funds to accomplish *a more livable City for all. And support of our mission of a financially sound City providing top quality municipal services while focusing on the customer and engaging our Community.*

**BACKGROUND:** City Staff have submitted to the finance department requests for supplemental appropriations during the past 5 months to ensure budget compliance. Finance staff have reviewed the budgets to ensure proper compliance and have compiled the attached supplemental appropriation ordinance.

**BUDGET IMPACT:**

**General Fund**

- Debt- increase by \$27,478,200 for debt refunding of \$26,947,200 funded by bond proceeds
- Derecho (wind storm) cleanup- \$311,000 Federal grant; \$83,000 State grant and fund balance

**School funds**

- See attached School Board Resolutions dated December 10,2012, April 8,2013 and May 13,2013

**OPTIONS:** City Council can review the supplemental appropriations and choose to not approve as submitted and modify.

**RECOMMENDATIONS:** Staff recommends the approval of the proposed supplemental appropriation ordinance as submitted.

**WINCHESTER PUBLIC SCHOOLS  
SCHOOL BOARD RESOLUTION  
DECEMBER 10, 2012**

Be it resolved that the Winchester City School Board requests the following budget amendments for fiscal year 2012-2013:

SCHOOL OPERATING FUND

**CTE WORKPLACE READINESS GRANT of \$678.** These reimbursable state funds will provide workplace readiness skills for standard diploma graduates.

**MODIFIED ORAL PROFICIENCY INTERVIEW (MOPI) INSTITUTE FUNDING OF \$200.** These reimbursable state funds will reimburse WPS for ACTFL/MOPI Certification Testing fees for teacher.

**NATIONAL BOARD CERTIFICATION INCENTIVE INCREASE OF \$17,500.** These reimbursable state funds are pass-through funds to our teachers who have their National Board certification.

FOOD SERVICES FUND

**FRESH FRUIT AND VEGETABLE PROGRAM (FFVP) GRANT INCREASE OF \$62,880.** These reimbursable federal funds will be used to provide fresh fruit and vegetable snacks for students at QES and VACDES.

FEDERAL GRANT FUNDS

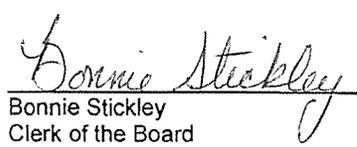
**TITLE I INCREASE OF \$162,137.** These carryover reimbursable funds will be used for expenses associated with the pre-school program, and the elementary reading programs.

**TITLE II, PART A, DECREASE OF \$40,949.** These carryover reimbursable funds are used for professional development and class size reduction,

**SUMMARY OF FEDERAL GRANT FUNDS**

GRANT	ALLOCATION	CARRY OVER	TOTAL	FY12 BUDGET	DIFFERENCE
Title I	974,655	222,034	1,196,689	1,034,552	162,137
Title II	157,321	51,751	209,072	168,123	40,949
<b>TOTAL</b>	<b>1,131,976</b>	<b>273,785</b>	<b>1,405,761</b>	<b>1,202,675</b>	<b>203,086</b>

  
John Bishop  
Chairman

  
Bonnie Stickley  
Clerk of the Board

**WINCHESTER PUBLIC SCHOOLS  
SCHOOL BOARD RESOLUTION  
APRIL 8, 2013**

Be it resolved that the Winchester City School Board requests the following budget amendments for fiscal year 2012-2013:

SCHOOL OPERATING FUND

**PROJECT GRADUATION INCREASE OF \$4,500.** These reimbursable state funds will target students who have not achieved a verified credit in English, Writing, Reading, and/or Algebra.

**HOMELESS INCREASE FOR DONATIONS RECEIVED IN FY 13 OF \$23,000.**  
These donated funds were received in FY 13 from the Chain of Checks Charitable Program.

**ADDITIONAL STATE FUNDING OF \$471,369 DUE TO INCREASED ADM (Average Daily Membership).** The budgeted ADM for FY 2013 was 3,950 and it is estimated to be 4,080 at March 31, 2013 (see attachment). Revenues from the state for FY 2013 are based on the average daily membership from September 2012 through March 31, 2013. These reimbursable state funds will be used for:

DESCRIPTION	AMOUNT
Transfer to textbook fund	\$300,000
Bus purchase	\$171,369
<b>TOTAL</b>	<b>\$471,369</b>

State funded in FY 2013 \$366,099 for textbook funds. \$196,046 is the state share and \$170,053 is the local share. These textbook funds will be carried forward in FY 2014 for purchase of textbooks.

**SURPLUS FUNDS AT YEAR-END.** Any remaining surplus funds for fiscal year 2013 will be transferred to the Capital Improvement Fund (CIP).

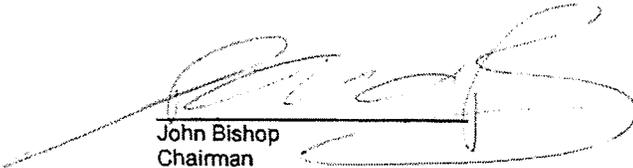
FOOD SERVICES FUND

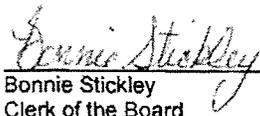
**Fund balance transfer of \$47,000.** These funds will be used to purchase the following equipment:

SCHOOL	DESCRIPTION	AMOUNT
FDES	Replace Milk Cooler	\$ 1,500
FDES	Replace Pass thru Warmer	\$ 4,500
HHS	New 5 Well – Tray Line – Main kitchen	\$ 8,000
HHS	Replace under-counter Dish Machine-Café 2	\$ 5,000
JKES	New Flatbed Dollie & Dunnage Storage racks	\$ 1,000
All	Replace/Upgrade Computer POS Equipment	\$27,000
	<b>TOTAL</b>	<b>\$47,000</b>

The current fund balance for the food services fund totals \$468,298.

**ADDITIONAL STATE FUNDING OF \$8,304.** These reimbursable state funds will be used for miscellaneous supplies.

  
John Bishop  
Chairman

  
Bonnie Stickle  
Clerk of the Board

Finance\RS\04.08.13 budget amendments

**WINCHESTER PUBLIC SCHOOLS  
SCHOOL BOARD RESOLUTION  
MAY 13, 2013**

Be it resolved that the Winchester City School Board requests the following budget amendments for fiscal year 2012-2013:

INSURANCE FUND

**INCREASE OF \$200,000 TO THE INSURANCE FUND FROM FUND BALANCE.** WPS applied to participate in the Affordable Care Act's Early Retiree Reinsurance Program (ERRP) in December 2010. We received \$47,926.77 from this program and it was to be used to lower health insurance costs for employees and retirees. Since this has not been done we will provide all employees (current and retirees) a reimbursement of \$92 which would cost \$47,932. The remaining funds will be allocated for our health insurance costs for this fiscal year.

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John Bishop  
Chairman

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Bonnie Stickle  
Clerk of the Board

Finance\RSL05.13.13 budget amendments

# COMMON COUNCIL



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601  
540-667-1815  
TDD 540-722-0782  
www.ci.winchester.va.us

## **AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2013**

WHEREAS, Council approves the following additional funds for the purposes herein specified for the fiscal year ending June 30, 2013:

### **GENERAL FUND**

#### REVENUE

State	83,000
Federal	311,000
Bond Proceeds	26,963,100
Fund Balance/Supplemental Appropriation	<u>121,100</u>
<b>TOTAL GENERAL FUND REVENUE</b>	<b>27,478,200</b>

#### EXPENDITURES

Parks, Recreation, Cultural	531,000
Community Development	(201,600)
Debt Service	<u>27,148,800</u>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>27,478,200</b>

### **SCHOOL OPERATING FUND**

#### REVENUE

Local	23,000
State	<u>494,247</u>
<b>TOTAL SCHOOL OPERATING REVENUE</b>	<b>517,247</b>

#### EXPENDITURES

Instruction	45,878
Transportation	171,369
Fund Transfers	<u>300,000</u>
<b>TOTAL SCHOOL OPERATING EXPENDITURES</b>	<b>517,247</b>

### SCHOOL FEDERAL GRANTS FUND

#### REVENUE

Federal	<u>203,086</u>
TOTAL SCHOOL GRANTS REVENUE	203,086

#### EXPENDITURES

Instruction	<u>203,086</u>
TOTAL SCHOOL GRANTS EXPENDITURES	203,086

### SCHOOL TEXTBOOK FUND

#### REVENUE

Transfer	<u>300,000</u>
TOTAL SCHOOL TEXTBOOK REVENUE	300,000

#### EXPENDITURES

Instruction	<u>300,000</u>
TOTAL SCHOOL TEXTBOOK EXPENDITURES	300,000

### SCHOOL FOOD SERVICES FUND

#### REVENUE

State	8,304
Federal	62,880
Fund Balance/Supplemental Appropriation	<u>47,000</u>
TOTAL SCHOOL FOOD SERVICES REVENUE	118,184

#### EXPENDITURES

Food Services	<u>118,184</u>
TOTAL SCHOOL FOOD SERVICES EXPENDITURES	118,184

### SCHOOL INSURANCE FUND

#### REVENUE

Fund Balance/Supplemental Appropriation	<u>200,000</u>
TOTAL SCHOOL INSURANCE REVENUE	200,000

#### EXPENDITURES

Non-instructional	<u>200,000</u>
TOTAL SCHOOL INSURANCE EXPENDITURES	200,000

WHEREAS, there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations, and

WHEREAS, all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully obligated or encumbered, and

WHEREAS, all ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Winchester that the additional appropriations specified herein are hereby appropriated for the purposes specified for the fiscal year ending June 30, 2013.

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL MEETING OF:** 4/23/13 (work session),      **CUT OFF DATE:** 4/23/13  
5/14/13 (1<sup>st</sup> Reading) 6/11/13 (2<sup>nd</sup> reading)

**RESOLUTION** \_\_\_    **ORDINANCE** X    **PUBLIC HEARING** X

**ITEM TITLE:**

**RZ-13-98** AN ORDINANCE TO REZONE 0.45 ACRES OF LAND AT 2307 STONERIDGE ROAD (*Map Number 269-05-A-1*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH CE DISTRICT OVERLAY

**STAFF RECOMMENDATION:**

Approval

**PUBLIC NOTICE AND HEARING:**

Public hearing for 6/11/13 Council mtg

**ADVISORY BOARD RECOMMENDATION:**

Planning Commission recommended approval.

**FUNDING DATA:** N/A

**INSURANCE:** N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning	<u>AMG</u>	_____	<u>4/17/13</u>
2. Economic Development	<u>JWS</u>	_____	<u>4/17/13</u>
3. City Attorney	<u>ew</u>	_____	<u>4/18/2013</u>
4. City Manager	<u>DI</u>	_____	<u>4/18/13</u>
5. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: \_\_\_\_\_ 4/17/13  
 (Planning)



**APPROVED AS TO FORM:**  
[Signature] 4/18/2013  
 CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**From:** Will Moore, Planner  
**Date:** April 17, 2013  
**Re:** RZ-13-98

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## **THE ISSUE:**

Rezoning a 0.45-acre vacant parcel of land created with the Harvest Ridge Subdivision back to a residential designation. The property was conditionally rezoned from a combination of HR and LR to B-2 in 2004 in anticipation of it being used accessory to the business immediately to the west in Frederick County, which was under common ownership at that time. That use never commenced and the property is now under separate ownership

## **RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4 – Create a More Livable City for All; Objective 3 – Manage future growth, development and redevelopment consistent with the City's vision, comprehensive plan, and development standards and policies.

The proposed LR zoning for this vacant property is more consistent with the Neighborhood Stabilization Area designation as called for on the Character Map in the Future Development chapter of the Comp Plan than the existing conditional B-2 zoning.

## **BACKGROUND:**

See attached staff report

## **BUDGET IMPACT:**

None

## **OPTIONS:**

- Approve
- Deny

## **RECOMMENDATIONS:**

Planning Commission recommended approval.

Council Work Session  
April 23, 2013

**RZ-13-98** AN ORDINANCE TO REZONE 0.45 ACRES OF LAND AT 2307 STONERIDGE ROAD (*Map Number 269-05-A-1*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH CE DISTRICT OVERLAY

---

#### REQUEST DESCRIPTION

The request is to rezone the subject vacant property created with the Harvest Ridge Subdivision back to a residential designation. The property was conditionally rezoned from a combination of HR and LR to B-2 in 2004 in anticipation of it being used accessory to the business immediately to the west in Frederick County, which was under common ownership at that time.

#### AREA DESCRIPTION

The subject property is located on the south side of Cedar Creek Grade at the western corporate limits of the City. Properties to the east fronting on Cedar Creek Grade are zoned HR(CE) and consist of single family homes. Properties to the east behind those fronting on Cedar Creek Grade and to the south are zoned LR and consist of single family homes. The property to the west in Frederick County is zoned RA (Rural Areas) and is in use as a country store/restaurant. Property to the north on the opposite side of Cedar Creek Grade is zoned RO-1(CE) and was the subject of a recent rezoning request that was ultimately denied ("Racey Meadows").



#### COMMENTS FROM STAFF

The existing conditional B-2 zoning was approved in 2004 to allow for limited use of the property as a nursery in conjunction with the commercially-used property to the west in Frederick County. A 2005 proffer revision was also approved to allow for accessory structures on the property. The use of the subject property as accessory to the adjoining commercial property never commenced, and the properties are now under separate ownership. The CE overlay zoning was approved in 2006 and is not proposed for change in conjunction with this underlying rezoning request.

The Character Map in the Comprehensive Plan identifies the subject property along with the surrounding, developed single family lots in the Harvest Ridge Subdivision as a *Neighborhood Stabilization Area*. These areas are intended as "places where households live, socialize, and raise families in relative quiet. Here, city planning aims to keep things the same, not bring dramatic change."

While the subject lot only has direct frontage on Cedar Creek Grade, it is served by an existing ingress/egress easement connecting to Stoneridge Rd that straddles the boundary line between lots 3 & 4 in Harvest Ridge. A driveway apron at Stoneridge Rd was installed at the time of development of the subdivision to allow for the future connection to the subject lot. The property is precluded from having a future connection directly to Cedar Creek Grade per the Subdivision Ordinance. The applicant acknowledges this condition in his attached letter dated February 21, 2013.

The proposed LR(CE) zoning would allow for single family use of the subject property. The property has insufficient lot area and width to be considered for any of the other limited uses that can be considered in LR, such as schools or places of worship. The applicant also indicated that another possible consideration would be to offer portions of the subject property to the adjoining owners fronting on Stoneridge Road in order to extend their rear yards.

#### RECOMMENDATION

Staff suggests that the rezoning of the subject property back to residential is consistent with the *Neighborhood Stabilization Area* designation in the Comprehensive Plan and is logical considering the separate ownership that now exists between the subject property and the adjoining, commercially-used property in the county.

At its April 16, 2013 meeting, the Planning Commission forwarded **RZ-13-98** to City Council recommending approval as depicted on an exhibit entitled "*Rezoning Exhibit RZ-13-98, Prepared by Winchester Planning Department, April 9, 2013*" because the request is consistent with the Neighborhood Stabilization Area designation in the Comprehensive Plan.

AN ORDINANCE TO REZONE 0.45 ACRES OF LAND AT 2307 STONERIDGE ROAD (*Map Number 269-05-A-1*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO LOW DENSITY RESIDENTIAL (LR) DISTRICT WITH CE DISTRICT OVERLAY  
**RZ-13-98**

**WHEREAS**, the Common Council has received an application from Benjamin M. Butler, Esq., agent for NVA Properties, LLC, to rezone a property at 2307 Stoneridge Road from Highway Commercial (B-2) District with Corridor Enhancement (CE) District Overlay to Low Density Residential (LR) District to with Corridor Enhancement (CE) District Overlay; and,

**WHEREAS**, the Planning Commission considered the request at its April 16, 2013 meeting and forwarded the request to Council recommending approval of the rezoning as depicted on an exhibit titled "*Rezoning Exhibit RZ-13-98 Prepared by Winchester Planning Department, April 9, 2013*"; and,

**WHEREAS**, the Planning Commission's recommendation was based upon a finding that the rezoning is consistent with the Neighborhood Stabilization Area designation in the Comprehensive Plan; and,

**WHEREAS**, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the rezoning associated with the property herein designated is consistent with the Comprehensive Plan.

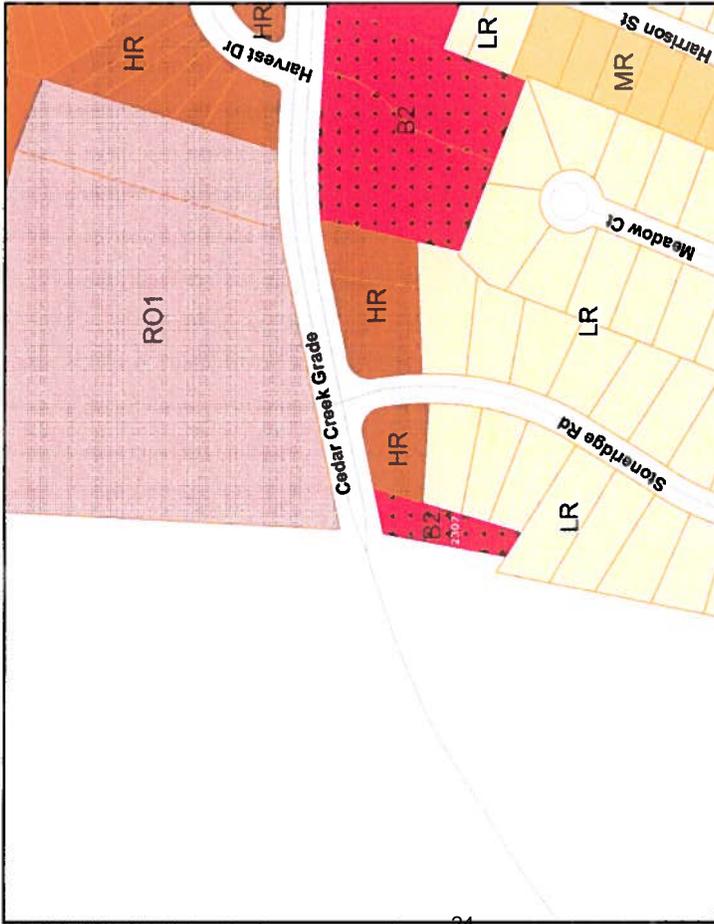
**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing conditional zoning designation of Highway Commercial (B-2) District with Corridor Enhancement (CE) District Overlay to Low Density Residential (LR) District to with Corridor Enhancement (CE) District Overlay:

0.45 acres of land at 2307 Stoneridge Road, as depicted on an exhibit titled "*Rezoning Exhibit RZ-13-98 Prepared by Winchester Planning Department, April 9, 2013*".

# REZONING EXHIBIT

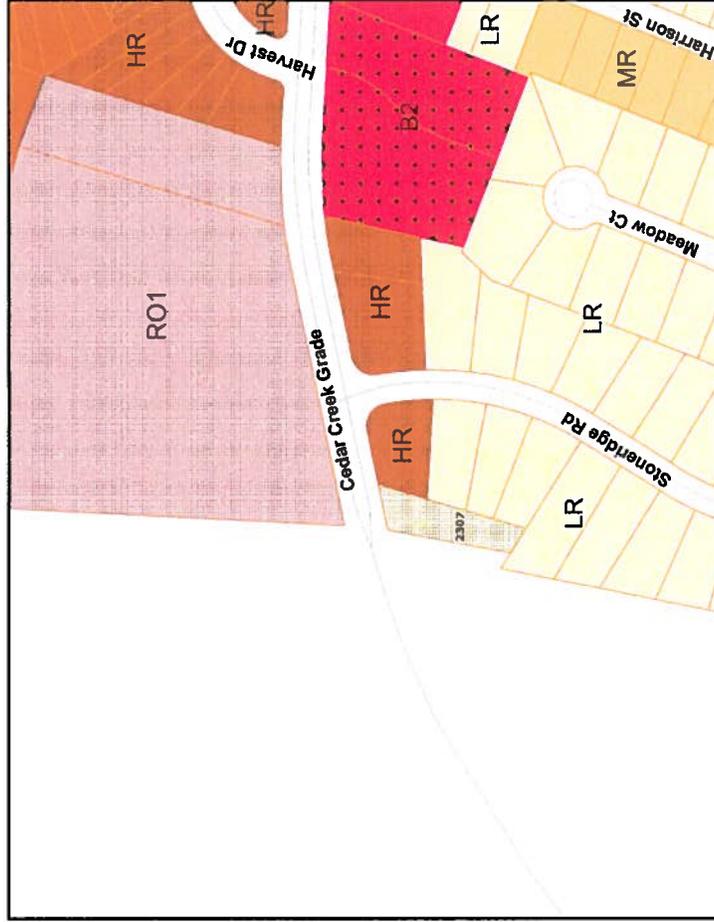
## RZ-13-98

PREPARED BY WINCHESTER PLANNING DEPARTMENT  
APRIL 9, 2013



EXISTING

CONDITIONAL B-2 (CE) ZONING FOR 2307 STONERIDGE RD



PROPOSED

LR (CE) ZONING FOR 2307 STONERIDGE RD



**Benjamin M. Butler, P.L.C.**

112 South Cameron Street  
P. O. Drawer 830  
Winchester, Virginia 22604-1297  
(540) 662-3486  
Facsimile (540) 722-3787  
E-Mail: [bmbiaw@comcast.net](mailto:bmbiaw@comcast.net)  
[bmbiaw2@comcast.net](mailto:bmbiaw2@comcast.net)

Peter K. McKee (1934-1967)  
Benjamin M. Butler

February 21, 2013

City of Winchester Planning Department  
Rouss City Hall  
15 N. Cameron Street  
Winchester, VA 22601

In Re: Rezoning of Real Estate  
From B-2 Conditional to LR  
Tax Map: 269-05-A-1  
Legal Description: Harvest Ridge Subdivision, Section 1, Lot 1,  
West Side 2307 Stoneridge Road  
My File: 2013-0013

Gentleman:

This letter is to be considered as part of the Rezoning Application filed for the above property located on Stoneridge Road.

This property lies in the City of Winchester contiguous to the Frederick County boundary, and the zoning of the same is B-2 Conditional which was made when the tract of land owned by Turner Enterprises, LLC was utilized with land lying in Frederick County on which there was operated a commercial property known as "Home Spun".

Subsequently, Turner Enterprises, LLC defaulted on its loan and a Deed in Lieu of Foreclosure was taken by NVAProperties, LLC, a Virginia limited liability company which is the wholly owned subsidiary of United Bank which had financed the property for Turner Enterprises, LLC.

The property is served by a fifteen (15) feet ingress/egress easement to Stoneridge Road as shown on the Plat of Harvest Ridge Subdivision, Section 1, attached hereto. The land is situated in such manner as it cannot have an entrance on Cedar Creek Grade independent of the

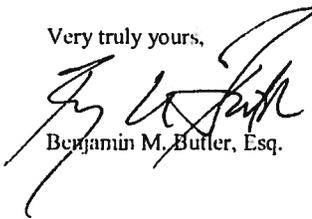
fifteen (15) feet ingress/egress easement because of its proximity to the intersection of Cedar Creek Grade and Stoncridge Road.

The property is best suited for residential use because the Lot 1, Harvest Ridge Subdivision, Section 1, has now been separated from the Frederick County Parcel previously owned by Turner Enterprises, LLC.

It is respectfully submitted that the highest and best use of this property would be as residential property, and the City of Winchester Comprehensive Plan provides for a portion of this property to be zoned HR and a portion of it to be zoned LR. It is submitted that the adjoining properties are zoned both HR and LR, but that LR would be suitable in this case because only a single family residential unit is to be placed on this property.

Thank you for your consideration in this matter.

Very truly yours,



Benjamin M. Butler, Esq.

BMD/cd

Enclosure

Cc: Evan Bowman, by email  
Wanda Brown, by email

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 4/23/13 (work session), CUT OFF DATE: 4/17/13  
5/14/13(1<sup>st</sup> Reading) 6/11/13 (2<sup>nd</sup> reading)

RESOLUTION \_\_\_ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-13-134 AN ORDINANCE TO REZONE A 0.75 ACRE PORTION OF LAND AT 441 LINDEN DRIVE (Map Number 130-01- -1) FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT TO MEDICAL CENTER (MC) DISTRICT

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 6/11/13 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning	AMG		4/17/13
2. Economic Development	JWD		4/17/13
3. City Attorney	aw		4/18/2013
4. City Manager	[Signature]		4-18-13
5. Clerk of Council			

Initiating Department Director's Signature: [Signature] 4/17/13  
(Planning)



APPROVED AS TO FORM: [Signature] 4/18/2013  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**From:** Tim Youmans, Planning Director  
**Date:** April 17, 2013  
**Re:** RZ-13-134

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**THE ISSUE:**

Rezoning a 0.75-acre tract from LR to MC. The proposed MC zoning would allow grading and parking improvements associated with the proposed WMC Cancer Center.

**RELATIONSHIP TO STRATEGIC PLAN:**

This rezoning will accommodate the WMC Cancer Center, identified in the City's Strategic Plan as one of the Management Agenda actions for 2013-2014.

**BACKGROUND:**

See attached staff report

**BUDGET IMPACT:**

None

**OPTIONS:**

- Approve
- Deny (must state reasons for denial in the motion- e.g. "inconsistent with Comp Plan")

**RECOMMENDATIONS:**

Planning Commission recommended approval.

Council Work Session  
April 23, 2013

**RZ-13-134 AN ORDINANCE TO REZONE A 0.75 ACRE PORTION OF LAND AT 441 LINDEN DRIVE (Map Number 130-01- -1) FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT TO MEDICAL CENTER (MC) DISTRICT**

---

**REQUEST DESCRIPTION**

This request would rezone a small triangular portion of the Frederick Co Middle School site that is proposed for transfer to the Winchester Medical Center to support off-street parking use associated with the cancer center project. No proffers are associated with this rezoning.

**AREA DESCRIPTION**

The subject 0.75-acre area is part of a 23.5-acre tract owned by Frederick County Schools and currently utilized as a public middle school. The parcel is entirely zoned LR. Land to the east and south of the County parcel is also zoned LR and contains residential lots fronting along Linden Drive. Most of the lots are vacant. Land to the north, west and southwest is part of the Winchester Medical Center (WMC) and is zoned Medical Center (MC). Most of the immediately adjoining MC land is undeveloped, including the area where the Cancer Center is proposed.



**COMMENTS FROM STAFF**

The Character Map in the Comprehensive Plan calls for Civic/Institutional use in this area and depicts a roadway connecting Linden Drive (near the lower curve) through the WMC property to connect to Campus Blvd near the private interchange on Rte 37. The bulk of the County School site otherwise fronting along Linden Drive is called out as a Redevelopment Site in Chapter 11 of the Comp Plan. On page 30 of Chapter 11, there is a concept plan for the school site as the featured redevelopment area in the Northwest Planning Area. It suggests that the roadway potentially connecting the site to Rte 37 could make the larger site attractive for mixed use, but notes that buffering might be needed to the existing and future single-family homes along the opposite side of Linden Drive.

The proposed MC zoning for the 0.75-acre portion permits uses closely related to a general hospital. In a March 4, 2013 letter (see attached) from Mr. Seth Roderick, agent for the applicant on the rezoning, he notes that the proposed off-street parking serving the proposed cancer center on the WMC land is not allowed by the current LR zoning. An overall grading plan exhibit titled 'Valley Health Cancer Center, Winchester Medical Center' dated 2-01-13 shows a small amount of proposed asphalt parking (approximately 13 parking spaces) within the rezoning area. A much larger amount of the area is used for topographic grading and storm water management.

Since no vehicular connection to Linden Drive is proposed with this request, there are no traffic impacts to evaluate. All traffic would make use of the existing private roadways on the WMC campus. The closest public street access is to the WMC interchange on Rte 37.

If this rezoning is approved, a Minor Subdivision (which has already been prepared and submitted for review with the City) would be recorded to adjust the boundary between the slightly reduced school site and the slightly enlarged WMC site.

**RECOMMENDATION**

Staff recommends that this small area of rezoning be approved to accommodate the WMC Cancer Center as identified in the City's Strategic Plan as one of the Management Agenda actions for 2013-2014. The proposal is consistent with the adopted Comprehensive Plan and promotes economic development by facilitating expansion of regional health care offered in Winchester.

At its April 16, 2013 meeting, the Commission forwarded **RZ-13-134** to City Council recommending approval as depicted on an exhibit entitled "*Rezoning Exhibit RZ-13-134, Prepared by Winchester Planning Department, April 9, 2013*" because the request is generally consistent with the Comprehensive Plan which calls for Civic/Institutional use on the periphery of the Medical Center District and because it supports development of the cancer center as called for in the City's Strategic Plan.

AN ORDINANCE TO REZONE A 0.75 ACRE PORTION OF LAND AT 441 LINDEN DRIVE FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT TO MEDICAL CENTER (MC) DISTRICT  
**RZ-13-134**

**WHEREAS**, the Common Council has received an application from Seth Roderick, agent to Frederick County School Board to rezone a portion of the property at 441 Linden Drive from Low Density Residential (LR) district to Medical Center (MC) district; and,

**WHEREAS**, the Planning Commission forwarded the request to Council recommending approval of the rezoning request as depicted on an exhibit titled *"Rezoning Exhibit RZ-13-134 Prepared by Winchester Planning Department, April 9, 2013"*; and,

**WHEREAS**, the Planning Commission's recommendation was based upon a finding that the rezoning is consistent with the City's Strategic Plan and generally consistent with the Comprehensive Plan; and,

**WHEREAS**, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the rezoning associated with the portion of the property herein designated adequately addresses potential impacts associated with the rezoning and is consistent with the Comprehensive Plan.

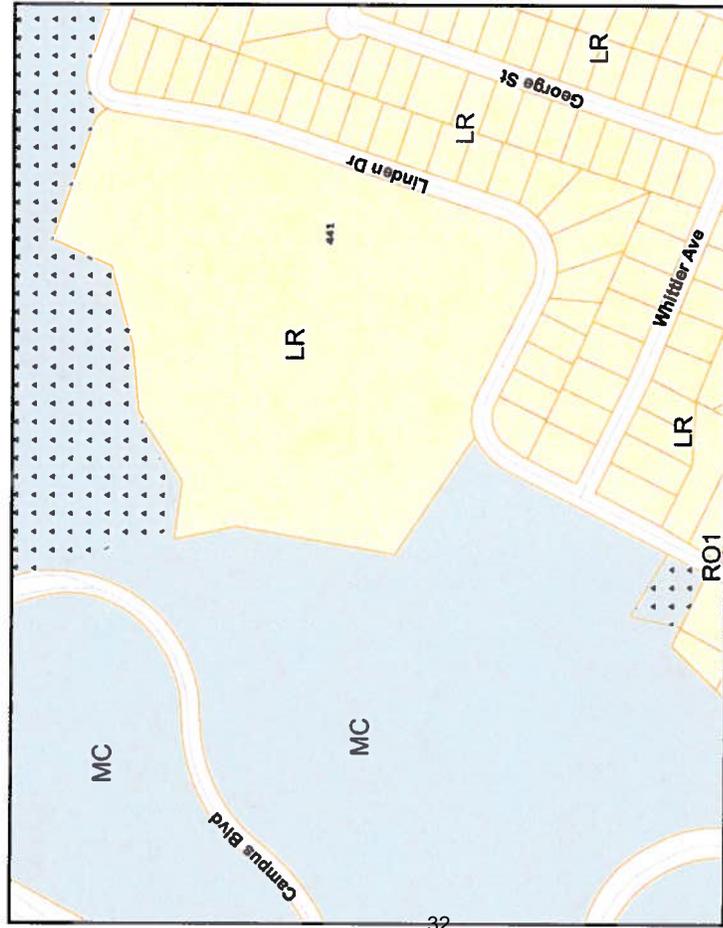
**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designation of Low Density Residential (LR) district to Medical Center (MC) district:

Approximately 0.75 acres of land at 441 Linden Drive, as depicted on an exhibit titled *"Rezoning Exhibit RZ-13-134 Prepared by Winchester Planning Department, April 9, 2013"*.

# REZONING EXHIBIT

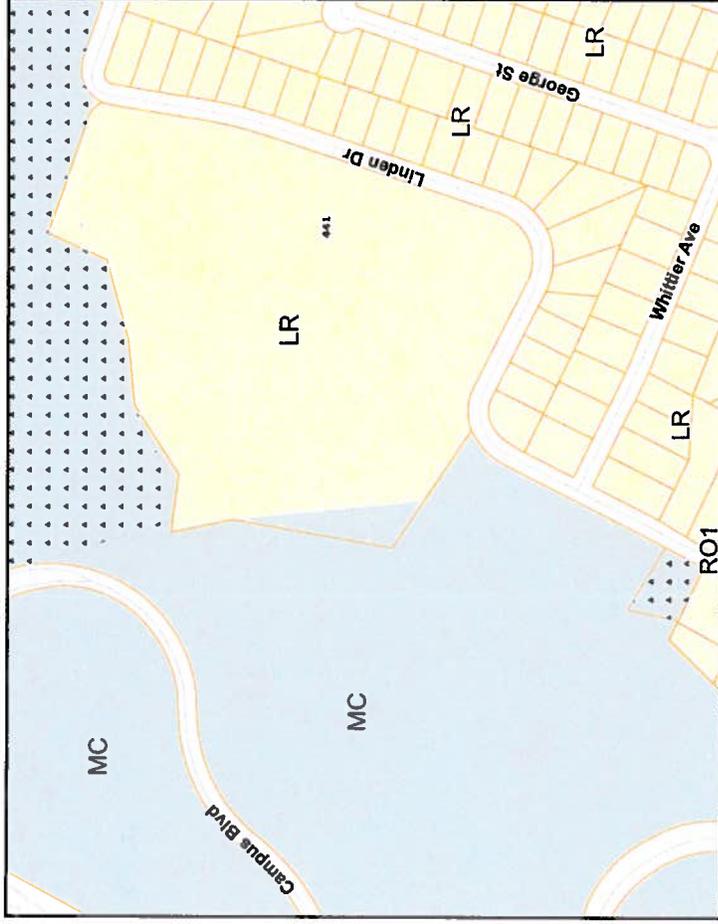
## RZ-13-134

PREPARED BY WINCHESTER PLANNING DEPARTMENT  
APRIL 9, 2013



EXISTING

LR ZONING FOR THE ENTIRETY OF 441 LINDEN DRIVE



PROPOSED

MC ZONING FOR A 0.75 ACRE PORTION OF 441 LINDEN DRIVE

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 4/23/13 (work session), CUT OFF DATE: 4/17/13
5/14/13 (1st Reading) 6/11/13 (2nd Reading/Public Hearing)

RESOLUTION \_\_\_ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

TA-13-138 AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, 23, AND 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT.

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing for 6/11/13 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Planning, City Attorney, City Manager, and Clerk of Council with handwritten initials and dates.

Initiating Department Director's Signature: [Signature] 4/18/13
(Zoning and Inspections)



APPROVED AS TO FORM:

[Signature] 4/18/2013
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Aaron Grisdale, Director of Zoning and Inspections *AMG*  
**Date:** April 17, 2013  
**Re:** Zoning Text Amendment (TA-13-138) – Temporary Signs

---

**THE ISSUE:**

The proposed Zoning Ordinance text amendment will modify the existing Zoning Ordinance language pertaining to temporary signs, fees, and penalties.

**RELATIONSHIP TO STRATEGIC PLAN:**

This text amendment correlates to the 2018 Goal of "Create a More Livable City for All" as well as the policy agenda item of City Gateway Beautification.

**BACKGROUND:**

The goal of this text amendment is to establish clear guidelines, requirements, and limitations to temporary signs throughout the City of Winchester. As the Zoning Ordinance is currently constituted there are not permit requirements, and many categories of signs that have no maximum size, no placement criteria, or no maximum time of display. This proposed ordinance will set clear time, manner and place standards for temporary signs throughout the City. (A more detailed staff report is attached).

**BUDGET IMPACT:**

No funding is required.

**OPTIONS:**

- Adopt the Zoning Ordinance Text Amendment
- Decline to adopt the Zoning Ordinance Text Amendment

**RECOMMENDATIONS:**

Planning Commission and staff recommend approval.

**TA-13-138 AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, 23, AND 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT.**

---

**REQUEST DESCRIPTION**

This publicly sponsored text amendment is to serve as a refinement of the existing temporary sign ordinances, and provide clearer standards pertaining to size, number, and duration of display for such temporary signs. Additionally, the amendment will provide for a temporary sign permit requirements for some commercial signage as well as shorten the appeal period for sign violations.

**STAFF COMMENTS**

Presently, the Zoning Ordinance is vague when setting standards for temporary signs throughout the City. Many classifications of signs do not have a maximum size, limit for the number or time duration limitation. This proposed amendment seeks to provide clearer standards for temporary signs, while still allowing flexibility for individuals, groups, and businesses to conduct outside advertising on site.

The major changes include:

- Establishing maximum size, setback requirements, duration limitations, height and allowable number of sign standards for several classifications of signs.
- Creating and modifying definitions of several types of signs to make the Zoning Ordinance easier to interpret for citizens and business owners.
- Creation of a requirement for a temporary sign permit for several classifications of temporary commercial signs.
- Shortening the appeal period for temporary sign violations from 30 days to 10 days.
- Clarify standards for electronic message board signs, specifically as to the frequency of message changes.

As the Zoning Ordinance is currently constituted, enforcement of temporary signs is time and labor intensive. Absent a temporary sign permit requirement, there is no staff check or review on proposed temporary signage or trigger to initiate conversations between a business owner and staff to discuss regulations. When staff does identify a sign violation, the current appeal period of thirty (30) days results in a significant lag between notice of violation and resolution; with a shortened appeal period of ten (10) days, staff can more quickly initiate other enforcement measures such as civil penalties or court action, if needed. The changes proposed within the amendment will allow for expedited enforcement of such violations.

As part of City Council's Strategic Plan, the "Vision 2028" includes the establishment of Winchester as "a Beautiful, Historic City and a Hometown for Families." Having clear sign standards is important for the creation of a beautiful City, by creating harmonious neighborhoods and proportional sign standards.

Lastly, the proposed amendment will benefit businesses by continuing to allow for a variety of options and flexibility for conducting as needed temporary advertisements, thus resulting in a growing economy.

The most recent version of the proposed text amendment, Draft 5 – 4/17/13, includes revisions following Commissioners’ suggestions during the Planning Commission meeting as well as considerations from the City Attorney.

#### RECOMMENDATION

During their April 16, 2013 meeting, the Planning Commission unanimously recommended approval and adoption of this text amendment because it represents good planning practice by providing for reasonable standards for temporary signs while allowing flexibility for citizens and businesses to conduct temporary advertisements and announcements.

## Temporary Signs Revisions

Type of Sign	Current Max. Size	Proposed Max. Size	Max. Display Period	Current Max. # of Signs	Proposed Max. #	Setback	Permit Required	Height	Special
Construction Signs	None	4 SF (resid.) / 16 SF (non-resid.)	Completion of Project	None	1 per Contractor	None	No	None	
Real Estate Signs	None	4 SF (resid. < 2 acres) / 8 SF (resid. >= 2 acres) & 12 SF (non-res. < 2 acres) / 32 SF (non-res >= 2 acres)	Completion of Sale / Rental / Lease	None	1 per frontage	None	No	None	
Political Campaign Signs	None	None	Removed NLT 14 days after event	None	None	None	No	None	
Street Banners	None	None	14 days before/after	None	None	N/A	Yes, City Council	None	
Civic/Fraternal/Charitable Event Sign	None	None	Removed NLT 5 days after event	None	None	None	No	None	
Signs advertising storage of materials	None	None	None	None	None	None	No	None	Not visible from off-site
Yard Sale Sign	2 SF	4 SF	3 days prior, removed upon completion	One	One	None	No	None	
Grand opening/special/promotional sale	None	16 SF	10 days	None	1 per business/tenant	5 feet	Yes^	4 feet*	* Unless attached to building ^ Max 3 sign permits/year per property
Temporary business identification	None	16 SF	45 days	N/A	1 per business/tenant	5 feet	Yes^	4 feet*	* Unless attached to building ^ Max 3 sign permits/year per property
Portable Price/Advertising Sign	16 SF	16 SF	30 days (except for Downtown Assess. Districts)	1 per street frontage	1 per street frontage	5 feet	Yes^	4 feet	^ Max 3 sign permits/year per property
Temporary Event Signs	N/A	12 SF	Duration of Event	None	2 per event	5 feet	Yes^	4 feet	^ Max 3 sign permits/year per property
Non-commercial Sign	N/A	12 SF	None	None	1 per property (residential properties 1/res. Unit)	None	No	4 feet	Not affixed to wall, fence, structure, vehicle, or landscaping.

**RESOLUTION ADOPTING AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, 23, AND 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT.**

**TA-13-138**

**WHEREAS**, the Code of Virginia provides that one of the purposes of a Zoning Ordinance is to facilitate the creation of a convenient, attractive and harmonious community; and

**WHEREAS**, the Zoning Ordinance sign provisions have been established in order to ensure that signs are appropriate to the land, building, or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose; and,

**WHEREAS**, the proposed Ordinance amendments will provide clearer established parameters for the size, location, and duration of display for temporary signs; and,

**WHEREAS**, in order to facilitate a dynamic and thriving community, uniform sign standards will allow for flexible opportunities for businesses, individuals, and other entities to communicate with the community.

**NOW, THEREFORE, BE IT RESOLVED** that the Common Council of the City of Winchester hereby adopts the following text amendment:

- d. Temporary signs **provided in Section 18-8-12.2**, and signs painted on or hung behind windows as permitted in all districts under Section 18-8-12, **except as provided in this Ordinance**. (10/09/01, Case No. TA-01-05)
- e. Signs indicating the location of a community garden or market garden, provided that such signs shall not exceed four (4) square feet in area and shall not exceed six (6) feet in height. Such signs may include information, identification, and sponsorship reference. (10/12/10, Case TA-10-418, Ord. No. 2010-51)

**18-8-2.3** **Unless otherwise provided for within this Ordinance, all signs, temporary or permanent, shall be set back from the front property line by a minimum of five (5) feet, except within the B-1 and RB-1 districts.**

18-8-11 SIGNS PERMITTED IN THE HW DISTRICT. No ~~permanent~~ sign shall be erected or altered in the Historic Winchester (**HW**) District until a Certificate of Appropriateness has been issued by the **Zoning Administrator or Board of Architectural Review, unless otherwise provided in this Ordinance**. These signs are subject to the provisions of Article 14 and design guidelines as may be adopted by the Board of Architectural Review. Signage shall not be internally illuminated. Roof mounted signs, banners, and pennants are prohibited, **with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section**. (9/11/01, Case TA-01-02, Ord. No. 029-2001; 3/8/05, TA-04-08, Ord. No. 007-2005)

**18-8-11.1** **SIGNS PERMITTED IN THE CE DISTRICTS. No sign shall be erected or altered in one of the Corridor Enhancement (CE) Districts until a Certificate of Appropriateness has been issued by the Planning Department, unless otherwise provided in this Ordinance, and which Certificate of Appropriateness shall be issued upon conformity with all the provisions and design criteria of Article 14.2 of this Ordinance.**

18-8-12 SIGNS PERMITTED IN ALL DISTRICTS. The following signs shall be permitted in all districts. ~~Unless otherwise indicated, Temporary Signs and signs painted on or hung behind windows shall not require a sign permit.~~ The area of any sign shall not be included in computing the aggregate sign areas specified for individual districts. (9/11/01, Case TA-01-02, Ord. No. 029-2001)

18-8-12.1 **Temporary Signs**, which shall be non-illuminated, and are limited to the following types:

**18-8-12.2** **The following temporary signs may be installed by-right without a temporary sign permit, fee or Certificate of Appropriateness, provided the sign is installed in accordance with the size, location, and duration standards outlined in this section. No setback from property lines shall be required for any signs permitted in this section:**

**property. No more than three temporary sign permits shall be issued per property during a twelve (12) month period:**

- a. Signs advertising grand openings, special sales or similar promotional events, shall be permitted in RB-1, B-1, B-2, M-1, M-2, CM-1, and PC districts, provided that such signs are on display for no more than ten (10) days per month. One sign may be permitted per business or tenant, and each sign shall not exceed sixteen (16) square feet in area. Such signs shall not have a height greater than four (4) feet unless affixed to a permanent building or freestanding sign structure. A temporary sign permit shall be required.**
- b. Temporary Business Identification Signs during review and approval of a permanent building-mounted or freestanding sign. A maximum of one (1) sign is permitted per business. The sign shall not exceed sixteen (16) square feet in area, and may be permitted to be on display for a maximum of forty-five (45) days. The maximum height for such signs shall be four (4) feet, unless the sign is attached to a building or freestanding sign pole.**
- c. Portable price or advertising signs shall be permitted in the RB-1, B-1, B-2, CM-1, M-1, and M-2 districts, not exceeding an area of sixteen (16) square feet, four (4) feet in height, and limited to one (1) for each street the property fronts upon. Such signs shall be permitted to be on display a maximum of thirty (30) days, except for signs permitted in the Primary and Secondary Downtown Assessment Districts permitted under Section 18-7.**
- d. Temporary event signs, provided that no more than two (2) such signs are on display, with each sign being no larger than twelve (12) square feet and having a height of no more than four (4) feet. Such signs shall be on display for no longer than the approved temporary event.**

**18-8-12.2 18-8-12.4 Permanent Signs.**

- a. Directional Signs, as defined, provided each sign does not exceed ten (10) square feet in area nor four (4) feet in height. No more ~~that~~ than two (2) signs shall be permitted within one hundred (100) feet of each other within the limits of the development except signs required by a public authority for recognized traffic management needs. For commercial centers greater than fifty thousand square feet in floor area and Higher Education (HE-1) District uses, additional directional freestanding signs not exceeding thirty (30) square feet in area and six (6) feet in height shall be permitted within off-street parking areas when such signs provide directional assistance for multiple destinations. For Medical Center (MC) District uses, additional directional freestanding signs not exceeding seventy two (72) square feet in area and ten (10) feet in height shall be permitted within off-street parking areas when such signs provide directional assistance for multiple destinations. A sign permit shall be required. Such additional signs shall be limited to a single unifying logo representative of the development and text on a solid color background and shall be oriented so as to limit primary viewing to persons already on site and not to persons traveling on public and/or private**

18-8-13.4 Any sign or device, ~~other than pennants or banners~~ **whether or not any such device has written message content**, of which all or any part is in motion by any means, including fluttering, rotating, or other moving signs set in motion by movement of the atmosphere, **including but not limited to pennants, propellers, discs, and similar devices**. This shall not apply to the hand of a clock or a weather vane, **flags of a national, state or local government**.

18-8-13.5 Any sign, except official notices and advertisements, which is nailed, tacked, posted, or in any other manner attached to any utility pole or structure for supporting wire, cable, or pipe, or to any tree on any street or sidewalk or to public property of any description.

18-8-13.6 Outdoor advertising signs.

18-8-13.7 Moored balloons, **inflatable signs**, or other floating signs that are tethered to the ground.

18-8-13.8 Any sign with a minimum clearance of less than eight (8) feet above a walkway or sidewalk or less than fifteen (15) feet above a driveway or alley. (7/10/90, Case TA-90-04, Ord. No. 026-90)

18-8-14 ILLUMINATION.

18-8-14.1 The light from any illuminated sign shall not cause direct glare into or upon any building or property owner other than the building or property to which the sign may be related.

18-8-14.2 No sign shall display flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature, with changes alternating on not less than five (5) second cycle when such time or temperature sign does not constitute a public hazard, in the judgment of the Zoning Administrator.

18-8-14.3 Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

18-8-14.4 Signs for developments in the Highway Commercial, B-2 District that include multifamily units, per Section 8-2-20, shall not utilize any internal illumination. External illumination, if any, shall be provided in a down-cast manner or shielded to prevent direct lighting of windows in multifamily units. (9/13/05, Case TA-05-02, Ord. No. 025-2005)

**18-8-14.4 Electronic Message Board Signs shall not change message with a greater frequency than once every sixty (60) seconds in order to prevent traffic hazards to operators of motor vehicles on public thoroughfares, with exception of time or temperature changes per Section 18-8-14.2.**

18-8-18 DEFINITIONS.

18-8-18.1 **Area of Sign**. The entire area within a circle, triangle, parallelogram, or trapezoids including the extreme limits of writing, reproduction, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which

- 18-8-18.11**     Directional Sign . A wall or freestanding sign in or primarily oriented toward a parking lot to identify entrances, exits, and divisions of the lot into sections, and to control vehicular and pedestrian traffic in the lot. In cases where a property owner agrees to close an existing driveway connecting directly to a street to permit shared access per Section 18-6-3.6 of this Ordinance or where an off-premises entrance from the public street in lieu of a direct connection is recommended by a public authority, one (1) off- premises directional sign bearing the name or simple logo of the commercial activity shall be permitted at the connection to the street. (1/9/97, Case TA-97-11, Ord. No. 034-097)
- 18-8-18.12**     Inflatable Sign. A sign capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.
- 18-8-18.13**     Monument Sign. A freestanding sign permanently installed on the property. The base of a monument sign is as wide as or wider than the main sign face. A monument sign is built on-grade in such a manner that the sign and the structure are an integral part of one another.
- 18-8-18.14**     Electronic message board sign. A sign displaying characters or images that move or change, caused by any method other than physically removing and replacing the sign or its components. This includes a display that incorporates technology to allow the sign face to change the image, such as any display that incorporates LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.
- 18-8-18.15**     Construction Sign. A sign depicting the name or logo of a contractor, engineer, architect, or other individual or business that is involved with a construction, renovation, or demolition project.
- 18-8-18.16**     Real Estate Sign. A sign advertising the sale, lease, or rent of the property upon which the sign is located.
- 18-8-18.17**     Portable Price or Advertising Sign. A sign that is not permanently affixed to the ground, building or a structure, designed to be on display for a limited period of time. Such signs include sandwich board signs, moveable chalkboard signs, portable flag signs and other signs of a similar nature. These signs shall not include any signs provided under Section 18-8-12.2.
- 18-8-18.18**     Yard Sale Sign. A sign advertising a yard sale, garage sale, estate auction, or similar private sale of personal property and located upon the property where such sale is occurring.

**ARTICLE 14.2  
CORRIDOR ENHANCEMENT DISTRICT – CE**

**14.2-6 AMHERST STREET, CEDAR CREEK GRADE, AND PLEASANT VALLEY RD/CORK STREET  
CORRIDORS**

14.2-6.6 Signs

14.2-6.6a Roof mounted, portable, and temporary signs, as well as banners and pennants are prohibited, **with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section.**

**14.2-7 BERRYVILLE AVENUE AND VALLEY AVENUE CORRIDORS**

14.2-7.6 Signs

14.2-7.6a Roof mounted signs, banners, and pennants are prohibited, portable and temporary signs should not be used, **with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section.**

**14.2-8 FAIRMONT AVENUE, MILLWOOD AVENUE, AND NORTH LOUDOUN STREET CORRIDORS**

14.2-8.6 Signs

14.2-8.6a Roof mounted signs, banners, and pennants are prohibited, portable and temporary signs should not be used, **with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section.**

**14.2-9 NATIONAL AVENUE CORRIDOR**

14.2-9.6 Signs

14.2-9.6a Roof mounted signs, banners, and pennants are prohibited, portable and temporary signs should not be used, **with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section.**

B-2013-27

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL MEETING OF: 4/23/2013      CUT OFF DATE: 4/17/2013**

**RESOLUTION xx    ORDINANCE    PUBLIC HEARING**

**ITEM TITLE: Resolution of official intent to reimburse expenditures with proceeds of a borrowing.**

**STAFF RECOMMENDATION:** Approval recommended by the Economic Redevelopment Director

**PUBLIC NOTICE AND HEARING:** N/A

**ADVISORY BOARD RECOMMENDATION:** N/A

**FUNDING DATA:** N/A

**INSURANCE:** N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<i>[Signature]</i>		4/17/13
2.			
3.			
4.			
5.			
6. City Attorney	<i>[Signature]</i>		4/19/2013
7. City Manager	<i>[Signature]</i>		4-19-13
Initiating Department Director's Signature:	<i>[Signature]</i>		4/17/13 Date



**APPROVED AS TO FORM:**

*[Signature]* 4/19/2013  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Jim Deskins, Economic Redevelopment Director  
**Date:** 4/23/2013  
**Re:** Historic Old Town Gateway Enhancements

---

**THE ISSUE:** The ability to reimburse expenditures from future bond issues related to Historic Old Town Gateway Enhancements.

**RELATIONSHIP TO STRATEGIC PLAN:** Approval of this resolution will enable expenditures to be reimbursed from a future bond issue for all work performed related to the completion of Goal 3, Continued Revitalization of Historic Old Town, Historic Old Town Gateway Enhancements (a high Council priority). Particularly work item 3 traffic safety improvements and redesign of route 7 entrance to Old Town.

**BACKGROUND:** The staff has reviewed the current route 7 access into Old Town and has concluded that redesign activities need to take place in order to improve and enhance the safety and efficiency of traffic flow into and out of the Old Town area.

**BUDGET IMPACT:** Funds for this project will come from a future bond issue.

**OPTIONS:** Council may approve or disapprove.

**RECOMMENDATIONS:** City Staff recommends that we pursue all activities necessary to facilitate the development of a safe and enhanced traffic flow into and out of the Old Town area.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF A BORROWING**

**WHEREAS**, the City of Winchester, Virginia (the "Borrower"), intends to finance various capital improvements related to the National Avenue street project (the "Project"); and

**WHEREAS**, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WINCHESTER, VIRGINIA, THAT:**

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, in an amount not currently expected to exceed \$2,000,000 to pay the costs of the Project.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

Adopted \_\_\_\_\_, 2013.

B-2013-23

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** 04/09/2013 **CUT OFF DATE:** \_\_\_\_\_

**RESOLUTION**  X  **ORDINANCE**      **PUBLIC HEARING**    

**ITEM TITLE:** Refund Hampton Inn of Winchester for Prorated Business License Taxes

**STAFF RECOMMENDATION:** Approve

**PUBLIC NOTICE AND HEARING:**

**ADVISORY BOARD RECOMMENDATION:**

**FUNDING DATA:**

**INSURANCE:**

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The Director's initials for approval or disapproval address only the readiness of the issue for Council consideration. This does not address the Director's recommendation for approval or denial of the issue.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<i>JD</i>		3/8/13
2. Treasurer	<i>RCMA</i>		3/08/13
3. _____			
4. _____			
5. City Attorney	<i>AW</i>		3/13/2013
6. City Manager	<i>DA</i>		3-25-13
7. Clerk of Council			

Initiating Department Director's Signature: *David T. Buehl* 03/08/13  
Date



**APPROVED AS TO FORM:**  
*[Signature]* 3/13/2013  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Ann T. Burkholder, Commissioner of the Revenue *ATB*  
**Date:** 03/08/2013  
**Re:** Refund for Prorated Business License Taxes

---

**THE ISSUE:** Hampton Inn of Winchester has requested a refund for prorated Business License taxes in tax year 2012.

**RELATIONSHIP TO STRATEGIC PLAN:** This is a matter of fair and equitable taxation, which relates to Goal 2: Create a high-performing City organization.

**BACKGROUND:** Hampton Inn of Winchester transferred ownership of its business to another entity during tax year 2012. Pursuant to Code of the Winchester §28-12, the taxpayer has applied for a prorated refund to ensure the licensed privilege is taxed only for that fraction of the year during which it was exercised within the City.

City Code §27-8, in accordance with Code of Virginia §58.1-3981 requires City Council approval of any refunds in excess of \$2,500.00

**BUDGET IMPACT:** Minimal.

**OPTIONS:** When appropriate, the office of the Commissioner of the Revenue offers the option of either a credit on the account towards future taxes or a refund.

**RECOMMENDATIONS:** Pursuant to City Code §27-8, the Commissioner of the Revenue respectfully requests that the City Council, with the consent of the City Attorney, authorize the Treasurer to issue a refund in the amount of \$3,586.67 to Hampton Inn of Winchester.

## **RESOLUTION**

**WHEREAS**, Hampton Inn of Winchester has requested a refund of Business License Taxes for tax year 2012; and

**WHEREAS**, the office of the Commissioner of the Revenue has certified that Hampton Inn of Winchester has properly requested and is entitled to this refund; and

**WHEREAS**, the office of the Commissioner of the Revenue wishes to maintain accurate and equitable tax records.

**NOW therefore be it RESOLVED**, that Common Council hereby approves the refund of \$3,586.67 for prorated Business License Taxes and directs the City Treasurer to refund said amount together with any penalties and interest paid thereon.



Ann T. Burkholder, Commissioner of the Revenue  
15 North Cameron Street  
Winchester, VA 22601  
Email: commrevenue@ci.winchester.va.us

Telephone: (540) 667-1815  
FAX: (540) 667-8937  
TDD: (540) 722-0782  
Website: www.winchesterva.gov

### Certificate of the Commissioner of the Revenue

Hampton Inn of Winchester transferred ownership of its business to another entity during tax year 2012. Pursuant to Code of the Winchester §28-12, the taxpayer has applied for a prorated refund to ensure the licensed privilege is taxed only for that fraction of the year during which it was exercised within the City.

Pursuant to Code of the City of Winchester §27-8 and §58.1-3981 of the Code of Virginia, I certify that Hampton Inn of Winchester is due a refund of \$3586.67 for prorated Business License taxes.

Verified by Commissioner of the Revenue:

Handwritten signature of Ann T. Burkholder in black ink.

Ann T. Burkholder

Date: 03/08/13

Consent by City Attorney:

Handwritten signature of Anthony C. Williams in blue ink.

Anthony C. Williams

Date: 3/13/2013

R-2013-24

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** 04/09/2013 **CUT OFF DATE:** \_\_\_\_\_

**RESOLUTION**  X  **ORDINANCE**      **PUBLIC HEARING**    

**ITEM TITLE:** Personal Property Tax Relief Rate for Tax Year 2013

**STAFF RECOMMENDATION:** Approve

**PUBLIC NOTICE AND HEARING:**

**ADVISORY BOARD RECOMMENDATION:**

**FUNDING DATA:**

**INSURANCE:**

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The Director's initials for approval or disapproval address only the readiness of the issue for Council consideration. This does not address the Director's recommendation for approval or denial of the issue.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<i>[Signature]</i>		3-8-13
2. Treasurer	<i>[Signature]</i>		3/8/13
3. _____			
4. _____			
5. City Attorney	<i>[Signature]</i>		3/13/2013
6. City Manager	<i>[Signature]</i>		4-5-13
7. Clerk of Council			
Initiating Department Director's Signature: <i>[Signature]</i>			03/08/13 Date



**APPROVED AS TO FORM:**

*[Signature]* 3/13/2013  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Ann T. Burkholder, Commissioner of the Revenue  
**Date:** March 08, 2013  
**Re:** Personal Property Tax Relief Rate for Tax Year 2013

---

**THE ISSUE:** Approval of the Personal Property Tax Relief Rate for tax year 2013 at the proposed rate of fifty-three percent (53%).

**RELATIONSHIP TO STRATEGIC PLAN:** This is a matter of fair and equitable taxation, which relates to Goal 2: Create a high-performing City organization.

**BACKGROUND:** The Personal Property Tax Relief Act of 1998 is explained in detail in Code of Virginia §58.1-3523 through §58.1-3536. As of the 2006 Amendments to this Act, the City of Winchester receives \$2,600,000 (\$2.6 million) annually from the state pool of tax relief funds to distribute equitably across the first \$20,000 in assessed value of qualifying vehicles, including those which are those for personal use and of a gross weight not to exceed 7,500 pounds. Although the current personal property tax rate for the City is \$4.50 per \$100.00 of assessed value, the City calculates personal property tax relief based upon the \$3.50 rate in effect as of 2006.

As a combined result of various external and internal factors, the City's qualifying personal property assessment has risen 19% over the past two tax years. As we have a set amount of state funds to distribute equitably, this necessitates a corresponding drop in the tax relief rate.

**BUDGET IMPACT:** Minimal.

**OPTIONS:** As this is a state-mandated program, the only option is to be as accurate as possible. Distributing less than the allocated amount deprives taxpayers of state aid, while any over-distribution becomes the financial responsibility of the locality. This recommendation is based upon considerations of economic and historical trending, consultation with other City departments and greatly improved data accuracy.

**RECOMMENDATION:** The Commissioner of the Revenue recommends a Personal Property Tax Relief Rate for calendar tax year 2013 at fifty-three percent (53%) for qualifying vehicles in the City of Winchester.



## THE COMMON COUNCIL

Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601  
540-667-1815  
TDD 540-722-0782  
[www.winchesterva.gov](http://www.winchesterva.gov)

### RESOLUTION

**WHEREAS**, by ordinance No.031-2005, adopted by Council on October 11, 2005, as amended by Ordinance No 2006-27, adopted by Council on July 11, 2006,("Implementing Ordinance"), Council shall by resolution set the rate of tax relief in implementation of the Personal Property Tax Relief Act of 1998, as amended; and

**WHEREAS**, the Commissioner of Revenue for the City of Winchester has provided information to Council to assist Council in setting the rate of tax relief

**NOW therefore be it RESOLVED**, pursuant to Section 2(b) of the Implementing Ordinance, that for tax year 2013 the rate of tax relief shall be fifty-three percent (53%) of the tax levy on qualified vehicles, based on a tax rate of \$3.50 per \$100.00 of valuation.

# CITY OF WINCHESTER, VIRGINIA

## PROPOSED CITY COUNCIL AGENDA ITEM

**CITY COUNCIL/COMMITTEE MEETING OF:** May 14, 2013 **CUT OFF DATE:** 4/16/13

**RESOLUTION XX    ORDINANCE    PUBLIC HEARING**

**ITEM TITLE:** Byrne Department of Justice Grant

**STAFF RECOMMENDATION:** The Chief of Police requests approval

**PUBLIC NOTICE AND HEARING:** N/A

**ADVISORY BOARD RECOMMENDATION:** N/A

**FUNDING DATA:** N/A

**INSURANCE:**N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance Director	<i>B</i>		<i>4-3-14</i>
2. _____			
3. _____			
4. _____			
5. City Attorney	<i>AW</i>		<i>4/8/2013</i>
6. City Manager	<i>[Signature]</i>		<i>4-1-13</i>
7. Clerk of Council			
Initiating Department Director's Signature: <i>Chief K. L. H.</i>			<i>4/3/14</i> Date



APPROVED AS TO FORM:

*[Signature]* 4/8/2013  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Chief Kevin L. Sanzenbacher   
**Date:** April 3, 2013  
**Re:** Grant Request

**THE ISSUE:** We have recently been informed that additional grant funding may be available through the Byrne Justice Assistance Grant (JAG) program to support the WPD fitness initiative. We are requesting the Common Council authorize the Department to pursue this grant opportunity.

**RELATIONSHIP TO STRATEGIC PLAN:** Developing a high performance organization.

**BACKGROUND:** The Department of Justice (DOJ), through the Byrne Grant Program, has funds available to local jurisdictions for use in innovative programs such as the WPD fitness initiative. In November 2009, the WPD submitted an initial request to compete for funding to the DOJ to support the fitness program. This grant was awarded in 2010 and the funds were made available in July of that year for FY11. These funds have been used to purchase new training equipment, hire professional services to assist officers in preparation, pay for physical assessments, and support mentoring and training through overtime. Since that time this grant has been renewed two additional times and has provided us support in FY 12 and FY 13.

In March of 2013, the WPD received a notice that additional funding is available. We are requesting the Council approve our pursuing this opportunity and acceptance of this grant funding if awarded.

This funding will help us cement the many accomplishments we have made to date and will support us in our efforts to inculcate the fitness program into our culture. Specifically the money will be used to pay for the annual physical for personnel, purchase additional equipment to complete the gym and replace treadmills that are wearing out due to high usage.

**BUDGET IMPACT:** This grant would be for a maximum of \$16,885 with a 5% match or \$890 maximum. The PD has asked for \$5,000 in the FY 14 budget for this initiative- none of which would be needed if this full grant were awarded. In-kind service can be substituted for the match and in previous years existing operating funds were used to meet this requirement.

**STAFF RECOMMENDATION:** The Police Department requests that the Council grant the authority to accept this grant. Our success to date include:

- Our employee gym at the Timbrook annex has been furnished with new exercise equipment;
- Each employee has undergone a complete physical exam;
- 100% of sworn employees were tested in our first year and were determined to be fit for duty;
- Those employees who have not passed their initial assessment, and want help, have undergone remedial training with a local fitness trainer;
- On-going coaching and mentoring has occurred to help employees prepare for the initial assessment and focus on areas of weakness following the testing;
- Baseline data on sick leave and on-duty injuries has been gathered and will continue to be evaluated.

**BUDGET IMPACT:** None- match funding can be taken from operating budget.

**OPTIONS:** The only option is to not accept the grant and pay for the medical physicals requested from the City operating budget.

**RECOMMENDATIONS:** Staff recommends Council approve this request.

**A RESOLUTION TO AUTHORIZE THE WINCHESTER  
POLICE DEPARTMENT TO APPLY FOR A  
DEPARTMENT OF JUSTICE BYRNE JUSTICE  
ASSISTANCE GRANT**

**WHEREAS**, the Winchester Police Department is striving to be one of the best police agencies in the country; and

**WHEREAS**, the City recognizes the importance of having a well equipped and fit police force; and

**WHEREAS**, the Department of Justice Byrne Justice Assistance Program has grant funding available that may be available to the City; and

**WHEREAS**, the City of Winchester's primary concern is the protection of life and property for the citizens.

**NOW THEREFORE BE IT RESOLVED**, that the Common Council of the City of Winchester, Virginia hereby authorizes the Winchester Police Department to apply for a Department of Justice Byrne Justice Assistance Program grant to support the Department's purchase of equipment and services and authorizes the City Manager to execute these transactions.



Commonwealth of Virginia  
Virginia Department of Criminal Justice Services

Grant Application

Grant Program:	Byrne JAG Program	Congressional District(s)	10 <sup>th</sup>
Applicant:	City of Winchester- Police Department	Faith Based Organization?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicant Federal ID Number:	546001683	Best Practice?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Jurisdiction(s) Served and Zip Codes:	City of Winchester, Virginia		
Program Title:	Law Enforcement Fitness Program	Certified Crime Prevention Community?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Grant Period:	July 1, 2013- June 30, 2014	DUNS NUMBER:	069380574
Type of Application:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation of Grant Number <u>13-C2150AD11</u> <input type="checkbox"/> Revision of Grant Number _____		<input type="checkbox"/> Rural <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban

	Project Director	Project Administrator	Finance Officer
Name:	Rob Bower (New)	Dale Iman (New)	Mary Blowe
Title:	Lieutenant	City Manager	Finance Director
Address:	231 E. Piccadilly Street Suite 130 Winchester, VA 22601	15 N. Cameron Street Winchester, VA 22601	15 N. Cameron Street Winchester, VA 22601
Phone:	540-662-4131	540-667-1815	540-667-1815
Fax:	540-542-1314	540-772-3618	540-723-2038
E-Mail:	<a href="mailto:rbower@ci.winchester.va.us">rbower@ci.winchester.va.us</a>	<a href="mailto:diman@ci.winchester.va.us">diman@ci.winchester.va.us</a>	<a href="mailto:mblowe@ci.winchester.va.us">mblowe@ci.winchester.va.us</a>

**Signature of Project Administrator:**

**Brief Project Description:**

The Winchester Police Department hopes to improve its record for recruiting and retaining officers by continuing its comprehensive fitness program. This program provides mentoring for new applicants, especially female and minority candidates, to assist them with the mandatory physical ability test. Incumbent officers are required to undergo a complete physical appraisal and fitness program designed to extend their careers and make them more productive workers. The funds requested will provide funds needed for the further development and continuation of this program.

Project Budget	DCJS Funds		Local Match	Total Requested
	Federal	State		
Personnel	\$3,451	\$0	\$182	\$3,632
Consultants	\$7,049	\$0	\$371	\$7,420
Travel	\$1,816	\$0	\$96	\$1,915
Equipment	\$3,909	\$0	\$206	\$4,115
Supplies/Other	\$660	\$0	\$35	\$695
Indirect Costs	\$0	\$0	\$0	\$0
<b>Total Requested</b>	<b>\$16,885</b>	<b>\$0</b>	<b>\$890</b>	<b>\$17,777</b>

## PROJECT NARRATIVE

This request is for fourth year funding for the Winchester Police Department Fitness Initiative. As stated in the prior year's submittal, our goal is to assist sworn employees with enhancing their overall health and wellness by instituting fitness requirements. Our second stated goal was to assist potential applicants with attaining our high standards for fitness to qualify them for hiring. We are happy to report that the funding has been extremely helpful in attaining our goals and we hope approval of this year's request will solidify those successes and institutionalize the progress we have already made.

### Accomplishments:

- Our employee gym at the Timbrook Public Safety Building has seen such an increase in usage since moving to a new location that has provided us more space. The former gym has been turned into an additional physical training area using mats purchased last year;
- Each employee has undergone a complete physical exam administered by a physician of their choice;
- 92% of sworn employees participated in the fall fitness assessment. The complete battery of assessments was performed on each participating employee.
- Five officers did not participate in the fall fitness assessment due to injuries received outside of work;
- 96% of the employees that completed the fall assessment passed;
- The employees who have not passed are undergoing remedial training and will be retested in the near future according to our policy. Failure to pass again will result in a full fitness for duty assessment by our Occupational Medical provider. However, these officers have shown substantial progress and we are confident they will pass;
- The assessment criteria has been reevaluated and has been found to be consistent with our goals;
- WPD currently has two vacancies. We attribute this success in part to the level of professionalism imparted by the fitness standard;
- Future funds will be used to cement these gains by keeping employees up-to-date and refreshed on health and fitness concerns;

All of these accomplishments were the direct result of assistance provided by the prior year funding. However, to continue and build on this success additional funding is needed to anchor the fitness regimen into the culture of the Department and continue to support individual efforts.

The results of this program to date have been extremely positive. Some indicators of success include:

- Totals dollars paid for workers compensation claims declined after the first year of implementing the program. In fact 2010 claims totaled almost 80% (\$72936 to \$14817) less in 2010 than they did on 2008; In 2011, there was an increase in worker's compensation claims due to major injuries that occurred which were not exercise related (officers were injured by a moving vehicle and a bicycle accident). In 2012 we have encountered a decrease in \$34,513 from the previous year's total of \$55,089 with 18 total claims and only 8 of them being related to physical training.
- A steady increase in multiple employees losing and maintaining a healthy weight;
- Publicity received from the local media has produced nothing but positive comments from the community;
- A number of officers have developed off-duty routines involving activities like running and long distance biking and even families have become involved in the fitness activity;
- Enhancements to the gym have been so well received and usage of the facility has increased due to the larger gym and new equipment;
- Members of the Department have lectured to other LE groups on the benefits of the program and several other agencies have contacted the WPD for information;
- WPD has provided tours of its exercise facilities to neighboring jurisdictions;
- Anecdotal information from potential recruits indicates they are looking at the WPD because of our commitment to professionalism as demonstrated by fitness initiative.

The department continues to experience a significant increase in productivity. Although we are not claiming the fitness program is a cause for this increased activity there we are confident that our improved gym has increased overall health and morale. We believe this may be just one side effect of increased pride employees are taking in being a part of an organization that places so much emphasis on well being and their ability to be prepared for any eventuality.

#### Project Description:

The level of funding requested will allow us to continue to build on this success by paying the non-reimbursed amount for the next round of officer medical physicals. This will also allow us to make additional equipment purchases for the new gym and support our five in-house trainers to prevent burn-out on the part of personnel who have had to shoulder the brunt of work to get us to our

current position. This funding will also allow our Project Director to attend the Cooper Institute Law Enforcement Fitness Specialist Training. This valuable training will allow him to relay key information to our officers and provide a lasting improvement to the Department.

I believe we have clearly demonstrated that we have the ability to make sure these funds are used in the appropriate manner and goals are being met. To date we have met all of the goals and objectives we identified in our initial request. These have either been met on time or ahead of schedule. In addition, we have produced data to support the hypothesis that a healthier police officer will be more productive and less prone to injury and illness. However, without funding the total cycle of this project we may not be able to sustain gains made and completely validate our hard evidence that can then be shared with other jurisdictions.

Steps for the next funding cycle include:

- Complete fourth round of sworn officer physicals (complete by October 2013-staff);
- Utilize new trainers and new training space to continue fitness training process(ongoing-staff);
- Remedial and ongoing fitness training for identified personnel through in-house trainers/external resources (complete October 2013-consultant, staff);
- Assemble a workbook that will provide a detailed narrative that discusses the proper uses of exercise equipment (complete September 2013-consultant);
- Send the Project Director to the Cooper Institute Law Enforcement Fitness Specialist Training

Funding to sustain this program was included in the FY 14 City budget; however, the current economic conditions are forcing Winchester, like many other jurisdictions, to maintain a status quo budget this year. We hope within the next several years the economic conditions will improve to allow the City to totally fund this project. We also hope to have additional evidence to prove that this program is self-sustaining through savings in sick leave and on-duty injuries. However, without continued grant funding at this point the project may never reach full fruition.

## BUDGET NARRATIVE

Continued funding of this grant will be utilized for the following items/services:

- **Purchase of Additional Fitness Equipment:** During the early part of 2012, the Winchester Police Department acquired space that would provide 600 more square feet of workout room. This additional space has prompted a need for an additional treadmill and a striking bag due to increased usage of the new facility. .
- **Continued Overtime:** Many of our incumbent officers continue to need remedial training and guidance in order to meet the standards. The funds requested will continue to pay our fitness officers overtime to plan and conduct these sessions, which they would not be able to do in the course of their regular duties. Overtime funds will also continue to allow us to give our fitness officers time to conduct the testing process in a manner to insure successful completion without injury.
- **Officer Physicals:** Funds will continue to be utilized for annual medical physicals for our officers, as well as any additional stress tests and procedures needed, per doctor's order. The average cost per physical exam is approximately \$60.00 for 82 people.
- **Consultants:** Funds will be provided to a consultant in order to assemble a workbook that will provide a detailed narrative that discusses the proper uses of exercise equipment. Consultant funds will also be used to provide officers with training that will allow them to properly instruct other officers how to properly use the equipment.
- **Travel and Subsistence for Project Personnel:** Funds will be used to cover air travel and subsistence for the Project Director while he attends the Cooper Institute Law Enforcement Fitness Specialist Training in Dallas, Texas, which is the closest to our jurisdiction. This is a valuable conference that will allow our Project Director to provide additional training to our officers.

- **Supplies and Other Expenses:** Funds will be used to cover the admission fee for the Project Director to attend the Cooper Institute Law Enforcement Fitness Specialist Training.

# ITEMIZED BUDGET

1. Personnel/Employees				DCJS FUNDS		APPLICANT MATCH		TOTAL
a. Name of Employees	Position Titles	Annual Salary Rate	Hours Devoted	FEDERAL	STATE	CASH	IN-KIND	
Amanda Baker	Lieutenant	70,948.80	15 OT	\$722		\$38		\$760
Daniel Clark	Corporal	54,184.00	15 OT	\$552		\$29		\$581
Brittney Neer	Corporal	50,356.80	15 OT	\$513		\$27		\$540
Andrew Perlick	Corporal	48,048.00	15 OT	\$489		\$26		\$515
Jonathan Funk	Corporal	46,342.40	15 OT	\$471		\$25		\$496
Rob Bower	Lieutenant	69,201.60	15 OT	\$704		\$37		\$741
<b>TOTAL</b>				\$3,451	\$0	\$182	\$0	\$3,632
<b>b. Fringe Benefits</b>								\$0
FICA % =								\$0
RETIREMENT =								\$0
OTHER (Itemize) =								\$0
<b>TOTAL</b>				\$0	\$0	\$0	\$0	\$0
<b>TOTAL PERSONNEL (A+B)</b>				\$3,451	\$0	\$182	\$0	\$3,632

2. Consultants (including Travel and Subsistence)		DCJS FUNDS		APPLICANT MATCH		TOTAL
		FEDERAL	STATE	CASH	IN-KIND	
<b>a. Individual Consultants</b>						
Type: Professional Workout Book		\$855		\$45		\$900
Hours Devoted:						\$0
<b>TOTAL</b>		\$855		\$45		\$900
<b>b. Organizations and Associations</b>						
Type: Medical Physicals - \$60 x 82 Employees		\$4,674		\$246		\$4,920
Type: Health Education \$40 x 40 Hours		\$1,520		\$80		\$1,600
Fee:						\$0
Time Devoted:						\$0
<b>TOTAL</b>		\$6,194	\$0	\$326	\$0	\$6,520
<b>c. Consultants' Subsistence and Travel</b>						
Number of Days:						\$0
Rate/Day:						\$0
<b>TOTAL</b>		\$0	\$0	\$0	\$0	\$0
<b>TOTAL CONSULTANTS (a+b+c)</b>		\$7,049	\$0	\$371	\$0	\$7,420

3. Travel and Subsistence for Project Personnel				DCJS FUNDS		APPLICANT MATCH		TOTAL
				FEDERAL	STATE	CASH	IN-KIND	
a. Local Mileage = No. of Miles X Rate Per mile		X						\$0
b. Non Local Mileage = No. of Miles X Rate Per mile		X						\$0
c. Subsistence = number of days X rate per day	5	X	\$37.00	\$173		\$9		\$185
d. Air or other fares				\$1,643		\$87		\$1,730

		<b>TOTAL TRAVEL:</b>	\$1,816	\$0	\$96	\$0	\$1,915
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**ITEMIZED BUDGET Continued**

4. Equipment				DCJS FUNDS		APPLICANT MATCH		TOTAL
Type	Quantity	Unit Price	Purchase or Rental	FEDERAL	STATE	CASH	IN-KIND	
T3X Treadmill Ac110	1	\$3,615	Purchase	\$3,434		\$181		\$3,615
Striking Bag	1	\$500	Purchase	\$475		\$25		\$500
<b>TOTAL EQUIPMENT:</b>				\$3,909	\$0	\$206	\$0	\$4,115

5. Supplies and Other Expenses			DCJS FUNDS		APPLICANT MATCH		TOTAL
Type	Quantity	Price	FEDERAL	STATE	CASH	IN-KIND	
Cooper Institute Law Enforcement Specialist Training	1		\$660		\$35		\$695
							\$0
							\$0
							\$0
							\$0
							\$0
							\$0
							\$0
<b>TOTAL SUPPLIES AND OTHER:</b>			\$660	\$0	\$35	\$0	\$695

6. Indirect Cost			DCJS FUNDS		APPLICANT MATCH		TOTAL
			FEDERAL	STATE	CASH	IN-KIND	
							\$0
<b>TOTAL INDIRECT COST:</b>			\$0	\$0	\$0	\$0	\$0

<b>GRAND TOTAL:</b>	\$16,885	\$0	\$890	\$0	\$17,777
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7. Cash Funds		DCJS FUNDS	APPLICANT MATCH	TOTAL
		FEDERAL	STATE	
Cash funds from sources other than grant program supporting this project- (itemize). Do not add to requested Project Budget Summary accounts.)				
<b>TOTAL:</b>				





## PROJECT NARRATIVE

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#### Project Description:

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Funding to sustain this program was included in the FY 14 City budget; however, the current economic conditions are forcing Winchester, like many other jurisdictions, to maintain a status quo budget this year. We hope within the next several years the economic conditions will improve to allow the City to totally fund this project. We also hope to have additional evidence to prove that this program is self-sustaining through savings in sick leave and on-duty injuries. However, without continued grant funding at this point the project may never reach full fruition.

## GENERAL GRANT CONDITIONS AND ASSURANCES

The applicant, for federal funds administered by DCJS, gives assurances and certifies with respect to the grant that it will comply with the following requirements:

1. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Department of Criminal Justice Services shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this grant.
2. **REPORTS:** Each applicant shall submit such reports as the DCJS shall reasonably request. Financial and progress reports shall be submitted to the DCJS on the **12th working day** following the close of each quarter unless otherwise informed.
3. **GRANT CLOSEOUT:** The last quarterly report of a project using federal funds must indicate any unpaid obligations, which exist at the expiration of the grant. The applicant has 90 days to liquidate any unpaid obligations and submit a final financial report.
4. **UNUSED FUNDS:** Any funds that have been requested, but unexpended at the end of the grant period will be refunded by check made payable to the **Treasurer, Commonwealth of Virginia**, and will accompany the final financial report when it is submitted to DCJS. (Most state agencies must use DPB form 27 and an IAT to return unused grant funds.) The check should be mailed to the attention of the Finance Department, Department of Criminal Justice Services, 1100 Bank Street, 12<sup>th</sup> Floor, Richmond, VA, 23219.
5. **INSPECTION AND AUDIT:** The applicant agrees to comply with the organizational audit requirements of OMB Circular A-133, "Audits of State, Local Governments and Non-Profit Institutions." In conjunction with the beginning date of the award, the audit report period of the local government entity to be audited under the single audit requirement is the start-date of the project through the end-date of the project as noted on the Statement of Grant Award/Acceptance. The audit report shall be submitted no later than one (1) year from the end-date of the grant award as stated on the Statement of Grant Award/Acceptance, and for each audit cycle thereafter covering the entire award period as originally approved or amended. The management letter must be submitted with the audit report. A copy of all audits must be forwarded to the Finance Department, Department of Criminal Justice Services.
6. The applicant will comply, where applicable, with the following:
  - National Environment Policy Act of 1969 (42 U.S.C. § 4321);
  - Flood Plain Management and Wetland Protection Procedures (28 CFR 63);
  - National Historic Preservation Act (16 USC 470);
  - Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. (42 U.S.C. § 4601 et seq.);
  - Clean Air Act, P. L. 88-206, 42 USC 1857, et seq;
  - Safe Drinking Water Act, P. L. 93-523, 42 USC 3001, et seq;
  - Endangered Species Act of 1973, P. L. 93-205, 16 USC 1531, et seq;

- Wild and Scenic Rivers Act, P. L. 90-542, 16 USC 1271, et seq;
  - Fish and Wildlife Coordination Act, P. L. 85-624, 16 USC 661, et seq;
  - Historical and Archaeological Data Preservation Act, P. L. 93-291, 16 USC 2469, et seq;
  - Coastal Zone Management Act of 1979, P. L. 92-583, 16 USC 1451, et seq. and the Coastal Barrier Resources Act of 1982 (P.L. 97-348);
  - Animal Welfare Act of 1970, P. L. 91-579, 7 USC 2131, et seq;
  - Impoundment Control Act of 1974, P. L. 93-344, 31 USC 1401, et seq; and
  - The Fair Labor Standards Act, if applicable.
7. **POLITICAL ACTIVITY:** The restrictions of the Hatch Act, Pub. L. 93-433, 5 USC Chapter III, (as amended), concerning the political activity of government employees are applicable to applicant staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns except they may not be candidates for office.
8. **DISCRIMINATION PROHIBITED:** No person shall, on the grounds of race, religion, color, national origin, sex, or handicap be excluded from participation in, be denied the benefits or be otherwise subjected to discrimination under or denied employment in connection with, grants awarded pursuant to the Justice Assistance Act of 1984, and the implementing regulations 28 CFR Part 42, Subparts C, D, E, and G, or any project, program, activity, or subgrant supported or benefiting from the grant. The applicant must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and its implementing regulations 28 CFR 41.101 et seq. The applicant must further comply with Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations; the Age Discrimination Act of 1973, as amended, and its implementing regulations and Title IX of the Education Amendments of 1972; Title 11 of the Americans with Disabilities Act (ADA)(1990); (42 USC. 12131-12134 & 28 CFR 35).
9. **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM:** Each applicant certifies that it has executed and has on file, an Equal Employment Opportunity Program which conforms to the provisions of 28 CFR Section 42.302 or that in conformity with the foregoing regulation; no Equal Employment Opportunity Program is required.

The applicant organization having 50 or more employees who would receive amounts of \$500,000 or more, or grants which in the aggregate exceed \$500,000 or more, in any fiscal year must submit a copy of their Equal Employment Opportunity Plan (EEOP) to the DCJS for review. For continuation grant funding that exceed these amounts in any fiscal year the applicant must submit a statistical update from the previous year's plan.

10. The applicant assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the DCJS.

11. **RELEASE OF INFORMATION:** All records, papers and other documents kept by recipients of DCJS funds, and their contractors, relating to the receipt and disposition of such funds, are required to be made available to the DCJS. These records and other documents submitted to DCJS and its applicants pursuant to other provisions of the Act, including plans and application for funds, are required to be made available to DCJS under the terms and conditions of the Federal Freedom of Information Act, 5 USC 552.
12. **INFORMATION SYSTEMS:** With respect to programs related to criminal justice information systems, the applicant agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of the integrity and accuracy of data collection. The applicant further agrees:
- That all computer programs (software) developed with funds provided by this grant will be made available to the DCJS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
  - To provide a complete copy of the computer programs and documentation, upon request, to the DCJS. The documentation will include but not be limited to system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
  - That whenever possible all application programs will be written in standardized programming languages (i.e., ANSI, Cobol, FORTRAN, Basic, etc.) for use on general operating systems (e.g., DOS, CP/M, UNIX, etc.) that can be utilized on at least three different manufacturers computers of similar size and configuration.
  - To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Department of Criminal Justice Services should be contacted to determine availability of software prior to any development effort.
13. **CONFIDENTIALITY OF RESEARCH INFORMATION:** Research information identifiable to an individual, which was obtained through a project funded wholly or in part with DCJS grant funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).
14. **CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES:** The applicant agrees to be in compliance with all policies as expressed under the Code of Federal Regulations, 28 CFR 23, concerning the operation of criminal intelligence systems funded with DCJS funds.
15. **COPYRIGHT:** Except as otherwise provided in the conditions of the award, the author is free to arrange for copyright without approval when publication or similar materials are developed from work under a DCJS supported project. Any such copyright materials shall be subject to the DCJS's right to reproduce them, translate them, publish them, use and dispose of them, and to authorize others to do so for government purposes. In addition, communications in primary scientific or professional journals publishing initial reports or research or other activities and supported in whole or in part by the DCJS project funds may be copyrighted by the journal with the understanding that individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal, and without royalty, a single copy of any such article for their own use. State employees who

develop copyrights during work hours, or within the scope of their employment, or when using state-owned or state-controlled facilities, the copyrights vest in the Commonwealth.

16. **PATENTS:** If any discovery or invention arises or is developed in course of or as a result of work performed under this grant, the applicant shall refer the discovery or invention to DCJS. The applicant hereby agrees that determination of rights to inventions made under this grant shall be made by the DCJS or its duly authorized official representative, who shall have the sole and exclusive powers to determine whether or not and where patent application should be filed and to determine the disposition of all rights in such inventions, including title which may issue thereon. The determination of the DCJS or its duly authorized representative shall be accepted as final. In addition, the applicant hereby agrees and otherwise recognizes that the DCJS shall acquire at least an irrevocable non-exclusive royalty-free license to practice and have practiced throughout the world for governmental purposes any invention made in the course of or under this grant. The grant shall include provisions appropriate of effectuating the purpose of this condition in all contracts of employment, consultant's agreements, or contracts.
17. The applicant assures that funds made available under this grant will not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would be, in the absence of these funds, made available for drug law enforcement activities.
18. Confidential expenditures for services, evidence and/or information must comply with the requirements stated in the Administrative Guide and Application Procedures Manual.
19. **BIO MEDICAL EXPERIMENTATION:** The applicant assures that no grant funds will be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation.
20. The applicant agrees to complete a **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion**, prior to finalizing any financial agreements pursuant to 28 CFR 67.510 (Code of Federal Regulations). This includes consultants under any award.
21. The applicant must state the percentage of the total cost of this program supported by federal funds and the dollar amount of federal funds for this program. This statement shall be on all press releases, requests for proposals; bid solicitation and other documents describing the program whether funded in-whole or in-part with federal funds.
22. The grantee agrees that any publication (written, visual, or sound, but excluding press releases newsletters, and issue analyses) issued by the grantee or by any Applicant describing programs or projects funded in-whole or in-part with Federal Funds, shall contain the following statement:

This project was supported by the Department of Criminal Justice Services (DCJS) grant # 13-C2150AD11, with funds made available to the Commonwealth of Virginia from the Office of Justice Programs, U.S. Department of Justice.

Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the Virginia Department of Criminal Justice Services or the United States Department of Justice.

The applicant also agrees that one copy of any such publication will be submitted to the DCJS to be placed on file and distributed as appropriate to other potential applicants or

interested parties. DCJS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the applicant.

23. Applicants with federal grants that procure goods or services that have an aggregate value of \$500,000 or more must specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) a) the amount of Federal funds that will be used to finance the acquisition; and b) expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition. This complies with Public Law 102-141, section 623 (formally the Stevens Amendment).

**CERTIFICATION**

I certify that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with the provisions of all other federal and state laws and rules and regulations that apply to this award.



\_\_\_\_\_  
Authorized Official (Project Administrator)

3/22/13  
\_\_\_\_\_  
Date

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER**

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND  
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grantor cooperative agreement over \$100,000 as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions:

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements<sup>1</sup> and subcontracts) and that all subrecipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS  
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and Implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(C) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE  
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the drug-Free Workplace Act of 1988, and implemented at 28 CFR Parts 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620---

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about---

(1) The dangers of drug abuse in the workplace:

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace:

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check  if there are workplaces on file that are not identified here.

Section 67.630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check  if the State has elected to complete OJP form 4061/7.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620---

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: City of Winchester-Police Department, 231 E. Piccadilly Street, Winchester, VA 22601

Law Enforcement Fitness Program

546001683

2. Application Number and/or Project Name

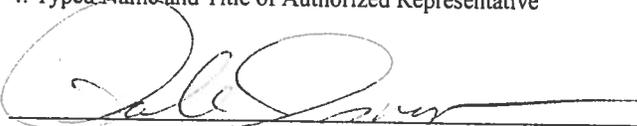
3. Grantee IRS/Vendor number

Dale Iman, City Manager

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date



3-22-13

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 16, 2013 CUT OFF DATE: \_\_

RESOLUTION X ORDINANCE \_\_\_ PUBLIC HEARING \_\_\_

ITEM TITLE: Resolution authorizing the City Manager to sign and submit an application for Virginia Enterprise Zone designation to the Virginia Department of Housing and Community Development

STAFF RECOMMENDATION: Approval

PUBLIC NOTICE AND HEARING: Authorize advertisement of Virginia Enterprise Zone pursuant for purposes of receiving public comment and hold public hearing May 14th, 2013.

ADVISORY BOARD RECOMMENDATION: The Economic Development Authority recommends the City's pursuance of this designation

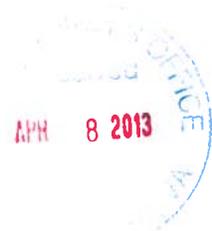
FUNDING DATA: Approximately \$500,000 from the City's General Fund (Depends on number of applicants)

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	B		4-5-13
2. _____			
3. _____			
4. City Attorney	[Signature]		4/8/2013
5. City Manager	[Signature]		4/15/13
6. Clerk of Council			

Initiating Department Director's Signature: [Signature] Date: 4/5/13  
Economic Development Director



APPROVED AS TO FORM:

[Signature] 4/8/2013  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Jim Deskins, Economic Redevelopment Director  
**Date:** 4/16/2013  
**Re:** Virginia Enterprise Zone Designation

---

**THE ISSUE:** City Staff has a strong desire to submit an application for a Virginia Enterprise Zone during the 2014 designation round.

**RELATIONSHIP TO STRATEGIC PLAN:** Will assist in the City's desire to grow the economy,

**BACKGROUND:** The Virginia Enterprise Zone program is a partnership between state and local government that encourages job creation and private investment. VEZ accomplishes this by designating Enterprise Zones throughout the state and providing two grant-based incentives, the Job Creation Grant (JCG) and the Real Property Investment Grant (RPIG), to qualified investors and job creators within those zones, while the locality provides local incentives. This application process is highly competitive, but would be a substantial tool in leveraging the economic growth of the City.

**BUDGET IMPACT:** Approximately \$500,000 from the City's General Fund.

**OPTIONS:** Council may approve or disapprove our pursuance of this designation.

**RECOMMENDATIONS:** City Staff recommends that we pursue this coveted designation.

## RESOLUTION

**Whereas**, the Common Council of the City of Winchester has a desire to obtain a Virginia Enterprise Zone by the beginning of calendar year 2014, and;

**Whereas**, the Commonwealth of Virginia is accepting applications for new zones and for redesignation of expiring zones, and;

**Whereas**, the projected budget for funding for the incentives for the proposed Virginia Enterprise Zone is approximately \$500,000 from the city's general fund, and;

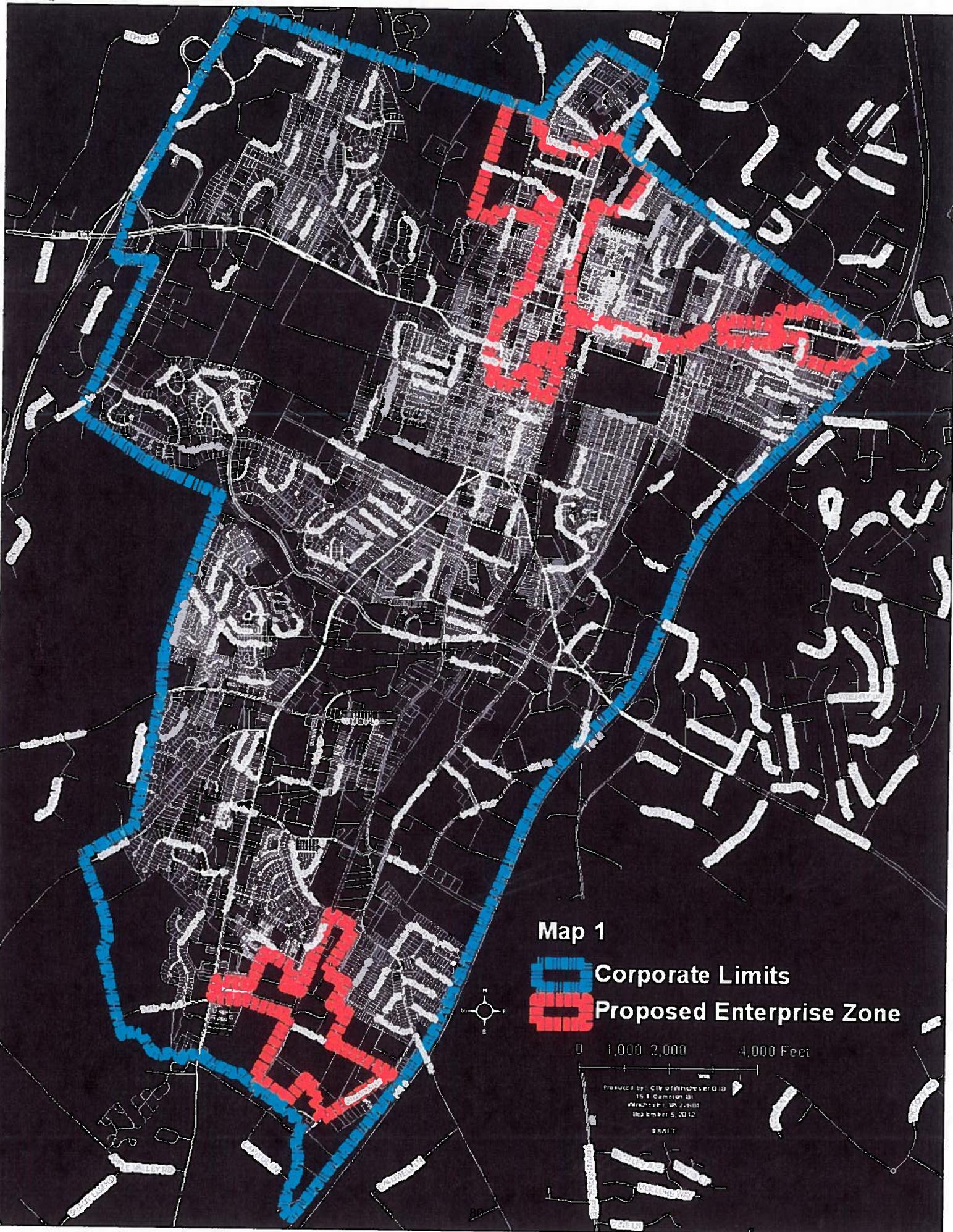
**Whereas**, the Common Council of the City of Winchester strongly supports the need for the Virginia Enterprise Zone and desires to apply for a new Virginia Enterprise Zone designation, and;

**Whereas**, the Common Council of the City of Winchester has been presented with a map designating the proposed Enterprise Zone.

**Now Therefore Be It Resolved** that the Common Council of the City of Winchester is applying for a Virginia Enterprise Zone designation, and;

**Be It Further Resolved** that the Common Council of the City of Winchester authorizes the city manager or his designee acting as program administrator to submit all information needed to apply for the Virginia Enterprise Zone designation, and;

**Be It Further Resolved** that the Common Council of the City of Winchester authorizes the City Manager or his designee acting as program administrator to carry out all program administrative and reporting requirements on its behalf, including those requirements related to the identification and sale of all surplus public land as defined by the Virginia Enterprise Zone regulations throughout the life of the zone.



Map 1

-  Corporate Limits
-  Proposed Enterprise Zone



0 1,000 2,000 4,000 Feet

Produced by City of Braitheiser 010  
158 Canyon St  
Wichita, KS 67201  
December 5, 2012

BRAIT

**TO THE CITIZENS OF WINCHESTER:**

# **Enterprise Zone Application Public Hearing Notice**

The City of Winchester, Virginia will hold a public hearing on May 14 at 7:00 P.M. at Rouss City Hall, 15 N. Cameron Street, Winchester, Virginia 22601 to solicit input on the proposed Enterprise Zone Application to the Department of Housing and Community Development due June 28, 2013. The proposed zone boundaries and incentives will be available for discussion. All interested citizens are urged to attend. Further information may be obtained from the Director of Economic Development Jim Deskins. 540-667-1815 x 1435.

The City strives to make the hearings accessible to all. Please advise Mr. Deskins of accommodations the City can make to help you participate in the hearing.

0-2013-11

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: April 23, 2013 CUT OFF DATE: \_\_\_\_\_

RESOLUTION \_\_\_ ORDINANCE X PUBLIC HEARING \_\_\_

ITEM TITLE: FY 2014 Budget review

STAFF RECOMMENDATION: Review and comment

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: See attached contract

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The Director's initials for approval or disapproval address only the readiness of the issue for Council consideration. This does not address the Director's recommendation for approval or denial of the issue.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>[Signature]</i>	_____	4/17/2013
6. City Manager	<i>[Signature]</i>	_____	5-9-13
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature: _____	<i>[Signature]</i>	_____	4-16-13
	Finance Director		Date



APPROVED AS TO FORM: *[Signature]* CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council

**From:** Dale Iman, City Manager  
Mary Blowe, Finance Director

**Date:** May 14, 2013

**Re:** Review Proposed FY 2014 Budget

---

**THE ISSUE:** The City Manager along with City staff has developed the projected revenues and expenditures for FY 2014. We have focused on the strategic plan and developed a results driven document to fund those projects that will accomplish those objectives stated in the strategic plan.

**RELATIONSHIP TO STRATEGIC PLAN:** With this resolution, City administration can work within our budget to maintain services and reallocate funds to accomplish *a more livable City for all. And support of our mission of a financially sound City providing top quality municipal services while focusing on the customer and engaging our Community.*

**BACKGROUND:** City staff has completed the budget book for your review and have incorporated the necessary documents into one complete document. The complete proposed budget is available on the City's website [www.winchesterva.gov/finance](http://www.winchesterva.gov/finance). This document will be forwarded onto the second reading and public hearing scheduled for Tuesday June 11, 2013.

Minor changes made to the following documents following the April 23, 2013 worksession:

- Five-year Capital Improvement Plan
- Revenue and Expenditure Summary for all funds
- Position Title/Grade Listing (5% increase to minimums and maximums)
- Budget Ordinance

**BUDGET IMPACT:** The Proposed budget reflects an increase of \$124,000 over the adopted FY 2013 budget for the general fund.

**OPTIONS:** City Council can review the proposed budget document and recommend any changes to be implemented in the final budget document.

**RECOMMENDATIONS:** Staff recommends the adoption of the proposed budget document as submitted.

# COMMON COUNCIL



Rouss City Hall  
 15 North Cameron Street  
 Winchester, VA 22601  
 540-667-1815  
 TDD 540-722-0782  
[www.ci.winchester.va.us](http://www.ci.winchester.va.us)

## AN ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2014

WHEREAS, Council approves the following funds for the purposes herein specified for the fiscal year ending June 30, 2014:

### FY 2014 CITY OF WINCHESTER REVENUE & EXPENDITURE BUDGETS ALL FUNDS

<i>General Fund Revenues</i>		<i>General Fund Expenditures</i>	
Local Sources	67,680,100	General Government Administration	5,419,044
State	5,753,400	Judicial Administration	3,122,200
Federal	343,000	Public Safety	18,300,464
Other Financing Sources	6,223,500	Public Works	3,360,400
		Health & Welfare	1,063,196
		Education	26,339,093
		Parks, Recreation, Cultural	3,319,639
		Community Development	2,032,544
		Transfers	7,788,000
		Debt	9,255,420
<b><i>Total GF Revenues</i></b>	<b><i>80,000,000</i></b>	<b><i>Total GF Expenditures</i></b>	<b><i>80,000,000</i></b>
<b><i>Human Services Revenues</i></b>		<b><i>Human Services Expenditures</i></b>	
State	3,088,912	Health & Welfare	7,242,000
Federal	2,025,088		
Other Financing Sources	2,128,000		
<b><i>Total Social Services Revenue</i></b>	<b><i>7,242,000</i></b>	<b><i>Total Social Services Expenditures</i></b>	<b><i>7,242,000</i></b>

<i>Highway Maintenance Fund Revenues</i>	
Local	6,600
State	2,853,400
Other Financing Sources	1,710,000
<b>Total Highway Maint Revenue</b>	<b>4,570,000</b>

<i>Highway Maintenance Fund Expenditures</i>	
Public Works	4,570,000
<b>Total Highway Maint Expenditures</b>	<b>4,570,000</b>

<i>Transit Fund Revenues</i>	
Local Sources	100,700
State	254,000
Federal	962,800
Other Financing Sources	322,500
<b>Total Transit Revenue</b>	<b>1,640,000</b>

<i>Transit Fund Expenditures</i>	
Public Works	1,640,000
<b>Total Transit Expenditures</b>	<b>1,640,000</b>

<i>Emergency Medical Services Fund Revenues</i>	
Local	945,000
Other Financing Sources	25,000
<b>Total EMS Revenue</b>	<b>970,000</b>

<i>Emergency Medical Services Fund Expenditures</i>	
Public Safety	970,000
<b>Total EMS Expenditures</b>	<b>970,000</b>

<i>Win-Fred Co Convention &amp; Visitors Bureau Revenues</i>	
Local	138,500
Other Financing Sources	113,500
<b>Total WFCVB Revenue</b>	<b>252,000</b>

<i>Win-Fred Co Convention &amp; Visitors Bureau Expenditures</i>	
Community Development	252,000
<b>Total WFCVB Expenditures</b>	<b>252,000</b>

<i>Law Library Fund Revenues</i>	
Local	50,000
<b>Total Law Library Revenue</b>	<b>50,000</b>

<i>Law Library Fund Expenditures</i>	
Judicial Administration	50,000
<b>Total Law Library Expenditures</b>	<b>50,000</b>

<i>Winchester Parking Authority Revenues</i>		<i>Winchester Parking Authority Expenditures</i>	
Local	1,086,250	Public Safety	55,732
Other Financing Sources	1,058,750	Public Works	1,507,330
		Debt	581,938
<b>Total WPA Revenue</b>	<b>2,145,000</b>	<b>Total WPA Expenditures</b>	<b>2,145,000</b>
<i>City Capital Improvement Fund Revenues</i>		<i>City Capital Improvement Fund Expenditures</i>	
Local	950,000	Public Safety	3,360,000
State	7,845,000	Public Works	14,980,000
Federal	880,000	Parks, Recreation, Cultural	1,350,000
Other Financing Sources	10,015,000		
<b>Total CIP Revenue</b>	<b>19,690,000</b>	<b>Total CIP Expenditures</b>	<b>19,690,000</b>
<i>Utilities Operating Fund Revenues</i>		<i>Utilities Operating Fund Expenditures</i>	
Local	20,400,000	Public Works	8,573,900
Federal	289,000	Transfers	1,600,000
		Debt	10,515,100
<b>Total Utilities Revenue</b>	<b>20,689,000</b>	<b>Total Utilities Expenditures</b>	<b>20,689,000</b>
<i>Utilities Capital Improvement Fund Revenues</i>		<i>Utilities Capital Improvement Fund Expenditures</i>	
Federal	140,000	Public Works	185,000
Other Financing Sources	45,000		
<b>Total Utilities CIP Revenue</b>	<b>185,000</b>	<b>Total Utilities CIP Expenditures</b>	<b>185,000</b>
<i>Employee Benefits Fund Revenues</i>		<i>Employee Benefits Fund Expenditures</i>	
Local	4,090,000	General Government Administration	4,338,000
Other Financing Sources	248,000		
<b>Total Employee Ben Revenue</b>	<b>4,338,000</b>	<b>Total Employee Ben Expenditures</b>	<b>4,338,000</b>

<i>Equipment Operating Fund Revenues</i>	
Local	1,450,000
<b>Total Equipment Revenue</b>	<b>1,450,000</b>

<i>Equipment Operating Fund Expenditures</i>	
General Government Administration	1,450,000
<b>Total Equipment Expenditures</b>	<b>1,450,000</b>

<i>Other Post-Employment Benefits Fund Revenues</i>	
Local	477,000
<b>Total OPEB Revenue</b>	<b>477,000</b>

<i>Other Post-Employment Benefits Fund Expenditures</i>	
General Government Administration	477,000
<b>Total OPEB Expenditures</b>	<b>477,000</b>

<i>NW Regional Jail Authority Capital Fund Revenues</i>	
Local	1,075,000
<b>Total NWRJA Revenue</b>	<b>1,075,000</b>

<i>NW Regional Jail Authority Capital Fund Expenditures</i>	
Debt	1,075,000
<b>Total NWRJA Expenditures</b>	<b>1,075,000</b>

<i>Fred-Winc Service Authority Fund Revenues</i>	
Local	4,258,000
<b>Total FWSA Revenue</b>	<b>4,258,000</b>

<i>Fred-Winc Service Authority Fund Expenditures</i>	
Public Works	4,258,000
<b>Total FWSA Expenditures</b>	<b>4,258,000</b>

<i>Northwestern Regional Juvenile Detention Revenues</i>	
Local	1,792,666
State	765,182
Federal	18,000
Other Financing Sources	68,152
<b>Total NRJDC Revenue</b>	<b>2,644,000</b>

<i>Northwestern Regional Juvenile Detention Expenditures</i>	
Public Safety	2,644,000
<b>Total NRJDC Expenditures</b>	<b>2,644,000</b>

<b>Total City Revenue</b>	<b>156,275,000</b>
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<b>Total City Expenditures</b>	<b>156,275,000</b>
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<i>School Food Services Fund Revenues</i>	
Local Sources	695,500
State	36,950
Federal	1,219,129
<b>Total Food Services Revenue</b>	<b>1,951,579</b>

<i>School Food Services Fund Expenditures</i>	
Food Services	1,950,579
Operations & Maintenance	1,000
<b>Total Food Services Expenditures</b>	<b>1,951,579</b>

<i>School Operating Fund Revenues</i>		<i>School Operating Fund Expenditures</i>	
Local Sources	401,134	Technology	2,264,697
State	19,337,727	Instruction	34,670,300
Other Financing Sources	26,301,702	Attendance & Health	2,053,341
		Pupil Transportation	1,919,152
		Operations & Maintenance	5,129,073
		Facilities	4,000
<b>Total School Operating Revenue</b>	<b>46,040,563</b>	<b>Total School Operating Expenditures</b>	<b>46,040,563</b>
<i>Federal Grants Fund Revenues</i>		<i>Federal Grants Fund Expenditures</i>	
Federal	2,675,444	Technology	76,647
		Instruction	2,586,263
		Pupil Transportation	12,534
<b>Total Federal Grants Revenue</b>	<b>2,675,444</b>	<b>Total Federal Grants Expenditures</b>	<b>2,675,444</b>
<i>Textbook Fund Revenues</i>		<i>Textbook Fund Expenditures</i>	
Other Financing Sources	350,000	Instruction	350,000
<b>Total Textbook Revenue</b>	<b>350,000</b>	<b>Total Textbook Expenditures</b>	<b>350,000</b>
<i>School Fundraising Fund Revenues</i>		<i>School Fundraising Fund Expenditures</i>	
Local Sources	200,000	Facilities	200,000
<b>Total Fundraising Revenue</b>	<b>200,000</b>	<b>Total Fundraising Expenditures</b>	<b>200,000</b>
<i>School Capital Improvements Fund Revenues</i>		<i>School Capital Improvements Fund Expenditures</i>	
Other Financing Sources	490,000	Facilities	490,000
<b>Total Capital Improv Revenue</b>	<b>490,000</b>	<b>Total Capital Improv Expenditures</b>	<b>490,000</b>

<i>School Insurance Fund Revenues</i>		<i>School Insurance Fund Expenditures</i>	
Local Sources	4,600,000	Other Non-instructional Operations	2,015,200
Other Financing Sources	21,200	Transfers	2,606,000
<b>Total Insurance Revenue</b>	<b>4,621,200</b>	<b>Total Insurance Expenditures</b>	<b>4,621,200</b>
<i>School Scholarship Fund Revenues</i>		<i>School Scholarship Fund Expenditures</i>	
Local Sources	84,400	Other Non-instructional Operations	91,400
Other Financing Sources	7,000		
<b>Total Scholarship Revenue</b>	<b>91,400</b>	<b>Total Scholarship Expenditures</b>	<b>91,400</b>
<b>Total All Schools Revenue Budgets</b>	<b>56,420,186</b>	<b>Total Schools Expenditures</b>	<b>56,420,186</b>
<b>Total City &amp; Schools Revenue</b>	<b>212,695,186</b>	<b>Total City &amp; Schools Expenditures</b>	<b>212,695,186</b>

WHEREAS, there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations, and

WHEREAS, all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully obligated or encumbered, and

WHEREAS, all ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Winchester that the funds specified herein are hereby appropriated for the purposes specified for the fiscal year ending June 30, 2013.

**Ordinance No. 2013-\_\_**

**ADOPTED by the Common Council of the City of Winchester on the 11<sup>th</sup> of June, 2013.**

*Witness my hand and the seal of the City of Winchester, Virginia.*

*Kari J. Van Diest  
Deputy Clerk of the Common Council*

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** April 23, 2013 **CUT OFF DATE:** 04/18/13

**RESOLUTION** \_\_\_ **ORDINANCE** x **PUBLIC HEARING** \_\_\_

**ITEM TITLE:** STATUS UPDATE AND ORDINANCE TO IMPLEMENT THE PROVISIONS OF THE BOARDS AND COMMISSIONS MEMORANDUM ADOPTED BY COMMON COUNCIL ON FEBRUARY 12, 2013 PERTAINING TO THE FUNCTIONING AND PROCESSES ASSOCIATED WITH THE APPOINTMENT AND OPERATIONS OF THE TREE COMMISSION; NATURAL RESOURCES ADVISORY BOARD; AND OTHER COUNCIL-APPOINTED BOARDS AND COMMISSIONS

**STAFF RECOMMENDATION:** Approve

**PUBLIC NOTICE AND HEARING:** N/A

**ADVISORY BOARD RECOMMENDATION:** N/A

**FUNDING DATA:** N/A

**INSURANCE:**N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	_____	_____	_____
6. City Manager		_____	4-18-13
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature:  04/17/2013

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Doug Hewett, Assistant City Manager  
**Date:** April 23, 2013  
**Re:** Implementation of Board and Commission Recommendations

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**THE ISSUE:**

Earlier this year, the City Council approved recommendations to streamline the procedures for the operation and appointment process for various boards and commissions. As part of that effort, the City Council also approved changes to the composition of some boards and commissions. The attached seeks to officially enact those already approved recommendations.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2 - Develop a High Performing City Organization

**BACKGROUND:**

On March 12, 2013 the City Council voted to enact the recommendations concerning their boards and commissions processes and procedures. The attached seeks to officially enact those already approved recommendations.

**BUDGET IMPACT:**

None

**OPTIONS:**

1. Approve as presented
2. Disapprove
3. Take no action

**RECOMMENDATIONS:**

Approve as presented so that the already approved recommendations can be formally enacted.

**AN ORDINANCE TO IMPLEMENT THE PROVISIONS OF THE BOARDS AND COMMISSIONS MEMORANDUM ADOPTED BY COMMON COUNCIL ON FEBRUARY 12, 2013 PERTAINING TO THE FUNCTIONING AND PROCESSES ASSOCIATED WITH THE APPOINTMENT AND OPERATIONS OF THE TREE COMMISSION; NATURAL RESOURCES ADVISORY BOARD; AND OTHER COUNCIL-APPOINTED BOARDS AND COMMISSIONS**

WHEREAS, on February 12, 2013, Common Council approved a Memorandum concerning a proposal to improve the functioning and processes associated with the appointment and operations of Council Appointed Boards and Commissions (Exhibit A); and

WHEREAS, the Memorandum and ensuing discussion by Common Council in an Open Meeting included direction by Common Council to Staff to take necessary action to facilitate the *“elimination of the Natural Resources Advisory Board and Tree Commission and the consolidation of the responsibilities and resources of these two individual boards under the umbrella of the Parks and Recreation Board.”*; and

WHEREAS, further discussions were held between the City Manager and the Vice Mayor and the Vice President of Council concerning the implementation of the Memorandum approved by Council; and

WHEREAS, on March 25, 2013, the City Manager issued an Administrative Memorandum (Exhibit B) to the Parks and Recreation Director concerning the implementation of the Memorandum previously approved by Common Council; and

WHEREAS, the Tree Commission is created and defined under Chapter 30 of the Winchester City Code; and

WHEREAS, the Natural Resources Advisory Board was created by Ordinance 2007-23 adopted by Common Council on August 14, 2007; and

WHEREAS, the proposed changes to Chapter 30 of the Winchester City Code are believed to be necessary in order to properly implement the provisions of the Memorandum previously approved by Council; and

WHEREAS, Council has further directed City Staff to bring forward an Ordinance clarifying their intention to reserve the absolute authority of removal of any member of a Council Appointed Board or Commission unless otherwise specified under contrary controlling authority.

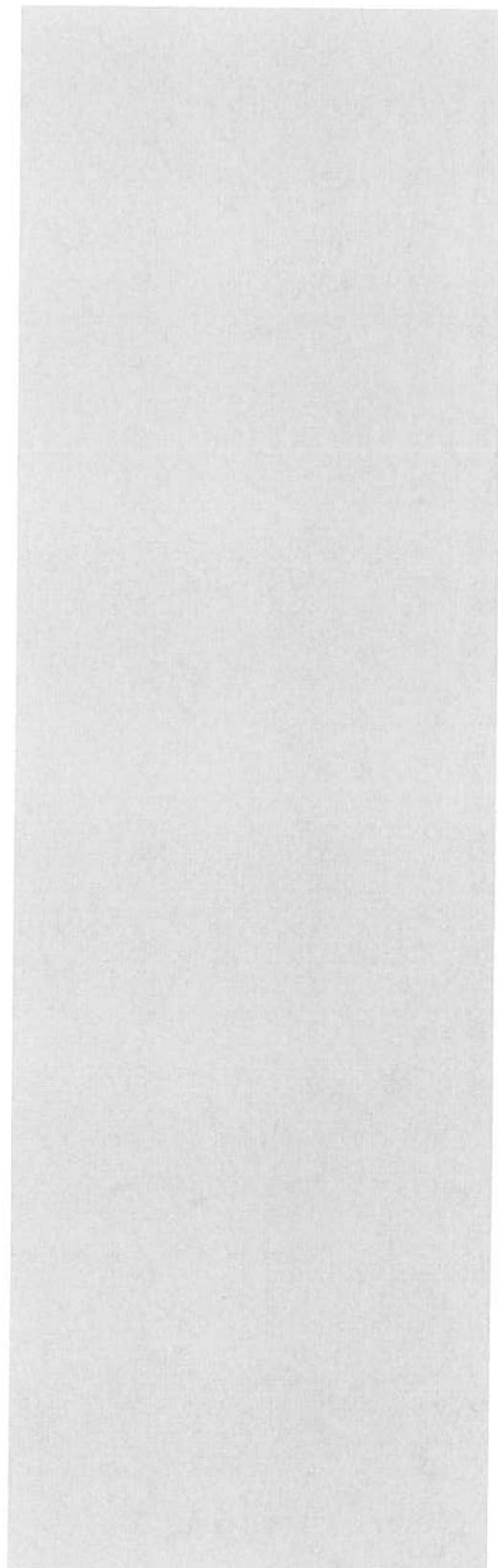
NOW therefore be it ORDAINED, that Ordinance No.: 2007-23 is hereby rescinded and the Natural Resources Advisory Board is hereby dissolved and any needs of Common

Council previously fulfilled the Natural Resources Advisory Board shall be directed to the Parks and Recreation Board through the Director of Parks and Recreation; and

BE it further ORDAINED that Common Council hereby adopts and incorporates into the Winchester Code of Ordinances the following Section 2-51 pertaining to the removal of members of Council-Appointed Boards and Commissions; and

BE it further ORDAINED that Chapter 30 of the Winchester City Code pertaining to Vegetation is hereby amended and readopted as follows:

|



**SECTION 2-52 - 2-60. RESERVED.**

**SECTION 2-51. REMOVAL OF MEMBERS OF COUNCIL APPOINTED  
BOARDS AND COMMISSIONS**

Unless otherwise specifically and expressly provided by Ordinance or other controlling legal authority, Common Council for the City of Winchester hereby reserves unto itself the unqualified and absolute discretion and authority to remove at any time, regardless of appointed term of office, any member of a Council-Appointed Board or Commission without cause or further proceedings upon a majority vote of Common Council at any Regular or Special Meeting of Council.

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**CHAPTER 30**

**VEGETATION**

- Art. I. In General, §§30-1--30-15
- Art. II. Trees on Public Property, §§30-16--30-48
  - Div. 1. Generally, §§30-16--30-30
  - Div. 2. ~~Tree Commission and City Arborist~~, §§30-31--30-48
- Art. III. Grass, Weeds and Other Foreign Growth on Private Property, §§30-49--30-52

**ARTICLE I. IN GENERAL**

**SECTIONS 30-1 - 30-15. RESERVED.**

**ARTICLE II. TREES ON PUBLIC PROPERTY**

**DIVISION 1. GENERALLY**

**SECTION 30-16. VIOLATIONS OF ARTICLE.**

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a Class 4 misdemeanor. In addition, wherever the words "City Manager" shall appear in this Article, they shall be deemed to include the City Manager's designee. (Ord. No. 020-2001, 5-8-2001)

**SECTION 30-17. ISSUANCE AND EXPIRATION OF PERMITS REQUIRED BY ARTICLE; APPEALS.**

- (a) All permits required by this article shall be issued by the City Arborist, who may, at his option, ~~consult the members of the Tree Commission~~ request that the Director of Parks and Recreation convene an appeals committee as described in Section 30-32 for consultation as to such matters. Such committee shall be convened as deemed necessary at the discretion of the Parks and Recreation Director. Any and all such permits shall expire at such time as may be designated therein.
- (b) The City Arborist shall advise the applicant and the ~~chairman of the Tree Commission~~ Director of Parks and Recreation in writing of his decision to issue or

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deny any permit required by the Article. Any original permit applicant aggrieved by the decision of the City Arborist to issue or deny any such permit shall have the right to appeal the decision by sending a written request to the Director of Parks and Recreation within ten (10) days of the date of the City Arborist's decision. Upon receipt of the appeal request, the Director of Parks and Recreation shall convene an appeals committee as described in Section 30-32 to a panel comprised of the City Manager, the Tree Commission Chairman, and the Public Services Committee Chairman or their designee by advising the City Manager's Office in writing within ten (10) days of the date of the City Arborist's decision.  
(Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

**SECTION 30-18. PERMIT TO PLANT.**

It shall be unlawful for any person to plant any tree in any street, park, public place or public grounds of the City, without first having obtained a written permit therefor from the City Arborist, who may, at his option, request that the Director of Parks and Recreation convene an *ad hoc* committee as described in Section 30-32 for consultation~~consult the Tree Commission~~, setting forth the variety thereof and the location where the same may be planted, and without in all respects complying with the conditions and terms of such permit. Such committee shall be convened as deemed necessary at the discretion of the Parks and Recreation Director.  
(Code 1959, §19-9; Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

**SECTION 30-19. PERMIT FOR ATTACHMENTS, SPRAY, TRIM, ETC.**

It shall be unlawful for any person, without first having obtained a written permit from the City Arborist, who may, at his option, request that the Director of Parks and Recreation convene an *ad hoc* committee as described in Section 30-32 for consultation~~consult the Tree Commission~~, to attach any wire, insulator, rope, sign, poster, handbill or other thing or substance on, spray or otherwise treat or trim any living tree or any part thereof any tree growing in any street, park or public place or grounds or on any guard or protection device of such tree. Such committee shall be convened as deemed necessary at the discretion of the Parks and Recreation Director.  
(Code 1959, §§19-1, 19-12; Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

**SECTION 30-20. REPEALED.**  
(Ord. No. 2009-30, 10-13-09)

**SECTION 30-21. MANNER OF CUTTING PERMIT FOR CUTTING AND REMOVAL.**

a) No cutting, meaning removal and/or destruction, of any live tree in any street, park, public place or grounds in connection with the work of any City department or agency of the City, other than the City Manager, or of any public service corporation or other person having a right to use the street, park, public place or grounds shall be done except upon the issuance of a permit and in such manner as directed by the City Arborist, who may, at his option, request that the Director of Parks and Recreation convene an *ad hoc* committee as described in Section 30-32 for consultation consult the Tree Commission before directing such work to be performed or issuing any permit for same. Such committee shall be convened as deemed necessary at the discretion of the Parks and Recreation Director.

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b) Cutting, removal, or destruction of any live tree in any street, park, or public place or grounds that is done in connection with the work of any City Department or agency of the City as authorized by the City Manager or of any public service corporation or other person having lawful a right delegated by Common Council use the street, park, public place or grounds and cut or remove trees in connection with said use, shall be exempted from the permit requirements of Section 30-21(a).

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\_(Code 1959, §19-11; Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

#### **SECTION 30-22. REMOVING OR DAMAGING PROTECTIVE DEVICES.**

It shall be unlawful for any person to remove, injure or misuse any guard or device placed or intended to protect any tree growing in any street, park or public place or grounds.  
(Code 1959, §19-2)

#### **SECTION 30-23. PROTECTION DURING BUILDING OPERATIONS.**

In the erection, alteration or repair of any building or structure, the owner thereof shall place, or cause to be placed, in accordance with the directions of the City Arborist, who may, at his option, request that the Director of Parks and Recreation convene an *ad hoc* committee as described in Section 30-32 for consultation consult the Tree Commission, such guards around nearby trees in the streets or public places or grounds as shall effectively prevent injury to such trees. Such committee shall be convened as deemed necessary at the discretion of the Parks and Recreation Director.

(Code 1959, §19-14; Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

#### **SECTION 30-24. OBSTRUCTING FLOW OF WATER AND AIR TO ROOTS.**

It shall be unlawful for any person to place or maintain in a street or public place or grounds, any stone, cement or other substance which shall impede the free entrance of water and air to the roots of any tree. (Code 1959, §19-3)

**SECTION 30-25. DESTRUCTION OF TREES, SHRUBS, ETC.**

It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn or destroy, in whole or in part, any tree, shrub, vine, plant, flower or turf found, growing or being upon any land reserved, set aside or maintained by the City as a public park, or as a refuge or sanctuary for wild animals, birds or fish without having previously obtained the permission in writing of such other or his agent or of the superintendent or custodian of such park, refuge or sanctuary so to do, unless the same be done under the personal direction, such superintendent or custodian of such park, refuge or sanctuary.

Any person violating this section shall be guilty of a Class 3 misdemeanor; provided, however, that the approval of the superintendent or custodian of such park or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit. (Code 1950, §18.1-178; 1960, c. 358; 1975, cc. 14, 15; 1976, c. 757.)

**State Law Reference**--Similar provision, Code of Virginia, §18.2-140.

**SECTIONS 30-26 - 30-30. RESERVED.**

**DIVISION 2. TREE COMMISSION AND CITY ARBORIST**

**SECTION 30-31. CITY ARBORIST**

The City may employ a person or private contractor to serve as the "City Arborist". The City Arborist shall provide recommendations to the City Manager with regard to the removal of existing trees in the City of Winchester, planting and maintenance of tree in the City, and other matters for which it may be deemed that his knowledge, training, and experience could be of benefit to the City of Winchester.  
(Ord. No. 2009-30, 10-13-09)

**SECTION 30-32. ~~CREATED; COMPOSITION; APPOINTMENT AND TERMS OF MEMBERS; FILLING VACANCIES. PARKS AND RECREATION DIRECTOR EMPOWERED TO CONVENE AD HOC COMMITTEE.~~**

- (a) ~~There is hereby created a Tree Commission, to be composed of seven (7) qualified voters of the City elected by the Council. Initially, three (3) of the members shall be elected to serve until December 31, 1966, two (2) to serve until December 31, 1968, and two (2) to serve until December 31, 1983. Thereafter all members shall serve for a term of four (4) years or until their successors take office. At the discretion of the Parks and Recreation Director, and upon the direction of Common Council or the City Manager or upon request of the City Arborist as provided in Sections 30-18, 19, 21, and 23, the Director of Parks and Recreation may convene an *ad hoc* committee comprised of three (3) to seven (7) citizens who may provide consultation to the City Arborist with regard to issues arising under the specified sections of this article.~~
- (b) ~~Vacancies occurring on the Tree Commission otherwise than through the expiration of term shall be filled for the unexpired term by the election of Council. (Code 1959, §19-4; Ord. No. 001-80, 1-8-80) In accordance with Section 30-17, within thirty (30) days of receipt of a written appeal of a decision by the Arborist regarding the issuance of a permit pursuant to this Article, the Parks and Recreation Director shall convene an appeals committee comprised of a member of Common Council as designated by the President of Council; the City Manager or his designee; and the Director of Parks and Recreation; which committee shall review the Arborist's decision and render a final written decision to sustain, reject, or modify the decision made by the Arborist. Such determination by this appeals committee shall be issued within thirty (30) days of review by the appeals committee and shall be final and unappealable. The meetings of the appeals committee convened pursuant to this section shall be an open public meeting.~~

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The Parks and Recreation Director or his designee shall appoint a secretary for such meetings who shall be responsible for recording minutes and ensuring that proper public notice is issued for any meetings of the appeals committee. The Parks and Recreation Director shall also ensure that the City Attorney or his designee are provided with proper notice to attend the meetings to provide necessary legal advice as needed by the appeals committee.

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**SECTION 30-33. — MEMBERS NOT COMPENSATED.**

All members of the Tree Commission shall serve without compensation.  
(Code 1959, §19-4; Ord. No. 001-80, 01-08-80)

**SECTION 30-33 THROUGH 30-34, REPEALED**

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**SECTION 30-34. — ORGANIZATION; ELECTION OF OFFICERS; QUORUM.**

The members of the Tree Commission shall, immediately after their appointment, meet and organize. They shall elect a chairman, a vice chairman and such other officers as they may deem necessary. A majority of the members of the Tree Commission shall constitute a quorum for the transaction of business.  
(Code 1959, §19-5; Ord. No. 2009-30, 10-13-09)

**SECTION 30-35. POWERS AND DUTIES.**

~~The Tree Commission is an advisory board who~~ Parks and Recreation Advisory Board may be called upon to render advice to the City Arborist and City Manager regarding the planting and preservation of trees in the City of Winchester. This board serves in an advisory capacity only and possesses no adjudicatory, executive, or legislative powers.

~~The Tree Commission~~ Parks and Recreation Advisory Board, at the request of the City Arborist or of the City Manager, shall provide advice and expertise regarding the trees now standing or hereafter planted on the streets, parks, public places and public grounds of the City. It shall have the duty to render advice and assistance to the City Arborist, at his request, as to the planting, trimming and removing of such trees and to provide advice and expertise to the City Arborist, at his request, as to the issuance of permits therefor. (Code 1959, §19-6; Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

**SECTION 30-36. RECOMMENDATIONS TO COUNCIL.**

~~The Tree Commission~~ Parks and Recreation Advisory Board shall, on or before March 1<sup>st</sup> of each year, recommend to the Council such regulations as may be necessary for the proper preservation and protection of trees and the improvement of any public park, public place or public grounds, to specifically include recommendations for planting and maintenance of such trees. (Code 1959, §19-7; Ord. No. 020-2001, 5-8-2001)

**SECTION 30-37. INTERFERING WITH COMMISSION.**

It shall be unlawful for any person in any way to interfere, or cause any person to interfere, ~~with the Tree Commission~~ the City of Winchester, its agents or employees while planting, spraying, removing or otherwise caring for and protecting any tree in any street, park, public place or grounds. (Code 1959, §19-13)

**SECTIONS 30-38 - 30-48. RESERVED.**

**ARTICLE III. GRASS, WEEDS AND OTHER FOREIGN GROWTH ON PRIVATE PROPERTY**

**SECTION 30-49. DEFINITIONS.**

For the purpose of this article, the following words shall have the meanings respectively ascribed to them by this section:

**Owners:** Persons holding title to any land or lot in the City; lessees, tenants and principal occupants of any land or lot in the City or agents of persons holding title to such lands or lots, and agents of persons having care, custody, control or management of the land or lot; and fiduciaries holding title to or having the care, custody, control or management of land or lots in the City for others.

**Weeds:** Wild or uncontrolled growth or vegetation of every kind standing on land, other than trees, ornamental shrubbery, flowers and garden vegetables.  
(Code 1959, §1-5; Ord. No. 049-95, 10-17-95)

**SECTION 30-50. DUTY OF PROPERTY OWNERS TO CUT.**

- (a) Owners of property within the City shall not allow grass, weeds and other foreign growth thereon to exceed ten (10) inches in height. All grass, weeds and foreign growth on a one hundred (100) feet by one hundred (100) feet or smaller lot or acreage must be cut. In case of a larger lot or acreage, all grass, weeds and foreign growth thereon must be cut a distance of one hundred (100) feet from all adjoining property lines.
- (b) Any owner who violates any provision of this section shall be subject to a civil penalty of Fifty Dollars (\$50.00) for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be Two Hundred Dollars (\$200.00). Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of Three Thousand Dollars (\$3,000.00) in a twelve (12) month period.
- (c) Violations of any provision of this section shall be a Class 3 misdemeanor in the event three (3) civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, with a twenty-four (24) month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.  
(Code 1959, §11-5; Ord. No. 022-94, 07-12-94; Ord. No. 13-2006, 4-11-06)

**SECTION 30-51. NOTICE TO CUT.**

Where grass, weeds or other foreign growth in excess of ten (10) inches in height are found upon property, the code enforcement officer, as defined in section 11-2 shall immediately notify the owner of such property to cut such grass, weeds, or other foreign

growth down to a height not to exceed three (3) inches. Notifications shall be made by the same procedure as set forth in Section 11-37 of this Code.  
(Code 1959, §11-5; Ord. No. 048-88, 11-15-88; Ord. No. 029-91; 6-11-91; Ord. No. 022-94, 07-12-94; Ord. No. 028-97, 10-14-97)

**SECTION 30-52. CUTTING BY THE CITY.**

- (a) If grass, weeds, or other foreign growth have not been cut within ten (10) days from the date the notice provided for in Section 30-51 is sent, the code enforcement officer, as defined in section 11-2 shall cause the cutting by the City's forces or the City's agent of such grass, weeds or other foreign growth forthwith.
- (b) Where grass, weeds or other foreign growth have been cut by order of the code enforcement officer pursuant to the provisions of this section, the cost of such cutting shall be billed to the owner of the property. If such bill is not paid, it shall be added to the City real estate tax bill on such property and shall be a lien on such property to the same extent and effect as such real estate tax is.  
(Code 1959, §11-5; Ord. No. 048-88, 11-15-88; Ord. No. 029-91, 6-11-91; Ord. No. 022-94, 07-12-94; Ord. No. 028-97, 10-14-97)

**State Law References**--Authority of city to require cutting or removal of weeds and other foreign growth, Code of Virginia, §§15.1-11, 15.1-867, §15.1-901(penalty).

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15 North Cameron Street  
Winchester, VA 22601

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TDD: (540) 722-0782  
Website: [www.winchesterva.gov](http://www.winchesterva.gov)

**To: Honorable Members of Common Council**  
**From: Vice President Willingham and Vice Mayor McInturff**  
**Subj.: Council Appointed Boards and Commissions**  
**Date: December 21, 2012**

### MEMORADUM

On August 21, 2012, Vice President Willingham and Vice Mayor McInturff were asked to work with the City Manager, City Attorney, and City Staff to review the City's current composition and operation of Council Appointed Boards and Commissions. Through a review of available materials and a series of individual and group discussions, this report was generated as an update and recommendation to Common Council focusing on the following areas:

#### 1. Composition/Operations

There are currently thirty-six (36) Council Appointed Boards and Commissions identified on the City's Boards and Commissions List. With very few exceptions, these bodies are either statutorily required entities (such as the Planning Commission and School Board), or otherwise required as part of a program that the City has chosen to undertake (such as the Board of Architectural Review and Community Development Committee). There are very few Council Appointed Boards and Commissions which are purely discretionary in nature (such as the

*"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."*

**EXHIBIT A**

Natural Resources Advisory Board) or not mandated but established by choice as part of a program or initiative that the City is participating in (such as the Old Town Development Board).

In order to ensure that all Council Appointed Boards and Commission positions are adequately filled and in timely fashion, with the most qualified personnel, we recommend that the City Manager be tasked with initiating an ongoing process to encourage and solicit citizen involvement in appointed boards and commissions. In addition, the President shall annually appoint two (2) members of Council to serve as the Council Liaisons for handling all matters associated with reviewing applications and conducting preliminary interviews of candidates.

The recommended process would be as follows:

1. The Manager shall ensure that a Staff Liaison is appointed to every Board and Commission.
2. The Staff appointed liaison would be responsible for collecting and reviewing qualifications of candidates for their respective boards and to notify the Assistant City Manager of Board and Commission vacancies 60 days prior to the expiration date.
3. The Assistant City Manager would then contact the Council Liaisons to make them aware of applications and any open positions that need to be filled and to provide application material of citizens who have expressed formal interest in serving.
4. The Assistant City Manager would be responsible for conveying this to the Council Liaisons in a timely manner to ensure adequate time for review of applications and interviewing of candidates.
5. The Assistant City Manager would be responsible to keep the Council Liaisons up to date on the status of board participants, vacancies, expiration of terms, etc.
6. The Staff Liaison would contact board members eligible for reappointment and determine their interest and report findings to the Assistant City Manager .
7. At the end of the term of each member, the staff liaison will give a report to the Assistant City Manager on the board members participation, attendance, performance, etc. The Assistant City Manager would be responsible to keep the Council Liaisons up to date on the status of board participants, attendance, performance etc.

8. The Council Liaisons shall be responsible for reviewing this information and recommending to Council timely appointments to the various Boards and Commissions.
9. Staff Liaisons shall prepare a "Council Appointed Board Report" on a monthly basis, or as frequently as deemed necessary by the Manager, which shall be submitted to the City Manager for inclusion with the Written Reports submitted for Council review on monthly Work Session Agendas. The reports shall include actions and items of interest currently underway with regard to Council Appointed Boards as well as Board vacancies and other operational concerns.

This process would ensure that Council maintains involvement and awareness of the needs of the various boards and commissions while ensuring that City Staff personnel are continuing to address the needs of the boards as well as the needs of the City's Administration.

Consistent with the second goal discussed during the 2012 Council Strategic Planning Process ("To develop a high performing City Organization"), we would recommend that Council consider reorganizing some of its appointed Boards and Commissions which are not specifically mandated by state legislation.

For example, we would recommend the elimination of the Natural Resources Advisory Board and Tree Commission and the consolidation of the responsibilities and resources of these two individual boards under the umbrella of the Parks and Recreation Board. It is believed that this reallocation of resources will provide for more efficient and effective local governance of the issues faced by these three individual Council Appointed Boards.

If Council decides to move forward with this recommendation, the Department of Parks and Recreation will be called upon to work with the City Attorney and Public Services Department to incorporate the necessary revisions into the City Code.

Finally, while this Report has been drafted specifically to address issues related to Council Appointed Boards and Commissions, during the review of these matters, it was concluded that the appointment of the Mayor, Members of Council, or other City Officials to serve in their official capacities as participating and voting members of non-governmental organizations may create significant conflicts of interest and should be avoided. This should not be construed as a recommendation to preclude the Mayor, Members of Council, or other City Officials from volunteering to serve in their individual and personal capacities on such organizations, nor preclude the appointment by Council of non-voting liaisons who do not participate directly in the organizational operations of these entities.

## **2. Training / Orientation**

A formal Orientation shall be required for all new members of Council Appointed Boards and Commissions. The orientation shall identify and train new members regarding the Goals and Objectives of Common Council, their responsibilities as appointed members of the respective Boards and Commissions, describe the general functioning of the City's Administration, and introduce new members to the general operation of local government in the City of Winchester.

This presentation shall be organized by the City Manager, and shall include presentations from the City Attorney, City Staff, and member(s) of Council at the discretion of the governing body.

## **3. Code of Ethics**

The City currently has a Code of Ethics embodied within its Comprehensive Employee Management System ("CEMS") in Section 7.16 which applies to all City Employees, Members

of Council, and Members of Council Appointed Boards and Commissions. The section reads as follows:

#### **7.16 Code of Ethics**

*The Code of Ethics is intended to provide ethical guidelines for City Councilors, employees and Council appointed Board and Commission members that are responsive to the public needs and preclude even the appearance of impropriety in the performance of their duties. All City Councilors, employees and Council appointed Board and Commission members have an obligation to conduct their official duties in a manner that serves the public interest, upholds the public trust and protects the City's resources. To this end, City Councilors, employees and Council appointed Board and Commission members have a responsibility to:*

- 1. Perform their duties to the very best of their abilities, treating the public and each other in a courteous manner that is fair and equitable, without regard to race, color, gender, age, religion, national origin, disability, political affiliation, or any other factor unrelated to the impartial conduct of City business.*
- 2. Demonstrate integrity, honesty, and ethical behavior in the conduct of all City business.*
- 3. Ensure that their personal interests do not come into conflict with their official duties, resulting in a real conflict of interest or the appearance of a conflict of interest when dealing with vendors, customers, and other individuals doing business or seeking to do business with the City.*
- 4. Ensure that they do not accept any gift, favor or thing of value that may tend to, or be reasonably perceived to, influence the discharge of their duties, or grant any improper favor, service or thing of value in the discharge of their duties. This shall include the acceptance of a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor. This prohibition shall not apply to the acceptance of any gift, favor or thing of value that benefits the City and/or the community as a whole.*
- 5. Ensure that information concerning the property, government or affairs of the City is held confidential, disclosed only with proper legal authorization, and never to advance the financial or other special interest of themselves or others.*
- 6. Ensure that all City resources, including City funds, equipment, vehicles and other property, are used in strict compliance with City policies and solely for the benefit of the City.*

*7. Avoid any behavior that could fall under the definitions of misconduct in Section 7.2 Discipline of the City's Comprehensive Employee Management System.*

*Councilors, Board and Commission members, Department Heads, and supervisors must take a leadership role in the promotion and execution of the Code of Ethics. All City officials and employees have a responsibility to place cooperation, trust, and respect at the head of all they do.*

But despite the formal incorporation of these provisions into the CEMS, which has been adopted and approved by a Resolution of Common Council, members of Council Appointed Boards and Commissions do not receive exposure or any formal training on this upon their appointment. As such, it is very likely that few members are even aware of their duties and responsibilities consistent with the foregoing Code of Ethics.

Accordingly, it is recommended that all members of Council Appointed Boards and Commissions consent to and follow, as a condition precedent to participation, the Code of Ethics as approved by the Governing Body. This consent shall be memorialized in a signed document prepared by the City Attorney reflecting the provisions of Section 7.16 of the CEMS and may include any additional provisions deemed necessary by Council to create a uniform Code of Ethics that embodies the expectations of Council and the Community with regard to service on a Council Appointed Board or Commission. Service on such bodies should be viewed and acknowledged as a privilege with accompanying responsibilities of appropriate conduct. The Code of Ethics should be signed by all appointed members prior to their formal appointment and should be enforced where violations occur.

Additionally, it is recommended that the Manager be directed to expand the CEMS provisions to include a non-comprehensive list of causes for removal or other forms of

disciplinary action available to Common Council to address instances of improper conduct by an appointed member of a Board or Commission.

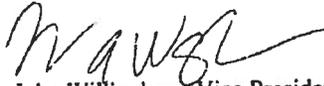
**CONCLUSION**

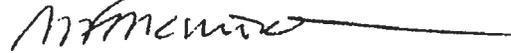
The City should require all new members of Council Appointed Boards and Commissions to execute a written Agreement prepared by the City Attorney memorializing that they are aware of, and will abide by the Code of Ethics in Section 7.16 of the CEMS and any other ethical requirements that the governing body may adopt as applicable to such members. The CEMS should be expanded to include causes for removal and other disciplinary measures for members who do not abide by these rules.

New members should receive training through a formal Orientation process which shall be organized by the Manager or his designee and should include presentations by City Staff, the City Attorney and members of Council (at Council's discretion) on topics including ethical responsibilities as an appointed board member and the general operation of City government.

Finally, a Council Liaison system should be established to continually work with the Assistant City Manager to ensure that vacancies to various the boards and commissions are properly filled. An outline of one possible system is included in Section 3 of this Memorandum.

Respectfully Submitted:

  
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**TO:** Bradley Veach, Parks & Recreation Director

**FROM:** Dale Iman, City Manager

**Date:** March 25, 2013

**Subject:** Outlined Process to Address City Trees and Natural Resource Issues

**CC:** Winchester City Councilors  
Doug Hewett, Assistant City Manager  
Anthony Williams, City Attorney

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Winchester Common Council voted in March to eliminate the Tree Commission and the Natural Resources Advisory Board and consolidate their advisory functions under the Parks & Recreation Director and Park Advisory Board. In the coming weeks, City Council will be making the necessary revisions to the Winchester City Code to reflect these changes. Council's actions have provided clear direction on how the advisory roles will function from this point forward. The Parks & Recreation Director will handle all City tree and natural resource issues in the following manner:

**General**

Per the direction of Winchester Common Council, the Winchester Parks & Recreation Department, specifically the Director of the Parks & Recreation Department will call upon qualified citizens to serve on ad-hoc committees and work with City staff and, at times, with the Parks & Recreation Advisory Board to address City tree and natural resource issues. The Parks & Recreation Advisory Board will assume a limited role in these matters. It will be the responsibility of the Director of Parks & Recreation to notify the Parks & Recreation Advisory Board when an ad-hoc committee has been appointed to address tree and natural resource issues.

**Ad-Hoc Committees**

The Director of Parks & Recreation will provide the ad-hoc committee with the following:

1. A clear and concise direction to accomplish specific goals and tasks
2. A timeline to complete their review, assessment and render a recommendation
3. A staff liaison to the ad-hoc committee

**EXHIBIT B**

*"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."*

After the ad-hoc committee presents their recommendations, the Director of Parks & Recreation and other assigned City staff will determine if the information requires review or action by one or more of the following:

1. Staff review only
2. Staff and other City department review
3. Parks & Recreation Advisory Board review
4. Other advisory board or commission review
5. City Manager review
6. City Council review

#### Role of the Parks & Recreation Advisory Board

The Parks & Recreation Advisory Board will assume a limited role in the recommendation and advisory process and will only address City tree and natural resource issues when asked to do so by the Director of Parks & Recreation, the City Manager or Winchester Common Council. City staff may consult with the Parks & Recreation Advisory Board on matters that may have an adverse effect on the public. The Parks & Recreation Advisory Board regularly scheduled monthly meetings will serve as a public forum for citizens to comment on all City tree or natural resource issues. The Parks & Recreation Advisory Board can discuss public comments presented during the public meeting however, the Director of Parks & Recreation will appoint a City staff member to further review, investigate and follow-up on the matter.

When required by City Code, the Parks & Recreation Advisory Board or an ad-hoc committee will receive a full overview of the details of a matter and may be asked to make a recommendation on tree and natural resource issues.

#### Grants & Private Funding

The Parks & Recreation Advisory Board will be advised of the City's efforts to secure private, local, state and federal grant funds and may be asked to endorse the submission of grant applications prior to submission to the Winchester Common Council for their consideration and final approval.

#### Promotion & Outreach

City staff, in conjunction with volunteers, will plan and promote all celebrations (including Arbor Day), programs, activities and events related to City trees and natural resources. Staff will advise and update the Winchester Common Council and necessary advisory boards and commissions on the dates and times for such activities.

The City Arborist will provide the Winchester Common Council, City Manager the Parks & Recreation Advisory Board and its citizenry with an annual tree report during the Arbor Day celebration. The report will highlight the City's efforts to preserve and enhance its tree canopy over the past calendar year and recognize donors, contributions and major accomplishments. The report will also outline the goals for the upcoming year.

City staff will plan, promote and coordinate all volunteer programs focused on natural resources and environmental issues. A staff liaison will lead all volunteer efforts and any such effort will support the established goals and priorities of the City of Winchester, VA.

In closing, City Council has provided City staff and its advisory boards and commissions with a clear direction in which to proceed. As the Director of Parks & Recreation it is expected that you will encourage your staff and the Winchester Parks & Recreation Advisory Board to embrace these new procedures and present them without bias, to the Board members. The Parks Director, Parks & Recreation Advisory Board and staff are all an important part of the "Team" responsible for making this new procedure work successfully. As always, your full cooperation and attention to this matter is appreciated.