

**WINCHESTER COMMON COUNCIL
OCTOBER 8, 2013
AGENDA
7:00 P.M.**

CALL TO ORDER AND ROLL CALL

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – September 10, 2013 Regular Meeting, September 17, 2013 Special Meeting, and October 1, 2013 Special Meeting

REPORT OF THE MAYOR

R-2013-44: Resolution – Recognition of Nashawn Cook for the brave, calm and caring manner displayed while getting medical assistance for another (pages 5-7)

R-2013-55: Resolution – Honoring the retirement of Battalion Chief H. Donald Whitacre (page 8)

Proclamation: Fire Prevention Week (page 9)

REPORT OF THE CITY MANAGER

REPORT OF THE CITY ATTORNEY

1.0 PUBLIC COMMENTS

1.1 Motion to remove from the table CU-13-372 regarding a telecommunications tower at 700 Jefferson Street (tabled at September 10, 2013 Council Meeting)

1.2 CU-13-372: Conditional Use Permit – Request of Morris & Ritchie Associates on behalf of the City of Winchester for a conditional use permit to construct a telecommunications tower at 700 Jefferson Street (*Map Number 190-01-3*) zoned Education, Institution and Public Use (EIP) District. (Public Hearing closed at September 10, 2013 Council Meeting) (**REQUIRES ROLL-CALL VOTE**)(pages 10-87)

2.0 PUBLIC HEARINGS

2.1 R-2013-41: Resolution – Providing for the issuance and sale of General Obligation Bonds, Series 2013, of the city of Winchester, Virginia, in an aggregate principal amount not to exceed \$27,000,000, heretofore authorized, and providing for the form, details and payment thereof (**NO PUBLIC HEARING REQUIRED**)(pages 88-100)

- 2.2 O-2013-27:** Second Reading: ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF WINCHESTER, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000, TO FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENT PROJECTS **(REQUIRES ROLL-CALL VOTE)**(pages 101-104)
- 2.3 O-2013-32:** Second Reading: AN ORDINANCE TO AUTHORZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE MONTICELLO STREET EXTENSION PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTIES (*Acquisition of properties for the construction of a bridge over the railroad and extension of Monticello Street*) **(REQUIRES ROLL-CALL VOTE)**(pages 105-133)
- 2.4 R-2013-51:** Resolution: Authorize the request to the Commonwealth Transportation Board to establish a “Safe Routes to School” project consisting of constructing sidewalks on Wentworth Drive between Cedarmeade Avenue and Valley Avenue (pages 134-140)
- 2.5 R-2013-52:** Resolution: Authorize the request to the Commonwealth Transportation Board to establish a Transportation Alternatives project consisting of the Green Circle Trail – Phase III (pages 141-142)

3.0 CONSENT AGENDA

- 3.1 O-2013-33:** First Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 26-15 OF THE WINCHESTER CITY CODE PERTAINING TO THE TIME REQUIRED TO REMOVE SNOW AND ICE FROM SIDEWALKS (*Adjusts the time allotted for snow and ice removal from the sidewalks*) (pages 143-147)
- 3.2 O-2013-35:** First Reading –AN ORDINANCE TO REZONE 0.46 ACRES OF LAND AT 317 SOUTH CAMERON STREET (*Map Number 193-01-K-14*) FROM RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY (former jail property)(pages 148-153)
- 3.3 R-2013-45:** Resolution – Authorization to initiate an ordinance to amend and re-enact Articles 3, 4, 5, 5.1, 6, 7, 8, 9, 13 and 18 of the Winchester Zoning Ordinance pertaining to home occupations permitted in accessory structures with a Conditional Use Permit (*Allows home businesses to operate out of a garage or similar detached structure*) (pages 154-161)

- 3.4 R-2013-46:** Resolution – Authorization to apply and accept funding through the State Homeland Security Program 2013 Communications Equipment Grant (pages 162-181)
- 3.5 R-2013-48:** Resolution – Approval to opt out of the VRS Virginia Local Disability Program coverage and elect to provide a comparable employer paid disability program effective January 1, 2014 (pages 1825-185)
- 3.6 R-2013-49:** Resolution – Authorize the application for an allocation of \$4,850,000 through the Virginia Department of Transportation Revenue Sharing Program (pages 186-190)
- 3.7 R-2013-50:** Resolution – Authorize the request to the Commonwealth Transportation Board to transfer \$700,000 of state Revenue Sharing finds to the National/Piccadilly/East Lane Realignment Project (pages 191-195)
- 3.8 R-2013-54:** Resolution – Clarification on Council’s intent as it pertains the continued operation and growth of the adjoining O’Sullivan industrial facility in light of the recent Jubal Square PUD rezoning (pages 196-198)
- 3.9 Motion** to direct the Clerk of Council to prepare Certificates of Appreciation for Robert T. Mitchell and Mark Rudolph for their service as members of the Handley Board of Trustees

4.0 AGENDA

- 4.1 Motion** to remove from the table O-2013-16 regarding Photo Monitoring Systems (tabled at July 9, 2013 Council Meeting)
- 4.2 O-2013-16:** Second Reading: AN ORDINANCE TO CREATE CITY CODE SECTION 14-15 – PHOTO MONITORING SYSTEMS TO ENFORCE TRAFFIC LIGHT SIGNALS (Public Hearing closed at July 9, 2013 Council Meeting)(**REQUIRES ROLL-CALL VOTE**)(**pages 199-220**)
- 4.3 O-2013-34:** First Reading – AN ORDINANCE TO AMEND THE WINCHESTER CITY CODE, CHAPTER 30. VEGETATION, TO ALLOW FOR THE CREATION OF THE ENVIRONMENTAL SUSTAINABILITY TASKFORCE (pages 221-236)
- 4.4 R-2013-47:** Resolution – Authorization to execute a Memorandum of Understanding between the City of Winchester and Shenandoah University to use to guide programs and projects designed to improve the local quality of life (pages 237-243)
- 4.5 R-2013-53:** Resolution – Authorize the consolidation of the Community Development Committee’s functions into a revised committee with concurrent membership with the Winchester Economic Development Authority (pages 244-247)

- 4.6 Announce** the term expiration of John Dick as an alternate member of the Board of Building Code Appeals effective December 31, 2013 and direct the Clerk of Council to advertise the vacancy. Mr. Dick is eligible for reappointment.
- 4.7 Announce** the term expirations of Stephen Slaughter, Jr. and Kevin McKannan as members of the Planning Commission effective December 31, 2013 and direct the Clerk of Council to advertise the vacancies. Mr. Slaughter and Mr. McKannan are eligible for reappointment.
- 4.8 Announce** the resignation of Richard Ridgell from the Board of Building Code Appeals and the Lord Fairfax Emergency Medical Services Council effective September 18, 2013 and direct the Clerk of Council to advertise the vacancies

5.0 ADJOURNMENT

B-2013-44

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 10/10/13 CUT OFF DATE: 9/17/13

RESOLUTION XX ORDINANCE ___ PUBLIC HEARING ___

ITEM TITLE: Resolution to recognize Nayshon Cook

STAFF RECOMMENDATION: Council adopt resolution

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: No additional funds needed

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.	_____	_____	_____
6. City Manager		_____	9-3-13
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:		_____	9/23/13 Date



APPROVED AS TO FORM:  8/30/2013
CITY ATTORNEY



Winchester Police Department

KEVIN L. SANZENBACHER
CHIEF OF POLICE

MAJOR DAVID H. WHITE
CAPTAIN KELLY S. RICE
CAPTAIN KEVIN G. VANN
CAPTAIN LEONARD M. BAUSERMAN

231 EAST PICCADILLY STREET, SUITE 310
WINCHESTER, VIRGINIA 22601
PHONE (540) 545-4700 or (540) 545-4730
FAX (540) 542-1314
www.winchesterpolice.org
E-MAIL: wpdchief@ci.winchester.va.us

TO: Mayor Elizabeth Minor, President John Willingham, Members of the Council

FROM: Chief Kevin L. Sanzenbacher

SUBJECT: Citizen Commendation Award

DATE: August 23, 2013

BACKGROUND

On July 19, 2013, 7 year old Nayshon Cook called our Emergency Communications Center (ECC) and advised the dispatcher that his mother had suffered from a seizure. Nayshon was home alone with her with other small children and requested an ambulance. Though under extreme stress Nayshon remained calm and was able to direct emergency responders to their location and provide updates on his mother's condition.

The ECC staff found Nayshon's calm demeanor and concern for his mother's wellbeing to be astonishing for a person so young. It is for this reason that the ECC staff feels it would be appropriate that Nayshon be recognized by a resolution from the Common Council.

RECOMMENDATION

The Chief of Police recommends that the City Council approve the resolution recognizing Nayshon Cook for his bravery in helping us get help to his mother.



THE COMMON COUNCIL

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.winchesterva.gov

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 8th day of October 2013 that the following Resolution is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 8th day of October 2013.

RESOLUTION TO RECOGNIZE NASHAWN COOK

WHEREAS, the cooperation of citizens is vital to the well being of the community; and

WHEREAS, on July 19, 2013, 7 year old Nashawn Cook called the Winchester City Emergency Communications Center and advised the dispatcher that his mother had suffered a seizure and he was home with other smaller children; and

WHEREAS, though under extreme stress, Nashawn remained calm and was able to direct emergency responders to his location and keep the dispatcher updated on his mother's condition; and

WHEREAS, the Emergency Communications staff found Nashawn's calm demeanor and concern for his mother's wellbeing to be astonishing for a person so young; and

WHEREAS, it is the opinion of the ECC staff that it would be appropriate for Nashawn to be recognized by a resolution from the Common Council.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Winchester, Virginia and the citizens it represents, recognizes the brave, calm, and caring manner in which Nashawn Cook got medical assistance on the evening of July 17th in the year 2013.

Resolution No. 2013-44.

ADOPTED by the Common Council of the City of Winchester on the 8th day of October 2013.

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

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

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 8th day of October 2013 that the following Resolution is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 8th day of October 2013.

RESOLUTION

WHEREAS, H. Donald Whitacre has reliably served the City of Winchester Fire and Rescue Department, achieving the rank of Battalion Chief, from November 29, 1986, until his retirement August 31, 2013; and

WHEREAS, Donald performed a commendable service to the City by responding to countless fire, hazmat and emergency medical service calls; and

WHEREAS, Donald's extensive knowledge of his profession was invaluable in training and growing those around him; and

WHEREAS, Donald received numerous letters of commendation and words of thanks during his career, due in large part to the high level of professionalism and care he has shown towards citizens; and

WHEREAS, Donald was the first paramedic of the department and the Apple Blossom Festival Fire and Rescue coordinator for many years; and

WHEREAS, Donald's dedication and professionalism will be sorely missed by City employees, elected officials, and the citizens he served.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Winchester, on behalf of the citizens they represent, hereby records their appreciation to H. Donald Whitacre for his exemplary service to the City and wishes him happiness, good health, and many years of hunting; and

BE IT FURTHER RESOLVED that the Clerk of Council is hereby directed to prepare an attested copy of this resolution for presentation to H. Donald Whitacre.

Resolution No. 55.

ADOPTED by the Common Council of the City of Winchester on the 8th day of October 2013.

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

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

PROCLAMATION

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire killing more than 2,500 people in the United States in 2011, according to the National Fire Protection Association (NFPA); and

WHEREAS, the City of Winchester has experienced three fatal fires in the last 12 months that have killed four people; and

WHEREAS, cooking is the leading cause of home fires in the United States where fire departments responded to more than 156,000 annually between 2007 and 2011 ; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, City of Winchester residents should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, the 2013 Fire Prevention Week theme, “Prevent Kitchen Fires!” effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

NOW, THEREFORE, BE IT RESOLVED that I, Elizabeth A. Minor, Mayor of the City of Winchester, Virginia, do hereby proclaim October 6-12, 2013, as Fire Prevention Week and urge all citizens to check their kitchens for fire hazards and to use safe cooking practices to support the many public safety activities and efforts of the City of Winchester Fire and Rescue Department.

Witness my hand,

Mayor Elizabeth A. Minor

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session),
9/10/13 (regular mtg)

CUT OFF DATE: 8/21/13

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-13-372 Request of Morris & Ritchie Associates on behalf of the City of Winchester for a conditional use permit to construct a telecommunications tower at 700 Jefferson Street (Map Number 190-01-3) zoned Education, Institution and Public Use (EIP) District.

STAFF RECOMMENDATION:

Approval with conditions

PUBLIC NOTICE AND HEARING:

Public hearing for 9/10/13 Council meeting

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions

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. Planning			8/21/13
2. Emergency Management			8/21/13
3. City Attorney			8/22/2013
4. City Manager			8-22-13
5. Clerk of Council			

Initiating Department Director's Signature:  8/21/13
(Zoning and Inspections)



APPROVED AS TO FORM:
 8/22/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
L. A. Miller, Emergency Management Coordinator
Date: August 21, 2013
September 5, 2013 Update
Re: Conditional Use Permit (CU-13-372) – Public Safety Communications Tower

THE ISSUE:

Request for CUP for installation of a new public safety communications tower at 700 Jefferson Street.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #2 – Develop a High Performing Organization, Goal #4 Create a More Livable City for All, Management in Progress (2013-2014) – Public Safety Communications System

Provide City Council with information relating to the utilization of an alternate site located at Winchester Medical Center.

BACKGROUND:

City staff has received a conditional use permit application for the construction of a 237-foot radio communications tower on City owned property at 700 Jefferson Street. This request is part of the required upgrades to the City's public safety communication system that has been in the development stages for several years. (Full staff report is attached).

See attached Information from Motorola and Staff Report

BUDGET IMPACT:

No funding is required.

Alternate tower site will reflect cost increase. See attached from Motorola Solutions

OPTIONS:

- Approve with conditions recommended by the Planning Commission
- Approve with revised conditions
- Deny the application
- Consider utilization of alternate site

RECOMMENDATIONS:

Planning Commission and recommend approval with conditions as noted within the staff report on a 4-2 vote.

 9-5-13

**SUPPLEMENTAL STAFF REPORT
PUBLIC SAFETY COMMUNICATIONS TOWER
ALTERNATE SITE EVALUATION – WINCHESTER MEDICAL CENTER CAMPUS**

THE ISSUE: Provide City Council with requested information relating to the utilizing an alternate location for the erection of the City’s proposed Public Safety Communications Tower. Develop background information based on identified site on Winchester Medical Center Campus.

BACKGROUND: During the Council Work Session of August 27, 2013 Council requested an analysis of an alternate site for the erection of the proposed Public Safety Communications Tower be conducted. Council specifically identified a site on the campus of the Winchester Medical Center be considered in lieu of the proposed site at 700 Jefferson Street. Motorola Solutions, Teltronics, R. L. Kimball and city staff proceeded with the analysis including locating a probable site for the tower on the campus of Winchester Medical Center. Propagation studies were performed to identify the specifications of the tower enabling compliance with the system’s performance standards, consideration of cost differential that may be associated with the alternate site, identification of the impact on project schedule and other items such as zoning were for the alternate site.

Attached for review and consideration are the following items:

- Cover letter crafted by Motorola Solutions
- Table 1 created by Motorola Solutions addressing estimated pricing and projected schedule modification.
- Aerial view of a selected site located southeast of the Health Professionals Building on the Winchester Medical Center Campus.
- Propagation map indentifying coverage based on the utilization of the same height tower (237’) as proposed for the 700 Jefferson Street site.
- Propagation map based on the minimum required tower specification to provide coverage in accordance with the performance standard (95%-95%).
- Zoning specifications addressing tower height at the proposed location.
- Considerations related to the 700 Jefferson Street site.

BUDGET IMPACT: Utilization of the alternate tower site reflects an estimated project cost increase of \$778,910.00.

ZONING CONSIDERATIONS:

The Zoning Ordinance has a maximum height for transmitting and receiving towers in the Medical Center district of 100-feet. For either a 237-foot or 450-foot tower a variance would need to be requested through the Board of Zoning Appeals. Additionally, should Council desire to select this location and move forward with the necessary approvals, the Conditional Use Permit process would need to start again from the beginning with a review and recommendation from the Planning Commission before being reviewed in full by City Council. Similar to the EIP district, the Medical Center (MC) zoning district does not have a required “fall zone” distance from the tower structure to adjacent properties.

ADDITIONAL CONSIDERATIONS/ADJUSTMENTS – JEFFERSON STREET SITE

- Supply additional substantial ground level screening at Jefferson Street fence line.
- Relocate tower structure 75' north of selected site providing reducing impact on properties located to the south should a full collapse of the tower occur.
- Remove all existing antennas and associated cabling located on elevated tank.
- Confine utilization of tower for public safety use.

Motorola Solutions, Inc.
7031 Columbia Gateway Dr., 3rd Fl.
Columbia, MD 21046-2289

Telephone: +1 410 712 6200
Fax: +1 410 712 6489

September 5, 2013

Mr. Dale Iman
City Manager
City of Winchester
15 N. Cameron St.
Winchester, VA 22601

Subject: Antenna site study for the Winchester Medical Center (Valley Health Systems) location

Dear Mr. Iman:

At the direction of City Council, Motorola has prepared a high level performance and budgetary feasibility evaluation of a transmitter site located on the Winchester Medical Center (Valley Health System) campus. None of the required approvals from landowners, federal, state, and city authorities has been obtained or is guaranteed.

Motorola has provided two 800MHz voice coverage maps that show the portable radio in-building coverage. The contracted performance standard requires 95% / 95% coverage (95% of the city area at 95% probability).

1. The first propagation study simply relocates the proposed Jefferson Street tower and equipment to the Winchester Medical Center campus. The propagation study shows coverage for 85% of the city using that configuration.
2. The second propagation study shows the minimum tower height at which the required 95% coverage can be provided. A 450 foot tower will be required.

Table 1 below provides budgetary and schedule estimates to implement the single site P25 trunked public safety radio system described in the Motorola proposal of February 29, 2012, substituting a 450 foot self-supporting tower at the Winchester Medical Center campus. These are budgetary guidelines to assist the city with the critical issues decision process, not quotes to provide services.

The relocation of the transmitter site from Jefferson Street to the Winchester Medical Center campus will require an estimated additional budget of \$778,910 plus land acquisition costs and an estimated minimum project delay (schedule extension) of 368 days if all required approvals are obtained with minimum delay and without the need for additional resources to meet regulatory requirements.

Please note that a decision to use multiple sites will increase costs substantially beyond the proposed single site design. Site connectivity (microwave), simulcast technology upgrade, site acquisition and development, and system redesign will contribute to additional cost increases. If leased sites are substituted in lieu of city owned sites, then recurring lease costs are an additional City consideration.

Thank you,

Jansen Pieter-
CPJ017

Digitally signed by Jansen
Pieter-CPJ017
DN: cn=Jansen Pieter-
CPJ017
Date: 2013.09.05 08:29:43
-04'00'

Pieter Jansen
Project Manager
Motorola Solutions, Inc

Motorola Solutions, Inc.
7031 Columbia Gateway Dr., 3rd Fl.
Columbia, MD 21046-2289

Telephone: +1 410 712 6200
Fax: +1 410 712 6489

Table 1. Budget and Schedule Impact for Winchester Medical Center Campus Transmitter Site

Description	Estimated Additional Cost	Estimated Duration (days)	Estimated Schedule Extension	Notes
Land acquisition		120 to Denied	120	
Tower 450 ft	\$199,973	28	14	Self-Supporting Tower
Tower enhancements	\$115,847	14	14	FAA painted/Collocation/Strobe lights
FAA approval	\$5,593	90 to Denied ¹	90	Helipad or height restrictions may apply.
FCC Frequency relicensing	\$4,237	90 to Denied ¹	*	May not approve VHF and 800 MHz licenses at this height
Narrow band waiver extension(s)	\$1,637	30 to Denied ¹	*	FCC response is unknown.
Engineering and Project management (additional - all phases)	\$145,987	120	30*	Site plans, RF design, tower, MW, electrical, telco, grounding, CUP re-submittal.
Zoning approval, Coordination, Documentation	\$17,288	120	*	Fall zone. Increased tower lighting requirement (multiple strobe).
NEPA/SHPO approvals	\$6,780	90	60*	Tower height issues. Entrance corridor.
Site development	\$281,568	120 to Denied ¹	40*	Additional compound and fencing - tower base size is doubled.
Budget Estimate	\$778,910		368 Days	

* Concurrent task – A task that runs concurrently with other tasks and results in partial or no additional extension to the schedule (assumes all tasks occur in their minimum time frame).

1. Denied – If regulatory approval is denied then impact on schedule and budget impact is not defined.



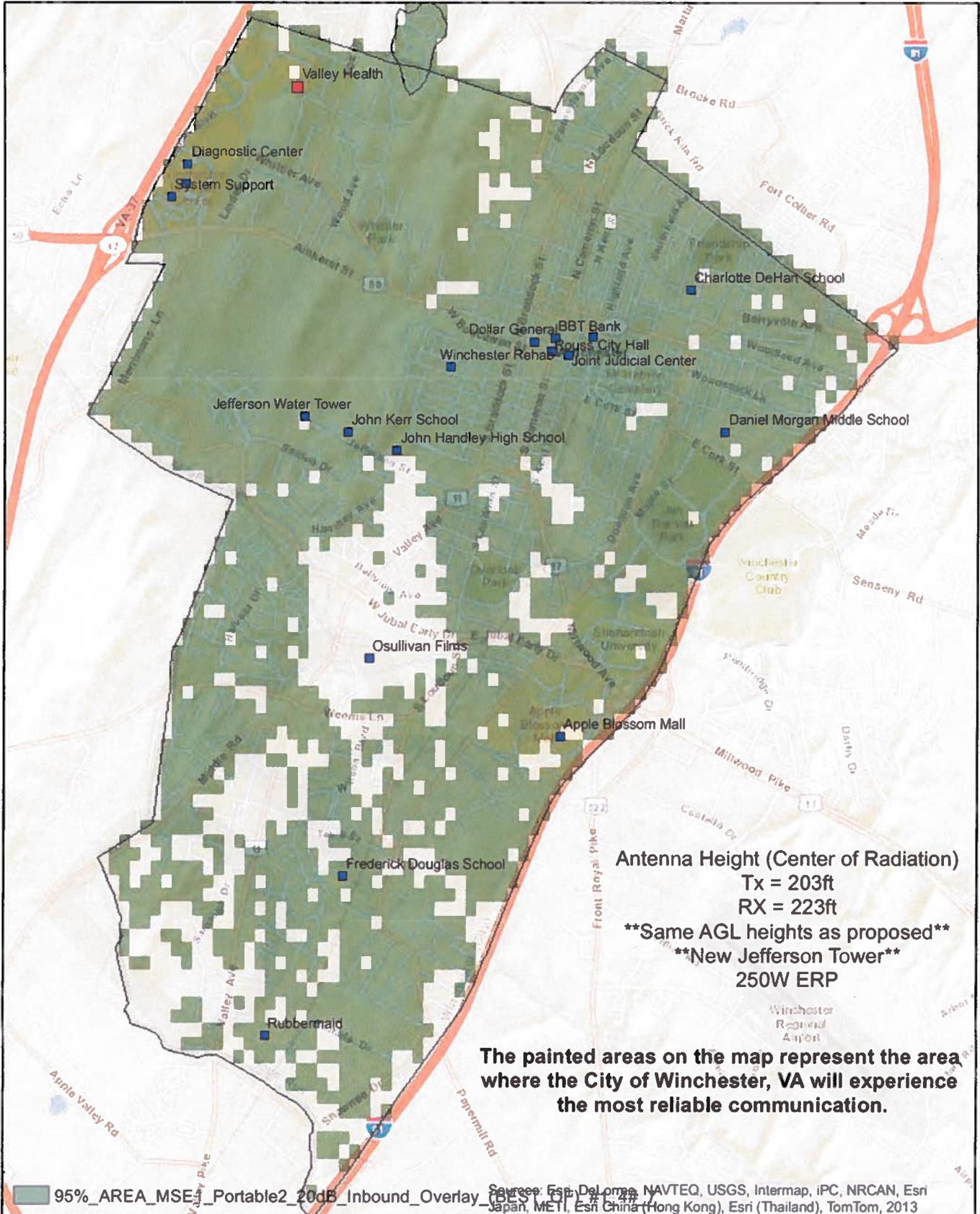
Google earth





MOTOROLA

Single Site Trunked 800MHz Voice System - DAQ 3.4



0 0.225 0.45 0.9 Miles
 1 inch = 0.69 miles

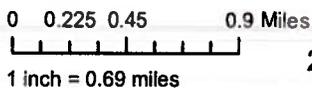
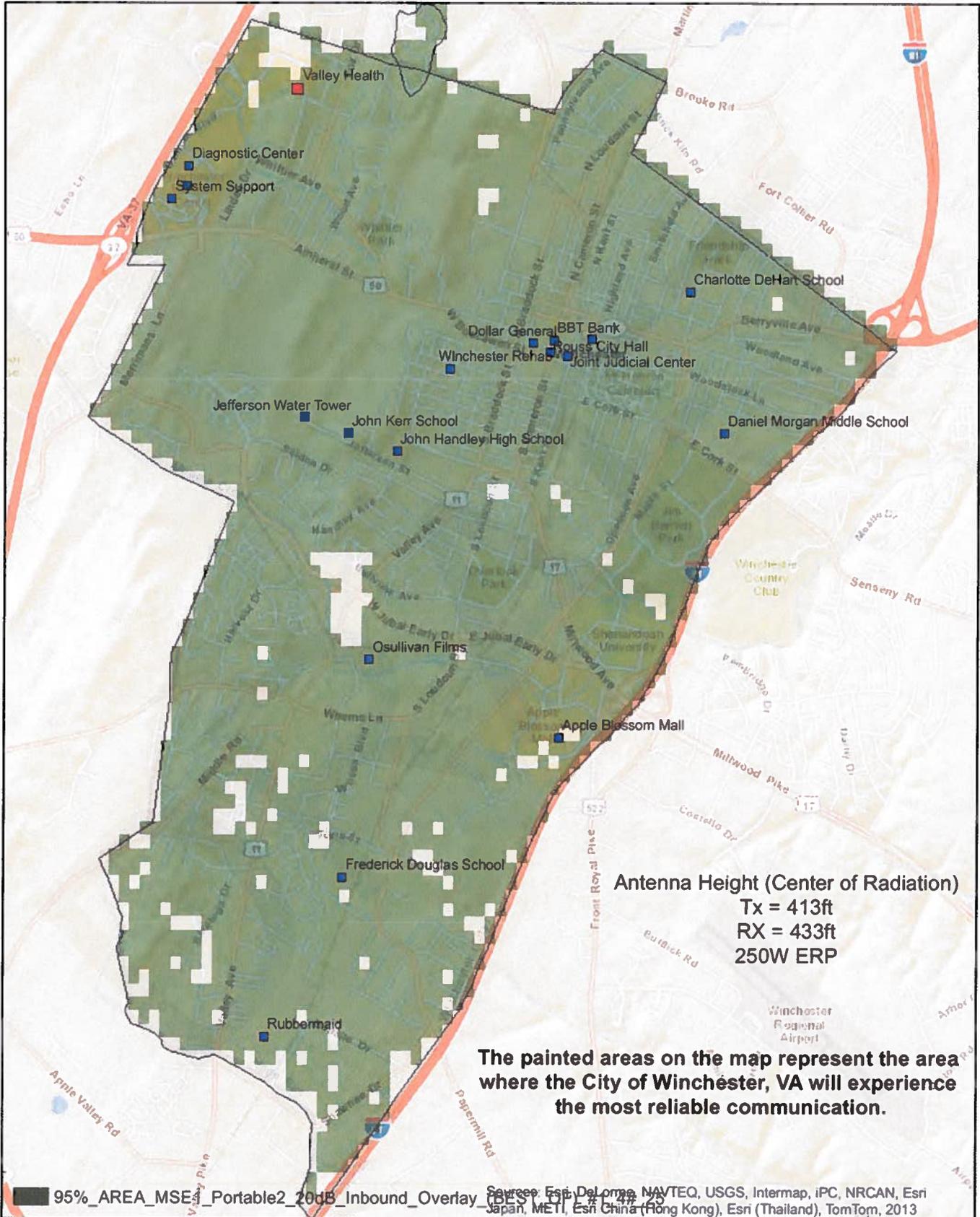
Portable Inbound Coverage Worn on Hip w/ Swivel Case and RSM
 20dB Building Penetration Loss Over Entire Winchester, VA Service Area

crk067-11



MOTOROLA

Single Site Trunked 800MHz Voice System - DAQ 3.4



Portable Inbound Coverage Worn on Hip w/ Swivel Case and RSM
 20dB Building Penetration Loss Over Entire Winchester, VA Service Area

crk067-11

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
Date: August 21, 2013
Re: Conditional Use Permit (CU-13-372) – Public Safety Communications Tower

THE ISSUE:

Request for CUP for installation of a new public safety communications tower at 700 Jefferson Street.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #2 – Develop a High Performing Organization, Goal #4 Create a More Livable City for All, Management in Progress (2013-2014) – Public Safety Communications System

BACKGROUND:

City staff has received a conditional use permit application for the construction of a 237-foot radio communications tower on City owned property at 700 Jefferson Street. This request is part of the required upgrades to the City's public safety communication system that has been in the development stages for several years. (Full staff report is attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve with conditions recommended by the Planning Commission
- Approve with revised conditions
- Deny the application

RECOMMENDATIONS:

Planning Commission and recommend approval with conditions as noted within the staff report on a 4-2 vote.

CU-13-372 Request of Morris & Ritchie Associates on behalf of the City of Winchester for a conditional use permit to construct a telecommunications tower at 700 Jefferson Street (*Map Number 190-01-3*) zoned Education, Institution and Public Use (EIP) District.

REQUEST DESCRIPTION

The request is for a 237-foot radio communications tower to be located behind the existing John Kerr Elementary School at 700 Jefferson Street adjacent to the existing elevated water tank. The tower will be of a lattice-style construction.

AREA DESCRIPTION

The subject parcel is located on the western terminus of Jefferson Street. The parcel is zoned Education, Institution, and Public Use (EIP) District. The property to the north and east is similarly zoned EIP, and properties on the south, west are zoned Low Density Residential (LR) District. The vicinity is composed of residential, agricultural, and educational uses. On the east is the John Kerr Elementary School, a single family residential property is directly to the south, and the Glass Glen Burnie Foundation property.



STAFF COMMENTS

This request involves the installation of a 230-foot radio communications tower to support a Public Safety Radio Communications System to upgrade the City's infrastructure and improve the service coverage throughout the community. The main portion of the tower and all antennas will be no taller than the proposed 230-foot height. However, there is a lightning rod and aircraft beacon that will be mounted on the top of the tower, for an absolute height of 237-feet. The Winchester Zoning Ordinance establishes several maximum telecommunications tower heights throughout the City of Winchester; however, the EIP district does not have a maximum tower height.

Part of the requirement of the public safety communications system is a federally mandated upgrade to the existing infrastructure that the City utilizes, and is a time sensitive request as well. The project was supposed to be completed by January 1, 2013; however due to technical issues with the process, the City received a one year extension until 2014.

Motorola responded to a City of Winchester Public Safety Radio Network RFP dated December 15, 2011. This was a competitive procurement. The City asked for four different possible options: Option A—Full 800MHz Trunking Radio Network, Option B—800MHz/VHF Hybrid System, Option C—VHF Compliant System and Option D—Alternative Solutions. Motorola chose to submit a proposal to the City of Winchester under the Option D—Alternative Solutions scenario. This enabled the City to provide a single site 800MHz trunking/VHF system that would meet or exceed the specifications set forth in the City's

RFP. In addition, the design ensures that the City will be able to utilize its portable radios in a 20db building which was one of the most important criteria in the RFP.

It was desired to keep the system design to a simplistic, single transmitter site which eliminates the need for duplicate infrastructure, building, generator, monitoring system, UPS, antenna, and line. Also, when introducing additional sites into the mix the City would have to incorporate simulcast technology most likely utilizing microwave. The additional items mentioned above translate into much higher costs for the City.

Motorola's goal was to present the City with mission critical, public safety solution that would meet the RFP specifications and be within the City's budget. The project committee felt that utilizing the Jefferson Street location, which had always been the City's antenna "farm," was the proper call based on the central location (eliminating additional sites) and the water tank already in place.

The current system used by the Winchester Police and Fire and Rescue departments has several technical limits that restrict their staffs from being able to have full and adequate coverage throughout their services areas. For example, the current system does not have adequate signal to penetrate larger buildings and buildings with thicker walls resulting in a loss of communication when police and firefighters enter certain buildings in the City. The proposed system will correct this deficiency.

A cultural survey was required to be conducted to determine what, if any, impacts there would be for the existing historic and cultural sites in the vicinity of the proposed tower. Several photographs were included in order to help illustrate that point.

At the end of the cultural report by CRI (Cultural Resources Inc.), it is important to note that while in a few areas of the City the tower will be visible, there was no adverse impact associated with the construction of this new tower on any of the historic properties surveyed.

Section 18-2-1.2 allows for CUP consideration of communications facilities in the EIP district. There are a number of requirements which must be met for proposed towers. Those requirements, along with staff comments on the applicant's compliance as demonstrated in the submitted materials, are as follows:

- 1) *All possible means for sharing space on existing towers or on existing building or other structures have been exhausted and no alternative other than constructing a new tower exists.*

The applicant notes in a letter dated July 8, 2013 that numerous alternative options were investigated throughout the City. The alternate options considered were utilization of existing telecommunications towers, construction of several towers throughout the City, and utilization of the existing elevated water tank. Each of the alternatives did not provide evidence that the alternatives would provide the design and operational criteria in a manner that was economically feasible for the City.

- 2) *The applicant has executed a Letter of Intent to share space on their tower and negotiate in good faith with other interested parties.*

As noted in the July 8, 2013 letter from the applicant, City Council instructed that this tower have adequate space on the facility to accommodate future placement of antennas as a means of sharing space.

- 3) *The tower height is no more than the minimum to accomplish required coverage.*

Originally the height of the tower was designed to be 250-feet. After further analysis, it was determined that a 230-foot tower would be able to achieve the requirements of the updated public safety communications system. There is no maximum height limitation for the EIP district provided in the Zoning Ordinance.

- 4) *The tower construction is of a design which minimizes the visual impact and the tower and other facilities have been camouflaged and/or screened from adjacent properties and rights-of-way to the maximum extent practicable.*

The tower is of a lattice-style design, which is necessary for the structural stability of the tower due to the height. The support equipment is proposed to be screened from the public right-of-way by a row of evergreen trees to help minimize the visual impact from the street.

- 5) *The proposal must provide for the retention of existing stands of trees and the installation of screening where existing trees do not mitigate the visual impact of the facility. Such screening must, at a minimum, meet the requirements of Section 19-5-6.4d of the Ordinance. The Planning Commission may recommend and the City Council may require additional trees and screening when the minimum provisions do not mitigate adverse visual impacts of the facility.*

The applicant is not proposing to eliminate any trees in the area. The support equipment will be located adjacent to the tower structure, with evergreen screening along the southern property boundary along Jefferson Street.

- 6) *The electromagnetic fields do not exceed the radio frequency emission standards established by the American National Standards Institute (ANSI) or standard issued by the Federal Government subsequent to the adoption of this Ordinance.*

The applicant will provide the necessary documentation to affirm that the proposal will meet the Federal Government frequency emission standards. Additionally, the tower proposal is undergoing review with the required FAA approvals for the proposed location and height of the structure. A warning beacon is required to be installed at the top of the tower facility. In the Electromagnetic Emissions (EME) report submitted to the City, the documentation shows that the proposed EME from the public safety communications tower will not exceed the acceptable exposure limits for the general public.

Staff believes that the proposal meets the requirements outlined in Section 18-2-1.2 of the Zoning Ordinance. The request, while proposed to be the tallest telecommunications tower structure in the City, will be the minimum needed in order to accomplish the requirements of the upgraded public safety communications system. Should the structure fail, there are no adjacent residences or occupied structures that are in danger of being in a "fall-zone." The applicant submitted a drawing that indicates that the proposed fall zone would be largely contained within the subject parcel of 700 Jefferson Street.

RECOMMENDATION

During their August 20, 2013 meeting, the Planning Commission forwarded **CU-13-372** recommending approval on a 4-2 vote, because the use, as proposed, should 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. The recommended approval is subject to the following conditions:

1. Submit an as-built emissions certification after the facility is in operation;
2. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use;



Timbrook Public Safety Center
231 East Piccadilly Street
Winchester, VA 22601

Telephone: (540) 545-4721
FAX: (540) 542-1314
Website: www.winchesterva.gov

July 8, 2013

Mr. Timothy A. Youmans, Planning Director
City of Winchester
Rouss City Hall
15 N. Cameron Street
Winchester, VA 22601

Re: Emergency Communications Project
Jefferson Street Extended Water Tower Site

Dear Mr. Youmans,

The City of Winchester is in need of a Public Safety Radio Communications System to upgrade the radio infrastructure of the city and provide service throughout the community. The infrastructure of this project involves several components one of which is a 230' radio communications tower to be located as indicated above.

The construction and establishment of a transmit/receive site for Public Safety Communications is the result of two studies performed by L. R. Kimball and Associates as authorized by the City of Winchester. The first of these studies was to determine the condition of the City's Public Safety Communications System while the second study involved the establishment of a conceptual design for a communications system that would support current and future Public Safety communications needs.

The first study found that the city had no true communications system but rather had multiple stove pipe systems each of which were inadequate to serve the community. The various stove pipe systems had insufficient frequencies, were undependable based on age and condition, did not provide redundancy of service and due to the age of the equipment were not candidates for an upgrade.

The second study was to determine the type of radio communications system that would best suit the City while providing a state of the art radio communications system for the City in a cost effective manner. After much discussion and research it was determined that a Project 25, digital, trunked system operating in the 800 MHz spectrum was the best option. While engaged in the design phase of the study it was determined that Federal Communications Commission regulations pertaining to the VHF frequency spectrum which the City currently utilized was subject to Narrowbanding requirements to which the City would be subject to by January 1, 2013. This regulatory issue further influenced the decision to convert to the 800 MHz spectrum as sufficient VHF frequencies were not available to support the City's radio communications requirements.

L. R. Kimball and Assoc. presented several design options from which a Request for Proposal (RFP) was crafted. The design specified that the radio communications system would be full service and provide 95%

*"To be a financially sound City providing top quality municipal services
while focusing on the customer and engaging our community."*

coverage, 95% of the time with a portable in a 20dB signal loss building coverage. The basic conceptual design identified the probable need for multiple transmit/receive sites but permitted respondents to the RFP flexibility in design if they guarantee the 95%, 95% 20dB coverage specifications. Motorola Solutions presented a design that would require a single transmit/receive site and guarantee radio coverage based on the design specifications. The original propagation studies identified design specifications would be provided by the installation of a 250' communications tower. Further design and environmental considerations were discussed and it was determined that design specifications would be met utilizing a 230' communications tower. The 230' communication tower was determined to be the minimum acceptable from an operational and environmental perspective. A single communications tower was preferred rather than multiple sites and towers as each additional site and tower was estimated to have an associated cost of \$750k to \$1.25m including the additional cost of simulcast equipment required to utilize multiple towers. The erection of a 230' communications tower is critical to the overall operational design and is considered to have the least overall environmental, aesthetic, and financial impact.

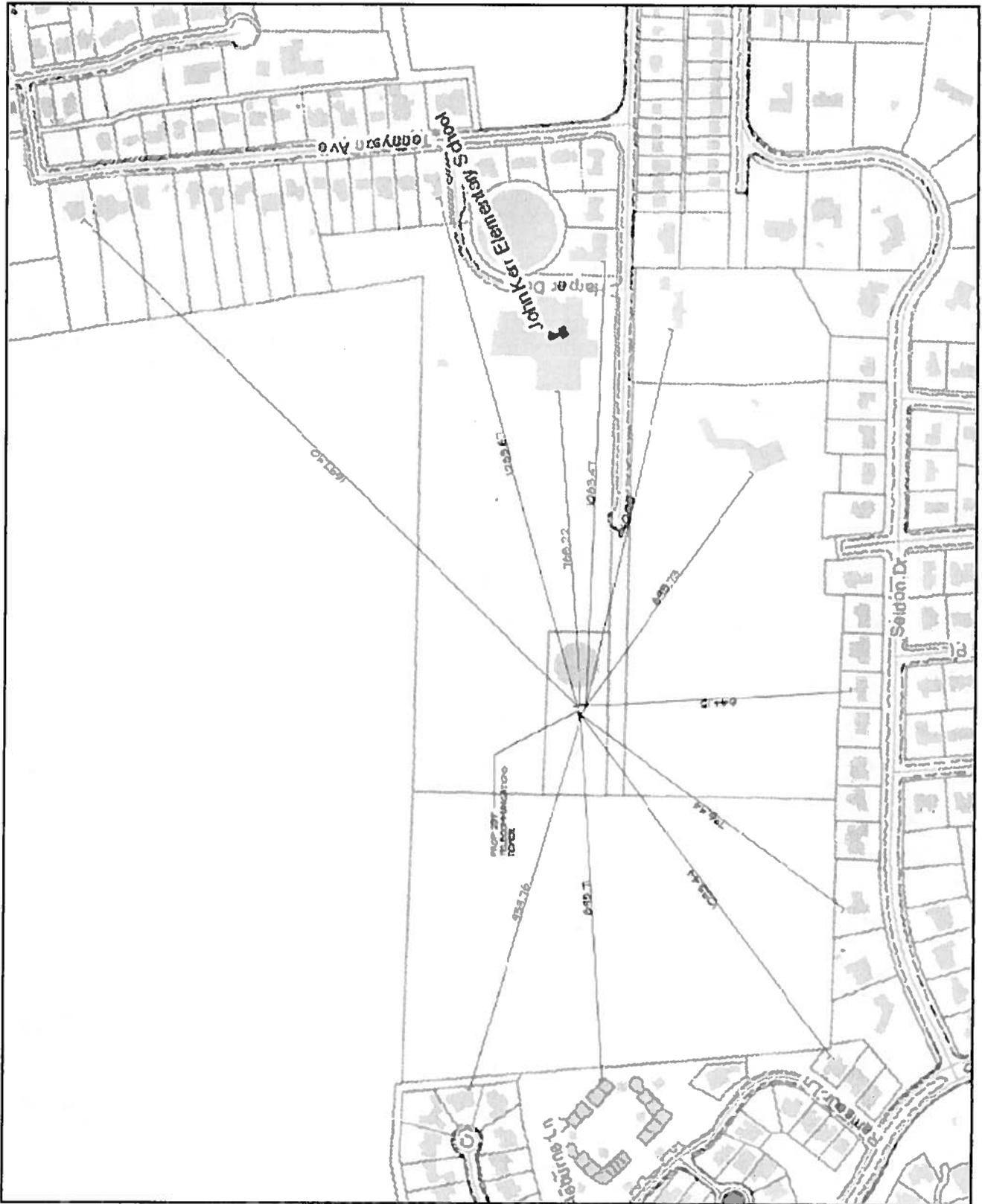
Consideration was given to alternatives other than multiple communications tower sites including but not limited to the utilization of existing communications towers, the utilization of the elevated tank as a supporting structure as well as multiple communications towers at various sites as identified above. In each case analysis of the alternatives did not provide evidence that the alternatives would provide the design and operational criteria in a manner that was economically feasible for the City.

City Council is cognizant of the need to protect resources while providing emergency communications and services to the community in an economically feasible manner. As a result of Council's fundamental values regarding this project they have instructed that the tower have the structural integrity to support the future placement of antennas as a means of sharing space. The current design addresses the desires of Council to share space thus reducing the need for additional communications towers within the City and providing a potential revenue stream. As of this date a letter of intent relating to sharing of space has not been distributed. However, discussions have been initiated with various concerns relating to the location and marketability of the proposed communications tower.

Motorola Solutions Inc. will provide all necessary information to the City of Winchester as it pertains to modeling a predictive electromagnetic exposure (EME) study. Motorola Solutions understands what information the Federal Communications Commission (FCC) Office of Engineering and Technology ([OET Bulletin 65 "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields"](#)) has asked in order to model the maximum permissible exposure (MPE). Motorola Solutions will submit the results to the City of Winchester, its consultant, or other parties identified in writing by the City of Winchester.

Respectfully,

Dale Iman, City Manager, Director of E. M.





MOTOROLA SOLUTIONS

**CITY OF WINCHESTER
Antenna Site Determination
August 15, 2013**

One or more of the Commissioners are interested in learning more about the site analysis and decision process that led to the selecting of this site on Jefferson Ave.

Motorola Solutions, Inc. (Motorola) Response:

Motorola responded to a City of Winchester Public Safety Radio Network RFP dated December 15, 2011. This was a competitive procurement. The City asked for four different possible options: Option A—Full 800MHz Trunking Radio Network, Option B—800MHz/VHF Hybrid System, Option C—VHF Compliant System and Option D—Alternative Solutions.

Motorola chose to submit a proposal to the City of Winchester under the Option D—Alternative Solutions scenario. This enabled us to provide a single site 800MHz trunking/VHF system that would meet or exceed the specifications set forth in the City's RFP. In addition, the design ensures that the City will be able to utilize its portable radios in a 20db building which was one of the most important criteria in the RFP.

We wanted to keep the system design to a simplistic, single transmitter site which eliminates the need for duplicate infrastructure, building, generator, monitoring system, UPS, antenna, and line. Also, when introducing additional sites into the mix the City would have to incorporate simulcast technology most likely utilizing microwave. The additional items mentioned above translate into dollars.

Motorola's goal was to present the City with mission critical, public safety solution that would meet the RFP specifications and be within the City's budget. We felt that utilizing the Jefferson Street location, which had always been the City's antenna "farm," was the proper call based on the central location (eliminating additional sites) and the water tank already in place.

For candidate sites reviewed please, refer to "APPENDIX C - CANDIDATE RADIO SITES" column "OPTION FOR NEW PUBLIC SAFETY SITE Yes/No, Why".

APPENDIX C - CANDIDATE RADIO SITES

COMMON NAME	ADDRESS	X/Y COORDINATES	GROUND ELEVATION	STRUCTURE HEIGHT	OWNER	AVAILABILITY	OPTION FOR NEW PUBLIC SAFETY SITE Yes/No, Why
Timbrook Public Safety Center	231 East Piccadilly Street	78-9-39.643 W 39-11-5.292 N	720'	50 ft tower	City of Winchester	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications. Tower will not structurally support additional antenna system.
Jefferson Water Tower	540 Jefferson Street	78-11-01.80 W 39-10-48.10 N	866'	150 Water Tower	City of Winchester	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications. (Note this location is best candidate for a new tower to meet the coverage specification with single site)
Frederick Douglas Elementary School	100 W. Cedarmeade Ave.	78-10-53.674 W 39-9-6.812 N	744'	Land only	Winchester Public Schools	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications.
Health Professionals Building	1775 North Sector Court	78-11-9.427 W 39-12-1.066 N	866'	83'	Valley Health Systems	Unknown	No. Site will not meet coverage specification and would require additional sites to meet specifications.
North Loudoun Parking Garage	50 East Fairfax Lane	78-9-50.584 W 39-11-16.306 N	728'	728' includes structure height at roof (NW corner)	Winchester Parking Authority	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications.
Winchester City Yards	310 E. Pall Mall Street	78-9-44.721 W 39-10-37.572 N	702'	Land only	City of Winchester, (Northeast of Spreader Storage Area)	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications.
Virginia Avenue Charlotte DeHart Elementary School	550 Virginia Ave.	78-9-8.052 W 39-11-20.829 N	712'	Land only	Winchester Public Schools (North of School Parking Lot)	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications.

John Handley High School	425 Handley Blvd..	78-10-41.366 W 39-10-42.935 N	852'	Land only	Winchester Public Schools	Available	No. Site will not meet coverage specification or would require additional sites to meet specifications.
Active Living Center/War Memorial Building	1001 East Cork Street	78-9-18.867 W 39-10-29.826 N	716'	Land only	City of Winchester	Available	No. Site will not meet coverage specification or would require additional sites to meet specifications.
Shentel Stadium	1122 Ralph Shockey Drive	78-9-13.96 W 39-9-57.065 N	853'	Land only	Shenandoah University outside city limits	Unknown	No. Site will not meet coverage specification or would require additional sites to meet specifications.
Shentel Tower	701 Fairmont Ave	78-10-9.173 W 39-11-57.389 N	870'	201'	National Fruit Products	Unknown	No. Site will not meet coverage specification or would require additional sites to meet specifications.



July 26, 2013

Mr. Andrew Hendricks, P.G.
Geo-Technology Associates, Inc.
43760 Trade Center Place, Suite 110
Sterling, Virginia, 20166

RE: Architectural Visual Effects Survey for the Proposed City of Winchester
Telecommunications Tower, Winchester, Virginia

Dear Mr. Hendricks:

A review of the materials available in the VDHR site files for architectural resources within the APE for the proposed City of Winchester telecommunications tower located at 700 Jefferson Street in Winchester, Virginia was conducted in preparation for the field survey. The purpose of the file review was to determine if any of the previously recorded resources within the APE for visual effects were eligible for or listed on the National Register of Historic Places (NRHP) and if so to determine if the proposed cellular installation would adversely affect these resources. The research determined that 21 recorded architectural resources were within the APE and that four resources Willow Grove (034-0089), Willow Grove (Jacob Baker House) (034-0090), The Third Battle of Winchester (034-0456) and the Second Battle of Winchester (034-5023) have been determined eligible for listing on the NRHP, and six resources Glen Burnie (138-0008), Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004) are listed on the NRHP; the remaining resources have not been evaluated or have been determined not eligible for listing on the NRHP. Six of those resources have not been individually evaluated but are noted as contributing to the Winchester Historic District (Figures 1-5; Table 1). The review of these architectural resources was conducted by Ellen M. Brady, President and Sandra DeChard, Senior Architectural Historian. A site visit to the project area was conducted by Taft Kiser and Tracey McDonald on July 3, 2013. Visual assessment analysis and determination of visual effect were conducted by Ellen M. Brady, Senior Principal Investigator with assistance from Ms. DeChard.

The investigations were conducted with reference to state (*Guidelines For Conducting Historic Resource Survey in Virginia* (Virginia Department of Historic Resources {VDHR} 2011) and federal guidelines (*Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* [United States Department of the Interior {USDI} 1983]) as well as in accordance with the *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process* effective March 7, 2005.

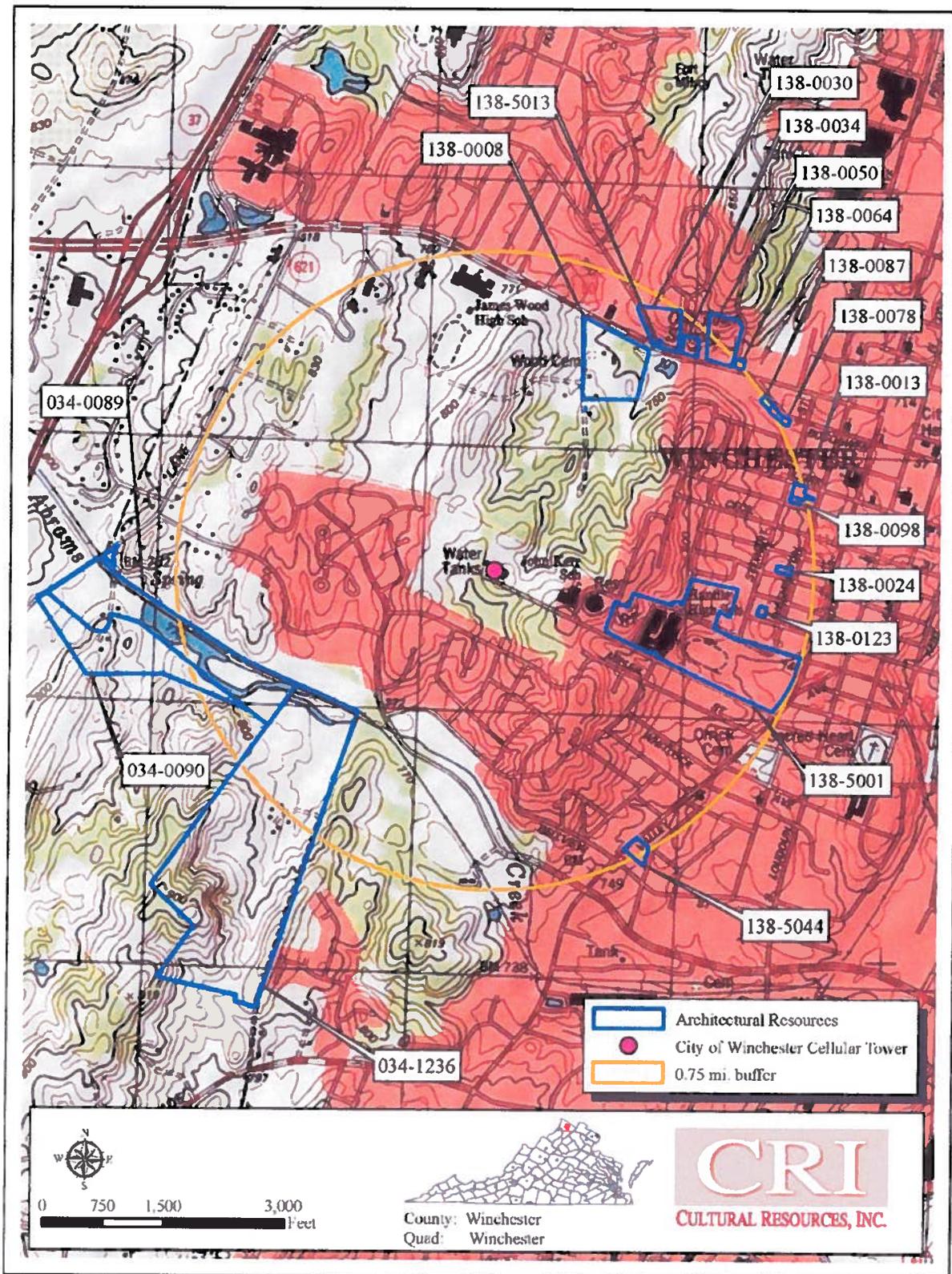


Figure 1. Individual Architectural Resources within the APE for Visual Effects.

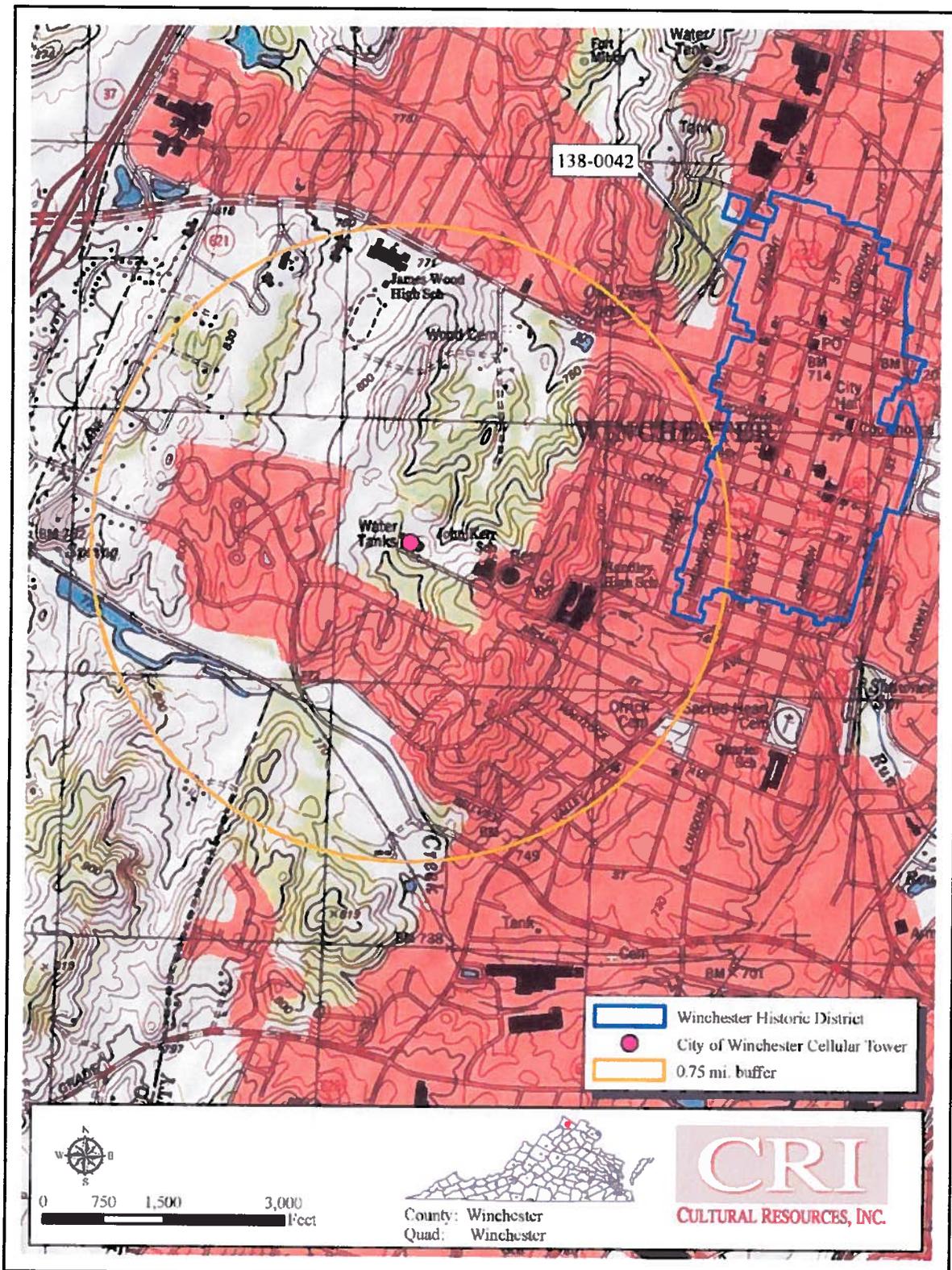


Figure 2. Historic Districts within the APE for Visual Effects.

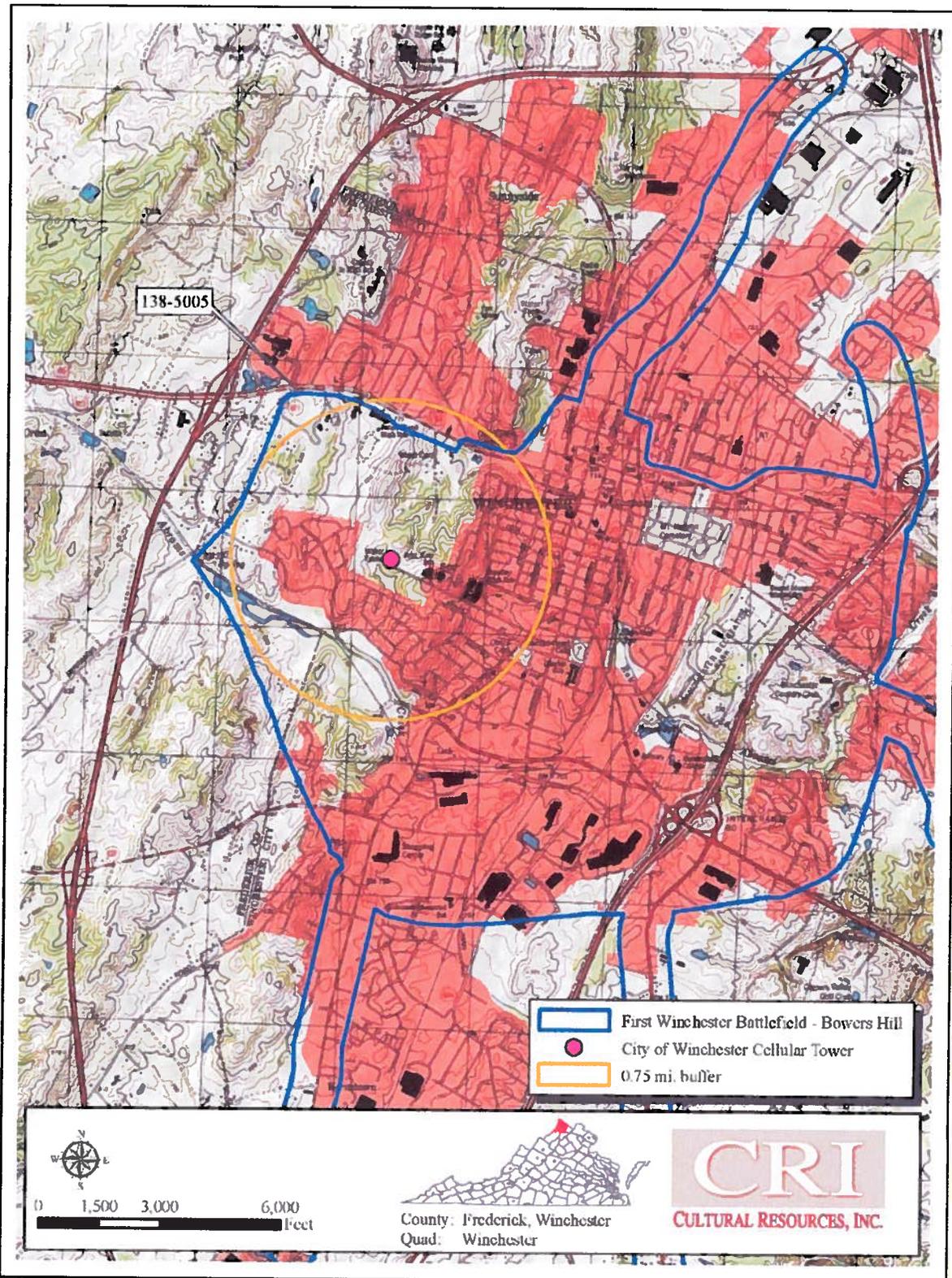


Figure 3. Battlefields (First Winchester Battlefield) within the APE for Visual Effects Historic Districts.

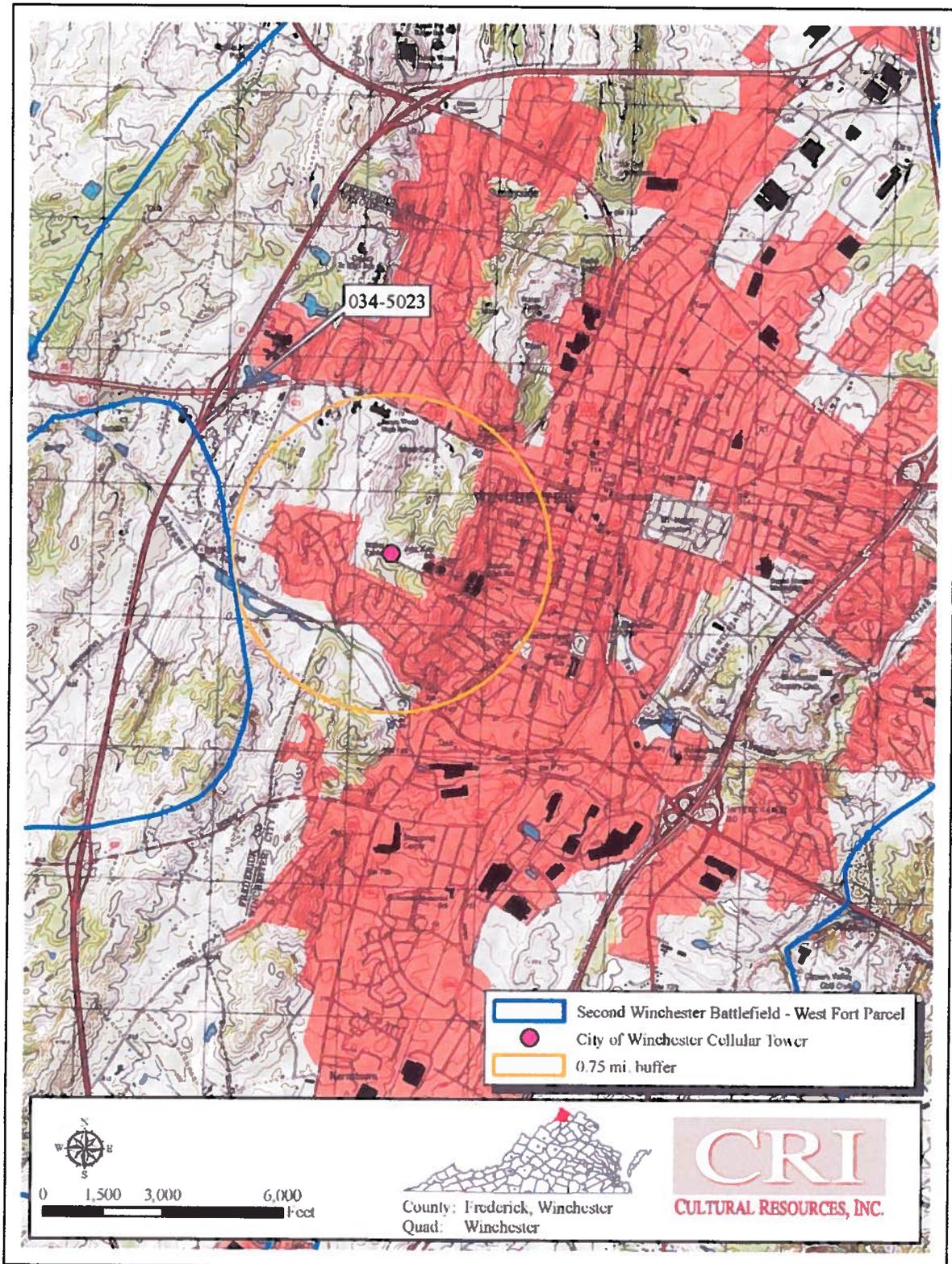


Figure 4. Battlefields (Second Winchester Battlefield) within the APE for Visual Effects Historic Districts.

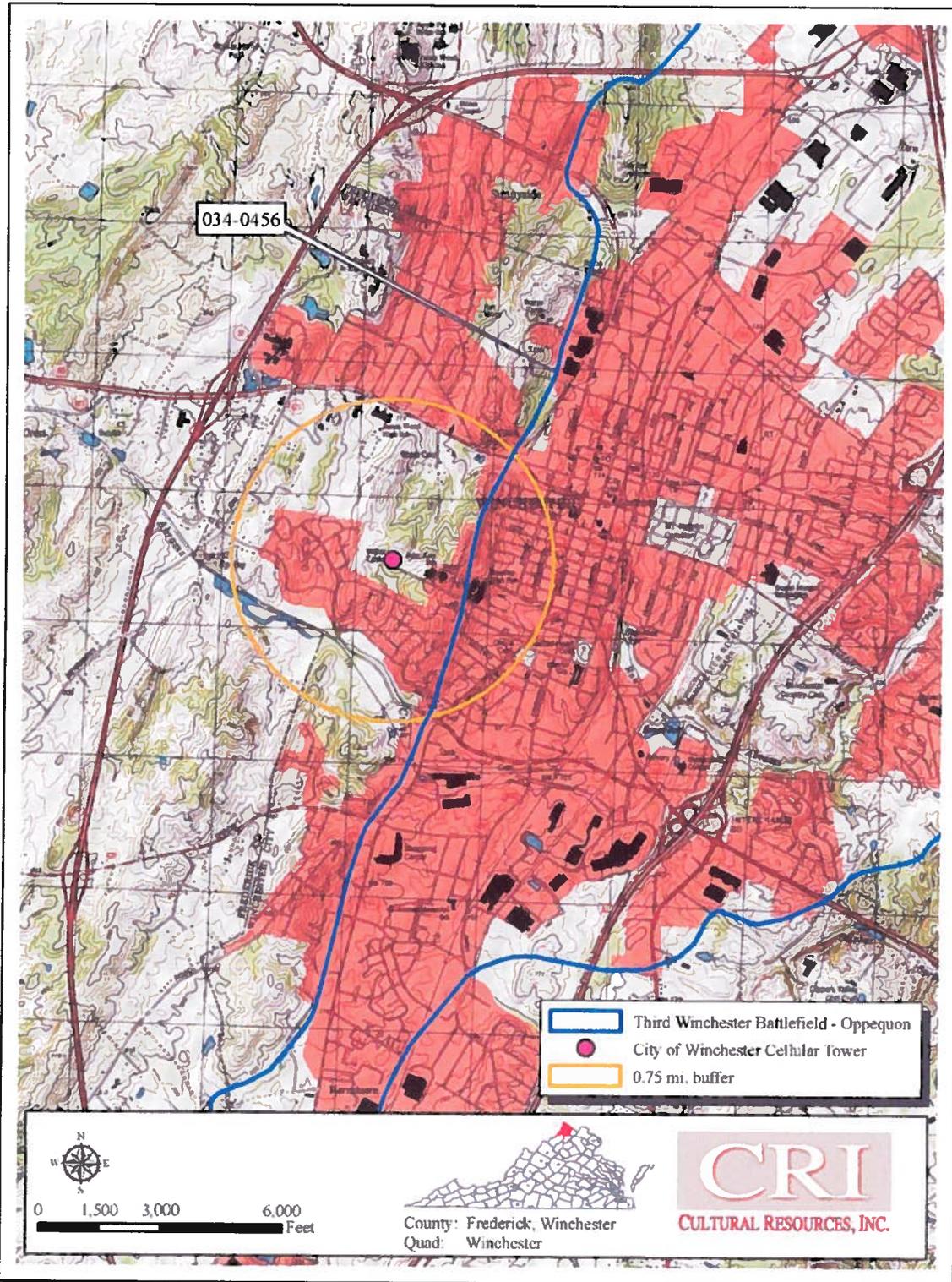


Figure 5. Battlefields (Third Winchester Battlefield) within the APE for Visual Effects Historic Districts.

Table 1. Previously Recorded Architectural Resources within APE

DHR No.	Property Name	Eligible/Listed	Notes
034-0089	Willow Grove	Y	Eligible
034-0090	Willow Grove (Jacob Baker House)	Y	Eligible
034-0456	Third Battle of Winchester (Oppequon Battlefield)	Y	Eligible
034-1236	Penbrook-Cove Farm (Thomas Cook House)	N	Not Eligible- Primary Resource Destroyed
034-5023	Second Winchester Battlefield (Apple Pie Ridge/West Fort Parcel)	Y	Eligible
138-0008	Glen Burnie	Y	NRHP
138-0013	Col. Richard E. Byrd House (Mackey)	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0024	Ward House, 521 S Washington St	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0030	Hawthorne	Y	Eligible
138-0034	Hexagon House	Y	NRHP
138-0042	Winchester Historic District and Boundary Increase	Y	NRHP
138-0050	House, 514 Amherst Street (Selma)	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0064	Building, 338 Amherst Street	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0078	Winchester Little Theatre (Penn Central Train Depot), 317-21 W Boscawen	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0087	Building, 325-31 W Boscawen	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0098	House, 216 W Clifford	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0123	House, 216 W Pall Mall St	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-5001	Handley High School	Y	NRHP
138-5005	First Winchester Battlefield (Winchester I/Bowers Hill)	N	Not Eligible
138-5013	Old Town Spring (Federal Spring)	N	Not Evaluated
138-5044	Coca-Cola Bottling Plant, 1720 Valley Avenue (Rt 11)	Y	NRHP

Summary of Architectural Resources Considered for Visual Effects Assessment

Ten architectural resources within the APE, Willow Grove (034-0089), Willow Grove (Jacob Baker House) (034-0090), The Third Battle of Winchester (034-0456) and the Second Battle of Winchester (034-5023), Glen Burnie (138-0008), Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and

the Coca-Cola Bottling Plant (138-5004), met the criteria for visual assessment. The remaining resources have not been evaluated individually or have been determined not eligible for listing on the NRHP.

Willow Grove (034-0089)

There is little information in the site form for this resource other than it is associated with the Jacob Baker House and was determined eligible in 1987.

Willow Grove/Jacob Baker House (034-0090)

This mid-19th century Greek Revival brick dwelling was built ca. 1848, however, it is possible that this is not the original Baker family residence. The family acquired the land in 1755 and probably had their original home on or near the site of the current house. The house was determined eligible under Criterion C for Architecture (VDHR Site Form).

Third Battle of Winchester (034-0456)

On the morning of September 19th, Sheridan began moving west toward Winchester, sending Brigadier General James H. Wilson's cavalry across Opequon Creek down the Berryville Pike. Confederate General Ramseur had focused his men on the western side of the canyon closer to Winchester, leaving the eastern entrance vulnerable with only pickets that were easily overrun. The three Union infantry corps arrived after the delayed movement along the Pike, and joined the already engaged cavalry of Wilson in moving on the Confederate front. Just before noon, Union Generals Grover, Ricketts, and Getty advanced in that order from right to left on Generals Gordon, Rodes, and Ramseur along the Confederate line. Grover's XIX Corps had a brief breakthrough against Gordon's Division, but were eventually counterattacked, resulting in close to 1,500 casualties for the Federals in less than an hour (Kennedy 1998:315). Ramseur was briefly pushed back by the VI Corps until Rodes came from the rear to stop the advance. Union General Russell's men counterattacked Rodes to stop the Confederate push, resulting in the deaths of both General Rodes and Russell (Kennedy 1998:315, Salmon 2001:362).

By late afternoon Sheridan chose to press the matter by sending General George Crook's two divisions of the VIII Corps to attack the left flank of Gordon. Crook's men drove the Confederate left flank back to the north of Red Bud Run, creating an open hole for Sheridan's cavalry to push through and attack at the height of the infantry combat. Meanwhile US Captain Henry DuPont's eighteen cannons assaulted Gordon from a hill opposite his position, allowing the Union infantry to push the Confederates beyond Red Bud Run near the Hackwood House, and back towards Winchester (Kennedy 1998:316, Salmon 2001:362). By nightfall Winchester was in Union control, leaving Sheridan victorious but at a cost of over 5,000 Union casualties. The Confederates lost over 3,600 men, but Early's Army remained intact near Strasburg at Fisher Hill (Kennedy 1998: 316). The Battlefield has been determined eligible and is located east of the proposed tower. The PotNR area defined by ABPP is located well outside the APE and located east outside of the City of Winchester.

Second Battle of Winchester (034-5023)

Confederate Gen Robert E. Lee ordered Gen. Ewell to clear the northern Shenandoah Valley of Federal opposition after the Battle of Brandy Station, June 9, 1863. Ewell's forces converged on Winchester's garrison commanded by Gen. Milroy. Milroy was determined to make a stand

in the supposedly strong fortifications west and north of town. Fighting occurred on the afternoon on June 13, 1863 but on June 14th the Confederate Louisiana Brigade captured the West Fort leaving Milroy in an untenable position. After dark, Milroy abandoned his remaining entrenchments in an attempt to retreat to Charles Town. Confederate Gen. Edward "Allegheny" Johnson's division marched at night and before daylight of June 15th they cut off Milroy's retreat just north of Winchester at Stephenson's Depot. More than 2500 Federals surrendered. The proposed tower is located within a core area of the battlefield, however this portion of the battlefield does not retain integrity and the PotNR defined area for this battlefield is located North of the proposed tower and the City of Winchester.

Glen Burnie (138-0008)

Glen Burnie was the seat of James Wood, Sr., who is believed to have built a log building with stone chimneys on this site about the time of his marriage to Mary Rutherford in 1738. The main section of the present structure was built by Robert Wood, the youngest son of Col. James Wood, according to family records. The current owner, Mr. Julian W. Glass, believes that a part of the house dates to the original building. The first meetings of the Frederick County Court (organized in 1743) were held in James Wood's "Office" in the yard at Glen Burnie. James Wood served as the Clerk of the Frederick County Court until his death in 1759. In 1744 Col. Wood requested permission of the county justices to lay off a number of lots for a town, first called Opequon, then Frederick Town and finally Winchester (VDHR Site Form). Glen Burnie is listed on the NRHP under Criteria A and C.

Hawthorne (138-0030)

Hawthorne is a Late Georgian- to Federal-style stone dwelling located on an approximately five-acre parcel on Amherst Street in the western portion of the City of Winchester, Virginia. The main portion of the house was constructed ca. 1811 and rests on parts of an 18th-century foundation. The surviving foundations likely date from the ownership of James Wood, Jr., son of Winchester's acknowledged founder, Col. James Wood. The present building dates from the first decade of the 19th century and was one of a few residences reported to have been constructed in Winchester by builder Lewis Barnett. In addition to the main dwelling is the ca. 1816 springhouse and spring, a site that from its earliest years helped to define the estate. Hawthorne is eligible for the National Register at a local level under Criteria A, B, and C for its local significance as well as its architecture (VDHR Site Form). The resource was listed on the NRHP in June of 2013.

Hexagon House (138-0034)

The Hexagon House is located at 530 Amherst Street in the city of Winchester. Built between 1871-1873, the two-story, five-course American bond brick structure is covered by a low pitch roof. In plan the building is hexagonal with a central chimney serving corner fireplaces on the first and second floors. The Hexagon House, is significant as the only 19th century hexagonal house standing in Virginia. The building was partially influenced by Orson S. Fowler's "A Home for All, or the Gravel Wall Mode of Building" (1853), a handbook that popularized the polygonal house as the most practical, economical and healthful in plan for Americans. In keeping with Fowler's recommendation, the Hexagon House has ventilators in the principal rooms to remove "bad" air. (VDHR Site Form and NRHP Nomination). The House was listed under Criterion C for its architectural significance.

Winchester Historic District (138-0042)

The Winchester Historic District is approximately forty-five city blocks in size and envelopes both commercial and residential properties. The district follows a grid plan, eighty percent of which lies within the city boundaries set following the Wood and Fairfax additions of 1758 and 1759. The district is bordered to the east by the Town Run, the railroad line, the Mt. Hebron Cemetery, and a small industrial tract. The northern boundary follows historic city limits. Notable examples of buildings within the district include a series of late 19th-century Italianate houses on the west side of the 300 block of N. Braddock, Stonewall Jackson's Headquarters (Gothic Revival, 1854, 415 N. Braddock), "Fairmont" (Georgian, 1812, 1830; 311 Fairmont), AME Church (vernacular Gothic Revival, 1878, 428 N. Loudoun), and 303 and 445 Fairmont (Italianate, ca. 1875-1880) (VDHR Site Form and NRHP Nomination). In 2003 and 2012 extensions to the historic district were proposed. Current mapping does not appear to reflect the most recent boundary expansions however individual resources noted to be contributing to the historic district outside the mapped boundary were considered during the evaluation.

Handley High School (138-5001)

John Handley High School is situated on a hill overlooking a broad park-like campus in a residential area southwest of the central business district of the city of Winchester, Virginia. The property is bounded by Valley Avenue to the east, Jefferson Street to the south, Tennyson Avenue to the west, and Handley Boulevard to the north. John Handley High School is one of the most impressive Neoclassical Revival schools in Virginia. Designed by Cleveland, Ohio, architect Walter R. McCornack, the school was completed in 1923. Handley High School is noted as an outstanding example of the Neoclassical Revival style. Handley High School is also significant in the history of education in Virginia. Believed to be the first and only privately endowed public school in the Commonwealth, the school was constructed with proceeds from a private trust given to the City of Winchester by Judge John Handley of Scranton, Pennsylvania (VDHR Site Form and NRHP Nomination). The Handley High School is listed under Criteria A and C.

Coca-Cola Bottling Plant (138-5044)

The Coca Cola Bottling Works building, located at 1720 Valley Avenue in Winchester, Virginia, was constructed in 1940-1941. The complex was used to bottle Coca-Cola and eventually became a Coca-Cola distribution center before closing in 2006. The building retains architectural integrity with few alterations to the original section, although a rear, one-story, brick wing was added in 1960 and a large, two-story, brick-veneered, concrete-block warehouse wing was built in 1974. The original two-story, four-bay, brick building is in the Art Deco style, popular for commercial buildings of the era. The building was designed by Davis & Platt, Inc., a building contractor based in Washington, DC. The period of significance is 1940-1957 (VDHR Site Form and NRHP Nomination). The resource was listed under Criteria A and C.

Visibility Evaluation

During the field survey portion of the project, an overall visual assessment was conducted to obtain a general view of the surrounding landscape. To facilitate the viewing of the proposed emergency communications tower site from vantages within the APE a weather balloon was lifted to the height of the proposed emergency communications tower on the proposed tower site.

The balloon test served to simulate the height and location of the proposed emergency communications tower and provided a quantitative measure of visibility of the installation. The balloon was extended to 250 feet, the height of the proposed self-support tower. A second balloon was flown at 200 feet for scale and stability. The purpose of the test was to determine if the proposed tower would be visible from the four NHRP-eligible resources including Willow Grove (034-0089), Willow Grove (Jacob Baker House) (034-0090), The Third Battle of Winchester (034-0456) and the Second Battle of Winchester (034-5023), and the six NRHP-listed resources Glen Burnie (138-0008), Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004) within the defined 0.75-mile APE for visual effects.

Photographs were taken from thirty-eight locations across the APE to cover all the resources within the APE. Due to overlapping resources photos are referenced by street location and not resource number except when current photos of resources were taken where possible. Table 2 lists the resources with reference to photo locations and photo numbers and tower visibility.

Table 2. Table of Recorded Architectural Resources within APE and Photo Locations and Photo Numbers.

DHR No.	Property Name	Eligible/Listed	Photo Location	Visible	Photo #
034-0089	Willow Grove	Y- Eligible	No Access within APE Closest Photo Location at similar elevation is 14	No	42
034-0090	Willow Grove (Jacob Baker House)	Y- Eligible	No Access within APE Closest Photo Location at similar elevation is 37	No	55
034-0456	Third Battle of Winchester (Opequon Battlefield)	Y- Eligible	2-6; 24-35	No	1, 3-5, 7-9, 11, 13-14, 17, 20, 23, 34-36, 53
034-1236	Penbrook-Cove Farm (Thomas Cook House)	N – Not Eligible Destroyed	No Access within APE closest photo location is 36	No	49
034-5023	Second Winchester Battlefield (Apple Pie Ridge/West Fort Parcel)	Y- Eligible	All	Only from 4 locations- 12, 17, 19, 38	1-5; 7-10; 11; 13-14; 17; 20; 23; 25; 27; 29; 31-55
138-0008	Glen Burnie	Y-NRHP	19; 20; 21	Only from 19	28-33

DHR No.	Property Name	Eligible/Listed	Photo Location	Visible	Photo #
138-0013	Col. Richard E. Byrd House (Mackey)	N- Contributing to HD	28	No	16-17
138-0024	Ward House, 521 S Washington St	N- Contributing to HD	31	No	12-13
138-0030	Hawthorne	Y-NRHP	21; 22; 23	No	25-27; 29
138-0034	Hexagon House	Y-NRHP	23	No	24-25
138-0042	Winchester Historic District and Boundary Increase	Y- NRHP	28; 31; 32	No	10-13; 15-17
138-0050	House, 514 Amherst Street (Selma)	N- Contributing to HD	24	No	21; 23
138-0064	Building, 338 Amherst Street	N- Contributing to HD	24	No	22-23
138-0078	Winchester Little Theatre (Penn Central Train Depot), 317-21 W Boscawen	N- Contributing to HD	25	No	18; 20
138-0087	Building, 325-31 W Boscawen	N- Contributing to HD	25	No	19-20
138-0098	House, 216 W Clifford	N- Contributing to HD	28	No	15; 17
138-0123	House, 216 W Pall Mall St	N- Contributing to HD	32	No	10-11
138-5001	Handley High School	Y-NRHP	1; 33-35	No	1-2; 4-5
138-5005	First Winchester Battlefield (Winchester I/Bowers Hill)	N-Not Eligible	1-17; 20-21; 23-38	Only visible from 12, 17 & 38	1-5; 7-9; 11; 13; 14; 17; 20; 23; 25-31; 34-36; 38-55
138-5013	Old Town Spring (Federal Spring)	N-Not Evaluated	21	No	28-29
138-5044	Coca-Cola Bottling Plant, 1720 Valley Avenue (Rt 11)	Y- NRHP	4-6	No	6-9

During the site visit and balloon test it was determined that the balloon was barely visible from Photo Locations 12, 17 and 19 and visible from Location 28 (Photos 32, 38, 43, and 54). Photo simulations were done from the locations where the balloon was visible (Photos 33, 39, 44, 45). The tower will not be visible the majority of the locations. Two resources Willow Grove (034-0089), Willow Grove (Jacob Baker House (034-0090) have their primary resources located outside of the APE and public access was not available to the portion of the property that falls within the APE. Photos taken at the same elevation close to the edge of the APE indicate that the tower will not be visible from these two resources. The tower will not be visible from Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042) or any of the contributing resources to the historic district included those outside the mapping district boundary, Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004).

The proposed tower is located south of Glen Burnie (138-0008), and will be slightly visible from the northwest corner of the NRHP listed boundary. The proposed tower will not be visible from other locations on the property and will not be visible from the Museum of the Shenandoah Valley located just outside the boundary.

The proposed tower falls within two battlefields (First Battle of Winchester (138-5005) and the Second Battle of Winchester (034-5023) and a third battlefield (Third Battle of Winchester (034-0456)) is located within the APE. The First Battle of Winchester has been recommended not eligible for listing the NRHP. The Second Battle of Winchester has been determined eligible for listing on the NRHP. The proposed tower location falls within the core area, as defined by the Civil War Sites Advisory Commission and American Battlefield Protection Program (ABPP) for both battlefields. In 2009 ABPP evaluated all battlefields in Virginia and defined potential National Register boundaries for the battlefields (PotNR). No PotNR areas were defined for the First Battle of Winchester. A PotNR was defined for the Second Battle of Winchester but is located well north of the proposed tower location and the City of Winchester. The Third Battle of Winchester is located east of the proposed tower location. The PotNR area for the Third Battle of Winchester is located east of the City of Winchester and does not fall within the APE. The tower will not be visible from locations within the Third Battle of Winchester within the APE. The proposed tower will be slightly visible from a few locations within the Second Battle of Winchester.

The data gathered during the site visit indicated, that the tower is located such that tree cover and topography makes it not visible from the NHRP- eligible resources Willow Grove (034-0089), Willow Grove (Jacob Baker House (034-0090), The Third Battle of Winchester (034-0456), and NRHP listed properties Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004). The tower will be slightly visible from the northwestern corner of boundary of Glen Burnie (138-0008) but will not be visible from the remainder of the property. The tower will be slightly visible from a few locations within the Second Battle of Winchester (034-5023). However, large portions of the surrounding area, and within the battlefield boundaries, are developed, particularly south and east of the proposed installation. It is recommended that the proposed emergency communications tower will have **no adverse effect** on the four NHRP-eligible resources Willow Grove (034-0089), Willow Grove (Jacob Baker House (034-0090), The Third Battle of Winchester (034-0456) and the Second Battle of Winchester (034-5023), and the six NRHP- listed resources Glen Burnie (138-0008), Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004).

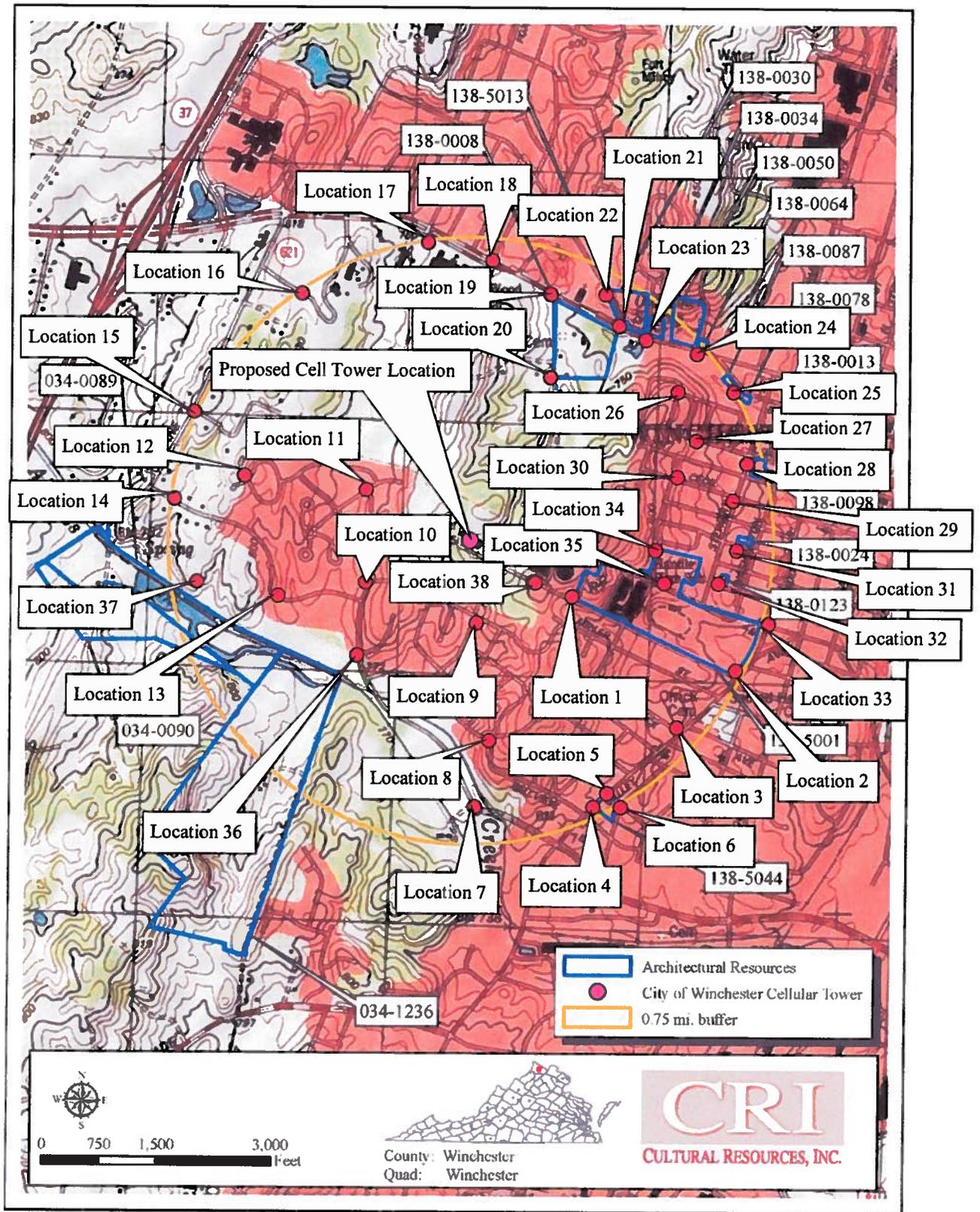


Figure 6. Map Key Showing Location of Photographs.

Conclusions

View shed analysis of the NHRP- eligible resources Willow Grove (034-0089), Willow Grove (Jacob Baker House) (034-0090), The Third Battle of Winchester (034-0456), and NRHP-listed properties Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004), within the APE, determined that the proposed 250 foot City of Winchester emergency telecommunications tower located at 700 Jefferson Street in Winchester, Virginia will not be visible from the NHRP- eligible resources Willow Grove (034-0089), Willow Grove (Jacob Baker House) (034-0090), The Third Battle of Winchester (034-0456), and NRHP listed properties Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004). The tower will be slightly visible from the northwestern corner of boundary of Glen Burnie (138-0008) but will not be visible from the remainder of the property. The tower will be slightly visible from a few locations within the Second Battle of Winchester (034-5023), however these views do not adversely affect the resource. It is recommended that the proposed tower will have **no adverse effect** on the above resources. Should you have any questions or would like additional information, please do not hesitate to contact me at 757-626-0558 or by email at ebrady@culturalresources.net.

Sincerely,



Ellen M. Brady
President



MOTOROLA SOLUTIONS

**City of Winchester, Virginia
Electromagnet (EME) Assessment**

August 15, 2013

Attached is the Motorola Solutions, Inc EME assessment that provides the estimation of EME Exposure and compliance.

Summary of estimated EME and compliance:

The proposed antenna systems at the Jefferson site are estimated compliant with 800 MHZ, PTP (Point to Point Microwave), VHF and Low Band antennas.

Please refer to the document "City of Winchester, Virginia - EME ASSESSMENT" dated August 14, 2013 for regulations used and data.

Pieter Jansen
Project Manager
Motorola Solutions, Inc



City of Winchester, Virginia - EME ASSESSMENT

August 14th 2013

Executive Summary

A computational assessment was carried out to provide an estimation of the EME exposure and compliance distances from the City of Winchester antennas and associated transmitters, relative to the *new* communication system described in the following.

The compliance is established with respect to the US FCC regulations [1]. The assessment was carried out using the methodologies specified in [1]-[2]. The following table provides the compliance distances for *general public* and *occupational-type* exposure at the Jefferson Tower Site for the City of Winchester, Virginia:

800 MHz antenna	Locations facing the antennas	Ground level
General public exposure	1.0 m (39")	All locations compliant
Occupational-type exposure	0.2 m (8")	All locations compliant

PTP antenna	Locations facing the antennas	Ground level
General public exposure	3.0 m (9' 10")	All locations compliant
Occupational-type exposure	0.1 m (4")	All locations compliant

VHF antenna	Locations facing the antennas	Ground level
General public exposure	1.87 m (6' 2")	All locations compliant
Occupational-type exposure	0.38 m (15")	All locations compliant

Low Band antenna	Locations facing the antennas	Ground level
General public exposure	1.28 m (4' 2")	All locations compliant
Occupational-type exposure	0.31 m (1' 7")	All locations compliant

The above compliance distances are typically much greater than those that would be predicted to really be needed if an actual measurement were performed for the site using an actual Specific Absorption Rate (SAR) analysis. SAR is a more accurate measure of exposure and is the basic measurement for exposure under the US FCC regulations [3]. However, SAR is much more

City of Winchester, Virginia - EME ASSESSMENT

complicated to estimate (measurements or electromagnetic simulations) than free-space fields or the equivalent power density. Thus in this case the simpler, practical approach to compute the compliance distance based on the analytical estimation of power density is used.

Antenna Site Information

The transmit system at the Jefferson Tower site features four types of transmit antennas in different configurations.

The 800 MHz system features 1 antenna (Sinclair SC479-HL1LDF) installed at 196' above ground level on the south leg of the tower. It is connected through a 4 dB loss combiner/splitter and a 3.2 dB loss cable, fed by a 6-channel GTR8000 repeater system with 100 W per channel output power. Six RF channels feed the single antenna. Taking into account the mentioned losses and the 50% duty-cycle due to the PTT transmit mode, the forward RF power at this antenna connector is about 57.2 W.

The PTP system features 2 antennas (Cambium 85010089003); one is installed at 163' and the other at 168' above ground level on the north leg of the tower. The transmitter is attached directly to the antenna (dish), so the cable loss is negligible. The forward power of the PTP 800 transmitter is approximately 1.0 W.

The VHF system features 1 antenna (Sinclair SC229-SFXLDF) installed at 178' above ground level on the north leg of the tower. It is connected through a 6 dB loss combiner/splitter and a 1.8 dB loss cable, fed by a 5-channel MTR3000 repeater system with 100 W per channel output power. Five RF channels feed the single antenna. Taking into account the mentioned losses and the 50% duty-cycle due to the PTT transmit mode, the forward RF power at this antenna connector is about 68.8 W.

The Low Band system features 1 antenna (RFS 1142-2BN2) installed at 97' above ground level on the north leg of the tower. It is connected with a 0.6 dB loss cable, fed by a single channel base station. Taking into account the mentioned loss and the 50% duty-cycle due to the PTT transmit mode, the forward RF power at this antenna connector is about 33 W.

TX Antennas

Sinclair SC479-HF1LDF: Omni-directional antenna, with 9.0 dBd gain, about 6-degree vertical beamwidth, and a 2 degree down-tilt. Data sheet is attached.

Cambium Networks 85010089003: Directional antenna, with 37.0 dBd gain, about 2.2-degree vertical beamwidth, no down-tilt. Data sheet is attached.

Sinclair SC229-SFXLDF: Omni-directional antenna, with 6.0 dBd gain, about 17- degree vertical beamwidth, no down-tilt. Data sheet is attached.

RFS 1142-2BN: Directional antenna, with 2.1 dBd gain, about 75- degree vertical beamwidth, no down-tilt. Data sheet is attached.

City of Winchester, Virginia - EME ASSESSMENT



Antennas
700-1000 MHz Antennas
SC479-HL - PIM Certified Series

SC479-HLDF100-E50D8 Collinear omni, 9 dBd, HD Nut F&L 74.8-880 MHz

- Covers the 740-880 MHz frequency range
- Higher power handling capability
- Optimized nut fit for coverage enhancement
- Recommended using the SINCR-335-A3 side mounting kit

Recommend **SMK-325-A3** or **SMK-325-A7** for Offset Side Mount Available from Sinclair separately

The broadband heavy duty omni-directional antenna covers the entire 740-880 MHz frequency range. It is constructed to minimize intermodulation products in multi-carrier systems. It is ideal for applications requiring a broad band antenna with limited tower space.



Antennas
Low Band, Aviation, and VHF Antennas
SC229-L - PIM Certified Series

SC229-9FXLDFX000 Collinear omni, 6 dBd, low PIM, 138-225 MHz

- Approved fiberglass antenna designed to withstand severe environmental conditions
- 6 MHz bandwidth with VSWR of 1.2:1, Low PIM
- SMK-225A3 or SMK-225A7 recommended for side mounting

Recommend using **SMK-225-A3** or **SMK-225-A7** kits when side mounting antenna. Available from Sinclair separately.

The SC229-L series of antennas have been specifically designed for VHF applications requiring high performance, excellent and exceptional electrical and mechanical specifications. This series of omni-directional antennas are constructed of a rugged fiberglass radome which allows them to withstand severe environmental conditions.

It is enclosed in fiberglass radome with lightning spikes projecting through the top of the radome to protect the antenna from lightning strikes. This series of antenna also utilizes a tapered radome, which results in less wind resistance, decreases the overall weight, and results in less deflection in high wind speeds.

The SC225-L is also high-performance low PIM collinear omni's which use industry leading designs that offer high gain, excellent bandwidth and high reliability.



www.sinclartech.com

www.sinclartech.com

Region	United States	Europe	India	China	Japan	South Korea	Other
Telephone	USA 1 800 363 2279	International +44 (0) 1487 84 20 19	International +1 903 726 7679	Canada 1 800 363 2279	International +1 903 726 7679	International +1 903 726 7679	International +1 903 726 7679
E-mail	usa@sinclartech.com	uk@sinclartech.com	usa@sinclartech.com	usa@sinclartech.com	usa@sinclartech.com	usa@sinclartech.com	usa@sinclartech.com
Headquarters	1000 10000	1000 10000	1000 10000	1000 10000	1000 10000	1000 10000	1000 10000

Region	United States	Europe	India	China	Japan	South Korea	Other
Telephone	USA 1 800 363 2279	International +44 (0) 1487 84 20 19	International +1 903 726 7679	Canada 1 800 363 2279	International +1 903 726 7679	International +1 903 726 7679	International +1 903 726 7679
E-mail	usa@sinclartech.com	uk@sinclartech.com	usa@sinclartech.com	usa@sinclartech.com	usa@sinclartech.com	usa@sinclartech.com	usa@sinclartech.com
Headquarters	1000 10000	1000 10000	1000 10000	1000 10000	1000 10000	1000 10000	1000 10000

Product Specifications



2.8 ft Vertical High Performance Low Profile Antenna, single-polarized, 18.7-11.7 GHz

CHARACTERISTICS

General Specifications

Antenna Type	VLP - Vertically High Performance Low Profile Antenna, single-polarized
Operating Frequency Band	18.7 GHz - 11.7 GHz
Gain, Typ Band	30.3 dBi
Gain, Min Band	27.4 dBi
Gain, Low Band	30.9 dBi
Front-to-Back Ratio	39 dB
Cross Polarization Discrimination (XPD)	30 dB
Beamwidth, Vertical	2.2°
VSWR	1.30
Return Loss	17.7 dB
Radiation Pattern Envelope Reference (APE)	79.5 dB
Electrical Compliance	3rd Ed. ANSI C63.2 ETSI 302 217 Class 2 US FCC Part 1.104

Mechanical Specifications

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Product Description	
This 18.7 GHz is a narrow band omni gain antenna built to a specific gain frequency requirement in a compact form factor. It is designed for use in applications where space is limited and high performance is required. The antenna is constructed of a rugged fiberglass radome which allows them to withstand severe environmental conditions. It is enclosed in fiberglass radome with lightning spikes projecting through the top of the radome to protect the antenna from lightning strikes. This series of antenna also utilizes a tapered radome, which results in less wind resistance, decreases the overall weight, and results in less deflection in high wind speeds.	
The antenna is constructed of a rugged fiberglass radome which allows them to withstand severe environmental conditions.	
It is enclosed in fiberglass radome with lightning spikes projecting through the top of the radome to protect the antenna from lightning strikes. This series of antenna also utilizes a tapered radome, which results in less wind resistance, decreases the overall weight, and results in less deflection in high wind speeds.	
The SC225-L is also high-performance low PIM collinear omni's which use industry leading designs that offer high gain, excellent bandwidth and high reliability.	
Mechanical Specifications	
Antenna Type	Vertical
Operating Frequency Band	18.7 GHz - 11.7 GHz
Gain, Typ Band	30.3 dBi
Gain, Min Band	27.4 dBi
Gain, Low Band	30.9 dBi
Front-to-Back Ratio	39 dB
Cross Polarization Discrimination (XPD)	30 dB
Beamwidth, Vertical	2.2°
VSWR	1.30
Return Loss	17.7 dB
Radiation Pattern Envelope Reference (APE)	79.5 dB
Electrical Compliance	3rd Ed. ANSI C63.2 ETSI 302 217 Class 2 US FCC Part 1.104

Applicable Exposure Limits

The FCC exposure limits [1], when expressed in terms of equivalent power density, are frequency dependent. In particular, within the frequency band of operation, the limit is 3.03 W/m² for the general public and 15.1 W/m² for occupational-type exposure.

Exposure Prediction Models

Two different models are employed to perform the exposure assessment. One is relative to exposures at the same level as the antenna and *in front of* collinear arrays, while the other is for exposure *at ground level*.

A. Exposure in Front of the Collinear Array Antennas

The behaviors of the spatially averaged and the spatial peak equivalent power density in the near radiating field of typical base station array antennas (omni-directional or sector coverage) can be predicted using simple algebraic formulas that depend on a few, readily available antenna parameters, such as directivity, beamwidth, physical length, and the radiated power [2]. The spatial domain where the prediction is valid encompasses the antenna enclosing cylinder (defined as a cylinder centred on the antenna axis, extending as much as the antenna length in height), at distances greater than one wavelength (i.e., outside the reactive near field region of the individual array elements), along all azimuth directions within and outside the main beam, up to the far field.

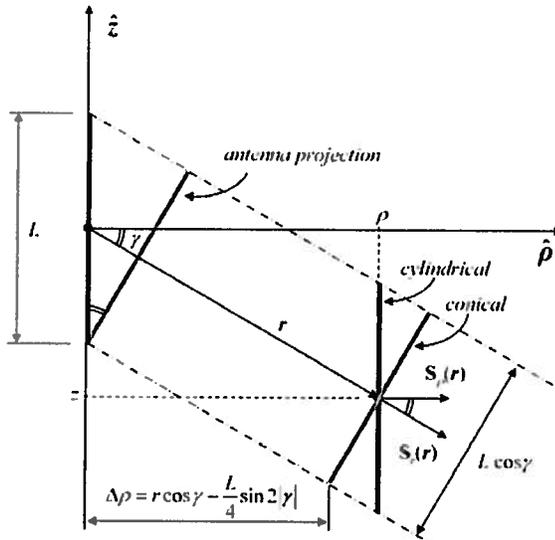


Fig. 1. Reference frame and notations employed to describe the cylindrical model.

The most frequent application of the method is when exposure is assessed very close to the antenna, within its radiating near field region, where workers may be present for maintenance or other duties and in those cases where an exposure assessment is desired at buildings facing antennas. In those cases it is desirable to avoid large overestimations produced by simpler models that do not take into account the distributed nature of the radiator (but rather model the RF emission as stemming from a source point), while avoiding complex full-wave simulations or other type of modelling requiring in depth knowledge of the antenna structure and operation from an electromagnetic standpoint.

The method in [2] provides reliable predictions as long as scattered fields from objects surrounding the antenna are not significant and electrical beam down-tilt does not exceed 10^0 . In practice, it is important that significant scatterers do not protrude inside the antenna enclosing cylinder, particularly in the main beam, and that pavement reflections do not become relevant.

City of Winchester, Virginia - EME ASSESSMENT

The model predictions are mostly reliable in the radiating near field, before the RF energy propagation regime converts from cylindrical to spherical in character, because antennas will most likely be installed in such a way that no significant scattering from pavement or nearby objects occurs in the radiating near field.

The reference frame relative to an array antenna axis and the relevant analytical notations employed in the analytical prediction formulas for the spatially-averaged and the spatial-peak power density are illustrated in Fig. 1.

The parameters required to apply the formulas are the following:

- W_{rad} : Antenna radiated power;
- L : Physical antenna length (meters);
- D_A : Antenna peak directivity (unitless); the peak gain can be used;
- γ : Electrical down-tilt angle of the antenna main beam (radians);
- $\bar{\phi}_{3dB}$: Azimuth semi-beamwidth of the antenna pattern (radians).

For omni-directional arrays, the prediction formula for the spatial-peak equivalent power density is:

$$\hat{S}_r(r, \phi; \gamma) = \frac{W_{rad}}{\pi \cdot r \cdot L \cdot \cos^2 \gamma \sqrt{1 + \left(2 \frac{r}{r_0}\right)^2}}, \quad r_0 = \frac{1}{2} D_A L \cos^2 \gamma \quad (1)$$

The above prediction formula does not take into account the formation of grating lobes near *endfire*, whose power content typically becomes significant for tilt angles greater than 10° . Hence, we delimit conventionally the validity of this formula to the range $|\gamma| \leq 10^\circ$.

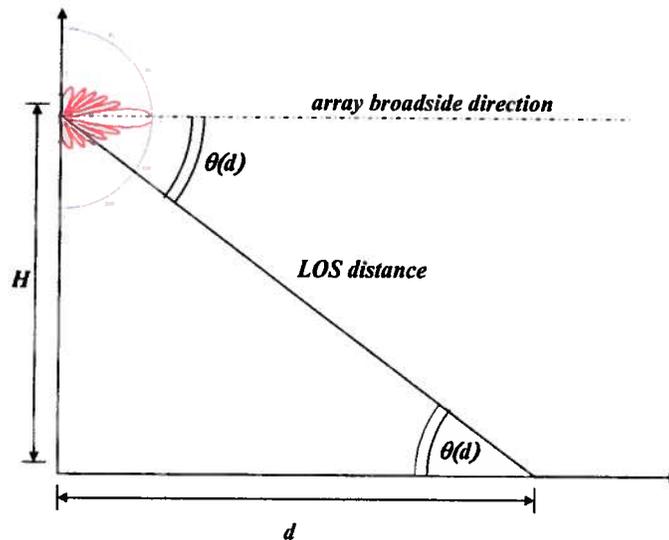


Fig. 2. Schematic of the ground-level exposure model adopted for the assessment.

B. Exposure at Ground Level

This type of exposure occurs in the antenna far-field, so simpler expressions can be employed. The antenna phase center is assumed to be the mounting height. The resulting predictive equation for the power density produced by each antenna at ground level is:

$$S(d) = (2.56) \cdot \frac{W_{rad} \cdot G(\theta(d))}{4\pi(H^2 + d^2)} \quad (2)$$

where W_{rad} is the radiated power, and $G(\theta)$ is the elevation gain pattern, which is approximated by means of the following expression

$$G(\theta) = G_A \left[\left| \frac{\sin\left(\frac{k_0 L}{2} \sin \theta\right)}{\frac{k_0 L}{2} \sin \theta} \cos^X \theta \right|^2 (1 - B) + B \cos^{1/X} \theta \right] \quad (3)$$

where G_A is the antenna gain, k_0 is the free space wavenumber and L is the effective antenna length yielding the appropriate vertical beamwidth, X and B are auxiliary parameters used to shape the elevation pattern, while H is the antenna height above ground and d is the field point distance from the base of the installation tower (see fig. 2). The factor "2.56" is introduced to enforce near-perfect, in-phase ground reflection as recommended in [1].

City of Winchester, Virginia - EME ASSESSMENT

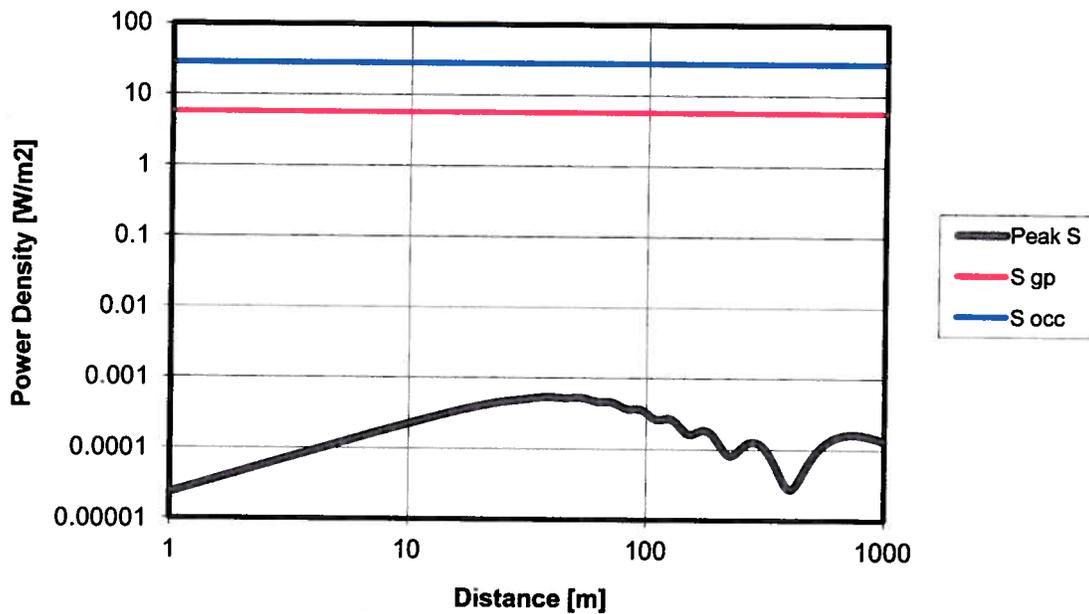
Exposure Assessment

800 MHz Antenna

The following table reports the effective lengths, and the X, B factors used to shape the antenna elevation beam to match the beamwidth reported in the data sheet:

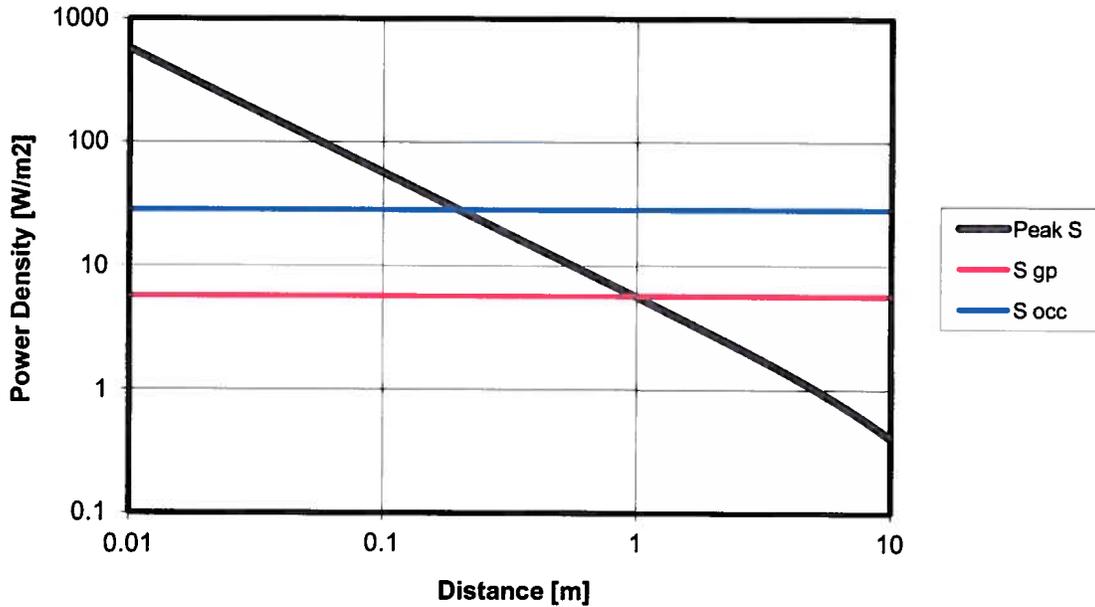
Antenna	SC479-HL1LDF (D02-E5608)
L	3.2 m
X	1
B	0.03

The antenna emits at most 57.2 W. The following graph reports the exposure in terms of the average power density (in W/m^2), compared with the US FCC exposure limit for the general public (S_{GP}) or for occupational exposure (S_{OCC}), versus distance d (in meters) from the vertical antenna projection to ground, showing that the exposure level is always at least 10,000 times less than the FCC limit for the general population [1]. Correspondingly, the exposure is at least 53,000 times below the FCC occupational limit [1].



For what concerns exposure at the same height as the antennas, each antenna is considered separately due to the large distance between them. The prediction formula (1) yields exposure levels as described in the following graph, resulting in a compliance distance of 1.0 m for general public and of 0.20 m for occupational type exposure.

City of Winchester, Virginia - EME ASSESSMENT



PTP Antennas

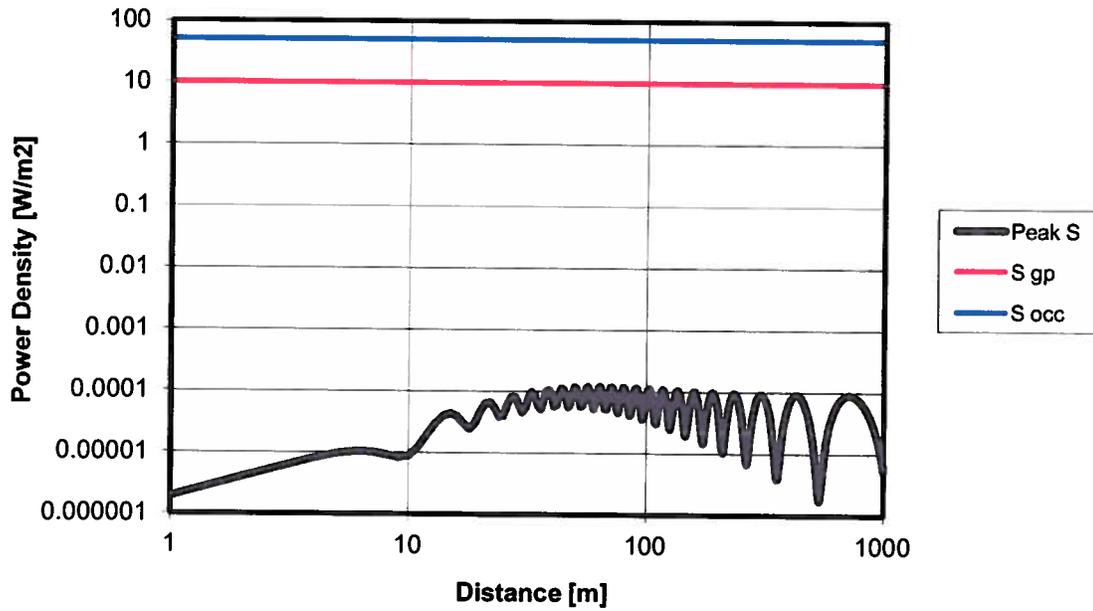
Because these two antennas have identical RF and antenna configurations, one assessment is made to cover both.

The following table reports the effective lengths, and the X, B factors used to shape the antenna elevation beam to match the beamwidth reported in the data sheet:

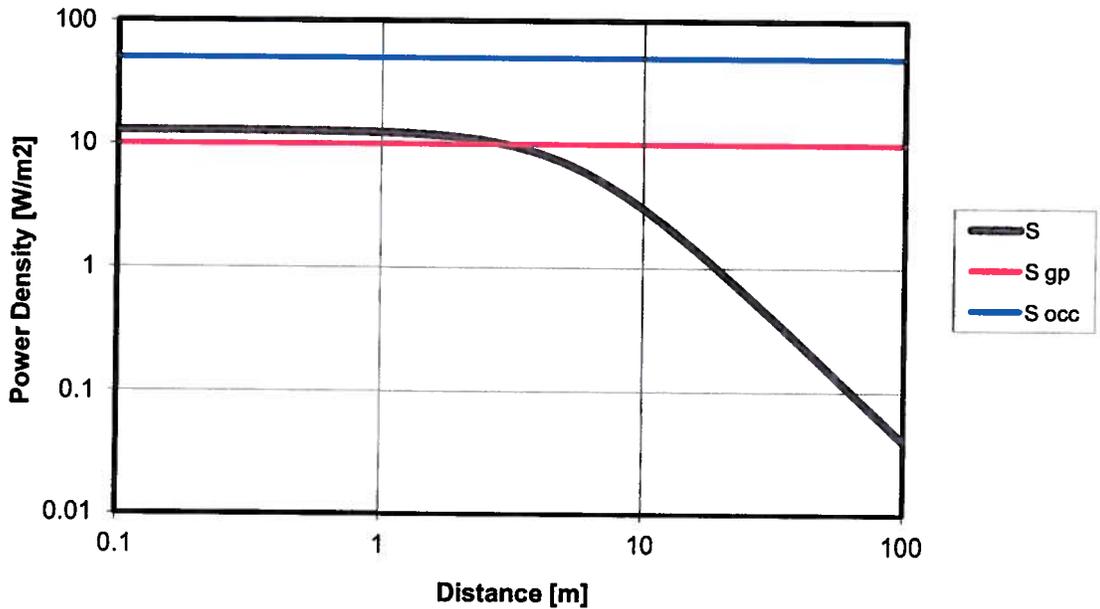
Antenna	85010089003
L	.63 m
X	.5
B	.0005

The antenna emits at most 1.0 W. The following graph reports the exposure in terms of the average power density (in W/m^2), compared with the US FCC exposure limit for the general public (S_{GP}) or for occupational exposure (S_{OCC}), versus distance d (in meters) from the vertical antenna projection to ground, showing that the exposure level is always at least 82,000 times less than the FCC limit for the general population [1]. Correspondingly, the exposure is at least 410,000 times below the FCC occupational limit [1].

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For what concerns exposure at the same height as the antennas, the prediction formula (1) yields exposure levels as described in the following graph, resulting in a compliance distance of 3.0 m for general public and of 0.1 m for occupational type exposure.



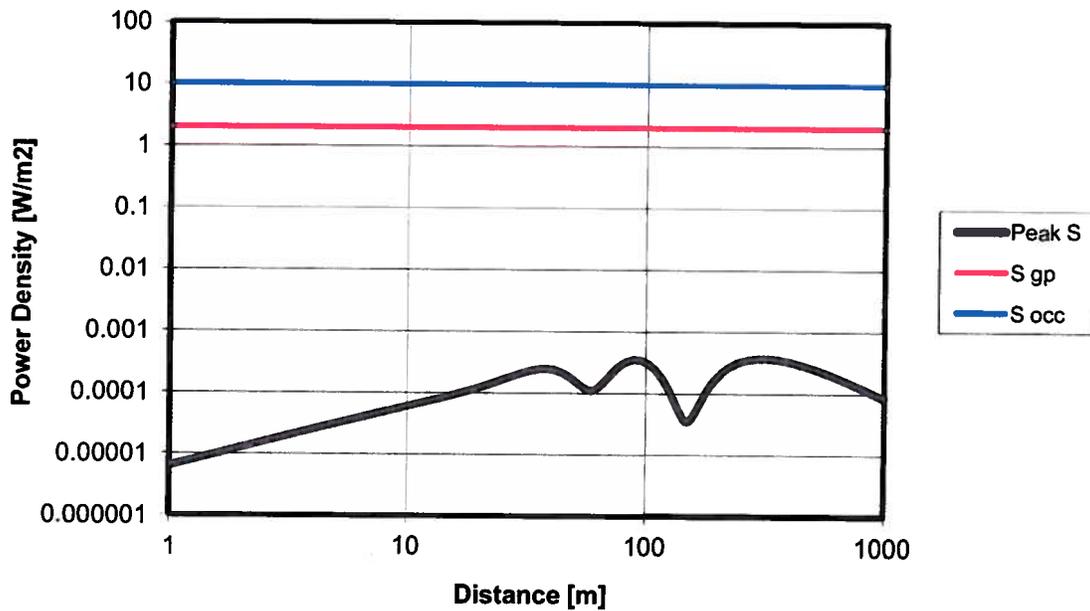
City of Winchester, Virginia - EME ASSESSMENT

VHF Antenna

The following table reports the effective lengths, and the X, B factors used to shape the antenna elevation beam to match the beamwidth reported in the data sheet:

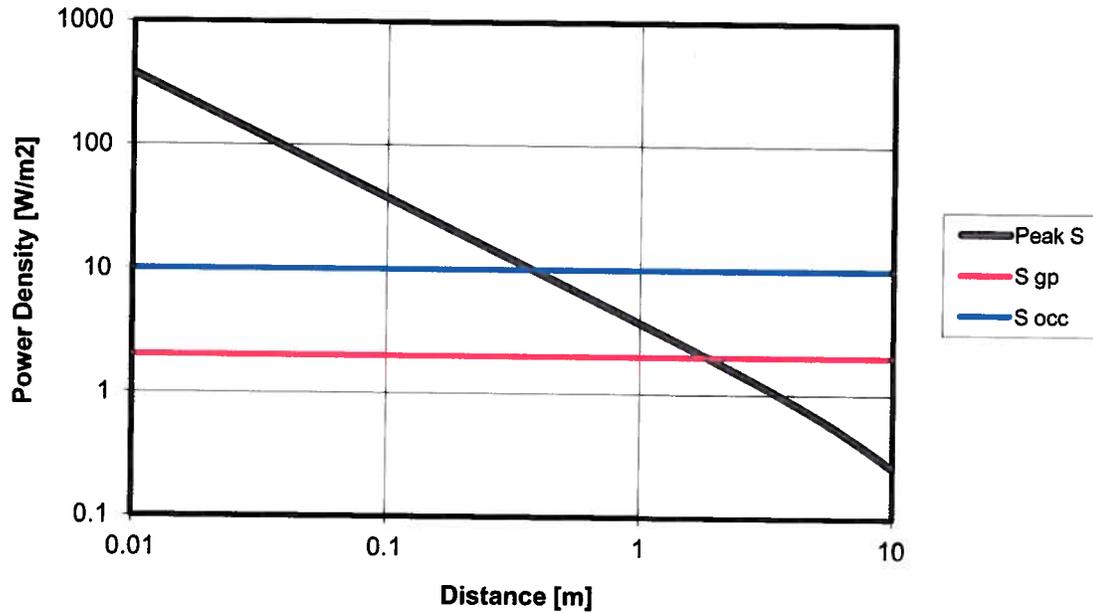
Antenna	SC229-SFXLDF
L	5.8 m
X	1
B	0.01

The antenna emits at most 68.8 W. The following graph reports the exposure in terms of the average power density (in W/m^2), compared with the US FCC exposure limit for the general public (S_{GP}) or for occupational exposure (S_{OCC}), versus distance d (in meters) from the vertical antenna projection to ground, showing that the exposure level is always at least 5,000 times less than the FCC limit for the general population [1]. Correspondingly, the exposure is at least 27,000 times below the FCC occupational limit [1].



For what concerns exposure at the same height as the antennas, the prediction formula (1) yields exposure levels as described in the following graph, resulting in a compliance distance of 1.87 m for general public and of 0.38 m for occupational type exposure.

City of Winchester, Virginia - EME ASSESSMENT



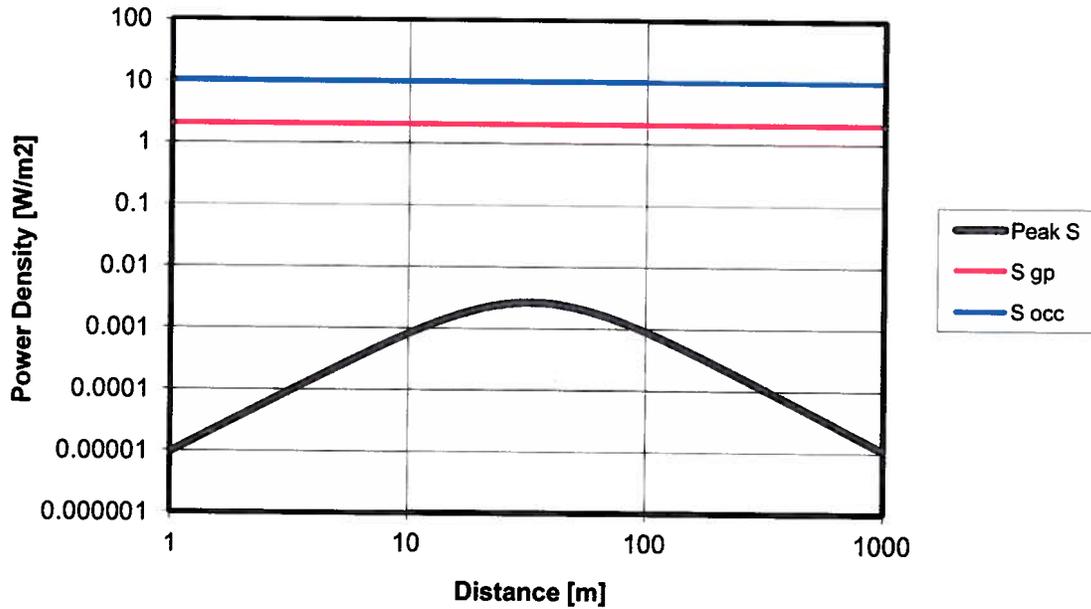
Low Band Antenna

The following table reports the effective lengths, and the X, B factors used to shape the antenna elevation beam to match the beamwidth reported in the data sheet:

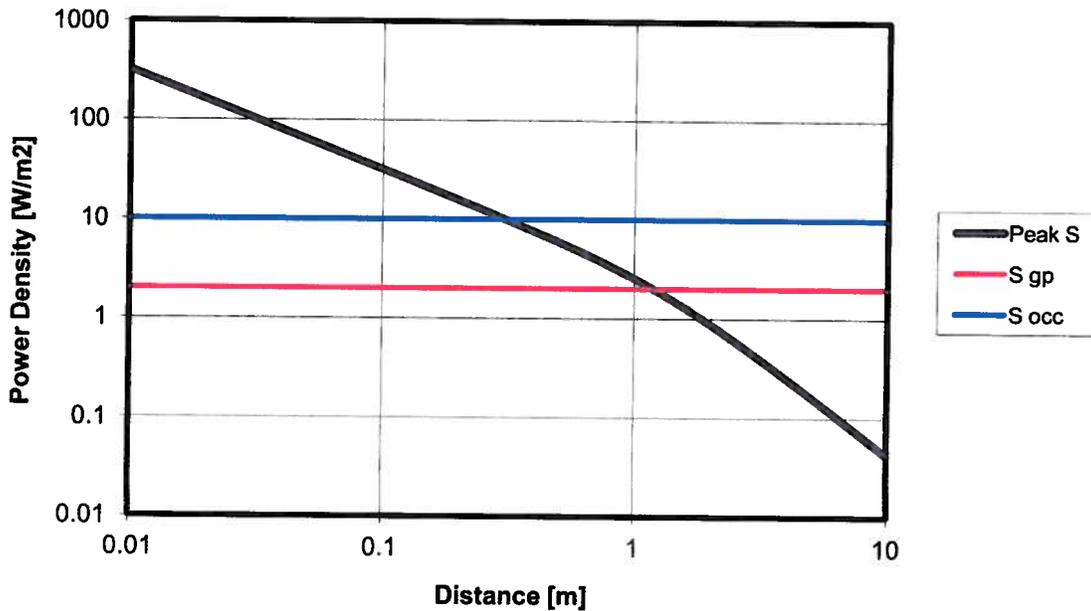
Antenna	1142-2BN2
L	3.3 m
X	1
B	0.00

The antenna emits at most 33.0 W. The following graph reports the exposure in terms of the average power density (in W/m^2), compared with the US FCC exposure limit for the general public (S_{GP}) or for occupational exposure (S_{OCC}), versus distance d (in meters) from the vertical antenna projection to ground, showing that the exposure level is always at least 750 times less than the FCC limit for the general population [1]. Correspondingly, the exposure is at least 3,700 times below the FCC occupational limit [1].

City of Winchester, Virginia - EME ASSESSMENT



For what concerns exposure at the same height as the antennas, the prediction formula (1) yields exposure levels as described in the following graph, resulting in a compliance distance of 1.28 m for general public and of 0.31 m for occupational type exposure.



City of Winchester, Virginia - EME ASSESSMENT

References

- [1] United States Federal Communication Commission, "Evaluating compliance with FCC guidelines for human exposure to radiofrequency electromagnetic fields," OET Bulletin 65 (Ed. 97-01), August 1997.
- [2] R. Cicchetti and A. Faraone, "Estimation of the Peak Power Density in the Vicinity of Cellular and Radio Base Station Antennas," *IEEE Transactions on Electromagnetic Compatibility*, Vol. 46, No. 2, pp. 275-290, May 2004.
- [3] Supplement C (Edition 01-01) to US FCC OET Bulletin 65 (Edition 97-01), "Additional Information for Evaluating Compliance of Mobile and Portable Devices with FCC Limits for Human Exposure to Radiofrequency Emissions," June 2001.

SUPPLEMENTAL STAFF REPORT

PROPOSED PUBLIC SAFETY COMMUNICATIONS TOWER

ISSUE: Review information relating to proposed public safety communications tower sites as requested and presented to Council during the August 27, 2013 Council Work Session:

- Winchester Medical Center Campus – Council requested the Winchester Medical Center Campus be considered as an alternate site for the erection of a Public Safety Communication Tower. Motorola Solutions performed an analysis of the site as requested. Staff reviewed the site and has prepared data in relationship to zoning considerations. Additionally, staff reviewed the proposed site at 700 Jefferson Street and has provided possible considerations for the site.
- Review information and respond to questions relating to the proposed Public Safety Communications Tower site at 700 Jefferson Street.

BACKGROUND: The City embarked on a mission to upgrade the Public Safety Communications System during 2005. The project was continued with the authorization of a contract with Robert L. Kimball & Assoc. to conduct a full evaluation of the existing system, determine the current and future needs of city agencies and prepare a conceptual design and cost estimate of the project. This was accomplished in a collaborative effort with staff and presented to Council during the August 16, 2011 meeting. Subsequent to this meeting discussions were pursued and authorization received permitting staff to work in a cooperative effort with Kimball's personnel to craft an RFP including system options. The RFP was completed and distributed... One response was received in accordance with the procurement ordinance. The RFP was reviewed, the prospective vendor interviewed as authorized by Council and the contract with Motorola Solutions executed. (See process timeline below).

- Kimball agreement authorized – July 13, 2010
- Presentation to Council – August 16, 2011
- Authorization to develop RFP – August 23, 2011
- Resolution to authorize issuance of RFP – December 15, 2011
- Resolution authorizing City Manger to execute agreement with Motorola Solutions for the purchase and installation of a public safety radio system June 19, 2012
- Resolution authorizing negotiations with vendor relating to the erection of a 250' Public Safety Communications Tower at the Jefferson Street site, June 19, 2012...

The existing Public Safety Communication System has been identified and documented as inadequate to support public safety operations and has exceeded its life expectancy. Infrastructure equipment, mobile equipment and handheld equipment has also exceeded its life expectancy and is not reliable. The system lacks interoperability, experiences channel congestion, has "dead spots" and is basically undependable. Additionally, the current system is not in compliance with Federal Communications (FCC) Regulations relating to Narrowbanding. Narrowbanding compliance was required as of January 1, 2013. The system is currently operating under a waiver requested by the city and issued by the FCC. The waiver application requested a waiver through March 2014. The FCC only granted the waiver through January 1, 2014. A second application for an extension of the waiver is being prepared.

During the before mentioned process the erection of the Public Safety Communications Tower and the proposed site were points of discussion and information as identified below:

- Initial Kimball briefing November 27, 2007

- Receipt of RFP response on February 29, 2012 identified the proposed site of a Public Safety Communications Tower was proposed at the 700 Jefferson Street location. This is the same location occupied by the existing Public Safety Communications equipment. Also located on this site is an elevated water tank of approx. 187' and a ground water reservoir.
- Communications Project Negotiations Summary was distributed May 16, 2012 to Council by City Manger Iman relating to the overall project and specifically relating to the Public Safety Communications Tower at the Jefferson Street. It also included other options that were considered during the negotiations.
- Council Work Session of June 19, 2012 conducted discussions relating to the erection of the Public Safety Communications Tower at the Jefferson Street site. Considered a resolution to authorize negotiations with vendor relating to Public Safety Communications Tower. This meeting also involved discussion that would permit the City Manager to enter into discussion with the Handley Trust relating to the acquisition of land.
- Regular Council Meeting of July 10, 2012 passed resolutions authorizing negotiations for the erection of the Public Safety Communications Tower utilizing the alternate option. Resolutions authorizing the City Manager to have discussion with Handley Trust relating land acquisition and the execution of a contract with Motorola Solutions were also passed.
- Joint meeting of City Council and Winchester School Board was conducted March 5, 2013 at Daniel Morgan Middle School. The Public Safety Communications Tower was an agenda item. The communications project was discussed and a presentation given identifying the location and height of the tower as 250'.
- Councilors notified by Mr. Iman July 2, 2013 that the balloon test relating to the Public Safety Communications Tower would be performed July 3, 2013.
- Site balloon test performed July 3, 2013 in accordance with the Virginia Department of Historic Resources.
- Adjacent property owners notified of Planning Commission Meeting on August 5, 2013.
- Public Safety Communication Tower was an agenda item for the August 13, 2013, Planning Commission Work Session.
- Regular Meeting of Planning Commission conducted August 13, 2013 including a Public Hearing relating to the proposed Public Safety Communications Tower. Planning Commission approved site and forwarded to City Council.
- Council Work Session was conducted August 27, 2013. Council received public comments and report on the Public Safety Communications Tower and requested additional information as related to a proposed alternate site on the campus of Winchester Medical Center.
- Regular Meeting of City Council conducted September 10, 2013. A Public Hearing was conducted pertaining to the Public Safety Communications Tower. The item was tabled and Council advised the City Manager to would receive questions from Councilors and the Public through COB, Friday, September 13, 2013. Questions would be responded to by staff and subject matter experts from Robert L. Kimball & Assoc. and Motorola Solutions.

SUMMARY: Through Council's guidance and authorizations and partnership staff has continued to advance the project forward in collaborative effort with our partners from Robert L. Kimball & Assoc. and Motorola Solutions. Staff from the majority of city departments has been either directly or indirectly associated with the Public Safety Communications Project. As identified by the City Manager in an earlier communication the City has invested nearly \$600,000 in the project with the goal of providing the citizens, visitors, and first responders with a state of the art radio communications system that provided versatility, dependability, coverage that addresses current and future radio communications needs in a comprehensive and fiscally responsible manner. On no less than thirteen occasions the public safety communications tower was discussed and in most of these occurrences the location and height of the tower was discussed. The consultants from Kimball have more than fulfilled their contractual obligation to the city providing a comprehensive study of the existing system and providing a conceptual design, performance standards and a cost estimate. Motorola entered into a contract with the city through the procurement process complying with the RFP while providing a solution to the public safety communications system by engineering a system that met the specified performance standards within the appropriated budget. I have attached an e-mail from Shag Kiefer of Robert L. Kimball & Assoc. and from Gerry Boyd, Vice President of Teltronics Inc. Mr. Kiefer's letter summarizes the current project status while Mr. Boyd's correspondence details the site selection process as it was conducted. As for staff each has performed their specific duties in accordance with their job related duties, statutes, ordinances and resolutions of the city and/or the authority having jurisdiction.

There have been several comments and concerns expressed regarding the proposed location of the public safety communications tower. Through the discussions there has been one common thread, the city needs a dependable, up to date, robust public safety communications system that provides service in accordance with a recognized standard (95% 95% utilizing portables inside of buildings).

I am not aware of any city staff, Kimball or Motorola personnel that are married to the proposed site. However, there are two specific items that continue to be constant throughout the process. The first is the design and engineering of the proposed system while the second is the appropriated budget. The design and engineering of the system meets the specified performance standard and there is an executed contract for such. Secondly, is the appropriated budget. These items are at the heart of the project, if either of these items changes the other must change proportionately.

City staff and those associated with Kimball and Motorola are committed to implementing a public safety communications project that complies with the performance standard and is fiscally responsible. Staff would be remiss if the extension of the project timeline were not mentioned. The current system had numerous deficiencies at the time of the first study and during the subsequent study and design phases. Staff continues to bandage the system. In addition there is the matter of narrowbanding compliance and action or inaction the FCC. There are also additional ancillary points to be mindful of but how they will be addressed by regulatory agencies will not be known until a site(s) are chosen and ratification process initiated.

Representatives of Kimball, Motorola and City Departments are present and available to respond to questions.

Thanks for the opportunity to come before you.

L.A Miller

From: Kiefer, B. Shag [SHAG.KIEFER@Irkimball.com]
Sent: Wednesday, September 11, 2013 5:57 PM
To: L.A Miller
Subject: Winchester: Radio project redesign considerations

Lynn,

After attending last night's Council meeting I wanted to share my observations regarding the current discussions about changing the radio system design.

There were two primary constraints related to the initial release of the RFP for a public safety radio system in December 2012.

1. The vendor must provide a system which meets a performance goal (95%/95% 20 dB in-building coverage).
2. Council allocated \$3.5 million for all project expenses (including the proposal amount).

If neither constraint has changed, then the single site design at Jefferson St before City Council is the best option for the City given these constraints. As you know, we have put a tremendous amount of work into this design and I have heard no comments or objections that change my assessment. The follow up site viability assessment done at the request of Council for the Winchester Medical Center site confirms this position.

If the Council chooses to change the budgetary constraint for this project, it then creates an opportunity to develop multi-site design proposals. The danger I see in the present environment is the tendency to discuss design options independent from due consideration for the design process.

The vendor's design process has two parts.

- An **initial conceptual design** before contract signing. The purpose is to generate a viable cost to be quoted. The design is based on vendor site surveys and the information provided by the City.
- A subsequent **design review (CDR)** process after contract signing. The purpose is to identify and address the multiple individual design constraints and develop a final comprehensive system design which can be constructed.

If multi-site designs are requested, then both parts of the design process will need to be repeated. We have invested more than 1-1/2 years plus the payments to Motorola to get to this point in the design process with one site. I fear that discussing design *options* will be unproductive without the proper consideration for the design *process*. The question I often hear asked is how much does it cost to build (or collocate) a tower site. The more important question is what will it cost in funds and schedule to design a system that will use a proposed site. A large amount of work must be done before we know that a site is actually viable. As you now know, radio system design is a highly complex, interdependent, and iterative process. Each design parameter can impact the other considerations, and in many instances any one factor can scuttle the entire site plan. There are federal, state, and local regulatory requirements related to FCC licensing, FAA aerospace clearances, zoning, historical, cultural, and environmental impacts, as well as propagation, line of sight paths, and ground space requirements to be resolved before the cost to actually build at the site becomes relevant. The more sites that need to be evaluated, the greater the preparatory costs that are added to project costs.

As the discussion about radio system design continues, I would like to offer the reminder that undertaking a design change should be preceded by a funding commitment and then followed by adherence to the design process.

Thank you,

Shag Kiefer, ENP
Telecommunications Specialist
Communications Technology Division
L.R. Kimball - a CDI Company
804-426-3946
shag.kiefer@LRKimball.com

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9/16/13

City of Winchester

Mr. Dale Iman, City Manager
 15 North Cameron St.
 Winchester, VA 22601

Dear Sir,

Before proposing a new tower on the City property on Jefferson Street, Motorola Solutions considered every potential location listed in the RFP. We also looked for other existing towers that might be suitable, but found none.

Because the City's budget precluded a system design using multiple towers, we needed to find a location where a single tower of reasonable height would provide the radio coverage and performance required by the City.

Our starting point was to evaluate coverage using the existing water tank at Jefferson Street. Our studies showed that it was not possible to meet the City's coverage requirements without raising the antennas above the existing tank, and we determined that a tower 250 feet high would be needed.

The Jefferson Street location appeared to be a good choice since it was owned by the City, was zoned EIP, is already fenced, and has sufficient space to accommodate the tower and associated equipment and generator. It is also on relatively high ground and is located close to the center of the City.

We evaluated coverage using the existing Shentel tower on Fairmont Avenue and found that this tower is not high enough to meet the City's coverage requirements. It is also at the North end of the City, which reduces its coverage in the southern part of the City.

We also evaluated coverage using a tower at the Timbrook Public Safety Center, another location proposed by the City. We determined that a 350 foot high tower would be needed to meet the City's coverage requirements using this location. Informal discussions with the Federal Aviation Administration (FAA) indicated that this tower would be less likely to be approved than the 250 foot tower at Jefferson Street.

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 Fax 443-524-1854

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The results of these studies indicate that the remaining proposed locations would require a tower significantly higher than 250 feet because they are on lower ground or are not centrally located within the City of Winchester. As a result, these sites would be more costly to construct, would likely be more visible because of the higher tower, and would be less likely to be approved by the FAA. We therefore did not perform detailed engineering studies for these less desirable locations.

Sincerely,

Paul Manders
 President-Teltronic, Inc.
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Date	Event	Action/Discussion/Distribution	Supporting Documents
11/27/07	Council Work Session	Report provided by Curt Andrich, Senior Consultant (L. R. Kimball & Assoc.) - Report identified the Jefferson Street site as the city's prime transmitter site for the existing system. - Provided estimate of \$3.5 million to install a digital radio system	Minutes
9/1/09	Community Safety & Public Services Committee Meeting	Discussion of public safety communications system, narrowbanding issue and estimated costs of corrective action by Lynn Miller (City's Emergency Management Coord.) and Dan Smith (L. R. Kimball & Assoc.)	Minutes
7/13/10	Regular Council Meeting	Resolution to authorize agreement with L. Robert Kimball & Assoc. to complete services on radio communications system. Resolution (R-2010-43) unanimously approved by voice vote.	Minutes
8/16/11	Council Work Session	Presentation by Sherry Bush, Project Mgr. & Chris Kelly, Technical Advisor (L.R. Kimball & Assoc.) - Discussion provided Kimball's opinion of the current problem areas and to provide options. - Resolution (R-2011-31) was deferred until the August 23, 2011 Council work session.	1) Presentation 2) Minutes 3) Resolution
8/17/11	Winchester Star article	<i>Decision on city emergency system delayed one week</i>	
8/23/11	Council Work Session	Discussion relating to additional information presented during the 8/16/11 work session resulted in a motion being presented and unanimously approved to move forward with the development of and RFP for an 800 MHz system and other options (RFP to be discussed with Council prior to issuance).	Minutes
8/24/11	Winchester Star article	<i>City to take bids on range of communications systems</i>	
9/13/11	Regular Council Meeting	Resolution to authorize the issuance of an RFP which was to include a range of options.	Minutes
11/22/11	Council Work Session	Discussion about draft RFP and resolution (R-2011-63) to move forward to voting. Motion made.	1) Minutes 2) Resolution

11/23/11	Winchester Star article	<i>City oks plan for radio system bids</i>	
12/13/11	Regular Council Meeting	Resolution (R-2011-63) to authorize the distribution of an RFP was unanimously approved.	Minutes
12/15/11	RFP	RFP #200823 distributed	Procurement Timeline
1/10/12	RFP Pre-proposal Meeting	Mandatory meeting for prospective offers. Five representatives attended (Motorola, Teltronic, Harris, Tait & Morcom)	
1/25/12	RFP Extension	A two-week bid extension was issued	
2/29/12	Proposals due	Proposals were due this day by 2:00 pm. One responsive proposal was received from Motorola. One non-responsive proposal from Teltronic was rejected for being late under the VA Public Procurement Act.	
3/1/12	Proposal review	Evaluation committee begins reviewing proposal from Motorola	
3/20/12	Council Work Session	Staff report updating Council on the communications project presented by Lynn Miller and Steve Corbit, City's Purchasing Agent	1) Minutes 2) Staff Report
3/21/12	Winchester Star article	<i>City faces dilemma on new radio system, Lone bid on new radio system may be cost prohibitive</i>	
3/26/12	Motorola Interview	Evaluation committee conducts interview with Motorola and presents 67 questions.	
4/24/12	Interpretation	Zoning Ordinance interpretations relating to 700 Jefferson Street	Interpretation
4/24/12	Council Work Session	Staff report was provided which addressed issues including, but not limited to, background, study determinations, corrective actions, alternatives, etc.	1) Minutes 2) Staff Report
4/25/12	Winchester Star article	<i>City faces deadline on system</i>	
5/16/12	Email communications	Email communications between City Manager and Council members concerning report provided by Emergency Mgt. Coordinator summarizing points of discussion between the City and Motorola Solutions during negotiations	Emails

6/19/12	Council Work Session	Three items were discussed: A) Resolution (R-2012-45) to enter into negotiations with the vendor regarding a 250' communications tower. Item was moved forward to regular Council meeting. B) Resolution (R-2012-46) to initiate discussion with the Winchester School Bd and the Handley Trust pertaining to the acquisition of land. C) Resolution (R-2012-47) authorizing the City Manager to execute a contract with Motorola Solutions for the purchase and installation of a radio communications system. All items were moved forward to the July regular Council meeting.	1) Minutes 2) R-2012-45 3) R-2012-46 4) R-2012-47
6/20/12	Winchester Star article	<i>City could build, lease tower for communications system</i>	
7/1/12	5-Year CIP Budget	Five-Year Capital Improvement Plan (CIP) budget reflected the communication project having a budget of \$1 million in 2011, \$2 million in 2012, and \$2 million in 2013. As of July 1, 2012, the project was reduced to \$3.5 million.	CIP Budget
7/10/12	Regular Council Meeting	A) Resolution (R-2012-45) passed with 8/0 vote. B) Resolution (R-2012-45) passed with 8/0 vote. C) Resolution (R-2012-47) passed with 8/0 vote.	Minutes
7/11/12	Winchester Star article	<i>City moves ahead on \$3.6M upgrade in communications</i>	
11/6/12	Winchester Star article	<i>Emergency system plan on hold in city</i>	
11/14/12	Contract	Executed contract with Motorola Solutions	Contract
12/27/12	Winchester Star article	<i>City down to the wire waiting for word on emergency communications tower</i>	
1/4/13	Meeting with Scott Bridgeforth	Dale Iman, City Manager, met with Scott Bridgeforth to update him on all information related to the tower to be constructed at the Jefferson Street site adjacent to his property.	
2/22/13	Winchester Star article	<i>FAA clears city for takeoff</i>	
2/25/13-9/12/13	Discussions with MSV	Email thread was initiated by Ms. Armel (MSV) to Tim Youmans (City's Planning Director) relating to her being contacted by a	Emails

		neighbor about the proposed communications tower. Tim responded and provided information including a date of a Council meeting and articles in the Winchester Star.	
3/5/13	Council/Winchester School Bd Ad Hoc Committee Meeting	A presentation by Lynn Miller was provided to the committee and attending residents on the Jefferson Street tower project.	1) Presentation 2) Minutes
7/2/13	Email communications	The email from the City Manager advised all councilors that the balloon test as required in the Environmental Assessment to determine impact on historical sites would be performed on July 3, 2013. It also provided a schedule relating to the submittal and pursuit of the Conditional Use Permit.	Emails
7/3/13	Site and balloon test	A site and balloon test performed by Cultural Resources Inc. in accordance with the VA Department of Historic Resources. The report concluded no adverse effect on the identified historical resources.	Report can be reviewed at the Emergency Mgt. Office (TPSC)
7/3/13	Pre-application meeting	A meeting was held between Tim Youmans (City's Planning Director), Aaron Gridale (City's Director of Zoning & Inspections), Jon Erickson (Morris & Ritchie Assoc.) and Lynn Miller (City's Emergency Mgt. Coord.) to discuss the Conditional Use Permit application and determine areas of concern.	Minutes
7/8/13	Conditional Use Permit Application	Application submitted	
7/13/13	Planning Commission Work Session	Project discussed	
8/5/13	Public Hearing Notice	A Notice of Public Hearing ad published in The Winchester Star	Notice
8/5/13	Notice to Owners	A Notice was sent to the three adjoining property owners concerning the upcoming public hearing at the August 20, 2013 Planning Commission Meeting.	Notice
8/12/13	Public Hearing Notice	A Notice of Public Hearing ad published in The Winchester Star	Notice
8/14/13	Winchester Star article	<i>City's communication tower under scrutiny</i>	
8/20/13	Planning	Project discussed and public hearing held	1) Agenda

	Commission Meeting		2) Minutes
8/21/13	Winchester Star article	<i>Commissioners reluctantly recommend tower near Kerr</i>	
8/27/13	Council Work Session	Council requested additional information be supplied for the Sept. 10, 2013 regular council meeting including consideration and analysis of a site on the Winchester Medical Center Campus.	Draft Minutes
8/28/13	Notice to Owners	A Notice was sent to the three adjoining property owners concerning the upcoming public hearing at the September 10, 2013 Regular Council Meeting.	Notice
8/28/13	Winchester Star article	<i>City advances tower plan while eyeing alternative site</i>	
9/5/13	WMC Report Submitted	Motorola submitted a report that considered and analyzed the WMC campus as an alternative site	WMC Report
9/6/13	Winchester Star article	<i>Disputed tower heads to council</i>	
9/6/13	TV3 Winchester Report	<i>New radio tower stirs controversy</i>	Report
9/7/13	Winchester Star editorial	<i>Our View: Jefferson tower-the best of sites, the worst of sites</i>	
9/10/13	Regular Council Meeting	Public hearing received comments from 10 citizens objecting to the location of the proposed tower (Jefferson St.). Information relating to the site on the WMC campus was not discussed. Council tabled the agenda item and requested that Councilors and the public submit questions to the City Manager by Friday, Sept. 13. Staff would review the questions and responses will be posted on the City's website.	Agenda
9/11/13	Winchester Star article	<i>Jefferson St. tower put on hold by city</i>	

Proposed Public Safety Communications Tower Questions and Answers

The following questions and answers are intended to inform the public about questions that have been submitted to the City Manager concerning the tower. Visit the [project timeline webpage](#) for more information and links to supporting documents.



Q1. What were the findings of the Winchester Medical Center location evaluation as a potential site?

Respondent - Emergency Management:

- At the August 27, 2013 Work Session, Council requested additional information be supplied for the Sept. 10, 2013 meeting including consideration and analysis of a site on the Winchester Medical Center campus.
- [Click here to review the report from Motorola concerning the potential Winchester Medical Center site.](#)

Q2. When was meetings held with adjacent property owners and who was included? Please list any specific meeting dates with the Bridgeforths, if any.

Respondent - Emergency Management:

- All adjacent property owners were contacted in accordance with the notification requirements of the Zoning Ordinance as identified in the response to question #3.
- There was a public meeting presentation advertised and conducted at Daniel Morgan Middle School the evening of March 5, 2013 at 6:30 p.m. The presentation relating to the Communications Tower was an agenda item and included a narrative and visual components. This meeting also included a discussion of the John Kerr Elementary School and a large number of nearby residents attended.
- The communications tower and its location at Jefferson Street have been a topic of discussion and presented to the members of City Council on numerous occasions. Agendas with supporting documents are posted on the City's website the Friday prior to every meeting and all City Council meetings and work sessions are telecast live on cable channel 6 and rebroadcast the following Thursday at 7:00 p.m.
- Articles covering the issues and actions of City Council have been published in the Winchester Star newspaper a publication of general circulation in the City (refer to the project timeline).
- I have had two lengthy telephone conversations with Mrs. Bridgeforth relating to the tower. I do not have the specific dates of the conversations but estimate the first conversation was between 2-2.5 months ago and the most recent was within the past 3-4 weeks. I did receive an e-mail from Mrs. Bridgeforth on 8/23/13, containing several questions relating to the communications tower and responded to her on 8/24/13.

Respondent - City Manager:

- On January 4, 2013, I met with Mr. Scott Bridgeforth at my office on the third floor of Rouss City Hall. I shared all available information regarding the communication tower and the selected site on Jefferson Street. At the time of this meeting the height of the tower was estimated to be 250 feet. Mr. Bridgeforth asked several questions related to his future plans for development of the vacant property west of his residence. I agreed to make myself available to him and his spouse Lauri regarding this matter should either have questions. [Email correspondence](#)

Q3. When was the Jefferson Street site location discussed publicly as a potential or as a preferred site and what public discussion/notice has occurred in regard to this as a site?

Respondent - Emergency Management:

- Two public hearing notices were sent by to all adjacent property owners within 300-feet of the subject parcel.
- One round of notices was sent to the property owners on August 5, 2013 in advance of the August 20, 2013, Planning Commission public hearing.
- The second round of notices was sent to the property owners on August 28, 2013, in advance of the September 10, 2013 City Council public hearing.
- The City of Winchester Zoning Ordinance has more stringent public notification requirements than is required per the Code of Virginia. The Zoning Ordinance requires that all properties within 300 feet of any point of the subject property receive a public hearing notice. However, in this particular instance the surrounding properties are of a size that there are only three properties that fall in the 300-foot radius of the subject property (the Glass Glen Burnie Foundation property, the Bridgeforth property, and the Handley Board of Trustees property).
- Additionally a public notification sign was posted on the subject property in advance of both the Planning Commission and City Council public hearings.

Q4. The original proposal was a \$6M system that included multiple location towers (I believe). Please describe the discussion of how this price was reduced and why ultimately leading to a \$3.5M solution.

Respondent - Emergency Management:

- The original conceptual design presented by Robert L. Kimball and Assoc. addressed the performance standard and was addressed as multiple sites having an estimated cost of between \$5-\$6M.
- Council indicated they were disappointed with this presentation and the cost and indicated this was not acceptable.
- As I recall the CIP budget contained the Communications Project of \$5M in amounts of \$1M in 2011, \$2M in 2012 and \$2M in 2013.
- During the Regular Council meeting of June 19, 2012 City Council adopted a resolution authorizing the City Manager to execute a contract with Motorola Solutions for the communications project and the project cost was not to exceed \$3,571,005.60. I am presuming

that upon review of the response to the RFP by City Council the appropriation was reduced from \$5M to the \$3.5M to that amount identified in the RFP response.

Respondent - Kimball:

- The \$5M-\$6M was an opinion of probable costs from Kimball for a multi-site system, not a proposed amount from a vendor.
- Kimball decided not to provide a cost estimate for a single site solution because the only site identified during the conceptual design phase that was capable of providing adequate coverage throughout the city was the Jefferson St site and FAA regulatory restrictions for this site posed a liability to site development.
- It was the vendor who proposed a \$3.2M single site solution based on the expectation that this site could be developed

Q5. How many sites including Jefferson Street were fully studied and vetted?

Respondent - Kimball:

- During the conceptual design phase Kimball ran propagation studies to determine design feasibility and estimates of probable cost to guide Council's budgetary expectations to acquire a radio system. These were not site feasibility studies.
- Responsibility to select and develop sites is the vendor's responsibility within the RFP. A non-exclusive list of 11 potentially available sites was provided in the RFP to the vendors. The vendor's proposal identifies the assumptions that the Jefferson site is available.
- A transmitter site is considered fully vetted when any critical criterion is identified that causes the site to be unable to meet system performance specifications. The most common failure criteria are the coverage provided by the site, the site development costs, and regulatory restrictions.

Respondent - Motorola (from the Teltronic site selection letter to the City):

- Before proposing a new tower on the City property on Jefferson Street, Motorola Solutions considered every potential location listed in the RFP. We also looked for other existing towers that might be suitable, but found none.
- Because the City's budget precluded a system design using multiple towers, we needed to find a location where a single tower of reasonable height would provide the radio coverage and performance required by the City.
- Our starting point was to evaluate coverage using the existing water tank at Jefferson Street. Our studies showed that it was not possible to meet the City's coverage requirements without raising the antennas above the existing tank, and we determined that a tower 250 feet high would be needed.
- The Jefferson Street location appeared to be a good choice since it was owned by the City, was zoned EIP, is already fenced, and has sufficient space to accommodate the tower and associated equipment and generator. It is also on relatively high ground and is located close to the center of the City.
- We evaluated coverage using the existing Shentel tower on Fairmont Avenue and found that this tower is not high enough to meet the City's coverage requirements. It is also at the North end of the City, which reduces its coverage in the southern part of the City.

- We also evaluated coverage using a tower at the Timbrook Public Safety Center, another location proposed by the City. We determined that a 350 foot high tower would be needed to meet the City's coverage requirements using this location. Informal discussions with the Federal Aviation Administration (FAA) indicated that this tower would be less likely to be approved than the 250 foot tower at Jefferson Street.
- The results of these studies indicate that the remaining proposed locations would require a tower significantly higher than 250 feet because they are on lower ground or are not centrally located within the City of Winchester. As a result, these sites would be more costly to construct, would likely be more visible because of the higher tower, and would be less likely to be approved by the FAA. We therefore did not perform detailed engineering studies for these less desirable locations..

Q6. What is the estimated cost to do a multi-location tower site to meet the 95/95 standard?

Respondent - Kimball/Motorola:

- The Kimball presentation to Council on (August 16, 2011) provided an opinion of probable cost of \$5M for a 2-site system with towers at Jefferson Street and the Timbrook Public Safety Center (PSC).
- The opinion of probable cost of \$6M was provided for a 3-site system with towers at Jefferson St., Timbrook PSC, and the Frederick Douglass Elementary School.
- Current cost projections are not expected to exceed the original opinion by more than 25% including non-vendor costs that will be incurred by the city.

Q7. Were any radiation studies conducted? Are these required?

Respondent - Zoning:

- The Winchester Zoning Ordinance Section 18-8-2-1.2 requires that “[t]he electromagnetic fields do not exceed the radio frequency emission standards established by the American National Standards Institute or standard issued by the Federal Government subsequent to the adoption of this Ordinance.” A typical condition with these conditional use permits has been to require the submission of an as-built emissions certificate to ensure City staff that the construction and resulting emissions are in conformance with Federal requirements.
- The applicant submitted up-front EME assessment estimating the potential exposure and the proposed compliance with national and Federal standards and requirements.

Respondent - Motorola/Kimball:

- A review of the Electromagnetic Emissions (EME) study provided by Motorola, which was provided by the vendor within the scope of their current contract for the proposed Jefferson Street site, shows that the methods and analysis used in the study comport with the methodology defined by the Federal Communications Commission (FCC) Office of Engineering Technology (OEM) Bulletin 65, “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields.”

- The EME analysis shows the exposure level is always at least 5,000 times less than the FCC limit for the general population in the VHF-HB frequency band and at least 10,000 times less than the FCC limit for the general population in the 800 MHz frequency band.

Q8. Is it possible to use existing towers within the City to accommodate our communication needs?

Respondent - Kimball:

- It is not possible to use existing towers with the budget currently appropriated for this project.
- If sufficient budget is appropriated to evaluate alternate sites (either existing towers or new potential sites), then a new radio project proposal and cost estimate can be prepared. Analysis of existing sites should include a total cost of ownership (TCO) analysis for comparison with the amortized cost of city owned and constructed sites. Typical site leases do not guarantee site availability for more than 5 years.

Q9. What happens if a single tower on Jefferson St is impacted by an event such as tornado, etc. What is back up system/plan?

Respondent - Emergency Management:

- Should the Jefferson Street tower be impacted by a catastrophic weather event such as a tornado the system has been designed with redundancy from a fixed location remote from Jefferson Street as well as the utilization of the Mobile Command Unit. The redundant location or the mobile location will not provide the robust coverage as is designed into the system when the Jefferson site is fully operational, but coverage of a lesser degree will be obtained.
- It should be noted that even with a multiple site system should an event such as identified occurs it would not be unusual for the system to experience a reduction in coverage as multiple site systems are normally designed to have a partial overlap in coverage. If the overlap area is interrupted the coverage will be reduced.
- It is possible to design a system where total coverage redundancy is possible but in most cases this is not accomplished due to fiscal restraints.

Q10. When was the water tower and reservoir built? Did the Bridgeforths purchase their home before or after this tower was built? Were the other adjoining neighborhoods built before or after tower?

Respondent - Finance:

- The publicly available land records reflect that the Bridgeforths purchased their land after the water tower and reservoir were built. Specifically, they purchased the land in 2004 and built their house in 2005.

Respondent - Utilities:

- The elevated water storage tank was constructed in 1976. The ground level water storage tank was constructed in 1970.

- We estimate that each tank will have a useful life of at least 50 years – hopefully longer because they have been well maintained.
- With regard to replacement, we are actually in the process at looking at our long term needs for water storage and the options available to meet that need. We won't have any final recommendations from that study for another year or so. We may find that it is best to replace these current tanks in the same location at some time in the future or build new tanks in other locations.

Respondent - Planning & Zoning:

- Most of the homes in the Williamsburg Heights, especially those along the north side of Seldon Dr, were built in the 1987-1989 timeframe.
- Linda Ross' house on Jefferson Street was built in 1949, but she moved there well after the water tanks were constructed.
- The home on the north side of Jefferson Street closest to John Kerr Elementary School was built in 1963, but the current owners purchased it in 2004.
- Everything in Meadow Branch North was built in 1988 or later with most of the closer homes near the Mews being mid-1990's or later.

Q11. Is it possible to use the water tower as a location?

Respondent - Kimball:

- It is not possible to use the existing elevated water tank to meet system performance specifications.
- The elevated water tank was the starting point for design considerations because of its superior location (elevation and central area of the city), it is city owned, it would require no recurring lease payments or land procurement, and it is appropriately zoned. However the elevated water tank will not provide adequate structural locations for antenna mounting (with vertical RF isolation), nor is it of sufficient height to provide adequate coverage throughout the city. Antenna mounting on the perimeter of the tank distorts the antenna propagation characteristics further limiting its suitability as an antenna mounting location.

Q12. What is time estimate and expense if Council were to decide to look for alternative sites/options?

Respondent - Kimball:

- There is an estimated minimum project delay of approximately 11 months for the vendor to assess and confirm the viability of existing candidate sites and design a radio system to use the existing sites. Lease negotiation times are not included. For new sites the estimated minimum project delay is approximately 15 months from the date of site identification and system redesign to initiating construction. Time estimates are based on a nominal impact from legal and regulatory delays and are from the date of notification by Council authorizing the budget to proceed.
- The Kimball presentation to Council on August 16, 2011 provided an opinion of probable cost of \$5M for a 2-site system and an opinion of probable cost of \$6M for a 3-site system. Current cost

projections are not expected to exceed the original opinion of \$5M - \$6M by more than 25% including the costs for which the city is responsible.

- Considerable time and expense has been expended to date to vet design options including alternate sites (see the response to Question 4 for a summary of the process). The proposed single site Jefferson Street 237-foot tower design is the only design that meets performance requirements within the appropriated budget. The funds expended to prepare the current design are not recoverable. There has been no budget appropriated for system redesign, nor is it within the scope of the current contract with Motorola or Kimball.

See also the responses to questions 6 & 8 for additional information.

Respondent - Zoning:

- Should City Council decide to pursue an alternate site or sites, the conditional use permit process would have to start again from the beginning. As a result the application would restart the Conditional Use Permit (CUP) process, which can be 2-3 months at a minimum depending on the timing of the application.
- If multiple sites are considered, each site would be a separate application to be considered. Each site/application would need to be evaluated on its own individual merits and potential impacts on surrounding properties.

Q13. What are the specifics concerning the ACTUAL penalties that Winchester taxpayers would incur should this project be delayed past the current waiver? What are the penalties for failure to comply with the January 1, 2013 deadline?

Respondent - Emergency Management:

- The following was copied from the Narrowband Technology Enforcement Advisory, Advisory 2012-05. The entire document can be found searching "narrowbanding" on the [FCC website](#). This will permit review of the entire document.
- The Enforcement Bureau is committed to aggressively enforcing the narrowbanding transition deadline and violators may be subject to enforcement action. Penalties for non-compliance may include license revocation, and/or monetary forfeitures of up to \$16,000 for each such violation or each day of a continuing violation, and up to \$112,500 for any single act or failure to act.

Q14: For a relatively small increase in investment/costs, isn't strong consideration for multiple sites/towers reasonable, given the significantly reduced visual/aesthetic impact it would have compared to a single, large tower that drastically impacts the City's skyline and views, especially when the City is going to greater lengths to beautify its appearance?

Respondent - Emergency Management:

- Based on the original cost estimates the differential between the budgeted amount of \$3.5M reflected an additional \$2.5M. Aesthetics should most certainly be a consideration; a redesign could result in at least two additional sites that may also have an aesthetic impact.

- In addition, the City Council has a fiduciary responsibility to the citizens of the entire City.

Respondent - Kimball:

- A system redesign for multiple sites is not a small cost. First the initial site assessments are required to select the optimum constellation of sites. The site assessments evaluate technical parameters required for the system to meet contracted performance standards, lease terms, and total cost of ownership for the city. Once the sites are selected the vendor can prepare a cost estimate for the revised design.

See Question #2 for more detail regarding schedule delay and cost estimates.

Q15: If a multi-site system is feasible, couldn't part of Jim Barnett Park be considered? It seems some of the land there, north of the Christianland area, is high ground and might provide good coverage. After all, the City already owns the land, it is near a highway where there are already numerous tall towers and signs, and it does not decrease the residential home values in nearby neighborhoods. Also it is, I believe, zoned appropriately for this use.

Respondent - Emergency Management:

- The area within Jim Barnett Park was included in the candidate sites for consideration. Any site that would be selected must be in a location that is served by infrastructure (i.e. electrical, phone, etc.). Jim Barnett Park is located in the far northeast section of the City and a tower at that location would not provide the standard of coverage for the southern end of the City of Winchester.

Q16: How is it at all possible that City staff accepted the very misleading photos of the balloon test provided by the consultant? Anyone who has spent a few minutes in our city would recognize that those photos were not at all representative of a true "balloon test," and know that 5 yards lateral to any views would provide a significantly different sight of the balloon/tower.

Respondent - Emergency Management:

- The balloon test was a requirement of the Virginia Department of Historical Resources (VDHR) and was focused on specific properties that were located in the Area of Potential Effect (APE) that are eligible for or listed on the National Register of Historic Places. The City did not request or require this test be performed.
- It is my understanding in reviewing the report that the specific places from where the photos taken were selected by Cultural Resources Inc. The determination of sites was determined by CRI in accordance with criteria of VDHR. The city did not request, was not consulted and had no input with regard to the test and/or acceptance of the test photos.

Respondent - Kimball:

- The balloon test was performed by an independent contractor hired by the radio vendor to ensure that the Jefferson St site tower will meet NEPA/SHPO compliance requirements. The photo requirements are specified by the agencies requesting their submittal.
- The city neither required, nor requested, the balloon test.

Q17: Are you yet immediately applying for another waiver/extension of the mandate deadline, recognizing that to get this project correct it is likely to take longer than a few months?

Respondent - Emergency Management:

- Yes, we are aware of and will be initiating a request to have the waiver extended. Regardless of the matters currently being discussed, the January 1, 2014 date cannot be met.

Q18: Will these and similar citizen questions and inquiries be included in the public record, and answers by City Staff and Council be included as well?

Respondent - Emergency Management:

- The direction provided identified that responses by City staff and technical consultants be posted on the City's website and distributed to Council.

Q19. At any time, for any reason, could a fallout of emissions occur, the tower topple, or any air or ground be contaminated on any land not owned by the City of Winchester causing possible legal action against the City?

Respondent - Kimball:

- In the event of a tower collapse, all radio emissions would cease and there are no hazardous materials involved in the radio project to produce air or ground contamination.

Q20. With the erection of the tower, at any point in time, and for any legal or other reason, could the adjoining property owned by the Handley Board of Trustees be condemned and taken out of consideration as a possible site for the proposed construction of a new John Kerr Elementary School?

Respondent - Zoning:

- From the Zoning Ordinance perspective, no development impacts would result as of the proposed location of the tower at 700 Jefferson Street. Zoning and Inspections staff has only seen one proposal for the existing John Kerr Elementary site which was presented during the Winchester Public School meeting on Monday, September 9, 2013. This proposal showed that no buildings or parking lot features would be within a 237-foot radius around the proposed tower.

- The City of Winchester has the legal authority to condemn property for public use. The proposed communication tower is a public use. The City's contractor, Motorola has identified the proposed site at 700 Jefferson Street as the best site for this facility. Therefore, the City has no interest in acquiring the adjacent property owned by the Handley Trust for this purpose.

Q21. Does the single tower limit the footprint for the new John Kerr Elementary School?

Respondent - City Manager:

- The proposed single tower located at 700 Jefferson Street does not restrict the proposed footprint of the proposed new John Kerr Elementary School as submitted on 7.12.2013 by SHOCKEY P3, LLC .

Q22. Will construction of the tower, in any way, risk damage to or cause a rupture of the current water tower or reservoir?

Respondent - Utilities:

- The construction of the tower will have only a very minimal risk to damage or rupture the existing water tanks. Since the contractor is well versed in this type of construction and will take the necessary precautions, no issues are anticipated.

Q23. What is the City's level of confidence regarding the Hoe-Ram's impact on the water tower and reservoir?

Respondent - Utilities:

- We are very confident that the construction will be completed without any damage to the water tanks. Appropriate staff will be present on site during the construction to monitor the tanks to ensure there are no damages created.

Q24. Has there been a structural evaluation of both the water tower and reservoir in the last five years? If not, will this be done before construction begins?

Respondent - Utilities:

- The water tanks are inspected every year by an outside contractor that specializes in water tank construction and maintenance.
- The most recent inspection reported that both the elevated ([February 19, 2013](#)) and ground mounted tanks ([October 25, 2012](#)) are in good condition and there are no structural issues that currently exist.

Q25. Has the construction team drilled the site to determine what they will encounter underground?

Respondent - Motorola:

- EIA standard 222-G requires soil testing for Class III (public safety) towers. Our contract includes soil testing (drilling) after the tower location has been approved. The soil testing (drilling) part of the process which is to be performed by our Site Team is pending the outcome of the conditional use permit currently being considered by City Council.
- We have had all existing buried utilities located and have determined that there are no existing buried pipes, cables, etc. that would be affected by construction of the tower.

Q26. How deep are the footers for the radio tower?

Respondent - Motorola:

- This tower implementation will utilize a “slab and pier” method to ensure the most secure installation. The final tower foundation design will be determined once the soil borings have been completed and examined by a structural engineer.
- EIA standard 222-G requires soil testing for Class III (mission critical) towers. Our contract includes soil testing (drilling) after the tower location has been approved. The results of the soil test will be used to design a foundation which is appropriate for the tower and soil conditions.
- Typical foundation design for normal soils uses a 35 ft square buried slab with three 4.5 foot diameter, 6 ft tall buried piers.

Q27. Will dynamite be used in any way during any phase of the radio tower construction?

Respondent - Emergency Management:

- This would not be an acceptable practice.

Respondent - Utilities:

- Explosives will not be used during the radio tower construction.

Respondent - Motorola:

- No dynamite will be used in the construction and installation of the proposed tower.

Q28. If the John Kerr Elementary School is relocated and this property is to be sold (or used for other purposes), has there been an economic impact analysis regarding the possible negative impact the radio tower will have on potential resale value?

Respondent - City Manager:

- No, such an analysis has not been conducted. Without a defined development plan such an analysis would be completely hypothetical.

Q29. What other sites have been or can be considered that incorporates the radio tower's "drop zone" so that it does not overlap into LR, MR, HR, and all other zoning districts listed in 18-2-1.2 of the City's Zoning Ordinance?

Respondent - Zoning:

- In addition to the Jefferson Street location, site analysis and propagation studies were performed at 231 E Piccadilly Street (Timbrook Public Safety Center), 799 Fairmont Avenue (National Fruit), and 1840 Amherst Street ([Winchester Medical Center](#)).
- Neither the Winchester Medical Center nor the National Fruit sites would conceptually have a fall zone radius that would overlap onto residentially zoned properties. Depending on placement of the tower on the Timbrook Public Safety Center location, properties in the HR or HR-1 zoning district could be overlapped by the radius.
- All but two of these overlapped parcels near the Timbrook Public Safety Center are currently developed by residential or institutional structures. The two remaining undeveloped parcels are nonconforming lots of records that could potentially be developed with single family residences. However, the Winchester Zoning Ordinance does not discuss a "drop zone" or "fall zone" requirement; it only discusses setback requirements for new towers proposed within a residentially zoned parcel.
- The Winchester Zoning Ordinance does not discuss a "drop zone" or "fall zone" requirement; it only discusses setback requirements for new towers proposed within a residentially zoned parcel.
- In an April 24, 2012 Zoning Interpretation, the Zoning Administrator stated that there is no maximum height or setback requirement outlined in the Zoning Ordinance for proposed towers in the Education, Institution, and Public Use (EIP) zoning district (include link to Interpretation document). The proposed tower site on 700 Jefferson Street is zoned EIP and as a result there is no maximum tower height or setback requirement from property lines.

Q30. What percentage coverage would the City have using the backup versus the multiple site system should the single pole system fail?

Respondent - Motorola/Kimball:

- The contingency plan in the event of a catastrophic failure of the Jefferson St tower invokes the use of the backup control stations to be located at the Timbrook Public Safety Center. Dual-band mobile coverage would be the same as currently exists when the city uses the Timbrook backup stations which are on-street coverage for the majority of the city. Out of range portable in-building coverage would be addressed using NIMS ICS-100 protocols and command mobile-relay.
- The mobile command vehicle deployment will supplement the Timbrook backup coverage.
- Propagation studies and performance specifications for the Timbrook backup system depend on the deployment of the mobile command vehicle and frequency band utilized. To determine the

coverage provided by the failure of a single site of a multi-site system will require a system design, defined sites, and propagation studies for specified design.

- We are unable to answer the question without additional information and design assumptions.

Also see question #8.

Q31. Can the bid process be reopened for a short period to accommodate new suggestions for multiple towers?

(Respondent - Finance/Purchasing:

- No, the bid process closed upon the signing of the contract.

Q32. Will the City's current contractor/high bidder bill the City for time spent so far?

Respondent - Emergency Management:

- Yes. Invoices for work rendered thus far have been processed and the payments have been made.

Respondent - Motorola:

- Implementing Public Safety communication systems is Motorola's core competency. We have thousands of accepted systems installed in the United States alone.
- A milestone payment schedule is part of our contract documentation. The City of Winchester and Motorola have agreed through negotiations to specific milestone payment terms.
- Motorola, once a task is completed and agreed to such by both parties, invoices the City for payment of the completed milestone task. Motorola has billed for milestones achieved.

Respondent - Kimball:

- Kimball bills for the consultant services that are rendered within the scope of the current contract.
- We are currently in the implementation phase of the public safety radio system project and have billed for the services provided to date.
- Kimball understands that a project may require services outside of the contract scope of work due to unforeseen circumstances in a project of this complexity.
- Kimball is available to provide additional services either as a change order to the existing contract, or on a time and materials basis, in order to assist the City of Winchester with modifications to and completion of the proposed radio project.

Q33. Will the radio tower need to be enlarged to meet communication needs in the future?

Respondent - Emergency Management:

- The system and infrastructure has been designed and engineered based on a minimum life expectancy of 25 years.
- The performance standard is based on recognized standards to meet current and future communications requirements.
- There is no indication the proposed communications tower would require enlargement in the future.

Respondent - Kimball:

- The proposed radio tower at Jefferson St. will not need to be modified to meet future Winchester public safety communications requirements. The radio system is designed to provide coverage for mission critical communications at the proposed height.
- Expansion of system capacity (the quantity of users) will not require any modification to the proposed tower.

Q34. Exactly where will the radio tower be located on Jefferson Street?

Respondent - Emergency Management:

- The proposed location of the tower will be within the city's utility compound located on the north side of Jefferson Street at the dead end of Jefferson. The proposed location of the tower within the utility compound will be between the elevated water tank and the ground reservoir with the base of the tower located approximately 25' – 30' west from the ground reservoir.
- There has been some discussion that the tower could be moved approximately 75' north of the originally proposed location but this has only been discussed.
- The proposed tower would be required to remain in the restricted identified area to maintain compliance with the FAA ruling.

Q35. What impact, or influence, will the proposed communications tower location on the Jefferson Street site have on the City's decision for the future location of John Kerr Elementary School?

Respondent - City Manager:

- The location of the communication tower at 700 Jefferson Street will not have any impact or influence on the site location decision related to a new John Kerr Elementary School.

R-2013-41

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL Work session: August 27, 2013 CUT OFF DATE:

CITY COUNCIL adoption of resolution Tuesday October 8, 2013

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE:

Resolution providing for the issuance and sale of general obligation public improvement bonds, series 2013, of the City of Winchester, Virginia, in an aggregate principal amount not to exceed \$27 Million, heretofore authorized, and providing for the form, details and payment thereof.

STAFF RECOMMENDATION:

Approve as recommended

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION:

N/A

FUNDING DATA:

As provided in the FY 2014 budget

INSURANCE:

As required

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 City Attorney, City Manager, Clerk of Council, and Department Director.

Initiating Department Director's Signature:

Handwritten signature of Mary Blowe

8/20/13 Date

Mary Blowe, Finance Director



APPROVED AS TO FORM:

Handwritten signature and date 8/21/2013 over the text CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Mary Blowe, Finance Director 
Date: August 27, 2013
Re: Resolution to issue debt in an amount not to exceed \$27 Million

THE ISSUE: In the FY 2014 budget the City Manager presented several projects to be funded with the issuance of bonds.

RELATIONSHIP TO STRATEGIC PLAN: With this change, we can work with our community to create a more livable City for all, particularly objective 1, to upgrade City school facilities, in this case an elementary school.

BACKGROUND: City Staff along with our financial advisors have been closely watching the market and have decided that this fall would be an optimal time for a debt issuance. City Staff and Council representatives will need to meet with our rating agencies (Moody's and Standard and Poors) prior to the issuance of this general obligation debt to receive a new rating. The debt would be paid back over a twenty year term. There are seven possible projects listed in the budget that require bonds to finance those projects. We can choose to fund those that we choose from this list:

- John Kerr Elementary School (page 239 of budget)
- Vesta Phone System (page 238 of budget)
- Emergency Communication System (page 238 of budget)
- Corridor Enhancements (page 238 of budget)
- JJC Improvements (page 238 of budget)
- Hope Drive Extension (page 264)
- Maintenance Facility (page 249)

BUDGET IMPACT: The City has debt being paid off, so we would be able to structure the debt service to fit in to the existing bond payments. The approximate total debt payments for this issuance would be around \$1,700,000 annually for twenty years.

OPTIONS: The City could utilize a pooled program such as the Virginia Public School Authority, however, there are fees associated with this program. With the City's strong GO bond ratings, there is no reason to utilize this method and pay those extra fees.

RECOMMENDATIONS: Staff recommends the adoption of this resolution to proceed with the sale of bond on October 18th and receipt of our funds on October 28, 2013.

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2013, OF THE CITY OF WINCHESTER, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, the Common Council (the “Common Council”) of the City of Winchester, Virginia (the “City”), adopted on October 8, 2013, an ordinance authorizing the issuance of general obligation public improvement bonds of the City in an aggregate principal amount not to exceed \$27,000,000 (a) to finance the costs of certain capital improvement projects for the City, including (but not limited to) one or more of the following projects: the acquisition, construction, extension, renovation and equipping of public school improvements, emergency communications system improvements, road, street and sidewalk improvements, maintenance facility improvements and joint judicial center improvements (collectively, the “Project”) and (b) to pay costs incurred in connection with issuing the Bonds the related costs of issuing such bonds; and

WHEREAS, the City’s administration and a representative of Public Financial Management, Inc., the City’s financial advisor (the “Financial Advisor”), have recommended to the Common Council that the City issue and sell a series of general obligation public improvement bonds through a competitive public offering;

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WINCHESTER, VIRGINIA:

1. Issuance of Bonds. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the City Charter and the Public Finance Act of 1991, there shall be issued and sold general obligation public improvement bonds of the City in an aggregate principal amount not to exceed \$27,000,000 (the “Bonds”) to finance the Project and pay the costs incurred in connection with issuing the Bonds.

2. Bond Details. The Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2013,” or such other designation as may be determined by the City Manager (which term shall include any Deputy City Manager), shall be in registered form, shall be dated such date as may be determined by the City Manager, shall be in denominations of \$5,000 and integral multiples thereof and shall be numbered R-1 upward. Subject to Section 8, the issuance and sale of the Bonds are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Bonds (a) shall have a “true” or “Canadian” interest cost not to exceed 5.00% (taking into account any original issue discount or premium), (b) shall be sold to the purchaser thereof at a price not less than 99.00% of the principal amount thereof (excluding any original issue discount) and (c) shall mature or be subject to mandatory sinking fund redemption in annual installments ending no later than December 31, 2038. Principal of the Bonds shall be payable annually on dates determined by the City Manager.

Each Bond shall bear interest from its date at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the City Manager. Principal and premium, if any, shall be

payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as hereinafter defined). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on a date prior to each interest payment date that shall be determined by the City Manager (the "Record Date"). Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee. The City has heretofore entered into a Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the City discharges its responsibilities hereunder, or (b) the City in its sole discretion determines (i) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (ii) to select a new Securities Depository, then its chief financial officer shall, at the direction of the City, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee, or authenticate and deliver certificated Bonds to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 5; provided, however, that such form shall provide for interest on the Bonds to be payable (A) from the date of the Bonds if they are authenticated prior to the first interest payment date, or (B) otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on such Bonds shall be payable from the date to which interest has been paid). In delivering certificated Bonds, the chief financial officer shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 7.

So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the City shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

3. Redemption Provisions. The Bonds may be subject to redemption prior to maturity at the option of the City on or after dates, if any, determined by the City Manager, in whole or in part at any time, at a redemption price equal to the principal amount of the Bonds, together with any interest accrued to the redemption date, plus a redemption premium not to exceed 2.00% of the principal amount of the Bonds, such redemption premium to be determined by the City Manager.

Any term bonds may be subject to mandatory sinking fund redemption upon terms determined by the City Manager.

If less than all of the Bonds are called for redemption, the maturities of the Bonds to be redeemed shall be selected by the chief financial officer of the City in such manner as such officer may determine to be in the best interest of the City. If less than all the Bonds of any maturity are called for redemption, the Bonds within such maturity to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The City shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner of the Bonds. The City shall not be responsible for giving notice of redemption to anyone other than DTC or another qualified securities depository then serving or its nominee unless no qualified securities depository is the registered owner of the Bonds. If no qualified securities depository is the registered owner of the Bonds, notice of redemption shall be mailed to the registered owners of the Bonds. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

In the case of an optional redemption, the notice may state that (1) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the redemption date or (2) the City retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The City shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the City to make funds available on or before the redemption date shall not constitute an event of default, and the City shall give immediate notice to all organizations registered with the Securities and Exchange Commission as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

4. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the President of the Common Council and the City Treasurer, the City's seal shall be affixed thereto or a facsimile thereof printed thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Common Council; provided, however, that no Bond signed by facsimile signatures shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

5. Bond Form. The Bonds shall be in substantially the form of Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds:

6. Pledge of Full Faith and Credit. The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Common Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

7. Registration, Transfer and Owners of Bonds. The City Treasurer is appointed paying agent and registrar for the Bonds (the "Registrar"). The City may, in its sole discretion, at any time appoint a qualified bank or trust company as successor paying agent and registrar of the Bonds. The Registrar shall maintain registration books for the registration and registration of transfers of Bonds. Upon presentation and surrender of any Bonds to the Registrar, or its corporate trust office if the Registrar is a bank or trust company, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute and the Registrar shall authenticate, if required by Section 4, and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

8. Sale of Bonds. The Common Council approves the following terms of the sale of the Bonds. The Bonds shall be sold by competitive bid in a principal amount to be determined by the City Manager, in collaboration with the Financial Advisor, and subject to the limitations set forth in Section 1. The City Manager shall also determine (a) the interest rates of the Bonds, maturity schedule of the Bonds and the price to be paid for the Bonds, subject to the limitations set forth in Section 2, (b) the redemption provisions of the Bonds, subject to the limitations set

forth in Section 3 and (c) the dated date, the principal and interest payment dates and the Record Date of the Bonds, all as the City Manager determines to be in the best interests of the City.

The City Manager shall receive bids for the Bonds and award the Bonds to the bidder providing the lowest “true” or “Canadian” interest cost, subject to the limitations set forth in Section 2. Following the sale of the Bonds, the City Manager shall file a certificate with the City Clerk setting forth the final terms of the Bonds. The actions of the City Manager in selling the Bonds shall be conclusive, and no further action shall be necessary on the part of the Common Council.

9. Notice of Sale. The City Manager, in collaboration with the Financial Advisor, is authorized and directed to take all proper steps to advertise the Bonds for sale substantially in accordance with the form of Notice of Sale (attached to the Preliminary Official Statement referenced below), which is hereby approved; provided that the City Manager, in collaboration with the Financial Advisor, may make such changes in the Notice of Sale not inconsistent with this Resolution as he may consider to be in the best interest of the City.

10. Official Statement. The draft Preliminary Official Statement describing the Bonds, copies of which have been circulated to the Common Council prior to this meeting, is hereby approved as the Preliminary Official Statement by which the Bonds will be offered for sale to the public; provided that the City Manager, in collaboration with the Financial Advisor, may make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as he may consider to be in the best interest of the City. After the Bonds have been sold, the City Manager, in collaboration with the Financial Advisor, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement. The City shall arrange for the delivery to the purchaser of the Bonds of a reasonable number of copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom such purchaser initially sells Bonds.

11. Official Statement Deemed Final. The City Manager is authorized, on behalf of the City, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (the “Rule”) of the Securities and Exchange Commission (the “SEC”), except for the omission in the Preliminary Official Statement of certain pricing and other information permitted to be omitted pursuant to the Rule. The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the City, except for the omission in the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule.

12. Preparation and Delivery of Bonds. After bids have been received and the Bonds have been awarded, the officers of the City are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the purchaser thereof upon payment therefor.

13. Arbitrage Covenants. The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations issued pursuant thereto, or otherwise cause interest on the Bonds to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law which may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

14. Non-Arbitrage Certificate and Elections. Such officers of the City as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the City.

15. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Bonds or the facilities financed with the proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

16. SNAP Investment Authorization. The Common Council has previously received and reviewed the Information Statement (the “Information Statement”), describing the State Non-Arbitrage Program of the Commonwealth of Virginia (“SNAP”) and the Contract Creating the State Non-Arbitrage Program Pool I (the “Contract”), and the Common Council hereby authorizes the City Treasurer in his discretion to utilize SNAP in connection with the investment of the proceeds of the Bonds. The Common Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

17. Continuing Disclosure Agreement. The President of the Common Council and the City Manager, either of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement (the “Continuing Disclosure Agreement”) setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary to

assist the purchaser of the Bonds in complying with the provisions of the Rule promulgated by the SEC. The Continuing Disclosure Agreement shall be substantially in the form of the City's prior Continuing Disclosure Agreements, which is hereby approved for purposes of the Bonds; provided that the City Manager, in collaboration with the Financial Advisor, may make such changes in the Continuing Disclosure Agreement not inconsistent with this Resolution as he may consider to be in the best interest of the City. The execution thereof by such officers shall constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

18. Other Actions. All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are hereby ratified, approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

19. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

20. Effective Date. This Resolution shall take effect immediately.

[FORM OF BOND]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

REGISTERED

REGISTERED

No. R- _____

\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF WINCHESTER

General Obligation Public Improvement Bond

Series 2013

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____ %	_____, ____	_____, 2013	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Winchester, Virginia (the "City"), for value received, promises to pay, upon surrender hereof to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above on the maturity date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon from its date semiannually on each _____ and _____, beginning _____, ____, at the annual rate stated above, calculated on the basis of a 360-day year of twelve 30-day months. Principal, premium, if any, and interest are payable in lawful money of the United States of America by the City Treasurer, who has been appointed paying agent and registrar for the bonds, or at such bank or trust company as may be appointed as successor paying agent and registrar by the City (the "Registrar").

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company ("DTC"), and the payment of principal, premium,

if any, and interest, the providing of notices and other matters shall be made as described in the City's Letter of Representations to DTC.

This bond is one of an issue of \$ _____ General Obligation Public Improvement Bonds, Series 2013, of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including [the City Charter and] the Public Finance Act of 1991. The bonds have been authorized by an ordinance adopted by the Common Council on October 8, 2013, and are issued pursuant to a resolution adopted by the Common Council on October 8, 2013, to pay the costs of various public improvements.

Bonds maturing on or before _____, _____, are not subject to redemption prior to maturity. Bonds maturing on or after _____, _____, are subject to redemption prior to maturity at the option of the City on or after _____, _____, in whole or in part (in any multiple of \$5,000) at any time, upon payment of the following redemption prices (expressed as a percentage of principal amount of bonds to be redeemed) plus interest accrued and unpaid to the date fixed for redemption:

Period During Which Redeemed	Redemption
<u>Both Dates Inclusive</u>	<u>Price</u>

[Bonds maturing on _____, _____, are required to be redeemed in part before maturity by the City on _____ in the years and amounts set forth below, at a redemption price equal to the principal amount of the bonds to be redeemed, plus accrued interest to the redemption date:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
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|

If less than all of the bonds are called for redemption, the bonds to be redeemed shall be selected by the chief financial officer of the City in such manner as such officer may determine to be in the best interest of the City. If less than all the bonds of any maturity are called for redemption, the bonds within such maturity to be redeemed shall be selected by DTC or any successor securities depository pursuant to its rules and procedures or, if the book entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting bonds for redemption, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000. The City shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner hereof. If a

portion of this bond is called for redemption, a new bond in principal amount of the unredeemed portion hereof will be issued to the registered owner upon surrender hereof.

The City may give a notice of redemption prior to a deposit of redemption moneys if such notice states that the redemption is to be funded with the proceeds of a refunding bond issue and is conditioned on the deposit of such proceeds. Provided that moneys are deposited on or before the redemption date, such notice shall be effective when given. If such proceeds are not available on the redemption date, such bonds will continue to bear interest until paid at the same rate they would have borne had they not been called for redemption. On presentation and surrender of the bonds called for redemption at the place or places of payment, such bonds shall be paid and redeemed.

The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Common Council of the City shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all taxable property within the City sufficient to pay when due the principal of and premium, if any, and interest on this bond.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and premium, if any, and interest on this bond and the exercise of all others rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the [15th] day of the month preceding each interest payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and the issue of bonds of which this bond is one, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City of Winchester, Virginia, has caused this bond to be to be signed by the President of its Common Council and its City Treasurer, its seal to be affixed hereto and attested by the Clerk of the Common Council, and this bond to be dated the date first above written.

(SEAL)

President of the Common Council, City of
Winchester, Virginia

City Treasurer, City of Winchester, Virginia

(ATTEST)

Clerk of the Common Council, City of
Winchester, Virginia

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sell(s), assign(s) and transfer(s) unto

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFEREE:

: :
: :
: :

the within bond and all rights thereunder, hereby irrevocably constituting and appointing

Attorney, to transfer said bond on the books kept for the registration thereof, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed
by an Eligible Guarantor Institution such
as a Commercial Bank, Trust Company,
Securities Broker/Dealer, Credit Union
or Savings Association who is a member
of a medallion program approved by The
Securities Transfer Association, Inc.

(Signature of Registered Owner)

NOTICE: The signature above must
correspond with the name of the
registered owner as it appears on the
front of this bond in every particular,
without alteration or enlargement or any
change whatsoever.

0-2013-27

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL Work session: August 27, 2013 **CUT OFF DATE:**
CITY COUNCIL first reading Tuesday September 10, 2013
CITY COUNCIL second reading/public hearing Tuesday October 8, 2013

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

ITEM TITLE:

Ordinance authorizing the issuance and sale of general obligation public improvement bonds of the City of Winchester, Virginia, in an aggregate principal amount not to exceed \$27 Million, to finance the cost of certain capital improvement projects.

STAFF RECOMMENDATION:

Approve as recommended

PUBLIC NOTICE AND HEARING: Separate notice in paper by finance/public hearing Oct.8

ADVISORY BOARD RECOMMENDATION:

N/A

FUNDING DATA:

N/A

INSURANCE:

As required

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	<i>MB</i>	_____	_____
6. City Manager	<i>[Signature]</i>	_____	<i>8/27/13</i>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: _____

[Signature]

8/20/13
Date

Mary Blowe, Finance Director



APPROVED AS TO FORM:

[Signature] *8/21/2013*
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Mary Blowe, Finance Director
Date: August 27, 2013
Re: Ordinance to issue debt in an amount not to exceed \$27 Million

THE ISSUE: In the FY 2014 budget the City Manager presented several projects to be funded with the issuance of bonds.

RELATIONSHIP TO STRATEGIC PLAN: With this change, we can work with our community to create a more livable City for all, particularly objective 1, to upgrade City school facilities, in this case an elementary school.

BACKGROUND: City Staff along with our financial advisors have been closely watching the market and have decided that this fall would be an optimal time for a debt issuance. City Staff and Council representatives will need to meet with our rating agencies (Moody's and Standard and Poors) prior to the issuance of this general obligation debt to receive a new rating. The debt would be paid back over a twenty year term. There are seven possible projects listed in the budget that require bonds to finance those projects. We can choose to fund those that we choose from this list:

- John Kerr Elementary School (page 239 of budget)
- Vesta Phone System (page 238 of budget)
- Emergency Communication System (page 238 of budget)
- Corridor Enhancements (page 238 of budget)
- JJC Improvements (page 238 of budget)
- Hope Drive Extension (page 264)
- Maintenance Facility (page 249)

BUDGET IMPACT: The City has debt being paid off, so we would be able to structure the debt service to fit in to the existing bond payments. The approximate total debt payments for this issuance would be around \$1,700,000 annually for twenty years.

OPTIONS: The City could utilize a pooled program such as the Virginia Public School Authority, however, there are fees associated with this program. With the City's strong GO bond ratings, there is no reason to utilize this method and pay those extra fees.

RECOMMENDATIONS: Staff recommends the adoption of this ordinance to proceed with the sale of bond on October 18th and receipt of our funds on October 28, 2013.

**ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF
GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF
THE CITY OF WINCHESTER, VIRGINIA, IN AN AGGREGATE
PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000, TO
FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENT
PROJECTS**

WHEREAS, the Common Council of the City desires to issue general obligation public improvement bonds to finance the costs of certain capital improvement projects for the City, including (but not limited to) one or more of the following projects: the acquisition, construction, extension, renovation and equipping of public school improvements, emergency communications system improvements, road, street and sidewalk improvements, maintenance facility improvements and joint judicial center improvements (collectively, the "Project");

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
WINCHESTER, VIRGINIA:**

1. Pursuant to the City Charter and the Public Finance Act of 1991, there are hereby authorized to be issued and sold general obligation public improvement bonds (the "Bonds") of the City in an aggregate principal amount not to exceed \$27,000,000 to provide funds, together with other funds as may be available, to finance costs of the Project and to pay costs incurred in connection with issuing the Bonds.

2. The Bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold in one or more series at such time or times and in such manner as the Common Council may hereafter provide by appropriate resolution or resolutions.

3. The Bonds shall be general obligations of the City for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.

4. The Clerk of the Common Council, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of the City.

5. This ordinance shall take effect immediately.

Ordinance No. ____-2013.

The undersigned Clerk of the Common Council of the City of Winchester, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Common Council of the City of Winchester, Virginia, held on the ____ day of _____, 2013, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the City of Winchester, Virginia, this ____ day of _____, 2013.

(SEAL)

Clerk of the Common Council, City of
Winchester, Virginia

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: September 24, 2013 CUT OFF DATE: __

RESOLUTION __ ORDINANCE X PUBLIC HEARING __

ITEM TITLE: An ordinance to authorize the acquisition of properties necessary for the Monticello Street Extension Project by means including but not limited to condemnation and acceptance by the City of said properties

STAFF RECOMMENDATION: Approval

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: Approximately \$5,000,000 from the Virginia Department of Transportation's Transportation Partnership Opportunity Fund grant.

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	<u>BS</u>		<u>9-11-13</u>
2. Public Utilities	<u>PE</u>		<u>9/11/13</u>
3. _____			
4. City Attorney	<u>aw</u>		<u>9/11/2013</u>
5. City Manager	<u>[Signature]</u>		<u>9-11-13</u>
6. Clerk of Council			

Initiating Department Director's Signature: _____

[Signature]

9/11/13
Date

Economic Development Director

APPROVED AS TO FORM:



[Signature]
CITY ATTORNEY

9/11/2013



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Jim Deskins, Economic Redevelopment Director
Date: 9/24/2013
Re: Monticello Street Extension Project

THE ISSUE: An ordinance to authorize the acquisition of properties necessary for the Monticello Street Extension Project by means including but not limited to condemnation and acceptance by the City of said properties

RELATIONSHIP TO STRATEGIC PLAN: Goal 4: Create a More Livable City for All

BACKGROUND: The City of Winchester's FY14 Capital Improvement Plan is a five-year plan that proposes various capital improvement projects to be completed over the duration of the plan. The projects are funded annually through various sources. Common Council previously approved Resolution R-2012-12 authorizing the Manager to proceed with obtaining funding from the Virginia Department of Transportation through its Transportation Partnership Opportunity Fund grant in the amount of \$4,984,500.00 for the construction of a bridge over the railroad and extension of Monticello Street to Bataile Drive in order to facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety

BUDGET IMPACT: Approximately \$5,000,000 entirely from the Virginia Department of Transportation's Transportation Partnership Opportunity Fund grant.

OPTIONS: Council may approve or disapprove commencement of the project.

RECOMMENDATIONS: City Staff recommends that we begin the project.

**AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTIES
NECESSARY FOR THE MONTICELLO STREET EXTENSION PROJECT BY
MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND
ACCEPTANCE BY THE CITY OF SAID PROPERTIES**

WHEREAS, the City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement; and

WHEREAS, this difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic; and

WHEREAS, it is believed that the development of a new public connecting road, which includes a bridge over the railroad, and which will be one of only two bridges over the railroad in the city, will increase the safety and efficiency of traffic flow; and

WHEREAS, Common Council previously approved Resolution R-2012-12 authorizing the Manager to proceed with obtaining funding from the Virginia Department of Transportation through its Transportation Partnership Opportunity Fund grant in the amount of \$4,984,500.00 for the construction of a bridge over the railroad and extension of Monticello Street to Bataile Drive in order to facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety; and

WHEREAS, this project is hereinafter referred to as the Monticello Street Extension Project or the "project"; and

WHEREAS, the funds from the Transportation Partnership Opportunity Fund grant have previously been budgeted and appropriated in furtherance of this project; and

WHEREAS, the properties or designated portions thereof necessary for completion of this project are identified as follows:

*181 Battaile Drive, Winchester, VA
TM -330-03-K
Instrument No.: 120000482 – Land Records of City of Winchester, Va.
Owned by: Sir Properties Trust*

*3124 Valley Avenue, Winchester, VA
TM -330-01-11
Deed Book 270, Page 1557 – Land Records of City of Winchester, Va.
Owned by: Rubbermaid Commercial Products, Inc.*

*160 Battaile Drive, Winchester, VA
TM -331-02-A
Deed Book 325, Page 91 – Land Records of City of Winchester, Va.*

Owned by: Henkel-Harris Company, Inc.

400 Armour Dale, Winchester, VA

TM-330-01-13

Instrument No.: 020000992 – Land Records of City of Winchester, VA

Owned by: Ashworth, Winchester, Inc.

501 Monticello Street, Winchester, VA

TM-330-01-12

Instrument No.: 020000992 – Land Records of City of Winchester, VA

Owned by: Ashworth, Winchester, Inc.

501 Armour Dale, Winchester, VA

TM-330-02-37

Instrument No.: 02000992 – Land Records of City of Winchester, Va.

Owned by: Ashworth, Winchester, Inc.

;and

WHEREAS, the City has obtained a proper Title Examination from Appalachian Title, for each of the foregoing properties identifying the ownership of the respective properties as listed *supra*; and

WHEREAS, the attached plats (Exhibit A), identify the properties or portions thereof which must be acquired in order to complete the project; and

WHEREAS, the City has obtained appraisals from McPherson & Associates, Inc., for each of the properties identified *supra*., and

WHEREAS, the City has provided all of the foregoing information to each of the respective owners, their designated employees, agents, or assigns in a bona fide offer to purchase letter in accordance with §§25.1-204; 25.1-417; and 25.1-303 of the code of Virginia; and

WHEREAS, such bona fide offers to purchase were certified as having been reviewed by the City for the purposes of compliance with §1-219.1 of the Code of Virginia and it was determined that the proposed acquisitions are in compliance therewith; and

WHEREAS, it is believed that some of the owners of the foregoing properties may not accept the offers or allow voluntary acquisition of said properties; and

WHEREAS, the acquisition of all properties identified in this Ordinance are necessary for the completion of the Monticello Extension project; and

WHEREAS, this Ordinance has been presented for adoption by Common Council in compliance with the provisions of §15.2-1903 of the Code of Virginia; and

WHEREAS, it is the wish of Common Council for the City of Winchester that the City proceed with completion of the Monticello Extension project as it is believed to be in the best interests of the City.

NOW THEREFORE BE IT ORDAINED, that Common Council hereby APPROVES the public use described in this Ordinance and DIRECTS the City Manager and City Attorney to take all necessary steps to acquire the properties identified in this Ordinance in furtherance of the Monticello Extension Project for the public use described herein, by condemnation or other means, and that all properties acquired in furtherance of this project are hereby accepted by the City.

BE IT FURTHER ORDAINED that the bona fide offers to purchase (Exhibit B) previously issued by the Manger are hereby ratified and approved and that the City Attorney and City Manager are hereby authorized to negotiate on behalf of the City in furtherance of completion of this project and that non-substantial adjustments or amendments to the areas depicted on the attached plats which may become necessary in proceeding on these matters, and which are approved as such by the City Attorney and City Manager are hereby authorized and accepted without the need for further action by Common Council.

Five-Year Capital Improvement Plan

FIVE-YEAR CAPITAL IMPROVEMENT PLAN FISCAL YEARS 2014 - 2018

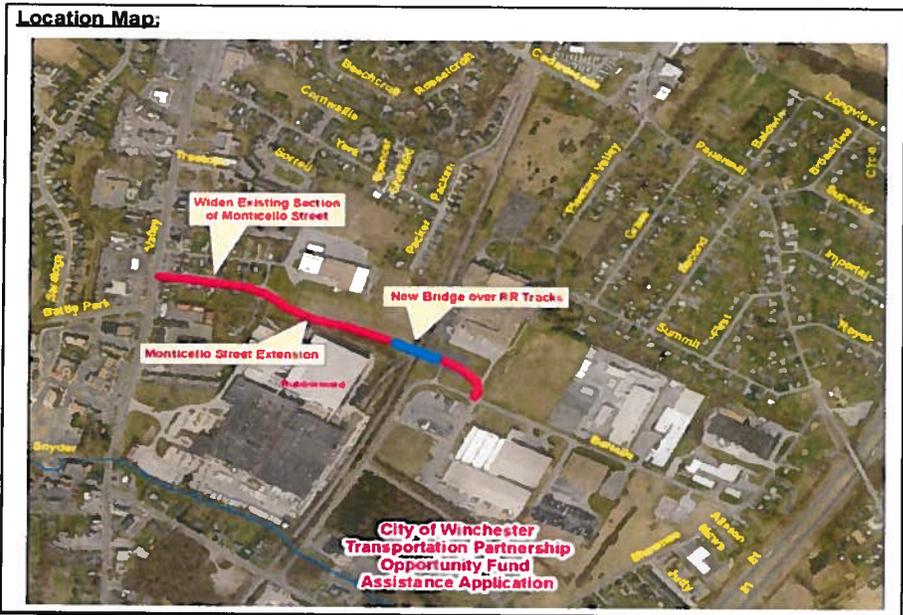
Fund & Department: General Fund - Public Services

Project Title: Monticello Street Extension

Project No.:

Budget Code:

SOURCE OF FUNDS	Prior Years	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Future Years	Project Total
OPERATING								\$ -
BONDS								\$ -
STATE	\$ 100,000	\$ 4,900,000						\$ 5,000,000
FEDERAL								\$ -
RESERVES								\$ -
OTHER								\$ -
TOTAL	\$ 100,000	\$ 4,900,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000,000



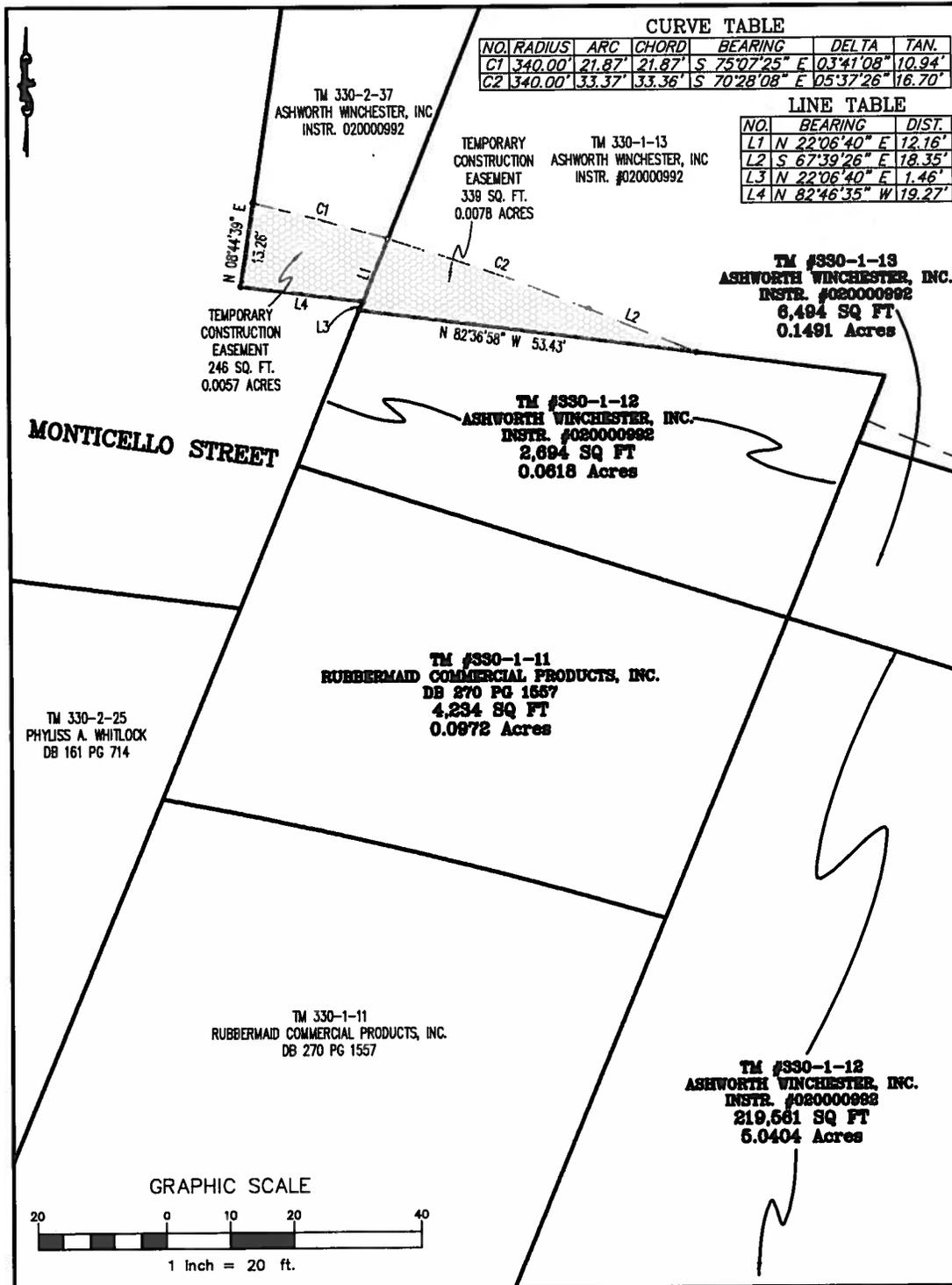
PROJECTED ANNUAL OPERATING COSTS (\$)	
FY 2014	
FY 2015	
FY 2016	
FY 2017	
FY 2018	
TOTAL	\$ -

Project Description: Project consists of extending Monticello Street from its current terminus to Battaille Drive in the Winchester Industrial Park. The project will include a new bridge over the CSX railroad tracks and also improvements to the existing section of Monticello. Funding for this project is entirely from grant funds from the state.

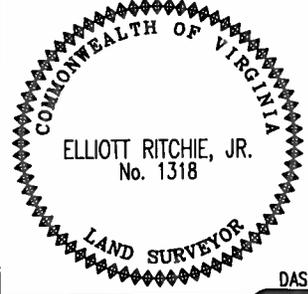
Project Objectives/Justification: This project will provide for an additional ingress/egress for Rubbermaid and was part of the reason they are currently expanding their facility here in Winchester.

Project Status:





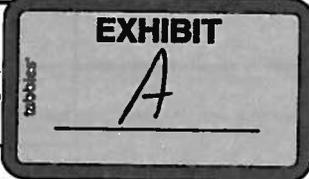
ASHWORTH WINCHESTER, INC.
PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
FOR THE IMPROVEMENTS TO
MONTICELLO STREET
CITY OF WINCHESTER, VIRGINIA
DATE: MAY 8, 2013 SCALE: 1"=20'



1203032-AREAS



PAINTER-LEWIS, P.L.C.
817 Cedar Creek Grade, Suite 120 Telephone (540) 662-579
Winchester, Virginia 22601 Facsimile (540) 662-579
Email: office@painterlewis.com

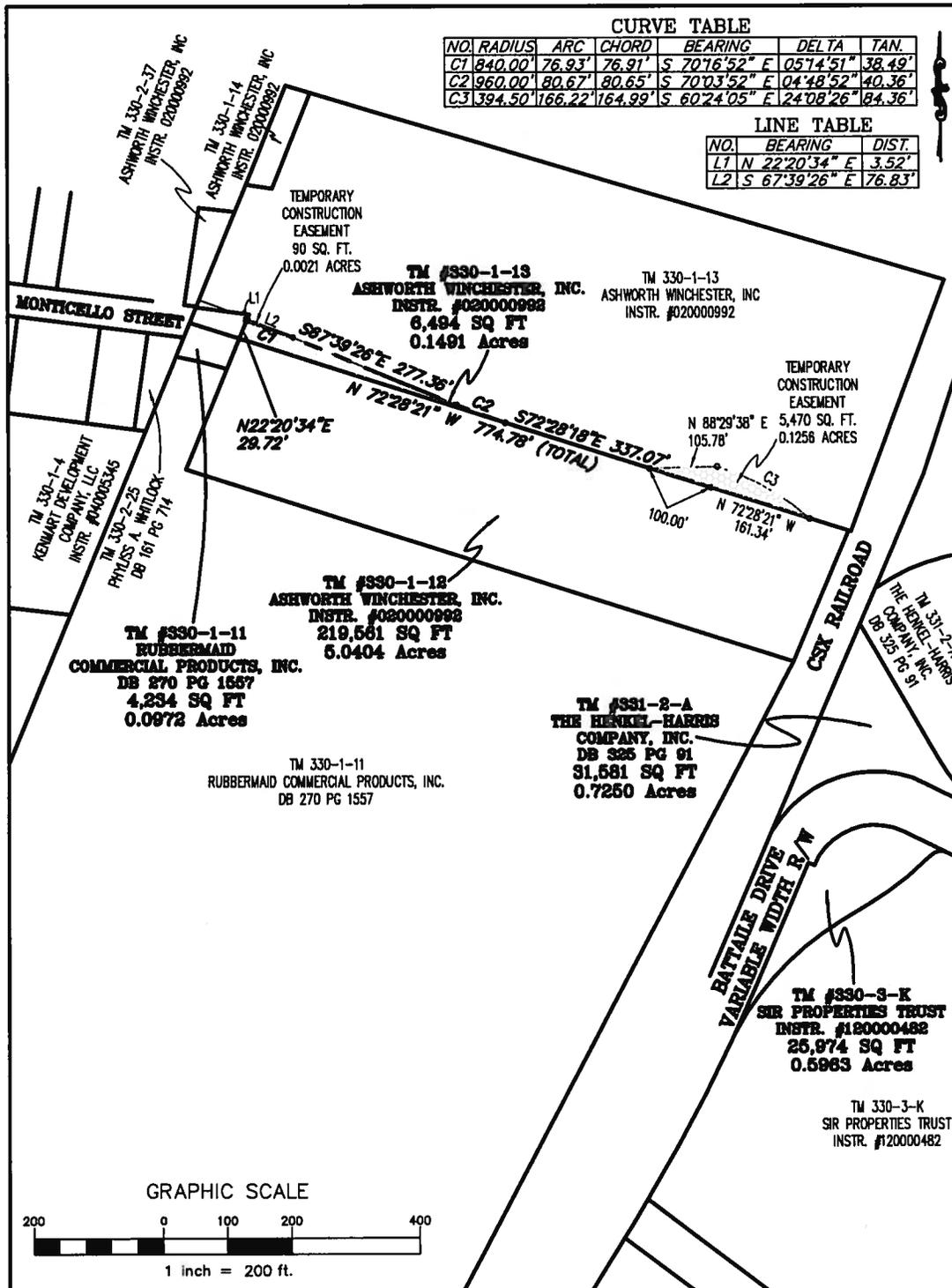


CURVE TABLE

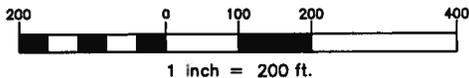
NO.	RADIUS	ARC	CHORD	BEARING	DELTA	TAN.
C1	840.00'	76.93'	76.91'	S 70°16'52" E	05°14'51"	38.49'
C2	960.00'	80.67'	80.65'	S 70°03'52" E	04°48'52"	40.36'
C3	394.50'	166.22'	164.99'	S 60°24'05" E	24°08'26"	84.36'

LINE TABLE

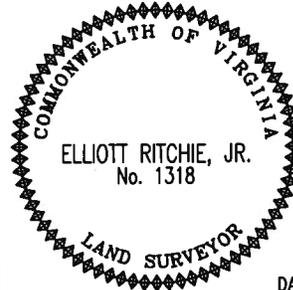
NO.	BEARING	DIST.
L1	N 22°20'34" E	3.52'
L2	S 67°39'26" E	76.83'



GRAPHIC SCALE



ASHWORTH WINCHESTER, INC.
 PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
 FOR THE IMPROVEMENTS TO
MONTICELLO STREET
 CITY OF WINCHESTER, VIRGINIA
 DATE: MAY 8, 2013 SCALE: 1"=200'



1203032-AREAS



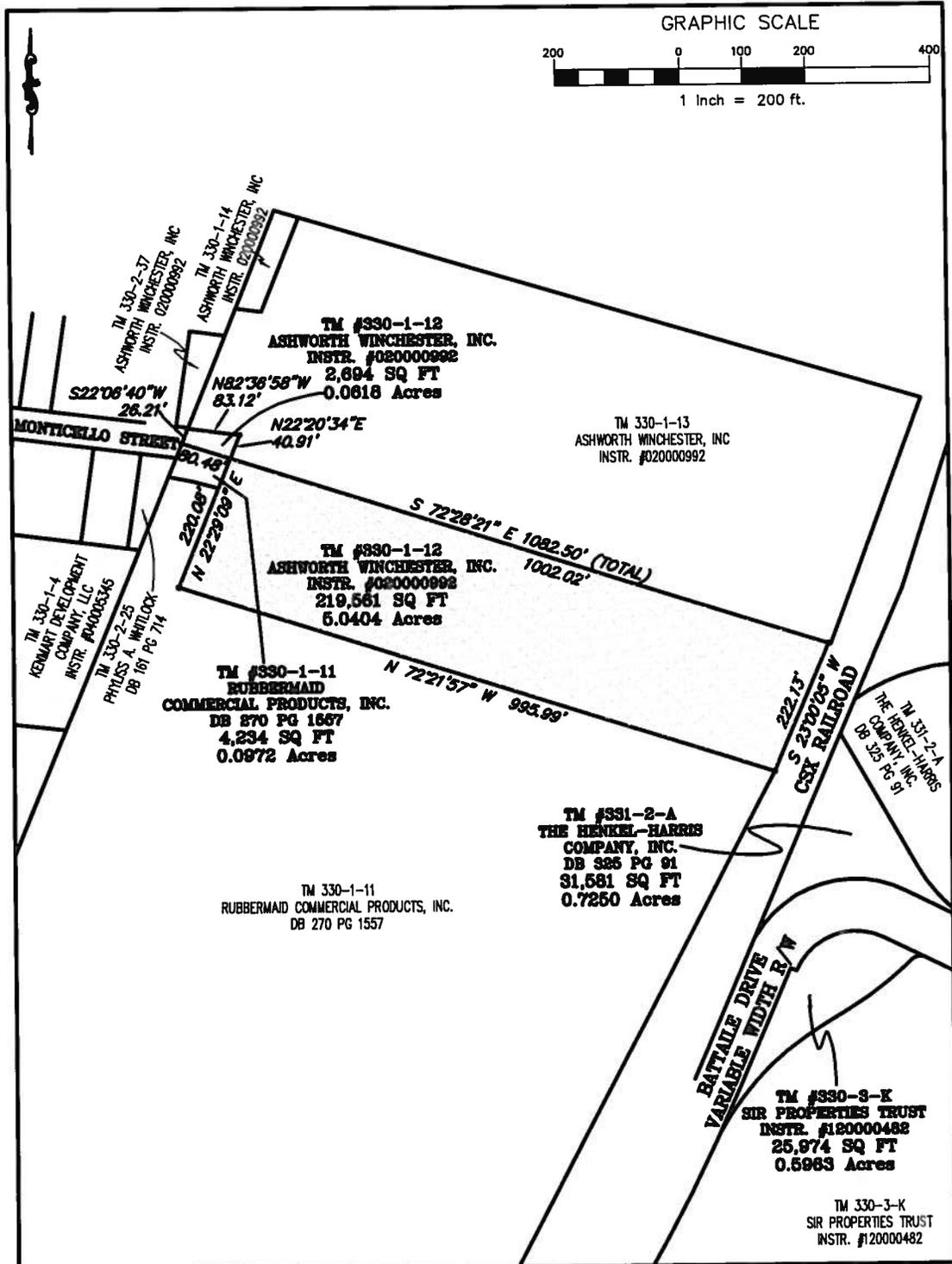
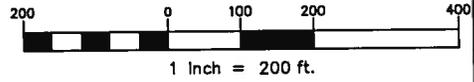
PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601

Telephone (540) 662-5792
 Facsimile (540) 662-5793

Email: office@painterlewis.com

GRAPHIC SCALE



ASHWORTH WINCHESTER, INC.
PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
FOR THE IMPROVEMENTS TO
MONTICELLO STREET
CITY OF WINCHESTER, VIRGINIA
DATE: MAY 8, 2013 SCALE: 1"=200'



1203032-AREAS

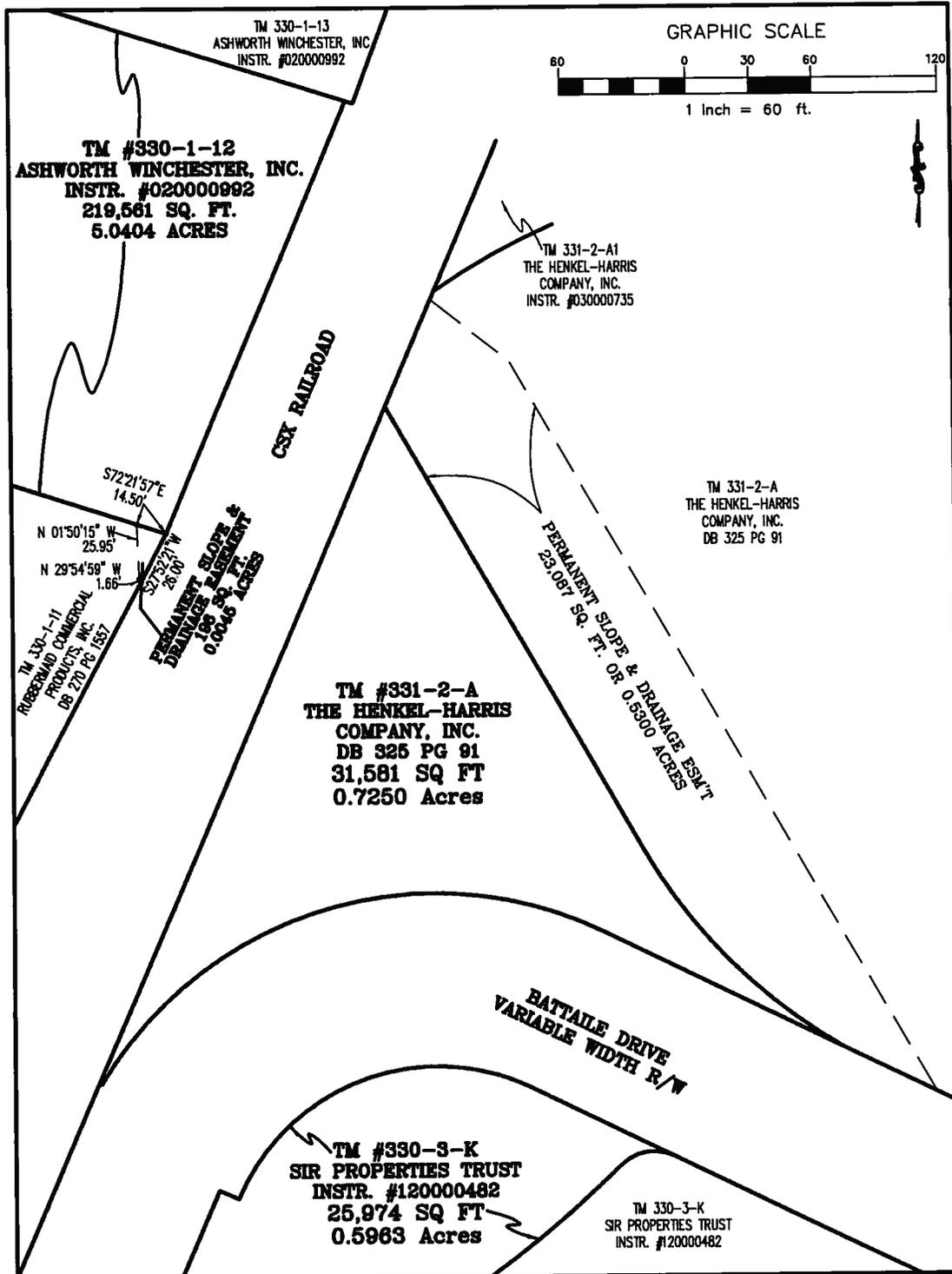


PAINTER-LEWIS, P.L.C.

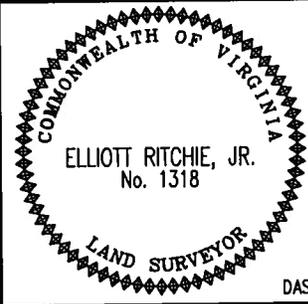
817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

Telephone (540) 662-5792
Facsimile (540) 662-5793

Email: office@painterlewis.com



RUBBERMAID COMMERCIAL PRODUCTS, INC.
PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
FOR THE IMPROVEMENTS TO
MONTICELLO STREET
CITY OF WINCHESTER, VIRGINIA
DATE: MAY 8, 2013 SCALE: 1"=50'



1203032-AREAS



PAINTER-LEWIS, P.L.C.
817 Cedar Creek Grade, Suite 120 Telephone (540) 662-5792
Winchester, Virginia 22601 Facsimile (540) 662-5793
Email: office@painterlewis.com

CURVE TABLE						
NO.	RADIUS	ARC	CHORD	BEARING	DELTA	TAN.
C7	760.00'	81.20'	81.17'	N 76°31'46" W	06°07'19"	40.64'

TM 330-2-37
ASHWORTH WINCHESTER, INC
INSTR. 020000992

TM 330-1-13
ASHWORTH WINCHESTER, INC
INSTR. #020000992

TM #330-1-13
ASHWORTH WINCHESTER, INC.
INSTR. #020000992
8,494 SQ FT
0.1491 Acres

MONTICELLO STREET

TM #330-1-12
ASHWORTH WINCHESTER, INC.
INSTR. #020000992
2,894 SQ FT
0.0618 Acres

TM #330-1-11
RUBBERMAID COMMERCIAL PRODUCTS, INC.
DB 270 PG 1557
4,234 SQ FT
0.0972 Acres

TM 330-2-25
PHYLUSS A. WHITLOCK
DB 161 PG 714

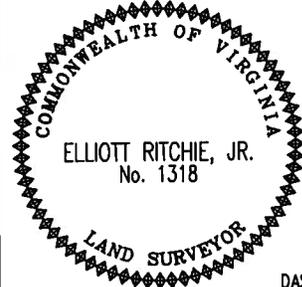
TM 330-1-11
RUBBERMAID COMMERCIAL PRODUCTS, INC.
DB 270 PG 1557

TM #330-1-12
ASHWORTH WINCHESTER, INC.
INSTR. #020000992
219,561 SQ FT
5.0404 Acres

GRAPHIC SCALE



RUBBERMAID COMMERCIAL PRODUCTS, INC.
PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
FOR THE IMPROVEMENTS TO
MONTICELLO STREET
CITY OF WINCHESTER, VIRGINIA
DATE: MAY 8, 2013 SCALE: 1"=20'



1203032-AREAS

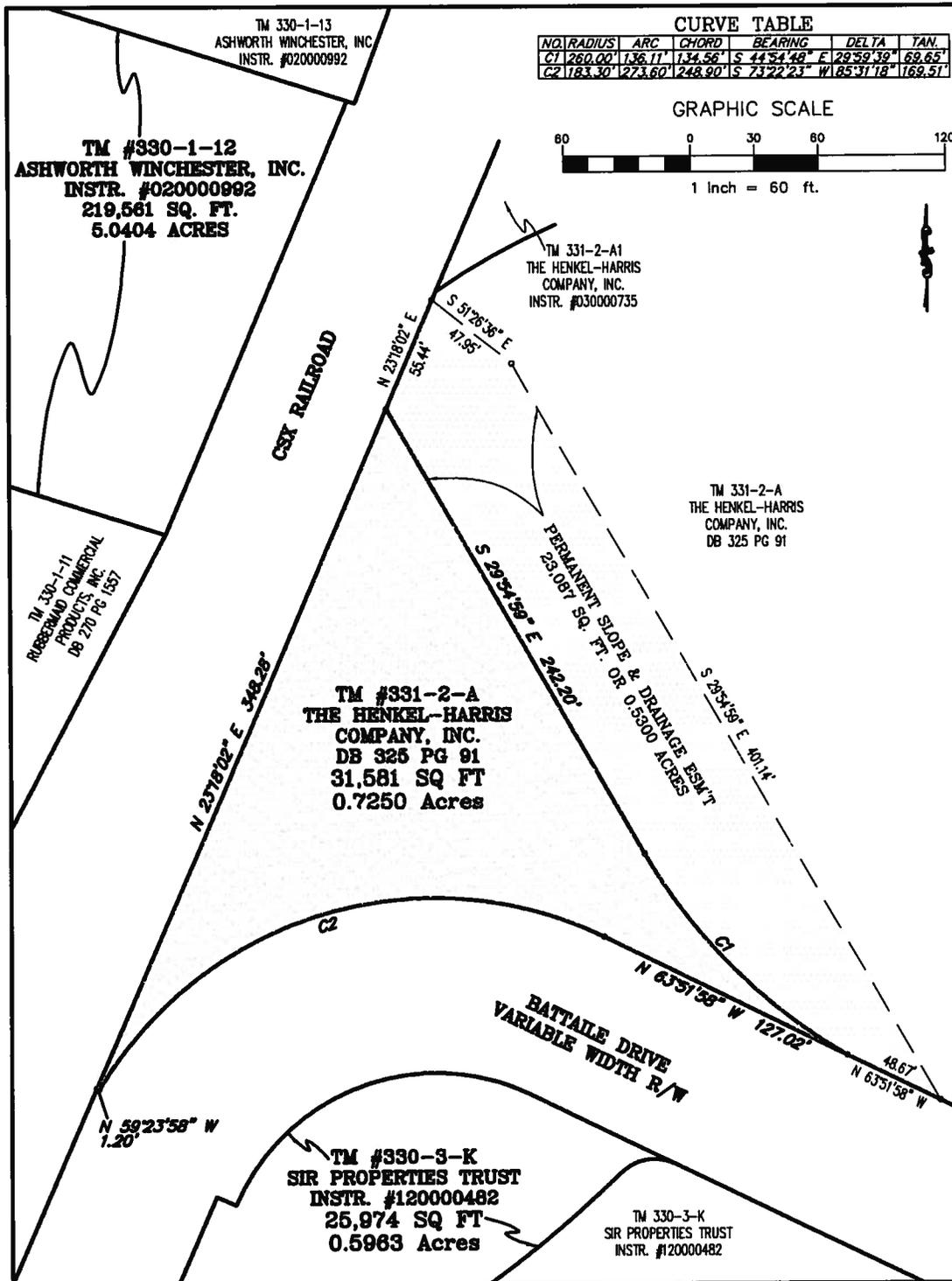


PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

Telephone (540) 662-5792
Facsimile (540) 662-5793

Email: office@painterlewis.com



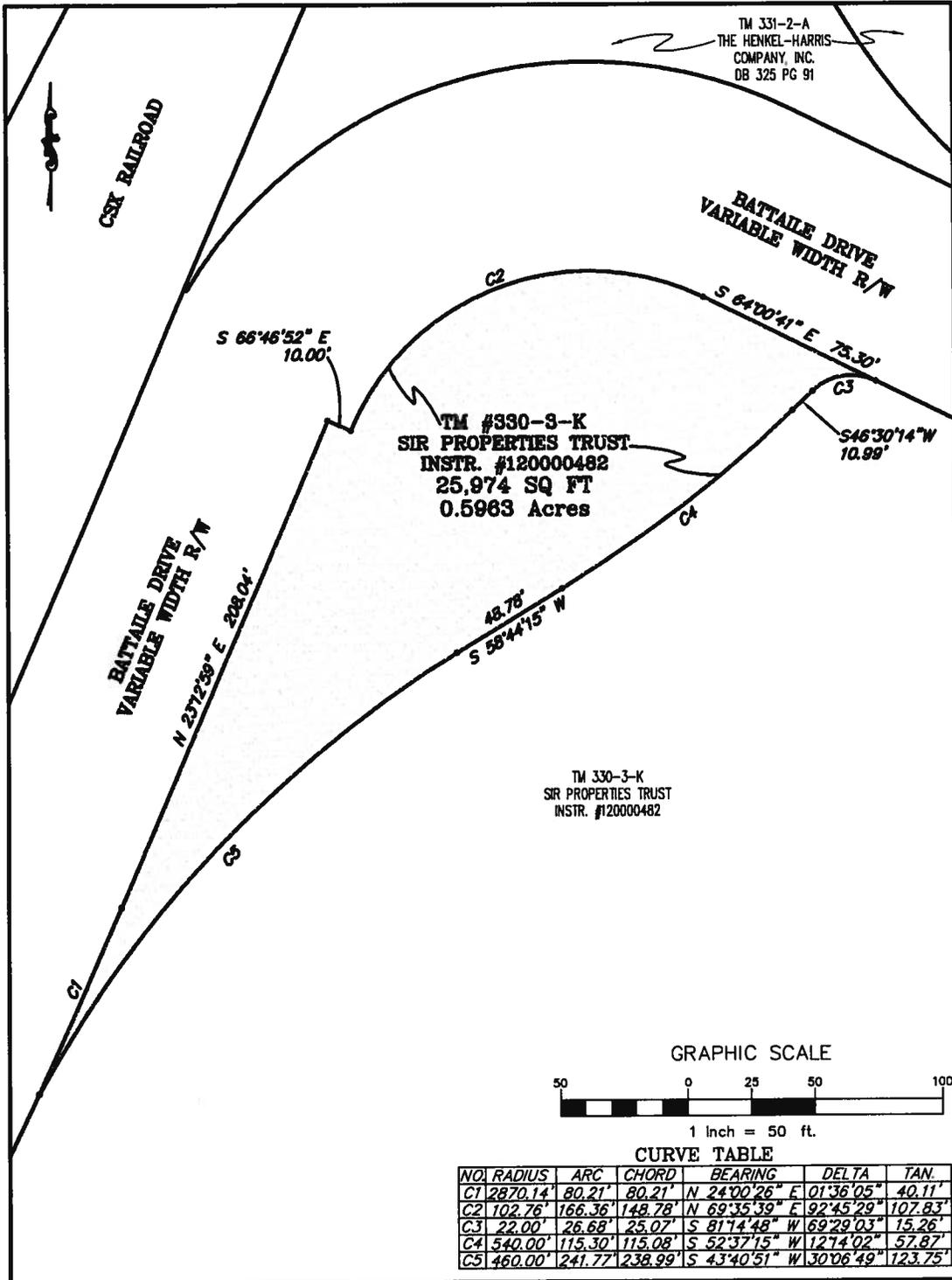
THE HENKEL-HARRIS COMPANY, INC.
 PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
 FOR THE IMPROVEMENTS TO
MONTICELLO STREET
 CITY OF WINCHESTER, VIRGINIA
 DATE: MAY 8, 2013 SCALE: 1"=60'



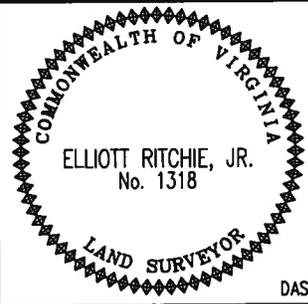
1203032-AREAS



PAINTER-LEWIS, P.L.C.
 817 Cedar Creek Grade, Suite 120 Telephone (540) 662-5792
 Winchester, Virginia 22601 Facsimile (540) 662-5793
 Email: office@painterlewis.com



SIR PROPERTIES TRUST
PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
FOR THE IMPROVEMENTS TO
MONTICELLO STREET
CITY OF WINCHESTER, VIRGINIA
DATE: MAY 8, 2013 SCALE: 1"=50'



1203032-AREAS

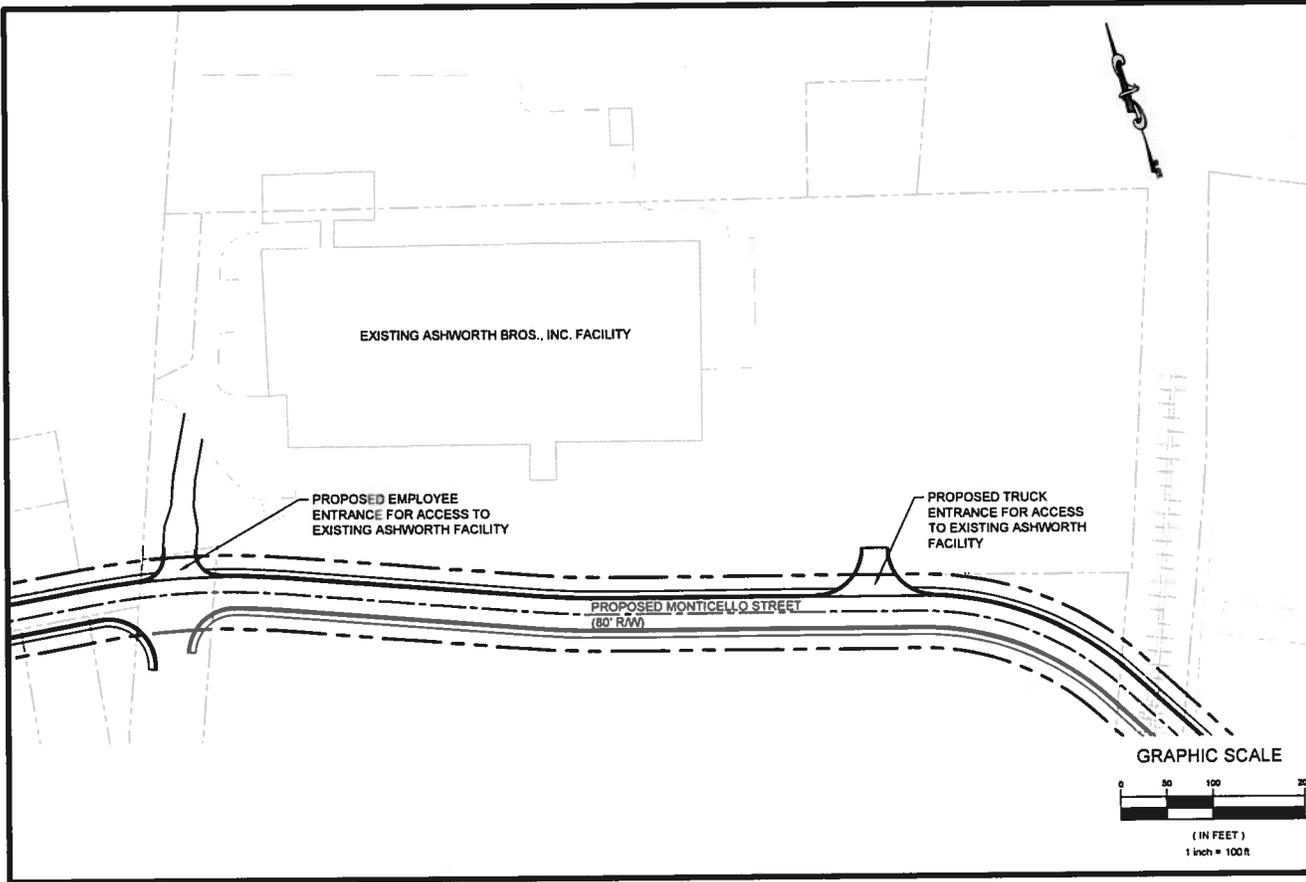


PAINTER-LEWIS, P.L.C.

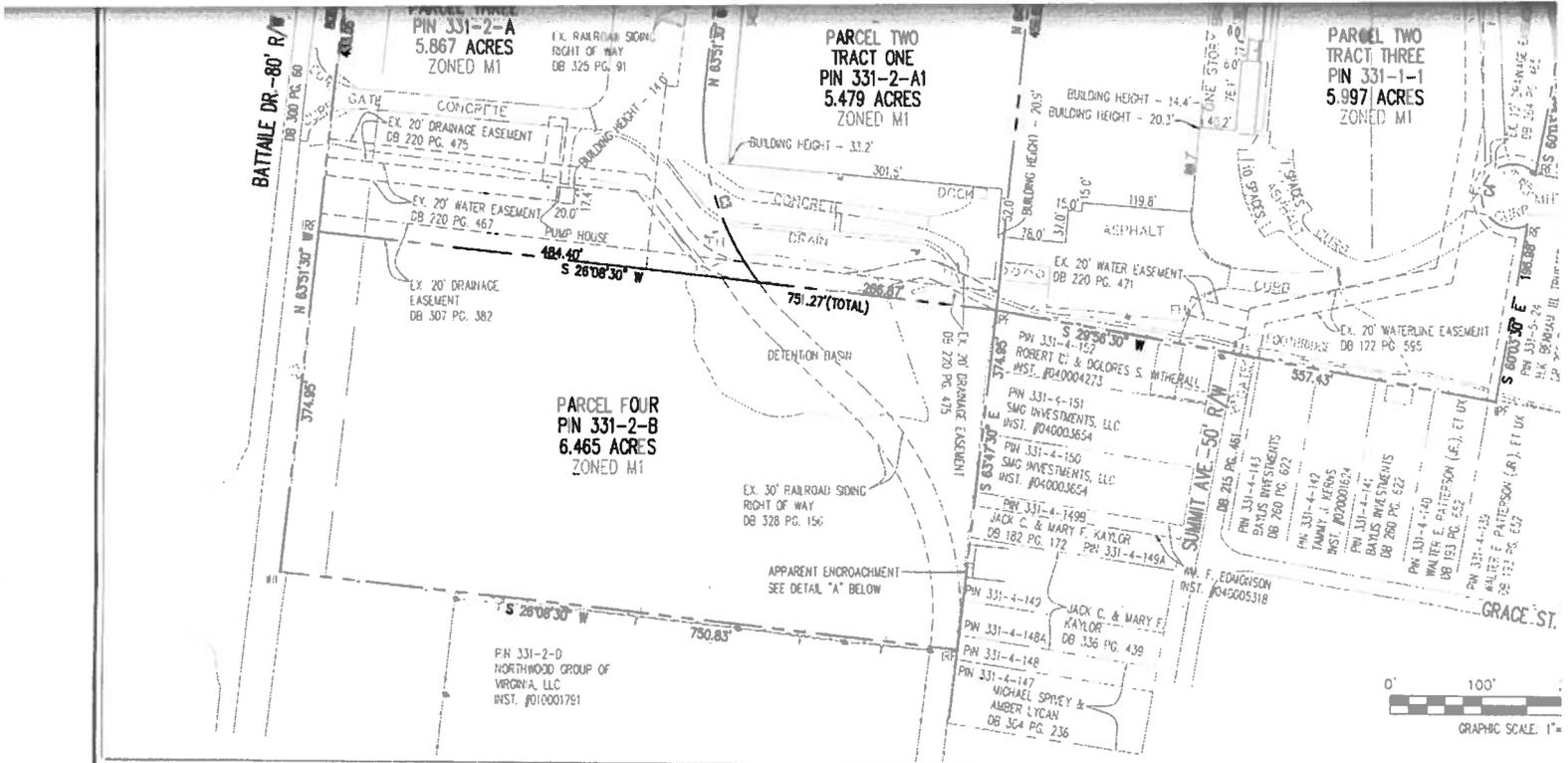
817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

Telephone (540) 662-5792
Facsimile (540) 662-5793

Email: office@painterlewis.com



ASHWORTH BROS., INC. WINCHESTER, VA		TRIAD ENGINEERING, INC. 200 AVIATION DRIVE WINCHESTER, VA 22602 PH: 540.867.9300 FAX: 540.867.2260 OFFICE LOCATIONS: MARYLAND PENNSYLVANIA VIRGINIA WEST VIRGINIA OHIO	
PROJECT FILE EXHIBIT-2.DWG	DATE 07-12-0235	DRAWN BY TRUD	CHECKED BY DED
CONCEPT PLAN		DATE 02-15-2013	SCALE 1" = 100'
		www.triadeng.com SHEET NUMBER EXHIBIT-2 JOB NO. 07-12-0235	



NOTES:

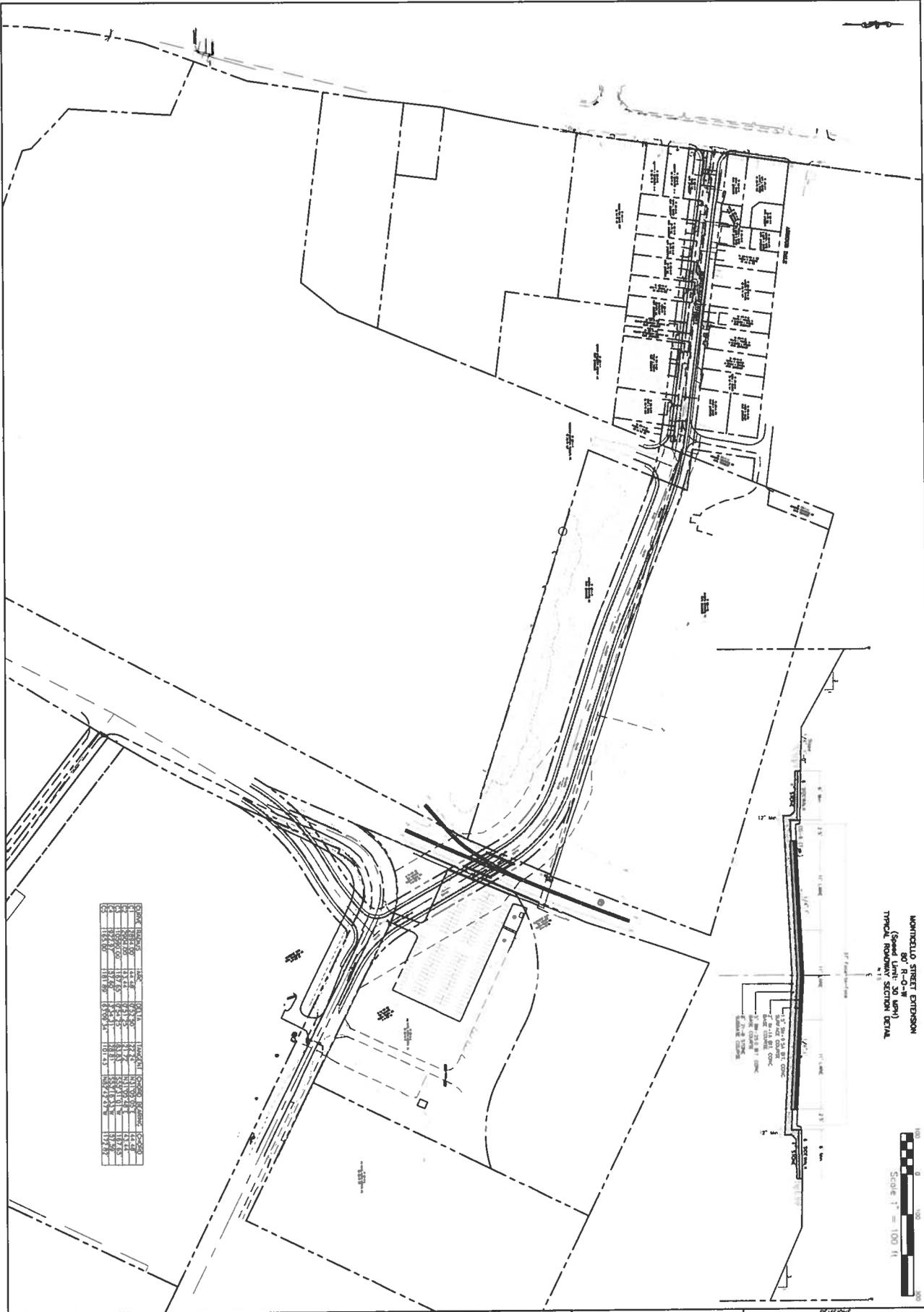
- 1. SPECIAL EXCEPTIONS OUTLINED IN SCHEDULE B OF THE TITLE COMMITMENT O. 200500715SH DATED APRIL 4, 2005 AT 8:00 A.M. FURNISHED BY INVESTORS TITLE INSURANCE COMPANY ARE ADDRESSED AS FOLLOWS:
- A. LOCATION OF RIGHTS OF WAY AND EASEMENTS GRANTED TO NORTHERN VIRGINIA POWER COMPANY AS RECORDED IN DEED BOOK 201 AT PAGE 89 AND DEED BOOK 278 AT PAGE 343 ARE AMBIGUOUS AND THEREFORE CANNOT BE SHOWN.
- B. EASEMENTS GRANTED TO THE CITY OF WINCHESTER, VIRGINIA, AS RECORDED IN DEED BOOK 262 AT PAGE 229, DEED BOOK 122 AT PAGE 595 ARE SHOWN ON THE PLAT.
- C. TEMPORARY GRADING & CONSTRUCTION EASEMENT GRANTED TO THE CITY OF WINCHESTER, VIRGINIA, AS RECORDED IN DEED BOOK 244 AT PAGE 1753 DOES NOT AFFECT THE SUBJECT PROPERTY.
- D. 30' RIGHT OF WAY AND 20' DRAINAGE EASEMENT GRANTED TO THE WINCHESTER-FREDERICK COUNTY INDUSTRIAL DEVELOPMENT CORPORATION AND CARROLL H. HENKEL AND MARY MCKENZIE HENKEL AS RECORDED IN DEED BOOK 307 AT PAGE 382 ARE SHOWN ON PLAT.
- E. RIGHT OF WAY AND EASEMENTS TO THE CITY OF WINCHESTER, VIRGINIA, AS RECORDED IN DEED BOOK 262 AT PAGE 217, DEED BOOK 262 AT PAGE 208 AND DEED BOOK 307 AT PAGE 37 ARE SHOWN ON THE PLAT.
- F. RIGHT OF WAY AND EASEMENTS GRANTED TO THE COMMONWEALTH OF VIRGINIA AS RECORDED IN DEED BOOK 268 AT PAGE 149 AND DEED BOOK 275 AT PAGE 607 DO NOT AFFECT THE SUBJECT PROPERTY. THE 80' RIGHT OF WAY GRANTED TO THE COMMONWEALTH OF VIRGINIA AS RECORDED IN DEED BOOK 300 AT PAGE 60 IS SHOWN ON THE PLAT.

SETBACKS IN DEEDS OF RECORD

AS TO PARCEL TWO (TRACT ONE), PARCEL THREE AND PARCEL FOUR ONLY:
 40' SETBACK FROM THE RIGHT OF WAY LINE OF THE MAIN ACCESS ROAD, OR THE ROAD ON WHICH THE BUILDING FRONTS.
 20' SETBACK FROM SIDE AND REAR PROPERTY LINES

AS TO PARCEL ONE, PARCEL TWO (TRACTS TWO, THREE AND FOUR) ONLY:
 NO SETBACKS RECORDED

SETBACKS AS STATED IN THE CITY OF WINCHESTER MINIMUM ZONING STANDARDS FOR PARCELS ZONED M1:



MONTICELLO STREET EXTENSION
 60' R-O-W
 (Grand Limit 30' left)
 TYPICAL ROADWAY SECTION DETAIL

Scale 1" = 100' ft

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITS	11/15/10	JL	ML
2	ISSUED FOR CONSTRUCTION	11/15/10	JL	ML
3	ISSUED FOR RECORD	11/15/10	JL	ML
4	ISSUED FOR RECORD	11/15/10	JL	ML
5	ISSUED FOR RECORD	11/15/10	JL	ML
6	ISSUED FOR RECORD	11/15/10	JL	ML
7	ISSUED FOR RECORD	11/15/10	JL	ML
8	ISSUED FOR RECORD	11/15/10	JL	ML
9	ISSUED FOR RECORD	11/15/10	JL	ML
10	ISSUED FOR RECORD	11/15/10	JL	ML

NO.	DATE	DESCRIPTION	BY

PAINTER-LEWIS, P.L.C.
 116 NORTH BRADDOCK STREET
 WINCHESTER, VIRGINIA 22801
 Telephone (540) 662-5793
 Facsimile (540) 662-5793
 Email: office@painterlewis.com

PROJECT
**CITY OF WINCHESTER, VIRGINIA
 ROAD IMPROVEMENTS PROJECT
 MONTICELLO STREET EXTENSION
 & BATAILLE DRIVE CONNECTION
 WINCHESTER, VIRGINIA**

TITLE:
OVERALL SITE LAYOUT

NO.	DATE	DESCRIPTION	BY



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

VIA CERTIFIED AND FIRST CLASS MAIL

July 8, 2013

SIR Properties Trust
c/o: John C. Popeo, Treasurer
Adam D. Portonoy, Officer
Barry M. Portonoy, Officer
Two Newton Place
255 Washington Street, Suite 300
Newton, Massachusetts 02458

Sir Properties Trust
c/o: Corporation Service Company, Registered Agent
1111 East Main Street
Richmond, VA 23219

Re: Monticello Street Extension Project
Bona fide Offer of Purchase for:
181 Battaile Drive, Winchester, VA
TM -330-03-K
Instrument No.: 120000482 – Land Records of City of Winchester, Va.

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain property owned by SIR Properties Trust.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that SIR Properties Trust is the lawful owner of this property. The fair market value of the property that the City wishes to acquire has been determined to be **ONE HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED and 00/100 dollars (\$152,100.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the



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

railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the City wishes to acquire a fee simple interest in a triangular shaped area containing .5983 acres or 25,974 square feet from the northwest corner of the subject lot. This area contains 125 Leyland Cypress trees and approximately 23,500 square feet of an asphalt parking lot. The value of these site improvements were previously estimated at \$102,700.00.

I hereby offer you the stated fair market value of **\$ ONE HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED and 00/100 dollars (\$152,100.00)** for the purchase of the property as identified in this letter. This letter shall be construed as a “bona fide effort to purchase” this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



**Dale Iman,
City Manager**

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney
HUB Properties Trust (see attached)



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

July 17, 2013

VIA CERTIFIED AND FIRST CLASS MAIL

Rubbermaid Commercial Products, Inc.
Joseph M. Ramos, President
1147 Akron Rd.
Wooster, OH 44691

Rubbermaid Commercial Products, Inc.
c/o: Edward R. Parker, Registered Agent
5511 Staples Mill Road
Richmond, VA 23228

Re: *Monticello Street Extension Project*
Bona fide Offer of Purchase for:
3124 Valley Avenue, Winchester, VA
TM -330-01-11
Deed Book 270, Page 1557 – Land Records of City of Winchester, Va.

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain property owned by Rubbermaid Commercial Products, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the portion of the property that the City wishes to acquire has been determined to be **SEVEN THOUSAND SIX HUNDRED TWENTY FIVE and 00/100 dollars (\$7,625.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the City wishes to acquire a fee simple interest in a rectangular shaped area containing 4,234 square feet at terminus of Monticello Street and consisting of a portion of an emergency fire access road. A concrete curb cut from extended Monticello Street will align with the emergency access road. This area contains a grassy area and a portion of a gravel drive, two metal bollards and several sign posts with small signs are in the area of take. These site improvements have been assigned a nominal value of \$1,000.00. A permanent slope and drainage easement encumbers the northwest corner of the site.

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

I hereby offer you the stated fair market value of \$ **SEVEN THOUSAND SIX HUNDRED TWENTY FIVE and 00/100 dollars (\$7,625.00)** for the purchase of the property as identified in this letter. This letter shall be construed as a "bona fide effort to purchase" this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

VIA CERTIFIED AND FIRST CLASS MAIL

July 8, 2013

Henkel-Harris Company, Inc.
c/o: William M. Henkel, President
Cole Whitt, Chief Operating Officer
Mary Henkel, Chief Executive Officer
William F. Edmonson, Vice President
2983 South Pleasant Valley Road
Winchester, VA 22601

Henkel-Harris Company, Inc.
c/o: William M. Henkel, Registered Agent
210 Front royal Pike
P.O. Box 2170
Winchester, VA 22604

Re: *Monticello Street Extension Project*
Bona fide Offer of Purchase for:
160 Battaile Drive, Winchester, VA
TM -331-02-A
Deed Book 325, Page 91 – Land Records of City of Winchester, Va.

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain property owned by Henkel-Harris Company, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the portion of the property that the City wishes to acquire has been determined to be **TWO HUNDRED FORTY FOUR THOUSAND ONE HUNDRED-FIFTY and 00/100 dollars (\$244,150.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the

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railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the City wishes to acquire a fee simple interest in a triangular shaped area containing .7250 acres or 31,581 square feet from the southwest corner of the subject lot. This area contains 275 feet of chain link fencing, a chain link gate, 20 pre-cast concrete bumpers, two pole mounted parking lot lights and approximately 28,000 square feet of an asphalt parking lot. In addition to easements that encumbered the property before the take, the property will also be encumbered by a permanent slope and drainage easement comprising approximately 23,087 square feet in a rectangular shape that widens from a point in the southwest corner of the site to approximately 65 feet and narrowing to 55 feet at the western boundary. This easement is northeast of the fee take along the southwest corner of the site. This area will be acquired for lopes and drainage associated with the construction of the extension of Monticello Street and the bridge over the CSX rail line.

I hereby offer you the stated fair market value of \$ **TWO HUNDRED FORTY FOUR THOUSAND ONE HUNDRED-FIFTY and 00/100 dollars (\$244,150.00)** for the purchase of the property as identified in this letter. This letter shall be construed as a “bona fide effort to purchase” this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney
First Bank



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

July 8, 2013

VIA CERTIFIED AND REGULAR MAIL

Ashworth Winchester, Inc.
c/o: Joe Lackner, Vice President
Paul Steinhoff, Director of Operations
Vincent Moretti, Treasurer
Paul Nunes, Chief Financial Officer
450 Armor Dale
Winchester, VA 22601

Ashworth Winchester, Inc.
c/o: The Corporation Trust Co.,
Registered Agent, (DE)
Corporation Trust Center 1209 Orange St.
Wilmington, DE 19801

Re: *Monticello Street Extension Project*
Bona fide Offer of Purchase for:
400 Armour Dale, Winchester, VA
TM-330-01-13
Instrument No.: 020000992 – Land Records of City of Winchester, VA

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain properties owned by Ashworth Winchester, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the property has been determined to be **SIXTEEN THOUSAND FIFTY and 00/100 dollars (\$16,050.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the

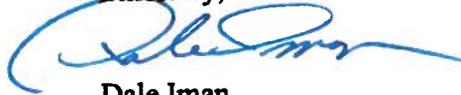
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railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the City wishes to acquire a fee simple interest in an area comprising a total of approximately 6,494 square feet that is 29.72 feet wide at the base along the southwest corner of the property for use as part of this roadway project. This grassy area contains no site improvements.

I hereby offer you the stated fair market value of **SIXTEEN THOUSAND FIFTY and 00/100 dollars (\$16,050.00)** for the fee simple purchase of the property identified in this letter. This letter shall be construed as a "bona fide effort to purchase" this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

July 8, 2013

VIA CERTIFIED AND REGULAR MAIL

Ashworth Winchester, Inc.
c/o: Joe Lackner, Vice President
Paul Steinhoff, Director of Operations
Vincent Moretti, Treasurer
Paul Nunes, Chief Financial Officer
450 Armor Dale
Winchester, VA 22601

Ashworth Winchester, Inc.
c/o: The Corporation Trust Co.,
Registered Agent, (DE)
Corporation Trust Center 1209 Orange St.
Wilmington, DE 19801

*Re: Monticello Street Extension Project
Bona fide Offer of Purchase for:
501 Monticello Street, Winchester, VA
TM-330-01-12
Instrument No.: 020000992 – Land Records of City of Winchester, VA*

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain properties owned by Ashworth Winchester, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the property has been determined to be **FOUR HUNDRED –SEVENTY THOUSAND and 00/100 dollars (\$470,000.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and

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commercial traffic. The development of this new connecting road includes a bridge over the railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the property that the City wishes to acquire comprises a total of approximately 222,255 square feet (5.1017 acres) for use as part of this roadway project.

I hereby offer you the stated fair market value of **FOUR HUNDRED –SEVENTY THOUSAND and 00/100 dollars (\$470,000.00)** for the fee simple purchase of the property identified in this letter. This letter shall be construed as a “bona fide effort to purchase” this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

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FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

July 8, 2013

VIA CERTIFIED AND FIRST CLASS MAIL

Ashworth Winchester, Inc.
c/o: Joe Lackner, Vice President
Paul Steinhoff, Director of Operations
Vincent Moretti, Treasurer
Paul Nunes, Chief Financial Officer
450 Armor Dale
Winchester, VA 22601

Ashworth Winchester, Inc.
c/o: The Corporation Trust Co.,
Registered Agent, (DE)
Corporation Trust Center 1209 Orange St.
Wilmington, DE 19801

Re: Monticello Street Extension Project
Bona fide Offer of Purchase for:
501 Armour Dale, Winchester, VA
TM -330-02-37
Instrument No.: 02000992 - Land Records of City of Winchester, Va.

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain property owned by Ashworth Winchester, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the portion of the property that the City wishes to acquire has been determined to be **FIVE THOUSAND – FIVE HUNDRED and 00/100 dollars (\$5,500.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the

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railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plats (**Exhibit C**), the portion we are interested in is approximately 246 square feet (.0057 acres) along the southern boundary of the property for use as a temporary construction easement. This area would be acquired and used only during the period of construction. All rights acquired by the City will terminate and revert to the owner at the termination of construction which is estimated to be eighteen (18) months.

I hereby offer you the stated fair market value of \$ **FIVE THOUSAND – FIVE HUNDRED and 00/100 dollars (\$5,500.00)** for the purchase of the property as identified in this letter. This letter shall be construed as a “bona fide effort to purchase” this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc Honorable Members of Common Council
Anthony C. Williams, City Attorney

R-2013-52
B-2013-51

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: October 1, 2013 **CUT OFF DATE:** _____

RESOLUTION X (2) ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE: Application to VDOT for FY 2014-15 Transportation Alternatives Funds.

STAFF RECOMMENDATION: Approval of both resolution.

PUBLIC NOTICE AND HEARING: A public notice and hearing is required to allow the public to provide comments on these funding applications.

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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		9/17/13
2. Planning	ry		9/17/13
3. Economic Development	JD		9/17/13
4. City Attorney	aw		9/17/2013
5. City Manager	DT		9-17-13
6. Clerk of Council			
Initiating Department Director's Signature:	[Signature]		9/16/13 Date



APPROVED AS TO FORM:

[Signature] 9/17/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: October 1, 2013 (Council Work Session)
Re: FY 2014-15 Transportation Alternatives Funding Application to VDOT

THE ISSUE: Approval of Applications to VDOT for FY 2014-15 Transportation Alternatives Funds.

RELATIONSHIP TO STRATEGIC PLAN: **Goal 4:** Create a More Livable City for All.

BACKGROUND: Applications to VDOT for federal Transportation Alternatives funds are due on November 1, 2013.

Transportation Alternatives funds require a 20% match with City (or developer) funds. The City has successfully used this funding source on portions of the Green Circle Trail already constructed. This program also includes funding for projects that meet "Safe Routes to School" criteria.

BUDGET IMPACT: The total amount of the two proposed applications is for \$650,000 in federal Transportation Alternatives funds which would require a match of \$162,500 of City funds.

RECOMMENDATIONS:

Submit an application for the following two projects:

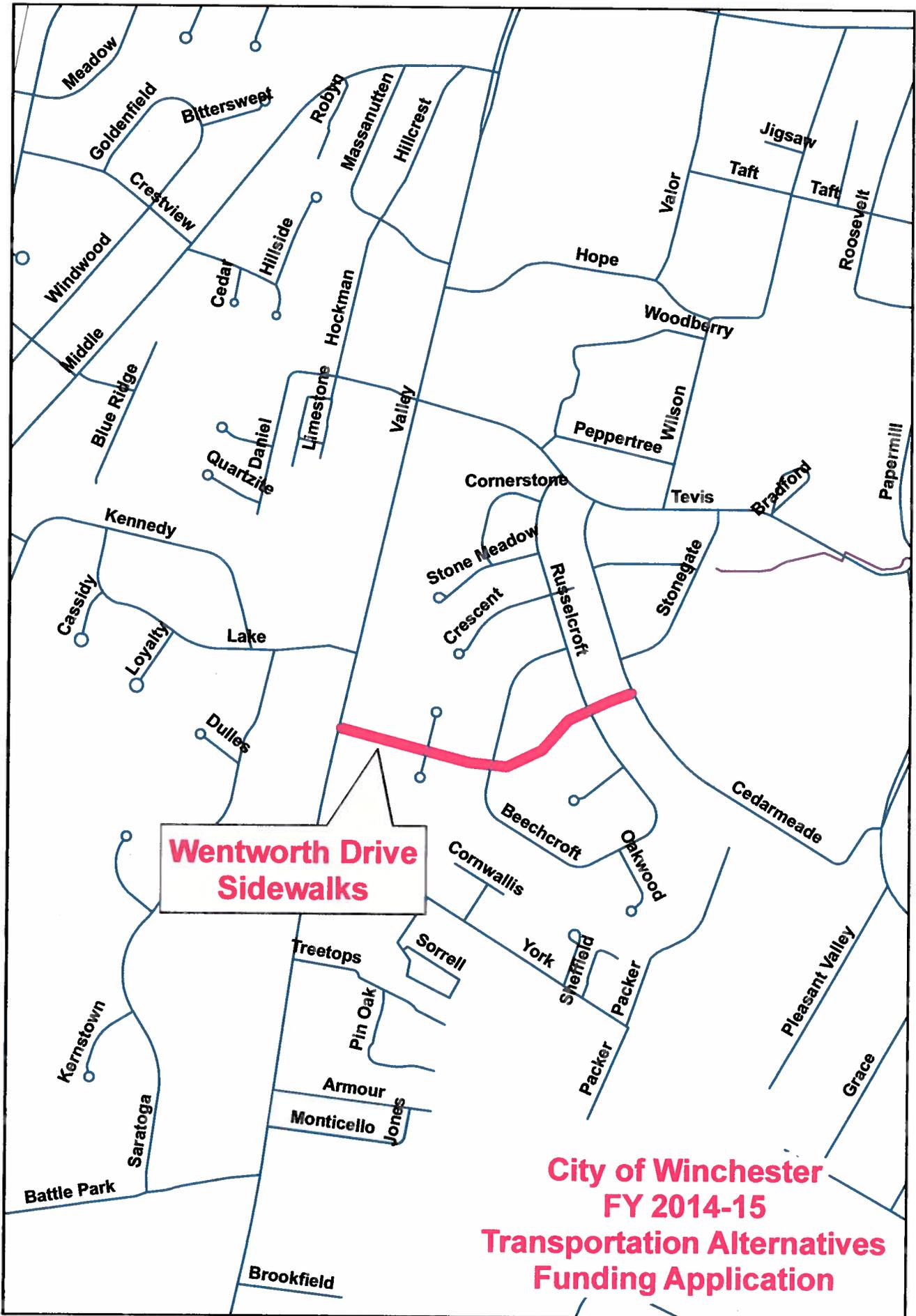
Project Name	Federal Funds	City Matching Funds	Total Project Costs
Wentworth Drive Sidewalks ("Safe Routes to School")	\$450,000	\$112,500	\$562,500
Green Circle Trail – Phase III	\$200,000	\$50,000	\$250,000
Total	\$650,000	\$162,500	\$812,500

RECOMMENDED ACTION FOR CITY COUNCIL:

Adopt the two attached resolutions to submit the application for Transportation Alternatives funds.

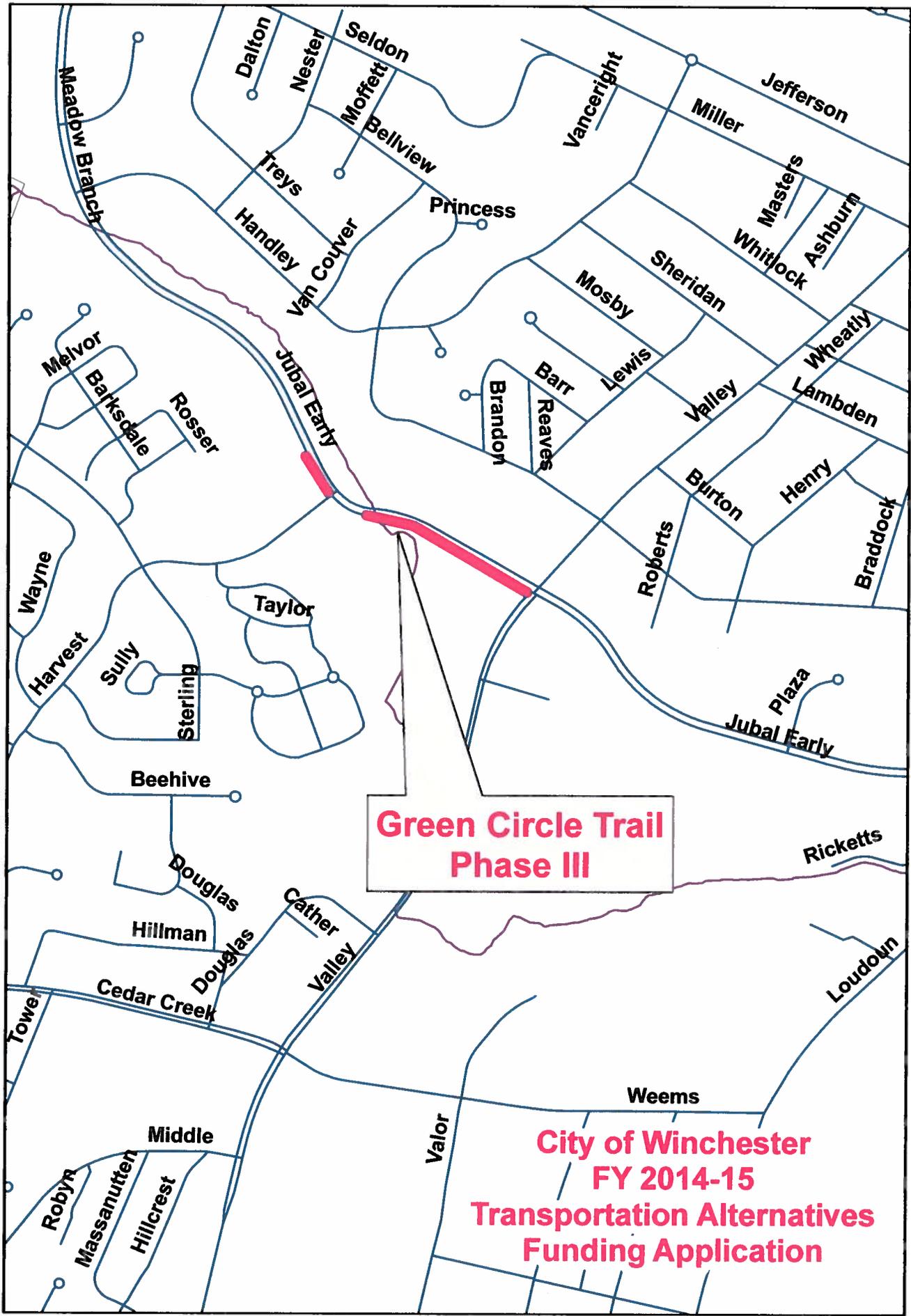
OPTIONS FOR CITY COUNCIL:

1. Adopt both resolutions.
2. Adopt one of the resolutions.
3. Do not adopt the resolutions.



**Wentworth Drive
Sidewalks**

**City of Winchester
FY 2014-15
Transportation Alternatives
Funding Application**



**Green Circle Trail
Phase III**

**City of Winchester
FY 2014-15
Transportation Alternatives
Funding Application**



THE COMMON COUNCIL

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.winchesterva.gov

RESOLUTION

TRANSPORTATION ALTERNATIVES PROJECT ENDORSEMENT

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the City of Winchester.

NOW, THEREFORE, BE IT RESOLVED, that the City of Winchester Common Council hereby requests the Commonwealth Transportation Board to establish a "**Safe Routes to School**" project consisting of constructing sidewalks on Wentworth Drive between Cedarmeade Avenue and Valley Avenue (US Route 11).

BE IT FURTHER RESOLVED, that the City of Winchester agrees to provide a minimum 20 percent matching contribution for this project.

BE IT FURTHER RESOLVED, that the City of Winchester hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right-of-way acquisition, and construction of a federally funded transportation project.

BE IT FURTHER RESOLVED, that the City of Winchester will be responsible for maintenance and operating costs of any facility constructed with Transportation Alternatives Program funds unless other arrangements have been made with the Department.

BE IT FURTHER RESOLVED, that if the City of Winchester subsequently elects to cancel this project, the City of Winchester hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Winchester also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

BE IT FURTHER RESOLVED, that the City of Winchester Common Council authorizes the City Manager to execute project administration agreements and do everything else necessary to complete this project.

Resolution No.

ADOPTED by the Common Council of the City of Winchester on the 8th day of October, 2013.

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



THE COMMON COUNCIL

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.winchesterva.gov

RESOLUTION

TRANSPORTATION ALTERNATIVES PROJECT ENDORSEMENT

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the City of Winchester.

NOW, THEREFORE, BE IT RESOLVED, that the City of Winchester Common Council hereby requests the Commonwealth Transportation Board to establish a **Transportation Alternatives project consisting of Green Circle Trail – Phase III**.

BE IT FURTHER RESOLVED, that the City of Winchester agrees to provide a minimum 20 percent matching contribution for this project.

BE IT FURTHER RESOLVED, that the City of Winchester hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right-of-way acquisition, and construction of a federally funded transportation project.

BE IT FURTHER RESOLVED, that the City of Winchester will be responsible for maintenance and operating costs of any facility constructed with Transportation Alternatives Program funds unless other arrangements have been made with the Department.

BE IT FURTHER RESOLVED, that if the City of Winchester subsequently elects to cancel this project, the City of Winchester hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Winchester also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

BE IT FURTHER RESOLVED, that the City of Winchester Common Council authorizes the City Manager to execute project administration agreements and do everything else necessary to complete this project.

Resolution No.

ADOPTED by the Common Council of the City of Winchester on the 8th day of October, 2013.

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

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: October 1, 2013 CUT OFF DATE: _____

RESOLUTION ___ ORDINANCE X PUBLIC HEARING ___

ITEM TITLE: Proposed modifications to City Code Section 26-15 pertaining to the time required to remove snow and ice from sidewalks.

STAFF RECOMMENDATION: Approval of ordinance.

PUBLIC NOTICE AND HEARING: NA

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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 and Inspections	AMG		9/17/13
2. Police	PS		9/17/13
3. City Attorney	AW		9/17/2013
4. City Manager	[Signature]		9-20-13
5. Clerk of Council			
Initiating Department Director's Signature:	[Signature]		9/18/13 Date



APPROVED AS TO FORM:

[Signature] 9/12/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: October 1, 2013 (Council Work Session)
Re: Snow and Ice Removal from Sidewalks

THE ISSUE: Proposed modifications to City Code Section 26-15 pertaining to the time required to remove snow and ice from sidewalks.

RELATIONSHIP TO STRATEGIC PLAN: Goal 4: Create a More Livable City for All.

BACKGROUND: City Code currently requires the property owner or occupant of the property to remove the snow and ice from the public sidewalk adjacent to their property within 2 hours after the snow or ice has stopped falling, or 9:00 am the next morning if such time is during the night. Staff believes that this amount of time is not sufficient for many residents or businesses, including City staff responsible for maintaining the sidewalks adjacent to City owned properties, to remove the snow or ice from the sidewalks.

In addition, the Police Department is currently responsible for enforcing this section of the code. City staff believes that the Zoning and Inspections Department is better suited to enforce these requirements.

BUDGET IMPACT: The proposed modifications have no impact to the City's budget.

RECOMMENDATIONS:

City staff recommend the following modifications to the existing City code:

1. Allow 24-hours once the snow stops falling to remove the snow/ice from the sidewalk when the total snow accumulation is 6-inches or less before a compliance notice is given.
2. Allow 48-hours once the snow stops falling to remove the snow/ice from the sidewalk when the total snow accumulation is greater than 6-inches before a compliance notice is given.
3. Make modifications so that the Zoning and Inspections Department is responsible for enforcement of these requirements instead of the Police Department.

RECOMMENDED ACTION FOR CITY COUNCIL:

Adopt the attached ordinance.

OPTIONS FOR CITY COUNCIL:

1. Adopt the proposed ordinance as presented.
2. Adopt the proposed ordinance with modifications.
3. Make no changes to the existing code (do not adopt the proposed ordinance).

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 26-15 OF THE WINCHESTER CITY CODE PERTAINING TO THE TIME REQUIRED TO REMOVE SNOW AND ICE FROM SIDEWALKS

WHEREAS, Section 26-15 of the City Code specifies the requirements for tenants, occupants, and property owners to remove snow and ice from the public sidewalks within the City; and

WHEREAS, it is important for the safety of the public and to help ensure that Winchester is a walk-able community throughout the year that the sidewalks are cleared from ice and snow in a timely manner; and

WHEREAS, there is a desire to modify this section of the City Code to more clearly define the requirements for snow and ice removal and to make the requirements more concise.

NOW, THEREFORE, BE IT ORDAINED that Section 26-15 of the Winchester City Code is hereby amended and re-enacted to read as follows:

SECTION 26-15. DUTY OF PROPERTY OWNERS OR OCCUPANTS TO REMOVE SNOW AND ICE FROM SIDEWALKS.

- (a) The ~~tenant or occupant or, in case there shall be no tenant or occupant, the~~ owner or any person **responsible for** ~~having~~ the care of any building or lot of land abutting on any curbed or paved sidewalk within the corporate limits of the city shall **remove the snow or sleet from such sidewalk within twenty-four (24) hours after the snow or sleet has ceased to fall when the total snow accumulation is six inches or less and within forty-eight (48) hours after the snow or sleet has ceased to fall when the snow accumulation is greater than six inches.** ~~, if in the daytime, within two (2) hours after any snow or sleet has ceased to fall and, if in the nighttime, before 9:00 a.m. on the day succeeding, cause the same to be removed from such sidewalk; provided, that~~ **In cases of sleet or ice that,** ~~when it~~ cannot be removed without injury to the pavement of the sidewalk, **the sidewalk** shall be covered within **twenty-four hours after the ice or sleet has ceased to fall** ~~the same period of time~~ with sawdust, ashes or some other material which will render the sidewalk safe for travel.
- (b) Where conditions set forth in subsection (a) above are not complied with, ~~and the street on which the property is located has been plowed by the City's forces or agents,~~ the **Zoning and Inspections Director** ~~chief of police~~ or his designee shall immediately notify the ~~tenant, owner or person responsible for care of the building or lot of land abutting the curbed or paved sidewalk. occupant, and~~ **Such** notification shall be served by a member of the **Zoning and Inspections Department** ~~police department.~~

~~(c) If the conditions set forth in subsections (a) and (b) above are not complied with within twenty four (24) hours from the time of the notification, the chief of police may cause the tenant, owner or occupant to be charged with a violation of this section.~~

(c) If the conditions set forth in subsection (a) are not complied with after within twenty-four (24) hours from the time of **service of the** notice provided in subsection (b) ~~the conditions set forth in subsection (a) are not complied with~~, the City may cause the conditions to be complied with **by hiring a contractor to remove the snow or sleet from the sidewalk**. The cost thereof shall be charged to and collected from the owner, ~~occupant or occupants~~ of the property. **Such collection may be** affected in any manner provided by law **including but not limited to** ~~for~~ the collection of state and local taxes. **Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Code of Virginia §§ 58.1-3940 et seq. and §§ 58.1-3965 et seq. The City may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.** (Code 1959, §22-21; Ord. of 6-14-78)(Ord. No. 042-95, 9-12-95)

State Law Reference--Authority for above section, Code of Virginia, §15.1-~~867~~1115.

Ordinance No. _____

ADOPTED by the Common Council of the City of Winchester on the ____ day of _____, 2013.

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

Deputy Clerk of the Common Council

0-2013-35

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 10/1/13 (work session), **CUT OFF DATE:** 9/18/13
10/8/13(1st Reading) 11/12/13 (2nd reading)

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

ITEM TITLE:

RZ-13-430 AN ORDINANCE TO REZONE 0.46 ACRES OF LAND AT 317 SOUTH CAMERON STREET (Map Number 193-01-K-14) FROM RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 11/12/13 Council mtg

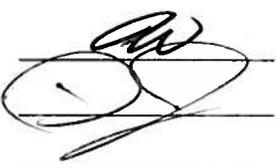
ADVISORY BOARD RECOMMENDATION:

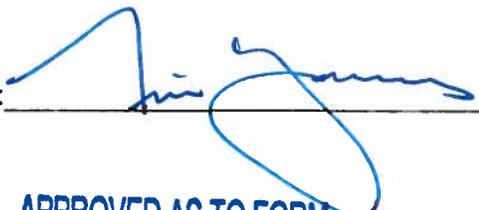
Planning Commission recommended approval.

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. City Attorney			9/18/2013
2. City Manager			9-20-13
3. Clerk of Council			

Initiating Department Director's Signature:  9/17/13
(Planning)



APPROVED AS TO FORM:
 9/18/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council

From: Will Moore, Planner

Date: September 17, 2013

Re: **RZ-13-430** AN ORDINANCE TO REZONE 0.46 ACRES OF LAND AT 317 SOUTH CAMERON STREET (*Map Number 193-01-K-14*) FROM RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY

THE ISSUE:

Rezoning the 0.46 acre "old jail" property that most recently housed the public inebriate center and residential treatment facility from RB-1 to B-1 in order to facilitate redevelopment.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Grow the Economy

2013-14 Management in Progress, Item #2: *317 S. Cameron Street Redevelopment*

Goal 3: Continue Revitalization of Historic Old Town.

2013-14 Management Action, Item #3: *Market Rate Housing Units (25)*

BACKGROUND:

See attached staff report

BUDGET IMPACT:

The proposed rezoning is not tied to any specific development plan. The higher residential density and wider array of commercial uses allowable under B-1 will likely facilitate redevelopment and conversion to a taxable property.

OPTIONS:

- Approve rezoning as proposed
- Identify potential impacts; table request to allow applicant an opportunity to address
- Deny; leave existing RB-1 zoning in place

RECOMMENDATIONS:

Planning Commission recommended approval.

Council Work Session
October 1, 2013

RZ-13-430 AN ORDINANCE TO REZONE 0.46 ACRES OF LAND AT 317 SOUTH CAMERON STREET (*Map Number 193-01-K-14*) FROM RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY

REQUEST DESCRIPTION

The request is to rezone the property containing the 1845 former City Jail as depicted on an exhibit titled "*Rezoning Exhibit, RZ-13-430, Prepared by Winchester Planning Department, September 3, 2013.*"

AREA DESCRIPTION

The property is situated at the northwest corner of S. Cameron and E. Cecil Streets. Land directly to the north was rezoned conditionally to B-1 in late 2010 and consists of a two-family dwelling and a surface parking lot. Land to the west, south and east is zoned RB-1. Land to the west contains a mix of residential types and a real estate office. Land across Cecil to the south contains a mix of residential types and a warehouse structure. Land across Cameron to the east contains a mix of residential types and offices.



The subject property and all surrounding properties are within the Historic Winchester overlay District. The subject property and those to the north and west are within Parking District A (100% exempt from off-street parking requirements); properties to the east and south are within Parking District B (50% reduction).

STAFF COMMENTS

Comprehensive Plan

The subject property most recently housed the public inebriate center and residential treatment facility. The Comprehensive Plan identifies the property as a redevelopment site and calls for a specific land use action to "(r)elocate the detox and court services from the old jail to less disruptive sites. Reuse the historic building for a public or private use more compatible with the area." The referenced services have since ceased operation at the site. The City acquired Frederick County's portion of ownership interest in the property and then conveyed the property to the Economic Development Authority. The EDA is the applicant for the rezoning, which is intended to facilitate "appropriate housing development to serve targeted populations such as young professionals and empty nesters" per the request letter.

Strategic Plan

The Strategic Plan calls for "317 S. Cameron Street Redevelopment" as a 2013-14 Management in Progress item under Goal 1: Grow the Economy. The Plan also calls for development of "Market Rate Housing Units (25)" as a 2013-14 Management Action under Goal 3: Continue Revitalization of Historic Old Town.

Density

The base density provision for B-1 allows for one residential unit per 1,000sf of lot area. At just over 20,000sf in area, the base density would allow for 20 units. Density bonuses are available based on several potential criteria. While no specific development proposal has been submitted, a potential redevelopment scenario with a developer has been publicly discussed that could yield as many as 30 units, which would require eligibility for cumulative bonuses of 50%.

Potential Impacts

The current RB-1 zoning would permit development up to 35 feet in height. The proposed B-1 zoning would permit development up to 75 feet in height. The potential height of new structures was a consideration in deliberations of the 2010 rezoning of properties directly to the north. That rezoning was eventually approved as a conditional rezoning with a proffered height limitation of 35 feet. There are no proffers associated with this rezoning application.

While potential redevelopment scenarios would likely include preservation of the historic jail building on the front part of the site, the rear addition is more likely to be considered for demolition to provide for infill redevelopment. Any structures visible from a public street/way/place that would be demolished would be subject to first receiving a Certificate of Appropriateness (COA) from the Board of Architectural Review due to the location within the HW overlay District (or equivalent approval from Virginia DHR). Likewise, any new proposed structures would also be subject to receiving such approval. The reviews necessary for obtaining a COA or Historic Preservation Certification provide a mitigating factor for potential adverse impacts of new tall structures under the proposed B-1 zoning or demolition of the historic jail building. The Commission and Council should consider whether or not these review processes provide sufficient mitigation to address these potential impacts.

RECOMMENDATION

At its September 17, 2013 meeting, the Planning Commission forwarded **RZ-13-430** to City Council recommending approval as depicted on an exhibit titled "*Rezoning Exhibit, RZ-13-430, Prepared by Winchester Planning Department, September 3, 2013*" because the proposed B-1 zoning will facilitate redevelopment to a use more compatible with the area consistent with the land use action called for in the Comprehensive Plan.



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

July 17, 2013

Aaron Grisdale, Director of Zoning & Inspections
15 N. Cameron Street
Winchester, VA 22601

The Winchester Economic Development Authority, the sole owner of the "Old Jail", is requesting that 317 S. Cameron Street, be rezoned from RB1 to B1. The rezoning of this property is consistent with the City of Winchester's Comprehensive Plan in that it promotes appropriate housing development to serve targeted populations such as young professionals and empty nesters.

A complete list of properties, their owners and mailing addresses are included in this packet as well as maps that display the Old Jails' proximity to adjacent properties.

Sincerely,

Jim Deskins, Executive Director

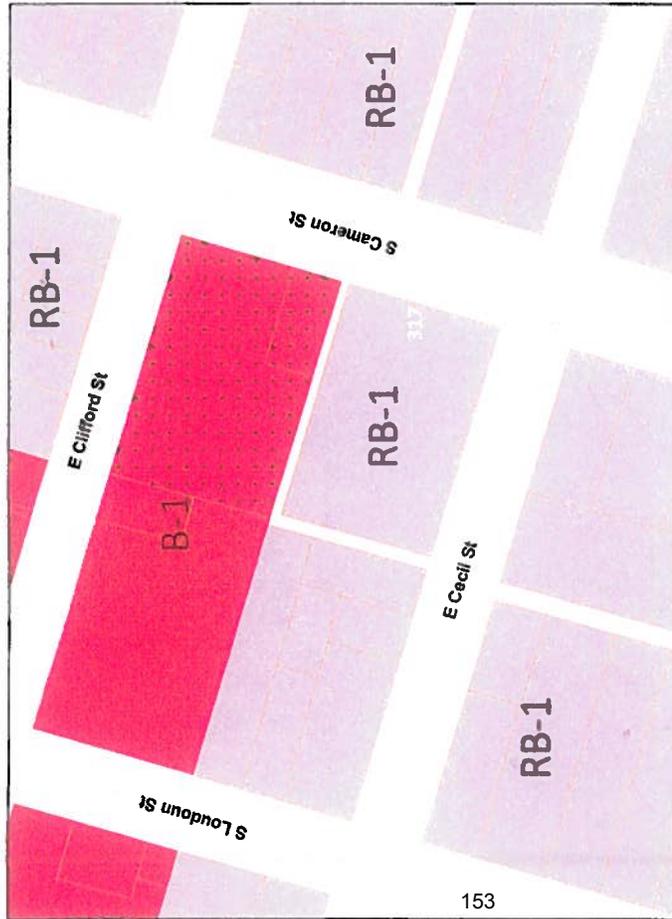
Winchester Economic Development Authority

*"To be a financially sound City providing top quality municipal services
while focusing on the customer and engaging our community."*

REZONING EXHIBIT

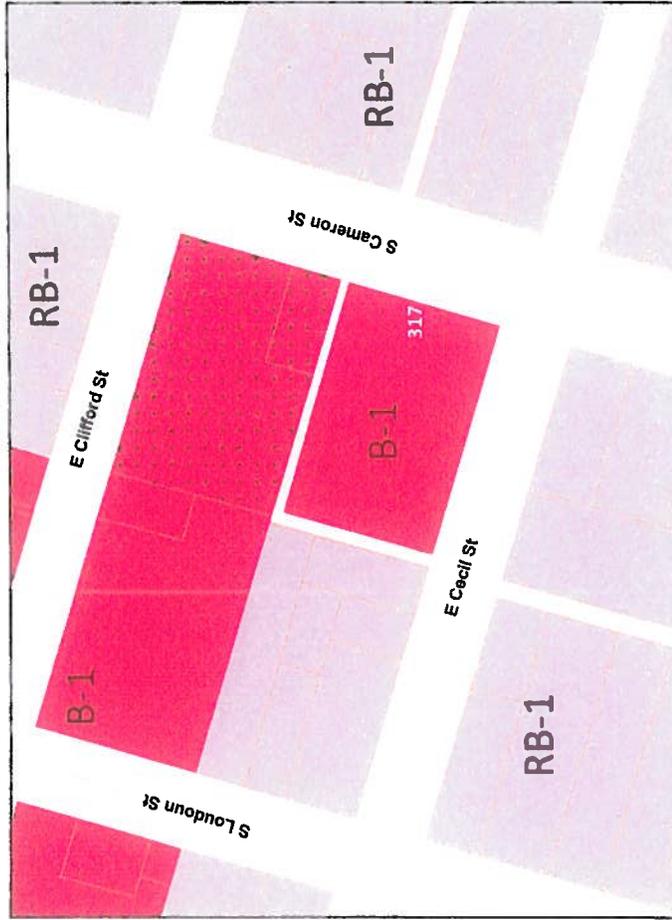
RZ-13-430

PREPARED BY WINCHESTER PLANNING DEPARTMENT
SEPTEMBER 3, 2013



EXISTING

RB-1 (HW) ZONING FOR 317 S CAMERON STREET



PROPOSED

B-1 (HW) ZONING FOR 317 S CAMERON STREET



Conditional Zoning

*** All properties depicted are within the HW overlay District

B-2013-45

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 9/17/13 (Work Session), CUT OFF DATE: 9/09/13
10/8/13 (First Reading - Amendment Initiation)

RESOLUTION X ORDINANCE ___ PUBLIC HEARING __

ITEM TITLE:

TA-13-493 AN ORDINANCE TO AMEND AND REENACT ARTICLES 3, 4, 5, 5.1, 6, 7, 8, 9, 13, AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME OCCUPATIONS PERMITTED IN ACCESSORY STRUCTURES WITH A CONDITIONAL USE PERMIT

STAFF RECOMMENDATION:

Initiation.

PUBLIC NOTICE AND HEARING:

No public hearing required.

ADVISORY BOARD RECOMMENDATION:

Text amendment will need to be reviewed by Planning Commission following Council initiation.

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. Planning	<i>[Signature]</i>		9/9/13
2. City Attorney	<i>[Signature]</i>		9/10/2013
3. City Manager	<i>[Signature]</i>		9-11-13
4. Clerk of Council			

Initiating Department Director's Signature: *[Signature]* 9/9/13
(Zoning and Inspections)



APPROVED AS TO FORM:

[Signature] 9/10/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
Date: September 17, 2013
Re: Zoning Text Amendment (TA-13-493) – Home Occupations in Accessory Structures

THE ISSUE:

The proposed Zoning Ordinance text amendment will modify the existing Zoning Ordinance language pertaining to allowing home occupations to occur in an accessory structure with a conditional use permit from City Council.

RELATIONSHIP TO STRATEGIC PLAN:

This text amendment correlates to the 2018 Goal #1 of "Grow the Economy" by providing for additional opportunities for residents to conduct gainful employment at their residential properties while mitigating potential negative impacts on neighboring properties.

BACKGROUND:

This Zoning Ordinance text amendment is requested for consideration by City Council as a publicly sponsored text amendment to revise the ordinance to allow for home occupations in accessory structures with a conditional use permit. Staff has received inquiries from citizens over the last several years regarding the ability to have a home occupation in their garage or similar detached accessory structure. (Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Initiate the Zoning Ordinance Text Amendment
- Decline to initiate the Zoning Ordinance Text Amendment

RECOMMENDATIONS:

The Director of Zoning and Inspections recommends initiation.

TA-13-493 AN ORDINANCE TO AMEND AND REENACT ARTICLES 3, 4, 5, 5.1, 6, 7, 8, 9, 13, AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME OCCUPATIONS PERMITTED IN ACCESSORY STRUCTURES WITH A CONDITIONAL USE PERMIT

REQUEST DESCRIPTION

This Zoning Ordinance text amendment is requested for consideration by City Council as a publicly sponsored text amendment to revise the ordinance to allow for home occupations in accessory structures with a conditional use permit. Staff has received inquiries from citizens over the last several years regarding the ability to have a home occupation in their garage or similar detached accessory structure.

STAFF COMMENTS

Presently, the Zoning Ordinance provisions only permit a home occupation to be conducted in the main building on a property, with the exception of accessory garden uses. Staff recognizes that in today's economy there are greater numbers of individuals that are working from home or are looking to start a home business. This amendment would support this economic trend by allowing for a resident to request a conditional use permit (CUP) for a home occupation in an accessory structure by City Council.

The intent to include the CUP requirement for these requests is due to the difference between main buildings and accessory structures regulations. Accessory structures, depending on the height, can be exempt from the setback provisions in a zoning district and may be located in greater proximity to a rear or side property line than main buildings. As a result there is a much higher likelihood of impacts on adjoining properties. By utilizing the conditional use permit review process, the Planning Commission and City Council can evaluate the potential impacts on neighboring properties and include conditions on the operation of the home occupation.

An application for a CUP for the home occupation would require the inclusion of the following:

- Property survey or sketch drawn to scale detailing the setbacks of the accessory structure and the proximity of structures on adjoining properties.
- A scaled interior site sketch illustrating the proposed home occupation in the accessory structure.
- A letter outlining the scope and nature of the occupation, involving operating hours, days of the week and similar details.

RECOMMENDATION

Staff recommends this text amendment be initiated by Council and referred to the Planning Commission for recommendation. A potential motion could read:

MOVE that Council initiate **TA-13-493** because the amendment, as proposed, presents good planning practice by providing for expanded opportunities for residents to conduct home occupations in accessory structures while providing for case by case review of potential impacts on neighboring properties.

**RESOLUTION INITIATING AN ORDINANCE TO AMEND AND REENACT ARTICLES 3, 4, 5, 5.1, 6, 7, 8, 9, 13,
AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME OCCUPATIONS PERMITTED
IN ACCESSORY STRUCTURES WITH A CONDITIONAL USE PERMIT**

TA-13-493

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 existing Zoning Ordinance home occupation provisions have been established to provide for opportunities for residents to conduct gainful employment in their dwelling units while having minimal impacts on the neighboring community; and,

WHEREAS, the proposed Ordinance amendments will allow for residents to use an accessory structure as part of a home occupation provided that a conditional use permit is obtained; and,

WHEREAS, this proposed Ordinance amendments will support City Council's goal of "Grow the Economy" as provided for in the adopted 2013 Strategic Plan.

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

AN ORDINANCE TO AMEND AND REENACT ARTICLES 3, 4, 5, 5.1, 6, 7, 8, 9, 13, AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME OCCUPATIONS PERMITTED IN ACCESSORY STRUCTURES WITH A CONDITIONAL USE PERMIT

TA-13-493

Draft 1 – 09/09/13

*Ed. Note: The following text represents an excerpt of Articles 3, 4, 5, 5.1, 6, 7, 8, 9, 13 and 18 of the Zoning Ordinance that is subject to change. Words with strikethrough are proposed for repeal. Words that are **boldfaced and underlined** are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.*

ARTICLE 3

LOW DENSITY RESIDENTIAL DISTRICT – LR

SECTION 3-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

3-2-7 **Home occupations in accordance with Section 18-19-2.6.**

ARTICLE 4

MEDIUM DENSITY RESIDENTIAL DISTRICT – MR

SECTION 4-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

4-2-11 **Home occupations in accordance with Section 18-19-2.6.**

ARTICLE 5

HIGH DENSITY RESIDENTIAL DISTRICT - HR

SECTION 5-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

5-2-19 **Home occupations in accordance with Section 18-19-2.6.**

ARTICLE 5.1

LIMITED HIGH DENSITY RESIDENTIAL DISTRICT - HR-1

SECTION 5.1-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

5.1-2-12 **Home occupations in accordance with Section 18-19-2.6.**

ARTICLE 6

RESIDENTIAL OFFICE DISTRICT - RO-1

SECTION 6-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

6-2-10 **Home occupations in accordance with Section 18-19-2.6.**

**ARTICLE 7
RESIDENTIAL BUSINESS DISTRICT - RB-1**

SECTION 7-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

7-2-23 **Home occupations in accordance with Section 18-19-2.6.**

**ARTICLE 8
HIGHWAY COMMERCIAL DISTRICT - B-2**

SECTION 8-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

8-2-26 **Home occupations in accordance with Section 18-19-2.6.**

**ARTICLE 9
CENTRAL BUSINESS DISTRICT - B-1**

SECTION 9-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

9-2-25 **Home occupations in accordance with Section 18-19-2.6.**

**ARTICLE 13
PLANNED DEVELOPMENT**

13-3.17 **USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

a. Home occupations in accordance with Section 18-19-2.6.

**ARTICLE 18
GENERAL PROVISIONS**

SECTION 18-19. HOME OCCUPATIONS. (10/11/83, Case 83-06, Ord. No. 034-83)

18-19-1 Home occupations are permitted in any dwelling unit.

18-19-2 A home occupation is an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or service, including the sale of food and/or non-food crops produced on the site; and conducted in a

dwelling unit **except as allowed in an accessory structure per the Conditional Use Permitting provisions identified in Section 18-19-2.6. Home Occupations shall only be engaged in** by a person or persons residing in the dwelling unit, provided that: (10/12/10, Case TA-10-418, Ord. No. 2010-51)

- 18-19-2.1 It is clearly incidental and subordinate to the dwelling unit's use for residential purposes by its occupants;
- 18-19-2.2 With the exception of an accessory garden use, it is conducted in the main building and does not result in alteration of the appearance of the dwelling unit or the lot on which it is located (10/12/10, Case TA-10-418, Ord. No. 2010-51);
- 18-19-2.3 With the exception of displaying food and/or non-food crops produced on the site, it is not identified by any sign or by a display of merchandise visible from the exterior of the building (10/12/10, Case TA-10-418, Ord. No. 2010-51);
- 18-19-2.4 It does not involve the storage of goods and materials in excess of fifty (50) square feet of floor area. This storage may be either in the main building or an accessory building, but it shall not be permitted outdoors.
- 18-19-2.5 No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

18-19-2.6 A conditional use permit shall be required for any home occupation that proposes to involve the use of an accessory structure as part of a home occupation. In addition to the provisions of this Section, home occupations must conform to the entirety of Section 18-19. In no case shall the floor area used in the accessory structure exceed fifty (50) percent of the gross floor areas of the residential dwelling unit. A conditional use permit application for home occupations under this Section shall include the following:

- a. **Property survey or sketch drawn to scale detailing the setbacks of the accessory structure and distances to each of the property lines as well as the distances to structures within 50 feet on immediately adjacent properties.**
- b. **A scaled interior layout sketch illustrating the proposed home occupation in the accessory structure.**
- c. **A letter outlining the scope and nature of the occupation, involving operating hours, days of the week, and similar details, as well as an explanation of conformance with Section 18-2-1.1 of this Ordinance.**

18-19-3 The operation of a family day home for not more than five (5) children shall be considered as residential occupancy by a single family; and, therefore does not require a Certificate of Home Occupation. Family day homes serving six through

twelve children, exclusive of the provider's own children and any children who reside in the home, shall obtain a Certificate of Home Occupation and shall be licensed by the Virginia Department of Social Services. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. A family day home where the children in care are all grandchildren of the provider shall not be required to be licensed or obligated to obtain a Certificate of Home Occupation. (9/14/10, Case TA-10-337, Ord. No. 2010-40)

- 18-19-4 Permitted home occupations shall not in any event include:
- Animal hospitals
 - Auto repair
 - ~~Dance instruction~~
 - Restaurants
 - Tourist Homes

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: L. A. Miller, Emergency Management Coordinator

Date: September 9, 2013

RE: 2014 State Homeland Security Grant Program – Communications Equipment

THE ISSUE: Application and Acceptance of proceeds through State Homeland Security Grant Program to communications equipment.

RELATIONSHIP TO STRATEGIC PLAN: Goal 2 – Develop High Performing Organization; Objectives 2, 4 & 5, Goal 4 – Create a more livable city for all, Objective 4

BACKGROUND: See Attached Staff Report

BUDGET IMPACT: No Impact on Budget as no match is required.

OPTIONS: Permit City Manager to execute required documents to apply for and accept grant if award is offered.

Permit City Manager to execute required documents to apply for and accept grant if awarded with contingencies.

Decline participation in grant program.

RECOMMENDATIONS: Staff recommends City Council permit the City Manager to review and execute all necessary documents to apply for and accept the proceeds of the SHSP-2013 Communications Equipment Grant.

STAFF REPORT

Title: State Homeland Security Program (SHSP) – 2013 Grant – Communications Equipment

Background: During the discussion relating to the Public Safety Communications project discussions involved the potential to seek out grant opportunities and if appropriate apply for such. The SHSP is a grant program that utilizes funds passed down from the Federal Government to the states to support various programs on a state and local level. The SHSP Grant program has been reviewed by the departments of Emergency Management, Police, Fire & Rescue, Emergency Communications and Finance and determined applicable to the City. The conclusion drawn by the departments is that participation in the grant program may be beneficial to the fiscal well being of the city and operationally advantageous to the various departments. If awarded the proceeds of the grant will provide resources to create and sustain interoperability internally and externally and will compliment the Public Safety Communications program currently underway.

Current Situation: The City is currently involved with a Public Safety Communications Project and proceeds of this grant if awarded will contribute to and compliment the overall program providing interoperability internally and externally for response personnel.

Fiscal and Policy Implications: The SHSP Grant program compliments and works in conjunction with current city goals and projects without the allocation or reallocation of existing funds. The program also works in a collaborative effort with the city's strategic plan.

Discussion: I would be glad to respond to any questions or comments at this time.

A RESOLUTION TO AUTHORIZE THE SUBMITTAL OF AN APPLICATION FOR THE 2013 STATE HOMELAND SECURITY PROGRAM FOR THE PURCHASE OF COMMUNICATIONS EQUIPMENT

WHEREAS, Virginia Department of Emergency Management has made available a grant opportunity through the State Homeland Security Program, 2013; and

WHEREAS, the public safety agencies of the city strive to perform their responsibilities in a professional and efficient manner; and

WHEREAS, radio communications is a vital link in the overall performance of duties and responsibilities; and

WHEREAS, this grant opportunity has the potential of supplementing communications equipment in a coordinated effort with the Public Safety Communications project currently being undertaken by the City; and

WHEREAS, the Common Council of the City of Winchester is a strong proponent of Public Safety.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Winchester, Virginia hereby authorizes the City Manager to apply for and accept the proceeds of the State Homeland Security Program, 2013 if awarded.

Radios

Title

Improving Communication Capabilities by the Incorporation of Interoperable Communication Devices

Applicant Region Description

The City of Winchester has a growing permanent population of approximately 28,000 and is the only significant urban place in the Northern Shenandoah Valley. The estimated population density of the community is 3,043 people per square mile, but due to Winchester being the financial, employment, cultural, educational center of the region, the daytime population that swells to more than 70,000 creating a population density of roughly 7,600 people per square mile. Winchester is 9.2 miles in size and is surrounded entirely by Frederick County. Winchester's proximity to Baltimore and Washington DC allows the community to attract visitors from two of the largest metropolitan areas in the country due to the community's colorful Civil War and cultural heritage. Supplementing the attraction to Winchester through tourism resources is the Winchester Medical Center. This facility is a 445-bed, non-profit hospital and is a regional referral center offering a broad spectrum of services that includes diagnostic, medical, surgical and rehabilitative care. Winchester Medical Center is a resource for 400,000 residents in a region known as the Top of Virginia, plus neighboring West Virginia and Maryland. Also, the Winchester is home to Shenandoah University, a comprehensive private university that has an enrollment of approximately 3,800 students across more than ninety programs in seven schools. The institution has been recognized as a premier regional university by U.S. News and World Report's 2012 Best Colleges and Universities.

The City is organized under the Council-Manager form of government. The governing body, the Common Council, is elected by voters under a ward system and consists of a nine member body, including a Mayor that is elected at large. Within the City's government, the police department and fire & rescue department will be the participants in this project. Their ability to coexist and implement a large scale project is highly beneficial and further promotes the success of this joint venture.

Proposal Description

This project focuses on the creation and continuation of radio communications interoperability between various city departments (Fire & Rescue, Law Enforcement, Public Works, Transit, Schools and others) as well as to support day to day mutual aid operations between the city and jurisdictional agencies outside the city such as Virginia State Police, Frederick County Sheriff, Fire & Rescue and others.

Threat

Winchester's growing urban population and proximity to large metropolitan areas such as Washington, DC and Baltimore make Winchester increasingly susceptible to violent crime and potential terrorism activity. The City's location on the high traffic Interstate-81 further promotes the possibility of dangerous illicit activity occurring within the community. This highway has long been established as a premier distribution route for tractor trailers and other large shipping concerns. Supplementing Winchester's established shipping route recognition, the Virginia Inland Port is located just a short drive south of the city. The inland port serves as an operational extension of the Port of Norfolk located in southeast Virginia. Countless shipping containers from across the globe travel through the city and in close proximity of the city creating the potential for a major incident either from an accidental cause or from terrorist related or criminal activity. The transportation activity alone necessitates the need for dependable interoperable radio communications.

Winchester's pedestrian oriented downtown region further promotes and identifies the community's susceptibility to large-scale disasters. The downtown area has recently undergone a major renovation and has initiated the promotion of public events that attract thousands of people. This massive influx of attendees creates greater potential for dangerous criminal activity and the need for a state of the art interoperable communications system that will effectively operate internally and externally and requires first responders in the community to be on notice. Winchester's unique relationship of being an essential distribution point for the United States and a walkable community with a vibrant downtown community and growing population make the potential for violent criminal activity and major events a substantial risk.

Vulnerability

The City currently does not have the capacity to efficiently communicate during large-scale emergencies. The radios and related materials requested in this proposal will provide interoperability capabilities between departments of the City of Winchester, Frederick County and the Virginia State Police and other agencies. Communications between internal and external agencies is essential in decreasing response times during critical incidents, facilitating coordinated operations and effectively insuring situational awareness. The necessity of rapid, dependable and effective communications and a coordinated response is necessary during times of crisis as proven during the September 11th attacks as well as other cataclysmic events. Ensuring Winchester and the surrounding area is capable to coordinate a speedy response during emergency situations is of the utmost importance. The lack of interoperable radio communications places citizens and responders in jeopardy and negatively impacts overall operations.

Consequence

Without the purchase of this radio equipment, the City as a whole will continue to lack the necessary resources to match the risk. Communication is paramount for first responders to effectively address the needs of the community and perform in a professional and efficient manner. Without proper communication, an emergency situation may increase in severity impacting the civilian population as well as the abilities of first responders. Internal agencies or jurisdictions do

not reside on an island to an extent that emergency operations can be handled independently. Only through interoperability in communications, training, exercising and policy development may an agency and/or jurisdiction adequately address emergency incidents. The sharing of resources is vital and interoperable communications is the basis.

Proposal Necessity

During emergencies, updated interoperable communication systems are mission critical to saves lives, protect property and preserve communities. After action reports of incidents have identified a common denominator, the lack of interoperable communications. The need for interoperable communications is emphasized through the Commonwealth's Strategic Plan for Statewide Communications whereby statewide interoperable communications is a requirement within the plan. Adequate, swift and reliable communications are vitally important during emergencies and disasters. Interoperable communications can protect millions and can save countless lives. Interoperable communications contributes not only to the ability to respond in a timely manner but facilitates the securing of vital resources that are needed to address the incident. Resources such as personnel, medical supplies, apparatus and equipment only scratch the surface of those items that are necessary to address incidents. Without the ability to communicate through interoperable, media time and lives will be lost.

Results Evaluation

The implementation of this communication equipment will provide intrajurisdictional communications for Police, Sheriff, Emergency Management, Fire & Rescue and other city departments. It will also create interjurisdictional interoperable communications with Frederick County, other regional agencies, the Virginia State Police and other state and federal agencies. The Department of Emergency Management in a cooperative effort with the Emergency Communications Center (ECC), Police, Fire & Rescue and City Sheriff will conduct a thorough analysis of the equipment and its utilization to insure such is being utilized in an effective manner.

Project Management

The project will be managed by the Department of Emergency Management in a cooperative effort with the ECC, Police, Sheriff, and Fire & Rescue to insure timely and effective implementation facilitating interoperable communications.

Budget Request

- **VHF TRANSMIT ANTENNA SYSTEM** **\$5,186.00**
OMNI, MEANDER COLLINEAR, 6.0 DBD, 150-160 MHZ, PIM RATED
LDF4-50A CABLE: ½" LDF HELIAX POLY JKT PER FOOT
L4TDM-PSA 7-16 DIN MALE PS FOR ½ IN CABLE

221213 CABLE WRAP WEATHERPROOFING
 AVA5-50 CABLE: 7/8" AVA HELIAX POLY JKT PER FOOT
 7/8" 7-16 DIN FEMALE POSITIVE STOP CONNECTOR
 SG78-06B2A GROUNDING KIT FOR 7/8 IN COAXIAL CABLE
 L5SGRIP 7/8" SUPPORT HOIST GRIP
 SPD, 100 TO 512MHZ, FEMALE/FEMALE CONNECTOR, PIM RATED
 LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
 L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE

- **VHF RECEIVE ANTENNA SYSTEM** **\$5,146.00**
 OMNI, MEANDER COLLINEAR, 6.0 DBD, 150-160 MHZ, PIM RATED
 LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
 L4TNM-PSA TYPE N MALE PS FOR 1/2 IN CABLE
 L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE
 221213 CABLE WRAP WEATHERPROOFING
 AVA5-50 CABLE: 7/8" AVA HELIAX POLY JKT PER FOOT
 7/8" TYPE N FEMALE POSITIVE STOP CONNECTOR
 SG78-06B2A GROUNDING KIT FOR 7/8 IN COAXIAL CABLE
 L5SGRIP 7/8" SUPPORT HOIST GRIP
 RF SPD, 125-1000MHZ DC BLOCK FLANGE MT NM ANTENNA, NF EQUIPMENT SIDE
 FSJ4-50B CABLE: 1/2" SUPERFLEX POLY JKT PER FOOT
 F4PNMV2-HC 1/2" TYPE N MALE PLATED CONNECTOR

- **INSTALLATION OF VHF ANTENNA SYSTEM** **\$7,415.00**

- **VHF BASE STATIONS Quantity 3 @\$9,075.00 EA** **\$27,225.00**
 MTR 3000 BASE RADIO
 ADD: VHF 100W POWER (136-174MHZ)
 ADD: RACK MOUNT HARDWARE
 ADD: MTR3000 CIRCULATOR VHF (144-160 MHZ)
 ADD: 4 WIRE WIRELINE

- **LOW BAND BASE STATION W/ ANTENNA AND LINE FOR SIRS COMMUNICATIONS** **\$22,692.00**

- **APX 7000 MODEL 3.5 – DUAL BAND ENABLED, ENCRYPTION** **\$141,740.00**
 APX PORTABLE HARDWARE, QTY 20
 ADD: 7/800MHZ PRIMARY BAND, QTY 20
 ADD: VHF SECONDARY BAND, QTY 20
 ADD: LARGE COLOR DISPLAY WITH FULL KEYPAD, QTY 20
 ADD: ENABLE DUAL BAND OPERATION, QTY 20
 ADD: DIGITAL CAI, QTY 20
 ASTRO 25 TRUCKING 9600 SW, QTY 20
 SMARTZONE OPERATION, QTY 20
 ADD: ADVANCED SYSTEM KEY – SOFTWARE KEY, QTY 20

ADD: AES ENCRYPTION, QTY 20

- **APX7000 ACCESSORIES** **\$11,576.00**
 - IMPRES SINGLE USER CHARGER, QTY 20
 - IMPRES RSM DISPLAY WITH JACK, W CHNL, QTY 20
 - IMPRES MULTI-UNIT CHARGER, QTY 2

- **DUAL BAND BASE STATIONS AND INSTALLATION, QTY 5** **\$59,000**

GRAND TOTAL **\$291,780.00**

Sustainment

The materials will be monitored for continued maintenance. Items that cannot be repaired will be replaced.

- Requested amount for project
 - Equipment: \$291,780.00
- FY15
 - Equipment: NONE. Everything will be under warranty
- FY 16
 - \$500 per year for equipment upkeep and maintenance

Law Enforcement Explanation

The communications equipment provides interoperability capabilities with neighboring jurisdictions for both analog and digital equipment.

- Law Enforcement Factor: 5%

Communications Component

VHF Base Stations and antenna systems as well as dual band APX 7000 portables to operate on an 800 MHz system.

Project Plan

- First Quarter: Purchase and installation of requested equipment.
- Second Quarter: Begin implementation and programming while beginning periodic maintenance.
- Third Quarter: Conduct scheduled maintenance
- Fourth Quarter and Extended: Continue scheduled maintenance

Other Funding Sources

City of Winchester General Fund Revenue Budget

Requestor Contact Information

Request Date: 9/11/2013

Name: Lynn Miller

Requesting Agency/Locality: City of Winchester

Position title: Emergency Management Coordinator

Address: 231 E. Piccadilly St., Winchester, VA 22601

Phone: (540)545-4721, x1086

Fax:

E-mail: lmiller@ci.winchester.va.us

RPAC-I Region: Two

Total Requested Amount: \$291,780.00

Other primary jurisdictions involved: (Name, jurisdiction, e-mail address, phone number)

Communications Project Description

Please select one category that most accurately represents your project.

- Network infrastructure (microwave/fiber)
- Radio system-to-system integration
- Radio gateways
- Radio system/Subscriber replacement/Enhancements
- Wireless alerting and notification
- Wireless data
- Infrastructure (towers/building/generators)
- Planning/Training/Exercise/Engineering
- Other (Please explain)

RPAC-I Support

1. Was this project idea reviewed by your RPAC-I? Your response will be verified with the Secretary's Office for Veteran's Affairs & Homeland Security (VA&HS).

Yes

2. Please identify which RPAC-I priority this project addresses.

Second

Executive Summary

In 500 words or less, please provide a summary of this proposed project and its impact on interoperability in the participating jurisdiction. This summary will be used by the SIEC when reviewing the Grants Working Group's recommendations about funding. You may find it easier to write the summary once you have reviewed and completed the entire proposal.

This project focuses on the enhancement and continuation of interoperability radio communications between various internal city departments (Fire & Rescue, Law Enforcement, Public Works,

Transit, Schools and others) as well as to support increased capacity for day to day public safety operations between the city and jurisdictional agencies outside the city such as Virginia State Police, Frederick County, Clarke County, and Warren County.

The City of Winchester is requesting funding in the amount of \$291,780.00 to support the upgrade of existing antiquated VHF high/low band radio infrastructure and subscriber units to maintain interoperability with other agencies as well as much needed technology enhancements to the current radio system to allow for FCC compliance. This request addresses upgrades to current VHF high/low band base stations, antenna systems, and subscriber equipment that have become obsolete.

As the fiscal agent for the Virginia Region 2 State Hazardous Materials Contract Team, the City of Winchester relies on VHF interoperability to allow for effective communications with regional partners that utilize this spectrum for jurisdictional communications. In addition, by upgrading existing base station equipment to communicate within the STARS system, the Winchester Police Department will enhance their capability to communicate with State Troopers operating in the locality.

Regional Collaboration

3. a. Please list and document the support from each of the primary jurisdictions receiving equipment and/or services as part of this project and a point of contact for each.

City of Winchester

- Erin Elrod, ECC Director (540)545-4715 (ECC Operations)
- Kelly Rice, Police Major (540)545-4702 (Police Operations)
- Scott Kensinger, Deputy Chief Fire and Rescue (540)662-2298 (Fire Operations)

- b. List all secondary jurisdictions that would benefit from improved interoperability because of your project.

- Frederick County Fire and Rescue, Dennis Linaburg, Fire Chief (540)665-5618
- Frederick County Sheriff, Robert Williamson, Sheriff (540)662-6168
- Clarke County, David Ash, Emergency Coordinator (540)955-5100
- Warren County, Richard Mabee, Fire Chief (540)636-3830
- Virginia State Police (SIRS)

4. If available at this early stage, provide and list below any documents (MOUs, letters of intent, regional structure) that clarify the governance structure that exists or will be established to ensure this project's success.

- Mutual Aid agreement for Fire and Rescue services between Winchester and Frederick County
- Letter of authorization to program VHF frequencies from Frederick County, VA

Communications Grant Project Idea Attachment | 2013

6. Has each jurisdiction participating in your project programmed all current public safety radios with the national interoperability channels for their respective bands? Please elaborate and include any supporting documentation, including radio template layouts, showing the naming conventions and channels. If the proposed project addresses adding the National Interoperability channels to new/existing radio units, please indicate so.

The following is an example of the current programming structure for the City of Winchester Fire and Rescue Department mobile and portable radio equipment. It has been identified in the planning for increased interoperability capabilities that the national interoperability channels need to be structured into these channel plans.

- a. *Zone 1* (Winchester/Frederick) This zone is programmed identical to the portable radios and follows the same parameters as outlined above.
 - i. Mutual aid response to Frederick County does not require additional communication resources and all units shall utilize "1DispRpt" channel to mark responding when communicating with Frederick County ECC. Their dispatch center will instruct units as to the operational channel to change to during the incident. Please refer to the mobile channel plan below.
- b. *Zone 2* (Clarke County) Units should select "Clarke 1" to mark responding with Clarke County and will be instructed to change to another channel by their dispatch center.
- c. *Zone 3* (Warren County) Units should select "Warren 1" to mark responding with Warren County and will be instructed to change to another channel by their dispatch center.
- d. *Zone 4* contains common interoperability channels. Responders shall only utilize these channels when directed.

Zone 1	Zone 2	Zone 3	Zone 4
WFRD 1	Clarke 1	Warren 1	Disas 1
WFRD 2	Clarke 2	Warren 2	Disas 2
WFRD 3	Clarke 3	Warren 3	Disas 3
1DispRpt	Clarke 4	Warren 4	Disas 4
2DispT/A	ClarkTac		S&R
3CoWdRpt	METRO		PSC com
4CoWdT/A			Vcall 10
5Tasker			Vtac 11
6Brown			Vtac 12
7CrsJct			Vtac 13
8Tacticl			Vtac 14
9EvtRpt			Metro
10EvtT/A			Vfire22
WPD1			Vfire23
WPD3			VDOF1
WFRD1			VDOF2

7. Provide information about your current radio system's compliance to standards based protocols and/or regulatory mandates and your intended replacement plans to become compliant with these standards based technologies or regulatory mandates. Please include expected replacement dates if you are not currently compliant.

The City of Winchester currently meets all regulations regarding FCC licensing of VHF frequencies. The City is in contract with Motorola Solutions to design and construct an 800 Mhz, P25 compliant, digital trunked system with an anticipated completion date of late summer of 2014 completion. A major component to this system is continuance of interoperability with outside agencies in the VHF spectrum.

There is currently a waiver in place that grants the City until December 31, 2013 to become compliant with current VHF FCC narrow banding regulations. It is anticipated that the City will need to file for an additional waiver to give time for the implementation of the new proposed 800 Mhz system.

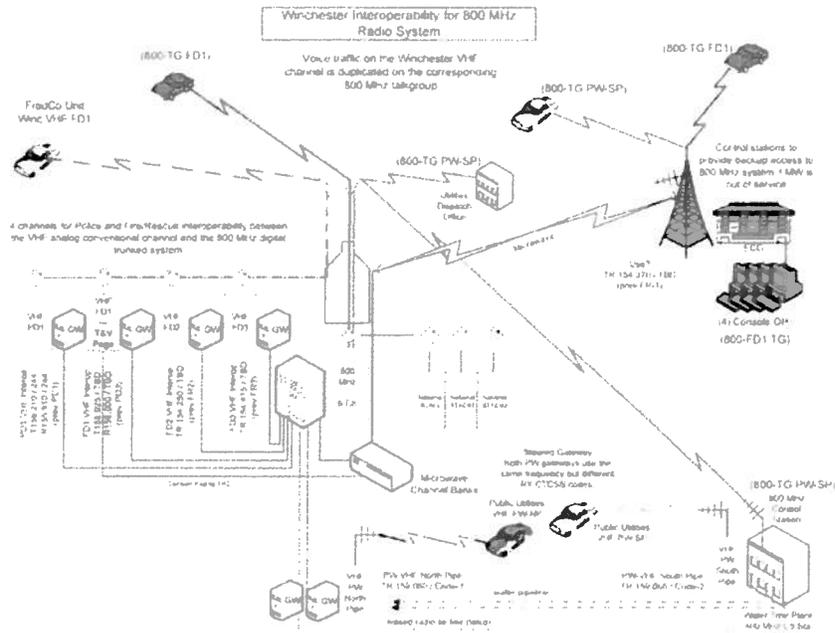
8. Please describe how your radio users currently communicate and identify any challenges they face with interoperability. This should include police, fire, EMS, public works, utilities, schools, or any other disciplines within your jurisdiction that utilize radio communications.

Currently, Police, Fire, Public Works, Transit, and Schools using the existing VHF system rely on early 90's technology subscriber equipment with minimal upgrades since that time. Most equipment will not narrow-band (including existing base stations) when the implementation of the new 800 Mhz system is in place. As it exists today, there is equipment in service that works only on the city communication system and will not operate outside of jurisdiction as surrounding systems have already narrow-banded to meet FCC regulations.

Project Plan (9, 10, and 11, must correspond with the project plan on the submission form)

9. Please describe your project and its goals. Include supporting documentation that would help provide details about the project scope (*Example: system drawings, engineering reports, etc.*).

The goals of this project are to continue to interoperate with FCC compliant jurisdictions, enhance system capabilities, and upgrade outdated core system and end user equipment. The following diagram outlines how the requested VHF upgrade will interoperate into the new 800 Mhz system:



10. Please describe how this project will be managed. How will contracts be managed? If a project manager has been assigned please provide details.

This project will be managed by the City of Winchester Department of Emergency Management in a cooperative effort with the ECC, Police, Sheriff, and Fire & Rescue to insure timely and effective implementation facilitating interoperable communications. Lynn Miller will be the project manager.

11. Please explain how you would achieve project success within the grant period, including the resources you would devote to this project. Include your quarterly milestones.

This project will be managed by the above mentioned team in conjunction with Motorola Solutions for implementation during the installation of the proposed 800 Mhz system. The quarterly milestones include:

- First Quarter: Purchase and installation of requested equipment.
- Second Quarter: Begin implementation and programming while beginning periodic maintenance.
- Third Quarter: Conduct scheduled maintenance
- Fourth Quarter and Extended: Continue scheduled maintenance

Communications Grant Project Idea Attachment | 2013

12. Please explain any FCC regulatory issues related to this project and how you plan to mitigate them. Please explain if you plan to utilize existing FCC licenses and include the FCC call signs.

The narrow-banding requirement from the FCC will be mitigated via additional waivers of compliance until the new system is implemented. All existing VHF licenses will be utilized in this project which includes: KIA408, KIG279, KB79505, WQDW620

13. Please provide a detailed line item cost estimate (aka, budget) for the entire amount requested. Include details about how you arrived at the cost: vendor list pricing, an existing contract, a consultant study, best guess, state contract price/MSRP, etc. Please show which jurisdictions will receive which pieces of equipment and include supporting documentation for your estimate.

- VHF TRANSMIT ANTENNA SYSTEM **\$5,186.00**
 - OMNI, MEANDER COLLINEAR, 6.0 DBD, 150-160 MHZ, PIM RATED
 - LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
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 - 221213 CABLE WRAP WEATHERPROOFING
 - AVA5-50 CABLE: 7/8" AVA HELIAX POLY JKT PER FOOT
 - 7/8" 7-16 DIN FEMALE POSITIVE STOP CONNECTOR
 - SG78-06B2A GROUNDING KIT FOR 7/8 IN COAXIAL CABLE
 - L5SGRIP 7/8" SUPPORT HOIST GRIP
 - SPD, 100 TO 512MHZ, FEMALE/FEMALE CONNECTOR, PIM RATED
 - LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
 - L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE

- VHF RECEIVE ANTENNA SYSTEM **\$5,146.00**
 - OMNI, MEANDER COLLINEAR, 6.0 DBD, 150-160 MHZ, PIM RATED
 - LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
 - L4TNM-PSA TYPE N MALE PS FOR 1/2 IN CABLE
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 - RF SPD, 125-1000MHZ DC BLOCK FLANGE MT NM ANTENNA, NF EQUIPMENT SIDE
 - FSJ4-50B CABLE: 1/2" SUPERFLEX POLY JKT PER FOOT
 - F4PNMV2-HC 1/2" TYPE N MALE PLATED CONNECTOR

- INSTALLATION OF VHF ANTENNA SYSTEM **\$7,415.00**

- VHF BASE STATIONS Quantity 3 @\$9,075.00 EA **\$27,225.00**
 - MTR 3000 BASE RADIO

Communications Grant Project Idea Attachment | 2013

- ADD: VHF 100W POWER (136-174MHZ)
- ADD: RACK MOUNT HARDWARE
- ADD: MTR3000 CIRCULATOR VHF (144-160 MHZ)
- ADD: 4 WIRE WIRELINE

- LOW BAND BASE STATION W/ ANTENNA AND LINE FOR SIRS COMMUNICATIONS \$22,692.00

- APX 7000 MODEL 3.5 – DUAL BAND ENABLED, ENCRYPTION \$141,740.00
 - APX PORTABLE HARDWARE, QTY 20
 - ADD: 7/800MHZ PRIMARY BAND, QTY 20
 - ADD: VHF SECONDARY BAND, QTY 20
 - ADD: LARGE COLOR DISPLAY WITH FULL KEYPAD, QTY 20
 - ADD: ENABLE DUAL BAND OPERATION, QTY 20
 - ADD: DIGITAL CAI, QTY 20
 - ASTRO 25 TRUCKING 9600 SW, QTY 20
 - SMARTZONE OPERATION, QTY 20
 - ADD: ADVANCED SYSTEM KEY – SOFTWARE KEY, QTY 20
 - ADD: AES ENCRYPTION, QTY 20

- APX7000 ACESSORIES \$11,576.00
 - IMPRES SINGLE USER CHARGER, QTY 20
 - IMPRES RSM DISPLAY WITH JACK, W CHNL, QTY 20
 - IMPRES MULTI-UNIT CHARGER, QTY 2

- DUAL BAND BASE STATIONS AND INSTALLATION, QTY 5 \$59,000

- **GRAND TOTAL** **\$291,780.00**

14. Detail each class of item requested as listed on the Approved Equipment List (AEL). Supply the corresponding AEL equipment number. *(A link to the AEL is available on page 1 of this document. Please contact your VDEM regional grants specialist with any questions concerning items not on the list.)*

- Antenna Systems (06CP-03-TOWR Systems, Antenna and Tower)
- Base Stations (06CP-01-BASE Radio, Base)
- Subscribers - Portables (06CP-01-PORT Radio, Portable)
- Subscriber Accessories (06CP-03-PRAC Accessories, Portable Radio)

15. Have you requested additional capacity or capabilities that go beyond what is necessary to accomplish the goals of this project? If so, please explain.

NO

16. Describe how this project would positively impact your day-to-day operations and mutual aid response.

It is currently a daily occurrence that mutual aid response takes place in and out of the City of Winchester (795 calls for service in 2012). This project will continue to support the communications needs of all jurisdictions that interoperate on the VHF spectrum in a narrow-band capacity and with added built-in safety features such as EA activation.

17. Describe other secondary benefits to your jurisdiction's communications infrastructure that would be realized by completing this project. Examples would be improved coverage, narrowband compliance, improved redundancy, improved reliability, manufacturer support, or other factors. Please be detailed and provide any supporting documentation.

This project will achieve narrow-band compliance, updated technology that enhances reliability and safety, updated obsolete equipment, improved operations that utilizes increased system capabilities such as trunking technology.

18. If towers and site work are required as part of this project, please include how any potential hurdles will be overcome and how any risks would be mitigated. Please include information about tower ownership, tower loading, lease agreements, environmental impact, and any other relevant information.

Not Applicable

19. Please detail any **NEW** regional consolidation that will result from this project.

Not Applicable

20. Explain any planning or engineering activities that have taken place so far. If applicable, please include supporting documentation.

The design of the new 800 Mhz system that includes the VHF interoperability component is underway by Motorola Solutions.

21. Explain what activities have taken place to identify this project as the most cost effective, technologically feasible concept. Please include any potential cost savings that will be realized by implementing this project.

The implementation of this project will allow the City of Winchester to continue the use of mutual aid resources and will allow those jurisdictions to utilize their existing equipment to interoperate without additional costs associated.

Past Grants

22. Is this project a continuation of a previous grant initiative that has not yet been completed or closed? If so, please explain. Please include how the projects will be segregated to avoid any conflicts in grant funds or other regulatory issues.

NO

R-2013-48

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: _October 1, 2013 CUT OFF DATE: ___

RESOLUTION ORDINANCE ___ PUBLIC HEARING ___

ITEM TITLE: Motion to approve a Resolution to opt out of the VRS Virginia Local Disability Program (VLDP) coverage and elect to provide a comparable employer paid disability program effective January 1, 2014.

STAFF RECOMMENDATION: Approve as presented.

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA:

See attached Resolution.

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. Finance	<i>JB</i>		9-16-13
2.			
3.			
4.			
5. City Attorney	<i>aw</i>		9/16/2013
6. City Manager	<i>ST</i>		9-20-13
7. Clerk of Council			

Initiating Department Director's Signature: *[Signature]*
Interim Human Resource Director Date



APPROVED AS TO FORM:

[Signature] 9/16/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Steven Corbit, Interim Human Resources Director
Date: September 17, 2013
Re: Resolution to Opt Out of VRS Virginia Local Disability Program (VLDP) Coverage

THE ISSUE:

Code of Virginia requires a City Resolution to be enacted in order for the opting out of the VRS Virginia Local Disability Program (VLPD) and electing to provide a comparable employer paid disability program effective January 1, 2014.

RELATIONSHIP TO STRATEGIC PLAN:

Develop a High-Performing City Organization.

BACKGROUND:

The 2012 General Assembly created the Virginia Local Disability Program (VLDP) for political subdivisions and school division employees who are hired or rehired on or after January 1, 2014 without VRS service credit, and who will be covered under the newly created VRS Hybrid Retirement Plan. Employees who are active members of the current VRS Retirement Plans 1 or 2 will not be moved to the VRS Hybrid Retirement Plan, but most of them will be allowed to make a voluntary, irrevocable election to switch to the Hybrid Retirement Plan effective July 1, 2014 (which will make them eligible for the VLDP or the, comparable employer-sponsored program). We do not anticipate that many will make the switch from the traditional defined VRS benefit plan 1 or plan 2 to this new hybrid plan.

The current VRS Retirement Plans 1 and 2 include disability retirement benefits for participating employees. VLDP was created because the VRS Hybrid Retirement Plan that will cover most new employees beginning January 1, 2014, will not include the disability retirement benefit included under VRS Retirement Plans 1 and 2 for current active participants.

VLDP provides income protection for employees who are unable to work because of either a work-related or non-work related illness, injury or other condition, such as surgery, pregnancy, and complications of pregnancy or a catastrophic or major chronic condition. The program includes both short-term and long-term disability coverage, and focuses on assisting employees with their recovery and helping them make a safe return to their full work duties when possible. Under VLDP, the third party administrator processes claims and provides medical management. The City of Winchester continues to pay employees on short-term disability through our normal payroll process (essentially a self-funded plan). Employees on long term disability are paid directly by the third party administrator.

Additional information about the VLDP can be found at <http://www.varetire.org/employers/manual/index.asp>. The employer-paid comparable program must meet or exceed the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia (www.varetire.org/pdf/publications/cov-title-51.1-chapter-11.1.pdf).

City of Winchester currently provides their employees with a generous paid leave program to help protect their income in situations when they are not able to work due to accidents or illnesses. Employees accrue paid leave based on service with no maximum accrual of sick leave. In addition, City offers a voluntary sick-leave bank for employees. Participation in the Sick Leave Bank is voluntary and available to all full and part time classified employees who work at least 6 consecutive months and new employees may enroll after this 6 month period.

Employees may participate in the bank by making an initial contribution of two (2) days from their accumulated sick leave allocation and annually one (1) day of sick leave, if needed.

The City of Winchester will explore modifying the current sick leave plans and providing employer-paid short-term disability plan to all employees. However, until that point, our employees hired prior to January 1, 2014, will have different sickness and disability benefits than employees hired after January 1, 2014

BUDGET IMPACT:

Three bids were received: Guardian, VML, and VACoRP. All proposals meet or exceed the coverage requirements set out in the Code of Virginia. Mr. Ed White, Benefits Consultant, has recommended VACoRP as the vendor of choice.

The VACoRP plan, provided by Standard Insurance Company, is a customized coverage plan that meets or exceeds the comparable plan requirements as specified in the Code of Virginia. The following benefits and enhancements are included in the Standard Plan:

- Benefits for occupational and non-occupational disabilities
- First day coverage for catastrophic disabilities
- 80% income replacement for catastrophic disabilities
- Long Term Disability coverage begins when Short Term Disability ends
- Rehabilitation Incentive - helps claimants focus on recovery
- Reasonable Accommodation Benefit - reimburses employers for worksite modifications that help a claimant return to work
- Survivor Benefit - pays 3 times the monthly benefit
- Rate guarantee for three years (through 12/31/16).

VRS rates beginning January 1, 2014 through June 30, 2014 will be .91% of Hybrid Plan covered Payroll for non-administrative employees and .39% of Hybrid Plan covered Payroll for administrative employees and teachers.

VACoRP proposed rates are .79% for non-administrative employees and .39% of Hybrid Plan covered Payroll for administrative employees and teachers. Rates are guaranteed for three years. VACoRP has a more stable pool exposure than VRS. These rates only apply to most new employees hired on or after January 1, 2014 and current employees who opt to switch to the new plan.

Additionally aside from savings, by opting out of the VRS plan, the City of Winchester has more flexibility in the future to either self-fund the plan, pool with other localities, or obtain a different insured product through another carrier. If the City of Winchester participates with VRS that decision is irrevocable and limits future options.

OPTIONS:

- 1.) City of Winchester may remain with VRS and that decision is irrevocable, or
- 2.) Opt-out of VRS and purchase a comparable plan off the open market.

RECOMMENDATIONS:

Staff recommends City Council to adopt the attached resolution to opt out of VRS VLDP coverage and to authorize City of Winchester personnel to execute any agreements to have VACoRP oversee the programs provided by Standard Insurance Company for the short and long term disability programs.

B-2013-49

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: October 1, 2013 **CUT OFF DATE:** _____

RESOLUTION X ORDINANCE ___ PUBLIC HEARING ___

ITEM TITLE: Application to VDOT for FY 2014-15 Revenue Sharing Funds.

STAFF RECOMMENDATION: Approval of resolution.

PUBLIC NOTICE AND HEARING: NA

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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	<u>B</u>	_____	<u>9/17/13</u>
2. Planning	<u>TS</u>	_____	<u>9/17/13</u>
3. Economic Development	<u>JD</u>	_____	<u>9/17/13</u>
4. City Attorney	<u>an</u>	_____	<u>9/17/2013</u>
5. City Manager	<u>DT</u>	_____	<u>9-19-13</u>
6. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:	<u>B.C.I.</u>	_____	<u>9/16/13</u> Date



APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

9/17/2013

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: October 1, 2013 (Council Work Session)
Re: FY 2014-15 Revenue Sharing Application to VDOT

THE ISSUE: Approval of Application to VDOT for FY 2014-15 Revenue Sharing Funds.

RELATIONSHIP TO STRATEGIC PLAN: **Goal 4:** Create a More Livable City for All.

BACKGROUND: Applications to VDOT for state Revenue Sharing funds are due on November 1, 2013. If approved by the Commonwealth Transportation Board in June 2014, these funds would be available in August 2014.

Revenue Sharing funds require a 50% match with City (or developer) funds. The City has successfully used Revenue Sharing funds on numerous projects during the past few years. Revenue Sharing projects must be completed within 3 years from the time the funding is approved.

BUDGET IMPACT: The total amount of the proposed application is for \$4,850,000 in state Revenue Sharing funds which would require an equal match of City (and developer) funds. All the proposed projects included in the application are included in the City's five-year Capital Improvement Plan.

RECOMMENDATIONS:

Submit an application for the following projects:

1. Tevis Street Extension: \$800,000. The matching funds for this project which would extend Tevis between Legge Blvd. and the new bridge that will be constructed over I-81 would be provided by Glaize Development.
2. Hope Drive Extension: \$700,000. This would replace the funding that was transferred to the National/Piccadilly/East Lane Realignment Project.
3. Traffic Signal Synchronization with VDOT's System: \$350,000. This project would allow for the City's signals on Jubal Early/Pleasant Valley to be synchronized with VDOT's signals on Millwood Pike – in particular, the signal at Mall Blvd (Frontage Road). The equipment that would be installed is traffic responsive and is currently being used successfully on Berryville/Route 7 and Amherst/Route 50.
4. Street Repaving Citywide: \$3 million. Work would be completed as per the Street Maintenance Master Plan just approved by Council.

RECOMMENDED ACTION FOR CITY COUNCIL:

Adopt the attached resolution to submit the application for Revenue Sharing funds.

OPTIONS FOR CITY COUNCIL:

Either adopt or not adopt the resolution.



THE COMMON COUNCIL

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.winchesterva.gov

RESOLUTION

SUPPORT FOR APPLICATION OF \$4,850,000 OF REVENUE SHARING FUNDS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION

At a regularly scheduled meeting of the City of Winchester Common Council held on October 8, 2013, on a motion by *[name of Council or Board member]*, seconded by *[name of Councilor Board member]*, the following resolution was adopted by a vote of *[#]* to *[#]*:

WHEREAS, the City of Winchester desires to submit an application for an allocation of funds of \$4,850,000 through the Virginia Department of Transportation Fiscal Year 2014-15, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund the following projects:

Proposed Project	Revenue Sharing Application Amount
Tevis Street Extension	\$800,000
Hope Drive Extension/Papermill & Tevis Realignment	\$700,000
Synchronization of Traffic Signal Lights on Jubal Early/Pleasant Valley Corridor with VDOT Signals on Millwood Pike	\$350,000
Street Repaving at Various Locations	\$3,000,000
Total	\$4,850,000

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Winchester Common Council hereby supports this application for an allocation of \$4,850,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the City of Winchester Common Council hereby grants authority to the City Manager to execute project administration agreements and do everything else necessary to complete these Revenue Sharing projects.

Resolution No.

ADOPTED by the Common Council of the City of Winchester on the 8th day of October, 2013.

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

B-2013-50

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: October 1, 2013 **CUT OFF DATE:** _____

RESOLUTION X ORDINANCE ___ PUBLIC HEARING ___

ITEM TITLE: Request to transfer existing state Revenue Sharing Funds from the Hope Drive Extension Project to the National/Piccadilly/East Lane Realignment Project.

STAFF RECOMMENDATION: Approval of resolution.

PUBLIC NOTICE AND HEARING: NA

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

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	<u> TB </u>	_____	<u> 9/17/13 </u>
2. Planning	<u> TJ </u>	_____	<u> 9/17/13 </u>
3. Economic Development	<u> JD </u>	_____	<u> 9/17/13 </u>
4. City Attorney	<u> a </u>	_____	<u> 9/17/2013 </u>
5. City Manager	<u> DI </u>	_____	<u> 9/17/13 </u>
6. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:	<u> [Signature] </u>	_____	<u> 9/16/13 </u> Date



APPROVED AS TO FORM:

CITY ATTORNEY

 [Signature]
 9/17/2013

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: October 1, 2013 (Council Work Session)
Re: Transfer State Revenue Sharing Funds to National/Piccadilly/East Lane Realignment Project

THE ISSUE: Request the Commonwealth Transportation Board to transfer \$700,000 of state Revenue Sharing funds to the National/Piccadilly/East Lane Realignment Project.

RELATIONSHIP TO STRATEGIC PLAN: **Goal 3:** Continued Revitalization of Historic Old Town Winchester and **Goal 4:** Create a More Livable City for All.

BACKGROUND: The City is continuing in the effort to acquire all the properties necessary to construct the realignment of National/Piccadilly/East Lane coming into downtown. A goal has been established to complete the construction on this project by the end of 2014.

This project is eligible to receive state Revenue Sharing funds from VDOT. In order to meet this schedule and be able to utilize Revenue Sharing funds, we need to transfer existing Revenue Sharing funds from another project to this project.

BUDGET IMPACT: The total estimated construction cost of this project is \$1.4 million. If Revenue Sharing funds can be transferred, the City would be responsible for half of the cost of the project (\$700,000) and Revenue Sharing funds would be used for the other half (\$700,000).

RECOMMENDATIONS:

Make a request to the Commonwealth Transportation Board to transfer \$700,000 in state Revenue Sharing funds already approved for the Hope Drive Extension Project to the National/Piccadilly/East Lane Realignment Project. In addition, staff recommends that the City submit a new application for Revenue Sharing Funds in the amount of \$700,000 for the Hope Drive Extension Project to replace the funds that would be transferred. Construction on the Hope Drive Extension Project is not scheduled to begin until at least FY15.

RECOMMENDED ACTION FOR CITY COUNCIL:

Adopt the attached resolution.

OPTIONS FOR CITY COUNCIL:

Either adopt or not adopt the resolution.



THE COMMON COUNCIL

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.winchesterva.gov

RESOLUTION

TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO DESIGNATE THE REALIGNMENT OF NATIONAL/PICCADILLY/EAST LANE (ROUTE 7) AS A REVENUE SHARING PROJECT AND TRANSFER EXISTING REVENUE SHARING FUNDS TO ACCELERATE THE CONSTRUCTION OF THIS PROJECT AND TO AMEND THE VDOT SYIP TO INCLUDE THE REALIGNMENT OF NATIONAL/PICCADILLY/EAST LANE (ROUTE 7) AS A PROJECT.

WHEREAS, the City of Winchester is moving forward with a project to realign a portion of National Avenue/Piccadilly Street/East Lane (State Route 7) to improve traffic flow and safety on this roadway entering downtown Winchester; and

WHEREAS, the City's FY2014 Capital Improvement Plan includes this project to realign National/Piccadilly/East Lane; and

WHEREAS, the City is a participant in the Virginia Department of Transportation Revenue Sharing Program in FY2013-14; and

WHEREAS, the City would like to utilize Revenue Sharing Funds for this project to realign National/Piccadilly/East Lane; and

WHEREAS, the City intends to locally administer the project to realign National/Piccadilly/East Lane and complete the construction on the project by the end of 2014.

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Winchester Common Council hereby requests:

1. Designation of the realignment of National/Piccadilly/East Lane (Route 7) as a Revenue Sharing project.
2. Modify the Six Year Improvement Plan (SYIP) to include the project to realign National/Piccadilly/East Lane (Route 7).
3. Transfer \$700,000 in Revenue Sharing funds from UPC #104266 (Hope Drive Extension) to the project to realign National/Piccadilly/East Lane (Route 7).

BE IT FURTHER RESOLVED THAT the City of Winchester Common Council hereby grants authority to the City Manager to execute project administration agreements and do everything else necessary to complete this project.

Resolution No.

ADOPTED by the Common Council of the City of Winchester on the ____th
day of _____, 2013.

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

R-2013-54

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 10/1/13 (work session),
10/8/13(Council mtg)

CUT OFF DATE: 9/18/13

RESOLUTION X ORDINANCE _ PUBLIC HEARING

ITEM TITLE:
RESOLUTION REGARDING COLLECTIVE
INTENT IN APPROVING ORDINANCE #O-2013-25

STAFF RECOMMENDATION:
Approval

PUBLIC NOTICE AND HEARING:
None required

ADVISORY BOARD RECOMMENDATION:
None

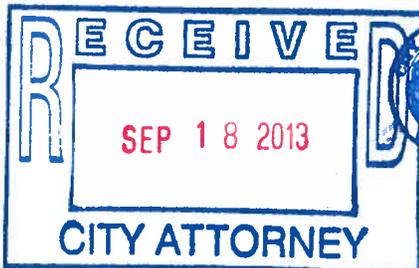
FUNDING DATA: N/A

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. City Attorney	<i>[Signature]</i>		9/18/2013
2. City Manager	<i>[Signature]</i>		9-13-13
3. Clerk of Council			

Initiating Department Director's Signature: *[Signature]* 9/18/13
(Planning)



APPROVED AS TO FORM:

[Signature] 9/18/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: September 18, 2013
Re: RESOLUTION REGARDING COLLECTIVE
INTENT IN APPROVING ORDINANCE #O-2013-25

THE ISSUE:

Clarifying Council's collective intent as it pertains to the continued operation and growth of the adjoining O'Sullivan industrial facility in light of the recent Jubal Square PUD rezoning.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Grow the Economy

Objective #6: More manufacturing businesses in Winchester

Goal 4: Create a More Livable Community

Objective #3: Manage future growth, development, and redevelopment consistent with the City's vision, comprehensive plan and development standards and policies.

BACKGROUND:

Following the adoption of an ordinance (O-2013-25) approving the Jubal Square PUD rezoning at the September 10, 2013 Council meeting, at which a representative of O'Sullivan Films, Inc. spoke in opposition to the rezoning, City Council requested that staff prepare a resolution clarifying Council's collective intent as it pertains to the continued operation and growth of the adjoining O'Sullivan industrial facility.

BUDGET IMPACT:

OPTIONS:

- Approve resolution as drafted
- Approve resolution as modified
- Reject resolution

RECOMMENDATIONS:

Approve resolution as a non-binding collective statement of current Council's intent.

**RESOLUTION REGARDING COLLECTIVE
INTENT IN APPROVING ORDINANCE #O-2013-25**

WHEREAS, Common Council for the City of Winchester recognizes and appreciates the contribution that O'Sullivan Films, Inc., ("O'Sullivan") has and continues to make as a corporate citizen through the operation of its manufacturing business from its plant at 1944 Valley Avenue in the City of Winchester;

WHEREAS, O'Sullivan has been in continuous operation in the City of Winchester for more than seventy-five (75) years; and

WHEREAS, it was and remains the hope of Common Council that O'Sullivan will continue to operate its facility and, if at all possible, expand its operations so as to allow it to continue to be a contributing corporate citizen of the City of Winchester and a significant employer; and

WHEREAS, Council recently approved Ordinance #O-2013-25 which authorizes a rezoning of property in the 1900 block of Valley Avenue, 211 and 301 West Jubal Early Drive from limited industrial (M-1) High Density Residential (HR), and Highway Commercial (B-2) Districts to B-2 District with Planned Unit Development (PUD) overlay RZ-13-196 in furtherance of the proposed Jubal Square Development Plan; and

WHEREAS, although it is acknowledged that no significant negative impacts attach to O'Sullivan as a result of the current rezoning, O'Sullivan has expressed that prospective future rezonings affecting the minimum setback requirements could adversely affect the ability of O'Sullivan to continue to operate in a harmonious manner with surrounding citizens and could negatively impact its abilities with regard to future expansion; and

WHEREAS, Common Council recognizes and acknowledges that the law requires that Zoning be governed by the public interest and that the law prohibits a governing body from entering into private agreements to zone or rezone property in furtherance of private interests; and

WHEREAS, Common Council further recognizes and acknowledges that it is not able to bind and does not intend to bind this Council or future Councils to any particular course of action regarding future rezoning in this area; and

WHEREAS, the adoption of this Resolution is intended only for the purpose of providing a historical memorialization of the collective thoughts and intentions of Common Council at the present time upon its approval of Ordinance #O-2013-25.

NOW therefore be it RESOLVED that Common Council for the City of Winchester hereby affirms it has no current plans to implement City-initiated rezonings impacting setback requirements in the manner described by O'Sullivan, and that before approving any such proposal, this Council would encourage the strong consideration of any negative impacts that future proposals for rezoning in this area could have upon O'Sullivan and its perceived ability to continue as the good and valued corporate partner to the City of Winchester that it has been for the past seventy-five (75) years.

0-2013-16

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

RESOLUTION **ORDINANCE XX** **PUBLIC HEARING**

ITEM TITLE: Photo Monitoring System to Enforce Traffic Light Signals

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. Public Works Administrator	<i>F.E.</i>		<i>4/28/13</i>
2. Director of Finance	<i>T</i>		<i>4/29/13</i>
3. _____			
4. _____			
5. City Attorney	<i>[Signature]</i>		<i>5/8/2013</i>
6. City Manager	<i>[Signature]</i>		
7. Clerk of Council			
Initiating Department Director's Signature:	<i>[Signature]</i>		<i>4/24/13</i>
			Date



APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY *5/8/2013*

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Chief Kevin L. Sanzenbacher
Date: April 15, 2013
Re: Re Light Enforcement System

THE ISSUE: Red light violations can be one of the most dangerous traffic infractions facing any community. These infractions can also be one of the most difficult for police officers to enforce. Modern technology has provided a way to electronically monitor and take enforcement action on these violations. This system, known as photo-monitoring, digitally records violations when they occur and then passes these photo files onto law enforcement for review and issuance of citations, if warranted. We would like to implement one of these systems in Winchester.

RELATIONSHIP TO STRATEGIC PLAN: Develop a High-Performing City Organization

BACKGROUND: Red light violations can be very difficult to enforce because judges want officers to be able to testify that they observed the light indicating red for the travel lane of the violator. Unless the officer is behind the violator, or can see the signal from the side, judges will not convict without this testimony. This makes it very difficult for officers to target problem intersections with stationary patrol. Even if enforcement were easier there is only so much time officers can dedicate to red light enforcement. Of the violations written over the last five (5) years only about 4% were red light violations.

The photo-monitoring systems, which operates 24/7/365, photographs and videos vehicles both at the time the light changes from yellow to red and fractions of a second after the light turns red in their lane. The violation is captured when someone enters the intersection .5 seconds (per Virginia law) after the light changes. These captured violations are then reviewed by the vendor to make sure they are in compliance with pre-established business rules. These files are then transmitted to the police to be reviewed by a sworn officer. The officer then applies their own business rules to each violation to determine if a summons is issued to the owner of the vehicle. This process, as well as the \$50 fine, are all regulated by VA state law. There are a number of communities in Virginia and throughout the country using similar systems at this time.

State law only allows one intersection per 10,000 population to be monitored. Winchester would be eligible to have 2 intersections monitored under this standard. We have looked at crash data from various intersections throughout the City and decided to conduct tests on the capture system at several locations based on that data. A prospective vendor, without obligation to the City, then conducted a survey of those intersections. From that survey it was determined that the following intersections would be the most appropriate location for the initial deployment of cameras:

Pleasant Valley and Berryville
Pleasant Valley and Jubal Early.

This selection was based on the high number of violations for both “through” violations and “right turn on red” violations. These two intersections accounted for over 300 violations in a 12 hour period.

BUDGET IMPACT: This action requires no funds to be expended by the City. The vendor would recapture their costs through the imposition of fines. Any fines collected in excess of the monthly fee charged by the vendor would be passed on to the City each month. If fines did not cover the monthly expense to the vendor then the deficit would be carried forward to be charged off the next month’s proceeds, if any. If the City ended the contract in a deficit situation the deficit would be cleared by the vendor, therefore the expense of the system would be cost neutral to the City.

DISCUSSION: These camera systems have resulted in a negative community perception in other locales as they have been seen as an unfair means of taxing the citizenry and an invasion of privacy. We do not feel this would occur in Winchester. This is due to the fact that unlike other states, Virginia limits the number of cameras and the amount of fines. The maximum allowable fine is \$50.00. This is considered a civil penalty, and does not include any points to be issued against the driver’s motor vehicle record or car insurance. Although not cheap, this is far less than fines in other jurisdictions and compatible with

finer associated with other moving violations. The State of Virginia also limits the number of intersections in which a jurisdiction may deploy cameras. Winchester is limited to two (2) intersections.

Also by focusing on high accident intersections our emphasis is on making the streets of Winchester safer- not in raising revenue. Finally, the State has prohibited the capture of images of drivers, only the rear of the violating vehicle and its tag will be captured. There are also penalties included for the release of any information captured by the system. These safeguards should protect the privacy rights of our citizens and alleviate concerns.

RECOMMENDATIONS: Staff recommends that the Common Council adopt the ordinance as proposed.

AN ORDINANCE TO CREATE CITY CODE
SECTION 14-15 - PHOTO MONITORING SYSTEMS
TO ENFORCE TRAFFIC LIGHT SIGNALS

WHEREAS, the City of Winchester is committed to promoting driver safety in the City; and

WHEREAS, the Common Council recognizes the importance to public safety in regulating potentially harmful activity; and

WHEREAS, technology solutions can be an effective and efficient way of enforcing red light violations; and

WHEREAS, the proposed change will facilitate the installation of red light monitoring systems according to State law; and;

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

NOW THEREFORE BE IT ORDAINED, that the Common Council of the City of Winchester, Virginia adopts City Code, Section 14-15, to allow the City Manager or his designee to have the authority to implement the provisions of this section, promulgate the rules and regulations necessary to administer the traffic signal enforcement program in compliance with all requirements of Code of Virginia § 15.2-968.1 and this section, and be responsible for the compliance of all aspects of the traffic signal enforcement program with applicable state law, and contract negotiations as outlined below.

**SECTION 14-15 PHOTO MONITORING SYSTEMS TO ENFORCE TRAFFIC
LIGHT SIGNALS**

- (a) *Establishment.* There is hereby established a traffic signal enforcement program pursuant to and in accordance with Code of Virginia § 15.2-968.1. The program shall include the installation and operation of traffic light signal violation monitoring systems in a number up to the maximum number permitted by state law. No traffic light signal violation monitoring system shall be operated for enforcement purposes at an intersection until all prerequisites for such operation have been fulfilled.
- (b) *Implementation.* The city manager or his designee shall (i) have the authority to implement the provisions of this section, (ii) promulgate the rules and regulations necessary to administer the traffic signal enforcement program in

compliance with all requirements of Code of Virginia § 15.2-968.1 and this section, and (iii) be responsible for the compliance of all aspects of the traffic signal enforcement program with applicable state law.

(c) *Private contractor.* The city may enter into an agreement with a private entity for the installation and operation of traffic light signal violation monitoring systems and related services as permitted by and subject to the restrictions imposed by Code of Virginia § 15.2-968.1(I).

(d) *Penalties.*

(1) For failure to comply with traffic light signal. The operator of a vehicle shall be liable for a monetary penalty of fifty dollars (\$50.00) if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the city. Any person found liable under this ordinance may contest the summons as provided by Code of Virginia § 15.2-968.1.

(2) For disclosure of personal information. Any person who discloses personal information collected by a traffic light signal violation monitoring system in violation of the provisions of Code of Virginia § 15.2-968.1(H) shall be subject to a civil penalty of one thousand dollars (\$1,000.00).



REDFLEX
TRAFFIC SYSTEMS

Winchester, VA Video Survey Results 03/11/13

12 hour survey

City	Date	Cross Street	Approach	LT	Through	RT	Total	Comments
Winchester, VA	2/12/13	Pleasant Valley Rd & Featherbed Rd	NB	4	9	10	23	
		Pleasant Valley Rd & Featherbed Rd	SB	0	0	64	64	
		Pleasant Valley Rd & Featherbed Rd	EB	0	1	90	91	
		Pleasant Valley Rd & Featherbed Rd	WB	1	1	27	29	
		Pleasant Valley Rd & Jubal Earl Dr	NB	0	2	21	23	
		Pleasant Valley Rd & Jubal Earl Dr	SB	0	1	77	78	
		Pleasant Valley Rd & Jubal Earl Dr	EB	1	3	36	40	7 Hr Survey
		Pleasant Valley Rd & Jubal Earl Dr	WB	7	9	6	22	
		Pleasant Valley Rd & Berryville-National	NB	0	2	90	92	
		Pleasant Valley Rd & Berryville-National	SB	0	3	38	41	
		Pleasant Valley Rd & Berryville-National	EB	0	15	10	25	
		Pleasant Valley Rd & Berryville-National	WB	5	1	8	14	
	2/13/13	Baker Ln & Berryville Ave	SB	3	0	37	40	
	Baker Ln & Berryville Ave	EB	3	10	0	13		
	Baker Ln & Berryville Ave	WB	0	2	8	10		

For further information, please contact:
 David Samuel, Regional Sales Manager
 (201) 912-4418
 dsamuel@redflex.com



SCOTT MASON/The Winchester Star

Emergency personnel respond to an overturned SUV at the intersection of Pleasant Valley Road and Berryville Avenue on Tuesday afternoon.

Woman charged in crash

Star staff report

WINCHESTER — A Stephens City woman was charged with failure to obey a traffic signal after her vehicle overturned at the intersection of Pleasant Valley Road and Berryville Avenue on Tuesday afternoon.

Holly Braithwaite, 28,

was traveling north on Pleasant Valley Road about 3:45 p.m. when she ran a red light and struck a 1995 Ford Escort that was proceeding through the intersection, according to Winchester Police Department spokeswoman Lauren Cummings.

The 2011 Nissan Xterra that Braithwaite was driving

overturned and landed on its top as a result of the crash, Cummings said.

The driver of the Ford Escort was transported to Winchester Medical Center with injuries that were not considered life-threatening, she said.

Both drivers were wearing their seat belts.

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Chief Kevin L. Sanzenbacher
Date: Original April 15, 2013 Revised report September 9, 2013
Re: Re Light Enforcement System

THE ISSUE: Red light violations can be one of the most dangerous traffic infractions facing any community. These infractions can also be one of the most difficult for police officers to enforce. Modern technology has provided a way to electronically monitor and take enforcement action on these violations. This system, known as photo-monitoring, digitally records violations when they occur and then passes these photo files onto law enforcement for review and issuance of citations, if warranted. We would like to implement one of these systems in Winchester.

RELATIONSHIP TO STRATEGIC PLAN: Develop a High-Performing City Organization

BACKGROUND: Red light violations can be very difficult to enforce because judges want officers to be able to testify that they observed the light indicating red for the travel lane of the violator. Unless the officer is behind the violator, or can see the signal from the side, judges will not convict without this testimony. This makes it very difficult for officers to target problem intersections with stationary patrol. Even if enforcement were easier there is only so much time officers can dedicate to red light enforcement. Of the violations written over the last five (5) years only about 4% were red light violations.

The photo-monitoring systems, which operates 24/7/365, photographs and videos vehicles both at the time the light changes from yellow to red and fractions of a second after the light turns red in their lane. The violation is captured when someone enters the intersection .5 seconds (per Virginia law) after the light changes. These captured violations are then reviewed by the vendor to make sure they are in compliance with pre-established business rules. These files are then transmitted to the police to be reviewed by a sworn officer. The officer then applies their own business rules to each violation to determine if a summons is issued to the owner of the vehicle. This process, as well as the \$50 fine, are all regulated by VA state law. There are a number of communities in Virginia and throughout the country using similar systems at this time.

State law only allows one intersection per 10,000 population to be monitored. Winchester would be eligible to have 2 intersections monitored under this standard. We have looked at crash data from various intersections throughout the City and decided to conduct tests on the capture system at several locations based on that data. A prospective vendor, without obligation to the City, then conducted a survey of those intersections. From that survey it was determined that the following intersections would be the most appropriate location for the initial deployment of cameras:

Pleasant Valley and Berryville
Pleasant Valley and Jubal Early.

This selection was based on the high number of violations for both "through" violations and "right turn on red" violations. These two intersections accounted for over 300 violations in a 12 hour period.

BUDGET IMPACT: This action requires no funds to be expended by the City. The vendor would recapture their costs through the imposition of fines. Any fines collected in excess of the monthly fee charged by the vendor would be passed on to the City each month. If fines did not cover the monthly expense to the vendor then the deficit would be carried forward to be charged off the next month's proceeds, if any. If the City ended the contract in a deficit situation the deficit would be cleared by the vendor, therefore the expense of the system would be cost neutral to the City.

DISSCUSSION: These camera systems have resulted in a negative community perception in other locales as they have been seen as an unfair means of taxing the citizenry and an invasion of privacy. We do not feel this would occur in Winchester. This is due to the fact that unlike other states, Virginia limits the number of cameras and the amount of fines. The maximum allowable fine is \$50.00. This is considered a civil penalty, and does not include any points to be issued against the driver's motor vehicle record or car insurance. Although not cheap, this is far less than fines in other jurisdictions and compatible with

finances associated with other moving violations. The State of Virginia also limits the number of intersections in which a jurisdiction may deploy cameras. Winchester is limited to two (2) intersections.

Also by focusing on high accident intersections our emphasis is on making the streets of Winchester safer- not in raising revenue. Finally, the State has prohibited the capture of images of drivers, only the rear of the violating vehicle and its tag will be captured. There are also penalties included for the release of any information captured by the system. These safeguards should protect the privacy rights of our citizens and alleviate concerns.

UPDATE:

This report was first brought to Council at the work session on May 21, 2013. At that time there were a number of questions raised by Council and citizens. The following is our efforts to try and respond to these questions:

- a. **Do we have any statistical data showing how the accidents at these intersections compare to other locations in the City?**

JUBAL EARLY/PLEASANT VALLEY

In 2011 Jubal Early and PVR accounted for 11 of our 141(7.8%) intersection crashes. Only Apple Blossom and Jubal Early had a higher rate N=12. In 2012 this intersection had the most collisions at 10 of 125 or 8%.

PLEASANT VALLEY/BERRYVILLE

In 2011 this intersection accounted for 4 of 141 crashes or 2.8%. This ranked it 11th among all intersection crashes. In 2012 this intersection ranked 3rd with 5 of 125 crashes or 4%.

- b. **Do we know how many of these accidents are attributable to people running red lights?**

In 2011 24 (4.9%) people were cited for "disregard stop/go light" out of 485 citations issued for collisions. This ranked 6th in number out of 36 categories. Right away and following too close received the highest number of citations. These citations cannot be attributed to the intersections in question as those statistics are not captured.

In 2012" disregard stop/go light accounted for 5.6% of collision tickets issued.

- c. **Do we know what measures (if any) the Police have taken to address the problem (placing an officer at the red light to monitor for violators, etc.)?**

As I stated in my previous report red light enforcement is extremely difficult. Judges want officers to be able to testify that they observed the light turn red in the offenders lane. Unless the officer is directly behind the offender these observations are hard to make. Despite these difficulties in 2011 the WPD issued 213 red light violations or 4% of total citations issued and in 2012 we issued 187 or 3.1 % of total citations issued.

- d. **Do we know how many red light tickets have been written for violators running these lights?**

JUBAL EARLY/PLEASANT VALLEY

In the period of 2011-2012 100 citations were written at this intersection. 15 of those citations were specifically for violations related to not stopping for the red light.

PLEASANT VALLEY/BERRYVILLE

In the 2011-2012 period 33 citations were written at this intersection. 4 were specific charges for not stopping at the red lights.

- e. **Are there actually studies that show that Red Light Cameras increase accidents?**

It is correct that there are several studies that do indicate that accidents do increase at intersections with red light cameras. Most of these studies indicate that the type of collision that occurs are rear end collisions where the trailing car will run into the car making a quick stop for a red light. This type of collision can also

occur when there is a police car visible at the intersection. These studies also indicate that the T-bone type crash is reduced. These are the accidents that usually result in far greater injuries and death.

There are many conflicting reports on this issue and many statistics can be produced that often seem to conflict with each other, but the primary finding on most of them is the more serious type of collision is usually reduced. I have attached a report from the Insurance Institute for Highway Safety (IIHS), which is an independent organization that has conducted a long-term study on red light cameras. Their conclusion was that in 12 of 14 cities using red light cameras fatal crash rates were down. In 11 of the 14 cities the total crashes were down compared to the period of time prior to the installation of the cameras.

f. How have these concerns been addressed in other localities?

We are not unique. There are a number of other jurisdiction in Virginia and throughout the country using cameras to enforce red light violation. The most prominent locales in Virginia are Newport News., Virginia Beach and Chesterfield. Also the IIHS study highlights other states using red light cameras.

g. Do we (the city) have the engineering in place at these intersections to support Red Light camera technology?

Please see the following response form Director Eisenach to this question:

In general, yes, our signal equipment at these intersections will support the red light camera technology. With that said, if the red light cameras were to enforce vehicles turning right that do not stop on red, we would need to add a signal head on southbound Pleasant Valley at Jubal Early so that there is a separate signal head specifically for the right turn lane. This would be relatively easy to accomplish. If the red light cameras only enforce the straight-thru movements at the intersections, we would not need to make any modifications.

The reported cost of these modifications would be approximately \$2500.

h. Comments from citizens expressing concerns about the systems as captured in the Council meeting minutes:

1. The system will be used as a surveillance tool to provide citizen information to government agencies.

Response- The data gathered will be held by the private vendor. The ordinance as drafted and the authorizing State law assign fines of up to \$1,000 for disclosure of information without legal justification. Also, as noted above, pictures will only be captured of the rear of vehicles, not the operators or passenger faces.

2. Concerns were expressed about the use of Redflex as the vendor.

Response-If the ordinance is approved by Council an RFP will be issued soliciting bids from multiple companies. As per procurement law the bid for this project will be used to select the vendor giving the City must the most favorable terms and most comprehensive submittal.

3. The camera systems do not promote safety as advertised, but actually result in more collisions.

Response- See e. above

RECOMMENDATIONS: Staff recommends that the Common Council adopt the ordinance as proposed.

STATUS REPORT

SPECIAL ISSUE: RED LIGHT RUNNING

INSURANCE INSTITUTE
FOR HIGHWAY SAFETY

Vol. 46, No. 1, Feb. 1, 2011

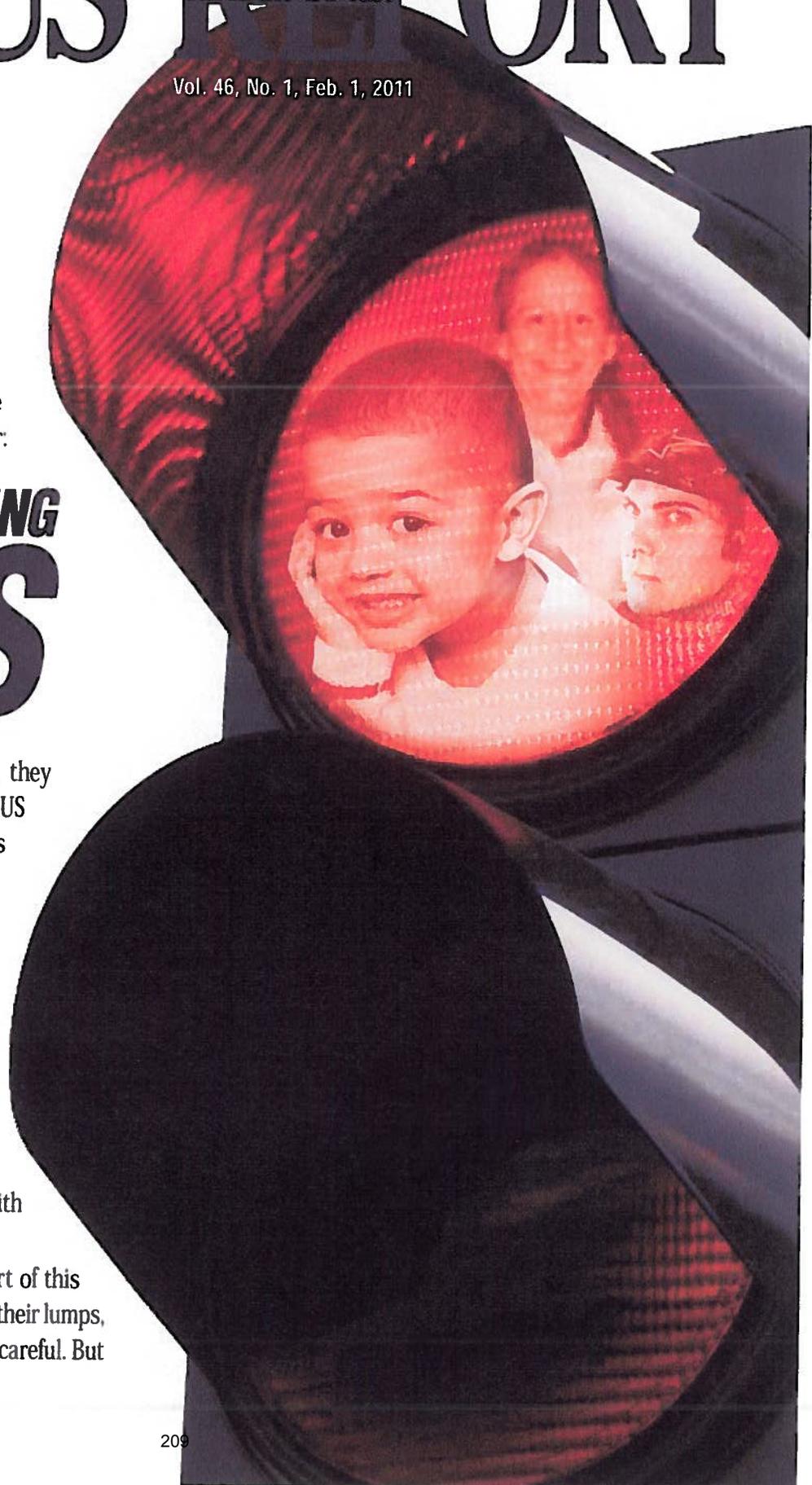
The red light runners think they've been wronged. They're convinced that the cameras documenting their violations are nothing more than a scheme to pick the pockets of motorists. The truth is simpler:

RED LIGHT RUNNING KILLS

and red light cameras save lives. In fact, they saved 159 lives in 2004-08 in the 14 biggest US cities with cameras, a new Institute analysis shows. If cameras had been operating during that period in all cities with populations of more than 200,000, a total of 815 fewer people would have died.

Camera opponents don't acknowledge the connection between those whose red light running sets off a benign flash and those who cause a deadly collision. Instead, they argue about "big brother" and equate fines for violations with taxes on drivers.

Not everyone who runs a red light is part of this group. No doubt, most violators calmly take their lumps, paying their tickets and vowing to be more careful. But



a vocal minority get angry, and their outrage gets broadcast on the internet, magnified by the media, and channeled into campaigns to ban red light cameras on the local or state level. When officials try to assure the public that cameras are about safety, not revenue, they are all but drowned out by the protests of these aggrieved drivers.

"Somehow, the people who get tickets because they have broken the law have been cast as the victims," says Institute president Adrian Lund. "We rarely hear about the real victims — the people who are killed or injured by these lawbreakers."

People like Deborah Parsons-Mason, a California mother of 4 who was fatally hit by a red light runner while crossing the street near her home. Or Marcus May-Cook, who was sleeping in his car seat when a red light runner ended his life after only 3 years. Or Jacy Good, who was permanently disabled and lost both her parents in a red light running crash just hours after her college graduation. The Institute is highlighting their stories and others on these pages to bring the discussion back to the real victims.

Red light running killed 676 people and injured an estimated 113,000 in 2009. Nearly two-thirds of the deaths were people other than the red light running drivers — occupants of other vehicles, passengers in the red light runners' vehicles, bicyclists, or pedestrians.

Since the 1990s, communities have used red light cameras as a low-cost way to police intersections. The number of cities embracing the technology has swelled from just 25 in 2000 to about 500 today.

Without cameras, enforcement is difficult and often dangerous. In order to stop a red light runner, officers usually have to follow the vehicle through the red light, endangering themselves as well as other motorists and pedestrians.

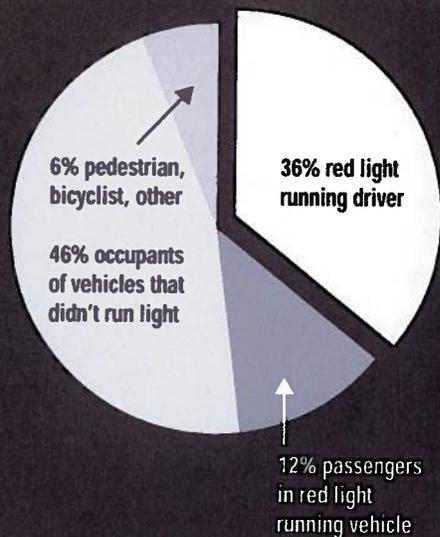
Moreover, the manpower required to police intersections on a regular basis would make it prohibitively expensive. In contrast, camera programs can pay for themselves by requiring people who break the law to shoulder the cost of enforcing it.

"The cities that have the courage to use red light cameras despite the political backlash are saving lives," Lund says. "If they are able to recover some of their traffic enforcement costs at the same time, what's wrong with that?"

Previous research has established that red light cameras deter would-be violators and reduce crashes at intersections with signals. Institute studies of camera programs have found that red light violations fell at intersections where cameras were installed (see *Status Report*, March 7, 1998, Dec. 5, 1998, and Jan. 27, 2007; on the web at iihs.org). In two of those studies, researchers also looked at traffic lights without cameras and found the decrease in violations spilled over from the camera-equipped intersections. In Oxnard, Calif., injury crashes at intersections with traffic signals fell 29 percent citywide after automated enforcement began (see *Status Report*, April 28, 2001; on the web at iihs.org).

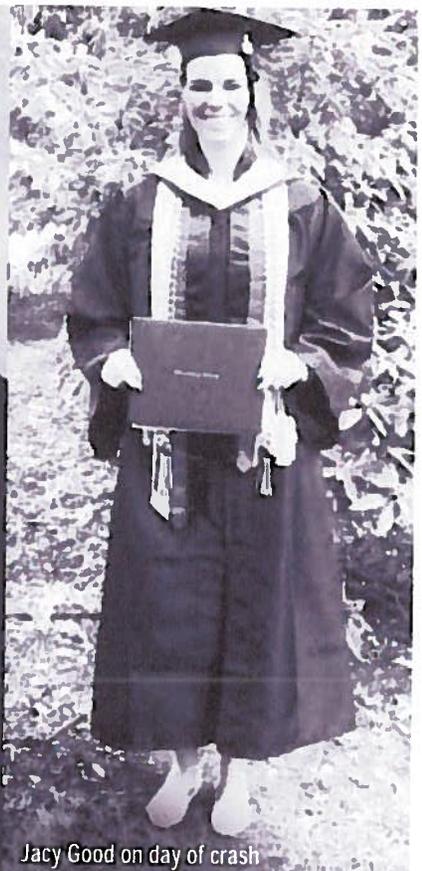
The Institute's latest study provides powerful confirmation of the benefits of cameras, showing they reduce deaths throughout entire communities. Looking at US cities with populations (continues on p. 6)

RED LIGHT RUNNING DEATHS 2009, BY TYPE OF ROAD USER





Clockwise from left, Jean, Jay, Jared, and Jacy Good



Jacy Good on day of crash

JEAN GOOD AND JAY GOOD, 58
MAIDENCREEK TOWNSHIP, PENNSYLVANIA

Hours after Jacy Good's graduation from Muhlenberg College in Allentown, Pa., she and her parents packed the family's 1989 Oldsmobile station wagon, strapped a sofa to the roof, and headed home to Lititz, a tiny Lancaster County town.

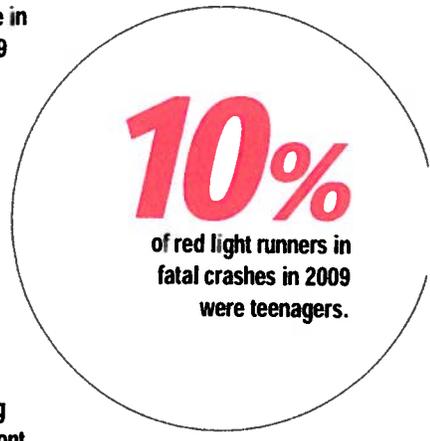
At 21, Good felt on top of the world. She planned to spend a few weeks at home before going to New York, where a job with Habitat for Humanity awaited. Her mother, a middle school English teacher, and her father, a foundry mechanic, were both brimming with pride.

Nearly halfway into their 70-mile trip, a chain-reaction crash set off by a red light runner sent a tractor-trailer into the opposite lane and into their car. Jay Good, who was at the wheel, and Jean Good, who rode in back and wasn't using a safety belt, died at the scene. Jacy Good, who was in the front seat, was left with a traumatic brain injury, partially collapsed lungs, a lacerated liver, 2 damaged carotid arteries, a shattered pelvis, and other injuries.

Weeks later, after she regained consciousness, Good began to learn the details of the crash. The driver of the minivan that sailed through the red light, causing the tractor-trailer to veer into the Goods' station wagon, was 18 years old, had 2 teenage passengers and, according to police, was using his cellphone when the crash occurred. He was cited for careless driving and running a red light and paid \$662 in fines and other costs.

Good believes the cellphone was to blame in the May 18, 2008, tragedy. "There's no question in my mind that there would have been no accident if he had not been on his cellphone," she says.

Now 24, Good expects to wear an ankle brace for the rest of her life. She had surgery last summer to recover some function in her limp left arm. Meanwhile, she's become an outspoken campaigner against distracted driving, lobbying lawmakers, appearing on the Oprah Winfrey Show, and addressing high school students. Her activism is in part a way to honor her mother and father's memory, Good says. "I know if the roles were switched, this is what my parents would be doing for me."



**BILLY RAY SPENCE, 64
LUBBOCK, TEXAS**

"What're you boys doin'?" That's what Billy Ray Spence, better known as Billy Kool, would say when he walked into a room. And when he did, you knew the party was about to get started. Spence, a heavy equipment operator who moonlighted as a bartender, was a captivating storyteller, jokester, poker player, and briefly married bachelor who lived just down the street from his elderly mother in Lubbock, Texas. He was killed at age 64 while running an errand on the afternoon of Nov. 11, 2008.

His red 1996 Jaguar XJ6 was broadsided by a Ford Explorer whose driver ran a red light. The driver of the Explorer, Marcelo Perez Jr., 35, was charged with manslaughter. Perez, who tested negative for alcohol and drugs, was no stranger to that intersection: He had been in another crash there just weeks earlier, leading to a charge against him of failing to stop and render aid.

Perez died of an unrelated condition before either case could be resolved.

Sandra Johnson says her big brother went off to the Air Force in the 1960s as Billy Spence, but returned as Billy Kool. His name for everyone — or, at least, everyone he liked — was "Ace." Billy Kool's ability to tell a story made him the life of the party. Johnson says he could captivate an audience of grown men with a card trick or a story about three little bears.

Spence retired, but never stayed that way for long. "He would always say, 'I just want to be home with nothing on but the TV,'" Johnson recalls. "And then when he'd go back to work, he'd say, 'I felt like putting clothes on, so I went back to work.'"



Billy Ray Spence

**SHANE KIESER, 19
LAS VEGAS, NEVADA**

Shane Kieser loved wheels, and he loved adrenaline. When he wasn't racing at the BMX bicycle track, he was often doing stunts in the concrete bowl near his home in Las Vegas. His mother gave him his own insurance card in case she was at work the next time he landed on his face.

When Kieser got a motorcycle, his mother, Terri, wasn't thrilled but she took it in stride. Shane knew the risks and never rode without a helmet.

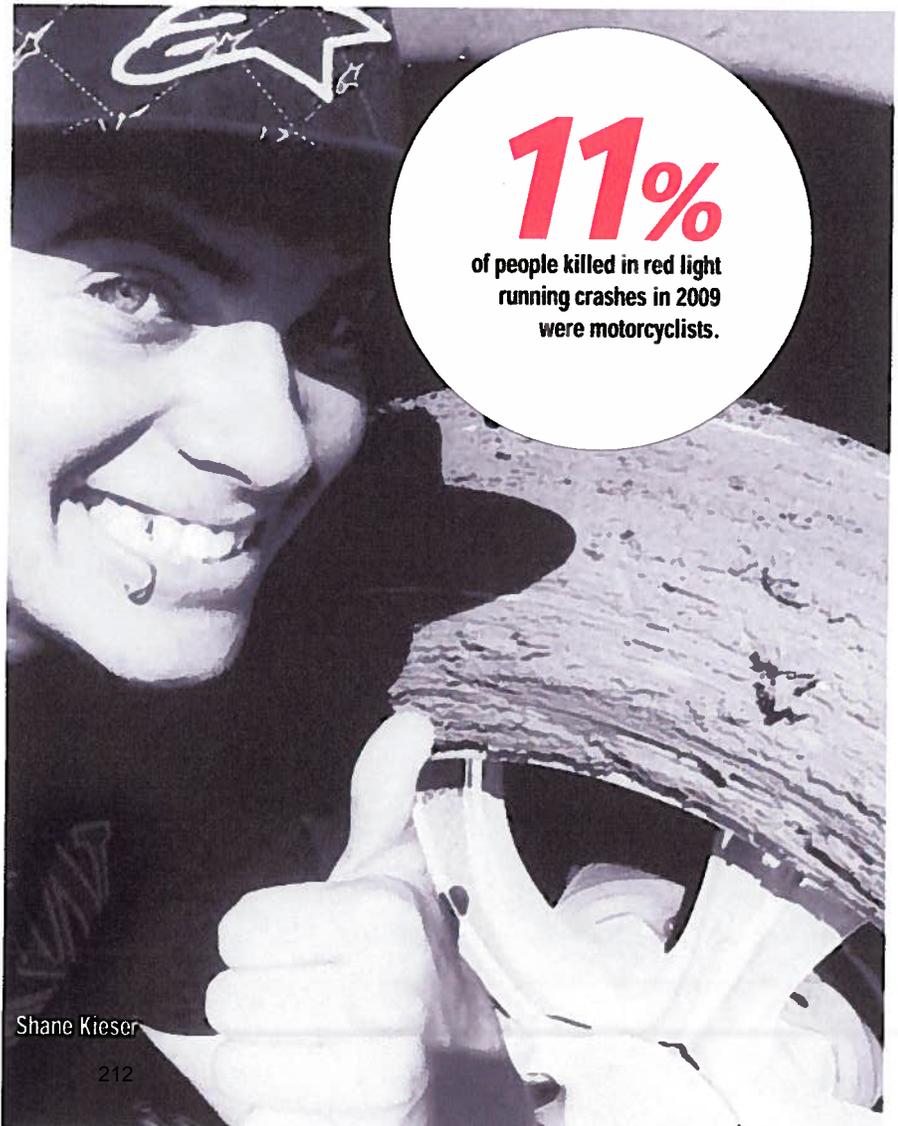
Early on the morning of Aug. 19, 2008, Kieser and his girlfriend headed to Walmart. They were night owls, says his mother, and "unfortunately, in Vegas everything is open at all hours of the day."

At 5:30 am, Kieser's 1994 Honda CBR slammed into a Toyota Corolla, killing him and injuring his girlfriend. The Corolla's driver wasn't hurt. Police say 3 witnesses saw the motorcycle go through a red light. Terri Kieser says that doesn't square with what she knows about her son.

"I was always the first to go, 'What did Shane do?'" she says with a laugh, before turning serious. "But I want to say no. No. Maybe a yellow that he felt he couldn't safely stop at. But running a red with his girlfriend on the back? Never. Shane would never be crazy with somebody else's life."

An aspiring mechanic, Shane was known for his goofy sense of humor. "Birthday parties — the candles were usually up his nose like a walrus," his mother says.

Every year on his birthday, Terri Kieser invites Shane's friends to a nearby mountain where he loved to ride his bike. She brings along homemade waffles — his favorite.



Shane Kieser

MARCUS MAY-COOK, 3
LANSING, MICHIGAN

Mindy Cook still can hear her little boy saying, "Mommy, I want you," the way he used to, his arms raised over his head so that she would scoop him up.

Marcus May-Cook was just 3 when he died on Aug. 10, 2008. Two days before, a 17-year-old unlicensed driver broadsided the car Marcus was riding in near his home in Lansing. Police determined that the teenage driver, Brianca Alexander, had gone through a red light. Marcus was asleep when it happened and never woke up.

"I see no end to this grief," Cook wrote in a letter she read at Alexander's sentencing hearing last September, more than 2 years after Marcus' death.

Alexander, who pleaded guilty to driving without a valid license, causing death, was sentenced to 2 ½ to 15 years in prison. Her mother received a year in jail with work release for allowing her daughter, who never had so much as a learner's permit, to take the car.

Marcus was an exuberant little boy who was convinced he would grow up to be Spider-Man. He wore a Spider-Man costume on Halloween — and kept wearing it long after the candy was gone. He even tried to climb the walls like the superhero, knocking over a shelf once in the process.

Cook knows that Marcus would have been excited to start kindergarten this past fall. He often imagined heading to school just like big sister Makyla. When their mother packed Makyla's lunch, Marcus insisted on one to carry to his grandmother's house, where he stayed while his mom was at work.

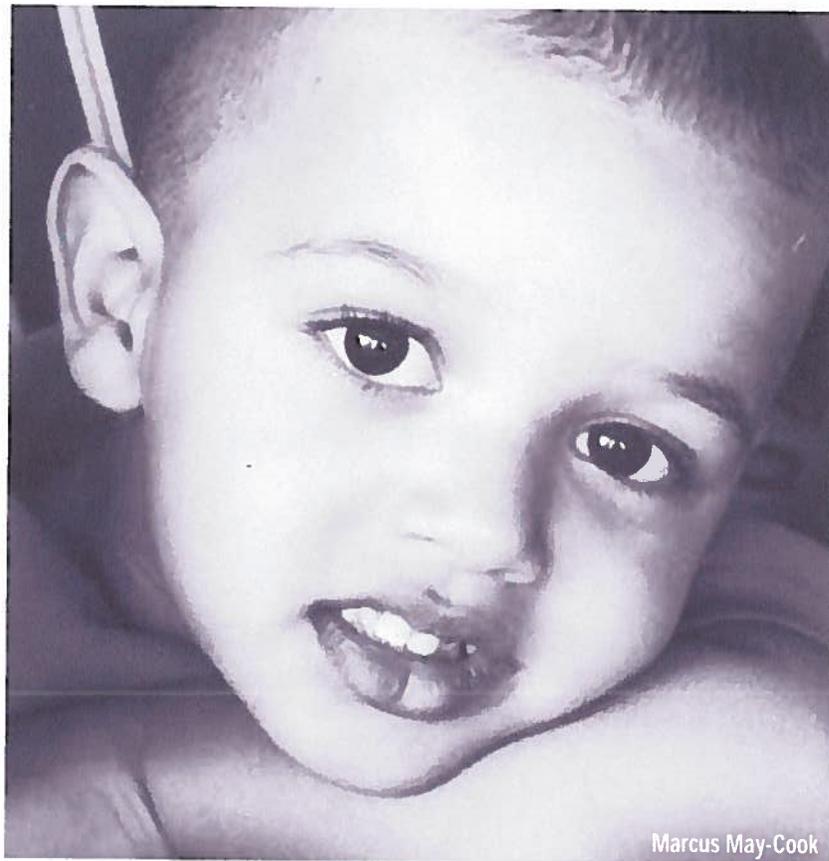
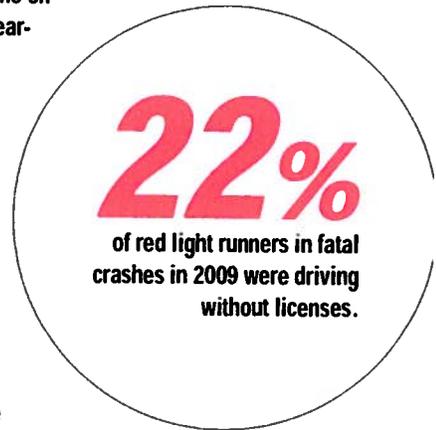
On the Friday of the crash, Marcus and his sister were riding along as their aunt drove their grandmother to her part-time job. Their cousin was in the back seat with them.

Cook was at work when she got the call shortly before 5 pm. When she saw Marcus at the hospital, he didn't look injured, but his brain had been severely damaged. By Sunday, tests confirmed that nothing could save him.

Cook's mother, who was riding in front, had a fractured skull and other injuries. She is no longer able to work. Makyla, who was 6, was injured but recovered. She and her cousin were riding in boosters, while Marcus was buckled in a child restraint.

Cook now has another son and says 1-year-old Marriion has begun to recognize his brother in photographs.

"Marcus," says Cook, "is always talked about."



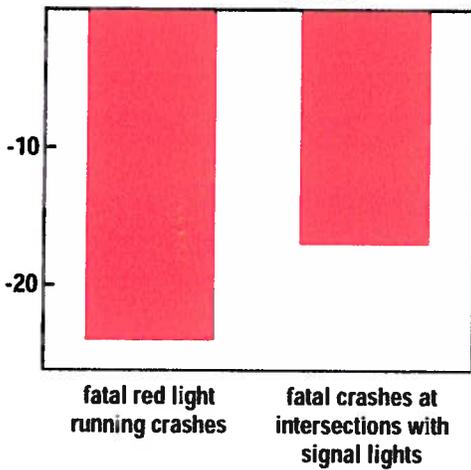
Marcus May-Cook



(continued from p. 2) over 200,000, the researchers compared those with red light camera programs to those without. Because they wanted to see how the rate of fatal crashes changed after the introduction of cameras, they compared two periods, 2004-08 and 1992-96. Cities that had cameras during 1992-96 were excluded from the analysis, as were cities that had cameras for only part of the later study period.

Researchers found that in the 14 cities that had cameras during 2004-08, the combined per capita rate of fatal red light run-

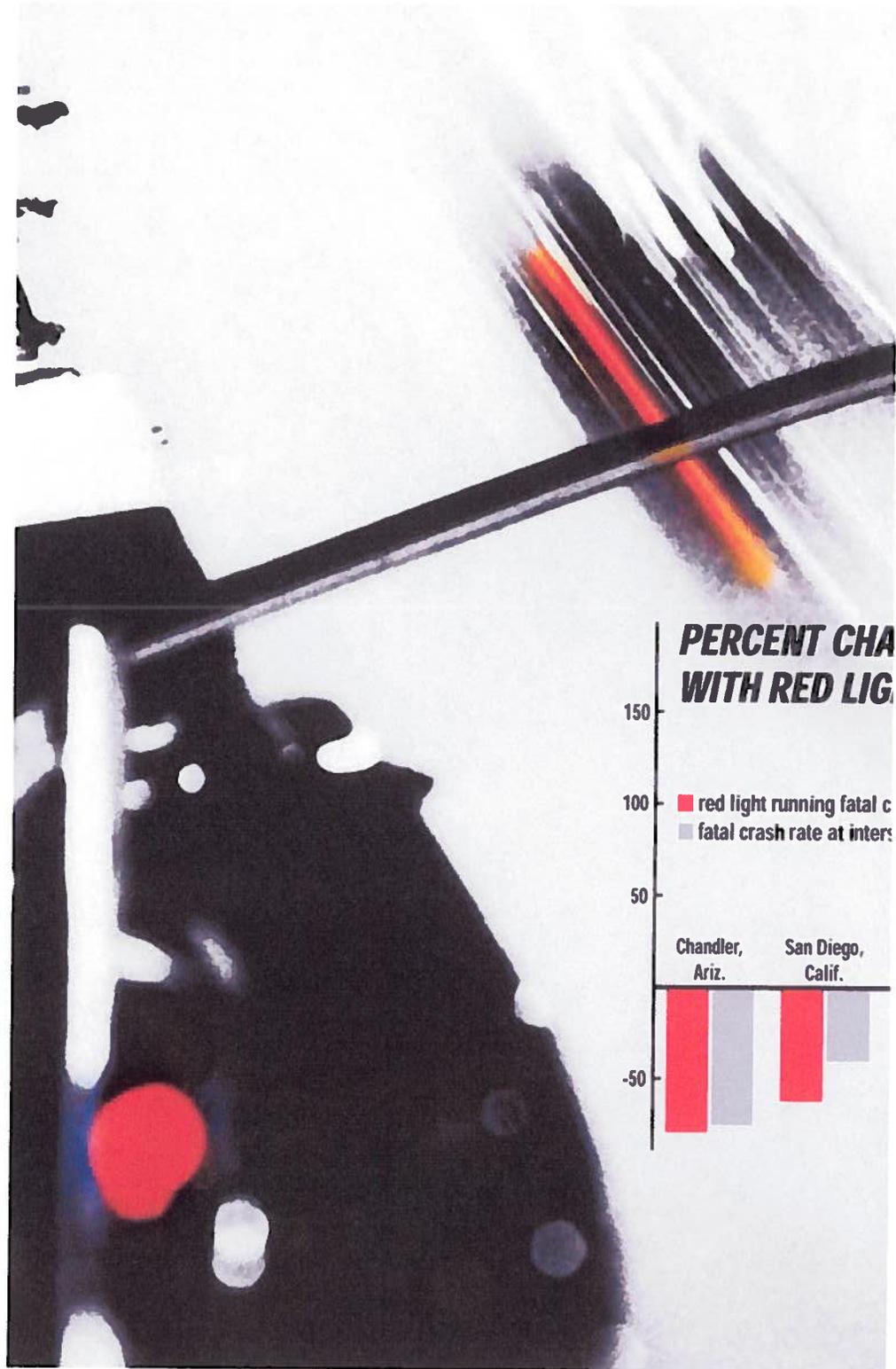
PERCENT DIFFERENCES IN ACTUAL CRASH RATES DURING 2004-08 IN CITIES WITH RED LIGHT CAMERAS VS. EXPECTED RATES WITHOUT CAMERAS



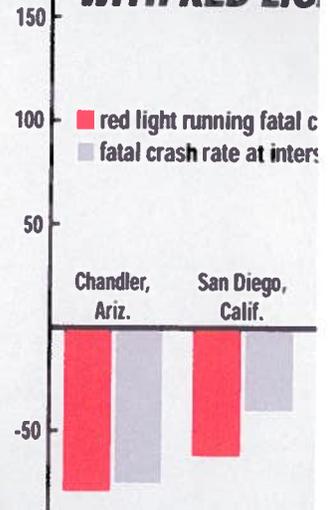
ning crashes fell 35 percent, compared with 1992-96. The rate also fell in the 48 cities without camera programs in either period, but only by 14 percent.

The rate of fatal red light running crashes in cities with cameras in 2004-08 was 24 percent lower than it would have been without cameras. That adds up to 74 fewer fatal red light running crashes or, given the average number of fatalities per red light running crash, approximately 83 lives saved.

That's a substantial benefit, but the actual benefit is even bigger. Red light cameras also reduce fatal intersection crashes that aren't attributed to red light running. One possible reason for this is that red light running fatalities are undercounted due to a



PERCENT CHANGE IN FATAL CRASH RATES WITH RED LIGHT CAMERAS



lack of witnesses to explain what happened in a crash. Drivers also may be more cautious in general when they know cameras are around.

The rate of all fatal crashes at intersections with signals — not just red light running crashes — fell 14 percent in the camera cities and crept up 2 percent in the noncamera cities. In the camera cities, there were 17 percent fewer fatal crashes per capita at in-

tersections with signals in 2004-08 than would have been expected. That translates into 159 people who are alive because of those automated enforcement programs.

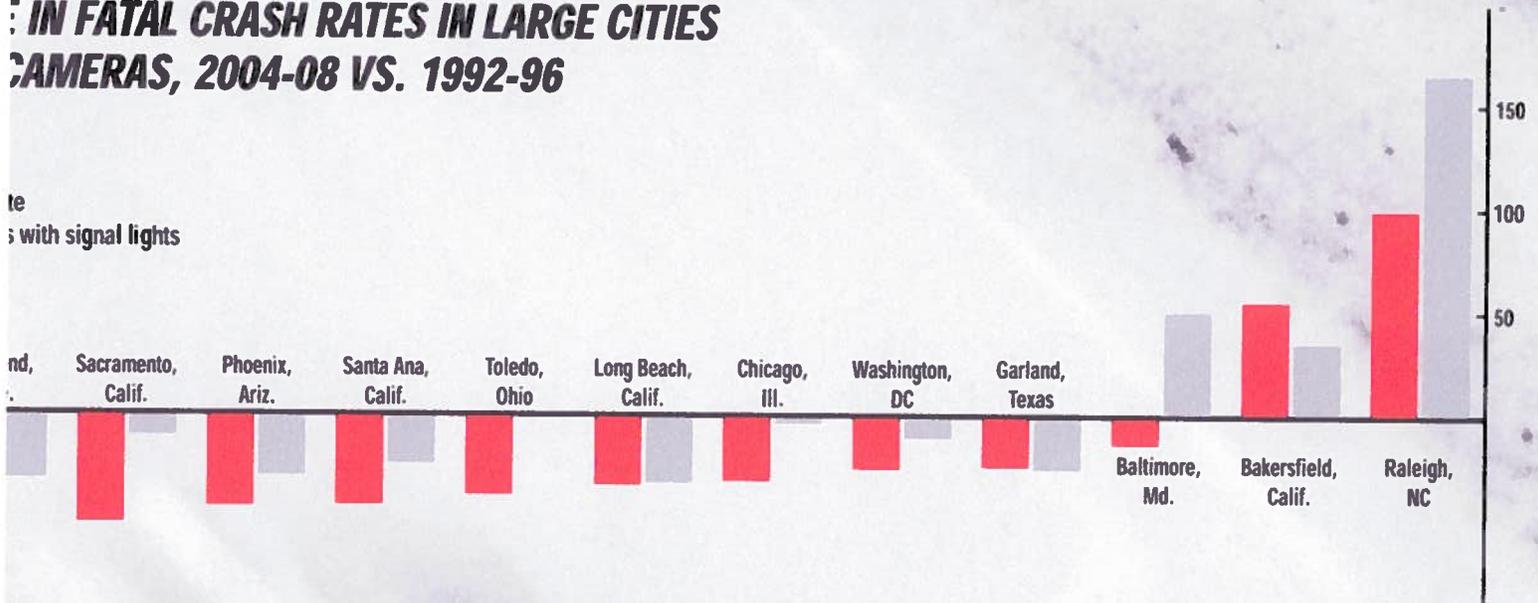
If red light cameras had been in place for all 5 years in all 99 US cities with populations over 200,000, a total of 815 deaths could have been avoided.

"Examining a large group of cities over several years allowed us to take a close look



IN FATAL CRASH RATES IN LARGE CITIES CAMERAS, 2004-08 VS. 1992-96

te
s with signal lights



at the most serious crashes, the ones that claim people's lives," says Anne McCartt, Institute senior vice president for research and a co-author of the study. "Our analysis shows that red light cameras are making intersections safer."

Results in each of the 14 camera cities varied. The biggest drop in the rate of fatal red light running crashes came in Chandler, Ariz., where the decline was 79 percent.

Two cities, Raleigh, NC, and Bakersfield, Calif., experienced an increase.

"We don't know exactly why the data from Raleigh and Bakersfield didn't line up with what we found elsewhere," McCartt says. "Both cities have expanded geographically over the past two decades, and that probably has a lot to do with it."

A bigger mystery is why, in the face of mounting evidence that red light cameras

make communities safer, some people continue to resist them. Rather than feeling angry at the sight of cameras going off, red light runners should thank their lucky stars they're alive to pay their tickets.

For a copy of "Effects of red light camera enforcement on fatal crashes in large US cities" by W. Hu et al., write: Insurance Institute for Highway Safety, 1005 N. Glebe Rd., Arlington, Va. 22201, or email publications@ihs.org.

CITY USES CAMERAS AS SAFETY TOOL, NOT MONEYSMAKER

If the purpose of red light cameras is to raise cash from unsuspecting drivers, officials in Springfield, Mo., did everything wrong.

Before even switching on their cameras in June 2007, traffic engineers reduced red light running by changing the length of yellow lights to make signals consistent across the city. The launch of the cameras was preceded by a major education campaign urging drivers to "respect red," and once cameras were installed their locations were clearly marked. Officials put the cameras at intersections with the biggest traffic volumes to get the message to the greatest number of drivers, though those intersections weren't necessarily where the most violations occurred.

So what happened with that easy money for the budget? Two years and eight months after the cameras were switched on, the program was \$33,000 in the red.

Fortunately for the city, making money was never the goal. Improving safety was, and by that measure, the cameras were a success. City officials say their data show red light running crashes decreased both at camera-equipped intersections and city-wide. Citations fell 36 percent to an average of 1.05 a day per camera.

Springfield traffic engineer Jason Haynes says the fact that the program didn't make money helped to maintain community support. Another plus was that the vendor operating Springfield's cameras had no vested interest in busting drivers. Instead of paying the company per violation, Springfield paid a flat fee for each camera.

The biggest key to the program's success, says Earl Newman, who recently retired as Springfield's assistant director of public works, is that the city first did all it could from a traffic engineering standpoint to reduce red light running. That meant fixing the yellow timing problem, which the city discovered as it was preparing to install the cameras. The problem stemmed from the fact that some intersections were controlled by the state and others by the city, and the state signals had longer yellow times. There was rampant red light running at the city intersections, perhaps because drivers used to state roads weren't expecting the lights to change so quickly.

Springfield and the state transportation department

worked out a compromise, lengthening the yellow phase at many signals and shortening it slightly at others. Only after giving drivers months to get used to the new times did the city switch on the cameras, which led to a further reduction in red light running.

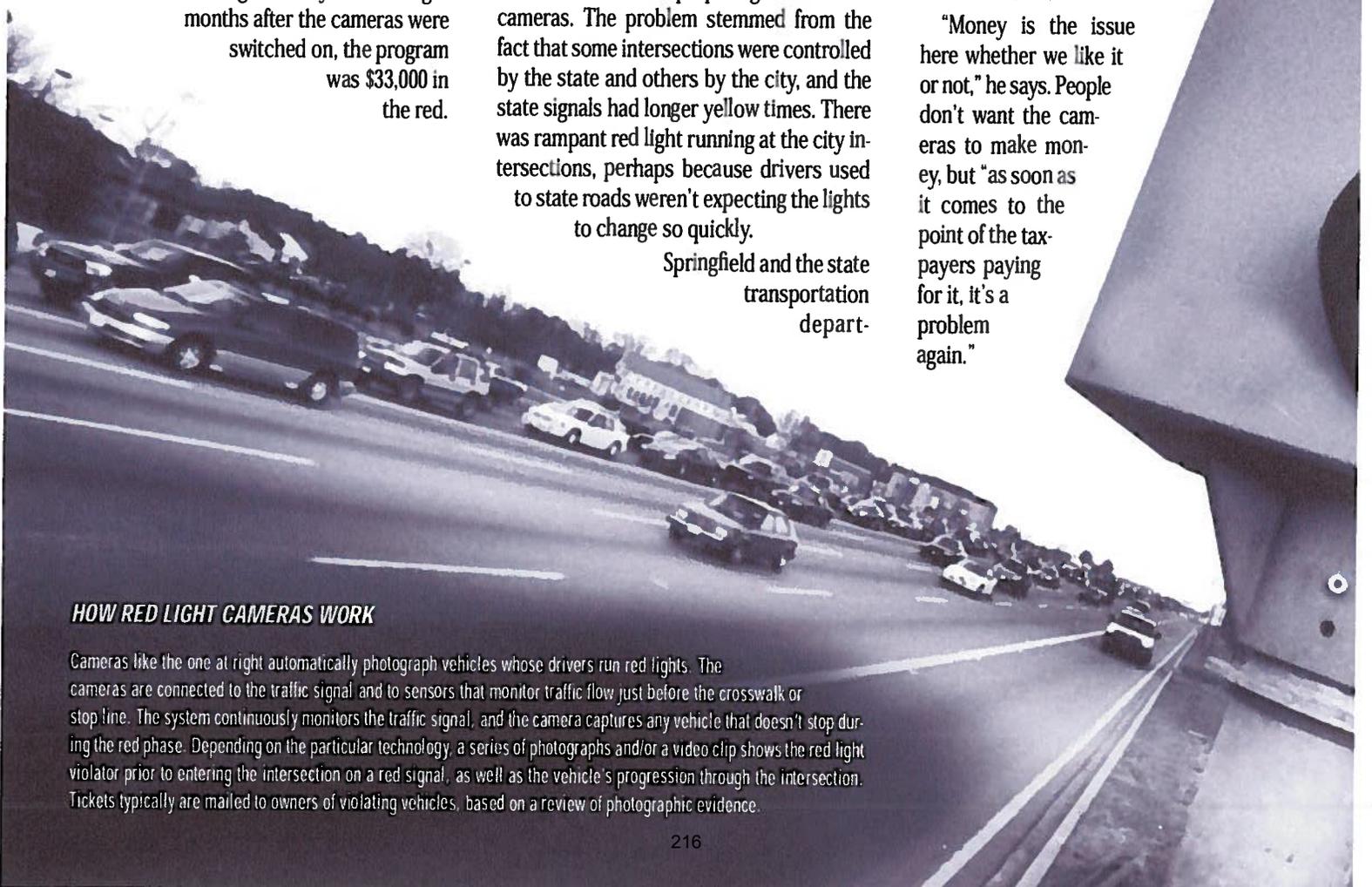
City surveys showed high support for red light cameras, but the program had determined opponents. A legal challenge brought the program to a halt last March, when the Missouri Supreme Court ruled that Springfield's administrative hearing process for contested citations was inadequate.

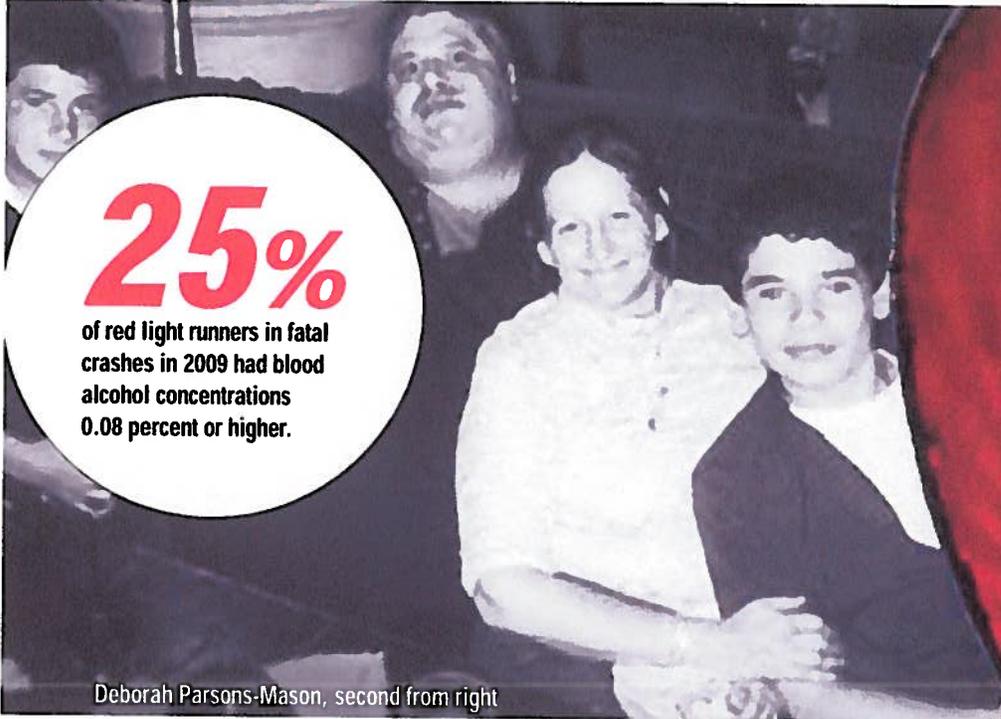
Haynes says the city's lawyers have come up with a fix and that a new contract for cameras is in the works. But Newman says he's not sure whether the program has much of a future now that violations have fallen so low. Too few citations could mean the red light cameras won't pay for themselves.

"Money is the issue here whether we like it or not," he says. People don't want the cameras to make money, but "as soon as it comes to the point of the taxpayers paying for it, it's a problem again."

HOW RED LIGHT CAMERAS WORK

Cameras like the one at right automatically photograph vehicles whose drivers run red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow just before the crosswalk or stop line. The system continuously monitors the traffic signal, and the camera captures any vehicle that doesn't stop during the red phase. Depending on the particular technology, a series of photographs and/or a video clip shows the red light violator prior to entering the intersection on a red signal, as well as the vehicle's progression through the intersection. Tickets typically are mailed to owners of violating vehicles, based on a review of photographic evidence.





25%

of red light runners in fatal crashes in 2009 had blood alcohol concentrations 0.08 percent or higher.

Deborah Parsons-Mason, second from right

DEBORAH PARSONS-MASON, 47 **SAN JOSE, CALIFORNIA**

Deborah Parsons-Mason worried about walking in her San Jose neighborhood, especially on weekend nights when the nearby bars were full. Drunk driving was a problem in the area, and the family had seen cars totaled just outside their window. The 47-year-old mother warned her 4 kids to use extra caution crossing the street.

But on a Friday 6 days before Christmas 2008, Parsons-Mason would have had her mind on other things. She had just been out shopping, and her mother was flying in the next day.

That night, Parsons-Mason walked to the corner store with her 14-year-old son, Jimmy, to buy some candy bars. On the way home, a pickup truck blew through a red light, striking Parsons-Mason in the crosswalk. As her horrified son watched, she was thrown in the air, landing in her next-door neighbor's driveway. Her husband and her other son heard the crash from inside the house and ran outside to see what had happened.

The driver, Gilberto Vasquez Reyes, 63, had a blood alcohol concentration of 0.21 percent, more than 2 1/2 times the legal limit. He pleaded no contest to vehicular manslaughter but died 5 days before sentencing. He was facing 4 to 6 years in prison.

Parsons-Mason worked as a cashier at Lucky supermarket and was heavily involved in her children's schooling, says her sister Kimberly Sabino. During their own childhood in southern California, Debi, the oldest of 3 girls, was like a second mother, says Sabino, who was the youngest and 5 years her junior.

Two years on, the family's grief is still raw. Jimmy constantly replays that night in his head, wishing he had seen the truck coming and pushed his mother out of harm's way, says Parsons-Mason's mother, Diane Courtney.

Sabino says it's hard for her to accept that Reyes, who had several prior convictions for driving under the influence, didn't face a more serious charge than manslaughter. "She wasn't just hit. She was slammed into," Sabino says.

"The way my sister was killed was murder."

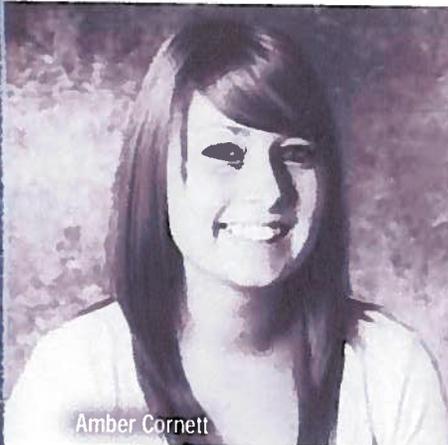


Deborah Parsons-Mason

COMMON THREAD BINDS CRASHES DESPITE DIFFERENT STORY LINES

A comment by Institute president Adrian Lund

The fatal crashes described on these pages are all different, but they have one thing in common: Someone ran a red light. The circumstances of a particular crash may point to a deeper cause, so it's tempting to seek a deeper solution. After all, we know that red means stop. We learned that long before we learned to drive. If people disobey red lights, or simply fail to see them, we assume there's a reason. It must be because they drank too much or they're fiddling with their cellphones or they're inexperienced or reckless drivers. All those things may be true, and many of the underlying causes can and should be addressed. But we can prevent many red light running crashes, regardless of the circumstances, by using cameras to enforce the law. The fact is that the threat of a ticket makes everyone drive more carefully. The data prove it.



Amber Cornett

AMBER CORNETT, 16 BETHEL TOWNSHIP, OHIO

On Nov. 22, 2008, Amber Cornett dutifully called her parents to tell them she was on her way home after spending the night at a friend's house and going out for breakfast.

Cornett was belted in the front seat when the 2003 Chevrolet Cavalier her friend was driving was broadsided by a pickup truck at an intersection in rural Bethel Township in Clark County, Ohio. She was killed just 6 days before her 17th birthday.

Cornett's friend told police she thought she had a green light. The driver and the passenger of the other vehicle insisted their light was green. A third girl who was in the Cavalier's back seat and was injured in the crash couldn't recall approaching the intersection. Police were unable to determine fault and didn't file charges.

"All we really got was no answers," says Mack Cornett, Amber's father. The daughter he lost was "every parent's dream," Cornett says. She was a good student and made friends easily. "I know she was looking forward to getting the chance to get out on her own."

On tribute pages on the web, friends remember Amber's effervescent personality. They lament that she'll never meet their new boyfriends and confide that they can't bear to delete her number from their cellphones.

Mack Cornett has his own way of remembering: The 46-year-old machinist manager keeps in his Bible a picture of Amber with a big smile, taken the summer before she died. Cornett says he's disappointed that neither driver has reached out to say they're sorry. He would be inclined to forgive.

"People run lights. I don't think the majority of people who run them mean to run them. They have distractions," he says.

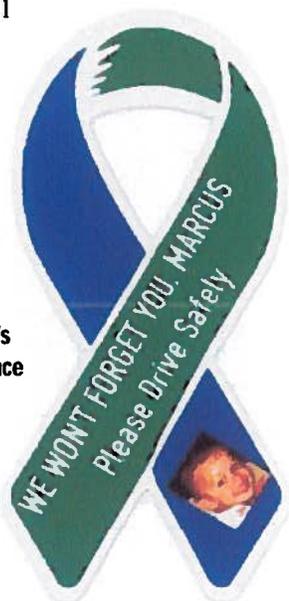
"How many times have you done something and you got away with it? You look down, you look at your watch, you turn the knob on the stereo, you laugh at a joke — you miss the light."

STATUS REPORT

INSURANCE INSTITUTE
FOR HIGHWAY SAFETY

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Internet: www.iihs.org
Vol. 46, No. 1, Feb. 1, 2011

One family's
remembrance



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AAA Northern California, Nevada, and Utah
ACE Private Risk Services
Affirmative Insurance
Agency Insurance Company of Maryland
Alfa Alliance Insurance Corporation
Alfa Insurance
Allstate Insurance Group
American Family Mutual Insurance
American National Property and Casualty Company
Ameriprise Auto & Home
Amica Mutual Insurance Company
Auto Club Enterprises
Auto Club Group
Bituminous Insurance Companies
California Casualty Group
Capital Insurance Group
Chubb & Son
Colorado Farm Bureau Mutual Insurance Company
Concord Group Insurance Companies
Cotton States Insurance
COUNTRY Financial
Direct General Corporation
Discovery Insurance Company
Erie Insurance Group
Esurance
Farm Bureau Financial Services
Farm Bureau Insurance of Michigan
Farm Bureau Mutual Insurance Company of Idaho
Farmers Insurance Group of Companies

Farmers Mutual of Nebraska
Fireman's Fund Insurance Company
First Acceptance Corporation
Florida Farm Bureau Insurance Companies
Frankenmuth Insurance
Gainsco Insurance
GEICO Group
Georgia Farm Bureau Mutual Insurance Company
GMAC Personal Lines Insurance
Grange Insurance
Hanover Insurance Group
The Hartford
Haulers Insurance Company, Inc.
High Point Insurance Group
Homeowners of America Insurance Company
Horace Mann Insurance Companies
ICW Group
Imperial Fire & Casualty Insurance Company
Infinity Property & Casualty
Kemper, A Unitrin Business
Kentucky Farm Bureau Insurance
Liberty Mutual Insurance Company
Louisiana Farm Bureau Mutual Insurance Company
Mercury Insurance Group
MetLife Auto & Home
MiddleOak
Mississippi Farm Bureau Casualty Insurance Company
MMG Insurance
Mutual of Enumclaw Insurance Company
Nationwide
New Jersey Manufacturers Insurance Group
NLC Insurance Companies, Inc.
Nodak Mutual Insurance Company
Norfolk & Dedham Group
North Carolina Farm Bureau Mutual Insurance Company
Oklahoma Farm Bureau Mutual Insurance Company

Old American County Mutual Fire Insurance
Oregon Mutual Insurance
Palisades Insurance
Pekin Insurance
PEMCO Insurance
Progressive Corporation
Rockingham Group
Safeco Insurance
Samsung Fire & Marine Insurance Company
SECURA Insurance
Sentry Insurance
Shelter Insurance
Sompo Japan Insurance Company of America
South Carolina Farm Bureau Mutual Insurance Company
Southern Farm Bureau Casualty Insurance Company
State Auto Insurance Companies
State Farm
Tennessee Farmers Mutual Insurance Company
Texas Farm Bureau Insurance Companies
Tokio Marine Nichido
The Travelers Companies
United Educators
Unitrin
USAA
Viceroy Insurance Company
Virginia Farm Bureau Mutual Insurance
West Bend Mutual Insurance Company
Young America Insurance Company
Zurich North America

FUNDING ASSOCIATIONS
American Insurance Association
National Association of Mutual Insurance Companies
Property Casualty Insurers Association of America

CITY OF WINCHESTER, VIRGINIA

CITY COUNCIL AGENDA ITEM

Presentation for Discussion: October 1, 2013
Presentation for Adoption, 1st Reading: October 8, 2013
Presentation for Adoption, 2nd Reading/Public Hearing: November 5, 2013

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X DISCUSSION ___

ITEM TITLE: Ordinance amending Chapter 30 to create an Environmental Sustainability Taskforce, thereby replacing the Tree Commission and the Natural Resources Advisory Board

STAFF RECOMMENDATION: Adopt the enclosed ordinance

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	<i>AW</i>	_____	<i>9/16/2013</i>
6. City Manager	<i>DI</i>	_____	<i>9-17-13</i>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: *Deborah J. Howard* 09/12/2013
Date



Revised: September 28, 2009



APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY *9/16/2013*

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Doug Hewett, Assistant City Manager
Through: Dale Iman, City Manager
Date: October 8, 2013
Re: Ordinance amending Chapter 30 to create an Environmental Sustainability Taskforce, thereby replacing the Tree Commission and the Natural Resources Advisory Board

THE ISSUE: As part of the City Council's effort to review the functions and composition of all city boards and commissions, is there value in creating an Environmental Sustainability Taskforce to serve as an advisory body to the City Manager and City Council in helping to guide public policy, planning, education, departmental management, new development, and evaluation of environmental and energy related matters.

RELATIONSHIP TO STRATEGIC PLAN: Goal 4 – Create a More Livable City for All

BACKGROUND: In 2012 the City Council began a process of reviewing the functions and composition of all city boards and commissions. From that effort there was general support for eliminating the Tree Commission and the Natural Resources Advisory Boards.

In subsequent conversations, the City Council expressed a desire for there to be an 'ad-hoc' group that could be called upon on an as-needed-basis to assist with issues or questions in areas that would have been previously handled by either the Tree Commission or the Natural Resources Advisory Board. This 'ad-hoc' group was proposed to be convened under the Parks and Recreation Advisory Board.

That idea didn't gain full traction with City Council; as such on August 20, 2013 staff presented the concept of combining the duties of the Natural Resources Advisory Board along with some of the duties of the Tree Commission into a new board with an expanded focus. The new board, styled after a similar board in Morgantown, WV, could work on such topics/issues as follows:

- 1) Assist the City and City residents in understanding its responsibility for its own impact on climate change, as well as educate the community in how it can become more energy efficient and climate sensitive.
- 2) Promote the adoption of LEED and Energy Star standards for municipal structures and, when possible, for private commercial and residential construction.




CITY MANAGER

- 3) Study and make recommendations for ways to generate green vehicle and travel solutions for City personnel and departments.
- 4) Evaluate City procurement and disposal policies and practices and make recommendations in collaboration with City personnel that will create more environmentally responsible alternatives.
- 5) Identify and promote renewable energy solutions that are consistent with needs, opportunities and resources available to the Greater Winchester area.
- 6) Advise and consult with the City Manager and the City Council on all matters pertaining to the authority and purpose of the Environmental Sustainability Committee, including issues previously assigned to the Tree Commission and the Natural Resources Advisory Board.
- 7) Support education efforts that will encourage environmental responsibility and energy efficiency, with unique programming.
- 8) Additional duties and tasks as assigned.

Based upon interest expressed by City Council at that August 20, 2013 meeting, the attached ordinance was created and presented to City Council on August 27, 2013. Following discussion, the City Council asked to have more time to review the ordinance and directed it be brought back for an upcoming work session.

On October 1, 2013 staff again presented this information to City Council. Following the staff presentation, City Council voted to forward this item for formal consideration to their October 8, 2013 meeting. In doing so, Council President Willingham requested that if the City Council ultimately adopts the attached ordinance and creates the Environmental Sustainability Taskforce that the Taskforce also look for ways to focus on environmental sustainability issues related to economic development and provide quarterly reports on their activities, once fully established.

BUDGET IMPACT:

None at present, as staff are already assigned to support the Tree Commission and Natural Resources Advisory Board.

OPTIONS:

1. Accept City Council's earlier recommendation to eliminate the Tree Commission and Natural Resources Advisory Board, and authorize the creation of an Environmental Sustainability Taskforce as outlined in the enclosed ordinance.
2. Reject staff's recommendation and provide direction concerning the disposition of the Tree Commission and Natural Resources Advisory Board.
3. Provide direction to staff, and/or take no action at this time.

RECOMMENDATIONS: Option 1

Environmental Sustainability Taskforce Task List

As proposed and shown in Section 30-32. (a) of the attached Code revision, the Environmental Sustainability Taskforce would have six broad areas of responsibility. In effort show some of the possible tasks the Taskforce could address, the following task list has been created.

1) Reduce the impact of the City of Winchester on its environment.

- A. Promote the adoption of LEED and Energy Star standards for municipal structures and, when possible, for private commercial and residential construction.
- B. Serve as Winchester's advisory board for participation in the Virginia Municipal League's Green Challenge designed to encourage implementation of specific environmental policies and practical actions that reduce the carbon emissions generated by both the local government and the broader community.
<http://gogreenva.org/>
- C. Energy Savings Programs for Winchester Businesses – Give awards to Green business etc., encourage energy efficient lighting – track energy savings for businesses that change to help convince others, develop a printer cartridge recycling program etc.
- D. _____

2) Encourage environmental stewardship and education among residents.

- A. Assist the City and City residents in understanding its responsibility for its own impact on climate change, as well as educate the community in how it can become more energy efficient and climate sensitive.
- B. Support education efforts that will encourage environmental responsibility and energy efficiency, with unique programming.
- C. Organize an Earth Day Celebration – downtown events and exhibits, school groups cleaning up parks etc.
- D. _____

3) Encourage collaboration among various entities in the Shenandoah Valley to preserve the environment.

- A. Identify and promote renewable energy solutions that are consistent with needs, opportunities and resources available to the Greater Winchester area.
- B. Organize a 'Grinding of the Greens' to recycle Christmas Trees – the city could collect trees and turn them into mulch for city flower beds.
- C. _____

4) Suggest areas for policy recommendation to the City Manager and City Council.

- A. Study and make recommendations for ways to generate green vehicle and travel solutions for City personnel and departments.
- B. Evaluate City procurement and disposal policies and practices and make recommendations in collaboration with City personnel that will create more environmentally responsible alternatives.
- C. _____

5) The Taskforce also assumes the responsibilities of the former Tree Commission and Natural Resources Advisory Board with respect to permits and appeals as described in Chapter 30.

- A. Advise and consult with the City Manager and the City Council on all matters pertaining to the authority and purpose of the Environmental Sustainability Committee, including issues previously assigned to the Tree Commission and the Natural Resources Advisory Board.
- B. Organize Arbor Day Celebrations
- C. _____

6) The Taskforce 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.

- A. _____
- B. _____

COMMON COUNCIL



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

ORDINANCE TO AMEND THE WINCHESTER CITY CODE, CHAPTER 30. VEGETATION, TO ALLOW FOR THE CREATION OF THE ENVIRONMENTAL SUSTAINABILITY TASKFORCE

Whereas, the Winchester City Council has evaluated the composition of various City appointed boards and commissions; and

Whereas, the Winchester City Council believes that the creation of an Environmental Sustainability Taskforce would be beneficial,

Now therefore it be ordained, that the Winchester City Code, Chapter 30, Vegetation, is hereby amended as shown on the attached, and

Be it further ordained, that with this amendment the Tree Commission and the Natural Resources Advisory Board are eliminated.

Ord. No. _____

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~~Environmental Sustainability Taskforce 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 as to such matters.~~ 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 ~~City Manager, or his designee, chairman of the Tree Commission~~ in writing of his decision to issue or 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

**Ordinance to Amend the
Winchester City Code,
Chapter 30. Vegetation, to
allow for the creation of
the Environmental
Sustainability Taskforce**

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Whereas, the Winchester City Council believes that the creation of an Environmental Sustainability Taskforce would be beneficial,

Now therefore it be ordained, that the Winchester City Code, Chapter 30, Vegetation, is hereby amended as shown on the attached, and

Be it further ordained, that with this amendment the Tree Commission and the Natural Resources Advisory Board are eliminated.

Ord. No. _____

WINCHESTER CODE

appeal the decision to a panel comprised of the City Manager ~~and two members of the Environmental Sustainability Taskforce, as described in Section 30-32, 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, consult the ~~Free Commission~~ Environmental Sustainability Taskforce, 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.

(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, consult the ~~Free Commission~~ Environmental Sustainability Taskforce, 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.

(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 issuance of a permit and in such manner as directed by the City Arborist, who may, at his option, consult the ~~Free Commission~~ Environmental Sustainability Taskforce before directing such work to

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VEGETATION

be performed or issuing any permit for same. (Code 1959, §19-11; Ord. No. 020-2001, 5-8-2001; Ord. No. 2009-30, 10-13-09)

- 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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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, consult the ~~Tree Commission~~ Environmental Sustainability Taskforce, such guards around nearby trees in the streets or public places or grounds as shall effectively prevent injury to such trees. (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

WINCHESTER CODE

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.

VEGETATION

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. ENVIRONMENTAL SUSTAINABILITY TASKFORCE **CREATED; COMPOSITION; APPOINTMENT AND TERMS OF MEMBERS; FILLING VACANCIES.**

- (a) There is hereby created an Environmental Sustainability Taskforce that will assume all of the duties and functions previously assigned to the - Tree Commission and the Natural Resources Advisory Board, both of which are hereby disbanded. The Environmental Sustainability Taskforce will also, to be composed of seven members, seven-six (67) qualified voters of whom shall be residents of the City elected-appointed by the Common Council. Initially, three (3) of the members shall be elected-appointed to serve until December 31, 19662015, two three (32) to serve until December 31, 1968,2017 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. The City Arborist, or aother designee of the City Manager, shall also serve as athe seventh full voting member. The Manager may remove and replace his designee at his discretion. until removed by the City Manager.
- (b) With the exception of the Manager's designee, who may be appointed, removed, or replaced as described in paragraph (a), Vacancies occurring on the Tree CommissionEnvironmental Sustainability Taskforce otherwise than through the expiration of term shall be filled for the unexpired term by the electionappointment of Common Council. (Code 1959, §19-4; Ord. No. 001-80, 1-8-80)
- (c) During the pendency of appointment to fill a vacancy as described in paragraph (b), the Manager may appoint an interim member of the Environmental Sustainability Taskforce who shall serve until such time as Common Council makes an appointment to fill the vacancy as described in paragraph (b).

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(d) 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 Environmental Sustainability Task Force 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 committee shall be issued within thirty (30) days of review by the committee and shall be final and unappealable. The meetings of the committee convened pursuant to this section shall be an open public meeting. City Manager 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 committee. City Manager or his designee 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 committee.

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(Code 1959, §19-4; Ord. No. 001-80, 1-8-80)

SECTION 30-33. MEMBERS NOT COMPENSATED.

All members of the ~~Free Commission~~ Environmental Sustainability Taskforce shall serve without compensation.

(Code 1959, §19-4; Ord. No. 001-80, 01-08-80)

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

The members of the Environmental Sustainability Taskforce ~~Free 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 Environmental Sustainability Taskforce ~~Free Commission~~ shall constitute a quorum for the transaction of business.

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

VEGETATION

SECTION 30-35. POWERS AND DUTIES.

The ~~Environmental Sustainability Taskforce~~ ~~Tree Commission~~ is an advisory board created to identify ways to reduce the impact of the City of Winchester on its environment, to encourage environmental stewardship and education among residents, to encourage collaboration among various entities in the Shenandoah Valley to preserve the environment, and to suggest areas for policy recommendation to the City Manager and City Council. The Taskforce also assumes the responsibilities of the former ~~Tree Commission and Natural Resources Advisory Board~~ with respect to permits and appeals as described in Chapter 30, and ~~who~~ 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~~ Environmental Sustainability Taskforce, 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~~ City Arborist, through the City Manager, shall, on or before March 1st 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. The City Arborist may consult with the Environmental Sustainability Taskforce in formulating his annual recommendations as deemed necessary by the City Arborist. (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~~ City Arborist, the Environmental Sustainability Taskforce, or any employee of 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.

WINCHESTER CODE

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

VEGETATION

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).

WINCHESTER CODE

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CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 10/08/2013 CUT OFF DATE: 10/01/2013

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE: Resolution adopting a Memorandum of Understanding between the City of Winchester and Shenandoah University (UPDATED FROM THE 9/17/2013 WORK SESSION)

STAFF RECOMMENDATION: Adopt the resolution creating a formal MOU to use to guide programs and projects designed to promote economic development and improve the local quality of life

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: The MOU would supplement the Strategic Plan and serve as a guide in developing the FY2015 Budget.

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>aw</i>	_____	<i>9/20/2013</i>
6. City Manager	<i>ST</i>	_____	<i>9-20-13</i>
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature: _____	<i>[Signature]</i>		<i>9-20-13</i> Date



APPROVED AS TO FORM:
[Signature] *9/20/2013*
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Dale Iman, City Manager
Date: 10-8-2013
Re: Resolution adopting a Memorandum of Understanding between the City of Winchester and Shenandoah University

THE ISSUE:

It is the desire of City Council and Shenandoah University to establish a Memorandum of Understanding (MOU) to guide the advancement of programs and projects of mutual interest which are designed to promote economic development and improve the quality of life of our stakeholders.

RELATIONSHIP TO STRATEGIC PLAN:

- Goal 1– Grow the Economy
- Goal 3- Continue the Revitalization Of Historic Old Town
- Goal 4- Create A More Livable City For All

BACKGROUND:

On May 29th 2013 Council President Willingham, Shenandoah University President Fitzsimmons, Shenandoah Vice President Moore, and City Manager Iman met to discuss potential projects and programs in which the two parties shared mutual interest and which would contribute to the improvement of the local economy and quality of life. A list of potential initiatives was developed and the parties agreed that V.P. Moore and Mr. Iman would refine the list and prepare a MOU for consideration by the City Council and University officials. The attached memorandum of understanding includes the programs and projects identified for consideration.

At the September 17, 2013 Work Session, Council requested an additional project be added to the MOU regarding the possibility of creating radio communications interoperability between the SU Public Safety Campus Police and the Winchester Public Safety departments.

BUDGET IMPACT:

The adoption of the attached MOU will supplement the “Strategic Plan” adopted by the City Council and serve as a guide in the development of the FY 2015 budget for the City of Winchester. It is anticipated that funding for capital improvements included in the MOU will be funded in part by resources developed for both the City and University.

OPTIONS:

1. Adopt the attached resolution and MOU.

2. Make changes and/or additions to the proposed MOU.
3. Do not adopt the MOU.

RECOMMENDATIONS:

It is recommended that Council adopt the attached resolution creating a formal MOU for Council and Shenandoah University to use to guide programs and projects designed to improve the local economy and quality of life for their stakeholders.

COMMON COUNCIL



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15 North Cameron Street
Winchester, VA 22601
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A RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WINCHESTER AND SHENANDOAH UNIVERSITY TO GUIDE THE ADVANCEMENT OF PROGRAMS AND PROJECTS OF MUTUAL INTEREST

WHEREAS, the City of Winchester has a comprehensive Strategic Plan that has the stated goals of “Grow the Economy” and “Create a More Livable City For All,” and

WHEREAS, the City of Winchester is also home to Shenandoah University, a proven community partner, whose strategic plan also focuses on strengthening our local community in furtherance of the University’s goals, and

WHEREAS, on May 29th 2013 Winchester City Council President John Willingham, Shenandoah University President Tracy Fitzsimmons, Shenandoah Vice President Mitch Moore, and City Manager Dale Iman met to discuss potential projects and programs in which the two parties shared mutual interest, and

WHEREAS, these projects and programs were determined to contribute to the improvement of the local economy and quality of life, and

WHEREAS, a list of potential initiatives was developed and the parties agreed that an effort to ensure the initiatives are fully supported by both the City of Winchester and Shenandoah University, and

NOW, THEREFORE BE IT RESOLVED, that the attached Memorandum of Understanding is hereby adopted by the Winchester Common Council with the direction to the City Manager to do all things necessary to support this agreement fully and provide this body with ongoing updates on the same.

RESOLUTION No. _____

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF WINCHESTER
AND
SHENANDOAH UNIVERSITY**

PURPOSE: Shenandoah University (SU) and The City of Winchester (CW) intend to collaborate in order to promote economic development and improve the quality of life of their stakeholders.

The parties will endeavor to work on the following projects:

- Continue improvements along the Route 50 corridor known as the “eastern gateway” into CW while providing a defined attractive perimeter for SU’s campus.
- Renovate and explore programming of the McCormac Amphitheater.
- Improve athletic facilities including, but not limited to, the facilities in Jim Barnet Park.
- Explore additional student housing, classrooms, and/or performance spaces in the historic downtown area.
- Explore opportunities for partnership in career training, especially within the healthcare field.
- Explore other options related to Winchester’s economic development and strategic growth of Shenandoah University.
- **Explore establishing public safety radio communications interoperability between SU Department of Public Safety and CW Public Safety departments.**

RESPONSIBILITIES OF THE PARTIES: The parties agree on the following intentions:

- SU agrees to work with CW to provide students and programs – residential, academic, and performing – that will increase economic development and growth.
- CW agrees to work with SU to create opportunities for improved student life and economic development in the downtown area and in the area surrounding SU.
- If a project has shared costs, the project will receive prior approval from both entities.

COMMUNICATIONS AND COORDINATION REPRESENTATIVES: To provide for consistent and effective communication between SU and CW, each party shall appoint a principal representative to serve as its central point of contact on matters relating to this MOU. The principal representatives for this MOU are listed below.

Mr. Mitchell L. Moore
Vice President for Advancement and Planning
Shenandoah University
1460 University Drive
Winchester, VA 22601

Mr. Dale Iman
City Manager
The City of Winchester
Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

MISCELLANEOUS:

a. **Other Relationships or Obligations.** This MOU shall not affect any preexisting or independent relationships or obligation between the parties.

b. This document shall not be construed to bind either of the parties to a particular project or specified course of action except as expressly stated. Either party may terminate this agreement at anytime with or without cause in accordance with the Notice provisions recited *infra.*, without penalty or ongoing obligation. No act or omission committed pursuant to the Memorandum of Understanding shall give rise to a cause of action against any party to this Agreement.

b. ~~Survival. The provisions of this MOU that require performance after the expiration or termination of this MOU shall remain in force notwithstanding the expiration or termination of the MOU.~~

c. Severability. If any provisions of this MOU is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

d. This MOU replaces and supersedes all prior Agreements between the parties concerning the matters that are the subject of this document including but not limited to the MOU executed between the City and Shenandoah University in September of year 2009. This paragraph does not apply any agreements pertaining to the Millwood Avenue project, which agreements shall remain in full force and effect.

e.c. This document represents the entire Agreement between the parties. Any prior agreements, oral or written, concerning the matters that are the subject of this document which have not been incorporated into this document in writing are deemed null and void. Any and all amendments to this document must be in the form of a written addendum to this MOU and signed by all parties.

REVIEW: This agreement will be reviewed annually to ensure adequate identification of support requirements. Additional reviews may take place when changing conditions or circumstances require substantial changes or development of a new agreement. Minor changes may be made at any time by correcting the existing document or attaching a memorandum to the basic document. Changes must be coordinated and initiated by a representative of both parties.

ADMENDMENT, MODIFICATION AND TERMINATION: This MOU may be amended or modified only by written, mutual agreement of the parties. Either party may terminate this MOU by providing written notice to the other party.

EFFECTIVE DATE: This agreement becomes effective upon the date of the last approving signature and document expires annually but automatically renews if no action is taken by either party.

ACCEPTANCE OF AGREEMENT:

Mr. Dale Iman
City Manager
City of Winchester

Date

Dr. Tracy Fitzsimmons
President
Shenandoah University

Date

END OF DOCUMENT

R-2013-53

CITY OF WINCHESTER, VIRGINIA

CITY COUNCIL AGENDA ITEM

Presentation for Discussion: October 1, 2013

Presentation for Adoption: October 8, 2013

RESOLUTION X ORDINANCE PUBLIC HEARING DISCUSSION X

ITEM TITLE: Consolidating the Community Development Committee's functions into a revised committee with concurrent membership with the City's Economic Development Authority

STAFF RECOMMENDATION: Adopt enclosed resolution.

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. Jim Deskins, Redevelopment Director			9/16/13
2. _____			
3. _____			
4. _____			
5. City Attorney	aw		9/16/2013
6. City Manager			9-17-13
7. Clerk of Council			

Initiating Department Director's Signature:  09/13/2013
Date



APPROVED AS TO FORM:


CITY ATTORNEY

Revised: September 28, 2009

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Doug Hewett, Assistant City Manager
Through: Dale Iman, City Manager
Date: October 8, 2013
Re: Consolidating the Community Development Committee's functions into a revised committee with concurrent membership with the City's Economic Development Authority

THE ISSUE: As part of the City Council's effort to review the functions and composition of all city boards and commissions, there may be value in discussing whether the functions of the Community Development Committee, CDC, could be assigned to a revised committee that would have concurrent membership with the Economic Development Authority, EDA.

RELATIONSHIP TO STRATEGIC PLAN: Goal 1 – Grow the Economy, Goal 2- Develop a High Performing Organization, Goal 3 – Continue Revitalization of Historic Old Town, Goal 4 – Create a More Livable City for All

BACKGROUND: In 2012 the City Council began a process of reviewing the functions and composition of all city boards and commissions. Consistent with the City Council's efforts, on August 20, 2013 staff suggested to City Council there might be an opportunity to assign the functions of the CDC to a newly formed committee that had concurrent membership with the EDA. In essence, EDA members would also be assigned membership on the CDC.

The rationale for the change was that over the next five years the CDBG block grant funds will be utilized to pay back the HUD 108 loan which was used in funding the Taylor Hotel project. Additionally, there is a desire to begin to develop plans for specific neighborhood revitalization efforts designed to create more appropriate housing options in our community in order to sustain our community's economic viability. These two reasons coupled with the provisions in state code that enable the economic development authority to provide financial incentives, as well as funding for these kinds of activities, makes the EDA a logical group to foster these strategies.

If approved by City Council, the CDC would only convene when necessary and would do so at the conclusion of the regular EDA meeting. Moreover, if approved by City Council, staff would work with the current members of the CDC to identify other board and commission appointments they might seek.

Following a subsequent presentation on October 1, 2013, City Council voted to forward the attached resolution to their October 8, 2013 for formal consideration and possible adoption at that time.

BUDGET IMPACT: None

OPTIONS:

1. Accept staff's recommendation and approve the enclosed resolution.
2. Reject staff's recommendation.
3. Provide additional direction to staff, and/or take no action at this time.

RECOMMENDATIONS: Accept staff's recommendation and approve the enclosed resolution.



COMMUNITY DEVELOPMENT COMMITTEE

The CDC, established December 2005, provides input and makes recommendations regarding the implementation of the City's CDBG program and other neighborhood and affordable housing strategies.

CDC consists of 8 - appointed members, whom serve 3-year terms. Currently, 6 appointed member vacancies or term expirations exist on the CDC. City Council Liaisons: Veach & Hill.

CDC Members	Initial Appointment	Term Expires
Skeeter Knee+	12-31-05	12-31-10
Patrick Rodgers+	08-11-09	06-30-15
Carolyn Griffin+	06-09-09	06-30-15
VACANT	07-11-06	12-31-11
VACANT	12-09-08	12-31-11
Ron Mislowsky	12-31-05	12-31-12
VACANT	12-31-05	12-31-12
Tim Machado	02-27-07	12-31-12

+ = Not eligible for reappointment

ECONOMIC DEVELOPMENT AUTHORITY

The EDA, established April 1967, facilitates economic development activity to maximize use of industrial and commercial land. This will enable the City to help the workforce develop its fullest potential and minimize burden on the individual taxpayer. The takes into account the need to preserve the social, environmental, architectural and cultural fabric of the community.

EDA consists of 7 appointed members, whom serve 4-year terms, and as a major City Council Committee are limited to two terms. City Council Liaison: Tagnesi.

EDA Members	Initial Appointment	Term Expires
Ronald A. Mislowsky+	10-09-07	08-31-16
J.P. Carr+	09-09-08	08-31-16
Suzanne Conrad+	09-09-08	08-31-16
William Buettin+	02-23-10	08-31-17
Doug Toan	05-14-13	08-31-17
Joseph Kalbach+	10-10-06	08-31-14
Dan Troup+	03-13-07	08-31-16

+ = Not eligible for reappointment

COMMON COUNCIL



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A RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the City of Winchester has established a Community Development Committee for the purpose of providing input regarding implementation of Community Development Block Grant, CDBG, spot blight abatement programs and other neighborhood and affordable housing strategies; and

WHEREAS, over the next five three years the CDBG funds will be utilized to pay back the HUD 108 loan which was used in funding the Taylor Hotel project; and

WHEREAS, there is a desire to begin to develop plans for specific neighborhood revitalization efforts designed to create more appropriate housing options in our community in order to sustain our community's economic viability, and

WHEREAS, the City of Winchester has an Economic Development Authority broadly charged with improving the economic vitality of Winchester, of which the work program of the Community Development Committee is an integral component,

NOW, THEREFORE BE IT RESOLVED, that the Community Development Committee is disbanded, and reformed as follows:

1. The composition of the Community Development Committee is set at 7 appointed members, whom serve 4-year terms, and are limited to two full terms.
2. Members of the Economic Development Committee Authority will concurrently serve and be appointed to the Community Development Committee, with the same term expiration dates.
3. When members are appointed or removed from the Economic Development Committee Authority, they are hereby also appointed or removed from the Community Development Committee, without further action needed by the City Council.

BE IT FURTHER RESOLVED that the City Council hereby appoints the following members to serve on the reformed Community Development Committee:

	Term Expires
Ronald A. Mislowsky+	08-31-16
J.P. Carr+	08-31-16
Suzanne Conrad+	08-31-16
William Buettin+	08-31-17
Doug Toan	08-31-17
Joseph Kalbach+	08-31-14
Dan Troup+	08-31-16

+, *Not eligible for reappointment*