

# City Council Work Session

Tuesday, June 18, 2013

6:00 p.m.

Exhibit Hall – Rouss City Hall

## AGENDA

### 1.0 Call to Order

### 2.0 Items for Discussion:

- 2.1 **O-2013-19:** Real Estate Tax Relief for Low Income Elderly and Disabled – Ann Burkholder, Commissioner of the Revenue (pages 3-11)
- 2.2 **R-2013-30:** Resolution – Adoption of the Charitable Funding Requests Consideration Policy – Doug Hewett, Assistant City Manager (pages 12-21)
- 2.4 **O-2013-20:** AN ORDINANCE TO AMEND AND RE-ENACT SECTION 26-33 OF THE WINCHESTER CITY CODE PERTAINING TO SPECIAL PROVISIONS RELATING TO LOUDOUN STREET MALL – Jennifer Bell, Old Town Manager (pages 22-37)

### 3.0 Liaison Reports

### 4.0 Executive Session

- 4.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND FOR RECEIVING LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO 2.2-3711(A)(28) FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF THE SUBJECT MATTER OF RECORDS EXCLUDED FROM OPEN MEETING REQUIREMENTS PURSUANT TO SUBDIVISION 11 OF §2.2-3705.6 OF THE CODE OF VIRGINIA AND ISSUED IN ACCORDANCE WITH §56-575.6 OF THE CODE OF VIRGINIA TO THE CITY OF WINCHESTER AS AN AFFECTED LOCAL JURISDICTION AS THOSE TERMS ARE DEFINED IN §56-575.1 OF THE CODE OF VIRGINIA AND PURSUANT TO §2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS, APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER.

## **5.0 Monthly Reports**

**5.1** Fire Department (pages 38-40)

**5.2** Police Department (page 41)

## **6.0 Adjourn**

# CITY OF WINCHESTER, VIRGINIA

## PROPOSED CITY COUNCIL AGENDA ITEM

**CITY COUNCIL/COMMITTEE MEETING OF:** 06/11/2013 **CUT OFF DATE:** \_\_\_\_\_

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

**ITEM TITLE:** Code Amendments to Real Estate Tax Relief for the Elderly and Disabled

**STAFF RECOMMENDATION:** Approve

**PUBLIC NOTICE AND HEARING:**

**ADVISORY BOARD RECOMMENDATION:**

**FUNDING DATA:**

**INSURANCE:**

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance _____	B		5-16-13
2. Treasurer _____	RMA		
3. _____			
4. _____			
5. City Attorney _____	[Signature]		6/10/2013
6. City Manager _____	[Signature]		5-16-13
7. Clerk of Council _____			

Initiating Department Director's Signature: [Signature] 05/16/13  
Date



APPROVED AS TO FORM:  
[Signature] 6/10/2013  
 CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Ann T. Burkholder, Commissioner of the Revenue  
**Date:** May 16, 2013  
**Re:** Real Estate Tax Relief for the Low-Income Elderly and Disabled

**THE ISSUE:** Update Code of the City of Winchester pursuant to Code of Virginia and update program qualifying levels equivalent to those of comparable localities and reflective of our own community.

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

**BACKGROUND:** The City of Winchester offers a program of real estate tax relief to elderly and handicapped homeowners who meet certain low income qualifications. This program is a local option which the City has consistently chosen to offer. Certain aspects of the program are specifically outlined in the Code of Virginia, but the legislature has adopted changes to provide localities with increasing flexibility in other aspects. The Code of Virginia also specifies an option for tax deferral rather than direct tax relief, but that option has not been explored in this study.

NOTE: This optional program is in no way related to the constitutional amendment and corresponding state and local code regarding real estate tax exemption for 100% permanently and totally disabled veterans. There are no proposed code changes regarding the disabled veteran exemption.

For 2013, the City has awarded full or partial exemption to almost 400 homeowners at a cost of approximately \$500,000.

2013 Averages for residential property in City:

Assessment: \$198,400

Real estate tax bill: \$1,885

2013 Averages for property receiving tax relief:

Assessment: \$142,200 (Range from \$35,600 to \$404,000)

Real estate tax bill: \$1,351 (if not receiving relief)

Current criteria for qualification:

- Net combined financial worth, excluding the primary dwelling, furnishings and land up to one acre, not to exceed \$200,000
- Annual income limits
  - \$0 - \$40,000 100% tax relief
  - \$40,001 - \$45,000 75% tax relief
  - \$45,001 - \$50,000 50% tax relief

Comparing the City of Winchester to similar regional cities:

Locality	Maximum Income	Maximum Assets (excluding dwelling)	Tax Relief Cap
Harrisonburg	\$30,000	\$75,000	\$1,000
Staunton	\$30,000	\$62,500	N/A
Waynesboro	\$27,500	\$60,000	N/A
Lexington	\$30,000	\$70,000	N/A
Winchester	\$50,000	\$200,000	N/A

The “tax relief cap” refers to the maximum amount of tax relief given, regardless of qualifying level. This comparison does not include Frederick County because of the inherent differences between typical county and city properties and thus differences in qualifying criteria.

At current levels, the City provides real estate tax relief to homeowners who are well above the City’s median income and asset levels. Thus the program significantly exceeds the “low income” tax relief intended by state and local code.

**OPTIONS:** The real estate tax relief program is a local option under State Code. Options are to

- Eliminate the program altogether
- Continue the program at current levels but with City Code changes to remain consistent with the Code of Virginia
- Implement changes to both City Code and to qualifying levels. Options from the City management team include:

- Option 1, implement the Harrisonburg model
  - Net financial worth not to exceed \$75,000
  - Annual income limits

\$0	-	\$15,000	80% tax relief
\$15,001	-	\$20,000	60% tax relief
\$20,001	-	\$25,000	40% tax relief
\$25,001	-	\$30,000	20% tax relief

- Maximum relief (cap) \$1,000

- Option 2
  - Net financial worth not to exceed \$75,000
  - Annual income limits

\$0	-	\$15,000	100% tax relief
\$15,001	-	\$20,000	80% tax relief
\$20,001	-	\$25,000	60% tax relief
\$25,001	-	\$30,000	40% tax relief

- Maximum relief (cap) \$1,500

- Option 3
  - Net financial worth not to exceed \$75,000
  - Annual income limits

\$0	-	\$30,000	100% tax relief
\$30,001	-	\$35,000	75% tax relief
\$35,001	-	\$40,000	50% tax relief

- Maximum relief (cap) \$1,500

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**RECOMMENDATION:** The Commissioner of the Revenue recommends Council adopt the code changes as presented. The City management team recommends adoption of the code changes along with changes to the qualifying levels similar to the options presented. With updates to the program, the City can assist those elderly and disabled homeowners in our community most in need of real estate tax assistance while also remaining sensitive to the corresponding burden borne by the remaining taxpayers. This is precisely expressed in the City’s mission “to be a financially sound city providing top quality municipal services.”

**DIVISION 3. EXEMPTION FOR ELDERLY AND DISABLED.**

**SECTION 27-19. GENERAL PROVISIONS.**

(a) The commissioner shall, upon application made upon the terms hereinafter provided, order exemption of tax on real property owned and occupied as the sole dwelling house of a person or persons either (i) at least sixty-five (65) years of age as of December 31st of the year preceding the year applied for; or (ii) permanently and totally disabled as defined in §58.1-3217 of the Code of Virginia, such exemption to be granted only upon the restrictions and conditions hereinafter established.

~~(b) Any owner receiving a permanent or temporary disability benefit may claim an exclusion for up to five thousand and 00/100 dollars (\$5000.00) for any permanent or temporary disability benefit, from whatever source, received by an owner. In addition, any owner who can prove to the satisfaction of the Commissioner by a preponderance of the evidence that he or she is permanently and totally disabled as defined under §58.1-3217 of the Code of Virginia may claim an exclusion of up to ten thousand and 00/100 dollars (\$10,000.00) of said owner's income. (Ord. No. 2007-30, 9-11-07; Ord. No. 2010-45, 11-9-10)~~

~~(c)~~

(b) Subject to subdivision (c) of this section, the total combined income received from all sources during the preceding calendar year by: (i) owners of the dwelling who use it as their principal residence and (ii) owners' relatives who live in the dwelling and (iii) nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide paid caregivers of the owner, shall not exceed ~~Fifty Thousand Dollars (\$50,000.00)~~ *Recommendation of Council to be inserted here..* ~~Six Thousand Five Hundred Dollars (\$6,500.00)~~ of income of each relative who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption provided by subdivision (c) hereof, and ~~Six Thousand Five Hundred Dollars (\$6,500.00)~~ of income of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling and who does not qualify for the exemption provided by subdivision (c) hereof, is excluded from the total combined income calculation. (Ord. No. 017-2004, 4-28-04; Ord. No. 2010-45, 11-9-10)

~~(d) Notwithstanding subdivision (b) of this section, if a person qualifies for an exemption or deferral under this article, and if the person can prove by clear and convincing evidence that after so qualifying the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does then move in for that purpose, then none of the relative's income shall be counted towards the income limit provided that the owner of the residence has not transferred to the relative assets in excess of Five Thousand Dollars (\$5,000.00) without adequate consideration within a three-year period prior to or after the relative moves into the residence. (Ord. No. 027-93, 10-12-93)~~

(e)(c) The net combined financial worth, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling, furnishings, and the land, not exceeding one acre, upon which it is situated shall not exceed the following amounts effective on the stated dates:

Effective January 1, 2006	\$150,000	
Effective January 1, 2007 <u>and thereafter</u>	\$200,000	
<u>Effective January 1, 2014 and thereafter</u>	<u>§xx,xxx</u>	<i>(Recommendation)</i>

Such furnishings shall include furniture, household appliances and other items typically used in a home.

(f)(d) For purposes of this article, any reference to real estate shall include manufactured homes.

(Note: The effective date of this Ordinance shall be January 1, 2006)

(Ords. of 1-14-75, 4-13-76, 12-14-76; Ord. Nos. 017-80, 10-14-80; 011-82, 7-13-82; 004-84, 3-14-84; 003-88, 1-12-88; 018-91, 4-23-91; 044-91, 11-12-91; Ord. No. 017-92, 11-10-92; Ord. No. 046-2001, 12-11-01-effective 1-1-02; Ord. No. 017-2004, 4-28-04; Ord. No. 015-2005, 5-10-05; Ord. No. 2007-30, 9-11-07)

**State Law References**--Code of Virginia, §58.1-3210, §58.1-32111, §58.1-3212.

## **SECTION 27-20. ANNUAL APPLICATION AND AFFIDAVIT.**

- (a) The person claiming such exemption shall file annually with the commissioner on forms supplied by the City, an affidavit setting forth (i) the names of the related persons occupying such real estate and (ii) that the total combined net worth, including equitable interests and the combined income from all sources, of the persons specified in Section 27-19 do not exceed the limits prescribed in that section.
- (b) If such person is under sixty-five years of age such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, as defined in Virginia Code §58.1-317; however, a certification pursuant to 42 U.S.C. 423 (d) by the Social Security Administration so long as the person remains eligible for such social security benefits shall be deemed to satisfy such definition in Virginia Code Ann. §58.1-3217. The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in Code of Virginia, §58.1-3217.

(c) Such application with affidavit shall be filed no later than the first day of April of each year, except that the Commissioner may accept up until April 15, later filings from owners otherwise meeting the provisions of this section who are unable to file by the first day of April due to personal or family illness or other ascertainable hardships, provided that such real estate tax exemption affidavit is accompanied by a sworn affidavit of a licensed medical doctor or other documentation deemed satisfactory by the Commissioner. ~~The Commissioner may also accept later filings from owners and at the time of a purchase of a house. Any false statements made in connection with the filing of an application under this section shall constitute a misdemeanor, punishable by a fine not exceeding one hundred dollars (\$100.00).~~ (Ord. No. 044-88, 11-15-88; Ord. No. 044-91, 11-12-91; Ord. No. 017-92, 11-10-92; Ord. No. 2010-45, 11-9-10)

**State Law Reference--** Code of Virginia, §58.1-3213-F.

### **SECTION 27-21. INQUIRIES BY THE COMMISSIONER.**

The Commissioner shall make further inquiry of persons seeking such exemption as may be reasonably necessary in determining the qualifications therefor. The Commissioner may require production of certified tax returns to establish the financial worth or income of any applicant. Such further inquiries shall be answered under oath. (Ord. No. 044-88, 11-15-88; Ord. No. 044-91, 11-12-91; Ord. No. 017-92, 11-10-92)

**State Law Reference--**Code of Virginia, §58.1-3213-F.

### **SECTION 27-22. NOTICE OF LOCAL REAL ESTATE TAX EXEMPTION OR DEFERRAL PROGRAM FOR THE ELDERLY AND DISABLED.**

The Treasurer shall enclose written notice, in each real estate tax bill, of the terms and conditions of the real estate tax exemption program established in this article. The Treasurer shall also employ any other reasonable means necessary to notify residents of the City about the terms and conditions of the real estate tax exemption program for elderly and disabled residents of the City. (Ord. No. 017-92, 11-10-92)

**State Law Reference--** Code of Virginia, §58.1-3213.1.

### **SECTION 27-23. AMOUNT OF EXEMPTION.**

For eligible claimants, the amount of exemption from real estate tax for any taxable year shall be as follows:

\$ 0 - \$25,000	100%
\$25,001 - \$30,000	80%
\$30,001 - \$35,000	60%
\$35,001 - \$40,000	40%
\$40,001 - \$50,000	20%

Beginning January 1, 2007, and thereafter, the following shall apply:

<u>Income Level</u>	<u>Exemption</u>
\$ 0 - \$30,000	100%
\$30,001 - \$35,000	75%
\$35,001 - \$40,000	50%
\$40,001 - \$50,000	25%

Proposed eEffective January 2008

<u>Income Level</u>	<u>Exemption</u>
\$ 0 - \$35,000	100%
\$35,001 - \$40,000	75%
\$40,001 - \$45,000	50%
\$45,001 - \$50,000	25%

Proposed eEffective January 2009

<u>Income Level</u>	<u>Exemption</u>
\$ 0 - \$40,000	100%
\$40,001 - \$45,000	75%
\$45,001 - \$50,000	50%

Effective January 2014 and thereafter

Recommendation by Common Council to be inserted here

**(Note: The effective date of this Ordinance shall be January 1, 2008)**

(Ords. of 1-14-75, 4-13-76, 12-14-76; Ord. No. 018-80, 10-14-80; Ord. No. 011-82, 7-13-82; Ord. No. 004-84, 3-14-84; Ord. No. 003-88, 12-12-88; Ord. No. 018-91, 4-23-91; Ord. No. 044-91, 11-12-91; Ord. No. 017-92, 11-10-92; Ord. No. 046-2001, 12-11-01-effective 1-1-02; Ord. No. 017-2004, 4-28-04; Ord. No. 015-2005, 5-10-05; Ord. No. 2007-20, 6-26-07)

**State Law Reference--** Code of Virginia, §58.1-~~3210~~3212.

**SECTION 27-24. EXEMPTION CERTIFICATE, WARRANT OR DRAFT.**

~~An exemption certificate, warrant or draft shall be in the amount of the exemption and mailed with the real property tax bill. The tax bill shall be in the full amount of the taxes before any exemption. The certificate, warrant or draft shall expire at 5:00 P.M. on the last day to pay such taxes without penalty. (Ord. No. 044-88, 11-15-88; Ord. No. 044-91, 11-12-91; Ord. No. 017-92, 11-10-92)~~

#### **SECTION 27-25. PROCEDURES.**

The Commissioner shall indicate on the land books of the City of Winchester the amount of tax exempted pursuant to the provisions of this article. He shall adopt and promulgate rules and regulations not inconsistent with the provisions of this article, as deemed necessary for the effective administration of this article. (Ord. No. 044-88, 11-15-88; Ord. No. 004-91, 11-12-91; Ord. No. 017-92, 11-10-92)

#### **SECTION 27-26. ABSENCE FROM RESIDENCE.**

The fact that persons who are otherwise qualified for tax exemption by this article are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration. (Ord. No. 017-92, 11-10-92)

**State Law Reference--** Code of Virginia, §58.1-3214.

#### **SECTION 27-27. CHANGE IN CIRCUMSTANCES.**

- (a) Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the remainder of the current taxable year and the taxable year immediately following.
- (b) A change in ownership to a spouse, when such change resulted solely from the death of the qualifying individual, or a sale of such property shall result in a prorated exemption for the then current taxable year. The proceeds of the sale which would result in the prorated exemption shall not be included in the computation of net worth or income as provided in subsection (a). Such prorated portion shall be determined by multiplying the amount of the exemption or deferral by a fraction with the number of complete months of the year such property was properly eligible for such exemption or deferral as the numerator and the number twelve as the denominator. (Ord. No. 017-92, 11-10-92)

**State Law Reference--** Code of Virginia, §58.1-3215.



# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Dale Iman, City Manager  
**Date:** June 18, 2013  
**Re:** Outside Agency Funding Policy

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**THE ISSUE:** The City Council doesn't have a policy governing the funding of Outside Agencies. Without the benefit of a formal policy to guide the decisions of the Council, with respect to funding these agencies, the process can become frustrating for all involved.

**RELATIONSHIP TO STRATEGIC PLAN:** Goal 2 – Develop a High Performing Organization

**BACKGROUND:** On February 26, 2013, City staff discussed this matter with the City Council. Based upon that discussion, the attached policy resolution was drafted. The highlights of the policy are as follows:

1. Agencies seeking funding through this process must be non-profits with a nexus or facility within the City of Winchester.
2. The agency must provide services which complement the City's strategic plan and address some unmet goal or community need not provided by other entities.
3. The funding would be time limited for up to 3-5 years and would be used as start-up or seed funding until the agency could develop a more secure funding source.
4. The funding would only be available for operations support and not for brick and mortar projects.
5. Agencies seeking funding would have to disclose any conflicts of interests and/or relationships between their board members/employees/contractors and City Council Members/City employees.
6. Agencies provided with funding would be under contract for the use of the funding and would be required to provide timely and complete reports on an annual basis.

**BUDGET IMPACT:**

- For FY 2013 that ends June 30, 2013, \$192,713 was provided to outside agency.
- For the upcoming FY 2014 that begins July 1, 2013, \$432,723 was requested, but staff recommended and City Council approved funding only for those agencies funded in FY 13 and at amounts not to exceed their FY 13 funding.
- Additionally, for upcoming fiscal years the currently funded agencies, if eligible for funding, would gradually be stepped down by 25% annually to ease the transition from full funding AND to provide funds for new agencies that also might seek future funding that meet the criteria outlined in the policy resolution.

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**OPTIONS:**

1. Implement the recommended procedural changes through the adoption of the enclosed policy resolution and direct the City Manager and City Attorney to codify the changes into a formal policy.
2. Do not change the existing procedure.
3. Provide additional direction to staff, and/or take no action at this time.

**RECOMMENDATIONS:** Implement the recommended procedural changes through the adoption of the enclosed resolution.

## **RESOLUTION FOR OUTSIDE AGENCY FUNDING POLICY OF COMMON COUNCIL**

WHEREAS, The Winchester City Council defines public purpose as the promotion of the public health, safety, general welfare, security, prosperity and contentment for all or a substantial part of the citizens of City of Winchester ; and

WHEREAS, municipalities are authorized under §15.2-953 of the Code of Virginia to make donations of public funds to charitable institutions, associations, volunteer and nonprofit organizations, chambers of commerce, and other organizations; and

WHEREAS, The Winchester City Council has historically appropriated funds in accordance with §15.2-953 of the Code of Virginia to invest in community service programs to benefit, promote, serve, and enhance the quality of life of its citizens; and

WHEREAS, The Winchester City Council seeks to bring consistency to the outside agency funding practice, by ensuring that any outside agencies funded provide services which are complimentary to the strategic plan goals of the City of Winchester and for certified non-profit agencies with a major nexus, operation, or facility inside the City of Winchester; and

WHEREAS, Winchester City Council, like most governing bodies, has seen an increase in the number of outside agencies seeking funding, some of which directly compete with Core City Services for limited revenues; and

WHEREAS, The Winchester City Council believes there is value in providing limited support to outside agencies that provide desired services to residents of Winchester that aren't available from other sources; and

WHEREAS, The Winchester City Council desires to primarily provide seed money to assist an agency's operations only, not capital or brick and mortar projects, in the outside agency's formative years for a period not to exceed three to five years; and

WHEREAS, The Winchester City Council desires to have funded outside agencies provide regular reports showing how the use of City funds supports the City's strategic plan;

NOW, THEREFORE BE IT RESOLVED THAT The Winchester City Council adopts the following as its Policy for consideration of charitable funding requests:

1. The donation of charitable funds by the governing body shall at all times remain subject to appropriation at the sole discretion of Common Council for the City of Winchester.
2. The authority of the City of Winchester to donate charitable funding is authorized under §15.2-953 of the Code of Virginia. If any provision of this Policy is in conflict with §15.2-953 of the Code of Virginia or any other controlling authority, that provision shall be deemed stricken in favor of the provisions of §15.2-953 of the Code of Virginia or respective controlling authority and the remainder of this Policy shall remain in full force and effect.

3. An agency establish that it meets the requirements as a qualifying entity for receipt of donations from the governing body pursuant to §15.2-953 of the Code of Virginia in order to receive funds pursuant to this policy. An agency who qualifies under §15.2-953 of the Code of Virginia, but whose proposed service, program, or project fails to meet any other outside agency funding policy objective requirements, shall be deemed ineligible to receive funds from the City of Winchester pursuant to this Policy.
4. All application requests for funds must be submitted to City of Winchester by December 15<sup>th</sup> of the year preceding the date funding is needed in order to be eligible for consideration in conjunction with the fiscal year budget.
5. The agency must provide a mission statement and a detailed summary from an officer or board member specifying how the agency will use the funds, if appropriated, which is consistent with City of Winchester Council's outside agency policy described herein. City of Winchester funding is to be used to provide services to City residents, within the corporate limits of the City.
6. An agency shall describe in its application for funding how the service, program or project meets or would accomplish the following:
  - a. meets a City of Winchester strategic plan goal or benefit;
  - b. provides a need in the community that is otherwise not met; and/or
  - c. helps leverage outside funds otherwise inaccessible to our community.
7. All agencies must furnish proof of business entity status, to include a copy of its by-laws and articles of incorporation (if applicable); complete information on the source and amount of funding received from all other sources (including but not limited to non-government agencies, membership dues and fees , and private contributions); names and addresses of its directors and/or officers; a line item budget for the current fiscal year; a list of any additional pending applications for funding to include funding source and dollar amount requested; the cash value of property tax relief granted by the City of Winchester; and any other documentation or information as may be deemed necessary by City of Winchester.
8. For agencies which receive \$5,000 or more from the City of Winchester, the agency must provide documentation as part of its application for funds that the agency conducts one of the following in accordance with the size of the agency budget:
  - a. Annual Audit conducted by a Certified Public Accountant (CPA)
  - b. Report of Independent Financial Review conducted by a CPA.
  - c. Annual Financial Statement approved by the Board of Directors or governing body.
9. In requesting funding, agencies must make known any possible conflicts of interests, agencies must also identify any instances when any of the Board Members, agency employees, members of their immediate families, and/or business associates are:
  - a. Employees of the City of Winchester or related to a City employee;
  - b. Members of or closely related to members of the Winchester City Council;
  - c. Current beneficiaries or related to beneficiaries of the program for which funds are requested.
  - d. Paid providers of goods or services to the program or having other financial interest in the program or related to such individuals.

10. As a prerequisite to receiving funds, an agency or entity must first enter into a binding charitable donations agreement (hereinafter "agreement") and must meet all requirements set forth in this Policy and be contractually bound to fulfill all terms of said agreement.
11. Agencies receiving prior-year funding must be in compliance with the agreement and be in good standing to be eligible for continued funding.
12. An agency receiving funds in a year preceding a request or in the year funds were requested, and the funds have not been used for the intended purpose(s), must return the funds to City of Winchester before any further requests may be considered.
13. Any not for profit agency receiving an allocation or grant of City of Winchester funds shall be required to submit to the City of Winchester, a detailed accounting of the expenditure of City of Winchester funds and a written report outlining the agency's performance and accomplishments within the scope of work outlined in its application. The detailed accounting and the written report shall be due as outlined in the annual contract. This provision may also apply to other entities receiving funding pursuant to this Policy at the discretion of Common Council.
14. Council reserves the right to approve, modify or reject any application for funding and may impose any additional requirements or restrictions deemed necessary and appropriate with regard to any charitable funding authorized or considered under this Policy.
15. The City Manager is hereby authorized to adopt administrative policies consistent with this Policy of Common Council in order to facilitate proper execution and administration of the Charitable Funding Program of Common Council as described in this Resolution.

## Outside Agencies

EXPENDITURES	FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 AMENDED BUDGET	FY 2014 PROPOSED	FY 2014 BUDGET Inc/(Dec)
Our Health	20,188	20,188	20,188	20,188	-
Shen Area Agency on Aging	20,000	20,000	20,000	20,000	-
Apple Country Head Start	2,000	-	-	-	-
Boys & Girls Club	10,000	10,000	10,000	10,000	-
Healthy Families	10,000	10,000	10,000	10,000	-
The Laurel Center	3,000	3,000	3,000	3,000	-
Winchester Day Nursery	10,000	10,000	10,000	10,000	-
Fremont Street Nursery	10,000	10,000	10,000	10,000	-
Youth Development Center	10,000	10,000	10,000	10,000	-
VA Commission of the Arts	10,000	10,000	-	-	-
Old Courthouse Civil War Museum	11,789	-	-	-	-
Discovery Museum	10,000	10,000	10,000	110,000	100,000
Historical Society	79,156	79,525	79,525	79,525	-
Early Action Compact	-	-	-	-	-
<b>TOTAL OUTSIDE AGENCIES</b>	<b>206,133</b>	<b>192,713</b>	<b>182,713</b>	<b>282,713</b>	<b>100,000</b>



**CITY OF WINCHESTER  
OUTSIDE AGENCY FUNDING REQUEST  
BUDGET YEAR FY 2014**

On or before December 15, 2012, submit this form along with supporting documents to include a certified resolution or other official acknowledgment from the agency requesting funding certifying understanding that the failure to meet the outcome goals and objectives described in this document may result in disqualification from future donations to the agency by the City of Winchester to:

City of Winchester, 15 North Cameron Street, Winchester, VA 22601 Attention: Assistant Finance Director

Agency Requesting Funds: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
(Name & Title)

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Person authorized to sign contract on behalf of Agency: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
(Name and Title)

**Financial Information**

1. Amount of City requested funding FY 2014 (7/1/13 – 6/30/14) \$ \_\_\_\_\_  
for budget year: \_\_\_\_\_

2. Assets (as of June 30, 2012): **Cash & Other Equivalents** \$ \_\_\_\_\_

3. Fund Balance as of June 30, 2012:	<b>Type</b>	<b>Amount</b>
	Restricted	\$ _____
	Unrestricted	\$ _____
	Other	\$ _____
	<b>Total Fund Balance</b>	<b>\$ _____</b>

4. Funding Sources: (Please indicate actual or anticipated funding sources for the periods specified)

<u>Funding Source</u>	Prior Year FY 2012 <u>Amount Allocated</u>	Current Year FY 2013 <u>Amount Anticipated</u>	Budget Year FY 2014 <u>Amount Anticipated</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

**\*\*NOTE:** Please be concise and limit each answer to *no more* than a third (1/3) of a single-spaced page using a font size of 11 or larger. Complete sentences in bullet form are desirable.

**Purpose and Goals**

5. What community need/opportunity is being addressed by your agency/project? In other words, what is missing and how will you fill that gap? What evidence is there that this is a need/opportunity? (use local statistics, if available) Who is your target population?

**Program/Services**

6. How does your organization propose to meet the described need? (What services, programs, or activities will be provided or implemented...what other groups or organizations do you partner with to meet your objectives.). **Please observe space limit.** If you want to include additional information, include it in a cover letter or as an attachment.
7. If available, what is the evidence of likely success?
8. Please describe methods you use to make sure the programs/services are accessible to all citizens of Winchester (consistent with your mission and purpose)

**Justification for City of Winchester funding**

9. Why should the City provide funding to this agency/project? In other words, how does this project/service benefit the City and how are City residents served?
10. What are the consequences if the City does not fund this request?
11. If approved, this funding is only for the current budget cycle. What is your strategy for replacing these funds in the future?
12. If this is a change in the amount requested from previous years, please explain the reason for the change.

**Summary of Outcomes and Results**

13. What are your outcome objectives for the funding period? How will this be measured? (Describe how your organization proposes to make a measurable and achievable difference in the city, e.g. changes in behavior, situations, conditions, or knowledge. Who/what will be changed and how?)

Strategic goal(s) for the next year	How goals will be measured	Projected Results
<b>Example:</b> Attract 30,000 – 35,000 visitors to the museum of which at least 50% will be tourists.	Measured by taking zip codes at the museum’s information desk.	Anticipated number 15,000 – 20,000 visitors from outside 22601 zip code.



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: June 18, 2013 CUT OFF DATE: \_\_\_\_\_

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

ITEM TITLE: Delivery Vehicles on the Walking Mall

STAFF RECOMMENDATION: Change Section 26-33 (a) 1. Special Provisions Relating to Loudoun Street Mall to further prohibit Vehicle Traffic on the Walking Mall

PUBLIC NOTICE AND HEARING: Second Reading: July 9, 2013 Hearing: August 1, 2013

ADVISORY BOARD RECOMMENDATION: OTDB recommends: – Continue to restrict deliveries on the mall other than special permits issued by the Downtown Manager. The Committee also recommends strict enforcement of existing loading zones and exploring additional loading zone options and recommends amending the existing ordinance to permanently restrict delivery vehicles.

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. 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. <u>Old Town Winchester</u>	<u>JEB</u>		<u>6/11/13</u>
2. _____			
3. _____			
4. _____			
5. <u>City Attorney</u>	<u>[Signature]</u>		<u>6/11/2013</u>
6. <u>City Manager</u>	<u>[Signature]</u>		<u>6-11-13</u>
7. <u>Clerk of Council</u>			

Initiating Department Director's Signature: [Signature] Date 6/11/13

APPROVED AS TO FORM:



[Signature] 6/11/2013  
CITY ATTORNEY



# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Old Town Winchester  
**Date:** June 11, 2013  
**Re:** Section 26-33 (a) 1. Special Provisions Relating to Loudoun Street Mall

## **THE ISSUE:**

City Code Article III, Division 1, Section 26-33 (a) 1. Special Provisions Relating to Loudoun Street Mall - allowing motor vehicles with a gross weight of less than 24,000 pounds during the hours of 6 a.m. – 11 a.m. and 4:00 p.m. – 6:00 p.m. for commercial pickup, commercial delivery, and utility or maintenance services.

## **RELATIONSHIP TO STRATEGIC PLAN:**

Goal 3 – Continue Revitalization of Historic Old Town  
Goal 4 – Create a More Liveable City for All

The recommended code change would prohibit commercial delivery on the Loudoun Walking Mall reducing the number of vehicles on the newly renovated mall, making it safer for pedestrians, allowing greater access for emergency vehicles, reducing noise and vehicle pollution, and contribute to the overall enjoyment of the Walking Mall for residents and patrons.

## **BACKGROUND:**

**During the Loudoun Walking Mall revitalization project delivery vehicles have been prohibited from the Walking Mall.**

**Whereas the OTDB passed the following Recommendation June 6, 2013 – *Continue to restrict deliveries on the mall other than special permits issued by the Downtown Manager. The Committee also recommends strict enforcement of existing loading zones and exploring additional loading zone options and recommends amending the existing ordinance to permanently restrict delivery vehicles.***

City Code Article III, Division 1, Section 26-33 (a) Special Provisions Relating to Loudoun Street Mall stipulates that: (a) The Loudoun Street Mall shall extend one-way south, between Piccadilly Street and Boscawen Street and Boscawen Street and Cork Street, and it shall be unlawful for any person to operate, drive, ride, push, or park any vehicle thereon. The operation and use of bicycles, skateboards, scooters, and roller skates, to include in-line skates, is prohibited. This subsection shall not apply to:

*1. Motor vehicles, other than tractor-trailers, having a gross weight of less than twenty-four thousand (24,000) pounds and using the Mall between the hours of 6:00 A.M. and 11:00 A.M. and 4:00 P.M. and 6:00 P.M. of any day for commercial pickup, commercial delivery, and utility or maintenance services.*

**Research:** In researching this issue OTW attempted to get feedback from every business owner on the Walking Mall, comments from over 40 businesses were recorded.

- A majority of comments were favorable to further restricting vehicle access on the mall.
- Some were against making a change but did not indicate any direct hardship to them as a business.
- Some businesses were unaware that vehicular access can be permitted through the OTW for purposes which include: weddings, funerals, residence relocation, and general business maintenance and repairs. This seemed to address most business owner concerns.
- Several businesses cited specific hardship – Snow White Grill due to the regular delivery of meat and Co2 tanks by the owner and Old Town Stained Glass due the difficulty of moving glass pieces on a hand truck. The Impact Church was concerned over losing the ability to drop off elderly church attendees on Sundays.

In addition to business owners, the Winchester Police Department, Winchester Fire Department, the Parking Authority and Public Works Departments were consulted. Several memos are attached.

Chief Sanzenbacher supports prohibiting vehicular deliveries due to pedestrian safety and concerns over police and fire emergency access. He cited new mall design features which have changed the way pedestrians utilize the mall and increased the possibility for injury. (See the attached memo)

Perry Eisenach, Public Services Director fully supports prohibiting regular vehicular deliveries on the Mall to increase pedestrian safety, and reduce wear and tear on the mall which will greatly increase the life of the bricks. (current replacement costs for the bricks is \$400,000)

Jeremy Luttrell, Fire Marshall stated that from an emergency response perspective the fire and rescue department would support any decision that would be made to eliminate vehicular traffic on the downtown mall area. Eliminating any potential for congestion and apparatus accidents would be positives for emergency operations. Since January of 2010, the fire and rescue department has run 220 emergency incidents on the Old Town Mall between Cork and Piccadilly Streets at all hours of the day. Emergency apparatus must be able to gain quick access to the mall businesses in the event of an emergency and in the safest manner possible.

The Parking Authority listed 20 loading zone locations just outside the Walking Mall area. They reported giving approximately 30 tickets for improper loading zone use similar to the number the Police Department cited for 2013 bringing the total of tickets for improper loading zone use to over 60.

#### **BUDGET IMPACT:**

There is no budget impact anticipated at this time except perhaps an increased number of loading zone violation tickets that might occur as a result of stricter enforcement of existing loading zones which could bring in additional revenue.

#### **OPTIONS:**

1. The city could leave things as they are resulting in expensive maintenance due to increased wear and tear on the mall and ongoing safety concerns with emergency vehicles and pedestrians however this would be more convenient for businesses and delivery staff.

2. The city could restrict the hours to just morning hours – which addresses the issue of greatest impact to pedestrian safety and reduces the noise and air pollution during the busiest time of day but does not address the overall safety, wear on the mall and quality of life issues.
3. The city could restrict all delivery vehicles while allowing utility or maintenance service during morning hours reducing the number of emergency repairs which would technically require a special permit. This would address most issues but be challenging to enforce.

The city could restrict all commercial pickup, commercial delivery, and utility or maintenance services leading to less vehicle traffic on the mall, fewer instances of restriction in the fire lane, increased pedestrian safety, reduced noise and air pollution and less general maintenance on the mall surface and the improvement of the overall experience on the Walking Mall for patrons and residents. This would be less convenient for businesses and delivery staff.

Old Town Winchester recommends that Council **AMEND AND RE-ENACT** City Code Article III, Division 1, Section 26-33 (a) 1. Special Provisions Relating to Loudoun Street Mall to strike the following language in its entirety:

1. ~~Motor vehicles, other than tractor-trailers, having a gross weight of less than twenty-four thousand (24,000) pounds and using the Mall between the hours of 6:00 A.M. and 11:00 A.M. and 4:00 P.M. and 6:00 P.M. of any day for commercial pickup, commercial delivery, and utility or maintenance services.~~

### **RECOMMENDATIONS:**

Should this action be taken it is recommended that further research go into the adequacy of loading zones and the possible need to further regulate Loading Zones to ensure appropriate turnover of delivery vehicles and ensure only delivery vehicles are truly using the zones. Explore need to add additional delivery zones or perhaps post them with limited times allowing parking after early morning delivery hours.

**An ordinance to amend and re-enact Section 26-33 of the Winchester City Code  
Pertaining to Special Provisions Relating to Loudoun Street Mall**

**Whereas**, the Chief of Police has indicated concerns with pedestrian safety and emergency vehicle access on the Loudoun Street Walking Mall.

**Whereas**, the Fire Chief and Fire Marshall have indicated public safety concerns with emergency response on the Loudoun Street Walking Mall.

**Whereas**, the Public Works Director indicates that vehicular deliveries increase wear and tear and maintenance of the Loudoun Street Walking Mall.

**Whereas**, the Parking Authority has identified alternative locations for vehicular delivery parking in close proximity to the Loudoun Street Walking Mall.

**Whereas**, the Common Council of the City of Winchester, Virginia, has determined that Continued Revitalization of Historic Old Town and Creating a More Liveable City for All are Strategic Plan Goals the ordinance should be amended to further restrict delivery vehicles on the Walking Mall.

Now, therefore, be it ordained that Section 26-33 of the Winchester City Code is hereby amended and re-enacted to read as follows:

City Code Article III, Division 1, Section 26-33 (a) Special Provisions Relating to Loudoun Street Mall stipulates that:

(a) The Loudoun Street Mall shall extend one-way south, between Piccadilly Street and Boscawen Street and Boscawen Street and Cork Street, and it shall be unlawful for any person to operate, drive, ride, push, or park any vehicle thereon. The operation and use of bicycles, skateboards, scooters, and roller skates, to include in-line skates, is prohibited. This subsection shall not apply to:

1. ~~Motor vehicles, other than tractor trailers, having a gross weight of less than twenty-four thousand (24,000) pounds and using the Mall between the hours of 6:00 A.M. and 11:00 A.M. and 4:00 P.M. and 6:00 P.M. of any day for commercial pickup, commercial delivery, and utility or maintenance services.~~
2. Passenger vehicles crossing the mall in a westerly direction between the alley on the north side of the Presbyterian Church and Winchester Parking Authority Lot No. 8 for the purpose of discharging and receiving passengers from the Presbyterian Church pre-school.

(b) The chief of police or his designee may issue a special use permit for vehicles using the Loudoun Street Mall for funerals, Sunday morning church services, weddings, other special events, construction, city maintenance and repair work.

(c) No vehicles permitted to use the Loudoun Street Mall shall be driven or operated at a speed in excess of ten (10) miles per hour, and all such vehicles shall be driven or operated one-way south, except as provided in (a)(2), above.

(d) A violation of this section through the use of a motor vehicle shall constitute a Class 4 misdemeanor. A violation of this section through the use of a bicycle, a skateboard, a scooter, or roller skates (to include in-line skates) shall be punishable as a civil penalty in an amount not to exceed \$50.

(Ord. No. 2011-09, 5-10-11)

**Current Loading Zones near the Walking Mall  
Survey completed by the Parking Authority Staff**

Within the downtown area there are 20 loading zones:

2 North Kent St. - Winchester Star

5 North Kent St. – Judicial Center

107 North Kent St. – Frederick County Office  
North Kent St. – Piccadilly Brew Pub

302 North Cameron St. – (Old Valley Lumber)

32, 38, 40 East Piccadilly St. – Piccadilly Printing

7 West Piccadilly St. – (across from Wells Fargo)

136 North Braddock St. – Tropical Island Café

135 North Braddock St. – Kimberly's

21 North Braddock St. - Snelling Florist

45-47 West Boscawen St. – Winchester Exchange

26 West Boscawen St. – Grace Lutheran Church

14 West Boscawen St. – Hope Again Care Center

9 East Boscawen St. – Hall, Monahan, Engle, Mahan & Mitchell Attorneys at Law

15, 17, 19 East Boscawen St. – Rhythm Studio & Dance Wear

33 East Boscawen St. – (Old Winchester Social Services)

2 East Cork St. – (Across from 2 East Cork at White House Country Store)

4, 8 West Cork St. – Luciole, Cork Street Tavern

224 South Loudoun St. – Wisecarver Communications

229 South Loudoun St. – Italian Touch

Indian Alley - (just off the alley behind Union Jack)

Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

Telephone: (540) 667-1815  
FAX: (540) 662-3351  
TDD: (540) 722-0782  
Website: [www.winchesterva.gov](http://www.winchesterva.gov)

## MEMORANDUM

**TO:** Dale Iman, City Manager  
Jennifer Bell, Downtown Manager

**FROM:** Perry Eisenach, Public Services Director

**DATE:** June 7, 2013

**SUBJECT:** Consideration of Restricting Delivery Vehicles on Pedestrian Mall

As requested, this memorandum provides input regarding the consideration that is being given to restrict routine delivery vehicles on the Pedestrian Mall. In short, the Public Services Department fully supports restricting regular vehicular traffic on the Mall for the following reasons:

1. While the Mall reconstruction is capable of handling vehicle loads from a structural perspective, the more vehicular traffic that is present, the more deterioration there is on the surface of the bricks (small cracks and chips). Restricting regular vehicular traffic will significantly extend the life of the bricks and also prolong the time in which they will need to be replaced in the future. The estimated cost to replace all the bricks in the center of the Mall, based on current costs, would be approximately \$400,000.
2. Restricting regular vehicular traffic will reduce the amount of oil (or other fluid) spills and will help preserve the visual appearance of the Mall.
3. One of City Council's primary goals is to increase the amount of pedestrian activity on the Mall. Restricting regular vehicular traffic will greatly increase pedestrian safety.

In recognition of these factors and in an effort to be proactive, the Public Services Department has already modified the standard operating procedure for collecting trash and recycling on the Mall. We have eliminated driving trucks down the Mall and now all collection is completed by our employees on foot. We have found that this new procedure works very well.

Thank you for the opportunity to provide input on this issue. Please let me know if you have any questions or need any additional information.

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



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### A Virginia Accredited Law Enforcement Agency

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

Telephone: (540) 662-4131  
FAX: (540) 542-1314  
Website: [www.winchesterva.gov](http://www.winchesterva.gov)

**TO:** Jennifer Bell  
**FROM:** Chief Kevin L. Sanzenbacher  
**DATE:** June 10, 2013  
**SUBJECT:** Vehicle restrictions DTM

I believe from a public safety point of view it would be best to continue the current restrictions of no vehicles on the Loudon St. portion of the DTM for the following reasons:

1. Pedestrians, especially children, are not expecting to encounter vehicles on the mall. They rush out of stores and do not look for traffic as they would on traveled roadways. This is why several years ago, at the request of City Council, we restricted the operation of our police vehicles to emergency situations and late night only.
2. The new landscaping has really narrowed the drivable area on the mall in a number of locations. I am concerned that drivers, especially drivers of the large panel type delivery trucks, may not realize there is someone sitting on the planter/bench next to their vehicle and pull away. This could result in significant injuries. In addition, it is much more difficult for vehicles to pass pedestrians at these points in a safe manner.
3. The new splash pad area has created a "playground" quality to that portion of the DTM. Children are darting in and out of the splash pad without thinking to look for any kind of traffic.
4. With the narrower streets it will be impossible for police cars or fire apparatus to get through if delivery vehicles are parked in the areas of the planter/benches. This could delay emergency response.

It is for these reasons that the WPD supports making the current vehicle restrictions on the DTM permanent.

The following are the stats for the issuance of Loading Zone citations for the last 3 years in the area of the DTM:

2010- 43

2011- 60

2012-33

2013 to-date 15

*"Committed to improving the quality of life for all people by preventing crime in the city."*



**Businesses consulted or which have commented to date:**

- |                              |                           |
|------------------------------|---------------------------|
| Snow White Grill             | Luciole                   |
| Swirl's Grill                | Dharma Studio             |
| 147 Restaurant               | Realiteaze Hair Design    |
| Dollar General               | Handworks Gallery         |
| Abija Blue                   | Old Towne Armory          |
| Beadworks                    | Harrison & Johnston       |
| Thai Winchester              | Full Frame Photography    |
| Incredible Flying Objects    | Tech Team Solutions       |
| Once Upon a Find             | Certified Mediator        |
| Brewbaker's                  | Door Mouse                |
| Espresso Bar                 | Old Stained Glass         |
| Village Square               | 161 N Loudoun Bldg. Owner |
| Village Bistro               | Sensel Signs              |
| Eugene B. Smith              | Polka Dot Pot             |
| Main Street Fare Consignment | Discovery Museum          |
| Wilkins' Shoe Center         | The Hair Company          |
| Old Town General Store       | Beyond the Fringe         |
| Posh Pets                    | Godfrey Miller Home       |
| Bell's                       | Runner Retreat            |
| Union Jack                   | First Presbyterian Church |
| Impact Church                | Sanaa                     |
| Bright Center                | Patton's Furniture        |
| Wire and Web                 | Old Warsaw Gallery        |
| Murphy's                     |                           |
| Winchester Book Gallery      |                           |
| OTWBA President              |                           |

**Pedestrian Malls Vehicle Policy Survey:**

Charlottesville, VA	Completely closed to traffic
Helena, Montana	Closed to traffic - except police vehicles and during parades
Cumberland, MD	Deliveries not allowed difficulty enforcing
Salem, MA	Deliveries allowed 8 - 10 a.m.
Burlington, VT	Allow vehicle deliveries Monday-Saturday from 7:00am to 10:30am. No deliveries on Sunday.

## Vehicles on the Mall

June 2013

### Comments

#### Negative:

**Snow White Grill** - Rick Childs We would love to be able to drive and drop off our meat order. Right now we are lugging 120+ pounds of meat from the 2nd floor of the parking garage! Also, need to personally deliver heavy Co2 tanks.

**Impact Church** - affected on Sunday when elderly or disabled try to get to church

**IFO** - Drew Van Laeken does not have a back entrance and really hopes that delivery drivers are allowed back on the mall soon. I can't imagine the UPS or Fedex drivers lugging all of my orders thru the snow this winter when I am bulking up my store for Christmas. All of my inventory is shipped UPS or FedEx and there is no easy way to get inventory to me with the mall closed to drivers. Also we have old fixtures, and large trash that I've been waiting to haul away once they re-open to cars in the morning. Sometimes I need to load up my personal vehicle with items or bring supplies down and carrying everything from or to the parking garage is not always easy. What about maintenance vehicles for repairs to buildings? Broken windows, gutters, or painting? Would we need to get the city permission every time some small thing needs to be fixed?

**Tech Team Solutions** – Todd Drunagel- If I have a right to express my opinion about deliveries, put me in the very much IN FAVOR of this. UPS and FedEx bring me large and/or heavy deliveries regularly and occasionally LTL freight. Even with the previously wider path, they would have blocked emergency vehicles. I don't recall this possibility mentioned during the "sales pitch" part of this project. How many more handicaps of location will the merchants be asked to endure? (When asked if it would really impact his business negatively - Mainly we'd have a grouchy delivery guy. I can't quantify that, and I guess I wouldn't have a financial burden as a result. It just seems like a bad policy to force on us(them). We've already inconvenienced them a lot for 5 months. We don't have great rear entrance parking options for them so for that part you could get some input from First Presbyterian Church.)

**Old Stained Glass** – Nancy Divine - I personally would like for vehicles to be permitted on the mall in the mornings at least. Being in the glass business, I do a lot of repairs on stained glass windows and doors. A stained glass door is quite heavy for people to have to carry from the street to my store. Also, when I pick up glass, it's a real pain to have to lug it to the store with a hand cart from my car. Again, it's heavy and it's glass - the more I have to handle/move it, the more likely it is something will get broken. I do not have back door access to Indian Alley, so in the past I would have customers drive up with their repairs prior to 11am, and help them

unload. Basically, not allowing vehicles on the mall just makes doing business more difficult for me. I've been here for 15 years, and part of what has made that possible is the fact that I could have people drive down to pick up heavy items. (Property owner also said he is in favor of keeping the mall open for deliveries especially in the morning. His property does not have direct access to Indian Alley.)

**Certified Mediator** – Bob Carpenter Restricting delivery vehicles will have no impact on our business. After the huge investment in improvements I would hate to see deliveries returned via the mall. It seems a distraction in many ways, not to mention wear and tear on the surface from continuous vehicle use. I regularly use the Braddock Street garage to access our office in the Bright Center. It seems that access to a great number of businesses can be attained via Indian Alley as well as some spot locations that could be designated from the Cameron Street side. Why could not Rouss Avenue and other locations be used as a drop off point up until about 10 am for businesses that could not be served from Indian Alley. I realize a business such as a restaurant would like deliveries brought to the door, but some consideration should be given to pedestrians who use the mall at all hours of the day. As for UPS and Fed Ex, I have on numerous occasions seen their drivers use dollies to transport large numbers of packages in shopping malls and large office complexes. If they can do it in those situations, why can't they do it for an outdoor mall? If the drop off concept is adopted, careful thought should be given as to gain as many locations as feasible and restrict the hours to not interfere with businesses in close proximity to any drop off zone.

**Door Mouse** - It would have been very beneficial if this issue had been addressed before they spent the money they spent on the way it has been finished; This is a working mall, not Disneyland. And while it is nice for there to be so many things for people to do down here, meeting the bottom line is for those of us in business the most important part. Events do not necessarily translate into increased business; I think the delivery vehicles should be able to come down the mall, as long as they are off by 11 a.m., the way it was before; Skateboards and bicycles shouldn't be down here; The tops of the flower boxes look like grease has been pored on them; Trees and flower pots are dying; The sand makes it look unkempt. I know that it sounds like I disapprove of everything. I don't. But I do think some common sense needs to be put into use here. The bottom line is you can't make everybody happy. It can't be done. But this was in the first place a street of businesses, and I think that should still be the first priority.

**Beyond the Fringe** - In all honesty, I'm not in favor of this. It would be tough on the delivery guys carting large deliveries and tough on people with no back doors. I have talked to UPS and they say the loading zones are usually taken by sheriffs and police. I'm concerned about the repairs I will have coming up on my building I just bought and tenants in apartments needing to move in and out. Does the surface they put down not accommodate vehicles since it was done in sand? Drew told me they are replacing the pavers because they were done wrong. I also

think the barricades they put up portray an unfriendly image. I am also one of many hosting music events and musicians need to load in equipment.

**Patton's Furniture** - We at Patton's furniture would like to access to the mall for our trucks during certain times. We have items weighing up to 500 Pounds that is a lot easier for us to load from the front of our store than the back. I also feel that a policy of no traffic on the mall could be a deciding factor for some new business on whether they would locate on the Mall or not. I have been told that the weight of our trucks would not be damaging to the bricks. If city is concerned about oil leaks a policy could be put in place that any truck using the mall would have to place a protective barrier under the engine.

**Runners Retreat** - I can get deliveries in the front or back but would prefer the front door. My back area is a bit tricky to negotiate with a dolly full of boxes. Also, the problem I have with no delivery trucks on the mall is that since not everyone has a back door, some of their deliveries are coming through my door, whether I have a delivery or not. This is a hassle (see above) and causes extra wear and tear on my floor. The sand already finished off my carpet! While I don't like seeing a bunch of trucks on the mall at once, things go more smoothly and on-time when deliveries are in the front.

**Sanaa** - I think further restriction of vehicles on the mall will make businesses with no back entry have a harder time loading and unloading. I used to be on 139 N Loudoun Street and the only way to load my stuff was from the Mall. I think the 6 am to 11am or evening rule was good. Can still work as before.

### **Neutral/Positive:**

**Old Town General Store** - Amy Helmick I am for it as far as our store is concerned we can get deliveries in our back door from Cameron St but I don't know how it would work for other businesses that don't have that luxury.

**Posh Pets** - Lanette Orduna yes as long as no one parks in the loading zones on Boscawen most of our delivery trucks have to park there as they are too big to come on the mall anyway, but occasionally there is a sheriff car in the loading zones and that becomes a problem.

**Murphy's** - Charlie Fish No need for Murphys to have deliveries driven to us on the mall. And Lanette's point should be STRONGLY stressed. Drivers are always telling me they can't park because a regular car is parked in the loading zones & they have to circle the mall constantly, waiting to park. Some sort of different fine maybe be considered. I hear it all the time from my drivers. They also claim the police say there's nothing they can do about people parking in loading zones. I don't know if it's true, but I've heard it multiple times. The drivers get admonished for taking up several spots when they can't park in their designated areas which I've actually witnessed once.

**Sensel Signs** - I don't mind vehicles on the mall before 10am. It is too dangerous after that.

**Handworks Gallery** - It doesn't really make any difference either way to us at Handworks. Our shipments always come in boxes small enough to be brought in on a dolly. I feel a little sorry for the delivery guys but they are always in such good shape right? :) I do hope something other than those ugly orange sawhorses will be used as barriers, I'd assume this is the case.

**First Presbyterian Church** - For us, the main concerns are weddings and funerals, and if the special permit process is still in effect, it should be fine. There are deliveries, but they can be made to the Cork St. entrance.

**OTWBA President, Dorian Brown** - I think it would be lovely to keep delivery vehicles off of the Walking Mall. As stated above, everyone has come up with an alternate plan during the construction period, so it seems that we can keep it going. Two things come to mind however. 1) Not only making sure that the current "delivery only" spaces be maintained as open and available, but also consideration be made if additional space will be necessary in other locations. 2) Special arrangements be made for large pick-up/delivery such as furniture or when businesses and residents are moving in our out.

**Dharma Studio** - Vehicles? What vehicles? Do you mean when folks drop stuff off? If so, I recognize it as just a function of business. Not a big deal to me.

**Discovery Museum** - Since the museum has multiple back entrances, we have alternatives for delivery. This makes a difference. Personally, as a newcomer here I was surprised by the volume of utility traffic on the mall and by its potential hazards. Since that has been reduced, it's been a real boon. Perhaps a permitting system or restricted hours (before 8:30 a.m. and after...?) might help.

**Once Upon A Find** - not directly impacted by vehicles on the mall. They have a back entrance and so it was not essential to their business to get Loudoun Street deliveries. She was concerned how it might impact other businesses and so felt it should be up to them.

**Realiteaze hair design** – Tammy Whetstone I am for it. We don't get huge deliveries but the more we take care of the mall the better it will be.

**Polka Dot Pot** – Emily Rhoads When I moved in to our space we used the alley for most of it. When we couldn't use the alley we hand trucked and carried it in from the streets. Regarding car shows, can't they get some sort of drop cloth/mat they can park their car on? Food vendors can be just as oily as cars. Sometimes it may be best to have a strict policy in place to start with that can be tweaked and relaxed as needed versus making changes after the fact. Just my two.... I'm weighing in here. I enjoy the vehicles not being allowed on the mall but can understand how some will need access. My concern is that the policy be consistent. If vehicles are not allowed then the city cannot make exceptions for events, such as Apple Blossom, as it

would not be fair to the merchants who will be dealing with any closure on a regular basis. Oil can leak from any vehicle and anything with tires can leave marks. And frankly, UPS and FedEx will keep better maintenance on their vehicles than others.

**Old Towne Armory** - Sarah Valentine There is a big problem with people parking in the loading zones on Indian Alley too. I have been late too many times because someone is parked in the loading zone, and the truck making deliveries has to sit on Indian Alley. I don't blame the truck driver, I blame the cars that always park in a no parking zone!

**Winchester Book Gallery** - Brian Patrick Allow the delivery vehicles, my opinion, and get rid of those unwelcoming orange barricades.

**Swirl's Grill** – not directly impacted but questioned if the mall were built poorly so that it was not strong enough to sustain deliveries, wondered if this had been the plan all along or if the narrow fire lanes and big planters were just poor planning.

**Dollar General** – they get thousands of items delivered every week, huge soda deliveries and others and not having deliveries to their front door would be very inconvenient. However, she said she understood why we were considering restricting delivery vehicles and could make it work.

**Village Square and Bistro** - John David Smith We have a rear entrance so all deliveries go there. I am supportive of no vehicles on the mall. As before any special cases need to get a permit before 10.00am. So I guess no car shows on the mall?? Or am I wrong on this? My thoughts are simple, for me and others on Indian Alley side who have rear entrances for deliveries should not have a voice in this or the survey. We are already being served and don't need access of truck traffic, deliveries and such. (However, myself and Union Jack would need access at least once a month of a smaller truck on the mall to deliver nitrogen to our beer systems. There is a spout for filling on our frontage outside trap doors) we could work out with the company to do it on pick up trucks if needed. With the few on Indian Alley side of the mall and the many on Bell's side of the mall, they are the ones who would be affected the most with no truck access deliveries. Many of the smaller businesses do not deal with the big purveyors, thereby dependent on UPS, FedEx, and their own pick ups. Also, trash pick up will be difficult as well. I guess the city would use a small pick and make several trips for their refuse. Also, tenants who have no rear access to their apartments for moving in or just purchasing new furnishings that need to be delivered. I know initially we thought that there would be more traffic on the mall, except the strict enforcement of the times that deliveries were being made...So finally, you would probably have to manage a timeframe for truck access and pounds per vehicles. Check with Perry and HRI on what they think is safely allowable. Maybe, the ERC could come up with a survey.☐

**Union Jack Pub** - Susan Touchette Can I mention..... We were looking at repairing and painting our building and were told we might not even be able to use a lift to reach the building because of this possible rule. How the heck do you limit a lighter weight lift that would be used to...See More

**Bright Center**, owner Marilyn Finnemore - Just wanted to give you my input in writing about traffic on the newly renovated mall. Unless people get a special permit/exception or there is an emergency, traffic (especially general deliveries) should not be allowed on the mall. We have a pedestrian mall to be proud of, and it's important that we protect our investment and keep pedestrians safe.

**Wilkin's Shoe Center** – do not receive deliveries in their front door so not an issue for them.

**The Hair Company** - I personally don't have an issue because I can park in the rear to load and unload. I also never receive large shipments, although if I did it would be impossible to bring a large truck to my rear parking lot. I can see where it's an inconvenience to other businesses in that respect. I also think it's a shame and a disservice to fellow businesses and the community to not allow the farmers to sell produce out of their trucks during the season. Is there another plan or place to set up the produce sellers?

**Godfrey Miller Historic Home and Fellowship Center** - Restricting vehicles on the Mall will not impact Godfrey Miller Historic Home and Fellowship center. However, I am interested in where these loading zones might be located and hope no additional parking places in the Hable or Palace lot will be lost. Although we rent 10 parking spaces from the Braddock Street Methodist Church, we still have a significant number of people parking in these lots.

**Bells** - 1. Garbage trucks should definitely not be permitted back on mall if possible –the “drippings” leave an odor and stains. 2. Apple Blossom Vendors should stay on asphalt surfaces as well. The grease drippings after the event will be hard to clean with pressure washing due to the nature of the way the faux stone and brick pavers were laid---a high pressure washing will remove this grout and never get out all of the stains. 3. UPS and Fed X drivers have adjusted to the ban during construction and will continue to deliver the freight if the ban is kept in place. 4. Food delivery trucks that service the restaurants may be a different story. I would prefer for the delivery trucks to remain off of the mall, but I am not well enough versed with the difficulties imposed by the restriction on the restaurants.

**Wire and Web** - The impact on us is not as great as some. We have deliveries about once a week from FedEx or UPS. That said, the issues with our stuff getting wet (it does not tolerate water) as they have to park away from us is a concern. It is only a matter of time, if they cannot get to our front door, before I have to reject a shipment due to water damage. I think the FedEx, UPS and Mail deliveries should be allowed, with the larger trucks back to Indian alley.

**Brewbaker's** – not directly impacted by vehicles on the mall. They have a back entrance and so it was not essential to their business to get Loudoun Street deliveries.

**147 Restaurant** – not overly concerned with limiting vehicle delivery. He said they were able to receive deliveries in the back and even their musicians had been able to use the back entrance and walk through the restaurant to set up in the front.

**Thai Winchester** - We have seen no adverse effect to restricting delivery vehicles. It makes the Mall cleaner, safer, and will cause less wear and tear. We think it should continue. We would also like to see more enforcement on restricting bicycling and skateboarding on the Mall. Some people have suggested that some bicyclists should be welcomed on the Mall (a better class of cyclist?) but these people do not shop or eat while riding and would be better to ride in the park.

**Old Warsaw Gallery** – She believes vehicles should be kept off the mall. She does not want vehicles dirtying the mall or destroying the mall which looks so beautiful.

**HARRISON & JOHNSTON, PLC** - Stephen L. Pettler, Jr. It would not affect our business in any way. We support any decision which is in the best interest of preserving the investment made to beautify the mall.

**Full Frame Photography** – We have 7.1 million reasons to keep vehicles off the mall. She is in favor of keeping delivery vehicles off the mall.

**Main Street Fare Consignment, Eugene B Smith, Luciole, Beadworks, Abija Blue** - were in favor of keeping delivery vehicles off the mall. I spoke with them in person but I do not have specific comments recorded for them.



## 2013 Fire and Rescue Department Statistics

Month	Incidents											Casualties		Training Hours		Resuscitation Efforts	
	EMS	Fire	Total	Struc. Fire	Fire Other	ALS 1	ALS 2	BLS	Pt. Ref.	Mutual Aid Given	Mutual Aid Recvd.	Fire	Civ.	Dept. Personnel	LFCC Ride-Along Students	Cardiac Arrest	Cardiac Arrest Saved
January	349	96	445	5	91	160	2	137	21	50	13	1	0	935	0	2	0
February	309	65	374	2	63	138	1	109	25	18	13	0	1	424	0	3	1
March	390	103	493	7	96	171	6	161	23	40	7	0	1	879	12	4	2
April	333	95	428	3	92	153	3	130	19	27	15	1	0	872	282	2	0
May	388	113	501	5	108	144	5	144	30	35	11	1	2	410	54	3	1
June			0		0												
July			0		0												
August			0		0												
September			0		0												
October			0		0												
November			0		0												
December			0		0												
<b>TOTAL</b>	<b>1769</b>	<b>472</b>	<b>2241</b>	<b>22</b>	<b>450</b>	<b>766</b>	<b>17</b>	<b>681</b>	<b>118</b>	<b>170</b>	<b>59</b>	<b>3</b>	<b>4</b>	<b>3519</b>	<b>348</b>	<b>14</b>	<b>4</b>

10 Years of Incidents										
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
4932	5288	5711	5673	5571	5365	5407	5539	5541	5756	

Other Monthly Activity:



## 2013 EMS Revenue Recovery Statistics

	Total billed	Payment Adj.	Net Collectable	Total paid by insurance	Patient Payment	Refunds	Total Deposit	Total Revenue	Increase from FY2012	Percent Increase From FY2012
<b>JULY</b>	\$126,778.90	\$21,512.42	\$105,266.48	\$69,364.80	\$5,366.65	\$0.00	\$73,835.07	\$73,835.07	(\$2,281.10)	-3%
<b>AUGUST</b>	\$142,869.00	\$31,262.09	\$111,606.91	\$83,892.28	\$5,421.17	\$2,427.97	\$85,798.55	\$159,633.62	\$12,305.57	8%
<b>SEPTEMBER</b>	\$145,099.30	\$26,376.46	\$118,722.84	\$67,392.94	\$3,194.94	\$0.00	\$70,587.88	\$230,221.50	\$11,464.40	5%
<b>OCTOBER</b>	\$151,297.00	\$30,455.99	\$120,841.01	\$83,952.79	\$6,885.54	\$3,280.83	\$87,455.90	\$317,677.00	\$24,107.84	8%
<b>NOVEMBER</b>	\$139,676.00	\$24,436.30	\$115,239.70	\$72,876.46	\$4,703.19	\$0.00	\$76,839.29	\$394,516.69	\$27,837.39	8%
<b>DECEMBER</b>	\$156,079.00	\$30,216.80	\$125,862.20	\$66,724.82	\$4,728.38	\$3,950.43	\$67,502.77	\$462,019.46	\$26,552.10	6%
<b>JANUARY</b>	\$153,217.00	\$23,317.61	\$129,899.39	\$93,248.07	\$5,211.39	\$588.22	\$97,584.19	\$559,603.65	\$55,760.26	11%
<b>FEBRUARY</b>	\$127,137.10	\$20,025.73	\$107,111.37	\$85,719.94	\$5,775.19	\$0.00	\$90,886.34	\$650,489.99	\$76,411.27	13%
<b>MARCH</b>	\$173,963.00	\$2,102.22	\$171,860.78	\$59,355.82	\$4,860.73	\$1,069.33	\$63,058.79	\$713,548.78	\$65,268.50	10%
<b>APRIL</b>	\$146,851.10	\$0.00	\$146,851.10	\$95,157.47	\$0.00	\$1,363.88	\$93,793.58	\$807,342.36	\$76,456.16	10%
<b>MAY</b>	\$145,868.00	\$0.00	\$145,868.00	\$78,505.67	\$0.00	\$0.00	\$78,505.67	\$0.00	\$78,808.64	10%
<b>JUNE</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,434.90	0%
<b>TOTALS</b>	<b>\$1,608,835.40</b>	<b>\$209,705.62</b>	<b>\$1,399,129.78</b>	<b>\$856,191.06</b>	<b>\$46,147.18</b>	<b>\$12,680.66</b>	<b>\$885,848.03</b>			<b>63%</b>



## 2013 Fire Marshal Division Statistics

Month	City Fire Property Dollar Loss/Save			Plan Review		Inspections/Investigations								Public Education			
	Loss	Value	Saved	#	Revenue	Fire Insp.	Follow-up	Sprinkler	Alarm	Supres.	Site	Other Insp.	Investig.	Smoke Alarms Installs	Car Seat Installs	Pub Ed Children	Pub Ed Adult
January	\$100.00	\$175,000.00	\$174,900.00	2	\$75.99	10	18	2	3	1	1	0	0	0	13	2	17
February	\$600.00	\$107,000.00	\$106,400.00	9	\$0.00	16	9	3	0	0	0	0	1	2	10	64	53
March	\$0.00	\$0.00	\$0.00	11	\$758.30	14	18	8	0	1	2	42	0	4	8	15	40
April	\$26,100.00	\$111,100.00	\$85,000.00	5	\$214.20	38	26	2	0	0	0	21	2	1	4	2	8
May	\$105,500.00	\$148,400.00	\$42,900.00	14	\$1,239.86	8	9	5	1	3	0	23	1	1	11	143	43
June					\$0.00												
July					\$0.00												
August					\$0.00												
September					\$0.00												
October					\$0.00												
November					\$0.00												
December					\$0.00												
<b>TOTAL</b>	<b>\$132,300.00</b>	<b>\$541,500.00</b>	<b>\$409,200.00</b>	<b>41</b>	<b>\$2,288.35</b>	<b>86</b>	<b>80</b>	<b>20</b>	<b>4</b>	<b>5</b>	<b>3</b>	<b>86</b>	<b>4</b>	<b>8</b>	<b>46</b>	<b>226</b>	<b>161</b>



**A Virginia Accredited Law Enforcement Agency**

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**WINCHESTER POLICE DEPARTMENT  
MONTHLY COUNCIL REPORT  
May 2013**

*5 YEAR TREND FOR MAJOR CRIMES- May*

	2009	2010	2011	2012	2013
<b>THEFT</b>	67	77	71	72	44
<b>GRAND THEFT</b>	18	22	11	17	21
<b>MVT</b>	5	3	2	3	2
<b>ROBBERY</b>	5	0	2	0	2
<b>RAPE</b>	0	1	0	0	0
<b>B&amp;E</b>	15	10	13	15	9

*5 YEAR TREND ENFORCEMENT -Enforcement for May-5 year trend*

	2009	2010	2011	2012	2013
Felony Arrests	15	25	33	27	21
Misdemeanor Arrests	130	131	215	185	169
Legal Document - Felony	77	31	18	33	50
Legal Document - Misdemeanor	144	167	133	163	197
DUI Arrests	10	26	15	27	24
Incident Reports	344	342	322	358	328
Field Contacts Documented	18	11	53	50	24
Speeding - Radar	134	113	188	87	57
Speeding - Non Radar	0	2	1	0	1
Traffic Violations	458	417	560	247	252
Vehicle Crash Investigations	80	61	65	52	49
Parking Violations	76	155	215	102	173

Up to date statistics can be found [www.winchesterpolice.org/forms/index.html](http://www.winchesterpolice.org/forms/index.html) and up-to-date crime maps are available at [www.crimereports.com](http://www.crimereports.com).

*“Committed to improving the quality of life for all people by preventing crime in the city.”*